

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Cabinet held at Online via the Zoom app. on 31 March 2021**

#### **Attendance list at end of document**

The meeting started at 6.00 pm and ended at 9.11 pm

#### **357 Public speaking**

Josie Parkhouse spoke on minute 381 Restarts Grants. She asked questions concerning the council's spending of Covid-19 grants. She wanted to know how much undistributed funding had been sent back to the treasury and did the council take into account whether businesses had received other sources of central government funding. Were home-based businesses and their associated costs being accepted? Would businesses that had not been successful be recognised if there was to be a further lockdown in the future? She stated there was evidence some businesses had not been successful in receiving ARG funding due to not falling under the categories of retail, tourism and leisure so less important to the local economy.

In response the Chair explained there had been numerous successful schemes over the last year that officers had worked hard to implement, with changes to the criteria as each scheme was set up. The Portfolio Holder Economy and Assets said he would write to Josie Parkhouse with the answers to her question in more detail. He stated the council was basing its schemes on national guidance and each local authority's guidance was different due to its specific economic circumstance.

#### **358 Minutes of the previous meeting**

The minutes of Cabinet held on 17 March 2021 were confirmed as a true record.

#### **359 Declarations of interest**

Min 357. Public speaking.

Councillor Paul Arnott, Personal, Runs a B&B that has benefitted from these additional grants.

Min 370. Sidmouth and East Beach BMP.

Councillor John Loudoun, Personal, Ward member for area directly affected and member of the Sidmouth Beach Management Steering Group.

Min 371. Exmouth Beach Management Scheme.

Councillor Nick Hookway, Personal, Ward Member for Exmouth beach area.

Min 371. Exmouth Beach Management Scheme.

Councillor Steve Gazzard, Personal, Min 371 Exmouth Town Councillor.

Min 373. Recommend the adoption of Events Strategy and Policy.

Councillor Steve Gazzard, Personal, likely to request permission for a personal event.

Min 379. Exmouth Sideshore car park.

Councillor Paul Millar, Personal, Council appointed Director for Queen's Drive Exmouth Community Interest Company.

Min 381. Restart Grants.

Councillor Paul Hayward, Personal, Treasurer to charity (Newton Poppleford Playing Field Foundation) that could be a potential recipient from this scheme.

360 **Matters of urgency**

There was one late report dealt with under minute 381 Restart Grants.

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

None

362 **Forward Plan**

Members agreed the contents of the Forward Plan for key decisions for the period 1st April to 31 July 2021.

363 **Minutes of Poverty Working Panel held on 15 February 2021**

Members received and noted the Minutes of Poverty Working Panel held on 15 February 2021.

364 **Minutes of LED Monitoring Forum held on 23 February 2021**

Members received and noted the Minutes of LED Monitoring Forum held on 23 February 2021.

365 **Minutes of Arts and Culture Forum held on 24 February 2021**

Members received and noted the Minutes of Arts and Culture Forum held on 24 February 2021.

366 **Minutes of Car Parking TaFF held on 3 March 2021**

Members received and noted the Minutes of Car Parking TaFF held on 3 March 2021.

367 **Minutes of Scrutiny Committee held on 4 March 2021**

Members received and noted the Minutes of Scrutiny Committee held on 4 March 2021.

368 **Minutes of Asset Management Forum held on 9 March 2021**

Members received and noted the Minutes of Asset Management Forum held on 9 March 2021.

369 **Exemption from Standing Orders - Appointment of TerraQuest**

The Service Lead Planning Strategy and Development Management stated the purpose of the report was to notify Members of the use of an Exemption from Standing Orders to enable the appointment of TerraQuest (part of the Planning Portal) to help the Development Management Team.

Discussions included the following:

- The planning team needed this extra support as were working under extreme pressure due to enormous increase in applications
- This represented value for money compared to hiring planning consultants
- TerraQuest had come with excellent references and had been working closely with planning officers to ensure both sides were happy with what it delivered
- applications could well be increased due to the possible trend of people wanting to live in the area as a result of the pandemic
- key point was that this allowed for more efficient use of officers' time and expertise

**RESOLVED:**

that the use of an Exemption from Standing Orders to enable the appointment of TerraQuest to support Development Management with the process of checking that planning application have been submitted with all the necessary information, be noted.

**REASON:**

To enable the appointment of TerraQuest to assist the Development Management team.

370 **Sidmouth and East Beach BMP**

Following further funding eligibly for the Sidmouth and East Beach BMP, there was a decision to be made on whether to continue with the preferred (working draft) option and submitting the OBC to the Environment Agency soon; to enable the project to start construction within 2 years. Or whether to pause the project and revisit previous options in the BMP dismissed on unaffordability grounds when first proposed.

Cabinet and members wished to thank Tom Buxton-Smith, Engineering Projects Manager and his team for turning around this controversial scheme, to be more positive and starting again to make the scheme more acceptable to the residents of Sidmouth and improve the amenities at the beach.

**RESOLVED that Cabinet;**

1. Pause the project for 6 months to look at viability of other previously dismissed options, given they may now be affordable.
2. Approve the investigation of temporary planning permission and installation of rock armour at East Beach.

**RECOMMENDED to Council;**

3. that the council's budget contribution be raised from £375k to £500k (£125k increase) to match the figure discussed throughout the BMP process
4. the approval of a further £125k 'forward loan' budget should it be required.

**REASON:**

The Advisory Group were polled on the following:

1. Pause the project to explore other options, which would include investigating and delivering as appropriate temporary protection for East Beach should the delay in delivering protection at East Beach pass the current 2 year time scale envisaged.
2. Continue with Option A, the revised preferred option proposal.

The poll outcome was as follows

12 votes for investigating alternative options due to greater affordability.  
3 Votes for continuing with Option A.  
1 Vote Abstain.

### 371 **Exmouth Beach Management Scheme**

Work towards a Beach Management Plan was undertaken in 2013 which assessed Exmouth alongside Dawlish Warren, the latter of which required extensive works at the time. Since it was written, the management of Exmouth has been split from the work at Dawlish Warren, and the Environment Agency's Coastal Protection Scheme addressing flood and coastal risk to the western end of the frontage is nearing completion. There was ongoing depletion of beach material which was affecting the useable space on the shoreline and had uncovered infrastructure on the beach such as storm outfalls.

The proposal seeks to investigate and explore the issues and options for improvement to the beach. Based on the existing 2015 Beach Management Plan, the report was to recommend setting up an Advisory group to assist the scoping of potential beach works (Beach Management Scheme) that could be carried out pending funding being found.

Discussions included the following:

- Pleased local knowledge had been sought
- Beach has changed beyond recognition, huge area of sand lose
- Exmouth beach front was the jewel of the crown for the town, concerns to what may happen to tourism if these issues were not addressed
- The whole of the town's economy relies on the seafront, recycling of sand was a short-term measure
- The need to raise the profile of this problem with the Environment Agency
- The need to work with numerous partners to get structure and knowledge to go forward with the plan

The Portfolio Holder Culture, Tourism, Leisure and Sport wished to thank Tom Buxton-Smith, Engineering Projects Manager and his team for the report.

#### **RESOLVED:**

1. that the content of the report and need to set up an Exmouth Beach Management Plan Steering Group to advise Cabinet and the proposed terms of reference for it, be noted,
2. Request that following being established the Exmouth Beach Management Plan Steering Group progress work towards developing a new beach management plan for Exmouth, with further reports to be brought back to Cabinet as it developed and identified whether any interim actions were required.

#### **RECOMMENDED to Council:**

3. that the Steering Group be established on the basis of the Terms of Reference appended to the report and that its membership be agreed at the Annual Meeting of the Council.

#### **REASON:**

Exmouth beach and seafront was an important asset to the town and wider area. It provided recreational facilities to local residents as well as bringing in both day visitors and holiday makers. The visitors to the beach provided an economic benefit to the town and local businesses, many of whom were reliant on the tourist trade. Beach works were unlikely to attract significant central government funding, so expectations on what could

be afforded should be realised and what could be done with whatever funds were available should be guided by an advisory group made up of local beach users. This group would consider various options and the likely funding required, and make recommendations to cabinet. Although the existing BMP was due for updating, given the beach loss it seemed prudent to advance any physical works as quickly as feasible, rather than delay by updating the BMP first.

The BMP would need to be updated and it would be an efficient use of resources to follow the design and implications of any physical works with an updated BMP.

This would fulfil the current service plan objective to look at options for managing Exmouth Beach following the 2015 BMP and its outstanding action to address beach levels from the 2020s.

### 372 **Financial Monitoring Report 2020/21 - Month 11 February 2021**

The Finance Manager gave a summary of the Council's overall financial position for 2020/21 at the end of month eleven (28 February 2021). Current monitoring indicated that:

The General Fund Balance was being maintained at or above the adopted level.

A significant overspend against budget was predicted from a combination of additional expenditure and reduced income as result of Covid-19. This overspend was being mitigated through additional Government Funding, including the income guarantee scheme, the healthy financial position of the General Fund Balance as a result of 2019/20 Outturn position and steps taken by services. The shortfall remained in line with earlier forecasts and as previously agreed would be covered by use of the General Fund Balance which leaves the balance within the adopted range with no further action required.

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

The Portfolio Holder Finance wished to applaud the efforts of John Symes and his team in what had been a difficult period.

#### **RESOLVED:**

that the variances identified as part of the Revenue and Capital Monitoring process up to Month 11 be noted.

#### **REASON:**

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

### 373 **Recommend the adoption of Events Strategy and Policy**

East Devon had a tradition of hosting successful, large events which had been shown to boost the local economy. The council had also facilitated many events that were delivered directly by community groups. East Devon District Council currently supported over 300 events per year and a significant proportion of these events were community led.

The Events Strategy was designed to support the marketing and promotion of East Devon public realm spaces that could be used for different types of events across the District. The Events Policy was to ensure local consultation and collaboration, allowing for the delivery of safe, legal, efficient and successful events, avoiding duplication and providing excellent customer service.

Discussions included the following:

- The importance of consultation and getting public coordination of ideas
- Town and Parish councils need to be included as key stakeholders
- The policy shows openness and transparency for anyone wishing to run an event as well as showing what the council could offer

Cabinet wished to thank the Events team for doing a fantastic job especially during a pandemic and all its rule changes; appreciating the amount of hard work it took to get events up and running.

**RESOLVED:**

that the Events Strategy and Events Policy be adopted with delegated authority granted to the Strategic Lead Housing, Health and Environment to make minor amendments to the policy in consultation with the Portfolio Holder Culture, Tourism, Leisure and Sport.

**REASON:**

Supporting the Statement of Intent and Council Plan, the objective of the policies was to promote the outstanding environment and public realm open spaces as events locations to enable to:

- deliver an events programme that promoted health and wellbeing opportunities for residents and communities,
- celebrated the outstanding environment, built community spirit, attracted visitors and improved visitor experience,
- positively increased the tourism profile and supports local businesses.

374 **Request for additional budget for enhanced Covid secure public toilet cleaning**

There was a request for an additional budget of £19,854 to extend the enhanced cleaning of public toilets from 1 April to the 21 June 2021. In addition the second request was for a further contingency budget of £51,308 to provide 6 months of enhanced cleaning of public toilets from the 21 June 2021 to the 31 December 2021 if required.

Discussions included the following:

- With the expectation of an increased summer influx of visitors enhanced cleaning was essential
- Had grant funding been explored to relieve these financial pressures?

**RECOMMENDED to Council:**

the approval of £71,162 of additional budget (including £19,854 to cover enhanced public toilet cleaning from the 1 April to 21 June 2021 and a further £51,308 contingency budget to potentially extend this enhanced cleaning from the 21 June to 31 December 2021; if required due to a continuation of government restrictions or advice).

**REASON:**

Due to continued Covid-19 secure guidelines and site specific risk assessments, enhanced cleaning was still required of public toilets, covering the period 1 April until 21 June 2021 in line with the Government's roadmap and steps of restriction easing.

On the 23 March 2020 public toilets were closed across the district in response to the Covid-19 pandemic. 10 Category-A toilets were re-opened on the 22 May 2020 with enhanced cleaning implemented between 8am-4pm within existing budget and resources.

On the 18 June 2020 Cabinet approved a 9-month budget of £76,962 which allowed Streetscene to open an additional 4 toilets with enhanced cleaning and extend the opening times for all 14 toilets from 8am-8pm from the 29 June - 30 September and from 8am -7pm from 1 October 2020 to 31 March 2021. Now it was coming to the end of that agreed budgetary period it was recommended to continue with the enhanced cleaning of the public toilets until the 21 June 2021 at the earliest; in line with the phased ending of government restrictions.

Further to this it was recommended that a £51,308 contingency budget should be set aside should government restrictions or guidance extend beyond 21 June 2021, to cover an additional 6 months enhanced cleaning up to 31 December 2021.

375 **Capital replacement programme for Grounds and Cleansing plant machinery**

The Service Lead StreetScene presented the report which explained why a Capital Machinery Budget was required and gave information to approve the procurement of replacement machinery within StreetScene. During discussions it was asked what measures could be put in place to ensure people took their litter home or disposed of it correctly. It was not right that the burden of clean up was down to others.

**RECOMMENDED to Council:**

1. that the appended capital replacement programme of £420,400 to enable StreetScene Operations to meet statutory responsibilities in relation to street cleansing and maintaining an Outstanding Environment, is agreed
2. that the Capital Machinery Budget request be approved for the reasons set out in the report.

**REASON:**

Approving the Capital Machinery Budget for essential and scheduled machinery replacements would allow keeping parks and streets clean and safe in the face of increased demand. There were 12 significant pieces of large machinery that were at the end of their life span and would ordinarily need replacing via the tender process. If these were not replaced then these pieces of kit would be unable to meet the statutory requirements to keep the streets clean to an agreed level. There would be incurred higher maintenance costs associated with keeping machines on the road beyond their life span.

376 **Levelling Up Fund**

The Service Lead Growth, Development and Prosperity presented the report that considered the prospectus for the Levelling Up Fund, that was published as part of the suite of documents accompanying the Budget earlier in month. He explained the

potential for a bid or bids to be made to this Fund by the deadline for the first round of the 18 June 2021. East Devon was in the lowest tier in terms of the national priorities so the report considered how to maximise the chances of success including in terms of engaging with our Members of Parliament and wider stakeholders. The report put forward proposed next steps including in terms of establishing a budget for consultancy support.

Discussions included the following:

- Local MPs needed to endorse bids in order for them to become successful
- Joint bids could be more successful
- Reassurance from our MPs that bids would be considered properly and actively supported.

**RESOLVED:**

1. Note the publication of the Levelling Up Fund prospectus and the associated timescales for the submission of bids to the first round.
2. Endorse the next steps for the development of bids as identified.

**RECOMMENDED to Council:**

3. that a budget of up to £100k was made available from the business rate pilot reserve to enable consultancy support to be commissioned.

**REASON:**

To maximise the chances of the council submitting successful bids to the Levelling Up Fund.

**377 The Future of New Homes Bonus Consultation**

The Service Lead Planning Strategy and Development Management presented the report which sought to make Members aware of a current government consultation on the future of the New Homes Bonus and to seek Members agreement to responses to the various consultation questions. Officers had sought to consider the options put forward as best as they can but without more information it was not possible to model the likely financial implications of each option for the council.

**RESOLVED:**

having considered the government consultation on the Future of New Homes Bonus that the proposed responses to the consultation questions as the council's formal response be agreed and submitted to the government.

**REASON:**

To ensure that the Council respond to the consultation on the Future of New Homes Bonus and seek to influence the future of this important funding stream.

**378 Mobile phone tariff payments in car parks**

The Service Lead Environmental Health and Car Parks stated the necessary steps to enter into a framework contract with a new provider for delivering pay by mobile phone services for our car parks customers. During discussion it was highlighted that not everyone had mobile phones so there was still a need for cash options in car parks.

**RECOMMENDED to Council:**

1. To enter into a contract provider “RingGo” for a period of four years (extendable by up to two further years) and to give delegated authority to the Strategic Lead Housing, Health and Environment in consultation with the Strategic Lead Governance and Licensing and the Strategic Lead Finance to agree terms and to finalise the contract, and
2. an exemption to Contract Standing Orders to enable “RingGo” to be used as the preferred supplier, be approved.

**REASON:**

The provider offered the convenience of a single mobile phone app for public parking across the region and the contract provides value for money for both the council and its car parking customers.

379 **Exmouth Sideshore car park**

The Service Lead Environmental Health and Car Parks Members are being asked to consider a proposal to provide car park management services at Sideshore car park in Exmouth. The Council’s car parks’ team would enter into an initial six month legal agreement with the site operator to provide civil parking enforcement services. This will be the first time that this Council has entered such a commercial agreement and the initial period will be extended if the relationship is found to be mutually beneficial.

Discussions included the following:

- First agreement of its kind for the council
- The wish for enough disabled access spaces
- The car park would offer all day parking on its own tariffs
- There would be 6 EV charging points

**RECOMMENDED to Council:**

1. To enter into an agreement with Sideshore to deliver car parking management services for their car park on the basis of an initial period of six months which can be extended by up to 10 years. That delegated authority be given to the Strategic Lead Housing, Health and Environment to agree terms and to enter into the contract in consultation with the Strategic Leads for Finance and Governance and Licensing.
2. To agree to amend the East Devon (Off Street) Parking Places Order as necessary to include the car park.

**REASON:**

To enable the council to work with the Community Interest Company (CIC) to deliver services based on a commercial style model. This would provide revenue to support the ongoing work of the CIC in developing the Watersports Centre but would also deliver additional funding for the CIC’s charitable and community initiatives. The council would retain a small proportion of overall revenue to sustain a fair and proportionate management service using transparent civil parking enforcement rules.

380 **Exemption from Contract Standing Orders - Fire Risk Assessments (Housing)**

The Strategic Lead Housing, Health and Environment presented the report which explained that in line with The Regulatory Reform (Fire Safety) Order 2005 and in line with EDDC’s Fire Safety Policy the council must undertake fire risk assessments (FRA) of all communal areas. Compliance with this duty was by law and to ensure the safety of residents and staff in blocks of flats, community centres and district. To ensure continuity

with the large volume of improvement work carried out it was beneficial to EDDC and its residents to direct award this contract to FCS Live. An exemption from contract standing orders was applied.

**RESOLVED:**

that the use of an exemption from Contract Standing Orders in accordance with 3.2 of the Council's Contract Standing Order, be noted.

**REASON:**

The fire risk assessments were due to be completed and any delay in this process could leave the service and council at risk. The approval of the exemption would ensure unbroken continuity in risk assessments and would support the continuation of the large fire safety improvement work that had taken place following the previous round of fire risk assessments carried out by FCS Live.

Carrying out Fire Risk Assessments was a specialist area with a limited number of contractors who meet specific criteria and due diligence requirements, as outlined in our fire safety policy. FCS Live met those credentials, as evidenced during the last procurement exercise and had proven to be a trusted and competent contractor.

Following the Grenfell Tower tragedy it was paramount that the council engage with a contractor it trusted to assess the fire risk within its blocks of flats. The impending Building Safety Act would put even greater responsibility on the council to ensure its properties were maintained and monitored to the highest standard and therefore these risk assessments needed to be carried out as a matter of urgency.

381 **Restart Grants**

The Strategic Lead Finance submitted the report which implemented the Government's Restart Grant Scheme that would provide support to businesses to help them reopen safely.

**RESOLVED:**

that the Restart Grant Scheme policy be agreed and to grant delegated authority to the Service Lead for Revenues, Benefits, Customer Services & Corporate Fraud & Compliance to make any technical changes to the policy.

**REASON:**

To deploy the Restart Grant Scheme to businesses in East Devon in accordance with government guidance.

**Attendance List**

**Present:**

**Portfolio Holders**

M Armstrong	Portfolio Holder Sustainable Homes and Communities
P Arnott	Leader
P Hayward	Deputy Leader and Portfolio Holder Economy and Assets
G Jung	Portfolio Holder Coast, Country and Environment
D Ledger	Portfolio Holder Strategic Planning
M Rixson	Portfolio Holder Climate Action and Emergencies

J Rowland	Portfolio Holder Finance
J Loudoun	Portfolio Holder Council and Corporate Co-ordination
S Jackson	Portfolio Holder Democracy and Transparency
N Hookway	Portfolio Holder Culture, Tourism, Leisure and Sport

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

Councillor Denise Bickley  
Councillor Susie Bond  
Councillor Fred Caygill  
Councillor Sarah Chamberlain  
Councillor Maddy Chapman  
Councillor Bruce De Saram  
Councillor Alan Dent  
Councillor Peter Faithfull  
Councillor Steve Gazzard  
Councillor Sam Hawkins  
Councillor Mike Howe  
Councillor Vicky Johns  
Councillor Dawn Manley  
Councillor Paul Millar  
Councillor Andrew Moulding  
Councillor Helen Parr  
Councillor Eleanor Rylance  
Councillor Joe Whibley  
Councillor Eileen Wragg

**Also present:**

**Officers:**

Nicholas Christo, Area Manager West  
Amanda Coombes, Democratic Services Officer  
Simon Davey, Strategic Lead Finance  
Andrew Ennis, Service Lead Environmental Health and Car Parks  
Ed Freeman, Service Lead Planning Strategy and Development Management  
John Golding, Strategic Lead Housing, Health and Environment  
Henry Gordon Lennox, Strategic Lead Governance and Licensing (and Monitoring Officer)  
Andrew Hancock, Service Lead StreetScene  
John Symes, Finance Manager  
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)  
Tom Buxton-Smith, Engineering Projects Manager  
Angela Gordon Lennox, Events Officer  
Andrew Wood, Service Lead - Growth Development and Prosperity

Chair .....

Date: .....