

**Agenda for the meeting of the Council  
Wednesday, 7th December, 2022, 6.00 pm**

To: All elected Members of the Council; Honorary Aldermen

**Venue:** Ocean Suite, Ocean, Queens' Drive, Exmouth EX8 2AY

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<https://www.youtube.com/channel/UCmNHQruge3LVl4hcgRnbwBw>

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Dear Sir/Madam

**Meeting of the Council of the District of East Devon on  
Wednesday, 7th December, 2022 at 6.00 pm**

You are called upon to attend the above meeting to be held at the Ocean Suite, Ocean, Queens Drive, EX8 2AY. It is proposed that the matters set out on the agenda below will be considered at the meeting and resolution or resolutions passed as the Council considers expedient.

Yours faithfully

A handwritten signature in black ink, appearing to read "M. Howl", is written over a light blue horizontal line.

Chief Executive

- 1 **Public speaking**  
Information on [public speaking](#) is available online
- 2 **Minutes of the previous meeting** (Pages 7 - 23)

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 **Announcements from the Chair and Leader**

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

To agree any items to be dealt with after the public (including the Press) have been excluded. There are no items which officers recommend should be dealt with in this way, but if confidential minutes from Cabinet and/or the Council's Committees are being discussed, Officers may recommend consideration in the private part of the meeting.

8 **To answer questions asked by Members of the Council pursuant to Procedure Rules No. 9.2 and 9.5 (Pages 24 - 25)**

9 **Reports from the Cabinet and the Council's Committees and questions on those reports (Pages 26 - 27)**

- a) Minutes of Cabinet held on 2 November 2022 Minute numbers 79 - 98 (Pages 28 - 36)
- b) Minutes of Cabinet held on 30 November 2022. Minute numbers 99 - 110 (Pages 37 - 42)
- c) Minutes of Cabinet held on 5 December 2022. Minute numbers 111 - 115 (Pages 43 - 46)
- d) Minutes of Scrutiny Committee Briefing meeting held on 2 November 2022. Minute numbers 39 - 41 (Pages 47 - 50)
- e) Minutes of Scrutiny Committee Briefing meeting held on 3 November 2022. Minute numbers 42 - 44 (Pages 51 - 53)
- f) Minutes of Scrutiny Committee meeting held on 3 November 2022. Minute numbers 45 - 53 (Pages 54 - 57)
- g) Minutes of Housing Review Board meeting held on 11 October. Minute numbers 18 - 32 (Pages 58 - 65)

- h) Minutes of Strategic Planning Committee meeting held on 7 October 2022. Minute numbers 43 - 49 (Pages 66 - 75)
- i) Minutes of Strategic Planning Committee meeting held on 1 November 2022. Minute numbers 50 - 59 (Pages 76 - 94)
- j) Minutes of Planning Committee meeting held on 25 October 2022. Minute numbers 53 - 61 (Pages 95 - 98)
- k) Minutes of Planning Committee meeting held on 15 November 2022. Minute numbers 62 - 63 (Pages 99 - 100)
- l) Minutes of Licensing and Enforcement Committee meeting held on 26 October 2022. Minute numbers 10 - 16 (Pages 101 - 104)
- m) Minutes of Audit and Governance Committee meeting held on 17 November 2022. Minute numbers 14 - 26 (Pages 105 - 107)
- n) Minutes of the Personnel Committee meeting held on 28 November 2022. Minute numbers 48 - 57 (Pages 108 - 111)

10 **Report: Changes to governance arrangements** (Pages 112 - 113)

11 **Motion: Local government needs adequate immediate and longer-term government funding**

According to a recent comment by the Local Government Association (LGA) *“Local government is the fabric of our country. It provides more than 800 services and positively impacts the daily life of every person in every community. However, the future financial sustainability of councils is on a cliff-edge, and the scale of the pressures cannot be met by reducing costs, making efficiencies or raising council tax.*

*Many now face the prospect of having to make severe cutbacks to local services. This would not only damage our communities but massively undermine Government ambitions to boost economic growth, level up the country and help residents through the cost-of-living crisis. Inflation is not going to come down overnight. Reserves can only be spent once. A local service cannot be cut twice”.*

In October James Jamieson, Conservative Chair of the Local Government Association said *“Councils are now having to try to find ways to meet these costs this year and limit the damage to the local services that so many people rely upon.*

*In the past decade, councils have done more than their fair share of the heavy lifting when it came to putting public finances on a more sustainable footing, having faced a £15 billion real terms reduction to core government funding between 2010 and 2020.*

*The Government needs to ensure councils have the funding to meet ongoing pressures and protect the services that will be vital to achieve its ambitions for growth and to produce a more balanced economy, level up communities and help*

*residents through this cost-of-living crisis”.*

All of this provides a backdrop to the current financial difficulties facing local authorities as the LGA has calculated that rising inflation, National Living Wage and energy costs have left councils facing £2.4 billion in extra cost pressures this year (2022/23), with estimated funding gaps of £3.4 billion in 2023/24 and £4.5 billion the year after.

Indeed, the LGA has warned against further cuts to local government funding, in addition to their cumulative loss of £15 billion of central government during the decade from 2010. Underfunding local services also has a knock-on effect on the wider economy, businesses and residents, and other public services.

To reinforce the difficult financial challenges facing local authorities on 1 November Conservative Leader of Devon County Council, John Hart said *"I have been a county councillor for more than 30 years and leader of Devon County Council for nearly 14 years during which time we have been through the austerity years and the pandemic, but our financial situation has never been so bleak as it is now."*

Indeed, this council has lost, £51.8 million in government financial support since 2010. This has held back service development, investment in key infrastructure, including building our own homes and led to local residents and businesses having to pay more as a result.

However, with adequate funding, councils can protect and invest in local services, deliver for our communities, support economic growth and level up everywhere. This is why the LGA is calling for a long-term government plan to manage the crisis in councils' finances and has warned against cutting their funding. We have to, by law, balance our books each year, which means when costs rise, we must find equivalent savings in our budget elsewhere.

To save the local services we all rely on, councils need adequate funding, in line with inflation and the demand for services, and certainty to plan their budgets to minimise service disruption. Which is why the LGA is running its Save Local Services campaign <http://www.local.gov.uk/save-local-services>.

This Council resolves to –

- (i) Endorse James Jamieson and John Hart's quoted concerns about the poor local government funding of the past decade and the need for the government to now adequately fund this sector;
- (ii) Register its support for the LGA's Save Local Services campaign;
- (iii) Publicly promote implications of the poor local government funding of the past decade and the need for the government to now adequately fund this sector;
- (iv) Work with other Devon local authorities, preferably through Team Devon, to lobby for adequate local government funding both in the immediate and longer term;
- (v) To invite our local MPs to support this council's local government funding

concerns and to work with it and other Devon local authorities in lobbying for adequate local government funding both in the immediate and longer term.

Proposed by: Cllr Jack Rowland

Seconded by: Cllr John Loudoun

Supported by: Cllr Cathy Gardner, Cllr Nick Hookway, Cllr Denise Bickley, Cllr Eileen Wragg, Cllr Geoff Jung, Cllr Marianne Rixson, Cllr Tony Woodward, Cllr Jo Whibley, Cllr Vicky Johns and Cllr Paul Hayward

## 12 **Motion: Voter identification**

The Government has recently instructed East Devon District Council, and other local authorities, that people attending polling stations to vote in the District and Parish/Town Council elections scheduled for May 2023 must provide photographic identification before being permitted to vote. This requirement would place a considerable burden on Returning Officers, Presiding Officers, and polling staff who would have to adjudicate on identification issues. Staff at polling stations would inevitably have to deal with angry would-be voters turned away from the polling stations.

In addition, the cost to this, and other councils, of administering elections under the new rules would increase substantially. This is extremely regrettable at a time when council budgets are under unprecedented pressure, threatening the council ability to provide essential services for residents.

This Council considers that the introduction of photographic ID for elections is completely unnecessary, as voter fraud is extremely rare, and would have the effect of suppressing voter participation in democratic processes.

The Council therefore agrees;

- 1 To ask the Local Government Association (LGA) and the District Councils Network (DCN) to raise the matter with the Secretary of State for Levelling Up, Housing and Communities expressing its great concern about the proposed use of photographic identification for May 2023 elections.
- 2 In particular the Council stresses its concern about the procedures to be introduced, which will have a disproportionately detrimental impact on younger voters for whom the procedures will be more challenging than for older voters. The Council asks the LGA and the DCN to press the Government to actively seek to encourage young people to participate in elections, **not** to place obstacles in the way of young would-be voters.
- 3 Asks the LGA and the DCN to press the Secretary of State not to introduce voter photographic identification for the scheduled 2023 elections. The Council also asks the LGA and the DCN to urge the Secretary of State to engage in debate with the LGA and DCN about the need for voter photographic identification, and should it be concluded that it is necessary that a more acceptable system be considered.
4. The Council agrees to send a copy of its message to the LGA and the DCN to its three MPs.

Proposed by: Cllr Jess Bailey

Seconded by: Cllr Jo Whibley

Supported by Cllrs: Paul Millar, Geoff Pratt, Jake Bonetta, Tony Woodward, Vicky Johns, Megan Armstrong, Olly Davey, Paul Hayward, Sarah Jackson, Paul Arnott

[Decision making and equalities](#)

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**EAST DEVON DISTRICT COUNCIL****Minutes of the consultative meeting of Council held at Online via the Zoom App on 19 October 2022****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 10.14 pm

**33 Appointment of Vice-Chair of the Council**

The Chair welcomed members of the public and Councillors to the meeting and explained that all participants were taking part remotely and the meeting was also being viewed online and recorded.

He outlined that the Council had delegated much of its decision taking power to Senior Officers until 31<sup>st</sup> October 2022, due to continuing concerns related to COVID risk in this area. Consequently, the meeting was being held on a consultative basis only, and the normal procedural rules as detailed in the Council's Constitution, would continue to be closely adhered to.

Accordingly, where the meeting would have normally decided a matter, it will now make a recommendation to a Senior Officer. The Officer will then take that recommendation into account, when making their decision.

The first item on the agenda was the appointment of the Vice Chair of the Council for the remainder of the civic year, due to the sad passing of the former Vice-Chair, Cllr Val Ranger in August. Before inviting nominations for the office of Vice-Chair, the Chair wanted to say a few words about the former colleague with whom he had the pleasure of working closely over recent years.

Val Ranger was first elected on 7 May 2015 and re-elected in 2019, as a Ward member for Newton Poppleford and Harpford. Over recent months she had become increasingly ill but continued to serve her constituents with unique courage, dignity and fortitude up to the day of her death.

She had served on a number of Council committees, most recently including Overview Committee and becoming Vice Chair for both the Scrutiny and Personnel Committees, as well as for Council itself. She had also sat on several other panels and bodies, including the Community Grant Panel, and the East Devon Highways & Traffic Orders Committee.

The Chair invited members to share a moment of quiet reflection on the life, courage and resilience of a deeply missed friend and colleague. He then invited any comments from members present.

Several members spoke about Val Ranger, and how she had offered help and good guidance to many and worked diligently and with integrity, but also compassionately.

The Chair then invited nominations for the office of Vice Chair.

Cllr Arnott proposed Cllr Eleanor Rylance.

Cllr Eileen Wragg seconded Cllr Rylance.

There were no other nominations.

The Chair invited members to confirm the appointment of Cllr Rylance as the Vice Chair of Council by raising their hands. Following a vote he confirmed that Cllr Rylance was to be duly appointed to the office of Vice- Chair of Council.

Cllr Rylance then read aloud the wording from the Declaration of Acceptance of Office Book to the meeting.

The Chair then started the meeting by doing a roll call of those present, and confirmed that the meeting was quorate.

## 34 **Public speaking**

During the meeting the public would be able to participate if they had pre-registered to speak.

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

Mike Goodman wanted to speak on the topics of a Tree Strategy, and Car parking charges.

In response to the first issue, the Strategic Lead for Health, Housing and the Environment, stated that the Council had taken up the opportunity to work in partnership with DCC, the Woodland Trust other districts in Devon to produce a Devon Tree Strategy. This work was being commissioned and was about to go out to tender to appoint a suitably qualified and experienced organisation to undertake the work. EDDC anticipated having an early draft of the report in the Spring. This was likely to be supplemented by an additional piece of work that focuses on East Devon's unique tree scape. This will all be funded from the budget identified and secured for this work. The Council was not waiting for this work to progress its ambitious tree planting programme and continue to protect the wonderful number and variety of trees in the district.

The Portfolio Holder for Coast Country and Environment, Cllr Jung, also confirmed that there was a lot of involvement in the work of the Woodland Trust and Clyst Valley Regional Park to create the Devon wide tree strategy, which would act as a template for that of the Council.

In response to the second issue, the Portfolio Holder for Finance, Cllr Rowland, confirmed that he had already requested an officer to report on the matter to Cabinet at its meeting on 30th November, the reason being that the winter charge applies from 1<sup>st</sup> November for the ensuing five months, and this will give time for the officers to see the full effects of the charging rates, which apply to the end of October. He also reminded the meeting that the Roxurgh Car park did not have the increase Mr Goodman referred to. Cllr Rowland went on to say that he had been monitoring the monthly income from East Devon car parks against the budgetted income for the financial year to date, and this would be reflected and reported on in the report to Cabinet in November. He commented that he had experienced difficulty finding an empty space in Sidmouth's car parks due to the number of visitors over the summer, a view shared by the speaker, and this was good news for the businesses of the town.

The Chair thanked Mr Goodman for his contribution.

35 **Minutes of the previous meeting**

The Chair invited comments of from members on the minutes of the Council meeting held on 20th July, and the Extraordinary meeting of Council held on 28th September 2022. Following a vote he then confirmed that the minutes of Council on 20th July, and the Extraordinary meeting on 28th September were received and noted and recommendations contained therein recommended for approval.

36 **Declarations of interest**

41b. Minutes of Cabinet held on 7 September 2022. Minute numbers 51 and 52.  
Councillor Kevin Blakey, Affects Non-registerable Interest, Member of Cranbrook Town Council.

41b. Minutes of Cabinet held on 7 September 2022. Minute numbers 51 and 52.  
Councillor Kim Bloxham, Affects Non-registerable Interest, Member of Cranbrook Town Council.

41b. Minutes of Cabinet held on 7 September 2022. Minute numbers 51 and 52.  
Councillor Sam Hawkins, Affects Non-registerable Interest, Member of Cranbrook Town Council.

41k. Minutes of Strategic Planning Committee held on 4 October 2022. Minute number 40.  
Councillor Kevin Blakey, Affects Non-registerable Interest, Member of Cranbrook Town Council.

41k. Minutes of Strategic Planning Committee held on 4 October 2022. Minute number 40.  
Councillor Kim Bloxham, Affects Non-registerable Interest, Member of Cranbrook Town Council.

41k. Minutes of Strategic Planning Committee held on 4 October 2022. Minute number 40.  
Councillor Sam Hawkins, Affects Non-registerable Interest, Member of Cranbrook Town Council.

42. Cranbrook Plan Development Plan Document.  
Councillor Kevin Blakey, Affects Non-registerable Interest, Member of Cranbrook Town Council.

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Councillor Kim Bloxham, Affects Non-registerable Interest, Member of Cranbrook Town Council.

42. Cranbrook Plan Development Plan Document.  
Councillor Sam Hawkins, Affects Non-registerable Interest, Member of Cranbrook Town Council.

42. Cranbrook Plan Development Plan Document.  
Councillor Megan Armstrong, Affects Non-registerable Interest, A family member lives at Cranbrook.

37 **Matters of urgency**

There were no matters of urgency.

38 **Announcements from the Chair and Leader**

The Chair had one announcement. He said he was deeply saddened to report the passing of another former colleague, former Cllr Pat Graham, who sadly passed away on 8th October 2022.

She was first elected on 3 May 2007 to serve Exmouth Town ward and re-elected in 2011 and 2015. She decided to retire as a Cllr in December 2017 after 14 years of service due to the impact of Parkinson's disease. She was then awarded the title of Honorary Alderwoman in July 2018, having been nominated by Cllr Gazzard, seconded by Cllr Eileen Wragg, and endorsed by all Council members.

She had been a key figure on a number of committees including Licensing & Enforcement, Corporate overview, Overview & Scrutiny and more latterly on Overview with its role in relation to the work of Cabinet and Council overall.

She had been involved in East Devon Business Forum, Exmouth Sports Centre Advisory Forum, the Member Development Working Party, the LED Joint Working Party, and the Lower Exe Mooring Authority Management Committee.

She made an enormous difference to Exmouth and its people, serving as its Mayor. She received an MBE in recognition of her hard work and dedication to projects such as Britain in Bloom, and was a special person who helped put Exmouth on the map as an excellent place to live, visit and work.

Several members commented that Pat had been a remarkable person, and an excellent mayor who had taken Exmouth to her heart.

The Chair invited members to share a moment of quiet reflection in remembrance of their former colleague.

Cllr Wragg informed members that the funeral would be taking place on Friday 28<sup>th</sup> October at 11am at Holy Trinity Church in Exmouth.

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

There are no confidential or exempt items.

40 **To answer questions asked by Members of the Council pursuant to Procedure Rules No. 9.2 and 9.5**

Twelve questions had been received from Cllrs and all had been responded to in writing and published prior to the meeting. The Chair asked if there were any supplementary questions.

Q3 Cllr Millar stated that the response received had provided no detail, so he wanted to ask the portfolio Holder, Cllr Jackson, if she agreed that specific advice given by any senior officer referred to verbally from the LGA's Head of Safeguarding should have been shared with members?

In response the Leader confirmed that a response would be provided to Cllr Millar outside the meeting.

The Portfolio Holder for Transparency and Democracy added that she thought it was important that verbal advice was also reflected in its fullest in the same way as if it were written advice.

Q4. Cllr Millar asked if the Portfolio Holder for Corporate and Council Coordination, Cllr Loudoun had a target timetable for the staff pay review to be completed?

In response the Portfolio Holder for Corporate and Council Coordination said that there had been delays but the Council was hopeful that it would be completed and into staff pay packets before the end of the year.

Q6. Cllr Millar asked if Chair would agree to meet himself and Cllr Bailey to discuss the relevant issues in more detail since the response given was not a proper answer.

In response the Chair said that he was happy to meet with colleagues.

Q8 Cllr Bailey asked how the Portfolio Holder for Corporate and Council Coordination could be sure that receiving anonymous communications was not an attempt to intimidate members of the Council?

In response the Leader that this was a complicated issue, and since Cllr Bailey was one of the subjects of the question concerned there was a balance to be struck about how to address it, but the Monitoring Officer had given a view, which reflected that the Council was in a no-win situation.

Q10 Cllr Bailey stated that the request for a tree strategy started following a Council Motion in July 2020, and so asked for a time commitment for when the East Devon tree strategy would be completed.

In response the Strategic Lead for Housing Health and the Environment said that he could commit on the first phase of the work which would be spring 2023. The East Devon work would follow on soon afterwards but he could not give a date.

Q12 Cllr Armstrong requested clarification about the word 'advice' used in the response or whether it should have read 'instructions' instead since they meant different things.

In response the Leader confirmed that the response should refer to instructions, and clarified that members could be reassured that Verita would make a decision on what would be appropriate for them to read as part of the process.

Cllr Bonetta asked the Chair if it was in order for officers to answer questions directed to Portfolio Holders.

In response the Chair stated that he thought that most Portfolio Holders would engage with the relevant service leads to put an answer together, because he hoped that Cllrs and officers would be working together on many activities in a combined effort rather than in silos.

Cllr Arnott said that the information requested in questions could be technical in nature and it was better not to have answers authored solely by members without the relevant advice.

41 **Reports from the Cabinet and the Council's Committees and questions on those reports**

This item is to receive the minutes of Committees, and invite members to vote in favour or against recommending passing recommendations contained therein for approval to Senior Officers if appropriate, or receiving and noting them when there are none.

The Chair invited the Leader and Chairs of Committees to present their minutes.

- (a) **Minutes of Cabinet held on 13 July 2022. Minute numbers 22 - 41**  
The Chair invited Cllr Arnott to move the minutes.

Following a vote the Chair confirmed that the above minutes were received and noted and recommendations contained therein recommended for approval.

- (b) **Minutes of Cabinet held on 7 September 2022. Minute numbers 42 - 63**

Following a vote the Chair confirmed that the above minutes were received and noted and recommendations contained therein recommended for approval.

- (c) **Minutes of Cabinet held on 5 October 2022. Minute numbers 64 - 78**

Following a vote the Chair confirmed that the above minutes were received and noted and recommendations contained therein recommended for approval.

- (d) **Minutes of Scrutiny Committee held on 7 July 2022. Minute numbers 10 - 19**

Following a vote the Chair confirmed that the above minutes were received and noted.

- (e) **Minutes of Scrutiny Committee held on 8 September 2022. Minute numbers 20 - 26**

Following a vote the Chair confirmed that the above minutes were received and noted.

- (f) **Minutes of Scrutiny Committee held on 6 October 2022. Minute numbers 27 - 38**

Following a vote the Chair confirmed that the above minutes were received and noted.

- (g) **Minutes of Strategic Planning Committee held on 12 July 2022. Minute numbers 9 - 15**

Following a vote the Chair confirmed that the above minutes were received and noted.

- (h) **Minutes of Strategic Planning Committee held on 9 August 2022. Minute numbers 16 - 22**

Following a vote the Chair confirmed that the above minutes were received and noted.

- (i) **Minutes of Strategic Planning Committee held on 6 September 2022. Minute numbers 23 - 28**  
Following a vote the Chair confirmed that the above minutes were received and noted.
- (j) **Minutes of Strategic Planning Committee held on 29 September 2022. Minute numbers 29 - 35**  
Following a vote the Chair confirmed that the above minutes were received and noted.
- (k) **Minutes of Strategic Planning Committee held on 4 October 2022. Minute numbers 36 - 42**  
Following a request for clarification from Cllr Bruce, Cllr Jung confirmed that his statement at the meeting was that any further development in Feniton would contribute to more flooding rather than less.  
Following a vote the Chair confirmed that the above minutes were received and noted and recommendations contained therein recommended would be taken into account at item 11.
- (l) **Minutes of Planning Committee held on 26 July 2022. Minute numbers 17 - 30**  
Following a vote the Chair confirmed that the above minutes were received and noted.
- (m) **Minutes of Planning Committee held on 2 August 2022. Minute numbers 31 - 32**  
Following a vote the Chair confirmed that the above minutes were received and noted.
- (n) **Minutes of Planning Committee held on 30 August 2022. Minute numbers 33 - 42**  
Following a vote the Chair confirmed that the above minutes were received and noted.
- (o) **Minutes of Planning Committee held on 30 September 2022. Minute numbers 43 - 52**  
Following a vote the Chair confirmed that the above minutes were received and noted.
- (p) **Minutes of Licensing & Enforcement Committee held on 20 July 2022. Minute numbers 1 - 9**  
Following a vote the Chair confirmed that the above minutes were received and noted.
- (q) **Minutes of Licensing & Enforcement Sub-Committee held on 24 August 2022. Minute numbers 11 - 15**  
Following a vote the Chair confirmed that the above minutes were received and noted.
- (r) **Minutes of Audit and Governance Committee held on 28 July 2022. Minute numbers 1 - 13**  
Following a vote the Chair confirmed that the above minutes were received and noted and recommendations contained therein recommended for approval.

**(s) Minutes of Standards Committee held on 27 July 2022. Minute numbers 22 - 28**

Following a vote the Chair confirmed that the above minutes were received and noted.

**42 Cranbrook Plan Development Plan Document**

The Chair invited the Monitoring Officer to address the report.

The Monitoring Officer confirmed that the report had been through Strategic Planning Committee and as the Inspectors report had been received it had been brought forward to Council for adoption. The report and associated papers in the agenda incorporate the modifications proposed.

The Strategic Planning Committee have recommended it for approval.

In the absence of the Service Lead for Planning Strategy and Development Management, the Leader proposed and the Chair seconded to move the report and its two recommendations.

The Chair invited members to vote in favour or against receiving and noting the report and its recommendations.

Following a vote he confirmed that the report on the Cranbrook Plan was received, and recommendations contained therein were recommended to be passed for approval.

**RECOMMENDATION** to Senior Officers;

1. That Members note the final report of the Planning Inspector on the examination of the Cranbrook Plan;
2. That the Cranbrook Plan incorporating the proposed main modifications, minor Council additional modifications and the changes to the Cranbrook Plan policies map be adopted.

**43 Report: Changes to governance arrangements**

The Chair introduced this item as being necessitated following the sad passing of former Councillor Ranger and the need to make changes to the committee membership and committee appointments. He invited the Monitoring Officer, Henry Gordon Lennox, to address the report.

He then invited members to comment.

Cllr Millar wanted to nominate Cllr Armstrong to sit on the East Devon Highways and Traffic Orders Committee (HATOC) rather than Cllr Loudoun. The Chair sought advice from the Monitoring Officer on whether a nomination from the floor was appropriate.

The Monitoring Officer advised that these were on the balance, and this was a position held by the Democratic Alliance Group (DAG). His advice was that the position should be maintained within the DAG, rather than going outside it.

Cllr Howe wanted to second Cllr Millar's proposal in support of Cllr Armstrong, and said that the Council needed more people in more roles and to be inclusive. He went on to say that he understood these posts were voted for at the Annual Council, and so the Council should have its free choice of these roles. He also asked for clarification.

The Monitoring Officer stated that the intention behind the allocation of all seats was that they were as balanced as possible. So the seat on HATOC is a seat that Council had agreed go to the DAG by the appointment of Cllr Ranger. The advice was, therefore, to leave it there. If the Council was minded not to do so, it was within its gift, but that would be against the advice of trying to create a balance overall.

The Chair accordingly confirmed that Council could decide in the context of the advice given, whether it wanted to elect Cllr Loudoun or for Cllr Armstrong within the context of the constitutional comments made.

The Monitoring Officer clarified that the Committee table was where the main allocations occur, but beyond that, it was attempted to maintain the political balance into the Panels, Forums and Joint Bodies, but HATOC was slightly different because it was an Outside Body. It would not need a re-balance now but if such changes occur routinely, it becomes difficult to balance the smaller Groups. It may have to be re-done in November before the December Council, depending on what the Newton Popleford by-election reveals. He said that he would not advocate doing a full re-balance until May 2023 because it causes chaos, but if Council chose to change the representative for HATOC it would be fine, but preferable to leave it as it is for now.

The Chair said that on the basis of having a proposer and seconder for Cllr Armstrong, he wanted to ask for a proposer and seconder for Cllr Loudoun.

Cllr Arnott proposed Cllr Loudoun but commented that the change proposed should have been brought forward before the meeting since the agenda had been published for several days.

Cllr Wragg seconded Cllr Loudoun and commented that continuity was important, as was listening to the professional advice of the Monitoring Officer on these matters.

The Chair concluded that although it would have been helpful to have known about the proposal in advance of the meeting in order to form a proper view, he was going to give Council the opportunity to vote for one or other of the candidates who have been proposed and seconded.

The Chair then invited members to participate in a straightforward vote for Cllr Loudoun or Cllr Armstrong.

Following a vote, the Chair confirmed that Cllr Armstrong had been chosen by a majority of those present to take up the position on HATOC. He went on to say that it would be helpful in future if members gave advance notice of such proposals before the meeting started.

The Chair then invited members to vote in favour or against receiving and noting the report and its recommendations, with the amendment of having Cllr Armstrong instead of Cllr Loudoun on the County Committee, HATOC.

Following a vote he confirmed that the report from the Monitoring Officer was received, and recommendations contained therein were recommended to be passed for approval.

**RECOMMENDED** that Senior Officers approve;

1. The Vice Chair of Scrutiny and Personnel Committee be Cllrs Kemp and Loudoun respectively;
2. The replacements for Cllr Ranger on Scrutiny, Overview and Personnel be Cllrs Taylor, Kemp and Wragg respectively;
3. The replacements for Cllr Ranger on the Community Grant Panel and County Committees be Cllrs Woodward and Armstrong respectively.

**44 Report: Temporary continuation of virtual meetings**

The Chair introduced this item as relating to the arrangements needing to be put in place for the holding of meetings after 31 October and invited the Monitoring Officer, Henry Gordon Lennox, to address the report.

The Monitoring Officer said that it was not yet possible to bring forward the hybrid solution with the confidence that it was going to work. He reminded members that when COVID restrictions ended and meetings were held in the Chamber it was considered less than ideal, and the ideal solution was not yet available for members to decide on. As a result he was recommending an extension to the virtual approach that had been in place for a while until early next year to allow that work to finish and for Council to form a view of it in December. He outlined the alternative options, which were that members could choose to go back to a purely physical meeting approach, which would be in the Chamber as normal and as in pre-COVID arrangements, or there is the option of a hybrid approach to that, by having some meetings physical and some virtual, as indicated in a table that the Chair had prepared and attached previously to the papers for Council. In summary, the options were to continue to continue virtual meetings until the New Year whilst a more bespoke hybrid option was worked up; return to physical meetings as of 1 November or adopt a midway approach between the two, of some physical and some virtual depending on the categories of meeting. The recommendation of the Monitoring Officer was to carry on with virtual meetings until the New Year.

Cllr Skinner stated that he thought continuation of virtual meetings was nonsensical and that EDDC was the only Council that was running in this particular way. He referred to a decision that was made by the Planning Committee with a Planning Officer not wanting to sign it off. He said that this raised serious issues about virtual meetings and how democratic it was for officers to challenge the decisions of Cllrs.

He then proposed an amendment changing the recommendation to the effect that there were to be face to face meetings at Blackdown House, Exmouth Town Hall or a site designated by officers who would be arranging such meetings. All meetings to start off in the same way as previously with members turning up with laptops in the hybrid position so that members of the public could attend the meeting or join virtually, as well as other members who were not voting members but would have the opportunity to attend virtually. He said that he was proposing a hybrid system, and the system was already being conducted by Devon County Council which works successfully for them. He said that his proposal was not intending to leave anybody out but keep the ability for people to join in, but having face to face meetings was a key issue with all voting members needing to be in the room to be able to vote. He went on to say that he saw no reason why sub-committees and forums could not be kept as virtual meetings. So those physical meetings where members had to be in the room to vote would include Cabinet, Strategic Planning, Planning, Audit and Governance, Overview and Scrutiny. Licensing already met in both a face to face and virtual manner when appropriate.

The Chair asked for a seconder for the amendment to the proposal.

Cllr Hawkins seconded the amendment and stated that the Council was not making legally binding decisions via its democratically elected Cllrs. No other Council was operating this way and making recommendations to officers through delegation, and whatever the benefits of virtual meetings were the Council was supposed to be following the Local Government Act 1972. He said that it was right for standing committees to go back to physical meetings in public offices and that advisory panels and forums remain virtual.

The Chair clarified that members were considering a report and its recommendations rather than a motion with amendments.

The Monitoring Officer said that the proposal from Cllr Skinner and Cllr Hawkins effectively replaced the recommendations in the report, and was that meetings would be compliant with the Local Government Act. The rest of the report as presented fell away, and what was then done in relation to a hybrid system could be dealt with as part of the proposal, so that there would be physical meetings without delegations.

Other comments made during the debate included the following;

- The Council has made the legislation work, and there are many advantages to virtual meetings, including increased Cllr participation, greater public engagement and openness, access to all, it is cheaper and greener and enables more Cllrs to take part than previously.
- Working virtually has attracted more young people and women to being a Cllr and so is more inclusive, indicating the way forward in a more environmentally friendly manner compared to many individuals travelling by car to an office in Honiton.
- For those who cannot drive but who work normal working hours, it is difficult to get to a meeting at 6pm in Honiton in person when there is only one train every two hours and an otherwise unreliable public transport system.
- A hierarchy is being created if officers are forced into working in offices while Cllrs are allowed to continue to work virtually.
- The Local Government Act is the stumbling block to making virtual meetings legal so EDDC was in a unique position, but 'zoom in the room' was a very helpful way of resolving such issues.
- It can be stressful trying to join a meeting online if there is poor broadband connection.
- Going back to face to face meetings does not need to happen for every meeting, such as Working Party meetings.
- Cllrs' experience of using zoom in the room was that they got very bad feedback even with headphones on, and one would effectively hear the discussion twice.
- The Monitoring Officer has confirmed that EDDC has not got the right technology in place, but it employs Strata who have set up effective systems for Exeter CC and Teignbridge DC, so why can they not do the same for EDDC? In response, the Monitoring Officer said that a solution has to be brought in and he was unaware of the systems brought in by the other Councils, but the difficulty at EDDC was compounded by the need to develop a wider project which included Exmouth Town Hall. Outside companies have been involved in bringing this forward but have not presented the solution we expected. Solutions may be available but it's a case of getting the right one for members to approve because of the budgetary implications, and members need to decide how much money to spend on the appropriate solution.
- Physical meetings provide a good opportunity for interaction between Cllrs and with officers.
- It is depressing that the Council is shackled by a piece of legislation that pre-dates the internet, and climate change and is older than many Cllrs.
- The benefits of holding virtual meetings have been obvious over the last two years and has permitted people with vulnerabilities to carry on attending meetings.
- Those supporting a return to face to face meetings are effectively rolling the clock back on diversity, rather than allowing people with significant commitments to stand as Cllrs in the first place. It is difficult for many to get to meetings in person for a wide range of reasons.
- Members of the public appreciate the ability to log in from home, find out what is going on and replay it later.
- A return to face to face meetings will risk going back to a situation where Local Government representation returns to the province of older retired people of a particular demographic.
- The Local Government Act 1972 should be modernised so that more people could fulfil a democratic role.

The Monitoring Officer reminded members that the difficulty with using the term hybrid was what it specifically referred to, and that members had previously voted against pursuing the sort of hybrid approach which was deemed to be sub-standard in May because of issues such as the sound and feedback difficulties. This would be compounded by the fact that members of the public would have to be in the Chamber, as was their right to attend.

What would happen in a hybrid system was that a physical meeting would take place in order for those in attendance to vote, and the public would have unrestricted access to it who would not be bringing laptops or devices with them. There would be a problem running the interim hybrid approach on a physical basis with members of the public present, because the public would not be able to engage in the meeting if they did not have suitable IT devices. The interim hybrid solution would not resolve this situation.

There would also be no ability for the public to watch the meeting live because the system to do that would not yet be in the Chamber. Members would need to recognise that EDDC would lose a significant amount of its interaction, openness and transparency with the public. The budget requirements are also likely to be substantial for a proper hybrid system.

The best solution was to accept that a hybrid approach was the desired outcome, but between now and January would be a return to physical meetings for the standing committees and their sub-committees, on a short term basis, but not for the panels and forums which are not decision making bodies.

- It would be a bad decision to force people into the Chamber and stop live streaming which allows people to participate by watching remotely.
- It is impossible to get 60 Cllrs into the Council Chamber.
- Officers are not changing the recommendations of Cllrs, but it is their prerogative to state that they are uncomfortable with a decision if it is delegated, but it is also clear that it is Cllrs who make the decision and have to stand by it.
- Going back into the room flies in the face of the Council's stated Climate Change actions, when it had been on its way to meeting its carbon neutral target.
- Is it an equalities issue by forcing people to go into the Chamber for meetings when there are many reasons when they could not do so?
- COVID is not over despite the views of some members.
- The view of the LGA is for the government to legislate to change the current rules which prevent us moving into modern times.
- EDDC should be proud to be a progressive and inclusive Council that is acting responsibly in the face of a central government which does not care about local government.
- The Council Chamber is not fit for democratic purposes.
- Going back to physical meetings will create a two-tier system because some Cllrs will be able to attend in person and vote whilst those who can only attend virtually will not be able to vote.
- Trying to shoe horn the current poor hybrid system into a democratic process would be a very bad move.
- It was hoped that physical meetings could be recorded if they take place.

Following debate the Monitoring Officer clarified the wording to be used in the proposal of Cllr Skinner and seconded by Cllr Hawkins, as follows;

That;

1. Council and all committees and sub-committees and Community Grant Panel to return to physical meetings unless legislation permits virtual meetings.
2. All other panels, forums and meetings can be held virtually with Democratic Services, in consultation with the Monitoring Officer, able to convene a physical meeting if required.

3. Council requires a report to Decembers meeting presenting a hybrid solution for members to consider.

The Chair clarified that the debate being held and the report as presented had clearly indicated that the situation was not as simple as it might have appeared.

Cllr Allen moved that the proposal now be put.

The Chair went on to say that he would be inviting members to vote on the proposal of Cllr Skinner and seconded by Cllr Hawkins, which would entail going back to face to face meetings from 1 November. If that proposal was voted against, then the meeting would revert to the report of the Monitoring officer with recommendations as presented. In either event members would require a report from officers on the hybrid based solution for the December Council meeting.

Cllr Hayward called for a recorded vote, which was carried after a vote by those present.

The Chair then invited members to vote for the proposal of Cllr Skinner and Cllr Hawkins, and against for the report presented to the meeting by the Monitoring Officer.

Following a recorded vote the Chair confirmed that the proposal from Cllr Skinner and Cllr Hawkins was recommended to be passed for approval.

**Recorded vote:**

Councillors Mike Allen, Dean Barrow, Kevin Blakey, Kim Bloxham, Jake Bonetta, Colin Brown, Alasdair Bruce, Fred Caygill, Maddy Chapman, Iain Chubb, Bruce De Saram, Alan Dent, Peter Faithfull, Steve Gazzard, Ian Hall, Marcus Hartnell, Sam Hawkins, Mike Howe, Stuart Hughes, Ben Ingham, Paul Jarvis, David Key, Richard Lawrence, Tony McCollum, Paul Millar, Andrew Moulding, Philip Skinner, Phil Twiss, Tom Wright - voted in favour – 29.

Councillor Paul Arnott, Jess Bailey, Denise Bickley, Andrew Colman, Olly Davey, Paul Hayward, Nick Hookway, Sarah Jackson, Vicky Johns, Geoff Jung, Jamie Kemp, John Loudoun, Dawn Manley, Marianne Rixson, Jack Rowland, Eleanor Rylance, Brenda Taylor, Joe Whibley, Eileen Wragg – voted against – 19.

Councillor Megan Armstrong, Sarah Chamberlain, Dan Ledger, Ian Thomas – abstained – 4.

**RECOMMENDATION** to be passed for approval that;

1. Council and all committees and sub-committees and Community Grant Panel to return to physical meetings unless legislation permits virtual meetings.
2. All other panels, forums and meetings can be held virtually with Democratic Services, in consultation with the Monitoring Officer, able to convene a physical meeting if required.
3. Council requires a report to Decembers meeting presenting a hybrid solution for members to consider.

45 **Motion: Disabled Energy Support fund**

The Chair invited Cllr Allen as the proposer, to speak to the motion.

Cllr Allen said that the work on poverty had generated a lot of creativity and non-partisan cooperation across the Council. He referred to the report of the Joseph Rowntree Foundation this year entitled 'From disability to destitution', comparing the differences between families in poverty with family members with disabilities compared to those with none, indicating that 15% of the former were in deep poverty. He quoted recent statistics for East Devon, where 11,814 people whose day to day activities were limited and with energy costs doubling there are serious concerns for those who depend on equipment such as ventilators or health monitors. He went on to say that the Charity Scope found that on average such individuals would need £500 more per year in energy than other people. He then referred to funds which could be available from EDDC to assist. He considered that the proposal may need modifications but did need a rapid decision in order to act before Christmas.

The Chair clarified the amendments made to the motion agreed by the proposer and supporters prior to the meeting and circulated to all members, as follows and inserted after the penultimate paragraph of the original wording;

*'And agrees one of the following two options;*

*Option 1*

*Agrees a fund of £300,000 will be made available from November 1st which will be funded partly from an up to 0.5% reduction in budgets or by a delay in Consultancy projects, or*

*Option2*

*Requests the Overview Committee to hold an emergency meeting to consider winter budget and operational details in relation to the Disabled Energy Support fund for recommendation to Cabinet or Council as appropriate.'*

The Chair invited Cllr Lawrence as the seconder, to speak to the motion.

Cllr Lawrence urged members to support the motion as an urgent matter which could not be put off until next March.

Cllr Rowland said that he wanted to express his empathy with the intention behind the motion. However he said that he could not accept the motion as presented due to the financial implications involved which had not been discussed with the relevant Council officers prior to the motion being presented. Secondly, that any additional scheme to be funded by this Council needed to be properly costed, decisions made on budgeting, have an accountable reconcilable system and adequate resources to administer and deliver, none of which are feasible by the date of 1 November referred to in the motion which was only eight days away. No account had been taken of other schemes underway to assist residents where they may already be in receipt of disability or carers allowances. The motion focuses on residents with specific disabilities but there were many others who also faced difficult choices and the Council had got to consider its budget and overall financial position. The help that was needed for many people lies within the gift of central government.

In view of this, Cllr Rowland proposed an amendment to the motion as follows, so that everything after the first two paragraphs was replaced with;

*"This Council requests Officers to investigate creating an additional discretionary energy support fund based on evidence from the poverty dashboard data and taking into account existing funds and how this additional fund could be financed both from the level*

*of grants, but also in respect of the systems and staff resources required to design and administer a scheme.*

*The report to be presented at a Poverty Working Panel meeting for consideration and potential recommendations”.*

Cllr Loudoun also empathised with the intention of the motion but could not accept it as it stood. He stated that putting forward un-costed proposals against the backdrop of several financial u-turns by the government who had axed the energy support arrangements which would have helped the people his motion was aimed at, meant that it was effectively asking the Council to bail out government incompetency with fiscal irresponsibility at a local level.

Comments made during the debate included the following;

- There were many types of help required for people and so it would be preferable to have a fund which was wider in its scope.
- Caution needed to be used in relation to the criteria used to define disabilities which was used for some people but not others who were also in need.
- The motion had a number of concerning elements to it, such as not having a means-tested element to it, and the reference to taking funds away from other projects.
- This was nothing to do with central government and only about what East Devon could do for its residents.
- The Council already had mechanisms in place to deal with the other difficulties faced by people.
- It was the government who should be addressing this issue directly and not leaving it to hard pressed local authorities to sort out the problems they are not tackling.
- The work of the Poverty Working Panel shows how much action was already being taken locally, including for people with disabilities.
- There is no evidence that other Councils have introduced this kind of scheme with any success and, therefore, needs to be fully scoped.
- Changing a carefully worked out with so little forethought is not responsible.
- Why was the motion not put forward to the relevant officers for proper consideration before the meeting?

The Chair moved that the amendment to the motion be put, and invited members to vote in favour or against the amendment.

Following a vote the Chair confirmed that the amendment was carried and became the substantive motion.

He invited Cllr Allen to sum up.

Cllr Allen asked Cllr Rowland and Cllr Johns to consider adding to the motion that an emergency meeting of the Overview Committee be convened to look at the issues.

The Chair confirmed that the Poverty Working Panel would be considering the issues as a result of the amendment and any actions would go on to Cabinet as appropriate.

The Chair moved that the motion as amended now be put.

Following a vote, he confirmed that the motion was carried.

**RECOMMENDATION** to be passed for approval that;

This Council appreciates the actions taken by the Government to cap energy costs but believes that more is needed for the disabled who are estimated to be about 10% of the East Devon population.

Some of these are disabled people who depend on electricity for mobility, monitoring or other necessities must not find themselves unable to pay their energy bills. Moreover, those who are immobile will need to maintain the temperature of their homes at reasonable levels.

This Council requests Officers to investigate creating an additional discretionary energy support fund based on evidence from the poverty dashboard data and taking into account existing funds and how this additional fund could be financed both from the level of grants, but also in respect of the systems and staff resources required to design and administer a scheme.

The report to be presented at a Poverty Working Panel meeting for consideration and potential recommendations.

The Chair thanked everyone for attending the meeting including those watching at home.

The meeting ended at 10.14pm.

**Attendance List**  
**Councillors present:**

J Kemp	J Rowland	M Hartnell
M Armstrong	J Loudoun	M Howe
P Jarvis	D Bickley	B Ingham
S Jackson	J Bailey	G Jung
S Chamberlain	P Hayward	G Pratt
P Arnott	S Hawkins	M Rixson
K Blakey	A Moulding	E Rylance (Vice-Chair)
K Bloxham	D Key	B De Saram
F Caygill	M Allen	P Skinner
A Colman	D Manley	B Taylor
P Millar	C Brown	I Thomas (Chair)
R Lawrence	M Chapman	P Twiss
N Hookway	I Chubb	E Wragg
O Davey	A Dent	T Wright
J Whibley	D Barrow	S Hughes
T McCollum	P Faithfull	A Bruce
V Johns	S Gazzard	J Bonetta
D Ledger	I Hall	

**Officers in attendance:**

John Golding, Strategic Lead Housing, Health and Environment

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

Susan Howl, Democratic Services Manager

Sarah James, Democratic Services Officer

Andrew Hopkins, Communications Consultant

Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

**Councillor apologies:**

T Woodward

C Wright

C Gardner

G Pook

Chair .....

Date: .....

**Council Meeting on 7<sup>th</sup> December 2022****Agenda Item No 8****Questions by Members to Full Council under Procedure rule 9.2****Question 1: Procedure Rule 9.2 to the Chair of Council from Councillor Paul Millar**

Is he concerned by the number of sitting Councillors - of all colours - who have announced they are standing down at the next local elections or are unsure of whether to commit, the potential very high turnover of Councillors this creates, the likelihood of uncontested seats, and does he think this reflects to any extent on any cultural issues within the authority (e.g. culture of fear, toxic atmosphere, invoking disciplinary procedures to seek to punish and 'cancel' rather than provide adequate training), or is the low morale I see around me in my head - and is this all just a coincidence?

**Answer:**

Experience suggests that at this time of the year, some 5 months before the next set of scheduled elections, there is a lot of uncertainty as to whether existing councillors will or will not stand for re-election. Quite often, the final decision is not made until a few days before the close of nominations! On a more general note, we have seen a large turnover of existing councillors in the previous elections in 2015 and 2019 but I accept the reasons may be different from time to time. There is a lot going on in this country at the moment so we do live in 'interesting times'.

**Question 2: Procedure Rule 9.2 to the Portfolio Holder for Coast, County & Environment from Councillor Bruce De Saram**

Two questions on the Memorial Plaque bench policy around costs as follows:

1. Looking at the costs illustrated below. Is this a realistic and reasonable cost? I fully understand that prices go up with inflation. Given that such benches are designed to commemorate the loss of loved ones within our community.
2. Can this charge be reviewed for 2023? Since as it says in the Council Plan "*Looking ahead the challenge is to get the balance right between the cost to residents and businesses and the benefits provided in terms of the quality of our environment, the health and wellbeing of residents and the strength and resilience of our local economy*".

**2022-2023 prices**

- New seat (including plaque and concrete base) costs £1664.00 for a 15-year lease.
- Renewing a lease for a further 10 years costs £832.00
- Adopting an existing bench for a 15-year lease costs £554.00
- Any additional plaques cost £84.00 (for the remainder of the lease).

**Memorial plaques/seats requested for a cemetery will be subject to VAT.**

**Answer:**

We believe the charge level is appropriate as the cost of the bench, plaque and installation alone is around £1000 depending on site conditions. The £1000 cost doesn't allow for any administration, maintenance and cleaning over the 15 year lifespan. So one can see that the additional £664 is very reasonable to cover the site and maintenance for this length of time.

Prior to 2020 we undertook some benchmarking to set the current pricing structure. We compare reasonably with other councils and crematoria, with others charging a similar amount for shorter time spans. We have around 1000 memorial benches in the district with many popular locations such as seafronts already full and steady interest in this service.

**Question 3: Procedure Rule 9.2 to the Leader of the Council from Councillor Jess Bailey**

In the Standards Committee Meeting of 27th July 2022, there was reference to interim legal costs for an investigation being £44,000. Please could the Leader confirm the total costs.

The Leader recently asked Simon Jupp, MP, and Richard Foord, MP to support the 'Theresa Villiers amendment', which sought to end the flawed imposition of housing targets on EDDC, and other local authorities, by central government. Would the Leader advise what response he has received from Simon Jupp and Richard Foord.

**Answer:**

£79,140 incurred across financial years 20/21, 21/22 and 22/23.

I wrote to Richard Foord MP and to Simon Jupp MP on Tuesday 29<sup>th</sup> November 2022 asking them to consider endorsing the "Theresa Villiers" amendment NC21 to the Levelling-up and Regeneration Bill due to come before the House of Commons imminently. I copied members of Council and SMT for their information. Neither MP had any advance notification that I would be writing.

That evening, Mr Foord replied:

"I have yet to take soundings from Mid Devon District Council, but am minded to vote against the Bill in its unamended form. I have yet to decide which amendments I might support and will take the comments below from you and your EDDC colleagues into account. Thank you for your steer. Best regards, Richard."

Mr Jupp has not yet replied.

**Summary of recommendations being presented to Council that will resolve in an action being taken:**

**7 November 2022** (Minutes in full have been circulated and are available on line.)

<b>Cabinet – <a href="#">2 November 2022</a></b>	
<b>86 Minutes of Housing Review Board held on 11 October 2022, specifically Minute 29 Emergency winter housing plan</b>	
<b>RECOMMENDED</b>	1. That Cabinet recommends to Council the approval of a budget of £50,000 to allocate towards delivering this project and to designate as a Housing Winter Pressures Hardship Fund.
<b>90 Devon Carbon Plan</b>	
<b>RECOMMENDED</b>	That Council reviews and refreshes its own Climate Change Strategy and Action Plan to align and show how it will contribute to delivering the Devon Carbon Plan.
<b>98 LED request for additional support 2022/23</b>	
<b>RECOMMENDED</b>	That Council approve further additional financial support to LED to mitigate some of their expected net loss as result of the energy and economic challenges and ensure that LED remains financially solvent.

<b>Cabinet – <a href="#">5 December 2022</a></b>	
<b>115 Colyford Community Governance Review</b>	
<b>RECOMMENDED</b>	To Council to: establish a new Parish Council for the area known as ‘Colyford’ and; <ul style="list-style-type: none"> <li>• That the boundary be as detailed in Appendix I and paragraph 17</li> <li>• That the new Parish Council be known as ‘Colyford Parish Council’</li> <li>• That the Membership will comprise of 7 councillors</li> <li>• That no warding provisions are incorporated in the Parish Council</li> <li>• That the membership of Colyton Parish Council be reduced from 13 to 11 councillors</li> <li>• That these recommendations are duly published and the appropriate Order made with delegated authority given to the Chief Executive to incorporate all necessary provisions into the Order and to make any supplementary arrangements as may be necessary. In order to facilitate this Members considered the Vesting Statements provided by the Colyford Village Residents’ Association and comments from the Colyton Parish Council and give a view on the acceptability of what is requested. Members agreed;</li> </ul>

	<ul style="list-style-type: none"> <li>○ VS1 – land at Stafford Common (shown hatched green on Appendix I) be transferred to the new Colyford Parish Council but otherwise the request be denied</li> <li>○ VS2 – if the play equipment (and any land interest) is vested in Colyton Parish Council then this should be transferred to the new Colyford Parish Council</li> <li>○ VS3 – responsibility for the parish gateways be transferred to the new Colyford Parish Council</li> <li>○ VS4 – the £10,000 held by Colyton Parish Council and ring-fenced for road safety projects in in Colyford be transferred to the new Colyford Parish Council and for it to be similar ring-fenced if possible</li> <li>○ VS5 – request be denied</li> <li>○ VS6 – review whether there are any CIL receipts for 2021/22 and 2022/23 within the proposed boundary and if legally permissible seek a transfer of those funds to the new Colyford Parish Council but otherwise the request be denied</li> <li>○ VS7 – request be denied</li> <li>● That it be noted the Parish Council will come into formal legal effect on the 1<sup>st</sup> April 2023 and the first elections will be held in May 2023.</li> <li>● Agree a budget of £12,350k + VAT to pay Capita to implement the changes to the Council Tax system.</li> </ul>
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<b>Personnel Committee – <a href="#">28 November 2022</a></b>	
<b>54 Monitoring Officer recruitment</b>	
<b>RECOMMENDED</b>	To Council: that the interim arrangements for the role of Monitoring Officer be approved.
<b>55 HR Policies Review to reflect Chief Officer Conditions of Service Model Procedures</b>	
<b>RECOMMENDED</b>	To Council: That the Constitution be amended to reflect the consequential changes to those HR policies and procedures agreed by Personnel Committee on 28 November 2022.
<b>57 District and Parish Council Elections - Scale of Fees</b>	
<b>RECOMMENDED</b>	To Council: 1. That the updated Scale of Fees set out in Appendix 2 of the report be approved and that when approved, the Scale of Fees is published on the Council's website; 2. That an enhanced level of payment to Presiding Officers, Poll Clerks and Count Staff as set out in the report, be approved.

**EAST DEVON DISTRICT COUNCIL**

**Minutes of the consultative meeting of Cabinet held at Council Chamber, Blackdown House, Honiton on 2 November 2022**

**Attendance list at end of document**

The meeting started at 6.00 pm and ended at 8.40 pm

**79 Public speaking**

Cllr Marianne Rixson spoke on the Devon Carbon Plan which is recorded at Minute 90.

**80 Minutes of the previous meeting**

The minutes of the consultative meeting of Cabinet held on 5 October 2022 were agreed.

**81 Declarations of interest**

Min 88. Minutes of LED Monitoring Forum held on 18 October 2022.  
Councillor Alan Dent, Affects Non-registerable Interest, Member of LED.

Min 88. Minutes of LED Monitoring Forum held on 18 October 2022.  
Councillor Paul Arnott, Affects Non-registerable Interest, Is a Colyton Parish Councillor.

Min 88. Minutes of LED Monitoring Forum held on 18 October 2022.  
Councillor Paul Millar, Affects Non-registerable Interest, Member of LED.

Min 93. Household Support Fund (HSF) 3 and Discretionary Fund.  
Councillor Jake Bonetta, Affects Non-registerable Interest, Honiton Town Councillor representative for Citizens Advice East Devon.

Min 94. Homes for Ukraine transition policy.  
Councillor Peter Faithfull, Affects Non-registerable Interest, Member of the Ottery St Mary Refugee Response Group.

Min 97. Devon & Exeter Foundation NHS Trust request to lease office space in Exmouth Town Hall.  
Councillor Steve Gazzard, Affects Non-registerable Interest, Is a Exmouth Town Councillor.

Min 98. LED request for additional support 2022/23.  
Councillor Alan Dent, Affects Non-registerable Interest, Member of LED Monitoring Forum.

Min 98. LED request for additional support 2022/23.  
Councillor Paul Millar, Affects Non-registerable Interest, Member of LED.

**82 Matters of urgency**

There were 2 late items that officers recommended were dealt with in this way. These are recorded at,

Minute 93 - Household Support Fund (HSF) 3 and Discretionary Fund

Minute 94 - Homes for Ukraine transition policy

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

There were 3 confidential items recorded at Minutes 96-98.

84 **Minutes of Scrutiny Committee held on 6 October 2022**

Members agreed to note the Minutes and recommendations of Scrutiny Committee held on 6 October 2022.

**Minute 34 Beach and river water quality**

1. For the District Council to liaise with the various local groups, Rivers Trusts, and the Environment Agency to help set up local volunteer group networks to carry out "Citizen Science monitoring" of our rivers and watercourses to provide the best possible data throughout the district.
2. For the District Council to liaise with landowners and farmers, the EA and Flood Resilience groups and other stakeholders to provide nature-based solutions.
3. To work with SWW on a strategy that will aid understanding and provide a clear direction of travel to reduce pollution and protect our beaches and clean our rivers.
4. For the District Council to request that South West Water provide real time data on their website.

85 **Minutes of Placemaking in Exmouth Town and Seafront Group held on 10 October 2022**

Members agreed to note the minutes and recommendations of Placemaking in Exmouth Town and Seafront Group held on 10 October 2022.

**Minute 8 Progress Update on Placemaking in Exmouth**

1. That an existing budget is made available to Devon County Council to erect one additional sign directing visitors to alternative parking, and to make the offer to erect the sign ourselves. This sign to be nearby to the Queen's Drive and Sideshore car parks.
2. To improve signage within the Council's own East Devon car parks to inform members of the public of additional car parking.

**Minute 9 Proposals for the temporary uses of Queen's Drive Space for the 2023 Season**

To delegate to the Service Lead – Place, Assets & Commercialisation:

1. To grant leases to current tenants based on their current rents and include a goodwill benefit of a reduction in their rent for the incoming season of 15% below the current market rate. If the current tenants are unable to take up the offer for 2023 season then we would market the pitches in a tender process.
2. The Events Space will be tendered to attract an operator for the season. If one cannot be appointed for the season we will then put out a tender for the 6 weeks school holidays. Out of this time, the events team will hire out the Event Space as per the events Policy, terms and conditions, and Portfolio Holder agreed prices.
3. We consider a proposal from LED for the fitness space for 2 seasons (received in 26th July 2022) i.e. 2023/2024 subject to Heads of Terms being agreed – noting that we would have to include a break clause (with a pre-agreed compensatory payment) should we reach a decision to bring forward a development at Queen's Drive Space.

**Minute 10 Results of Placemaking in Exmouth Consultation and Next Steps**

1. That the results of the consultation are accepted and that they be used to appoint a professional team to develop a terms of reference and a plan for a Placemaking Strategy for Exmouth Town and Seafront.
2. To request a budget of £160k from Full Council to develop the Placemaking Strategy which will include a Habitat Regulations Assessment

86 **Minutes of Housing Review Board held on 11 October 2022**

Members agreed to note the minutes and recommendations of Housing Review Board held on 11 October 2022.

**Minute 27 Update on Housing Task and Finish Forum**

That approval be given for the Housing Task Force Service Lead, to complete discussions with the South West Procurement Alliance (SWPA) and ZedPods, for the purpose of procuring a contract to develop new housing on behalf of EDDC.

**Minute 29 Emergency winter housing plan**

1. That Cabinet recommends to Council the approval of a budget of £50,000 to allocate towards delivering this project and to designate as a Housing Winter Pressures Hardship Fund.
2. To give delegated authority to the Strategic Lead – Housing, Health and Environment and the Housing Service Lead to approve the detail and criteria for the hardship fund and the grounds on which funds will be allocated to households.
3. To approve the other actions highlighted in the report that will deliver housing's contribution to the EDDC Winter Pressures Plan.

87 **Minutes of the Poverty Working Panel held on 17 October 2022**

Members agreed to note the minutes of Poverty Working Panel held on 17 October 2022.

88 **Minutes of LED Monitoring Forum held on 18 October 2022**

Members agreed to note the minutes and recommendations of LED Monitoring Forum held on 18 October 2022.

**Minute 24 Colyton ATP update**

To delegate authority to the Service Lead – Place, Assets & Commercialisation in consultation with the Strategic Lead – Finance, Strategic Lead – Governance & Licensing and the Portfolio Holder for Economy & Assets to arrange advance payment of the capital contribution of up to £140,000 prior to completion of the new lease and management agreement.

89 **Minutes of the Recycling and Waste Partnership Board held on 19 October 2022**

Members agreed to note the minutes and recommendations of Recycling and Waste Partnership Board held on 19 October 2022.

**Minute 16 Proposed changes to working times**

To agree the new start time for first collections be 6am.

### **Minute 18 Recycling and Waste web-site proposal**

That the delivery be built into service planning and scoped out with the communications team and Strata.

## 90 **Devon Carbon Plan**

Cllr Marianne Rixson read out the following statement.

‘Originally the Prime Minister stated he was ‘too busy’ to attend COP27 in Egypt. Perhaps due to adverse reactions in the press, he has finally decided to do the right thing and actually attend in person. However, please note that he has already demoted both COP26 President, Alok Sharma, and Climate Change Minister, Graham Stuart, from his Cabinet. This is sending the wrong message with regard to the government’s real commitment to climate change.

The UN environment report published last week analysed the gap between the CO2 cuts pledged by countries and the cuts needed to limit any rise in global temperature to 1.5C, the internationally agreed target. Progress has been “woefully inadequate” it concluded. The UN secretary general, Antonio Guterres, said: “Emissions remain at dangerous and record highs and are still rising. We must close the emissions gap before climate catastrophe closes in on us all.”

Prof David King, a former UK chief scientific adviser, said: “The report is a dire warning to all countries – none of whom are doing anywhere near enough to manage the climate emergency.”

As growing climate change impacts are experienced across the globe, the message that greenhouse gas emissions must fall is unambiguous. Yet the Emissions Gap Report 2022: The Closing Window – Climate crisis calls for rapid transformation of societies - finds that the international community is falling far short of the Paris goals, with no credible pathway to 1.5°C in place. Only an urgent system-wide transformation can avoid climate disaster.

I am, therefore, very relieved that the Devon Carbon Plan has been finalised and so we now have a common blueprint for us all to work towards.’

The Strategic Lead Housing, Health & Environment presented his report which highlighted the final version of the Devon Carbon Plan following a comprehensive research, consultation and inclusive approach to evidence gathering. The report considered the process of adoption, the implications of doing so and how to integrate the actions and commitments with the council’s own Climate Change Strategy. He proposed to support the ambitions and commitments in the Devon Carbon Plan. Adoption of the Devon Carbon Plan would prompt a review and updating of the council’s own ambitions that were contained in our Climate Change Strategy and linked Action Plan.

Members thanked John Golding for his valuable input, effort and dedication to the Devon Carbon Plan. The Chair wished to thank the Chief Executive and all officers for their dedication and contribution in this matter.

### **RESOLVED:**

That the Devon Carbon Plan be endorsed.

**RECOMMENDED:**

That Council reviews and refreshes its own Climate Change Strategy and Action Plan to align and show how it will contribute to delivering the Devon Carbon Plan.

**REASON:**

To endorse the Devon Carbon Plan and work in partnership to deliver the actions and activities contained in the Plan to reduce our carbon use.

91 **Rural England Prosperity Fund**

The Economic Development Manager updated Members on the report to Cabinet on 13 July 2022 detailing EDDC's Investment Plan to deliver the District's UK Shared Prosperity Fund (SPF) allocation of £1,796,363 through a series of projects over a three year period. While waiting for approval of the submitted SPF Investment Plan, the Government had now launched a new £110m Rural England Prosperity Fund (REPF), replacing EU funding previously delivered through the LEADER and Growth Programme initiatives.

Through the REPF, East Devon District Council had the opportunity to secure an additional financial allocation of up to £854,298 to be distributed as capital spend in the form of grants for business or community purposes. This allocation was regarded as a 'top-up' to East Devon's SPF allocation, taking total funding to £2,650,661. In order to access this top-up, EDDC were required to develop and submit an 'Addendum' to the existing UKSPF Investment Plan.

**RESOLVED:**

- That the proposed REPF Addendum to our SPF Investment Plan contained at Appendix A be approved.
- That delegated authority be given to the Service Lead for Growth, Development & Prosperity in consultation with the Strategic Lead for Finance and the Portfolio Holder for Economy and Assets to make any final changes to the REPF Addendum and to submit this by the 30 November 2022 deadline.

**REASON:**

To ensure that the council submits a suitable Addendum to secure REPF financial allocation of up to £854,298 and ensure delivery of the business and community interventions described in the report between April 2023 and March 2025.

92 **Council Tax Reduction Scheme 2023-24**

The Service Lead Revenues, Benefits, Corporate Customer Services, Fraud & Compliance's report was seeking approval to carry out consultation on proposed changes to the Council Tax Reduction Scheme for working age. Following consultation a report would be presented to Cabinet with the recommended final scheme to be adopted by Council. This work supported the Council's Poverty Strategy as by reducing the council tax burden for those on the lowest incomes it helped to build financial resilience; a key aim of the Poverty Strategy.

**RESOLVED:**

1. That Cabinet agrees to the proposed draft scheme and carry out public consultation on it.
2. Following public consultation, any changes to our scheme will be presented to Cabinet at its meeting on 4 January 2023 with a view to obtaining a recommendation to Council.

**REASON:**

Each financial year the Council was required by law to decide, whether to revise its scheme or to replace it with another scheme. We made significant changes to the scheme for 2020/21 where we moved to an income banded scheme and also increased maximum support from 80% to 85%.

For the past two financial years there had not been any changes to the scheme due to the impact of Covid-19 and not being able to properly assess how the changes made had affected residents' finances. EDDC was committed to undertake a full review during this year so that it would have time to consult on any proposed changes before proposing the 2023/24 scheme to Members. As it had been identified some changes to the scheme needed to be agreed as in the draft scheme, in order to consult on it.

### 93 **Household Support Fund (HSF) 3 and Discretionary Fund**

The Service Lead Revenues, Benefits, Corporate Customer Services, Fraud & Compliance explained her report was presented due to concerns being raised by Members over the pressure on household's bills for residents this winter. The Household Support Fund 3 covered the period 1 October 2022 to 31 March 2023. The HSF was money provided by the Department for Works and Pensions (DWP) to Devon County Council who had allocated EDDC a proportion of the fund to help low income households in the district. The report set out the proposal for EDDC's approach for utilising the fund to ensure support was directed to those most in need.

In addition, the report provided an update on what was approved following the motion at Council on 19 October 2022 where it was agreed that officers were to investigate creating an additional discretionary energy support fund based on evidence from the poverty dashboard data.

#### **RESOLVED:**

1. That the Devon Framework agreement be adopted
2. That the approach for targeted support and for the remaining funding to be used under an open application basis as outlined under section 5 of the report, be approved.
3. Delegate authority to given to the Service Lead for Revenues, Benefits, Corporate Customer Services, Fraud & Compliance, in consultation with the Finance Portfolio Holder to finalise the HSF Hardship policy document in line with the report and if necessary to make subsequent changes in order to ensure all funding is spent before the 31 March 2023.

#### **REASON:**

Since October 2021 the Council has been receiving funding from the DWP to help low income households provide extra financial support to those most in need. A further sum of money has been allocated to us for the period 1 October 2022 to 31 March 2023 to help support those low income households who are going to struggle to afford essentials due to the current cost of living crisis and rising energy costs. Our proposals for a proportion of our allocation have been based on the recommendations contained within the DWP's guidance as well as aligning with the other Devon authorities. A further proportion has been targeted to support residents who we have identified from our social resilience (poverty) dashboard as likely to need further support. The remainder of our budget will be used to help other households who we have not been able to identify as needing further support in line with our anti-poverty strategy. Once these funds are exhausted we will utilise our existing hardship fund to support vulnerable households.

## 94 **Homes for Ukraine transition policy**

The report sought member endorsement of the Homes for Ukraine Private Rented Sector (PRS) transition policy. The policy had been developed by Team Devon and was agreed by the Leaders and Chief Officers of all Devon local authorities at their meeting on the 5 October 2022. The policy provided an additional top up payment for Homes for Ukraine hosts. It also set out the general principles that would be followed in relation to re-matching guests with new hosts, what to do where host/guest relations breakdown and support for a guest's transition to the Private Rented Sector.

### **RESOLVED:**

1. That the Homes for Ukraine Private Rented Sector transition policy as attached to this report be adopted
2. That the additional flat rate top-up thank you payment of £150 per host per month for 12 months be approved
3. That the Private Rented Sector transition proposals as shown in the attached report with the final decision on any payments (and the amount to be paid) to be delegated to the Service Lead – Housing, and Strategic Lead Finance be approved
4. That this scheme be delivered within the finances provided by the UK Government be agreed.

### **REASON:**

To provide Cabinet with the Homes for Ukraine Private Rented Sector transition policy proposed by Team Devon. To highlight the parts in the report which are the discretion of the authority to set and to ensure by adoption of this policy, that Ukrainian guests are continued to be welcomed and settled in this area. That host families are supported until a longer term exit strategy is developed by the UK Government.

## 95 **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

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

## 96 **Towards Zero Carbon Development in the West End**

The report presented a draft of the Business Case for investing in the district heating 'interconnector' project.

### **RESOLVED:**

1. That the procurement stage for the interconnector project on the basis of the draft Business Case as set out at Appendix A, be endorsed.
2. That the likely scale of anticipated borrowing that will be required to finance the project, be noted.
3. That the bid to Green Heat Network Fund to help secure an Energy Services Company to serve the Cranbrook expansion areas, be supported.
4. That a further report be received detailing the outcome of the procurement exercise alongside the Full Business Case prior to taking a final investment decision.
5. To endorse reserving 50% of the return on investment to establish a social/community fund to benefit East Devon residents that are customers of the district heating network.

The precise way in which this fund could operate will need to be the subject of a further report.

**REASON:**

To enable the interconnector project to proceed to the detailed procurement stage and ensure that it was supported by a robust business case.

97 **Devon & Exeter Foundation NHS Trust request to lease office space in Exmouth Town Hall**

The report summarised a proposal to lease first floor office space in Exmouth Town Hall to the NHS for a 5-year period with a 3-year break option. The space would be used by staff working in primary care, predominantly to do administration tasks.

**RESOLVED:**

1. That the proposal to lease surplus office space on the 1st floor at Exmouth Town Hall to the WEB Primary Care Network as back-office accommodation, along with shared access rights to other parts of the building as is reasonably necessary, be supported.
2. That delegate authority be given to the Service Lead Place, Assets & Commercialisation in consultation with Strategic Lead Finance and Strategic Lead Governance & Licensing, to agree heads of terms and enter into a lease with the WEB Primary Care Network.

**REASON:**

By renting the surplus space out at a commercial rate the Council would generate an income from this asset in Exmouth and also reduce its cost of managing this building through recovery of costs using a service charge. It also had the potential in the future to provide an opportunity for closer working with our NHS colleagues.

98 **LED request for additional support 2022/23**

The Service Lead Countryside & Leisure updated members to the fact that LED was significantly impacted by the impacts by the Covid-19 pandemic, with the interruptions to its business during periods of restrictions and lockdowns during 2020 and 2021. This additional financial support would be subject to the external auditing process put in place in 2020 to ensure that claims of additional financial support were scrutinised in an open book manner.

**RECOMMENDED:**

That Council approve further additional financial support to LED to mitigate some of their expected net loss as result of the energy and economic challenges and ensure that LED remains financially solvent.

**REASON:**

To ensure that LED remained a viable leisure provider for EDDC and was able to manage the ongoing financial impacts created post COVID-19 and the impacts of the current energy crisis and cost of living pressures for the remainder of the 2022/23 financial year. The request for additional support would ensure that LED were able to keep open all of the council's facilities and provide leisure activities for all of the District's communities.

**Attendance List**

**Present:**

**Portfolio Holders**

P Arnott	Leader
G Jung	Portfolio Holder Coast, Country and Environment
D Ledger	Portfolio Holder Sustainable Homes and Communities
M Rixson	Portfolio Holder Climate Action and Emergency Response
J Rowland	Portfolio Holder Finance
J Loudoun	Portfolio Holder Council and Corporate Co-ordination
N Hookway	Portfolio Holder Tourism, Sport, Leisure and Culture

**Cabinet apologies:**

P Hayward	Deputy Leader and Portfolio Holder Economy and Assets
S Jackson	Portfolio Holder Democracy, Transparency and Communications;

**Also present (for some or all the meeting)**

Councillor Jake Bonetta  
Councillor Alan Dent  
Councillor Peter Faithfull  
Councillor Steve Gazzard  
Councillor Marcus Hartnell  
Councillor Paul Millar  
Councillor Tom Wright

**Also present:**

**Officers:**

Tim Child, Service Lead - Place, Assets & Commercialisation  
Amanda Coombes, Democratic Services Officer  
Simon Davey, Strategic Lead Finance  
Amy Gilbert-Jeans, Service Lead Housing  
John Golding, Strategic Lead Housing, Health and Environment  
Naomi Harnett, Enterprise Zone Programme Manager  
Andrew Hopkins, Communications Consultant  
Libby Jarrett, Service Lead Revenues and Benefits  
Robert Murray, Economic Development Manager  
Charles Plowden, Service Lead Countryside and Leisure  
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)  
Mark Williams, Chief Executive  
Andrew Wood, Service Lead - Growth Development and Prosperity

Chair .....

Date: .....

**EAST DEVON DISTRICT COUNCIL****Minutes of the consultative meeting of Cabinet held at Council Chamber, Blackdown House, Honiton on 30 November 2022****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 8.22 pm

**99 Public speaking**

Liza McLean spoke on Minute 110 Review of free car parks and charging hours. She was a Temple Street business owner and resident. She stated the free spaces in the car park served a few of the out of town businesses adjacent to the car park whom do not benefit from an in town location. She felt the current resident car parking spaces worked well.

Sally Mynard, Chair of the Sidmouth Chamber of Commerce spoke on Minute 109 Car Parks Review. She said the car parking price increases had gone through with no consultation and little concern for the economic health of her community and businesses they support. She asked the car parking charges be lowered due to many businesses facing a challenging time as well as residents. She reported the Chamber of Commerce had received complaints from residents and visitors and a survey showed the detrimental impact this was having on them. Visitors were not spending much time in Sidmouth and trade from May to September was lower than expected.

Ian Priestley, Chair of Colyford Residents Association spoke on Minute 111 Colyford Community Governance Review. He stated Colyford had a long and rich history with strong traditions. The last 30 years had seen development increase by approximately 20% and the population was now about 800. S106 funding from these developments had helped growth and the community's amenities. He stated this was once in a generation opportunity, the Community Governance Review would restore democracy and benefits to provide services for the village. He thanked Henry Gordon Lennox and all staff for their continued hard work on this Community Governance Review.

Andrew Parr, Chair of Colyton Parish Council spoke on Minute 111 Colyford Community Governance Review. He said that Colyford had never been a parish therefore there was no traditional parish boundary. He asked the Parish Council's proposed parish boundary be followed. He said Colyford had said they had had under investment in their village; roads, signage and bridges were not the responsibility of the Parish Council but the County Council's. When they had wanted financial help on issues like resurfacing their car park, repairs to their village hall and play park the Parish Council had always assisted. He was concerned that the split of the community's assets did not reflect in the distribution of finances to support their upkeep. He asked that they be no transfer of assets and that Colyton maintain their assets.

Colin Pady, Colyton Parish Councillor spoke on Minute 111 Colyford Community Governance Review. He rejected the proposal to split Colyford from the parish of Colyton. He said Colyton was an example of a well-run parish council and to dismantle this and diminish its assets was senseless.

Councillor Paul Hayward made a statement on his EDDC's register of interests. For a short period of time he had carried out internal auditor work for a local Parish Council after they had approached him and asked to assist following the untimely departure of their former auditor. As it was only an annual requirement he only carried

out three audits for the Parish Council whilst being an elected member of this authority. Despite the fact that he didn't want to charge anything for carrying out the work the Parish Council insisted in paying him for the audit service; between £50 and £100 for each audit. Upon receipt of those payments he subsequently paid that same amount to a local foodbank, sometimes as a cash donation and on other occasions as a donation of goods to the same value. To that end he wanted to reassure everyone and any members of the public that he did not therefore personally financially benefit in any way, and thus at the time did not consider it as a pecuniary interest requiring registration. Not including it on his published register of interests at the time of the audit Cllr Hayward said was simply an oversight. Having now taken further advice he accepted that it should have been included and on that basis he apologised unreservedly for that omission as it should have been declared on the online form available for public scrutiny.

100 **Minutes of the previous meeting**

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

101 **Declarations of interest**

Min 102. Matters of urgency - Colyford Community Governance Review.  
Councillor Paul Arnott, Other Registerable Interest, Is a Colyton Parish Councillor - (Cllr Arnott left the room during the debate).

Min 109. Car Parking permit and tariff increase review - Summer 2022.  
Councillor Paul Hayward, Affects Non-registerable Interest, Has purchased an EDDC parking permit.

Min 109. Car Parking permit and tariff increase review - Summer 2022.  
Councillor Sarah Jackson, Affects Non-registerable Interest, Has purchased an EDDC parking permit.

Min 110. Review of free car parks and charging hours.  
Councillor Sarah Jackson, Affects Non-registerable Interest, Has purchased an EDDC parking permit.

Min 110. Review of free car parks and charging hours.  
Councillor Tom Wright, Affects Non-registerable Interest, Chair of Liaison Group involved in the Lower Otter Restoration Scheme.

102 **Matters of urgency - Colyford Community Governance Review**

There was one late item that officers recommended were dealt with in this way that of the Colyford Community Governance Review.

The Chair left the room during the debate due to a declaration of interest.

The Strategic Lead Governance & Licensing explained that in late 2021, Cabinet and Council agreed that a Community Governance Review be undertaken following a request from the Colyford Village Residents' Association. In July 2022 Cabinet agreed to the principle of a new parish being created and draft proposals were formally published. The second statutory period of consultation expired on the 22nd November 2022 and the report now recommended alternative decisions for the Cabinet and Council to consider.

Discussions included the following:

- It was difficult to thoroughly read the report with only 2 days' notice with little time for people to prepare statements
- Concerns over the parish boundary, it was difficult to follow
- The financial demands from Colyford Village Residents' Association were out of proportion
- Both villages had happily shared their facilities which had benefitted all
- 2 communities were stronger together and should remain the parish of Colyton
- Not enough information to make an informed decision
- Short notice meant members were incapable of making sound decisions and had not had time to decipher the information
- This should not be entered into lightly
- The whole process must be completed within 12 months from the Terms of reference (December 2022)
- The need to come to a conclusion in order to avoid a fresh start

Cabinet voted in favour for this item to be deferred to an Extraordinary meeting of Cabinet on Monday 5 December at 5.30pm.

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

None

104 **Minutes of Arts and Culture Forum held on 12 October 2022**

Members agreed to note the minutes of Arts and Culture Forum held on 12 October 2022.

105 **Minutes of Scrutiny Committee held on 3 November 2022**

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

106 **Minutes of Asset Management Forum held on 4 November 2022**

Members agreed to note the minutes of Asset Management Forum held on 4 November 2022.

107 **Complaints decided by the Local Government and Social Care Ombudsman and by the Housing Ombudsman 2021/22**

The report provides information on complaints referred to and decided by the Local Government and Housing Ombudsmen during 2021/22. The Chief Executive stated that the sad case of the death of the little boy in Rochdale, would have a fundamental change in the way the council was expected to manage the council's housing stock. There would also be the expectation to inspect the private sector housing within the district, which would provide a lot of extra work coming through to the council.

**RESOLVED:**

That the report and learning points arising from complaints decided during the year and the steps being taken to address certain areas to improve dealing with complaints be noted.

**REASON:**

To continue to improve the way we handle, and learn from, complaints.

## 108 **Review of the Local Code of Corporate Governance**

The Strategic Lead Governance and Licensing & Monitoring Officer presented his report on the Council's Code of Corporate Governance, which sets out the overarching approach to the council's corporate governance arrangements and was now due for review.

It was a requirement of the Constitution that Cabinet consult with Audit & Governance in relation to the approval, implementation and monitoring of the Code of Corporate Governance. Audit & Governance Committee received the report at its meeting on 17th November 2022 and supported the recommendation. It was therefore recommended that Cabinet continue to use the current Code unchanged with a further review in two years' time.

### **RESOLVED:**

that the Local Code of Corporate Governance should continue without amendment and be reviewed again in two years' time, unless circumstances require an earlier review, be agreed.

### **REASON:**

The Council regularly reviewed the policies, codes and procedures that govern the way it operates. The Code of Corporate Governance provided the overarching framework for the Council's Corporate Governance. It was last updated in December 2016 following revised guidance from CIPFA/SOLACE and reviewed in January / February 2019. It was not a standalone document but rather identified the key principles that the Council agreed to follow in establishing its governance framework. It was supported by a number of other documents, being the Council's key policies, which in combination seek to ensure that the Council has systems, processes, culture and values that the council engages with and acted by and were accountable in respect of. Ultimately the Code was about ensuring that the Council does the right things, in the right way for the right people in a timely, inclusive, open, honest and accountable manner.

## 109 **Car Parking permit and tariff increase review - Summer 2022**

A review of the current car parking fees that were increased in April 2022.

Discussion included the following:

- Parking permits were good value and these should be promoted more
- The need to promote the permits especially as there was a monthly payment option
- Economic challenges meant people were using hospitality less, with a general increase to online shopping leading to reduced footfall. However this was not reflected on the districts car parks which appear to be well used
- The council was not looking to increase car parking charges next April, as was the case in other areas outside the district

### **RESOLVED:**

that the summer review of the car parking tariff and permit increase be continued with the current fees and tariffs into the next financial year, be agreed. A directly comparable report on summer income to be brought to Cabinet in 12 months.

### **REASON:**

Car parking charges were increased for the first time in 10 years in April 2022. The increased charges reflected the fact that no increases had been applied for a significant period of time and certain tariffs had fallen below what was deemed appropriate; high demand prime tourist car parks where the revised charges were applied. This also reflected the rise in VAT from 17.5% to 20% in 2011 and to bring East Devon Coastal town tariffs in line with similar tourist destinations across the County. Having made the decision to revise charges it is acknowledged the income supports the delivery of other services particular additional costs in tourist areas and will also help the Council achieve its ambition of becoming carbon neutral by 2040 through the growth of green infrastructure across the district.

## 110 **Review of free car parks and charging hours**

The Car Parking Services Manager outlined the details of a proposal to take on management of a new car park as part of the Lower Otter Restoration project, as well as a review of the 6 free car parks that were currently managed by EDDC. As well as options for extended evening charging in the coastal locations and free Sunday charging in the inland towns and villages.

### **RESOLVED:**

1. That the portfolio of free car parks be agreed. The Manor Farm Estate car park, Sidbury option B (make no changes) was agreed. In all other cases, option A was agreed for each site. With an expectation that the 20 reserved spaces in Temple Street will remain as such and The Green – Broadclyst being deferred at this time for updated costs to be provided.
2. That the proposed management arrangement for the new car park on South Farm Road, Budleigh Salterton be approved. Terms to be agreed with Clinton Devon Estates through delegated authority to the Strategic Lead for Governance and Licensing in conjunction with the Strategic Lead for Finance.
3. That extending the charging hours in our short stay car parks, and to maintain the current charging structure be agreed.
4. That free Sunday car parking charges across the District and to continue with the current arrangements be agreed.
5. That the current process for assessing and determining concessionary parking requests be agreed.

### **REASON:**

1. These car parks were important assets in their respective areas, but other options for their maintenance and long term use should be assessed to ensure they continue to be the best use of land in consideration of other Council priorities.
2. The management of this new car park was mutually beneficial in as much as it offers effective management of the site by EDDC who share the landowner's aspirations for the site to be a popular visitor destination. Alternative management by a third party would not achieve this, and EDDC would not benefit from any additional income from this site.
3. Extended charging is an option of managing evening parking demand, however this would have an impact on the evening economy as well as being ineffective due to alternative free parking options at this site.
4. There were other options that could be considered in relation to free Sunday parking however the current arrangements were well established and consistent with the current approach to parking charges across the District. Changes made in isolation run the risk of artificially increasing demand on some days and unintended consequences in regards to traffic management and demand on services.



**EAST DEVON DISTRICT COUNCIL****Minutes of the consultative meeting of Cabinet held at Council Chamber, Blackdown House, Honiton on 5 December 2022****Attendance list at end of document**

The meeting started at 5.30 pm and ended at 7.35 pm

**111 Public speaking**

Andrew Parr, Chair of Colyton Parish Council spoke on the vote to which the response figures were based. These were collated from a questionnaire and not a ballot or referendum with people being unaware of the financial implications. He said he had asked for a proper ballot but this had been rejected by the council. He said the results had showed conflicting evidence. He stated that the financial requests evidenced in the Vesting Statements were unreasonable and that Colyton Parish Council would be financially worse off if the split was to go ahead. He asked that there be no transfer of assets.

Alison Stenning said she thought Colyford wanted independence from Colyton but saw that they wished to use Colyton PC as a 'cash cow'. Colyford would have to pay for maintenance costs just for the play park and 3 gateways so could see no reason to the transfer assets over to them. She asked why EDDC wanted to destabilise a very long established parish in the district.

Joy Gardner said analysis of the questionnaires showed more that 71% of people of Colyford did not wish for a new parish council. She said people had thought this was just a pre questionnaire and that when the full facts were available they would get to vote on the changes. There had been no factual information and what this would entail had been sent out to residents. She said claims that Colyford had been neglected were untrue and that it was not in the interest of residents to split the parish council. This could lead to a potential rise in the cost to the parishioners' council tax in both communities.

Ken Clifford from Colyton Parish Council, said he was bewildered by the wish for Colyford to separate from the present parish council.

Colin Pady said that through consultation he had had with people, they were opposed to this proposal which had been started from a minority group from Colyford Village Residents Association (CVRA), he did not feel their views reflected majority feeling. He had a fifty yearlong connection with the village and any split would be a serious mistake and said the 2 villages were stronger together.

Julian Thompson stated democracy could be thought of as a way of governing by the will of the people. Colyford had 800 residents and was one the largest village in the district without its own parish council. He said Colyford had the people, skills and competency to operate its own parish council. CVRA steering group had delivered the petition which had led to the proposal being discussed today. He said 76% of Colyford submissions wished to have they own parish council.

Ian Priestley said the new parish council would have strong values, behaviours and benefits. The CVRA had informed all residents of the procedures and processes as they had happened. Their blueprints presented a fresh start. He said the new parish council had shared a future vision and sense of belonging, they valued diversity with strong professional relationships with people of different backgrounds and would represent their

community by working hard on its behalf. The new parish council would work closely with other councils and intended on being good friends and neighbours.

John Vieth talked on how a new parish council would work once established. He claimed that Colyton Parish Council were wealthy and as Colyford had no democratic bearing they could not access their share of the parish precepts. He said there was a strong majority to change, that the boundary made sense and that they had the right values as well as it being affordable and achievable. He said it was only fair and reasonable that the CVRA had requested sensible Vesting Statements. He claimed the relationship with Colyton Parish Council was untenable.

Andrew Wilkinson said he lived in Colyton and had known Colyford and its people all his life. He stated the whole process had been a slur against the good work and performance of the parish council. Residents cannot understand the need to break up something that works and had done for many decades. The figures in this process did not reflect the feeling of parishioners because few understood the full implications of the full consultation; the questionnaire implied a further opportunity to comment. He had no idea that should this motion go ahead, Colyton PC would have to hand over 30% of its assets; clearly having financial implication for the parish council and the people of Colyton. The motion for the split had implications far beyond discussions on boundaries. It would affect the whole parish and its finances, use off and access to its assets, governance and landownership which he was certain many people in Colyton were unaware of. He asked for the decision not to be made until greater effort to inform all people affected to the full consequences to the intended split.

#### 112 **Declarations of interest**

None

#### 113 **Matters of urgency**

None

#### 114 **Confidential/exempt item(s)**

None

#### 115 **Colyford Community Governance Review**

Following the deferment from last week's Cabinet meeting on this item, the Strategic Lead Governance & Licensing reminded members that in late 2021, Cabinet and Council agreed that a Community Governance Review be undertaken following a request from the Colyford Village Residents' Association. In July 2022 Cabinet agreed to the principle of a new parish being created and draft proposals were formally published. The second statutory period of consultation expired on the 22<sup>nd</sup> November 2022 and this report now recommends alternative decisions for the Cabinet and Council to consider. He reiterated some of the responses from the consultation with 56% of respondents in favour to the establishment of a new parish council in Colyford.

Discussions included the following:

- 2 communities were stronger together
- This had not been discussed fully with the residents of both villages

- Any under investment in Colyford was not down to Colyton Parish Council
- People could not be fully informed when filling out the questionnaire as the boundary review had not taken place at this time
- It was not fair to say that Colyton Parish Council was wealthy
- This would have huge effects on Colyton Parish Council's finances and the expenses involved in maintaining its assets
- People should be allowed to vote on this as this was not democratic on the lack of information on the questionnaire
- This was an accepted part of political life now with localism and general devolution – this was a micro version of what was happening nationally
- Colyford was now of a size so as to determine its own future
- The initial consultation was quite telling with the figures speaking for themselves for reorganisation
- Parish Councils exist to serve its parishioners, there should be a spirit of cooperation and working together.

**RECOMMENDED to Council to;**

establish a new Parish Council for the area known as 'Colyford' and;

- That the boundary be as detailed in Appendix I and paragraph 17
- That the new Parish Council be known as 'Colyford Parish Council'
- That the Membership will comprise of 7 councillors
- That no warding provisions are incorporated in the Parish Council
- That the membership of Colyton Parish Council be reduced from 13 to 11 councillors
- That these recommendations are duly published and the appropriate Order made with delegated authority given to the Chief Executive to incorporate all necessary provisions into the Order and to make any supplementary arrangements as may be necessary. In order to facilitate this Members considered the Vesting Statements provided by the Colyford Village Residents' Association and comments from the Colyton Parish Council and give a view on the acceptability of what is requested. Members agreed;
  - VS1 – land at Stafford Common (shown hatched green on Appendix I) be transferred to the new Colyford Parish Council but otherwise the request be denied
  - VS2 – if the play equipment (and any land interest) is vested in Colyton Parish Council then this should be transferred to the new Colyford Parish Council
  - VS3 – responsibility for the parish gateways be transferred to the new Colyford Parish Council
  - VS4 – the £10,000 held by Colyton Parish Council and ring-fenced for road safety projects in in Colyford be transferred to the new Colyford Parish Council and for it to be similar ring-fenced if possible
  - VS5 – request be denied
  - VS6 – review whether there are any CIL receipts for 2021/22 and 2022/23 within the proposed boundary and if legally permissible seek a transfer of those funds to the new Colyford Parish Council but otherwise the request be denied
  - VS7 – request be denied
- That it be noted the Parish Council will come into formal legal effect on the 1<sup>st</sup> April 2023 and the first elections will be held in May 2023.
- Agree a budget of £12,350k + VAT to pay Capita to implement the changes to the Council Tax system.

**REASON:**

In accordance with the provisions of Part 4 of the Local Government and Public Involvement in Health Act 2007; the principal legal framework within which councils must undertake these reviews.

Members will recall that the rationale for undertaking this review arose from a 249 signature petition which claimed that: 'The community of Colyford has thus clearly

expressed their wish for a village council to be set up, and this should be given considerable weight. We have shown that Colyford has its own identity and sense of place, and that community cohesion will be enhanced by having its own village council. We have shown that a village council for Colyford will be effective and convenient, and will provide strong and accountable local government and community leadership. We therefore respectfully request that East Devon District Council exercise their powers under the Act and undertake a Community Governance Review and recommend the formation of a village council for Colyford.'

Cabinet considered the outcome of the first stage statutory consultation exercise at its meeting of 13<sup>th</sup> July 2022 and agreed, on the basis of the guidance and consultation responses, to publish draft proposals for consideration. This report reviews the second stage statutory consultation responses and presents options for Cabinet and Council to consider as to how to conclude the community governance review.

### **Attendance List**

#### **Present:**

#### **Portfolio Holders**

P Hayward	Acting Chair and Deputy Leader
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;

#### **Cabinet apologies:**

P Arnott	Leader
G Jung	Portfolio Holder Coast, Country and Environment
D Ledger	Portfolio Holder Sustainable Homes and Communities
N Hookway	Portfolio Holder Tourism, Sport, Leisure and Culture

#### **Also present (for some or all the meeting)**

Councillor Andrew Moulding  
Councillor Helen Parr

#### **Also present:**

#### **Officers:**

Amanda Coombes, Democratic Services Officer  
Henry Gordon Lennox, Strategic Lead Governance and Licensing (and Monitoring Officer)

Chair .....

Date: .....

**EAST DEVON DISTRICT COUNCIL****Notes of the virtual briefing meeting with South West Water for members of Scrutiny Committee, Councillors and members of the public held Online via Zoom on 2 November 2022****Attendance list at end of document**

The meeting started at 10.00 am and ended at 11.09 am

**39 Declarations of interest**

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

**40 Chair's opening comments, welcome and introductions**

The Chair welcomed Mr Alan Burrows, South West Water Director of Environmental Liaison and Culture, to the meeting. The Chair expressed the hope that the meeting continues the constructive dialogue between the Council and South West Water (SWW) which began when Mr Burrows attended a meeting in March of this year.

It was noted that Councillors had not submitted questions for Mr Burrows prior to the meeting. Members of the public had submitted questions and there would be an opportunity for these to be put later in the meeting.

**41 Presentation by South West Water on beach and river water quality followed by questions from Members of the Scrutiny Committee, Members and the public**

Mr Burrows' presentation included the following points:

- SWW serves 2 million customers and up to 9 million people during the tourist season, with 19,000km of pipework, £300m a year investment in the region, 2,500 employees and a net zero commitment by 2030.
- The WaterFit programme comprises the following main areas; nurturing healthy rivers and seas, putting nature on everyone's doorstep, creating and restoring habitats, inspiring local champions, creating a sustainable future and putting people in control.
- With regard to monitoring, data and transparency, Mr Burrows advised that there is a programme in place to provide real time information, in accordance with the Environment Act, although it was noted that elements of the Environment Act have yet to be enacted. A Defra consultation would be launched in January to provide understanding of how the Environment Act would be enacted and to ensure consistency of delivery across all of the water companies. However, SWW was progressing the installation of monitors on storm overflows and making sure that data was being used in decision making.
- With regard to storm overflows, it was noted that, on occasion, members of the public wrongly connect into surface water drains eg. when building an extension.
- There are currently two types of pollution alert system in place; firstly, BeachLive which is SWW's own warning system which operates all year round with alerts issued in real time and secondly, the Environment Agency Pollution Risk Forecasts which operate from May to September and alerts once a day between 08.30 and 09.00am. A Pollution Risk Forecast may be caused by factors other than sewage and storm overflow, including urban or agricultural run off.
- There is a campaign in place to educate the public with regard to removing wet wipes from the system at source as it was noted that, on its own, SWW cannot make all the changes everyone wants to see.

Responses to questions from Members of the Scrutiny Committee included the following:

- SWW would follow up on the number of local residents who are not on mains drainage and therefore not contributing to the problem with wet wipes and provide figures following the meeting. With regard to reducing the impact of wet wipes on the environment, Water UK is working with the Government on this issue and SWW has its own initiative of educating the public regarding the impact of flushing non-degradable wet wipes down toilets.
- SWW is committed to installing EDMs (event duration monitors) on all of its storm overflows by 2023 as required. SWW is also committed to providing real time information under the provisions of the Environment Act, although the exact detail of what will be required is not yet known.
- SWW's WaterFit initiative was launched in the autumn of 2021 and is on track with its aim of reducing the impact of storm overflows by 2025. Progress is checked on a weekly basis to ensure work is on target.
- The targets set by the Environment Agency are harder to meet year on year due to higher standards being introduced. The SWW Pollution Incident Reduction Plan sets out how work is being undertaken to meet the EA targets.
- With regard to uploading data on the SWW website, information is uploaded annually in accordance with Environment Agency requirements. As SWW is currently under review by OfWat and the EA, the decision has been made not to publish any more detailed information in order not to prejudice the outcome of any inquiry which OfWat and the EA may wish to undertake.

Responses to questions from Councillors who are not members of the Scrutiny Committee included the following points:

- Clean surface water should not be entering the combined sewer systems, but should be going back into the environment. The Council's building regulations team could assist with getting this message out to the public.
- Larger developments are considered by SWW to ensure that surface water systems are separated from dirty water systems and this is covered by planning conditions.
- BeachLive provides information for bathers 365 days a year and a policy conversation is required around the EA pollution risk forecasts which are only provided between May and September under the original bathing water directive.
- Development schemes were undertaken using the best information available at the time.

Four members of the public had submitted questions for South West Water. The questions were read out in full and were answered as follows:

Question 1 asked whether SWW would commit to identifying the actual outfall location of the sewer overflow pipe / Littleham Brook using a dye test or similar with Exmouth Town Councillors as witnesses and prior to the start of the 2023 tourism and bathing season.

In response, Mr Burrows advised that his colleague, Mr Ian Vosper, had recently attended a meeting of Exmouth Town Council and had committed to undertake this testing in order to understand the integrity of the sewer network. However, it was noted that Environment Agency approval would be required for the testing as there would be subsequent monitoring requirements as a result of the test. Mr Burrows referred Members to the minutes of Exmouth Town Council which would confirm what had been agreed although a date had yet to be decided.

Question 2 asked when SWW would commit to upgrading the alerting of the general public to releases of storm water surges from the Maer Lane treatment works in order to provide real time 24/7 information on the combined sewer overflow on the Maer Nature Reserve and whether SWW would commit to install water quality monitoring buoys similar to those installed by Southern Water.

Mr Burrows advised that the pollution risk forecasting referred to in the question is the responsibility of the Environment Agency who could be contacted via their local team. It was noted that real time information will be covered by the Environment Act, sections of which have yet to be enacted, but would provide consistency of reporting around the country. Mr Burrows also referred to the response given to Exmouth Town Council at its recent meeting with Mr Vosper as this provided a full response to the question.

Regarding the installation of water quality monitoring buoys, Mr Burrows advised that he would look into this and would provide a further response following the meeting.

Question 3 asked what actions SWW would be taking to reduce the confusion caused by contradictory messaging around water quality to ensure that information is readily accessible and understood by the public so that they are able to make an informed choice about using the water safely.

In response, Mr Burrows agreed that messaging could be confusing and that SWW needs to work with the Environmental Regulator to understand the exact purpose of the pollution risk forecast. Mr Burrows referred to the upcoming BeachWise forum at which it was hoped that beach managers around the south west would be able to discuss this issue.

Question 4 asked whether SWW would commit to 100% reporting of all sewage overflows and their duration year round or whether they would prefer the public swim in pollution while SWW knows that discharges are happening but are not informing the public.

In reply, Mr Burrows confirmed that SWW had committed to fitting Event Duration Monitors (EDMs) on 100% of all of its overflows and a programme of work was in place to ensure that this happens.

With regard to real time reporting, Mr Burrows referred back to previous comments about the Defra consultation to ensure consistency of reporting under the Environment Act.

In response to a question regarding the need for additional sewage treatment plants in East Devon, Mr Burrows advised that a senior manager had recently been appointed to consider the sludge strategy for the whole of the south west which would address the point raised in the question. It was also noted that the treatment of sludge at Maer Lane would reduce over time due to improvements at the Countess Wear facility.

The Chair thanked Mr Burrows for attending and answering questions from Councillors and members of the public.

### **Attendance List**

#### **Councillors present:**

J Bailey  
M Chapman  
O Davey  
J Kemp (Vice-Chair)  
E Rylance  
B Taylor

J Whibley

**Councillors also present (for some or all the meeting)**

P Arnott  
F Caygill  
B De Saram  
P Faithfull  
N Hookway  
G Jung  
P Millar  
A Moulding  
M Rixson

**Officers in attendance:**

Peter Blyth, Beach Safety Officer  
Susan Howl, Democratic Services Manager  
Sarah Jenkins, Democratic Services Officer

**Councillor apologies:**

M Allen  
C Gardner  
S Hawkins  
D Key  
H Parr  
T Woodward

**EAST DEVON DISTRICT COUNCIL****Notes of the virtual briefing meeting with South West Water for members of the Scrutiny Committee, Councillors and the public held Online via Zoom on 3 November 2022****Attendance list at end of document**

The meeting started at 10.00 am and ended at 11.18 am

**42 Declarations of interest**

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

**43 Chair's opening comments, welcome and introductions**

The Chair welcomed Mr Ian Lake, Head of Solution Development and Technical Performance, South West Water, to the meeting. The Chair expressed the hope that the meeting would continue the constructive dialogue between the Council and South West Water which had started when Mr Alan Burrows attended a meeting earlier in the year and continued on 2 November with a briefing meeting to consider beach and river water quality.

It was noted that no questions had been submitted for Mr Lake prior to the meeting.

**44 Presentation by South West Water on planning issues followed by questions from Members of the Scrutiny Committee, Members and the public**

Mr Lake introduced three colleagues who were participating in the meeting; Mr David Hardy, Strategic Wastewater Asset Manager, Ms Alison Tregale, Developer Relationship Manager and Ms Helen Steed, Pre-development Lead. Mr Lake welcomed the opportunity to engage with the Council and hoped that this would continue going forward.

The presentation included the following points:

- SWW as Regional Statutory Undertaker.
- An outline of the water market today.
- Developer choice with regard to construction of assets and adoption of assets, including the option for a NAV (New Appointments and Variations) whereby another water company can adopt assets on a development under licence as a Statutory Undertaker. An example of this is the Goodmores Farm development in Exmouth.
- A developer's right to connect to the nearest size water main or sewer of a similar size or bigger.
- An outline of who funds what element of waste water handling. As part of this, the developer also pays to SWW an infrastructure charge which is a standard charge levied on all properties connecting to SWW's system for the first time and which allows SWW to invest in upgrading its assets to take account of future development.
- An overview of the pre-development process including the predicted costs of developing a site, how developers are planning to handle surface water adhering to the SUDS hierarchy, monitoring of planning applications across the region, supply and demand planning tool for development proposals above ten dwellings, liaison with the asset management and drinking water supply modelling teams within SWW.

- Current challenges for SWW including the introduction by OfWat of adoption codes which also included the adoption of SUDS for the first time, with an emphasis by SWW on the SUDS hierarchy for dealing with surface water drainage.
- With regard to development at Cranbrook, SWW has worked with the Consortium to agree connections and what upgrades to its assets SWW needs to make to facilitate connections. SWW meets with the Consortium every other week to agree the process for adoption of the sewers, excluding the SUDS which are managed by the Town Council.
- Regarding drainage and wastewater management, SWW is now under a new duty to produce a long term plan for the next 25 years, the Drainage and Wastewater Management Plan, which has recently been out for consultation. This plan is a requirement for every water company and assists other agencies working in the waste water and flooding sector. SWW acknowledges that collaborative working with other agencies, including local councils, is needed to achieve the ambitious targets in the plan. SWW has identified an investment requirement of £8.5billion over the next 25 years to achieve the plan. The plan is available on the SWW website.
- Feedback on the consultation showed a desire for urgent improvements using traditional engineered solutions, with nature based solutions prioritised afterwards. Stakeholders were of the view that not all costs should be borne by the water companies and bill payers.
- EDDC could assist and engage with SWW on issues such as improving water efficiency [see SWW website], consideration of handling of surface water discharges and support with planning conditions.

Responses to questions from members of the Scrutiny Committee included the following points:

- The recent SWW water butt offer was well received and a supply issue has meant a delay in delivery.
- The standard SWW charge per new property is a fixed charge per property of approximately £100 for clean water and approximately £700 for foul water connection.
- Sewerage networks are upgraded according to need coming from new developments and additional capacity can be built in to existing assets.
- Sewage is not moved around in tankers, but sludge, a bi-product of sewage treatment is moved around to specific centres in order to be used most effectively.

Responses to questions from Councillors who are not members of the Committee included:

- EDDC building control service is one option for developers to deliver building control on site, however, most larger developments use external inspectors to check infrastructure. EDDC remains the enforcement body for building control.
- The SWW team responsible for reviewing planning applications currently has twelve members and reviews every application which affects the SWW assets.
- SWW would welcome being a statutory consultee on planning applications and is working at national level on many of the key issues of common concern.
- Strategic sludge treatment plants are located around the region and best use is made of them by moving sludge around. The current strategy of moving sludge around plants is under review.

The Chair thanked Mr Lake and the South West Water team for attending and for their presentation.

### **Attendance List**

#### **Councillors present:**

M Chapman

O Davey

J Kemp (Vice-Chair)  
E Rylance

**Councillors also present (for some or all the meeting)**

P Arnott  
B De Saram  
P Faithfull  
P Millar  
E Wragg

**Officers in attendance:**

Ed Freeman, Service Lead Planning Strategy and Development Management  
Susan Howl, Democratic Services Manager  
Sarah Jenkins, Democratic Services Officer

**Councillor apologies:**

M Allen  
J Bailey  
A Bruce  
C Gardner  
S Hawkins  
D Key  
H Parr  
T Woodward

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**EAST DEVON DISTRICT COUNCIL****Minutes of the meeting of Scrutiny Committee held at Council Chamber, Blackdown House on 3 November 2022****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 7.03 pm

**45 Public speaking**

There were no members of the public registered to speak.

**46 Minutes of the previous meeting**

The minutes of the previous meeting held on 6 October 2022 were agreed and signed as a true record.

**47 Declarations of interest**

There were no declarations of interest.

**48 Matters of urgency**

There were no matters of urgency.

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

There were no confidential / exempt items.

**50 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 for scrutiny.

**51 Portfolio Holder Annual Report - Finance**

Cllr Jack Rowland, Portfolio Holder for Finance, presented his Annual Report and thanked the officers involved for their assistance with its preparation, namely Simon Davey, Libby Jarrett, John Symes and Richard Easthope.

The report highlighted the following:

- The General Fund position was looking favourable in the current forecast.
- It was noted that a number of requests for considerable sums had come through, following recent decisions, which totalled in excess of £500,000 and which would come out of the General Fund.
- The funds shown in the Treasury Management report included monies collected on behalf of other precepting authorities and a high level of liquidity was required due to the need to draw on these funds.
- Regarding budgeted income from car parking, the income projected for the whole year is £3,720,000 and as at the end of September, income received for the year to date was £3,108,190. It should be borne in mind that the remaining budgeted income of £616,810

would be collected over the next six months, when the car parking winter rate would apply.

In response to questions from Members, the following points were noted:

- The figure of 980 more council tax collections included new build homes, empty homes brought back into use and homes which had been sub-divided.
- Regarding investment strategy, Members were referred to the Treasury Strategy which sets out where and how investments are made and the associated risks.
- The Medium Term Financial Plan sets out the financial modelling for the next 10 years including projected deficits. It was noted that the projected deficit of approximately £3.8m in 2025/26 is due to the Government re-basing of business rate income. The Medium Term Financial Plan must address how the deficit will be made up in the following years, and this is set out in full in the Plan and its appendices.
- There is a need to keep a healthy General Reserve balance to mitigate against future unanticipated costs.
- With regard to EV charging points in car parks, it had been very difficult dealing with the providers, and although charging points were in situ they were not necessarily connected. A number of charging points were about to become operational. An EV policy review report would be brought to Cabinet later in the year setting out the position and what more could be done.
- Regarding card payment facilities in car parks, it was noted that the majority of car parks would take card payments, with all using the Ringo system, subject to an adequate phone signal.
- Figures for car parks were based on the number of transactions, and it was therefore difficult to know how many people were actually using car parks and how successful the charging system had been.
- It was noted that staff in the Revenues, Benefits, Corporate Customer Service, Fraud and Compliance service had been redirected to work on dealing with the delivery of various Government support schemes. Recruitment was also an issue. The team worked in an agile manner which enabled staff to be redeployed within the service and conversations were ongoing to ensure that the service was properly resourced going into the winter months.

The Committee wished to record its thanks to Libby Jarrett and her team for its excellent work in supporting local residents experiencing hardship.

The Portfolio Holder was thanked for his report which was noted and accepted.

## 52 **Key issues in the service plans - briefing by the Chief Executive**

The Chief Executive introduced the Service Plan 2023-24 template and outlined how this informs the budget setting process and the subsequent discussions on the draft budget in January 2023.

The main changes to the Service Plan template, in line with the Council Plan, were noted as follows:

- Providing services with an opportunity to take stock of the current situation following the impacts of the Covid-19 pandemic.
- Addressing the challenges of workforce planning.
- Addressing the future digital and data programme which supports customer access and improved ways of working.
- Support the work required under the financial sustainability model which feeds into the Council's Medium Term Financial Plan.

It was noted that section 3 of the template is new and draws on the Council Plan, showing how each service will give meaning to and deliver on the following areas:

- Systems thinking
- Digital transformation
- Customer access
- Performance management data
- Asset management
- Income maximisation

Section 4 would enable more emphasis to be put on workforce planning to address issues which had emerged over the past few years.

Section 5 on carbon and resource use has an increased emphasis on understanding the actual and measureable benefits of carbon output reduction.

Attention was also drawn to section 7 of the template which addresses the need to be better synchronised with the pressures affecting Strata and the increasing demands from its other partners.

Responses to questions from Members included the following points:

- The development of apprenticeships is a key piece of work being undertaken by the Personnel Committee and it was noted that the apprenticeship sector is now much broader than has traditionally been the case. The Council is working on a programme of events to inform local schools and colleges of the value and opportunities available in the public sector with the intention of attracting apprentices to enable the Council to develop staff for the longer term. It was noted that the current Reward Review sits alongside the development of apprenticeships and is also intended to provide long term career progression within the Council.
- With regard to carbon and resource use and measurement via a carbon accounting tool, it was noted that the Council had been working with Exeter University who had been providing the information. It was recognised that the Council needs to have more in-house expertise to provide a more focussed understanding and assessment of carbon saving investments.

The briefing was noted and accepted.

## 53 **Forward Plan**

The Forward Plan was agreed.

Prior to the close of the meeting, there was a brief discussion regarding the elections in May 2024. It was noted that there is the possibility of the introduction of voter identification for this election and the implications of this for both the Council and for voters' engagement with the democratic process. Regulations and Government guidance are still awaited which is impacting on the timing of public communication.

### **Attendance List**

#### **Councillors present:**

J Bonetta  
M Chapman  
O Davey  
J Kemp (Chair)  
E Rylance (Vice-Chair)

B Taylor

**Councillors also present (for some or all the meeting)**

J Rowland

**Officers in attendance:**

Simon Davey, Strategic Lead Finance

Sarah James, Democratic Services Officer

Libby Jarrett, Service Lead Revenues and Benefits

Sarah Jenkins, Democratic Services Officer

Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

Mark Williams, Chief Executive

**Councillor apologies:**

M Allen

J Bailey

A Bruce

C Gardner

S Hawkins

D Key

H Parr

J Whibley

T Woodward

Chair .....

Date: .....

**EAST DEVON DISTRICT COUNCIL****Minutes of the meeting of Housing Review Board held at online via Zoom on 11 October 2022****Attendance list at end of document**

The meeting started at 10.00 am and ended at 1.26 pm

**18 Public speaking**

Co-opted tenant member of the Board Sue Saunders spoke with the backing of the Tenants Management Group in relation to the Property and Assets Complaints Policy, highlighting a number of concerns. Sue expressed particular concern that tenants' complaints were routinely being recategorised as repair requests at pre-stage 1 of the complaints procedure, a practice which she stated is inconsistent with the Ombudsman's Code and therefore unacceptable. Lack of due consideration for tenants' concerns has forced some to behave in ways which lead to them being labelled as aggressive, or persistent complainers. There are many aspects of the Property and Assets Complaints Policy that tenants distrust, and they demand that it be scrapped immediately.

Co-opted tenant member of the Board Steve Beer spoke in relation to the difficulties that many residents are likely to suffer this winter with high energy bills. Residents want to know that community centres and churches will be opening their doors to residents as warm, safe spaces for people to go to. He asked whether community centre rental fees will be waived.

Cllr Steve Gazzard asked that an update report comes to the Board in relation to voids across East Devon, with the numbers, and how Ian Williams is progressing with making the voids habitable for new tenants.

**19 Appointment of Vice Chair**

It was agreed that co-opted tenant Sue Saunders be appointed Vice Chair of the Housing Review Board.

**20 Minutes of the previous meeting**

The minutes of the previous meeting held on 16 June 2022 were received and accepted.

**21 Declarations of interest**

There were none.

**22 Housing Review Board forward plan**

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

It was agreed that the following items would be added to the forward plan:

- Creation of a Damp and Mould Policy

- Scoping report for a Retrofit Plan
- Receive the Social Resilience (Poverty) Dashboard (minute 29 refers)

It was also noted that a Void Report would be brought to the next Board meeting following Cllr Gazzard's comments in public speaking (minute 18 refers).

## 23 **Matters of urgency**

There were no matters of urgency.

## 24 **Confidential/exempt item(s)**

There were no confidential/exempt items.

## 25 **Plan for Resident Involvement Strategy**

The Interim Housing Services Manager and the Vice-Chair of the Resident Involvement Management Group, Sue Saunders, co-presented the report which outlines a process to review the Resident Involvement Strategy and scopes the key issues and considerations to ensure that the Council maintains a fit for purpose approach to engaging its tenants in the management and maintenance of their homes.

The presentation included an illustration from Strata of the significance of ensuring the Strategy is communicated out in a cohesive, positive and engaging way, and the value of graphic design and visual presentations to help bring the Strategy to life.

The following points were made in discussion:

- Careful use of colours is important in making visual graphics and presentations accessible to people with visual impairments.
- The Strategy is predominantly aimed at engaging and empowering East Devon tenants and leaseholders. Residents and Community Associations are open to everyone who lives locally however, giving everyone a voice including private rental tenants.
- Part of the review will involve consulting with groups involved in the current structure as well as staff and tenants to ascertain how they are working at the moment, and what can be done better. It will also explore how not-involved tenants can feed back their views and influence the service.
- To ensure that information is widely accessible, people should be made aware that they can request hard copies of documentation, since not everyone is able to use technology.
- It was felt important to be careful with language in how people are referred to e.g. tenant, resident, customer or client. Preferences appeared to differ and it might be appropriate to canvas tenants to find out what their preferences are.

The Board noted the report, and agreed and approved the scope and methodology proposed.

## 26 **Self-Assessment against Ombudsman Code of Conduct - Complaints**

The Housing Service Lead introduced the report concerning self-assessment of the complaints procedure against the Housing Ombudsman's code.

The Housing Ombudsman has updated its complaints handling code taking effect from April 2022. It is a requirement for the Council to assess its approach to complaint

handling against the Complaint Handling Code annually and to report this to its governing body.

The EDDC corporate complaints team, in consultation with the Housing Service have assessed the current procedure against the new code. This report summarises the findings of the self-assessment, which confirms that the current procedure complies with the new requirements.

The self-assessment found that the EDDC complaints procedure is compliant with the Housing Ombudsman code in all but one area:

- Section 5.1 of the code relating to Stage 1 formal complaints requires landlords to respond to the complainant within 10 working days of the complaint being logged, and allows for a further 10 days in exceptional circumstances.
- Under the EDDC corporate procedure, the response time for Stage 1 and stage 2 complaints is 20 working days. This applies across all service areas of the council and the council has been advised that, where compliance in particular areas is not appropriate, an explanation of this within the self-assessment is acceptable. The Housing Ombudsman recognises that local authorities generally operate a complaints procedure which is consistent across all service areas.

The conclusion is that the current complaints policy complies with the new Housing Ombudsman Code, taking into account the aforementioned clarifications.

A broader review of how the Housing Service responds to complaints and service issues will be beginning shortly, with an initial consultation session due to take place at the Designated Tenant Complaints Panel (DTCP) meeting in September.

Changes to the Housing Ombudsman scheme, taking effect from 1st October, include the removal of the “democratic filter” which means that, if complainants remain dissatisfied at the end of the formal complaint process, they will no longer have to refer their complaint to a designated person or wait 8 weeks before referring to the Housing Ombudsman. The Ombudsman considers this to be a positive change which will make it easier for residents to access their service.

The following points were raised in discussion:

- 7.3 of the Ombudsman Code indicates as best practice that a member of the governing body should be appointed to have lead responsibility for complaints. It was suggested that the Board considers which member should take this role.
- It was recognised that dissatisfaction concerning complaints handling is often due to a failure to communicate effectively with complainants about what is being done and timescales. The Housing Service Lead is committed to refreshing this and building a better system going forward.
- Record keeping was also identified from maladministration complaints as an area for improvement. The Housing Service Lead stated it was on managers’ agenda to work with front line teams on record keeping and to audit and spot-check cases. Where issues with recorded keeping are identified, individual cases are raised with officers so that they can understand what was missing.
- Concerns were raised about the service that tenants were receiving from contractors Ian Williams. The Housing Service Lead stated that tenants have been listened to and an action plan is in place with a focus on improvements that need to be made with the contract.
- Details of how to complain are publicised on the website as well as via leaflets, publications, notices in community centres, and staff are also briefed. It was noted that some people would need help to write complaints to ensure their message is legible and covers the points they need to make.

That Board noted that the council have undertaken an assessment of the Corporate Complaints Procedure against the Housing Ombudsman's complaint handling code of practice, and that a review of the procedure for handling housing service complaints is planned with tenant involvement.

## 27 **Update on Housing Task and Finish Forum**

The Housing Task Force Service Lead's report informed the Board of the Housing Task Force's progress to date and outlined future plans for the delivery of affordable social housing across the district. The report set out progress so far and the options that were being explored:

- Recruitment – this had been a challenge, but there would soon be three members of the team in place.
- Exploring opportunities:
  - Initial focus had been on land within the Housing Revenue Account.
  - Council sites, not within the HRA were also being explored, with the potential for them to be transferred into the HRA for further housing use.
  - The Task Force had publicised the desire to acquire development sites externally with land and estate agents.
  - An informal offer had been made on a small piece of land in Axminster that could potentially facilitate a larger development in the future.
  - It was intended to complete a new review of HRA garage sites, taking into consideration the new construction methods available.
  - A spreadsheet of all opportunities was being kept. Following options appraisal and viability exercises these would either go forward on to the Development Pipeline Programme or be archived.
- Stock and estate regeneration – the stock condition survey underway would highlight areas within the portfolio that would greatly benefit from a stock regeneration programme. It was also hoped to utilise large gardens to provide additional new housing.
- Development models and methods of delivery – 3 garage sites in Honiton have been identified as having potential for redevelopment. To maximise the potential of the sites and for reasons set out in the report, the Task Force is looking at using a modular building method known as Volumetric MMC (Modern Methods of Construction). Early discussions are taking place with procurement professionals and ZedPods, a company with a proven record of carrying out meaningful community engagement throughout its developments.
- Options appraisal and financial modeller – discussions are taking place with two companies who provide specialist options appraisal and financial modelling software packages for use in social housing development. This forms a fundamental part of the Council's internal due diligence, risk management and financial monitoring for opportunities explored and/or taken through to development.
- Business as usual – the team continues to do all the tasks that transferred over to it from housing.

Discussion included the following points:

- Compulsory purchase powers for acquiring land for social housing purposes would only be considered rarely and as a last resort, and negotiations would always take place first.
- South West Procurement Alliance is a procurement framework to which the Council subscribes which helps with procurement with a range of different contracts.
- Unless classed as sheltered housing schemes, new social housing would not be exempt from Right to Buy.

### **RECOMMENDED TO Cabinet:**

- That approval be given for the Housing Task Force Service Lead, to complete discussions with the South West Procurement Alliance (SWPA) and ZedPods, for the purpose of procuring a contract to develop new housing on behalf of EDDC.

## 28 **Tenant satisfaction measures**

The Board received a report which summarised the Council's readiness to comply with the new Tenant Satisfaction Measures as proposed in the Social Housing White Paper and which had been finalised and published by the Regulator for Social Housing.

In a brief discussion it was clarified that there is strict guidance from the Regulator on how the Tenant Survey is carried out and it was not possible to alter the form of words for the statements or questions used.

Members noted the publication of the new Tenant Satisfaction Measures by the Regulator and the requirement to ensure compliance of the submission of the data required.

Members also approved a review of the structure and distribution of the Annual Report in partnership with the Tenant Involvement Management Group with a view to providing a proposed approach at a future Housing Review Board meeting that meets the standard required.

## 29 **Emergency winter housing plan**

The Housing Service Lead introduced the report which outlines the Council's plans to respond to the cost of living crisis and its commitment to support vulnerable tenants throughout the winter period. Given the dramatic increases in gas and electricity prices, and the sharp rising costs of many essential items for many, the cost of basic survival needs will exceed household income for some tenants.

The report proposed the adoption of a series of short-term measures to be implemented this winter and the creation of a Housing Winter Pressures Hardship Fund to help combat the worst impacts on vulnerable households.

Discussion included the following points:

- Members felt that in addition to community centres the district's town halls should be opened up as warm spaces for people to access this winter. Consideration would first need to be given to issues such as staffing, access arrangements and risk assessments.
- It would be helpful for residents to access face to face meetings with officers at community locations, particularly for those who are digitally excluded or in cold homes.
- A snapshot of the Social Resilience (Poverty) Dashboard can be made available for the Housing Review Board, to help inform decisions. This can be added to the forward plan.
- As well as detailing support that can be accessed, the special winter newsletter should double up as a Christmas edition. The Housing Service Lead will ensure the editorial panel are involved in its sign-off.

### **RECOMMENDATION TO Council and Cabinet:**

1. The approval of a budget of £50,000 to allocate towards delivering this project and to designate as a Housing Winter Pressures Hardship Fund.
2. To give delegated authority to the Strategic Lead – Housing, Health and Environment and the Housing Service Lead to approve the detail and criteria for the hardship fund and the grounds on which funds will be allocated to households.
3. To approve the other actions highlighted in the report that will deliver housing's contribution to the EDDC Winter Pressures Plan.

## 30 **Finance Report**

The accountant's report provided the Housing Review Board with current year to date and draft forecast financial outturn figures for the Housing Revenue Account (HRA) for the 2022/23 financial year. The report also considered the implications of any forthcoming regulatory changes.

Producing a HRA has been a statutory requirement for Councils who manage and own their housing stock for some time, and therefore a key document for the Board to influence.

The report also made reference to the recent Government launched consultation on the social housing rent cap and invited members to debate the topic in order to capture information that can be put forward as part of the consultation process.

It was noted that the HRA was in a healthy position. The original approved budget generates a surplus of £0.208m in 2022/23. This sum and any additional surplus is due to be added to the Capital Development Fund for future investment.

The most notable risks to the above outturn position, which will be kept under review, are;

- Employee costs due to the uncertainty around the 22/23 pay award and the ongoing consultant pay review.
- Income – the current high levels of income received may be at risk due to the increase in cost of living.

Inflationary pressures are also a concern and will be reviewed prior to and considered during the 23/24 budget preparation process with scenarios considered varying the four main drivers;

- Income – currently set at CPI + 1%, June being the latest release which would mean an increase of 11.1% and is likely to go higher.
- Interest Expense – currently fixed, however, refinancing will be required at the end of the year of £2.9m with interest rates rising.
- Employees Costs & Overheads – currently 28% as a proportion of income received, pay awards for 23/24 will need to consider inflationary pressures.
- Premises related costs – the remaining balance once all above assumptions are made to be reinvested into our stock

There has been very little in capital spend to date within the HRA with the acquisition of 42 Berry Close being the only material item.

The Housing Revenue Account update was noted.

The second part of the accountant's report concerned the Social Housing Rent Cap Consultation.

On the 31st August the Department for Levelling Up, Housing and Communities released a consultation document setting out a rent cap for social housing tenants as part of measures to protect tenants from further impacts of the cost of living crisis.

Under the current policy, rent is increased in line with the consumer price index (CPI) plus 1% which would currently mean a potential increase of 11% from April 2023 onwards. The consultation suggests a rent cap is imposed that will sit at either 3%, 5% or 7% and the Government are asking for views from the sector.

It was noted that the difference between the 10.8% rise compared to other scenarios is significant on income levels:

- 3% cap is a reduction in income of £1.473m a year
- 5% cap is a reduction in income of £1.095m a year
- 7% cap is a reduction in income of £0.717m a year

It was also noted that this income is not lost in just year one but will not be in the base income year after year.

Although the increase and implications on tenants affordability to meet this increase will and should be a key consideration of the Board and the Council, the cost of maintaining the housing stock will be increasing with inflation and by not keeping pace with increase income levels will necessary result in a reduction in available resources to meet current plans to maintain and improve stock.

This Council consulted with tenants by holding a workshop on 27 September 2022. The outcome of the consultation was:

- There was no definite answer in relation to the question on the rent cap as the tenants overwhelmingly felt that there was not enough information provided to be able to make an informed decision.
- In order to take an informed decision they would require:
  - The amount of additional funding required to maintain the current level of service delivery as they understand the costs would have increased and they not wish the current service levels to deteriorate any further.
  - The impact on major / cyclical works delivery based on the levels of increase.
  - Whether any Health & Safety works are required by regulation / legislation which are non-negotiable –
  - The rent charged by other providers in Devon
  - The effect on residents claiming full and partial benefits and the numbers that would be effected.
- They felt that management of repairs and contract management could be greatly improved and this would lead to additional funding without impacting rent levels.

In discussion, a tenant member expressed concern about the affordability of rent increases for tenants during the cost of living crisis, commenting that tenants will be worried that it will lead to them having no home to live in.

### 31 **Housing KPIs Quarter 1**

The Board received and noted the Quarterly Performance Indicator report.

### 32 **Communication from Regulator of Social Housing- Regulatory context for Government announcement on draft legislative clauses**

The Board received and noted the letter of 7 April 2022 from the Regulator of Social Housing.

The Vice-Chair invited the Housing Service Lead to a meeting of the Resident Involvement Management Group to explain the letter to the Group including what it means for tenants.

**Attendance List**

**Board members present:**

Sara Clarke, Independent Community Representative  
Rob Robinson, Independent Community Representative  
Stephen Beer, Tenants  
Sue Saunders, Tenants (Vice-Chair)  
Cindy Collier, Tenant  
Councillor Brenda Taylor  
Councillor Sarah Chamberlain (Chair)

**Councillors also present (for some or all the meeting)**

M Armstrong  
P Arnott  
S Gazzard  
G Jung  
D Ledger  
T McCollum  
P Millar

**Officers in attendance:**

Sophie Davies, Housing Business and Customer Improvement Manager  
Jo Garfoot, Service Lead Housing Task Force  
Simon Davey, Strategic Lead Finance  
James DeLeiburne, Senior Graphic Designer  
Amy Gilbert-Jeans, Service Lead Housing  
John Golding, Strategic Lead Housing, Health and Environment  
Susan Howl, Democratic Services Manager  
Sarah James, Democratic Services Officer  
Andi Loosemore, Rental Manager  
Yusef Masih, Interim Housing Services Manager  
Martin Millmow, Document Processing Manager  
Andrew Mitchell, Housing Solutions Manager  
Giles Salter, Solicitor

**Councillor apologies:**

Sue Dawson, Tenants  
Cat Summers, Tenant  
Councillor Ian Hall  
Councillor Helen Parr  
Councillor Geoff Pook

Chair: .....

Date: .....

**EAST DEVON DISTRICT COUNCIL****Minutes of the meeting of Strategic Planning Committee held at Online via the zoom app on 7 October 2022****Attendance list at end of document**

The meeting started at 9.30 am and ended at 4.46 pm

**43 Public speaking**

Councillor Alasdair Bruce, speaking on behalf of Feniton Parish Council, spoke on item 8 as follows:

“On your agenda today you are asked to endorse the Consultation Draft of the Local Plan and specifically to make a recommendation on the scale of growth appropriate at Feniton. The draft plan is to contain specific sites that have come forward in the HELAA and have initially been categorised as either “preferred locations” or “2nd Best Sites” for housing.

For the rural village of Feniton, the HELAA process identified potential for 42 houses at one “preferred location” and a surprising 442 houses at various “2nd Best sites”. In total these would represent an extraordinary 67% increase in housing numbers in the village.

I would urge the Committee to not go out to public consultation with these figures. A proposal for such growth in Feniton would be completely contrary to the agreed strategy to achieve sustainable development in East Devon.

Feniton has the lowest jobs to workers ratio in the District. There is already extensive out-commuting, most of it by private car. The very limited bus and rail capacity are inadequate to meet the needs of the working population. Additional housing at anything like the levels identified for Feniton would exacerbate this already unsustainable position.

Furthermore, with a school already at capacity, no medical facility and one small shop in the village, housing growth will add further to the need for unsustainable car journeys.

I would ask the Committee to consider what is to be gained by consulting on housing numbers in a small rural village at a level which it already knows cannot be sustainable.

An expansion of 67% at Feniton makes no sense in the context of the agreed strategy to locate new housing close to jobs, services and infrastructure. It will certainly make no sense to the community.

The draft plan on today’s agenda contains a holding statement about Feniton with final text to be agreed at your meeting on 1st November. Please do not proceed to publish a consultation draft that includes the unqualified and unjustified figures resulting from the HELAA. The Local Plan must be driven by a sustainability strategy, not by the development aspirations of landowners and housing developers.”

Mr Graham Long, speaking on behalf of Uptonery Parish Council, spoke on item 8 as follows:

“Love her or loath her our new Prime Minister said on Wednesday that she has three objectives, Growth, Growth, Growth. Delivering growth is not only essential for a nation, its also essential for every County, City, Town and Village. The only alternatives are stagnation or decline. Last week I asked you to include my village as a Tier 4 settlement in your emerging Local Plan up to 2040, but you chose to stick with the list of Tier 4

settlements that you agreed on last year, excluding Upottery although the village has a 2017 HELAA site suitable for ~ 20 houses. The lack of a village shop appears to be why we are not in Tier 4.

I am sure you appreciate that when the County Council and central government create their plans up to 2040 for bus routes, schools, highway improvements, etc your local plan will tell them that you are content for villages below Tier 4 to stagnate or decline and such organisations will then focus investment where the plan tells them people growth will happen.

I've been looking through the minutes of your previous meetings and on March 8th this year, you debated two amendments to the settlement hierarchy put to you by Mr Freeman. Option 1 was to consider including four villages (include Upottery) along with three other settlements in your Tier 4 list because "they were previously not considered suitable but were reasonably close to having comparatively greater level of services and facilities". Option 2 was to "consider a further eight villages that had some missing key facilities".

At the end of that agenda item, a motion was agreed, proposed by Councillor Howe, seconded by Councillor Davey and clarified by the Planning Barrister saying that no extension to Tier 4 will take place above that proposed at your Feb 8 meeting, but that the committee also acknowledged for the purpose of the Local Plan a modest growth of 10% would be allowed.

Councillors, I suggest you have a mechanism here to include Upottery (and possibly the three other Option 1 villages) in the Local Plan without altering the settlement hierarchy. I call on you to allow Upottery to grow."

A statement was read out on behalf of Councillor Colin Brown as follows:

"At the strategic planning meeting on the 29th of September there were a number of villages which spoke against having development and claimed they were unsustainable. The only village asking for a small number of houses was Upottery. The Chair of Upottery Parish Council has spoken to this committee again asking for small numbers of homes to be built in their village. In the past 15 years before the present local plan, 25 homes were built of which about half were affordable, that is organic growth! What this village is asking for is for this committee to show the parish some respect and listen and agree to development taking place in the field opposite the village hall.

The planning inspector, after having allowed appeals against East Devon planning officers in this village stated that housing should be located where it will enhance or maintain the vitality of rural communities. Upottery has a pub which doubles as a shop where villagers can buy their daily essentials, i.e. milk, bread, butter etc. and a regular bus service, it is also home to Otter brewery an internationally known company, whose beer I have seen being sold as far afield as Gibraltar. More importantly, it has a school which 3 years ago was extended and has places available for pupils. Please do not allow this village to stagnate. Please allow it to have the organic growth it needs for the benefit of the village."

Members discussed the possibility of reviewing the classification of Upottery to consider reclassification as a Tier 4 settlement; however they were reminded that the discussion on classification had taken place over several meetings previously, and the classifications made were based on evidence; and that if such a change was made, then three other settlements (Colyford, Rockbeare and Woodbury Salterton) would also need to be reclassified to be consistent. These four settlements did not have the evidence base needed to support that reclassification, so to include them would bring the risk that the Local Plan could be found unsound.

Any community still had the opportunity, not only to respond to the Local Plan consultation, but to pursue other routes such as a Community Land Trust, or an exception site application for determination.

It was also clarified that an increase of 10% of housing was applied to Tier 4 settlements, as per the decisions made at earlier meetings by the Committee.

Councillor Jung stated that “Following on from Wednesday Cabinet meeting where it was agreed to write to our local MPs regarding the Government reported proposals on ripping up some of our most important nature protections.

The proposal to scrap the retained EU Law on Habitats Regulations, which safeguards our most important wildlife and wild places. Also, the proposals for new Investment Zones, included in the Growth Plan, could also tear up fundamental legal protections for wildlife in the UK. This is totally at odds to our local aims and objectives for our countryside this Council is seeking to achieve through our Council Plan and Climate Change Strategy and our new Local Plan the highest possible protection to our nature rich countryside.

Therefore, as Portfolio holder for Coast Country and Environment I have major concern now that the government proposed U turn on these green issues will severely impact on our local environment targets. Our new draft Local Plan with its high level of environmental designation that we are seeking to protect and where possible enhance seems now to be at odds to the governments stripping away any environment protection. That’s why I supported to involve our local MPs to seek their support regarding our concerns. However, my question to our Officers at this Strategic meeting today is, how would our Strategies, Policies, and proposals for protecting our countryside stand as it appears they will be at odds to Government’s proposals.

My second question relates to our disappearing bus services. Whilst we plan more and more houses and employment it seems that our bus services are diminishing. It’s reported that they are not being used and therefore not profitable. Basically, use it or lose it! My village along with Exmouth has lost its only link to the west of the district, Lympstone’s bus now only goes to Exmouth. Our bus services are so expensive now, pricing themselves out; and it seems the only people using them are the ones with a bus pass. The consequence, people use cars to travel, the total opposite to our green agenda.

With many of our site’s assessments for our local plan being determined by its location to a bus stop, but for how long will it be a bus stop? How can we get our residents to go green when the transport provision is being trashed? How can we turn it around so that the public transport is working with us rather than against our green agenda?”.

Members were reminded that government legislation was not yet in place for the proposals that Cllr Jung referred to. It was important to focus on the current legislation to enable a Local Plan to be delivered. Determination of bus services fell to Devon County Council.

#### 44 **Declarations of interest**

Minute 49. Consultation on the draft East Devon Local Plan – first draft of the proposed local plan consultation draft

Councillor Paul Arnott, Affects Non-registerable Interest, Member of Colyton Parish Council.

Councillor Olly Davey, Affects Non-registerable Interest, Member of Exmouth Town Council who may be impacted by the Local Plan.

Councillor Sarah Chamberlain, Affects Non-registerable Interest, acquaintance with land owners who may be impacted by the Local Plan.

Councillor Mike Howe, Affects Non-registerable Interest, Member of Bishops Clyst Parish Council and owns a shop in Clyst St Mary.

Councillor Richard Lawrence, Affects Non-registerable Interest, Ward Member of Whimble and Rockbeare.

Councillor Dan Ledger, Affects Non-registerable Interest, Member of Seaton Town Council and neighbouring resident to site Seaton 02.

Councillor Philip Skinner, Affects Non-registerable Interest, close friend owns land that is linked to the potential new town in the draft Local Plan.

Cllr Peter Faithfull, Affects Non-registerable Interest, Member of Ottery St Mary Town Council.

Cllr Marianne Rixson, Affects Non-registerable Interest, Member of Sidmouth Town Council.

45 **Matters of urgency**

None.

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

None.

47 **Validation of planning and related application - adoption of Local Requirements List**

The Local Requirements List outlines the requirements for submitting all planning and related applications, based on the National Validation Requirements. The List should be reviewed and adopted every two years.

Whilst that deadline has passed, a brief review has been made of the existing List, which was adopted in 2019, and determined that the stated requirements remain necessary and appropriate. There is need to undertake a full review once the new local plan is in place, to include new policies under that plan as well as to fulfil new government requirements recently announced. The full review will be undertaken in 2023.

The Committee were asked to recommend the List for re-adoption for immediate republication for Development Management purposes.

Discussion by the Committee and other Members included:

- Revisit the costs for developers in putting forward a planning application; in response, the Service Lead - Planning Strategy & Development Management reminded Members of the existing options to developers, including the “permission in principle” two stage process brought in by government that was not heavily used; as well as application for outline permission;
- Evidence from other stakeholders, such as South West Water, had to be taken at face value from the professionals with appropriate qualifications/body membership. Stakeholders would also submit their requirements as part of the evidence for the plan;
- Design and access requirements were included, but were also present under national requirements for property access;

- Agreement that location plans would receive more scrutiny or be provided with supporting maps to make clear both the location and context of applications.

**RECOMMENDED for Senior Officer Approval:**

That the information and requirements in the document 'Information Required with Planning and Associated Applications' be re-adopted and re-published immediately for Development Management purposes.

48 **East Devon Local Housing Needs Assessment 2022 - report by the consultants ORS**

The report set out the assessment report's key findings, which covers quantifying and justifying the Local Housing Need (LHN) for the District, and identifying and quantifying the types of housing need, including the Affordable Housing Need (AHN). It also justifies the extent of the Exeter Housing Market (HMA) within which East Devon lies.

Using the Government's Standard Method, the assessed Local Housing Need for East Devon district was 918 dwellings per year (18,360 dwellings over the 20 year period 2020 to 2040), made up by:

- 12,885 dwellings to meet projected growth
- 1,100 dwellings to address pent-up demand
- 4,375 dwellings for extra inward migration

Affordable Housing Need (AFN) is forecast to be 401 households per year, equating to 8,011 households over the 20 year period, but the report concludes that only 3,500 of those are in AFN (177 per year) because of either unaffordability or inability to buy but with a prospect of access to an affordable homeownership product. The report gave the breakdown of the types of affordable dwellings needed, with the highest percentage being social rent.

The report also included the need for older person housing schemes, and adapted housing to be taken into account.

Members discussed the needs they were aware of for local communities, including their ability to afford a house purchase, and the level of social housing required. Debate covered policy for social housing at a higher percentage of builds, which needed to be balanced with the viability of a development. Other ways to help boost social housing numbers were discussed, including building on the Council's own land; lobbying for a change to the Right to Buy legislation to stop housing stock being diminished; and learning from other authorities who had delivered social housing (Tiverton was cited as an example).

**RECOMMENDED for Senior Officer Approval:**

1. Endorsement of the East Devon Local Housing Needs Assessment September 2022 report for use as evidence for the purposes of the new Local Plan and other spatial plan making; for development management, and in support of achieving EDDC's corporate objectives;
2. The East Devon Local Housing Needs Assessment 2022 report be published on the Council's website as part of the new Local Plan evidence base.

## 49 **Consultation on the draft East Devon Local Plan - first draft of the proposed local plan consultation draft**

The first draft of the proposed East Devon Local Plan – consultation draft plan was before the Committee with a recommendation that the committee agree to endorse this version of the plan for public consultation, subject to refinement to the plan to come before the Committee at their scheduled meeting on 1 November 2022. The consultation would run from the 7 November to the 21 December 2022. The committee had already undertaken significant work on the draft in late 2021; as well as more recent meetings in September and October 2022.

Whilst there were still elements of evidence awaited on allocation of land for development of a new town and development generally on the western side of the District, the report sought to focus attention on what elements of the extensive plan should be highlighted as part of the consultation.

Explanation was given as to how the consultation would be presented through consultation software, 'Commonplace'.

A number of sites had come forward through the “call for sites” at Feniton and Whimble; as a result there was the potential for substantial build in that area, but the Committee were specifically asked to make a recommendation for the scale of housing development that they felt was appropriate. The committee had already heard from Councillor Bruce on the excessive scale of growth that could come forward from the sites.

The committee had, at previous meetings, received presentations for a number of sites; it was recommended that the committee should also invite presentations for second choice sites not in Tier 4 classification. These were planned to be delivered at the scheduled meeting on 1 November 2022.

General discussion by Members before considering the draft consultation plan by chapter, included compulsory purchase options to deliver more social homes. Difficulties in following this option were debated. Some Members felt that, due to the outstanding work still to include in it, they could not support the document at that time; others felt the document still presented a weak plan for consultation.

Comments were invited, chapter by chapter; followed by a straw poll for agreement to progress the chapter forward.

### **Chapter 1: Introduction, evidence and policies**

- Suggestion to include a reference to explain why compulsory purchase was not referenced due to its difficulties. Whilst the comment was noted, it was not felt appropriate to include that in the document.

### **Chapter 2: Vision and objectives**

- General support for the chapter, including reference to “protect and enhance” villages.

### **Chapter 3: The spatial strategy**

- Consider asking for views under this section, for allocation at Whimble and Feniton to give opportunity to those communities to put across their views; as well as for Upton for more growth. As per debate under minute 43 Public Speaking, the Tier classification had been previously discussed by the committee at previous meetings, and making any changes now impacted on the rest of the plan significantly. The Committee could still request additional

consultation next year on those communities discussed; it was re-iterated that the plan must be evidence led, and in line with policy that homes must be in sustainable locations;

- Some villages showed no increase in homes at all, could the numbers be more balanced. Members were reminded that the plan was evidence based, and some areas had location constraints and a lack of sites;
- Ottery St Mary Town Council's view was clear that they opposed the allocations;
- Disagreement with Tier classification and lack of reference to climate emergency;
- Plymtree was explained as not having enough suitable sites when the assessment was undertaken, and the view on that had not changed since that evidence had been obtained;
- Any community had the right to bring forward an exception site or work to deliver a neighbourhood plan.

#### **Chapter 4: Addressing housing needs and identifying sites for development**

No comments from the committee other than agreement with the chapter.

#### **Chapter 5: Future growth and development on the western side of East Devon**

- Discussion against and in support of the reference to the expansion of Exeter Airport;
- Query over location of employment land; in response, the land identified in the plan version they were considering included land carried over from the current Local Plan. Whilst there was still evidence gathering under way, the information within the consultation draft was felt sufficient to proceed to consultation;
- In response to a query about the location of land for gypsy and traveller sites, the Committee were shown a map of location BRCL\_26, alongside the M5 east of the Science Park. This land had been put forward by the land owner as a possible site for this use, where there was already historic storage use in that area – however again this site was out for consultation only at this stage, no decision on the use had been made.

#### **Chapter 6: Strategy for development at Principal Centres, Main Centres and Service Villages**

- Excessive expansion at Whimble, when there were a number of constraints in that location – the level set out in the consultation draft was felt to be too high;
- Feniton level of growth too high;
- Consider adding to the consultation some wording explaining that the number of sites that have been put forward in Feniton and Whimble, combined with the available services and facilities, has raised an issue of whether a greater level of growth than other villages would be appropriate. Specific questions are then to be included seeking views on the scale of growth that would be appropriate in Feniton and Whimble and asking respondents to rank the site allocation options in order of preference;
- Ottery St Mary Town Council not in support of many sites put forward for that area, because of issues with flood risk and highways;
- Suggestion was made to set out clearly in the document in this section, which were the preferred sites, and which were second choice sites; plus to check before going out to consultation that all site numbers added up to totals listed correctly;
- Sid Valley has no viable sites due to issues of flood risk and impact on AONB, so those sites should not be included;
- Settlement containment area of Ottery St Mary needs protecting.

The committee were in agreement for the chapter content, excluding reference to Feniton and Whimble, which would be dealt with as a separate recommendation.

#### **Chapter 7: Tackling the climate emergency and responding to climate change**

- Need for clear target dates for actions; 2040 target date is referenced in the document, but this is for the Council overall, not just the local plan;
- Scale of growth of solar farms needs quantifying;
- Add reference to "odour" in policy 29.

### **Chapter 8: Meeting housing needs for all**

- Debate on the percentage of affordable housing under policy 39, stated in the document and supported by evidence at 15%, but Members felt that this was not high or ambitious enough, and that level gave out the wrong message to the public;
- 40% affordable housing level at Cranbrook was delivered with grants in place, which are unlikely to be available again;
- Concern over viability arguments, with 15% being the starting point for negotiations, rather than being delivered;
- Balance between the level of affordable homes and the delivery of infrastructure which a new community requires. Expectation of level of affordable homes is lower where the developer will also be contributing to the infrastructure of a new community – the consultation plan could include wording to explain this position.

### **Chapter 9: Supporting jobs and the economy and vibrant town centres**

The committee were updated on the outstanding Economic Development Need Assessment, of which a draft had been seen but further work was being undertaken; the evidence already held was sufficient to produce the consultation plan before the committee at this meeting. Allocations were also set out in chapter 6, and there were existing sites in the current Local Plan included.

### **Chapter 10: Designing beautiful and healthy spaces and buildings**

No comments from the committee other than agreement with the chapter.

### **Chapter 11: Prioritising sustainable travel and providing the transport and communications facilities we need**

- Debate covered the inclination back to using cars, partly due to fewer bus services;
- Making additional bus stops seemed futile if so few or no buses were running;
- Some cycling habits were remaining in areas like Exmouth.

### **Chapter 12: Caring for our outstanding landscape**

No comments from the committee other than agreement with the chapter.

### **Chapter 13: Protecting and enhancing our outstanding biodiversity and geodiversity**

- Comment that the chapter does not do enough and should be enhanced, particularly after so much work had been undertaken to protect designations.

### **Chapter 14: Open space and sports and recreation facilities**

- Should include exploring an opportunity to provide a new facility within the new town proposal; this may come out of the Leisure Strategy work to determine where such facilities are needed;
- Allotment provision is dependent on how much land for allotments can be provided.

### **Chapter 15: Our outstanding historic environment**

No comments from the committee other than agreement with the chapter.

### **Chapter 16: Ensuring we have community buildings and facilities**

No comments from the committee other than agreement with the chapter.

### **Chapter 17: Implementation and monitoring of the local plan**

In response to queries, the Service Lead – Planning Strategy and Development Management responded that employment land review was monitored and reported annually; monitoring on businesses was done in-house looking at data already held by the Council, such as business rate data.

## **Chapter 18: Have we missed anything**

Some suggestions were highlighted as already present under various chapters. The suggestion of a chapter relating to the shoreline of the District was put forward, but there were land ownership issues there in that the local authority had no authority past the mean high water mark.

### **RECOMMENDED to Senior Officers to:**

1. Endorse the draft local plan, as completed to date and as appended to the committee report and voted upon in the earlier straw polls for public consultation, subject to refinements to the plan to be received at Strategic Planning Committee on the 1 November 2022;
2. Agreement to receipt of a further report on the 1 November 2022 with plan refinements incorporated and with a recommendation for consultation to take place in autumn 2022;
3. That the Local Plan consultation will not specify a proposed level of growth in the villages of Feniton and Whimble and that wording in the consultation be included to make this clear. Instead wording to be included explaining that the number of sites that have been put forward in these locations combined with the available services and facilities has raised an issue of whether a greater level of growth than other villages would be appropriate. Specific questions are then to be included seeking views on the scale of growth that would be appropriate in Feniton and Whimble and asking respondents to rank the site allocation options in order of preference so that responses can inform Members future consideration of these issues
4. To agree the revised timetable (as set out in section 9 of the report to committee) for the consultation on the draft Local Plan.

### **RESOLVED**

To receive presentations from land owners or their agents in respect of land that is being promoted for development on the western side of East Devon.

### **Attendance List**

#### **Councillors present:**

P Arnott (Chair)  
O Davey (Vice-Chair)  
M Allen  
S Chamberlain  
M Howe  
B Ingham  
R Lawrence  
D Ledger  
A Moulding  
G Pratt  
E Rylance  
P Skinner

#### **Councillors also present (for some or all the meeting)**

A Bruce  
M Chapman  
P Faithfull  
G Jung  
D Manley  
P Millar  
J Rowland

**Officers in attendance:**

Ed Freeman, Service Lead Planning Strategy and Development Management  
Henry Gordon Lennox, Strategic Lead Governance and Licensing (and Monitoring Officer)  
Damian Hunter, Planning Solicitor  
Debbie Meakin, Democratic Services Officer

**Councillor apologies:**

J Bailey

Chair .....

Date: .....

**EAST DEVON DISTRICT COUNCIL****Minutes of the meeting of Strategic Planning Committee held at Council Chamber, Blackdown House, Honiton on 1 November 2022****Attendance list at end of document**

The meeting started at 9.32 am and ended at 4.56 pm. The meeting was adjourned at 12.20 pm and reconvened at 12.45 pm, adjourned at 13.02 pm and reconvened at 1.45 pm and adjourned at 3.10 pm and reconvened at 3.15 pm.

**50 Public speaking**

Mr Ray Levy spoke on item 10 – Consultation on the draft East Devon Local Plan – updated draft as follows:

“I would like to raise my objections and concerns about the recent inclusion of AONB land south of the Heathfield Estate known as Honi\_01, as an option for development within the new draft local plan.

This site was recently subject to two previous planning applications which were roundly and unanimously rejected by the town council and East Devon District Council delegated officers with nearly 200 letters objections from residents across Honiton and beyond. I would encourage the committee to review its multitude of refusal reasons which the majority should still stand and give adequate grounds for removal of this site from the draft plan.

Looking at the developer’s latest presentation it suggested constructing 79 dwellings, this would indicate it’s still a significant development within an AONB and would set a precedent not only for this developer to gain further expansion into the adjoining fields, which would require construction regardless, due to the need for access to this centre field site, but also for clear future expansion across to other adjoining areas in this, and other localities.

The land at this site rises steeply from the northern existing residential boundary, which already increasingly suffers from run off from the site, flooding gardens and driveways due to increasing climate change, and building over this will only exacerbate the issue.

The other major concern due to its steeply rising topography, will be the loss of privacy and amenity to the current residents all along the boundary, as these proposed two story properties will be positioned to gain full advantage of views across to the Blackdown hills AONB (basically ripping up one AONB to give owners views to another!) quite an odd way of preserving our beautiful natural environment. The Developers would also use the fact it’s within an AONB as their unique marketing strategy, negating the fact they destroyed part of it in the process.

We are aware of the pressures on the authority to provide enough land to develop for future housing, but AONB and National parks should always be the last resort, not just included to make up numbers to meet erroneous government targets.

These areas are of great importance to our economy and the enjoyment of all residents and visitors and should be preserved at all costs. Your own draft plan goes to great lengths about protecting and enhancing our outstanding landscapes, biodiversity, habitats and species, which this site has in abundance, so this inclusion for development seems to greatly contradict your own document.

Could the committee or officers also confirm if Natural England or East Devon AONB were consulted about a variation order with regards to the redrawing of the Settlement boundary on the latest policy map to include this site or the development of it?

I thank the committee for allowing me the opportunity to speak this morning and hope you can reverse your decision to include this beautiful area for development prior to consultation.”

Councillor Jane Chanot, spoke on behalf of Farringdon Parish Council on item 8 – New Community Options Appraisal raising concerns for option 1 which would take over the Farringdon area, with small hamlets being surrounded by this proposal and the possibility of Farringdon being renamed which is a real concern for residents who lived in the well-established village. Option 1 would also surround the Hill Barton Industrial Estate and residents take issue about what was happening on the estate with the extent of growth, noise pollution, odours and other pollutions which was being considered a suitable place for families. Councillor Chanot asked Members to carefully consider Option 1 advising Hill Barton Industrial Estate was a blight on the area and would also be a blight on any development that comes forward. She raised concerns that Members would be making decisions without seeing the area first and suggested Members should take the opportunity to come see for themselves the beauty of Farringdon and the Hill Barton area.

Dr Sally Basker, Chief Executive, Exeter Science Park spoke on item 10 – Consultation on the draft East Devon Local Plan – updated draft as follows:

“Let me start by noting that, in previous consultancy roles, I have had to produce similar length documents to support policy development and I understand how difficult it is. I’d like to commend the authors for their work.

We are fully supportive of the Economic Strategy and look forward to playing our part. I welcome more land being allocated to Exeter Science Park; as we approach critical mass, companies will need rather than want to be at the Park. It is important to ensure that strategic policies do not curtail the “current approach to development” which is being promoted in the plan.

I refer now to strategic policies 9, 10, 11, 12 and 16.

With regard to strategic policy 10, might I suggest that the name of the park is Exeter Science Park: the physical park exists, the legal entity exists, the brand is strong, the trademarks have been registered.

Exeter Science Park Ltd is a small or medium-size enterprise that is already blessed with governance, regulation and complex, multi-party agreements. Therefore, with regard to strategic policies 9 and 10, I suggest the Local Plan should reference, rather than selectively quote from, existing agreements such as the Outline Planning Permission, the Gateway Policy and the District Heating Master Agreement. The latter incorporates checks to encourage competition.

Again in strategic policies 9 and 10, I draw mental comparisons between the phrase 'highest standard' in a property context and 'best endeavours' in a legal context. We will need a range of facilities to meet user needs as they emerge to drive growth. If standards have to be mentioned, I suggest they are well-defined and measurable like BREEAM Excellent, Net Zero or EPC A+.

My last comment on strategic policy 10 concerns 'non-businesses or business that do not accord or align with Science Park objectives'. It is unclear what is meant by 'non-business' or 'Science Park objectives'. Again, I suggest that the Local Plan should reference the Outline Planning Permission and Gateway Policy. This should be sufficient.

While we are pleased to see land being identified for business or technology park use to the north of the Park and between the Park and Sowton Village. Our preference would be the extension south towards Sowton, preferably with a physical link to the Science Park to benefit from the existing community and facilities, to maximise the synergy between new residential communities and employment opportunities, and to support links north and south of the A30.

Finally, regarding strategic objective 16, I note we have already identified the desire to connect to the Clyst Valley Regional Park in our draft future vision.

We are keen to engage with and support this process."

Councillor Alasdair Bruce, spoke on behalf of Feniton Parish Council spoke on item 10 – Consultation on the draft East Devon Local Plan – updated draft as follows:  
"I put forward the comments below in a final attempt to highlight many of the inconsistencies in the draft before you.

You will all no doubt be aware of the Environment agency objection to planning development based on the pollution generated from run off into the river systems heavily loaded with nitrates and phosphates to name but two. There is nothing in the draft that will guarantee that any future developments will be required to stand alone when it comes to controlling water related issues for a given development. And, after the shocking images of sewerage discharge in Cornwall on Sunday for no obvious reason, this issue is of paramount importance. It encouraging to note that our cabinet member Cllr Jung has stated he would support a reduction in surface runoff linked to any future developments and would seek to refuse it if not. However, he also correctly points out that the current NPPF frame does not allow us to refuse, which is nonsense, to use his own words.

A number of councillors and parishes have already highlighted for you, the inconsistency of site selection based solely on whatever developers bring forward for consideration.

The point has been made that many potential sites, which could also attract support from their respective communities, have been overlooked. This shows how the sustainability test which is applied to all planning applications is glaringly missing in the tests applied to potential sites in this draft. How on earth can we have a twin track system like this in planning, the same rules should apply across the board. The basis of a sustainable development is enshrined in good planning, and during the course of your meetings I, and the parish, have consistently demonstrated that Feniton is not a sustainable location for large scale development. I had hoped that given this, and the clear conclusions drawn from the super enquiry of 2014, that there would have been a selection of sites that better reflect the modest 10% of growth that this very committee proposed for Feniton. So, at the very least, this committee must include a clear

statement in the consultation draft that only a 'modest' level of growth is anticipated for Feniton, in line with other Tier 4 settlements in the settlement hierarchy that underpins the plans strategy.

Our communities are now going to be asked to rank sites with no terms of reference or access to the kind of information that would be available for an individual application. Even if this exercise had been set up properly, there seems to be no guarantee that their observations or recommendations would be taken seriously. So, in order to get the best, and most representative result from the consultation, Feniton must be given the opportunity of a facilitated public meeting using a robust methodology in order that the community can state its preferences for development in Feniton, and rank the 2nd best sites as resolved by your committee at its Oct 7th meeting. There is a major concern that to rely simply on online responses will not truly reflect the needs and aspirations of the community, nor that everyone has, or wishes to use, the internet. Further, after the unambiguous statement by the Secretary of State Mr Gove, that "new developments should have the consent of local communities" "the consultation mechanism needs to be even more open and transparent than is currently planned.

There are also a number of meetings coming up between Cllrs, parishes and senior officers regarding the special status given to Feniton and Whimple in this draft. These also must be face to face meetings rather than zoom. It must also follow that common sense must prevail that the draft cannot proceed until these meetings, and recommendations flowing from them are incorporated into the draft. So I must call on the committee to pause publication of the draft until these meetings are conducted. To do otherwise renders them pointless. Again, as has been mentioned by others, we are not up against the clock here with 9 years left to run on current plan.

In conclusion there are simply too many outstanding issues for this committee to realistically plough forward with the public consultation phase. I in no way wish to belittle the considerable work undertaken so far by the members and officers, but if it's not ready it's not, and a delay at this stage will make for a stronger planning policy going forward, and one that actually reflects the real needs of our communities rather than the greed of developers and land owners. We should be known as a council that values community need over corporate greed.

Councillor Geoff Jung, Portfolio Holder for Coast, Country and Environment spoke on item 10 – Consultation on the draft East Devon Local Plan – updated draft as follows: "The meeting today is probably the crunch decision on how this area will look for our children and our children's children. That's why getting this vital Local Plan right is so important.

It's also vital that we provide the best communications and information, so residents business, farmers and landowners know what we are doing and why.

Just a couple of internet chatter remarks I picked up last week.

### **Question to one of our MPs**

"How do the farming community feel about EDDC being allowed to build houses on agricultural land near Exeter Airport? And what are you doing to stop EDDC and TDC building all their housing estates as close to Exeter's borders as they can?"

Clearly the questioner was not aware the housing number requirement is provided by government

## The MPs answers

“Many do have understandable concerns. Ultimately, I have no power as the MP to intervene in local planning matters, but I have been working on planning legislation which is working its way through Parliament. We do need more homes, but we need to build them in the right places with infrastructure first.”

Clearly the MP doesn't accept any blame for the concerns raised.

This exchange implies that that it's the Councils of Teignbridge and East Devon are solely responsible to build loads of communities adjacent to Exeter, and the Councils are to blame for building them with infrastructure afterwards (if at all!) These comments really do not help cooperation and cohesion!

We have got to get the real reasons out there, of why we most build these extra communities and more and more estates, and why its close to Exeter, and why green fields, and why infrastructure like roads, transport, health, education, and the protection of habitat and biodiversity all be required.

Remember, our MPs are working on new planning legislation which we are led to believe will reduce this Planning Authorities powers even further, not enhance, so its vital we get this plan through before the goal posts are changed again.

This local plan is suggesting a new Community, the plan is saying we need the infrastructure, the plan says we need more health care, a new sewage works, more schools, and further protection to our remaining countryside.

But we as a District Council are trying to remedy the missing jigsaw pieces from the last but one local plan with obtaining the promised finances for the Dinon Way extension, we are trying to resolve the issues at Cranbrook by providing the long promised green energy for the centralized heating, plus we have started the eagerly awaited town center. We are now delivering the award-winning concept to improve and enhance substantial areas of West End countryside with the Clyst Valley Regional Park.

So, at the same time of providing the missing infrastructure from the last 40 years we now need to ensure that we don't leave the vital infrastructure to be completed by our children or their children.

That's some challenge, but we most do it, and I believe if we and Central Government work together, rather than simply requiring us to provide planning permission for over 950 dwellings a year every year, and at the same time remove funding not only for infrastructure but even down to the running costs to this council, that challenge is made even more difficult.

We have a staffing emergency, we have had a Covid emergency, we have a climate change emergency, we have a housing emergency, and now we have an economic emergency.

This new local plan is not only about resolving the housing emergency, but it will also provide the vital steppingstone to overcome all our other emergencies.

For my portfolio, the plan is still sparse on Environmental, Biodiversity and Nature gain issues, but once we have identified the housing locations these plans will follow, and if I have anything to do with it, they will be substantial, but they will be deliverable.”

Questions raised by Members included:

- A request was made for the Service Lead – Planning Strategy and Development Management to answer Mr Levy’s question about the redrawing of the settlement boundary for Honi\_01. In response the Service Lead – Planning Strategy and Development Management advised that Honi\_01 had been covered in the site assessment work but due to an error the settlement boundary had previously been omitted. He clarified it was not a new site;
- Clarification sought on why there was no engagement with Exeter Science Park. In response the Service Lead – Planning Strategy and Development Management acknowledged that more engagement was needed and was happy to work closely with the Science Park;
- Clarification sought on the AONB boundary. The Service Lead – Planning Strategy and Development Management advised they were not looking to change the AONB boundary but to ask them to consult on the draft Local Plan;
- We are currently in a bad position to move forward with the draft Local Plan which has been heavily structured by officers and which has had very little input from our key authorities and enterprises with input to our policies;
- Clarification sought on Councillor Jung’s comments “the plan is still sparse on environmental issues” and what should be done. In response Councillor Jung advised that environmental protection should have been done first and then the development around the protection.

## 51 **Minutes of the previous meetings**

The minutes of the Strategic Planning Committee held on 29 September, 4 October and 7 October 2022 were confirmed as a true record.

## 52 **Declarations of interest**

Minute 56. New Community Options Appraisal.

Councillor Dan Ledger, Affects Non-registerable Interest, Property would be next door to proposed development.

Minute 56. New Community Options Appraisal.

Councillor Philip Skinner, Directly relates Non-registerable Interest, Close associate of the owners of Greendale Business Park and Hill Barton Business Park.

Minute 57. East Devon Housing and Economic Land Availability Assessment 2022.

Councillor Dan Ledger, Affects Non-registerable Interest, Lives next to where development is being proposed.

Minute 57. East Devon Housing and Economic Land Availability Assessment 2022.

Councillor Paul Hayward, Affects Non-registerable Interest, Employee of Axminster Town Council.

Minute 58. Consultation on the draft East Devon Local Plan - updated draft.

Councillor Paul Hayward, Affects Non-registerable Interest, Employee of Axminster Town Council.

Minute 58. Consultation on the draft East Devon Local Plan - updated draft.

Councillor Philip Skinner, Directly relates Non-registerable Interest, Close associate of the owners of Greendale Business Park and Hill Barton Business Park.

53 **Matters of urgency**

There were no matters of urgency.

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

There were no confidential/exempt items.

55 **Presentations from invited developers/agents/landowners promoting sites in the west end of the district**

Mark Dyson, Mark Dyson Property & Nick Wheeldon, Waycotts  
GH/ED/56 – Land at Coxes Farm, Sidmouth Road, Clyst St Mary

The landowner owns and lives at the property known as “Denbowe”, and has an interest in the Langdon Business Park, both at the NW side of the site. These properties have the potential to add to the submitted land, to form part of a larger development, either as further commercial or mixed use, or to access the overall site. Otherwise there is a good access directly onto the speed restricted zone of the A3052, with good visibility for and of oncoming traffic in both directions. This is level site, slightly sloping to the west end with loamy and clayey soils. The site is tree-lined to the SW boundary and between the two land parcels. The site lies in Environment Agency’s Flood Zone 1, at very low risk of flooding. A low voltage power line on poles, crosses the western part of the site.

This 8.63 ha (21 a) site, which has been put forward in the landowner’s updated (2022) HELAA submission for employment use and now it is suggested it would be ideal for a mixed employment and residential use. At least 2 ha (5 a) at the western end already has a semi-industrial outlook, bordered as it is on two sides by commercial development, the Langdon Business Park to the North and the Enfield Digester site to the South. Access will either be directly from the A3052 or through the existing business park. The remaining 6.63 ha (16.3 a) could be allocated as residential development, SANGS and public open space (POS) delivering up to 150 residential units with a viable percentage of affordable housing. The development would also include naturalised SuDS features, cycle ways and other community facilities to benefit the local area.

Mark Dyson, Mark Dyson Property & Nick Wheeldon, Waycotts  
Clge\_03 – Land at Clyst Road, Clyst St Mary & Clg\_05 –  
Land to the west side of Blue Ball, Clyst St Mary

Both sites are under the same single ownership bordering the M5 and separated from each other by Old Rydon Lane.

**Clg\_03**

The land shown comprises 1.75 ha (4.3 acres) which is the subject of this submission. The whole land parcel (SX9690 5266) includes a further frontage strip of about 30m wide totalling approx. 0.75 ha which belongs is represented by Nick Wheeldon. This has been selected by officers for consideration separately under reference Clge\_04.

The site is gently sloping, south-facing land on light, well drained soils with frontage to the motorway on the west side and to previously developed residential land to the North. There is a wide neighbouring evergreen shelter belt immediately to the South screening the existing light industrial site there.

The 1.75 ha part would be suitable for 40-50 residential units, including a reasonable viable percentage of affordable and self-build housing. This represents a medium density development to include Public Open Space, naturalised SuDS features and

probably a LEAP play area. The density and type of development would be comparable to existing development immediately opposite, on the east side of the motorway.

Should the 0.75ha (1.9 a) of frontage land (Clge\_04) be included at the same density, an additional 17-21 residential units could be appropriate subject to agreement by the parties.

### **Clg\_05**

This land in question abuts the M5 motorway, is well screened by mature trees and bushes, and lies at a somewhat lower level. The land has light well-drained soils and according to the EA flood maps is in Flood Zone 1 at very low risk of flooding. The site amounts to approximately 0.80 ha and forms a shallow valley gently sloping to south west and north east. The soil itself is well drained land and is currently in horticultural production.

Access from Clyst Road is by way of a single lane track owned by the landowner. Up to five large detached dwellings could be accommodated each with 0.16 ha using the existing access and a cul-de-sac layout. It is considered that this type and density of development is appropriate for this area where plot sizes of existing housing on the neighbouring land to the south are similar.

It is possible that the land could be better developed in conjunction with neighbouring land to the north and east, using access for higher density residential/commercial development although the neighbouring land owners have not yet been approached.

#### Questions raised by Members:

- Confirmation sought on the number of houses and whether there would be affordable housing provision for Clg\_05. Mr Dyson advised it would be five large houses as the access road was narrow and there would be no affordable houses on this site as it was under the threshold.

### Daniel Rogers, Bell Cornwell

#### Farr\_02 – Land at Waldrons Farm, Sidmouth Road, Farringdon

- Broadly a 'T' shaped site suitable for mixed use development;
- The site sites east of the Hill Barton Industrial Estate area;
- Wide frontage on the A3052 and A30;
- Existing bus stop located a short distance from the site which serves the A3052;
- Access from the A3052;
- Pylons run east to the site
- Parsonage Lane runs west of the site;
- The site is relatively flat and self-contained within the landscape;

#### Questions raised by Members:

- Clarification sought on how the proposed development would fit within the Farringdon Neighbourhood Plan. Mr Rogers advised at this stage there were no development proposals for this site;
- Clarification sought on the pylons. In response Mr Rogers advised the pylons located east of the site followed just outside the site boundary.

### Nick Matthews, Savills

#### Greendale Business Park Expansion

- Home to circa 1,600 employees in a wide range of businesses in a well landscaped location hidden from public view;

- Approx. 21 ha.
- Located very close to all new settlement options;
- A new roundabout could be introduced to alleviate the issues of traffic;
- Provision of attenuation could be introduced to alleviate the issue of flooding and drainage within the site;
- Landscaping provided to limit views and to provide an in-house environment
- Economic benefits would include a range of different types of employment that could create approx. 1,368 permanent jobs across a range of sectors;
- Opportunity to obtain biodiversity net gain through enhancement of the landscape and tree planting around the business park;
- Energy sustainability of the proposed new buildings with the potential to change of the diet of the existing AD Plant to incorporate some of the food waste which is currently transported out to Somerset to provide further power to the expansion site;
- Opportunity to put solar panels on roofs of the business park to avoid solar panels on greenfield land;
- Potential for battery storage.

Councillor Philip Skinner left the meeting and did not take part in Members question time.

Questions raised by Members:

- Clarification sought on the highway issues along Sidmouth Road and how would the volume of traffic be dealt with. In response Mr Matthews advised that potential improvements had been investigated and the opportunity to co-locate the employment with new homes to reduce the impact;
- In response to the comment about the AD Plant Councillor Jung clarified that he was not aware of any discussions with Devon County Council and that East Devon had a 5 year contract for its food waste. In response Mr Matthews said he did not mean to mislead Members and advised there was still a benefit;
- Clarification sought on the different coloured areas on the landscape impact slide. Mr Matthews advised it related to the zone of theoretical visibility which were areas of where there was a possibility of seeing the site.

Councillor Philip Skinner returned to the meeting.

Jeff Richards, Turley

- Key strategic location in West End'
- Opportunity for 8,000+ homes;
- Vehicular access points taken from two points on the A30 and three points along the A3052;
- The opportunity for a new sustainable transport link between the A30 and A3052;
- Creation of three new neighbourhoods, each with a local centre and primary school;
- Plentiful recreation routes, sports and play facilities;
- 20ha. Of new employment land;
- 11ha. Secondary school site;
- 185ha. SANGS;
- Creating connectivity between existing key routes and corridors as part of expanded network in West End;
- Potential for clean growth initiatives linked to transport such as interchange points and charging hubs;
- Significant links to existing employment area and further onsite delivery;

- Facilitate delivery and expansion of regional green space
- Good accessibility in respect of the proximity to and the ability to directly connect with other significant part of the West End;
- Significant opportunities for enhanced GI network including well located Regional Park extension;

Councillor Philip Skinner left the meeting and did not take part in Members question time.

Questions and comments from Members:

- Clarification sought on how to alleviate sewage issues. Mr Richards advised more work was required to identify a solution
- Clarification sought on the highways mitigation. In response Mr Richards advised the ability to interlink the access from the A30 to the north and the A3052 to the south of the site as well as an opportunity to introduce a park and ride scheme and potential for a strategic road interchange.
- Reassurance was sought to avoid splitting the two sites by a major road. Mr Richards advised the road would be the heart of the development with the opportunity for a transport corridor;
- How is the road and essential infrastructure going to be paid, when will it be delivered and what will be delivered. In response Mr Richards advised the delivery of 2,500 homes would pay for the road and would be delivered to serve the homes built. Other infrastructure provision would include a local centre and primary school;
- Clarification sought on road distances and whether it was 'as the crow flies' as the location was remote from a railway station and a poor bus service. It was confirmed 'as the crow flies';
- This is likely to end up as a dormitory town to serve Exeter;
- Are there further proposals to support public transport? Mr Richards advised bus connections to this part of East Devon could be looked at and the landowners would be happy to work with DCC.
- Clarification sought on how the parcels of land would be managed and the timescales. Bloor homes would submit an outline planning application and Master Plan for the whole development to include strategic design codes which would come forward to deliver quality homes.
- The Chair sought clarification from the Service Lead – Planning Strategy and Development Management about the Council's constraints to ensure the delivery a development corporation model with landowners and developers. The Service Lead – Planning Strategy and Development Management advised there were a lot of lessons to be learnt from Cranbrook and for the need for Members to consider a suitable delivery vehicle that helps deliver a new community which has yet to be done. There are other options including a Master Developer or to secure land for development in partnership with developers but all options need to be assessed and brought to Strategic Planning Committee in due course if Members agree the new community option.
- Clarification sought on whether the total of 6,000 houses could be delivered within the Local Plan period up to 2040. Mr Richards advised it was deliverable because there was a house builder on board but it takes time. 2,500 homes was the figure proposed by the Council as a reasonable figure to be delivered. More houses could be delivered but this would depend on how quick consent was granted.

Councillor Philip Skinner join the meeting.

Bethan Haigh, Boyer Planning

Clg 28 – Land at Addlepool Farm, north and south of Woodbury Road, Clyst St George

- The site extends to circa. 38ha.
- Located either side of Woodbury Road (B3179) between the villages of Clyst St George and Ebford;
- 1.6km from Topsham & 8km from Exeter;
- Circa. 3.4km from the East Devon AONB and close proximity to the Clyst Valley Regional Trail;
- Opportunity to provided approximately 700 dwellings to meet the new Part L and Future Homes Standard,
- To include private and affordable homes and a balance of community and recreations facilities;
- Key benefits include:
  - Walkable neighbourhood;
  - Primary School and Sports Provision;
  - Allotments;
  - Significant areas of public open space;
  - Highway improvements;
  - Single land ownership;
  - Provision of housing in the short-medium term
- Potential for a new bus route through the development;
- Opportunities to extend public access into the site;
- Important views to be retained;
- Opportunity for habitat enhancements (including community orchard);
- No technical or environmental constraints.

Questions raised by Members:

- Clarification sought on health service provision. Ms Haigh advised that engagement with the residents of Clyst St George would be encouraged to help understand what they would like to come forward which could include health care, retail of a flexible working space;
- How will you deal with sewage? Ms Haigh advised although they were only in the first stages of this proposal they would liaise with the relevant utility providers to ensure adequate provision;
- Can the suggested infrastructure be provided on just 700 houses? Ms Haigh advised it was understanding that it could be provided alongside the highways mitigation and 35% affordable housing.

56 **New Community Options Appraisal**

Prior to the Service Lead – Planning Strategy and Development Management presenting his report Councillor Mike Allen called a point of order with a request to change the order of the agenda items to discuss item 10 first so that the Committee could have an opportunity to vote whether to delay the draft Local Plan in order that it could be modified as a two stage process which would allow a proper consultation with town and parish councils prior to the public consultation. The Chair advised that in his opinion he could see no justification to why the agenda items should be changed in order to defer an item for later discussion. He reminded Members that the public were watching online and would expect the Committee to follow the published order of items. A discussion then followed between the Chair and Councillor Allen and in response to that discussion the Service Lead – Planning Strategy and Development Management advised it had been listed in the particular way to follow a logical order as there was a need to discuss the new community first as it was a key component to what goes into the draft Local Plan

and the HELAA which was a key evidence document would also need to be discussed before the draft Local Plan.

The Chair took the decision to adjourn the meeting for lunch.

The meeting resumed and the Chair sought clarification from Councillor Mike Allen as to whether he wanted to move forward with his proposal to change the order of the items. In response Councillor Allen advised that he no longer wished to proceed with his proposal.

The Committee considered the report that updated Members on the summary of work undertaken by consultants to assess the 3 options obtained from the Call for Sites for a new community that would form part of the spatial strategy for the new Local Plan.

The 3 options were:

- Option 1 – land between the A3052 and A30, around the Hill Barton Business Park and up to Exeter Airport
- Option 2 – spans the A3052 and the southern part of option 1 and the east of Crealy and Greendale Business Park
- Option 3 – South of the A3052 north east of Clyst St George

The Service Lead – Planning Strategy and Development Management acknowledged some key issues raised from the morning's presentations including landscape impact for Greendale Business Park, sewage capacity and its implications and highways capacity, which he advised, had all been addressed in the assessment work.

The Service Lead – Planning Strategy and Development Management highlighted that out of the 3 options identified it had been officer's opinion that options 1 and 3 had scored higher, with option 1 slightly ahead. As both options scored very closely it was considered appropriate to consult on both of these options although only one of them would be allocated.

Councillor Skinner briefly addressed the Committee and then left the room. He did not take part in the debate or vote.

The Chair addressed the Committee advising he would like to do each recommendation separately and welcomed comments from Members on recommendation 1 – agree in principle of a new community forming a key element of a strategy for growth in the new Local Plan.

Discussion covered:

- Prime agricultural land needs protecting and this is where the new community is proposed – cannot support.
- Sadly these are the only options to fulfil the housing requirement. We are in this position as we are below the Government's national requirement;
- Still have concerns with infrastructure, this should not be an afterthought;
- Do not support development on vast areas of greenfields;
- Houses should be built to the best standard to help tackle the climate emergency and less damage to the environment;
- Agree in principle to the proposed new town as it would be close to employment opportunities which would help to reduce the need to commute;

- Government targets are forcing us to make a decision we do not want to. A suggestion was made to show the council's reluctance in a form of words in the recommendation as follows:  
"in order to meet Government's housing targets the Council agrees to the principle of a new community forming a key element of a strategy for growth in the new Local Plan";  
Agree in principle to the new community as this will help reduce development in every area in East Devon;
- The new town is needed if we are going to think about the future. This could be an opportunity to build an excellent new community

**RESOLVED:**

1. In order to meet the required Government's housing targets Members agreed to the principle of a new community forming a key element of a strategy for growth in the new Local Plan;

The Chair welcomed comments on recommendation 2 – views are sought on the vision statement for the new community included within this report.

Discussions covered:

- Clarification sought on an implementation of a revolving infrastructure fund. The Service Lead – Planning Strategy and Development Management saw the infrastructure fund as a means of delivering infrastructure as part of the delivery vehicle which should emphasise the key point of a timely delivery ahead of development;
- The need for aspirations for the climate emergency;
- Support high income expectation as its close to Exeter Airport and the Science Park;
- It was suggested that the following wording to be included in the Strategic Objectives under Section 7 "a timely delivery of infrastructure at the first opportunity";
- It was suggested that the second sentence should read "delivering up to 8,000 high-quality equitable homes with an equitable range of tenures" to ensure everyone in the community can find a suitable house;
- This is no detail on low energy homes. It should be part of the vision that these homes should be very low demand on energy resources. The Service Lead – Planning Strategy and Development Management advised that as zero carbon was a key policy it would be automatically translated into the new community but acknowledged it was a good point to capture for the new community.

Councillor Dan Ledger proposed, seconded by Councillor Ben Ingham that the vision statement for the new community should include the following:

- zero carbon;
- timely delivery of infrastructure at the first opportunity, and
- delivering up to 8,000 high-quality equitable homes with an equitable range of tenures.

**RESOLVED:**

Members agreed that:

- "zero carbon" be included in the proposed version of the vision statement;
- amend the second sentence to read "delivering up to 8,000 high-quality equitable homes with an equitable range of tenures";

- under the heading Strategic Objectives/Design Principles No. 7 A truly sustainable self-sufficient settlement incorporating homes, local employment, shops, community amenities, public realm and open space include the words “a timely delivery of infrastructure at the first opportunity.”

The Chair welcomed comments on recommendation 3 – agree to consult on a proposed new community with option 1 identified as the preferred approach and option 3 as an alternative option for consultation. Option 2 would be identified in the consultation but as an option that has been discounted at this stage.

Discussion covered:

- Clarification sought on option 2 and whether the harm outweighs the development value or would the option return after the consultation as a sub section. The Service Lead – Planning Strategy and Development Management advised option 2 would fall away unless the consultation shows we need to look at the option again. He addressed the significant issues identified in option 2 referring to page 61 in the report.
- Clarification sought on the rationale for officers not supporting option 2. It was advised it had been assessed on a traffic light system consistent to previous assessments;
- Clarification sought on the expectation about when the Committee would see a draft of the Water Cycle Study. It was advised it would be brought to Strategic Planning Committee by the end of the year;
- All 3 options have the same highways issues. It was advised the key issue was that option 1 spans between the A3052 and the A30 which would provide a link road between the two major roads and potentially alleviate traffic on the Clyst St Mary roundabout
- Option 3 includes the industrial estate which is noisy and smelly and is not suitable for families;
- What does utilities mean? This means utilities such as gas, sewage, network and broadband connections
- Clarification sought about why the assessments were not done on a weighting system. As there were pro’s and con’s with a weighting system it was decided to focus on how each site scored on an equal basis.
- How can we make a difference when there is so little difference with the scoring? A suggestion was made for both options to go out to consultation. The Service Lead – Planning Strategy and Development Management advised it was their intention for the public to be consulted on the first and second choice options.
- The Chair sought clarification whether options 1 and 3 could go out on an equal basis. There was no reason why both options could not go out on an equal basis
- Reference was made to the scoring matrix and how the margins for options 1 and 3 were so close;
- Suggestion to include option 2 as a consideration as this would fit within the council’s climate emergency strategy;
- Evidence shows that option 3 is significantly better than option 2 as half of option 2 is within option 1;

The following recommendation was proposed by Councillor Ingham and seconded by Councillor Moulding.

“That Strategic Planning Committee consider option 1 as the preferred option and options 2 and 3 as alternative options”

**RESOLVED:**

To agree to consult on a proposed new community with option 1 identified as the preferred option and options 2 and 3 as alternative options for consultation.

57 **East Devon Housing and Economic Land Availability Assessment 2022**

The Service Lead – Planning Strategy and Development Management presented a report that updated Members on further work that had been done on the East Devon Housing and Economic Land Availability Assessment (HELAA) to satisfy Government guidelines. Members noted that the majority of information provided had also been provided as an interim report at the 3 May 2022 meeting however since this meeting there had been a further call for sites with all the key findings being incorporated into this report.

In response to a request to check the numbering of the 2022 call for sites the Service Lead – Planning Strategy and Development Management advised this would be checked paying particular attention to West Hill.

**RESOLVED:**

1. That the East Devon Housing and Economic Land Availability Assessment November 2022 report for use as evidence for the purposes of the new Local Plan and other spatial plan making, for development management, and in support of achieving East Devon District Council's corporate objectives be endorsed;
2. That delegated authority be given to the Service Lead – Planning Strategy and Development Management in consultation with the Chair of Strategic Planning Committee, to finalise the HELAA for consultation. To include making any minor changes to correct possible factual or grammatical errors, ensure links to background reports are made and other minor amendments that do not materially change content.
3. That the East Devon Housing and Economic Land Availability Assessment November 2022 report be published on the Council's website as part of the new Local Plan evidence base.

58 **Consultation on the draft East Devon Local Plan - updated draft**

The Service Lead – Planning Strategy and Development Management presented the report which addressed the issues raised by Members at a previous meeting and addressed the need for resources for face to face engagement events during the plan consultation period.

The report highlighted the track changes summarising the main changes. The most significant changes were:

- Policy 2 – housing numbers have been recalculated to record preferred allocations and 2<sup>nd</sup> best allocation sites (previously just preferred sites were listed);
- Policy 8 – a preferred site is identified (shown on the Policies Map) for a new town on the western side of East Devon (alternative not preferred site options are also shown);
- Policy 21 – Honiton – Policy is amended to include two additional areas of land for allocation for housing development on the western side of Honiton (the officer intent was to have shown these as allocations but they were omitted from the 1 October draft);

- Feniton and Whimple – in line with conclusions reached at Strategic Planning Committee on 7 October text has been added to clarify that the plan does not suggest or allocate land to accommodate a strategic scale housing development at these two villages;
- New policies are inserted into the plan in respect of:
  - Telecommunications development;
  - Contaminated land;
  - Pollution control
  - Aerodrome safeguarding areas;
  - Vehicular access to sites and land; and
  - Service yards.

Members noted that the sustainability appraisal was an ongoing piece of work and further evidence gathering would extend into 2023.

Members' attention was drawn to section 6 of the report which detailed the resource implications for face to face engagement in the main towns between mid-afternoon to early evening. The Service Lead – Planning Strategy and Development Management welcomed Members comments on how this could be facilitated and advised enquiries had already begun on venue availability. Members' views were also sought on whether to include other areas including Feniton and Whimple following a request received from Feniton Parish Council for an event in their parish as a result of the scale of growth proposed.

The Service Lead – Planning Strategy and Development Management referred to the recommendations noting that the third recommendation had excluded Cranbrook as it has its own Local Plan and would not be included in the new Local Plan.

Councillor Philip Skinner who spoke before the Committee went into debate addressed the Service Lead – Planning Strategy and Development Management and sought clarification why Plymtree had not been included with Feniton and Whimple as he would like the village to have the same opportunities as other areas and how the face to face drop in session would be conducted and whether it would cover wards. In response it was advised that Feniton and Whimple had been included following a resolution by Members at the last meeting. Members did not resolve to include Plymtree. Councillor Skinner left the room and did not take part in the debate or vote.

Points raised during discussion included:

- The detail in section 6 was welcomed. Clarity was sought on officers attending the drop-in sessions as a provisional booking had been made at the Ocean Centre in Exmouth free of charge on 15 November to enable a cross party group of councillors to attend a drop-in session. It would be a shame to cancel if officers were unable to contribute. In response the Service Lead – Planning Strategy and Development Management advised although there was the intention to work together on this there was a need to distinguish between an official council event and an event organised by Members on a political basis. Officers need to attend official council events which Members are more than welcome to attend. Whether officers could attend other events legal advice would be sought;
- The Chair suggested to extend the consultation period to Friday 6 January 2023 to give Councillor Millar time to reschedule the Ocean event;
- It is important we get this consultation right as in the past consultations have not had a good response. This is a massive consultation and just doing it online is not good enough.

- Alternative venues need to be found outside towns as some people cannot travel – villages need to be considered;
- A need to consider mobile libraries;
- The policy on green wedges needs finalising as it is an important policy

Councillor Dan Ledger proposed recommendations 1 and 2 seconded by Councillor Paul Hayward with a further proposal that under recommendation 1 the Service Lead – Planning Strategy and Development Management provided clarity on the minor changes

Further comments included:

- The tree policy on page 296 is not a tree policy;
- The green wedge policy needs finalising. Clarification sought on whether the draft Local Plan would be sent out incomplete. It was acknowledged that some areas were less developed than others and further work on the intended wording would be completed after public engagement. Final boundaries for the green wedges would need to be consulted on at a later date and brought to Members next year.
- There was no reference to the employment at West Hill. It was advised that public views would be obtained through the consultation stage.
- Agree with the Chair for the consultation period to be extended to 5 January.
- Why has Honi\_01 still been included when it had been rejected twice by the town council – please can this be removed; It was advised Honi\_01 was previously resolved by Members to be included in the draft Local Plan as a 2<sup>nd</sup> choice site;
- Clarification sought about whether there had been conversations to consider a different policy in relation to biodiversity net gain percentages in AONB's.

#### **RESOLVED:**

1. Delegated authority be given to the Service Lead – Planning Strategy and Development Management in consultation with the Chair of Strategic Planning Committee, to finalise the plan for consultation. To include making minor changes to correct possible factual or grammatical errors, ensure links to background reports are made and other minor amendments that do not materially change content;
2. That the draft Local Plan, as appended to this report and subject to final refinements, for public consultation be endorsed.

The Chair welcomed Members comments on the third recommendation.

Comments included:

- Having only one event in Clyst St Mary is not going to work. To have a coherent structure there needs to be one in Clyst St Mary, Farringdon, Woodbury, Exton, Clyst Honiton, Clyst St George and any other village missed to encompass every surrounding village. In response the Service Lead – Planning Strategy and Development Management highlighted the resourcing issues with all the additional events and suggested to remain with Feniton, Whimple and Clyst St Mary and perhaps a special meeting for any village that would be affected by the volume of development
- There is a need to separate the towns from the villages;
- A suggestion was made to extend the consultation to the 8 January which was a Sunday night.
- A suggestion was made for town and parish council drop-in sessions;
- Will there be an opportunity to see CommonPlace before it goes live. The Service Lead – Planning Strategy and Development Management was happy to arrange a zoom meeting for councillors to see it;

- We need a consultation for the new community;

Councillor Ingham proposed the third recommendation as written, seconded by Councillor Richard Lawrence with an additional proposal to read as follows: “that the period for consultation responses would end on Sunday, 15 January 2023”

**RESOLVED:**

3. That Strategic Planning Committee does wish to proceed with proposals for face to face drop in consultation events in each of the main towns and further events in Feniton, Whimble and Clyst St Mary;
4. That the period for consultation responses be extended to end on Sunday, 15 January 2023 be agreed.

59 **Proposed response to consultation on the evolving Local Plan for Torbay**

The Committee was asked to consider the proposed response to Torbay Council’s local plan consultation as set out below.

“Thank you for providing the opportunity for East Devon District council to comment on Torbay Local Plan 2022 – 2040: ‘A Landscape to Thrive’ (your local plan consultation that concludes on 21 November 2022). I would advise that this council has no specific comments to make on the current consultation. There appears to be no evidence published to support the approach to housing numbers or how the proposed shortfall would be addressed and so we are unable to comment other than to reiterate points raised in the previous round of consultation that we set out below and would request you fully take into account in respect of your future work on plan making”

**RESOLVED:**

That the Council respond to the Torbay Local Plan Consultation advising of concerns around their current policy position in respect of housing provision in line with the text set out in this committee report be agreed.

**Attendance List**

**Councillors present (for some or all the meeting)**

P Arnott (Chair)  
O Davey (Vice-Chair)  
M Allen  
J Bailey  
K Blakey  
P Hayward  
B Ingham  
R Lawrence  
D Ledger  
A Moulding  
E Rylance  
P Skinner

**Councillors also present (for some or all the meeting)**

J Bonetta  
A Bruce  
P Faithfull

G Jung  
P Millar

**Officers in attendance:**

Ed Freeman, Service Lead Planning Strategy and Development Management  
Damian Hunter, Planning Solicitor  
Wendy Harris, Democratic Services Officer  
Shirley Shaw, Planning Barrister

**Councillor apologies:**

S Chamberlain  
M Howe  
G Pratt

Chairman .....

Date: .....

**EAST DEVON DISTRICT COUNCIL****Minutes of the meeting of Planning Committee held online via zoom on 25 October 2022****Attendance list at end of document**

The meeting started at 10.04 am and ended at 1.41 pm. The meeting was briefly adjourned at 11.50 am and reconvened at 11.56 am.

**53 Minutes of the previous meeting**

Members accepted the minutes of the consultative Planning Committee held on 30 September 2022.

**54 Declarations of interest**

Minute 56. 21/2217/MRES (Major) CLYST VALLEY.

Councillor Mike Howe, Affects Non-registerable Interest, Bishops Clyst Parish Councillor and owns a shop in the village.

Minute 56. 21/2217/MRES (Major) CLYST VALLEY.

In accordance with the code of good practice for Councillor and Officers dealing with planning matters as set out in the constitution Councillors Kim Bloxham, Bruce De Saram, Olly Davey, Steve Gazzard, Mike Howe, David Key, Richard Lawrence, Geoff Pook and Philip Skinner advised lobbying in respect of this application.

Minute 57. 22/0992/FUL (Minor) EXE VALLEY.

In accordance with the code of good practice for Councillor and Officers dealing with planning matters as set out in the constitution Councillor Mike Howe advised lobbying in respect of this application.

**55 Planning appeal statistics**

The Committee noted the planning appeals statistics of which four had been allowed and three dismissed. The Service Lead – Planning Strategy and Development Management drew Members attention to the appeals allowed in particular to the following applications:

Application 21/2474/FUL – Goldcombe Farmhouse, Gittisham. It was determined that although the Inspector had acknowledged that access to services would be mostly favoured by driving he considered this would not have an adverse effect on the environment.

Application 20/2298/FUL for change of use to agricultural barns and 22/0041/FUL for a proposed conversion of redundant agricultural building which both related to Greenhayes, Shute, were allowed as the Inspector determined that Policy D8 relating to the conversion of rural buildings in the East Devon Local Plan was out of conformity with the National Planning Policy Framework (NPPF) and while Inspectors had previously considered Policy D8 notwithstanding this it appears that now we cannot demonstrate a five year land supply in the Inspectors mind this added weight to the NPPF over Policy D8. The Service Lead – Planning Strategy and Development Management advised there was a need to understand the consequences to this decision and future decisions and suggested that Members might start to take a more relaxed approach to conversion

applications where they are not entirely remote from services and facilities. Officers would provide further advice on relevant applications as they come to the Committee.

56 **21/2217/MRES (Major) CLYST VALLEY**

**Applicant:**

S Billings (Burrington Estates (New Homes Limited)).

**Location:**

Winslade Park, Clyst St Mary.

**Proposal:**

Reserved matters application pursuant to outline application 20/1001/MOUT seeking details of layout, appearance, scale and landscaping for a residential development of 40 apartments (Zone D).

**RECOMMENDATION:**

Of deferral for a site inspection to consider the height and massing of the proposed buildings, the impact on trees and landscaping and the impact of internal and external lighting.

57 **22/0992/FUL (Minor) EXE VALLEY**

**Applicant:**

Highcroft Prestige Properties Ltd.

**Location:**

Stoke Cottage, Stoke Canon, EX5 4AT.

**Proposal:**

Demolition of existing dwelling and construction of 7 dwellings with associated landscaping and access.

**RECOMMENDATION:**

Of refusal as per officer recommendation.

58 **22/1167/RES (Minor) NEWTON POPPLEFORD & HARPFORD**

**Applicant:**

Mr & Mrs Hugo Headon (HH Prestige Homes Ltd).

**Location:**

Land South of King Alfred Way, Newton Poppleford.

**Proposal:**

Application for approval of reserved matters (appearance, scale, layout and landscape) following approval of outline planning application 18/2608/OUT.

**RECOMMENDATION:**

Of approval as per officer recommendation (and appropriate assessment adopted) with amendments to Condition 5 so that the first part reads "Details of the three trees to be planted, as detailed on Plan 22.01.SP06a, shall be....."

59 **22/1590/FUL (Minor) TRINITY**

**Applicant:**

Mr Ian Thomas.

**Location:**

Ware Barn, Ware, Lyme Regis, DT7 3RH.

**Proposal:**

Installation of 36 ground mounted PV solar panels.

**RECOMMENDATION:**

Of approval as per officer recommendation.

60 **22/1094/RES (Minor) WEST HILL & AYLESBEARE**

**Applicant:**

Mr G Webb.

**Location:**

Hasta La Vista, Windmill Lane, West Hill, EX11 1JP.

**Proposal:**

Reserved matters application for access, appearance, layout, scale and landscaping pursuant to outline planning application 19/2834/OUT.

**RECOMMENDATION:**

Of approval as per officer recommendation (and appropriate assessment adopted).

61 **Local Development Order for Land off Long Lane**

Members considered and discussed the report presented by the Project Manager Simplified Planning that sought endorsement of the Local Development Order for Land off Long Lane to accelerate the delivery of new commercial development and employment uses.

Questions raised by Members included:

- Clarification was sought on the permitted uses for F1(a) and concerns raised about whether this would be used as a day nursery. In response it was advised the intention was for the expansion of Future Skills Centre;
- Clarification was sought on the purpose of a Local Development Order. The Project Manager Simplified Planning advised it was a council led scheme that allowed developers to move forward with development quickly in accordance with the Local Development Order without the need for multiple planning applications coming to committee;
- Clarification was sought on the rationale for the allocation for food and drink for the indoor sports and recreation as it was suggested the floor space was quite small. In response it was advised the rationale was to only provide catering services to the existing industrial estate and Future Skills Centre and not to encourage other people to the site.

**RECOMMENDATION:**

Of adoption of the Local Development Order for land off Long Lane.

Following news from the Planning Solicitor that the Planning Barrister had attended her last Planning Committee the Chair thanked Mrs Shaw for her wise counsel and guidance and said Mr Hunter would do his best to fill your shoes.

**Attendance List**

**Councillors present (for some or all the meeting)**

E Wragg (Chair)  
S Chamberlain (Vice-Chair)  
K Bloxham  
C Brown  
O Davey  
B De Saram  
S Gazzard  
M Howe (left the meeting after item 8 - application 21/2217/MRES)  
D Key  
R Lawrence  
G Pook  
G Pratt  
E Rylance  
P Skinner

**Councillors also present (for some or all the meeting)**

J Bailey  
P Hayward  
G Jung  
J Kemp  
P Millar

**Officers in attendance:**

Ed Freeman, Service Lead Planning Strategy and Development Management  
Damian Hunter, Planning Solicitor  
Wendy Harris, Democratic Services Officer  
Shirley Shaw, Planning Barrister  
Amanda Coombes, Democratic Services Officer  
Frances Wadsley, Project Manager, Planning, Growth, Development & Prosperity

**Councillor apologies:**

A Colman  
T Woodward

Chairman .....

Date: .....

**EAST DEVON DISTRICT COUNCIL****Minutes of the meeting of Planning Committee held at Council Chamber, Blackdown House, Honiton on 15 November 2022****Attendance list at end of document**

The meeting started at 11.33 am and ended at 12.35 pm

**62 Declarations of interest**

Minute 63. 21/2217/MRES (Major) CLYST VALLEY.

In accordance with the code of good practice for councillors and officers dealing with planning matters as set out in the constitution Councillors, Wragg, Brown, De Saram, Howe, Key and Skinner advised lobbying from the agent in respect of this application.

Minute 63. 21/2217/MRES (Major) CLYST VALLEY.

In accordance with the code of good practice for councillors and officers dealing with planning matters as set out in the constitution Councillor Howe advised lobbying in respect of this application as he had spoken to many residents about the site in his role as Ward Member.

Minute 63. 21/2217/MRES (Major) CLYST VALLEY.

In accordance with the code of good practice for councillors and officers dealing with planning matters as set out in the constitution Councillor Davey advised lobbying from a resident in respect of this application.

**63 21/2217/MRES (Major) CLYST VALLEY****Applicant:**

S Billings (Burrington Estates (New Homes) Limited).

**Location:**

Winslade Park, Clyst St Mary.

**Proposal:**

Reserved matters application pursuant to outline application 20/1001/MOUT seeking details of layout, appearance, scale and landscaping for a residential development of 40 apartments (Zone D).

**RESOLVED:**

Approved as per officer recommendation but subject to the following two conditions in consultation with the Chair, Vice Chair and Ward Member:

- The specification of the glazing for the three apartment blocks be agreed prior to its installation for all four storeys of the development facing the woods in order to protect the wildlife and living conditions of the residents in Clyst Valley Road;
- The definitive height of the three apartment blocks to be made clear in relation to an identified datum point.

**Attendance List****Councillors present:**

E Wragg (Chair)

S Chamberlain (Vice-Chair)  
C Brown  
O Davey  
B De Saram  
M Howe  
D Key  
G Pratt  
E Rylance  
P Skinner  
T Woodward

**Councillors also present (for some or all the meeting)**

P Faithfull

**Officers in attendance:**

Gavin Spiller, Principal Planning Officer (West)  
Damian Hunter, Planning Solicitor  
Wendy Harris, Democratic Services Officer

**Councillor apologies:**

K Bloxham  
S Gazzard  
R Lawrence

Chairman .....

Date: .....

**EAST DEVON DISTRICT COUNCIL****Minutes of the meeting of Licensing and Enforcement Committee held at Council Chamber, Blackdown House, Honiton on 26 October 2022****Attendance list at end of document**

The meeting started at 10.00 am and ended at 11.42 am

**10 Public Speaking**

The Chair welcomed the four members of the public present who were members of the East Devon taxi trade. Mr George Shorter, Chair of the East Devon Taxi Association, Mr Gary Marles, Manager of AJ Taxis, Exmouth and Mr Adrian Phillips and Mr Stuart Phillips, Millstream Taxis, Honiton addressed the Committee and made the following points:

- A series of events had affected taxi drivers including Brexit and Covid which had resulted in the loss of drivers, with a large number of vacancies still remaining.
- Costs had risen significantly including the average fuel cost increase of 58%.
- Recruitment was difficult in part due to low rates of pay.
- A large percentage of drivers are nearing retirement age and the industry needs new drivers, otherwise numbers would decrease even more.
- A number of drivers only undertake contract work which means that not all licensed drivers are out working on taxi ranks.
- In contrast to previous years pre-Covid, customers were waiting at taxi ranks, when previously there would have been plenty of taxis waiting for customers.
- A rise in tariffs would make it easier to recruit and future rises needed to be index linked to take account of price rises.
- A proprietor of a taxi business had not taken a full wage during recent months in order to ensure staff were paid.
- The cost per mile needed to include dead mileage.

Responses to questions from Members of the Committee included the following:

- It was noted that not all licensed drivers are out driving.
- Independent operators have to be badged but may not be driving.
- Some drivers are only doing County Council work.
- Night working, dealing with drunken customers, is not appealing to drivers.
- It was noted that drivers are competing across the whole of Devon for County Council work.
- If work on the taxi rank was more viable, drivers would be less attracted to County Council contract work.
- Taxi companies' main concern is that they are not able to serve East Devon and cannot keep up with demand.
- Customers have been asking when taxi firms would be putting prices up as the majority of the public does not understand how fare pricing works.
- Taxis can choose to charge lower than the set meter rate and drivers do charge less for those regular customers who they know are experiencing hardship.
- Index linking is needed going forward to avoid the need to ask the Committee for further increases.
- Taxi firms also need to be able to future proof their businesses, including the possible need to switch to electric cars in coming years.
- Taxi companies acknowledged the need to support their vulnerable customers who are known to them, however, their support is not subsidised in the way other support such as free bus passes are subsidised.

11 **Minutes of the previous meeting**

The minutes of the previous meeting held on 20 July 2022 were agreed and signed as a correct record.

12 **Declarations of interest**

Minute 15. Report on Hackney Carriage fares.  
Councillor Paul Millar, Affects Non-registerable Interest, Councillor occasionally uses Hackney Carriages.

Minute 15. Report on Hackney Carriage fares.  
Councillor Steve Gazzard, Affects Non-registerable Interest, Councillor habitually uses Hackney Carriages.

The Chair advised that he had met with two of the public speakers prior to the meeting as a means of fact finding and confirmed that he had come to the meeting with an open mind.

13 **Matters of urgency**

There were no matters of urgency.

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

There were no confidential / exempt items.

15 **Report on Hackney Carriage fares**

The Licensing Manager thanked the taxi operators for attending the meeting.

Introducing his report, the Licensing Manager made the following points:

- The last time that a fare increase was discussed by the Committee, inflation had been at a very low level.
- Annual meetings with the taxi trade were being re-introduced.
- 2/3<sup>rd</sup>s of East Devon's taxi drivers are at retirement age.
- Contract work for Devon County Council was very different from working on the taxi rank.
- It was noted that North Devon has provision for an extra fuel charge, so that when fuel prices reach a certain threshold, an additional charge per journey can be made.
- Feedback from the 2020 consultation indicated that some of the taxi trade did not support an increase at that time as it would affect vulnerable customers.
- Taxis play an important role in public safety in rural areas and a balance of supporting the taxi trade and the general public who used taxis was needed.

In response to questions for the Licensing Manager from members, the following points were made:

- There is an option to set different rates for different tariffs eg. for day and night time tariffs.
- The booking fee is discretionary and generally used by companies at night and to cover dead mileage, and was not included as part of the request for a tariff increase.

Discussion by members and questions to the taxi operators included the following:

- It was difficult to say whether operators would continue to be in business if the increase was not agreed, although one operator who employs their own drivers were of the view that their business would not be able to continue.
- Most of the business is day time as operators are finding it difficult to get drivers to work at night.
- In order to calculate when the fuel price surcharge should come into effect, North Devon used the monthly AA south west fuel costs. When fuel prices fall, the surcharge also falls back to previous levels. EDDC would monitor the AA south west fuel costs and would inform the drivers accordingly.

Should the tariff increase be agreed, officers would work up the rates set out in Appendix A in order to go out to consultation. It was agreed that the Licensing Committee meeting scheduled for 16<sup>th</sup> November 2022 would be postponed to enable the results of the consultation to be reported back to the Committee at a slightly later date.

### **RESOLVED**

That tariff 1 would increase by 15% and tariffs 2 and 3 would increase by 20% and that the fuel surcharge trigger of £1.75 per litre would come into effect with an additional 10p per journey charged when the monthly south west fuel price set by the AA increased by 10p above the trigger price.

## 16 **Report on Hackney Carriage and Private Hire Vehicles Ages**

The Licensing Manager introduced the report on Hackney Carriage and Private Hire Vehicle ages. It was noted that, during the Covid-19 pandemic, the age of vehicles had been temporarily extended to a maximum of five years. The report recommended that the Committee consider a further request from Hackney Carriage Vehicle licence holders to temporarily extend the maximum age for newly licensed vehicles to five years from the date of manufacture.

### **RESOLVED**

To temporarily extend the maximum age for newly licensed vehicles to five years from the date of manufacture until the Council's taxi policy is fully renewed in 2023.

### **Attendance List**

#### **Councillors present:**

J Whibley (Chair)  
K Bloxham (Vice-Chair)  
M Chapman  
O Davey  
A Dent  
S Gazzard  
P Millar  
B Taylor  
T Wright

#### **Councillors also present (for some or all the meeting)**

#### **Officers in attendance:**

Damian Hunter, Planning Solicitor  
Sarah Jenkins, Democratic Services Officer  
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Stephen Saunders, Licensing Manager

**Councillor apologies:**

- P Jarvis
- T Woodward

Chairman .....

Date: .....

**EAST DEVON DISTRICT COUNCIL**

**Minutes of the meeting of Audit and Governance Committee held at Council Chamber, Blackdown House, Honiton on 17 November 2022**

**Attendance list at end of document**

The meeting started at 2.30 pm and ended at 3.48 pm

**14 Public speaking**

Cllr Paul Millar ask Grant Thornton a question on purdah and how this was audited.

**15 Minutes of the previous meeting**

The minutes of the Audit and Governance Committee held on 28 July 2022 were confirmed as a true record.

**16 Declarations on interest**

None

**17 Matters of urgency**

There was one late report which is recorded at Minute 24.

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

None

**19 Internal Audit Plan Progress November 2022 (2022/23) - SWAP**

The report provided an update on the 2022/23 Internal Audit Plan as at end of October 2022.

**RESOLVED:**

that the progress made in delivery of the 2022/23 Internal Audit Plan be noted.

**20 EDDC Sector update - Grant Thornton**

The report provided the Committee with a summary of emerging national issues and developments that may be relevant to the council.

**RESOLVED:**

that the sector update be noted.

**21 EDDC Audit Plan 2021/22 - Grant Thornton**

The report provided an overview of the planned scope and timing of the statutory audit of the council for those charged with governance.

**RESOLVED:**

that the Audit Plan 2021/22 be noted.

22 **Partnership Review 2022**

Partnership information for the 2021/22 financial year until March 2022 was supplied to allow the Committee to monitor the status of EDDC's partnerships. This follows the year-end review of partnerships by responsible officers for 2021/22.

**RESOLVED:**

that the current status of EDDC's partnerships following the full partnership review undertaken in July 2022 be noted. The Committee requested whether LED should be added to the partnership register be looked into and that the register show which Councillors oversee each partnership.

23 **STRATA ICT Audit 2021/22 -DAP**

Strata Service Solutions had three founding partners (The Partners), East Devon District Council (EDDC), Exeter City Council (ECC) and Teignbridge District Council (TDC). The creation of Strata in 2014 represented an innovative approach that had positioned the Partners well as many Councils around the country increasingly look to enter similar partnership arrangements.

**RESOLVED:**

that the Strata ICT Audit 2021/22 be noted. The Committee asked that SWAP and DAP discuss with each other whose responsibilities' were whose to ensure there was complete internal audit coverage.

24 **Review of the Local Code of Corporate Governance**

The Strategic Lead Governance and Licensing & Monitoring Officer explained that the Council's Code of Corporate Governance, which sets out the council's overarching approach to its corporate governance arrangements was due for review. It was a requirement of the Constitution that Cabinet consult with Audit & Governance in relation to the approval, implementation and monitoring of the Code of Corporate Governance.

**RESOLVED:**

that the Committee recommend to Cabinet that the current Local Code of Corporate Governance should continue without amendment and be reviewed again in two years' time, unless circumstances require an earlier review.

25 **RIPA update**

The RIPA Senior Responsible Officer advised that there had been no requests for RIPA authorisation since the last committee.

26 **Audit and Governance Forward Plan**

Members noted the contents of the Committee Forward Plan for 2022/23.

Items to be considered at the January 2023 committee included:

- Internal Audit Activity – Quarter 3 2021/22
- Audit Committee update
- Audit Findings Report

- Statement of Accounts including Governance Statement 2020/21
- Risk Management review – half year review
- Review of the Anti-Fraud Theft and Corruption Policy, Anti-Bribery Policy and Whistleblowing Policy
- RIPA update

**Attendance List**

**Councillors present:**

S Hawkins (Chair)  
P Millar  
T Woodward

**Councillors also present (for some or all the meeting)**

P Arnott  
J Rowland

**Officers in attendance:**

Amanda Coombes, Democratic Services Officer  
Simon Davey, Strategic Lead Finance  
Beth AC Garner, Grant Thornton  
Henry Gordon Lennox, Strategic Lead Governance and Licensing (and Monitoring Officer)  
John Symes, Finance Manager  
Alastair Woodland, SWAP  
Craig Moodie, DAP

**Councillor apologies:**

D Barrow  
C Brown  
S Gazzard  
R Lawrence  
P Twiss

Chair .....

Date: .....

**EAST DEVON DISTRICT COUNCIL****Minutes of the meeting of Personnel Committee held at Council Chamber, Blackdown House, Honiton on 28 November 2022****Attendance list at end of document**

The meeting started at 10.02 am and ended at 11.18 am

**48 Public speaking**

None.

**49 Minutes of the previous meeting**

The minutes of the previous meeting held on 19 May 2022 were confirmed as a true record.

**50 Declarations of interest**

Minute 57 District and Parish Council Elections – scale of fees  
Councillor Paul Hayward, Affects Non-registerable Interest; employed by Town and Parish councils.

**51 Matters of urgency**

None.

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

None.

**53 Review Reward update**

The Committee received an update on the progress of the changes to the Council's grade and pay rates, known as the "Reward Review".

The report included the revised pay and grading structure, which reflected the Real Living Wage, and took account of the 2022/23 NJC Pay Award. The variations in policy would come into effect from 1 January 2023.

Work was ongoing with a small number of staff who were identified as being adversely affected by the proposals, with the progression of actions to resolve these by means of job evaluation review, new market supplements or pay protection.

The impact of the Reward Review will be measured through the regular people data reporting to the Committee and to the Senior Management Team. Particular focus will be on turnover and vacancy rates, and feedback from staff will also be sought. Other measures, such as a new recruitment video launch, and exploring an improved staff benefits officer, will run alongside the monitoring.

Comments from the Committee included:

- Positive comments on the recent recruitment video

- Low feedback from staff during the consultation period demonstrated comfort from the majority
- Welcomed steps to assist those adversely affected
- Thanks and appreciation for the vast work involved in bringing this work to the point of implementation
- Welcomed inclusion of the Real Living Wage
- Increase in pay made working for the authority more attractive for recruitment.

**RESOLVED** that the revised pay and grading structure and the next steps, including the methods to be used to evaluate impact, be noted.

#### 54 **Monitoring Officer recruitment**

The committee considered the report of the Chief Executive, setting out the proposed recruitment arrangements and the requirements for selection. The Committee were asked to nominate members for the Interviewing Sub Committee, which was a requirement for the appointment of this statutory role. The Sub Committee would then recommend to Council, who would make the final appointment.

Aspects of the process were clarified for the committee, including the short listing process, and isometric testing. The interim arrangements were also welcomed. The Committee wanted to record their thanks to the outgoing Monitoring Officer for his service.

The committee were assured that the recruitment process, despite the difficulties expected by the consultants, would help deliver the best quality of candidates for the role. The revised job title and the recent agreed pay increase would also be included in the advertisement of the role.

The Chair advised that group members should carefully consider those members of the Personnel Committee best suited to the Interviewing Sub Committee, and advise the Chief Executive of that choice. The Committee agreed that the Interviewing Sub Committee should be chaired by the Chair of the Personnel Committee.

**RESOLVED** that the Committee:

1. Note the recruitment process to date, including use of an executive search agency to support this;
2. Confirm the requirement to convene the Interviewing Sub Committee (chaired by the Chair of Personnel Committee) as part of the recruitment and selection process and nominate members from the Personnel Committee to undertake this role.

**RECOMMENDED to Council** that the interim arrangements for the role of Monitoring Officer be approved.

#### 55 **HR Policies Review to reflect Chief Officer Conditions of Service Model Procedures**

The HR Manager presented her report that set out the proposed changes to relevant HR policy, and consequential changes to the Constitution, to reflect the model procedures set out in the Joint Negotiating Committee for Chief Officer and Chief Executive conditions of service handbooks. This reflected the recommendations of the East of England Local Government Association's Learning Review.

The Vice Chair reflected that the updates took account of good practice and national guidelines, and supported the changes.

The Leader requested that a personal comment be recorded that he considered that the EELGA Learning Review should have interviewed all three of the stipulated consultees, rather than just the two who were actually consulted.

**RESOLVED** that the changes to HR policies and procedures, as set out in the report, are agreed.

**RECOMMENDED to COUNCIL**

That the Constitution be amended to reflect the consequential changes to those HR policies and procedures agreed by Personnel Committee on 28 November 2022.

56 **People Data Monthly Report**

The Committee received their update report on People Data. Sickness absence was highlighted as showing an increase, contributed to levels of Covid cases again, and an increase in cases relating to mental health. Work continues to help those staff, as well as help maintain the wellbeing of staff still in work, through the initiatives in place.

A suggestion was put forward to set a more aspirational target for filling vacancies; discussion took place on the measures in place to keep this below the standard 100 days, however factors such as periods of notice were out of the control of the authority. The Committee were reminded that monitoring of the Key Performance Indicators was regularly reported to the Scrutiny Committee.

**RESOLVED** to endorse the content of the report.

57 **District and Parish Council Elections - Scale of Fees**

The Chief Executive presented his report outlining the response to the report of the internal auditors into Election Expenditure, namely a revised scale of fees for the 2023 elections and publication of the scale on the Council's website.

His report also sought agreement to recommend to Council an enhanced level of payment to Presiding Officers Poll Clerks and Count Staff. He outlined his experience of increased difficulty in recruiting election staff over recent years, the report setting out some of the factors that had led to this difficulty.

The Committee raised questions on the protection of election staff from confrontation or verbal abuse in polling stations. There was an acknowledgement that the role had increased pressure because of legislative changes requiring identification for voters. Selection of Presiding Officers was carefully made, as well as training provided to help provide those officers with the knowledge of their rights, and means of contact for assistance if required.

The Committee also raised the behaviour of tellers outside of polling stations, which could be over enthusiastic at times; again, the Chief Executive confirmed that the training to Presiding Officers included information about what tellers could undertake; and candidates and agents were encouraged to fully brief their tellers about what was acceptable.

In response to a question about a shortfall of election staff, the Committee were reassured that there were a number of interventions in place to deliver the election process; however, the level of commitment by individuals had diminished over the years. A level of pay that reflected the importance of the work, and the unsocial hours associated with the work, would go some way to resolve that.

**RECOMMENDED to COUNCIL**

1. That the updated Scale of Fees set out in Appendix 2 of the report be approved and that when approved, the Scale of Fees is published on the Council's website;
2. That an enhanced level of payment to Presiding Officers, Poll Clerks and Count Staff as set out in the report, be approved.

**Attendance List**

**Councillors present:**

K Blakey  
B De Saram  
P Hayward  
J Loudoun  
N Hookway  
E Wragg

**Councillors also present (for some or all the meeting)**

None

**Officers in attendance:**

Joanna Fellows, Corporate HR Manager  
Debbie Meakin, Democratic Services Officer  
Mark Williams, Chief Executive

**Councillor apologies:**

M Allen  
M Armstrong  
D Bickley  
I Hall

Chair .....

Date: .....

Report to: Council



Date of Meeting 7<sup>th</sup> December 2022

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## Changes to governance arrangements

### Report summary:

Following the change to the Audit and Governance Committee membership at the last meeting with the then appointed Vice Chair no longer being a member there is a need to elect a new Vice Chair of the Audit and Governance Committee. The Democratic Alliance Group would also like to change the Chair of the Strategic Planning Committee. This report requests that Council agree the proposed changes.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

#### Council agree that;

1. The Chair of the Strategic Planning Committee shall be Cllr Dan Ledger;
2. The Vice Chair of the Audit & Governance committee shall be Cllr Tony Woodward.

### Reason for recommendation:

To ensure that the Council's governance arrangements are up to date and appropriate.

Officer: Henry Gordon Lennox, Monitoring Officer

#### Portfolio(s) (check which apply):

- Climate Action and Emergencies
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Culture, Tourism, Leisure and Sport
- Democracy and Transparency
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities

**Equalities impact** Low Impact

**Climate change** Low Impact

**Risk:** Low Risk;

**Links to background information** None.

**Link to [Council Plan:](#)**

Priorities (check which apply)

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

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**Financial implications:**

No financial implications identified.

**Legal implications:**

There are no legal implications requiring comment.