

Agenda for Cabinet
Wednesday, 25th November, 2020, 6.00 pm



Members of Cabinet

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

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

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(or group number 01395 517546)
Tuesday, 17 November 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 meetings held on 28 October and 11 November 2020 (Pages 4 - 18)
- 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 19 - 20)
- 8 Minutes of the Poverty Working Panel held on 12 October 2020 (Pages 21 - 26)
- 9 Minutes of the Exmouth Queen's Drive Delivery Group held on 15 October 2020 (Pages 27 - 33)
- 10 Minutes of the Recycling and Waste Partnership Board held on 21 October 2020 (Pages 34 - 41)
- 11 Recommendations from the minutes of Strategic Planning Committee held on 20 October 2020 (Pages 42 - 55)
- 12 Recommendations from the minutes of Strategic Planning Committee held on 22 October 2020 (Pages 56 - 64)
- 13 Minutes of Scrutiny Committee held on 5 November 2020 (Pages 65 - 67)

Matters for Key Decision

- 14 Affordable Housing Supplementary Planning Document (Pages 68 - 71)
This report outlines the responses received during the second round of public consultation on the Draft Affordable Housing Supplementary Planning Document (SPD) (January to February 2020), and shows how these comments have been taken into account in revising the SPD.

Matters for Decision

- 15 Council Tax Reduction Scheme 2021/22 (Pages 72 - 77)
To consider and approve the Council Tax Reduction Scheme for 2021/22 which is proposing to remain unchanged from current scheme.
- 16 Seaton Tram Halt access boardwalk and footbridges (Pages 78 - 82)
The Seaton Tram Company was successful in applying for a Heritage Lottery Fund bid to develop the heritage and educational features of their tourist attraction, which included funds to cover the costs of a tram halt and associated wooden boardwalk. This project is part of the planned programme of visitor infrastructure improvements known as the Seaton Wetlands link projects.
- 17 Covid-19 Economic Response and Recovery - Resources (Pages 83 - 99)
This report follows up on the one considered by Cabinet at the October meeting on the economic impact of the Covid-19 pandemic and how best to support recovery; setting out the resource requirements associated with supporting economic recovery.
- 18 Towards Zero Carbon Development in the West End (Pages 100 - 102)

The purpose of this report is to seek authority for the use of an Exemption from Contract Standing Orders to enable the appointment of consultants WSP to support the development of a bid to the Government's Heat Network Investment Programme (HNIP).

19 Resourcing in Democratic Services Team (Pages 103 - 105)

To consider a request for an additional member of staff to assist in dealing with the workload of the team.

[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 28 October 2020****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 8.16 pm

227 Public speaking

Gill Adamson spoke on Minute 239 - Homelessness Strategy. She was concerned for the welfare of a particular homeless man in Exmouth. He was a vulnerable man with mental health issues being made worse due to the fact he was homeless. She asked what help the Housing department was doing for him.

In responses to the question the Housing Manager confirmed he was aware of the case and that the Housing department were dealing with the man individually however he could not comment any further due to confidential nature of the case. The Chair thanked Gill Adamson for highlighting this situation.

Jeremy Woodward had questions concerning transparency and democracy at the council. He said it was very useful to be able to refer to the council's own press releases over the years but this had its limitations, with the news archive only provided items from this year, half from 2019 and then stops at 2018. Providing access to archives did not take up much space on the web server. This was fundamentally about transparency and if there was limited access to information, especially official information, then the democratic process was compromised.

He asked how remote meetings by Zoom were working – whether they were enabling greater participation for both the public and members in meetings and whether the hybrid meeting approach was being looked into; where there would be a choice to physically attend meetings or appear via video link.

He concluded by asking what kind of measures were the new administration looking to introduce to bring about greater transparency and democracy at the council.

In response to Mr Woodward the Portfolio Holder Democracy and Transparency confirmed virtual Zoom meetings were working well especially as the public could watch live online as well as participate in the meetings through public speaking. He wished to thank the Democratic Services team for their hard efforts in successfully facilitating these meetings. He said that hybrid meetings needed to be scoped for their effectiveness before any decision would be made to whether the council would go along with this type of meeting.

Sarah Butcher asked that her statement be read out on her behalf.

Having seen the recent publicity about the Government's white paper she wanted to highlight the plight of wildlife in East Devon before the council considered any new planning reforms. She was chair of Devon Bat Group, a volunteer with Devon Wildlife Trust and had qualifications in Biological Recording. She felt really strongly about how rapidly wildlife was already disappearing and how little was being done about it; the relaxation of the existing planning regulations can only make things worse.

As everyone knows we were in the midst of a climate emergency, with wildlife under more threat now than it had ever been. There seemed however to be a missing link in people's understanding about where nature was, thinking it starts elsewhere and not at our own doorstep and back gardens and was our shared responsibility. All too often wildlife was being pushed into increasingly small spaces, not just with the expansion of local housing but also with the drive for low-maintenance tidy gardens, hedges kept neat and tidy and grass in public areas kept short. A habitat could only support a finite number of creatures before food resources ran out, yet still we put our need for housing first and force them into ever smaller areas and possibly sub-optimal habitat.

We were blessed in Devon to have so much wonderful green space, gorgeous hills, fantastic pasture and beautiful woodland. Many of us had moved here because of this, while much of the economy depended on people wanting to visit. Without a local council ecologist in East Devon we were already at a huge disadvantage. She knew East Devon already had a plan for its Nature Recovery Networks that shows great potential but we need to be able to put these into practice and look after what we had left while still having something to protect. Looking after green public spaces was great but if we had less control over new developments, we had an even more massive mountain to climb.

228 **Minutes of the previous meeting**

The minutes of Cabinet held on 8 October 2020 were confirmed as a true record.

229 **Declarations of interest**

Minute 239. Homelessness Strategy update.

Councillor Eileen Wragg, Personal, Has a relative who is accommodated through EDDC properties.

Minute 240. Seaton Jurassic Phase 2 and Seaton Wetlands Link Project.

Councillor Dan Ledger, Personal, Ward Member for Seaton.

Minute 240. Seaton Jurassic Phase 2 and Seaton Wetlands Link Project.

Councillor Paul Arnott, Personal, Ward Member for Coly Valley which covers part Seaton Wetlands.

Minute 241. Sideshore, Exmouth - Community Interest Company.

Councillor Paul Millar, Personal, is a Council appointed Director of CIC.

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

None.

231 **Forward Plan**

Members agreed the contents of the Forward Plan for key decisions for the period 1 November 2020 to 28 February 2021.

232 **Minutes of the Housing Company Task and Finish Forum held on 8 October 2020**

Members received and noted the Minutes of the Housing Company Task and Finish Forum held on 8 October 2020.

233 **Minutes of Scrutiny Committee held on 10 September 2020**

Members received and noted the Minutes of Scrutiny Committee held on 10 September 2020.

234 **Minutes of STRATA Joint Executive Committee held on 22 September 2020**

Members received and noted the Minutes of STRATA Joint Executive Committee held on 22 September 2020.

235 **Covid-19 Economic Response and Recovery**

The report by the Service Leads for Revenue and Benefits and Growth, Development & Prosperity provided an overview of the impact of the Covid-19 pandemic on the economy of the District, the initiatives that had been undertaken to mitigate this and those that were planned to support to recovery.

During discussions it was agreed all members supported these measures which went beyond politics; it was about people. Libby Jarrett and Andy Wood were congratulated for the excellent report.

RESOLVED that Cabinet;

1. note the work that had been undertaken to manage the immediate impact of the pandemic,
2. support co-ordinating economic recovery activity through the Team Devon approach,
3. approve the proposed Local Restrictions Support grant policy and for delegated authority to be granted to the Council's S151 Officer in consultation with the Leader, Deputy Leader and Portfolio Holder for Finance to make such amendments as might be required in order to take account of changes in government guidance, and
4. receive a further report;
 - at the November Cabinet meeting setting out the resource requirements associated with supporting economic recovery, and then
 - in 6 months detailing the progress made with supporting economic recovery in the District.

REASON:

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:

236 **Exmouth Tidal Defence Scheme Flood Gate Operations**

The report superseded item 4.3 of Cabinet report of 9 November 2016 that permitted East Devon District Council to operate the highways flood gate and sign up to a 3-party agreement to allow community volunteers to close non highways flood gates.

RESOLVED that Cabinet;

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

REASON:

1. East Devon District Council was 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 would give a sense of community ownership, build community spirit and reduce inconvenience to Exmouth, as well as limiting operating cost increases.

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

The report from the Monitoring Officer provided information on complaints referred to and decided by the Local Government and Housing Ombudsman during 2019/20.

The Portfolio Holder Democracy and Transparency thanked Henry Gordon Lennox for the report.

RESOLVED that Cabinet;

note the report and learning points arising from complaints decided during the year.

REASON:

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

238 **Response to the Farringdon Neighbourhood Plan Submission**

The purpose of the report was to formally agree the response by EDDC to the submission consultation for the Farringdon Neighbourhood Plan. Farringdon Parish Council had 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. The comments of EDDC and all other comments received during the consultation would be submitted to an independent Examiner for inspection of the Plan against a series of conditions, which must be met in order for it to proceed to a referendum.

The Portfolio Holder Finance congratulated the Farringdon Neighbourhood Planning team for producing their Plan and wanted to reassure them that it would be considered alongside policies set out in the Local Plan.

RESOLVED that Cabinet;

1. 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, and

2. make the proposed representation set out at paragraph 1.19 in the report in response to the consultation.

REASON:

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

239 **Homelessness Strategy update**

The Housing Manager updated members on the Council's Homelessness Strategy and a review of levels of homelessness in the district was provided. The Covid-19 pandemic had hugely impacted the need for temporary accommodation and therefore increased expenditure in this area. The staffing requirements within the Housing Options team were addressed.

Discussions included the following;

- It was quite clear extra staff were required
- The council to write to the 3 local MPs and the Housing Minister to put a block on evictions by private landlords
- Nothing could be worse than losing your home
- Many homeless people suffer from mental health problems

RESOLVED that Cabinet;

1. note the updates provided in relation to the Council's Homelessness Strategy and the current levels of homelessness in the district.
2. write to the 3 local MPs and Housing Minister for restrictions on evictions to be in place for the foreseeable future.

RECOMMENDED to Council;

3. to 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.

REASON:

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

240 **Seaton Jurassic Phase 2 and Seaton Wetlands Link Project**

The Project Manager Place, Assets & Commercialisation presented the report which set 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 was one of the project interventions identified in the Seaton Wetlands Link Project that was reported to Cabinet in January this year. The project was being led by Devon Wildlife Trust, tenant and operator of Seaton Jurassic.

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

RESOLVED that Cabinet approves;

1. 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. 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. The council provides a letter of support to accompany DWT's funding application to the RDPE for this project.
5. The overflow carpark in the Underfleet to be open all year round on the same opening and closing times as the main Underfleet carpark. The income for both carparks to be monitored over the period post loss of the 18 carpark spaces and to report back on the actual income received, to evaluate whether additional carpark spaces need to be provided to replace the lost spaces.

REASON:

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 would enable access in and out of Sheep's Marsh.

241 **Sideshore, Exmouth - Community Interest Company**

The Project Manager Place, Assets & Commercialisation explained the purpose of this report was to secure approval for signing legal and financial documents in the capacity as a Member (shareholder) of the Community Interest Company (CIC).

Sideshore was the new Watersports centre in Exmouth that was being developed by Grenadier Estates who leased the site from the council. Once the new building was complete, the lease between the council and Grenadier Estates would fall away and the CIC would become the direct tenant of the council. The CIC would run the centre and have sub leases with the individual operating businesses within the development. The council was a member (shareholder) of the CIC and had appointed 2 Directors to the CIC Board. The other 3 Directors were Board members of Grenadier Estates.

The Portfolio Holder Democracy and Transparency in his role as a Director of CIC wished to give enormous thanks Alison Hayward who has led on the project throughout and done a terrific job through all the internal and external negotiations a project like this brought.

RESOLVED that Cabinet;

1. agree to the signing of Members Agreement on behalf of the Council as shareholder of the Community Interest Company (CIC), and
2. grant 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:

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.

242 **Honiton Swimming Pool - options for the refurbishment and internal alterations**

The Interim Principal Surveyor advised 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.

RESOLVED that Cabinet;

1. considered the Options for the refurbishment and internal alterations of the reception, changing and other associated areas at Honiton Swimming Pool and agreed that Option 2 should be progressed; and
2. assess the potential for solar panels and/or air source heat pumps to be installed to provide energy efficient heating of the Honiton swimming pool, taking advantage of government backed schemes where possible, with the aim of greatly reducing the carbon footprint and saving money in the long term. This should be seen as a trial before roll out to all LED pools and sports centres wherever viable.

RECOMMENDED to Council;

3. to include the sum of £380,000 in the capital programme towards delivering Option 2 refurbishment and internal alterations of the reception, changing and other associated areas at Honiton Swimming Pool.

REASON:

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

Remedial works needed to be undertaken to correct the water ingress that would 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 was 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 would enable Honiton Swimming Pool to be a more a pleasing, pleasant, hygienic venue to visit, and as result would be more attractive to the public.

243 **Poverty Working Panel**

The Portfolio Holder Sustainable Homes and Communities gave a verbal update to the newly formed Poverty Working Panel. The first meeting was intended to explore issues and set the context and Terms of Reference.

As the Chair she was really pleased that this cross-party group contributed positively, with plenty of suggestions as to what should be included in the Poverty Strategy. Members expressed their commitment to ensuring that as a council everything in its power would be done to relieve poverty, in whatever form that takes, throughout the District.

Covid-19 had inevitably contributed to a worsening of issues related to poverty, including budgeting and high levels of indebtedness, higher levels of unemployment and increasing job losses when the Government's furlough scheme ended.

Poverty, and the reasons for it, was a massive subject and was far-reaching and cross-cutting into other areas of the council. However, any actions undertaken by the council needed to be both evidence based and wherever possible address the root causes of poverty. The Panel was keen to move things forward as swiftly as possible, especially in the current Covid-19 climate, and to focus on the development of the Poverty Strategy, its implementation and subsequent monitoring.

Future possibilities could include briefings to the Panel and possibly to all council members, from such organisations as the Department for Work and Pensions and Citizens Advice, thereby promoting partnership working which would ultimately benefit all those residents who needed help and support.

RESOLVED:

That the update be noted.

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
J Bailey	Portfolio Holder Corporate Services and COVID-19 Response and Recovery
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

Cabinet apologies:

J Loudoun	Portfolio Holder Policy Co-ordination and Regional Engagement
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Also present (for some or all the meeting)

Councillor Denise Bickley
Councillor Mike Allen
Councillor Kevin Blakey
Councillor Kim Bloxham
Councillor Susie Bond
Councillor Colin Brown
Councillor Fred Caygill
Councillor Iain Chubb
Councillor Olly Davey
Councillor Bruce De Saram
Councillor Alan Dent
Councillor Peter Faithfull
Councillor Steve Gazzard
Councillor Ian Hall
Councillor Marcus Hartnell
Councillor Nick Hookway
Councillor Sarah Jackson
Councillor Vicky Johns
Councillor Fabian King
Councillor Dawn Manley
Councillor Kathy McLauchlan
Councillor Andrew Moulding
Councillor Helen Parr
Councillor Geoff Pratt
Councillor Philip Skinner
Councillor Brenda Taylor
Councillor Eileen Wragg
Councillor Tom Wright

Also present:

Officers:

Alison Hayward, Project Manager Place, Assets & Commercialisation
Andrew Wood, Service Lead - Growth Development and Prosperity
Amanda Coombes, Democratic Services Officer
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
Libby Jarrett, Service Lead Revenues and Benefits
Andrew Mitchell, Housing Solutions Manager
Charles Plowden, Service Lead Countryside and Leisure
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)
Mark Williams, Chief Executive
Steve Pratten, Interim Principal Surveyor

Chairman

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Cabinet held at Online via the Zoom app. on 11 November 2020

Attendance list at end of document

The meeting started at 6.00 pm and ended at 7.12 pm

244 Public speaking

Mr Ed Kos spoke at the meeting after sending in a question concerning the council's climate emergency plan. He thanked everyone for what they had been doing towards this plan in what was a difficult year with the crisis that Covid-19 had brought. He did ask for reassurance however that actions were still ongoing towards the implementation of the plan due to the ongoing nature of the climate crisis. He was concerned that the current status of the plan was not available to the public with no plans to engage the public at present. He asked that council explain on public record why the status of the climate emergency plan was not available and commit to prioritising a detailed update by a specific date, with revised timeliness for action, clear roles and responsibilities with accountability for further delays, and a clear roadmap to engage the public such as by taking forward the comprehensive Citizens Assembly proposal from Exeter University, originally due for implementation in July this year.

The Portfolio Holder Climate Change responded to Mr Kos stating his question may be confusing the district council and the county council's work on climate change. She confirmed that addressing climate change was a priority for both councils. The district council's climate change strategy and action plan went through the council's democratic processes earlier this year, and had been openly published on EDDC's website. This was a statement of intention and the council recognised the need for regular reviews and updates.

She said the council was also committed to delivering the Devon Climate Change Emergency Declaration and was working with the county council contributing towards the emerging Devon Carbon Plan. The council's plans would be reviewed as the Devon Carbon Plan was developed and as we learn from current projects and move closer towards significant carbon reductions as an organisation. She reported that the Carbon Plan consultation would take place between December this year and February 2021. Social media and webinars were already being planned. She suggested that the council's plans were publicly available and have roles and responsibilities, timelines, and accountability embedded.

Whilst it was fair to say that the council's response to the pandemic has taken priority it had still progressed with a number of commitments and built in some green recovery ideas to our thinking, including reduced commuting, green travel, and community resilience. A number of projects from the action plan had progressed over the last six months including, but not limited to:

- Appointments of a Portfolio Holder Climate Action as well as an Assistant Portfolio Holder on the Cabinet
- Electrification of the white vehicle fleet in StreetScene and Environmental Health
- Installation of air source heat pumps in council homes securing £500k government grant
- Roll out of Re-wilding and nature recovery areas
- Increased tree planting and creation and improvement of wildlife habitats
- Increased recycling rates beyond 60% of household waste (one of the best in the country) and introduced a green waste scheme

- Working with Exeter Airport to decarbonise air travel
- Developing concepts for district heating in the growth point area
- Scoping a review of procurement activities and decarbonising supply chains
- We have experimented with using the Doughnut Economic model to assist decision making that prioritises climate change

Mr Craig Bernhardt spoke on Minute 248 Additional funding to LED due to the Covid-19 pandemic. He stated he completely supported funding assistance to leisure facilities that support the health and well-being of residents and so reduced the burden on the NHS. LED provided central communities services through its outreach work which must continue. However over the last decade there had been a huge increase in fitness/gym/leisure facilities with this competition putting pressures on finances on all in the industry. Mr Bernhardt believed leisure centres had been struggling for a long time now and asked if the current business model was therefore sustainable. He suggested that it be prudent to add to the proposals to have leaders from local, private and public sector facilities to collaborate and work together. In addition to the ramifications of Covid-19 this would be to consider objectives to minimise duplication and maximise efficiency of delivery of activities; to ensure longevity and support for these facilities.

245 **Declarations of interest**

Minute 248 Additional LED financial support as a result of the Covid-19 pandemic and proposals for a new LED Monitoring Committee arrangement.
Councillor Andrew Moulding, Personal, President of Cloakham Lawns Sport Centre in discussions with LED re provision in Axminster.

Minute 248 Additional LED financial support as a result of the Covid-19 pandemic and proposals for a new LED Monitoring Committee arrangement.
Councillor Ian Hall, Personal, Chairman of Cloakham Lawns Sport Centre in discussions with LED re provision in Axminster.

246 **Matters of urgency**

Minute 248 Additional LED financial support as a result of the Covid-19 pandemic.

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

None

248 **Additional LED financial support as a result of the Covid-19 pandemic and proposals for a new LED Monitoring Committee arrangement**

The Service Lead Countryside & Leisure welcomed Peter Gilpin, CEO LED Leisure and Bridgette Jones, Head of Finance and Support Services LED Leisure. He explained that LED had been severely impacted by the Covid-19 pandemic with interruptions to business and as a consequence a significant fall in income. The leisure industry had suffered due to enforced closure of premises under government restrictions and the complexities of reintroducing Covid19 secure facilities and activities.

Discussions included the following:

- Why was the subsidy so high and would the operator's model be fit for purpose after 31 March 2021 for sustainable long-term growth?
- That the new forum had independent strategic advice appropriate for this level of business partnership
- Was it appropriate to cover all the financial loss due to the pandemic when other business were not in this position to receive such support?
- If LED were not reimbursed they may have to consider not trading
- LED needed to be kept in business for the health and well-being of the council's residents
- Not to underestimate the value for money LED had for people of the district especially the use of swimming pools for all age groups
- LED was fundamentally important for the outreach programmes it offered
- The need for EDDC and LED to make profits from a sustainable partnership for both parties to benefit
- The council was to make a bid to Government to reclaim such financial support
- All members needed to lobby MPs as to date there had been no response from Government on the matter leaving finances for councils and leisure facilities in a critical position

The Chair stated LED was not at fault and this situation was totally due to the Covid-19 pandemic. LED had a social purpose with referrals from GPs and other public health benefits and was not in position to compete with high-end private gyms/facilities. Other local authorities who operated their leisure provision in-house were able to access government funding to cover any losses, unfortunately this did not apply to charitable trusts. LED had immense overheads just through running its swimming pools.

Peter Gilpin, CEO LED Leisure explained LED was a community benefit society and registered charity so could not be compared to other private leisure providers. As a charitable trust revenues go back into the business to provide further facilities and equipment. There were 9 sites in East Devon with approximately 12000 members most of which were for swimming membership. There had been no revenue for 3 months of this year, April to June, to which financial reserves were used heavily to cover these losses. He reiterated how LED was vital to the health and well-being of the wider community.

RECOMMENDED that Cabinet recommend to Council;

1. That the Council pays an additional subsidy to LED of £732,275 to reimburse their actual net losses incurred to September 2020 resulting from Covid-19 and that from October 2020 a monthly review and payment is then made until 31 March 2021 to cover further net losses incurred. Cumulatively the total of any additional subsidy payment in the current financial year shall not exceed £1,339,000. This approach follows LGA guidance. Additional subsidy was being paid to ensure the continued operation of LED enabling the continuation of Leisure facilities in the District. Details of individual site/facility costs to be considered by the LED Monitoring Forum to determine if changes to service provision should be introduced to reduce this sum with recommendations back to Cabinet and Council.
2. That the arrangements for the provision of revenue support funding was as detailed in paragraph 2.14 and that delegated authority was given to the Strategic Lead (Housing, Health and Environment) in consultation with the Portfolio Holder – Coast, Country & Environment and Strategic Lead (Governance and Licensing) to ensure appropriate documentation was put in place to formalise arrangements as detailed in paragraph 2.15.

3. That the Council and LED make a bid to Government for funding announced of £100m to support leisure centres to offset the sum being requested of the Council from LED. If the bid proves not to cover the full costs then the Council with LED continues to lobby government for financial assistance to support our leisure provider to maintain essential health & wellbeing activities to assist them through the loss of income caused by an enforced lockdown for public health reasons.
4. That local district MPs as a matter of urgency, are all asked whether they are willing to lobby Ministers to ensure that Leisure Trusts, such as LED, receive Covid related support funding in an equitable way to non-Trust leisure providers to ensure a level financial playing field across the leisure sector. Cabinet will also ask all the district's MPs to use their influence, as members of the governing party, to set up an urgent meeting with the relevant Minister or preferably Secretary of State, where they, alongside representatives of this Council and representatives of this Council's leisure provider LED, can explain the difficulties facing both organisations of government's failure to provide LED and other Leisure Trusts with Covid related support funding and to demand that such funding is immediately forthcoming.
5. Cabinet agrees that subject to the Council obtaining agreement from LED to the proposals, including EDDC ceasing to have any representatives on the LED Board, that the LED Monitoring Forum be established for the purposes set out in the report and the on basis of the membership detailed in paragraph 3.6, with the Portfolio Holder for Sustainable Homes and Communities replaced with the Portfolio Holder for Corporate Services and COVID 19 Response and Recovery, and that delegated authority be given to the Monitoring Officer to agree the 4 non-administration members with relevant Group Leaders.

REASON:

To ensure that LED remain a viable leisure provider and were able to manage the financial impacts of the pandemic, continuing to provide leisure activities and contributing towards the health & wellbeing ambitions of the 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
J Bailey	Portfolio Holder Corporate Services and COVID-19 Response and Recovery
G Jung	Portfolio Holder Coast, Country and Environment
D Ledger	Portfolio Holder Strategic Planning
M Rixson	Portfolio Holder Climate Action
J Rowland	Portfolio Holder Finance
J Loudoun	Portfolio Holder Policy Co-ordination and Regional Engagement
S Jackson	Portfolio Holder Democracy and Transparency

Cabinet apologies:

Also present (for some or all the meeting)

Councillor Denise Bickley
Councillor Kevin Blakey
Councillor Kim Bloxham
Councillor Colin Brown
Councillor Sarah Chamberlain
Councillor Olly Davey
Councillor Bruce De Saram
Councillor Alan Dent
Councillor Peter Faithfull
Councillor Cathy Gardner
Councillor Ian Hall
Councillor Marcus Hartnell
Councillor Sam Hawkins
Councillor Nick Hookway
Councillor Vicky Johns
Councillor Dawn Manley
Councillor Kathy McLauchlan
Councillor Andrew Moulding
Councillor Helen Parr
Councillor Christopher Pepper
Councillor Val Ranger
Councillor Eleanor Rylance
Councillor Philip Skinner
Councillor Brenda Taylor
Councillor Joe Whibley
Councillor Eileen Wragg
Councillor Tom Wright
Councillor Fabian King
Councillor Maddy Chapman

Also present:

Officers:

Charles Plowden, Service Lead Countryside and Leisure
Amanda Coombes, Democratic Services Officer
Simon Davey, Strategic Lead Finance
Peter Gilpin, CEO LED Leisure
John Golding, Strategic Lead Housing, Health and Environment
Henry Gordon Lennox, Strategic Lead Governance and Licensing
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)
Mark Williams, Chief Executive
Bridgette Jones, LED Leisure
Debbie Meakin, Democratic Services Officer

Chairman

Date:

EAST DEVON DISTRICT COUNCIL

Forward Plan of Key Decisions - For the 4 month period: 1 December 2020 to 30 March 2021

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]
Toilet review	Coast, Country and Environment (Andrew Hancock)		Y		January 2020	Part A
Setting the Council Tax Base	Finance (Simon Davey)		Y		January 2020	Part A

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

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Poverty Working Panel held at Online via the Zoom app. All Councillors will have been sent an appointment with the meeting link. on 12 October 2020****Attendance list at end of document**

The meeting started at 4.00 pm and ended at 6.22 pm

1 Declarations of interest

There were no declarations of interest.

2 Welcome and introductions

The Chair welcomed Members and Officers to the meeting and thanked Libby Jarrett (Service Lead – Revenues, Benefits & Customer Services), Helen Wharam (Public Health Project Officer) and John Golding (Strategic Lead – Housing, Health & Environment) for attending and addressing the Panel.

The Chair then invited Panel Members to highlight issues which they felt were priorities for the poverty agenda in East Devon, and the following points were raised:

- Focus on the positive outcomes in the Poverty Report, particularly paragraphs 6.9 (rough sleepers) and 6.27 (properties acquired)
- Domestic abuse and calls to the children's helpline had increased during the Covid-19 pandemic and both should be monitored moving forward
- The situation caused by the pandemic was likely to worsen
- The poverty agenda should focus on advice and support to prevent homelessness, immediate crisis support and the ability for residents to recover from financial crisis
- It was noted that the poverty agenda is linked to the low skills / low wage economy and so cannot be separated from the economic agenda
- Education was vital
- Tenants of housing associations should be included in support as, for example, there was no EDDC housing provision or support in Cranbrook
- Focus on financial vulnerability of residents
- Greater use of social media to publicise available support and good liaison with organisations such as Citizens Advice
- The situation with Covid-19 could change rapidly and the poverty strategy would need to be able to respond quickly to such changes
- Rural poverty needed to be addressed.

3 Why the Council has set up the Panel and draft Terms of Reference

The Chair advised that the Council had set up the Panel following the publication last year of East Devon's Poverty Report, which was undertaken by Libby Jarrett and Amy Gilbert-Jeans. The Overview Committee and Cabinet had proposed that a Poverty Working Panel be established to address recommendations made in the Poverty Report and to contribute towards the formation of the Council's first East Devon Poverty Strategy.

It was emphasised that actions undertaken by the Council need to be both evidence based and wherever possible address the root causes of poverty. This meeting was intended to explore issues and set the context.

The expanded draft Terms of Reference, the basis of which was agreed by Cabinet at its February meeting, had been circulated in advance of the meeting. The Chair invited John Golding to introduce the expanded Terms of Reference.

It was noted that the expanded Terms of Reference replicated the purpose of the Panel as set by Cabinet, which was to focus on the development of the Poverty Strategy, its implementation and subsequent monitoring.

With regard to the Terms of Reference, the following points were discussed:

- Partners could be invited to advise the Panel, eg. Department of Work & Pensions, Citizens Advice, Homemaker
- Future Panel meetings could be focussed around themed activities / issues
- It was agreed to delete recommendation no. 10 as this was a repeat of recommendation no. 6
- It was agreed that the economic and skills development agenda should be included in investigations into poverty
- The Panel should focus on issues either where EDDC has direct control or which the Council can impact eg. social housing
- A slide showing areas under the Council's influence was shown and would be circulated with the minutes
- The Poverty Strategy should be flexible enough to deal with changing situations eg. the Covid-19 pandemic
- The Strategy should be linked to the wider work of the Council eg. provision of more housing, land assets and strategic planning and the climate change agenda
- It was noted that the Cabinet resolution included that no one should fall into poverty as a result of a crisis and that no one should stay in involuntary poverty for more than two years
- The introduction of 'money mentors' could be considered to help prevent people going into debt
- Better use could be made of digital systems to help residents access relevant information
- It was noted that other local authorities (mostly upper tier) had good poverty strategies in place, examples being Cambridge and Portsmouth
- In developing the Poverty Strategy, there was a need to define the groups on which to focus
- Different life stages and age groups should be considered
- There should be a means of tracking successful outcomes
- There was concern that residents trying to meet the cost of Christmas would create additional pressure on foodbanks in January. It was noted that the Council was proactive in trying to build financial resilience and encourage residents not to 'rob Peter to pay Paul'
- Services across East Devon should be considered to ensure consistency across the whole district

The Poverty Report had been re-circulated prior to the meeting. Libby Jarrett was invited to present the Report and highlight key issues and areas of work for the Council, which included the following:

The Report was focussed on working age households, under the main headings of debt and financial vulnerability, homelessness, employment and earnings and health and wellbeing.

Since producing the report the position had undoubtedly worsened since Covid-19. Many of the issues identified at the time together with the recommendations are still relevant now.

Some issues to be addressed were:

- Rural poverty
- Fuel poverty
- Budgeting and high levels of indebtedness
- High levels of private rents with those who privately rent more likely to be in debt
- High levels of part-time workers and low pay
- Higher levels of unemployment and this is expected to rise further

Funding of £30,000 had been received from Devon County Council in order to focus on financial resilience work.

The Panel discussed the following points:

- There was concern regarding doorstep lending and the need to address its root causes
- Consideration should be given to support for those whose children have free school meals
- Consideration of support for people losing jobs in the catering and hospitality sectors

5 **The Marmot Report (Helen Wharam)**

Helen Wharam introduced the Marmot Report and highlighted the following:

Definitions – from Ministry of Housing, Communities & Local Government:

- People are considered to be living in *poverty* if they lack the financial resources to meet their needs
- People are regarded as being *deprived* if they lack any kind of resources, not just income.

Various factors are taken into account to identify priority communities who require support. Together these factors are referred to as the Index of Multiple Deprivation [IMD]. The IMD is the official measure of relative deprivation in England and it follows an established framework in defining deprivation through a wide range of an individual's living conditions. The seven IMD domains for 2019 are:

- Income
- Employment
- Health Deprivation and Disability
- Education, Skills Training
- Crime
- Barriers to Housing and Services

- Living Environment

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/835115/loD2019_Statistical_Release.pdf

Devon County Council has a dashboard covering these indicators:
<https://www.devonhealthandwellbeing.org.uk/jsna/jsna-headline-tool/>

Health Equity in England: the Marmot Review 10 Years On

Published in February 2020, this new report examines progress since the 2010 report. It explores changes since 2010 in five key policy objectives:

- giving every child the best start in life
- enabling all people to maximise their capabilities and have control over their lives
- ensuring a healthy standard of living for all
- creating fair employment and good work for all
- creating and developing healthy and sustainable places and communities.

For each objective the report outlines areas of progress and decline since 2010 and proposes recommendations for future action, setting out a clear agenda at a national, regional and local level.

<https://www.health.org.uk/publications/reports/the-marmot-review-10-years-on>

Poverty and the Covid-19 pandemic

People on low incomes have been disproportionately impacted by the health and economic impacts of the coronavirus.

<https://www.local.gov.uk/using-marmot-principles-tackle-health-inequalities-and-covid-19-23-june-2020>

Links to the EDDC Public Health Strategic Plan

‘Public health’ is used to cover physical and mental health and wellbeing of everyone in the district.

Strategic aims:

1. To help more people to be healthy and stay healthy
2. To enhance self-care and support community resilience
3. To integrate and improve support for people in their homes.

<https://eastdevon.gov.uk/environmental-health-and-wellbeing/health-and-wellbeing/east-devon-s-public-health-plan-and-review-of-progress/public-health-strategic-plan/>

It is based on evidence-based JSNA data:
<https://www.devonhealthandwellbeing.org.uk/jsna/>

6 Identify how Covid-19 has impacted on the poverty agenda within our communities

The Panel discussed ways in which Covid-19 had impacted on the poverty agenda within local communities:

- Churches in Exmouth had responded well to provide support for local people
- The EDDC support hub had worked well within dispersed populations such as the Exe Valley. Farm shops and pubs had also worked well
- Honiton had seen a willingness among neighbours to help each other
- There was a need moving forward to build on good relationships to encourage sustainable communities
- EDDC was organising a virtual meeting for communities to share information
- The Honiton Random Kitchen was seeking alternative premises and Cllr Tony McCollum would welcome any suggestions

7 **What are our limitations / opportunities as a Council?**

John Golding presented the 'Circle of Influence' to illustrate the limitations and opportunities within the Council's remit and the tools available to district councils to tackle poverty. The slide would be circulated with the minutes.

Concern was raised that EDDC was not properly represented by officers at a wider level across the south west on the economic activity agenda. John Golding and Andy Wood would follow this up.

8 **Future meetings including items for discussion**

It was agreed that the Panel would next meet in approximately one month, date to be arranged.

The November meeting would explore the next stages in the formation of the Poverty Strategy. John Golding would present ideas as to how the Strategy might be shaped.

Items for future meetings were discussed as follows:

- Invite other organisations to brief the Panel on the support they offer and how to partner with them to assist local residents (eg. Department for Work & Pensions, Citizens Advice)
- Whether the above organisations should sit on the Panel?
- Hold a one-off open webinar with local groups working within the poverty agenda

Attendance List

Councillors present:

M Allen
M Armstrong (Chairman)
M Chapman
B De Saram
S Hawkins
F King
P Millar
M Rixson

Councillors also present (for some or all the meeting)

P Arnott
J Bailey
P Faithfull

P Hayward
N Hookway
S Jackson
D Ledger
T McCollum
A Moulding
J Rowland
T Woodward

Officers in attendance:

Simon Davey, Strategic Lead Finance
John Golding, Strategic Lead Housing, Health and Environment
Susan Howl, Democratic Services Manager
Libby Jarrett, Service Lead Revenues and Benefits
Sarah Jenkins, Democratic Services Officer
Helen Wharam, Public Health Project Officer
Andrew Wood, Service Lead - Growth Development and Prosperity

Councillor apologies:

P Jarvis

Chairman

Date:

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

Exmouth Queen's Drive Delivery Group held on 15 October 2020

Minute 6 Way forward

RECOMMENDED:

That Cabinet be requested to include the development of the Ocean building within the remit of the Exmouth Queen's Drive Delivery Group and that the Terms of Reference be amended accordingly.

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Exmouth Queen's Drive Delivery Group held at Online via the Zoom App. on 15 October 2020

Attendance list at end of document

The meeting started at 10.00 am and ended at 12.50 pm

1 Public speaking

There were 7 members of the public wishing to speak.

1. Julia Gash reported that she had moved down from Sheffield to Exmouth 5 years ago for the gentler climate and beautiful coastline. The drawback she experienced was the town was tired in terms of its offer. She wished to express her support for the development work that had been undertaken on the seafront so far. She thought this would improve the tourism offer for the town, the economy and creating a contemporary space that is attractive to both visitors and residents. As an Exmouth business owner she wished to express her support for the Hemingway vision.
2. Laura Woodward-Drake introduced herself as the new Chair of the Exmouth Chamber of Commerce whose motto was 'Grow Stronger Together'. She wished to echo the previous speaker's comments on the Hemingway plan in regenerating the seafront. She was the manager of a local language school with 4,000 visitors and who regularly brought, many of them to the seafront. She considered the Hemingway Design to be a good one and ticked many boxes. She hoped that development on the seafront could move forward now.
3. Justin Moore reported that the Queens Drive development was a fantastic opportunity for Exmouth. The Hemingway Design was well presented and would complement other developments. It would make Exmouth an all year round destination and improve the economy. He saw the changes made as positive.
4. Ivor Jones thanked the Panel for the opportunity to speak. He was the Station Manager for NCI Exmouth who have operated from the tower adjacent to the Harbour View Café. Part of the national network of NCI stations and consistently the 3rd/4th busiest station. The ability for them to operate properly in Exmouth depended upon them having a new facility. They needed 25m of look out space in the new development to include training and storage facilities. He hoped that a Coast Watch Visitors Centre could be incorporated in the new facility, as this would be a great benefit for Exmouth. An inspirational new building would be to everyone's benefit. To compromise with unsuitable and inadequate coast watch facilities would impact upon NCI's ability to provide an effective and efficient coast watch service for this area both now and in the future.
5. Gordon Hodgson reported that he had lived in Exmouth for 48 years. He had been part of a group in Exmouth that had been working to unburden the Seafront site from the unrealistic expectations of a commercial return. He wished to widen the range of ideas and improve public consultation. Balance the need to have confidential commercial information to provide the public with information. He wished to see the idea of a hotel removed from the proposed developments. The

site was expected to provide too much of a commercial return. This had artificially increased to pay for the cost of road alignment.

6. Sally Galsworthy, local Exmouth resident agreed with most of what the first two speakers had said. However, there was a history of a sorry saga of the seafront and democracy had been by-passed. A businesses on the seafront had spent up to £10k of their own money on plans to develop their business. She was pleased that the new administration had taken over and were pursuing a more open regime.

The plans for the new hotel were misguided and 6 years of soft marketing for the site had not provided any success. By contrast there had been 6 bids for the Harbour View site. The purchase of the Ocean building had proved, so far, to be a wasted opportunity and was losing money for the council. Why did the council pay full price for this building and she felt that councillors had been fed misinformation. Why not put business spaces in the Ocean building to let by tender?

7. Daphne Currier, local Exmouth resident was a member of Save Exmouth Seafront and felt that the public's concern over developments along the seafront had been ignored. The Constitution of Save Exmouth Seafront had three key objectives which were to support local businesses, to demand independent consultation and to stand against inappropriate development. It was noted that support for businesses included water sports. With regard to public consultation, the option of a hotel had been the least popular in EDDC's own consultation and a Town Poll had shown that 95% of respondents had asked for further independent public consultation. Inappropriate development was considered to be development which placed excessive demands on local infrastructure.

2 **Welcome from Chairman**

Cllr Paul Arnott, Chairman of the Delivery Group wished to welcome all the public and Councillors to the first meeting of the Queens Drive Delivery Group. He reported that he had visited Exmouth seafront on many occasions when a student at Exeter University. He had been upset to hear that despite best efforts there was conflict over what was best for Exmouth seafront. There was the need to: 1. Look to the future and the need to make peace with the past. With this in mind he would be happy for public speakers to contact him via email with their questions .2. The need to get on with development at the seafront.

He felt it was appropriate as Leader of the District Council to take the chairmanship of the Panel for the first few meetings and then hand over to an Exmouth member when the future was clearer.

3 **Declarations of interest**

Minute 5. Current Position.

Councillor Olly Davey, Personal, is a member of Exmouth Town Council

Minute 5. Current Position.

Councillor Nick Hookway, Personal, former Chairman of Save Exmouth Seafront, author of the Exmouth Egg proposal

Minute 5. Current Position.

Councillor Joe Whibley, Personal, is a member of Exmouth Town Council

Minute 5. Current Position.

Councillor Chris Wright, Personal, is Littleham Ward Member, former tenant of the Queen's Drive redevelopment site

4 **Terms of reference (see attached document)**

Members of the Delivery Group received details of the Terms of Reference. Cllr Paul Millar suggested that a clause be added to facilitate public engagement with Queens Drive Phase 3. It was also suggested that the words 'invites to individuals' in paragraph 4 of the Terms of Reference be removed.

RESOLVED: that a full review of the Terms of Reference for the Delivery Group be undertaken at the next meeting of the Delivery Group.

5 **Current position (see attached Briefing Note & Chronology of Activities)**

Members received a presentation by Tim Child, Service Lead - Place, Assets & Commercialisation, who reported that the Queen's Drive development site had been a key project for the council for over 8 years. It was first identified in the Exmouth Seafront and Town Centre Masterplan: Exmouth Vision. The first part of the report set out the current position for phase 3 of the site with information on the recent work undertaken by Hemmingway Design and Lambert Smith Hampton. It also set out the position regarding the temporary uses on the phase 3 site. The second part set out a brief summary of the background to the Water Sports Centre project – how and why this was pursued and details of the various activities that were necessary to facilitate its delivery and covered other contextual information that was helpful for members to be aware of.

He reported that he was coming to the development with a fresh pair of eyes as he had not been involved in the early stages. Achievements so far were:

1. Newly aligned road
2. New car park.
3. Temporary uses on the Phase 3 site.
4. The new Water Sports Centre.

The current position was that progress on Phase 3 was on hold. The Council could progress the site by marketing it, which was a two stage process and which was provided for by a Cabinet decision earlier this year. A commercial element on a part of the site was important to pay for the free play and public realm on the remainder as per earlier decisions by Members. He reported that Officers were ready to support Members. The Officer's role was to take forward proposals agreed by Cabinet or Council. This was a great opportunity to complete the final stage of the Queens Drive Development and provide a sustainable legacy.

During the lengthy discussions the following points were noted:

- Temporary uses on the Phase 3 site had been successful.
- It was the intention of the new administration for members and officers to work together to get a successful seafront development done.
- Importance of providing a high quality outdoor attraction that was commercially viable, but also to listen to the views of the public.

- The vision was to provide a project/facility directed at the young and not so young, both local people and visitors. A landmark building on the Harbour View site was needed providing excellent facilities.
- The hotel site would provide a capital receipt.
- Need to see what has been spent on developments so far and what income had been received. The current position of Ocean Blue, including cost and revenue.
- Impressed with what has happened on the site and the free play area was superb. Businesses had been pleased to be there but would like longer leases for their businesses.
- Importance to the rest of East Devon that we get this development right.
- Need to focus more on a staycation and environmental concerns. People appreciated the natural environment of Exmouth. Importance of the development for future of the seafront.
- Whatever was to be provided for on the site had to be paid for and needed to be cost neutral. Development should not be entirely down to what visitors want.
- This was a very complex issue and we need to focus on what we do going forward. The need to invite the public to contribute in as simple a way as possible.
- Crucial we need to get this right. Exmouth has one of the UK's finest beaches. The development has not taken full advantage of the natural capital of Exmouth seafront. There was the need to listen to the public and move forward.
- The loss of income to the Council for businesses that had been closed was £178,000 lost in rent and rates.
- Appropriate development was needed on the site and felt that a hotel was not appropriate. There was a need for something that was commercially viable and generate income for the council and be self-financing. Encourage people to come to the seafront in sustainable ways.
- Who pays for the Coast Watch tower?
- Need to move forward with accurate evidenced information. Businesses that had been moved on from the seafront had spent a lot of their own money on plans to upgrade their offer and this had been wasted. Felt that the project had been ill thought out from the beginning with poor management and little effective public consultation. The site was OK before the development and just needed updating.
- Was the proposal to include a hotel in the development pre-determined?
- Exmouth was critically important to East Devon and the council need to do the right thing. The project should not be taken forward on an artificially tight deadline, which will result in poor decisions being made. Would like full disclosure of what happened in the past. The Council seemed to have been hoodwinked by private developers and the public of Exmouth have suffered as a result. Concerned about the effect of Brexit. Need to obtain a consensus view of the way forward.
- Would like to see the Dinosaur Park extended into the car park and get older children involved.
- Many residents of Exmouth feel that the Harbour View building should be retained
- Look at alternative routes for funding the developments.
- Any proposals going forward should have a free or affordable element within it.
- Importance of provision of indoor facilities to make Exmouth an all year round destination. Some of which could be provided in the Ocean Building.

Tim Child, Service Lead – Place, Assets & Commercialisation in response to questions raised above reported that the decision to include a hotel in the design brief had not been pre-determined. The 2012 permissions had we understand been implemented. The road and car park had cost £1.6M and the total cost of the development so far had been circa £3M. Full details would be provided at the next meeting, including income and rent lost

on existing leases. Coast Watch did not pay any rent based on a historical arrangement. A new tower for them had already been agreed in the Phase 3 development. Extending the play park was a possibility and was ultimately a Members' decision.

6 **Way forward**

That the following be agreed as a way forward for the Delivery Group:

Cllr Joe Whibley proposed that the development of the Ocean building be included within the remit of the Delivery Group and that Cabinet be requested to make the change to include this within the Terms of Reference. This was seconded by Cllr Megan Armstrong and was **RESOLVED**.

It was also agreed that the chronology of activities be brought back to the next meeting of the Delivery Group to enable further detail to be included if necessary to provide a comprehensive record. A report would also be presented outlining considerations for temporary uses for 2021.

The next meeting would be held on either 10th or 12th November 2020.

RECOMMENDATION:

That Cabinet be requested to include the development of the Ocean building within the remit of the Exmouth Queen's Drive Delivery Group and that the Terms of Reference be amended accordingly.

Attendance List

Councillors present:

P Arnott (Chairman)
P Hayward
M Armstrong
O Davey
N Hookway
D Ledger
J Whibley
C Wright
S Gazzard

Councillors also present (for some or all the meeting)

F Caygill
P Millar
A Moulding
T Woodward
E Wragg
J Bailey
G Jung
J Loudoun

G Pook
G Pratt
K Blakey
S Jackson
M Rixson
P Faithfull
E Rylance

Officers in attendance:

Tim Child, Service Lead - Place, Assets & Commercialisation
Simon Davey, Strategic Lead Finance
Sarah Jenkins, Democratic Services Officer
Christopher Lane, Democratic Services Officer
Alethea Thompson, Democratic Services Officer

Councillor apologies:

A Colman
B Taylor

Chairman

Date:

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

Recycling and Waste Partnership Board on 21 October 2020

Minute 39 SUEZ covid costs

RECOMMENDED by the Recycling and Waste Partnership Board:

that the Board support the recommendation to Cabinet that the extraordinary additional cost claim submitted by SUEZ for costs incurred in responding to the coronavirus pandemic conditions are met by EDDC.

Minute 40 Green waste – quarterly accounts update

RECOMMENDED by the Recycling and Waste Partnership Board:

1. that no deposit charge be made for the green waste bins.
2. that the annual subscription charge for the green waste service during 2021/22 remain at £48.

Minute 42 Tipping point 2 negotiation

RECOMMENDED by the Recycling and Waste Partnership Board:

that tipping point negotiations begin now with SUEZ regarding collection tonnages to establish what are and aren't Covid 19 costs and that a report be brought back to the next Board meeting.

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Recycling and Waste Partnership Board held at Online via the Zoom app on 21 October 2020

Attendance list at end of document

The meeting started at 10.00 am and ended at 12.20 pm

36 Minutes of the previous meeting

The minutes of the Recycling and Waste Partnership Board meeting held on 29 January 2020 were confirmed as a true record.

37 Declarations of interest

Councillor Geoff Jung – Personal interest: his district ward included the SUEZ Greendale depot site and he subscribed to the green waste service.

38 Joint contract and operational report

The Recycling and Waste Contract Manager and the SUEZ Contract Manager gave the Board a joint report on a contract review and operational update. Since the last Partnership Board meeting in January 2020 the team had experienced its most challenging period since mobilising the new recycling and waste system in 2017, this time without the support and additional resources that had been available during mobilisation.

There were a number of pressures and movements that the coronavirus pandemic had exerted on the system due to household behaviour changes and the coronavirus safety measures required. There was almost no planning time available to deal with these changes and managing the changes was an ongoing process. Shifts in the waste and recycling streams would continue to be monitored to assess if the movements had become permanent and if longer term adjustments to the system were needed in future.

Despite the intensive pandemic conditions the team had also managed to plan and implement a significant round re-balancing exercise, taking 879 properties off of the Friday round and transferring them to other collection days. In addition to this the green waste service customer base had continued to grow, further increasing demand on resources. Overall it had been a very testing time, but had also highlighted the importance of the joint working partnership.

The SUEZ Contract Manager reported that there had been additional road traffic accidents, mainly attributed to more cars being parked on the roads during the Covid 19 lockdown. Personal injury statistics had remained consistent and there had been one RIDDOR in September 2020.

Record tonnages of waste and recycling had been collected during the pandemic, as well as a change in composition of kerb side materials. Many residents were producing much more cardboard than normal, resulting in crews having to make more tip runs. Throughout lockdown SUEZ suffered high staff shortages due to shielding/isolating and temporary staff were heavily relied upon. Additional rounds were also deployed to assist in coping with the increased tonnages. Post lockdown there had been a number of crew behavioural issues which was reflected in the missed collection and complaints statistics,

which were far higher than expected. This was also exacerbated by the round rebalancing exercise, which involved a number of properties either having a day change or a week change for their refuse collection. Over 11,000 properties had a crew change and there had been some disruption whilst the crews became familiar with their new routes. Behind the scenes the Contract Manager was working with the SUEZ supervisors the standards expected in order to reduce customer complaints and ensure a decent standard of service was maintained.

It was noted that the East Devon App was widely used to push messages and disseminate information to residents about round changes as well as continual messages about contamination of materials. This could currently go to round level and it was hoped that this could be developed further to road level. The app was the most direct communication route to customers.

The SUEZ Contract Manger reported that whilst exceptional tonnages of recycled materials had been collected this year, material values had generally declined. Plastic sales in particular had seen significant reductions due to weak demand for recycled polymers. The MRF at Greendale was undergoing operational review in order to improve the performance of the plant to handle current and future volumes of materials and preserve material quality.

The Board were informed by the Recycling and Waste Contract Manager that East Devon continued to be approached by local authorities wanting to seek advice and share its experience, due to the success of the partnership. It was noted that the team had been in constant touch with other Devon authorities throughout the pandemic and that every authority apart from Plymouth Unitary had visited East Devon at least once.

East Devon had been short listed for the National Recycling Awards under the innovation category for its 'Ask East Devon' project and Alexa recycling skill.

National performance indicators showed that East Devon had a recycling rate of 60.5% and that the kg/residual/household/year had improved since the previous year. DEFRA had yet to release the league tables for 2019/20, but the partnership had made incredible progress.

The Recycling and Waste Contract Manager reported that they were constantly working on a restricted capacity system and applying downward pressure on the amount of waste people produced at home. Recycling Officers did a huge amount of work behind the scenes. During lockdown there had been more home cooking and less eating out, generating more food waste. It was yet to be seen whether this was a permanent shift in behaviour. A food waste campaign was about to begin to encourage people to recycle their food waste.

In response to a question about ensuring business continuity and what SUEZ's plans were if there was a potential Covid 19 outbreak at the depot, the SUEZ Contract Manager advised that there it would be the same principles applied as in lockdown, with a hierarchy of services that could be prioritised and a pool of staff available from elsewhere. SUEZ felt well prepared to contend with such an event and confident they could deal with any issues.

It was noted that if there was another lockdown the DASWC (Devon Authorities Strategic Waste Committee) would be insisting that household waste centres should stay open.

On behalf of the Board the Chairman thanked SUEZ and the partnership team for all of their efforts and achievements during the pandemic. This was reiterated throughout the meeting by members.

RESOLVED:

1. that the Board consider key performance indicators and the performance framework at its next meeting in order to track the impact of SUEZ improvement measures.
2. that further consideration be given to communication message to reduce missed collections and encourage more food waste recycling.

39 **SUEZ Covid costs**

The Board considered a draft report to Cabinet seeking extraordinary additional costs by SUEZ incurred during the Covid 19 pandemic. The Government's instruction to stay at home during the lockdown meant that households generated high levels of recyclables and waste during a very short space of time. The only outlet households had for their recycling and waste was through kerb-side collections, with the usual alternatives of household waste and recycling centres, bring banks and donation organisations not being available. The increase volume of kerbside collections was compounded by the loss of key frontline staff through shielding and self-isolation. This demanded a rapid operational response to ensure collection services were maintained and the extra tonnages dealt with.

The overall effects of lockdown meant that East Devon waste and recycling streams increased significantly in volume and changed greatly in terms of composition. None of this had been planned or budgeted for and the service was working outside of normal contract arrangements. SUEZ had submitted a claim to EDDC for reimbursement of additional costs that had arisen through operating in pandemic conditions. This included itemised costs for additional labour, vehicles and fuel costs during the peak lockdown period. The cost information had been jointly reviewed by the EDDC Recycling and Waste Contract Manager and the SUEZ Contract Manager. As the costs had arisen through the response to extraordinary and unforeseeable circumstances they were unbudgeted.

Although the additional costs were reducing consistently, it was uncertain whether costs were now stable as it was not known what the long term effects of Covid 19 would be. It was too early to tell whether the kerbside composition change was long term. The route changes had also blurred the lines between operational costs and covid costs. It was acknowledged that there was likely to be an additional increase in cardboard with more people online shopping for Christmas.

RECOMMENDED: that the Board support the recommendation to Cabinet that the extraordinary additional cost claim submitted by SUEZ for costs incurred in responding to the coronavirus pandemic conditions are met by EDDC.

40 **Green waste - quarterly accounts update**

The Recycling and Waste Contract Manager thanked the Accountant and the Streetscene Budget and Equipment Monitoring Officer for compiling the accounts and explained them to the Board. It was noted that there had been a suspension period to

the service due to the Covid 19 pandemic. Rather rebating customers for this period the subscription dates had been moved forward, resulting in the peak of subscription renewals falling into quarter 2 instead of quarter 1. He reported that as of 20 October 2020 the green waste service had 14,372 customers.

The Recycling and Waste Contract Manager was asked whether the decision not to charge a deposit for the green waste bins should be reviewed. He reported that the cost of a bin was around £17 and had a depreciation cost over 20 years, so the cost of the bins were covered under the current subscription. There were no plans to introduce a charge for the bins as it could effect uptake on a profitable business. It was noted that no other Devon authorities made a charge for their green waste bins either. The Board then went on discuss whether the annual charge of £48 for the service should be increased. It was noted that the other Devon district authorities were not increasing their charge and that as the business would remain profitable EDDC's charge should not increase either. This would be good marketing for the service, which continued to remain good value for money.

RECOMMENDED:

1. that no deposit charge be made for the green waste bins.
2. that the annual subscription charge for the green waste service during 2021/22 remain at £48.

41 Update on round changes

The Recycling and Waste Contract Manager updated the Board on significant round changes which had recently been implemented. Around 1900 properties had been affected with 879 properties being moved off of the Friday round. This was mainly due to the pressure of property growth in the west of the district.

The round changes had been very disruptive, with crews having to deal with 11000 changes within their round. This had inevitably led to some problems, but these were improving. It was acknowledged that the round changes had been implemented following a very challenging pandemic period, when the crews were already fatigued and without the previous mobilisation support.

RESOLVED: that the round changes be noted and the teams involved thanked for their hard work.

42 Tipping point 3 negotiation

The Streetscene Service Lead advised the Partnership Board that the tipping point for contract renegotiation was 73,000 properties. Pre-Covid 19 this was anticipated to occur around September 2022, but due to the council's budgeting timescales negotiations with SUEZ would need to begin in spring/early summer 2021.

However, during the Covid 19 pandemic tonnages collected had massively increased to levels that would be expected with around 73,000 properties. Therefore negotiations needed to begin sooner than previously anticipated.

It was important to establish whether the current collection tonnages were now the 'new norm'. A report on base line tonnages and whether the tipping point had been reached for additional tonnages and resources would be brought back to the Board.

RECOMMENDED: that tipping point negotiations begin now with SUEZ regarding collection tonnages to establish what are and aren't Covid 19 costs and that a report be brought back to the next Board meeting.

43 **Composition/card/glass - update on fleet decisions**

The Recycling and Waste Contract Manager advised the Board that if the changes to the composition of recycling materials being collected was permanent then future consideration may need to be given to how the fleet vehicles were configured, in order to accommodate the shift in recycling materials pattern. More data was required before this was reviewed in order to decide whether this was now 'normal behaviour' or still 'covid behaviour'.

Following this the Streetscene Service Lead informed members that 15% of the council's own vehicle fleet was electric and that in light of the climate change action plan the intention was to move toward more environmentally sustainable vehicles. He advised that the SUEZ fleet was owned by EDDC and the vehicles had been written in until 2026, the end of the contract. It would cost £7 million to change the current fleet, therefore 2026 would be the appropriate time to consider this.

RESOLVED: that the Board note the update on fleet decisions and that further composition data analysis be brought back to the Board to inform future vehicle decisions.

44 **Veolia's acquisition of SUEZ shares**

Consideration was given to a letter included with the agenda papers concerning Veolia's acquisition of 29.9% of SUEZ shares. The SUEZ Regional Director South West explained to the Board the context of this and that SUEZ would strongly resist any future attempts by Veolia to acquire SUEZ as a company. SUEZ would continue to keep their customers informed and assured them that service delivery would not be affected. It was noted that within the industry SUEZ and Veolia provided a very similar service so it was unlikely that customers would see a big service change or disruption.

RESOLVED: that the update on Veolia's acquisition of 29.9% of SUEZ shares be noted by the Board.

45 **Christmas communications**

The Board received a preview of the forthcoming Christmas communications bin hanger. It included information on seasonal collection changes as well as added messages on food waste and recycling. The focus was on the quality of recycling as well as the quantity.

It was noted that the hangers would be delivered by the refuse crews over a three week period up to 18 December 2020. If the weather was particularly windy the hangers would be stuck down on the inside of the bin lids.

RESOLVED: that the Christmas communications bin hanger be noted.

46 **Food waste communications**

The Board received food waste communications aimed at encouraging residents to recycle their food waste. A bin hanger had been created to be used opportunistically rather than widely distributed. The information would be disseminated in other formats too such as via social media and in the Housing Matters magazine to council housing tenants.

Food waste was a valuable resource and from Halloween until New Year was the peak time for tonnages. It was noted that contamination of food waste was very low.

A request was made for the partnership to promote cooking oil being disposed of in the food waste caddies rather than being poured down kitchen sinks and into the water stream.

RESOLVED: that the food waste communications be noted.

Attendance List

Board Members:

Councillors present:

G Jung (Chairman)

D Bickley

E Rylance

T Wright

G Pook

M Rixson

Officers present:

G Bourton, Recycling and Waste Contract Manager

J Golding, Strategic Lead Housing, Health and Environment

A Hancock, Service Lead StreetScene

Suez present:

J Pike, Regional Director South West

N Tandy, Principal Commercial Manager

H Mcleman, Contract Manager

Councillors also present (for some or all the meeting)

P Arnott

P Faithfull

P Millar

K McLauchlan

Officers in attendance:

Tammy Down, Streetscene Budget and Equipment Monitoring Officer

Lou Hodges, Recycling Officer

Christopher Lane, Democratic Services Officer

Alethea Thompson, Democratic Services Officer

Suez representatives in attendance:

Board Member apologies:

Chairman

Date:

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

Strategic Planning Committee on 20 October 2020

Minute 69: Proposed approach to planning the production of a new Local Plan

RECOMMENDED:

- 1. That the staffing budget for the Planning Policy Team be increased to enable the recruitment of two additional Planning Officers be approved.**
- 2. That the Support in-principle the production of a joint non-statutory plan to include a joint strategy and infrastructure plan for the Greater Exeter area in partnership with Exeter, Mid Devon, Teignbridge and Devon County Councils be approved subject to agreement of details of the scope of the plan, a timetable for its production, the resources required, government arrangements etc.**

Minute 74: Affordable Housing Supplementary Planning Document and Mortgage Exemption Clauses

RECOMMENDED:

That the Affordable Housing Supplementary Planning Document attached at Appendix A be considered and adopted.

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Strategic Planning Committee held at Online via the zoom app on 20 October 2020

Attendance list at end of document

The meeting started at 2.01 pm and ended at 5.32 pm. The meeting was adjourned at 4.07 pm and reconvened at 4.14 pm.

62 Public speaking

The Chairman welcomed everyone present to the meeting. There were three members of the public present who wished to address the Committee when the relevant item was considered (Minute 67 – Coastal Change Management Areas).

Members agreed to bring this item forward in the agenda.

63 Minutes of the previous meeting

The minutes of the Strategic Planning Committee meeting held on 16 September 2020 were confirmed as a true record.

64 Declarations of interest

Minute 67. Coastal Change Management Areas.
Councillor Dan Ledger, Personal, Ward Member for Seaton.

Minute 67. Coastal Change Management Areas.
Councillor Ian Thomas, Pecuniary, Owns a property that featured on the map. Was placed in the virtual waiting room while the item was being discussed and did not take part in the debate or the vote.

Minute 68. Review of the East Devon Local Plan 2013 - 2031.
Councillor Eleanor Rylance, Personal, Broadclyst Town Councillor and Ward Member for Broadclyst.

Minute 68. Review of the East Devon Local Plan 2013 - 2031.
Councillor Mike Howe, Personal, Bishops Clyst Parish Councillor.

Minute 68. Review of the East Devon Local Plan 2013 - 2031.
Councillor Paul Hayward, Personal, Clerk to All Saints, Chardstock and Newton Poppleford and Harpford Parish Councils.

Minute 69. Proposed approach to planning the production of a new Local Plan.
Councillor Eleanor Rylance, Personal, Broadclyst Town Councillor and Ward Member for Broadclyst.

Minute 69. Proposed approach to planning the production of a new Local Plan.
Councillor Mike Howe, Personal, Bishops Clyst Parish Councillor.

Minute 69. Proposed approach to planning the production of a new Local Plan.
Councillor Paul Hayward, Personal, Clerk to All Saints, Chardstock and Newton
Popleford and Harpford Parish Councils.

Minute 70. Future housing needs in East Devon.
Councillor Eleanor Rylance, Personal, Broadclyst Town Councillor and Ward Member for
Broadclyst.

Minute 70. Future housing needs in East Devon.
Councillor Mike Howe, Personal, Bishops Clyst Parish Councillor.

Minute 70. Future housing needs in East Devon.
Councillor Paul Hayward, Personal, Clerk to All Saints, Chardstock and Newton
Popleford and Harpford Parish Councils.

Minute 71. Housing Monitoring Update to year ending 31 March 2020.
Councillor Eleanor Rylance, Personal, Broadclyst Town Councillor and Ward Member for
Broadclyst.

Minute 71. Housing Monitoring Update to year ending 31 March 2020.
Councillor Mike Howe, Personal, Bishops Clyst Parish Councillor.

Minute 71. Housing Monitoring Update to year ending 31 March 2020.
Councillor Paul Hayward, Personal, Clerk to All Saints, Chardstock and Newton
Popleford and Harpford Parish Councils.

Minute 72. Employment Land Review to year ending 31 March 2020.
Councillor Eleanor Rylance, Personal, Broadclyst Town Councillor and Ward Member for
Broadclyst.

Minute 72. Employment Land Review to year ending 31 March 2020.
Councillor Mike Howe, Personal, Bishops Clyst Parish Councillor.

Minute 72. Employment Land Review to year ending 31 March 2020.
Councillor Paul Hayward, Personal, Clerk to All Saints, Chardstock and Newton
Popleford and Harpford Parish Councils.

Minute 72. Employment Land Review to year ending 31 March 2020.
Councillor Philip Skinner, Personal, Close friends with the owners of Greendale Business
Park and did not take part in the debate or vote.

Minute 73. Section 106/Community Infrastructure Levy Developer Contributions.
Councillor Dan Ledger, Personal, Ward Member for Seaton and a Seaton Town
Councillor.

Minute 73. Section 106/Community Infrastructure Levy Developer Contributions.
Councillor Eleanor Rylance, Personal, Broadclyst Town Councillor and Ward Member for
Broadclyst.

Minute 73. Section 106/Community Infrastructure Levy Developer Contributions.
Councillor Mike Howe, Personal, Member of the Community Infrastructure Levy Working
Party.

Minute 73. Section 106/Community Infrastructure Levy Developer Contributions.
Councillor Mike Howe, Personal, Bishops Clyst Parish Councillor.

Minute 73. Section 106/Community Infrastructure Levy Developer Contributions.
Councillor Nick Hookway, Personal, Ward Member for Exmouth Littleham.

Minute 73. Section 106/Community Infrastructure Levy Developer Contributions.
Councillor Oly Davey, Personal, Exmouth Town Councillor.

Minute 73. Section 106/Community Infrastructure Levy Developer Contributions.
Councillor Paul Hayward, Personal, Clerk to All Saints, Chardstock and Newton Popleford and Harpford Parish Councils.

Minute 73. Section 106/Community Infrastructure Levy Developer Contributions.
Councillor Sarah Chamberlain, Personal, Resident of Broadclyst Station, near Cranbrook and a Broadclyst Parish Councillor.

Minute 74. Affordable Housing Supplementary Planning Document and Mortgagee Exemption Clauses.
Councillor Eleanor Rylance, Personal, Broadclyst Town Councillor and Ward Member for Broadclyst.

Minute 74. Affordable Housing Supplementary Planning Document and Mortgagee Exemption Clauses.
Councillor Mike Howe, Personal, Bishops Clyst Parish Councillor.

Minute 74. Affordable Housing Supplementary Planning Document and Mortgagee Exemption Clauses.
Councillor Paul Hayward, Personal, Clerk to All Saints, Chardstock and Newton Popleford and Harpford Parish Councils.

Minute 75. Heritage Strategy Monitoring Report and East Budleigh Conservation Area Review.
Councillor Eleanor Rylance, Personal, Broadclyst Town Councillor and Ward Member for Broadclyst.

Minute 75. Heritage Strategy Monitoring Report and East Budleigh Conservation Area Review.
Councillor Mike Howe, Personal, Bishops Clyst Parish Councillor.

Minute 75. Heritage Strategy Monitoring Report and East Budleigh Conservation Area Review.
Councillor Paul Hayward, Personal, Clerk to All Saints, Chardstock and Newton Popleford and Harpford Parish Councils.

65 **Matters of urgency**

There were no matters of urgency discussed.

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

There were no items that officers recommended should be dealt with requiring exclusion of the public or press.

67 **Coastal Change Management Areas**

The Chairman invited the three public speakers to speak.

Richard Eley, addressed the Committee, who was registered to speak on behalf of Sidmouth Chamber of Commerce. He advised that they supported the four recommendations and agreed Cabinet should urgently consider the matter. He asked for an immediate suspension of the Sidmouth Beach Management Plan to enable it to be reviewed with a new evidence base, clear thinking and an open minded approach.

He raised concerns about the questionable projections within the report advising the methodology was experimental and algorithmic and that Plymouth University had used untried and experimental mathematical technique and should be treated with caution.

Martin Shaw, raised concerns on behalf of the residents of West Seaton. He advised they generally welcomed the new study but questioned the previous lines drawn by the Shoreline Management Plan as the lines did not correspond with the pattern of erosion in recent times.

He suggested exploring whether the study that indicated the assumption of the Shoreline Management Plan that the western side of Seaton should be a management realignment zone and whether it was sustainable because the study had suggested more serious damage to properties and roads between Seaton and Beer which would have serious implications for residents.

There was concerns about the assumptions of the Shoreline Management Plan and concerns that the Beach Management Plan was operating on a too limited framework and on the assumption on erosion from below. Mr Shaw drew Members attention to the rainfall erosion in 2012 resulting in a landslip in Old Beer Road and said this was likely to be a problem again.

Karen Boyes, a resident of Seaton Hole, asked Members to consider the provision of the South West coastal path and raised concerns that the path between Seaton and Beer was disappearing. She also asked Members to consider the incorporation of a disability friendly beach access at Seaton Hole into future plans.

The Service Lead – Strategic Planning and Development Management presented the report setting out a methodology for defining areas that may be affected by physical change to the coast over the next 100 years. The report showed a pilot study area was used from the coastline of Sidmouth to the edge of Lyme Regis to look at coast erosion and likely impacts from factors such as increase in the rate of sea levels due to climate change.

Members noted the report reflected a precautionary approach and was a worst case scenario, a method endorsed by the Environment Agency and did not take account of the coastal protection measures being planned.

The Service Lead – Planning Strategy and Development Management advised the work was for planning purposes and the study was proposed to be used in the production of the new Local Plan to help identify coastal change management areas where policies may be needed to affect what is acceptable in planning terms.

Members also noted that a press release had been issued in advance of the meeting to highlight the difference between previous studies and acknowledged that the work would be of concern to residents in those areas.

The Chairman welcomed comments from non-committee members.

Councillor Jung, Portfolio Holder for Coast, Countryside and Environment advised as a Local Planning Authority there was a need to demonstrate that management plans had been considered when proposing an area for coastal management. He advised work was being done on the beach management plans for Sidmouth and Seaton Hole. He acknowledged the report highlighted severe coastal change predictions and said work was being done with partners to help coastal communities to protect natural habitat and suggested an alternative proposal.

The Chairman welcomed comments from Committee Members.

Comments made during discussion included:

- Concerns raised about using an untested and incomplete paper for planning purposes;
- If this report is a worst case scenario we should avoid building in places that may, in time, should the worst happen be underwater;
- Clarification was sought whether there would be inland flood maps that reflected this reality; The Service Lead – Strategic Planning and Development Management advised the Environment Agency inland flood maps echo the precautionary approach which they endorse and is reinforced by government guidance;
- A question was raised whether planning policies would reflect what is currently happening to the climate;
- A question was raised whether the Environment Agency would produce reliable information on surface water flooding which is connected with coastal erosion;
- Guidance was sought from the Service Lead – Strategic Planning and Development Management on the proposed amendment to the recommendations. In response the Service Lead – Strategic Planning and Development Management advised the recommendations allowed planning to be separate from the design of coastal defences. The study identified areas in the future Local Plan where certain forms of development might not be appropriate or vulnerable to change. He advised it was an appropriate approach to take as a local planning authority
- Predictions are frequently inaccurate;
- The report has been useful in highlighting some of the shortcomings of the current Shoreline Management Plan particularly the variations in the rates of erosion along the cliffs;
- The report should not be ignored for planning changes and we should apply the same precautionary principles as Plymouth University;
- Alternative proposals were discussed and dismissed.

The following amendments to the recommendation was proposed by Councillor Mike Howe and seconded by Councillor Paul Arnott.

4. Members recommend that further specialist combined work is carried out combining the planning requirements and engineering hold the line solution to provide a more fully informed paper to Cabinet;

5. To thank the University for providing the results on the pilot scheme and to discuss with them how this work can be amalgamated with the recent and planned engineering, flood and coastal scheme to provide a best case scenario for Cabinet to work through.

The Chairman requested that a vote take place on the motion. The motion was put to committee and with an overall majority the motion was carried with no abstentions.

RESOLVED:

1. That the erosion lines for the Sidmouth to Lyme Regis coast be noted for planning purposes;
2. That the proposed methodology for any further work on the remainder of the East Devon coast and for any designation of Coastal Change Management Areas through the local plan process be noted;
3. That the proposed next steps be considered and an approach to communicating the issues heightened in this report to affected residents and businesses be agreed;
4. That further specialist combined work to carry out combining the planning requirements and engineering “hold the line solution” to provide a more fully informed paper to Cabinet be agreed;
5. To thank the University for providing the result on the pilot scheme and to discuss with them how this work can be amalgamated with the recent and planned engineering, flood and coastal scheme to provide a best case scenario for Cabinet to work through be agreed.

68 **Review of the East Devon Local Plan 2013 - 2031**

The Committee considered and discussed the report presented by the Service Lead – Planning Strategy and Development Management advising Members that the review of the East Devon Local Plan 2013 to 2031 must be completed by 28 January 2021.

The toolkit provided by the Planning Advisory Service highlighted some key issues including significant changes in economic conditions, stalling of key infrastructure projects and not all policies being achievable. All of which leads to a wider review of the Local Plan.

Members were asked to be mindful as decision makers that the weight that can be attributed to policies that are not in complete alignment with the NPPF has to be considered and the work done in the toolkit would help Members understand.

Discussion covered:

- A comment was made about A9 – surface flood water. We are experiencing increasing surface water flooding. The Environment Agency need to revise their maps as they are not up to the job anymore;
- Clarification was sought about the delivery of infrastructure. How can we consider building 7,900 houses in 10 years without knowing how we need to deliver the infrastructure for them;
- Concerns raised that the configuration of business premises was not known. Covid-19 has altered the landscape of whether people work at home or not;
- Concerns raised how to figure out what the trends were in economic premises;

RESOLVED:

- 1. The findings of the Toolkit Part 1 – East Devon Local Plan 2013 to 2031 review assessment, which concluded that a full policies update to the Local Plan is required be agreed.**
- 2. That Officers will discuss the findings of the Local Plan review assessment with the prescribed duty to co-operate bodies, and then make any consequential amendments before finalising the review (any significant comments could potentially change the conclusion of the review will be brought back to Strategic Planning Committee) be agreed.**
- 3. The next steps detailed in the report and the consequences of the Local Plan turning five years old be noted.**

69 **Proposed approach to planning the production of a new Local Plan**

The Committee considered the Service Lead – Planning Strategy and Development Management’s report outlining a summary proposal for a new local plan for East Devon setting out two options for possible timetables.

Members noted the difference between the two options were the resources available and the level of engagement. Option 1 had the fastest timeline with time constraints for consultation and engagement with members through meetings and would also require two additional staff members to help with the workload. Option 2 would add approximately one year to that timescale as it would utilise only existing resources and workshop sessions with Members, Town and Parish Councils are included.

Members noted that at the present time and at least in the short term of engagement sessions would be constrained by Covid-19. Members also noted that the preparation of the last Local Plan was led by a Member Panel enabling greater member involvement albeit this raised concerns about probity and was time consuming.

The Chairman welcomed comments from non-committee members:

- The Committee was urged to get on with the process and to choose the speedier option;
- Clarification was sought on the HELAA process and the need to go out to consultation again on work already done. The Service Lead – Planning Strategy and Development Management advised the intention was not to get rid of the previous HELAA but to be mindful that there is a need to make sure the assessments as part of that examination were up-to-date. It was also advised the GESP was focused on large strategic sites and to be mindful of small sites that may not have been put forward previously.

Committee Members discussions covered:

- A hybrid option should be considered because we should not proceed without community engagement;
- Suggestion was made to combine elements from Option 2 into Option 1;
- Clarification was sought on why Option 2 timeline had a 4 months fallow period from January 22 to April 22. The Service Lead – Planning Strategy and Planning Development advised they were not fallow months, it would be used for gathering evidence and preparation of reports;
- This is set up to look identical to GESP which it should not and must not;
- Numerous concerns were raised throughout the document;

- Neighbourhood Plans need to be upheld and supported;
- We need a review of the existing Local Plan not a new Local Plan;
- Concerns raised about the need for 3 months for community engagement. Effective online engagement should be considered;
- The new Local Plan should include more green infrastructure to assist the move to sustainable communities;
- An alternative proposal for a hybrid option was discussed that Members were supportive of;
- Support was expressed for the recruitment of two additional Planning Officers. Discussions included recruiting as a matter of urgency.

The following amendment to the recommendation was proposed by Councillor Ben Ingham and seconded by Councillor Phil Skinner.

Members to consider a review of a hybrid option between Option 1 and Option 2.

The further amendment to the recommendation was proposed by Councillor Arnott.

1. To recommend to Cabinet that the staff budget for the Planning Policy Team be increased to enable the recruitment of two additional Planning Officers.
4. That a further report on timescales be brought back to the December Strategic Planning Committee.

The proposer of the motion, Councillor Ben Ingham and the seconder, Councillor Phil Skinner confirmed they were in agreement.

The motion was put to Committee and was carried with no abstentions.

RESOLVED:

- 1. Recommend to Cabinet that the staffing budget for the Planning Policy Team be increased be approved to enable the recruitment of two additional Planning Officers.**
- 2. The production of a local plan issues and options report to come back to Committee in December 2020 with a view to consultation in January 2021 be endorsed.**
- 3. Recommend to Cabinet to support in-principle the production of a joint non-statutory plan to include a joint strategy and infrastructure plan for the Greater Exeter area in partnership with Exeter, Mid Devon, Teignbridge and Devon County Councils be approved subject to agreement of details of the scope of the plan, a timetable for its production, the resources required, government arrangements etc.**
- 4. A further report on timescale be brought back to December Strategic Planning Committee be agreed.**

70 **Future housing needs in East Devon**

The Committee considered the report by the consultants ORS into future housing needs in East Devon to form part of the evidence base for the production of the new Local Plan highlighting a number of key needs. Members noted the recent publication of the final report detailing a few amendments.

Non-Committee Members comments included:

- Clarification was sought on paragraph 2.2 (d) on whether the consultation broke down the different types of affordable housing. In response the Service Lead – Planning Strategy and Development Management confirmed that a full breakdown is included in the ORS report;
- Clarification was sought on paragraph 2.2 (h) on why satisfaction levels were lower in Cranbook. It was advised no further detail was available.
- Clarification was sought on paragraph 2.2 (i) on building homes in East Devon for people moving from elsewhere. The Service Lead – Planning Strategy and Development Management advised under government guidance the council required to meet the need.

Committee Members discussions covered:

- The report does not meet the objective of building and designing homes for people at all stages of life;
- Clarification was sought on paragraph 2.2 (d) affordable homes and (f) sheltered and extra car homes. Only 119 homes to be built for residents and others who do not fall into those two categories. The Service Lead – Planning Strategy and Development Management advised it was a fundamental problem that affordable housing needs outstrips what the Council can deliver which we need to address in the preparation of the Local Plan.

RESOLVED:

That the contents of the report be noted and forms part of the evidence base for the production of the new Local Plan be agreed.

71 **Housing Monitoring Update to year ending 31 March 2020**

The Service Lead –Planning Strategy and Development Management presented the report setting out the latest monitoring figures on housing completions and projection and the Five Year Land Supply calculation to year ending 31 March 2020. Members noted that 1065 homes were built in the district over the last year; a marked increase over the 929 of the previous year. The Service Lead – Planning Strategy and Development was pleased to report it was the highest number delivered in a single year in East Devon.

He was also pleased to report there was still a five year housing supply but drew Members attention that it was a declining position, delivery was also slowing down on a number of sites since March due to Covid-19 leading to implications summarised on page 62 paragraph 6.1.

RESOLVED:

That the residential dwellings completion data and future projections for the district be noted.

That the confirmation of a Five Year Land Supply but also the Five Year Land Supply figure has dropped since the last report be noted.

72 **Employment Land Review to year ending 31 March 2020**

The Service Lead – Planning Strategy and Development Management presented a report summarising the employment land review undertaken for 2019-20.

Members noted the Council had granted consent for 5.56 hectares of additional employment land this year totalling 42.86 hectares of consented employment land. The attached appendix to the report detailed individual sites.

RESOLVED:

That the report be acknowledged.

73

Section 106/Community Infrastructure Levy Developer Contributions

The report presented to the Committee outlined the financial contributions paid to the Council through S106 agreements and Community Infrastructure Levy (CIL).

The Service Lead – Planning Strategy and Development Management advised Members that a total of £860,000 had been collected through S106 agreements. £550,000 being spent on habitat mitigation and sports and play projects and £3.2m had been collected from the Community Infrastructure Levy (CIL) with a further £22,000 due to be paid and over £2m in potential receipts for granted consent on development.

Members noted that time consuming work was being undertaken to transfer data onto the system to enable the information to be viewed online via a public interface module on the council's website. Members also noted that the government now required an infrastructure funding statement to be published which the council would publish by the end of the year.

Non-Committee Members points raised included:

- Question raised about how much monies was due but had not been paid and what action was the Council taking to pursue that money. The Service Lead – Planning Strategy and Development Management advised he did not have that information to hand as it was not part of the monitoring report.

Committee Members discussions covered:

- Clarification sought on when the report commissioned by the South West Audit Partnership would be brought to Strategic Planning Committee. The Service Lead – Planning Strategy and Development Management advised it was currently being drafted and would be considered at Audit and Governance Committee. Concerns were raised that Members were asked to note a report when the South West Audit Partnership report was not ready. In response the Chief Executive advised it was normal process for Audit and Governance to consider the report first but would expect it to come to this committee when issued and a report prepared.

RESOLVED:

- 1. The contents of the report be noted.**
- 2. The requirement to provide an 'Annual Infrastructure Funding Statement' be noted.**
- 3. A meeting of the CIL Members Working Party to consider options for the spend of CIL receipts and form recommendation for future consideration by Strategic Planning Committee be convened.**

74

Affordable Housing Supplementary Planning Document and Mortgage Exemption Clauses

The report presented to the Committee outlined the responses received during the second round of public consultation on the draft Affordable Housing Supplementary Planning Document (SPD) (January to February 2020). The Service Lead – Planning Strategy and Development Management was pleased to advise following consultation and minor amendments the SPD document was ready to be adopted as appended to this report.

The Service Lead – Planning Strategy and Development Management advised Members that amendments to the process of the mortgage exemption clauses were required. He advised that the current process involves a report being prepared by officers which would be sent to the Board Members for their agreement before being signed off by the Development Manager or in consultation with the Chairman of the Planning Committee. As it was a lengthy process it was recommended that the powers to make these changes be entirely delegated to officers and if Members were in agreement recommend to Council to enable the necessary changes to the Constitution and adoption of the SPD as a recommendation to Cabinet.

The following amendment to the recommendation was proposed by Councillor Mike Howe and seconded by Councillor Allen.

To recommend to Council that the constitution be amended to add 'Deeds of variation to amend mortgagee exemption clauses in line with the securitisation working group template clause' to the list of other planning delegations to the Service Lead (Planning Strategy and Development Management) in consultation with the Chair of Planning Committee.

RESOLVED:

- 1. The comments received during the second round of public consultation on the Draft Affordable Housing Supplementary Planning Document and be noted and the council responses endorsed.**
- 2. Recommend to Cabinet that the Affordable Housing Supplementary Planning Document attached at Appendix A be considered and adopted.**
- 3. Recommend to Council that the constitution be amended to add 'Deeds of variation to amend mortgagee exemption clauses in line with the securitisation working group template clause' to the list of other planning delegations to the Service Lead (Planning Strategy and Development Management) in consultation with the Chair of Planning Committee be approved.**

75

Heritage Strategy Monitoring Report and East Budleigh Conservation Area Review

The report presented to the Committee summarised the historic environment of the district, its significance and its benefits. The report also identified the heritage issues in East Devon and outlined objectives for the future. The Service Lead – Planning Strategy and Management Development was pleased to report that 17 out of the 18 short term actions for 2019/20 had been achieved including the provision of a guide to the listing of local heritage assets.

During discussion on the detail of the report it was brought to the Committee's attention that as there was no change to the boundary of the Conservation Area there was no duty to consult with property owners and where properties were added to the Local List those property owners were consulted.

RESOLVED:

- 1. That the Heritage Strategy Monitoring Report be noted.**
- 2. That the East Budleigh Conservation Area Appraisal Review and Management Plan 2020 be approved for adoption.**

76

Clyst Valley Regional Park Masterplan

The Service Lead – Planning Strategy and Development Management presented the report which sought Members agreement for the draft Clyst Valley Regional Park Masterplan for public consultation.

Members noted the Local Plan had envisaged forming the Clyst Valley Regional Park as a multifunctional regional park providing natural space and access for cycleways and was previously considered by this Committee in February 2018 establishing a Task and Finish Group supported by three levels of Local Government within the area as well as Environment Agency, Natural England and others to support the development of the masterplan.

The Portfolio Holder for Coast, Country and Environment encouraged Members to support the consultation and said it was a green policy to be proud of and an existing delivery of green initiatives.

Committee Members comments included:

- Reference was made to page 33 figure 26 and clarification was sought on the habitat corridors not covered by the area projects.
- Clarification was sought on how to guarantee that no further development would take place in those areas of the Masterplan. It was advised there were policies within the Local Plan that would not allow development that would restrict the delivery of the Regional Park.

The following amendment to the recommendation was proposed by Councillor Mike Howe and seconded by Councillor Paul Arnott.

That Members agree the draft Clyst Valley Regional Park Masterplan for public consultation but delegate to the Service Lead – Planning Strategy and Development Management and Chair of Strategic Planning Committee amendments prior to issue for consultation.

The vote took place and the motion was carried.

RESOLVED:

That the draft Clyst Valley Regional Park Masterplan be agreed for public consultation but delegate to the Service Lead – Planning Strategy and Development Management and Chair of Strategic Planning Committee amendments prior to issue for consultation.

Attendance List

Councillors present:

P Arnott

M Allen
K Blakey
S Chamberlain
O Davey (Vice-Chairman)
P Hayward
N Hookway
M Howe
B Ingham
D Ledger (Chairman)
K McLauchlan
A Moulding
E Rylance
P Skinner
I Thomas

Councillors also present (for some or all the meeting)

M Armstrong
D Bickley
S Bond
P Faithfull
M Hartnell
S Jackson
V Johns
G Jung
P Millar
H Parr
G Pook
V Ranger
M Rixson
J Rowland
E Wragg

Officers in attendance:

Ed Freeman, Service Lead Planning Strategy and Development Management
Shirley Shaw, Planning Barrister
Mark Williams, Chief Executive
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)
Wendy Harris, Democratic Services Officer
Debbie Meakin, Democratic Services Officer

Chairman

Date:

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

Strategic Planning Committee on 22 October 2020

Minute 81: Cranbrook Town Centre

RECOMMENDED:

That funding be made available to support the pro-active delivery of the town centre, based on the draft SPD Masterplan.

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Strategic Planning Committee held at Online via the zoom app on 22 October 2020

Attendance list at end of document

The meeting started at 2.00 pm and ended at 5.03 pm

77 Public speaking

Councillor Barry Rogers of Cranbrook Town Council spoke about weighing up the two propositions; delivery now with a known end delivery date, or the alternative that had no clear timescale. He advised the committee that the local residents wanted delivery now, which would allow residents to have facilities close enough to walk to, embracing the ethos of active lives in the town. He stated that there was no appetite for a hotel, and business units were available at the nearby Skypark, therefore not required in the town. He felt that leisure centres were unviable. He was not confident that the District Council could deliver and urged the committee to support the proposal from the East Devon New Community Partners (EDNCp).

Councillor Ray Bloxham, Devon County Councillor and Member of Cranbrook Strategic Delivery Board spoke about recent positive discussion between the County Council and the EDNCp that delivered additional funding to the design work; and how not moving forward now jeopardised local projects to deliver youth services. He reminded the committee of how the fabric of high streets had changed dramatically in recent years, and they had to be mindful of the local economy and the close proximity by train to Exeter's offer. He made reference to a county report comparing the two options and asked that, to move forward, the proposals of the EDNCp would boost the town. Not accepting the proposals would be detrimental to the morale of the residents.

Mr Peter Healey, a resident of Cranbrook, had submitted a statement read out on his behalf by the Democratic Services Officer, which stated:

"I strongly urge councillors and planners to take the longer-term view when deciding between the two options for the development of Cranbrook Town Centre.

To my mind, the polls undertaken by Cranbrook Town Council (CTC) and the East Devon New Community Partners (EDNCp) are invalid, because...

1. The polls were taken before people have had a chance to see any details of the proposed Cranbrook Town Centre master plan SPD, and before the EDNCp plan was finalised. Indeed, the Cranbrook Town Centre report has only just been made publicly available.
2. The wording of the CTC poll was heavily biased towards supporting the short-term EDNCp view. It was suggested that the alternative might be no town centre, or supermarket, for many years.
3. We were led to believe that Morrison's would pull out if the EDNCp proposal was not accepted, whereas it now appears that it is the EDNCp who would cause this to happen (see sections 13.2 and 15.2 of the Cranbrook Town Centre report).
4. The polls were on-line and therefore open to abuse.

There appears to be an unhealthy rush, by some, to get the EDNCp proposal accepted before it can be properly scrutinised and before the alternative proposals by EDDC are heard. The outcome of the Cranbrook DPD examination process could also have important bearing (see section 8.4).

The EDNCp proposal is short-term, profit driven, and significantly reduces the options for future development of the town. The EDNCp's track record shows that they cannot be trusted to deliver on their obligations (see sections 5 and 6), so why trust them now?

I find the following quote from section 13.2 incredible! – alluding to coercion...

“They would like the Council to sign a Memorandum of Understanding (MOU) to agree in principle to their proposals. Without the MOU in place they assert that they will not conclude the negotiated sale with HDD (to deliver a supermarket, high street retail and nursery) and will not complete sufficient dwellings in the wider town development to trigger the need for some of the S106 obligations for the town centre.”

Lythan Nevard, Cranbrook resident and Minister for Cranbrook spoke about the strong sense of community that town had. She referenced this decision as a tipping point, outlining the needs of the area including community space to cater to the growing community. She felt that the social infrastructure could not currently keep pace with the growing community, including practical issues such as storage space for community groups. The message of the town centre “coming soon” had been in place for seven years, and as a result the residents had become disillusioned, and some would be likely to leave the town as a result. She stressed that the community needed delivery soon to become a town, not a housing estate.

Andy Richardson, a resident of Cranbrook, had submitted a statement read out on his behalf by the Democratic Services Officer, which stated:

“I have lived in Cranbrook since 2015, one of the things that drew us here to live was the idea of a new town and a new start. Since I have lived here, I have seen many changes to the landscape and what goes on. One thing I was told when buying my house, was about how the town centre was going to be built and offer us shopping, eating etc. We are now in 2020 and in the middle of a pandemic! Still no town centre is evident. As a resident of Cranbrook it is not great to know that promises are not being delivered. I'm in favour of something being done now, not on the never never. Is it wrong to actually want what has been promised by various committees and panels of so called experts. We desperately need facilities in this town, or we are in danger of becoming a suburb of Exeter and nothing more than a big housing estate! It's time for EDDC and the consortium to deliver on facilities for us. For too long this has dragged on, and I doubt a trade town centre would work. Though it seems to us as residents that nobody cares about what's going on. High council tax rates, extras put onto what we pay for, and still nothing from the consortium or EDDC. You need to deliver our facilities, facilities that have been promised. At present nobody has any faith in any of the decision makers. In fact many people think those in command are trying to get out of what they have promised to do, and see Cranbrook solely as a money making exercise for the developers. This attitude that seems to persist in delivering the facilities on a "not now, when we decide to do it" has to stop. We the residents of Cranbrook want our town centre and facilities. You need to sit down and work out how to deliver on the promises made, and stop shying away from what needs to be done. If this path carried on Cranbrook will be just a concrete jungle with little going for it! And whose hare-brained idea is it for a hotel? We got nothing to offer a hotel company, we still don't have a supermarket for crying out loud. Some of us think the consortium and developers are only interested in profits and not the people.”

East Devon New Community Partners presentation

East Devon New Community Partners – represented by Nick Duckworth, Scott Davidson and Nick Freer – gave a presentation to the committee outlining their proposals. This covered an update since the publication of the agenda, including:

- Amended composite layout for the Town Centre;
- examples of elevational treatments to give a distinctive aesthetic to the town;
- amend the Memorandum of Understanding (MoU) to ensure that heating will not be delivered in the town centre by mains gas sources, but look for a viable district heating solution;
- Diverting s106 contributions from the Bowling Green Allotments and Formal Play to the Town Council building;
- Reminder of the results of the consultation undertaken by EDNCp.

The EDNCp representatives also outlined their proposals to the committee, and presented slides showing the site layout around the food store, a visual impression of what the street view would look like.

The representatives were keen to stress that the alternative approach by means of a Masterplan Supplementary Planning Document (SPD) will lead to delay of delivery and will not lead to partnership. They did not consider the SPD route as meeting the community vision for the town centre, and was unnecessary, as the land made available through the proposed MoU (with the inclusion of additional 0.4 hectares of land on TC4d) was capable of delivering:

- Extra care, Health and Wellbeing Centre, Town Hall and other office or residential uses on TC2;
- All Devon County Council requirements on TC4b; and
- Any remaining section 106 uses on TC4c

The explained the considerable difference a delivery of a food store would make to local residents, providing them means of a full weekly shop. The food store would also serve as a catalyst to a sustainable town centre. The outline of product range was explained, along with the scale of job creation of approximately 60 FTE at the food store. Concern was voiced that the operator would go elsewhere if it could not be demonstrated that the food store could be delivered. The EDNCp were ready to submit a planning application in the New Year, looking to delivery by the summer of 2022 to local residents.

The representatives of the EDNCp reiterated the support of the County Council, Cranbrook Town Council, and local residents in their proposals. The stated that their proposals were not supported out of frustration, but because they delivered what the Town required.

78 **Declarations of interest**

Councillor Kevin Blakey – personal interest – Member of Cranbrook Town Council; Chairman of the Cranbrook Strategic Delivery Board; and has attended multiple meetings with developers and others since 2015.

Councillor Sarah Chamberlain – personal interest – owns a smallholding at Broadclyst Station on the edge of Cranbrook.

Councillor Paul Hayward – personal interest – daughter resides in Cranbrook.

Councillor Mike Howe – personal interest – owner of retail village store in Clyst St Mary and previous director of a retail outlet.

Councillor Dan Ledger – personal interest – Member of Cranbrook Strategic Delivery Board.

Councillor Eleanor Rylance – personal interest – representing parish of Broadclyst and former Ward Member for Cranbrook.

Councillor Kay Bloxham – personal interest - Member of Cranbrook Town Council; Member of the Cranbrook Strategic Delivery Board; and has attended multiple meetings with developers and others.

Councillor Sam Hawkins - personal interest - Member of Cranbrook Town Council; Member of the Cranbrook Strategic Delivery Board; and has attended multiple meetings with developers and others.

79 **Matters of urgency**

There were no matters of urgency.

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

There were no items under this designation.

81 **Cranbrook Town Centre**

The committee had before them a report outlining the background to Cranbrook Town Centre, and two options for its delivery:

- A commercially led approach, presented by the East Devon New Community Partners (EDNCp);
- A Cranbrook Town Centre Masterplan SPD that seeks to reflect the original vision for the town centre.

The Service Lead for Planning Strategy and Development Management outlined some key elements of his extensive report, and asked the committee to consider the following questions in their consideration of the offer from the EDNCp:

- Does it deliver a town centre to the requirements that have been agreed by the Council?
- If not, are there sufficient grounds to depart from policy?
- What if any harm would arise from the EDNCp offer?
- Are the Supplementary Planning Document proposals significantly better and are they achievable?

He outlined the recommendations in the report, which permitted a twin track approach of both starting to develop an SPD whilst being open to continued negotiations with the EDNCp.

Questions and comments by members outside of the committee

Cranbrook ward member Councillor Kim Bloxham strongly expressed the need of the residents, made clear through consultation, to deliver the facilities long awaited. She reminded the committee of the protracted negotiations over several years, still with no resolution to a positive way forward and the delivery of a town centre and its facilities. She stressed that local residents were totally disillusioned with the approach of the District Council and felt that they were not part of East Devon. She accepted that the

EDNCp proposals were not perfect, but she supported local residents in wanting their option to be agreed, and urged the committee to reject the SPD proposal.

Cranbrook ward member Councillor Sam Hawkins challenged the statement in the report that the Council has the ability to invest in the delivery of Cranbrook. He felt that there had been no willingness to invest, with one example being the country park being funded by the local community. He too referenced the local opinion being that Cranbrook did not feel that it was part of East Devon only the cash cow of the district. Exeter have nearly completed a new leisure centre accessible by residents by train in 9 minutes, so one is not needed in the centre of town; the SANGS requirements for the district has been covered by Cranbrook's s106 provision. He felt that the timescale of the SPD was unrealistic, based on previous experience. There was little commercial benefit for any retailers to come to Cranbrook when so much is available at Exeter. Any delay in delivering a town centre now only wastes the benefit of the Enterprise Zone designation and the retention of business rates possible until 2022. He likened the issue to the West Lothian question.

Other key points made by members outside of the committee included:

- Improving building standards;
- Care with gaining assurances relating to the District heat network;
- Leisure facilities key for the town's youthful community.

The Chairman then heard extensive debate from the Committee Members, including Cranbrook Ward Member Councillor Kevin Blakey, with highlights detailed below.

For and against the EDNCp proposals

- Provided a swifter solution to the needs of the town;
- Residents clearly in desperate need of a solution now;
- Devon County Council in support – to clarify, the Service Lead for Planning Strategy and Development Management outlined that any Devon County Council agreement still needed to be ratified by their Cabinet;
- Apology to the people of Cranbrook that this had not been delivered to date, but the proposal contained too many houses, and diverting money to put towards the town council building and design meant still equated to the money having to be found for those needs to still be funded;
- Viability not proved with the proposals, and there is still a need for a hotel and employment space;
- Not enough in terms of outside space and facilities contained in the proposals
- The proposed town council building was to be a functional commercial building that could raise income from hire fees;
- Several shops were included in the design, and other shops could be located elsewhere in the town;
- Experience of MoU elsewhere was expressed, as the document was not binding, and prone to frequent renegotiation;
- Design elements shown were not attractive enough, and should be a flagship for the town with creative and inspiring design.

For and against the Cranbrook Town Centre Masterplan SPD proposal

- Committing to an SPD was no guarantee of delivery;

- Since the original vision for the town, circumstances had drastically changed and the mix of retail, social and other facilities in this vision needed to be amended to reflect current times and pressures;
- Preferred route to deliver the needs of the town in the long term, particularly to serve the town at the size it will reach;
- Many examples elsewhere in the country where the town centre development had been incorrect and not fit for purpose – learn from those and invest the time and effort to deliver a centre that was what the residents deserved;
- Challenging evidence that a leisure centre is required in the town centre, particularly reflected in evidence in other towns, where leisure centres were located on the outskirts, providing parking. In response, the Service Lead explained that taking the EDNCp proposal left few options to accommodate leisure elsewhere in the town; and that accommodating such facilities centrally allowed those to link with other central services and be within easy walking distance for its customers;
- Where would any public toilets be located, as there was no major central building to locate them to – were the Council prepared to build and maintain them.

It was proposed by Councillor Blakey, seconded by Councillor Moulding (and subsequently by Councillor Allen when Councillor Moulding left the meeting) that:

- a) All three tiers of local government and ward members work proactively with the Consortium's proposal to refine the offer;
- b) That all parties work together to finalise a Memorandum of Understanding which provides clarity on delivery and related timescales for the Consortium's offer and provides a basis for the town centre in Cranbrook to be delivered as soon as possible for the benefit of the community.

The above motion failed on a recorded vote as follows:

Councillor Allen	For
Councillor Arnott	Against
Councillor Blakey	For
Councillor Chamberlain	Against
Councillor Davey	Against
Councillor Hayward	Against
Councillor Hookway	Against
Councillor Howe	For
Councillor Ledger	Abstain
Councillor McLauchlan	Against
Councillor Rylance	Against
Councillor Thomas	For

The recommendations set out in the report were proposed by Councillor Davey, seconded by Councillor Chamberlain.

RESOLVED

1. That the background to Cranbrook Town Centre, the planning obligation requirements on the developers, and the current planning policy position have been considered;
2. That the proposals made by the East Devon New Communities Partners and the officer's concept for a proposed Town Centre Masterplan have been considered;

3. Advise the East Devon New Communities Partners that the Council is not minded to enter into the proposed Memorandum of Understanding based on the proposed heads of terms at the present time, but is open to further negotiation;
4. That work continues on the draft SPD Masterplan. In the event that sufficient funding commitments are made, a draft SPD and delivery plan be presented to the Strategic Planning Committee in December 2020. In the event that sufficient funding cannot be identified, a further report be brought to the Strategic Planning Committee in December 2020 to update Members and give consideration to the East Devon New Communities Partners proposals as they stand at that time;
5. That a further report be brought to the Strategic Planning Committee to consider alternative development delivery vehicles.

RECOMMENDATION to Cabinet

That funding be made available to support the pro-active delivery of the town centre, based on the draft SPD Masterplan.

The above resolutions and recommendation were carried on a recorded vote as follows:

Councillor Allen	Abstain
Councillor Arnott	For
Councillor Blakey	Against
Councillor Chamberlain	For
Councillor Davey	For
Councillor Hayward	For
Councillor Hookway	For
Councillor Howe	Against
Councillor Ledger	Abstain
Councillor McLauchlan	For
Councillor Rylance	For
Councillor Thomas	Against

(Committee members Councillors Moulding and Skinner left the meeting before voting took place, having given notice to the Chair at the start of the meeting of their need to leave at 4.00pm)

Attendance List

Councillors present:

P Arnott
M Allen
K Blakey
S Chamberlain
O Davey (Vice-Chairman)
P Hayward
N Hookway
M Howe
D Ledger (Chairman)
K McLauchlan
A Moulding
E Rylance
P Skinner
I Thomas

Councillors also present (for some or all the meeting)

M Armstrong
D Bickley
K Bloxham
B De Saram
P Faithfull
S Hawkins
S Jackson
J Loudoun
M Rixson
J Rowland
E Wragg

Officers in attendance:

Ed Freeman, Service Lead Planning Strategy and Development Management
Shirley Shaw, Planning Barrister
Mark Williams, Chief Executive
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)
Wendy Harris, Democratic Services Officer
Debbie Meakin, Democratic Services Officer
Thea Billeter, Cranbrook New Community Manager

Chairman

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Scrutiny Committee held at Online via the Zoom App. on 5 November 2020. All Councillors and registered speakers will have been sent an appointment with the meeting link.

Attendance list at end of document

The meeting started at 6.00 pm and ended at 7.20 pm

87 Public speaking

There were no members of the public wishing to speak.

88 Minutes of the previous meeting

The minutes of the meeting held on 10 September 2020 were agreed as a true record.

89 Declarations of interest

Minute 94 Forward Plan.

Councillor Iain Chubb, Personal, Member of Devon County Council.

Minute 94 Forward Plan.

Councillor Olly Davey, Personal, Member of Exmouth Town Council.

Minute 94 Forward Plan.

Councillor Tony McCollum, Personal, Matters connected with the Member were currently being considered under the standards process.

90 Matters of urgency

There were no matters of urgency.

91 Confidential/exempt item(s)

There were no confidential/exempt items.

92 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.

93 Requesting Portfolio Holder reports

Members discussed which Portfolio Holders to invite to report to the Committee and felt that as Cllr Megan Armstrong, Portfolio Holder – Sustainable Homes & Community and Cllr Geoff Jung, Portfolio Holder – Coast, Country & Environment had been in post the longest they should be the first to be asked to report to the Committee. After discussion it was agreed that Cllr Megan Armstrong be asked to attend the next meeting of the Committee to give a report.

RESOLVED that Cllr Megan Armstrong be requested to attend the next meeting of the Committee and provide a report on the activities of her Portfolio.

94 **Forward Plan**

Proposal Forms received

Standards Committee and Sub Committee issues referred from Chairman of Audit and Governance and Portfolio Holder for Governance and Transparency following October 2020 Council

Members received the proposal form on Standards Committee and Standards Sub Committee issues submitted by Cllr Colin Brown.

It was noted that the Standards Committee had started to review the standards process.

During discussions the following points were noted:

- It could assist the Standards Committee with its review to have an objective report from the Scrutiny Committee
- It was the role of the Scrutiny Committee to objectively assess the effectiveness of the standards process, with particular reference to conflicts of interest or political motives during the handling of complaints
- There needed to be a good reason to review the standards process through the Scrutiny Committee, rather than through the Standards Committee itself
- The Monitoring Officer advised that work would be duplicated should the Scrutiny Committee agree to proceed with its own review of the standards process, although it was within the Committee's remit to do so. All Members could attend and speak at meetings of the Standards Committee in order to contribute to the transparency of the review process
- Cllr Allen suggested terms of reference for a wide ranging review of the standards process
- The Monitoring Officer requested that the Scrutiny Committee consider more detailed scoping of its requirements should it decide to continue with its own review as duplication of work could result in a delay for both Committees
- In response to a Member's question, the Monitoring Officer outlined the current process and the role of the independent person when complaints are received. Complaints were only brought to the Standards Sub Committee if no resolution could be reached earlier in the process

RESOLVED that the Committee would wait for the response from the Standards Committee as to its review of the standards process before further consideration of this issue.

Five Year Land Supply

Members received the proposal form on the Five Year Land Supply submitted by Cllr Colin Brown.

During discussions the following points were noted:

- The Strategic Planning Committee had considered this matter very recently and it was not clear what the Scrutiny Committee would add to this process

- A meeting would be held with the other members of the Greater Exeter Strategic Plan to discuss the way forward following EDDC's withdrawal from GESP

RESOLVED that no further action be taken on this proposal.

Scoping reports

No scoping reports had been received as yet.

Attendance List

Councillors present:

C Brown (Chair)
V Ranger (Vice-Chair)
E Rylance
M Chapman
I Chubb
A Colman
O Davey
S Hawkins
F King
T McCollum
H Parr
B Taylor

Councillors also present (for some or all the meeting)

P Arnott
S Chamberlain
B De Saram
P Faithfull
P Hayward
M Allen
D Ledger
A Moulding

Officers in attendance:

Henry Gordon Lennox, Strategic Lead Governance and Licensing
Sarah Jenkins, Democratic Services Officer
Christopher Lane, Democratic Services Officer
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

Councillor apologies:

Chair

Date:

Report to: Cabinet

Date of Meeting Wednesday 25 November 2020

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Affordable Housing Supplementary Planning Document

Report summary:

This report outlines the responses received during the second round of public consultation on the Draft Affordable Housing Supplementary Planning Document (SPD) (January to February 2020), and shows how these comments have been taken into account in revising the SPD. The proposed final version of the Affordable Housing SPD has been considered at Strategic Planning Committee who recommended its adoption at Cabinet.

Recommendation:

Members are asked:

1. To consider and adopt the Affordable Housing Supplementary Planning Document attached at Appendix A as recommended by Strategic Planning Committee.

Reason for recommendation:

To ensure the council follows proper legal processes in adopting the Affordable Housing SPD. The intention of the SPD is to give greater clarity to developers and communities about our expectations for affordable housing delivery, assisting councillors and officers when considering affordable housing issues for new development.

Officer: Keith Lane, Planning Policy Officer klane@eastdevon.gov.uk 01395 571684

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 specific financial implications impacting upon council finances within the report.

Legal implications:

Planning obligations are contained in legal agreements set out as deeds under section 106 and s106A of the Town and Country Planning Act 1990, as amended. Once adopted the Affordable Housing SPD will form a material consideration in the determination of planning applications. Other legal implications are as set out in the report.

Equalities impact Low Impact

An Equalities Impact Assessment of the Affordable Housing SPD has been prepared, which identified that there would be no adverse impacts upon those people with “protected characteristics”. There would be positive impacts upon “age” through encouraging affordable housing provision for young people to buy and rent, and “disability” through guidance on enhanced standards for accessible and adaptable homes.

Climate change Low Impact

Risk: Low Risk; The SPD is being prepared in accordance with plan-making regulations, the council agreed protocol for preparing SPDs, and the adopted Statement of Community Involvement.

Links to background information [Strategic Planning Committee, Monday, 9 December 2019, Agenda and minutes, item 37 East Devon Local Plan 2013-2031 East Devon Local Development Scheme \(July 2018\)](#)

[Supplementary Planning Guidance Protocol National Planning Policy Framework Strategic Planning Committee, Tuesday, 20th October 2020, draft minutes item 74](#)

[Affordable Housing SPD – Consultation Statement](#)

[Affordable Housing Supplementary Planning Document for adoption – Appendix A](#)

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

1. Members will be aware that the East Devon Local Plan promotes the delivery of affordable housing in appropriate locations, through policies relating to affordable housing targets and tenures (Strategy 34) and rural exception sites (Strategy 35). On sites of 10 or more homes, all affordable housing should meet accessible and adaptable dwellings standards (Strategy 36).
2. The Local Development Scheme – essentially, the planning policy work programme – states that an Affordable Housing supplementary planning document (SPD) will be prepared to elaborate on policy to secure affordable housing provision in East Devon. This will provide greater clarity to developers and communities about our expectations for affordable housing delivery. By giving clear guidance upfront about issues such as tenure mix, how vacant building credit will be operated, the ‘pepper-potting’ of affordable units in a development, and where off-site contributions will be appropriate, it will enable developers and landowners to better understand policy requirements. Therefore, the SPD should assist applicants when making planning applications, and the council in determining them. However, it is important to note that SPDs can only add further detail to policies in the Local Plan, and cannot set policies themselves.
3. Strategic Planning Committee approved the first round of public consultation on a draft Affordable Housing SPD back in March 2019. The consultation responses and subsequent changes to the SPD were discussed at Strategic Planning Committee in December 2019, who approved second round of public consultation which took place over January – February 2020. The SPD was accompanied by an ‘interim’ Consultation Statement, a Screening report for Strategic Environmental Assessment and Habitats Regulations, and an Equalities Impact Assessment.

Responses received in the second round of public consultation (Jan-Feb 2020) and how they have been taken into account

4. The accompanying Consultation Statement (chapter 3) states who we consulted and how, including all parish councils, numerous planning agents, Registered Providers operating in East Devon, and around 2,300 individuals who had expressed an interest in planning policy matters.
5. A total of 22 responses were received in the second round of public consultation on the Draft Affordable Housing SPD.¹ The Consultation Statement includes a response to each of the comments made. Some of the main issues raised in consultation are set out below (by chapter):

Thresholds and targets

- Object to the overage clause as it causes delay, uncertainty, and is not an effective basis for delivery.
- Concern about references to negotiation and viability testing after planning permission has been granted – the level of affordable housing should not be reduced.
- Support the thresholds as it aligns with the NPPF and allows applicants to justify where it would not be appropriate to meet affordable housing targets.
- Does not cover the potential to change the mix of tenures before lowering the amount of affordable housing.
- Welcome the text on determining an acceptable return for landowners, and removal of reference to an arbitrary 20% uplift on existing use value.

Tenure and mix

- Tenure mix is expressed as a target, so the need to justify an alternative mix will not simply be related to viability but could include a range of circumstances.
- Delete reference to the Council's priorities for shared ownership, relevant equity loans, and other low cost homes for sale; as this limits opportunities to meet housing need.
- NPPF para 64 requires 10% of the total number of dwellings to be for affordable home ownership – this is largely reflected in the SPD, but clarification is needed.

Design and layout

- Do not support the inclusion of a phased approach to the delivery of affordable housing alongside market housing as this is unduly restrictive.
- Suggest that larger clusters are allowed in larger sites.
- Support a stronger reference to National Space Standards within the document.
- Reference to National Space Standards should be removed as it introduces uncertainty for developers, and the council has not adopted policy on this.

Rural exception sites

- The section on rural exception sites appears helpful in confirming what is expected in terms of housing needs survey and access to services and facilities.

Pre-application, legal agreements and occupancy

- Welcome the reference to those with a connection to Exeter, but suggest this could also include Mid Devon.

Other issues

- Devon County Council will seek developer funding towards transport and education improvements from all housing, including affordable units.

¹ The comments received can be seen in full on our website: <https://eastdevon.gov.uk/planning/planning-policy/housing-issues/affordable-housing/>

- Should identify the huge variations from settlement to settlement in the need/supply of affordable housing to ensure the housing is provided where it is needed.
 - Important that the cost implications of the delivery of strategic sites are explicitly referenced, which could be a reason for reduced affordable housing.
6. Several, relatively minor, changes have been made to the SPD as a result of the comments made, as detailed in the Consultation Statement. An overview of the proposed council response to the comments is set out in the following paragraphs.
 7. Overage is a requirement of the Local Plan where affordable housing levels fall below policy targets, which cannot be changed through the SPD. The level of affordable housing can be reduced where there are viability issues, but the SPD has been amended to more clearly say that changes to tenure mix will be considered before lowering overall levels of affordable housing, making clear that the tenure mix in the policy is a target.
 8. It is acknowledged that evidence for East Devon is currently lacking for some of the products in the latest NPPF definition of affordable housing, so we will consider any up-to-date evidence rather than setting priorities without this evidence. It is not entirely clear whether the NPPF (para 64) requirement for at least 10% of homes on major development as affordable home ownership relates to 10% of all homes, or 10% of the affordable homes. However, in light of consultation responses, further clarity in the Housing White Paper, and approaches being taken by other local authorities, it is considered that national policy is that 10% of all homes on major development should be available for affordable home ownership.
 9. It is important to include guidance on phasing for the effective delivery of affordable housing, but a minor change to the SPD will help make clear that the identified phasing is something the council will aspire to, rather than a stringent requirement. Larger clusters (than 10 dwellings) of affordable homes can come forward where necessary and able to promote social cohesion and a mixed and balanced community. The SPD does not require Nationally Described Space Standards – these can only be introduced in a local plan.
 10. In terms of occupancy, there is an issue regarding local connection which has arisen in respect of the strategic sites on the edge of Exeter – whilst the administrative boundary divides these sites from Exeter, there is no obvious boundary ‘on the ground’, so connections to Exeter should be allowed. This particular issue does not apply for Mid Devon, but sites elsewhere in East Devon can consider those with a connection to the county of Devon. If no-one can be found in Devon, then connections with adjacent counties will be considered.

Next steps

11. The Affordable Housing SPD has been amended as appropriate in light of comments received during two rounds of public consultation. The proposed version for adoption was discussed at Strategic Planning Committee on Tuesday 20 October, who recommended to Cabinet that the Affordable Housing SPD attached at Appendix A be considered and adopted.
12. Once adopted, the SPD will be used to assist applicants and the council in considering affordable housing issues and making decisions on planning applications. The SPD should also be helpful for communities when preparing neighbourhood plans.

Report to: Cabinet

Date of Meeting 25 November 2020

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Council Tax Reduction Scheme for 2021/22

Report summary:

To consider and approve the Council Tax Reduction (CTR) Scheme for 2021/22 which we are proposing remains unchanged from our current scheme.

We introduced a significant number of changes to our 2020/21 scheme – such as increasing maximum support from 80% to 85% - whilst implementing an income banded discount scheme. It is too early to determine whether we need to make further changes to our scheme as this has only been running for 7 months. Also, with the impact of Covid-19 this makes comparisons between our previous scheme and this scheme difficult to properly assess due to the significant increase in people now claiming Council Tax Reduction.

As our new scheme increased the maximum amount of support from 80% to 85% this will have had a positive effect on low income working age households.

The report also provides some background data (appendix 1) on how Covid-19 has changed the scheme caseload profile.

Recommendation:

1. To recommend to Council that the Council Tax Reduction Scheme for working age residents is approved for 2021/22 (unchanged from 2020/21).
2. To note the changes to our caseload profile due to the impact of Covid19 (see appendix 1)

Reason for recommendation:

Each year the Council is required by law to decide whether to revise or replace its scheme. As we made a significant number of changes to our scheme for 2020/21 it is too early to be able to assess whether we need to make any subsequent changes to our scheme. Also the impact of COVID-19 has meant that we now have a much higher number of working age households so making comparisons between our existing scheme and current scheme will be difficult to assess. However, as maximum support was increased from 80% to 85% then this has meant that those households on the lowest incomes will have benefitted.

Officer: Libby Jarrett, Service Lead – Revenues, Benefits & Customer Services
ljarrett@eastdevon.gov.uk 01395 517450

Portfolio(s) (check which apply):

Climate Action

Coast, Country and Environment

Corporate Services and COVID-19 Response and Recovery

- Democracy and Transparency
- Economy and Assets
- Finance
- Policy Co-ordination and Regional Engagement
- Strategic Planning
- Sustainable Homes and Communities

Financial implications:

The increase in scheme costs will impact on the current years Council Tax income projections and effect next year's Council Tax Base calculations - these implications are being factored into our calculations and reports to members.

Legal implications:

Schedule 1A of the Local Government Finance Act 1992 requires that the Council must decide, for each financial year, whether to revise its scheme or to replace it with another scheme. Due to the short time the previous changes have been in effect and the impact of COVID-19, the recommendation of the finance team is to leave the scheme as adopted for 2020/21. Officers responsible for implementation are aware of the need to comply with council tax statute, regulations (and, where appropriate, guidance) in delivering the scheme.

Equalities impact Low Impact

As we are not recommending any changes to our scheme for 2020/21 the impact has been considered low.

Climate change Low Impact

Risk: Low Risk;

Links to background information

[Cabinet agenda 8 January 2020](#)

[Report from StepChange Debt Charity](#)

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 Background

- 1.1 Council Tax Reduction (CTR), also known as Council Tax Support was introduced from 1 April 2013. It is a means tested reduction/ discount for council tax payers who are on a low income. It replaced the previous national benefit scheme.
- 1.2 For working age applicants the scheme is determined by local policy and for pension age applicants it is a national scheme prescribed by legislation.
- 1.3 Each year the Council is required to review and agree its working age scheme by 11 March of the preceding financial year. Any changes to our scheme are subject to public consultation.

1.4 As we introduced a significant number of changes to our scheme for April 2020 we are not proposing any changes to be made to our 2021/22 scheme. This is because it is too early to determine whether further changes are needed as the scheme has only been live for just over 7 months. The impact of COVID-19 has also resulted in higher caseload and scheme costs. These may only be temporary and could fall once residents start to return to work and begin receiving the income they had pre Covid-19.

2.0 Current Scheme

2.1 Our working age scheme is now based on four income bands – 85%, 80%, 55% & 25%. Previously the maximum support available was 80%. When modelling this scheme it was estimated that 94% of the existing caseload would either benefit or be unaffected by the changes that were introduced from 1 April 2020. This meant that many more low income households have benefitted as they are receiving more help towards their council tax than under the previous scheme. With the impact of Covid-19 we have seen many more working age households now claiming and receiving council tax reduction, this will have made a positive difference to those on low incomes. However, it is too early to measure whether this will result in lower levels of cumulative arrears from those claiming CTR as this was one of the factors on why support was increased (CTR working age debts accounted for 13% of all council tax arrears despite the amount they have to pay only representing 1.12% of the total collectable debit). Also, with the impact of Covid-19 it is unlikely that we will see a positive effect on council tax arrears as many more households will now be struggling. As highlighted in a recent report from StepChange household borrowing and arrears attributable to Covid-19 have reached a combined £10.3bn an increase of £4.3bn since May 2020.

2.2 As part of our working age scheme we also have an exceptional hardship fund that allows us to provide additional support of up to 100% on a case by case basis. This provides a safety net for those that need additional financial help or where we need to provide transitional support following adverse changes to resident's circumstances.

2.3 One of the temporary measures the government introduced as a result of Covid-19 was to increase the standard allowance in Universal Credit and the basic element in Working Tax Credit by £20 per week **for one year only**. The government provided for these changes in Housing Benefit regulations and the pensioner CTR prescribed scheme, in order to avoid the negative effect by disregarding this additional income. However, we are not legally able to change our working age scheme mid-year and any changes that we do make have to be subject to public consultation. In order to mitigate against instances of customers dropping a band because of this additional payment we were able to deal with this via our Exceptional Hardship scheme by effectively disregarding this £20.00. Should the government extend this provision on a permanent basis then it would make sense to change our scheme so that we can automatically disregard this additional allowance. If needed, for this coming financial year we can continue to deal with this via the exceptional hardship element of our CTR scheme and then implement the change for the financial year 2022/23. Our Exceptional Hardship Scheme allows for this type of situation and the cost of this forms part of our CTR expenditure.

3.0 Scheme costs and caseload

3.1 The following table provides a breakdown of the number of claimants split between working age and pensioners and how the caseload has changed since November 2019:

Caseload	As at November 2019	As at April 2020	As at November 2020	Difference between Nov 19 & Nov 20 (% rise)
Working age	3,231	3,387	4,189	958 (29.65%)
Pension age	3,869	3,839	3,778	-91 (-2.35%)

Total	7,100	7,226	7,967	867 (12.21%)
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The above table highlights the changes in caseload from the position a year ago, April 2020 compared to now. Clearly Covid-19 has had a significant impact on our working age household incomes due to the increase in caseload. Further information on the profile of our caseload and how this has changed is shown in appendix 1 at the end of this report.

3.2 The expenditure split as at November 2020 is as follows:

Claim type	Expenditure costs (£000's)
Working age	£3,976
Pension age	£4,515
Total	£8,491

The cost of CTR in November 2019 was circa £7.2m. Although we were anticipating scheme costs would rise by approximately £300K due to the changes we were implementing (see last year's Cabinet report) and also allowing for the annual council tax increase of 4% which equates to a further £300K, the difference of approximately £700K would be as a result of the increase in caseload due to impact of Covid-19.

3.3 As the cost of CTR is funded through the Council Tax base, the costs are shared in proportion with the amount preceptors receive. For East Devon the cost of CTR expenditure equates to 7% of the total.

3.4 When determining the 2021/22 tax base we will need to take account of these higher costs and also to estimate further increases in scheme costs due to potentially higher levels of unemployment, etc.

4.0 Summary

4.1 At this stage it is too early to determine whether further changes are needed to our scheme which is why the recommendation is to continue with our existing scheme. We may need to make changes to our scheme for 2022/23 should the government extend and make permanent the additional £20 per week payment for those on Universal Credit or Working tax credit. It is important that we continue to monitor the relationship between council tax arrears and those claiming CTR to understand whether our scheme is achieving the right balance especially as we are all acutely aware of the financial difficulties currently being experienced due to the impact Covid-19 has had.

4.2 The data shown in appendix 1 will help to inform the work of the poverty panel.

Additional information highlighting the changes in caseload due to the impact of Covid-19:

- 1 Working age caseload split by the four income bands comparing November 2019 to November 2020:

Band %	Caseload November 2019 (modelled into the income bands)	Caseload November 2020	Difference	% increase
85%	2,323	2,387	64	2.7%
80%	587	885	298	50.7%
55%	247	647	400	161.9%
25%	74	270	196	264.9%
Total	3,231	4,189	958	29.7%

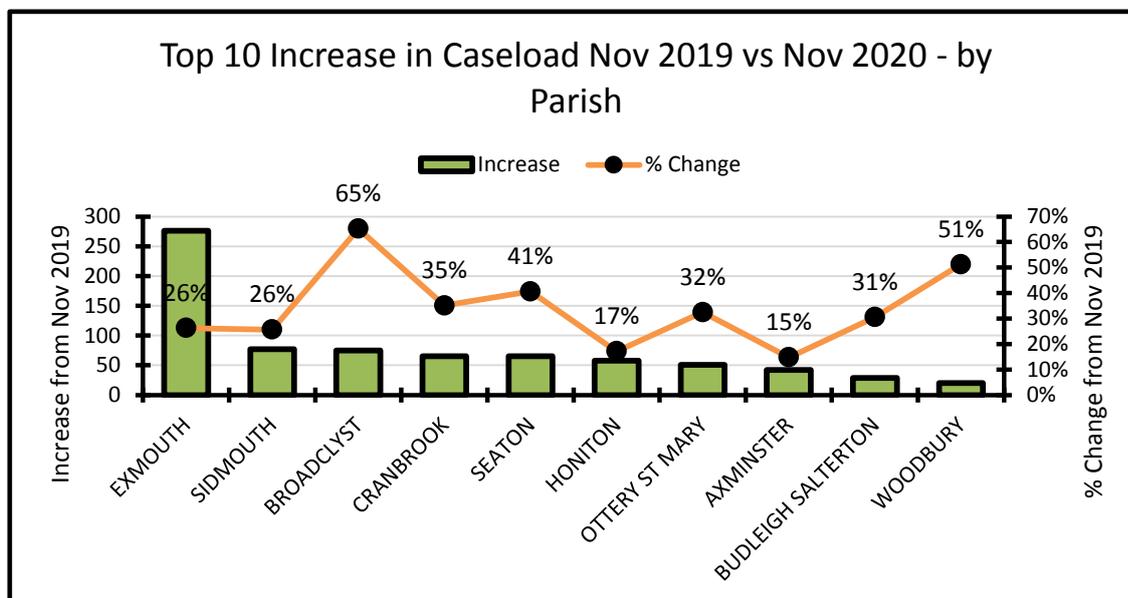
The working age caseload since November 2019 has risen by 958 more claims with the largest increase being seen on the lowest two bands. This is likely to be because of those households being furloughed, drop in self-employed earnings, etc which has brought more people onto CTR.

- 2 The following table shows how the caseload has changed across 4 different groups:

	Households with Children			Disability Benefit			Employed			Carer		
	Nov-19	Nov-20	% Diff	Nov-19	Nov-20	% Diff	Nov-19	Nov-20	% Diff	Nov-19	Nov-20	% Diff
Band 1 85%	815	935	+14.7%	1270	1428	+12.4%	134	172	+28.4%	378	359	-5.0%
Band 2 80%	308	393	+27.6%	50	191	+282.0%	302	402	+33.1%	27	36	+33.3%
Band 3 55%	187	410	+119.3%	53	194	+266.0%	166	453	+172.9%	21	20	-4.8%
Band 4 25%	60	191	+218.3%	29	66	+127.6%	48	242	+404.2%	9	11	+22.2%
TOTAL	1370	1929	+40.8%	1402	1879	+34.0%	650	1269	+95.2%	435	426	-2.1%

Note: households can fall into more than one of the above categories

- 3 Increase in caseload by parish- top 10



Parish	2019	2020	Increase	% Change
EXMOUTH	1050	1326	276	26%
SIDMOUTH	300	377	77	26%
BROADCLYST	115	190	75	65%
CRANBROOK	185	250	65	35%
SEATON	160	225	65	41%
HONITON	339	397	58	17%
OTTERY ST MARY	157	208	51	32%
AXMINSTER	285	327	42	15%
BUDLEIGH SALTERTON	95	124	29	31%
WOODBURY	39	59	20	51%

4 Key headlines:

- There has been a big increase in our caseload from those that are earning and in particular those whose income places them in the bottom two bands. This is likely to be because of people's income being impacted through being furloughed, working less hours, self-employed earnings reduced, etc. This highlights how many more people have needed to access support for the first time as their earnings have dropped to a level that means they now qualify for help with council tax.
- 31% of our working age caseload are from those that have earnings compared to 22% in November 2019.
- We are also seeing much higher numbers of claims coming from households with families and those where a member of the household is disabled.
- 1,950 are on Universal Credit compared to 874 in November 2019.
- Exmouth, Sidmouth & Broadclyst have seen the highest increase in caseload. Broadclyst also has the highest % change.

Report to: **Cabinet**

Date of Meeting 25 November 2020

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Seaton Tram Halt access boardwalk and footbridges

Report summary:

The Seaton Tram Company was successful in applying for a Heritage Lottery Fund bid to develop the heritage and educational features of their tourist attraction, which included funds to cover the costs of a tram halt and associated wooden boardwalk. This project is part of the planned programme of visitor infrastructure improvements known as the Seaton Wetlands link projects which has been presented to both Scrutiny and Cabinet Committees in 2020. This project would help provide an important physical link between the two attractions and so help further develop Seaton's visitor economy. It is intended that the structure to be erected by the Tramway on not just their land, but also the Council's land and land owned by the Burgesses of Colyford will (save for the part erected on their land) transfer to the Council. It is requested that Cabinet provide authority for the Council to enter into a deed of easement with the Tramway and the Burgesses of Colyford as adjoining landowner (tripartite if necessary) for the erection and maintenance of the structures and a Management Agreement or similar with the Tramway to enable the Council as site managers of the Seaton Wetlands, to take on the maintenance responsibility for the boardwalk and footbridge crossing the Colyford Common Local Nature Reserve. Heads of Terms will need to be agreed with Seaton Tram Company who have agreed to pay an annual management fee of £2,000 to the Council for an initial five year period. No management fee applies for any subsequent period. It is requested that Cabinet provide authority for the Council to take on ownership of the boardwalk upon completion as an infrastructure asset within the nature reserve.

Recommendation:

Cabinet to recommend:

1. Approval to enter into any necessary agreements with Seaton Tramway (Enterprises) Ltd and the Burgesses of Colyford to enable the construction, retention and use of a boardwalk across Colyford Common.
2. Upon completion, for the Council to take responsibility for the boardwalk on both the Council's land and on the land owned by the Burgesses of Colyford that is managed by EDDC Countryside as an infrastructure asset of the Colyford Common Local Nature Reserve for a period into perpetuity.
3. If needed, to enter into a 5-year management agreement with the Tramway for EDDC Countryside to recover the agreed annual fee for a five year period only.
4. Delegated authority to be given to Service Lead – Place, Assets & Commercialisation to agree the detailed terms of agreements for recommendations 1 & 3 in consultation with Service Lead - Countryside & Leisure in consultation with the Portfolio Holder for Coast, Country and Environment

Reason for recommendation:

To enable the Council to enter into the required legal agreements to facilitate the construction of the boardwalk and footbridge across Colyford Common which is managed by the Countryside Team under a management agreement with the Burgesses of Colyford as part of the Seaton Wetlands, so linking with the proposed tram halt construction.

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 contained within the report

Legal implications:

What is proposed is within the legal powers of the Council. Legal have been involved in the transaction and preparation of relevant document and continued support will be provided as the transaction proceeds. Otherwise the report details the arrangements that will be put in place.

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

Report in full

1. [Background](#)

1.1 For the entirety of the Seaton Wetlands project development it has been an aspiration to include a public access point via the popular Seaton Tramway. The Tram Company was successful in applying for a Heritage Lottery Fund bid to develop the heritage and educational features of the tourist attraction, which included funds to partially cover the costs of a simple halt and associated wooden boardwalk. Many locations were discussed, but the final decision for its location, shown on the map linked to the report, ensures minimal disturbance to both wildlife and people enjoying the nature reserve.

1.2 On 20 May 2020 a Cabinet report was taken and signed off under Senior Officer Delegation due to the urgent nature of the decision and that the planned Cabinet meeting had been postponed due to the onset of COVID-19 and the national lockdown restrictions. The report set out the terms of agreement between the Seaton Tram, East Devon DC and the Burgesses of Colyford who own the land on which the construction is due to take place (which EDDC

Countryside manage on their behalf known as Colyford Common). One of the recommendations was that EDDC Countryside would undertake the long term maintenance of the boardwalk for an annual fee to cover costs as the site, Colyford Common LNR, forms part of the wider Seaton Wetlands complex.

2. Current position

2.1 Since that report was taken there have been a series of discussions with Seaton Tram to clarify the construction, draft Heads of Terms and consequently who ultimately will own the boardwalk and footbridge structures and its long term maintenance between East Devon DC Countryside, Estates and Legal teams. The original report's recommendations in May 2020, as far as Seaton Tram were concerned, did not provide the precise details on the ownership of the boardwalk after its construction. Following these discussions between Officers and the Seaton Tram a subtle clarification was agreed to the wording in the May report. So that now it is requested that permission be given for East Devon District Council to take on the ownership of the completed boardwalk running over land owned by the Burgesses of Colyford and managed by EDDC's Countryside team as site manager's of the Colyford Common LNR. EDDC Countryside will take on maintenance responsibility for the boardwalk crossing the Burgesses of Colyford land for which Seaton Tram Company have agreed to pay an annual management fee of £2,000 for the first five years.

2.2 The proposed boardwalk design matches exactly the structures currently installed on the Colyford Common LNR and just recently a second planning permission has been successfully granted to Seaton Tram for the revised access route and its two associated footbridges spanning a narrow ditch and the Stafford Brook (see map). Due to the experience the Countryside team in managing and maintaining such structures on the saltmarsh for the past 18 years, we are confident that the agreed fee will cover all the necessary work and replacement materials and that revenues from this new footfall, developed over the initial five year period, will cover all future maintenance costs.

2.3 To ensure that the Council is able to take on the ownership and management of this boardwalk in discussions between Officers it is felt that the Tram will need to adhere to the following requirements which would be embodied in the Heads of Terms agreement between all parties:

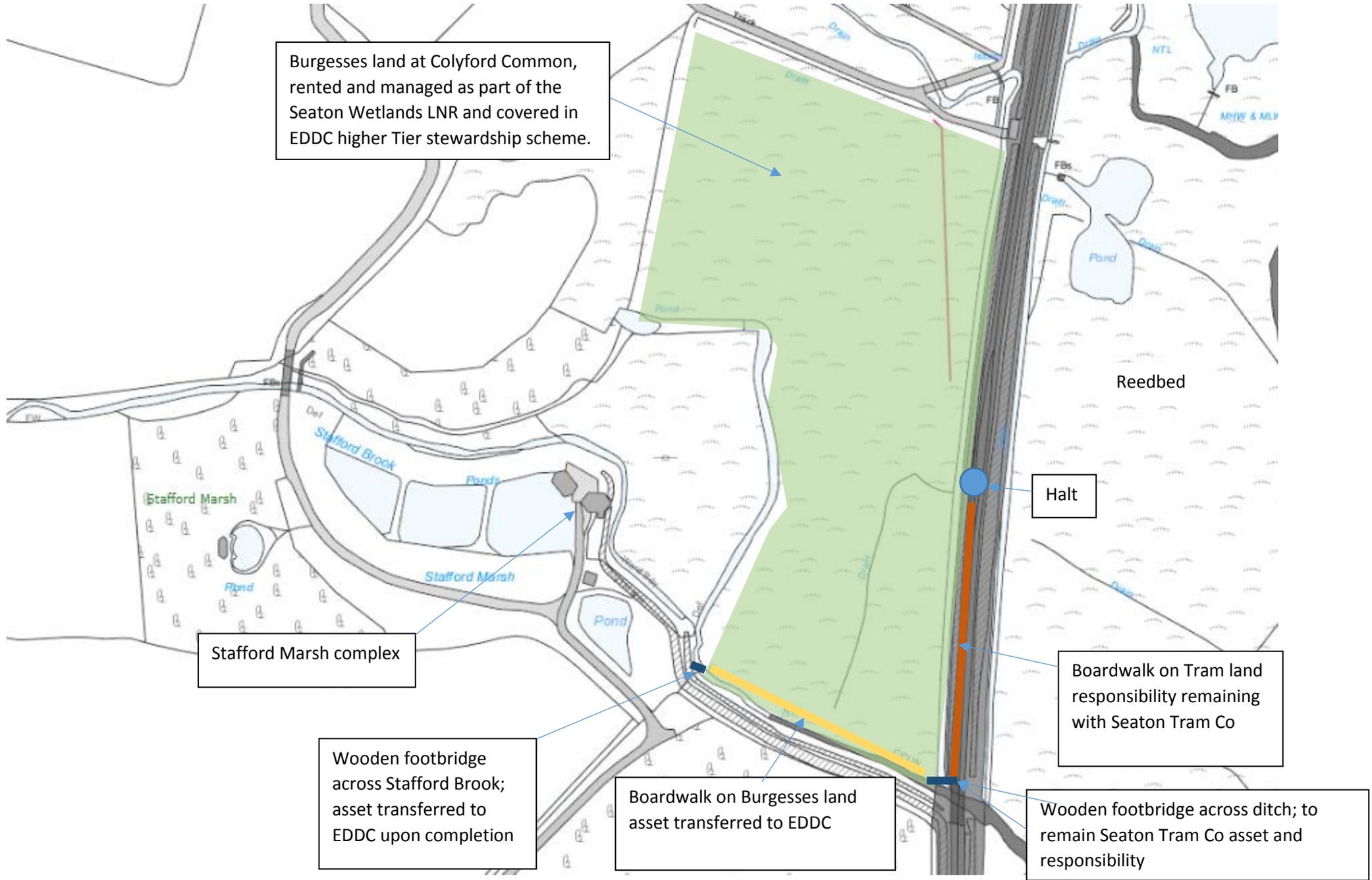
- **Procurement** - the Tramway are delivering the structure for East Devon DC (via their contractor) so Senior Officers will need to cover this off with an exemption to contract standing orders.
- **Collateral Warranty** - If the Tramway's contractor is delivering the structure which we are taking responsibility for we would expect to have a collateral warranty agreement with the contractor to ensure that we have redress in the event of issues with the structure. This would mean we are not exposed in the event of premature failure of the structure.
- **Engineers Approval** – EDDC's engineers have approved the original planned structure which was specified by a structural engineer. The Tramway have subsequently altered the route which the Engineers have now approved in the revised plan but this was on the basis of the Council only be responsible for "surface" maintenance. It is Officers preference that the Engineers are asked to review this again if EDDC are taking on responsibility for the structure.
- **Land ownership** – Seaton Tram will be responsible for all the infrastructure including the footbridge crossing from their land onto the Burgesses land (see map). East Devon DC will be responsible for the 150metre stretch of boardwalk on the Burgesses of Colyford land and the second footbridge that crosses the Stafford Brook (see map) with the costs of its maintenance drawn from the annual £2,000 fee received from the Seaton Tram (received

for the first 5 years only). The terms of which will be set out in the Heads of Terms agreement between all parties.

- 2.4 The project has the positive support of the Burgesses who, collectively, own six acres of Colyford Common salt marsh for which EDDC pays an annual rental sum of £200 to manage as a nature reserve.
- 2.5 The tram halt itself is built entirely on land owned by the Tram Company and is therefore within its permitted development entitlement as a railway operator. It will consist of a small area of paved, level surface, leading directly onto a sloping boardwalk built on the side of the tram embankment. To the west at this point is an area of saltmarsh valued for its botanical diversity but not of importance for bird use, to the East is an extensive area of reedbed which shields human disturbance to any birds or mammals on the estuary itself. At point where the Stafford Brook empties into the Axe Estuary, the boardwalk will bridge the ditch and continue for 100 metres across the Burgesses of Colyford land, before bridging the brook and entering the EDDC land ownership of Stafford Marsh, near to the sand martin nesting cliff.
- 2.6 The estimated footfall directly attributable to the tram halt is thought to be in the region of 25,000 people per year, mainly during the peak tourist season. However as this adds a truly unique aspect to the attraction's already popular offer, we fully expect these numbers to grow. The route chosen will bring people directly from the tramway to the heart of the Seaton Wetlands complex at an area known as Stafford Marsh, where our engagement hub 'The Discovery Centre' is located. This will allow the team to work with a highly commercial focus for these visitors to further grow donations for the site, which before COVID19 lockdown had grown to £6,700 in the calendar year of 2019, based on an annual visitor count of c.60, 000 people.
- 2.7 Devon County Council has budgeted and will commence work on a connecting stretch of the Stop Line Way cycle path between Black Hole Marsh and Seaton Marshes nature reserves this financial year and so allow a circular exploration loop of the lower Axe estuary to be made by visitors, providing an exciting draw for both wildlife enthusiasts and tourists. This will again help to further enhance the visitor experience to Seaton and boost the local economy.

Summary

Planning permission for the revised route has recently been granted and the proposal for a 5 year management fee also has been agreed with the Tram Company. Permission is sought from Cabinet to build this structure on Council land and thereafter for the Council to be responsible for the structure into perpetuity both on the Council's own land but also on the Burgesses of Colyford land.





Report to: **Cabinet**

Date of Meeting 25 November 2020

Document classification: Part A Public Document

Exemption applied: None

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Covid-19 Economic Response and Recovery - Resources

Report summary:

This report follows up on the one considered by Cabinet at the October meeting regarding the economic impact of the Covid-19 pandemic and how best to support recovery. The resolutions from this meeting included for Cabinet to receive a further report at the November meeting setting out the resource requirements associated with supporting economic recovery. The meeting preceded the announcement of a second national lockdown on the 31st October.

This report seeks to take stock of the current situation and puts forward recommendations regarding deploying the funds being made available through the Additional Restrictions Grant as well as the recruitment of additional economic development capacity. It is also recommended that Cabinet receive a further report setting out an assessment of the programme level resources that can be made marshalled to support economic recovery.

Recommendation:

It is recommended that Cabinet;

- Endorses the proposed spend framework for the deployment of monies that have been made available under the Additional Restrictions Grant (ARG)
- Approves the proposed discretionary grants policy to deploy £1m of these funds including the eligibility criteria, local priorities and grant payment levels as set out at Appendix A
- Delegates authority to the Service Lead (Growth, Development and Prosperity) in consultation with the Leader, Deputy Leader, Portfolio Holder for Finance and Chief Finance Officer to agree such further changes to this policy as may be required
- Delegates authority to the Chief Finance Officer to make any required technical changes to the Scheme
- Agrees that prior to the Service Lead (Growth, Development and Prosperity) taking a decision under the scheme that there is consultation with a group of members comprising the Leader, Deputy Leader and Portfolio Holders for Finance and Corporate Services & Covid-19 Response and Recovery and two Conservative members, one of the Independent members and one Cranbrook Voice member to be nominated by the respective Groups,
- Endorses the proposal to recruit two additional Senior Economic Development Officer posts for a fixed term of two years and recommends to Council that these are funded through the business rate retention pilot reserve
- Receives a further report on the programme level resources needed to support and sustain economic recovery including the balance of the ARG funds

Reason for recommendation:

To help to mitigate the impact of the second national lockdown on businesses in the District

To ensure that sufficient capacity is in place to deliver a programme of measures and initiatives to support economic recovery from the impact of the Covid-19 pandemic

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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 in the report. Recommendations relating to Additional Restrictions Grant are within the financial sum received from Government (£2,925,680). The request for two additional senior Economic Development Officer posts for a fixed two year period is estimated at a total cost for the 2 years of between £171,130 to £191,990 with on costs depending on the spinal point the posts are appointed on. It is recommended if approved the funding to be met from the 100% Rate Pilot Reserve set aside to protect and grow businesses in the District.

Legal implications:

What is proposed is permissible from a legal standpoint and the discretionary policy is in line with the relevant Government guidance. It is for Members to decide whether they are content with the approach advocated. There are no other implication requiring comment.

Equalities impact Low Impact

Climate change High Impact

An important part of the work of the roles being put forward will be to support a green economic recovery and the transition to a low carbon economy.

Risk: Low Risk

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](#)

[Covid-19 Economic Response and Recovery Report, Cabinet October 2020 Item 11](#)

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 Cabinet considered a report on the economic impact of the Covid-19 pandemic at the October meeting. This highlighted the profound effects that are already been experienced in the District including business failures and large scale redundancies. The expectation is that there will be further rises in unemployment, more business closures and ongoing challenges for the local

economy. These impacts will be felt disproportionately by some age/income groups, places and sectors. In tandem with the lingering uncertainty surrounding the outcome of Brexit negotiations, residents and businesses in the District face a period of unprecedented economic change. The report highlighted that the road to recovery will be both bumpy and prolonged.

1.2 The October Cabinet meeting preceded the announcement regarding a second national lockdown between the 5th November and 2nd December. The effect of this will be to accentuate the issues and impacts identified above.

1.3 A recommendation within the October report was for a follow up paper setting out the resource requirements associated with supporting economic recovery to come to the November Cabinet meeting. Subsequent to this the government has now confirmed the monies that are being made available to mitigate the impact of the second national lockdown in the form of two grant schemes – the Local Restrictions Support Grant, which launched in the District on the 13th November and can provide grants of up to £3,000 to businesses required to close due to national lockdown restrictions, and the Additional Restrictions Grant. This report considers the latter of these grant schemes.

2. Additional Restrictions Grant

2.1 On the 31st October 2020, the Government announced the introduction of additional support for Local Authorities under national and Local Covid Alert Level 3 restrictions. This support takes the form of a one-off lump sum payment called the Additional Restrictions Grant (ARG) to be used before 31st March 2022. The Council has been awarded a sum of £2,925,680. This has been calculated based on £20 per head of population using the Office National Statistics (March 2020).

2.2 The government's [Additional Restrictions Grant: Guidance for Local Authorities](#) document provides details of potential beneficiaries of this scheme. It is intended to support businesses that have had their trade affected by the restrictions. This includes:

- closed businesses that don't pay business rates
- businesses that have not been required to close, but are still severely impacted

Each local authority has the discretion to establish business grant schemes or other business support as best fits their area.

2.3 It is for Local Authorities to determine how best to split the funding between discretionary grant schemes and other wider business support schemes/activities. Learning from experience with the grant schemes deployed in relation to the first national lockdown, there has been collaborative working across the Devon authorities to help scope out a consistent framework for how this can best be deployed. Devon County Council has commissioned a policy consultant to draft this document which will include setting out key principles. This will provide a robust and consistent outline which is based on shared understanding.

2.4 Members will remember the Discretionary Grant scheme that ran between June and September of this year and deployed £2,410,500 of funds to circa 300 business and organisations in the District. The maximum grant level under this scheme was £25k which was aligned with the maximum available to businesses in the retail, hospitality and leisure sectors and those in receipt of Small Business Rate Relief or Rural Rate Relief under non-discretionary grant schemes. Adopting the same principle now would mean a maximum grant level of £3k to align with the Local Restrictions Grant fund.

2.5 Given that both more funds are available overall through the ARG than with the first discretionary grant scheme and that there is also a much smaller maximum grant size (to reflect the shorter lockdown period), this raises the prospect of there being significant headroom available

with which to adopt a more strategic approach to supporting economic recovery. The emerging framework for Devon suggests that the funds should be divided broadly equally as follows;

- 1/3rd towards a discretionary grant scheme to support businesses impacted by the current national restriction period to December 2nd
- 1/3rd towards strategic economic development projects and priorities to support a wider range of businesses
- 1/3rd be maintained in case of further national restrictions before March 2022 – the Government has made it clear that no further ARG monies will be made available in the event of further national restrictions prior to this date.

2.6 In line with this overarching framework it is a specific recommendation of this report that the following spend framework is endorsed in terms of the ARG funds;

- £1m towards a discretionary grant scheme to be deployed in line with an agreed policy
- £1m towards strategic economic recovery projects and priorities - initial thinking is that this could take the form of a grant scheme to support business adaptation, resilience and innovation
- £925,680 to be held in reserve

2.7 Given the wider economic circumstances it is clearly important that the funds are deployed to best effect as quickly as possible. In relation to the discretionary grant scheme it is further recommended that the policy attached at Appendix A is approved. This includes the eligibility criteria and grant payment levels. Subject to this policy being approved and other operational matters being addressed, the scheme can then be launched as soon as possible after the Cabinet meeting.

2.8 With regard to the further £1m scheme it is the intention to bring a proposal to the next Cabinet meeting alongside consideration of wider programme level resources to support recovery (see below). This would then allow this scheme to be mobilised at the beginning of 2021 which coincides with a planned BEIS spending review in January.

3. Economic Development Resources

3.1 The Economic Development team is currently comprised of 2 full time equivalent roles. Whilst the team has responded with speed and agility to large scale redundancies and the need to deploy business grant programmes over the course of the last nine months, this work has necessarily been reactive and has been undertaken at the expense of progressing other planned activity.

3.2 The need to properly address the economic challenges facing the District and support economic recovery over the longer term will demand a more proactive approach. For example this will include the potential to develop specific support programmes for particularly affected groups in the District (the October report highlighted rising unemployment in the 16-24 and over 50 age groups) or to harness and support business opportunities such as local sourcing and promoting a green economic recovery. There are also clear links with other strategic priority areas including in relation to addressing poverty and the opportunity to build back a more resilient, inclusive and sustainable economy.

3.3 To be able to adopt this more proactive approach additional capacity is first required. The proposal is therefore to recruit two Senior Economic Development Officer roles (grade 8) for a fixed two year term. These roles would be funded from the 100% business rate retention pilot reserve. The roles would be focused respectively on 'people' and 'place', this being aligned with the themes identified in the Team Devon Business and Economic Recovery prospectus. Whilst formal job descriptions have yet to be finalised, an indication of the likely scope of activity for each role is given below;

People

EDO: Employment and Enterprise

- **Redundancy response** – working direct with management teams of business making redundancies of any scale (<20 and HR1). Ensure every affected employee receives up to date information on the support available and connect them with our existing support network. Liaise with DWP redundancy response as required and ensure the business receives support if seeking to continue trading.
- **Employment & Skills lead** – engagement with employers, training and education providers to identify and mitigate specific skills gaps
- **Kickstart** – Establish EDDC's Kickstart Gateway service, encouraging and supporting our employers to offer fully funded 6 month kickstart placements to UC claimants in East Devon between 16-24 yrs. Coordinate all elements of employer liaison, bid development, funding and wage payments
- **Lead liaison for EDDC's own kickstart placements** – work with team leaders to identify and put in place the right training for each of EDDC's kickstart placements. This will involve coordinating training provision with external providers to ensure the right wrap around support is provided.
- Ensure meaningful targets are included in **employment and skills plans** provided as a requirement of all major development in district. Monitor and report on delivery of these pledges.
- Link with **Financial Resilience Officer** in benefits team
- Work with the **LEP and other partners** on relevant economic and skills policy issues
- Establish and deliver EDDC's **Enterprise Support Programme** – Working with DWP and Benefits colleagues to unlock Community Support and Hardship Funding which will be used to remove barriers to benefit claimants becoming self-employed.
- Provide self-employment **advice and guidance** to residents affected by redundancy as part of our coordinated response network.
- Targeting **self-employment support** to those groups worst impacted (16-24 yrs and 50+)

Place

EDO: Prosperity and Investment

- Develop and deliver a **pipeline of investment projects** working with key partners such as the LEP to access funding streams including;
 - o Shared Prosperity Fund
 - o High Streets
 - o Towns Fund
- Support the **Team Devon Business and Economy Recovery** programme by targeting vulnerable places including market and coastal towns
- Ensuring that places have credible initiatives and projects to **address structural changes** including those facing the High Street and workspace provision
- Ensure that critical **infrastructure improvements** are secured e.g. digital, employment sites
- Develop concept and projects that will help to **secure clean growth** and promote a green recovery
- Gather **intelligence and evidence** and help inform strategy and policy development including the new Local Plan
- Respond to **planning applications**
- Lead the commissioning of the **Our Towns** study – lead on delivery of this when things settle

- **Brexit/UK Transition** – export support, liaising with relevant agencies and support providers.
- Leverage in **external funding**, for example from the LEP

4. Programme level resources

4.1 As well as addressing capacity constraints there is a need to ensure that resources are in place to underpin the wider programme of activity to support economic recovery as outlined in the October report. Given the scale of the challenge, sustained effort and investment will be required. The Team Devon Business and Economic Recovery Prospectus provides an overarching framework for this and the County Council has recently committed substantial additional funding to support delivery.

4.2 There are clear linkages here to the development of Poverty Strategy. There is already evidence that it is the lowest incomes groups that are being most severely impacted by the pandemic. The work to support economic recovery needs to ensure that these groups directly benefit from this. The Council has supported the provision of healthy and nutritious food for low income households, especially during school holidays, and welcomes the government's change of position on funding such provision. We will work with the County Council to ensure that a local scheme is in place to ensure children access a good diet over the Christmas break. Our emerging Poverty Strategy will look to ensure that a more sustainable approach to food poverty is developed locally between a range of partner organisations.

4.3 The funding for the posts outlined above is proposed to come from monies received from the 100% business rate retention pilot. Approximately £2.5m is available in this reserve which is intended to promote new and safeguard existing business in the District. This provides scope to put in place a significant economic recovery programme, particularly where this is able to also leverage third party funding. This should also help to safeguard business rate income in the District.

4.4 It is proposed to bring a further paper to the next Cabinet meeting detailing the programme level resources that can be marshalled to support economic recovery in the District. As well as the Council's own funds, including those related to the ARG detailed above, this will include consideration to leveraging external funding through developing a pipeline of investment ready projects.

5. Conclusion

5.1 The impact of the pandemic on the local economy has been profound. These effects have been felt disproportionately by certain age/income groups, places and sectors. Sustained effort and investment will be required to support recovery for the benefit of both our residents and business community. There is an opportunity to build back a more resilient, inclusive and sustainable economy.

5.2 As well as launching a grant scheme to help to mitigate the impact of the current lockdown, this report puts forward a proposal to help secure and marshal the additional capacity and resources required to enable a more proactive approach to be adopted over the next two years. Further consideration will be given to programme level resources through a further Cabinet paper. This will include considered how best we can work with our partners to help stretch available resources.

Appendix A: Addition Restrictions Grant Discretionary Scheme Policy



East Devon District Council Additional Restrictions Grants (ARG) Scheme

DRAFT

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Definitions

The following definitions are used within this document:

'Additional Restrictions Grant (ARG)' means the additional funding provided by Government. Funding will be made available to eligible Local Authorities at the point that national restrictions are imposed or at the point the Local Authority first entered LCAL 3 local restrictions;

'the Council'; means East Devon District Council;

'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 or the date of widespread national restrictions. For the purpose of this scheme the date cannot be before 14th October 2020;

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

'Local Covid Alert Level' (LCAL) means the level of alert determined by Government and Local Authorities for the area. LCALs have three Tiers. Tier 1 (Medium): Tier 2 (High) and Tier 3 (Very High). For the purposes of these schemes the definitions used are LCAL1, LCAL2 and LCAL3.

'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 (Closed)'; means the grant scheme developed by the Council in response to an announcement made by the Secretary of State for Business, Energy & Industrial Strategy made on 9th September 2020 and amended on 9th October 2020 and which is applicable to businesses forced to close under either LCAL3 or where national restrictions are in place;

'Local Restrictions Support Grant Scheme (Closed) Addendum'; means the changes made to the Local Restrictions Support Grant Scheme (Closed) due to widespread nationwide restrictions;

'Ratepayer'; means 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 or widespread national 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 Additional Restrictions Grant Scheme (ARG). The Council, as the Business Rates Billing Authority is responsible for payment of these grants.
- 1.2 This discretionary grant scheme has been developed by the Council in response to an announcement made by the Secretary of State for Business, Energy & Industrial Strategy made on 31st October 2020 which sets out the basic circumstances whereby an additional restriction grant payment may be made by the Council to a business which has to close or are severely affected due to localised or widespread national restrictions being put in place to manage coronavirus and save lives.
- 1.3 Whilst the awarding of grants will largely be at the Council's discretion, the Department for Business, Energy & Industrial Strategy (BEIS) has set down criteria which **must** be met by each business making an application.
- 1.4 This scheme applies for the period of the current widespread national lockdown. National restrictions are nationally binding widespread restrictions imposed by Parliament under legislation. The current national restrictions are made under the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020.
- 1.5 Additional Restrictions Grant will be available for the 2020/21 and 2021/22 financial years only.

2.0 Funding

- 2.1 Under the Additional Restrictions Grant Scheme (ARG) provisions, Local Authorities will receive a one-off lump sum payment amounting to £20 per head in each area when local restrictions (LCAL3) or widespread national restrictions are imposed.
- 2.2 Once the Council's area is removed from local restrictions (LCAL3) or widespread national restrictions, no additional funding will be received from Government even if either the local restrictions or widespread national restrictions are re-instated.
- 2.3 The Council has been allocated an amount of £2,925,680 which will be used as follows:
 - (a) £1m which will be committed towards the current widespread national restriction period of 5th November 2020 to 2nd December 2020 and will support business through the widespread national lockdown;
 - (b) £1m of the available funds will be used by the Council in order to support strategic Economic Development projects. These will be designed to support a wide range of businesses both during and post the COVID-19 crisis; and
 - (c) £925,680 will be retained in case of further national restrictions before 31st March 2022 (to allow for any subsequent discretionary grant programme requirement).
- 2.4 The Council reserves the right to vire amounts between each of the funds as necessary either to meet the demand of applications for grants or to support businesses through

strategic Economic Development projects should any amount of the initial grant funds remain.

3.0 Eligibility criteria and awards

- 3.1 The Council is able to use this funding for business support activities and Government envisage that this will primarily take the form of discretionary grants although it can be used for wider business support activities.
- 3.2 If Local Authorities use the Additional Restriction Grant for direct business support grants, Government has stated that the same conditions of grant **must** apply as for the Local Restrictions Support Grant (Closed) scheme. However, the Council will have the discretion to alter the amount of funding offered to individual businesses and the frequency of payment.
- 3.3 Government has stated that the Council *may* also consider making grant payments to those businesses which, while not legally forced to close are nonetheless severely impacted by the restrictions put in place to control the spread of Covid-19. Government has also stated that the Council may also wish to assist business which are outside of the rating system and which are effectively forced to close.
- 3.4 This document details the eligibility criteria for the widespread national restriction period 5th November 2020 until 2nd December 2020.

Eligibility Criteria - widespread national restriction period

- 3.5 For the purposes of this scheme the Council has decided that the following eligibility criteria must be met in order to receive an Additional Restriction Grant (ARG) during the widespread national restriction period.
- 3.6 In line with Government guidance, the Council's Additional Restrictions Grants (ARG) scheme will support businesses that have had their trade affected by the current restrictions. This includes closed businesses that don't pay business rates as well as businesses that have not been required to close but are still severely impacted by the restrictions
- 3.7 The Council particularly encourages applications from businesses both within and which supply the retail, hospitality and leisure sectors, including the events sector. In prioritising support to those businesses most adversely impacted by the current restrictions, the Council will be proactive in communicating the availability of the Additional Restrictions Grants (ARG) to retail, hospitality and leisure related businesses, including those with whom the Council had contact in relation to the previous Local Authority Discretionary Business Grants.
- 3.8 Businesses and organisations which are not included within the specific list of exclusions detailed within this scheme will be able to apply to the Additional Restrictions Grants (ARG) scheme if sufficient evidence can be provided that they have been 'severely impacted' by

the current national restrictions. This includes non-excluded home-based and mobile businesses that can evidence they are registered companies or sole traders.

- 3.9 Each application will be considered on a case-by-case basis and the Council considers 'significant impact' to describe an evident drop in the businesses' normal trading, income or service provision of at least 25% compared to a more representative period of comparable trading. It should be shown that this decreased level of trade is a direct consequence of the period of national restrictions, and not as a result of more predictable (e.g. seasonal) fluctuations in demand.
- 3.10 Full details on how to claim are shown in Section 4.
- 3.11 To prevent overspend from the Council's allocation of funding, applications will not be accepted from any business that is eligible for either an award from the Local Restrictions Support Grant (Closed) Scheme.
- 3.12 Notwithstanding the above, there will be provision for 'special cases' to be considered within the Council's ARG Policy. Businesses within East Devon who are experiencing exceptional circumstances will be required to email arg@eastdevon.gov.uk with specific justifications for support and full details of their case for consideration by the Service Lead – Growth, Development & Prosperity.
- 3.13 Only one Additional Restrictions Grants (ARG) will be awarded to any business covering the current 4-week national lockdown period (5th Nov 2020 to 2nd Dec 2020). The Council will make payment as a single sum. Any subsequent period of new national restrictions will require a new application for Additional Restrictions Grants (ARG) from any business which would be required to satisfy what may be different eligibility criteria for that scheme. No automatic right of approval for any subsequent grant is implied or should be assumed of from the current scheme.

Award Levels

- 3.14 The Council has decided the following grant award levels for the current widespread national restrictions;

Total payment per 28 days (5th November 2020 to 2nd December 2020)	
Where the business suffers a significant financial impact; or where the business is closed, and the business is not subject to Non-Domestic rating;	£934
Where the business suffers a significant financial impact is subject to Non-Domestic rating; RV £0 - £15k	£934
Where the business suffers a significant financial impact is subject to Non-Domestic rating; RV £15 - £51k	£1,400

Where the business suffers a significant financial impact is subject to Non-Domestic rating; RV £51k+	£2,100
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Excluded businesses

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

- (a) Businesses which can obtain a grant under the Local Restrictions Support Grant Scheme (Closed);
- (b) Businesses in areas outside the scope of the restrictions, as defined by Government and not subject to a widespread national restriction;
- (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; and
- (e) Businesses that were in administration, are insolvent or where a striking-off notice has been made at the date of the local restriction or widespread national restriction.

3.16 In addition to the above and to ensure limited grant funds are prioritised to those businesses most severely impacted by the current national restrictions, the following businesses and hereditaments are specifically excluded from Council's Additional Restrictions Grants (ARG) scheme:

- Any properties or parts of properties used for personal use
- Charitable business receiving other help from public funds;
- Show homes;
- Car parking;
- Storage containers; Containers; Storage premises;
- Yards, land or properties used for storage only;
- Advertising or advertising stations or hoardings;
- Communication stations or telecommunication equipment
- Solar panel sites;
- ATM's, cash machines or equivalent;
- Schools / Academies / Educational establishments and premises (which are publicly funded);
- Lockers; Beach huts or similar structures; and
- Any premises where the Council consider that a Bed and Breakfast business is basically "home sharing" and advertised solely online through "home sharing" websites will not be eligible for this fund.

The Effective Date

3.17 The effective date for eligibility is the 5th November 2020 being the date of the widespread national restriction. Businesses **must** have been trading on the day prior to national restrictions to be eligible to receive grant support.

Who can receive the grant?

- 3.18 Government has stated that 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 effective date. Where there is no entry in the rating list for the business, the Council will have discretion to determine who should receive the grant.
- 3.19 Where the Council has reason to believe that the information it holds about the ratepayer or applicant at the effective date is inaccurate, it may withhold or recover the grant and take reasonable steps to identify the correct ratepayer or applicant.
- 3.20 Where, it is subsequently determined that the records held are incorrect, the Council reserves the right to recover any grant incorrectly paid.
- 3.21 Where any business or individual 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 person is found to have falsified records in order to obtain a grant.

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 Council's Additional Restrictions Grant (ARG) scheme together with the Local Restrictions Support Grant (Closed) will offer a lifeline to businesses who are struggling to survive during to the COVID-19 crisis.
- 4.2 Full details of the Council's scheme, including how to apply are available online at <https://eastdevon.gov.uk/coronavirus-covid-19/businesses-employers-and-employees/business-grants/> and marketed via the East Devon business update which all businesses are encouraged [to subscribe to](#).
- 4.3 The application form is available to complete with effect from 26th November 2020 (subject to systems development resource) and this initial scheme remain will remain open for a period of 3 weeks to the 17th December 2020. The Council reserves the right to close the scheme earlier should the allocated funding be exhausted.
- 4.4 All applicant businesses will be required to upload up to date bank statement(s) (for the account used by the business). This must contain the name of account, sort code and account number for verification purposes.
- 4.5 The Council will undertake both pre- and post-payment anti-fraud checks. Any attempt to fraudulently claim public grant funding will result in funds being recovered and legal action being taken.
- 4.6 In all cases, businesses will be required to confirm that they are eligible to receive the grants. Businesses are under an obligation to notify the Council should they no longer meet the eligibility criteria for any additional grants.

- 4.7 The Council reserves the right request any supplementary information from businesses, and they should look to provide this, where requested, as soon as possible.
- 4.8 An application for an Additional Restriction Grant is deemed to have been made when a duly completed application form is received via the Council's online procedure.
- 4.9 All monies paid under this scheme will be funded by Government and paid to the Council under S31 of the Local Government Act 2003.

5.0 EU State Aid requirements

- 5.1 Any 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 are not required to make that declaration to the Council or to complete any declaration statement.

6.0 Scheme of Delegation

- 6.1 The Council has approved this scheme.
- 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.
- 6.3 The Council reserves the right to change this scheme at any time.

7.0 Notification of Decisions

- 7.1 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 a review 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. This decision shall be final.

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 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 the 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.

11.0 Managing the risk of fraud

11.1 Neither the Council, nor Government will accept deliberate manipulation of the schemes 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 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.

DRAFT

Report to: Cabinet

Date of Meeting 25 November 2020

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Towards Zero Carbon Development in the West End

Report summary:

The purpose of this report is to seek authority for the use of an Exemption from Contract Standing Orders to enable the appointment of consultants WSP to support the development of a bid to the Government's Heat Network Investment Programme (HNIP). This follows the completion of the initial feasibility study in relation to supporting the delivery of low carbon development in the West End of the District that was reported to Cabinet in September.

Recommendation:

Approve the use of an Exemption from Contract Standing Orders to enable the appointment of WSP to undertake further technical work in support of an application to the Heat Networks Investment Programme.

Reason for recommendation:

Having undertaken the initial feasibility study, WSP are considered to be uniquely placed to support the development of a bid to the HNIP programme. This will be of a substantial scale – seeking in excess of £5m – and it is vital, in order to maximise the chances of success, that it is supported by a robust evidence base. The exemption will also enable demanding timescales and deadlines to be met.

Officer: 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:

Financial details are contained in the report.

Legal implications:

Cabinet can grant an exemption to the requirements of Contract Standing Orders pursuant to Rule 3.1 provided the sum involved is below the EU Threshold. The sum involved here is below the EU Threshold and therefore an exemption can be validly given. The reason for the exemption seems justified in this instance.

Equalities impact Low Impact

Climate change High Impact

Risk: Low Risk The main risk relates to timing and getting a well worked up bid submitted by the January deadline. Commissioning WSP is core to this managing this risk.

Links to background information

[Zero Carbon Development in the West End – Report to Cabinet 10th July 2019 item 13](#)

[Towards Zero Carbon Development in the West End – Report to Cabinet 30th September 2020 item 14](#)

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

1.1 The Cabinet meeting on the 10th July 2019 considered a report on the delivery of zero carbon development in the West End of the District. This put forward a proposal to seek funding to undertake a study to define a clear pathway to achieving this standard. A subsequent funding bid to the Department for Business, Energy and Industrial Strategy's Heat Network Development Unit (HNDU) was successful and an award of £85k was made.

1.2 Subsequently consultants WSP were commissioned through a competitive tender exercise to undertake a detailed techno-economic feasibility study. The outcome of this study was reported to Cabinet on the 30th September 2020. Cabinet endorsed the principle of pursuing a bid for capital funding from the Government's Heat Network Investment Programme (HNIP). In the interim period work has continued in conjunction with EON and other partners including the City and County Councils to develop this bid. The deadline for the next application round is the 4th January 2021.

1.3 WSP have now fulfilled the terms of their original brief and have produced a high quality piece of work. Further technical support is required in order to maximise the chances of submitting a successful bid to the HNIP programme including economic modelling.

1.4 Given that they undertook the initial feasibility study, WSP are considered to be uniquely placed to support this bid. An Exemption from Contract Standing Orders is sought to enable their continued appointment. Their expertise will be also be utilised in relation to reconvening of the examination of the Cranbrook Development Plan Document to support the proposed zero carbon development policy.

2. Budget

2.1 The overall budget for this additional work is up to £40k. This will be met from the residual funds still available from the initial HNDU award and from existing budgets.

3. Business Benefits for an Exemption:

3.1 The delivery of zero carbon development, both residential and commercial, in the West End of the District is a long standing commitment and is core to the Council's ambitions in terms of securing meaningful carbon savings and the development of the Climate Change Acton Plan. This has the potential to save circa 20,000 tonnes of CO₂ per annum, the largest such saving of any

project planned in the District currently. It will therefore make a major contribution to the Council's climate change objectives.

3.2 Having undertaken the initial feasibility work, WSP are considered to be uniquely placed to support the development of a bid to the HNIP programme. This will be of a substantial scale – seeking in excess of £5m – and it is vital, in order to maximise the chances of success, that it is supported by a robust evidence base. The exemption will also enable demanding timescales and deadlines to be met.

4. Conclusion

4.1 The use of an Exemption from Contract Standing Orders to allow the continued appointment of WSP will enable a high quality bid to be submitted to the HNIP programme that also meets the demanding timescales and deadlines. A further report to Cabinet on the HNIP application will be forthcoming.

Report to: **Cabinet**



Date of Meeting 25 November 2020

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Resourcing within Democratic Services

Report summary:

To explain the work pressures within Democratic Services and to request additional resource in the form of one Grade 6 post.

Recommendation:

That Cabinet agree to an additional Grade 6 post (one FTE) within Democratic Services and recommend to Council to approve the necessary budget.

Reason for recommendation:

To ensure that Democratic Services are able to fulfil their function in relation to the Council's governance arrangements.

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

Portfolio(s) (check which apply):

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

Financial implications:

This is request for an additional staff resource with an associated annual cost of between £33,790 and £37,270. This will require an additional budget and was not assumed in the Medium Term Financial Plan (MTFP) assumptions previously presented to members. If approved this will add to MTFP financial budget gap and will be require to be found as part of preparing the 2021/22 budget for Members consideration.

Legal implications:

There are no implications requiring comment

Equalities impact: Low Impact

Climate change: Low Impact

Risk: Medium Risk; Not having sufficient resources within Democratic Services means the Council is at risk of not properly following its legal duties and constitutional requirements in terms of governance arrangements.

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

Report in full

1. Democratic Services provide the governance administration function within the Council. This necessitates the organisation, calling and clerking of all the formal Council meetings and related panels and forums as well as liaising with other bodies and organisations to ensure the Council is appropriately represented where there are joint responsibilities or involvement outside of the organisation.
2. Since May 2019, there has been a number of additional groups created and there continues to be decisions to create groups or change the remit of groups, all of which has, and will continue to, create extra work for the Team. For example, new groups include the Car Parking TaFF, Governance Review Working Party, Housing Company TaFF and Poverty Working Panel while the Exmouth Queens Drive Delivery Group has now become public. The increasing workload has been flagged to the Cabinet / membership before in the reports when some of these groups have been created.
3. In addition there are more meetings being called than those programmed which are necessary to deal with business e.g. Strategic Planning Committee (GESP), Cabinet and as well as Council. It goes without saying that these increase the burden on the team and impact negatively on their capacity.
4. It is accepted that some of the additional work due to the above is as a consequence of Covid-19, but this pandemic has of itself caused extra work load, not least due to the requirements of virtual meetings - having to implement Zoom - and ensure meetings are capable of delivering governance arrangements. This latter aspect has necessitated having more than one member of staff in attendance due to the complexity of the meeting arrangements and having to provide a 'second' (and occasionally a third) to protect against technical issues affecting the primary host as well as a lot more administration in terms of meeting preparation work. These resource implications remain live and are likely to continue into next year. One can foresee the Government extending the flexible meeting arrangements in May and more longer term it is reasonable to expect that there will be changes to permit more flexible arrangements (e.g. hybrid meetings) going forward. Invariably any change that permits anything other than a return to the Council Chamber is likely to cause increased resourcing issues.
5. The Team currently comprises a manager and five permanent members of staff (overall equivalent to 5.2 FTE). In late 2019 and early in 2020 one of the permanent members of staff was off with a long term sickness issue and during that time cover was provided by way of agency support (effectively on a full time basis). Despite the employee returning to work following the sickness, the agency employee has continued to work and is currently working for us on a full time basis.
6. The above demonstrates that the work levels are such that there is justification for the additional post. Indeed, if we were to cease using agency support the Team would not have

capacity to take on the work leading to real risks in terms of the administration of the Council's business as well as the welfare within the Team. While including a post in the staffing compliment, it would save unbudgeted agency expenditure.