

**Agenda for Cabinet
Wednesday, 28th October, 2020, 6.00 pm**



Members of Cabinet

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

East Devon District Council
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Venue: Online via the Zoom app.

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(or group number 01395 517546)
Tuesday, 20 October 2020

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

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

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

1 Public speaking

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

2 Minutes of the previous meeting (Pages 4 - 11)

3 Apologies

4 Declarations of interest

Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)

5 Matters of urgency

Information on [matters of urgency](#) is available online

6 Confidential/exempt item(s)

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

- 7 Forward Plan (Pages 12 - 13)
- 8 Minutes of the Housing Company Task and Finish Forum held on 8 October 2020 (Pages 14 - 18)
- 9 Minutes of Scrutiny Committee held on 10 September 2020 (Pages 19 - 22)
- 10 Minutes of STRATA Joint Executive Committee held on 22 September 2020 (Pages 23 - 62)

Matters for Decision

- 11 **Covid-19 Economic Response and Recovery** (Pages 63 - 85)
An overview of the impact of the Covid-19 pandemic on the economy of the District, the initiatives that have been undertaken to mitigate this and those that are planned to support to recovery.
- 12 **Exmouth Tidal Defence Scheme Flood Gate Operations** (Pages 86 - 93)
To supersede the report to Cabinet on 9 November 2016, to now permit East Devon District Council to operate the highways flood gates, and sign up to a 3rd party agreement to allow community volunteers to close non-highways flood gates.
- 13 **Complaints to the Ombudsman during 2019/20** (Pages 94 - 97)
This report provides information on complaints referred to and decided by the Local Government and Housing Ombudsman during 2019/20.
- 14 **Response to the Farringdon Neighbourhood Plan Submission** (Pages 98 - 110)
The purpose of the report is to formally agree the response by this Council to the submission consultation for the Farringdon Neighbourhood Plan.
- 15 **Homelessness Strategy update** (Pages 111 - 117)
To provide an update on the Council's Homelessness Strategy and provide a review of levels of homelessness in the district and to address staffing requirements within the Housing Options team.
- 16 **Seaton Jurassic Phase 2 and Seaton Wetlands Link Project** (Pages 118 - 137)
This report sets out proposals for a new landscaping and interpretation project focussing on the themes of wildlife, nature and climate change that will form a second phase to Seaton Jurassic.
- 17 **Sideshore, Exmouth - Community Interest Company** (Pages 138 - 140)
The purpose of this report is to secure approval for signing legal and financial documents in the capacity as a Member (shareholder) of the Community Interest Company (CIC).

18 **Honiton Swimming Pool - options for the refurbishment and internal alterations** (Pages 141 - 147)

To advise of the identified options in respect of the Refurbishment and internal alterations to the reception, changing rooms and other associated areas at Honiton Swimming Pool.

19 **Poverty Working Panel**

A verbal summary of the initial discussions and ways forward of this newly formed Panel.

[Decision making and equalities](#)

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

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Cabinet held at Online via the Zoom app on 8 October 2020****Attendance list at end of document**

The meeting started at 3.00 pm and ended at 6.29 pm

213 Public speaking

There were no members of the public wishing to speak.

214 Minutes of the previous meeting held on 30 September 2020

Subject to Minute 211 being amended so that Resolution 2 becomes a Recommendation to Council the minutes of Cabinet held on 30 September 2020 were confirmed as a true record.

215 Declarations of interest

Minute 226 Newton Poppleford & Harpford Neighbourhood Plan Examiner's Report. Councillor Eileen Wragg, Personal, brother lives in Newton Poppleford.

Minute 226 Newton Poppleford & Harpford Neighbourhood Plan Examiner's Report. Councillor Paul Hayward, Personal, Clerk to the Parish Council who assisted in the creation of the Neighbourhood Plan.

Councillor Hayward said he was biased / predetermined and therefore would not be involved in the vote on the matter.

216 Confidential/exempt item(s)

There were no items identified in this way.

217 Financial Strategy 2021 - 2031

The Strategic Lead Finance presented the draft Financial Plan (2021-2031) for consideration. He stated the Plan ensured the financial stability of the Council as it continued to respond and recover from the Covid-19 pandemic. A 10-Year projection showed services as they were presently with no changes to additional services. He discussed in detail the MTFP over the next 3 years and recommended to set aside a £2m reserve to mitigate losses from central government from changes in business rates and the New Homes Bonus.

Discussions included the following:

- The Council's borrowing position had been reduced significantly from the selling of the Knowle; therefore no additional borrowing costs required based on the capital programme set out in the MTFP.
- The set aside £2m reserve would come from the 2019/20 General Fund outturn position giving us a high General Fund Balance at year end.
- £2m reserve allows the Council to buy time if required to consider their aims and objectives and sync this with the budget

- The need to look into revenue from car parks through the task and finish forums and costs of public toilets in order bring forward proposals to balance the 2021/22 budget.

The Portfolio Holder Finance and Members congratulated and thanked Simon Davey for his work, report and very clear explanation of the current and future financial position of the Council.

RECOMMENDED that Cabinet recommend to Council:

1. To approve the Financial Plan (2021-2031), and
2. to approve the proposals contained in the minutes of the Budget Strategy and Capital Allocation Panel to address the projected budget shortfall outlined in the Financial Plan.

REASON:

It was good practice in managing the finances of the Council to produce a Financial Plan looking at the future direction of the Council's budgets. To consider the implications of spending plans and the level of resources likely to be available. It was only by looking at the Council's budget over a longer period, that action could be taken that would influence the direction and shape of future service delivery within a balanced budget.

218 Revenue and Capital Outturn Report 2019 - 2020

The Finance Manager presented his report which stated that during 2019/20 budget monitoring reports had informed members of budget variations and the anticipated year-end financial position. The report contained the final position for the year and compared the outturn position against the budgets set. It outlined the implications of the results on the Council's reserves and made recommendations on any reserve transfers. The Council's Unaudited Accounts were issued on 17 August 2020 and published on the Council's website, it was anticipated the Audited Accounts would be issued prior to the amended publishing date 30 November 2020.

RECOMMENDED that Cabinet recommend to Council;

1. To agree the outturn position for 2019/20 including the implications and proposals relating to the Balances and Reserves held by the Council, and
2. specially agree that £2m was transferred from the General Fund Balance to create a new Reserve (MTFP Risk Reserve) and the General Fund Balance was then retained at £4.395m as detailed in 2.7 of the report.

REASON:

To report the outturn position for the Council's approved budgets for the General Fund, Housing Revenue Account and Capital Expenditure. The financial position aligned to the Council's Statement of Accounts but the position in the report was presented in a style that accords to the budget setting and monitoring reports that members receive. Members were asked to note the variations from the budgets identified within the report and consider the final position. It was appropriate at this stage to reflect on the reserves and balances held by the Council and determine if these were the right reserves at the right levels.

219 Financial Monitoring Report 2020/21

The Finance Manager gave a summary of the Council's overall financial position for 2020/21 at the end of month five (31 August 2020).

Current monitoring indicated that:

- The General Fund Balance was being maintained at or above the adopted level. A significant overspend against budget was predicted from a combination of additional expenditure and reduced income as result of Covid-19.

The overspend was being mitigated through additional Government Funding, including the recently announced income guarantee scheme, the healthy financial position of the General Fund Balance was as a result of 2019/20 Outturn position and steps taken by services. These factors had led to a change in position whereby it was now considered in year emergency action would not be required to address the shortfall if members were in agreement to using the General Fund Balance. The Balance still maintained within the adopted range, although at the lower end.

- The Housing Revenue Account Balance was being maintained at or above the adopted level.

There was a discussion concerning the disappointment to the Government's position on not recompensing charitable trusts that provide leisure services such as LED. A letter had been sent to East Devon's MP Simon Jupp but to date no response had been made. Leisure services were very important to the health and well-being of the district's residents and a follow-up to Mr Jupp for a response would be made.

RECOMMENDED to Council that:

1. Acknowledge the variances identified as part of the Revenue and Capital Monitoring process up to Month 5, and
2. agree to use the General Fund Balance to meet the in year net shortfall as result of Covid-19 currently estimated at £1.163m
3. agree as a matter of urgency, that a further letter be sent to the District's 3 MPs highlighting the situation regarding LED charitable trust and that the request be sought to lobby Government to a change to funding proposals for charitable trusts.

REASON:

The report updated the overall financial position of the Authority at set periods and included recommendations where corrective action was required for the remainder of the financial year.

220 **Test and Trace Support Payment Scheme**

The Portfolio Holder Finance introduced the report and explained that the Government published news of this scheme as late as 23 September 2020 for local authorities to go live with it on 12 October 2020. He wished to credit Libby Jarrett and her team for their tremendous efforts in getting the report prepared in such a short turnaround. He particularly praised Libby for her taking the lead across the 3 local authorities to gain a consistent approach within the region.

The Service Lead Revenues, Benefits and Customer Services Libby Jarrett, explained the Test and Trace Support Payments had been introduced by Central Government to encourage people on low incomes who would be financially impacted to self-isolate when they are required to do so. This in turn would help reduce the transmission of Covid-19 and avoid further social and economic restrictions. In answer to a question to how residents would know about the scheme, she explained that through the Track and Trace system any person having to self-isolate would get information on the scheme. The

Council's Communications team were also promoting this locally as well as on the Council's website. The Portfolio Holder Finance would receive regular monitoring reports.

RESOLVED that Cabinet:

1. Adopt the Test and Trace Support Payments Policies for both the standard (Appendix 2) and discretionary schemes (Appendix 3).
2. Grant delegated authority to the Council's S151 Officer in consultation with the Leader and Portfolio Holder for Finance to adjust the discretionary policy (Appendix 3) to take account of changes in government guidance or from experiences in administering the scheme that had not yet been identified or that might have been unable to be fully considered when developing the policy.
3. Monitor and review payments made, and if necessary, to lobby government via the District's local MPs for additional funding should the scheme funding be insufficient to support all affected residents.

REASON:

The Council needed to have in place a policy for implementing the Test and Trace Support Payment Scheme. Due to the limited amount of time to developing the schemes from receiving the guidance, it needed to be able to make provision to adjust the policy. This was to take account of experiences that might have not been able to be fully considered when developing the policy which included the level of funding for the discretionary scheme which would be a fixed amount.

221 **Member Champions**

The Portfolio Holder Democracy and Transparency presented the report that asked Members to consider the possibility of the reintroduction of a small number of Member Champions. He thanked Henry Gordon Lennox for his work and advice on this matter as well as Cllr Sarah Jackson for her invaluable advice. He thanked all councillors for their contribution and stated the roles were inter-linked and would be a great asset to the Council.

He went on to explain that the previous roles of the Lead Members system became unfit for purpose, was vague and overlapped with Cabinet members hence the need for a review. The results suggested a reduction in a number of positions to include four new Member Champions be created, and that

- Cllr Alan Dent be elected Armed Forces Champion
- Cllr Vicky Johns be appointed Sport & Exercise Champion
- Cllr Joe Whibley be appointed Culture Champion, and
- Cllr Tony Woodward be appointed Mental Health Champion

The Chairman thanked Cllr Paul Millar for this efforts and achievement in getting this review done so quickly.

RECOMMENDED to Council to:

1. Reintroduce Member Champions amend the Constitution as detailed in Appendix 2 and that the Member Champion areas of interest and appointees be made as detailed in paragraph 4.
2. Agree to receive a report following a further review the role of Member Champions prior to the Annual Meeting of Council in 2021.

REASON:

So Cabinet can decide whether to reintroduce Member Champions and, if so, to recommend changes to the Constitution to Council together with positions and appointees.

222 **Complaints to the Ombudsman during 2019/20**

This item would be discussed at the next meeting to be held on 28 October 2020.

223 **Protocol for Members Advisory Panels on Planning Matters update**

The Service Lead Planning Strategy and Development Management presented the report which sought to review the protocol for Members Advisory Panels on planning matters to ensure that the protocol was up to date and reflected good practice.

In 2007 the Council introduced a process known as the Members Advisory Panel to give a mechanism whereby Members could engage in pre-application discussions with developers looking to submit a planning application. The process was designed to give developers the benefit of input from Members at an early stage of their proposals to inform their thinking and minimise risk to them. From a Members perspective it gave them an opportunity to input into the proposals and ensure key concerns were understood by the developer and could help to influence the proposals at an early stage.

Discussions included the following:

- This would help Members going forward with clear conditions when meeting developers and landowners
- This should be suggested to Town and Parish Councils to consider adopting this protocol in their own planning procedures; therefore having a protocol for every level of the planning process.

The Portfolio Holder Democracy and Transparency thanked the Chairman for initiating this update and Ed Freeman for his report. He read out a quote from Transparency International UK:

'This protocol makes provision for transparency over engagement with developers throughout the entirety of the planning process, which is a key safeguard against the perception or reality of foul play.'

A change to the Member's Planning Advisory Group was decided to include other Portfolio Holders and Assistant Portfolio Holders as determined by the Chair of Advisory Panel to be appropriate.

RESOLVED that Cabinet:

1. in the membership list include the Portfolio Holder for Sustainable Homes and Communities and add 'as determined by the Chair of the Panel' to the sixth bullet point and adopt the proposed Protocol for Members Advisory Panels on Planning Matters and that this be published on the Council's web-site and used as the basis for all future meetings;
2. agree that the Council makes contact with the Town and Parish network to inform them about the Councils approach to Member Advisory Panels and suggest they adopt a similar approach.

RECOMMENDED that Council;

3. incorporate the Protocol for Member Advisory Panels on Planning Matters into the Constitution in the Code of Good Practice for Councillors and Officers Dealing With Planning Matters.

REASON:

To ensure that there was a clear and published protocol for Members Advisory Panel meetings.

224 **Leader's annual report on urgent executive decisions**

It was noted that there were no urgent key decisions taken in the last year.

RESOLVED that Cabinet:

note the report.

225 **Acquisition of Ocean Blue, The Esplanade, Exmouth - Process followed and business case for acquisition**

The Service Lead Place, Assets & Commercialisation presented this report that updated Members on the Council completion of the purchase of Ocean Blue on 4 March 2020; delivered in accordance with the adopted Commercial Investment Framework.

The investment opportunity was marketed in the summer 2018 and at a time prior to the Commercial Investment Framework being adopted. The Council's Deputy Chief Executive (in post), Leader and Portfolio Holders for Asset Management, Finance and Economy (at the time) supported an offer being made; subject to the usual due diligence and Council approvals. Once the Commercial Investment Framework was adopted in February 2019, the Council then followed the approach set out within.

There were discussions concerning rental income projections re the Covid-19 situation and that the Queen's Drive Delivery Group should be included in further discussions, with their Terms of Reference being used in schemes such as this. In answer to why it appeared to have taken 7 months for this acquisition to come to Cabinet the Chief Executive said that this was the only property the Council had required under the Commercial Investment Framework so there was always a learning process in anything new to take forward in the future and all steps taken seemed appropriate at the time.

Further discussions included the following:

- For good commercial reasons certain discussions could not have been made public
- Had Ocean Blue been considered for other uses?
- The need to talk the tenants to compliment other developments along Queen's Drive area
- The need to consult with local residents to what their wished for from the building
- A process was followed with ward members being brought in towards the end of negotiations
- Were in a privilege position as the ground lease owners which therefore enhanced its value
- The building was in a key and iconic position on the Exmouth seafront.

- Why were Members not told about the acquisition before the press release was sent out?
- The need for further discussion around the issues that had been raised.

RESOLVED that Cabinet:

Note the content of the report.

REASON:

to provide enhanced awareness of the detail behind the acquisition.

226

Newton Poppleford & Harpford Neighbourhood Plan Examiner's Report

The report provided feedback and set out proposed changes following the examination of the Newton Poppleford & Harpford Neighbourhood Plan. The independent examination of the Plan had now concluded and the final Examiner's report received. In accordance with the relevant legislation, the District Council must consider its response to the Examiner's recommendations and also satisfy itself that the Plan meets the necessary 'basic conditions'.

Due to the Covid-19 pandemic, the referendum would be delayed until after May 2021. However, the publishing of the decision notice itself would give the Plan 'significant weight' in the determination of planning applications in the Newton Poppleford & Harpford parish area.

The Chairman and Deputy Leader thanked all officers involved in getting this Neighbourhood Plan to this stage. The Deputy Leader then withdrew from the debate and vote due to a declaration of interest.

RESOLVED that Cabinet:

1. agree the Examiner's recommendations on the Newton Poppleford & Harpford Neighbourhood Plan (the Plan);
2. agree that a 'referendum version' of the Plan (incorporating the Examiner's modifications) should proceed to referendum and a decision notice to this effect be published, and
3. congratulated the Neighbourhood Plan Steering Group on their hard work.

REASON:

The legislation required a decision notice to be produced at this stage in the process. The Plan was the product of extensive local consultation and had been recommended to proceed to referendum by the Examiner subject to modifications which were accepted by the Parish Council.

Attendance List

Present:

Portfolio Holders

M Armstrong	Portfolio Holder Sustainable Homes and Communities
P Arnott	Leader
P Hayward	Deputy Leader and Portfolio Holder Economy and Assets
G Jung	Portfolio Holder Coast, Country and Environment

D Ledger	Portfolio Holder Strategic Planning
P Millar	Portfolio Holder Democracy and Transparency
M Rixson	Portfolio Holder Climate Action
J Rowland	Portfolio Holder Finance
J Loudoun	Portfolio Holder Policy Co-ordination and Regional Engagement

Cabinet apologies:

J Bailey	Portfolio Holder Corporate Services and COVID-19 Response and Recovery
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Also present (for some or all the meeting)

Councillor Kevin Blakey
Councillor Susie Bond
Councillor Bruce De Saram
Councillor Alan Dent
Councillor Peter Faithfull
Councillor Steve Gazzard
Councillor Nick Hookway
Councillor Ben Ingham
Councillor Tony McCollum
Councillor Geoff Pook
Councillor Geoff Pratt
Councillor Tony Woodward
Councillor Eileen Wragg
Councillor Sarah Jackson
Councillor Eleanor Rylance

Also present:

Officers:

Tim Child, Service Lead - Place, Assets & Commercialisation
Amanda Coombes, Democratic Services Officer
Simon Davey, Strategic Lead Finance
Ed Freeman, Service Lead Strategic Planning and Development Management
John Golding, Strategic Lead Housing, Health and Environment
Henry Gordon Lennox, Strategic Lead Governance and Licensing
Libby Jarrett, Service Lead Revenues and Benefits
Debbie Meakin, Democratic Services Officer
John Symes, Finance Manager
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)
Mark Williams, Chief Executive

Chairman

Date:

EAST DEVON DISTRICT COUNCIL

Forward Plan of Key Decisions - For the 4 month period: 1 November 2020 to 28 February 2020

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

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

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

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

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

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

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

Obtaining documents

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

Key Decision	Portfolio (Lead Officer)	Documents to be considered before Cabinet take decision	Whether other documents will be considered before decision taken [Y/N]	Other meetings where matter is to be debated / considered	Date of Cabinet meeting	Part A = Public meeting Part B = private meeting [with reasons]
Support for LED	Coast, Country and Environment (Mark Williams)		Y		November 2020	Part A
Affordable Housing SPD	Strategic Planning (Ed Freeman)		Y	Strategic Planning Committee	November 2020	Part A
Toilet review	Coast, Country and Environment (Andrew Hancock)		Y		December 2020	Part A
Setting the Council Tax Base	Finance (Simon Davey)		Y		December 2020	Part A

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

October 2020

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Housing Company Task and Finish Forum held at Online via the Zoom app on 8 October 2020****Attendance list at end of document**

The meeting started at 12.00 pm and ended at 2.15 pm

1 Terms of reference

The Forum noted the terms of reference, as agreed by Cabinet. These were:

To assist the Council in ensuring East Devon Homes Limited (the Council's housing company) is fit for purpose by; re-evaluating the business model, considering alternative business models, its role in the delivery of housing generally and how it might meet the aspirations of the Council in relation to affordable housing, working with the Housing Review Board and the Housing Revenue Account to explore options for housing delivery.

2 Public speaking

There were no matters raised by the public.

3 Appointment of Vice Chairman

Nominations for Vice Chairman were received for Councillor Ian Thomas and Councillor Ian Hall.

RESOLVED: that Councillor Ian Thomas be appointed Vice Chairman of the Housing Company Task and Finish Forum.

4 Dates of future meetings

The Forum agreed to decide on dates of future meetings once the scope of the Forum's work objectives and strategy of the housing company had been considered.

5 Current Business Model of East Devon Homes - Purpose and challenges

The Strategic Lead – Housing, Health and Environment outlined the current business model of East Devon Homes and explained that the original purpose was to complement EDDC's social housing role. The housing company was established in 2017 to be wholly owned by the council with the purpose of providing housing in the general market (outside the Housing Revenue Account (HRA) and to generate a profit to provide income to the council's general fund. The company was established at a time when the government was encouraging innovation and many housing authorities were establishing new delivery vehicles for housing. It sat within the council's investment and commercialisation agenda and recognised the constraints of the HRA.

The vision was to deliver housing in order to meet the following objectives:

- To meet local housing need in East Devon;

- To allow the council to act as a key player in housing provision in the district and potentially further afield;
- To facilitate wider stimulation of the economy through delivery of more housing;
- To provide a more commercial dimension to the council's delivery model;
- To maximise the benefits of the council's borrowing power and access to affordable finance.

It was noted that to date there had been no acquisitions, either due to propositions not being viable or opportunities being redirected through the HRA.

The Forum discussed in detail the housing company and the following points were raised:

- The housing company was a great opportunity to look into long term investment in social housing.
- Providing permanent accommodation was more cost effective than using temporary accommodation.
- The council should consider purchasing brown field sites in the district on which to build houses.
- Building houses could be tied in with developing skills and training and employing local people in the building industry, therefore also raising earnings and employment in the area.
- There was an opportunity for the housing company to also deliver social good.
- The need for affordable housing was incontestable, with a significant increase of affordable housing in the district required.
- The housing company was not a registered provider and therefore could not bid for government funding. However, this funding could be bid for through the HRA.
- Affordable housing required significant subsidy. This was possible through the HRA but not the current housing company business plan.
- Research should be undertaken and lessons learnt from what other local authorities were doing. It was noted that recently there had been a huge slowdown in investment from these local housing companies.
- There should be direction from the housing company to help self builds. The council could purchase the land and provide planning permission and then assist people to build their own homes, thus creating much needed properties and bringing people together.
- It was important to be clear on whether the housing company was trying to achieve social good or financial reward. The HRA was well placed to deliver social housing as it was a registered provider, therefore how could the housing company deliver housing better than the HRA. If the aim was to provide social housing then this should be done through the HRA.
- The HRA could be used to build houses as well as purchase them. This had been done in the past, with expertise being bought in by the council to help deliver this.
- There were other pressures on the HRA, such as the carbon neutral programme and tenants' safety, which required greater investment in the existing housing stock.
- The HRA was the best vehicle for delivering affordable housing, but the HRA was ring fenced, borrowing was limited and there were constraints it had to operate under.
- It was vital to be clear on what the housing company was trying to achieve and focus on the skills and successful elements. This included resourcing and

whether this was available in-house and if not, then how the skills could be acquired.

- What could the housing company do that could not be achieved by using the HRA. Could it be possible to mould the housing company and the HRA together in the future?
- There was a desperate need for housing that was actually affordable.
- The social housing waiting list was huge.
- EDDC was not a business. It was a council, with the role of improving the lives of its residents, rather than making money. There was a risk involved in the council acting as a business.
- It should be recognised that the council did not have the expertise to understand the value chain in markets and should consider buying in such expertise.
- There was an opportunity to raise ideas, such as how the council could work with self-builders or community land trusts.
- An arm's length, not for profit organisation could be set up that allowed any proceeds to go back to the council to help plug the gap in funding. Local contractors and self-builders could be used with the main objective of providing social and affordable housing.
- The forum needed to look at the objective and then look at the best vehicle to achieve it.
- The forum should be aware of land availability and that the housing company would be competing in a tough environment against registered providers and established developers.
- The Council had very clearly stated the provision of subsidised housing was an absolute priority, and this was stated in the Council Plan and various strategies.

The forum were advised to consider what it wanted to achieve and then to decide how it was going to achieve it. It needed to take stock and set the strategic direction the council wanted to go in, and then decide how the housing company could deliver this. It was pointed out that the Council Plan, Housing Strategy and Housing Service Plan clearly articulated the delivery of more affordable/social housing as a corporate priority. The Housing Company was originally established to make money for the council to plug a gap in funding. The forum should now consider what it wanted to deliver and the most appropriate way to deliver this. It was suggested that the Service Lead – Place, Assets and Commercialisation produce a list of options and lines of enquiry for the forum to consider at its next meeting.

RESOLVED: that the current business model of East Devon homes be noted by the Housing Company Task and Finish Forum.

6 **Housing Need**

The Service Lead – Planning Strategy and Development explained that in 2019 the council appointed consultants to undertake an assessment into future housing needs for East Devon. The brief was specifically concerned with understanding the needs for all sectors of the East Devon community at differing stages through their lives. He presented the executive summary to the forum. The full report could be used as an evidence base for the new Local Plan.

The report showed an acute need for affordable housing in the district, with average salaries in the area being far below average house prices, making house purchases unaffordable for many. There was a huge proportion of people (1,824 households) living in unsuitable housing. In order to meet housing need over the period 2020 to 2040 there

was an annual average requirement of 461 affordable homes per year. There was a projected growth of 656 households per year in the district.

The report identified housing needs for all stages of life. The consultants indicated the need for around 6,412 additional sheltered/extra care homes and a minimum addition of 4,827 adapted homes for those with long-term illness or disability in East Devon for the period from 2020 to 2040. It was suggested that the forum be mindful of how the housing company could meet some of these needs.

The forum agreed that this report highlighted and reinforced the real housing needs of East Devon. Housing in the district was becoming more unaffordable. The council should be focusing on delivering what people wanted, for the benefit of the residents of East Devon. There was a need to realign ambitions and aspirations to a much higher housing need figure.

It was noted that housing need in urban areas would always be hard to deliver due to the limited availability of land. It was also important to address housing need in smaller towns and villages and the ability to keep people in their family groups/where they had grown up, with community support. It was important to house people in the right house as well as in the right location.

In response to a question, the Strategic Lead – Housing, Health and Environment outlined the council's arrangements for spending right to buy receipts and the tight restrictions and regulations around this. The process and schedule for spending of right to buy receipts was regularly reported to the Housing Review Board.

RESOLVED: that the Local Housing Needs Assessment 2020-2040 report be used as the basis for defining where the shortfall is in housing for East Devon.

7 **Review of what the TAFF would like to achieve**

The task and finish forum identified there was a clear need for affordable housing in the district, however they felt that they need more information on the options available to deliver this.

RESOLVED: that the forum recognised the clear desire to increase social housing and would look at options to facilitate this, as well as reviewing the legal framework and limitations of the housing company and what it was set up to achieve.

8 **Forward Plan**

Suggestions for inclusion on the forward plan included:

- Consideration of how other local authorities who had created housing companies operated, and lessons to be learnt.
- Methods for passive house and modular delivery (modern methods of construction) of housing to facilitate provision of affordable housing.
- Look at innovation in the housing sector.
- Delivering on the green policy, social policy and housing policy.

Councillors present:

M Armstrong
O Davey
P Hayward
D Ledger (Chairman)
A Moulding
E Rylance
I Thomas

Councillors also present (for some or all the meeting)

P Arnott
P Faithfull
M Howe
S Jackson
J Loudoun
T McCollum
P Millar
G Pook
M Rixson
J Rowland

Officers in attendance:

Tim Child, Service Lead - Place, Assets & Commercialisation
Simon Davey, Strategic Lead Finance
Ed Freeman, Service Lead Strategic Planning and Development Management
Jo Garfoot, Acting Housing Service Lead
John Golding, Strategic Lead Housing, Health and Environment
Henry Gordon Lennox, Strategic Lead Governance and Licensing
Susan Howl, Democratic Services Manager
Alethea Thompson, Democratic Services Officer
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

Councillor apologies:

K Blakey
I Hall

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Scrutiny Committee held via the Zoom App on 10 September 2020****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 7.20 pm

78 Public speaking

There were no members of the public wishing to speak.

79 Minutes of the previous meeting

The minutes of the meeting held on 21 May 2020, were agreed as a true record.

80 Declarations of interest

There were no declarations of interest.

81 Matters of urgency

There were no matters of urgency.

82 Confidential/exempt item(s)

There were no confidential items.

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

There were no items called in.

84 Quarterly monitoring of performance - 1st quarter 2020/21 April to June 2020

Members received the report of Karen Simpkin, Strategic Lead – Organisational Development and Transformation, presented by Henry Gordon Lennox, Strategic Lead – Governance and Licensing, which provided performance information and progress against our performance indicators from across the Council. Members noted that this cumulative quarterly information will be used to provide an annual review of our performance against our service and Council Plan in the Annual Report. This information would provide a clear view of progress against what we said we would deliver in our council plan and service plans and deal with performance issues arising.

It was noted that the above average number of performance indicators showing concern was due to the effects of the Covid 19 pandemic. Members wished to congratulate officers on how well the council had dealt with the effects of the pandemic across East Devon.

RESOLVED that the report on performance against delivery of the key service objectives from service plans and performance measures for the 1st quarter of 2020-21 be accepted.

85 **Car Parking TAFF Membership**

Members noted that on 7th November 2019, the Committee agreed to establish a Car Parking TAFF (as recorded in the minute below) but following changes in political balance of the Council and membership of the Committee it was necessary for the TAFF to revise the makeup of this membership.

Minute 40 Establishment of TAFF - Membership

Members discussed the establishment of the membership of the Car Parking Task and Finish Forum (TAFF).

RESOLVED: *that the following be agreed as members of the Car Parking TAFF:*

Alan Dent, Kim Bloxham, Paul Millar, Bruce De Saram, Jack Rowland, Mike Howe, Eleanor Rylance, Joe Whibley, Val Ranger, Tony Woodward, Andrew Colman and Maddy Chapman.

The TAFF should be constituted on the basis of political balance of the Council. The Committee will be asked to confirm the size of the TAFF that it wishes to have going forward (usually it is a membership of 7) and for delegated authority to be given to the Monitoring Officer to agree the membership in consultation with the Group Leaders.

Members discussed the size of the membership of the TAFF which had previously been 12 and whether to reduce the size to 10 or 7.

During discussions the following points were noted:

- The need to relook at the terms of reference.
- The possibility of the TAFF investigating, amongst other things the following issues:
 - Tourist tax - how would this work in towns where the seaside car park is also the shopping car park eg Ham, Sidmouth.
 - Town and parish councils – to make contact asking if they wish to take on their currently free or loss making car parks this year, next year, within 5 years etc?
 - Electric hook-ups - cost, income, number, timescale, future proofing. Would this include planting or greening up space.
 - Campervan management in Exmouth - parking overnight on a residents permit but not sleeping in them, provision of dedicated campervan parking with additional facilities.
 - Cashless and carbon neutral ticketing trial in Exmouth.
 - possibility of inviting chamber of commerce reps to the meetings?
- All Councillors would be welcome to attend meetings of the TAFF.
- How long would it take to complete its work and what were the key things it should consider. There was no definitive timeframe for finishing
- Balancing the needs of the budget with the needs of residents.

RESOLVED that the membership of the Car Parking TAFF be 10 Councillors on the basis of political balance and delegated authority be given to the Monitoring Officer to agree the membership in consultation with the Group Leaders.

86 **Forward Plan**

Members considered a Scrutiny Forward Plan proposal form received from Cllr Mike Allen on Review of Poverty reduction actions by EDDC in 2020 to date.

During discussions the following points were noted:

- The first meeting of the Poverty Working Group had been arranged for Monday 12 October.
- The Scrutiny proposal from Cllr Allen required a look back on what the Council had done so far, what had worked and what needed to be looked at further.
- Importance of not duplicating the work of the Poverty Working Group.
- Possible increase in unemployment and poverty following the withdrawal of the Furlough scheme in the coming months.
- The meeting of the Cabinet on 30th September would be considering a report on the recovery work undertaken by the Council and this would include covering the poverty agenda.

Members also noted that a Scrutiny Proposal Form for items had been received from Cllr Peter Faithfull on feedback for elections. This had been received after the issuing of the agenda for this meeting but would be considered for scoping at the next meeting of the Committee.

RESOLVED: that the Scrutiny Forward Plan proposal form received from Cllr Mike Allen on Review of Poverty reduction actions by EDDC in 2020 to date be passed for scoping by the Monitoring Officer, Henry Gordon Lennox.

Attendance List

Councillors present:

C Brown (Chairman)
 V Ranger (Vice-Chairman)
 E Rylance
 M Chapman
 V Johns
 F King
 H Parr
 B Taylor

Councillors also present (for some or all the meeting)

M Armstrong
 P Arnott
 J Bailey
 D Bickley
 P Hayward
 N Hookway
 G Jung
 P Millar
 M Rixson

Officers in attendance:

Simon Davey, Strategic Lead Finance
 John Golding, Strategic Lead Housing, Health and Environment
 Henry Gordon Lennox, Strategic Lead Governance and Licensing

Susan Howl, Democratic Services Manager
Sarah Jenkins, Democratic Services Officer
Christopher Lane, Democratic Services Officer
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

Councillor apologies:

A Colman
S Hawkins
T McCollum
P Jarvis
A Moulding
G Pratt
T Wright

Chairman

Date:

STRATA - JOINT EXECUTIVE COMMITTEE**TUESDAY, 22 SEPTEMBER 2020****Present:**

Councillors Arnott (Chair), Bialyk and Dewhirst

Non-Voting Members:

Karime Hassan, Phil Shears, Mark Williams

Member Attendance:

Councillors Clarence

Officers in Attendance:

Robin Barlow, Head of Security & Compliance

Simon Davey, Strata Board Director

David Hodgson, Strata Finance Director

Peter Johns

Martin Millmow, Head of Document Centres

Paul Nicholls, Food Health & Safety Manager

David Sercombe, Head of Business Systems & Business Intelligence

Adrian Smith, Head of Infrastructure & Support

Laurence Whitlock, Strata IT Director

Amanda Coombes, Democratic Services Officer

23. APOLOGIES

None received.

24. MINUTES

The minutes of the meeting held on 16 June 2020 were approved as a correct record and signed by the Chairman.

25. QUESTIONS FROM THE PUBLIC**26. QUESTION FROM MEMBERS OF THE COUNCILS**

In response to supplementary questions from Cllr Clarence (Teignbridge District Council) in respect of the maintenance and support of personal IT equipment and the availability of access to councillor emails and calendars on personal devices, the Strata IT Director advised that Teignbridge District Council (TDC) had not

currently taken up the option of the enhanced service, whereas East Devon District Council had. The enhanced service was a chargeable option, and this had previously been presented to the TDC Overview and Scrutiny Committee, but funding was not approved.

In respect of the maintenance, Cllr Dewhirst stated that there were no plans for Strata to maintain personal equipment, as the authority had provided an iPad for councillor use.

27. STRATA IT DIRECTOR & MANAGER'S REPORT

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

He brought members attention to the 'Value for Money' question which he advised had required Strata to look at what they do now compared to the starting point in 2014, and to also look at associated costs now compared to 2014 costs + RPI. The outcome of this exercise would be circulated to councillors.

During discussion, members raised questions regarding the use of the software application Microsoft Teams. Strata were currently working with the three authorities and a series of workshops had been setup to explore how the authorities may benefit from MS Teams and this would then enable a set of clear requirements to be defined, and a business case potentially drawn up. It was emphasized that any early phase deployment of MS Teams would not replace the Skype for Business telephony platform or the Zoom conferencing platform.

RESOLVED that the report be noted.

28. STRATA FINANCE REPORT

The Strata Finance Director presented the report advising on the financial position of Strata at the end of quarter 1 of the financial year 2020/2021, including both revenue and capital spend. He advised that the Company had been given a total of £6.60 million to run the IT Services in 2020/21 along with funding for various capital projects.

RESOLVED that the report be noted.

29. STRATA ICT REPORT - DEVON AUDIT PARTNERSHIP ANNUAL AUDIT REPORT

The Strata IT Director stated previous reports had highlighted the strengths of both the Strata's strategic concept and direction and, in the day to day delivery of the full range of IT services to the Partners. Work undertaken this year further

confirmed that the direction of travel remained upwards and that the appetite to continually improve remained as strong as ever.

Devon Audit Partnership (DAP) considered the Business Plan to be of a high standard and this, along with the high standard operational reporting and metrics, provided the measures from which continual service improvement can be delivered. Strata continued to perform strongly during 2019/20 and again exceeded the financial benefit targets set by the Partners. DAP advised that the authorities had Substantial Assurance on the adequacy and effectiveness of the internal control framework in Strata Service Solutions Ltd.

RESOLVED that the report be noted.

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

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

31. BUSINESS CASE FOR THE NEW FINANCE SYSTEM

The Head of Business Systems, Strata presented the report which was undertaken into the case for a new finance system.

RESOLVED that the following be approved:-

- (1) the Strata Business Case for the Financial Management Convergence Project, on the basis that the tender documents would be structured to allow the procurement of a Financial Management System for one, two or three authorities. Teignbridge District Council would be the first authority to implement the system. East Devon District and Exeter City Council's retain the option of adopting the same system at a later date; and
- (2) to proceed with a formal Tender exercise for a common Financial Management System for all three authorities.

The meeting started at 4.00 pm and finished at 5.24 pm.

Chair

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Strata - Joint Executive Committee

22nd Sept 2020



Meeting Agenda

- **Part 1**

- Apologies for Absence
- Election of Chair
- Minutes of Last Meeting
- Declarations of Interest
- Questions for the Public Under Procedural Rules
- Questions from Members of the Councils Under Procedural Rules
- IT Directors & Strata Managers Report
- Strata Finance Report
- Strata ICT Report 19/20 – Devon Audit Partnership
- Local Government (Access to Information) Act 1985 - Exclusion of Press and Public

- **Part 2**

- Financial Management System - Business Case Approval

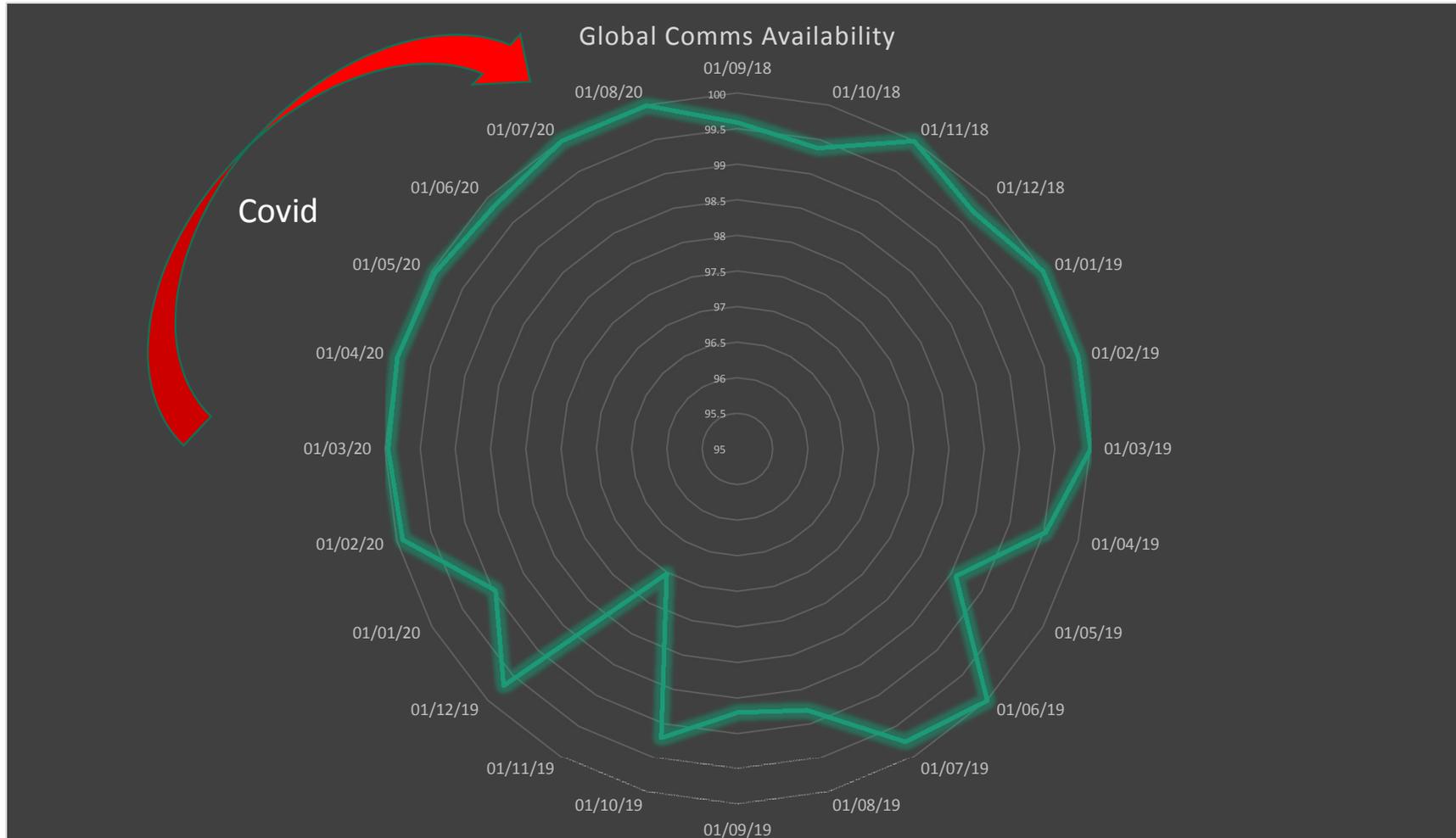
IT Director & Strata Manager Report

22nd September 2020

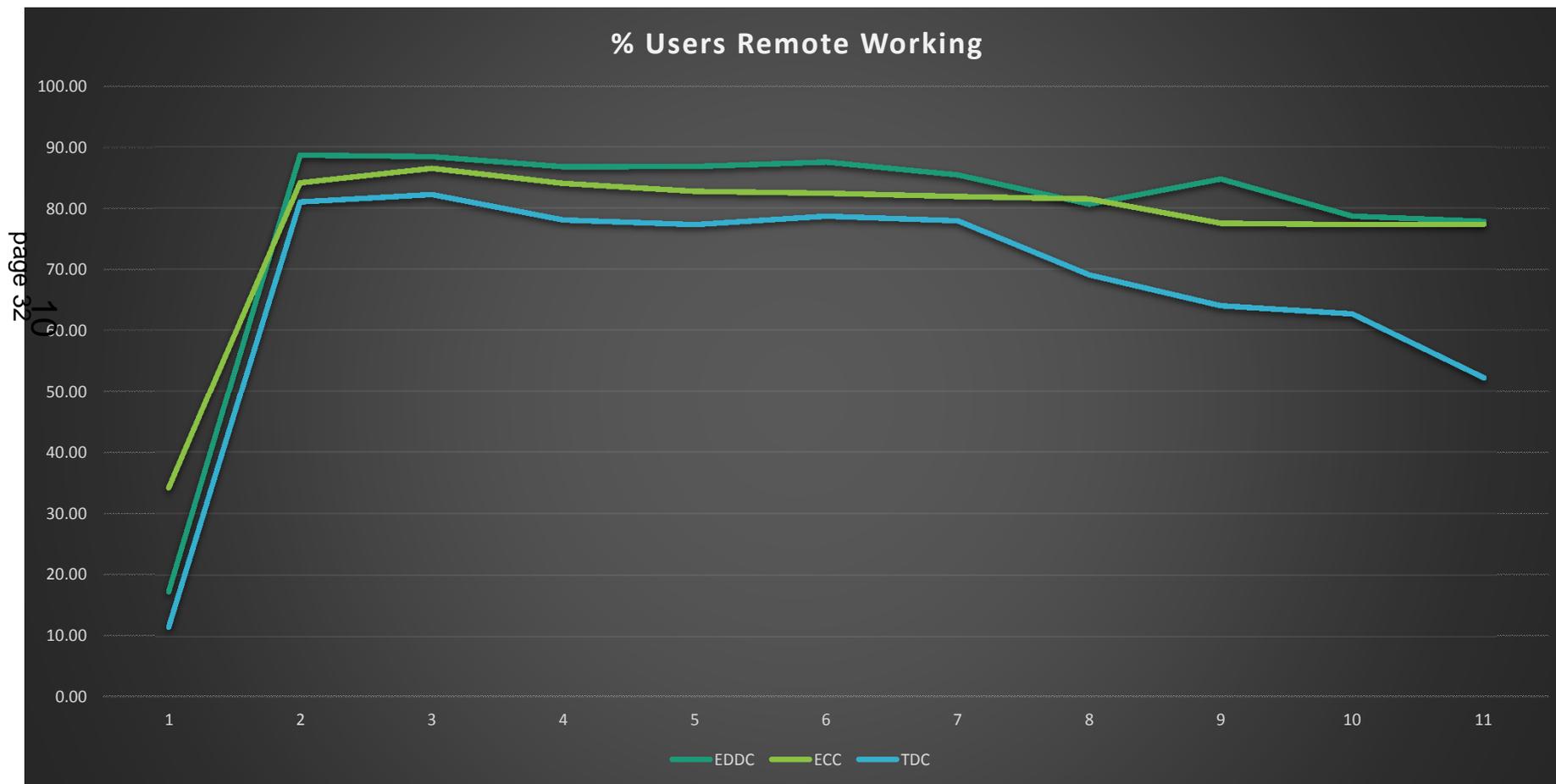
High Level Summary

- Global Desktop and Global Comms environments very stable during Covid – some issues experienced with screens freezing as we migrate from Windows 7 to Window 10.
- Very high demand on the Service Desk team driven by a number of key authority projects inc. :
 - ECC Leisure
 - Phase 2 ECC Agile project
 - TDC Agile project
 - EDDC IT equipment provision for home workers
 - Windows 10 Migration
- Annual IT Health Check – PSN Accreditation
- Drop in print demand across all three authorities
- Ever increasing data demands

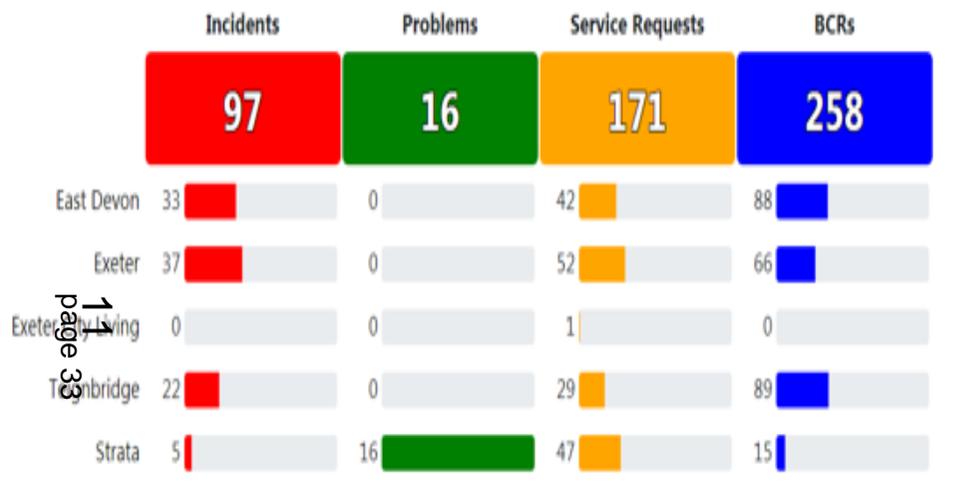
High Level of System Availability



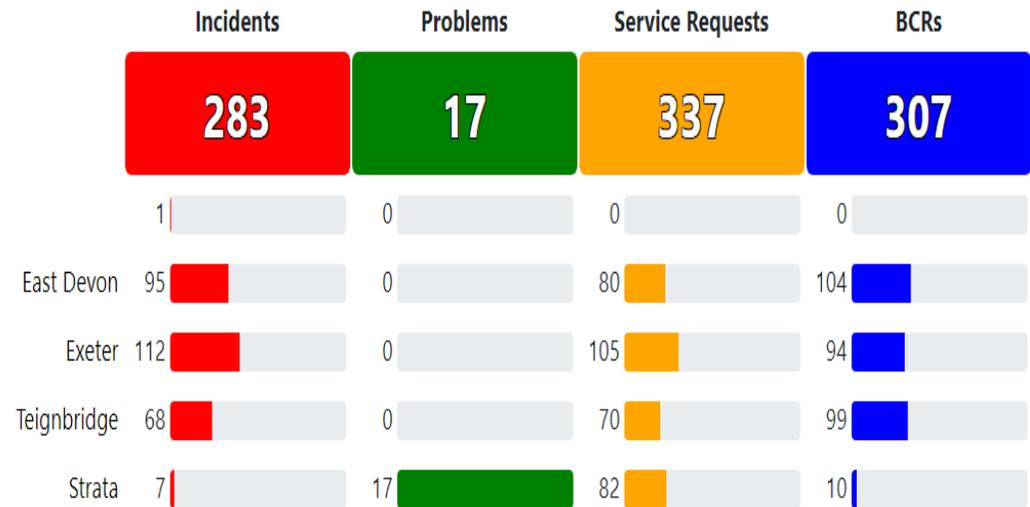
Supporting Remote Working



High Demand for Strata Services



1st March 2020



21st Sept 2020



Virtual Meetings & Hybrid Council Meetings



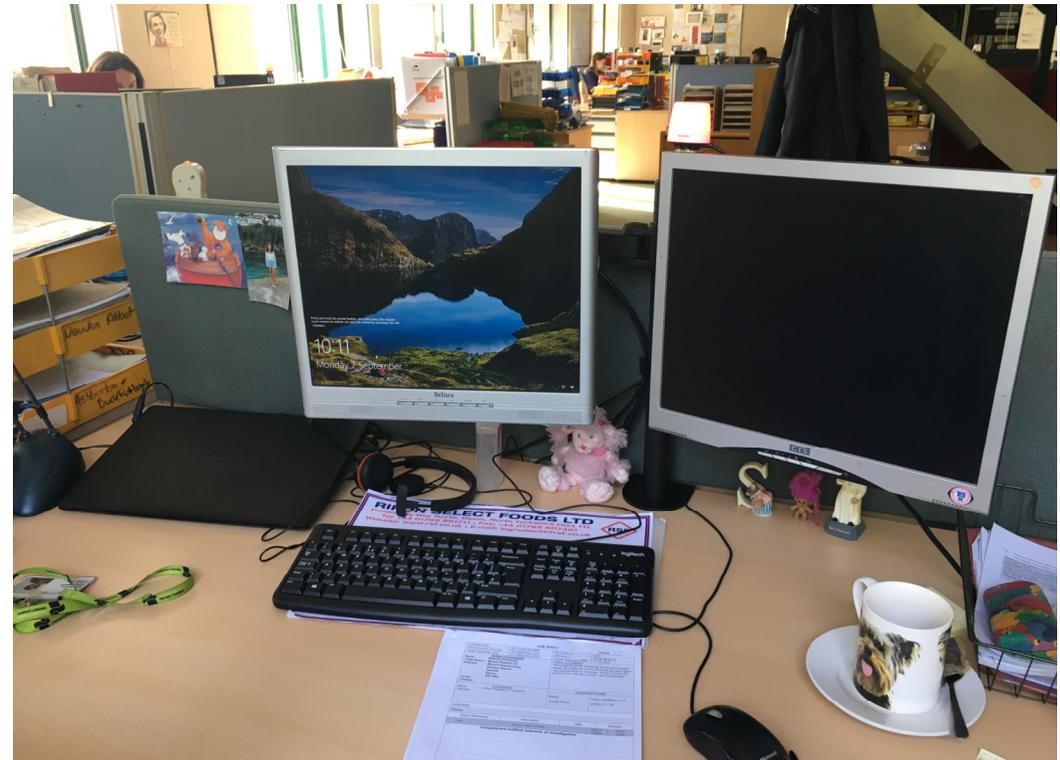
Worked closely with the three authorities to successfully deliver Virtual Council meetings in a safe and secure manner

Now exploring the delivery of hybrid Council meetings

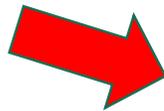
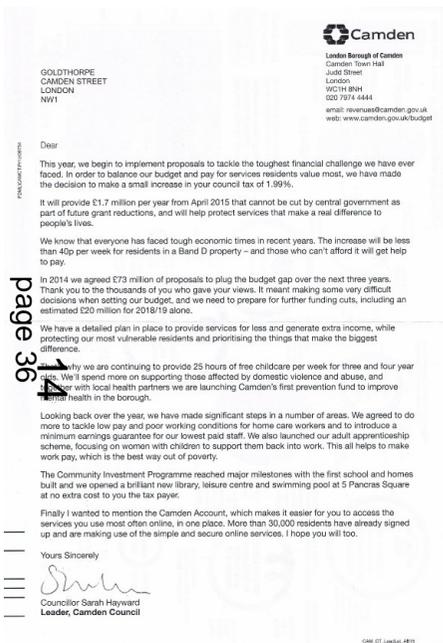
TDC – Agile Working



13
page 35



EDDC and TDC – Digital Mailroom



ECC – Exeter Leisure

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page 37



Working with the ECC team to get the centre's re-opened and new IT provisioned



Data Growth – The Challenge



Data Growth – The Challenge

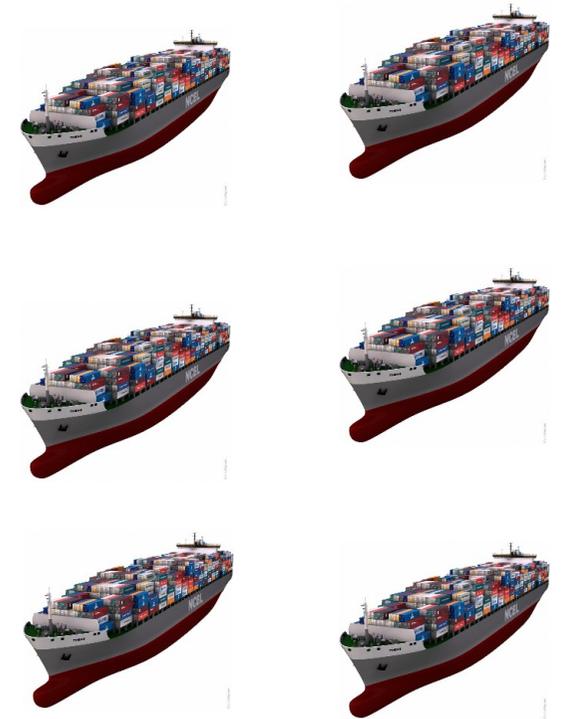
17
page 39



2015 – 55TB's

Byte of data = one grain of rice
Kilobyte = cup of rice
Megabyte = 8 bags of rice
Gigabyte = 3 container lorries
Terabyte = 2 container ships
Petebyte = covers Manhattan

And all this data needs to be stored, backed up, replicated and kept secure and available



2020 – 164TB's

Data Growth – and we all remember the Napoli

page 40
18



The Cyber Threat is Ongoing

Redcar cyber-attack 'cost council £10.4m'

5 August 2020

f     Share



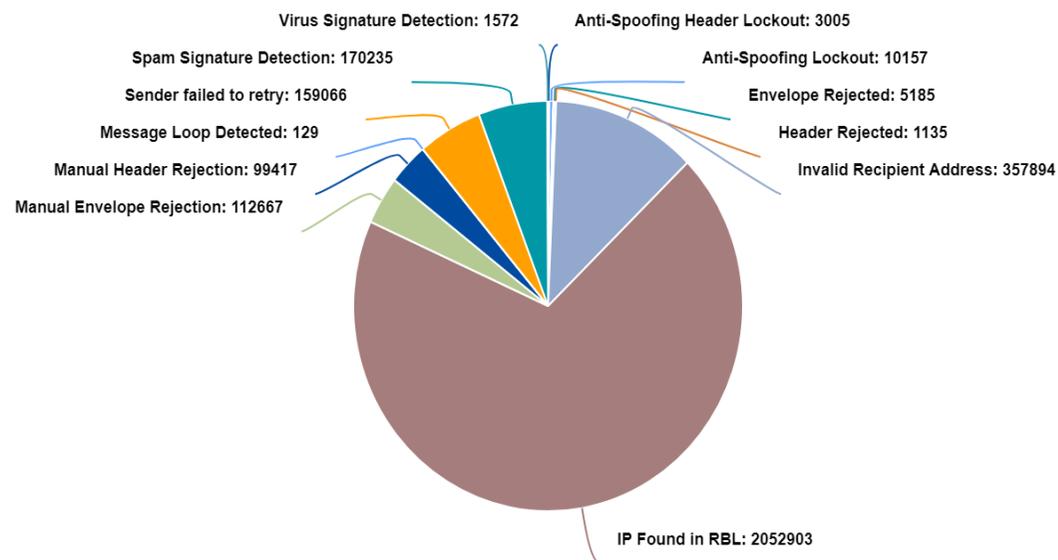
A cyber-attack on a council's computer systems is estimated to have cost more than £10m.

About 135,000 people were without online public services **after Redcar and Cleveland's website and computers were targeted** in February.

Rejection Overview

From 7 Sep 2019 To 1 Sep 2020

Total Rejection Count: 2973497



Cyber Threat – DoJo & PSN

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20

DoJo
Cyber Awareness
Training

PSN
Annual Health
Check underway

CYBER SECURITY & GDPR MATTERS

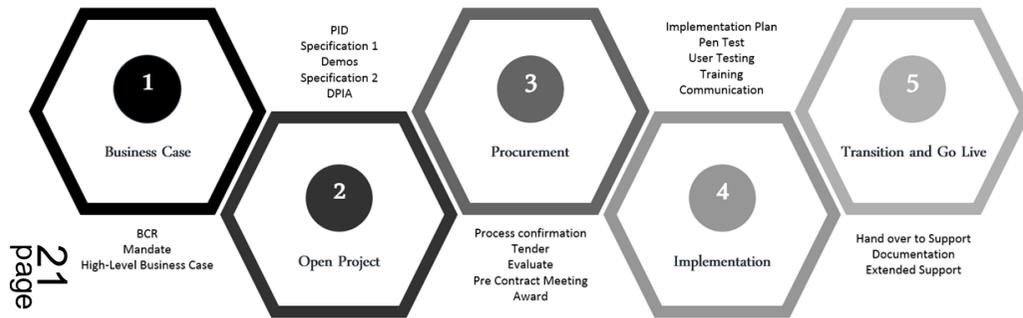
So why do Cyber Security and GDPR matter to the council?

When you've finished the video below, please click the **NEXT** button.

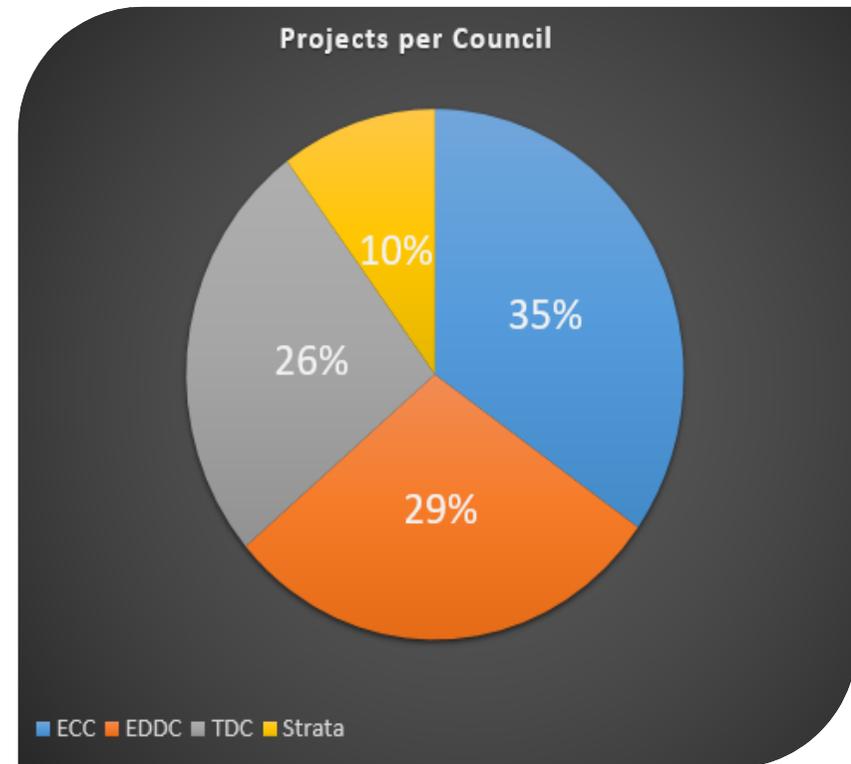
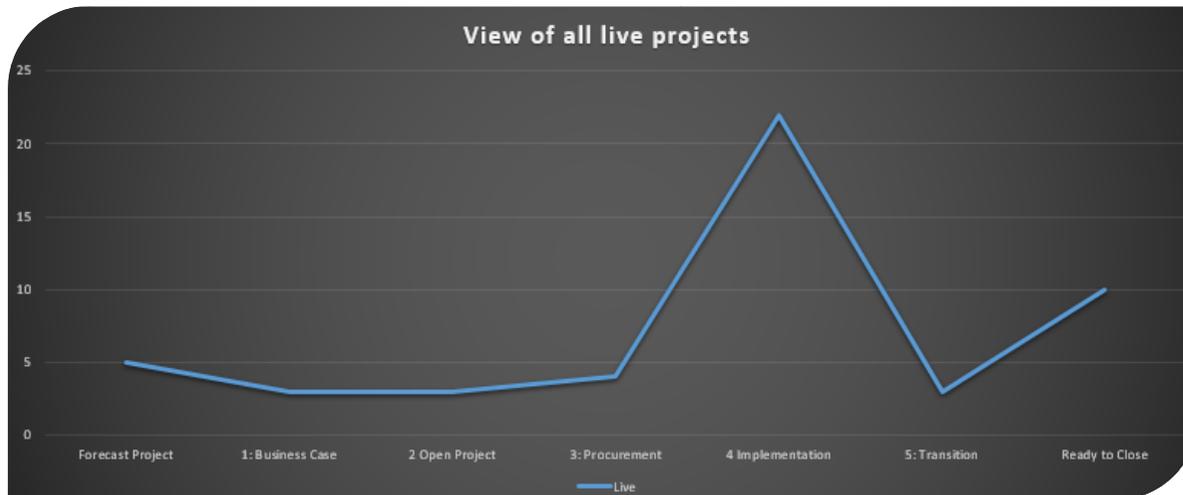
matobo
www.matobo.co.uk



IT Solution Delivery - Keeping Projects on Track

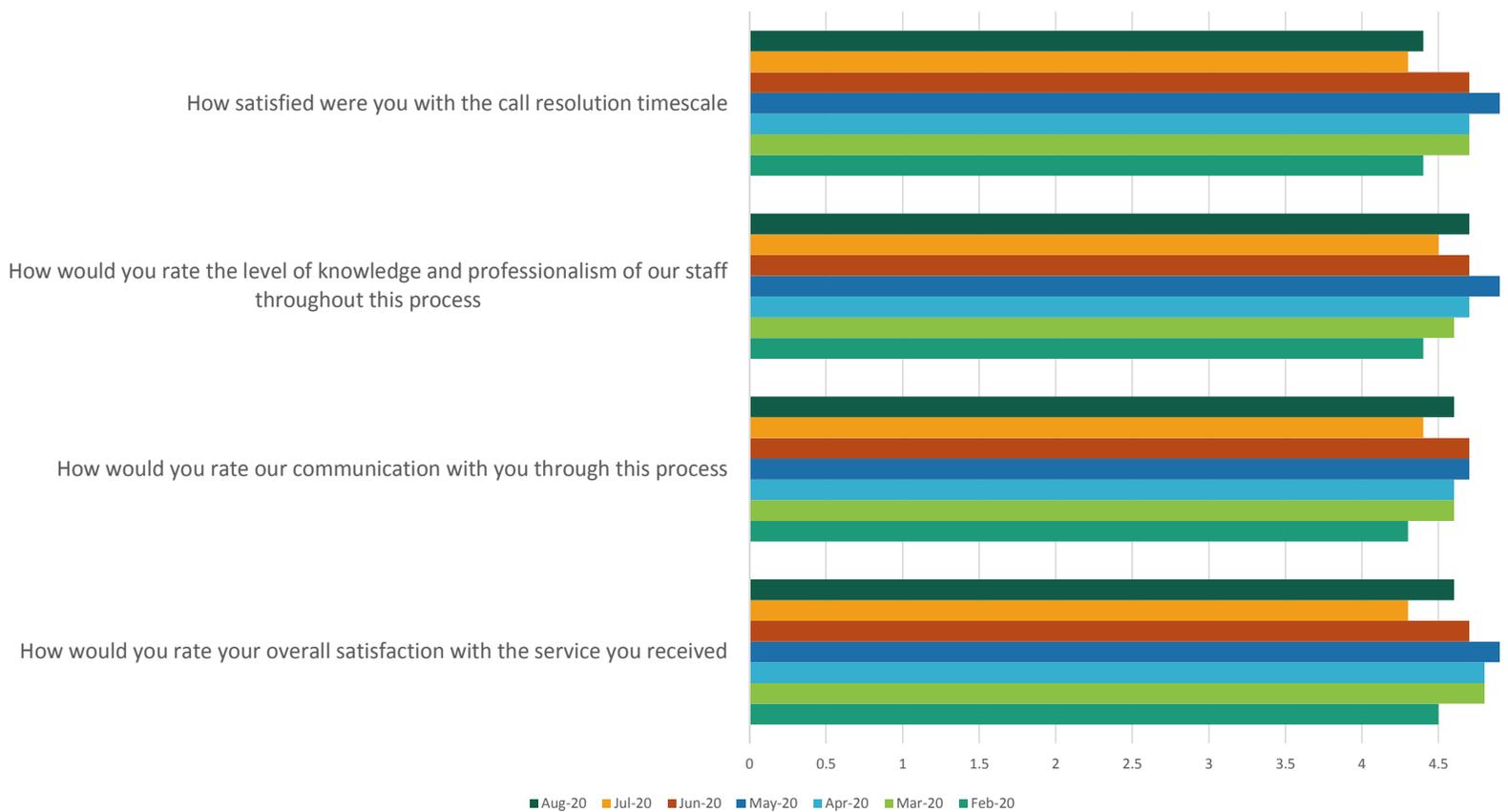


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page 43



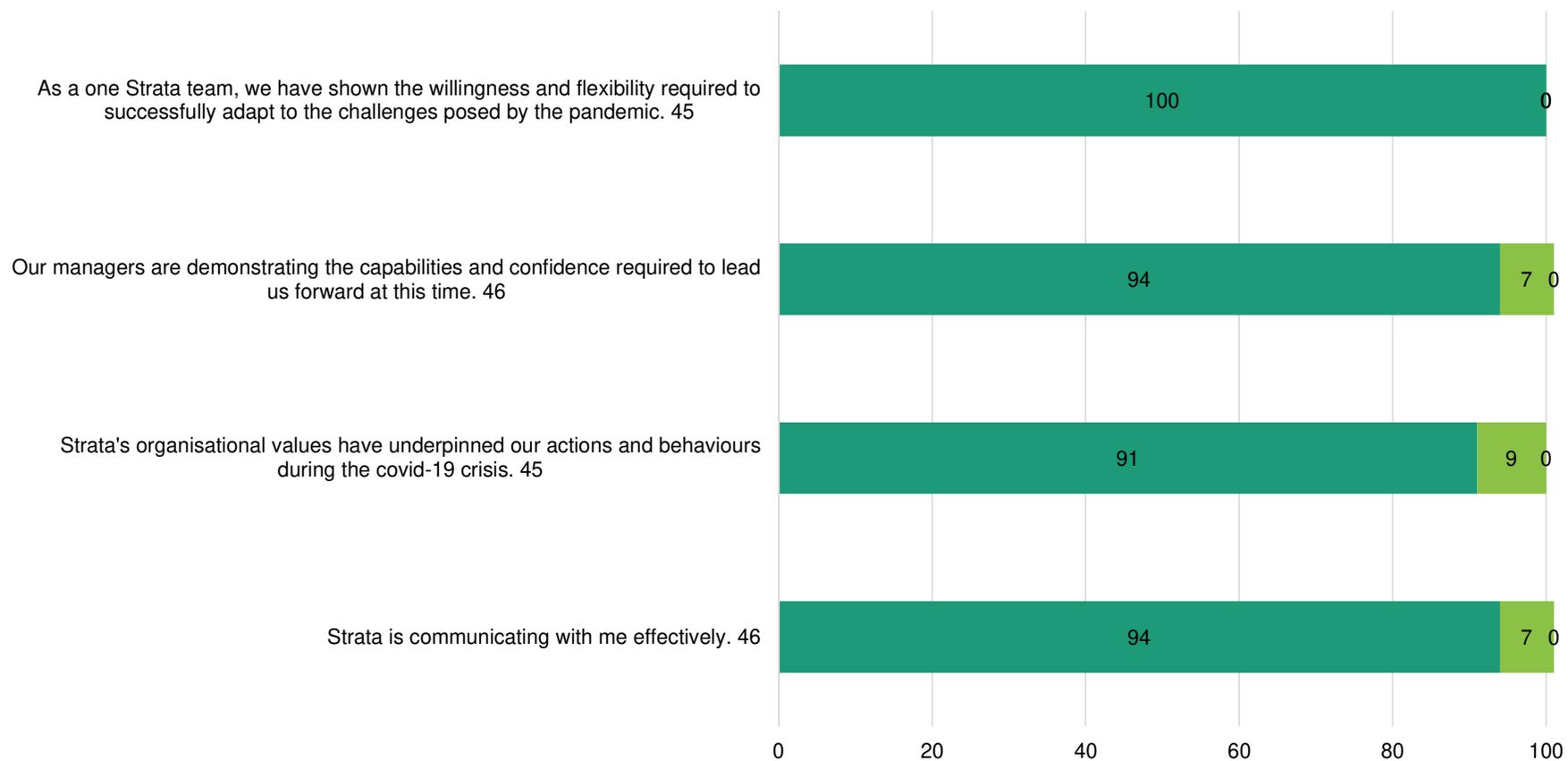
Ensuring End User Satisfaction

Customer Satisfaction



Keeping Strata Staff Safe and Informed

■ Agree ■ Neither agree nor disagree ■ Disagree



Strata Governance Model Update

Our plans prior to Covid were to review the existing governance structure and to reduce the governance burden on Strata, allowing Strata to focus on the delivery of exceptional IT service.

In October 2019, Strata produced a discussion document entitled 'Governance Framework', and this was subsequently presented to the JSC and JEC and discussed with a recommendation that we undertook a review of the Shareholder Agreement and worked to put into place the required changes.

However, unfortunately this has not been progressed further at this stage due to the demands put on Strata and the management team during the Covid 19 crisis and this has had to be a priority.

Moving forward once the current level of demand drops, it is the intention of the Strata Board to recommence the consultation work on the potential changes to the Strata governance model with an aim of putting in place the new model by March 2021.

2021/2022 Strata Business Plan Schedule

Stage	Resource Required	Target Date
Strata Management Team Planning Workshop	Strata Managers	W/C 21 st Sept 2020
Strata Board and Strata Management Team Business Plan Discussion	Strata Board Members	W/C 5 th Oct 2020
Initial Meeting with Strata Client Leads to discuss Authority IT Strategy and IT requirements for 2021/22	Strata Managers	W/C 12 th Oct 2020
	Strata Client Leads	
Business Plan Template Creation	IT Director	W/C 12 th Oct 2020
Strata Service Line Heads Draft Content Submission	Strata Managers	W/C 26 th Oct 2020
Managers to discuss Business Plan with Team Members		
Draft Business Plan Created and Circulated to Management Team, Board and Client Leads	IT Director	W/C 2 nd Nov 2020
Business Plan Review Session 1	Strata Board Members	W/C 16 th Nov 2020
	Strata Managers	
	Strata Client Leads	
Amendments Incorporated	IT Director	W/C 16 th Nov 2020
Review Session 2	Strata Board Members	W/C 23 rd Nov 2020
	Strata Managers	
	Strata Client Leads	
Amendments Incorporated	IT Director	W/C 23 rd Nov 2020
Draft Business Plan Shared with the three authorities	IT Director	W/C 30 th Nov 2020
Business Plan Shared with JSC / JEC	Strata Board	W/C 14 th Dec 2020

Any Questions



Acceptance of Report

- Proposer
- Secunder
- Vote

Finance Directors Report

22nd Sept 2020

Financial Performance

		Capital Expenditure Savings	Projected Revenue Savings	Actual Revenue Savings	Variance
2015-16	Year 1	(443,932)	(262,098)	(232,000)	30,098
2016-17	Year 2	(312,522)	(20,000)	(100,000)*	(80,000)
2017-18	Year 3	(358,222)	(252,836)	(565,000)	(312,164)
2018-19	Year 4	(459,609)	(381,961)	(620,000)	(238,039)
2019-20	Year 5	(129,300)	(853,888)	(1,073,529)**	(219,641)
2020-21	Year 6	867,962	(696,167)		
2021-22	Year 7	(138,000)	(662,091)		
2022-23	Year 8	(9,884)	(701,005)		
2023-24	Year 9	(196,902)	(825,202)		
2024-25	Year 10	(374,300)	(908,996)		
Total		(1,554,709)	(5,564,244)	(2,590,529)	(819,746)

Any Questions



Acceptance of Report

- Proposer
- Secunder
- Vote

Strata ICT Report 19/20 – Devon Audit Partnership

Devon Audit Partnership Report 19/20

page 55

Overall Conclusions (including Strategy & IT Operations)	
Effective service delivery occurs when an IT organization performs an IT service (business process, application, IT skills, hardware, software, or infrastructure service) that the customer values and desires and that the customer cannot or does not want to perform itself.	Good Standard 
Project Management & Solution Delivery Processes	
Service Design (Project Fulfilment) - Processes to transform the strategic requirements of Strata (and its clients) into effective business solutions are effective.	Good Standard 
Cyber Security	
Cyber (Security) can be considered to be a body of technologies, processes and practices designed to protect networks, computers, programs and data from attack, damage or unauthorised access.	Good Standard 

Devon Audit Partnership Report 19/20

Overall, based on work performed during the year and our experience and from the previous years coverage, the Head of Internal Audit's Opinion is of "***Substantial Assurance***" on the adequacy and effectiveness of the internal control framework in the Strata Service Solutions

Any Questions



Acceptance of Report

- Proposer
- Secunder
- Vote

Part 2

Proposer

Secunder

PLEASE NOTE : This meeting with recommence in approximately 30 seconds, once Democratic Services confirm that live streaming via YouTube has stopped

Financial Management System (FMS)

- Approve the Business Case for the Financial Management Convergence Project
- Approval to proceed with a formal Tender exercise for a common Financial Management System for all 3 authorities.

Any Questions



Recommendation of Report

- Decision
 - Approval of Business Case
 - Approval to proceed to formal tender
- Proposer
- Seconder
- Vote

Report to: **Cabinet**

Date of Meeting 28 October 2020

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Covid-19 Economic Response and Recovery

Report summary:

This report provides an overview of the impact of the Covid-19 pandemic on the economy of the District, the initiatives that have been undertaken to mitigate this and those that are planned to support to recovery.

Recommendation:

It is recommended that Cabinet;

- Notes the work that has been undertaken to manage the immediate impact of the pandemic
- Supports co-ordinating economic recovery activity through the Team Devon approach
- Endorses the proposed policy to guide the deployment of Local Restrictions Support grant
- Receives a further report;
 - at the November Cabinet meeting setting out the resource requirements associated with supporting economic recovery
 - in 6 months detailing the progress made with supporting economic recovery in the District

Reason for recommendation:

To ensure that a programme of measures and initiatives is in place to aid economic recovery from the impact of the Covid-19 pandemic in the District.

Officers: Libby Jarrett, Service Lead – Revenue and Benefits, Tel 01395 517450, ljarrett@eastdevon.gov.uk, Andrew Wood, Service Lead – Growth, Development & Prosperity, Tel 01395 571743, adwood@eastdevon.gov.uk

Portfolio(s) (check which apply):

- Climate Action
- Corporate Services and COVID-19 Response and Recovery
- Democracy and Transparency
- Economy and Assets
- Coast, Country and Environment
- Finance
- Strategic Planning
- Sustainable Homes and Communities

Financial implications:

There are no direct financial implications at this stage. The Local Restrictions Support Grant will be designed to within the envelope of Government funding and a further report is recommended identifying the resources required to support economic recovery.

Legal implications:

The report does not raise any specific legal implications requiring comment.

Equalities impact Low Impact

Climate change Medium Impact

Risk: High Risk; The Covid-19 pandemic has had a profound impact on the economy of the District. The report identifies that we can expect further rises in unemployment, more business closures and ongoing challenges through the winter period. Whilst the report also sets out a package of measures to support economic recovery, sustained effort will be required and it will be important to keep the efficacy of these measures under review.

Links to background information [Team Devon Covid-19 Economy and Business Recovery Prospectus](#)

[DCC Cabinet Paper on Economic Recovery Programme \(item 10\)](#)

[Coronavirus \(COVID-19\): Local Restrictions Support Grant - guidance for local authorities](#)

Appendix 1 – EDDC Local Restrictions Support Grant Scheme Draft (attached)

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
-

1. Background and context

1.1 The Covid-19 pandemic has been described as the biggest economic shock for 300 years. The UK economy shrank by a record 19.8% in April. The overall forecast is that the economy is likely to contract by around 10% during the course of 2020.

1.2 The local economy has been in no way immune from the impact of the pandemic. The government's Local Economies Advisory Panel assigned a "red rating" to the economies of Devon, Plymouth and Torbay in April in recognition of the relative vulnerability of the area. Devon is predicted to be the fourth-worst impacted county in England, and the South West is predicted to host 7 of the 20 worst affected districts in the UK. It was estimated that the pandemic could put 123,000 jobs at risk in Devon and that the cost to the local economy could be £1.98 billion – 12% of the value of goods and services produced.

1.3 The County Council has commissioned economic modelling to understand the potential impact of the pandemic. Whilst the most optimistic of these anticipates a return to 2019 levels of employment and productivity in 2022, more pessimistic scenarios indicate that a return to pre-Covid-19 levels of performance is unlikely until 2027 and that employment rates will not recover until 2030 without significant investment between local partners and Government.

1.4 For the District itself the unemployment rate has increased from below 2% to nearly 5% and it is forecast that it could near 10% within six months. Around a third of the workforce has been furloughed. Specific sectors such as hospitality and leisure have been particularly hard hit. Exeter Airport has been the epicentre of over 1,000 job losses following the collapse of Flybe, the largest private sector employer in the District. There are likely to be structural changes which will have a lasting impact, notably for the High Street and the commercial property market. Key challenges including the need to raise productivity levels and to promote the transition to a low carbon economy also remain.

1.5 Now more than six months after the initial lock down period began, this report provides an overview of the work that has been undertaken to date to mitigate the immediate impact of the pandemic, takes stock of the current position and sets out forthcoming initiatives intended to support economic recovery.

2. Response Measures

2.1 A wide range of initiatives have been promoted nationally to mitigate the impact of the pandemic. Some of these, such as the Coronavirus Job Retention and Business Interruption Loan Schemes, have been deployed entirely independently of local authorities. Others have required the Council to play a leading or partnership role. Further activity has been instigated locally to respond to specific circumstances, most particularly where large scale redundancies has been announced. The full breadth of activity undertaken over the last 6 months is set out below;

Redundancy response – early experience with Axminster Carpets enabled a redundancy response network to be developed in East Devon such that redundancy response events can be delivered without delay. We are now working with the Department for Work and Pension (DWP) alongside regional and local partners such as training providers and the Citizens Advice Bureau to advise on the development and co-ordination of an effective county wide redundancy response network.

Business grants – three grants schemes have been administered through the Council as follows;

- Small Business Grants Fund (SBGF) scheme
- Retail, Hospitality and Leisure Business Grants Fund (RHLGF)
- Discretionary Grant Scheme

In total over £45m has been deployed to over 4,500 individual businesses and organisations with grants ranging from £1,000 to £25,000.

Rate relief – over £19m of business rate relief has been given to retail, hospitality and leisure businesses and nurseries in the District.

Hardship funding – The Council is also able to support individuals through the Council's Covid Hardship Fund Policy where we have funds available of £192,100. So far we have paid out over £32K with 164 awards made. Most of this funding to date has been used to provide immediate emergency short term support where people are struggling to meet their essential needs. However one of the main aims of this policy is to support our residents in building financial resilience and going forward we will be looking to use this fund to also help with addressing wider support needs; such as business advice and support for the self-employed.

Business support programme – a series of online workshops and webinars were commissioned through Cosmic to provide additional support to businesses during May and June. Topics covered included new ways to sell online, digital marketing and the use of social media platforms. Over 150 people took part in these events.

Business Ambassador - an ambassador programme is being instigated with some of the largest and most significant employers in the District acting as champions for East Devon. The programme will facilitate inward investment opportunities and will act as a platform for exchange of ideas and opportunities, sharing best practices, promoting local supply chains and East Devon more generally as a great place to do business. It is part of a Devon-wide approach to inward investment and business engagement within the Devon Delivers programme. A qualitative survey was undertaken in July and August to provide further insight in to the issues and challenges facing the business community and to help inform recovery planning.

Communications – a dedicated weekly business newsletter was introduced in March. Important updates were sent by email every week and supported by video/images/text on social media, advertising on social media and website. The email update was issued as a timely response to Covid-19 lockdown, business grants and support, the gradual opening up of the economy and the

many changes that businesses have needed to respond to. The number of recipients grew from 9,300 to 10,800 over the period to July. . Since this point updates for businesses have been included in the fortnightly Residents update. A further business update is scheduled for October.

3. Current position

3.1 Economic data indicates that following the initial lockdown, the national economy has started to rebound with positive growth in the period May to July. Analysis undertaken by the County Council highlighted that recovery will not be at the same pace everywhere, with gaps already starting to emerge across Devon. These include significant impacts on the tourism and hospitality, retail, construction and manufacturing sectors, as well as high levels of youth unemployment, and in the latest claimant count figures, a rise in worklessness amongst those over the age of 50. Similarly, market and coastal towns are also being disproportionately affected where there is a stronger reliance on some of the above sectors, and / or a reliance on self-employment.

3.2 Despite some indications of the positive impact of staycations, a recent survey of tourism businesses in Devon estimated that to the end of August approximately £1,023m of anticipated tourism business turnover had been lost due to Covid-19. Many businesses continue to operate at reduced capacity and the District has one of the highest proportions of its workforce furloughed of any area in the country.

3.3 The following table is taken from the Devon County Council Cabinet report on the Economic Recovery Programme which was considered at the meeting of the 14th October. The analysis helps to set out the relative position of the District in respect of other Devon authority areas.

Area	Universal Claimant Count % of workforce			Workforce Supported (CJRS) (SEISS)	% of Workforce at risk of unemployment			Predicted Claimant Count Rates March 2021	
	Mar-20	Jul-20	Aug-20		15%	5%	Seasonality	Projection Mar-21 (High)	Projection Mar-21 (Low)
Torbay	3.5	7.8	7.9	32.30%	4.80%	1.60%	0.7	13.4	10.2
North Devon	2.2	5.7	5.9	33.10%	5.00%	1.70%	0.6	11.5	8.2
England	3	6.4	6.6	28.00%	4.20%	1.40%	0.2	11	8.2
Plymouth	3.5	6.5	6.6	25.90%	3.90%	1.30%	0.2	10.7	8.1
Torridge	2.3	5.4	5.6	31.40%	4.70%	1.60%	0.5	10.8	7.7
Teignbridge	1.9	4.9	5.1	32.20%	4.80%	1.60%	0.3	10.2	7
Somerset	2.3	5.1	5.3	29.80%	4.50%	1.50%	0.3	10.1	7.1
South Hams	1.5	4.9	5	31.80%	4.80%	1.60%	0.3	10.1	6.9
Devon	1.8	4.7	4.9	29.70%	4.50%	1.50%	0.3	9.7	6.7
East Devon	1.8	4.5	4.6	31.50%	4.70%	1.60%	0.3	9.6	6.5
West Devon	1.6	4.3	4.5	28.30%	4.20%	1.40%	0.2	8.9	6.1
Mid Devon	1.7	4.1	4.3	29.00%	4.40%	1.50%	0.3	9	6.1
Exeter	1.7	4.1	4.3	23.00%	3.50%	1.20%	0.3	8.1	5.8

3.5 The latest claimant count data to September highlights the particular impact on younger and older age groups in the District as set out in the table below;

	September 2018	September 2019	March 2020	July 2020	August 2020	September 2020
16 – 24	80	190	235	700	715	660
50 +	210	295	390	925	935	920

3.6 The Office for National Statistics undertakes a fortnightly national Business Impact of Covid-19 Survey (BICS). In this survey it asks by sector which companies are expecting significant cash-flow problems over the next 3 months. A number of businesses across all sectors appear to be expecting difficulties, with an uptick in most business sectors. Significant among this national analysis for Devon, is the cash flow concerns from the accommodation and food and construction sectors given the above average employment in these sectors.

Industry	15/06 - 28/06	29/06-12/07	13/07-26/07	27/07-09/08	10/08-23/08
Manufacturing	22.5%	22.1%	24.5%	21.3%	24.8%
Water Supply, Waste Materials	36.7%	39.0%	34.4%	31.6%	33.3%
Construction	37.5%	37.9%	38.0%	32.3%	38.3%
Wholesale And Retail Trade	24.8%	25.0%	24.9%	22.5%	20.7%
Transportation And Storage	27.5%	23.4%	31.1%	28.2%	26.6%
Accommodation And Food	48.5%	43.7%	45.6%	39.9%	37.8%
Information And Comms	18.3%	17.9%	16.4%	19.3%	15.9%
Real Estate Activities	13.5%	17.7%	24.2%	21.5%	28.2%
Professional And Technical	24.0%	24.3%	23.9%	23.5%	24.0%
Administrative And Support	33.1%	32.6%	34.2%	33.6%	35.8%
Education	17.1%	17.6%	16.8%	19.2%	17.4%
Human Health And Social Work	24.1%	27.4%	28.1%	25.4%	32.3%
Arts, Entertain And Recreation	35.2%	34.7%	31.9%	36.6%	33.1%
All Industries	28.3%	27.9%	28.6%	26.8%	27.6%

3.7 This data also correlates with the number of furloughed employees by sector. Whilst not available for the District specifically, the regional data highlights that the following sectors have the highest proportion of their workforce furloughed;

- Accommodation and food services
- Arts, entertainment, recreation and other services
- Construction

Recent analysis by the Resolution Foundation has also revealed that nationally nearly one third of lower-paid employees have lost their jobs or been furloughed, compared to less than one in ten top earners. The report also found that whilst the Coronavirus Job Retention Scheme had been well received, the support for the self-employed was less well understood with three in ten workers that did some self-employed work prior to the pandemic believing that they are ineligible for support.

3.8 The Economy Service at the County Council has also developed a vulnerability index drawing on a range of published socio-economic data to consider the more local impact of the

pandemic. The analysis of the hardest hit communities / wards indicates the following top 10 towns and communities. The index recognises underlying fragilities that were there before the pandemic and takes into account measures such as household income, skill levels, unemployment and other deprivation indices. When current data on claimant count numbers, the reliance on furlough and national income support programmes and Government backed loans it highlights the towns and communities that are most vulnerable to the current economic crisis and that would be most impacted by further economic shocks.

Most vulnerable localities in Devon on composite Vulnerability Index
1. Central Barnstaple and Forches
2. Central Newton Abbot
3. Central and West Ilfracombe
4. Teignmouth Town Centre
5. Central and South East Bideford
6. Totnes Town Centre
7. Dawlish Town Centre
8. Lynton and Lynmouth
9. West Dartmouth
10. Exmouth Town Centre

3.9 It can be seen from the table that Exmouth Town Centre falls within the top 10 most vulnerable localities in Devon. This is closely followed by Axminster (central and west - 12th) and Honiton (town centre - 13th).

4. Consumer spending

4.1 The Social Investment Business (SIB) and Tortoise Media have launched a Corona Shock tracker to analyse changes to consumer spending due to Covid-19 at a local level. The tracker follows spending based on card transactions. During April this highlighted a large decline in non-food spending (down -45%) with coastal and rural areas hit hardest due to lack of tourism. By June overall spending across England & Wales was down only -5% (compared to -40% just after lockdown) with grocery spending up about 10% and non-grocery spending down -15%. By July retail sales overall had recovered to levels seen before the pandemic but spending online was now 50% higher than it was previously. Coastal towns and tourist areas had by this point been boosted by staycation tourism.

4.2 The August data reveals that Devon performed more positively than much of the UK reflecting both the boom in staycation tourism and rise in footfall as well as the 'eat out to help out' campaign during the month. Spending in most coastal areas was up year on year, while many town and city centres have also seen spending recover to levels seen before the pandemic.

4.3 Consumer spending should though not be confused with footfall. Nationally footfall in town centres has fallen by 5% since 2015. Again there is evidence of differential impacts which analysis undertaken for the High Streets Task Force revealing that from March 1 to June 30 2020, footfall in smaller district centres fell by 34.5%, compared to a drop of 75.9% in larger cities over the same period. Further evidence in terms of footfall levels is in the process of being commissioned through the Reopening High Streets Fund (see below).

5. Outlook

5.1 As we enter a period of more restrictions, and a possible cycle of further national or local measures, the next round of economic consequences are hard to predict with any degree of certainty. There is though emerging evidence that the pace of recovery is now slowing. This coupled with uncertainty regarding the outcome of current Brexit negotiations is contributing to a general sense that the road to recovery will be both bumpy and prolonged.

5.2 The Chancellor has recently outlined the Winter Economy Plan to protect jobs and support businesses over the coming months. The package includes a new Jobs Support Scheme, extending the Self Employment Income Support Scheme and 15% VAT cut for the hospitality and tourism sectors, and help for businesses in repaying government-backed loans. Nevertheless there is an increased emphasis on businesses to determine whether particular jobs are sustainable moving forward which will undoubtedly lead to difficult decisions needing to be made.

5.3 The spectre of large scale redundancies in the final quarter of this year and the beginning of next year is therefore very real. We can expect rises in unemployment, more business closures and ongoing challenges for the local economy

6. Recovery Planning – Team Devon

6.1 It is in this context that efforts to support economic recovery need to be considered. ‘Team Devon’ represented the coming together of the county, district, city, town and parish councils, partner organisations and communities in response to the pandemic.

6.2 An Economy and Business Recovery Prospectus was published in July (see background links). This followed input from a steering group that included representation from the business community and training providers. The prospectus sets out a shared vision for economic recovery over the next three years and seeks an initial investment package of £56m to support the hardest-hit communities and sustain 6500 local jobs, deliver 5000 training opportunities and support 7500 enterprises.

6.3 The Team Devon approach and the development of the Prospectus has helped to set out clear priorities, galvanise partnership working and marshal resources. The prospectus provides a single economic programme for the County to respond to the crisis and helps to frame activity at a District level. It recognises how supporting our economy, businesses and workforce will improve the social, health, environmental and well-being of our communities and more vulnerable residents. This includes the importance of securing a green recovery.

6.4 Team Devon have recently submitted a case to Government with the backing of local MPs to retain circa £38 millions of unspent business grant monies awarded to local authorities. The County Council’s Cabinet has also recently considered a further programme of support across four specific themes as follows;

- Small and medium enterprises
- Employment and Skills
- Opportunities and Green Recovery and
- Towns and hardest hit places

This provides an opportunity to align activity alongside further support available through the Local Enterprise Partnership such as through the Getting Building Fund.

6.5 It is a specific recommendation of this paper that Team Devon approach is endorsed as the best partnership for coordinating economic recovery activity.

7. District activity

7.1 The next section sets out the activity that it is proposed to support our businesses, residents and places that will compliment this wider package of measures. This includes the opportunity to build back a more resilient, inclusive and sustainable economy. The activity is set out by theme;

Support for business

Adapt and Thrive programme – The Council has provided £40k for an enhanced business support programme. Cosmic and the Business Information Point have been commissioned to deliver a package of training, advice and direct consultancy. This will be shaped by the businesses that engage with the programme will be developed around their requirements. It is expected that this will cover topics such as adapting business sales strategy to reflect changes in buying habits, supporting staff work remotely, agile project management, marketing tactics and adopting new digital solutions and processes. The programme is open to businesses of all shapes and sizes, from the largest businesses to start-ups and established SMEs

Enterprise Zone – the Enterprise Zone is a long term designation designed to support large scale job creation. The September meeting of the Cabinet agreed to increase borrowing against future ring-fenced business rate income to circa £20m. This will be used to invest in projects that support the delivery of new jobs and commercial space which will also aid economic recovery and support opportunities for clean and inclusive growth.

Exeter Airport – The Airport has probably been the most impacted of any business in the District. A package of support was agreed by Cabinet in September to support the Airport moving forward. Measures included in this package, such as the enhancement of Long Lane, will now move forward to delivery.

Inward investment - Economic development will provide a swift and effective response to all inward investment enquiries. This will include those from indigenous businesses as well as foreign direct business opportunities following from our work with the Department for International Trade. Outside of EZ promotion, our primary proactive inward investment activity will be through our leading role in developing Devon Delivers with DCC.

Local Restrictions Support Grant - On Wednesday 9 September the Government announced there would be further funding to support businesses that are required to close due to any localised restrictions being put in place to manage coronavirus. This Local Restrictions Support Grant (LRSG) scheme must be administered by the relevant business rate billing Local Authority.

Local Authorities will receive two elements of funding:

- a) Funding to meet the cost of payments to businesses within the business rates system
- b) An additional 5% to be used as discretionary grant funding to support businesses which are closed but are not in the business rating system as well as businesses that may not be required to close but which are severely impacted

Grants will be issued for each three-week period that a business is closed following the implementation of localised restrictions and business closures.

A draft LRSG policy (see Appendix A) has been developed to guide the deployment of these funds. It is a recommendation of this report that this policy is approved.

Broadband - Supporting infrastructure such as ultrafast broadband and mobile telecommunications so that these services are extended across East Devon to enhance our urban and rural economies, improve service delivery and promote social inclusion

Support for people

Engagement with DWP the Department for Work and Pensions (DWP) has a number of initiatives designed to support people back in to employment. These range from job finding support and promoting digital inclusion through to support for specific groups such as younger people, the longer term unemployed and the homeless. Regular engagement meetings have been scheduled with local DWP colleagues to ensure that these programmes have maximum benefit locally. This includes considering the potential for flexible support funding to respond to the needs of specific communities in the District.

Redundancy response - Having established our redundancy response network in East Devon, we are now supporting DCC and DWP colleagues in the development and co-ordination of a county wide redundancy response network. We will continue to provide up to date local intelligence about planned or live redundancies in district, ensuring the relevant support and guidance is provided to management teams as quickly as possible. We will ensure any affected staff are as well informed as they can be about who can help them and what local opportunities exist for retraining and reemployment.

Kick Start – the Kick Start programme will provide funding to employers to create new 6-month job placements for 16 to 24 yr olds who are currently on Universal Credit and at risk of long-term unemployment. We will engage the relevant intermediary or provide gateway assistance for any business in East Devon offering fewer than 30 job placements. This will help to ensure that every employer and placement is given the best possible support and achieves maximum value from the scheme. .

Building Greater Exeter - Building Greater Exeter (BGE) is focussed on supporting the construction sector across Exeter, East Devon and Teignbridge to address the skills and recruitment challenges it faces. As founder sponsors, we maintain our engagement on the Steering Group to ensure an effective engagement programme, tangible support to employers and maximised opportunities for upskilling.

Support for places

Reopening High Streets Safely Fund – £130,992 of funding has been made available to the Council to introduce a range of safety measures to help get customers back to shops. A working group has been formed to guide the deployment of these funds in conjunction with town and parish councils.

One Public Estate Funding – The briefs for works in Axminster and Exmouth agreed pre-covid have been amended to reflect the changing priorities, with a particular focus now on recovery of town centres.

8. Assessment

8.1 The data makes it clear that the economic impact of the pandemic on the District has been profound. Vulnerabilities have been ruthlessly exposed and the scale of job losses has been unprecedented. The potential for further large scale redundancies is very real. .

8.2 This report details the measures that have already been undertaken to mitigate the worst of these effects to date. It is clear though that the full impact has yet to be felt and that sustained effort is required. The Team Devon approach represents a new spirit of collaboration to ensure that all partners pull together in this respect.

8.3 The evidence reveals that there will be differential impacts in terms of people (including age group and income level), places and sectors. It is essential that support is both tailored and targeted to where it is most needed. A recent national survey found that the Covid-19 pandemic had cost the average small business nearly £12,000 with 25% believing that that they are at risk of closure in the next 6 months. Over half of the businesses struggled to access government support or understand the eligibility criteria. With an economy that is dominated by small and micro enterprises this is clearly a cause for concern.

8.4 Looking forward the Council has a key role to play in terms deploying the package of measures outlined in this report. Targeted measures have already been agreed for the Airport, the most impacted of any business in the District. The Kick Start programme will help our younger residents gain access to employment. But we will need to keep all measures under review, both to ensure their efficacy and to address any gaps in provision. As highlighted above there is emerging evidence that redundancies are disproportionately impacting the 50+ age group for example.

8.5 Access to a decent, well paid job is a key determinant of peoples' quality of life. There are clear linkages here to the determinants of health including mental health. Proactive measure to support access to employment will therefore pay dividends in all sorts of ways. This includes to the delivery of the emerging Poverty Strategy.

8.6 The pandemic is likely to have lasting, structural impacts. The surge in online spending is likely to be one of these. Businesses will need to adapt to the new normal in this respect and the business support programme now being rolled out will help to facilitate this.

8.7 A return to business as normal may also be undesirable in other respects. This is most particularly the case in terms of the need to support a green recovery and the development of a low carbon economy. The Devon prospectus identifies specific opportunities, including for example through the retrofitting of the existing housing stock to become more energy efficient, to develop new employment and business opportunities whilst also securing large scale carbon savings. The ability to pivot towards achieving a more sustainable economy should not be lost. As such the pandemic could become the catalyst for a green industrial revolution.

8.8 Finally much of the activity over the last 6 months has necessarily been reactive. Agility and flexibility have been required in order to deploy the range of initiatives outlined in this report. There is now the opportunity to be more proactive looking forward and ensure key priorities are identified and that the relevant resources are in place. A further report will be brought to Cabinet in this respect.

9. Conclusion

9.1 The impact of the pandemic on the local economy has been profound. These have also been felt disproportionately by some age groups, places and sectors. This report is an opportunity to take stock of the measures that have been deployed to date to mitigate these impacts and, looking forward, to consider how best we can support recovery. In the context of an uncertain outlook it will be important to ensure that the efficacy of these measures is kept under review.



East Devon District Council Local Restrictions Support Grant Scheme

DRAFT

Version Control

Version	Version date	Revised by	Description
1	September 2020	DA	INITIAL SCHEME
2	October 2020	AS	AMENDMENTS

DRAFT

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Definitions

The following definitions are used within this document:

'COVID-19' (coronavirus); means the infectious disease caused by the most recently discovered coronavirus;

'Department for Business, Energy & Industrial Strategy (BEIS); means the Government department responsible for the scheme and guidance;

'Effective date'; means for eligibility of the grant, the date of the local restrictions. For the purpose of this scheme the date cannot be before 9th September 2020;

'Hereditament(s); means the assessment defined within Section 64 of the Local Government Finance Act 1988;

'In-person services' means services which are wholly or mainly provided by the business to their customers face to face and which **cannot** be provided by other means such as online or remotely by telephone, email, video link, or written communication;

'Local lockdown'; means the same as **'Local restrictions';**

'Local rating list'; means the list as defined by Section 41 of the Local Government Finance Act 1988

'Local restrictions'; and **'Localised restrictions'** means legally binding restrictions imposed on specific Local Authority areas or multiple Local Authority areas, where the Secretary of State for Health and Social Care requires the closure of businesses in a local area under regulations made using powers in Part 2A of the Public Health (Control of Disease) Act 1984 in response to the threat posed by coronavirus and commonly as part of a wider set of measures;

'Local Restrictions Support Grant Scheme (the Grant Scheme)'; means the grant scheme developed in response to an announcement made by the Secretary of State for Business, Energy & Industrial Strategy made on 9th September 2020;

'Local Restrictions Discretionary Support Grant Scheme (the Discretionary Scheme)'; means the discretionary grant scheme developed by the Council in line with Government guidance;

'Rateable value'; means the rateable value for the hereditament shown in the Council's local rating list;

'Ratepayer'; means the person who will receive the grant will be the person who, according to the Council's records, was the ratepayer liable for occupied rates in respect of the hereditament at the date of the local restrictions;

'State Aid Framework'; means the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak published on 19 March 2020; and

'Temporary Framework for State aid'; means the same as the **'State Aid Framework'**.

1.0 Purpose of the Scheme and background.

- 1.1 The purpose of this document is to determine eligibility for a payment under the Council's Local Restrictions Support Grant Scheme (the Grant Scheme).
- 1.2 The Grant Scheme has been developed in response to an announcement made by the Secretary of State for Business, Energy & Industrial Strategy made on 9th September 2020 which sets out circumstances whereby a grant payment may be made by the Council to a business which has to close due to localised restrictions being put in place to manage coronavirus and save lives.
- 1.3 Whilst the awarding of grants will be the Council's responsibility, the Department for Business, Energy & Industrial Strategy (BEIS) has set down criteria which **must** be met by each business making an application. The Department has also indicated the types of business which should be given the grant.
- 1.4 The scheme is broadly divided into two:
 - (a) **Scheme 1** - Grants for businesses who occupy hereditaments which appear on the Local Rating List at the date of the local lockdown and have had to close due to localised restrictions being put in place to manage coronavirus; and
 - (b) **Scheme 2** - Discretionary Grants for businesses who **do not** appear on the Local Rating List at the date of the local lockdown and have had to close due to localised restrictions being put in place to manage coronavirus.
- 1.5 The scheme **only** applies where local restrictions are put in place. Localised restrictions are legally binding restrictions imposed on specific Local Authority areas or multiple Local Authority areas, where the Secretary of State for Health and Social Care requires the closure of businesses in a local area under regulations made using powers in Part 2A of the Public Health (Control of Disease) Act 1984 in response to the threat posed by coronavirus and commonly as part of a wider set of measures.
- 1.6 Grants under this scheme will be available for the 2020/21 financial year only and will be issued for each three-week period that a business is closed following the implementation of statutory localised restrictions and business closures.
- 1.7 No grant shall be paid for any period where the localised restrictions were in place prior to 9th September 2020.
- 1.8 This document sets out the criteria which BEIS have provided to the Council to determine eligibility for the Local Restrictions Support Grant. It also outlines the approach the Council will take in determining whether an award should be paid or not.

2.0 Funding

- 2.1 Central Government will provide the Council with funding in two parts as follows:
- Funding to meet the cost of payments to businesses within the business rates system based on an assessment of the number of eligible business hereditaments; and
 - An additional 5% to be used as discretionary grant funding to support businesses which are closed, but are not in the business rating system, as well as businesses that may not be required to close but which are severely impacted.
- 2.2 In the case of the discretionary grants, the Council will limit the total awards to the level of funding available from Government.

3.0 Eligibility criteria and awards

- 3.1 Government, whilst wanting Councils to exercise their local knowledge and discretion, has set national criteria for the funds. In all cases, the Council will only consider businesses for grants where **all** of the criteria are met.

Scheme 1 – Local Restrictions Support Grant, Business rate paying businesses

- 3.2 The Department for Business, Energy & Industrial Strategy (BEIS) has stated that businesses that were open as usual and providing in-person services to customers from their business premises and then required to close for a consecutive period of no less than three weeks as a result of regulations made under the Public Health (Control of Disease) Act 1984 will be eligible for this funding.
- 3.3 Guidance from the Department states that this could include, non-essential retail, personal services or cafes/restaurants that operate primarily as an in-person venue but have been forced to close these services and instead provide takeaway-only services.
- 3.4 Businesses in a local lockdown that is implemented for less than three weeks and businesses that are closed for less than three weeks are not eligible for grant funding.

Scheme 1 – Grant Awards

- 3.5 The amount of grant in respect of Scheme 1 are fixed as follows:
- Businesses occupying hereditaments appearing on the local rating list with a rateable value less than £51,000 on the date of the commencement of the local lockdown will receive a payment of £1,000 **per** qualifying lockdown period; and
 - Businesses occupying hereditaments appearing on the local rating list with a rateable value of exactly £51,000 or above on the commencement date of the local lockdown, will receive £1,500 **per** qualifying lockdown period.

3.6 Any business failing to meet the criteria will not be awarded a Local Restrictions Support Grant.

Scheme 1 – Excluded businesses

3.7 The following businesses will **not** be eligible for an award:

- (a) Businesses that are able to continue to trade because they **do not depend** on providing direct **in-person services** from premises and can operate their services effectively remotely (e.g. accountants, solicitors);
- (b) Businesses in areas outside the scope of the localised restrictions, as defined by Government;
- (c) Businesses that have chosen to close but not been required to will not be eligible;
- (d) Businesses which have already received grant payments that equal the maximum levels of State aid permitted under the de minimis and the COVID-19 Temporary State Aid Framework;
- (e) Businesses that were in administration, are insolvent or where a striking-off notice has been made at the date of the local lockdown; and
- (f) Businesses still subject to national closures (e.g. nightclubs).

Scheme 1 – Additional Criteria

The Effective Date

3.8 The effective date for eligibility is the date of the local restrictions and, in **all** cases, the following must have existed at the effective date:

- The hereditament **MUST** be shown in the local rating list as at the date of the local restrictions;
- Any changes to the local rating List (Rateable Value or to the hereditament) after that date, including changes which have been backdated to this date, will be ignored for the purposes of eligibility;
- The Council is not required to adjust, pay or recover grants where the local rating list is subsequently amended retrospectively to the date of the local restrictions;
- In cases where it was factually clear to the Council that at the date of the local restrictions that the local rating List was inaccurate on that date, the Council *may* withhold the grant and/or award the grant based on their view of who would have been entitled to the grant had the list been accurate. The Department for Business, Energy and Industrial Strategy (BEIS) has stated that this provision is entirely at the discretion of the Council and is **only** intended to prevent manifest errors. It is not intended for ratepayers who subsequently challenge their Rateable Value; and
- Where a hereditament is exempt from rating as at the date of the local restrictions, no grant shall be payable.

The Ratepayer

- 3.9 In **all** cases the following shall apply:
- The person who will receive the grant will be the person who, according to the Council's records, was the ratepayer in respect of the hereditament at the date of the local restrictions;
 - The ratepayer must be liable to occupied property rates at that date. It should be noted that grants will not be awarded where the hereditament is unoccupied;
 - Where the Council has reason to believe that the information it holds about the ratepayer at the date of the local restrictions is inaccurate, it may withhold or recover the grant and take reasonable steps to identify the correct ratepayer;
 - Where, it is subsequently determined that the records held are incorrect, the Council reserves the right to recover any grant incorrectly paid; and
 - Where any ratepayer misrepresents information or contrives to take advantage of the scheme, the Council will look to recover any grant paid and take appropriate legal action. Likewise, if any ratepayer is found to have falsified records in order to obtain a grant.

Scheme 2 - Discretionary Grants – Business not on the local rating list

- 3.10 The Council has been given discretion to award grants to businesses who:
- (a) are not on the local rating list at the date of the local restrictions; and
 - (b) are business that are required to close as a result of the local lockdown.
- 3.11 The Council has decided to make payments to retail, leisure and hospitality related businesses from this discretionary fund of £1,000 per business (not one per business premises) where:
- (a) a business is required to close and does not pay business rates; or
 - (b) a business is not required to close, but has been severely affected, for example as a result of customer businesses being closed

Scheme 2 – Discretionary Grant Awards

- 3.12 The Council will prioritise discretionary grants to businesses unable to provide their usual in-person customer service from its premises. Specifically, this includes non-rates registered retail, hospitality and leisure businesses that are required to close as a result of a local lockdown. It also includes primary suppliers to these sectors (whether they have had to close or not) where it can be evidenced that income is severely affected. Home-based businesses can be considered through this scheme where they meet the same criteria.
- 3.13 In the event of a local lockdown, the grant support will be marketed as widely as possible. Applications for discretionary grants will be made online via the same Local Restrictions Support Grant web form as for Scheme 1.

- 3.14 It is important to manage the expectations of business owners who will be aware that the discretionary element is just 5% of the overall Local Restrictions Support Grant. As such, discretionary support can only be provided to a very limited number of businesses.
- 3.15 To ensure limited support funds maximise benefit to the local economy, only one grant application can be submitted by business with common directors. This will avoid one company director receiving multiple grants for closely associated but separately registered companies.
- 3.16 Discretionary grants of £1,000 will be awarded to eligible businesses in the same order that legitimate applications are received and until the fund is fully allocated. When the discretionary fund is fully allocated, this will be made clear on the relevant web page and web form to inform prospective applicants and avoid surplus applications being made.
- 3.17 Discretionary grants will be a one-off payment and will not be subject to the rolling payment structure of Scheme 1 (Business rate payers). In the event of a local lockdown lasting a further 3-week period, new applications for discretionary support grants will be considered via the same web form. In this instance, and to ensure help to the widest range of businesses, EDDC will not approve additional grants to existing recipients and will only prioritise applications from eligible businesses who did not receive a grant to cover any previous 3-week period.

Scheme 2 – Excluded businesses

- 3.18 The following businesses will not be eligible for a discretionary award:
- (a) Businesses that are able to continue to trade from premises and can operate their services effectively remotely;
 - (b) Businesses in areas outside the scope of the localised restrictions, as defined by Government;
 - (c) Businesses that have chosen to close but not been required to do so;
 - (d) Businesses which have already received grant payments that equal the maximum levels of State aid permitted under the de minimis and the COVID-19 Temporary State Aid Framework;
 - (e) Businesses that were in administration, are insolvent or where a striking-off notice has been made at the date of the local lockdown are not eligible for funding under this scheme; and
 - (f) Businesses still subject to national closures.

4.0 How will grants be provided to Businesses?

- 4.1 The Council is fully aware of the importance of these grants to assist businesses and support the local community and economy. The Local Restrictions Support Grant scheme will offer a lifeline to businesses who are struggling to survive during to the COVID-19 crisis.
- 4.2 In all cases, an application form is required, and this can be completed on-line at the Council's website www.council.gov.uk/localrestrictions

Supplementary information may also be required, and all businesses should look to provide this, where requested to the Council as soon as possible.

- 4.3 An application for a Local Restrictions Support Grant is deemed to have been made when a duly completed application form is received via the Council's online procedure.
- 4.4 Only one grant will be awarded to any business in any one period of lockdown (either from Scheme 1 or Scheme 2)
- 4.5 In order to fairly administer the discretionary scheme (Scheme 2) as it has limited funding, the Council has decided that awards will be determined as follows:
- (a) Claims can be made by business any time from the date of the imposition of the local restrictions up to 1 month after restrictions have been lifted;
 - (b) Any businesses wishing to claim should complete the necessary form on the Council's website This will also include the provision of such evidence as required by the Council;
 - (c) All claims will be made online and will be on a 'first come- first serve' basis; and
 - (d) Depending on the number of applications and the amount left in the grant fund, the Council reserves the right to change the level of funding available.
- 4.6 All monies paid through the Discretionary Business Grant scheme will be funded by Central Government and paid to the Council under S31 of the Local Government Act 2003. However, as mentioned earlier, the funds are limited and, as such, the Council is not able to award a grant where funds are no longer available.

5.0 EU State Aid requirements

- 5.1 Any Local Restrictions Support Grant is given as aid under the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak published on 19 March 2020. This means that businesses receiving support under these provisions can receive up to €800,000 in aid over three years (being the current and the previous two years).
- 5.2 Any grant awarded is required to comply with the EU law on State Aid. This will involve the applicant declaring to the Council if they have received any other de minimis State aid or aid provided under the EU Commission COVID-19 Temporary Framework.
- 5.3 If the applicant has not received any other de minimis State aid, they will be required to verify that to the Council.

6.0 Scheme of Delegation

- 6.1 The Council, in line has approved this scheme on behalf of the Council.
- 6.2 Officers of the Council will administer the scheme and the **Section 151 Officer** is authorised to make technical scheme amendments to ensure it meets the criteria set by the Council and, in line with Government guidance.

7.0 Notification of Decisions

- 7.1 Applications will be considered on behalf of the Council by the Revenues and Benefits Services and Economic Development.
- 7.2 All decisions made by the Council shall be notified to the applicant either in writing or by email. A decision shall be made as soon as practicable after an application is received.

8.0 Reviews of Decisions

- 8.1 The Council will operate an internal review process and will accept an applicant's request for an appeal of its decision.
- 8.2 All such, requests must be made in writing to the Council within 14 days of the Council's decision and should state the reasons why the applicant is aggrieved with the decision of the Council. New information may be submitted at this stage to support the applicant's appeal.
- 8.3 The application will be reconsidered by a senior officer, as soon as practicable and the applicant informed in writing or by email of the decision.

9.0 Complaints

- 9.1 The Council's 'Complaints Procedure' (available on the Council's website) will be applied in the event of any complaint received about this scheme.

10.0 Other grant conditions

Taxation and the provision of information to Her Majesty's Revenues and Customs (HMRC)

- 10.1 The Council has been informed by Government that all payments under this scheme are taxable.
- 10.2 The Council does not accept any responsibility in relation to an applicant's tax liabilities and all applicants should make their own enquiries to establish any tax position.
- 10.3 All applicants should note that the Council is required to inform Her Majesty's Revenue and Customs (HMRC) of all payments made to businesses.

Special Cases

- 10.4 The Council recognises that there will be occasions when a business does not satisfy the criteria for a discretionary grant (Scheme 2). The criteria are not restrictive and nothing in

them shall be taken as restricting the Council's ability to depart from its general policy as to the award of grants if it sees fit to do so, bearing in mind the facts of the case.

11.0 Managing the risk of fraud

11.1 Neither the Council, nor the Government will accept deliberate manipulation of the scheme or fraud. Any applicant caught falsifying information to gain grant money or failing to declare entitlement to any of the specified grants will face prosecution and any funding issued will be recovered from them.

11.2 Applicants should note that, where a grant is paid by the Council, details of each individual grant may be passed to Government.

12.0 Recovery of amounts incorrectly paid

12.1 If it is established that **any** award has been made incorrectly due to fraud, error, misrepresentation or incorrect information provided to the Council by an applicant or their representative(s), the Council will look to recover the amount in full.

13.0 Data Protection and use of data

13.1 All information and data provided by applicants shall be dealt with in accordance with the Council's Data Protection policy and Privacy Notices which are available on the Council's website.

Report to: Cabinet



Date of Meeting 28th October 2020

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Exmouth Tidal Defence Scheme Flood Gate Operations

Report summary:

To supersede item 4.3 of cabinet report of Wednesday, 9 November 2016; 5.30pm to permit East Devon District Council to operate the highways flood gates, and sign up to a 3 party agreement to allow community volunteers to close non highways flood gates.

Recommendation:

That Cabinet;

1. **Agree to permit East Devon District Council to be the primary responder to operating the highway flood gates in Exmouth.**

2. **Agree for East Devon District to sign up to the 3 party Memorandum of Understanding between East Devon District Council, Environment Agency and Exmouth Town Council to allow community volunteers to be the primary responder for operating non highway flood gates, with delegated authority given to the Strategic Lead (Housing, Health and Environment) to complete the agreement in consultation with the Strategic Lead (Governance and Licensing).**

Reason for recommendation:

1. East Devon District Council are geographically well placed to respond quickly to both closing and opening of gates, minimising inconvenience for Exmouth.

2. Having the community close non-highway gates will give a sense of community ownership, build community spirit and reduce inconvenience to Exmouth as well as limiting operating cost increases where we already have difficult budget decisions to make

Officer: Tom Buxton-Smith - Engineering Projects Manager tbuxton-smith@eastdevon.gov.uk
 01395 571630 & Andrew Hancock – Service Lead, StreetScene ahancock@eastdevon.gov.uk
 01395 571611

Portfolio(s) (check which apply):

- Climate Action
- Corporate Services and COVID-19 Response and Recovery
- Democracy and Transparency
- Economy and Assets
- Coast, Country and Environment
- Finance

- Strategic Planning
- Sustainable Homes and Communities

Financial implications:

The financial implications are detailed in the report. If approved there will be minor staff costs in the current financial year which can be accommodated within existing budgets with the full costs then incorporated into the 2021/22 budget proposals.

Legal implications:

It is within the power of the Council to agree to what is proposed and to enter into an agreement to formalise the arrangements. Otherwise there are no legal implications requiring comment.

Equalities impact Low Impact

Climate change Low Impact

Risk: High Risk; Risk of not entering agreement to close highway gates could result in Exmouth flooding during a storm. Although no financial liability of non-gate operation would be incurred, the reputation of the council would be damaged if properties were flooded.

Links to background information [Cabinet - 9th November 2016 – Agenda Item 14 - Page 61](#)

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

Report in full

1. Introduction

- 1.1 This report follows on from Agenda Item 14 of Cabinet of Wednesday, 9 November 2016; 5.30pm.

Section 4.3 states; it is not proposed at this stage that EDDC operate the new flood gates. Where possible flood gates will normally be closed, or alternatively operated by flood groups or residents. Flood gates along the Esplanade will require traffic management, and the operation of those will continue to be discussed with the EA to ensure an appropriate resource is put in place.

- 1.2 However in consultation with the Environment Agency, it is sensible for East Devon District Council to be the primary operator of the highways gates, and a Community Group operating under Exmouth Town Council, will be the primary operators of non-highways gates. It is a requirement that when working on the highway, operators are covered by specialist training known as "chapter 8" which our Street scene operatives are. Devon County Council have also indicated this will be a requirement in order to delegate to us the ability to close the road.

1.3 The scheme design has evolved since it was conceived. It now features multiple flood gates that require operating prior and after a storm event. These gates are summarised below.

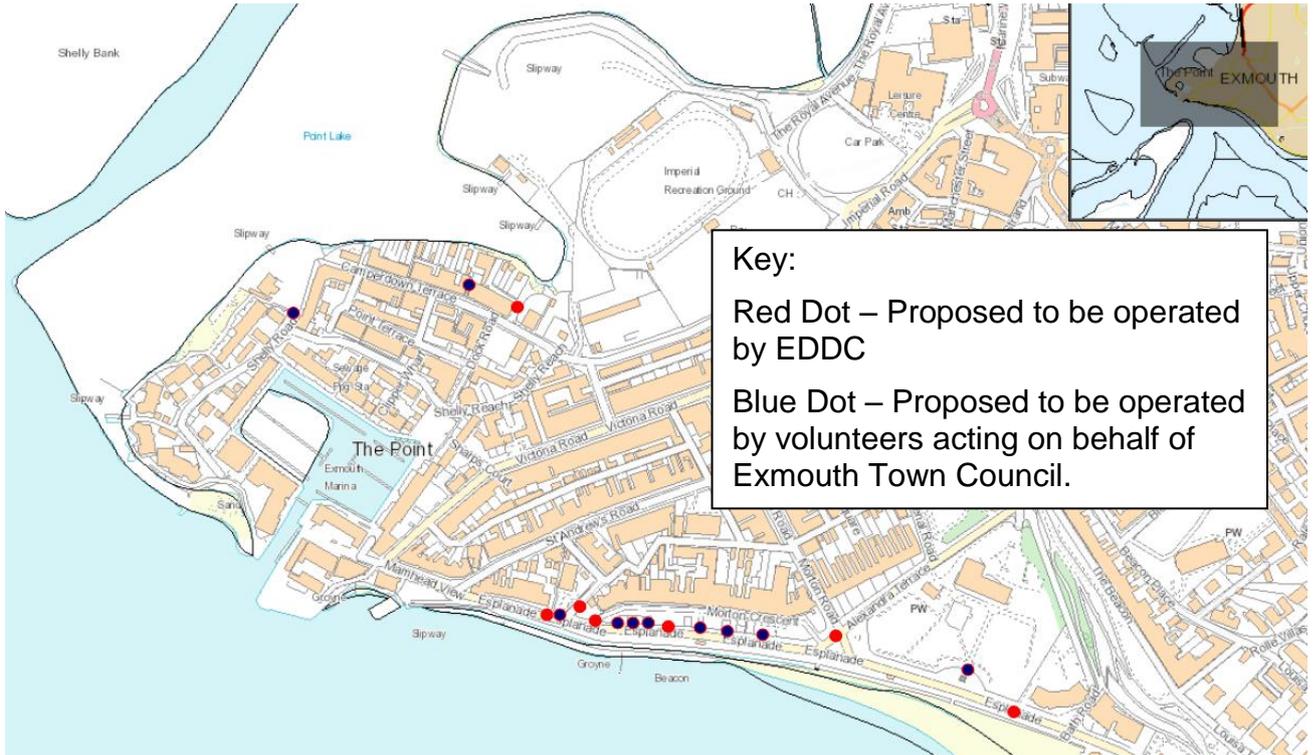


Image 1: Flood gate locations in Exmouth. Note: multiple gates may be located at each dot.

1.4 The flood gates are essential, and if they are not operated, up to 1500 residential properties plus numerous commercial properties will remain at flood risk during a storm event.

2. Proposed Highway Gate operation.

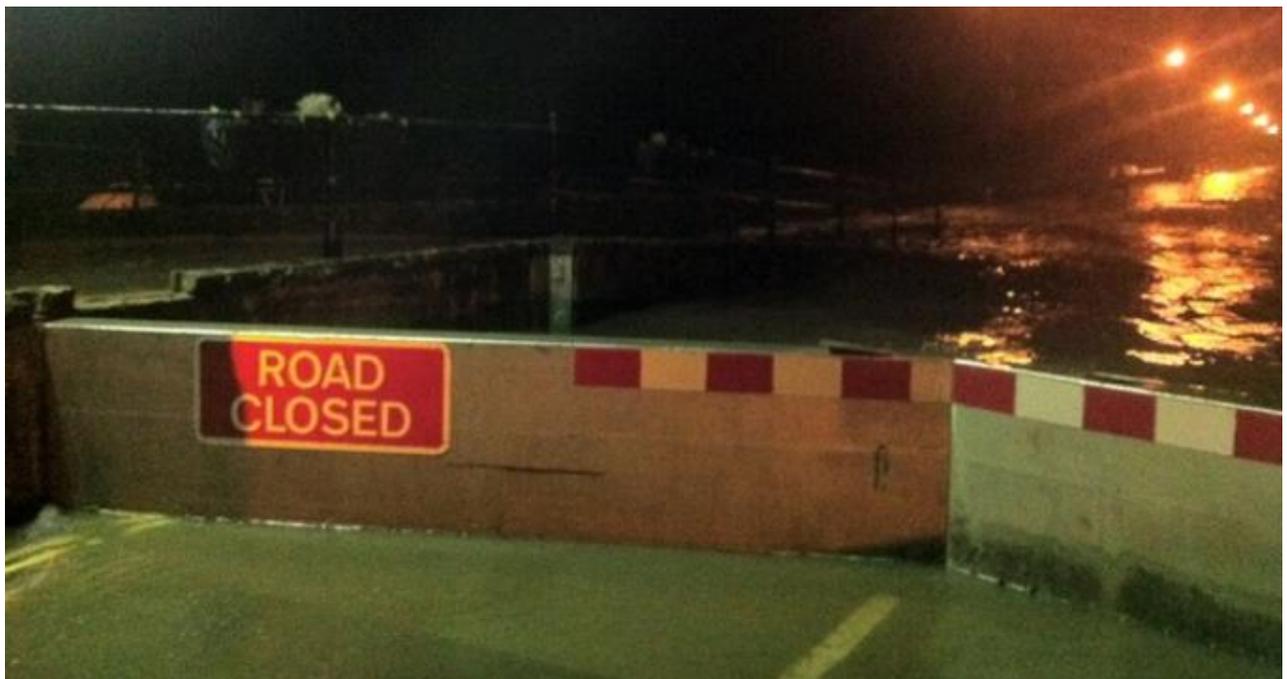


Image 2: Highway flood gate located in Instow, North Devon – Picture ITV Westcountry

- 2.1 There are 3 main routes into the impounding area created by the new tidal defence scheme.
- Western Route, via the Esplanade, with gates adjacent to The Grove
Central Route, via Alexander Terrace, with gates opposite Morton Road
Eastern Route, via the Esplanade, with gates adjacent to the Premier Inn
- 2.2 East Devon District Council would receive a warning from the Environment Agency at least 6 hours before gate closures would be required.
- 2.3 With co-operation from Devon County Council, who manage the on-street parking on the Seafront, parking would be suspended by ticket machines no longer issuing tickets, and remaining tickets timing out.
- 2.4 Meanwhile East Devon District Council would go about closing the Central and Eastern access route gates. This would be inclusive of diversion signage, indicating the only egress out is via the Western Route. The Western route is the last gate to be closed, as it has the highest threshold.
- 2.5 Once the Central and Eastern route gates have been closed, East Devon District Council will staff the Western route gates, only allowing vehicles out of the impounding area.
- 2.6 Once all vehicles have been removed, the Western Route Gates would be closed.
- 2.7 East Devon District Council will visit all the other non-highways gates to check they have been closed properly. East Devon will also close the gateway at Camperdown creek, as well as vehicle gates to Morton Crescent. These gates do not shut the highway, but do restrict vehicle movement
- 2.8 Should the impounding area have remaining vehicles in it after their parking tickets expire, then East Devon District Council will staff the Western Route Gates until just before the storm arrives, closing them before they leave.
- 2.9 Once the storm, or series of storms has passed, the Environment Agency will send a message to indicate the gates can be opened. East Devon District Council will then open the gates at the earliest opportunity.

3. Proposed Non-Highway gate operation.

- 3.1 The below method is our suggested operational procedure following guidance from the Environment Agency. The local community group may wish to amend the procedure to make it work better for them.
- 3.2 Due to both the geographical distance, and the different gate closure trigger points, it is envisaged there will be two separate community volunteer groups, one based at the Camperdown area, and another based at the Sea Front. These will be made up of local people, ideally with at least 10 members at each location.
- 3.3 The Environment Agency will send a message to all members of both groups to say the flood gates will need closing, at least 6 hours in advance.

- 3.4 Both groups will muster at a predesignated muster point. Depending on how many people attend, they will split off to close the gates. Once all their gates are closed, they will report back to the Environment Agency.
- 3.5 Once the storm or set of storms has passed, the Environment Agency will send a message to all members of both groups who will muster, and open the gates.
- 3.6 Should the gates not be able to be closed by the local community group, the closure requirement will be escalated to other bodies (East Devon District Council, Environment Agency, Fire Service etc). However this method has been found to work very well in other locations such as Lympstone.

4. Benefits for East Devon District Council to Operate the Highways Gates.

- 4.1 East Devon District Council are geographically well placed to respond to close the gates, as the team best suited to close the gates are based at the Camperdown Depot within Exmouth.
- 4.2 With a team being based very local to the gates, this will minimise lead time, so gates could be shut later before an event, and opened quicker following an event. This would minimise inconvenience for residents of Exmouth limiting closure periods.
- 4.3 If the Environment Agency were to lead on gate closures, they would have a minimum half hour travel time to Exmouth. They also have close many other flood gates around the County. Depending on the event and other requirements they may need to close the gates earlier, and open much later, which would inconvenience the residents of Exmouth for a longer period of time.

5. Benefits for East Devon District Council to be included in the 3 party Memorandum of Understanding to set up the community gate group.

- 5.1 Although the Environment Agency will lead on setting up and maintaining the community group, it will need to involve East Devon District to ensure it is a success.
- 5.2 Having the gates being closed by the community, gives community ownership and also reduces the operating cost increases for East Devon District Council at a time where we already have a budget shortfall and careful funding choices to make.
- 5.3 Community closed gates can give a sense of local ownership, empowerment and social cohesion. Community volunteers will develop skills and social infrastructure that they may also contribute to Exmouth Town Council's Community Emergency Plan.
- 5.4 Community closed gates can offer more flexibility to local residents for gates to be opened between tides, and also sooner once the all clear is given, reducing inconvenience to the residents of Exmouth. Community volunteers' local knowledge will ensure that the defence will operate in a way that is considerate and responsive to local needs.

6. Financial cost to East Devon District Council.

- 6.1 East Devon District Council have already agreed to a contribution in kind in the region of £900k towards the flood scheme. This is made up of ongoing maintenance, compound use and staff time.
- 6.2 There is a further commitment of staff time, and thus expense if East Devon District Council are to close the highways flood gates.
- 6.3 It is difficult to judge how often the gates would need to be shut, and thus how much time expenditure will be required. We also anticipate with the future effects of the climate emergency taking affect, the closure rate would increase into the future. We have estimated that for each gate closure and opening cycle, it would be an effective cost of £432 per event. This is based on a 2 person team and vehicle at £54 an hour for 8 hours. The 8 hours is estimated as: 2 hours closing the gates and checking all flood gates in Exmouth. 2 Hours to staff the last flood gate on the seafront up until the storm hits. 2 hours on call during high tide. 2 hours to open gates after high tide.
- 6.4 Yearly training and familiarisation will be required for staff. This will also enable the gates to be tested every year to check they are operational prior to storm season. Training 6 people up each year allows for resilience and staff turnover. The annual cost for training would be £648.
- 6.5 The community operated gates also require financial expense from East Devon District Council, however this will be significantly less then East Devon District Council operating all gates. The financial expense estimate for helping the Environment Agency set up and manage the community gate closure group is outlined below.

Task	Hours	Daily External Rate estimate	Total
Assist setting up community group including community training	80	£50	£4,000
Yearly community group administration	7	£50	£350

- 6.6 Below is a table indicating the anticipated frequency of gate closures over the schemes duration. Note this is rough estimate so subject to less or more frequent closures, but aids in giving an approximate figure of total cost for the scheme. It includes the yearly estimate for staff time cost and total staff time cost for 100 years operation. Note the figures have not been discounted into the future.

Years	Anticipated number of closures	Average Yearly cost per year
Year 1	2 per year	£5,512
Year 2-3	2 per year	£1,862
Year 4 -10	1 per year	£1,526
Year 11-20	2 per year	£1,862
Year 21-40	3 per year	£2,294
Year 41-60	4 per year	£2,726
Year 61-80	5 per year	£3,158
Year 81-100	6 per year	£3,590

Total 100 year cost	£273,898
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* A higher initial closure rate of the gates is expected, due to gate closure criteria being initially conservative. It is anticipated the gate closure criteria will be updated to become more accurate to avoid false alarms.

6.7 We expect that the majority of the gate closure work will be carried out during normal working hours, so the net cost to the council will be minimal, however this will be at a detriment to other work carried out by the council, which may need to be replaced with overtime working or agency staff. Therefore these are real costs.

6.8 Although a lot of the work can be done during working hours, storms and tides are unpredictable, so staff attendance is likely outside of work hours. Out of hours working attracts overtime payments, which will need to be covered above and beyond the normal workday budget.

7. Risks to the Council

7.1 If East Devon District Council do not take on the operation of the highways gates, worst case scenario is that no-one would close the gates, leaving Exmouth at significant flood risk. If another organisation can operate the gates, they are likely to be less responsive than East Devon District Council. A community gate closure group can't close the highways gates, as firstly they would need to be Chapter 8 trained, and secondly Devon County Council are unlikely to authorise a non-authority body to close the public highway.

7.2 If the community gate operation group fails to be incepted, or disbands, these gates would be left with no-one to close them. It is likely these gates would fall to East Devon District Council to close until a new community gate group is set up.

7.3 If the gates are not closed by any party, no party would be financial liable for any damage caused by the gates being left open. Their closure is on a best endeavours basis and this is reflected in the memorandum of understanding document.



Image 3: Photo of Exmouth being during Storm Frank 30/12/2015 (Pinterest)

Report to: **Cabinet**

Date of Meeting 28 October 2020

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Complaints to the Ombudsman during 2019/20

Report summary:

This report provides information on complaints referred to and decided by the Local Government and Housing Ombudsman during 2019/20

Recommendation:

That Cabinet notes the report and learning points arising from complaints decided during the year.

Reason for recommendation:

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

Officer: Henry Gordon Lennox, Monitoring Officer

Portfolio(s) (check which apply):

- Climate Action
- Corporate Services and COVID-19 Response and Recovery
- Democracy and Transparency
- Economy and Assets
- Coast, Country and Environment
- Finance
- Strategic Planning
- Sustainable Homes and Communities

Financial implications:

There are no direct financial implications.

Legal implications:

As the report is for information there are no direct legal implications arising. However, the outcomes do highlight some learning points which should be taken on board to avoid similar complaints in the future.

Equalities impact Low Impact

Climate change Low Impact

Risk: Medium Risk; Potential criticism, deterioration in reputation and failure to improve. Loss of credibility in complaints procedure.

Links to background information <http://eastdevon.gov.uk/feedback-and-complaints/making-a-complaint/complaint-outcomes/>
<https://www.lgo.org.uk/your-councils-performance/east-devon-district-council/statistics>

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

Report in full

1. Complaints to the Local Government Ombudsman (LGO)

- 1.1 12 complaints were received by the LGO during the year, compared to 21 received during 2018/19. There was a slight pause during the Covid19 lockdown whilst the Ombudsman suspended the consideration of new complaints.
- 1.2 9 (75%) complaints were planning related, compared to 52% in 2018/19, whilst 2 were for Environmental Health and 1 was regarding the Monitoring Officer's decision not to carry out an investigation into a complaint about a parish councillor as the complainant refused to complete the complaint form.
- 1.2 15 complaints were closed (decided) by the Ombudsman during the year:

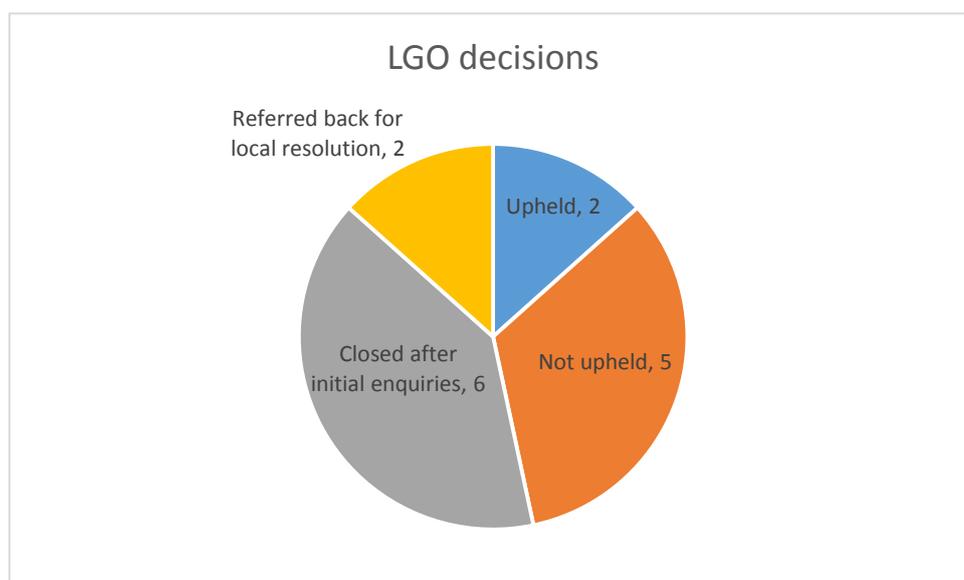
(Key to terms in pie chart below)

Upheld: Maladministration – with our without injustice

Not upheld: No maladministration

Referred for local resolution: Premature complaint referred which has not been considered by the council

Closed after initial enquiries: Complaint out of time/alternative remedy available or insufficient evidence of injustice



1.3 2 complaints were upheld and a summary of these is provided below. Complaint outcomes are published on our website in most cases, except where the Ombudsman requests that a decision is not publicised for example, where they feel that to do so may identify an individual complainant.

Complaint 1:

The ombudsman found fault in relation to the council's granting of consent for prior approval for a telecommunications mast in failing to properly document its consideration and assessment of the proposed appearance of the mast. The Council agreed to remind officers of the need to refer to the Neighbourhood Plan in their reports, where appropriate, and to accurately record who was consulted/commented. The Council also agreed to remind planning and landscape officers it would be good practice to have a written record confirming where those consulted on an application wished to make no comments on it.

Complaint 2:

The council was at fault in its assessment of permitted development provisions which resulted in the complainant carrying out further works that subsequently made no difference to the development's planning status. The council was asked to provide financial remedy (£250) to the complainant in recognition of the time and trouble they were put to in carrying out these further works.

In both of the above cases the council complied fully with the ombudsman's required remedy.

2. Links to council priorities

- 2.1 The council's planning service will ensure that the documentation of the consideration of planning applications is a comprehensive and accurate record, making our decisions clearer to the public, which links in with our priority of promoting an outstanding place and environment
- 2.2 The council's full compliance with the ombudsman's recommendations and low number of upheld complaints (29% in comparison with a national average for similar councils of 45%) is also indicative of our efforts to learn from complaints and to continuously improve.

3. Reporting requirements

- 3.1 The Ombudsman continues to encourage authorities to move away from a simplistic focus on complaint volumes and instead to focus on the lessons learned and the wider improvements.
- 3.2 The council's performance is published by the ombudsman here <https://www.lgo.org.uk/your-councils-performance> enabling comparisons to be made with other local authorities.

4 Housing Ombudsman

- 4.1 Complaints about the council, as social housing landlord, are considered by the Housing Ombudsman. This does not include complaints about allocations or bandings as these matters still fall within the jurisdiction of the Local Government

Ombudsman. Complaints referred to the Housing Ombudsman tend to focus on matters such as property repairs and maintenance and estate management issues.

- 4.2 In 2019/2020, there were no decisions issued by the Housing Ombudsman and no new referrals. During this time the ombudsman referred two complaints back to the council for consideration through our own complaints procedure.

5 Learning points

- 5.1 As the Ombudsman points out in his letter, considering volumes of complaints alone is not an effective measure of the quality of services being provided by the Council. The important thing is that the council continuously learns from, and improves, as a result of complaints received.
- 5.2 One of the key learning points from this year's complaints is the need to ensure that our planning considerations and decisions are adequately documented so that non-planning specialists and interested parties can easily see the full process; all consultee comments (including where there are none submitted); and that we can demonstrate that all relevant information and policy is considered.

Report to: **Cabinet**

Date of Meeting 28 October 2020

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Response to the Farringdon Neighbourhood Plan Submission

Report summary:

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

Recommendation:

1. That Members note the formal submission of the Farringdon Neighbourhood Plan and congratulate the producers of the plan on their dedicated hard work and commitment in producing the document.
2. That this Council make the proposed representation set out at paragraph 1.19 in this report in response to the consultation.

Reason for recommendation:

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

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

Portfolio(s) (check which apply):

- Climate Action
- Corporate Services and COVID-19 Response and Recovery
- Democracy and Transparency
- Economy and Assets
- Coast, Country and Environment

- Finance
- Strategic Planning
- Sustainable Homes and Communities

Financial implications:

As mentioned in Section 11.1 of the report, Central government Grant funding is available. This income covers not only Examination fees but also all other costs associated with Neighbourhood planning such as employment costs and all other supplies and services. Any residual funds are placed into an earmarked reserve and utilised to cover funding gaps in subsequent years.

Legal implications:

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

Equalities impact Low Impact

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

Climate change Low Impact

Risk: Low Risk; There is a risk that the Neighbourhood Plan could fail the examination if it is considered to conflict with the Basic Conditions to which all plans must comply.

Links to background information [The Localism Act](#); [Plain English Guide to the Localism Act](#); [National Planning Policy Framework \(2019\)](#); [Neighbourhood Planning Regulations](#); [Neighbourhood Planning Roadmap Guide](#); [East Devon Neighbourhood Planning webpages](#).

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

Report in full

Background to the Farringdon Neighbourhood Plan

- 1.1 Farringdon Parish Council commenced work on their Neighbourhood Plan following the Neighbourhood Area being designated on 08 December 2015.
- 1.2 Since then, the Parish Council and volunteers from the local community have spent considerable time and effort consulting with residents of the parish and producing a plan which reflects the aspirations of the community with regards to the use of land until 2031.
- 1.3 The Farringdon Neighbourhood Plan contains 12 policies designed to both protect and enhance the special qualities of the Parish of Farringdon. The policies relate to: the natural environment; the built environment (including heritage and housing); the local economy;

community facilities & services, and; transport (walking & cycling). The Plan aims to secure a sustainable future for the area in environmental, economic, and social terms.

- 1.4 Prior to submitting the Plan to East Devon District Council, Farringdon Parish Council have held their own 10 week public consultation on a draft version of the plan; a step which is also required by the Neighbourhood Planning (General) Regulations 2012 (Regulation 14). The group exceeded the 6 week minimum duration for the consultation to make an allowance for the restrictions relating to the Covid-19 pandemic. The comments made during this consultation were then considered and the plan updated for submission to East Devon District Council.

Submission of the Farringdon Neighbourhood Plan

- 1.5 The District Council received formal submission of a Neighbourhood Plan from Farringdon Parish Council in July 2020. The Plan and its supporting documents are available to view on the [planning pages](#) of the District Council website.
- 1.6 This is the twenty-first neighbourhood plan to reach submission stage in the District. The Parish Council has received regular support from the District Council and additional financial support from the Ministry for Housing Communities and Local Government.
- 1.7 The statutory regulations require that the District Council organise and undertake a consultation on a plan when it reaches this stage. This is commonly referred to as the submission or 'formal' consultation. The consultation period commenced on 11 August 2020 and finishes on 20 October 2020. The Plan proposal was publicised through notices on the District Council website, a press release and social media, letters sent to residents and businesses in the parish and by email sent to all Members, adjoining authorities and statutory consultees, including Devon County Council, Natural England, Historic England and the Environment Agency. It was also publicised locally through the Parish Council. In addition, to make allowance for restrictions relating to the Covid-19 pandemic, the usual timeframe was extended from 6 weeks to 10 weeks and hard copies of the Plan were made available on request.
- 1.8 One of the statutory roles of the District Council is to consider whether the Plan meets the legislative requirements, in production process terms. Cabinet has previously endorsed a protocol for District Council involvement into neighbourhood plans and in accordance with this protocol an officer review has been completed. Officer assessment is that legislative requirements are met.
- 1.9 Anyone may comment on a neighbourhood plan. It is particularly important that the District Council comments. This is because the plan will eventually (if adopted) form part of the statutory Development Plan for East Devon, and should conform to the strategic policies of the Local Plan. This report provides the recommended representations on the Plan, made by officers of this authority, to be formally submitted to the Examiner undertaking the Plan examination.

Neighbourhood Plan Examination and Referendum

- 1.10 In preparation for the examination that will follow the current consultation period, the District Council has confirmed the appointment of David Hogger as the 'appropriately qualified and independent Examiner'. This appointment was agreed in liaison with Farringdon Parish Council. David Hogger has extensive experience in examining Local Plans and Neighbourhood Plans, including at Beer in East Devon.
- 1.11 All responses from the consultation (including any made by this Council) are forwarded to the Examiner who will consider them, either by written representations or at an oral hearing (if he decides one is necessary). The District Council is responsible for paying the costs of the examination but can recoup these expenses by claiming funding from Central Government of £20,000. This claim can currently be made once the District Council issue a decision statement detailing their intention to send the plan to referendum, following a successful examination.
- 1.12 The Neighbourhood Plan examination is different to a Local Plan examination. The Examiner is only testing whether the plan meets the Basic Conditions and other relevant legal requirements – they are not testing the soundness of the plan or looking at other material considerations. The Examiner will be considering whether the plan:
- has appropriate regard to national policy and advice contained in guidance issued by the Secretary of State;
 - contributes to the achievement of sustainable development;
 - is in general conformity with the strategic policies in the development plan for the local area;
 - is compatible with human rights requirements;
 - is compatible with EU obligations.
- 1.13 As part of the Development Plan used in future planning decisions, it is in the interests of the District, Town and Parish Councils to produce high quality neighbourhood development plans.
- 1.14 Following the examination, the Examiner's Final Report will set out the extent to which the draft plan proposal meets the Basic Conditions and what modifications (if any) are needed to ensure it meets the Basic Conditions. The Examiner has 3 options for recommendation:
- A. That the Plan proceeds to referendum as submitted.
 - B. The Plan is modified by the District Council to meet Basic Conditions and then the modified version proceeds to referendum.
 - C. That the Plan does not proceed to referendum.

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

- 1.15 Once the Plan has been finalised it will be subject to a referendum where everyone on the electoral roll (for the defined area) will have a right to vote for or against it. If at least half of votes cast support the Plan then it can be brought into legal force. It should be noted that due to the Coronavirus Act 2020 and the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020 made in response to the coronavirus crisis, the referendum will currently not be able to take place until after 6 May 2021. However, once it has been formally decided by this Council that it should proceed to a referendum, the Plan will then carry significant weight in the determination of planning applications in Farringdon parish.

The Farringdon Neighbourhood Plan Response

- 1.16 As part of the current consultation the District Council can comment on the Plan. In terms of meeting the Basic Conditions, the Parish Council has produced a statement setting out how the Plan complies with the conditions which the Examiner will assess.
- 1.17 Officers have reviewed the Neighbourhood Plan contents, and recommend that the following representation of East Devon District Council be formally submitted to the examiner. It should be noted that comments we make at this stage are primarily restricted to land use planning policy matters rather than other content on the Plan including supporting text or community actions and are made on the basis of:
- Do Farringdon Neighbourhood Plan policies comply with strategic policies in our adopted Local Plan and have appropriate regard to National Planning Policy?
 - Do we have concerns about policy given the wider objectives of the Council?
 - Are the policies workable and enforceable - could they be reasonably applied through the Development Management process? and
 - Are they otherwise appropriate or desirable?
- 1.18 Overall it is noted that the District Council comments made at the previous Regulation 14 consultation have been carefully considered by the Parish Council and various amendments to the Plan made accordingly.
- 1.19 East Devon District Council comments on the Regulation 16 Submission Version of the Plan are proposed as follows (a full schedule of the Plan policies is provided in Annex 1 for reference):

Policy Farr 1: Safeguarding the Natural Environment

Suggest removal of point (c) to “minimise impacts on biodiversity”, leaving the requirement to deliver a net gain in biodiversity (point d) as the clear policy position. Also to remove “whenever possible” from point (d) to be consistent with the current National Planning Policy Framework and the Government’s intention to make 10% biodiversity net gain mandatory on all development.

Policy Farr 4: Extensions to Existing Dwellings

Suggest removal of the requirement for extensions to 'enhance' existing dwellings as this is considered beyond what it would be reasonable to generally require. Instead to amend criteria (c) of the policy to replace the phrase "reflects and enhances" with "respects" 'the character and appearance of the existing building'.

Policy Farr 5: Self-build and Custom-Built Dwellings

In line with comments made at earlier stages of the plan preparation, to restate the District Council preference for the new dwellings to be (1) directed to the more sustainable locations in the parish and (2) for these to be restricted in perpetuity for those with a local connection to ensure the identified need is met. In terms of location, suggest this could be achieved by an additional criteria stating that the new self-build dwellings should be located within or near to the village core (as identified in Map 7 of the Plan). Note that this policy also has a typing error (at point k) which should be corrected by removing repetition of 'shall be strongly supported'.

Policy Farr 6: Existing Business & Commercial Areas

To note that this Policy has been partially amended to reflect previous District Council comments but that it continues to go beyond Policy E7 of the Local Plan. However it is acknowledged that this is not a strategic policy of the Local Plan and that Farr 6 does not preclude further development within these sites. Also, on the basis of the evidence submitted with the Plan, the Policy is considered to be reflective of the wishes of the local community.

Policy Farr 8: Tourism Development

Notwithstanding that this policy has been amended in part in accordance with previous East Devon District Council comments, some concerns remain or have not been appropriately addressed.

- i. **Reference to Crealy Park** - The reference to Crealy within the policy is intended to reflect that this Policy would not apply to Crealy Park (as stated in paragraph 9.22 of the Plan). The reason being that Crealy is a major attraction dealt with under Local Plan Policy. However, as now written, it could be misunderstood to mean that large and disproportionate development is allowed at Crealy. Suggest that the reference to Crealy is therefore removed from criteria (a) and that a statement is added at the end of the policy specifying that it does not apply to Crealy Park and referencing the relevant Local Plan policies (E19 & E20).
- ii. **New/existing uses** – notwithstanding further justification of the wording provided by the Parish Council in their submitted [Consultation Statement](#) (see page 74), it is suggested for clarity that criteria (a) is amended to read "**any** existing activity". This would better align with the amended introductory sentence to the policy which has now clarified that it applies to new development as well as the expansion of existing tourism-related activity.
- iii. **Definition** – note that previous comments suggesting that the meaning of "tourism-related businesses" should be defined or elaborated on was accepted by the Parish Council, but that it remains open in the Plan. We would therefore reiterate that as written this could encompass a very wide variety of uses, including business that supports tourism as well as those providing a direct offer. Suggest that a definition is included, with reference to the explanation in the paragraphs 9.19 and 9.20 of the Neighbourhood Plan text, regarding support for sustainable rural tourism businesses that would support the enjoyment of the countryside and natural environment of the area.

Policy Farr 10 Existing Community Facilities

It is noted that the previous suggestion to explicitly afford protection to specific existing community services/facilities in the parish has not been incorporated as the Local Plan policy will do so in general terms.

It is suggested that additional criteria be added to this policy to ensure (1) there is no visual harm and (2) adequate parking provision.

Annex 1

Farringdon Neighbourhood Plan – Regulation 16 Submission Version

Policy Extract

Reference	Topic	Policy Wording
Policy Farr 1	Safeguarding the Natural Environment	<p>Development proposals should:</p> <ul style="list-style-type: none">a) avoid development on local wildlife sites, and habitats of principal importance, unless exceptional circumstances can be demonstrated, and appropriate mitigation measures provided;b) protect and, where possible, enhance the network of habitats, species, sites of importance and wildlife corridors;c) minimise impacts on biodiversity; andd) whenever possible, deliver a net gain in biodiversity. <p>Development proposals that would result in the loss of, or which would create unacceptable harm to, wildlife sites and other areas of ecological or geological significance, will not be supported.</p>
Policy Farr 2	Retaining Rural Character	<p>New development should be compatible with, and where possible enhance, the character of the surrounding area and respect the natural assets and rural nature of the Parish. Wherever relevant, development should maintain the tranquillity and dark skies of the Parish.</p>
Policy Farr 3	Protecting Trees,	<p>A. Development proposals should avoid the loss of or damage to trees, woodland or hedgerows that contribute positively to the character, biodiversity and amenity of the area.</p>

Reference	Topic	Policy Wording
	Woodlands and Hedgerows	<p>B. Development proposals which could result in loss or damage to aged or veteran trees will not be supported.</p> <p>C. New development within the proximity of existing mature trees will be expected to have a tree protection plan in place before any development commences, prepared in accordance with British Standard 5837:2012. This will detail tree protection strategies to be employed during construction. An arboricultural method statement will also be required to cover any proposed works to trees or other works within their root protection areas.</p> <p>D. Where it is unavoidable, development proposals must provide for appropriate replacement planting on the site, or as close as possible to it, together with a management plan for the ongoing care and maintenance of that planting. Such replacement planting should use appropriate native species with an expected mature size similar to those removed and be in the ratio of three trees for the loss of a large tree, two for a medium sized tree and one for a small tree.</p> <p>E. The areas of woodland delineated on Map 4 are regarded as important natural features. Any development proposals that would result in the loss, damage or deterioration of these areas will be resisted.</p>
Policy Farr 4	Extensions to Existing Dwellings	<p>Proposed extensions and/or alterations to dwellings beyond what is allowed by way of permitted development rights should be:</p> <p>a) appropriate in scale and massing to the existing building;</p> <p>b) constructed of complementary materials; and</p> <p>c) of a design which reflects and enhances the character and appearance of the existing building.</p> <p>New roofs should be pitched unless this is out of character with the existing building.</p>

Reference	Topic	Policy Wording
		<p>Extensions and/or alterations to dwellings should not have an adverse impact on the character of the building, its surroundings or local amenity.</p> <p>Opportunities should be encouraged to integrate bee bricks, bat and bird boxes in a suitable position within the development.</p>
Policy Farr 5	Self-build and Custom-Built Dwellings	<p>In order to meet the need for additional housing identified in the Farringdon Housing Needs Assessment (2020,) up to 12 new homes in the neighbourhood area will be supported. Each new dwelling must comply with all of the following criteria:</p> <ul style="list-style-type: none"> a) it is self-built*, b) the new dwelling, including access and outside space, will be located within the curtilage of an existing dwellinghouse (and limited to one dwelling), c) it is single storey, d) has a maximum 100m² gross internal area (as defined by RICS), e) does not exceed three bedrooms; and f) meets accessible and adaptable standards set out in the Building Regulations and, ideally, is also suitable for wheelchair users. <p>The development should:</p> <ul style="list-style-type: none"> g) be of a high quality that respects the setting of heritage assets and the rural character of Farringdon; h) form a harmonious relationship with the existing dwelling and any neighbouring properties; i) make adequate provision for private amenity space and off-street parking for both the existing and additional dwelling; j) ensure that access arrangements do not detract from the host dwelling or neighbouring properties in terms of appearance, noise or fumes; and k) include boundary treatments that reflects those prevailing in the area.

Reference	Topic	Policy Wording
		<p>Development proposals which are carbon neutral, or as near to carbon neutral as is reasonably possible, shall be strongly supported.</p> <p>The development should not lead to the overdevelopment of a site nor the unacceptable loss of amenity for neighbouring properties.</p> <p>Permitted development rights will be withdrawn to ensure reasonable controls exist over future extension and modification of dwellings in the interests of protecting the character of the area and to ensure the size of the dwelling is controlled.</p> <p><i>*Self and Custom House Building - The building or completion by individuals; associations of individuals; or persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals. But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person (as defined in the 2015 (amended) Self-Build Act).</i></p>
Policy Farr 6	Existing Business & Commercial Areas	<p>Business and commercial development or redevelopment for business and commercial uses on the sites listed below (and delineated on Map 5 [see page 26]) will be supported, provided it is in keeping with those uses and business activity already on the site and does not lead to the outward expansion of the site.</p> <ul style="list-style-type: none"> • Hill Barton Business Park • Waldrons Farm Business Area • The Drive <p>All business/commercial development should:</p> <p>a) respect the character of its surroundings by way of its scale and design;</p>

Reference	Topic	Policy Wording
		<ul style="list-style-type: none"> b) not harm the surrounding landscape; c) not adversely affect any listed building, heritage asset or setting; d) not have an adverse effect on its neighbours; e) not have an unacceptable adverse impact on the transport network and or reduce parking provision; f) safeguard residential amenity and road safety; g) promote access on foot, by bicycle, or by public transport; h) mitigate any adverse effects of noise, air pollution and light pollution; and i) ensure there is no increase in flood risk.
Policy Farr 7	Home-Based Businesses	<p>Where planning consent is required, small-scale, home-based businesses will be supported provided it can be demonstrated that:</p> <ul style="list-style-type: none"> a) residential amenity and the character of the location will not be unacceptably harmed by virtue of noise and disturbance, smell, traffic generation, health and safety impacts, scale, design, appearance or nature of operations; b) the operation of the business activity can be contained within the existing curtilage of the premises; and c) the operation of the business activity does not require substantial external modification of the premises.
Policy Farr 8	Tourism Development	<p>Proposals for the development and expansion of tourism-related businesses will be supported providing that:</p> <ul style="list-style-type: none"> a) the scale of development is small and proportionate to existing activity (not including Crealy Park), and the locality; b) the potential impact on neighbouring uses is acceptable; c) they do not have an adverse impact on the surrounding local environment and the rural character of the area, and, where necessary, are suitably mitigated by appropriate setting, design, and landscaping works; and

Reference	Topic	Policy Wording
		d) traffic, access and highway issues are satisfactorily addressed.
Policy Farr 9	Super-Fast Communication Infrastructure	<ol style="list-style-type: none"> 1. Development to provide a super-fast communication infrastructure to serve the Parish will be supported where it is sensitively sited and sympathetically designed. 2. Whenever practicable, new residential, educational, and business premises development will be required to make adequate provision for the latest high-speed broadband and other communication networks including provision of suitable ducting to accommodate FTTP [Fibre to the Premise] broadband.
Policy Farr 10	Existing Community Facilities	<p>Proposals which seek to improve or extend existing local community facilities and assets, or provide for appropriate shared use, will be supported where:</p> <ol style="list-style-type: none"> a) there is a demonstrable need for them; and b) there is no significant adverse impact upon nearby residents and uses.
Policy Farr 11	Community Facilities & Services	<p>Proposals for additional community services and facilities within the core area of the village, indicated on Map 7 [see page 33], will be supported provided they would not have significant harmful impacts on:</p> <ol style="list-style-type: none"> a) the amenities of surrounding residents and other uses; b) the surrounding local environment, listed buildings and the rural character of the area; and c) the local transport network.
Policy Farr 12	Walking & Cycling Routes	Development proposals to improve accessibility and extend local footpaths, bridleways and cycle-paths and strengthen links with the wider transport networks will be supported.

Report to: **Cabinet**

Date of Meeting 28 October 2020

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Homelessness Strategy

Report summary:

To provide an update on the Council's Homelessness Strategy and provide a review of levels of homelessness in the district. Also, to address staffing requirements within the Housing Options team.

Recommendation:

That Cabinet;

- (i) **note the updates provided in relation to the Council's Homelessness Strategy and the current levels of homelessness in the district, and**
- (ii) **agree the requested amendments to the current staffing arrangements comprising an upgrade of a part time post to a full time post and to convert a fixed term post to a permanent post as detailed in the report.**

That Cabinet recommend to Council to approve the additional budget in respect of the above posts.

Reason for recommendation:

To ensure the Housing Options team are better equipped to tackle the level of pressure on the homelessness service

Officer: Andrew Mitchell, Housing Solutions Manager

Portfolio(s) (check which apply):

- Climate Action
- Corporate Services and COVID-19 Response and Recovery
- Democracy and Transparency
- Economy and Assets
- Coast, Country and Environment
- Finance
- Strategic Planning
- Sustainable Homes and Communities

Financial implications:

- Housing Officer 1FTE permanent Grade 6, additional staff costs including On-Costs £33,788.

- Increase in permanent hours existing Housing Officer Post Grade 6 from 21 to 37 Hours, additional cost £14,611 Inc. On-Costs.

Legal implications:

There are no specific legal implications arising which require comment

Equalities impact Low Impact

Climate change Low Impact

Risk: Medium Risk; The risk of not making the recommended changes to the current staffing arrangements include higher numbers of homeless cases and a resulting increase in the temporary accommodation budget. In addition, there is potential to lose a capable and valued member of the team in an environment where it is extremely challenging to recruit successfully.

Links to background information [Cabinet Report 6 March 2019 \(Minute 174\), Homelessness and Rough Sleeping Strategy 2019 – 2023](#)

[Homelessness Action Plan Review 2019-20](#)

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

Report in full

1. Update on Homelessness and Rough Sleeper Strategy 2019-2023

- 1.1 The Homelessness and Rough Sleeper Strategy was approved by Cabinet on 6th March 2019 and became effective from 1st April 2019. The strategy sets out how the Council and our partners will work to reduce homelessness, minimise rough sleeping, and contribute towards the over-riding vision of the Housing Service to ‘provide a decent home for all residents of East Devon’.
- 1.2 The strategy names four key priorities to tackle homelessness and outlines how we intend to achieve them. The priorities are as follows:
 - Priority 1 – Maximise prevention activities and outcomes
 - Priority 2 – Increasing Accommodation Options
 - Priority 3 – Minimise Rough Sleeping
 - Priority 4 – Improving Health and Wellbeing
- 1.3 A more in depth and specific ‘action plan’ is produced each year and is regularly reviewed by a panel made up of the Portfolio Holder for Sustainable Homes & Communities, staff members, two former service users and one representative from a partner organisation, Young Devon. Having two former service users on the panel is considered as good practice and their views and opinions are valued and respected.
- 1.4 The strategy originally planned for the panel to meet twice a year although in practice meetings have been held on a more regular basis. Throughout the pandemic meetings have been conducted via skype, with the most recent meetings being held on 30th July and 20th October.
- 1.5 The panel have worked together to review the action plan for 2019-20 and also compose a new action plan for 2020-21, which is now operational. A link to the review is included under

'background information'. The new plan has been produced later than would otherwise have been expected due to the resources needed to tackle homelessness at the height of the pandemic. Recovery from the pandemic is a key objective for the homelessness service this year and is included in the 2020-21 action plan.

2. Homelessness levels in the district – background

- 2.1 Since the Homelessness Reduction Act was introduced in April 2018 there have been significant additional responsibilities placed on homelessness services and huge rises in instances of homelessness. It is fair to say the entire landscape has changed for homelessness services. The tables below show the difference in levels before and after the Act was introduced and demonstrate the rise in numbers of approaches for EDDC:

2.1a: Pre HRA

Year	Total
2017-18	261

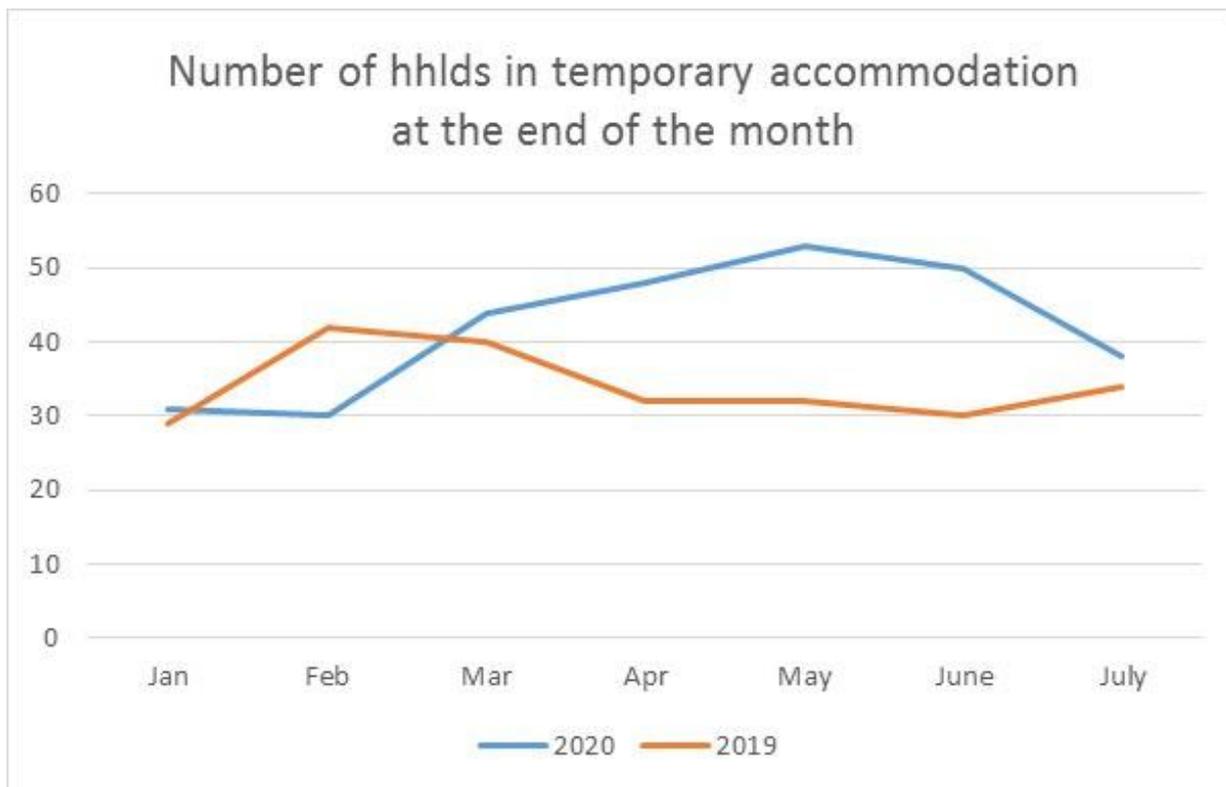
2.1b: Post HRA

Year	Total
2018-2019	871
2019-2020	1126

3. Current levels of homelessness in the district

- 3.1 The covid-19 pandemic has created large numbers of homelessness situations in our community and this has been compounded by job and income losses, in turn affecting affordability of rent and mortgages. The effects will inevitably continue in the short and medium term and lead towards rises in homeless levels in the future, as we feel the wider effects of the economic impact of covid restrictions on business and employers.
- 3.2 For the first six months of 2020-21, between April and September, there have been 432 homeless approaches recorded, a lower figure than the number for the same period last year (555). However it should be noted that this figure has been reached without the usual high number of homeless approaches from people losing accommodation in the private sector. This is as a direct result of the government's current restrictions on evictions from tenancies in the social and private sectors. Year on year the loss of accommodation in the private sector is a major contributor to homeless approaches to EDDC. We are acutely aware that this is only a temporary measure and there will be a high number of approaches from people losing accommodation in the private sector when the government restrictions on evictions are lifted.
- 3.3 Despite the lower number of overall approaches during the last six months, it is noted that many cases have been of a much higher complexity than usual and the issues we have experienced in dealing with these complex cases has been compounded by the reduction in the potential solutions available to us as a direct result of the pandemic. Some of the issues we have come up against include the period of reduced free movement during full lockdown, a reduced supply of available accommodation within the private and social sectors, and lack of access to supported accommodation projects.
- 3.4 The pandemic has seen a huge increase in demand for people requiring temporary accommodation due to factors including people who had previously freely moved between properties, known as 'sofa-surfers', no longer being free to do so. High numbers of approaches have been received from people fleeing domestic violence, those needing accommodation for health reasons, hospital discharges and those with a need to shield. The government's 'everybody in' campaign contributed to a rise in the need for temporary accommodation, whereby councils were tasked with accommodating all rough sleepers. In East Devon, all but two rough sleepers were accommodated, both people concerned

refused all offers of assistance. The graph below shows the comparison of temporary accommodation numbers between 2019 and 2020.



- 3.5 Net spend on temporary accommodation over the past six months has been £13,120 over budget. At this stage of the year the forecast was for a net spend of £84,960 and in reality it has been £98,080 (calculated by a gross spend of £170,035 less a net Housing Benefit contribution of £70,305 and also less a MHCLG contribution towards 'everybody in' expenses of £1,650).
- 3.6 In recent months there has been a noticeable shift within the district towards families requiring temporary accommodation, whereas previously demand was much higher for single people. Factors contributing towards this shift include a significant rise in approaches from households fleeing violence and domestic abuse, many of which have fled from other areas, and measures taken to assist single homeless applicants in need of temporary accommodation. Measures include the purchase of a HMO to accommodate single homeless applicants as an alternative to bed and breakfast establishments, which has been available for use from February 2020.
- 3.7 There is an inevitable second wave of homelessness expected in the coming months when landlords are no longer restricted from evicting tenants in the private sector, consistently the major reason for homeless approaches year on year to EDDC. Also to be factored in are the economic situations created by the pandemic including people losing jobs and income being reduced creating barriers to the affordability of rent and mortgage payments, ultimately contributing towards evictions and loss of homes.

4. Measures taken

- 4.1 The Housing Options team have been highly focused on tackling the issues caused by the pandemic, dealing with the resulting high levels of homelessness and aforementioned complexity. Opportunities to prevent and relieve homelessness have been severely restricted owing to factors including lockdown restrictions, health conditions of applicants including a need to shield, the closure of many supported accommodation projects to new applicants, the slowing down of accommodation options in the social and private housing markets and the restrictions placed on free travel.

- 4.2. Throughout this period the Options team have held daily team briefings where cases are discussed and solutions created. Members of the Options team have participated in the Covid-19 Devon Homelessness and Health Coordination cell meetings, consisting of representatives from each Devon Local Authority alongside partners from Children's Services, DCC public health, Clinical Commissioning Group, Police and Probation to discuss and cement joint working approaches. There is a mutual sharing of information, to assist in tackling the issues caused to homeless customers by the pandemic. These meetings were held weekly throughout the height of the pandemic, and are now fortnightly.
- 4.3 With large numbers of individuals and households requiring temporary accommodation throughout this period, the focus of the team has been to source and arrange suitable accommodation for people in homeless situations and to support them when accommodated. 89 households (individuals and families) have been provided with various forms of temporary accommodation between the lockdown at the end of March until the end of September. Also to be noted is the fact that the pandemic has created higher levels of support need within the households seeking assistance.
- 4.4 Opportunities for moving people on successfully from temporary accommodation have been severely restricted throughout the pandemic, with the result that people have been in temporary accommodation for longer periods than they would otherwise have been. Therefore, twelve flats in Exmouth that have been recently purchased, and have become available to occupy since early September, are being used as move on accommodation. This arrangement was authorised through a Senior Officer Urgent Decision on 20th May 2020 providing sustainable move on options for homeless applicants whilst clearing temporary accommodation units for the use of new applicants and relieving pressure on the temporary accommodation budget. The tenancies at the twelve flats are introductory to flexible, in line with those of our general needs properties, with the only difference in the overall process being that nominations are made from applicants within our temporary accommodation units. Nominations are discussed and agreed at allocations panel meetings and additional support is available from the Housing Options team if required.
- 4.5 Measures have been taken to maximise the Council's Rent Deposit and Bond Scheme throughout the pandemic period. Over the past six months the Options team have managed to assist a total of 56 households from homeless, or potentially homeless, situations into the private sector. This has been achieved within a period where it has been particularly difficult to access the private sector accommodation due to the restrictions of the pandemic and the reduction in properties becoming available due to the ban on evictions from the private sector. These numbers have been made possible by utilising our Private Sector Liaison Officer, who focusses on accessing accommodation and then maintaining support to those applicants who have been accommodated through this route. Another Private Sector Liaison Officer post has been secured on a fixed term basis through the Rough Sleeper Initiative funding from MHCLG. Although recruitment was delayed due to the pandemic, the post has been filled from 1st October 2020.
- 4.6 Actions have been taken to address the homelessness situation throughout the pandemic through the Housing service recovery plan with measures taken including prioritising repairs and planned works for EDDC properties under offer to homeless households and those in temporary accommodation. However, delays have been inevitable in making these properties available as quickly as usual over the last six months due to staff shortages and lockdown delays, which have in turn added to the temporary accommodation budget. Significant improvements are expected over the next six months if further restrictions are not put in place by the government.

5. Funding for staffing

- 5.1 Since the Homelessness Reduction Act was introduced only one additional post has been added to the Housing Options team using funding from the general account. A case was made for additional staffing resources in November 2019 following an analysis of the

staffing structure where recommendations for additional staffing were made. This resulted in a fixed term Housing Officer post being agreed and the post became operational from March 2019, on a fixed term basis for 12 months.

- 5.2 Two Housing Officer posts currently exist thanks to funding from the MHCLG since the Homelessness Reduction Act was introduced. Formerly known as 'New Burdens Funding' the Homelessness Reduction Act prevention pot 2020-21 allocation is £70,206 and this is used to fund the two Housing Officer posts.
- 5.3 Three posts exist due to further MHCLG funding through Rough Sleeper Initiative (RSI) Funding. This funding has been available annually for the past two years through a bidding system and is specifically aimed at assisting rough sleepers. For 2020-21 a total of £230,000 has been awarded to EDDC through a joint bid with Mid Devon District Council. The funding is allocated as follows:
- £100k for 3 Rough Sleeper Navigator posts (one full time for each LA and one shared, all fixed term)
 - £75k for 2 Private Sector Liaison Officer posts (one for each LA, fixed term)
 - £20k prevention pot (£10k to each LA)
 - £35k Housing First support (contract with BCHA) – providing floating support for 6 former rough sleepers accommodated in our own stock (3 for each LA)
- 5.4 Overall, the most effective action we can take to tackle homelessness and in turn reduce the temporary accommodation budget, is to ensure that sufficient resources are in place to successfully prevent and relieve homelessness, with the expectation that interaction and preventative measures provide positive outcomes for applicants and dispel the need for temporary accommodation. The staff resources available to the Housing Options team are constantly under review in order to meet increasing demand and ensure we are set up to successfully reduce homelessness.

6. Staffing recommendations

- 6.1 The first recommendation is related to a vacancy that has occurred within the Housing Options team for a permanent Housing Officer post. Throughout the employment period the working hours of the former post holder reduced from 30 hours a week to 24, then again to 16, effectively working two days a week. 5 hours a week have been unassigned and unspent since the former post holder reduced their hours, therefore the 5 hours can be included in this case and bring the weekly hours already available to 21 a week.
- 6.2 This vacancy has created an opportunity to review the structure of the team and which posts work effectively. It is considered by the management of the Options team (Housing Solutions Manager and Housing Options Manager) that it is not possible to successfully and proactively manage a homeless caseload only working two days a week. Due to the intense nature of the cases and the homeless situations being managed, there is a much stronger possibility of arriving at a positive outcome with the Housing Officer working on a full-time basis. The benefits of successful prevention of homelessness not only benefit the customer but also benefit the council, as there would be less need for the use of expensive emergency accommodation. The most effective and efficient method of reducing emergency accommodation expenditure levels is by setting the service up to prevent homelessness at an early stage.
- 6.3 Also to be considered in looking at the viability of a part time role is that responsibilities of all Housing Officers include taking part in the duty rota, dealing with new homeless approaches on the day they present. Working part time severely restricts the Housing Officer from effectively managing their caseload and meeting the needs of the service.
- 6.4 Therefore the request is made to bring this part time post up to the status of a full time post. This will ensure the team are better equipped to cope with the rising demands on the

service with Housing Officers enabled to effectively and proactively manage a caseload with the emphasis on preventing homelessness, ultimately saving expenditure on emergency accommodation. The request is to upgrade the post from part time (21 hours a week) to full time (37 hours a week) by adding an additional 16 hours a week to the position. The cost would be approximately £14,610 per annum calculated by using the scale 6 hourly rate, including add-ons, of £17.56 multiplied by 832 hours (16hours x 52weeks).

- 6.5 The second recommendation is for the fixed term Housing Officer post to be made permanent. The post is currently occupied and the employee has become an effective and valued member of the Housing Options team, picking up the role and developing well through a challenging period. Employment commenced around the same time as the pandemic occurred and lockdown restrictions were introduced. The request that this post is made permanent with the expectation that homelessness levels will increase significantly in the near future and the demand will sadly always be there. By making the post permanent we will ensure a valuable resource continues to be available whilst avoiding the risk of losing a capable and valued member of the team in an environment where it has been established that it is very challenging to recruit successfully, owing to the nature of the specialised role and the personal qualities required.
- 6.6 As of 6th October 2020 there are 246 open homeless cases. The current caseload of the Housing Officers within the Options team is averaging 40 cases each, in a period before a significant second wave of homelessness is expected. The general consensus for local authorities with the responsibility for maintaining homelessness services is that 30 cases per Housing Officer is a manageable number. In addition, it is acknowledged that cases are becoming increasingly complex, many of which come with an array of restrictions and considerations due to issues including offending history and complex health/mental health needs.
- 6.7 In summary, these staffing recommendations have been made with the intention of maintaining the focus on preventing homelessness and avoiding a rise in the numbers of individuals and households that become homeless, which would in turn become extremely costly to the service through additional temporary accommodation placements.

Report to: Cabinet

Date of Meeting 28 October 2020

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Seaton Jurassic Phase 2 & Seaton Wetlands Link Project

Report summary:

This report sets out proposals for a new landscaping and interpretation project focussing on the themes of wildlife, nature and climate change that will form a second phase to Seaton Jurassic. The project is one of the project interventions identified in the Seaton Wetlands Link Project that was reported to cabinet in January this year. The project is being led by Devon Wildlife Trust, tenant and operator of Seaton Jurassic.

The report proposes that the council enters into a lease with DWT for land that is situated adjacent to the existing Seaton Jurassic external space, and will include some car park land and some grassed landscaping area. (Site A on the plan at appendix 1). This space will be pay to enter and will adjoin the existing Seaton Jurassic garden area. Other land will be included within this project covering interpretation relating to Seaton Wetlands that will be free to access (Site B on appendix 1).

It is proposed to grant a lease to DWT for site A to facilitate this project. The lease would be co-terminus with the existing lease to DWT for the Seaton Jurassic building, and is proposed to be at nil value.

DWT are applying for external funding to support this project and it is a requirement of the funding application that DWT have entered into Heads of Terms with relevant landowners prior to submission of the funding application. The deadline for their funding application is 31 October.

Further details are provided in the body of the report below.

The report also provides an update on the other intervention projects for the Seaton Wetlands Link Project and seeks authority to enter into negotiations to acquire 2 small parcels of land to facilitate the circular walk that will lead up to the Wetlands from Seaton Jurassic and the Underfleet car park.

Recommendation:

That Cabinet approves

1. That delegated authority be given to the Service Lead for Place Assets & Commercialisation in consultation with the Portfolio Holder for Economy and Assets and the Strategic Lead for Finance to:
 - a) enter into Heads of Terms in substantially the same, or a similar form of those shown at appendix 6, with Devon Wildlife Trust for the lease of Area A on the plan attached at appendix 1.
 - b) enter into a Management Agreement with DWT for the shared management and maintenance of Area B on the plan attached at appendix 1

- c) enter into an Agreement for Lease (and associated Lease) with DWT for Area A on the attached plan,
- d) enter into any other relevant documentation that arises as a consequence of varying the existing legal documentation with DWT for Seaton Jurassic
2. To remove that part of the council's existing car park shown cross hatched red on the plan attached at appendix 1, from its Parking Places Order, in order to facilitate the grant of the agreement referred to in 1c above.
 3. That delegated authority be given to the Service Lead for Place, Assets & Commercialisation to enter into negotiations and to acquire land to provide access into and out of the Sheep's Marsh site in Seaton, in consultation with the Portfolio Holder for Economy and Assets and the Strategic Lead for Finance.
 4. That the council provides a letter of support to accompany DWT's funding application to the RDPE for this project.
 5. That members decide on whether they wish to instruct officers to replace some or all of the 18 lost car parking spaces as detailed in section 4 of the report.

Reason for recommendation:

To facilitate the delivery of one of the Seaton Wetlands Link projects/interventions that was identified within an earlier cabinet report in January 2020 and enable DWT to apply for external funding to support delivery of this project. To facilitate delivery of a second of the project interventions that will enable access in and out of Sheep's Marsh.

Officer: Alison Hayward, ahayward@eastdevon.gov.uk; 01395 571738

Portfolio(s) (check which apply):

- Climate Action
- Corporate Services and COVID-19 Response and Recovery
- Democracy and Transparency
- Economy and Assets
- Coast, Country and Environment
- Finance
- Strategic Planning
- Sustainable Homes and Communities

Financial implications:

The financial details are contained within the report. The loss of car parking spaces is estimated at an annual loss in income of £10,000 and members are asked to consider replacing lost spaces at an estimated cost of £12,000 to £15,000 (this would be a recommendation to Council). In relation to Land purchases identified in the report a total capital budget was approved in 2019/20 of £98,000 – Seaton Jurassic Access from Wetlands.

Legal implications:

It is noted that the Agreement for Lease ('the Agreement') is not to be put in place until DWT have obtained planning permission for Areas A & B. The Agreement should be made conditional on removal of that part of Area A shown cross hatched red on the plan in Appendix 1, from the Council's Parking Places Order. In other words, the grant of the lease to DWT should be

conditional on this aspect, as well as DWT obtaining grant funding. The prescribed statutory procedure for varying the Council's Parking Places Order could take circa 3-4 months to conclude. The Agreement should also provide for varying any existing documentation in place with DWT of the main Seaton Jurassic (Phase 1) development, so that the lease of Area A is effectively subject to the same arrangements. It is noted that each party is to be responsible for their own costs (including advertising fees) associated with documenting these proposals. The wording of the various documentation is to be agreed between Legal Services & Place, Assets & Commercialisation.

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk; There is a risk that DWT do not secure RDPE funding for this project. If this is the case, DWT will apply for other funding. The council will not be entering into the lease with DWT until both a planning permission and sufficient funding has been secured.

Links to background information [Seaton Wetlands Link Project, Cabinet report January 2020 Appendix 3 – Masterplan of Link Project Interventions](#)

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
-

Report in full

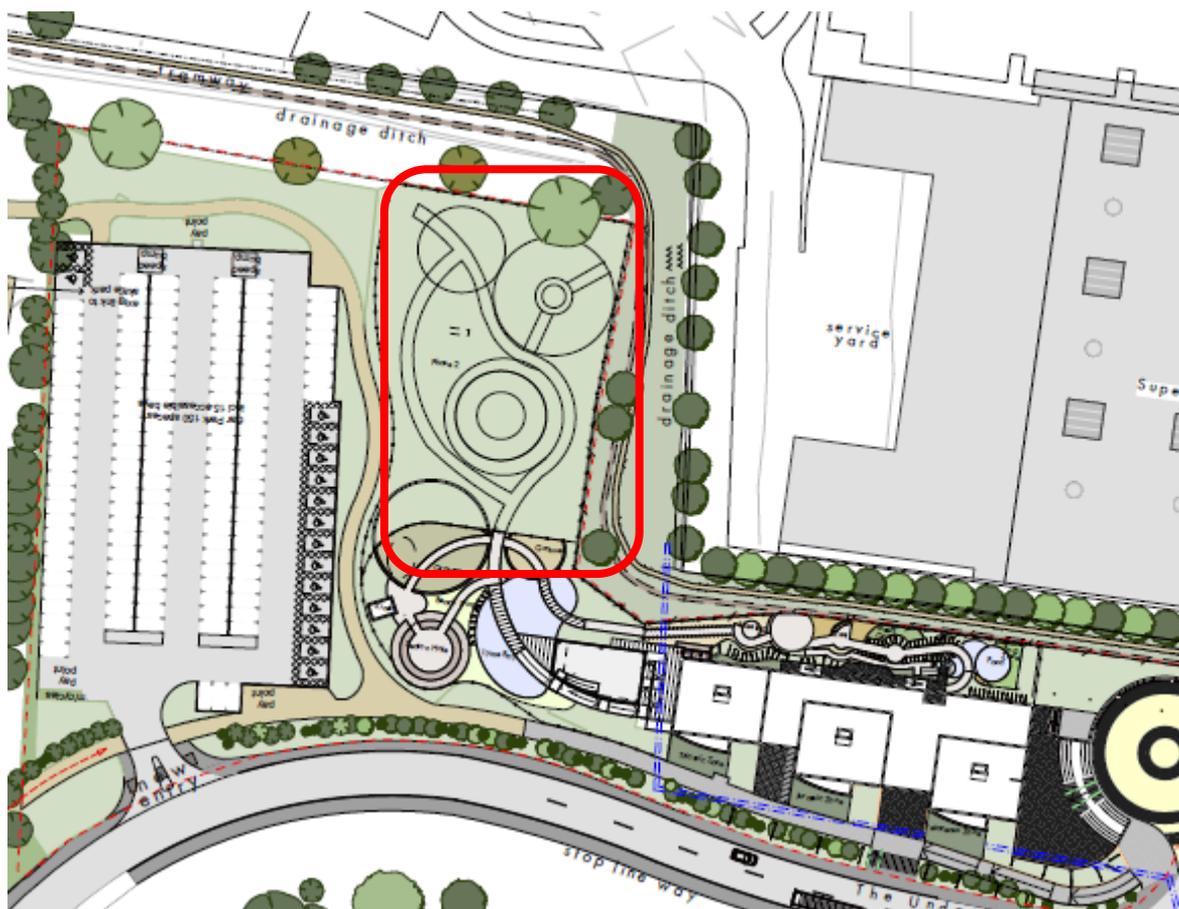
1. Background.

- 1.1 Officers reported to cabinet in January 2020 with details of a masterplan for a number of linked project interventions, that if delivered would create a circular route between Seaton Jurassic, Seaton Wetlands and Seaton Tramway. It illustrated these interventions on the plan shown at appendix 3 and in the schedule at appendix 4 and identified that further details on these projects would come forward in due course, seeking necessary approvals for delivery
- 1.2 This report provides detail on project no. 6 and seeks approval to progress this project working with Devon Wildlife Trust.
- 1.3 This report also provides an update on projects no. 2 and 3 and seeks approval to negotiate with a local landowner(s) to acquire land that will deliver access into and out of Sheep's Marsh.

2. Seaton Jurassic Phase 2.

- 2.1 The original planning application for the Seaton Jurassic project granted in 2013, included a larger outdoor area that extended across part of the car park and into the grass area adjacent to the tramline as outlined in red in the plan illustrated below. This

was not delivered at the time that Seaton Jurassic was being built due to budget constraints. DWT are now in a position to progress this part of the project and have prepared proposals for an extension to their outside space.



- 2.2 DWT propose to work with the council's Countryside Team to create a community and visitor offer that highlights Seaton's natural heritage, the urgent issues of climate change and address our disconnect with living with nature. This will help raise awareness of these issues and go towards fulfilling the objectives of the Council Plan to address climate change and the current ecological emergency.
- 2.3 The proposed works include 2 separate areas, Site A and Site B, as shown on the plan at appendix 1. Site A will be on land that is situated adjacent to the existing Seaton Jurassic external space, and will include some car park land (although not as much as in the original 2013 planning permission) and some grassed landscaping area. This space will be pay to enter (through the Seaton Jurassic main ticketed offer) and will adjoin the existing Seaton Jurassic garden area. Further details on the proposals are included at Appendix 2.
- 2.4 The design of site A, will focus on the theme of Living Seas and Living Landscapes. The "Living Seas" zone will offer interpretation and play to highlight the special qualities of the Axe Estuary Marine Conservation Zone and the work of beavers on the River Otter. The "Living Landscapes" will feature tunnels to resemble setts or burrows.
- 2.5 Site B lies to the east of the car park and the skate park, incorporating some of the existing "picnic area" as shown on the plan attached at appendix 1. This area will be free to access by pedestrians directly from the car park. Its theme will be Living with Nature which is a focus for the Wildlife Trusts nationally currently. This area will be designed in collaboration with the Countryside Team ensuring that the information and

interpretation elements highlight the successful visitor offer at Seaton Wetlands, and encouraging people to visit them.

- 2.6 A path will lead visitors from these attractions up towards the northern end of the site where it is hoped that in the future, an access point will lead across into the Sheep's Marsh site which is a new area of wetlands that is being developed by the Countryside Services Team. This path will be fully DDA (Disability Discrimination Act) compliant. This access point is covered in more detail in section 6 below.

3. Planning Application, Consultation and Funding Application

- 3.1 DWT have submitted a planning application that covers both sites A and B and this application was validated at the end of September. It is expected that this application will be determined before the end of the calendar year at the December planning committee.
- 3.2 DWT will be running a consultation process at Seaton Jurassic from the 12 October and through the half term holiday.
- 3.3 DWT are seeking a funding contribution for the project from the Rural Development Programme for England (RDPE). The deadline for their funding application is 31 October. As part of the application they need to demonstrate that they have both:
 - a) entered into Heads of Terms with the landowner for any land they do not own, and
 - b) submitted a planning application that will be determined by the end of the calendar year.
- 3.4 DWT will seek to offer the "in-kind" contribution of the council land as match funding in the funding application, depending on the funding application guidance.

4. Loss of Car Parking Spaces and Financial Impact

- 4.1 The use of Site A will result in a loss of 18 car parking spaces to the council (which equates to approximately £10,000 p.a.) The Underfleet car park currently offers 106 spaces and the Underfleet overspill car park offers 68 giving a total of 174 spaces. This will therefore reduce to 156 spaces. There is an option to replace some/all of these spaces. It should be noted that collectively there will still be more parking spaces than there would have been in the original planning permission of 2013, due to the addition of the overspill car park. As a capitalised sum, the loss of car park spaces is calculated at £100,000. This is what DWT will use as a match funding sum from the council, in their application if they are able to do so.
- 4.2 In 2018 the income for the calendar year for the main Underfleet car park was £87,668. For the overspill car park, open from March to October only, the income was £24,388.
- 4.3 The plan at appendix 5 illustrates how 18 spaces could be incorporated into the western edge of the grassed picnic area. This could be provided using a grasscrete material, similar to the overspill car park. The cost of providing these would be in the region of £12,000 - £15,000 plus vat assuming internal delivery by colleagues within the Engineering Service. If the work was outsourced the cost would be higher.

- 4.4 Councillors might like to deliver some or all of these replacement car parking spaces and are asked to consider this and instruct officers accordingly.
- 4.5 In order to facilitate the grant of the lease agreement to DWT, it will be necessary to remove that part of the council's existing car park shown cross hatched red on the plan attached at appendix 1, from its Parking Places Order.

5. Seaton Jurassic Phase 2 - Legal and Management Arrangements.

- 5.1 It is proposed that the council grants a lease to DWT for Site A. This would be co-terminus with the existing lease to DWT for the Seaton Jurassic building. It is proposed to offer the land at nil value representing the council's contribution towards the project Draft Heads of Terms have been agreed in principle with DWT for entering into a lease of Site A. These are provided at Appendix 6. Approval is sought to enter into these.
- 5.2 It is proposed that the council and DWT will enter into an Agreement for Lease if and when a planning permission has been granted for the site. This means that the Agreement for Lease does not need to be conditional upon planning permission. The Agreement for Lease will be conditional up on funding being secured. Once funding is secured the council will then be committed to entering into a lease with DWT as set out in the Heads of Terms.
- 5.3 It is proposed that the council enters into a Management Agreement with DWT in respect of the management and maintenance of Site B. It is proposed that DWT will be responsible for all of the installations and features, including pathways, shrubs, trees and fences that they install onto Site B. The council will remain responsible for any existing trees, shrubs and fences and for cutting the grass.

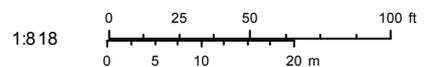
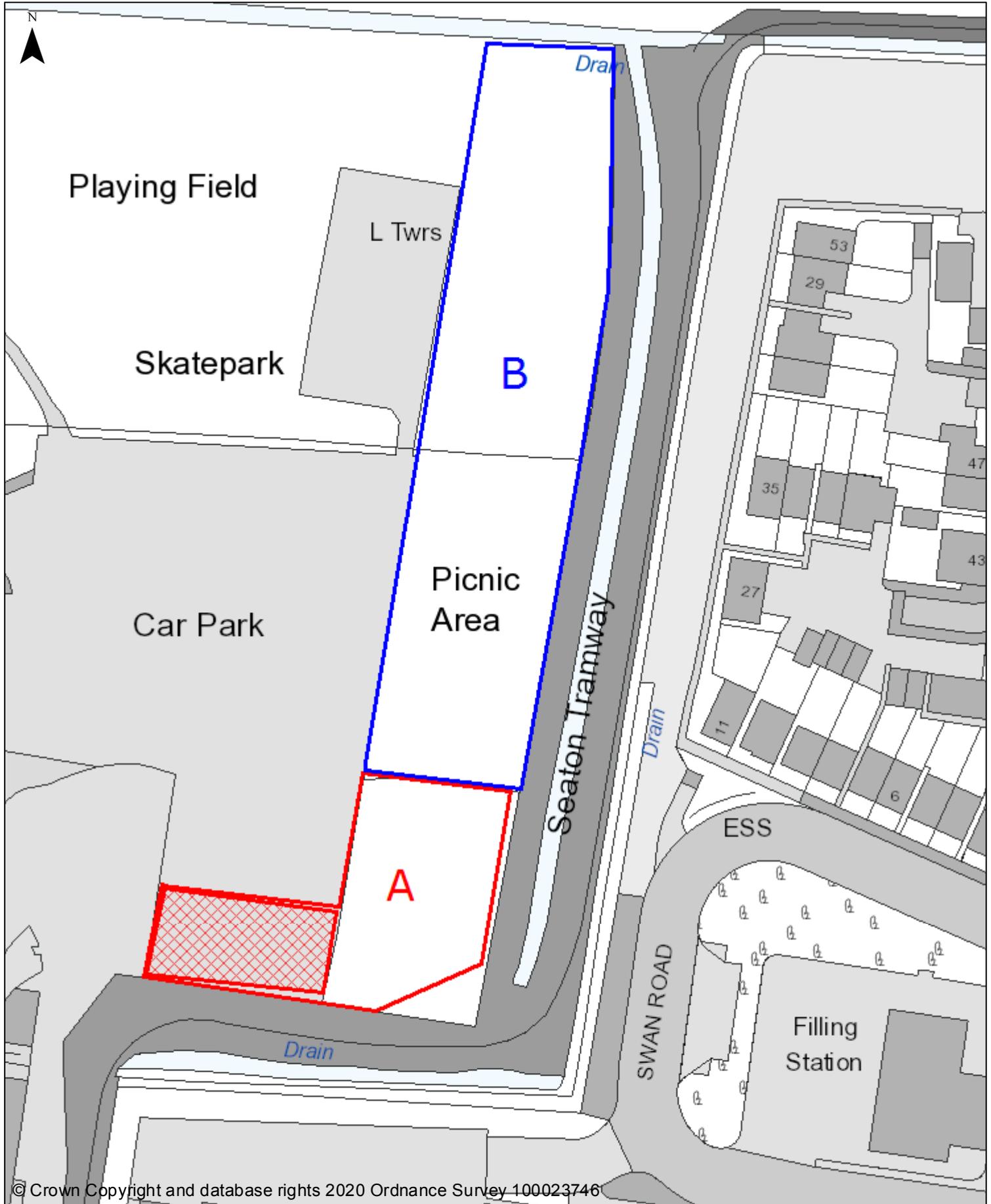
6. Access to Sheep's Marsh.

- 6.1 Officers have also been considering two other projects identified in the Seaton Wetlands Link Project. This is the acquisition of land adjacent to Sheep's Marsh (projects 2 and 3 on the plan at appendix 3). By acquiring this land, this will enable some of the circular walk to be created which will link Seaton Jurassic through to Seaton Wetlands via the Sheep's Marsh site, which is itself the subject of an intervention project being led by the Countryside Services team (project 1 on the plan at appendix 3).
- 6.2 Officers have now received valuation advice in relation to the two parcels of land required and propose to make an offer to the landowners. This report recommends that delegated authority is given to officers to proceed with making an offer in consultation with the Portfolio Holder for Economy and Assets.
- 6.3 An existing budget is available to progress with the purchase and delivery of this access route.
- 6.4 The missing link will then be the land that Devon County Council are seeking to acquire to form part of the Stop Line Way cycle route (shown as project no. 5 on the plan at appendix 3).

7. Update on Other Seaton Wetlands Projects.

- 7.1 Given the Covid-19 outbreak this year, work has been delayed on the council's project (project 1 at appendix 3) to create the Sheep's Marsh wetlands. It is intended to bring a

report to cabinet within the next 2 to 3 months with a further update on this and the other Seaton Wetlands Link Projects.



Description of the Proposal



The original planning application for Seaton Jurassic (10/1587/FUL) in 2013, included an area of development from the existing boundary of the centre to the edge of Sheep's Marsh. Due to budgetary restrictions, this element of the approved application was never developed. Devon Wildlife Trust are now in a position to develop this area and working with East Devon District Council's Countryside Team at Seaton Wetlands and Seaton Tramway, to create a community and visitor offer that highlights Seaton's natural heritage, the urgent issue of climate change and address our disconnect of living with nature. This would also help fulfil the objective for the regeneration of Seaton

that was stated in 2013 of ‘...celebrating the natural heritage of the Seaton area and through engagement with the local community and visitors to the town, develop a longstanding support for its conservation.’

The first element of the proposal extends the existing outside space of Seaton Jurassic directly across the southern end of the car park. This would remove 18 car park spaces. The area highlighted in the application is approximately 50% of the original application but allows for the extension of the existing interpretation about ‘Living Seas’ and in particular highlight the special qualities of Lyme Bay and the Axe Estuary.



As people leave the existing garden, they would join a wide sinuous path, that is built up to the existing garden, by approximately 45 centimetres, to provide a fully DDA (Disability Discrimination Act) compliant footpath and access.

To the north of the footpath, an additional blue matted area (as per the pliosaur model on the cafe terrace) would allow for interpretation and play to highlight the Axe Estuary Marine Conservation Zone and would end, before entering what is currently the fenced wasteland, with a beaver dam game and highlight the work of beavers on the River Otter.



The fence adjacent to the car park would carry on in the same style and height as the existing fence (image 3). The inside of the fence would carry interpretation of the Undercliffs and the wealth of wildlife found locally.

The side facing Seaton Tramway would have trees planted inside the existing fence. Between the trees and the walkway there would be wildflower banks as well as a variety of interpretation including an otter holt, for example.



As people leave the 'Living Seas' area, the second element, 'Living Landscapes', would see them enter the grassy knoll. They would have the option of following the hard-standing path left or right as it circles round a raised, sloped

central area of approximately three metres in height.

The external fence at this point would change to the same style (light blue, panelled) as the fence that runs along adjacent to the Underfleet.

At its middle point, on the current grassed picnic area, it would have a gate that would resemble a wooden sea groyne/sea defence. This would allow access to, or from, the garden for education groups and also be open on certain high days and holidays for people to explore Seaton Wetlands and Seaton Jurassic.



The fence line facing Seaton Tramway would have trees planted inside the existing chain-link fence. Inside the bottom left corner of this area would be a small wooden boardwalk/jetty and associated pond for pond-dipping and wildlife watching.



The raised, sloped central area would feature one or two tunnels to explore and resemble setts or burrows.



The south east side of the slope would feature wooden seating, mirroring the style already used in the existing garden, that would be used for educational groups, events or just as an area for people to rest and have a picnic.

The third element, 'Living with Nature', would run parallel to the tracks of Seaton Tramway from the new gate and fence up to the ditch separating the current picnic area from Sheep's Marsh. This area would be 15 metres in width and would be freely accessible, with interpretation and a variety of objects to engage everyone with the importance of Seaton's natural environment, how we live with nature, the challenges of climate change and our disconnect with nature. People who have walked down from the Wetlands and/or from the new Tramway halt, will be encouraged to engage further by visiting Seaton Jurassic and those who have visited Seaton Jurassic will have the opportunity to walk through the Wetlands and return via the Tram.



The area will be separated from the car park and remaining grassed area by a fence of posts and rope and from the Tramway by new trees planted inside the existing chain-link fence.

The route to Sheep's Marsh will have a DDA compliant footpath with spurs of boardwalks (to mirror the Wetlands), a large bench





and a four-metre rope walkway running up to the ditch that runs alongside Sheep's Marsh.

Alongside the path will be interpretative objects such as logs for



balancing, bark rubbing points, logs and stones to encourage 'minibeasts', outdoor natural percussion play and models of the wildlife you would expect to see in the Wetlands and around the Undercliffs. These 'engagement' points would be complemented by wooden interpretation boards.

This area would provide significant resource for Seaton Wetlands and Seaton Jurassic to host educational groups either together or separately as well as for events to be hosted by those organisations or others in Seaton. The local schools (Seaton, Beer, Colyton etc) would also be encouraged to use this area as an extended safe, outdoor learning area.

The development of this land would see Seaton be able to offer visitors a day long excursion to the area with a contiguous visit to Seaton Wetlands, Seaton Tramway and Seaton Jurassic and offer the local community a greater area of natural play and engagement as well as additional outdoor space for events and activities.

No.	PROJECT	PROJECT OWNER	CURRENT POSITION
1	Sheep's Marsh creation	EDDC - Countryside	Works due to start in spring and be completed for summer holidays 2020.
2	Play area site to Sheep's Marsh access	EDDC – Estates	Previous discussions have taken place with landowner of small strip of land that would provide pedestrian public access between the play area and Sheep's Marsh. To recommence these discussions concerning acquiring this land.
3	Sheep's Marsh to Seaton wetlands access point	EDDC - Estates	Previous discussions have taken place with the landowner of the strip of land between Sheep's Marsh and Seaton Marshes that would enable a physical access link between the two sites. To recommence discussions with the landowner concerning acquiring an access point across this strip of land for public pedestrian access.
4	Tram stopping point with access coming into Colyford common from the tramline	SEATON TRAMWAY EDDC – enabling role. Countryside lead.	Tramway undertaking preparatory work (legals and planning) in advance of works commencing in 2020.
5	Stop Line Cycle Way - connecting section	DCC	This is a section of land in private ownership. There are discussions between DCC and the landowner regarding acquisition which will enable this stretch of the cycle route to be completed.
6	Extension to Seaton Jurassic outdoor space	DWT (EDDC – enabling with land transaction)	This area of land forms part of the original planning permission for Seaton Jurassic to provide additional external exhibition space (see plan at appendix 3). This was not delivered at the time of building the centre (2015/16) due to lack of funding. It was always the intention to provide this additional space and to then create a footpath through the play area and into Sheep's Marsh, thereby joining up Seaton Jurassic to Seaton Wetlands. The land is currently used for car parking. There is opportunity to create more parking into the grassed area towards the tramline which was also identified in the 2013 planning permission.
7	Underfleet car park signage/interpretation to cycle route and alterations to footpath entrance.	EDDC – Countryside Services	To work up some proposals that will introduce some minor physical improvements to this entrance to ensure greater visibility and legibility
8.	Northern Cycle Route Link. To provide the final link in this stretch of the Stop Line Way up to Colyford.	DCC	Funding not determined.



LEVEL INFORMATION
 Heights in Metres
 Datum Derived From: DB01
 Value: 2.361 A.O.D
 Active Station Locations: TRIMBLE VRS
 Conversions Used: OSTN15

COORDINATE INFORMATION
 Values in Metres
 All Coordinates are: TRUE NATIONAL GRID
 Scale Factor: 0.99962723

SURVEY STATION SCHEDULE

STN	TYPE	EASTINGS	NORTHINGS	LEVEL
DB01	PKN	324751.314	90216.612	2
DB02	PKN	324677.914	90244.846	2

ABBREVIATIONS

General	(A) Approximate	IC	Inspection Cover
AIF	Angle Iron Fence	IL	Invert Level
(AR)	Assumed Route	IRF	Iron Rail Fence
AVG	Average	IWF	Inter Woven Fence
BD	Bolard	KO	Kerb Outlet
BS	Block Wall	LP	Ladder
BU	Building	LP	Lamp Post
BLW	Block Wall	MH	Manhole
BS	Bush	MIR	Metal Hand Rail
BT	British Telecom Inspection Chamber	MK	Marker
BW	Brick Wall	MP	Metal Post
BWF	Barbed Wire Fence	MSPF	Metal Post & Rail Fence
CB	Cable	OH	Overhead
CB	Crash Barrier	OU	Outline
CBF	Close Boarded Fence	OSB	Ordnance Survey Bench
CCD	Concrete Drainage Channel	PAUF	Palisade Fence
CE	Concrete Edging	PEV	Penion
CHP	Chastrea Paving	PI	Pipe Into Ground
CI	Cable Into Ground	PL	Plaster Light
CF	Corrugated Iron Fence	(R)	Records
CLF	Cable Link Fence	RS	Road Sign
CH	Chain Link Fence	RSJ	Reinforced Steel Joist
Col	Column	RW	Retaining Wall
Conc	Concrete	SD	Shot Drain
CP	Concrete Post	SE	Stone Edging
CPS	Concrete Paving Slabs	SecF	Security Fence
CT	Cable TV Inspection Chamber	Shd	Shed
CW	Concrete Wall	SL	Soft Level
D	Depth	SN	Spotlight
DI	Displaced	SN	Sign
DK	Drop Kerb	SV	Stop Valve
DP	Downwater Down Pipe	SWM	Storm Water Marker
DSW	Dry Stone Wall	SW	Stone Wall
Ea	Earth	SWC	Storm Water Chamber
EIC	Electricity Inspection Chamber	SY	Stay
EM	Electricity Meter	Tar	Tarmac
EP	Electricity Pole	TNL	Threshold Level
ER	Earth Road	TLL	Traffic Light
ETL	Electricity Transmission Lines	TMC	Traffic Management IC
F	Fence	TP	Telegraph Pole
FH	Fire Hydrant	TPS	Tactile Paving Slabs
FHM	Fire Hydrant Marker	TTL	Telephone Transmission
FL	Floor Level	UG	Underground
Fb	Flowerbed	UL	Unable To Lift
FL	Floodlight	VEG	Vegetation
FP	Footpath	VP	Vest Pipe
FWI	Fou Water Inspection Chamber	VT	Vent
GM	Gas Meter	W	Wall
GMK	Gas Marker	WE	Wood Edging
GP	Gate Post	WL	Water Level
Gr	Grass	WM	Water Meter
GV	Gas Valve	WMF	Wire Mesh Fence
Gul	Gully	WMM	Water Meter Marker
h	Height	WO	Wash Out
HC	Hardcore	WP	Wooden Post
IB	Illuminated Bollard	WPR	Wooden Post & Rail Fence

Station Abbreviations

HN	Hit Nail	PN	Parker Kolon Nail
PGM	Permanent Ground Marker	WP	Wooden Peg

NOTES

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SCALE
 Information has been gathered for the quoted scale.
 Any enlargement should be verified on site.

DRAINAGE
 Pipe sizes and connections are determined from surface level inspection and service records where available.

UNDERGROUND SERVICES
 Any underground services shown on this survey are from information on service enquiries and tracing with Electrolocation equipment. Some underground services may be undetectable, e.g. non-conductive pipes or cables and therefore NOT SHOWN.

CONTOURS
 Any contours depicted on this drawing have been interpolated from surveyed points, levels and features. The contour line positions have been generated by ground modelling software and are INDICATIVE only.

Rev.	Date	Amendments

Quattro House Tel. 01823
 Castle Road Fax. 01823
 Chelston Business Park
 Wellington www.lewisbrow
 TA21 9JQ Email: survey@lewisbrow
 Lewis Brown Limited Registered in England No. 4193534

CLIENT: EAST DEVON DISTRICT COUNCIL

KNOWLE SIDMOUTH DEVON, EX10 8HL

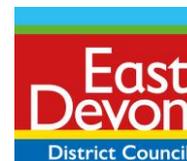
TITLE: JURASSIC CAR PARK SEATON

TOPOGRAPHICAL SURVEY

Drawing Number: Z18010_SEATON_2D_SX	Revision:
Scale: A1 @ 1:200	Sheet: 1 of 1
Drawn: SBB	Checked: RDJB
Survey Date: 01/2018	Project Num: Z18010

Heads of Terms

Subject to Contract



Property name:	Harbour Road Car Park
Property address:	Seaton Jurassic Car Park Seaton EX12 2LX
Case Reference	20/0204/LOUTNM
Landlord	East Devon District Council
Landlord address	Blackdown House Border Road Heathpark Industrial Estate Honiton EX14 1EJ
Contact	Alison Hayward Property Services
Email	ahayward@eastdevon.gov.uk
Telephone	01395 571738
Tenant Details	
Name	Devon Wildlife Trust
Trading as	
Address	Cricklepit Mill, Commercial Rad, Exeter, Devon, EX2 4AB
Contact Name	Richard Drysdale, or Harry Barton
Email	rdrysdale@devonwildlifetrust.org hbarton@devonwildlifetrust.org
Telephone	01392279244
Mobile	Richard – mobile: 07905 440562 office: 01297 300390
Guarantor (if any)	
Name	
Rent	
	£0.00 per annum excl VAT
	£ 0 VAT
Rent free/half rent period	
	N/A
Landlord's initial works	
	None. Property to be let as seen
Tenant's initial works	

Heads of Terms

Subject to Contract



As set out in the Schedule of Works proposed by DWT, to be agreed with EDDC, and attached to the Lease.
Deposit n/a
Premium £0.00
Lease length To be co-terminus with the main lease of Seaton Jurassic which was for 35 years from 23 March 2016.
Break clause The lease can be terminated by either party on the same basis as the existing Lease and Trading Agreement. That is: <ul style="list-style-type: none">• Material breach of this agreement and the confidentiality obligations. DWT shall be entitled to terminate this agreement if the Annual Operating profit is a negative figure in any three Trading periods out of any 5 consecutive Trading Periods which aggregated exceeds £10,000.
1954 Act protection None. (Same as the main SJ lease)
Rent review frequency No Review
Basis of Review n/a
Assignment and subletting Subject to the landlords consent, the tenant may assign the whole of this lease simultaneously with the Phase 1 lease to another not for profit organisation with objects similar to those of DWT.
Services and service charge Tenant To pay a fair proportion of the cost of repair and maintenance of any Service media.
Repairing obligations Tenant To be responsible for keeping the property clean and tidy and shall make good any damage caused to the Property as a result of tenant actions. To keep the tenant's works in good repair and condition. Tenant To be responsible for repair and maintenance of any boundary walls, hedges and fences as installed by the tenant.
Decorating obligations

Heads of Terms

Subject to Contract



<p>Tenant</p> <p>Responsible for the external maintenance of the premises.</p> <p>Tenant</p> <p>Responsible for the internal maintenance of the premises.</p>
<p>Schedule of condition</p> <p>n/a</p>
<p>Alterations</p> <p>A Schedule of the works that DWT propose to undertake will be agreed with EDDC and attached to the lease.</p>
<p>Permitted use</p> <p>Outdoor landscaped gardens, interpretive play and recreational space for visitors to Seaton Jurassic. or any other such use which falls under Planning Use Class D2 Assembly and Leisure.</p>
<p>Building/Premises Insurance</p> <p>To pay to the landlord the cost of the annual insurance premium if required.</p>
<p>Contents Insurance</p> <p>Tenant responsible for purchasing their own appropriate level of contents insurance.</p>
<p>Dilapidations</p> <p>Return the part of the site (that is currently car park spaces as hatched red within Site A) to a tarmac surface with white lines to mark out the car parking spaces.</p>
<p>Indemnity</p> <p>The Tenant shall keep the Landlord indemnified against all liabilities, expenses, costs (including but not limited to any solicitors' or other professionals' costs and expenses), claims, damages and losses (including but not limited to any diminution in the value of the Landlord's interest in the Property and loss of amenity of the Property) suffered or incurred by the Landlord arising out of or in connection with any breach of any tenant covenants in this lease, or any act or omission of the Tenant, any undertenant or their respective workers, contractors or agents or any other person on the Property with the actual or implied authority of any of them.</p>
<p>Utilities</p> <p>Tenant</p> <p>To pay the cost of all utilities supplied to the premises if applicable.</p>
<p>Other Conditions</p> <p>The terms of the lease should be consistent with the main lease to DWT for Seaton Jurassic entered into on 23 March 2016.</p> <p>The tenant may share occupation of the property with any company that is a member of the same group provided that no relationship of landlord and tenant is created.</p>

Heads of Terms

Subject to Contract



The tenant is to be responsible for ensuring all statutory consents including planning are complied with.
Tenant not to do anything which would cause nuisance or annoyance to owners, tenants or occupiers of adjoining property.
The Landlord has not carried out any title investigation or due diligence and gives no warranty that other provisions may be required once investigated.

Legal costs

To be covered by each party

Surveyor's costs

To be covered by each party

Landlord's solicitors

Legal Services
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ

Tenant's solicitors

Tozers

Broadwalk House
Southernhay West
Exeter
EX1 1UA

01392 207020

Vernon Clarke,

01392 667672 07725 244266

Timing and other matters

It is anticipated that the lease will be completed within 8 weeks of the receipt of these signed heads of terms.

NO CONTRACT

These Heads of Terms are Subject to Contract

If you would like to proceed on the terms set out in this document, please sign below:

_____ Date _____

Name in block capitals _____

Report to: Cabinet

Date of Meeting 28 October 2020

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Sideshore, Exmouth – Community Interest Company

Report summary:

The purpose of this report is to secure approval for signing legal and financial documents in our capacity as a Member (shareholder) of the Community Interest Company (CIC).

Sideshore is the new Watersports centre in Exmouth that is being developed by Grenadier Estates who lease the site from the council. Once the new building is complete, the lease between the council and Grenadier Estates will fall away and the CIC will become the direct tenant of the council. The CIC will run the centre and will have sub leases with the individual operating businesses within the development.

The council is a member (shareholder) of the CIC and has appointed 2 Directors to the CIC Board. The other 3 Directors of the CIC are Board members of Grenadier Estates.

The council has been contacted by one of the Grenadier CIC Directors and asked to sign the attached Members' Agreement to allow the CIC to adopt the Companies Act audit exemption based on a parent company guarantee from Oxygen House Group Limited (the CIC's ultimate parent company).

In discussion with the Grenadier Directors of the CIC, the council is aware that there may be other documents that the council is required to sign in future (for example, if the Articles need to be changed for the good management of the CIC).

The council is therefore seeking approval for authority to sign this particular Members Agreement referred to above, but also for authority to enter into any other documentation and take any actions requiring the authority of the Members (shareholders) of the CIC". A copy of the Members Agreement is attached at Appendix 1.

Recommendation:

That Cabinet:

1. Authorises the signing of Members Agreement on behalf of the Council as shareholder of the Community Interest Company (CIC), and
2. Grants delegated authority to the Portfolio Holder for Economy and Assets to authorise entering into legal, finance or any other documentation on behalf of the Council as shareholder of the CIC.

Reason for recommendation:

This will enable the Sideshore CIC to adopt the Companies Act audit exemption based on a parent company guarantee from Oxygen House Group Limited (the CIC's ultimate parent company). It will also allow the council to enter into other documentation and take other actions that require the authority of the Members (shareholders) of the CIC.

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

Portfolio(s) (check which apply):

- Climate Action
- Corporate Services and COVID-19 Response and Recovery
- Democracy and Transparency
- Economy and Assets
- Coast, Country and Environment
- Finance
- Strategic Planning
- Sustainable Homes and Communities

Financial implications:

There are no direct financial implications from the recommendations of the report.

Legal implications:

It is considered acceptable for the Council, as Shareholder, to agree to the signing of the Members Agreement. In respect of any future decisions, it is permissible for such decisions to be delegated to a portfolio holder by Cabinet provided any decision is not a 'key decision'. This will need to be assessed on a case by case basis. There will need to be a record of each decision taken by way of portfolio holder report in compliance with constitutional requirements.

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information

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

Appendices:

Appendix 1: Member's Agreement.

APPENDIX 1

The Directors
Queen's Drive Exmouth Community Interest Company
Oxygen House
Grenadier Road
Exeter Business Park
Exeter
EX1 3LH

Date:

Dear Sirs,

Agreement of the members of Queen's Drive Exmouth Community Interest Company (registered with company number 11017649) (the "Company") to the audit exemption under section 479A of the Companies Act 2006 (the "Act")

We, being the members of the Company, agree, for the purposes of section 479A(2)(a) of the Act, to the Company adopting the exemption from audit under section 479A of the Act for the financial year ending 31 December 2019.

Signed by
ELEANOR ADAMS
for and on behalf of
GRENADIER EXMOUTH LIMITED

.....

Signed by
.....
for and on behalf of
EAST DEVON DISTRICT COUNCIL

Report to: Cabinet



Date of Meeting 28 October 2020

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Honiton Swimming Pool – Options for the Refurbishment and internal alterations of the reception, changing and other associated areas

Report summary:

To advise Cabinet of the identified options in respect of the Refurbishment and Internal Alterations to the reception, changing rooms and other associated areas at Honiton Swimming Pool.

Recommendation:

- 1. Cabinet to consider the Options for the refurbishment and internal alterations of the reception, changing and other associated areas at Honiton Swimming Pool**
- 2. Cabinet to determine which Option (options 1-4) to progress and if the option necessitates extra budget to recommend this to Council**

Reason for recommendation:

The condition on the reception area, changing rooms and associated other rooms, excluding the pool hall, at Honiton Swimming Pool has continued to deteriorate since a former bid was approved in 2016. Further, following a recent survey, it has been established that there is water ingress both internally from the showers / changing rooms and externally through the walls. This has caused additional issues associated with rising damp and efflorescence, which in turn has resulted in a further deleterious effect on the finishes and fittings. There are also issues with the existing M&E installation with a lack of mechanical ventilation and local heating.

Remedial works need to be undertaken to correct the water ingress that will require all the screed in the areas to be removed including the associated floor, part of the wall tiling, all associated fixtures and fittings and subsequently replaced after treatment. In the circumstances, it is considered that the opportunity should be taken to both refurbish the affected areas and replace the defective elements of the M&E installation.

This refurbishment work will enable Honiton Swimming Pool to be a more a pleasing, pleasant, hygienic venue to visit, and as result will be more attractive to the public.

Officer: Steve Pratten, Interim Principal Surveyor / Team Lead for the Property and FM Team
spratten@eastdevon.gov.uk / 07836 575 080 / 01395 517 573

Portfolio(s) (check which apply):

- Climate Action
- Corporate Services and COVID-19 Response and Recovery
- Democracy and Transparency
- Economy and Assets
- Coast, Country and Environment

- Finance
- Strategic Planning
- Sustainable Homes and Communities

Financial implications:

A significant increase in budget is being requested up to £380k depending on the option preferred. If approved this will be reflected in the capital programme that will be presented to members when considering the 2021/22 budget round and will reduce the amount of resources available to keep the future programme affordable without the need to increase debt significantly which would in turn increase associated revenue/funding costs. However, members will have options to consider over the priority of existing schemes, in year slippage or possibly savings in the programme.

The key factor for members consideration is the future plans for this asset. Members are also debating on the agenda LED s financial support in the current year and future Service Level Payment; this investment should be considered alongside that consideration. If it is clear that Honiton Pool is a key facility going forward then the report outlines the necessity for the capital investment and option 2 is being recommended as obtaining best value at an additional budget request of £380,000.

Legal implications:

It is for Cabinet to decide which option to progress in light of the advice given, but any additional budget will require Council’s approval. Otherwise there are no specific legal implications requiring comment

Equalities impact Low Impact

Climate change Low Impact

Risk: Medium Risk

A risk allowance has been included within the respective cost options.

Links to background information

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

1.0 Report in full

- 1.1 Honiton Swimming Pool was built in the mid-1960s, with an extension providing reception, further changing rooms and associated areas being added during the 1980s. The works being considered relate to the 1980s extension where the wall, floor and ceiling finishes have largely remained unaltered since that date. The appearance is dated with many cracked floor tiles with some being of differing shades and sizes, discoloured / cracked walls and ceilings showing damp marks. The existing lockers and toilet cubicles are tired, damaged, and marked. In addition, there are local heating issues with pump failures and the ventilation system does not work causing the areas to be humid and stuffy. The overall effect is that this part of the building is unpleasant to enter and aesthetically extremely poor. As a result, it is likely that the current facilities have a detrimental effect on the public attending the swimming pool.
- 1.2 At the Meeting of the Capital Strategy and Allocation Group, held on 1 December 2015, a bid was submitted for swimming pool changing rooms and refurbishments. This bid was based on a phased programme of improvements to swimming pool changing rooms at Exmouth (£264,000 (2016/17), Sidmouth £217,250 (2017/18) and Honiton £79,750 (2018/19). The bid was recommended for support. Subsequently this recommendation was further approved by Cabinet on 6 January 2016 and formally agreed by Council on 24 February 2016.
- 1.3 In April 2018, some initial survey work was commissioned including an inspection of the damp problems which had become apparent in the floors and walls of the reception area. This had manifested itself through damp staining and efflorescence becoming visible to both plaster and brick walls in the reception and viewing gallery areas. The vinyl flooring in the reception, which had been laid in 2015, had started to break up. Defects in the floor and wall tiling in the gent's shower/toilet/changing room areas were also apparent, although the ladies changing room did not appear to have as many visible damp issues. The consultant recommended that a damp / waterproof membrane be applied. This proposal would require the existing screed, some plaster to walls and associated tiles to be removed and subsequently replaced after the membrane was replaced.
- 1.4 In July 2018, the consultant considered the historical cracks in the walls to the male and female changing rooms including remedial actions which had previously been undertaken. The consultant noted that these cracks may have been caused by the differing nature of the foundation construction to the pool and the changing / reception extension. Though not a significant concern, it was noted that a small void below the building should be grout injected to prevent the risk of further cracking. In consideration of the anticipated refurbishment works and the advice that it was not significant, this work was not carried out at the time, since it would have been potentially disruptive to the public use of the pool.
- 1.5 There was a follow up inspection in July 2019 that recommended movement joints be formed in wall and floor finishes at the interface of the original 1960's structure and the 1980's extension. It is considered that this recommendation was advisory to prevent further cracks developing. The consultant also suggested that after the void had been grouted in the female changing room, other cracks should be repointed and the floor screed reprofiled at the location of the historic movement.

- 1.6 Discussions with a local architect exploring the feasibility of the refurbishment of the extension building commenced in 2019. These discussions included liaison with LED, who identified some modest alterations to the layouts to be considered, particularly within the reception area to provide a better layout and an improved flow for visitors.
- 1.7 In November 2019, the architect advised that their cost plan for the Honiton pool refurbishment works based on discussed layouts and using a specification similar to that for the Exmouth pool was £ 374,248. This allowance was qualified and excluded, inter alia, VAT, professional fees, and associated matters. It is understood that this increase beyond the approved bid in 2016 had been primarily due because of the issues associated with the damp issues identified during 2018 requiring entire areas to be taken back to the substrata and thereby providing an opportunity to refresh the all the finishes and fittings
- 1.8 It is worth noting that the architect had incorporated into his cost plan an alternative method of dealing with the damp that included over cloaking walls and replacing the sheet floor finish in the reception with tiles, thereby allowing damp within the screed to evaporate.
- 1.9 In order to achieve better cost certainty, further surveys and investigations were now undertaken including an asbestos refurbishment survey, commissioned in May 2020 to determine the presence of asbestos containing materials within the area to be refurbished. The asbestos survey concluded that no asbestos materials were apparent within the area of the building confirmed for refurbishment.
- 1.10 Following the initial cost plan and the further investigations, the architect, and his team (Designer, QS, Structural and M&E Engineers) developed the design and specification for the refurbishment works. This process was extended because of the delays caused by Covid-19 and associated lockdown restrictions. In June 2020, the architect provided his pretender estimate of the works in the sum of £ 374,650 with the same previous qualification and exclusions being identified.
- 1.11 The writer now became involved with the project and the need to value engineer the project was confirmed. It was advised that the architect's proposal to remedy the damp issues was not the preferred option since the Council would need better confidence that this would be successful, preferably backed up with a separate warranty. It was also confirmed that the architect should consider alternatives to the specified materials, though maintaining the same high quality and product longevity.
- 1.12 Another concern was the extent of the M&E services that had been noted as needing replacement. A detailed condition and feasibility report had been provided identifying elements that were no longer properly working or recommending replacement because the element had reached or exceeded the end of its serviceable life expectancy. The architect was challenged to interrogate, and reconsider associated elements with the sub consultant, with the expressed instruction that safety must not be compromised. Of particular concern was the report's recommendation that all the ventilation ducting should be replaced simply because it was reaching the end of its serviceable life. The ducting replacement works would have required all the ceilings to be removed, new ducting installed, and the ceilings replaced. In the event, it was agreed that the existing ventilation ducting could remain with only local alterations and additions of new ceiling grilles and dampers being required. It had been hoped that the failed existing ventilation plant could be repaired and recommissioned.

Unfortunately, following further investigation, it was found that because of the age of the plant it was not economically viable to repair and replacement was necessary.

- 1.13 Meetings between the council and the architect took place from July through to September 2020 to further discuss the value engineering options. There were also site meetings held at Honiton Pool with LED in attendance.
- 1.14 At the end of August 2020, the architect provided a revised estimate that reflected the Value Engineering proposals in the sum of £ £ 298,826.30, with the same qualification and exclusions as before being identified. This sum was some £ 76,000 or 21% less than the pretender estimate that had been provided in June.
- 1.15 However, there was still concern in respect of the method of dealing with the damp issues. Fundamentally it was considered that the architect's proposal did not properly solve the issue, rather it would mask the problem until a time when it became evident again. Mindful of the council's concerns, a further specialist visited Honiton swimming pool in September 2020 and carried out a detailed invasive investigation. This specialist advised that new chemical damp proof courses to all external and retained internal walls within the reception and changing rooms should be installed. He also confirmed that in these areas, the floor screed, and lower portions of plaster to the walls should be removed and a waterproofing slurry system applied. The proposed works would be provided with a 10-year guarantee. The cost was similar to that advised by the original specialist in 2018.
- 1.16 After due consideration of the necessity of achieving best value, the architect was asked to incorporate this option, together with the additional costs associated with the replacement screed and replastering etc. into an updated estimate. On 21 September 2020, the architect provided a further revised Value Engineering Estimate in the sum of £ 328,919, identifying the same previously advised qualifications and exclusions.
- 1.17 A copy of the latest Value Engineering Estimate was forward to LED for their information and awareness. No adverse comments were received.
- 1.18 LED opened the Honiton Swimming Pool to the public on 1 October, with the use of the reception areas or changing rooms being expressly excluded. Persons attending are instructed to come changed ready to swim, with access being afforded via an external path to a side entrance door. At the end of their session, attendees can either change in the leisure centre or return home to change, While the new arrangements have only just started, it is understood from feedback from LED that the public are generally content.

2.0 Cost Analysis

- 2.1 The several cost estimates noted above only identify the construction costs and are exclusive of professional fees, client contingency and other associated costs.
- 2.2 The anticipated full client costs are identified within the table below, including the amount already expended against the original bid / current budget.

Option	Description	Antic costs Inc. fees, cost to date and risk (Rounded)	Less remaining existing Budget (Rounded)	Additional sum required
	Original Pre-Tender Estimate	£ 470,000	£ 40,000	£ 430,000
Option 1	Value engineered design cost estimate with restricted damp prevention measures	£ 380,000	£ 40,000	£ 340,000
Option 2	Value engineered design cost estimate with full damp prevention measures including a 10-year specialist contractor warranty.	£420,000	£ 40,000	£ 380,000
Option 3	As Option 2, but generally with existing fittings, fixtures and sanitaryware retained and reinstalled	£400,000	£40,000	£ 360,000
Option 4	Do nothing further	£9,000	£ 40,000	£ 31,000

Costs for Options 1 – 3 include circa 10% for the Contractors risk for design development and contingency and 5% Employers Risk.

- 2.3 Option 1 although providing a lower cost for the refurbishment, it is considered that the option does not properly deal with the damp issues, rather such would effectively be masked and hidden until such time as the problem reappeared in the future.
- 2.4 Option 2 is preferred since this provides a permanent solution to the current damp ingress issues. This option requires the existing floor and part of the wall finishes and underlining screed and plaster to be removed and subsequently replaced after treatment. As a result, the wall and floor tiles will need to be replaced – along with the sundry fittings and fixtures such as WCs, toilet partitions and lockers etc. The inclusion of specialist treatment to prevent the damp treatment includes a 10-year warranty.
- 2.5 Option 3 is generally as Option 2 but with most of the existing fittings, fixtures and sanitaryware retained and refixed. Generally, no alterations to walls or layouts have been included. While this option identifies a nominal saving of £ 20,000, it is advised that

aesthetically this would be unpleasant with LED highly likely find such unacceptable. The existing elements that were reinstalled would have an overall secondhand appearance and likely to have a shorter life than new items.

- 2.6 Option 4 Do nothing further, while not a realistic option, needs to be identified. It had originally been hoped that a much reduced design could have been considered. However, the seriousness of the current damp ingress that is affecting not only the integrity of the building's finishes and fixtures as well as providing a negative appearance must take priority.

3.0 Preferred Option

- 3.1 As noted above, and based upon the available technical information and Officer experience and knowledge, Option 2 is the Preferred Option, This Option provides a permanent solution to the current water ingress and also allows for the full refurbishment of the reception and changing rooms to provide a more attractive, updated, pleasant, hygienic environment venue to visit, and as result will be more attractive to the public. Consequently, it is considered Option 2 provides the best overall value.