

Agenda for consultative meeting of the Cabinet Wednesday, 4th May, 2022, 6.00 pm



Members of Cabinet

Councillors M Armstrong, P Arnott (Chair), P Hayward (Vice-Chair), G Jung, D Ledger, M Rixson, J Rowland, J Loudoun, S Jackson and N Hookway

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Venue: Online via the Zoom app.

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(or group number 01395 517546)
Monday, 25 April 2022

**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/UCmNHQruge3LV4hcgRnbwBw>

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-public-meetings/#article-content>

Between 8th December 2021 to 11th May 2022, the Council has delegated much of the decision making to officers. Any officer decisions arising from recommendations from this consultative meeting will be published on the webpage for this meeting in due course. All meetings held can be found via the [Browse Meetings](#) webpage.

1 Public speaking

Information on [public speaking is available online](#)

2 Minutes of the previous meeting (Pages 3 - 13)

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)
- 7 Forward Plan (Pages 14 - 15)
- 8 Minutes of Scrutiny Committee held on 17 March and 7 April 2022 (Pages 16 - 24)
- 9 Minutes of Poverty Working Panel held on 21 March 2022 (Pages 25 - 31)
- 10 Minutes of Housing Review Board held on 24 March and 7 April 2022 (Pages 32 - 47)
- 11 Minutes of LED Monitoring Forum held on 12 April 2022 (Pages 48 - 53)

Matters for Decision

- 12 **Council Tax (Energy) Rebate - Discretionary Fund** (Pages 54 - 60)
- 13 **Response to the Luppitt Neighbourhood Plan Submission** (Pages 61 - 83)
- 14 **Cranbrook Local Infrastructure Fund** (Pages 84 - 92)
- 15 **Seaton Moridunum site** (Pages 93 - 102)
- 16 **Axe Valley Project and Levelling Up Fund Round 2** (Pages 103 - 111)
- 17 **UK Shared Prosperity Fund Prospectus** (Pages 112 - 126)
- 18 **Car Park Issues** (Pages 127 - 131)

To consider new arrangements for collection of cash from pay and display car parks and to consider recommendations from the East Devon Car Parks' TAFF in respect of a policy for campervans and motorhomes.

[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 consultative meeting of Cabinet held at Online via the Zoom app. on 30 March 2022****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 8.49 pm

189 Public speaking

Mr Trevor Leahong from the Ottery Refugee Response Group stated he understood that Ukrainian refugees would have access to employment and the benefits system, schooling, medical and social services. In addition, EDDC would be receiving from central government £10,500 per individual Ukrainian refugee. He asked what 'direct political solutions' had been implemented locally so far and the Council's response to the government 'Homes for Ukraine' scheme. He asked what additional special systems and facilities were being developed and implemented for meeting the practical needs of refugees and their care and support within East Devon communities.

In response the Strategic Lead Housing, Health and Environment stated; Whilst the council was still awaiting much of the detailed guidance needed from Government, it was readying itself to take on the request from Government under the national scheme. The council was preparing to inspect the properties of sponsor households to ensure that they were suitable for occupation by refugees. DCC would be undertaking the required safeguarding checks to be performed on sponsoring households. The Benefits staff were preparing to administer subsistence grants and monthly payments to sponsoring households and were liaising with the DWP.

EDDC was still awaiting access to data. TeamDevon was also considering arrangements for welcome, integration into the community, welfare support and 'safety net' arrangements if relations with host families ceased and/or breakdown in some way. The council had encouraged financial donations to the Disasters Emergency Committee and recognised charities and directed residents who wish to make physical donations, to the excellent range of local voluntary and community groups via social media. There was a webpage on the website that was being kept up to date during the rapidly changing situation.

Mr David Gurney from the Ottery Refugee Response Group, asked about the arrangements to check the suitability of sponsors and accommodation being offered and how EDDC would find out which of its constituents had offered to Sponsor Ukrainian refugees. He asked which department would carry out suitability checks on people and property and would this be done before a match had been agreed.

In response the Strategic Lead Housing, Health and Environment stated; The Government supplied data to DCC on sponsor/host offers of accommodation, and EDDC was given access to the data on Tuesday 29 March 2022.

He acknowledged that 37 host families had offered accommodation in East Devon to date. EDDC's Private Sector Housing Team were undertaking the property inspections and DCC are undertaking the host safeguarding checks. He said that now the council had the property data and inspection guidelines, the Private Sector Housing Team would commence the inspections immediately and complete these as quickly as resources permit and in accordance with Government guidance.

Helen Collinson from the Ottery Refugee Response Group stated that it was wholly appropriate that EDDC and other district councils in Devon should take urgent action in response to the refugee crisis resulting from Russia's invasion of Ukraine. However she was concerned about the ongoing refugee crisis resulting from the Taliban's seizure of power in Afghanistan eight months ago. She understood from DCC and EDDC press releases and local media articles that 67 Afghan refugees; 15 families, were placed in temporary hotel accommodation in Exmouth last autumn by the Home Office and that EDDC had been entrusted with finding more permanent accommodation for these families. She asked how many Afghan refugees in East Devon were still in temporary accommodation and the number of Afghan refugees for whom permanent housing had been found in East Devon since August 2021. She inquired to the current measures being taken to ensure that Afghan refugees still in temporary accommodation could move into more permanent accommodation as soon as possible.

In response the Strategic Lead Housing, Health and Environment stated;
The Afghan evacuee scheme was a Home Office project and one in which EDDC had no say and little warning in the booking of the 'bridging' hotel in Exmouth. The Home Office was also responsible for the 'matching' scheme to resettle afghan households into more permanent housing. The housing responsibilities as a district council were limited to providing a 'safety net' should Home Office commissioned arrangements fail. EDDC worked closely with DCC, Exmouth Town Council and local voluntary and community groups to support the settlement of families in Exmouth and ensure that their immediate needs were met. DCC as the welfare authority had been providing ongoing support.

It was known from DCC that the numbers of people within the hotel remains fluid with a family of 10 and a family of 5 arriving on Friday last week, at short notice. There were 55 people within the hotel at the moment, following a number of families having moved on (1 locally and 4 to other areas in the UK). We anticipate a further 9 people to arrive on Thursday. The availability of properties for resettlement (locally and nationally) remained limited and EDDC understood that the longer term response from Home Office was still in development. He suggested that for a more detailed response the questions should be directed to the Home Office.

Mr Mike Goodman read a statement following up to his previous questions to Cabinet on the Climate Change Strategy and car parks charges. In response the Monitoring Officer said that Mr Goodman would receive a written statement in due course addressing the many questions he had asked.

190 **Minutes of the previous meeting**

The minutes of the consultative meeting of Cabinet held on 2 March 2022 were agreed.

191 **Declarations of interest**

Min 196. Minutes of Exmouth Queen's Drive Delivery Group held on 17 February 2022 and 8 March 2022.

Councillor Paul Arnott, Personal, Vice Chair of Exmouth Queen's Drive Delivery Group.

Min 199. Minutes of LED Monitoring Forum held on 1 March 2022.

Councillor Paul Arnott, Personal, Sits on the LED Monitoring Forum and had just cancelled his LED membership due to little use.

Min 200. Exeter & East Devon Enterprise Zone.

Councillor Dan Ledger, Personal, Chair of Exeter & East Devon Enterprise Zone Board.

Min 201. Enterprise Zone Grant Funding Variation Request - for Exeter Science Park Limited.

Councillor Dan Ledger, Personal, Chair of Exeter & East Devon Enterprise Zone Board.

Min 201. Enterprise Zone Grant Funding Variation Request - for Exeter Science Park Limited.

Councillor Jack Rowland, Personal, Council appointed shareholder representative for Exeter Science Park.

Min 201. Enterprise Zone Grant Funding Variation Request - for Exeter Science Park Limited.

Councillor Paul Hayward, Personal, Council appointed Director of Exeter Science Park.

Min 203. East Devon Thriving Towns Programme - One Public Estate (OPE) Feasibility Study and next steps.

Councillor Paul Hayward, Personal, Has close relatives living in Cranbrook and acting as locum clerk to Axminster Town Council.

Min 204. Public Health Implementation Plan 2022/23.

Councillor Paul Hayward, Personal, Wife and daughter work for the RD&E NHS Foundation Trust.

Min 205. Digital Strategy.

Councillor Paul Arnott, Personal, Council appointed shareholder representative for the Strata Joint Executive.

Min 209. Unlocking the delivery of Cranbrook Town Centre.

Councillor Paul Hayward, Personal, Has close relatives living in Cranbrook.

192 **Matters of urgency**

None

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

There were three items which officers recommend should be dealt with in this way. These are recorded at minutes 208 – 210.

194 **Forward Plan**

Members agreed to recommend the contents of the Forward Plan for key decision for the period 1 May 2022 to 31 August 2022 for approval.

DECISION:

The recommendation(s) was/were approved by a Senior Officer. The Senior Officer Decision Notice is listed above under Additional Documents.

195 **Minutes of Recycling and Waste Partnership Board held on 26 January 2022**

Members agreed to note the minutes and take into account the recommendations of the Recycling and Waste Partnership Board held on 26 January 2022 for approval at minute 210 Recycling & Waste - Bridging Solution.

Minute 33 Bridging solution proposal

that the Partnership Board recommend that Cabinet recommend the bridging solution to Council for approval.

196 **Minutes of Exmouth Queen's Drive Delivery Group held on 17 February 2022 and 8 March 2022**

Members agreed to note the minutes of Exmouth Queen's Drive Delivery Group held on 17 February 2022 and 8 March 2022.

197 **Minutes of Community Grant Panel held on 9 March 2022**

Members agreed to note the minutes of Community Grant Panel held on 9 March 2022.

198 **Minutes of Scrutiny Committee held on 3 March 2022**

Members agreed to note the minutes of Scrutiny Committee held on 3 March 2022.

199 **Minutes of LED Monitoring Forum held on 1 March 2022**

Members agreed to note and recommend the minutes and recommendations of LED Monitoring Forum held on 1 March 2022.

Recommended to Council;

Minute 111 Capital Bids Update Report

That the installation of pool water treatment energy management systems at the Exmouth and Honiton LED managed swimming pool sites be included in the capital programme, with a capital budget in 2022/23 of £62,500.

Recommended to Senior Officers;

Minute 112 LED Management Fee 2022-23

That the process for allocating the £100k contingency in the 2022/23 budget be specifically aimed at coping with the increased utility costs, with the applications made in arrears by LED to be agreed by the Portfolio Holder for Leisure, Culture, Sport and Tourism in consultation with the Chair of the LED Monitoring Forum and the Strategic Lead Finance.

200 **Exeter & East Devon Enterprise Zone**

The Enterprise Zone Programme Manager provided an update on the financial position with regard to the Enterprise Zone (EZ) programme and sought approval for staffing and budget to be used to support its delivery.

The Chair thanked and wished to share the credit with the present administration and previous Conservative administration for getting the council to this positive position.

RECOMMENDED that;

Senior Officers

1. Note the progress made within the Enterprise Zone designation.
2. Approve that the Project Manager (Simplified Planning) role is adjusted from fixed term to permanent status.
3. Approve 0.2FTE dedicated Communication Officer support for the programme, £15k ring fenced budget (from the existing revenue budget).

REASON:

Cabinet had received regular updates on the financial position of the Enterprise Zone. The proposals set up would support the continued success of the programme, providing dedicated staff resources.

201 **Enterprise Zone Grant Funding Variation Request - for Exeter Science Park Limited**

The Enterprise Zone Programme Manager's report sought approval to vary the existing funding agreement for the Ada Lovelace Building at Exeter Science Park. The project was originally considered by Cabinet at the January 2019 meeting, with the funding requested approved. A paper to vary the funding request was considered by Cabinet in January 2021, seeking approval to vary the funding agreement in light of cost savings made through the construction process. The report sought a further variation to the funding agreement within the existing £660,000 grant.

The funding for the project was in the form of a grant, borrowed against future ring fenced business rate income in the designated Enterprise Zone.

During discussions members asked for the opportunity to tour the area to see for themselves the progress made. The Enterprise Zone Programme Manager was in favour of this and suggested early Autumn when further construction had taken place.

RECOMMENDED that;**Senior Officers**

- Approve the variation of the grant funding agreement with Exeter Science Park, within the existing £660,000 funding allocation, to fund the construction retention of the Ada Lovelace Building and produce design codes and install foul drainage for the Anning Cluster.
- Delegate authority to the Chief Executive to make payments in respect of the project, subject to the completion of appropriate legal documentation in consultation with the Strategic Lead (Governance & Licencing).

REASON:

Cabinet last received a paper on this project in January 2021, which sought a reduction to the overall grant funding request and a variation to the funding agreement, this reflected the substantial savings made through the construction process and provided added value to the project.

The proposed variation, within the current £660,000 grant funding agreement, will provide further added value and support the development of the Science Park.

202 **Chemical Review Audit (Herbicides) - Streetscene**

The Streetscene Operations Manager presented his report detailing how the scrutiny around the use of pesticides and herbicides had increased massively in recent years and

that there was more scientific evidence to prove that they were harmful to both human health and the environment.

During discussions it was agreed that this was a positive stance being taken by the council. It was important that this was communicated to residents, town and parish councils to encourage their uptake of non-harmful chemical usage. A strong communication campaign would pre-empt any adversity to this decision.

RECOMMENDED that;

Senior Officers

1. approve the ban of glyphosate based herbicides by September 2022 as set out in the report recommendation section along with banning the use of woody weed killers.
2. endorse the replacement of glyphosate and other chemicals with an integrated weed management approach which included the use of the RHS vinegar based weed control and manual control methods.
3. endorse bids being placed in the 2023/24 capital programme for 2 x Hotfoam machines (circa £67k investment), required to supplement other integrated weed control methods.

REASON:

One of Streetscene's objectives this year included as part of its service plan (2021/22) was to undertake a review of chemical usage across its service. Specifically herbicides that were used across the public realm and in the council's green spaces.

Streetscene Service Plan Objective 5 – Review of chemical usage

- Investigate and trial more sustainable alternatives to herbicides for weed control.
- Reduce the use of glyphosate and other chemicals across sports pitches, green spaces and public realm areas.
- Produce a report to Cabinet on alternatives – to include withdrawing from weed spraying in some areas, including Highways around town centres, which we do although it is not in our remit.
- Cost physical alternatives and project resourcing requirements.

203 **East Devon Thriving Towns Programme - One Public Estate (OPE)
Feasibility Study and next steps**

The Project Manager Place Assets and Commercialisation provided an overview of the background and the work undertaken on the One Public Estate (OPE) project to date. This includes details of the consultants' report findings and recommendations. These included a list of immediate and short/ medium term projects as well as a longer term pipeline of opportunities.

RECOMMENDED that;

Senior Officers

1. Note the East Devon Thriving Towns Programme – One Public Estate Feasibility Study final report, next steps report and recommendations prepared by Avison Young.
2. Approve the project proposal for the Cranbrook Health and Wellbeing Centre be taken forward into the next stage of the OPE programme as it was the most likely route to delivering outputs through the OPE programme.

REASON:

- The report recorded the extent of the East Devon public estate and identified needs and opportunities; it has practical use for future projects/ programmes and the information and recommendations should not be lost because of the changing OPE process and priorities.
- The Cranbrook Health and Wellbeing Centre proposal was taken forward in order to progress the opportunity and avoid further delay.

204 **Public Health Implementation Plan 2022/23**

The Public Health Project Officer Each updated Members to the Public Health Implementation Plan and how it summarised the intention to meet the targets and aspirations of the Public Health Strategic Plan. The Implementation Plan showed the commitment to activities across council service plans, all aiming to make a positive difference to people's physical health and mental wellbeing across East Devon.

During the debate and vote Cllr Paul Hayward left the meeting due to a personal interest.

Having received the report members reviewed and noted the Public Health Implementation Plan 2022/23.

205 **Digital Strategy**

The Strategic Lead Finance presented a joint Digital Strategy that had been developed with Exeter City Council and Teignbridge District Council and was being presented for consideration.

During discussions the importance of face to face interactions was highlighted with emphasis on the strategy covering simple processes that could be easily automated through the website and different media channels, therefore residents having access 24/7. These efficiencies would free up time being spent on these simple processes allowing more time for the important face to face interactions on complex issues.

RECOMMENDED to Senior Officers;
that the Digital Strategy be adopted.

REASON:

To give focus and ensure resources were deployed in the areas that members agree.

206 **Dalwood Neighbourhood Plan ('the Plan') to be formally 'made'**

The Dalwood Neighbourhood Plan had now successfully passed referendum and must be formally 'made' (adopted) by East Devon District Council in order to form part of the development plan.

The Service Lead Planning Strategy and Development Management updated members to guidance recently received from Natural England to how developments within the catchment of the River Axe should be considered, in the relation to nutrient levels running into the river. As this neighbourhood plan did not apply for specific sites for housing this would not be a hindrance to the plan being made.

RECOMMENDED that;

Senior Officers

1. recommend that the Dalwood Neighbourhood Plan be 'made',

2. note that once made the Plan will carry full weight in the planning decision making process as part of the statutory development plan for this Neighbourhood Plan Area (the parish of Dalwood).
3. that the Neighbourhood Plan Steering Group and all involved in developing the Plan be congratulated on all their hard work.

REASON:

The Plan received a majority 'yes' vote in the neighbourhood area referendum, as required by the Regulations and there was no substantive reason not to make the Plan. In addition, to recognise the significant work over a number of years by Dalwood Parish Council and dedicated volunteers to prepare the Plan

207 **Response to Kilmington Neighbourhood Plan Submission**

The purpose of the report was to formally agree the response by the Council to the submission consultation for the Kilmington Neighbourhood Plan. Kilmington Parish Council had formally submitted their Neighbourhood Plan to the Council. The Neighbourhood Planning (General) Regulations 2012 (Regulation 16) required the Council to formally consult on the Plan for a minimum of 6 weeks.

The Service Lead Planning Strategy and Development Management updated members to guidance recently received from Natural England to how developments within the catchment of the River Axe should be considered, in the relation to nutrient levels running into the river. This neighbourhood plan was within the catchment area stated.

RECOMMENDED that;

Senior Officers

1. Note the formal submission of the Kilmington Neighbourhood Plan and congratulate the producers of the plan on their dedicated hard work and commitment in producing the document.
2. Note the proposed representation set out at paragraph 1.19 in the report was made in response to the consultation.

REASON:

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

208 **Acquisition of Green Space in the Clyst Valley Regional Park**

The paper provided an update on the delivery of new green space within the Clyst Valley Regional Park and sought approval for acquisition.

Cabinet wished to congratulate Naomi Harnett, Simon Bates and officers for their enormous work undertaken over the years to get to this stage.

RECOMMENDED that;

Senior Officers

1. Approve the acquisition of the 10.24ha site, subject to approval of the CIL budget by Strategic Planning Committee in April 2022.
2. Delegate authority to the Chief Executive to finalise the acquisition of the land, subject to the completion of appropriate legal documentation in consultation with the Strategic Lead Governance & Licencing.
3. Delegate authority to the Chief Executive to finalise an establishment plan for the site, in consultation with the Service Lead Planning Strategy & Development Management.

4. That a further paper which provides options for the long term management of the site be received.

REASON:

The project supported the delivery of new green space in East Devon, along with delivery of the Clyst Valley Regional Park. This would provide an additional area of public access land for residents.

209 Unlocking the delivery of Cranbrook Town Centre

The report represented the culmination of over two years of work, coordinated through the Cranbrook Strategic Delivery Board, to secure the delivery of the town centre. Approval was sought for two specific investment proposals to both acquire land in the town centre and to support the ongoing roll out of the district heating network to underpin the achievement of low carbon development. The Chair thanked the Chief Executive for his significant role in negotiations to the delivery of this Cranbrook town centre.

RECOMMENDED that;

Senior Officers approve

1. The acquisition of town centre land parcels TC4 d & e for £4.8375m with an allowance of £0.6625m for associated costs.
2. The roll out of the district heating network is supported with a budget of £1m in line with the detail of the report.
3. Delegated authority be given to the Chief Executive in consultation with the Strategic Lead (Governance & Licensing) to finalise and complete the appropriate legal documentation for the acquisition of the land and support for the district heating network as appropriate.

RECOMMENDED to Council;

4. That the sum of £6.5m is met from the Enterprise Zone programme for the acquisition of town centre land parcels (and associated costs) and support of the district heating network with the investment to be implemented through EDDC borrowing against future ring fenced business rate income.

REASON:

To support the delivery of Cranbrook Town Centre.

210 Recycling & Waste - Bridging Solution

The Recycling and Waste Contract Manager gave a presentation outlining the Suez Bridging Solution contract resources increase and why it was required, along with the due diligence that had been undertaken to assure that the level of resource requested and cost was appropriate.

During discussions it was suggested that all councillors see the presentation in order to be fully informed when getting the message across to the public.

Members agreed to note and recommend the minutes and recommendations of the Recycling and Waste Partnership Board held on 26 January 2022 for approval as recorded at minute 195.

RECOMMENDED that;

Senior Officers

1. agree to the additional resources for the Recycling & Waste service required to meet the growth pressures by implementing the 'Bridging Solution' as outlined in the report.
2. agree to extend the contract with SUEZ to its full term to 2026 to provide the consistency and stability needed to implement the Bridging Solution and prepare for the outcomes of the Environment Act 2021.

RECOMMENDED to Council;

3. that the additional budget required is approved; a revenue budget increase of £1.25 million per year (£734,928 pro-rata for 2022/23) and estimated capital expenditure of £1.11million to fund the changes to the service.

REASON:

A comprehensive business case was included in the Bridging Solution document providing the rationale and supporting data to explain the case for the expansion of the Recycling & Waste service and gives the revenue and capital budget provisions required to deliver the changes. The business case had been compiled jointly by the EDDC/SUEZ Partnership Team.

Attendance List

Present:

Portfolio Holders

P Arnott	Leader
P Hayward	Deputy Leader and Portfolio Holder Economy and Assets
G Jung	Portfolio Holder Coast, Country and Environment
D Ledger	Portfolio Holder Strategic Planning
M Rixson	Portfolio Holder Climate Action and Emergency Response
J Rowland	Portfolio Holder Finance
J Loudoun	Portfolio Holder Council and Corporate Co-ordination
S Jackson	Portfolio Holder Democracy, Transparency and Communications
N Hookway	Portfolio Holder Tourism, Sport, Leisure and Culture

Cabinet apologies:

M Armstrong	Portfolio Holder Sustainable Homes and Communities
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Also present (for some or all the meeting)

Councillor Denise Bickley
Councillor Kevin Blakey
Councillor Kim Bloxham
Councillor Colin Brown
Councillor Fred Caygill
Councillor Maddy Chapman
Councillor Bruce De Saram
Councillor Alan Dent
Councillor Peter Faithfull
Councillor Steve Gazzard
Councillor Ian Hall
Councillor Sam Hawkins
Councillor Vicky Johns

Councillor Jamie Kemp
Councillor Richard Lawrence
Councillor Andrew Moulding
Councillor Helen Parr
Councillor Geoff Pratt
Councillor Val Ranger
Councillor Eleanor Rylance
Councillor Eileen Wragg

Also present:

Officers:

Thea Billeter, Cranbrook New Community Manager
Gareth Bourton, Recycling and Waste Contract Manager
Tim Child, Service Lead - Place, Assets & Commercialisation
Amanda Coombes, Democratic Services Officer
Simon Davey, Strategic Lead Finance
Ed Freeman, Service Lead Planning Strategy and Development Management
John Golding, Strategic Lead Housing, Health and Environment
Henry Gordon Lennox, Strategic Lead Governance and Licensing (and Monitoring Officer)
Andrew Hancock, Service Lead StreetScene
Alison Hayward, Project Manager Place & Prosperity
Andrew Hopkins, Communications Consultant
Helen Wharam, Public Health Project Officer
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)
Mark Williams, Chief Executive
Andrew Wood, Service Lead - Growth Development and Prosperity
Tom Wood, StreetScene Operations Manager
Naomi Harnett, Enterprise Zone Programme Manager

Chair

Date:

EAST DEVON DISTRICT COUNCIL

Forward Plan of Key Decisions - For the 4 month period: 1 June 2022 to 30 September 2022

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]
Community Asset Transfer Policy	Assets & Economy (Tim Child)		Y		8 June 2022	Part A
Leisure and Built Facilities Strategy	Tourism, Sport, Leisure & Culture (Charlie Plowden)		Y	LED Monitoring Forum – May 2022	8 June 2022	Part A
Play Strategy - Axminster Skate Park and other community facilities	Coast, Country & Environment (Andrew Hancock)		Y		8 June 2022	Part A

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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).

May 2022

EAST DEVON DISTRICT COUNCIL**Minutes of the Extraordinary consultative meeting of Scrutiny Committee held Online via the Zoom app on 17 March 2022****Attendance list at end of document**

The meeting started at 10.30 am and ended at 12.05 pm

55 Declarations of interest

Minute 57. Presentation by South West Water followed by questions from Members of the Scrutiny Committee, Members and the public.

Councillor Eileen Wragg, Personal, Member was awarded a Pure Service Award by South West Water.

It was noted that all Members had an equal personal interest as customers of South West Water.

56 Chair's opening comments, welcome and introductions

The Chair welcomed Mr Alan Burrows, Director of Environmental Liaison and Culture for South West Water, to the meeting and expressed the hope that the meeting would be the start of an on-going constructive dialogue between the Council and South West Water.

The meeting had come about due to Members' concerns primarily about sewage contamination in East Devon's watercourses and coast. Questions from Members had been sent to South West Water in advance.

57 Presentation by South West Water followed by questions from Members of the Scrutiny Committee, Members and the public

Mr Burrows gave a presentation on the work of South West Water (SWW) with key points as follows:

- Regarding water quality, SWW will: build on the success of the 'Clean Sweep' coastal investment programme in the South West; improve monitoring, real time live data and transparency; deliver a step change by reducing the impact on river water quality by one third by 2025.
- Storm overflows were explained, including the demand on the network, and plans are being developed for further investment in infrastructure to reduce usage of storm overflows.
- In the local area, SWW is committed to sharing data and information about potential impact, real time notification via BeachLive [www.beachwise.org.uk/beachlive] with free alerts for beaches in Devon when storm water overflows may temporarily affect bathing water quality. It was noted that Exmouth Beach has been rated 'excellent' for bathing water quality.
- Regarding the Maer Lane facility in Exmouth, it was noted that there is a temporary increase in operation vehicles pending completion of improvement and upgrade works at other sites
- In Exmouth there is investment in a £1.2million project for surface water separation and a £2.5million project for rising main replacement to improve treatment capacity.
- It was noted that SWW is not a statutory consultee in the development planning process. The company works with developers to ensure that its assets can cope with increased demand. Nature based drainage solutions are promoted.

- Partnership working is crucial to making the changes everyone wants to see. The presentation outlined ways in which collaborative working helps with finding solutions and how simple changes which the public could make would reduce the impact on SWW's systems.

The Chair thanked Mr Burrows for his presentation.

In responding to questions from Members, Mr Burrows advised the following:

- Regarding the reporting of sewage spills on The Rivers Trust website, differences in the figures shown for Honiton may be due to the figures being for different events such as a combined sewer overflow or an emergency overflow. When considering spills, it should be noted that the volume, rather than the length of time, was important. SWW is working with Exeter University and the Centre for Resilience in Environment, Water and Waste (CREWW) to develop technology to measure spill volumes.
- SWW is required to do a root cause analysis for instances of failure for phosphate levels and data is then shared with the Environment Agency (EA).
- Regarding storm water instances, which are likely to increase due to climate change, all new development must have surface water separation as part of planning conditions to prevent surface water from entering the sewerage systems. Where surface water cannot be separated, other options are available, including nature based solutions to slow water flow and temporary storage before release back into the system.
- Although not a statutory consultee, SWW development planning team constantly reviews local plans to ensure that it is aware of planned development and the capacity which would be required. Where there is insufficient capacity, this would be built into the business planning review process.
- Attention was drawn to the information available on the South West Water website.

Questions for Mr Burrows were put by members of the public, Ms Vicky Whitworth and Mr Geoff Crawford, and the responses included the following points:

- Regarding stopping sewage discharge into the River Axe and its tributaries and how long this would take to achieve, it was noted that SWW works with Local Planning Authorities to reduce nutrient enrichment of rivers. A £10million improvement scheme had been announced which included the River Axe special area of conservation in order to help reduce the impact of nutrients. The scheme would also unlock growth and maintain and improve the area designated by Natural England for specific species and habitat.
- Regarding the SWW permit for sewage discharge at Exmouth, the height of the sewage pipe above Ordnance Survey datum is not a requirement of the permit. The distance quoted in the permit is from the storm sewer overflow to the point at which the Environment Agency extracts bathing water samples.
- Regarding the vehicle movements in Exmouth, SWW is preparing a sludge strategy, with a requirement to comply with the Industrial Emissions Directive, and, as a result, issues with vehicle movements should be resolved.

Further questions were put by Members and Mr Burrows responded as follows:

- The EA issues an annual environmental performance assessment which compares pollution incident numbers across providers. Numbers for 2021 will be published in June 2022 [www.gov.uk – search Environmental Performance Assessment].
- A pilot scheme on two river catchments is running to understand whether bathing water standards can be met. The scheme will be promoted by Citizen Science and the West Country Rivers Trust who are assisting SWW.
- Regarding new development, the EA has a hierarchy for sewage treatment in that it must connect to an existing water and sewage network first, before any secondary or private network is brought in.
- In response to a question about the number of spills in the River Otter and its catchment, SWW has a programme in place to monitor high frequency spills and to investigate causes. Data will be published on the SWW website in early April and will provide a summary of actions taken and an explanation of monitoring work across the network.

- Dealing with surface water from downpipes on older properties is a long term issue across the country. As regards system capacity, SWW has flow compliance monitoring in place and the EA has powers to tighten limits on sewage treatment works.
- Regarding issues at Clyst St Mary and the need to protect villages and communities from the impacts of development upstream, SWW is working on drainage and wastewater management plans. It is acknowledged that it will take time to resolve issues in the west end of East Devon. Simon Jupp MP is in contact with the CEO of SWW. The SWW planning team is also in regular contact with local authority planners to address these issues.

The Chair thanked Mr Burrows for attending and for his presentation. Mr Burrows left the meeting.

The meeting continued with Members raising further questions for SWW as follows:

- Regarding the £10million of funding shared between the River Camel and the River Axe to reduce the impact of nutrients, what measures will the money be spent on for the River Axe? As there is likely to be further development in Axminster and the Axe Valley area, what mitigation measures would be required from developers towards improvements to the River Axe and the reduction of nutrients?
- Is the Exe Estuary, with its wildlife, national and international designations, included in the water testing system? What harm, if any, can be done to wildlife if tests carried out are not at acceptable levels?

Members considered ways in which the issues under discussion could be dealt with going forwards. The points made included the following:

- The Scrutiny Committee could formulate recommendations for SWW, one of which could be the formation of a stakeholder group.
- SWW could be invited back for a series of focussed meetings.
- Questions for SWW could be better collated in advance so as to avoid duplication as Members had not seen all of the questions in sufficient time before the meeting.
- There was concern that SWW should be involved in planning for new development at the earliest stage possible.
- Prior to any future meetings with SWW, Members could use the SWW and BeachWise websites to inform themselves.

The Committee was unanimously in support of inviting South West Water back for a series of meetings focussing on single issues as follows:

1. Planning (with a focus on a more joined up approach)
2. Beach water quality
3. Update on rivers

The matter would be added to the agenda for the next Scrutiny Committee meeting for further discussion.

Attendance List

Councillors present:

T Wright (Chair)

V Ranger (Vice-Chair)

J Bonetta

M Chapman

O Davey

J Kemp

T McCollum

H Parr
E Rylance
T Woodward

Councillors also present (for some or all the meeting)

M Armstrong
J Bailey
C Brown
B De Saram
A Dent
P Faithfull
N Hookway
M Howe
V Johns
R Lawrence
D Ledger
A Moulding
G Pook
M Rixson
E Wragg

Officers in attendance:

Andrew Ennis, Service Lead Environmental Health and Car Parks
Allison Ferrero, Principal Environmental Health Officer
Ed Freeman, Service Lead Planning Strategy and Development Management
Andrew Hancock, Service Lead StreetScene
Susan Howl, Democratic Services Manager
Sarah Jenkins, Democratic Services Officer
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

Councillor apologies:

S Hawkins

Chair

Date:

Recommendations for Cabinet that will resolve in an action being taken:

Scrutiny Committee 7 April 2022

Minute 64 Forward Plan (item on future meetings with South West Water)

That, at the earliest opportunity, Cabinet sets up a high level meeting with all relevant organisations and agencies, to discuss serious concerns relating to pollution and the lack of enforcement capability.

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Scrutiny Committee held Online via the Zoom app on 7 April 2022

Attendance list at end of document

The meeting started at 6.04 pm and ended at 7.28 pm

58 Public speaking

The Chair welcomed Cllr Joe Whibley and Cllr Tony Woodward as new members of the Committee.

There were no members of the public registered to speak.

59 Minutes of the previous meeting held on 3 March 2022 and the Extraordinary meeting held on 17 March 2022

The minutes of the meeting held on 3 March 2022 and the minutes of the Extraordinary meeting held on 17 March 2022 were received and accepted.

60 Declarations of interest

There were no declarations of interest.

61 Matters of urgency

There were no matters of urgency.

62 Confidential/exempt item(s)

There were no confidential / exempt items.

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

There were no decisions made by Cabinet called in by Members for scrutiny.

64 Forward Plan

The Chair noted that at the Extraordinary meeting held on 17 March 2022, the Committee had decided that it would like to invite South West Water (SWW) back for a series of meetings, with each meeting to have a particular topic, initially identified as planning, beach water and river water.

The purpose of this item on the Forward Plan was to continue the discussion started at the Extraordinary meeting on how best to progress future meetings with SWW. The Chair acknowledged that some Members were disappointed that their questions had not been covered during the meeting but noted that the meeting had been to address the specific issue of sewage entering rivers and water courses. Concerns regarding SWW were wider than that and the Forward Plan could set out a timetable to deal with those

wider issues. The Forward Plan published with the agenda papers suggested one way to proceed.

Discussion on this Forward Plan item included the following points:

- Sewage discharge and agricultural run-off is an East Devon wide issue and a working group could be set up to co-ordinate a complete response. A working group could include knowledgeable local residents, and, although EDDC is not the lead body on pollution, the Council could act as facilitator towards finding solutions.
- The Exe Estuary is a protected area and there was concern whether sewage discharge is illegal, and if not illegal, whether there are any actions the Council can take.
- Serious concerns had been raised at the Strategic Planning Committee regarding the River Axe catchment following the report from Natural England and the requirement for mitigation to offset pollution from both agriculture and development, which could have a potentially serious impact on the grant of planning permissions. The question of future grey water discharge in the Axe Valley should be put to SWW.
- The purpose of the discussion was to consider a way forward for meetings with SWW which could include monthly meetings on consecutive months with questions for SWW being submitted by Members two weeks in advance of meetings. Rather than include a presentation, the meeting should be used to provide answers. The SWW Group Chief Executive Officer, Susan Davey, should be specifically invited to attend one of the meetings.
- Members were reminded of the Clean Sweep Programme from 1992, which started in Exmouth in 1997 and, despite significant investment, had not delivered a system fit for purpose due largely to continuing development in Exmouth.
- It was important for on-going dialogue with SWW to be conducted in a respectful manner. Members were made aware that issues, including those with anaerobic digesters, were being considered at a high level through Team Devon and that other bodies such as the Environment Agency (EA) were also involved.
- There was a need to separate out issues such as 'policing', which is the responsibility of the EA, from other inter-connected responsibilities.
- Issues such as SWW not being a statutory consultee and concerns regarding the lack of beach water testing during the winter should also be addressed and other agencies such as DEFRA may need to be involved as well as local MPs.
- The EA and DEFRA should be invited to a future meeting.
- The suggested Forward Plan included EDDC officers attending meetings to inform Members on the interaction and connected responsibilities of EDDC with other bodies.
- The complexity of the issues involved meant that solutions would take time.
- Cabinet should call a high level meeting at the earliest opportunity and include all relevant organisations such as SWW, EA, DEFRA, farming representatives and local MPs to discuss concerns and ascertain what actions SWW will take.
- As sewage is being transported to Exmouth, the Forward Plan could include transport as a separate topic.
- Confirmation was awaited of the implementation of year round testing of bathing water.
- The main priority for East Devon residents is that of SWW sewage discharge into waterways. A high level meeting with Cabinet should not preclude the Scrutiny Committee from scrutinising SWW and this work should continue in parallel and independently.

RECOMMENDATION TO CABINET

That, at the earliest opportunity, Cabinet sets up a high level meeting with all relevant organisations and agencies, to discuss serious concerns relating to pollution and the lack of enforcement capability.

The Committee agreed that future meetings with South West Water should proceed as set out in the Forward Plan.

It was noted that Cllr Ranger had submitted a proposal form regarding a database of assets owned by the Council. The Deputy Monitoring Officer advised that an asset register exists but not currently in a form easily accessible by Members. The Service Lead for Place, Assets and Commercialisation and the Portfolio Holder for Economy and Assets could be invited to attend a future meeting to consider how best to make the information available more widely.

Members also requested that they be kept informed of staff leavers and joiners, an organisation chart showing key contacts and the size of each team and job vacancies. The Communications Consultant would facilitate the circulation of the information and welcomed suggestions for any additional items from Members they would like included in a monthly newsletter.

With the inclusion of the above the Forward Plan was agreed.

Attendance List

Councillors present:

T Wright (Chair)
V Ranger (Vice-Chair)
J Bonetta
C Gardner
S Hawkins
J Kemp
T McCollum
H Parr
E Rylance
J Whibley
T Woodward

Councillors also present (for some or all the meeting)

P Arnott
J Bailey
F Caygill
S Chamberlain
B De Saram
I Hall
N Hookway
V Johns
G Jung
D Manley
A Moulding
M Rixson

Officers in attendance:

Wendy Harris, Democratic Services Officer
Andrew Hopkins, Communications Consultant
Sarah Jenkins, Democratic Services Officer
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

Councillor apologies:

M Allen

A Bruce
M Chapman
O Davey

Chair

Date:

Recommendations for Cabinet that will resolve in an action being taken:

Poverty Working Panel held on 21 March 2022

31 Energy Briefing Update

RECOMMENDED

- To lobby government for more support with energy costs including for a price cap on heating oil and LPG so that they are provided the same level of protections that consumers have with electricity and gas.
- To lobby government on further emergency funding to continue to help people to eat, now that the Housing Support Fund is finishing.
- To lobby government to impose a 300% council tax charge for second home owners.
- To lobby government for a register of private sector landlords.

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Poverty Working Panel held at Online via Zoom app on 21 March 2022

Attendance list at end of document

The meeting started at 10.00 am and ended at 12.58 pm

27 Public speaking

There were no members of the public registered to speak.

28 Declarations of interest

There were no declarations of interest.

29 Minutes of the previous meeting held on 31 January 2022

Minutes of the previous meeting held on 31 January 2022 had been circulated in advance and were noted as a true and accurate record.

30 Update on loan sharks - Libby Jarrett - Service Lead - Revenues, Benefits, Customer Services & Corporate Fraud

The Service Lead – Revenues, Benefits, Customer Services & Corporate Fraud provided an update on loan sharks, which highlighted the following:

- The Illegal Money Lending Team (IMLT) had confirmed that there are no active investigations on loan sharks in the district at this time; this did not mean that they are not active in the area, but they are not being reported.
- Key staff had attended IMLT training on how to recognise loan sharks and how to help residents to overcome barriers that prevent them from reporting. The training would be offered to more staff going forward and resources put in place to facilitate identification of residents at risk or those who are using loan sharks.
- Content would be put out in the residents' newsletter and in social media campaigns, using literature from the IMLT.
- The website had been updated to include information about loan sharks and illegal money lending.
- The Benefits Manager was updating the IMLT on the work that EDDC is doing on poverty and exploring how the Council and IMLT could work together moving forward.

The Strategic Lead – Housing, Health & Environment commented on the good work undertaken in connection with illegal money lending and asked whether there were any credit unions to which the team could signpost residents in need of borrowing. Following discussion, it was agreed as an action point that the Service Lead – Revenues, Benefits, Customer Services & Corporate Fraud would explore this in detail and provide a report to the next meeting.

Comments and questions from Members included the following points:

- A Member asked if there were videos that could help to educate people to ensure they did not get themselves into unfortunate circumstances where they were desperate to use loan sharks. She added that some people might find a video shared on social media more accessible than reports on the EDDC website. The Benefits Manager responded the EDDC website points to the Illegal Money Lending website where there are videos advising people of what not to do.

31 **Energy Briefing Update from:**

The Chair welcomed Sharon Church – Benefits Manager; Martin Prew – Technical Officer for Environmental Health & Car Parks; and Jody Harding – Principal Environmental Health Officer – Private Housing, to the meeting, and invited them and the Service Lead – Revenues, Benefits, Customer Services & Corporate Fraud to present their updates, a report having been circulated prior to the meeting.

The presentations detailed at length the challenges that it was identified residents were facing with household budgets, what was being done to support them, and the wider role of Environmental Health Public Sector Housing in helping to address housing-related forms of poverty.

The following points were highlighted as key considerations:

- There was significant concern around the disproportionate impact of the rising energy bills on certain groups, particularly:
 - Those on lower incomes, who spend a higher proportion of their income on energy bills.
 - Residents in rural areas who do not have access to gas and are therefore reliant on oil and are not protected by the energy price cap. There is a real risk that some will struggle to afford the minimum 500L as this is now circa £750.
- Pressure is likely to get worse, with rising costs across all household bills, and there was concern that some households will struggle to afford day-to-day essentials, including food.
- Whilst helpful, the Energy Bills Rebate and the £200 energy bill loan scheme, announced by the government on 3rd February 2022 to help households with rising energy bills, are not going to be sufficient.
- The Household Support Fund ends on 31st March 2022 and support thereafter would be drawn from the Council's own hardship fund.
- Opportunities were being explored with Devon County Council, Exeter Community Energy and Lendology for providing a scheme for funding oil/off mains gas top-ups, and how residents can move to renewables, for those who are financially struggling.
- Some very positive collaborative working was happening and this was critical in being able to achieve better outcomes for residents.
- There were plans to:
 - Continue to develop the Financial Support Hub on the website to make it easier for residents to know what support is available with household bills.
 - Deliver more proactive communications including via social media, the residents newsletter, and the EDDC app.
 - Include in the Poverty Dashboard data on households with oil, energy ratings, rented and low-income households, to help inform future interventions and targeted support, and to bring about energy efficiency improvements in properties with a low energy efficiency rating.
- Citizens Advice would like to see the government expand its Warm Home Discount and make it more generous for people on low incomes.

It was suggested that Members might wish to consider recommending to Council:

- To lobby government for more support with energy costs, including for a price cap on heating oil so that users are provided the same protections as consumers with electricity and gas.
- To lobby government on further emergency funding to continue to help people to eat, now that the HSF is finishing.

The Chair thanked the Officers for their presentations and remarked that with the energy and financial crises happening now, it was appropriate for the Panel to know what actions were being taken, and how EDDC could help people.

Discussion following the presentation included the following points:

- A Member observed anecdotally that a rising number of private landlords were asking tenants to leave, and changing to holiday lets, and expressed concern that i) tenants were left with nowhere to go; and ii) holiday lets did not come under EDDC's curtain for improvements. Were Private Sector Housing aware of the issues, and how did they handle them? The Service Lead – Revenues, Benefits, Customer Services & Corporate Fraud stated that data had been collated in November 2021 on properties taken out of domestic use, the number of second homes and self-catering holiday units; as an action point, she would update this data to provide a comparison and identify the movement of properties between sectors.
- The Service Lead – Revenues, Benefits, Customer Services & Corporate Fraud commented that Wales was trialling a 300% council tax charge for second home owners; this might ensure second home owners contribute more into the local economy, or dissuade them from retaining a second home. She suggested the Panel might wish to consider asking Council to lobby central government for a comparable system in England.
- Members considered the particular issues of poverty in rural areas including i) rising rural crime, e.g. theft of heating oil; and ii) residents who use LPG being linked to one provider and therefore unable to shop around. It was suggested the Panel looks in depth at rural poverty issues, and that EDDC considers how it can raise awareness of the dangers of rural crime and what security people can take to protect their heating oil supply.
- A Member commented that damp and mould in properties were arguably more pernicious than cold, and challenged whether EDDC was doing enough to tackle the causes of damp, including overcrowding and fabric defects, and counselling people enough in how to avoid damp in their houses. The Principal Environmental Health Officer – Private Housing responded that i) a Winter Resilience Project had supported people in tackling the root causes of damp and mould, and this had been very successful; ii) risk assessments could be done under the Housing Act in the damp and mould low risk category, talking with individual residents about lifestyle changes or taking enforcement action against landlords with properties in disrepair; iii) it was intended to increase engagement with residents around damp and mould issues; iv) funding is available through LAD2, LAD3 and the Sustainable Warmth Project to retrofit and improve the structure of properties, before installing renewable energy; v) EDDC has some old properties that are not well insulated and, with the resources available, the team engage as much as possible with affected residents through the complaints process, on a case by case basis.
- The Housing Service Lead drew Members' attention to a useful and informative Ombudsman report on damp and mould, which would be circulated to Working Panel members outside of the meeting.
- The Housing Service Lead stated that they were embarking on a Stock Condition Survey which would give a clearer picture of the challenges and the retrofit measures required. It was expected that significant investment would be required for a lot of the housing stock and, in the meantime, the Housing Leadership team were considering carefully the complex and multi-layered issues around potentially deciding not to let properties which have significant issues, balanced against a competing need for housing. Members discussed the logistics of carrying out the Stock Condition Survey work robustly and in a timely fashion.
- It was expressed that the Housing Task and Finish Forum could consider how to push forward on retrofitting and the specification of housing development.
- An extensive scoping piece of work was underway to highlight potential development sites with a view to building new homes, to support the Housing Service in ensuring homes are fit for purpose for tenants.

- In response to a Member's question, it was confirmed that a register of private sector housing does not exist, and EDDC is unable to proactively offer inspection visits to ensure that private sector housing is suitable. Landlords are the legal entity responsible for ensuring compliance with legislation and any intervention from EDDC is reliant on tenants making contact. It was suggested Members could consider lobbying MPs for a Landlords' Register.
- A Member highlighted that half of people in poverty are disabled and asked that the Panel considers disability-related poverty issues at a future session, particularly whether the Disabled Facilities Grant could be extended to heating and a range of other equipment. It was recognised that the disabled and elderly are least able to take measures to reduce their energy use.
- One Member remarked that people should not feel ashamed to put on warm hats, extra layers of clothing and sleeping bags, and could be encouraged to accept a lower temperature in the home, to help them make their money go further. A counterview was expressed that this is not appropriate for the elderly, disabled, babies or young children, who can die this way and need their homes to be kept warm.
- A Member suggested a briefing could be provided to Council outlining the high quality extensive work being done by officers on poverty and energy issues.

RECOMMENDATION

Following the discussion, the following recommendations to Cabinet were agreed:

- To lobby government for more support with energy costs including for a price cap on heating oil and LPG so that they are provided the same level of protections that consumers have with electricity and gas.
- To lobby government on further emergency funding to continue to help people to eat, now that the Housing Support Fund is finishing.
- To lobby government to impose a 300% council tax charge for second home owners.
- To lobby government for a register of private sector landlords.

32 **Poverty Dashboard presentation from:**

The Chair welcomed George Whitlock – Information and Data Analysis Officer, to present the Poverty Dashboard together with the Benefits Manager and the Service Lead – Revenues, Benefits, Customer Services & Corporate Fraud.

The presentation included:

- The dashboard brings together a wealth of data and outcomes, updated on a monthly basis, to enable the team to identify at a glance what is going on in the district, across areas of financial, housing, health and employment.
- The officers demonstrated the interactive functionality of the dashboard and explained that the Benefits and Financial Resilience teams can run reports of the data to inform future interventions, strategies, and the work of the Working Panel.
- The dashboard remains a work in progress and it is intended that additional data sets will be added over time.
- The full dashboard will not be publicly available for reasons of data protection but a version will be published with sensitive data extracted.

Questions and comments following the presentation included:

- It was felt that this is a very impressive piece of work and a very useful tool in the quest to tackle poverty in the district.
- The approach could be sold and used as an income stream; it is very well designed for proactive work.
- It would be helpful for key headlines and trends to be communicated to Council and Cabinet to help inform policy.
- One Member suggested that information is shared with members on a ward by ward basis so they can ensure targeted supported is available. The Benefits Manager expressed that high level data could be provided for certain wards but it would not be appropriate to share detailed information for reasons of data protection.

Subsequent to the discussion, the Service Lead – Revenues, Benefits, Customer Services & Corporate Fraud stated that the Poverty Dashboard would be brought to the Working Panel again with updated feedback on trends, following the addition of more data sets.

33 **Forward Plan**

The Forward Plan, as discussed at the previous meeting, had been circulated to Members in advance of the meeting. The Chair invited Members and Officers to suggest any further items for the Plan, and to prioritise in what order the items should be discussed at future meetings.

In discussion, it was agreed to add the following items to the Forward Plan:

- Consideration of rural poverty issues.
- Consideration of disability-related poverty issues including whether the Disabled Facilities Grant could be extended to heating and a range of other equipment.
- To receive an update from the Community Safety Partnership on domestic abuse which may have increased as the rising cost of living puts a lot of families under pressure.
- To receive an update report on digital inclusion.
- To receive an update on the new business plan for council housing, after it has been through Housing Review Board.
- To consider wider cost of living issues.

The Chair indicated that she would liaise with officers outside of the meeting with a view to prioritising the items in the Forward Plan.

34 **Date of the next meeting**

It was confirmed that the next meeting will be held on Monday 30 May 2022, and Members were reminded that Working Panel meetings will start at 10.00am.

Further dates for the rest of 2022 will be arranged following the annual Council meeting.

Attendance List **Councillors present:**

M Allen
M Armstrong (Chair)
M Chapman

B De Saram
M Rixson

Councillors also present (for some or all the meeting)

P Arnott
P Faithfull
P Millar
J Rowland
E Rylance

Officers in attendance:

Sharon Church, Benefits Manager
Jo Garfoot, Service Lead Housing Task Force
Amy Gilbert-Jeans, Service Lead Housing
John Golding, Strategic Lead Housing, Health and Environment
Jody Harding, Principal Environmental Health Officer
Sarah James, Democratic Services Officer
Libby Jarrett, Service Lead Revenues and Benefits
Sarah Jenkins, Democratic Services Officer
George Whitlock, Data Analyst
Martin Prew, Technical Officer for Environmental Health & Car Parks

Councillor apologies:

P Jarvis
T Woodward

Chair

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Housing Review Board held at online via Zoom on 24 March 2022

Attendance list at end of document

The meeting started at 10.00 am and ended at 12.15 pm

29 Public speaking

Council housing tenant Sue Dawson brought concerns about tenant participation to the Board, which she felt were having a detrimental effect on tenants and the housing service. She referred to the number of senior housing staff that were absent, a lack of tenant input into the housing service and a poor repairs service.

In response the Strategic Lead – Housing, Health and Environment replied that Sue's comments in relation to tenant involvement were recognised as an area for improvement across the social housing sector, and that the proposal for a review would be incorporated into the Housing Review Board's forward plan. The Housing Service Lead acknowledged that having a number of housing managers absent was impacting on capacity for service delivery and reassured the Board that everything possible was being done to resolve the situation.

30 Minutes of the previous meeting

The minutes of the previous meeting held on 13 January 2022 were received and accepted.

31 Declarations of interest

Declarations of interest.

Councillor Sarah Chamberlain, Personal, employee of Exeter City Council within the housing service.

Declarations of interest.

Sue Saunders, Personal, housing tenant.

32 Matters of urgency

There were no matters of urgency.

33 Confidential/exempt item(s)

There were no confidential/exempt items.

34 Housing Review Board forward plan

The Housing Service Lead presented the forward plan and outlined a number of items to be brought to future meetings. She advised members that the forward plan acted as a reminder of agenda items to come forward on future meetings and reminded members that they could add further issues to the next forward plan by informing either herself or the Democratic Services Officer.

Consideration was given to a proposal form submitted by tenant representative and vice chair Sue Saunders, requesting a review into updating tenant involvement and customer service.

The Strategic Lead – Housing, Health and Environment commented that the proposal for a review of tenant involvement was a timely opportunity as the three year resident involvement strategy adopted by the Board in 2019 was due to be refreshed and he would ensure that the issues raised and a commitment to tenant involvement would be picked up during this review.

The Leader of the Council acknowledged the concerns of tenants around tenant involvement and contact with officers. He gave his undertaking that he would discuss this with officers and members of the Cabinet to try to address these things, but also explained that it was a hard time for officers, with a number of senior staff absent.

During the meeting the forward plan was endorsed by the Board, with the addition of a review of tenant involvement, to take place with an officer team and tenants reviewing the resident involvement strategy.

35 **Integrated Asset Management Contract**

The purpose of the Property and Asset Manager's report was to provide the HRB with an update on the integrated asset management contract (IAMC), delivered by Ian Williams, as part of the regular performance update, but also as a direct response to ongoing concerns raised regarding the delivery of some key functions of the contract. Two Ian Williams representatives, Kate Green – General Manager, and Arron Kelly – Business Manager, were introduced and welcomed to the meeting.

The Property and Asset Manager reported the IAMC had come to the end of its third year. Since its commencement many challenges had been encountered. Officers continued to monitor the external influences that could impact on the delivery of the service:

- Brexit
- Covid
- War in Ukraine

These were included in the risk register, which was reviewed quarterly by the Core Group.

It was reported that the level of demands on the service in relation to reactive repairs and voids were generally as expected with year 3 directly comparable to the year 1 of the contract. Year 2 was somewhat of an anomaly due to the direct impact of the Covid-19 pandemic. In general terms the void, planned works and compliance elements of the contract were working well. However, there were concerns with the reactive repairs service and the length of time it was taking to complete routine repairs in some cases. It was noted that void properties were increasingly being left in poorer conditions when vacated, often with debris to clear from the house and garden. Sometimes there were complex issues which led to a delay at the start of the process.

Since the last meeting of the HRB the level of Work in Progress (WIP) and overdue jobs had risen and was above that expected and desired. As a result a direct impact was being seen with an increase of calls from tenants chasing jobs as well as an increase in complaints on the basis that tenants were waiting too long for jobs to be completed. To

fully understand the problems in this area officers had carried out detailed data analysis to identify the reasons and trends for the current high level of WIP and overdue jobs.

Among the issues identified as causes were:

- Incorrect application of operational processes on the part of IW and EDDC, particularly the variation process and extension of time process.
- Jobs were still being incorrectly marked as “work completed” rather than stage completions being applied when follow on works were required.
- Jobs had been completed but not closed down correctly meaning they remained on both the WIP and overdue jobs list.
- The delivery of larger scale and complex repair jobs that extended beyond the contractual 28 day period for completion.
- The sourcing of resource/sub-contract support to deliver some repair jobs which delayed the completion of jobs directly contributing to the WIP and overdue jobs.
- The sourcing of components/materials to carry out specific repairs, this directly contributed to the WIP and overdue jobs.

The levels of WIP and overdue jobs was of particular concern and officers were working closely with Ian Williams to undertake a detailed review of the delivery of reactive repairs to ensure that they met the headline aim/purpose of ‘Right Repair, Right Time, Fixed and Stay Fixed’. The areas that had been the subject of this review included but was not restricted to:

- Diagnosis.
- Appointment.
- Right First Time.
- Stay Fixed.

Initial findings from the review suggested that a number of problems existed that need to be addressed ranging from:

- Too many chasers required in relation to repair orders and in some cases recalls.
- Missed appointments with no communication with the tenant.
- Insufficient time allowed to carry out specific repairs.
- Material availability.
- Resource availability for some key trades.
- Sub-contractor support was not sufficient.
- Sub-contractors not adhering to the contractual protocols and timescales.
- Management of sub-contractors.
- Systems and contract resources not being used correctly to deliver the contractual requirements for repairs.
- Poor communication across all areas.

These issues had been discussed at length between both parties and as result an ‘Action Plan’ had been developed to address the issues. Work was underway to resolve the issues and included:

- Updating existing processes to remove the possible areas of failure.
- Updating the IT processes and automated communication across the interface.
- Staff training with a focus on the diagnosis of a repair and raising the orders correctly with a focus on appointing at the first time of contact.
- Greater use of the ‘Duty Surveyor’ role to improve the diagnosis and ordering of complex repairs.
- Staff training to ensure all the processes were being delivered correctly.
- Focused delivery of the more complex repairs ensuring that realistic deliverable plans were in place for such repairs and importantly such plans were communicated to tenants so they had a full understanding of the work required and the timescales.
- Better communication across the organisations to include record keeping.

- Better communication with tenants to ensure that they were fully aware and understood if their repair could not be carried out for any reason, had to be postponed and where follow on work was required.

The action plan was included with the agenda papers for the Board's information and was being monitored by the Core Group. The Core Group acted as a higher level of governance between EDDC and Ian William to ensure over all delivery of the contract. Both organisations were fully committed to delivering both the IAMC and action plan.

The Property and Asset Manager reported that the issues identified directly impacted on customer satisfaction and complaints. There was huge pressure on officers. Of particular concern was the demand being placed on the Property & Asset Management Team, particularly the Business Development & Customer Improvement Manager in having to intervene to manage issues to prevent needless escalation. The demand for intervention would be closely monitored to ensure it was reduced, and further reviews would be undertaken and measures implemented if necessary. It was noted that there were a number of vacancies (11 highlighted) within the Property and Asset Team, with difficulties around recruitment remaining the key issue.

Customer satisfaction remained a challenge and needed to be improved. The ways in which EDDC and Ian Williams carried out and collated satisfaction were listed in the report.

Officers were fully aware of dissatisfaction amongst tenants mainly around the responsive repairs element of the contract. This has been picked up through:

- Preventable complaints.
- Negative feedback from Members representing tenants.
- Negative feedback from tenants during face to face meetings with officers.
- Negative feedback given by a tenant representative at the HRB.

Analysis of complains was very important. No specific geographical dimension had been detected, however there was a strong dissatisfaction amongst residents around communication.

Concern was expressed over how tenants were contacted. The Open Housing System recorded tenant's disabilities and contact preferences, however it was acknowledged that if the information was not provided by the tenant or on the system this would not be highlighted to staff. The Housing Service Lead reiterated that the Council's telephone lines were always open.

In order to give more evidence of areas of concern and also to give all residents the opportunity to feedback their own experiences, the Information and Analysis Officer had been tasked with undertaking a survey that would give every tenant the opportunity to tell EDDC how they felt. The Information and Analysis Officer was also requesting the assistance of tenants to help formulate the survey and the questions in order to hopefully appeal to all and to encourage the feedback required. This action and area in general also featured highly in the action plan.

Officers had recently attended the first Repair Service Review Group that had taken place since the Covid pandemic and were looking forward to working with the group to engage directly with tenants to understand the issues, and to work with them to drive forward improvement in service delivery of the IAMC as well as the wider Property & Asset service.

Other areas that were being explored were:

- Some general reminders regarding the delivery of the contract by way of specific publications such as Housing Matters.
- Tenant workshops/drop in sessions across the district
- A member workshop for councillors so that they could get a full understanding of the delivery of the service.

The Property and Asset Manager was thanked for his open and honest appraisal of the IAMC everyone present acknowledged that improvements were required from the contract. The Board were urged to look at the action plan and report any perceived gaps, which would be included in the action plan. Ian Williams' representatives again commented that they were fully committed to the long term partnership and contract with EDDC and were absolutely aware of the issues, concerns and need for performance improvement.

The Leader of the Council thanked the Property and Asset Manager for his report and welcomed the positive measures being put in place for the future. He also thanked the tenants for their input. He reassured the Board that internal discussions would take place about the controls over the contract and that he would organise an internal meeting with senior officers and councillors to review this.

A request was made during the meeting for the key performance indicators (KPIs) relating to all aspects of asset management to be circulated to Board members. It was felt that it would be helpful to provide this to the Board in future too.

The Board agreed to note the update on the delivery of the IAMC and supported and endorsed the action plan set out in the report to address ongoing performance concerns that related to the IAMC.

36 **Social Housing White Paper**

The Social Housing Green Paper which was reported to the Board in 2019 had now emerged as a Government White Paper. The White Paper's Charter for Social Housing Residents' aimed to set out a new vision for the way that social housing residents were treated. The Housing Services Manager had been working closely with some of the involved tenants on this paper and a tenant representative presented the report along with the Housing Service Lead.

The seven themes covered what every social housing resident should be able to expect:

- To be safe in your home.
- To know how your landlord is performing.
- To have your complaints dealt with promptly and fairly.
- To be treated with respect.
- To have your voice heard by your landlord.
- To have a good quality home and neighbourhood to live in.
- To be supported to take your first step in ownership.

It was important to get the basics right and engage tenants in a way that worked for them. The intention was to work with tenants to develop a suite of satisfaction measures that they want to see, that they thought would show the health of the service and each of the teams within it. It was a great opportunity to revive tenant involvement and the Board's commitment to listen and support officers and tenants was sought.

The Board noted the report and welcomed examination of the areas identified for further action, which would be taken forward by the housing leadership team.

37 **Annual report of the Housing Review Board**

The Strategic Lead – Housing, Health and Environment presented the annual report of the Housing Review Board which summarised and highlighted the diverse range of issues covered by the Board over the year. The Democratic Services Officer was thanked for producing the report which the Board endorsed and noted.

38 **Housing Task Force - an introduction**

The Housing Task Force Service Lead explained the Housing Task Force which had been convened, following the findings and recommendations of the Housing Task and Finish Forum, to look into concerns, issues and potential solutions to meeting the levels of housing need within the district. EDDC had lost significant numbers of social homes via the Right to Buy scheme.

The team would initially have four officers: Service Lead, 2 Enabling Officers and a Development Surveyor, with other specialist roles being brought in as required. The team was funded for two years, with two clear aims:

- To facilitate a step change in the delivery of new affordable and social housing units across the district.
- To write an evidence based 30-50 year Housing Development Strategy, Pipeline Development Programme and a robust Active Asset Management Strategy.

The team would be exploring a range of options, detailed in the report in order to achieve the aims.

The Housing Review Board noted and endorsed the informative report.

39 **Stock Condition Survey**

The meeting became inquorate at this point and was adjourned.

40 **Housing Revenue Account and Housing Capital finance report**

Following adjournment of the meeting, this item would be considered at a future meeting of the Housing Review Board.

41 **HouseMark membership renewal**

Following adjournment of the meeting, this item would be considered at a future meeting of the Housing Review Board.

42 **CIH Professional Standards**

Following adjournment of the meeting, this item would be considered at a future meeting of the Housing Review Board.

43 **Procurement of gas servicing/services contract**

Following adjournment of the meeting, this item would be considered at a future meeting of the Housing Review Board.

44 **Electrical Safety Policy**

Following adjournment of the meeting, this item would be considered at a future meeting of the Housing Review Board.

45 **Quarterly performance indicator report**

Following adjournment of the meeting, this item would be considered at a future meeting of the Housing Review Board.

46 **Housing Covid 19 performance monitoring**

Following adjournment of the meeting, this item would be considered at a future meeting of the Housing Review Board.

47 **Senior officer decision**

Following adjournment of the meeting, this item was not considered.

Attendance List

Board members present:

Stephen Beer, Tenant
Sue Saunders, Tenant
Councillor Helen Parr
Councillor Sarah Chamberlain (Chair)

Councillors also present (for some or all the meeting)

M Armstrong
P Arnott
D Ledger
E Wragg

Officers in attendance:

Jo Garfoot, Service Lead Housing Task Force
Graham Baker, Senior Technical Officer Asset Management
Amy Gilbert-Jeans, Service Lead Housing
John Golding, Strategic Lead Housing, Health and Environment
Giles Salter, Solicitor
Alethea Thompson, Democratic Services Officer
Michelle Davidson, Property and Asset Management
Danielle Furzey, Housing Options Manager
Sarah James, Democratic Services Officer
Andi Loosemoore, Rental Manager
Rob Ward, Accountant
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)
Bev Anderson, Tenant Participation Assistant
Kate Green – General Manager, Ian Williams

Arron Kelly – Business Manager, Ian Williams

Board apologies:

Christine Drew, Independent Community Representative

Cat Summers, Tenant

Councillor Ian Hall

Cindy Collier, Tenant

Councillor Brenda Taylor

Chair

Date:

Recommendations for Cabinet that will resolve in an action being taken:

Housing Review Board on 7 April 2022

Minute 54 Housing Revenue Account and Housing Capital finance report

RECOMMENDED

that Cabinet recommend the Housing Revenue Account and Housing Capital Finance report for approval.

Minute 55 HouseMark membership renewal

RECOMMENDED

that Cabinet recommend that membership to HouseMark be renewed at this year's annual cost of £7,830 + VAT.

Minute 58 Electrical safety policy

RECOMMENDED

that the Housing Review Board recommends that Cabinet recommends to Council that the electrical safety policy for housing is adopted.

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Housing Review Board held online via zoom on 7 April 2022

Attendance list at end of document

The meeting started at 10.00 am and ended at 11.55 am

48 Public speaking

There were no members of the public wishing to speak.

49 Minutes of the previous meeting

The minutes of the previous meeting held on 24 March 2022 were received and accepted.

The Strategic Lead – Housing, Health and Environment updated the Board on a meeting which had been held with Ian Williams directors to discuss the performance issues in relation to the integrated asset management contract, following the last meeting of the HRB. It was an honest and challenging discussion around performance concerns, and a letter summarising the concerns was sent immediately following the meeting. Officers sought clarification for confirmation of improvements and for Ian Williams to improve and develop the action plan. Ian Williams acknowledged the need to improve performance in the areas highlighted and were committed to doing so working in partnership with the Council. A meeting had been arranged between the Strategic Lead – Housing, Health and Environment, Chair of the HRB and Portfolio Holder for Sustainable Homes and Communities for later in April.

The Chair advised the Board that independent community representative Christine Drew had stood down from the Board, but that following recent interviews two new independent community representatives had been appointed. The Chair looked forward to Sara Clarke and Rob Robinson joining the Board for their first meeting in June 2022.

50 Declarations of interest

Declarations of interest.

Cat Summers, Personal, council housing tenant.

Declarations of interest.

Councillor Ian Hall, Personal, his mother was a council house tenant and Home Safeguard user. He was a Devon County Councillor for the Axminster division.

Declarations of interest.

Councillor Sarah Chamberlain, Personal, employee of Exeter City Council within the housing service.

Declarations of interest.

Councillor Steve Gazzard, Personal, council housing tenant.

Declarations of interest.

Sue Saunders, Personal, council housing tenant.

51 **Matters of urgency**

There were no matters of urgency.

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

There were no confidential/exempt items.

53 **Stock condition survey**

The Property and Asset Manager's report updated the Board on the current position with the delivery of the stock condition survey. Without an up to date stock condition survey EDDC were at considerable risk of struggling to fulfil the full remit of its duty as a social landlord and also achieve its ambition to provide carbon neutral housing stock across the district by 2040. It would also fail to comply with the requirements of the new Building Safety Act. A full stock condition survey would also enable effective forecasting and budgeting for the financial implications of managing the repair and maintenance obligations.

It was noted that with the appointment of Currie and Brown complete and contracts agreed, the mobilisation period (3 months) had commenced at the start of March 2022. The mobilisation and delivery programme were outlined in the report, with a target period of 18 months (with an additional 3 month contingency period) for completion. The target period was very much dependant on access into properties to allow the surveys to be carried out. On completion of the stock condition survey a five year rolling programme would be implemented to survey 20% of the stock per annum.

During discussion the following points were raised:

- The stock condition survey would cover 100% of the housing property portfolio, including garages and community centres, with a team of 6-8 surveyors.
- Asbestos management surveys had been carried out on most properties, but access continued to be an issue, with around 300 no access properties for asbestos surveys.
- Tenants were not informed as a matter of course on the results of the asbestos surveys (so as not to scare them), but that information was available and in future it was hoped that this would be accessible through the tenant portal. This approach was entirely consistent with the approach other social landlords.
- Garages would be included in the stock condition survey, with any areas of concern being reported as they arose. Access to garages remained an issue, as well as what could be stored in them. The tenancy agreements stated that nothing that was likely to cause fire could be kept in council garages, but there was no obligation to keep a car in the garage.
- The communications plan for the stock condition survey was being finalised. Communications to tenants would be absolutely crucial, especially in terms of what was happening, why and what would happen as a result of the stock condition surveys. Communications would take place in many different formats.
- Specific resource was being allocated to assist in access and ownership issues.
- The surveys would be carried out on an area by area basis, with 800 properties being surveyed over five separate areas. This was likely to start in mid June/July 2022.
- Test surveys would be carried out first as part of the mobilisation programme.
- The surveys would include paths and trees, and anything included in the Housing Health and Safety Rating Scheme surveys.
- Repairs would be carefully assessed and included on a traffic light system for an urgency rating and a programme of works would be established as items/issues were identified.
- Once information had been gained on the condition of the stock and the repairs required, costings would be calculated. There were various financial reserves to fund some of

these works and borrowing was available for capital works. Grants were also available for retrofit green energy works. There would be some difficult financial decisions over the next few years but the priority was to ensure that homes were fit for purpose.

- Planned works were included in the Ian Williams contract but there was a concern about the capacity to deliver an increased programme of catch up repairs and improvements, and a very real possibility that the procurement route would be needed for larger planned works.

The Board noted the update on the position with the award and mobilisation of the stock condition survey contract. Regular update reports would be brought to future meetings of the Housing Review Board.

54 **Housing Revenue Account and Housing Capital finance report**

The accountant's report provided the Housing Review Board with current draft financial outturn figures for the housing revenue account and housing capital program for the 2021/22 financial year. The report also considered the implications of any forthcoming regulatory changes.

Producing a Housing Revenue Account had been a statutory requirement for Councils who managed and owned their housing stock for some time, and therefore a key document for the Board to influence.

It was noted that the Housing Revenue Account (HRA) was in a healthy position. The surplus forecast for the year was significantly higher than budgeted for. It was likely that there would be carry forwards for underspends, particularly in the planned maintenance and major repairs areas. The report proposed that any surplus within the HRA above the adopted range of £3.1 million would be placed in the HRA Capital Development fund reserve. This fund would be utilised in future years for New Homes and Capital works to reduce the carbon footprint of the HRA.

Within the 2021/22 financial year there had been 10 right to buy sales totalling a capital receipt to the Council of £1.025 million. The breakdown of the funds was outlined in the report and as well as the affordable housing expenditure and the impact this had on the right to buy replacement funding and requirements. The capital programme and the fire assessment capital works were also noted by the Board.

RECOMMENDED: that Cabinet recommend the Housing Revenue Account and Housing Capital Finance report for approval.

55 **HouseMark membership renewal**

HouseMark was a data analysis service which gathered performance and cost information from 350 social housing providers across the UK providing them with the data and insights needed to make evidence based decisions to drive efficient and performance business management. The Board were asked to consider the membership renewal for 2022/23 to continue to use HouseMark as a tool to monitor and evaluate the housing service. The ability to benchmark against peers played a hugely important role in evaluating the service and enabled the housing service to improve service delivery for tenants.

The Board agreed that it was vital to benchmark, as well as sharing information and best practice, and the Information and Analysis Officer was thanked for her report.

RECOMMENDED: that Cabinet recommend that membership to HouseMark be renewed at this year's annual cost of £7,830 + VAT.

56 **CIH professional standards**

The Housing Service Lead's report drew the Board's attention to the recently refreshed Chartered Institute of Housing's (CIH) refresh of professional standards. The CIH professional standards built on seven characteristics developed, tested and refined to enable and encourage the sector to think about professional development needs and how all involved could contribute to the professionalism of the organisation and the wider sector. These linked closely with the Social Housing White Paper. The standards were being publicised and cascaded through the EDDC housing service to raise its own professional standards and an awareness of why this was so important. A number of officers were currently engaged with CIH vocational training at all levels and the Housing Service Lead was working with EDDC's HR department and linking these standards with recruitment.

The Board endorsed and promoted the compliance of the CIH's professional standards.

57 **Procurement of gas servicing/services contract**

The Property and Asset Manager's report updated the Board on the current position with the procurement, award and mobilisation of the gas servicing contract to enable seamless delivery of the service following expiry of the existing/implementation of the new contract. Since the last meeting of the HRB the procurement phase of the renewal of the gas servicing/services contract had been completed, with the current incumbent Liberty Group emerging as the successful bidder.

The previous contract with Liberty Group expired on 31 March 2022, with mobilisation of the new contract taking place during January, February and March 2022. For the duration of the contract to date the Liberty Group had provided a good level of service and achieved 100% compliance at all times, apart from in exceptional circumstances such as the Covid 19 pandemic.

Under delegated powers the Strategic Lead – Housing, Health and Environment and the Housing Service Lead were able to sign off as accepted/approved the relevant stages of the procurement process to facilitate the appointment of Liberty Group to deliver the 3 Star Gas Servicing Contract. The award was for an initial duration of four years with the option to extend by a further 6 (2+2+2). The contract went live on 1 April 2022, delivering 3 star industry standard 'MOT style' gas servicing.

The Board noted the update on the current position with the procurement award and mobilisation of the gas servicing/services contract.

58 **Electrical safety policy**

The Compliance and Cyclical Servicing Manager's report asked the Board to consider and agree the implementation of an electrical safety policy for housing to ensure compliance with current legislation and regulations relating to electrical safety. It also provided reassurance that measures were in place to ensure compliance with those regulations and legislation, and to identify, manage and/or mitigate risks associated with electrical installations and electrical portable appliances. The policy set out EDDC's

approach to managing electrical safety within properties owned and/or managed by EDDC, including community centres, communal areas and district offices.

The policy had been reviewed by a number of involved tenants, with their valuable feedback being incorporated in the policy.

RECOMMENDED: that Cabinet recommends to Council that the electrical safety policy for housing is adopted.

59 **Quarterly performance indicator report**

The Board noted the housing performance indicator report for quarter 3 2021/22 which detailed selected indicators measuring performance across the housing service.

It was noted that in relation to anti-social behaviour figures, the condition of the property and noise issues were high. It was also noted that properties being left in a poor condition was being seen increasingly with voids. In response to a question about whether tenants were required to remove floor coverings when vacating a property, the Property and Asset Manager advised that each property was assessed on its merits, but that floor coverings were generally removed (by the contractors) from voids as the quality or infection risk was not usually known. It also gave the opportunity to assess the quality and safety of the floor beneath. This cautious approach had previously been taken, but this would be considered going forward as there could be opportunities to reuse good quality fittings in the future.

In relation to a query raised about noise complaints from flats the Housing Service Lead advised that a lot of work had been done on sound proofing flats, and that carpets helped. Noise issues were dealt with on an individual basis, with officers trying hard to resolve disputes. All situations of anti-social behaviour were dealt with sensitively on a very individual basis, with support being offered where required. It was noted that the condition of a property from the outside was often a warning indicator to what was going on inside the property.

60 **Housing Covid 19 performance monitoring**

A housing covid-19 performance monitoring dashboard was presented to the Board for information as an example of the information that was monitored on a fortnightly basis. This performance monitoring began at the start of the covid-19 pandemic.

Members commented that the information was hard to understand and the Housing Service Lead explained that this information was used internally as a way of monitoring certain performance indicators. It had been usefully included on the HRB agenda papers during the Covid-19 pandemic, but this was no longer required. The Board noted the fantastic efforts of all the EDDC housing staff during the pandemic and acknowledged that it was hard for employees going forward with sickness, absence and work load.

61 **Senior officer decision**

The Board were asked to note the senior officer urgent decision which was made in February 2022, which was a request for retrospective authority to bid and to proceed with the memorandum of understanding required for the release of successful bid funding as part of the Social Housing Decarbonisation Fund. This was required to access Government funding administered by the Department of Business, Energy and Industrial

Strategy that would be used to improve the insulation of tenant's homes and provide alternative heating and hot water systems that support the Council's programme of decarbonising its housing stock and delivering its Climate Change Strategy ambitions.

Government funding of £612,000 was successfully procured through the scheme, with the team working very hard behind the scenes. Properties (approximately 50) were currently being allocated, with those having the lowest EPCs being selected. The Housing Service Lead commented that great progress had been made, but that the numbers were still low and there was a huge task ahead in terms of retrofitting council properties.

Attendance List

Board members present:

Stephen Beer, Tenants
Sue Saunders, Tenants (Vice-Chair)
Cat Summers, Tenant
Councillor Ian Hall
Councillor Helen Parr
Councillor Brenda Taylor
Councillor Sarah Chamberlain (Chair)

Councillors also present (for some or all the meeting)

M Armstrong
P Arnott
S Gazzard
J Kemp
D Ledger
J Loudoun
T McCollum
M Rixson
E Rylance
E Wragg

Officers in attendance:

Bev Anderson, Tenant Participation Assistant
Graham Baker, Property and Asset Manager
Natalie Brown, Information and Analysis Officer (Housing)
Michelle Davidson, Compliance and Cyclical Servicing Manager
Amy Gilbert-Jeans, Service Lead Housing
John Golding, Strategic Lead Housing, Health and Environment
Andi Loosemoore, Rental Manager
Andrew Mitchell, Housing Solutions Manager
Giles Salter, Solicitor
Rob Ward, Accountant
Debbie Meakin, Democratic Services Officer
Alethea Thompson, Democratic Services Officer

Councillor apologies:

Cindy Collier, Tenant

Chair

Date:

Recommendations for Cabinet that will resolve in an action being taken:

LED Monitoring Forum on 12 April 2022

Minute 124 Colyton Leisure Centre and All Weather Pitch

RECOMMENDED TO Cabinet and Council:

1. To wait for the Leisure Strategy before the proposals for Colyton Leisure Centre and All Weather Pitch are considered again at LED Monitoring Forum.
2. To ask Colyton Grammar School whether, during the break time, pupils could be using more appropriate footwear for the All Weather Pitch, to help prolong its life.

Minutes of the meeting of LED Monitoring Forum held at Online via zoom app on 12 April 2022

Attendance list at end of document

The meeting started at 6.00 pm and ended at 7.23 pm

116 Public Speaking

One member of the public had registered to speak at the meeting.

Mr Mike Goodman commented that it was disappointing that this was the first time a resident had spoken at a meeting of the LED Monitoring Forum, and he hoped his contribution would add value to the leisure debate. In his statement, Mr Goodman raised a number of points and questions:

- Had the Forum discussed the social value aspect of LED Community Leisure in Devon, estimated projections of which were set out in LED's published accounts in March 2021, and the key role of leisure provision in public health?
- Could the Forum confirm that the Leisure Strategy, once completed, would include a detailed equalities report?
- Would the new Leisure Strategy be completed by May 2022, and would it be taken to full Council?
- Would the excellent facility at Exmouth Pavilion continue to be maintained, as part of the new Leisure Strategy, given that it is costly to EDDC?
- A document is published showing high-level Key Performance Indicators (KPIs) for LED; i) is the Forum informed of a more comprehensive list of KPIs?; ii) can these be made public?; iii) what benchmarking was used with other authorities when completing the KPIs?; and iv) will the KPIs be changed after the Leisure Strategy is adopted?
- Could the Forum confirm that detailed or abridged LED management accounts are discussed, albeit not in open forum?
- Once agreed, would the Leisure Strategy form the basis for any negotiations concerning the LED Community Leisure contract?
- These were challenging times for the leisure industry; Mr Goodman suggested a plan is put in place to drive down operating costs and increase revenue in order that LED becomes less reliant on EDDC in the future, in making up financial shortfalls.

In responding to Mr Goodman, the following points were made:

- Whilst members of the public had not registered to speak at previous meetings of this Forum, 845 people had responded to the public consultation for the Leisure and Built Facilities Strategy, which was a good number for a local council.
- The LED Social Value report was discussed at length at a previous meeting of the Forum (minutes of the 14 September 2021 meeting refer).
- A draft Leisure Strategy is expected from Strategic Leisure in May 2022, including advice on inclusivity, access and equalities considerations.
- The Exmouth Pavilion will form part of the Leisure Strategy and/or the updated Culture Strategy; until these documents are completed, it is not possible to state whether EDDC can maintain the facility without extra cost.
- The LED KPI report sets out trends concerning LED activities. Once completed, the Leisure Strategy will identify outcomes that can be translated into meaningful KPIs but without the strategy, any KPIs the Council could ask for would be somewhat arbitrary.
- Detailed LED management accounts are received by the Forum and form part of the discussion around subsidies; due to commercial sensitivities, these accounts are discussed in private session. It was noted that, as a registered society under the Cooperative and Community Benefit Societies Act 2014, LED's accounts are available through the Financial Conduct Authority Mutuals Public Register.

- EDDC has an excellent record of providing leisure facilities, particularly throughout the pandemic at a cost to EDDC of £1.9 million, and without any financial support from central government, demonstrating the competence of officers and willingness of members to continue to provide leisure facilities in the district.

The Chair thanked Mr Goodman for his contribution to the meeting.

117 Minutes of the previous meeting held on 1 March 2022

Minutes of the previous meeting held on 1 March 2022 were noted as a true and accurate record.

118 Declarations of interest

Cllr P Millar: Minutes 121 – 125; Personal Interest: Member of LED Community Leisure.
Cllr A Dent: Minutes 121 – 125; Personal Interest: Member of LED Community Leisure.
Cllr G Jung: Minutes 121 – 125; Personal Interest: Family members are members of LED Community Leisure.
Cllr P Arnott: Minute 124; Personal Interest: Represents the Coly Valley ward.

119 Matters of urgency

There as one matter of urgency (minute 124 refers).

120 Confidential/exempt item(s)

There was one item to be considered in private session (minute 125 refers).

121 LED Facilities and Activities report March 2022

A report from the LED Director of Delivery had been circulated in advance, providing an update on the activities of LED Community Leisure including community work, health and fitness, facilities, projects, marketing and communications, and a summary of customer feedback.

The LED Director of Delivery provided a brief verbal summary of the content of the report and invited comment.

Discussion of the report included the following points:

- The work to upgrade the Sidmouth swimming pool changing rooms has included refreshing the existing disabled changing facilities as well as creating some larger changing spaces, designated as family changing areas, but suitable for use by people with carers.
- Given the continued prevalence of Covid in East Devon and the impact on the NHS locally, concern was raised about the removal of Covid-security measures (e.g. screens, face coverings) at LED sites, and the bottleneck of customers around reception areas. It was suggested that LED might like to further review what it can do to help members feel safe within LED facilities.
- It was encouraging to see linkages throughout the report between LED's outreach work and the public health and NHS agendas.

The report was noted and the Chair thanked the LED Director of Delivery for his contribution.

122 **LED Outreach Report March 2022**

The LED Community Engagement Officer ran through the content of the LED Outreach report, detailing the links being developed in the community and the building of long-term partnerships to support the NHS Long Term Health Plan and delivery of the EDDC Public Health Strategy.

Examples of community engagement and outreach work included:

- A Littleham Health and Wellbeing Fair was planned for May, to promote community activities, at a lower cost, in an area of social deprivation.
- Working with disengaged students at Exmouth Community College who shy away from sport and PE lessons.
- Opening up space for coaches and community physiotherapists to deliver classes and engage with clients.

Discussion of the report included the following points:

- There was no reference to Cranbrook in the report; the LED Community Engagement Officer confirmed that she had been trying for some time to secure a meeting with the Sport England Local Delivery Pilot and this had taken place last week. She expressed confidence that there was value to add in Cranbrook, going forward.
- A Member expressed that the Littleham Health and Wellbeing Fair was an important and valuable piece of work, and very positive for the area.

The Forum noted the report and the Chair thanked the LED Community Engagement Officer for her contribution.

123 **LED Dashboard February 2022**

The Forum received and noted key details of the performance of LED Community Leisure for February 2022, including an outline of the net promoter score.

124 **Colyton Leisure Centre and All Weather Pitch**

A report prepared by the Service Lead – Place, Asset & Commercialisation had been circulated in advance, providing an update on the current discussions with Colyton Grammar School (CGS) regarding the realignment of the terms of the existing Management Agreement and Lease agreements, alongside CGS proposals to install a new all-weather pitch (AWP) and associated floodlights.

The report set out the following points, following a recent meeting with CGS:

- It had been agreed in principle that the Management Agreement for the Sports Centre should be altered to reflect the changes in Sports Hall usage by both parties over the last decade, so that the split of costs is altered from EDDC paying 60% of costs and CGS 40%, to EDDC paying just 40% and CGS 60%.
- As part of the discussions, CGS had raised the need to replace the AWP and floodlights at an estimated cost in the region of £360k. CGS are currently fundraising to meet this capital cost but asked whether EDDC would contribute 40%, equating to approximately £144k. Use of the AWP would then be incorporated in a new lease document securing its long-term future for the general public.
- The proposals were currently out to tender and a contractor would be appointed, with a view to starting work during the summer holidays.

Within the report the Forum was asked to consider the following recommendations:

- A business case is prepared whereby EDDC make a 40% contribution to the AWP and floodlights which is considered in advance of the overall Leisure Strategy review outcomes of shared LED sites.
- That the Forum support a report direct to Cabinet to consider the contribution to the AWP and floodlights once a fuller business case is developed. If supported, this will then require an onward recommendation to Council for budget.
- Discussions continue alongside the production of this report which ensure the necessary changes to the Management Agreement and Lease are captured in revised Heads of Terms and updated documents.

In the absence of the Service Lead – Place, Assets & Commercialisation, the LED CEO verbally outlined the context to the recommendations the Forum was being asked to consider. It was noted that:

- If the pitch and floodlights are not repaired this summer, there is a risk that that use of the pitch could be lost over the winter, which would in turn affect the revenue that LED receives from the pitch, equating to approximately £20k per year.
- The Leisure Strategy will inform members about the importance of the pitch at CGS relative to other pitches in the area; an outline draft of the Strategy is expected in May but the final version will not be available until June/July 2022.

In discussion of the report, the following points were made:

- It had been apparent for some five years that the life cycle of the pitch was coming to an end.
- It was reported anecdotally that the AWP at CGS was very well used by local young people and adults. If the pitch was lost for a year, it would have a serious impact on these users and local sports teams.
- It was noted that the AWP gets intense use as a school playground and it was not known whether pupils and students were asked to wear appropriate footwear to avoid damaging the surface.
- If the AWP is not replaced during the summer holidays 2022, there is unlikely to be another appropriate time for the work to be undertaken before the summer 2023, due to the time it takes to complete the work, and the availability of contractors,
- There was some work for the Service Lead – Place, Assets & Commercialisation to do in ascertaining the cost and benefit of replacing the AWP this summer and how long it would take for the benefit to work through as a financial return on investment.
- Views were expressed that it would be appropriate to consider the proposal as part of the budget setting process for next year, by which time the Leisure Strategy would be in place and members could make an informed decision.

In a vote following the discussion, the Forum agreed the following recommendations:

RECOMMENDED TO Cabinet and Council:

1. To wait for the Leisure Strategy before the proposals for Colyton Leisure Centre and All Weather Pitch are considered again at LED Monitoring Forum.
2. To ask Colyton Grammar School whether, during the break time, pupils could be using more appropriate footwear for the All Weather Pitch, to help prolong its life.

The Chair thanked everyone for their contribution to the discussion.

The Chair took the opportunity to thank LED Director of Finance, Bridgette Jones, for her contribution to the Forum, since this was Bridgette's last meeting.

The meeting then went into private session.

An LED Group Budget Summary for April 2022 – March 2023 had been circulated in advance together with explanatory notes prepared by the LED CEO.

The LED CEO ran through the report, highlighting what was going particularly well, as well as the challenges that were expected in the context of the rising costs of living and the ongoing impact from Covid, and how these would be mitigated.

Following discussion, it was agreed that the Forum would receive ongoing updates in the format of this Group Budget Summary report, on a quarterly basis, together with updates on utility bills as was agreed at the previous meeting.

Attendance List

Councillors present:

P Arnott
A Dent
B De Saram
S Hawkins (Chair)
N Hookway
G Jung
P Millar (Vice-Chair)
J Rowland

LED Community Leisure representatives:

Lottie Edwards, LED Community Engagement Manager
Peter Gilpin, CEO
Bridgette Jones, Director of Finance
Jamie Bryant, Director of Delivery
Richard Purchase, Chairman of LED Board

Officers in attendance:

Sarah James, Democratic Services Officer
Debbie Meakin, Democratic Services Officer
John Golding, Strategic Lead Housing, Health and Environment
Simon Davey, Strategic Lead Finance

Councillor apologies:

J Loudoun

Chair

Date:

Report to: Cabinet

Date of Meeting 4 May 2022

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Council Tax (Energy) Rebate – Discretionary Fund

Report summary:

As part of the government's package of support to help households with rising energy bills, the Council Tax Rebate scheme also included discretionary funding for billing authorities to support households who are in need but not eligible under the terms of the main scheme, or to provide carefully targeted 'top-up payments to the most vulnerable households. This report sets out the proposed Council Tax (Energy) Rebate Discretionary Fund Policy that is being recommended for approval.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

That Cabinet recommends

1. Endorsing the proposed Council Tax Rebate Discretionary Fund scheme as set under section 2.3 of this report and the associated policy is approved.
2. Delegating authority to the Service Lead for Revenues, Benefits, Customer Services, Corporate Fraud & Compliance in consultation with the Portfolio Holder for Finance and S151 Officer to make consequential changes to the policy to ensure that government funding is fully directed to support vulnerable households.

Reason for recommendation:

To ensure that Members are fully supportive of the proposed policy being recommended which aims to target support to those most in need.

Officer: Libby Jarrett, Service Lead – Revenues, Benefits, Corporate Customer Services, Fraud & Compliance. ljarrett@eastdevon.gov.uk

Portfolio(s) (check which apply):

- ☐ Climate Action and Emergency Response
- ☐ Coast, Country and Environment
- ☐ Council and Corporate Co-ordination
- ☐ Democracy, Transparency and Communications
- ☐ Economy and Assets
- ☒ Finance
- ☐ Strategic Planning
- ☒ Sustainable Homes and Communities

☐ Tourism, Sports, Leisure and Culture

Equalities impact High Impact

[Equality Impact Assessment for Council Tax Rebate Discretionary Scheme](#)

Climate change Low Impact

Risk: Low Risk;

Links to background information [The council tax rebate 2022-23 – billing authority guidance - GOV.UK \(www.gov.uk\)](#)
[Council Tax Rebate Discretionary Fund Policy](#)

Link to [Council Plan](#)

Priorities (check which apply)

- ☒ Better homes and communities for all
- ☐ A greener East Devon
- ☒ A resilient economy

1.0 Background

- 1.1 On 3 February 2022 the government announced a package of support known as the Energy Bills Rebate to help households with rising energy bills, worth £9.1 billion for 2022/23. This includes:
- A £200 discount on energy bills this Autumn for domestic electricity customers in Great Britain. This will be paid back automatically over the next 5 years and is being administered by the Energy companies.
 - £150 non-repayable rebate for households in England known as the Council Tax Rebate.
 - £144million in discretionary funding for billing authorities to support households who are in need but are not eligible for the Council Tax Rebate, known as the Discretionary Fund.
- 1.2 There are two elements to the Council Tax Rebate – mandatory scheme and discretionary fund. Government guidance is available here [The council tax rebate 2022-23 – billing authority guidance - GOV.UK \(www.gov.uk\)](#) . Although the government have called the scheme ‘Council Tax Rebate’ it is important to note that this is not a discount off the council tax bill nor does it have to be repaid.
- 1.3 Summary of the criteria and key requirements of the mandatory scheme:
- Initial funding £7,116,750.
 - Eligible properties are those in Council Tax bands A-D plus properties that are in band E which are in receipt of the disabled band reduction (this effectively puts them in a band D).
 - It is a chargeable dwelling, or in exempt classes – Class N, S, U or W*
 - Must be in occupation as at 1 April 2022 (excludes empty properties)
 - It is someone’s sole or main residence (excludes second homes)
 - Only one £150 payment per household regardless of number of occupants
 - Scheme closes 30 September 2022
 - Where we hold a live Direct Debit instruction and this matches the liable council tax payer payment is to be made via these bank details as early as possible in the 2022-23 financial year provided we are assured the household is eligible and bank details have been verified.

- Where we don't hold live direct debit instructions for eligible households, the government expects us to make all reasonable efforts to contact the household and to invite them to make a claim.
- Councils are required to undertake pre-payment checks prior to payment of any grant which is not awarded to a live Direct Debit holder.
- Will be required to undertake monthly monitoring returns to government.

*Class N = properties occupied solely by students.

Class S = properties occupied only by persons under 18.

Class U = dwelling only occupied by people who are classed as "severely mentally impaired"

Class W = annexes occupied by dependant relatives.

- 1.4 As the main scheme is a government criteria led scheme which is being fully funded then this is delegated to the Service Lead – Revenues, Benefits, Corporate Customer Services, Fraud & Compliance in consultation with the Finance Portfolio Holder to implement the scheme. The policy relating to our mandatory scheme is available [here](#)
- 1.5 Under the main scheme there are just under 47,000 eligible households. Approximately 35,000 households pay by Direct Debit (DD) and letters were issued in early April advising that we would be using their bank details to make the payment and to tell us if they weren't eligible. Due to the amount of proactive communications we did in relation to this scheme we received less than 1% calls in relation to these letters and a good proportion of these were reporting changes in circumstances (for example used as a second home so not eligible, opting out from receiving the payment, etc).

- 1.6 Payments are due to be issued to the DD payers as follows:

DD instalment date	Planned or actual date for payment to be made via BACS	Estimated (E) /Actual (A) numbers	Payment to DD payers
1 st	20/4/2022 (A)	24,829 (A)	£3,724,350 (A)
17 th	21/04/2022 (A)	5,662 (A)	£849,300 (A)
25 th	27/04/2022	4,200 (E)	£630,000 (E)
Total		34,691 (E)	£5,203,650 (E)

Note: Payments normally clear within 3 working days of the BACS payment being made.

- 1.7 In relation to the online claim form for the main scheme we are aiming to be live early May. We will be writing to those households with a pin number so that they can claim their payment. For those that can't do it online we will be providing a telephone service and for any resident needing face to face support we will offer appointments either at Exmouth or Honiton.

2.0 Discretionary fund

- 2.1 Government criteria in relation to any discretionary scheme:

- Allocated £269,850 in funding
- Funding needs to be spent by 30 November 2022. After this date any remaining funding to be repaid to government. Any overspend to be covered by East Devon District Council.
- Maximum payment is up to £150 per household under the discretionary scheme.
- Councils can determine locally how best to make use of this funding to support those suffering financial hardship as a result of the rising cost of living.

- Support can be targeted at those living in households valued in bands E to H which could include those on income related benefits or to provide carefully targeted 'top-up' payments to the most vulnerable households in bands A-D.
 - Council should publish their agreed policy which sets out the eligibility criteria for their Discretionary Fund.
 - Pre-payment checks are required prior to any payment being made.
 - Also required to complete monthly monitoring returns to government
-

2.2 Considerations for a Discretionary Scheme

- 2.2.1 In order to determine a local policy for ensuring that we are targeting support to those most in need we have undertaken some modelling of our own data to help inform the proposed eligibility criteria.
- 2.2.2 If awards were all based at £150 this would mean we could support 1799 households. We have approximately 22K households in East Devon that aren't eligible under the main scheme. Clearly not all of them will need support but there will be a portion that do. If we provide a smaller level of award then this means we can support more households.
- 2.2.3 Rises in energy costs disproportionately impacts those on lower incomes as they spend a higher proportion of their income on utility bills. It is also important to recognise that disabled people and their families often have higher energy costs as they need more heating to stay warm. They may also have to use extra electricity to charge up items or to run equipment which is essential for supporting their needs.
- 2.2.4 Based on our Household Support Fund data residents who we've identified as struggling the most financially are those who have told us there is a disabled person or carer living in the household and single adult households both with and without children.
- 2.2.5 Where we have licenced houses in multiple occupation the landlord is liable to pay the council tax and not the individual tenants. The government have excluded these properties from being eligible to claim under the main scheme but it is likely that a number of these residents will be on low incomes. Although not all will have to pay their own energy costs (as included in their rent) there is a risk that landlords will increase the rents to reflect the rises in energy costs. It is therefore important that they are considered as part of our proposed discretionary scheme.
- 2.2.6 Important to note the government have announced a further 6 month extension to the Household Support Fund which means that there will be extra funding available to help residents with food and energy costs.
- 2.2.7 The Energy Rebate scheme (mandatory and discretionary) requires a significant amount of staffing resource to implement and alongside this we now have the Household Support Fund to administer. We are also involved with setting up and making payments for Ukraine nationals and their sponsors under the Homes for Ukraine scheme. This is all in addition to our normal work. It is therefore important that when designing our local discretionary scheme we strike the right balance of providing targeted help to benefit certain groups, retain some funding for households who are not in one of the groups but are nevertheless a financially vulnerable household, while ensuring the scheme is not overly burdensome to administer as this could create unnecessary delays in assessing claims.

2.3 Proposed Discretionary Scheme

2.3.1 Our proposed scheme is in two parts.

Part 1-Targeted support for the following household groups:

- Low income households based on those claiming Council Tax Reduction
- Disabled person in the household based on those in receipt of disability benefits or in receipt of disabled council tax discount/disregard or exempt due to being severely mentally impaired
- Carers based on those claiming council tax carer discount /disregard or in receipt of Carers Allowance and/or a carers premium.
- Residents in licensed Houses of Multiple occupation (HMOs) which have been excluded from the main scheme will be eligible to claim where the resident is liable for energy costs
- Two levels of payments:
 - £150.00 for those claiming Council Tax Reduction in Bands E to H and Houses in Multiple Occupation which have been excluded from the main scheme
 - £40.00 for those claiming a disability council tax discount or in receipt of carer disregard/discount for persons in Band E to H. Top-up payments of £40.00 for those on Council Tax Reduction and in receipt of disability benefits or carer allowance. See table under 2.3.2

2.3.2 **Part 2** – Special cases to be considered on a case by case basis. There will be two elements to how these will be considered:

- Part 2a: Non means tested as determined by eligibility to certain benefits/discounts in line with part 1 of our scheme
- Part 2b: Means tested – assessed against certain criteria

2.3.3 Part 1 of our scheme is split into two elements for targeted support.

Part 1a

	Priority Group	Details	Nos potentially eligible	Payment amount	Total estimated cost
Not eligible under main scheme	1	Bands E-H and claiming Council Tax Reduction (CTR).	387	£150.00	£58,050
	2	Bands E-H Disabled disregard, Severely mentally impaired (SMI) exemption or disregard	410	£40.00	£16,400
	3	Bands E-H Claiming Council tax Carer disregard – Non CTR	53	£40.00	£2,120
	4	Licensed Houses in Multiple Occupation (HMO's)	195	£150.00	£29,250
	Total		1,045		£105,820

- Group1 are households in receipt of CTR which is means tested and therefore they should receive the maximum support.
- Groups 2 & 3 are being awarded a lower amount as these are not means tested but recognising that they may have higher energy costs, see para 2.2.3. If on a low income they will be able to apply to have this increased up to £150 under part 2 of our scheme 'special cases' provision.
- Group 4 Licensed HMOs – where they can evidence liability to pay energy costs or if included in the rent costs evidence of an increase. Does not include accommodation that has been provided as part of employment or a care home, etc

2.3.4 Part 1b: Top up payments for those on Council Tax Reduction under main scheme

	Priority Group	Definition	Nos potentially eligible	Payment amount	Total estimated cost
Top up payment for those eligible under main scheme claiming CTR	5	Households with a disabled person in receipt of one or more of the following: PIP, DLA, Limited Capability for Work (LCW) or Limited Capability for Work Related Activity (LCWRA), Disability, Enhanced disability or severe disability premiums, Disabled child premium, Severely mentally impaired, War pensioner mobility supplement or Armed forces independent payment.	2,977	£40.00	£119,080
		Household with a carer resident in receipt of one or more of the following: Carers allowance or premium, carer discount or disregard.	184	£40.00	£7,360
	Total		3,161		£126,440

- Providing additional top up payments to low income disabled households and households with Carers means we are targeting support to those households who are disproportionately impacted by rising energy costs.

2.3.4 Households to benefit under part 1 of our scheme:

Total estimated households to benefit	4,206
Total estimated cost of targeted support (part 1a & part 2b)	£232,260
Balance remaining for part b of scheme (special cases)	£37,590

2.3.5 **Part 2** – Special cases where applications will be considered on a case by case basis but targeted to households on low incomes.

Part 2a- To mirror the support provided in part one of our scheme:

- £150.00 for those not eligible under the main scheme or those that would fall into priority group 1. For example they had not claimed Council Tax Reduction but have become eligible or moved in after 1 April qualifying date.
- For those in priority groups 2 and 3 where a payment of £40.00 has been made and it is later identified that they are eligible for Council Tax Reduction for 2022/23 year we will award an additional £110 payment to reflect the payment level of group 1.
- For households where there is a carer or disabled resident and they have not already received the targeted support but would meet the eligibility criteria for the disability/carers benefits/discounts we will award a £40 top up support payment.

Part 2b – Means tested based on the following criteria:

- Must be liable to pay energy costs at the time of their claim
- Less than £6,000 capital
- Household Income levels must be below our Council tax reduction scheme thresholds as set out in the following table to be eligible.

Weekly income Single, no dependent	Weekly income Couple, no dependent	Weekly income Lone Parent, one dependent	Weekly income Couple, one dependent	Weekly income Lone parent two or more dependents	Weekly income Couple, two or more dependents
£310.00	£310.00	£385.00	£385.00	£460.00	£460.00

- 2.4 All households will be expected to complete an application form in order to comply with the pre-payment checks we are required to carry out.
- 2.5 We aim to be live with the scheme late May/early June. As this is a cash limited fund the scheme will close when government funding is spent or no later than 30 November 2022.
- 2.6 Our [Council Tax Rebate Discretionary Fund Policy](#) is available here and under background links.

3.0 Other considerations

- 3.1 This scheme will be considered alongside other discretionary funding and financial support we have available when administering applications. This will ensure we are taking a joined up approach and linking in with other funds where necessary.

4.0 Summary

- 4.1 The key aims of our scheme are to target support to those households who will be disproportionately impacted by the rises in energy costs. We have carried out an equalities impact assessment to ensure that we have assessed our scheme against those with protected characteristics which can be found above. By having funding available for those that don't fall within the groups identified within this report means we are providing a safety net for other financially vulnerable households to apply which ensures that they are not being excluded.

Financial implications:

The financial implications are identified in the report and the proposed scheme allocates government funding which was given for a specific purpose. The financial objective being to utilise the full funding sum to best support our residents.

Legal implications:

As the report identifies there is a prescribed mandatory scheme and a locally led discretionary scheme. When considered in light of the Government guidance the proposed discretionary scheme appears reasonable. In coming to a decision on whether to agree the policy it will be necessary to comply with the public sector equality duty and members should therefore have regard to this duty and the accompanying equalities impact assessment when deciding whether to agree the policy.



Report to: Cabinet

Date of Meeting 4 May 2022

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Response to the Luppitt Neighbourhood Plan Submission

Report summary:

The purpose of the report is to formally agree the response by this Council to the submission consultation for the Luppitt Neighbourhood Plan. Luppitt Parish Council has formally submitted their Neighbourhood Plan to the District Council. The Neighbourhood Planning (General) Regulations 2012 (Regulation 16) require the District Council to formally consult on the Plan for a minimum of 6 weeks. As part of this consultation, the District Council has the opportunity to comment on the Neighbourhood Plan. Officer observations are set out at the end of this report and members are asked to endorse these as the formal representation on the plan. The comments of this Council and all other comments received during the consultation will be submitted to an independent Examiner who will inspect the Plan against a series of conditions that must be met in order for it to proceed to a referendum.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

That Cabinet:

- (1) note the formal submission of the Luppitt Neighbourhood Plan and congratulate the producers of the plan on their dedicated hard work and commitment in producing the document; and
- (2) recommend to Senior Officers that the proposed representations set out at paragraph 1.20 in this report be submitted in response to the Submission consultation.

Reason for recommendation:

To ensure that the view of the District Council is formally recorded and informs the consideration of the Neighbourhood Plan by the independent Examiner.

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

Phone: (01395) 571740

Portfolio(s) (check which apply):

- ☒ Climate Action and Emergency Response
- ☒ Coast, Country and Environment
- ☐ Council and Corporate Co-ordination

- ☐ Democracy, Transparency and Communications
- ☒ Economy and Assets
- ☐ Finance
- ☒ Strategic Planning
- ☒ Sustainable Homes and Communities
- ☒ Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

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

Climate change Low Impact

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 to which all plans must comply.

Links to background information [The Localism Act](#); [Plain English Guide to the Localism Act](#); [National Planning Policy Framework \(2021\)](#); [Neighbourhood Planning Regulations](#); [Neighbourhood Planning Roadmap Guide](#); [East Devon Neighbourhood Planning webpages](#); [Luppitt Neighbourhood Plan documentation](#).

Link to [Council Plan](#)

Priorities (check which apply)

- ☒ Better homes and communities for all
- ☒ A greener East Devon
- ☒ A resilient economy

Report in full

Background to the Luppitt Neighbourhood Plan

- 1.1 Luppitt Parish Council commenced work on their Neighbourhood Plan following the Neighbourhood Area being designated on 30 October 2013.
- 1.2 The Parish Council and volunteers from the local community have spent considerable time and effort, particularly over the last 5 years, consulting with residents of the parish and other stakeholders to produce a plan which endeavours to reflect the aspirations of the community.
- 1.3 The Luppitt Neighbourhood Plan aims to achieve “a thriving, balanced community whilst protecting the unique character of the parish and its valuable rural landscape”. In doing so, it proposes 17 policies that in combination seek to address and balance many competing demands and issues, including the need for local employment opportunities; supply of affordable homes/accommodation for its residents at different stages in life; a sustainable tourism offer for visitors; a viable farming community, and; the preservation and enhancement of the natural, tranquil and built environment.
- 1.4 The plan does not proposed any allocations, but lends support to a limited amount/range of development, including rural exception schemes. It is notable that the plan area falls entirely within the highly protected landscape of the Blackdown Hills Area of Outstanding

Natural Beauty (AONB) and includes the small village of Luppitt and several hamlets and scattered farms. The parish has a limited range of facilities and a wealth of natural and heritage assets.

- 1.5 Prior to submitting the Plan to East Devon District Council, Luppitt Parish Council have held their own public consultation on a draft version of the plan; a step which is also required by the Neighbourhood Planning (General) Regulations 2012 (Regulation 14). This ran for a period of 7 weeks, from 9 April 2021 through to end May 2021. The comments made at Regulation 14 consultation stage, including informal comments by District Council officers, have been considered and the plan updated prior to formal submission to East Devon District Council.

Submission of the Luppitt Neighbourhood Plan

- 1.6 The District Council received formal submission of a Neighbourhood Plan from Luppitt Parish Council in February 2022. The Plan and its supporting documents are available to view on the [planning pages](#) of the District Council website.
- 1.7 This is the twenty-fifth neighbourhood plan to progress to submission stage consultation in the District. The Parish Council has received regular support from the District Council and additional financial support from Central Government.
- 1.8 The statutory regulations require that the District Council organise and undertake a consultation on a plan when a compliant Submission is received. This is commonly referred to as the submission or 'formal' consultation. The public consultation period is running for a just over 6 weeks, from 22 March 2022 to 6 May 2022. The Plan proposal was publicised through notices on the District Council website, a press release and social media, email sent to all Members, adjoining authorities and statutory consultees, including Devon County Council, Natural England, Historic England and the Environment Agency, and publicised widely locally through the Parish Council. Hard copies of the Plan are available on request and to view at Honiton library, as well as at Luppitt Village Hall.
- 1.9 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.
- 1.10 Anyone may comment on a neighbourhood plan. It is particularly important that the District Council comments. This is because the plan will eventually (if adopted) form part of the statutory Development Plan for East Devon, and should conform to the strategic policies of the Local Plan. It will also have increased weight as a material consideration in planning decisions, the more advanced it is through the stages of plan preparation. 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.

Neighbourhood Plan Examination and Referendum

- 1.11 In preparation for the examination that will follow the current consultation period, the District Council is in the process of selecting an appropriately qualified and independent Examiner, to be agreed in liaison with Luppitt Parish Council.
- 1.12 All responses from the consultation (including any made by this Council) are forwarded to the Examiner who will consider them, by either written representations or at an oral hearing (if the Examiner decides one is necessary). The District Council is responsible for paying the costs of the examination but can recoup these expenses by claiming funding from Central Government of £20,000.
- 1.13 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 (in this case the adopted East Devon Local Plan 2013-2031);
 - is compatible with human rights requirements;
 - is compatible with any retained EU obligations.
- 1.14 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.
- 1.15 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.

- 1.16 Once the Plan has been finalised 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.

The Luppitt Neighbourhood Plan Response

- 1.17 As part of the current 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.
- 1.18 Officers have reviewed the Neighbourhood Plan contents, and recommend that the following representation of East Devon District Council be formally submitted to the examiner. It should be noted that comments we make at this stage are primarily restricted to land use planning policy matters rather than other content on the Plan including supporting text or community actions and are made on the basis of:
- Do Luppitt 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?
- 1.19 Overall it is noted that the District Council comments made at the previous Regulation 14 consultation have been given consideration by the Parish Council and various amendments to the Plan made accordingly. In terms of the planned replacement of the adopted Local Plan with a new Local Plan for east Devon, this remains at too early a stage for conformity with emerging strategy and policy to be formally assessed. The Plan will therefore be assessed primarily with reference to the adopted Local Plan (2013-2031), although high-level consideration given to the relationship with the emerging new Plan strategy.
- 1.20 East Devon District Council comments on the Regulation 16 Submission Version of the Plan are proposed as follows (a full schedule of the Plan policies is provided in Annex 1 for reference):

Policy BC1 Protecting Parish Facilities

- Clause 1
 - Suggest the addition of a map to indicate the location of existing facilities, and the possible addition of the recreation ground as a named facility.
 - To mitigate the risk that the evidence of economic viability could be the financial accounts of an owner desiring to close the facility in any case, consider replacing the 'or' with an 'and', to read "no longer a need or demand for the facility and that it is no longer economically viable.
 - It would also strengthen the policy further to set out what the minimum standards are for robust and effective marketing of facilities. Suggest this could be achieved by referring in a footnote to the guidance we have recently published: [Marketing Strategy Statement guidance - East Devon](#).
 - To highlight to the community that if a facility is at risk, a case could be made to have it formally registered with us as a 'community asset' which would enable the community to be given an opportunity to prepare a proposal to run it themselves in the event it was proposed for sale.

- Clause 2
 - If the new playground has now been delivered, this could be moved to Clause 1.
 - Noted this clause was added further to our comments at pre-submission stage to better reflect the supporting text. However, suggest the policy needs more control / clarity. Given that our adopted Local Plans and our emerging working draft, class the entire parish as open countryside where new development is not considered sustainable, suggest this would be more appropriate to allow “Limited new facilities (in particular, ...” and to qualify what requirements would need to be met for general support to be given. Perhaps “where community support can be demonstrated and the proposal is otherwise acceptable in planning terms and complies with all relevant policies in this plan”. There should also be a locational criteria to avoid development divorced from the village of Luppitt. This could draw on the criteria in the housing policy to say “well related to existing facilities and within 600m of the centre of Luppitt”.

Policy NE1 Protecting and Enhancing the Rural Landscape

- Notwithstanding that the entire parish lies within the AONB and ‘distant views’ would be like to be all-encompassing, suggest reference is made in the policy to the Fiona Fyffe Associates Luppitt Landscape Character Assessment. This makes specific reference to “Valued views, particularly those public views identified within the What Makes a View? Project (those from Dumpdon Hill, from the western side of Hartridge, and looking south-east from Luppitt village).” which could assist with applying the policy.

Policy NE2 Protecting and Enhancing Natural Habitats

- Suggest “incorporated into proposals” would be firmer than ‘offered’.
- Given the direction of Government policy and the Environment Act, it is suggested that the policy should first and foremost seek to resist the loss of Devon banks and then only where the loss is unavoidable require their replacement or suitable alternative mitigation, including complying with bio-diversity net gain requirements. Furthermore, net gain should be quantified as well as the method to be used for calculating it. Otherwise the policy could be met through delivering very minimal gains. Suggest adding to the end of point 1, “...of at least 10% using the government approved metric”.
- There is a footnote next to the words “Devon Bank” that refers to the definitions in Appendix 1 however there is no definition for “Devon Bank” included in Appendix 1. Noted there is information on species found in Devon Banks in Appendix 6 (part 2) but this does not include a definition. Suggest that through either the glossary, or Appendix 6 or the policy it is made clear that it relates to the bank and the hedgerow on top.

Policy BHE1 Protecting the Built and Historic Environment

- Overall, notwithstanding previous advice and guidance on this matter, this policy is considered to provide an unnecessary duplication/ over-simplification of national policy, which does not add any locally specific requirements. We understand the

plan producers wanting to include a policy on this for completeness, but we can reassure them that the protection they are seeking will be afforded already through the application of the National Planning Policy Framework and utilisation of the guidance documents from Historic England.

- Clause 2 - we would reiterate that there are various routes through which non-designated heritage assets can be identified and whether they are heritage assets will be intrinsic, rather than based on whether the parish council has identified them as such or not. Assets could however be proposed for inclusion on the local list as raised with the Parish Council earlier in the plan making process, and we support the Community Action included on this matter. We would therefore suggest this policy is omitted or replaced with a policy (or statement within the text) to generally support proposals where they conserve and enhance the significance of any designated or non-designated heritage asset and its setting. This could the need to apply up-to-date guidance for assessing heritage impact from Historic England, and also to generally comply with all other policies of the neighbourhood plan.

Policy ND1 Location Parameters for New Development

- Clause 1 (Brownfield land)
 - As raised at pre-submission stage, whilst compliant with national policy intent, it is unclear the extent to which any brownfield sites are available in the plan area and that whilst this is expressed as a preference rather than requirement, for the PC to be aware that it may impact viability of schemes they wish to support, e.g. small scale affordable housing.
 - To be aware that this policy would appear to conflict with others in the plan (e.g. BC1 (2) and various ND policies) in the restriction in places on uses that could be supported, and at the same time, could lead to redevelopment of brownfield sites in remote, isolated locations.
 - Overall, if the policy clause is to be retained, would suggest removal of the first sentence as redundant farm/forestry buildings (brownfield) would be found on farmland and woodland, and amendment of the second sentence, so that it would read, The use of previously developed 'brownfield land' **and existing farm buildings** is preferred' to better reflect the policies in the plan.
- Clause 2 (Flood Plain)
 - As per previous comments, whilst we understand the intent, this policy should be better aligned to national policy and remove the exception for agricultural development. Suggest this could be achieved by adding, "where this has been subject to the sequential test and is in accordance with the most up to date Environment Agency guidance", and broadening the last sentence to any development.

Policy ND2 Materials Design and Siting

- Clause 6 External lighting – suggest reference is added here to preserving biodiversity as well as dark skies, and to require lighting to be 'in accordance with BCT/ILP guidance note 18/08'.
- Clause 9 Carbon reduction – whilst supportive of the desire to include a policy on this matter, suggest that the policy needs re-phrasing to make it clear that it is carbon reduction that is afforded great weight and not applications. As currently worded, it would appear applications could be supported, where they are unacceptable on other grounds. Suggest instead, "great weight will be given to securing design that achieves net zero carbon in construction and use".

Policy ND3 Housing

- This is not a location where we would normally support or seek to promote such development and we have some reservations. However, we are not seeking to raise a fundamental objection on the basis a case is made for how this policy position addresses identified local issues and objectives and has the general support of the community. Restrictions are also in place to ensure the development is restricted with support tied to an up to date housing needs assessment.
- To note there may be conflict here with the first sentence of this policy and other policies in the plan which support residential use e.g. via conversion, sub-division and for agricultural workers' dwellings. The intent however is understood and suggest this can be addressed through adding to the end of the first sentence, '...and other exceptions stated in the plan'.
- Suggest this policy could be simplified/refined to make one clear policy on rural exception schemes as all parts of the policy relate to these, but the use of sub-headings currently serves to make that less clear. As worded, there is risk of the policy supporting a proposal driven solely by evidence of need for open market housing. For clarity, the Housing Needs survey should be used to provide evidence of need for affordable housing, and any open market housing being included up to a maximum of 34% of the scheme, in line with Strategy 35 of the Local Plan.
- To flag that First Homes (introduced through Written Ministerial Statement after Regulation 14 consultation this plan), have not specifically been considered by the plan producers, as far as we are aware. To note that with no settlement boundary, but being wholly in the AONB, 'First Homes Exceptions sites' cannot in any case be considered in the Plan area, but it is possible that First Homes might be part of the mix of affordable homes on a Rural Exception Site, although they are not required to be. If including First Homes, reference would need to be made to them in the definition of affordable housing set out in the glossary, and consideration given as to whether the plan should set any local criteria (noting the risk that after 3 months these would fall away and revert back to national criteria, losing the benefit of adopted Local Plan policy (Strategy 35) regarding local connection).

Policy ND4 Subdivisions, Extensions, Annexes and Replacement Dwellings

- Clause 1 Subdivision of Houses
 - Advise that the phrase 'the subdivision of houses' is replaced with 'the subdivision of existing residential buildings'. This is the wording in the NPPF (para. 80(d)) and avoids the loophole where it can be argued that a detached annexe is part of the house and can be made independent under this policy and also means it can apply to bungalows.
 - In respect of the removal of permitted development rights (PDR) – whilst Government advises against their removal as a matter of course, to note we had suggested this be inserted to mitigate the risk that dwellings could be extended under PDR, then sub-divided, and then extended again under PDR, resulting in creation of dwellings that are not meeting the policy intent to increase supply of smaller units for local people. However, it is recognised that it may be difficult to justify and could make it more difficult for a growing family to remain in the community, and therefore as PDR are more limited in any case in the AONB this could be omitted.
- Clause 2 Replacement Dwellings

- To be aware that ‘similar scale and mass’ can be difficult to defend because PD rights would generally allow the existing dwelling to be enlarged as a fall-back position. It would therefore be more robust if the test within this clause is whether the scale (and design) of the replacement dwelling is compatible with the character and appearance of the area and the immediate surroundings.
- The requirement for inclusion of a robust condition survey relates to embodied carbon and reflects thinking in our early working draft Local Plan. However, as this not yet embedded in policy, this would need the policy and support text to give a clear explanation and rationale for this to be retained.
- Clause 3 Extensions and Annexes
 - For clarity, the policy should state if this also applies to detached annexes within the curtilage or not. If it does, it should be clear that this should share an access and some key facilities/spaces with the main dwelling to ensure it is genuinely ancillary and linked to the main accommodation.

Policy ND5 Conversion of Redundant Traditional Farm Buildings

- Suggest this needs a shorter and more specific definition in the glossary to define this term to aid application of this policy. Propose ‘farm buildings that are designated or non-designated heritage assets and no longer required for agricultural use’ and for the policy wording to be extended to cover redundant farm buildings that are designated heritage assets (as well as non-designated).
- This policy could potentially be considered contradictory to policy ND1(1) which does not include any restriction for heritage. A cross-reference or clarification in the wording may therefore be needed to ensure the intent of this policy is not undermined (i.e. to ensure that buildings must be suitable for conversion without substantial rebuild or extension, and be of demonstrable architectural / historical merit/significance to mitigate risk of supporting redevelopment/refurbishment of rural buildings / structures unsuitable /undesirable for retention).
- As per comments at earlier stages of plan making, we would prefer to see a lower preference given to residential use both on grounds of sustainability of location and risk of domestication of the landscape, but note the reference to the terms of Local Plan policy D8 should provide suitable control.
- To be aware that ‘other uses connected with tourism’ is very broad and open to wide interpretation. In other recent neighbourhood plan examinations, the following definition has been included in the plan glossary: “sustainable accommodation or recreation space to visitors to the area, for example those who wish to enjoy the countryside and natural environment of the locality”. This could be addressed to some extent perhaps by removing the specific reference to holiday cottages and incorporating into one ‘small-scale tourist accommodation or visitor offer to support quiet enjoyment and interpretation of the local area“.

Policy ND6 New-Build Business Premises

- As noted above, requiring compliance with ND1(1) would appear to render this policy redundant as it does not allow for this use, unless it is intended to be as an exception. This needs clarification.
- Moreover, whilst we support the intention of the plan to help deliver some employment opportunities for local people, and do not disagree that small scale artisan workshops may be desirable in their own right, we are not aware of any

specific evidence demonstrating need/demand for artisan studios/workshops, although wider community support has been captured in survey results. We would also re-state our previous comments that often/typically artisans are sole traders (or hobbyist businesses) who would not directly be creating local employment, beyond that for themselves, and unless within the curtilage of a dwelling (which would be likely to be ancillary), this development is considered unlikely to come forward for reasons of viability.

Policy ND7 Holiday Cottages

- Suggest the policy title be amended to read Holiday Accommodation as the second part of the policy does not relate to holiday cottages.
- Clause 1 - As previously advised and to manage expectations, be aware that the application of this policy will be limited as a change from full-time residential to holiday let does not in itself require planning permission, and also where development is involved, applicants may be able to demonstrate a high level of demand. Noted that the plan sets out that currently holiday lets and second homes make up 15% of the housing stock. This is however unlikely to be sufficient to be able to justify a primary residence restriction.
- Clause 2
 - Notwithstanding that it does not explicitly lend support, risk that this policy is seen as open and permissive to the listed developments, and as worded could allow them anywhere in the parish, which is entirely AONB, and could include new build holiday accommodation, and caravans which are explicitly not supported in other policies.
 - If this is to be retained, suggest the term tourism is replaced with sustainable tourism; that the specific cross-reference to ND10 be removed, with the focus on the requirement to comply with all other policies in the plan, and removing the limitation to only those in respect of landscape and impact of neighbouring properties. Also that the list of possible uses comes last and is clarified as being limited to conversions for B&B's and guest houses, and very small scale proposals for the remaining uses (groups of 5 or less), with caravans omitted in view of the policy justification and last clause of Policy ND10. To aid with final wording, suggest Policy LE4 of the adopted neighbourhood plan for Dunkseswell could be utilised. This policy has a similar intent, but is considered to offer a greater degree of control within an AONB setting.
 - Alternatively, it may be preferable, and fit better with the current policy justification, for this policy to remain as specific to holiday cottages based on clause 1 only, and the uses in clause 2 (as amended above) to be incorporated into farm diversification policy ND10 instead.

Policy ND10 Farm Diversification

- Clauses 2 to 4 are not 'criteria' as such and it would be clearer to identify them as bullets under a clause that states 'the following uses will generally be resisted:'
- Furthermore, similar to Local Plan policy E4, there should be some articulation of what sort of diversification is acceptable (see comment re. ND7(2) above). The first sentence giving broad support to tourism/employment uses is considered open to potential abuse. This could be overcome by requiring compliance with E4

(notwithstanding this policy will be replaced in due course when a new Local Plan is adopted) and / or by including criteria, e.g., that the proposed use should require a rural location, and support the continued primary operation as a working farm. Notwithstanding interpretation can vary, suggest this could refer to scale as the corresponding objective explicitly refers to supporting small-scale diversification.

Policy CC2 Renewable Energy Scale

- Suggest it would be desirable to give some indicative definition of small and larger scale – this could, as in the submitted Kilmington neighbourhood plan, refer to definitions employed in the 2010 ‘Renewable Energy in the Blackdown Hills’ report.
- To flag to the plan makers that in planning terms, it is not clear that there would be a distinction between schemes that are and are not community-led, and the latter could be difficult to resist on this policy, if otherwise found to be wholly acceptable on material planning considerations.

Other non-policy specific comments:

- Formatting – it would be good practice and assist with referencing in Officer reports for paragraphs to be numbered.
- Plan period - The plan needs to state clearly and consistently state what the plan exact period is.
- “New Development and Change of Use” Chapter Objectives:
 - In respect of the 3rd objective, it is not clear to what guidelines this refers
 - To consider whether some of these objectives are conflicting and therefore make the plan position unclear e.g. wishing to control new holiday accommodation, whilst supporting conversion of redundant farm buildings for tourism uses.
 - Suggest re-wording the business/employment objective to read “To support increased **numbers of** small-scale business providing that it leads to employment **opportunities** in the parish and surrounding villages”
 - To clarify the support for farm diversification being where it supports the viability of the main agricultural operation.
- Repetition/Terminology: Noted that the majority of policies start with the phrase “Development and change of use proposals...” or “Development and change of land use proposals”. As the policies will apply, wherever relevant, by default to development that requires planning permission as defined in law, this is considered unnecessary and open to interpretation as to whether change of “land” use is excluding change of building use. This should be removed so that policies start with “Proposals...”
- Conflict – as noted above, there is some potential for conflict/overlap between policies which it will be important for the final edit to have address to aid the implementation of the plan and avoid unintended outcomes.
- Relationship to new emerging Local Plan –
 - It is recommended that reference be made to the work that is underway by EDDC being for a new Local Plan for East Devon, either or both in the introductory chapter and/or through the addition of a short section on the triggers for monitoring & review of the neighbourhood plan as is typically included in these documents.

- It is noted that there are a significant number of references within the plan policy to policies in our adopted Local Plan. Given that work is underway on a new Local Plan, this will inevitably date the neighbourhood plan in the near future and may trigger need for an early review. This may be unavoidable, however, it would be pertinent to consider if all the references are essential. The Qualifying Body consider amending the wording of the second sentence to cross refer to the “requirements of the adopted Local Plan” rather than specific policies, but we recognise this would commit the community by default accepting as yet unseen local plan policy without considering the implications.
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Financial implications:

Central Government funding is available for Neighbourhood plans. This income covers not only examination fees but also all other associated costs such as employment and all other supplies and services. Any residual funds are placed into an earmarked reserve and utilised to cover funding gaps in subsequent years.

Legal implications:

The legal implications are fully set out within the report. It is important that EDDC comment on the content of the submitted Luppitt 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.

Luppitt Neighbourhood Plan – Regulation 16 Submission Plan

(Dated February 2022)

Policy Extract Summary

Plan Reference	Topic/Policy Name	Policy Wording
Chapter 4	Balanced Community	Aims: To enhance the vitality of the parish whilst protecting the natural environment and landscape. To maintain and enhance a strong sense of 'community' within the parish. To improve 'broadband' services across the parish. To support commerce within the parish whilst protecting the natural environment and landscape.
Policy BC1	Protecting Parish Facilities	<ol style="list-style-type: none"> Existing Facilities Development leading to the loss or change of use of an existing community facility (including, but not limited to, St Mary's Church, the village hall and The Luppitt Inn) will be strongly resisted unless it can be demonstrated that following a minimum period of 12 months marketing there is no longer a need or demand for the facility or that it is no longer economically viable. New Facilities Certain new facilities (including, but not limited to, a community shop, pub serving food, accessible playground and crèche/nursery) will generally be supported.
Chapter 5	Natural Environment	Aims: To protect and enhance the natural environment, its ecology and biodiversity. To protect the tranquillity of the parish and its rural nature. To protect the far reaching rural views and maintain dark skies.

Plan Reference	Topic/Policy Name	Policy Wording
		To maintain public access to the countryside
Policy NE1	Protecting and Enhancing the Rural Landscape	<ol style="list-style-type: none"> 1. Rural Landscape and Distant Views Development and change of use proposals will only be supported if they are sensitively located within the contours of the land and cause no adverse impact upon the rural landscape or distant views. 2. Tranquility and Rural Nature Development and change of land use proposals will only be supported where there is no adverse impact upon the tranquillity, peace and rural nature of the landscape.
Policy NE2	Protecting and Enhancing Natural Habitats	<ol style="list-style-type: none"> 1. Biodiversity Development and change of land use proposals will only be supported where there is no adverse impact upon the natural environment or habitats, or where appropriate and acceptable measures are offered to fully mitigate such impacts, and where proposals deliver a net gain in the biodiversity of habitats. 2. Devon Banks Where development and change of land use proposals entail the removal of any part of a traditional Devon bank, development proposals will only be supported where mitigation measures include the replacement of the lost habitat which must be properly established and permanently maintained.
Chapter 6	Built & Historic Environment	Aims To protect the parish's 'heritage assets'. To support the preservation and maintenance of the ancient Grade 1 Listed St Mary's Church.
Policy BHE1	Protecting the Built and Historic Environment	<ol style="list-style-type: none"> 1. Protecting Designated Heritage Assets Development and change of land use proposals that affect a Listed building (or other designated heritage asset) or its setting will only be supported where the proposals properly protect or enhance both the fabric and setting of the Listed building or asset. 2. Protecting Non-Designated Heritage Assets Development and change of land use proposals that affect non-designated heritage assets, identified by the Parish Council as contributing to the character of the parish through their age, architectural style or historical merit and considerations of significance and setting including views, will only

Plan Reference	Topic/Policy Name	Policy Wording
		be supported where those heritage assets are retained and protected and retain the historical fabric and minimise loss.
Chapter 7	New Development and Change of Land Use	<p>Aims</p> <p>To direct any new development towards 'brownfield land'.</p> <p>To avoid increased risk of flooding and damage to property, ensure that development does not take place in the flood plains of the River Otter or River Love with the exception of buildings for agricultural use.</p> <p>To ensure that any new buildings (domestic, commercial or farm-related), extensions, annexes or conversions are sited, designed and built in accordance with guidelines that reflect the traditional rural character of the parish and its heritage.</p> <p>To ensure that any new buildings (domestic, commercial or farm-related), extensions, annexes or conversions are sited, designed and built in accordance with guidelines to prevent any adverse impact upon the landscape, distant views, the settlements and other existing buildings.</p> <p>To facilitate the development of affordable housing for the local community providing that the need for it can be proved.</p> <p>In the event that any new open market housing is built in the parish, ensure that it reflects the needs of the local community as determined by the output from the 2018 Luppitt Parish Questionnaire.</p> <p>To support the conversion of redundant traditional farm buildings for certain uses as a means of protecting the character and heritage assets of the parish and creating additional small housing units and employment opportunities and supporting tourism.</p> <p>To support the subdivision of existing houses into smaller units of accommodation as a means of increasing the supply of residential units in the parish whilst reducing the pressure for new build development.</p> <p>To control the number of new holiday letting cottages in the parish where planning permission is required.</p> <p>To support increased small-scale business providing that it leads to employment in the parish and surrounding villages.</p>

Plan Reference	Topic/Policy Name	Policy Wording
		<p>Help to sustain the farming community by supporting applications for tied farm dwellings where the need can be proved.</p> <p>To ensure that any new farm buildings and ancillary structures blend easily and sympathetically with the rural landscape and cause the minimum impact upon the settlements, existing dwellings and landscape.</p> <p>To support small-scale farming diversification where it will be beneficial for local employment and tourism and does not have an adverse impact upon neighbouring properties or the landscape.</p> <p>To minimise the disruption to parish residents and damage to roads and Devon banks during the construction phase.</p>
ND1	Location Parameters for New Development	<ol style="list-style-type: none"> 1. Brownfield Land To preserve the rural landscape and the character of Luppitt, applications for development or change of land use of farmland, woodland or amenity land will be strongly resisted except for uses connected with agriculture, horticulture and forestry or community uses. The use of previously developed 'brownfield land' is preferred for any development or change of land use. 2. Flood Plain To preserve the rural landscape and prevent an unnecessary risk of flooding, applications for development or change of land use within the flood plains of the River Otter and River Love will be strongly resisted, except for uses connected with agriculture. Such agricultural use proposals should comply with all other policies in this Plan and the Local Plan and include flood risk mitigation proposals.
ND2	Materials Design and Siting	<p>To preserve the unique character of the parish and the rural landscape, great weight will be given to the following criteria in all applications for development or change of land use, including those under Policy BHE1:</p>

Plan Reference	Topic/Policy Name	Policy Wording
		<p>1. Adverse Impact & Amenity Considerations Avoidance of adverse and harmful impact upon the landscape, existing settlements and neighbouring properties in respect of visual impact, noise, smell, vibration or increased traffic movements.</p> <p>2. Design High quality design, particularly where that design is sympathetic to, and reflects the character of, existing vernacular and historic buildings in the parish. For housing, reference should be made to the AONB Design Guide for Houses.</p> <p>3. Reflecting Local Character A scale, mass and height of development that is sympathetic and responds to the immediate built environment and landscape and reflects the traditional rural character of the parish.</p> <p>4. Siting Siting that avoids hill tops and prominence and is sympathetic to and respects the immediate surroundings and landscape contours and does not adversely affect the local landscape character.</p> <p>5. Materials External building materials and finished colours and tones that are non-reflective, locally distinctive and used to respond positively to the immediate built environment, natural surroundings and local context.</p> <p>6. External Lighting Lighting that preserves dark skies by keeping external lighting to the essential minimum, using down lighting and task lighting of the lowest practical wattage plus photocells, timers and sensors wherever possible to minimise operating time, glare and light pollution.</p> <p>7. Screening Screening and landscaping that minimises any adverse impact upon the landscape and surroundings permanently all year round using, wherever possible, a mix of trees, hedging, shrubs and other plant species that are indigenous to Devon.</p> <p>8. Parking Parking for cars and other vehicles is provided for on-site and, if necessary, appropriately screened to minimise any adverse impact upon the landscape and surrounding properties.</p> <p>9. Carbon Reduction In recognising the impact of climate change, the need for carbon reduction in the construction and use of buildings and the increased use of renewable energy sources, great weight will be given to applications for new development that are designed to the highest standards in this regard.</p>

Plan Reference	Topic/Policy Name	Policy Wording
ND3	Housing	<ol style="list-style-type: none"> 1. Rural Exception Sites The scope for new housing development within the parish is strictly limited to 'rural exception sites' as defined in the National Planning Policy Framework (Rural Housing - Paragraph 78). To be eligible for consideration, sites must satisfy the requirements of Local Plan Strategies 7 and 35, be capable of accommodating all parking on-site and comply with the other policies in this Plan. 2. Affordable Housing Where a Housing Needs Survey demonstrates a need for additional housing, any affordable housing should: <ol style="list-style-type: none"> 1. Be located on a 'rural exception site' (see ND3 (1)) within Luppitt village as defined in Appendix 1 2. Comprise a mix of housing sizes and types to meet the demonstrated need 3. Comprise at least 66% of the total number of units 4. Be subject to occupancy restrictions in accordance with EDDC policy 5. Be designed in accordance with the AONB Design Guide for Houses and in conformity with the other policies in this Plan. 3. Open Market Housing Where a Housing Needs Survey demonstrates a need for additional housing, any open market housing should: <ol style="list-style-type: none"> 1. Be located on a 'rural exception site' (see ND3 (1)) 2. Comprise small housing of up to three bedrooms 3. Comprise no more than 34% of the total number of units 4. Be designed in accordance with the AONB Design Guide for Houses and in conformity with the other policies in this Plan.
ND4	Subdivisions, Extensions, Annexes and Replacement Dwellings	<ol style="list-style-type: none"> 1. Subdivision of Houses To increase the supply of smaller residential units to encourage the younger generation and other family members to remain in the community, the subdivision of houses into smaller units of accommodation will generally be supported providing there is no significant adverse effect upon the amenity of neighbouring properties and that each unit of accommodation has appropriate internal and external

Plan Reference	Topic/Policy Name	Policy Wording
		<p>amenity space and off-street parking and that permitted development rights in respect of future extensions are removed.</p> <p>2. Replacement Dwellings The replacement of an existing dwelling with a new dwelling will only be supported if the dwelling to be demolished has little or no architectural or heritage merit and does not contribute to the character of the parish, and the replacement dwelling is of a similar scale and mass to the existing dwelling. Exceptions will be considered on their merits. In all cases, proposals must comply with the policies in this Plan and be supported by a robust condition survey.</p> <p>3. Extensions and Annexes To assist extended families, the elderly and dependent relatives, extensions and annexes added to existing houses will generally be supported by the Parish Council providing they are in keeping with the existing house in terms of design and external building materials used and are subservient to the original dwelling. Any extension or annex that has a significant adverse impact upon a neighbouring property or the landscape will not be supported.</p>
ND5	Conversion of Redundant Traditional Farm Buildings	To help preserve and protect 'redundant traditional farm buildings' which are identified as non-designated heritage assets, conversion to other uses will generally be supported. Uses likely to be acceptable include, but are not limited to, small residential use of up to three bedrooms; office use; holiday cottages; other uses connected with tourism; and studios for artists and artisans. Such uses will be generally supported providing that the building's heritage is protected through careful and sympathetic refurbishment using appropriate materials and methods of construction or detailing and there is full compliance with Local Plan Policy D8 - Re-use of Rural Buildings Outside Settlements and the other policies in this Plan.
ND6	New-Build Business Premises	To protect the character of the parish and its rural landscape, the construction of new-build business premises will generally be resisted, with the exception of small-scale artisan studios/workshops. Such development will be supported providing that it complies with policies

Plan Reference	Topic/Policy Name	Policy Wording
		ND1 and ND2 and creates local employment opportunities. Any new development that significantly increases traffic movements or adversely impacts upon the landscape, distant views, dark skies or neighbouring properties will be resisted.
ND7	Holiday Cottages	<ol style="list-style-type: none"> 1. In the interests of promoting community vitality and utilising parish housing stock for full-time resident occupation, the change of use of existing residential dwellings to self-contained holiday accommodation where planning permission is required, and proposals for the construction of new holiday cottages, will be strongly resisted. 2. Other proposals that support tourism (see Policy ND5), including, but not limited to, guest houses, bed and breakfast, lodges, caravans, tree houses, shepherds' huts, pods, yurts, tents, glamping and camping, will be considered on their merits but will be subject to the provisions of Policy ND10 and must comply with other policies in this plan in regard to their impact upon the landscape and neighbouring properties.
ND8	Farm Workers' Dwellings	To assist local farming enterprise, applications for farm workers' dwellings will be supported providing that the six criteria in Local Plan Policy H4 - Dwellings for Persons Employed in Rural Businesses can be met and that any permission is granted subject to an agricultural occupancy condition.
ND9	Farm Buildings	To assist local farming, new small-scale farm buildings and ancillary structures will generally be supported providing they are sited within or on the edge of existing groups of farm buildings, reflect the scale of existing buildings and do not adversely impact the landscape or neighbouring properties by visual effect, noise, smell, vibration or lighting and are in full compliance with Local Plan Policy D7 - Agricultural Buildings and Development. If a more isolated location is unavoidable, buildings must be sited within the contours of the landscape to cause minimum visual impact and be effectively screened.

Plan Reference	Topic/Policy Name	Policy Wording
ND10	Farm Diversification	<p>To assist local farming, support tourism and increase employment opportunities, the diversification from agricultural land use to other uses will be considered on a case-by-case basis subject to the following criteria:</p> <ol style="list-style-type: none"> 1. Adverse Impact Uses that cause nuisance or adverse impact upon neighbouring properties or the landscape, through visual effect, noise, smell or vibration or are of large scale, will be resisted. 2. Intensive Animal Husbandry Intensive animal husbandry uses (rearing animals inside buildings for all or the majority of the time rather than on pasture) will generally be resisted. 3. Glasshouses and Polytunnels Development and change of land use proposals that include commercial glasshouses and polytunnels will be resisted unless it can be demonstrated that no environmental or landscape harm will occur. In particular, views into, out of, or across the AONB should not be impacted by glare and expanses of plastic or glass should not be visible. 4. Wedding Venues, Caravan and Festival Sites The change of land use to wedding venues, caravan sites or festival sites will generally be resisted.
ND11	Traffic Movements including HGV's	<ol style="list-style-type: none"> 1. Traffic Movements To prevent over-use, congestion and damage to parish lanes, adjoining banks, hedgerows and ditches, any development proposal that is likely to result in a permanent and significant increase in HGV traffic movements will be resisted. 2. Management Plan To minimise disruption to parish residents and damage to parish lanes, adjoining banks, hedgerows and ditches during construction, a Construction and Environmental Management Plan will be required wherever appropriate and provisions required for monitoring and repair.
Chapter 8	Climate Change	<p>Aims</p> <ul style="list-style-type: none"> • To raise awareness of climate change and global warming within the parish and the urgent need to reduce our carbon footprint. • To better understand the potential for increased use of renewable energy sources.

Plan Reference	Topic/Policy Name	Policy Wording
		<ul style="list-style-type: none"> • To support small-scale, unobtrusive, renewable and low carbon energy installations providing they are sensitively sited and well screened. • To discourage medium and larger scale schemes and projects that would have an adverse impact upon the landscape and character of the parish. • To ensure that any new developments are built to the highest 'green' technical standards. • To help reduce the parish carbon footprint by encouraging cycling, walking, electric charging, energy efficiency and internet connectivity.
CC1	Renewable Energy Retrofit	<p>The retrofitting of renewable energy schemes will generally be supported on domestic, farm and other buildings providing they are designed and constructed of materials that are non-reflective and integrate sympathetically with the built surroundings and do not harm heritage buildings or adversely impact upon neighbouring properties, the landscape or habitats through visual impact, reflection, noise, smell, vibration, light or associated works including archaeology, laying cables and other electrical installations</p>
CC2	Renewable Energy Scale	<ol style="list-style-type: none"> 1. Renewable Energy Schemes Renewable energy schemes will generally be supported if they are small-scale and for domestic/non-commercial use or for collective parish community benefit (see 2. below). Larger commercial/non-domestic scale renewable energy schemes will generally be resisted as being out of character with the rural parish landscape and its status as an AONB. 2. Community-Led Renewable Energy Schemes Renewable energy schemes for the collective benefit of the Luppitt parish community and decided by a majority vote of parishioners, including field-scale photovoltaic panels and river-based hydro-electric schemes, will generally be supported providing they are permanently well-screened¹²¹ and non-reflective and do not adversely impact upon the landscape or neighbouring properties, comply with the other policies in this Plan and meet the requirements of Strategy 46 of the Local Plan (Landscape Conservation and Enhancement and AONBs).

Plan Reference	Topic/Policy Name	Policy Wording
		<p>3. Wind Turbines Wind turbines (except small-scale pole or building mounted domestic/non-commercial turbines) and wind farms will be resisted as being out of character with the rural parish landscape and its status as an AONB.</p> <p>4. Solar Photovoltaic Panels</p> <ol style="list-style-type: none"> 1. Solar photovoltaic panels installed on domestic or agricultural buildings will generally be supported providing they are non-reflective and do not adversely impact upon the landscape or neighbouring properties. 2. Field-based photovoltaic panels will generally be resisted unless they are of domestic/non-commercial scale, sited in close proximity to existing buildings, are permanently well-screened and non-reflective and do not adversely impact upon the landscape or neighbouring properties. 3. Field-scale photovoltaic panels for commercial use will be resisted, except as described above in '2. Community-Led Renewable Energy Schemes'.

Report to: Cabinet

Date of Meeting 4 May 2022

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Cranbrook Local Infrastructure Fund

Report summary:

This report follows on from one on the same subject that was considered by Cabinet in July 2021. It puts forward proposals for how the Cranbrook Local Infrastructure Fund can be constituted and operationalised including associated decision making. Endorsement is sought for an eight stage process in this respect. The Fund will benefit residents and help to address ongoing viability challenges in relation to the expansion areas for Cranbrook.

Is the proposed decision in accordance with:

Budget Yes ☐ No ☒

Policy Framework Yes ☒ No ☐

Recommendation:

That Cabinet endorse the eight stage process for operationalising the Cranbrook Local Infrastructure Fund as set out in paragraph 2.5.

Reason for recommendation:

To enable the Cranbrook Local Infrastructure Fund to be established and for individual investments to come forward.

Officer: Thea Billeter, Cranbrook New Community Manager, tbilleter@eastdevon.gov.uk, tel 01395 571687, Andy Wood, Service Lead – Growth, Development & Prosperity, adwood@eastdevon.gov.uk, tel 01395 571743

Portfolio(s) (check which apply):

- ☒ Climate Action and Emergency Response
- ☒ Coast, Country and Environment
- ☐ Council and Corporate Co-ordination
- ☐ Democracy, Transparency and Communications
- ☒ Economy and Assets
- ☒ Finance
- ☒ Strategic Planning
- ☒ Sustainable Homes and Communities
- ☒ Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change High Impact

Risk: High Risk; Historically the funding for revolving infrastructure fund investments has come from government agencies. This source is no longer available so local leadership is required to establish an equivalent mechanism. This will require the Council to borrow substantial funds with the associated risk around repayment. There are though established mechanisms for managing this risk including bespoke legal agreements and security arrangements such as bonds or a charge over land. The Council has used this approach recently, albeit on a smaller scale, in relation to the funding package for upgrading Long Lane through the Enterprise Zone programme.

Links to background information [Cranbrook Local Infrastructure Fund – Strategic Planning Committee July 2021](#) [Cranbrook Infrastructure Delivery Plan June 2021](#) [Viability Report for the Cranbrook Plan \(2021 addendum\)](#) [Development appraisal tool - modelling £30m fund for Cranbrook infrastructure \(test k\)](#) [Cranbrook Local Infrastructure Fund Agenda for Cabinet on Wednesday, 28th July, 2021, 6.00 pm - East Devon](#) item 9

Link to [Council Plan](#)

Priorities (check which apply)

- ☒ Better homes and communities for all
 - ☒ A greener East Devon
 - ☒ A resilient economy
-

1 Background and context

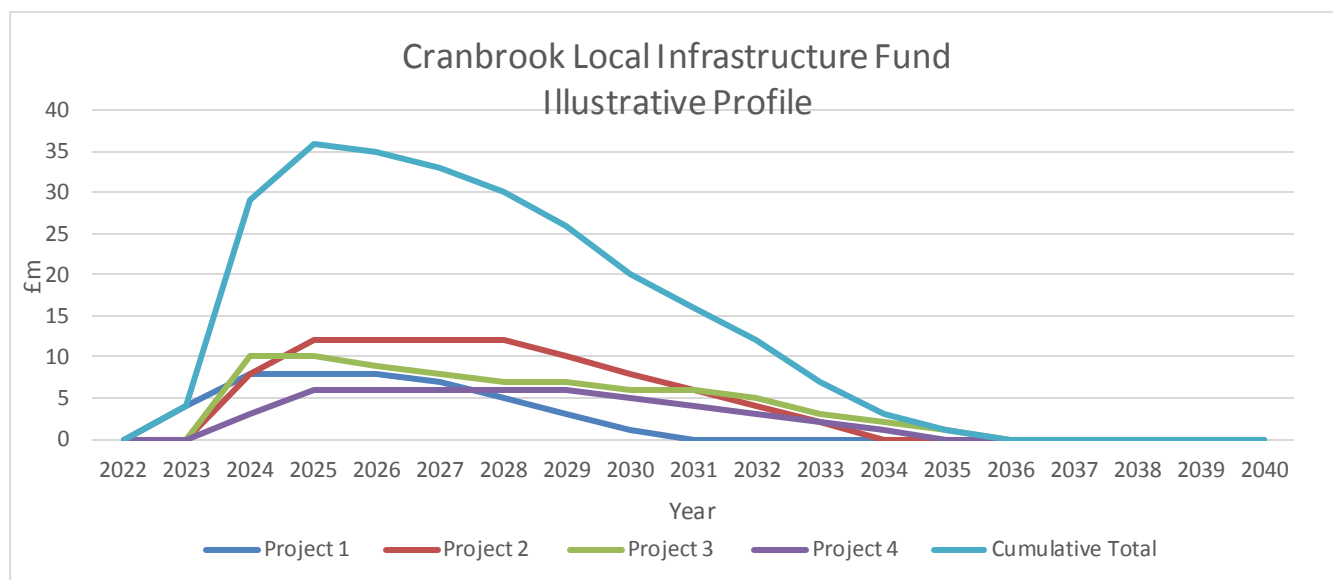
- 1.1 High up front infrastructure costs are a known barrier to the delivery of large scale developments. These can create cash flow challenges for developers and add significantly to the risk profile of a project. Where the benefit of the infrastructure improvement accrues across multiple developer parties (so called common infrastructure) it can be difficult to ensure that each developer contributes fairly and proportionately to the overall cost. In turn this can lead to delays or even stall development. But from a community development and place making perspective the same infrastructure is usually critical to meeting the needs of residents and underpinning the creation of sustainable communities.
- 1.2 Ensuring the timely and cost effective delivery of critical infrastructure is therefore a key challenge for Cranbrook. Cabinet considered a report on the potential establishment of a revolving infrastructure fund for Cranbrook in July 2021 as part of a meeting which focused solely on the town. This paper highlighted how revolving funds had been successfully utilised in Cranbrook over past decade to accelerate the delivery of critical infrastructure, notably the two new schools, and to achieve wider sustainability benefits. Cabinet resolved to recommend to Council that there is in principle agreement to borrow up £40m from the Public Works Loan Board to capitalise the Cranbrook Local Infrastructure Fund and that a further report setting out the detailed Terms of Reference for the Fund would be considered at a future meeting.
- 1.3 This report follows up on the latter resolution. It sets out an eight stage process as to how the Fund would operate. This includes detailing how projects would be selected and associated decision making.

2 How would a revolving fund operate?

- 2.1 Revolving infrastructure funds are in essence a cash flow tool. They help to accelerate the delivery of expensive, big ticket items of infrastructure by forward funding them and then recouping the costs from benefiting developers on a roof tax basis as new homes are developed and sold. As detailed in the July 2021 Cabinet paper, work undertaken in relation

to the viability assessment for the Cranbrook Plan helped to demonstrate that such a fund would have a significant beneficial impact in terms improving overall viability. This is essentially driven by the difference between the rate at which the Council can borrow funds through the Public Works Loan Board (at around 2%) and the current commercial borrowing rates (6%+). There are additional benefits associated with this approach in terms of helping to manage down overall risk and also securing wider sustainability and place making benefits.

2.2 In order to help to demonstrate how a fund would operate an illustrative spend/recovery profile is set out below;



2.3 The key features of this illustration are as follows;

- Four infrastructure projects ranging in value from £6m to £12m
- All projects start on site in 2023 or 2024
- Peak borrowing of £36m in 2025
- Quickest payback period is 5 years, longest 10 years
- Full repayment by 2036
- Opportunity for reinvestment in further projects opens up over time with £20m being available from 2030

It can be seen that for each project there are three phases – a steep rise in expenditure as the infrastructure is constructed, a plateau as the associated housing comes forward and then a downward slope as repayment triggers are reached and the funds are recouped.

2.4 In order to help to frame how the Fund would operate three guiding principles are proposed as follows;

- 1) Community benefit – the specific infrastructure projects that the Fund will invest in must have a benefit/role that accrues beyond an individual development site and be drawn from the Infrastructure Delivery Plan for Cranbrook.
- 2) Cost neutral – the operation of the Fund must be cost neutral to the Council which will principally be achieved through placing an additional margin on the cost of borrowing
- 3) Security of repayment – Developers will need to offer security (either in the form of a bond, a parent company guarantee or a charge over land) to underwrite the repayment of the funds in addition to agreeing a long stop date by which time all funds will need to have been repaid.

- 2.5 Taking account of the guiding principles, an eight stage process is proposed in terms of how the Fund will operate. The Cranbrook Strategic Delivery Board will provide oversight of the Fund. Decision making in relation to individual projects will continue to rest with Cabinet with the advice of the Board being captured in associated reports. The proposed process is set out below;

<p>Stage 1: Project identification and definition</p> <p>Project is identified by officers in line with the policies and proposals of the Cranbrook Plan and the associated Infrastructure Delivery Plan</p> <p>Project is scoped including the following;</p> <ul style="list-style-type: none"> • Strategic fit • Expected cost • Lead partner • Delivery timeline • Key risks and mitigation thereof • Benefiting number of homes • Qualifying developer/landowner parties • Proposed repayment mechanism including security provisions, payment triggers, long stop dates and associated interest rates
<p>Stage 2: Cranbrook Strategic Delivery Board</p> <ul style="list-style-type: none"> • Investment proposal is submitted to Cranbrook Strategic Delivery Board • Advice is captured including input from Town and County Councillors
<p>Stage 3: Cabinet</p> <ul style="list-style-type: none"> • Formal investment proposal is submitted to Cabinet • Report to set out the key provisions of the proposed investment alongside the repayment mechanism • Advice of the Cranbrook Strategic Delivery Board to be included in the report
<p>Stage 4: Full Council</p> <ul style="list-style-type: none"> • Ratification at full Council
<p>Stage 5: Legal agreement</p> <ul style="list-style-type: none"> • Funding agreement entered in to with main delivery partner (if not EDDC) • Funding agreements entered in to with relevant developer parties
<p>Stage 6: Construction</p> <ul style="list-style-type: none"> • Project starts on site with progress reports made to Cranbrook Strategic Delivery Board
<p>Stage 7: Monitoring and repayment</p> <ul style="list-style-type: none"> • Ongoing monitoring including in relation to repayment triggers
<p>Stage 8: Annual report</p>

- | |
|---|
| <ul style="list-style-type: none">• An annual report to Cabinet setting out the financial position of the Fund in terms of project investment and associated expenditure and recovery |
|---|

2.6 This process is considered to provide a robust framework for successfully deploying the funds and ensuring that there are the checks and balances in place necessary to ensure recovery of monies such that the Fund can operate on a revolving basis going forward. It is a specific recommendation of this report that this methodology is endorsed.

3 Project selection

3.1 Suggested criteria are outlined above as to the types of project that will benefit from forward funding. This includes the need for there to be wider community benefit and for the project to be identified within the Cranbrook Infrastructure Delivery Plan. In order to provide greater definition of the types of projects that will come forward an initial cohort of potential investments has been developed. This is set out in the table at Appendix A.

3.2 It can be seen that these projects range from bringing forward the next primary school to ensuring a comprehensive enhancement scheme for London Road to turn it from a road in to street that is orientated towards supporting pedestrians and cyclists. The overall quantum of funding required by these projects is in excess of the £40m that currently has in principle agreement. A first key task therefore will be to come forward with a prioritised list of investments to the Cranbrook Strategic Board based on this table. This can then support individual investment proposals.

4 Assessment

4.1 Utilising revolving infrastructure funds is a proven mechanism for helping to support the delivery of strategic scale developments such as Cranbrook. In this way the delivery of critical infrastructure can be accelerated whilst also overcoming potentially prohibitive cash flow issues. The viability work for the Cranbrook Plan highlights the positive impact that such a fund can have in financial terms alone. Significant community development and sustainability benefits can also accrue on top of this.

4.2 In the absence of such funding being available from Government agencies the Council needs to play a leading role in both constituting and capitalising the proposed Fund. The importance of this is only heightened by the fact that the delivery of the Cranbrook expansion areas will be outside of a single consortium-ised model.

4.3 This report sets out what is considered to be a robust methodology for operationalising the Fund. This approach is clearly not without financial risk to the Council. There are though proven mechanisms for safeguarding repayment of the monies. Equally through applying an additional margin to the borrowing cost this will ensure that the any associated costs to the Council, for example in terms of preparing legal agreements, are covered.

4.4 The Council establishing the Fund also has the advantage of us being able to manage how the repaid funds are re-invested whereas previously the equivalent funds have gone back to the Treasury nationally. This is significant in the context of the Local Plan review. Arguably the greater risk is that without the Fund, Cranbrook could be left bereft of elements of the critical infrastructure needed to support an ultimate population of around 20,000 people or at the very least, delivery could end up being delayed beyond when the infrastructure is required.

5.0 Conclusion

- 5.1 Forward funding helps to facilitate an infrastructure-led approach which ensures that critical improvements remain firmly in step with, or even in advance of, development coming forward. Constituting a local infrastructure fund for Cranbrook will demonstrate real leadership from the Council in enabling the delivery of critical infrastructure to support the growing population of the town.
-

Financial implications:

The financial implications are detailed in the report, the Fund will support key delivery objectives of the Council and is designed to be cost neutral or better for the Council.

Legal implications:

As has been noted previously, what is proposed is within the powers of the Council and the approach to governance and decision making appears acceptable and reasonable. Legal will be involved in the due diligence process and completion of the legal paperwork associated with each project coming forward to ensure that appropriate documentation is in place and to ensure that the repayment of any funding is appropriately secured.

Item/project	Updated Priority (2021)	Updated cost at 1Q 2020	Cranbrook Expansion Area potential funding based on 4170 dwellings	Anticipated residual funding gap	Other known sources of potential funding	Funding Secured (S) Potential (P)	Delivery Organisation	Risk
Category 3. Infrastructure which is site specific and must be delivered in full by developers of the relevant expansion area								
<u>Treasbeare OR Bluehayes expansion area</u>								
West Primary school of 420 places plus early years	Critical	£8,104,203	£8,104,203	£0	no	Expansion development Bluehayes or Treasbeare (P)	Developer (Carden Group and Redrow OR Taylor Wimpey and Hallam Land Management) or DCC	Treasbeare: Medium - Developer likely willing to deliver directly but may wish to hand land to DCC. No discussions as yet on phasing of funding if goes to DCC. Bluehayes: High - site is not DCC's preferred location for W primary school. Will need lengthy section of road constructed to service.
<u>Cobdens expansion area</u>								
East primary school of 630 places plus early years	Critical	£12,129,204	£12,129,204	£0	no	Expansion development Cobdens (P)	Developer (Persimmon Homes) or DCC	Medium - unclear if direct delivery or cash payment to DCC. Land will need servicing.
Town Centre Based Projects								
Extra Care Housing x 55 flats	Critical	£10,340,000	£3,500,000	£6,840,000	external grant funding and private investment	Land (S); Subsidy from Expansion development (P)	Private sector in conjunction with Devon County Council	Low/Medium - DCC looking to work with a Registered Provider to deliver and run facility.
Health and Well-being Hub building	Critical	£16,300,000	£7,000,000	£9,300,000	OPE; Central government	Land (S); Construction and fit out - Expansion development (P)	EDDC in conjunction with NHS	High - Feasibility study to begin in Q2 2022. Unclear how funding gap will be closed.

Item/project	Updated Priority (2021)	Updated cost at 1Q 2020	Cranbrook Expansion Area potential funding based on 4170 dwellings	Anticipated residual funding gap	Other known sources of potential funding	Funding Secured (S) Potential (P)	Delivery Organisation	Risk
Community Facilities Building	Critical	£5,000,000	£0	£2,000,000	Funds recovered from SW Exeter Housing Infrastrucutre Fund	Land (S) total developer contribution of £3,000,000 (P)	Devon County Council	Medium - Developer contribution based on NCP securing additonal planning consents.Use of HIF funding dependent on DCC Cabinet Approval and fund availability.
Sports Centre and Swimming Pool including 6x lane 25m swimming pool, learner pool, 60x station gym, dance/exercise studio, 4x court sports hall and 2x squash courts,	Important	£9,984,850	£3,993,940	£5,990,910	external grant funding and private investment	Land (S); Expansion development (P)	EDDC	High - Project not begun. Needs feasibility study, identification of operator, closing funding gap
Other Policy based requirements								
Changing/clubhouse facilities and car parking for sports pitches	Important	£1,350,000	£1,350,000	£0	Sport England	S106 (Schedule 9) - Sports pavilion with changing rooms and car parking (S); Expansion development further required (P)	Developer or CTC	Medium - funding to come from expansion areas, other than the one it is to be sited on. Needs to be delivered alongside the sports pitches, which are likely to come early in the phasing.
Enhanced Secondary education provision – expansion to around 1125 places	Critical	£2,583,429	£2,583,429	£0	DfE	£1,534,985 s.106 (S); Expansion development (P);	Devon County Council / Ted Wragg Trust	Low/Medium - Building already in place and has been partially fitted out as an interim childrens and family centre. Unclear how much would need to be adapted for secondary school use. Required timing unclear.
London Road upgrade works	Critical	£2,253,000	£2,253,000	£0	Developers will undertake their own S278 works on London Road to enable access to the sites.	Expansion development (P)	Developer and Devon County Council	Medium - project has begun with DCC taking lead but requires co-operation with all parties to progress.

Item/project	Updated Priority (2021)	Updated cost at 1Q 2020	Cranbrook Expansion Area potential funding based on 4170 dwellings	Anticipated residual funding gap	Other known sources of potential funding	Funding Secured (S) Potential (P)	Delivery Organisation	Risk
"Public transport" range of measures for enhanced bus services and rail feasibility study	Critical	£6,378,000	£6,378,000	£0	no	Expansion development (P)	EDDC and Devon County Council	Medium/High - Current s106 funding for bus service runs out this year. Future of provision uncertain, esp. with Covid impacts upon patronage.
Non Cranbrook Plan required item								
Electricity Bulk Supply Point	Critical	£10,200,000	£3,727,000	6,473,000	Balance of costs to be met from other West End sites with unsecured supply	All West End development with unsecured electricity demand (P)	WPD	High - could stall development if not resolved early enough. Developers could secure more costly individual site solutions, which would likely undermine the viability of a BSP

Report to: Cabinet

Date of Meeting 4 May 2022

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Seaton Moridunum, Seaton

Report summary:

The report provides information on the vacant Moridunum site on Seaton seafront. It explains the unique significance of this site for Seaton seafront from a placemaking perspective and that it forms part of the original Seaton Seafront Enhancement Scheme planning permission that has now expired. The report explains that for a number of years, the council has been discussing the disposal of this site to the owners of Fosseway Court (residential complex to the rear), to enable access to the Fosseway Court site and thereby support delivery of that scheme. It explains the mechanism by which the council can dispose of the site to the owners (Fosseway Transition Ltd, - FTL), as a special purchaser, whereby FTL would deliver the new development on the Moridunum site to provide a new commercial offer with public realm space over as the original planning permission had envisaged for this part of the Seafront Enhancement Scheme.

In August 2020, the council proposed an offer which set out the required financial payment that would be acceptable to the council. This was eventually accepted by FTL in May 2021 (which would then be subject to formal council approval).

To this end, the council has been working closely with FTL since summer 2021 to progress the details of that disposal. In order to facilitate the process, the council established regular meetings with FTL in order to ensure that relevant issues were communicated in a timely manner and that tasks could be monitored and delivered on by either party.

The report details that work on Fosseway Court has now commenced and that works carried out by the developer have resulted in damage to council land at the Moridunum. This has raised concerns for the stability of the council's land and public safety and following some delay an engineer did visit the site and advise on temporary works required to ensure the stability of the site. However, officers were disappointed at how the developer has carried out the works without authorisation and the delayed response to their concerns regarding the site safety and stability. These recent events have compounded concerns about working with FTL as a special purchaser rather than the marketing of the site.

Irrespective of the disposal of the Moridunum site, the council can work collaboratively with FTL to ensure the delivery of Fosseway Court by enabling use of council land when and as appropriate. It is recommended that additional professional and technical resource is required to ensure that the implications of the construction methods on Fosseway Court, and their impact on council land (and use of council land) is understood.

This has created a challenging situation for the council causing pressure on resources as these recent issues have required urgent attention. The issues identified in this report are of concern and it is considered appropriate for the council to review and consider how best it needs to achieve its intended outcomes for the site of a new commercial development along with the public realm works.

Given the prominence of the site and its importance for Seaton seafront, the council may wish to consider whether an alternative approach is now required to progress delivery of a new development. The report provides options for the council to consider within the recommendations. Option 1 is to continue with negotiating a disposal of the site to FTL, and Option 2 is to take forward a marketing exercise for the site to enable the selection of a new developer partner. Neither would preclude continuing to work with FTL to facilitate the delivery of Fosseway Court.

Is the proposed decision in accordance with:

Budget Yes ☐ No ☒

Policy Framework Yes ☒ No ☐

Recommendation:

1. That cabinet recommends which option to pursue in order to deliver a redevelopment of the Moridunum site from:
 - a) Option1 - continue to negotiate a disposal of the site to Fosseway Transition Ltd where the redevelopment of the site will include a number of commercial units at street level with a new public realm walkway from east to west and outdoor eating space above, where the terms of the disposal agreement would be subject to a further cabinet report for approval in due course.
 - OR
 - b) Option 2 - Undertake a marketing exercise of the Moridunum site for disposal, where the redevelopment of the site will include the re-provision of public realm over the top of the site and to include a ransom strip or similar to ensure the council's long term ransom interest is protected.
2. That cabinet recommends that the council should work collaboratively with FTL in order to facilitate the delivery of the Fosseway Court residential development including necessary legal agreements and financial transactions.
3. That should Option 2 above be selected, that delegated authority is given to the Service Lead for Place, Assets & Commercialisation, in consultation with the Portfolio Holder for Economy and Assets to review how the redevelopment of the Moridunum site could best be progressed, with a further report to cabinet prior to commencing marketing of the site.
4. **That cabinet recommends to Council:**

That a budget of £15,000 be made available to provide additional technical resources to the Place, Assets & Commercialisation Service to ensure the ability to engage on technical matters regarding the work being undertaken at Fosseway Court.

Reason for recommendation:

To enable cabinet to decide how best to deliver the redevelopment of the Moridunum site bearing in mind the importance of the site for Seaton and in order to satisfy its obligations to achieve best consideration in accordance with the Local Government Act 1972.

To enable the council to work collaboratively with the developers of Fosseway Court in order to support the delivery of Fosseway Court ensuring that all appropriate and authorised use of council land is managed effectively, safely, and in a timely manner.

To ensure that the council can engage on technical matters affecting council land in relation to the redevelopment of Fosseway Court.

Portfolio(s) (check which apply):

- ☐ Climate Action and Emergency Response
- ☐ Coast, Country and Environment
- ☐ Council and Corporate Co-ordination
- ☐ Democracy, Transparency and Communications
- ☒ Economy and Assets
- ☒ Finance
- ☐ Strategic Planning
- ☐ Sustainable Homes and Communities
- ☐ Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: High Risk; There is a reputational risk for the council if the council were not able to secure delivery of a new commercial/public realm scheme that offers a high quality placemaking solution for this unique and prominent site on Seaton seafront.

Links to background information

Link to [Council Plan](#)

Priorities (check which apply)

- ☐ Better homes and communities for all
- ☐ A greener East Devon
- ☒ A resilient economy

Report in full

1. Background

- 1.1 The council owns the Seaton Moridunum site on the Esplanade in Seaton. The site comprises the former public convenience block and the ramps either side of this. The ramps are adopted as public footpath, but the top of the Moridunum is not adopted land. The site plan at appendix 1 illustrates the site and extent of ownership.
- 1.2 In 2017, Seaton Town Council secured a planning permission for improvements to Seaton seafront, known as the “Seaton Seafront Enhancement scheme”. This planning permission incorporated the redevelopment of the Moridunum site whereby the existing WC structure would be replaced with a new food and beverage offer with some outdoor seating to the side, along with an improved public realm space above. The ramped walkways would remain up and over, but be reduced in width in parts to accommodate the outdoor seating. It also allowed for the building to extend into the road as the permission included road closure of this part of the Esplanade Road. This planning permission had a good level of public and local stakeholder support but has now expired.
- 1.3 The council is acutely aware of the unique opportunity that this site represents for Seaton given its location as a key seafront site. It is an extensive site that incorporates

the ramps and the WC block, extending in length to around 100 metres. In its current form, it is unattractive and not viable for reuse without investment that could offer both a new commercial (e.g. food/other offer) use along with a re-imagined public realm space that continues to offer views out to sea. It is therefore vitally important to the council that its redevelopment is appropriate to its setting in terms of scale and also wider placemaking objectives. As part of the Axe Valley Project Stage 1 work, our consultants have commented on the importance of the viewing platform of the Moridunum and that of the walk up the ramps to enjoy the view should be a priority as part of a high quality and elegant design solution for the site.

- 1.4 For key sites such as this, the council, in its capacity as landowner, is conscious about relinquishing control over their future development and takes a careful approach regarding legal agreements that dispose of such sites to ensure that it is enabling appropriate development. It takes this approach as landowner, notwithstanding the role it has as Local Planning Authority in approving planning consents.
- 1.5 As a general rule, under the Local Government Act 1972, the council has a duty to achieve best (financial) consideration in the disposal of its assets, but it is recognised that there may be circumstances where an asset can be disposed of at a discount where it will secure the promotion or improvement of the economic, social or environmental well-being of the area.
- 1.6 This provision enables the council to work with special purchasers (rather than marketing a site) where there is a potential benefit to both parties in doing so.
- 1.7 For this reason, and over a number of years now, the council has explored working in partnership with Fosseway Transition Ltd (FTL) who own the Fosseway Court development to the rear of the Moridunum block. The council has been keen to help support the delivery of Fosseway Court by FTL, which has regeneration benefits for Seaton seafront in its own right. The acquisition of the Moridunum site is of particular interest to FTL who require access into their Fosseway Court site, which they are currently redeveloping. It would also give FTL control over the activities carried out in front of their new development which may be relevant to the sale of the new apartments that will be built.
- 1.8 There is therefore the opportunity to dispose of the Moridunum site on a long leasehold basis to FTL as a special purchaser. In this instance, they would demolish the Moridunum site, facilitating access into their site, and then redevelop the Moridunum site to provide new commercial space on the ground floor and create new public realm space above, as envisaged by the original Town Council planning permission. Discussions on this basis have been taking place, although the current proposals by FTL are of a greater scale than the original planning permission.
- 1.9 In August 2020, the council provided details to FTL of the required financial offer that would be acceptable if they were to acquire the site. In May 2021, FTL agreed to this outline offer in principle. The offer would be subject to council approval once more detailed Heads of Terms had been agreed between the parties.
- 1.10 The outline offer included that:
 - The council would dispose of the site to FTL.
 In return, FTL would agree to:
 - Payment of a financial sum to the council which would cover both:
 - a) an element of ransom payment to reflect the need for FTL to acquire the Moridunum site in order to deliver the Fosseway Court redevelopment, and

- b) an element of value for the Moridunum site itself, that reflected its redevelopment for commercial use (1 no. food and beverage unit) and new public realm over the top of the Moridunum.
 - Demolish part of and then use the Moridunum site to gain access to its site from Seaton Esplanade at the front of the Moridunum toilet block where it intends to have a compound area for deliveries into the Fosseway Court site;
 - Develop the new commercial unit (café facility) in the space of the former toilet block, for letting at a commercial rent to a food operator;
 - Re-provide public realm space over the top of the commercial development at its expense,
 - Enter into a performance bond that would cover the development cost of the Moridunum site thereby ensuring delivery of the scheme in circumstances where FTL were no longer able to do so.
- 1.11 The council has been working closely with FTL since summer 2021 to make progress on the detail of the offer with a view to bringing forward a recommendation on Heads of Terms for the disposal of the site to FTL, to cabinet in the spring of this year. In order to facilitate the process, from last autumn the council established regular meetings with FTL in order to ensure that relevant issues were communicated in a timely manner and that tasks could be monitored and delivered on by either party.
- 1.12 The draft proposal from FTL is more extensive than the previous consented scheme, incorporating a number of commercial units with outdoor eating space and public realm above, and a redesign of the ramps offering a walkway from east to west. The developer has declined the advice from officers that it should obtain pre-application advice from the Local Planning Authority. This causes some concern as the lack of feedback that would be gained through a pre-application discussion brings an increased risk of refusal thus leading to potential reputational damage for the council and further delay to progression of the site and delivery of an enhanced seafront for Seaton.
- 1.13 In conjunction with the proposed designs for the new Moridunum being prepared by FTL, the council prepared a draft Heads of Terms for a disposal of the site which were issued last November. There was a delay in FTL responding on these and they were received in March this year by which time the works that have caused damage to the Moridunum, as set out below, had already commenced. Officers have yet to review these Heads of Terms as resources have been directed to understanding the current situation regarding the safety and stability of the council's land and the legal position generally.

2. Works Undertaken on Council Land

- 2.1 FTL commenced work on their site in January this year. During a site visit in early February by officers, it was noted that the heras fencing to secure the site was placed on council land, some 3 metres from the actual site boundary. Officers were advised by FTL that the fence was in this position due to public safety reasons. Despite not being advised of this in advance, or being asked for the council's consent to this arrangement, working collaboratively with FTL, and wanting to ensure the safety of pedestrians using the public realm area, the council was amenable to this arrangement. Officers advised FTL that a licence agreement would be required for use of the council land for the fencing. Similarly, an external staircase from one flat was being realigned to exit onto council land and officers advised FTL that a further licence would be required for this.
- 2.2 In mid-February, officers became aware that land owned by the council, beyond the boundary of the FTL site had been damaged. This was land on the western ramp and

across the top of the site, and the damage indicated that the machinery on site was commencing the removal of the tarmac surface at these locations.

- 2.3 Further damage and excavation took place over the following days in February, and a visit a few days later indicated that the council's land was being extensively excavated. Photos of the damage are included at Appendix 1.
- 2.4 At a meeting that took place at this time, (22 February) officers expressed their concern about the removal of council land. The council had not consented to work taking place on its land and was disappointed that FTL had not informed the council, as landowner, of this damage that they had caused to its land. FTL acknowledged that this should have been communicated in advance, but advised that the removal of the council land was necessary and formed part of the Party Wall Award.
- 2.5 At the same meeting, officers requested that FTL arrange for an engineer to visit the site as a matter of urgency, to ensure that the council land was safe and stable. Officers also made contact with the Council's appointed Party Wall Surveyor (PWS) and requested that he make contact with FTL's appointed PWS, to visit the site together and inspect and advise on the need for these works.
- 2.6 It was not until the 21 March that an engineer instructed by FTL visited the site, and as at 25 April, the council has not received a copy of their report but on 23 March was provided with a brief summary of the engineer's observations, by the PWS's. In this summary, the engineer states that they are not able to confirm the stability of the excavations and that temporary works are required to prevent the clay substrata drying out and becoming more friable and less stable. It was only on 24 March that the PWS's visited the site.
- 2.6 During this delay of a month, the council considered it prudent to instruct its own engineer to inspect the site. The advice from the council's engineer similarly expresses the need for temporary works to ensure the stability of the site.
- 2.7 The council's PWS has had a second visit to the site with FTL's PWS and discussed the requirements to rectify the situation. FTL's engineer has proposed temporary works, which from an initial review appear to be acceptable to the council's engineer and PWS.
- 2.8 The works that have been carried out to excavate and demolish the council's land has been done outside of the provisions and powers of the Party Wall Act. The council remains unclear as to why its land has been excavated in this way. There is in any event a requirement under the Party Wall Award to undertake repairs and reinstatement works where damage occurs to the adjoining owner's (council's) land. This requirement is acknowledged by FTL who have stated that this will take place as required.
- 2.9 Further consideration will need to be given to the appropriate legal agreements and financial compensation that will retrospectively deal with the use of the council land. Some progress had been made regarding licence agreements for access with an initial response received from FTL, although this response was delayed too.
- 2.11 The Council can work collaboratively with FTL to support the redevelopment of Fosseyway Court which remains an important project in its own right for Seaton seafront. In doing so, it is likely that the council will require some additional technical resource to ensure an understanding of the construction methods being implemented for Fosseyway Court and their impact on council land, and where appropriate, an oversight of any work actually taking place on and/or affecting council land. A budget of £15,000 would be appropriate to support this which could be recovered in respect of any premium or licence fee for the use of council land by FTL.

3 The Moridunum Site

- 3.1 The Moridunum site is a complex site presenting a number of challenges for its redevelopment and the nature of construction work is such that it is inevitably challenging to rectify a problem once it has occurred.
- 3.2 The position that the council has found itself in over the last 2 months has been challenging, and has caused pressure on council resources as the challenges that have arisen have required urgent attention. These challenges have occurred despite the council having had regular meetings with FTL and expending resources to work closely with FTL since last September. As set out at 1.3 above, the council is acutely aware of the significance of this site. It is crucial that any disposal of this site is delivered in a way which ensures the timely delivery of an appropriately designed development which reflects its unique placemaking opportunity.
- 3.3 Given the prominence of the site and its importance for Seaton seafront, the council may wish to consider whether an alternative approach is now required to progress delivery of a new development. It needs to be remembered that not only is this a disposal of a site at a prominent seafront location, but the proposed transaction would require the developer to undertake significant public realm enhancements before returning that element to the council/DCC Highways for future management and maintenance. The council needs to be confident that not only is the commercial development the best that can be achieved but also that the public realm works are completed satisfactorily. The issues identified in this report suggest that the council should consider how best it needs to achieve these outcomes.
- 3.4 The report provides options for the council to consider within the recommendations. Option 1 is to continue with negotiating a disposal of the site to FTL, and Option 2 is to take forward a marketing exercise for the site to enable the selection of a new developer partner.
- 3.5 A marketing approach will take longer before a developer is in place and consequently longer before the scheme is delivered. The benefit of a marketing approach is that it gives the council the ability to have greater influence over the future proposals for the site – both in terms of the commercial element and the public realm element. Consideration would be given to the preparation of a development and design brief to provide specific guidance on what is required and the method of delivery of any proposals. If this option were selected, arrangements for the disposal of the site would include a ransom strip or similar at the rear of the site to protect the council long term interest in respect of the development of the Fosseyway Court site.

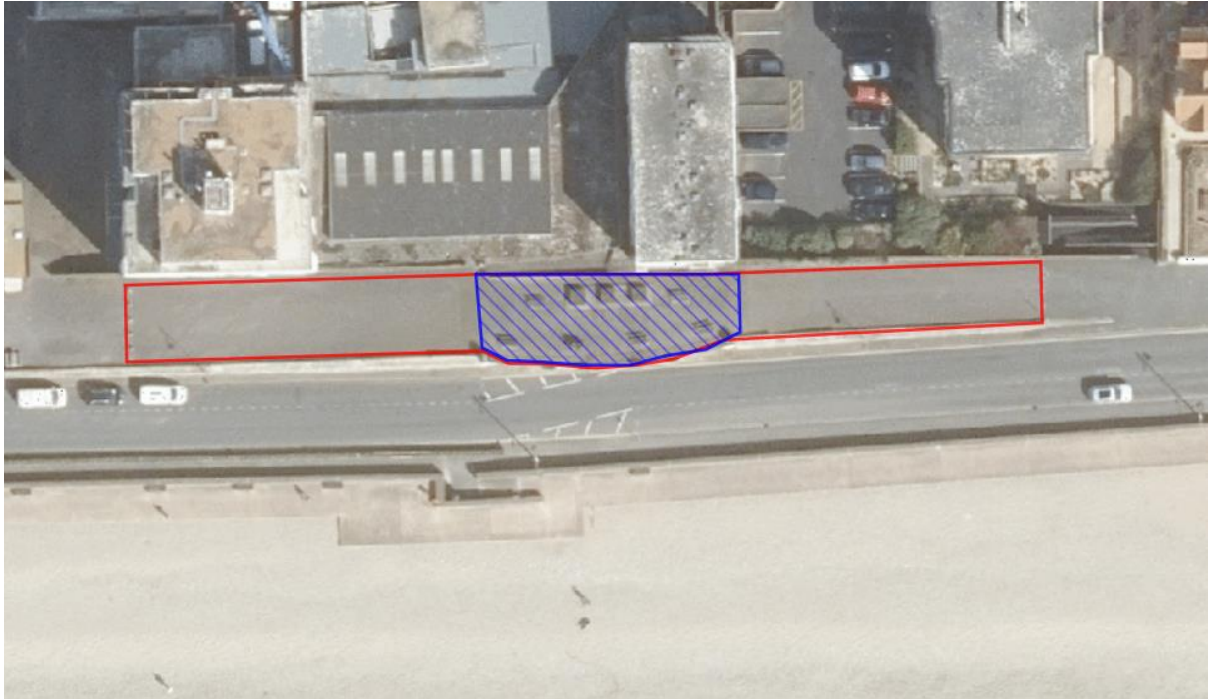
Financial implications:

There is a request for supplementary estimate of £15,000 to ensure the Council can engage necessary technical resource as required to ensure safety issues are covered and that public assets are protected. Other financial implications relate to ensuring the Council obtain best value and meet wider objectives of delivering an enhanced seafront, further reports with likely financial implications for the Council will be presented to Cabinet and Council to progress these matters.

Legal implications:

Legal services are concerned regarding the unauthorised use and demolition of the council's land and the approach that has been taken by the developer. It is suggested that the existing situation is resolved to ensure that the remediation works and the provision of a solution to stabilise the Moridunum and its ramps are agreed and documented in an appropriate legal agreement prior to continuing with any agreement in respect of the transfer of the Moridunum. It is open to the council to consider how it wishes to proceed with regards to any future disposal of the Moridunum.

Red outline indicates ramps where land is owned by council and adopted public footpath. Blue land is the public convenience site - council owned land (not adopted).





Red line indicates approximate site boundary. Council land to the right of red line.





Report to: Cabinet

Date of Meeting 4 May 2022

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Axe Valley Project and Levelling Up Fund Round 2

Report summary:

The report provides information on the outcome of the Axe Valley Regeneration Project – Stage 1, now completed by the council's consultants, Avison Young.

The report sets out details of potential projects that could be considered as a package of projects for funding bids including the Levelling Up Fund. It sets out options for a potential bid.

It provides details of the Levelling Up Fund Round 2, the prospectus for which has recently been published. The funding deadline is 6 July 2022. East Devon District Council is now within the priority 2 category (up from 3 previously).

Further stakeholder engagement is required with the local MP and local stakeholders. An event will be arranged for mid-May.

It is recommended that the Option 2 funding package is pursued for the Round 2 Levelling Up Bid.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

That Cabinet notes the Axe Valley study and its findings.

That Cabinet notes the opportunity presented to the council in respect of the Levelling Up Fund Round 2, in relation to the Axe Valley Project.

That Cabinet decides to pursue Option 2 of the Funding Package options as set out in paragraph 3.7 for a Round 2 Levelling Up Bid.

That Cabinet approves that a contribution of up to 10% match funding via use of the PWLB will be offered within the LUF Funding Bid which would be recovered through future investment income from the employment sites package.

That Cabinet agrees to accept a further report with a final recommendation on the proposals to be included in any bid for LUF.

Reason for recommendation:

To enable the Project Team to prepare a Levelling Up Round 2 funding bid in order to meet the funding application deadline of 6 July 2022.

Officer: Alison Hayward, Place, Assets & Commercialisation, 01395 571738,
ahayward@eastdevon.gov.uk

Portfolio(s) (check which apply):

- ☐ Climate Action and Emergency Response
- ☐ Coast, Country and Environment
- ☐ Council and Corporate Co-ordination
- ☐ Democracy, Transparency and Communications
- ☒ Economy and Assets
- ☐ Finance
- ☐ Strategic Planning
- ☐ Sustainable Homes and Communities
- ☐ Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Medium Impact

Risk: Medium Risk; There are risks associated with the delivery of capital projects such as those described in this report, relating to planning and changes in the market place, as well as other technical issues that are unforeseen at this stage. Whilst a decision to bid for funding does not directly result in exposure to these risks, where a funding bid is successful, there is then a requirement to deliver on the agreed project package. There can be reputational damage relating to the council's credibility where there is a failure to deliver on the spending requirements. Further details of project risks and mitigations are set out in the report at Appendix 1, section 7.

Links to background information

[Appendix 1 - Axe Valley Regeneration Project – Stage 1 Study, Avison Young report](#)

[Link to cabinet report on Axe Valley, 2 March 2022](#)

[Appendix 2 - Levelling Up Fund Briefing Paper](#)

Appendix 3 - Table of Funding Options (see end of report)

Link to [Council Plan](#)

Priorities (check which apply)

- ☐ Better homes and communities for all
- ☐ A greener East Devon
- ☒ A resilient economy

Report in full

1. Levelling Up Fund Round 2.

- 1.1 In March 2022, officers reported to Cabinet on the Axe Valley project which set out to consider the potential for placemaking and redevelopment projects for sites within the Axe Valley, from Axminster, south to Seaton. Consultants, Avison Young were appointed to undertake Stage 1 of a 2 stage project which would then inform bids for capital funding such as Levelling Up Fund Round 2.
- 1.2 The **Levelling Up Fund Round 2** has recently been announced with a prospectus issued setting out the objectives of the Fund. For Round 2, East Devon has moved up to category 2 (previously 3) in terms of priority status for intervention. A Briefing paper on Levelling Up Fund is attached at Appendix 2. It should be noted that it is understood that Devon County Council intend to submit an updated submission (transport) for Exmouth.
- 1.3 The Investment Themes for Round 2 are:

1.3.1 Transport investments (450 million pounds invested in Round 1) including (but not limited to) public transport, active travel, bridge repairs, bus priority, local road improvements and major structural maintenance, and accessibility improvements. Requesting proposals for high-impact small, medium and, by exception, large local transport schemes.

Local road projects to also deliver/improve cycling and walking infrastructure, bus priority measures.

1.3.2 Regeneration and town centre investment - upgrade eyesore buildings and dated infrastructure; acquire and regenerate brownfield sites; invest in secure community infrastructure and crime reduction; and bring public services and safe, accessible community spaces into town and city centres.

1.3.3 Cultural investment - maintaining, regenerating, or creatively repurposing existing cultural, creative, heritage and sporting assets, or creating new assets that serve those purposes including theatres, museums, galleries, production facilities, libraries, visitor attractions (and associated green spaces), sports and athletics facilities, heritage buildings and sites, and assets that support the visitor economy. Driven by evidence place sensitive need or opportunity. Focus on supporting high priority and high impact projects - a visible, positive difference to local areas.

1.4 A bid can be a combination of up to 3 projects across the 3 investment themes, the Fund will focus investment in smaller scale, local projects that require less than £20 million of funding. (except for large transport bids of up to £50m). Delivering on net zero and wider environmental themes is a high expectation.

1.5 Bid Requirements.

- Match funding of at least 10% is encouraged.
- Bids must be submitted by **6 July**.
- Some spend (c. 10%) must occur within 22/23. All spend must be completed by March 2025.
- Guidance from Avison Young, suggests that there is a general expectation that bids of around £15m are more likely to be supported, than a request for the full amount.

2. The Axe Valley Project

2.1 The Stage 1 work is now completed. This has identified a number of capital projects within Seaton and Axminster that could form part of a future bid to the Levelling Up Fund or other funding. A copy of the report is attached.

2.2 Initial feasibility studies have been undertaken for each site, advising on potential uses and layouts for the sites along with cost plans and development appraisals identifying the financial viability of the sites. Illustrations of each proposal are included in the attached report for reference.

2.3 **Project Proposals.**

Section 5 of the report identifies the following potential projects:

		Use	Project costs	Viability gap
1	Axminster and Seaton Employment Sites	<p>Colyford Road site, Seaton 10 no. units (66 – 93 sq m each) 1.5 to 2 storey units.</p> <p>Harepath Road site, Seaton 8 no. units (85 – 135 sq m) 1 to 1.5 storey units.</p> <p>Cloakham Lawns site, Axminster 20 no. office style units (18 – 25 sq m each) 2 storey building.</p> <p>TOTAL = 38 units, 12,650 sq m</p>	£7.69m	£4.69m
2	Websters Garage Site	<p>1300 sq m commercial 22 no. 2bed apartments (25% affordable) Public realm, market uses, pedestrian, cycle routes Key links through to Trinity Square, South St, West St - drive footfall between. Option for a temporary scheme of commercial space and public realm only.</p> <p>(Note, this does not include land value)</p>	£8.93m	£3.3m
3	Seaton seafront Enhancement scheme	<p>Phase 1. Similar to part of the original planning permission (public realm in front of commercial premises, existing roundabout and Fisherman's Gap).</p> <p>Phase 2 – addition to phase 1 to complete a scheme similar to original planning permission (reduce roundabout and up to Beach Road).</p>	<p>£6.1m</p> <p>£4.1m</p>	

2.4 The report identifies the following issues/constraints for the above sites:

2.5 Employment sites -

2.5.1 The proposal includes the creation of 38no. workspace units across the 3 sites offering over 12,000 sq m of employment space. All 3 sites are within council ownership (or agreement to acquire is in place, in the case of Cloakham Lawns at nil cost), so there are no land acquisition costs. None of the proposals are commercially viable (unless a part residential element (6/7 houses) is included in Colyford Road) and funding would therefore be required for delivery.

2.6.1 Deliverability and achieving spending timescales is easier given ownership of these sites, although spend in 22/23 is subject to planning being secured.

2.6 Axminster Websters Site -

- 2.6.1 The proposal includes a mix of commercial, residential and public realm space, with linkages through to the surrounding roads, thereby enabling more open and attractive access routes between the main retail areas of the town. A proposal for temporary commercial and outdoor space has been included for this site.
- 2.6.2 The council does not own the site. This impacts on deliverability and the certainty of any spend by March 2023. A greater concern is the current situation regarding phosphate levels in the River Axe (see para 2.6.3 below) which raises issues around the ability to gain a planning approval. This is a significant constraint given that no planning permission can be granted for new dwellings and commercial overnight accommodation until the mitigation measures have been resolved; the timescale for which is currently unknown.
- 2.6.3 **Phosphates on the River Axe**
As Stage 1 of the work concluded, a new and significant issue arose in relation to phosphate levels in the River Axe and the advice the council has received from Natural England. This means that developments in the Axe catchment area that would increase the discharge of phosphates into the river should not be permitted unless they can mitigate, in the long term, the phosphate discharge from the development. The implications of this are not yet fully understood but it does mean that for the project proposals being considered for the Websters site, any development proposals that includes new dwellings or other commercial overnight accommodation, face significant delays in obtaining planning consent.
- 2.6.4 The owner of the Websters site may be willing to enter into negotiations with the council regarding a disposal of the site to the council. Part of the proposal also includes land owned by a third party (Royal Mail), and further negotiation would therefore be required in relation to that land acquisition, although it would be possible to deliver a reduced scheme, as a first phase for example, without this land.

2.7 Seaton Seafront Site -

- 2.7.1 The proposals illustrate a scheme similar to the existing planning permission (expired) being delivered over 2 phases. **Phase 1** would deliver public realm improvements in front of the food outlets on the Esplanade and around the roundabout, delivering a reduction in the space for vehicles and a net gain in pedestrian areas, whilst still enabling use by buses and private vehicles.
- 2.7.2 **Phase 2** would add to this with the closing of Beach Road, and a reduction in the size of the roundabout. The creation of some raised steps up towards the roundabout would enable visibility over the top of the sea wall from the public realm space close to the roundabout. It should be noted that the proposals are merely indicative at this stage and further detail would be required once appropriate surveys and technical detail is obtained.
- 2.7.3 **Much of** this site is in public ownership, either within the council's ownership or adopted Highway land. Deliverability would be subject to planning permission along with funding. This is a public realm scheme with potential for some seasonal pop up kiosks and as such there is minimal income generation from the proposal. There will however be a revenue cost for managing and maintaining the new public realm which will need to be accounted for.

2.8 Recommended Projects for Funding.

- 2.8.1 Section 6 of the report provides a Business Case Checklists for each project. This covers how the projects meet the government funding business case and appraisal criteria. It identifies those issues to be addressed in stage 2 – bid preparation.
- 2.8.2 This section (p.26) sets out how the projects might be packaged together and how they could meet the investment theme objectives and the strategic links to other economic/cultural priorities. It comments on the deliverability issues as highlighted above.

2.9 Report Summary and Next Steps

- 2.9.1 **Section 7** of the report sets out the different options for a package of projects which could be considered by the council for a Levelling Up Funding bid. It raises issues for consideration by the council such as the willingness to develop directly; and the key risks associated with this and delivery of projects in general.
- 2.9.2 It identifies the next steps that the council and the consultant team need to take in undertaking Stage 2 of the Axe Valley report - preparing for a Levelling Up Fund bid. This includes further stakeholder engagement including with the local MP in order to secure support for a bid submission.
- 2.9.3 As a first stage of stakeholder engagement, officers have met with the ward members for the Axe Valley to discuss the report findings. A meeting with the local MP, Neil Parish is scheduled to take place by the end of April. The next stage of engagement thereafter is to set up a second meeting with the local stakeholders that the project team met with in January, in order to present and discuss the outcome of the Stage 1 work and, subject to instruction, options for Stage 2 – preparing a bid. These second meetings, in Seaton and in Axminster, will be in mid-May. It should be noted that there will need to be complete stakeholder support for the package of projects that is the subject of a funding submission across the project area.

3. Stage 1 – Site Analysis and Funding Options.

- 3.1 In considering the options for a package of sites, the project team has reviewed the deliverability risks for each.
- 3.2 The Employment Sites package would score highly on deliverability, subject to planning, given existing ownership by the council. The existing allocation of these sites is for employment use in the current Local Plan. The proposed designs are considered appropriate to their locations. These sites, packaged together, will bring economic benefits to the Axe Valley area.
- 3.3 The Seaton Seafront package is an ambitious scheme and will offer aesthetic and amenity improvements to the seafront, for locals and visitors to enjoy. It is the most costly to deliver and lacks any direct economic benefits, but combining this project with the employment sites could offer a viable option for a funding bid as it meets the strategic objective of delivering both town centre/seafront regeneration with economic and employment benefits for the town.
- 3.4 The site with the highest risk is the Websters site. The phosphate discharge issue (para 2.6.3 above) creates the greatest challenge as any element of residential development is considered to be not capable of securing a permission within in a

timeframe that would deliver 100% spend of the funding by March 2025. Furthermore, the site is not owned by the council and whilst an acquisition might be possible, there are risks relating to conditionality of purchase, and the spending of external funds within the timescales required. For these reasons the consultants are recommending that the Websters site proposal itself is not included in any current funding bid.

- 3.5 The design work on the Websters site had also identified opportunities for some public realm improvements outside the site in Trinity Square by the war memorial, South Street and Silver Street. The delivery of these could be considered for Axminster town centre in their own right, thereby offering the combination of employment and economic benefits with the town centre regeneration benefits.
- 3.6 The consultants recommend that there are 3 options of funding packages for the Axe Valley area which members may wish to consider. These are set out in the table below and with more detail in the table at Appendix 3.

3.7 Funding Package Options.

Project Cost and LUF requirement £m	Project Budget (£m)	Viability Gap (£m)	Option 1: Seaton Only package (£m)	Option 2 : Axe Valley Package (£m)	Option 2B : Axe Valley Package. 2 Phases of Seaton Seafront. EDDC contributing of £4.19m match funding ie 54 % of budget for employment package (£m)
Employment Sites Package	7.69	4.7			3.5
Colyford Road	1.41		1.41	1.41	
Harepath Rd	1.91		1.91	1.91	
Cloakham Lawns	4.37			4.37	
Axminster Town Centre public realm	1	n/a		1	1
Seaton Seafront Enhancement	10.9	n/a			
Phase 1	6.3		6.3	6.3	6.3
Phase 2	4.6		4.6		4.6
LUF Grant required			14.22	14.99	15.4

- 3.8 **Option 1:** A **Seaton only package**, which would include the 2 employment sites in Seaton and the Seafront Enhancement site. The benefit of this package is that it offers a combination of both Seaton a town centre/seafront regeneration element for the town with the economic and employment benefits of the 2 employment sites. However, it excludes an Axminster element from the bid and therefore dilutes the wider benefits for the Axe Valley.
- 3.9 **Option 2:** An **Axe Valley package**, which would include all 3 employment sites and only phase 1 of the Seafront Enhancement site and a public realm improvement project for Axminster town centre. The inclusion of the public realm project would enable Axminster to have both town centre and economic/employment benefits, making this a

potentially more rounded stronger package to sit alongside Seaton's seafront and economic/employment benefits package.

- 3.10 **Option 2b: An Axe Valley package**, which would include as option 2 above along with phase 2 of the Seafront Enhancement site, but would offer match funding towards the employment site for the sum of £4.19m. This would be through use of the Public Works Loan Board (PWLB), and recognises that as these sites would be retained by the council as an investment, the rental income would cover the repayment of the PWLB over a number of years (to be determined). This option recognises the benefit of offering some match funding towards the project costs within the funding bid. However, delivering phase 2 of the Seafront Enhancement scheme within the LUF timescales would be unlikely given the complexities of the scheme, involving a road closure.
- 3.11 **Option 3: Do Not Bid to Levelling Up Round 2.** There is of course the option for Members to determine not to submit a bid for the Levelling Up Fund. The risks and resourcing of project delivery and stakeholder commitment are relevant considerations. Further information will become available in respect of the latter in particular in the weeks ahead.

4. Conclusions

- 4.1 Of the options set out above, Option 2 is considered the most feasible for a future funding bid for the council to pursue, given the delivery timescales and broad offer of benefits within the Axe Valley. The report therefore recommends that the funding package Option 2 is pursued in respect of the Round 2 Levelling Up Funding bid.

Financial implications:

The financial details are covered in the report.

Legal implications:

There are no specific legal implications requiring comment at this stage.

APPENDIX 3

Project Cost and LUF requirement £m	Project Budget	Viability Gap	Option 1 :Seaton Only package	Option 2 : Axe Valley Package	Option 2B : Axe Valley Package. 2 Phases of Seaton Seafront. EDDC contributing of £4.19m match funding ie 54 % of budget for employment package		Jobs	commercial floorspace m2	Homes	GVA (10 yrs) £m
Employment Sites Package	7.69	4.7			3.5		150	3500		30
Colyford Road	1.41		1.41	1.41						
Harepath Rd	1.91		1.91	1.91						
Cloakham Lawns	4.37			4.37						
Axminster Town Centre public realm	1	n/a		1	1		public realm benefits tbc			
Seaton Seafront Enhancement	10.9	n/a					40	680	69	6
Phase 1	6.3		6.3	6.3	6.3					
Phase 2	4.6		4.6		4.6					
LUF Grant required			14.22	14.99	15.4		190	4180	69	36

Report to: Cabinet

Date of Meeting 4 May 2022

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



UK Shared Prosperity Fund Prospectus

Report summary:

The prospectus for the UK Shared Prosperity Fund was published on the 13th April. This will provide an important source of funding over the next three year period. This report provides an overview of the main provisions of the prospectus as they apply to the Council. Three particular aspects are highlighted – the need to work in partnership to develop and submit an Investment Plan by the 1st August, the relationship with the County Deal process and the importance of robust programme management.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendations:

That Cabinet;

- Notes the publication of the prospectus for the UK Shared Prosperity Fund and its associated provisions
- Endorses the establishment of a local partnership group with external partners to guide the development of the Investment Plan for the District and advises on the proposed membership of this group
- Approves use of the initial £20k administration payment to secure resource to help formulate the Investment Plan submission
- Agrees establishing a Programme Management Panel reporting to Cabinet to have oversight of the deployment of the Fund. The panel to be comprised of a cross-party group of members, comprising the Leader, Deputy Leader and Portfolio Holders for Finance and Climate Action & Emergency Response, two Conservative members, one of the Independent members and one Cranbrook Voice member, to be nominated by the respective Groups.
- Receives a further report on the Investment Plan prior to it being submitted to government

Reason for recommendation:

To ensure that the Council is properly prepared for the introduction of the UK Shared Prosperity Fund and is able to access the associated funds.

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

Portfolio(s) (check which apply):

- ☒ Climate Action and Emergency Response
- ☒ Coast, Country and Environment

- ☒ Council and Corporate Co-ordination
- ☒ Democracy, Transparency and Communications
- ☒ Economy and Assets
- ☒ Finance
- ☒ Strategic Planning
- ☒ Sustainable Homes and Communities
- ☒ Tourism, Sports, Leisure and Culture

Equalities impact High Impact

The Shared Prosperity Fund is intended to support the key objectives of the Levelling Up White Paper.

Climate change High Impact

Risk: Medium Risk; This report highlights the need to quickly establish a local partnership group to guide the development of an Investment Plan which will need to be submitted to government by the 1st August. There will be an ongoing need for robust programme management to ensure that the key interventions contained in the Investment Plan are delivered.

Links to background information [UK Shared Prosperity Fund: prospectus - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/uk-shared-prosperity-fund-prospectus) [Levelling Up White Paper \(publishing.service.gov.uk\)](https://www.gov.uk/government/publications/levelling-up-white-paper) [UK Shared Prosperity Fund: pre-launch guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/uk-shared-prosperity-fund-pre-launch-guidance) [Delivery geographies - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/delivery-geographies)

Link to [Council Plan](#)

Priorities (check which apply)

- ☒ Better homes and communities for all
- ☒ A greener East Devon
- ☒ A resilient economy

1. Background and context

1.1 The prospectus for the UK Shared Prosperity Fund (UKSPF) was published on the 13th April. Following hot on the heels of the Levelling Up White Paper, the Fund is intended to help deliver each of the four objectives set out in this, namely;

- Boost productivity, pay, jobs and living standards by growing the private sector, especially in those places where they are lagging
- Spread opportunities and improve public services, especially in those places where they are weakest
- Restore a sense of community, local pride and belonging, especially in those places where they have been lost
- Empower local leaders and communities, especially in those places lacking local agency

1.2 The primary goal of the UKSPF is to build pride in place and increase life chances across the UK. Underneath this overarching aim are three investment priorities: communities and place; supporting local business; and people and skills. The prospectus is at pains to highlight how these investment themes are expected to help to realise seven of the twelve missions set out in the Levelling Up White Paper. These range from improving life expectancy to increasing pay, employment and productivity.

1.3 The UKSPF is the successor to European structural funds and subsequently the publication of the prospectus has been keenly anticipated. Every place in the UK has been allocated a share of Fund and funding is confirmed for three financial years. This starts at a 90:10 revenue to capital split in 2022/3 which changes to 80:20 by 2024/25.

2. Investment Plan

2.1 East Devon is defined as a delivery geography and therefore the District Council will act as a lead authority. The financial allocation is confirmed as £1,796,363 of which up to 4% can be utilised to fund administration alongside a one off payment of £20k. Whilst there is no match funding requirement, the prospectus makes it clear that account should be taken of the wider funding landscape. Lead authorities are strongly encouraged to consider match funding from the private, public and third sectors and leverage options when selecting communities and place and supporting local business interventions to fund.

2.2 Proposed interventions should reflect local need and opportunity and need to be set out in an Investment Plan. An interventions list for England was published alongside the prospectus and is contained at Appendix A. Places are encouraged to review the interventions and identify activities that would support UKSPF objectives in their area, including any interventions that are best delivered at a larger scale in collaboration with other places, or more locally. Places will be able to select bespoke interventions that do not feature in the menu of options. Interventions will also need to consider local and national policies and priorities including the contribution to net zero and nature recovery objectives.

2.3 Investment plans will need to set out how the lead authority intends to use and deliver the funding. There is an expectation that the plans are developed in conjunction with local stakeholders. A local partnership group needs to be established to consult with when developing the investment plan. The list below is a guide for the types of groups that should be represented;

- Representatives from the lead local authority (this may also include neighbouring authorities or constituent authorities where relevant and to maximise alignment)
- Local businesses and investors (large employers and small and medium sized employers)
- Business support providers or representatives, including sectoral representatives relevant to the place (for example – cluster bodies, tourism organisations)
- Local partnership boards and strategic bodies where relevant (for example, Local Enterprise Partnerships or Local Skills Improvement Partnerships in England)
- Regional representatives of arms-length bodies of government where appropriate
- Prominent local community & faith organisations
- Voluntary, sector social enterprise and civil society organisations, including Third Sector Interface Groups in Scotland
- Rural representatives unless there are no rural communities within the area
- Education and skills providers – for example higher education institutions and further education colleges, adult learning providers
- Employment experts and providers – for example Jobcentre Plus representatives and employment related service providers
- Nature, environmental or associated representatives
- Public health representatives
- Police and crime representatives (such as Police and Crime Commissioners where relevant)
- Members of Parliament

There is an expectation that the investment plan will be able to demonstrate local consensus for it. Each plan will need to detail the MPs involved in the local partnership group and whether each are supportive of the final plan submitted for UK government consideration.

2.4 The prospectus makes it clear that investment plans should feature three broad stages;

1. Local context: an opportunity for places to set out their local evidence of opportunities and challenges through the lens of the three investment priorities for UKSPF.

2. Selection of outcomes and interventions: where places will identify the outcomes they wish to target based on local context, and the interventions they wish to prioritise, under each investment priority, from the menu of options. These should be clearly linked to local opportunities and challenges.

3. Delivery: this will represent the most detailed stage of the investment plans and is broken down into the following:

a. Approach to delivery and governance: where places outline the structures and processes that will support the delivery of their chosen interventions. We will also expect places to set out the engagement they have undertaken as part of the development of their Plan, including their engagement with MPs.

This section will also ask places to set out how they intend to collaborate with other places in the delivery of specific interventions – for example with neighbouring places, or with places across the UK with common needs or challenges.

b. Expenditure and deliverables: detailing what places want to deliver with their investment plan, including the spend profile for the three years of the fund as well as outputs and outcomes figures, and where places have already identified specific projects they wish to fund under each of the investment priorities.

As part of these spend and indicator profiles, lead local authorities will be asked to detail their intended budgets at priority and intervention level. UK government will use this information as part of the assessment and as initial performance management, along with additional performance management information set out in a Memorandum of Understanding.

Expenditure profiles must be accurate and deliverable. Each place must set out a minimum amount of capital funding to invest each year in their investment plan, which will be monitored.

c. Capability and resource: to allow places to outline the resource they have to manage and work on UKSPF, as well as their capability and previous experience of delivering similar funds.

2.5 Investment plans need to be submitted via an online platform during a submission window which opens on the 30th June and closes on the 1st August.

3. Assessment

3.1 The UKSPF is a significant opportunity to secure substantial investment for the District. From an initial assessment there are considered to be three stand out items that need early consideration;

- The need to work in partnership with a wide range of stakeholders to develop an Investment Plan for the District and to meet the demanding timeline for submission

3.2 There is a maximum period of 12 weeks between the date of the Cabinet meeting and the end of the window for submitting investment plans. It would be very hard to meet this timescale if we starting from a blank sheet of paper. Thankfully the recently refreshed Council Plan and the suite of accompanying strategies (Poverty, Climate Change, Public Health, Culture, Leisure, Tourism) which have either recently been completed or are currently under development provide an excellent starting framework from which to consider potential interventions. This includes the

relative balance between addressing need (such as reducing poverty) and promoting opportunities.

3.3 The following are some examples of how the interventions listed in Appendix A could be expanded and developed to help implement particular strategies;

E6: Support for local arts, cultural, heritage and creative activities.

Work is currently underway to develop a cultural strategy for the District. One of the emerging themes from this is as follows;

- Strengthen and support the 'people-that-do': Support the unique, community-led cultural organisations whose efforts enhance the high quality of life and wellbeing in East Devon's towns and villages

It should be possible to engage with the Arts & Culture Forum to identify a package of support for community-led cultural organisations that matches this theme.

E8: Funding for the development and promotion of wider campaigns which encourage people to visit and explore the local area.

With funding support through the Welcome Back Fund, the Council has commissioned the *East Devonly* campaign including three films focusing on the themes of family, food and adventure. Working with representatives of the tourism industry and in conjunction with the development of the tourism strategy, there may be an opportunity to develop this campaign further.

E13: Community measures to reduce the cost of living, including through measures to improve energy efficiency, and combat fuel poverty and climate change.

The work to develop the dashboard accompanying the Poverty Strategy is highlighting the significant impact that rising energy prices are having on a significant number of households in the District. Working with partners such as Exeter Community Energy we may be able to secure further tailored support to help more households to reduce their energy bills.

E19: Increasing investment in research and development at the local level. Investment to support the diffusion of innovation knowledge and activities. Support the commercialisation of ideas, encouraging collaboration and accelerating the path to market so that more ideas translate into industrial and commercial practices.

Exeter Science Park provides a hub for research and development activity in the District. Working with the Science Park Company it may be possible to put together a programme that helps to boost this activity and spread the benefits across the District. This could potentially lever wider investment through the Enterprise Zone programme.

E29: Supporting decarbonisation and improving the natural environment whilst growing the local economy. Taking a whole systems approach to invest in

infrastructure to deliver effective decarbonisation across energy, buildings and transport and beyond, in line with our legally binding climate target. Maximising existing or emerging local strengths in low carbon technologies, goods and services to take advantage of the growing global opportunity.

Cabinet considered and endorsed a proposed vision for clean growth for the West End of the District at the 2nd February meeting. This work identified sustainable aviation as one of four investment themes. Working with the Airport and others such as Exeter College it may be possible to craft a package of support that helps the Airport to develop as a hub for sustainable aviation. This would build from the trial of hybrid-electric flights that took place in the summer of 2021.

E39: Green skills courses targeted around ensuring we have the skilled workforce to achieve the government's net zero and wider environmental ambitions.

Exeter College have established a Green Construction Skills Advisory Panel which meets at the Future Skills Centre. Through this group it may be possible to identify a programme of courses, for example to develop retrofit skills which would help improve the energy efficiency of the Council's housing stock.

3.4 Whilst the above are intended only as illustrative examples, they help to demonstrate how a logic chain can be developed between local needs and opportunities, strategic priorities and specific interventions. Throughout the process of developing the Investment Plan for the District there will be a need to engage widely to develop such proposals and build consensus.

3.5 As set out above, the expectation is that the input of stakeholders will be marshalled through a designated local partnership group. There is no pre-existing group that is considered to meet the guidance in the prospectus in this respect. Therefore a priority action is to constitute such a group comprising relevant partners and stakeholders. Based on the guidance as set out in paragraph 2.3 above, a proposed membership is set out below;

- Citizens Advice
- Coordinator of the East Devon Community Network
- Devon Association of Local Councils
- Cosmic
- Exeter Science Park Company
- Exeter Airport
- Axminster Tools
- Tourism sector representative e.g. from East Devon Excellence
- LED
- Representative from Arts & Culture East Devon
- Devon Climate Emergency Tactical Group
- AONB Partnership
- National Trust
- Clinton Devon Estates
- NFU
- Job Centre plus
- Further Education – Exeter College or Bicton College
- Public Health representative e.g. DCC Director of Public Health
- Police and Crime Commissioner
- MPs – Simon Jupp, Neil Parish, Mel Stride

3.6 Members of Cabinet are asked to consider this list and advise on any additions or alternatives. A first meeting of the group will then need to be convened as a matter of urgency.

- The relationship with the County Deal

3.7 The prospectus makes it clear that that delivery arrangements set out in the document will continue until March 2025. Thus whilst it is anticipated that the delivery responsibility for the Fund will align with the County Deal in due course, the expectation is that a standalone investment plan will be produced for the District.

3.8 This is not to say that each of the Districts in Devon should develop entirely separate investment plans. There is clearly a benefit in seeking to coordinate activity and indeed the prospectus specifically encourages this in areas such as employment and skills and business support. The future of legacy programmes, such as to support young people not in education, employment or training, which are currently commissioned on a County wide basis with the benefit of European funds will also need to be carefully considered. In reality it is anticipated that a blend of in-District and pan District measures will be required. An officer meeting is being convened through Team Devon to consider how the development of investment plans can best be coordinated across the County, for example in relation to employment and skills activity.

- The need for robust programme management

3.9 The prospectus makes it clear that the relevant Investment Plan will need to be agreed between the lead authority and the UK government in order to unlock the allocated funds. Whilst the precise content of the proposed Memorandum of Understanding is not currently known, it is also clear that the UK government will maintain a careful overview of the deployment of the funds. This includes 6 monthly reporting and the potential clawback of funds on an annual basis if there is an underspend relative to the submitted expenditure profile.

3.10 Robust programme management will be required to ensure that the funds are deployed successfully. This will require focused effort and dedicated resource from a range of services in the Council. In order to coordinate this activity and provide the necessary oversight it is proposed to establish a programme board of eight Councillors with politically balanced representation. This builds from experience with the deployment of discretionary grant schemes over the past two years where the role of an equivalent group has proved to be invaluable in ensuring that the funds are deployed to best effect whilst meeting demanding timescales. An internal cross service officer group will also be formed to support the programme board.

4. Conclusion

4.1 The UKSPF offers the prospect of securing significant investment for the District. In turn this can help to gain traction on key Council strategies and priorities. It is important to act quickly to engage stakeholders in developing the required Investment Plan and to build consensus in this respect. In anticipation of the funds being unlocked there is also a need to instigate a robust programme management approach.

Financial implications:

The financial details are covered in the report.

Legal implications:

What is proposed is permissible and seems a sensible approach. Members should note some of Government's expectations around repayment of unused funds. At this stage there is no documentation to review and so Legal will review the outcome of any successful bid and the related documentation at the appropriate point.

1. Communities and place

Objectives:

- Strengthening our social fabric and fostering a sense of local pride and belonging, through investment in activities that enhance physical, cultural and social ties and amenities, such as community infrastructure and local green space, and community-led projects.
- Building resilient, safe and healthy neighbourhoods, through investment in quality places that people want to live, work, play and learn in, through targeted improvements to the built environment and innovative approaches to crime prevention.

Interventions

- E1: Funding for improvements to town centres and high streets, including better accessibility for disabled people, including capital spend and running costs.
- E2: Funding for new, or improvements to existing, community and neighbourhood infrastructure projects including those that increase communities' resilience to natural hazards, such as flooding. This could cover capital spend and running costs.
- E3: Creation of and improvements to local green spaces, community gardens, watercourses and embankments, along with incorporating natural features into wider public spaces.
- E4: Enhanced support for existing cultural, historic and heritage institutions that make up the local cultural heritage offer.
- E5: Design and management of the built and landscaped environment to 'design out crime'.
- E6: Support for local arts, cultural, heritage and creative activities.
- E7: Support for active travel enhancements in the local area.
- E8: Funding for the development and promotion of wider campaigns which encourage people to visit and explore the local area.

- E9: Funding for impactful volunteering and/or social action projects to develop social and human capital in local places.
- E10: Funding for local sports facilities, tournaments, teams and leagues; to bring people together.
- E11: Investment in capacity building and infrastructure support for local civil society and community groups.
- E12: Investment in community engagement schemes to support community involvement in decision making in local regeneration.
- E13: Community measures to reduce the cost of living, including through measures to improve energy efficiency, and combat fuel poverty and climate change.
- E14: Funding to support relevant feasibility studies.
- E15: Investment and support for digital infrastructure for local community facilities.

2. Supporting local business

Lead Authorities should consider segmenting their business population, focusing on specific interventions that will best meet local business need. This can be informed by early engagement with local business representatives.

Objectives:

- Creating jobs and boosting community cohesion, through investments that build on existing industries and institutions, and range from support for starting businesses to visible improvements to local retail, hospitality and leisure sector facilities.
- Promoting networking and collaboration, through interventions that bring together businesses and partners within and across sectors to share knowledge, expertise and resources, and stimulate innovation and growth.
- Increasing private sector investment in growth-enhancing activities, through targeted support for small and medium-sized businesses to undertake new-to-firm innovation, adopt productivity-enhancing, energy efficient and low carbon technologies and techniques, and start or grow their exports.

Interventions

- E16: Investment in open markets and improvements to town centre retail and service sector infrastructure, with wrap around support for small businesses.
- E17: Funding for the development and promotion (both trade and consumer) of the visitor economy, such as local attractions, trails, tours and tourism products more generally.
- E18: Supporting Made Smarter Adoption: Providing tailored expert advice, matched grants and leadership training to enable manufacturing SMEs to adopt industrial digital technology solutions including artificial intelligence; robotics and autonomous systems; additive manufacturing; industrial internet of things; virtual reality; data analytics. The support is proven to leverage high levels of private investment into technologies that drive growth, productivity, efficiency and resilience in manufacturing.
- E19: Increasing investment in research and development at the local level. Investment to support the diffusion of innovation knowledge and activities. Support the commercialisation of ideas, encouraging collaboration and accelerating the path to market so that more ideas translate into industrial and commercial practices.
- E20: Research and development grants supporting the development of innovative products and services.
- E21: Funding for the development and support of appropriate innovation infrastructure at the local level.
- E22: Investing in enterprise infrastructure and employment/innovation site development projects. This can help to unlock site development projects which will support growth in places.
- E23: Strengthening local entrepreneurial ecosystems, and supporting businesses at all stages of their development to start, sustain, grow and innovate, including through local networks.
- E24: Funding for new and improvements to existing training hubs, business support offers, 'incubators' and 'accelerators' for local enterprise (including social enterprise) which can support entrepreneurs and start-ups through the early stages of development and growth by offering a combination of services including account management, advice, resources, training, coaching, mentorship and access to workspace.
- E25: Grants to help places bid for and host international business events and conferences that support wider local growth sectors.
- E26: Support for growing the local social economy, including community businesses, cooperatives and social enterprises.
- E27: Funding to develop angel investor networks nationwide.
- E28: Export Grants to support businesses to grow their overseas trading, supporting local employment.

- E29: Supporting decarbonisation and improving the natural environment whilst growing the local economy. Taking a whole systems approach to invest in infrastructure to deliver effective decarbonisation across energy, buildings and transport and beyond, in line with our legally binding climate target. Maximising existing or emerging local strengths in low carbon technologies, goods and services to take advantage of the growing global opportunity.
- E30: Business support measures to drive employment growth, particularly in areas of higher unemployment.
- E31: Funding to support relevant feasibility studies.
- E32: Investment in resilience infrastructure and nature based solutions that protect local businesses and community areas from natural hazards including flooding and coastal erosion.

3. People and skills

Lead local authorities and partners must note that the Fund will focus on communities and place and local business interventions in 2022-23 and 2023-24, alongside support for people through the Multiply adult numeracy programme. This complements residual employment and skills funding from the European Social Fund. UKSPF investment to support people and skills will follow from 2024-25, when the funding pot reaches its full extent.

This means that places will be able to select people and skills interventions from 2024-2025 onwards, unless they meet the voluntary sector considerations outlined below.

Alignment with current provision

UKSPF will be the main source of funding to support employment provision for economically inactive people.^{[\[footnote 1\]](#)} To reduce levels of economic inactivity, local areas should ensure investment in employment support is tailored to local needs. This should facilitate the join-up of mainstream provision and local services, through the use of keyworker support and community interventions to improve employment outcomes for economically inactive people, including engagement with integrated care systems where appropriate.

To maximise outcomes and avoid duplication local areas should collaborate with a range of local partners to consider the provision already available locally as well as through the Jobcentre Plus network and the Adult Education Budget.

Lead local authorities should consider current European Social Fund interventions for people and skills, emerging people and skills needs and proposed Multiply interventions, when developing a local investment plan. This will then inform proposed people and skills support from 2024-25 onwards.

Alignment with Multiply

Each place should also read the [Multiply prospectus for England](#) which seeks proposals for adult numeracy interventions for 2022-23, 2023-24 and 2024-25, operating at upper-tier or Mayoral Combined Authority/London scale. They should take account of the aims, objective and priorities of Multiply when developing local plans for people and skills interventions.

Voluntary and community sector provision

Lead local authorities have the flexibility to fund targeted people and skills provision in 2022-23 and 2023-24 where this is a continuing priority for 2024-25 and may be at significant risk of ending due to the tail off of EU funds. This flexibility may only be used where provision is currently delivered by voluntary and community organisations, having regard for the focus of the Fund and available funding.

Objectives:

- Boosting core skills and support adults to progress in work, by targeting adults with no or low level qualifications and skills in maths, and upskill the working population, yielding personal and societal economic impact, and by encouraging innovative approaches to reducing adult learning barriers.
- Reducing levels of economic inactivity [\[footnote 1\]](#) through investment in bespoke intensive life and employment support tailored to local need. Investment should facilitate the join-up of mainstream provision and local services within an area for participants, through the use of one-to-one keyworker support, improving employment outcomes for specific cohorts who face labour market barriers.
- Expected cohorts include, but are not limited to people aged over 50, people with a disability and health condition, women, people from an ethnic minority, young people not in education, employment or training and people with

multiple complex needs (homeless, care leavers, ex/ offenders, people with substance abuse problems and victims of domestic violence).

- Supporting people furthest from the labour market to overcome barriers to work by providing cohesive, locally tailored support, including access to basic skills.
- Supporting local areas to fund gaps in local skills provision to support people to progress in work, and supplement local adult skills provision e.g. by providing additional volumes; delivering provision through wider range of routes or enabling more intensive/innovative provision, both qualification based and non-qualification based. This should be supplementary to provision available through national employment and skills programmes.

Interventions

Supporting economically inactive people to overcome barriers to work by providing cohesive, locally tailored support including access to basic skills

- E33: Employment support for economically inactive people: Intensive and wrap-around one-to-one support to move people closer towards mainstream provision and employment, supplemented by additional and/or specialist life and basic skills (digital, English, maths* and ESOL) support where there are local provision gaps.

This provision can include project promoting the importance of work to help people to live healthier and more independent lives, alongside building future financial resilience and wellbeing. Beyond that, this intervention will also contribute to building community cohesion and facilitate greater shared civil pride, leading to better integration for those benefitting from ESOL support.

Expected cohorts include, but are not limited to people aged over 50, people with a disability and health condition, women, people from an ethnic minority, young people not in education, employment or training and people with multiple complex needs (homeless, care leavers, ex/offenders, people with substance abuse problems and victims of domestic violence).

*via Multiply.

Supporting people furthest from the labour market through access to basic skills

- E34: Courses including basic skills (digital, English, maths (via Multiply) and ESOL), and life skills and career skills** provision for people who are unable to access training through the adult education budget or wrap around support detailed above. Supplemented by financial support for learners to enrol onto courses and complete qualifications.

Beyond that, this intervention will also contribute to building community cohesion and facilitate greater shared civil pride, leading to better integration for those benefitting from ESOL support.

****where not being met through Department for Work and Pensions provision.**

- E35: Activities such as enrichment and volunteering to improve opportunities and promote wellbeing.
- E36: Intervention to increase levels of digital inclusion, with a focus on essential digital skills, communicating the benefits of getting (safely) online, and in-community support to provide users with the confidence and trust to stay online.

Skills to progress in work and to fund local skills needs

- E37: Tailored support to help people in employment, who are not supported by mainstream provision to address barriers to accessing education and training courses. This includes supporting the retention of groups who are likely to leave the labour market early.
 - E38: Support for local areas to fund local skills needs. This includes technical and vocational qualifications and courses up to level 2 and training for vocational licences relevant to local area needs and high-value qualifications where there is a need for additional skills capacity that is not being met through other provision.
 - E39: Green skills courses targeted around ensuring we have the skilled workforce to achieve the government's net zero and wider environmental ambitions.
 - E40: Retraining support for those in high carbon sectors.
 - E41: Funding to support local digital skills.
1. Economic inactivity refers to those without a job who have not sought work in the last four weeks and/or are not available to start work in the next two weeks although in practice many people who are inactive will have been so for a long time. For UKSPF, people and skills investments the term includes people not in work who are on and off benefits, with the exception of Universal Credit, Jobseekers Allowance or Employment and Support Allowance claimants who are in the all work related requirements legal conditionality groups (i.e. Light Touch and Intensive Work Search). [↩](#) [↩²](#)



Report to: Cabinet

Date of Meeting 4 May 2022

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Car Park Issues

Report summary:

To consider new arrangements for collection of cash from pay and display car parks and to consider recommendations from the East Devon Car Parks' TAFF in respect of a policy for campervans and motorhomes. To approve the recruitment of two additional Officers to deliver the new in-house cash collection service and to provide effective management and enforcement of the rules and restrictions around campervans and motorhomes.

Is the proposed decision in accordance with:

Budget Yes ☐ No ☒

Policy Framework Yes ☒ No ☐

Recommendation:

That Cabinet approve the proposed arrangements for cash collection and an exemption to contract standing orders to enable Teignbridge District Council to provide the service and delegated authority to the Strategic Lead Finance to finalise the terms and enter into an appropriate agreement.

That Cabinet approve the policy for use of EDDC pay and display car parks by campervans and motorhomes

That Cabinet approve the recruitment of two additional officers within the car parks team to enable in-house cash collection and effective management and enforcement of the campervans and motorhomes policy and recommend to Council that an additional budget of up to £30,000 be agreed for the second post.

That Cabinet considers the situation at Exmouth Lorry Park and provides direction in terms of future use and urgency of delivery.

Reason for recommendation:

To approve an exemption to standing orders in respect of tendering a contract for cash collection services on the basis that our customers are now moving towards card and mobile-phone payment options. A policy to set out our rules for overnight parking of campervans and motorhomes in our public car parks will enable our officers to properly manage and enforce inconsiderate and inappropriate behaviour that impacts on the environment and on neighbours. An in house staffing solution to delivering both of these will give flexibility and offers value for money.

Officer: John Symes and Andrew Ennis

Portfolio(s) (check which apply):

- ☐ Climate Action and Emergency Response
- ☒ Coast, Country and Environment
- ☐ Council and Corporate Co-ordination
- ☐ Democracy, Transparency and Communications
- ☒ Economy and Assets
- ☒ Finance
- ☐ Strategic Planning
- ☐ Sustainable Homes and Communities
- ☐ Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information

Link to [Council Plan](#)

Priorities (check which apply)

- ☐ Better homes and communities for all
- ☐ A greener East Devon
- ☒ A resilient economy

Report in full

Cash Collection

The Council's cash collection contractor (Contract Security Limited) ceased trading in September 2021 and interim emergency arrangements have been in place since that time. Immediately following receipt of the news of the demise of our contractor's business, colleagues at Teignbridge District Council offered interim assistance with counting and banking car parking cash at their in-house facility in Newton Abbot. We accepted this offer on a trial basis and that relationship has proven to be successful. Due to a general move away from cash transactions over the last two years in favour of card and mobile-phone payments, it seems inappropriate to try to re-tender our cash collection contract at this stage and instead we are now proposing a hybrid of in-house collection of coins from our car park pay machines with a formal collaboration with Teignbridge District Council to provide a counting and banking service. The combination of additional in house costs plus the contract with TDC will be within the existing cash collection budget of £40,000. An exemption to contract standing orders will be required to authorise us to work with TDC. We would request that the task of finalising the contract terms and costs be delegated to officers.

Motorhomes and campervans

The Council's car parking TAFF met in March 2021 and made recommendations in respect of a policy for campervans and motorhomes using EDDC car parks. This recommendation now needs formal consideration by Members to (a) bring an end to the ongoing trial in Exmouth and (b) adopt a policy that will enable the car parks' team to effectively manage the situation.

TAFF recommendations here.

<https://democracy.eastdevon.gov.uk/ieListDocuments.aspx?CId=245&MId=1641&Ver=4>

Exmouth Lorry Park

Exmouth's lorry park was closed two years ago to provide a dedicated construction site compound for the Exmouth Tidal Defence works programme. That work has now been completed and the future of this site now needs to be considered.

The March 2021 TAFF recommended that "...officers should explore the possibility of creating dedicated motorhome/campervan pitches to allow longer stays and for which a premium overnight rate comparable with commercial campsites could be charged. Officers should begin a formal consultation process with local members, the town council and Natural England to consider the impact of the first such development on the site of Exmouth's former lorry park, adjacent to the estuary. Further consideration would then be needed in terms of financial investment decisions and planning permission..."

More recently the unused lorry park has now become occupied by a variable number of people who are living in their vehicles and appear to be working locally. Further interaction with the individuals concerned has revealed a group of mainly younger working people who are choosing this way of life to avoid high residential rents locally and are attempting to save money towards a deposit to buy their first home. Ward Members Cllrs Joe Whibley and Olly Davey have requested that the Council look carefully for land upon which they (and similar) individuals might be able to park their vehicles to use as residential dwellings and in addition, to allow them to remain on the site of the former Estuary lorry park until the future use of that site has been determined and implemented.

Officers' recommendation is that the former lorry park be developed (subject to the necessary consultations) for use as a tourist motorhome / campervan site with associated facilities. These facilities would include refurbishment of the adjacent category C toilet block into a dedicated toilet and shower facility for the site and that a fair commercial charge is applied to the offer (taking into consideration the prime location of the site including its proximity to the town centre, the railway station and of course stunning views over the Exe estuary and direct access to the Exe Estuary trail. This charge is likely to be around £20 per night – way in excess of the charges that would be acceptable to the longer term residential van users.

Planning permission would be required to change the use of the lorry park to a tourist motorhome/campervan site and gaining consent would not be straight forward. The site is immediately adjacent to the Exe Estuary Special Area of Conservation (SAC), Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI). The site supports internationally important wildlife notably including over 20,000 over wintering wildfowl and waders. These are detrimentally impacted by recreational impacts of water sports, dog walking and other activities such that all developments providing residential accommodation and overnight tourist accommodation have to be assessed under the Habitat Regulations and at the very least provide a financial contribution to the mitigation strategy overseen by the South and East Devon Habitat Regulations Executive Committee of which EDDC is a member. In this case the development is directly adjacent to the protected site and so poses an even greater risk in terms of its potential impacts from light pollution and other activities in addition to recreational activities caused by users of the site having virtually direct access to the estuary. It may be that these issues can be adequately mitigated but there would be costs associated with this. In any event these issues would have to be very carefully considered and Natural England consulted in the event that Members wished to pursue this option.

Staffing

The proposals above to bring cash collections in house and to potentially adopt a policy for campervans (and the possibility of introducing new evening charges and Sunday charges) will both increase revenue but also mean that to manage these changes properly we will need two new FTE civil enforcement officers. This will be cost neutral. The costs of one officer can be met from the existing cash collection budget, the cost of the second officer will need to be considered alongside the potential to generate additional revenue from a properly managed and enforced offer for overnight stays (for campervans and motorhomes) in some of our public car parks. That revenue will depend (at least in part) on the overnight charge agreed by Cabinet Members if they are minded to approve the draft policy and the extent to which Ward Members feel comfortable with permitting overnight stays in their local car parks. I would suggest that our experience from Exmouth alone very roughly indicates a potential income based on 30 overnight stays each day from 1 June to 30 September of 30 van x 120 nights x (say) £20 per night gets us to something around £70,000 of extra income, more than enough to cover the employment costs of an additional officer.

Other matters for consideration

There are a number of other matters arising from the work of the Car Parks TAFF leading to the development of an East Devon car parking strategy and it is proposed that a further report will be presented to Members in the autumn. The outstanding matters will include:

1. evening charging in short stay car parks,
2. Sunday charging in our public car parks in Axminster, Honiton and Ottery St Mary (where we don't currently charge at all on Sundays).
3. addressing our Climate Change action plan **including a policy on EV charging**. The Council has participated in two funded schemes to deliver EV infrastructure so far- the DELETTI programme led by DCC and the rapid charging project funded by innovate UK. Further opportunities will quickly present themselves as social, marketing and fuel price driven pressures all increase the increase of electric vehicles into society. We will also need to take advantage of other benefits offered by the car parks portfolio including the provision of cycle parking, cargo bike storage, hosting zero-emission car clubs and developing genuine transport interchanges.
4. It is the case that most of the Council's car parking revenue is earned by around twenty of our fifty seven car parks. Around nine of our car parks currently require maintenance and improvement and overall have significant running costs including business rates but we make no charge for their use. Not only are these a drain on our resources, they also represent missed opportunities to generate additional revenue, in some cases to the tune of tens of thousands of pounds.
5. The Council has recently entered into agreements to manage car parks for Sideshore in Exmouth and Hallmark Estates in Axminster. We have also recently been asked to consider managing a new public car park for Clinton Devon Estates for which we will need Member approval in due course. Beyond this our reputation for fair and transparent enforcement make us an attractive option compared to some private sector operators and I would see this as a potentially important and financially viable "trading" model to consider if we look at asset transfer options for those car parks that we may want to transfer to other ownerships / communities.
6. Finally Members have indicated a desire to review both parking permits (including charges and eligibility) and reserved parking arrangements – both of which I would agree are in need of an update this year. Specifically we will be presenting options that will try to offer affordable rates to local residents but will take a different approach to other customers including a specific policy on second home owners!

Financial implications:

The need to formalise the cash collection arrangements is essential, the final cost is to be agreed with TDC and there is a requirement of 1 FTE civil enforcement officer - there is currently an existing budget provision for the cash collection contract of £40k and it is estimated that this will not be exceeded. The request for an additional FTE to help support the implementation of the Campervan Policy, although covered by income, is a new budget and will require Council approval.

Legal implications:

These car parking matters (save for the budget request) are appropriately matters for Cabinet, following the Car Parking Strategy being removed from the Policy Framework. The awarding of the cash collection contract to Teignbridge District Council is permissible and the granting of an exemption in this case, given the sum involved, can be reasonably justified. It is for Cabinet to determine whether it wishes to agree the proposed approach to motorhomes and campervans.