

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Cabinet held at Council Chamber, Blackdown House, Honiton on 31 January 2024

Attendance list at end of document

The meeting started at 6.00 pm and ended at 8.15 pm

124 Minutes of the previous meeting

The minutes of the previous meeting of Cabinet held on 3 January 2024 were agreed.

125 Declarations of interest

Min 132. Council Tax Charges for Second homes and Empty properties.
Councillor Ian Barlow, Affects Non-registerable Interest, Owns rental properties within the District.

Min 132. Council Tax Charges for Second homes and Empty properties.
Councillor Mike Howe, Affects Non-registerable Interest, Owns two rental properties within the District.

Min 136. Gypsy and Traveller Site Provision at Cranbrook.
Councillor Paula Fernley, Affects Non-registerable Interest, Site is within her Ward.

Min 138. Exmouth Motorhome Parking & Extension of Estuary Long Stay Car Parking area.
Councillor Brian Bailey, Affects Non-registerable Interest, Ward Member and Exmouth Town Councillor.

Min 138. Exmouth Motorhome Parking & Extension of Estuary Long Stay Car Parking area.
Councillor Matt Hall, Affects Non-registerable Interest, Exmouth Town Councillor.

Min 138. Exmouth Motorhome Parking & Extension of Estuary Long Stay Car Parking area.
Councillor Nick Hookway, Affects Non-registerable Interest, Exmouth Town Councillor.

Min 138. Exmouth Motorhome Parking & Extension of Estuary Long Stay Car Parking area.
Councillor Olly Davey, Affects Non-registerable Interest, Exmouth Town Councillor.

Min 138. Exmouth Motorhome Parking & Extension of Estuary Long Stay Car Parking area.
Councillor Paula Fernley, Affects Non-registerable Interest, Member of the Caravan and Camping Club.

Min 138. Exmouth Motorhome Parking & Extension of Estuary Long Stay Car Parking area.
Councillor Tim Dumper, Affects Non-registerable Interest, EDDC representative for HATOC and Chair of Exmouth Transport Partnership.

126 **Public speaking**

Robert Kathro, an Exmouth resident spoke on the item Exmouth Motorhome Parking & Extension of Estuary Long Stay Car Parking area. He stated his observations on transparency and democracy and regretted that the Exmouth Town Council Campervan TaFF had been difficult to engage with. He said the scope had been redefined and made publicly recently, some years after it had convened. The TaFF appeared to be, from the meetings he had attended, in favour of camping but was not accessibly to the public. He felt Exmouth Town Council and EDDC would do what they wanted regardless, although this may not be their intention. He stated the problem was unique to Exmouth. He said he had spoken to 47 residents who were not aware of the proposal brought forward on the agenda and none were in support of it, he felt this was a lack of communication.

He said there needed to be a decision on whether the proposals were for camping or the use of UK Aires network, these were two different forms of camping, but both meant a change of use in the car park. He was concerned that without access control to the foul and waste point, this could be used by vehicles that had not paid and potentially leading to more people coming to Exmouth to empty their toilets. This would be the only foul and waste point in England.

127 **Matters of urgency**

There are two late items recorded at Minutes 129 and 131.

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

There were none.

129 **Minutes of the joint budget meeting of the Overview and Scrutiny Committees held on 11 January 2024**

Members agreed to note the Minutes and recommendations of the joint budget meeting of the Overview and Scrutiny Committees held on 11 January 2024, once the item had been discussed in more detail at the agenda item 'Revenue and Capital Budgets 2024/25' recorded at Minute 133.

Minute 59 Draft Revenue and Capital Budgets 2024-2025

1. The joint Overview and Scrutiny Committees recommend the draft Revenue and Capital budgets 2024 – 25 to Cabinet for adoption, with the following amendments to be considered:
 - a) The creation of a budget-line for planning appeals within the Planning budget
 - b) The inclusion in 2024 – 25 of a budget for beach matting at Beer, Budleigh and Sidmouth.
2. That the Service Plans considered during the meeting of the joint committees on 11th January 2024 are recommended to Cabinet, having regard to the comments made by members as follows:
 - a) The inclusion of the Cranbrook Town Centre Masterplan in the Planning Strategy.

130 **Minutes of LED Monitoring Forum held on 16 January 2024**

Members agreed to note the Minutes and recommendations of the LED Monitoring Forum held on 16 January 2024.

Minute 37 LED Monitoring Forum Terms of Reference update

The following changes to the Terms of Reference for the Forum:

1. The removal of the Portfolio Holder for Coast, Country and Environment and the inclusion of the Portfolio Holder for Culture, Leisure, Sport and Tourism as one of the identified Portfolio Holders within the membership of the Forum.
2. To change the name of the Forum to the Leisure Strategy Delivery Forum.
3. To update the Terms of Reference to reflect the changes in Officers job titles.
4. To formally note within the revised Terms of Reference that the Chair will be appointed at Annual Council.
5. To formally note within the revised Terms of Reference the quorum for the Forum of 4 Members.
6. To formally note within the revised Terms of Reference that the Forum will meet on a quarterly basis, with extra meetings where reasonably required to deal with urgent matters.
7. To note within the revised Terms of Reference that the Forum will have oversight of the Council's wider leisure strategy work as well as providing guidance and scrutiny of the Council's relationship and contract with LED.

Minute 38 LED service management fee and SLA 2024

That the Council's draft budget remains unaltered at £1,463,924 until a detailed breakdown of the LED service fee payment request is received by the Forum, accompanied by officers' recommendations having undertaken appropriate due diligence. This may require an additional budget being agreed at a later stage in the year.

Minute 39 BSCAP 7th Dec 2023 referrals to LED Monitoring Forum - supported in principle but referred to the LED Monitoring Forum for further consideration before recommending for inclusion in the Capital Programme

That the following bids be included in the Capital Programme:

- a. Exmouth Pavilion Flytower and Auditorium works for £335,100 in 2024/25 and £444,900 in 2025/26
- b. Exmouth Pavilion Roof works for £5,000 in 2024/25 and £504,000 in 2025/26
- c. East Devon Tennis Centre Roof works for £791,095 in 2024/25 and £21,405 in 2025/26.

131 **Minutes of Housing Review Board held on 25 January 2024**

Members agreed to note the Minutes and recommendations of the Housing Review Board held on 25 January 2024.

Minute 43 Gas and fire safety policies

that Cabinet recommend to Council the approval of the amendments to the gas safety policy and the fire safety policy for housing service properties.

Minute 44 Resident involvement strategy

1. that Cabinet note the report and agree that the Resident Involvement Strategy can now go to open public consultation.

2. that Cabinet approve the Resident Involvement Strategy for the next three years in the event that no significant changes are made as a result of the public consultation. (Housing commit to bring the strategy back to the Housing Review Board should significant changes be made as a result of said consultation).

Minute 45 Housing Review Board annual budget report

that Cabinet approve and recommend to Council the draft Housing Revenue Account revenue and capital estimates, including the proposed rent increases for 2024/25.

Minute 47 Asset management strategy

1. that Cabinet approve the appointment of a consultant, if required, to develop the Asset Management Strategy.
2. that Cabinet recommends to Council the approval of an additional budget in the sum of £50,000 to fund this appointment.
3. that delegated authority be given to the Assistant Director of Housing (Housing Tenancy Services) to agree a fee with this consultant, not exceeding £50,000.

Minute 48 Housing Service Plan

that Cabinet approve the Housing Service Plan.

Minute 50 Housing Task Force update

- 1) that Cabinet note the revised Housing Strategy, Enabling and Projects team structure.
- 2) that Cabinet note the progress to date and future direction of the new Housing Strategy, Enabling and Projects team.
- 3) that Cabinet note the development of a new Housing Strategy and Housing Investment and Delivery Plan.
- 4) that Cabinet approve the creation of the Senior Surveyor post within the Housing Task Force on a permanent basis as set out in the report.
- 5) that Cabinet recommends to Council, the approval of additional budget in the sum of £74,000 to fund the Senior Surveyor post within the Housing Task Force.

132 Council Tax Charges for Second homes and Empty properties

The report set out changes in the premiums for Empty and Second Homes following the implementation of the new Levelling Up and Regeneration Act 2023 and what this meant for East Devon District Council.

Council had previously considered this matter and did agree to implement changes on the basis that the Levelling Up and Regeneration Act would have become law prior to 31 March 2023. This would have allowed for changes in the premiums to be implemented from April 2023 for empty homes and April 2024 for second homes. As the bill did not receive Royal Assent until 26 October 2023, this matter was now brought back to Members for consideration and approval which would take effect a year later than previously reported; Empty Homes from April 2024 Second Homes from April 2025.

The report sought agreement to ring fence the additional funding to support the challenges over Housing in the District.

RECOMMENDED to Council:

1. The application of the current premium of 100% for all dwellings which are unoccupied and substantially unfurnished (empty dwellings) from a period of one year with effect from 1 April 2024 unless subject to an exception introduced by government.

2. The application of a premium of 100% for all dwellings which are unoccupied but substantially furnished (second homes) from 1 April 2025 unless subject to an exception introduced by government; and
3. The Assistant Director responsible for Council Tax is given delegated powers to implement the changes in line with the Council's requirements and any guidance given by the Secretary of State or by regulation.
4. To agree to the principle that the additional funds generated by the changes to second homes Council Tax premiums is ring fenced across the Devon wide system of preceptors to address the housing challenges.
5. Subject to recommendation 4 the Council agrees to ringfence the additional income attributable to East Devon District Council's proportion of the Council Tax charge (as referenced in section 9) to address the housing challenges.
6. Subject to recommendation 5 being approved the Council will review the decision to ringfence the funding in 2029 (4 years from when the premium starts).

REASON:

The change in policy was primarily designed to encourage taxpayers to use premises as their main residence or allow others to use it as a main residence. It was hoped that this change would allow more empty dwellings and unoccupied dwellings to be brought back into use for the local community. Should the primary purpose not achieve these aims then the additional premiums being levied would result in additional funding to the collection fund which was collected on behalf of preceptors. The recommendation was for Members to agree to the principle that this additional funding should be ringfenced across the Devon wide system of preceptors to addressing housing challenges as set out in part 2 of the report.

133 Revenue and Capital Budgets 2024/25

The Director of Finance and Finance Manager report reminded members that Cabinet adopted the draft Revenue and Capital Budgets for 2024/25 at its meeting on 3rd January 2024. Since then, a joint meeting of the Overview and Scrutiny Committees had reviewed those budgets and the Housing Review Board considered the Housing Revenue Account budget.

As part of the Prudential Code for Capital Finance in Local Authorities the Council was required to set prudential indicators as part of its budget setting process, these indicators were detailed in the Treasury Management Strategy 2024/25 – Minimum Revenue Provision Policy Statement and Annual Investment Strategy which was included on the agenda. They reflect the proposals and details in the report. Alongside the Treasury Management Strategy sits the Capital Strategy which was also contained on this agenda for adoption.

Discussions included the following:

- The budget-line for planning appeals would help the Planning Committee should there be any concerns over costs
- Any budget for planning appeals should not influence the decision for appeal, this was done on merit of application only
- This was just a budget-line with costs being covered by existing budgets

The Chair thanked the joint Overview and Scrutiny Committees for their useful input in this matter. The Chair of Scrutiny thanked officers for their positivity into the joint budget meeting which he stated was very worthwhile. The Portfolio Holder Coast, Country and Environment thanked the Overview and Scrutiny joint budget Committees for the inclusion of beach matting in Sidmouth and hoped this was start for further mobility beach access across the district.

RECOMMENDED to Council:

1. To propose the Net Expenditure Revenue General Fund Budget for 2024/25 of £23.582m (as detailed in the report) and to transfer £0.5m into the General Fund Balance for the specific risks identified in the budget report to Cabinet on 3rd January (LED service payment and Recycling and Waste Contract)
2. A Council Tax increase is approved of £5 a year giving a Band D council tax of £166.78 a year for 2024/25.
3. That the Housing Revenue Account Estimates with a net budget of nil (total expenditure met by income) is approved with a 7.7% increase on Council dwellings rents.
4. a. The creation of a budget-line for planning appeals within the Planning budget, and
b. The inclusion in 2024 – 25 of a budget for beach matting at Beer, Budleigh and Sidmouth.
5. The inclusion of the Cranbrook Town Centre Masterplan in the Planning Strategy.
6. That the Net Capital Budget totalling £15.556m for 2024/25 is approved.

REASON

There was a requirement for the Council to set a balanced budget for both the General Fund and Housing Revenue Account and to levy a Council Tax for 2024/25.

134 **Capital Strategy 2024/25 - 2027/28**

The Capital Strategy formed part of the annual budget setting approval process. The document drew together various adopted strategies and agreed process of the Council that govern how the Council manages capital expenditure and investment decisions.

Decisions made this year on capital and treasury management would have financial consequences for the Council for many years to come. They were therefore subject to both a national regulatory framework and a local policy framework, summarised in the strategy with further details available in the relevant supporting documents.

The Capital Strategy was a key document, it provided a high-level overview of how capital expenditure, capital financing and treasury management activity contribute to the delivery of desired outcomes. It also provided an overview of how associated risk was managed and the implications for future financial sustainability. It included an overview of the governance processes for approval and monitoring of capital expenditure.

RECOMMENDED to Council:

That Council agree the adoption of the Capital Strategy 2024/25 – 2027/28.

REASON

In order to comply with good practice there was a requirement for the Council to have in place an adopted Capital Strategy.

135 **Treasury Management, including the Minimum Revenue Provision Policy Statement and Annual Investment Strategy for 2024/25**

The Chartered Institute of Public Finance and Accountancy (CIPFA) produced a Code of Practice for treasury management for Public Services. One of the main

recommendations of the code was the requirement for an annual Treasury Management Strategy to be adopted formally by the Council. There was also a requirement to set prudential indicators relating to all treasury activities that the authority would be undertaking in the forthcoming financial year.

RECOMMENDED to Council:

1. Council adopts the Treasury Management Strategy including the Prudential Indicators for 2024/25.
2. Council approves the Minimum Revenue Provision Policy Statement.
3. Council approves the Annual Investment Strategy, creditworthiness criteria and updated list of counterparties.

REASON

The Council was required to adopt formally a Treasury Management Strategy and set prudential indicators before the beginning of the new financial year.

136 **Gypsy and Traveller Site Provision at Cranbrook**

At the start of the month and in response to the Cabinet report that was considered as an urgent item on 3 January 2024, Members resolved to endorse the proposed approach whereby the Council would take the transfer of the 10 Gypsy and Traveller pitches at Cobdens, as fully laid out and serviced pitches but with a delayed trigger for offsite financial contributions from excess housing.

The remaining five pitches within the total Cranbrook allocation of 15 and which were not addressed in the earlier report, fall within the Treasbeare expansion area. The applicants for this site had now indicated their agreement to the same principles being applied and therefore Members endorsement for the approach to be taken across these remaining five pitches was now sought.

RESOLVED:

That Members endorse the proposed approach to the delivery of the remaining five gypsy and traveller pitches at Cranbrook, and give delegated authority to the Assistant Director – Planning Strategy and Development Management to agree the detailed wording of the S106 agreement in relation to this issue in line with the heads of terms set out in the report.

REASON

To ensure the timely delivery of gypsy and traveller pitches and the future operation of them by the Council for the benefit of the gypsy and traveller community.

137 **Safeguarding Policy Review**

As part of EDDC's commitment to raising safeguarding standards, it has reviewed its Safeguarding Policy. The council has taken the Devon Districts' Safeguarding Policy pro-forma as an overarching framework and included some additional requirements to the original policy specific to EDDC. The wider policy covers children and vulnerable adults in one high level statement and incorporates modern slavery and counter terrorism. The EDDC Safeguarding policy now covers all staff, councillors, other workers, and volunteers of EDDC.

RESOLVED:

1. To adopt and implement the updated East Devon District Council Safeguarding Policy, with any external or internal referrals going directly to the Director of Housing, Health &

Environment as the Safeguarding Lead Officer. Referrals concerning councillors would then be referred to the Monitoring Officer and referrals concerning staff to the Corporate HR Manager.

RECOMMENDED to Council:

2. For approval of additional funding of £3,000 for requesting Disclosure Barring Service checks for Councillors.

REASON

To ensure that we have a 'fit for purpose' safeguarding policy in place for the organisation.

138 **Exmouth Motorhome Parking & Extension of Estuary Long Stay Car Parking area**

The report presented a summary of considerations of the Exmouth Motorhome Task and Finish Forum containing a recommended phased approach to improving the overnight stopover offer in the area.

Discussions included the following:

- Concern over the loss of coach and lorry parking spaces.
- The need to keep coach parking spaces within the town especially during the summer months, visitors arriving by coach provided a good income to the town.
- Maer Road Car Park was not appropriate for campervans, in particular the use of Littleham Brook and possible chemical waste being dumped in it.
- Concern from residents to the changes to the car park.
- The £11 overnight parking charge for campervans should be increased to £15.
- The need for proper analysis and who would be monitoring any overnight stays.
- The concerns for the parking as a whole in Exmouth needed urgently addressing.
- The public being made aware of what committee, forum or group they were able to contribute to.
- The reason for immediate increased demand at the Estuary car park was the implementation by DCC of Residents only parking in central areas.
- A request to defer the decision on creating 86 new car parking spaces until the planned review of the Resident Parking scheme had been completed, scheduled for April 2024.
- Request that DCC Highways and EDDC collaborate on future parking issues before implementing schemes likely to have wider effects, with one council being responsible for on-street parking, the other with off street car parks etc.

Cabinet agreed to defer the approval of all but one of the phase one recommendations of the Exmouth Motorhome Task & Finish group, until the meeting of Cabinet to be held on 27 March 2024. In which time the Parking Strategy group as well as the Placemaking in Exmouth Town and Seafront Group would have met to discuss the matter further.

RESOLVED:

To convert the coach parking area within Estuary Long Stay Car Park to parking for cars, creating 86 additional spaces to help meet the increased demand for long stay parking in this part of Exmouth town.

REASON

Since the dedicated motorhome parking area on the site of Estuary Coach and Lorry Park was envisaged in 2019, demand for car parking in Exmouth has increased significantly and the two car parks along the south-eastern coastline which currently allow overnight stopovers for motorhomes have become popular and well established.

The dedicated Task & Finish group considered the potential for creating a new overnight parking area within Foxholes car park but concluded that enhancing the current overnight offer in the existing car parks and freeing up Estuary Coach Park for alternative parking was the preferred way forward. The proposed recommendations had been split into two phases, separating those that were achievable within the short term, and those that would require further consideration, including planning advice and wider public consultation.

139 **Elections support**

The Monitoring Officer's report asked Cabinet to agree a supplementary budget of up to £15K to be met from the Transformation Reserve, to be utilised to procure some additional Elections support if required for the Police and Crime Commissioner election and General Election.

RESOLVED:

1. delegated authority be given to the Returning Officer to procure some additional support to assist the Elections team (as required) in the run up to the Police and Crime Commissioner Election and the General Election.

RECOMMENDED to Council:

2. that a supplementary budget is agreed of up to £15K to meet from the Transformation reserve to cover the cost of such support.

REASON

To provide additional support to the Elections team for the 2024/25 election(s).

The Chair made the following statement:

'I am pleased to report that I have been advised by officers that the decision has been made under delegated powers that Seaton Hospital should be listed as a community asset and be added to the Council's list of successfully nominated Assets of Community Value. The impact of this is that if the asset comes up for sale, then the community will be given a fair chance to make a bid to buy it on the open market. There is a right to an internal review of that decision, and potentially a right of appeal to an independent tribunal. However, it is positive to note that the decision has been made to list it as a community asset.'

140 **Calendar of meetings 2024/2025**

To consider the calendar of meetings for the Council's 2024/2025 civic year.

RECOMMENDED to Council:

that the calendar of meetings timetable for 2024/2025 civic year be referred for approval to the annual meeting of the Council.

RESOLVED

that the 2024 Annual Council meeting be held on Wednesday 8 May.

REASON

Adopting an annual calendar of meetings was to meet the legal requirement to hold an Annual Meeting, and such other meetings as were necessary for the conduct of the Council's business in accordance with its Constitution.

Attendance List

Present:

Portfolio Holders

G Jung	Portfolio Holder Coast, Country and Environment
D Ledger	Portfolio Holder Sustainable Homes & Communities
M Hall	Portfolio Holder Economy
O Davey	Portfolio Holder Strategic Planning
S Jackson	Portfolio Holder Communications and Democracy
J Loudoun	Portfolio Holder Council and Corporate Co-ordination
N Hookway	Portfolio Holder Culture, Leisure, Sport and Tourism
P Arnott	Leader of the Council
P Hayward	Deputy Leader and Portfolio Holder Finance (Assets)

Cabinet apologies:

M Rixson	Portfolio Holder Climate Action & Emergency Response
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Also present (for some or all the meeting)

Councillor Brian Bailey
Councillor Ian Barlow
Councillor Kevin Blakey
Councillor Kim Bloxham
Councillor Colin Brown
Councillor Jenny Brown
Councillor Roy Collins
Councillor Tim Dumper
Councillor Peter Faithfull
Councillor Paula Fernley
Councillor Steve Gazzard
Councillor Mike Goodman
Councillor Sam Hawkins
Councillor Mike Howe
Councillor Richard Jefferies
Councillor Todd Olive

Also present:

Officers:

Matthew Blythe, Assistant Director Environmental Health
Amanda Coombes, Democratic Services Officer
Simon Davey, Director of Finance
Tracy Hendren, Director of Housing, Health and Environment
Andrew Hopkins, Corporate Lead - Communications, Digital Services and Engagement
John Symes, Finance Manager
Melanie Wellman, Director of Governance & Licensing (Monitoring Officer)
David Whelan, Anti-Social Behaviour & Community Safety Co-Ordinator

Chair

Date: