

**Agenda for consultative meeting of the Cabinet  
Wednesday, 3rd November, 2021, 6.00 pm**



**Members of Cabinet**

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

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

**Contact:** Amanda Coombes, Democratic Services  
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(or group number 01395 517546)  
Monday, 25 October 2021

**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/UCmNHQruge3LVl4hcgRnbwBw>

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-public-meetings/#article-content>

Between 27<sup>th</sup> July 2021 to 17<sup>th</sup> January 2022, the Council has delegated much of the decision making to officers. Any officer decisions arising from recommendations from this consultative meeting will be published on the webpage for this meeting in due course. All meetings held can be found via the [Browse Meetings](#) webpage.

1 Public speaking

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

2 Minutes of the previous meeting (Pages 4 - 12)

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)
- 7 Forward Plan (Pages 13 - 14)
- 8 Minutes of joint meeting of Overview and Scrutiny Committees held on 16 September 2021 (Pages 15 - 19)
- 9 Minutes of Poverty Working Panel held on 20 September 2021 (Pages 20 - 25)
- 10 Minutes of Scrutiny Committee held on 7 October 2021 (Pages 26 - 29)
- 11 Minutes of Recycling and Waste Partnership Board held on 13 October 2021 (Pages 30 - 37)

## **Matters for Decision**

- 12 **Cranbrook Town Council - Community Governance Review** (Pages 38 - 40)  
To report back on the responses received to the phase 1 consultation and to recommend that the Community Governance Review not be further proceeded with.
- 13 **Colyford - Community Governance Review** (Pages 41 - 62)
- 14 **Community Housing Fund** (Pages 63 - 66)  
The report provides an update on the spending of the Community Housing Fund to date and to seek authority to increase the scope of the scheme to enable both capital and revenue grant.
- 15 **Discretionary Housing Payments Policy** (Pages 67 - 78)  
This report advises of necessary changes made to the Discretionary Housing Payment (DHP) Policy. It details the changes made in order for DHPs to be used to meet the aims of the Poverty strategy and Poverty Action plan.
- 16 **Annual Treasury Management Review 2020/21 - 1 April 2020 to 31 March 2021** (Pages 79 - 80)
- 17 **Financial Monitoring Report 2021/22 - Month 6 September 2021** (Pages 81 - 89)
- 18 **Sidmouth and East Beach BMP: Direction for OBC development and submission** (Pages 90 - 105)
- 19 **Cloakham Lawns Employment Land, Axminster** (Pages 106 - 110)
- 20 **Honiton - Community Governance Review** (Pages 111 - 124)
- 21 **Dowell Street Car Park** (Pages 125 - 127)  
The Council previously considered a proposal from Honiton Town Council to enter into a management agreement in respect of Dowell Street car park in the town. Cabinet is now being asked to review the position and determine whether it wishes to make any alternative recommendation to Council.

[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 consultative meeting of Cabinet held Online via the Zoom app. on 6 October 2021**

**Attendance list at end of document**

The meeting started at 6.00 pm and ended at 8.25 pm

**75 Public speaking**

A statement submitted by a member of the public was received under minute 87.

**76 Minutes of the previous meetings**

The minutes of the consultative meetings of Cabinet held on 1 September and 8 September 2021 were agreed.

**77 Declarations of interest**

Min 91; Colyton Neighbourhood Plan Examiner's Report.

Councillor Paul Arnott, Personal. Ward Member for Coly Valley.

Min 83; Exmouth Queen's Drive Group held on 7 September 2021.

Councillor Nick Hookway, Personal. Ward Member for Exmouth Littleham.

Min 93; Seaton Jurassic.

Councillor Jack Rowland, Personal. Ward Member for Seaton.

**78 Matters of urgency**

None.

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

None.

**80 Forward Plan**

Members agreed to recommend the contents of the Forward Plan for key decision for the period 1 November 2021 to 28 February 2022 for approval.

**DECISION:**

The recommendation was approved by a Senior Officer. The Senior Officer Decision Notice is listed above under Additional Documents.

**81 Minutes of Scrutiny Committee held on 29 July 2021**

The Portfolio Holder for Democracy, Transparency and Communications outlined her current work in reinvigorating the Member Development Working Group, including further review of Member Champions. She planned to survey the Members, to help identify skill sets across the Council, and review the existing training offer in both topics, and how that training was delivered.

The Chief Executive outlined the background for the drive for more Member Champions, being the request from the Planning teams that previous related member champions in

planning areas had been invaluable in assisting with queries and helping to improve the planning knowledge of other Members.

Councillor Alan Dent, who had been involved with the original training program and had experienced the collaborative working outlined by the Chief Executive, stressed to Members that attendance at training was key.

The Monitoring Officer reminded Cabinet that Council had already agreed previously to review the role of Member Champions when they were re-introduced to see whether they were beneficial. The Leader requested that a report on Member Champions and the role going forward would be brought to Cabinet in the future.

In light of the discussion and comments, Members agreed to note the recommendations of Scrutiny Committee held on 29 July 2021 and agreed that no further recommendations were required.

#### **Minute 7 Report on proposed actions to improve staff morale**

1. That the Cabinet (through the Portfolio Holders for Democracy & Transparency and Strategic Planning) assess whether Member Champion roles should be reintroduced, particularly in respect of the Council as Local Planning Authority.
2. That Cabinet considers asking the Member Development Working Group to meet as soon as possible to review and revise the member training programme with a view to providing training designed to mitigate concerns raised in the staff survey.

#### **82 Minutes of Community Grant Panel held on 31 August 2021**

Members agreed to note the minutes of Community Grant Panel held on 31 August 2021.

#### **83 Minutes of Exmouth Queen's Drive Delivery Group held on 7 September 2021**

In response to a query, gaining a permanent planning consent means that the temporary attractions can continue, but it does not compromise any future plans for the site which will have to be considered as a fresh planning application.

Members agreed to note and recommend the minutes and recommendations of Exmouth Queen's Drive Delivery Group held on 7 September 2021 to officers for decision.

#### **Minute 4 Planning Position update**

That in order to provide certainty moving forward, permanent planning consent for temporary uses on the Queen's Drive site be sought as soon as possible.

#### **84 Minutes of LED Monitoring Forum held on 14 September 2021**

Members agreed to note and recommend the minutes and recommendations of LED Monitoring Forum held on 14 September 2021 to officers for decision.

#### **Minute 75 Strategic Outcomes Planning Guidance (SOPG) DIAGNOSTIC final report**

that the Strategic Outcomes Planning Guidance DIAGNOSTIC report be approved.

**DECISION:**

The recommendation was approved by a Senior Officer. The Senior Officer Decision Notice is listed above under Additional Documents.

85 **Minutes of Housing Review Board held on 16 September 2021**

Members agreed to note and recommend the minutes and recommendations of Housing Review Board held on 16 September 2021 and to:

**Recommend the following to officers for decision;**

**Minute 2 Appointment of Vice Chair**

that the recommendation that tenant representative Peter Sullivan be appointed Vice Chair of the Board for the ensuing year be passed for approval.

**DECISION:**

The recommendations were approved by a Senior Officer. The Senior Officer Decision Notice is listed above under Additional Documents.

**Minute 9 Updated Housing Policies**

that the policies are formally adopted by the Council is passed for approval.

**Minute 12 Procurement of the gas servicing/services contract**

that delegated authority is granted to the Strategic Lead for Housing, Health & Environment in conjunction with the Housing Service Lead and the Strategic Lead for Governance & Licencing and the Strategic Lead for Finance, to agree to proceed with the relevant stages of the procurement process and agree to granting the contract to the contractor identified in the process to deliver the 3 Star Gas Servicing Contract.

**Minute 13 Housing Revenue Account and Housing Capital finance report**

that the Housing Revenue Account and Housing Capital Finance report is passed for approval.

**DECISION:**

The recommendations were approved by a Senior Officer. The Senior Officer Decision Notice is listed above under Additional Documents.

**Recommend the following to Council;**

**Minute 8 Housing Strategy 2020-2024**

that the Housing Strategy be adopted and is passed for approval.

**Minute 11 Property & Asset; expanding the compliance and cyclical servicing arm of the property and asset team.**

that Cabinet and Council approval be sought for additional budget to resource new posts for the delivery of compliance and cyclical service work streams to ensure that the Council's housing stock remains safe and compliant so that tenants can feel safe in their homes.

86 **Minutes of Housing Task and Finish Forum held on 9 September 2021**

Members agreed to note and recommend the minutes and recommendations of Housing Task and Finish Forum held on 9 September 2021 to Council.

**Minute 29 Affordable Housing TaFF conclusions report**

that the Housing TaFF recommend to Cabinet and Council the recommendations set out in section 4 of the report, with the following addenda:

1. Identify EDDC or market sites or existing developer led sites.
2. Develop agreements with developers for them to develop and make profit with EDDC having a portion of market and/or affordable/social houses to reflect the Council's contribution to the development. This will enable to identify skills, models and opportunities.
3. Concurrent with 1. Identify communities that need support to develop a community-led housing scheme by offering technical and financial support.
4. In the meantime develop flexible models to get proof of concept.

87 **A proposal for an Affordable/Social Housing Task Force**

A statement from Mr Smith of Cranbrook was read out on his behalf in relation to this item. In the statement, Mr Smith outlined that in excess of 5000 "family units" were registered at Devon Home Choice awaiting housing provision. Since April 2017, no purchase, or build of, social housing had been undertaken by the Council, with no plans to do so for 2021/22. The company East Devon Homes had been unfit for purpose in his opinion; and that Cabinet had been slow to grasp the gravity of the housing shortage, He gave an example of Cranbrook, built to deliver housing development obligations for the District, but still leaving a localised need. He asked Cabinet to act with urgency to address the housing situation, and that any Task Force put in place was subject to performance monitoring.

In response to the statement, the Chair gave this thanks for the contribution made. He stressed the number one priority for the Council was to address the housing crisis. The Portfolio Holder for Strategic Planning disputed some of the comments made in the statement, and reminded the Cabinet that whilst homes had not been developed by the Council, our acquisitions and housing association developments have delivered 200 - 300 new affordable homes per year.

The Strategic Lead for Housing, Health and Environment presented his report, containing the recommendations from the Affordable Housing Task and Finish Forum. The report recommended the creation of a Task Force of officers employed to focus on delivery of social and affordable housing. Learning from the TaFF's investigations and our Housing Company experience found that we need to create officer capacity with the right skills, a source of funding, a risk appetite, and a single purpose team to achieve the ambition of increasing the output of social and affordable housing. He advised the Cabinet that patience was required to deliver this proposed intervention, particularly in a competitive housing market, but the proposal offered an exciting and realistic delivery model.

Debate included:

- Imperative to act swiftly with a model that would succeed;
- Shortage of rental properties was acute;
- Resourcing the proposed task force team was key, and best practice from other authorities should be sought to help develop the job descriptions;
- Review the financial incentive to downsize, balanced with the level of smaller homes available; this would be referred to the Housing Review Board to consider;

- Exciting opportunity to invest half a million, obtained by savings through budget underspend, to make a significant difference to the District in driving forward multiple delivery models of affordable housing;
- The level of second homes made a sizeable impact on the housing crisis, and detailed information on the number of those, at ward level, would be helpful to establish pinch points. The issue of second homes should be referred onto the Portfolio Holder for Strategic Planning.

The Portfolio Holder for Sustainable Homes and Communities, in response to a question, informed the Cabinet about her work in bringing forward lobbying with the support of local authorities in the South West, specifically on the issue of retaining a higher percentage of right to buy sales (RTB), and expressed concern about homes being decarbonised through significant investment being lost to RTB.

**Recommendation to Council:**

That Council approves the appointment of a Housing Task Force with the staffing resource outlined in the report to deliver more social and affordable housing with a budget of £250,000 per annum for two years.

**Reason:**

To deliver on the ambitions contained in the Council Plan and the recommendations coming through the work of the Affordable Housing Task and Finish Forum to produce more social/affordable housing.

**88 Public Health priority actions 2019-2020 Annual Review**

The Public Health Project Officer informed members that each year there was a review to this work and summarised how EDDC met the targets and aspirations of its Public Health Strategic Plan. The Annual Review of Public Health 2019-2020 actions looked back at the year which pre-dated the pandemic. It showed the commitment to activities across council service plans, which all aimed to make a positive difference to people's physical health and mental wellbeing across East Devon.

The Strategic Lead for Housing, Health and Environment responded to comments on the Sport England Steering Group in relation to involvement with Cranbrook; and to confirm that the Public Health Strategic Plan was regularly refreshed every 3 to 4 years, driven by the annually refreshed service plans. With work currently ongoing preparing the annual report for the pandemic year, the Strategic Plan would be refreshed to reflect learning and the wider recognition of good population health and wellbeing.

The Portfolio Holder for Finance commended the dedicated work of the Public Health Project Officer, particularly in her involvement with the Poverty Working Panel.

Having received the report and noted the contents, members welcomed the contribution made by the services through activities reviewed annually which underpinned the Public Health Strategic Plan and that no further recommendations were required.

**89 Corporate Debt Policy**

The Service Lead Revenues, Benefits, Customer Services & Corporate Fraud & Compliance introduced the Corporate Debt Policy which had been updated to reflect changes in legislation, the Poverty Strategy, changes in statutory fees and other related

policies. She also highlighted that the updated policy reflected the work of the Poverty Strategy. Citizens Advice had been consulted as part of the review process, and had agreed that the approach for debt recovery was sensible.

**RECOMMENDED that;**

Senior Officers approve the updated Corporate Debt Policy.

**REASON:**

To ensure the Corporate Debt Policy reflected the latest changes in legislation, statutory fees and was in line with other related policies and strategies.

90 **Innovation and Resilience Fund (IRF) - Exemption to Standing Order for Project Sponsor Services**

The report set out the action taken by officers to commission specialist project sponsor support to help East Devon business owners prepare robust applications to the Innovation and Resilience Fund (IRF). This assistance would ensure the required IRF scoring criteria was addressed wherever possible by the project proposals put forward. The external support would allow officers to focus on the assessment and reporting of full submissions ahead of member Panel decision-making and maximise the likelihood of EDDC being able to allocate its total ARG top up (£1.14m) before the Government spend deadline of 31 March 2022.

In response to a question, the Portfolio Holder for Finance confirmed that the funding would be allocated before the deadline; and that he looked forward to considering applications to this Fund.

Having received the report, members noted the contents, and agreed that no further recommendation was required.

91 **Colyton Neighbourhood Plan Examiner's Report**

The Chair stepped back from chairing the meeting for this item because of the declaration made as local Ward Member. Councillor Dan Ledger, acting as Vice Chair in the absence of Cllr Hayward, chaired this item.

The report provided feedback and set out proposed changes following the examination of the Colyton Neighbourhood Plan. The independent examination of the Plan had now concluded and the final Examiner's report received. If accepted, a decision notice would be published accordingly. This would confirm that the Plan could go forward for public vote in a local referendum as the penultimate stage in the plan-making process.

Councillor Helen Parr, as Ward Member, commended the plan to the Cabinet, highlighting the extensive work by the steering group that had prepared the plan. The Parish Council had accepted the recommendations made by the Inspector.

Having received the report and noted the contents, members;

**RECOMMENDED to officers:**

1. that the Examiner's recommendations on the Colyton Neighbourhood Plan (the Plan) be endorsed,

2. that a 'referendum version' of the Plan (incorporating the Examiner's modifications) proceed to referendum and that a decision notice to this effect be published,
3. that the Neighbourhood Plan Steering Group be congratulated on their hard work.

**DECISION:**

The recommendation was approved by a Senior Officer. The Senior Officer Decision Notice is listed above under Additional Documents.

92 **Council Plan 2021-2023**

The Chief Executive provided the updated draft of the new Council Plan for 2021-2023, following the meeting of the Joint Overview and Scrutiny Committee.

The Portfolio Holder for Council and Corporate Co-ordination voiced his thanks to the Chief Executive, Jo Avery and other officers for their work and support in assisting in the preparation of the draft Council Plan. He commended the document to Cabinet.

Having received the report and noted the contents, members;

**RECOMMENDED to officers:**

That the draft of the new council Plan 2021-2023 final text progress to the design and publication phase, be agreed.

**RECOMMENDED to COUNCIL**

Approval of the new Council Plan 2021-2023

93 **Seaton Jurassic update report**

The report of the Service Lead for Place Assets and Commercialisation gave an update on the current position for Seaton Jurassic, which became the direct responsibility of the Council on 17 September 2021 following the exit of Devon Wildlife Trust. Cabinet were asked to consider the next steps for the site, and what options Cabinet requested further investigation into, before a final decision on a deliverable option could be considered in January 2022.

Debate included:

- Devon Wildlife Trust had made excellent efforts to deliver from the site;
- Appreciation for the detail in the report, which helped to make the public aware of the issues with the site, and the ongoing costs even as the building remained closed;
- Concern that a five year old building needed remedial works because of defects, especially in light of the cost of the building at £4.2m. The project should therefore be investigated by the Audit and Governance Committee (including referral to the Scrutiny Committee as appropriate). In response, the Chief Executive advised the Cabinet that such an investigation should be undertaken independently, and therefore could be referred to SWAP for addition to their audit plan;
- Appreciation for the work undertaken by officers and relevant Portfolio Holders in bringing forward the next steps required and to begin to explore the options available to the Council.

Having received the report and noted the contents, Cabinet acknowledged that Seaton Jurassic would remain closed until a final decision has been made over the preferred option for its future use, and whilst remedial works are being fully scoped, and noted the current position of the centre.

**Recommended to officers:**

1. That arrangements be made to ensure that, should the building remain vacant for the summer season of 2022, that opportunities are explored to ensure a café type use can trade in part of the building for the summer season as an interim measure;
2. That best efforts are made to negotiate and agree with the three principal funders arrangements to protect the Council's position against having to repay the principal sums;
3. That the next steps set out in section 10 of the covering report are progressed;
4. That the three options set out in section 11 of the covering report be considered with a further report to Cabinet for January 2022;
5. That the Seaton Jurassic project be referred to the Audit and Governance Committee for examination in the first instance.

**Cabinet recommend to Council**

6. A revenue budget of £45,000 to meet ongoing costs for the current financial year for the centre be approved.

**Attendance List**

**Present:**

**Portfolio Holders**

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

**Cabinet apologies:**

P Hayward	Deputy Leader and Portfolio Holder Economy and Assets
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**Also present (for some or all the meeting)**

Councillor Denise Bickley  
Councillor Jake Bonetta  
Councillor Colin Brown  
Councillor Fred Caygill  
Councillor Maddy Chapman  
Councillor Bruce De Saram

Councillor Alan Dent  
Councillor Peter Faithfull  
Councillor Sam Hawkins  
Councillor Richard Lawrence  
Councillor Paul Millar  
Councillor Helen Parr  
Councillor Eleanor Rylance  
Councillor Eileen Wragg  
Councillor Tom Wright  
Councillor Geoff Pratt

**Also present:**

**Officers:**

Tim Child, Service Lead - Place, Assets & Commercialisation  
Simon Davey, Strategic Lead Finance  
John Golding, Strategic Lead Housing, Health and Environment  
Henry Gordon Lennox, Strategic Lead Governance and Licensing (and Monitoring Officer)  
Libby Jarrett, Service Lead Revenues and Benefits  
Robert Murray, Economic Development Manager  
Helen Wharam, Public Health Project Officer  
Mark Williams, Chief Executive  
Susan Howl, Democratic Services Manager  
Debbie Meakin, Democratic Services Officer  
Andrew Hopkins, Communications and Events Consultant  
Charles Plowden, Service Lead Countryside and Leisure

Chair .....

Date: .....

## EAST DEVON DISTRICT COUNCIL

### Forward Plan of Key Decisions - For the 4 month period: 1 December 2021 to 31 March 2022

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.

<b>Key Decision</b>	<b>Portfolio (Lead Officer)</b>	<b>Documents to be considered before Cabinet take decision</b>	<b>Whether other documents will be considered before decision taken [Y/N]</b>	<b>Other meetings where matter is to be debated / considered</b>	<b>Date of Cabinet meeting</b>	<b>Part A = Public meeting  Part B = private meeting [with reasons]</b>
Toilet Review	Coast, Country and Environment (Andrew Hancock)		Y		1 December 2021	Part A
Community Asset Transfer Policy	Assets & Economy (Tim Child)		Y		1 December 2021	Part A
Council Tax Base - annual requirement to set the Council Tax Base	Finance (Libby Jarrett)		Y		5 January 2022	Part A
Climate Change - Devon Citizens Assembly recommendations	Climate Action (John Golding)		Y		5 January 2022	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).

November 2021

**EAST DEVON DISTRICT COUNCIL****Minutes of the consultative meeting of the Overview and Scrutiny Committees held at Online via the Zoom App on 16 September 2021****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 6.45 pm

**1 Public Speaking**

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

She outlined that based on the decision of the Extraordinary Meeting of Council held on 26<sup>th</sup> July, the Council had delegated much of its decision taking power to its Senior Officers. This is for a short period of time only and due to concerns relating to COVID risk. Consequently, the meeting is held on a consultative basis only, and the procedural rules detailed in the Council's Constitution, will continue to be adhered to.

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

The Chair went on to explain that since the meeting was a joint meeting between two Committees and the Chair of Scrutiny was unable to attend, she wanted to appoint a Vice Chair solely for this meeting and Cllr Pook had offered to perform this role. She invited members to confirm their support for this, and following a vote Cllr Pook was duly asked to act as Vice Chair for the meeting.

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

There were no members of the public registered to speak.

**2 Minutes of the previous meeting**

The Chair asked for comments on the Minutes from the previous Overview Committee meeting held on 12<sup>th</sup> November 2020.

Cllr Rylance wanted to offer retrospective apologies since she had not offered them for the meeting but had not been in attendance.

The Chair then invited Cllrs to vote in favour, against or abstaining recommending approval of the Minutes.

Following a vote of those present the Chair confirmed that the minutes were recommended for approval.

**RECOMMENDATION:** to approve the minutes of the last meeting following a vote of those present.

**3 Declarations of interest**

79. Draft Updated Council Plan 2021 – 2023. Councillors Vicky Johns, Dean Barrow, Alasdair Bruce, Maddy Chapman, Olly Davey, Steve Gazzard, Marcus Hartnell, Sam Hawkins, Tony McCollum, Andrew Moulding, Helen Parr, Geoff Pook, Val Ranger, Eleanor Rylance, Tony Woodward; Personal. All are Town or Parish Councillors.

#### 4 **Matters of urgency**

There were no matters of urgency.

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

There were confidential items to be discussed.

#### 6 **Draft Updated Council Plan 2021 - 2023**

The Chair outlined that the report in the agenda provided an updated draft of the new Council Plan for 2021-2023. It also contained the recommendation as follows;

##### **Recommendation:**

‘That the Overview and Scrutiny committees consider this draft of the new council Plan 2021-2023 and provide feedback on it including that of the priorities and actions before it proceeds to Cabinet and Council in October’.

She went on to remind members that they have all had an opportunity to be involved in the development of the new Plan which is intended to go to Cabinet on 6<sup>th</sup> October and Council on 20<sup>th</sup> October, before being published later in October.

Before inviting members to comment on the Plan, she asked the Chief Executive, Mark Williams, to provide a brief introduction.

Mark Williams referred members to page two of the Plan, which explained how the Council Plan fitted into the work of the Council overall, as an employer and service provider. This was also a slide used when he gave his welcome talk to new employees, to indicate the links between an individual’s annual objectives and Service Plans, the Council Plan and the Local Development Plan, the ‘Golden Thread’.

He then referred to page nine of the agenda papers which explained the political process for adoption of the new Plan, and page one of the Plan, which provided a more forceful articulation of future intentions through three key priorities;

- Better Homes and Communities for all
- A Greener East Devon
- A Resilient Economy

Page three of the Plan started to indicate the detailed actions which would be required to deliver the priorities. He concluded by indicating how much the Council achieved each year but that it was necessary to be aware of the financial envelope available over the next two to three years.

The Chair invited Cllr Loudoun to speak as Portfolio Holder for Council & Corporate Coordination.

Cllr Loudoun thanked Mark Williams for his introduction and wise counsel, and all those members who had contributed to the development of the Plan. He thanked the Senior Management Team for their assistance in the drafting process and Jo Avery for her hard work and patience in putting the Plan together.

He wanted to point out an omission in the form of an additional, fifth point to be added on page four of the Plan under the sub-heading, 'Promoting culture and community', which should read as follows;  
'Support communities through the transfer of appropriate community assets to towns and villages, enabling local communities to own, manage and develop assets in support of community aspirations and benefits'.

The Chair invited comments from members.

Cllr Pook clarified the intention of the fifth point from the perspective of the benefit of transfers to a local community.

Cllr Davey re-iterated this point in relation to how EDDC may be able to encourage Town and Parish Councils in initiatives and improve relationships generally between them.

Cllr Hawkins referred to Cranbrook as being one of the largest towns in the District.

Cllr Rylance stated that she was very happy with the Plan and would send across her comments in relation to minor corrections required.

The Chair invited members of the Overview Committee, to vote in favour, against or to abstain from recommending approval of the recommendation, with the inclusion of the additional point under the heading 'Promoting culture and community' and any minor corrections to be advised and made outside the meeting.

Following a vote of those present, the Chair confirmed that the recommendation was passed for approval by members of the Overview Committee.

**Recommendation:**

That the Overview and Scrutiny committees have considered this draft of the new council Plan 2021-2023 and provided feedback on it including that of the priorities and actions before it proceeds to Cabinet and Council in October.

The Chair then invited members of the Scrutiny Committee, to vote in favour, against or to abstain from recommending approval of the recommendation, with the inclusion of the additional point under the heading 'Promoting culture and community' and any minor corrections to be advised and made outside the meeting.

Following a vote of those present, the Chair confirmed that the recommendation was passed for approval by members of the Scrutiny Committee.

**Recommendation:**

That the Overview and Scrutiny committees have considered this draft of the new council Plan 2021-2023 and provided feedback on it including that of the priorities and actions before it proceeds to Cabinet and Council in October.

The Chair thanked everyone who had participated in or been watching the meeting online, and closed the meeting at 6.45pm.

**Attendance List**

**Councillors present:**

V Johns (Chair)  
D Barrow  
S Gazzard  
M Hartnell  
A Moulding  
G Pook  
V Ranger  
T Woodward  
A Bruce  
M Chapman  
O Davey  
S Hawkins  
T McCollum  
H Parr  
E Rylance

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

M Armstrong  
P Arnott  
D Bickley  
P Hayward  
N Hookway  
S Jackson  
G Jung  
J Loudoun  
M Rixson  
J Rowland  
B Taylor

**Officers in attendance:**

Mark Williams, Chief Executive  
John Golding, Strategic Lead Housing, Health and Environment  
Henry Gordon Lennox, Strategic Lead Governance and Licensing (and Monitoring Officer)  
Susan Howl, Democratic Services Manager  
Sarah Jenkins, Democratic Services Officer  
Jo Avery, Management Information Officer  
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

**Councillor apologies:**

I Hall  
B Ingham  
D Manley  
P Millar  
M Allen  
C Gardner  
T Wright

Chairman .....

Date: .....

**EAST DEVON DISTRICT COUNCIL****Minutes of the consultative meeting of Poverty Working Panel held Online via the Zoom app on 20 September 2021****Attendance list at end of document**

The meeting started at 11.00 am and ended at 2.00 pm

**1 Public speaking**

There were no members of the public registered to speak.

**2 Declarations of interest**

Minute 7. Update from Devon County Council on poverty-related issues, including food insecurity and Team Devon - Simon Kitchen - Head of Communities.

Councillor Ian Hall, Personal, Member is a Devon County Councillor and works with Officers on the FareShare scheme.

**3 Minutes of the previous meeting held on 26 April 2021**

The minutes of the meeting held on 26 April 2021 were recommended for approval by Senior Officers.

**4 Update on the Labour Market - Presentation by Sally Raynes - Economic Development Officer - Employment and Skills**

Sally Raynes, Economic Development Officer, presented an update on the labour market which focussed on the employment and skills situation once furlough ends on 30<sup>th</sup> September. The presentation included the following points:

- There are high levels of vacancies for well paid jobs in East Devon across all sectors and wages are increasing in lower paid sectors.
- The ability to access well paid jobs is impacted by the need to drive to places of work.
- Regarding unemployment in East Devon, the largest out of work group is the 30-45 age group.
- Various schemes are in place to reduce unemployment and help the unemployed back in to work.
- It is still too early to understand the effects of the ending of the furlough scheme and which groups will be most affected.
- With regard to pay, East Devon residents are paid only 88.3% of the average weekly pay in the UK.
- Traditionally low paid sectors and largest employment sectors are raising wages from minimum wage due to shortage of applicants in sectors such as hospitality, construction, care sector and transportation.
- The most effective way to increase average pay is to encourage the workforce to improve skills to enable them to take up better paid jobs.
- There are many free schemes available to support people with up skilling or re-skilling and lots of apprenticeships available in all sector and at all levels.
- As the furlough scheme ends, residents will need assistance with signposting to re-skilling to enable them to take up better paid jobs.

Questions and comments from Members included the following points:

- It was noted that the removal of the £20 increase in Universal Credit is likely to impact low paid workers many of whom rely on the benefit, however, there is no way of ascertaining what the actual impact will be.
- It is vital to encourage and assist those in lower paid jobs to move into better paid work and women aged 45+ are of particular concern in this regard.
- EDDC Officers are in contact with the DWP and the various schemes available such as SkillUp and SmartSkills in order to be able to support residents with moving into better paid work.
- Access to transport is crucial for those seeking to change employment and this has a particular impact on younger people.
- There is a mismatch between the types of jobs available and the jobs which are being sought by residents in line with their current skills and job sectors, many of which are in hard to access rural locations.
- It was noted that the mismatch between vacancies and skills is a nationwide issue. There is DWP funding available to assist with retraining and reskilling to help people move into better paid employment.
- Those seeking to change their employment appear to be less willing to move to a different area.
- It was noted that Devon County Council is preparing a bus improvement plan which should be published by the end of October for implementation in March 2022 and that this should address issues with improving access to employment locations.
- A key challenge for recruitment and the movement of the workforce is the relationship between escalating prices in the housing market and the labour market.
- There is a need for employers to be more flexible with working hours which would also go some way to addressing issues with the timing of public transport for those travelling to work.

The Chair thanked Sally Raynes for her very informative presentation. The presentation slides would be circulated after the meeting and further updates on the economy would be brought to future meetings.

## 5 **Update on the financial/hardship & financial resilience support - Libby Jarrett - Service Lead - Revenues, Benefits, Customer Services and Corporate Fraud**

Sharon Church, Benefits Manager, presented an update on the financial resilience team which highlighted the following:

- The Council Tax reduction caseload has increased overall, but there has been a drop in new applications in the past 5 months. The caseload shows an increase of 2% towards working age compared with January of this year.
- Referrals received continue to grow and more complex cases are now being referred by other agencies such as social workers, schools and mental health teams.
- The highest number of referrals came from internal departments with the highest reason for the referral being rent arrears. It was noted that 30% of residents referred are in work.
- Regarding payments from the Hardship Fund, the highest need remains for emergency food and fuel support.

- The presentation included a summary of issues which had been identified as contributing to financial hardship.
- There are now two dedicated Financial Resilience Officers in place, on 2 year fixed term contracts, and EDDC officers across departments are starting to identify residents who may need support and are referring them to the Financial Resilience team.
- Policies are being updated in line with the Poverty Strategy.
- A case study was presented which showed the complexity of the reasons for financial hardship and the help which the team had been able to offer to the resident.
- Partnership working across all sectors is key to addressing the underlying issues for those in financial hardship and poverty and EDDC's partners have been very positive and willing to continue to work together.
- Having a dedicated resource is now resulting in good outcomes in the longer term.

Comments and questions from Members included the following points:

- Early intervention is crucial when people are experiencing hardship.
- Helping people to help themselves is key when supporting people.
- Increasing the information available will assist with supporting people and a survey or questionnaire could be a way of gathering data and obtaining input from residents.
- Partners such as foodbanks and schools are starting to refer residents to EDDC which is assisting with identifying those needing support.
- There is concern that the imminent cut to Universal Credit, the increase in National Insurance Contributions and rapidly rising utility costs will have a serious impact on residents.
- Concern was expressed regarding housing associations not allowing tenants who are in arrears with their rent to downsize to more affordable properties. It was noted that this is a national issue.
- Appointing a digital exclusion champion could assist with increasing support available for residents.
- Regarding access to EDDC staff for Exmouth residents, it was noted that signage has been updated to assist with accessing services.

The Chair thanked Sharon Church and Libby Jarrett for their presentation and contributions. The presentation slides would be circulated after the meeting.

## 6 **'A perfect storm - health inequalities and the impact of Covid-19' - LGA report introduced by Helen Wharam - Public Health Project Officer**

Helen Wharam, Public Health Project Officer, gave a presentation on health inequalities and the impact of Covid-19 which included the following points:

- The LGA briefing "A Perfect Storm", which had been circulated to Members previously, looked at inequalities and aimed to examine the impact of Covid-19 and the resulting restrictions on inequalities and explore the steps some councils are taking to reduce inequalities.
- It was noted that the pandemic had made everyone more aware of health inequalities and their impact.

- Inequalities highlighted by Covid-19 included geographical, across different age ranges, digital exclusion, mental health, occupation, gender, ethnicity and learning disabilities.
- An outcome of Covid-19 has been the growth of access to online services and those with no access to the internet, for a variety of reasons, are excluded from not only online services, but they also experience barriers to home-working and home-schooling.
- The risks to mental health resulting from Covid-19 have been widely reported and may have the greatest long term effect on public health.
- A positive outcome of the pandemic has been an increase in partnership working between local authorities, other agencies and community sectors.

Comments and questions from Members included the following points:

- There was concern that younger people are not taking up the Covid-19 vaccination and it was noted that Devon County Council, the NHS and other agencies are working together to address this issue.
- There was concern that the message to 'stay at home' has contributed to an adverse impact on mental health; it was noted that local comms messages should reflect county and national advice.

The Chair thanked Helen Wharam for her presentation and the slides would be circulated after the meeting.

## 7 **Update from Devon County Council on poverty-related issues, including food insecurity and Team Devon - Simon Kitchen - Head of Communities**

Simon Kitchen, Head of Communities – Devon County Council – updated members on the Team Devon approach and work. The following points were included:

- The EDDC Poverty Strategy is helpful for the local government 'family' in Devon and DCC is taking on some of the points raised through the strategy.
- Team Devon comprises the Leaders and Chief Executive Officers of Devon councils who meet regularly and have requested Simon Kitchen to co-ordinate work around poverty and food insecurity on their behalf.
- The need to potentially feed the 60,000 people identified as shielding from March 2020 at the onset of the pandemic, had highlighted the need to understand local food organisations and their capacity and communication with each other.
- In November 2020, a report from the Social Market Foundation developed understanding of food insecurity and identified a league table of areas in the UK where residents experienced food insecurity which also included areas in Devon.
- DCC wished to use Government funding during the pandemic to create food sustainability and, with district council colleagues, set up food networks in each district to better understand food support locally. The food network project in East Devon ended at the start of the summer 2021.
- DCC research has shown that really vulnerable families are not accessing foodbanks for various reasons.
- DCC is looking to move forward with work to develop a series of food networks across Devon and to work collectively with other councils to promote welfare generally and support for clinically extremely vulnerable residents.

- A way forward in several areas had been agreed loosely and DCC is looking to commission further research to really understand what interventions vulnerable families and older people actually need. It has also been agreed to consider shared principles across district councils in Devon.
- It was noted that there is a lack of common offer of support across the County and Team Devon is looking to bring all of this work together in an agreed strategy.

Discussion and questions from Members and participants included the following points:

- It is vital to understand the root causes of poverty, rather than just address the consequences.
- Victoria Robinson, a Community Development Worker for the Housing Service, advised Members on how food had been distributed during lockdown to various providers including foodbanks, community fridges and larders. A list of food providers in East Devon had been compiled and was currently being updated. Detailed information from East Devon was available and could help to inform the DCC research work. Food providers are also referring clients to other EDDC services as appropriate.
- Victoria Robinson also outlined the process by which food is sourced from the FareShare hub in Bristol and distributed via Exeter Food Action.
- If all providers across Devon work to the same ethos, it may assist with overcoming barriers which prevent people from accessing support.
- It was noted that there is a difference between distributing food which would otherwise be wasted, arising from a duty not to waste food, and assisting those who are vulnerable and in need through foodbanks.
- Part of the solution to food sustainability could include allotments and growing food locally.

The Chair thanked Simon Kitchen for his presentation and looked forward to working with Simon and colleagues at Devon County Council in the future.

8 **Voluntary, Community & Social Enterprise (VCSE) sector consultation - report from John Golding - Strategic Lead - Housing, Health & Environment, on behalf of Jamie Buckley - Community Engagement & Funding Officer**

This item was deferred to the next meeting.

9 **Poverty Action Plan - Panel comments re. progress?**

This item was deferred to the next meeting.

10 **Date of the next meeting**

The next meeting will be held on 22 November 2021. The Panel will continue to meet every two months during 2022 and proposed dates would be circulated following the meeting.

**Attendance List**

**Councillors present:**

M Armstrong (Chair)  
M Chapman  
B De Saram  
M Rixson  
T Woodward

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

I Hall  
P Millar

**Officers in attendance:**

Sharon Church, Benefits Manager  
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  
Victoria Robinson, Community Development Worker – Housing Service  
Sally Raynes – Economic Development Officer – Employment and Skills

**Also in attendance:**

Simon Kitchen – Head of Communities, Devon County Council

**Councillor apologies:**

S Hawkins  
P Jarvis

Chair .....

Date: .....

**EAST DEVON DISTRICT COUNCIL****Minutes of the consultative meeting of Scrutiny Committee held Online via the Zoom app on 7 October 2021****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 7.20 pm

**11 Public speaking**

There were no members of the public registered to speak.

**12 Minutes of the previous meeting held on 29 July 2021**

The minutes of the previous consultative meeting held on 29 July 2021 were received.

**13 Declarations of interest**

Minute 17. Further report on proposed actions to improve staff morale. Councillor Mike Allen, Personal, The Member has made a Code of Conduct complaint which remains outstanding.

**14 Matters of urgency**

There were no matters of urgency.

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

There were no confidential / exempt items.

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

There were no decisions made by Cabinet called in by Members for scrutiny.

**17 Further report on proposed actions to improve staff morale**

The Chief Executive presented a further report setting out proposed actions to improve staff morale. This followed the two previous reports to the Scrutiny Committee regarding staff morale and the issues raised and identified by staff in the HSE survey. Appendix 1 of the report set out the proposed action/project plan which is currently being factored in to the forward plans for other Committees. Appendix 2 included the annual Human Resources summary report for 2020/21 which highlighted a number of relevant considerations which are normally reported to the Committee.

Questions to the Chief Executive and discussion included the following points:

- Consideration could be given to Portfolio Holders having a greater role liaising between Members and Officers and this could assist new Members with signposting when queries arise.
- The management structure is in place to enable staff to respond to Members appropriately.

- Consideration could also be given to providing Members with regular updates when there are changes of Officer / post holder.
- The average age of the workforce is increasing and now stands at 48.
- The issues around Members' behaviour were improving but require consistent attention.
- More could be done to reduce staff absence and this was reflected in the proposed action plan. A follow up staff survey would be undertaken for comparison purposes.
- Regarding the Council's Investors in People status, the Chief Executive and the Corporate HR Manager had met with the IIP assessors and the next assessment is due within the next 15-18 months.
- In response to a point regarding the handling of a Member's complaint under the Code of Conduct, it was noted that there is a process for keeping those involved informed about progress.
- Regarding the fear of Covid-19 and staff returning to the workplace, it was noted that there is a policy of encouraging all staff to be double vaccinated and to take a lateral flow test before coming to the office. Public Health advice is also being adhered to regarding social distancing.
- With regard to Member Development, there were previously open meetings for new Members to attend and ask questions and it was noted that recent new Members have not had an opportunity to meet with colleagues.

The Monitoring Officer advised that the relevant Portfolio Holder is aware of the need for the Member Development Working Group to meet and had stated at Cabinet the day before about her intentions to re-invigorate the Group. The Code of Conduct and Member Officer Protocol are currently being reviewed and need to be in place so that training can be specific to the policy framework. All Members are welcome to attend and contribute to the Standards Working Group meetings as these policies are considered.

Further discussion included the following:

- It is anticipated that the Personnel Committee will handle staff and employment matters moving forward, but the Scrutiny Committee remains free to request further information and reports on matters of concern at any time.
- Regarding the theme of procedure in meetings in the proposed Action Plan, it was noted that training for Members on making succinct points in meetings had been raised during a previous discussion.
- Work is currently underway through the Personnel Committee to address issues around recruitment.

The Committee wished to acknowledge the excellent work across the Council in maintaining services during recent challenging times.

## **RECOMMENDATION**

1. That the proposed action plan set out in Appendix 1 of the Chief Executive's report is accepted and it be endorsed that the CEO takes forward the actions identified and takes any further reports on the matter to the Personnel Committee.
2. That the relevant Portfolio Holder be invited to the next Scrutiny Committee meeting to provide an update on progress with the Member Development Working Group.

18 **Quarterly Monitoring of Performance - Quarter 1 2021 - 2022 - April to June 21**

The Chief Executive presented the report and highlighted 4 performance indicators which are showing a status of concern:

- the number of households living in temporary accommodation,
- working days lost due to sickness absence,
- percentage of planning appeal decisions allowed against the authority's decision to refuse, and
- percentage of Stage 2 complaints responded to within stated timeframes.

Consideration of the report included the following points:

- There was concern as to how to reduce the number of households in temporary accommodation and addressing affordable rents and social housing is at the forefront of the Administration's aims.
- The matter of providing sufficient emergency accommodation over the winter is being addressed.

The report was noted and the Committee acknowledged that action is being taken to address the supply of emergency accommodation over the winter.

19 **Forward Plan**

An update on progress with previously agreed forward plan items would be provided at the next meeting.

**Attendance List**

**Councillors present:**

T Wright (Chair)  
V Ranger (Vice-Chair)  
M Allen  
A Bruce  
M Chapman  
O Davey  
S Hawkins  
T McCollum  
P Millar  
H Parr  
E Rylance  
J Kemp

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

M Armstrong  
P Arnott  
D Bickley  
C Brown  
N Hookway  
G Jung  
D Ledger  
A Moulding

J Rowland  
I Thomas  
E Wragg

**Officers in attendance:**

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

Wendy Harris, Democratic Services Officer

Sarah Jenkins, Democratic Services Officer

Mark Williams, Chief Executive

**Councillor apologies:**

A Colman

C Gardner

Chair .....

Date: .....

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

**Recycling and Waste Partnership Board on 13 October 2021**

**Minute 20 Crew behaviour training phase 2**

**RECOMMENDED** by the Recycling and Waste Partnership Board:

1. that the Partnership Board recommend to Cabinet that members note the excellent crew behaviour training being delivered by SUEZ, including the five golden rules of crew behaviour:
  1. Never litter.
  2. Always return bins neatly.
  3. Always behave responsibly.
  4. Drive with care.
  5. Use social media responsibly.
2. that the Partnership Board recommend to Cabinet that the training [video](#) be included on the EDDC website and that all councillors be encouraged to watch it.

**Minute 21 Flats recycling project**

**RECOMMENDED** by the Recycling and Waste Partnership Board:

that the Partnership Board recommend to Cabinet that district councillors share with residents associations in their area the flats recycling project and the [video](#) in order to encourage residents of flats to recycle and that an improvement project be established and reported back to future meeting of the Recycling and Waste Partnership Board.

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Recycling and Waste Partnership Board held at Online via the Zoom app on 13 October 2021**

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

The meeting started at 10.00 am and ended at 12.40 pm

#### **14 Minutes of the previous meeting**

The minutes of the Recycling and Waste Partnership Board meeting held on 14 July 2021 were agreed as a true record.

#### **15 Declarations of interest**

Declarations of interest.

Councillor Denise Bickley, Personal, Chair of Sidmouth Plastic Warriors.

Declarations of interest.

Councillor Eleanor Rylance, Personal, Ward member for Broadclyst, which included Hill Barton Business Park, where Coastal Recycling was situated.

Declarations of interest.

Councillor Geoff Jung, Personal, Ward member for Woodbury and Lypstone, which included Greendale Business Park.

#### **16 Matters arising**

There were no matters arising or questions submitted in advance of the meeting. It was noted that during the previous meeting it had been recommended that visits be arranged to SUEZ Greendale depot and to Coastal Recycling at Hill Barton Business Park. The Chair felt that this would be of interest to many district councillors, however if social distancing was to be maintained the Board agreed that it would be sensible to wait until January 2022 to decide whether it was safe to conduct the visits.

#### **17 Joint operational and contract report**

The Recycling and Waste Manager and the SUEZ Contract Manager gave the Board a joint report on a contract and operational update for the period July – October 2021. This quarter (2) had been dominated by staff shortages that had affected the entire sector. Staff resources had been closely managed to maintain as many collections as possible on planned schedules. The staff shortages had led to regular non-deployment of rounds and in-complete rounds for recycling and officers outlined how the situation had been managed. The team working and focus on key principles and priorities was testimony to the joint working ethic. The Recycling and Waste Manager thanked the teams involved and added that the app messaging had proved invaluable in communicating round difficulties.

Waste, green waste and clinical collections had been largely unaffected. Bulky items collections were suspended in order to transfer staff to support recycling crews under contingency planning. In response to a question, it was noted that this had not increased fly tipping.

Two significant milestones were passed during the second quarter:

- 72,000 properties served.
- 17,000 green waste customers.

This continual growth had added to the operational pressures and reflected the need to grow operational capacity to meet the demands and developing size of the operation.

Shortages in operational staff had impacted SUEZ and the industry dramatically. The bonus incentive helped with some shortages over the summer and it also aided in bolstering staff wages to keep them in line with other Devon authorities. Towards the end of September more loader and driver positions had been filled with higher paid agency staff. Some of these staff were filtering into SUEZ via temporary to permanent positions. The increase in staff had helped with the collection issues levelling out and a reduction in negative performance statistics.

An Assistant Contract Manager had recently been recruited from within the contract on a secondment role. The SUEZ Recycling Officer had also been moved to a supervisory role to bring on her operational skills and a new Recycling Officer, Jess Prosser was introduced and welcomed to the meeting. Six new team leaders had been appointed within recent weeks to help with quality of service. There were 5 members of staff being trained to be LGV driver 3 through the government apprentice scheme.

The SUEZ Contract Manager reported that health and safety incidents had reduced. There had been a number of missed collections and complaints due to staff shortages but these were both on a downward trend. Waste flow was increasing and this was attributed to holiday lets and the number of visitors to the area over the summer.

Material values had been positive from the beginning of the year with the partnership receiving higher rebates for cardboard than anticipated. The partnership sold 6757 tonnes at a value of £868,678. September was the best performing month since the contract began. It was hoped that if this trend continued total material sales income for the year would be over £1 million. The Board were cautioned that despite this the partnership would not receive the same level of uplift income it was expecting this year due to losses in shared savings. Overall waste arising were going up, but this was mainly due to the increase in green waste collected.

As part of county wide collaborative working the team were working with both Exeter City Council (ECC) and Devon County Council to assist with the pending trial of food waste collection in Exeter. The food waste collected in Exeter would be taken to the SUEZ Greendale depot as a means of getting the material into the anaerobic digestion treatment stream. The partnership had also provided food waste participation data to help ECC predict workload on the trial collections.

In addition the team were providing monthly materials tonnage data to South Hams District Council to help them predict workloads as they planned to extract themselves from the long running difficulties they had had with the collection system and operations.

The Chair and other members thanked the teams for the service and the partnership approach. The Board wished to record its thanks to the recycling officers for doing an excellent job and working at this level and interacting so professionally with councillors and SUEZ to resolve issues.

The Service Lead – Street Scene commented that he was glad that the bonus scheme and driver training programme had helped the service. In light of the national driver shortage issue and increase in wages, he asked whether SUEZ planned to increase its pay rates the following year. It was suggested that driver pay be taken to the Devon Authorities Strategic Waste Committee (DASWC) to set a uniform pay rate across the area. It was noted that driving for the waste and recycling service was different to hauliers. Many people were attracted by the hours and the ability to work locally. SUEZ would be watching pay rates and would be looking at wages internally. It was noted that regionally SUEZ looked very closely at wage rates and incentive schemes.

The Recycling and Waste Manager reported that periodically the sector had a county wide pay review and that there was currently one ongoing. The local authorities were very open about pay and shared information. It was suggested, as part of the ongoing DASWC collaboration, that county wide standard pay rates could be explored across all the collection authorities. SUEZ were asked if they actively recruited women and it was noted that there were currently a couple of female drivers on the East Devon contract. There were also a few female loaders and at management level there were four women and five men. The SUEZ Principal Commercial Manager reported that in terms of white collar roles there was equal pay and as many if not more women employed across the company. There were fewer women in operational roles and steps were being taken to attract more females.

Concern was expressed over the lack of ability to recycle aluminium cans in public waste bins. It was noted that many of these beach front bins were overflowing in the summer and members queried how cans could be diverted from the public waste bins. The Service Lead – Street Scene replied that it was a service objective to improve on street recycling, but this involved a whole host of operational issues regarding the need for more bin lift vehicles on the fleet, as well educating the public as society still did not always engage with recycling. It was hoped that the anticipated deposit return scheme (DRS) would help with this. It was noted that there was still no definitive time scale from DEFRA for DRS implementation.

On behalf of the Board the Chair once again thanked all the staff and teams for their work in keeping the service running.

## 18 **Performance framework**

The Recycling and Waste Manager thanked the Recycling and Waste Assistant for the performance figures which showed performance across the contract. It was noted that lockdown and staff shortages had led to dips in performance but this was starting to improve, with figures returning nearer to target. The teams were thanked for working together in partnership during a difficult period. It was noted that the summer period was always a challenge with additional visitors to the area and waste generated from holiday lets, as well as staff shortages and staff wanting to take holidays. The Partnership Board noted the performance framework.

## 19 **Bridging solution update**

The SUEZ Principal Commercial Manager updated the Board on the bridging solution put forward to EDDC. This required a significant uplift on the contract. Officers had recently been provided with more detail on the proposal, which they now needed to investigate further. Once this had been undertaken officers would be in a position to continue discussions and clarify the proposal.

## 20 **Crew behaviour training phase 2**

The SUEZ Recycling Officer outlined phase 2 of the crew behaviour training. She reported that there had been an improvement after the first phase of training, but that bad habits were starting to return. A video had been produced and would be delivered in a similar way to the toolbox talks. It would also be put onto the SUEZ portal and used for new inductions and agency staff. The video reiterated the five golden rules and why it was so important for crews to follow them. The five golden rules were:

1. Never litter.
2. Always return bins neatly.
3. Always behave responsibly.
4. Drive with care.
5. Use social media responsibly.

The reasons why the crews should follow the rules were:

- Less complaints means supervisors have more time to deal with your queries.
- Makes your day shorter.
- Improved relationship with client and residents, makes everyone's lives easier.
- Increased support from client and residents.
- Positive resident reactions.
- You are the face of Suez.
- You are contracted to provide a good service.

The Board thanked the Recycling Officer for her excellent video and agreed that all councillors should be encouraged to watch it: <https://youtu.be/Yha0V9KwTp4>. It was suggested that the video be linked to the Council's website so that the public were aware of what was expected of the crews.

### RECOMMENDED:

1. that the Partnership Board recommend to Cabinet that members note the excellent crew behaviour training being delivered by SUEZ, including the five golden rules of crew behaviour:
  1. Never litter.
  2. Always return bins neatly.
  3. Always behave responsibly.
  4. Drive with care.
  5. Use social media responsibly.
2. that the Partnership Board recommend to Cabinet that the training [video](#) be included on the EDDC website and that all councillors be encouraged to watch it.

## 21 **Flats recycling project**

The SUEZ Recycling Officer and two EDDC Recycling and Waste Officers gave a presentation to the Board on a project looking at recycling in flats. Over 400 bins stores across the district were initially surveyed in 2017 and facilities were reviewed to see how to maximise recycling participation at each. There were a number of challenges to be overcome:

### Challenges for residents

- Having space inside to store recycling
- Knowing what can or can't be recycled
- Distance to the recycling store and having to use stairs

- Having to trek outside in bad weather
- Poorly laid out recycling stores with insufficient space

#### Challenges for local authorities

- Contamination
- Separation
- Quality - Keeping recycling dry
- Communication challenges with a diverse range of tenants
- Motivating residents to recycle more
- Social problems such as fly tipping, misuse of facilities
- Lack of ownership

In 2020 a developer guide was created which gave a steer for large housing developers to create communal recycling stores that were user friendly, crew friendly and created conditions for good levels of recycling. The EDDC planning team had been issuing it to developers on receipt of planning enquiries and the recycling team and SUEZ were consulted to ensure plans met their capacity and space requirements.

Following an EDDC housing fire risk assessment at 23 blocks of flats there was a housing led recycling store project which started in January 2021 where recycling stores were revamped. Each store was kitted out with new recycling and waste containers and posters. 15,000 litres excess refuse capacity was removed and recycling capacity was increased. A recycling guide and a handy bag (to help residents get recycling from inside their home to the outside stores) was delivered to every flat.

Good relations were forged with big social landlords, most of which were persuaded to invest money in improved recycling facilities. Some private developers also contacted the recycling and waste team and invested in high quality recycling facilities.

As part of the project seven blocks of flats were monitored for recycling output and contamination. This was:

- 2 newly built EDDC bin stores.
- 1 newly built private bin store.
- 3 EDDC bin stores that had had no EDDC intervention.
- 1 private bin store with no EDDC intervention.

The average amount of recycling from non-flatted areas per week for 2 people was 8.65kg and for one person it was 4.32kg. The results of the monitoring showed that people living in flats put out less recycling than those living in houses (some by as much as 50%). Despite EDDC's current intervention to encourage recycling, this had little impact on the amount of recycling placed out for collection. Bespoke interventions were required and examples were shown to the Board. There was also a problem of high contamination in flats, with plastic being the worse material for contamination, followed by paper and card. However, in general the higher the recycling rate the higher the contamination. A number of future interventions were discussed and the Board were shown a [video](#) produced for residents of flats to promote recycling.

On behalf of the Partnership Board the Chair thanked the officers involved for all their efforts with the flat recycling project. Despite the results being a little disappointing it was great to see various departments working together and officers were encouraged to continue with the work to encourage recycling in flats. It was noted that the team were looking to produce a recycling leaflet specific for flat residents. It was suggested that district councillors be informed of the project and encouraged to contact active residents associations in their area to promote the project and share the video.

**RECOMMENDED:** that the Partnership Board recommend to Cabinet that district councillors share with residents associations in their area the flats recycling project and the [video](#) in order to encourage residents of flats to recycle and that an improvement project be established and reported back to future meeting of the Recycling and Waste Partnership Board.

## 22 **Green waste accounts**

The Recycling and Waste Manager thanked the Accountant for producing the accounts. He outlined the cash position and the accruals position and commented that the projected position was healthy. It was noted that the costs were based upon the four rounds at present, if another round was required this would impact on costs. In response to a question it was noted that if growth of the service continued an additional round was likely to be added in the new financial year.

### **Attendance List**

#### **Board Members:**

#### **Councillors present:**

G Jung (Chair)

D Bickley

E Rylance (Vice-Chair)

T Wright

M Rixson

#### **Officers present:**

G Bourton, Recycling and Waste Contract Manager

A Hancock, Service Lead StreetScene

#### **Suez present:**

N Tandy, Principal Commercial Manager

J Gatter, Contract Manager

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

P Faithfull

J Kemp

B De Saram

#### **Officers in attendance:**

Andrew Hopkins, Communications and Events Consultant

Lou Hodges, Recycling Officer

Lily Morton, Recycling Officer

Alethea Thompson, Democratic Services Officer

Steve Joyce, Waste Management Officer

Steve Maclure, Waste Management Officer

#### **Suez representatives in attendance:**

Lily Morton, Recycling Officer, SUEZ

Jess Prosser, Recycling Officer, SUEZ

**Board Member apologies:**

James Pike, Regional Director, SUEZ

John Golding, Strategic Lead - Housing, Health and Environment

Councillor Geoff Pook

Chairman .....

Date: .....

Report to: Cabinet



Date of Meeting 3 November 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## **Cranbrook Town Council – Community Governance Review**

### **Report summary:**

To report back to Cabinet on the responses received to the phase 1 consultation and to recommend that the Community Governance Review not be further proceeded with.

### **Is the proposed decision in accordance with:**

Budget Yes  No

Policy Framework Yes  No

### **Recommendation:**

That having regard to the representations received and the likely timescale for receiving the report of the Inspector into the Cranbrook Plan the Review be discontinued and that Cranbrook Town Council be invited to reapply for a Review when the Inspector's report is received and the implications of the report have been fully assessed

### **Reason for recommendation:**

To take account of representations received and the delay in receiving the Inspectors report.

Officer: Mark Williams CEO

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

**Equalities impact** Low Impact

**Climate change** Low Impact

**Risk:** Low Risk;

### **Links to background information**

[CGR Representations](#) and [Cabinet report 3 March 2021 item 346](#)

[Link to Statement of Intent](#)

Priorities (check which apply)

- Better Homes and Communities for all
  - Greener East Devon
  - A resilient Economy
  - Services that matter
- 

## Report in full

This matter was reported to Cabinet in March 2021 and it was resolved to commence a Community Governance Review ('CGR') for the purposes of establishing revised boundaries for Cranbrook. This was based on representations received from the Town Council and an expectation of progress having been completed on the Cranbrook Plan which essentially looks to define the future expansion areas for the town.

As matters have transpired, the Inspector has requested additional evidence as part of the Inquiry process with the result that in all likelihood her report will not be received until 2022. The absence of this report is a crucial consideration as the Town Council's request was anticipatory and assumed that the future extent of the town would have been defined by now.

The representations received are set out in the background documents. The representations from Cranbrook have been supportive of the Review whereas the majority of representations, which are from outside Cranbrook, object to the Review and the proposed expansion.

The original report to Cabinet referred to the Secretary of States guidance for CGRs. In particular, paragraph 15 of the Secretary of States guidance provides as follows: 'In many cases making changes to the boundaries of existing parishes, rather than creating an entirely new parish, will be sufficient to ensure that community governance arrangements to continue to reflect local identities and facilitate effective and convenient local government. For example, over time communities may expand with new housing developments. This can often lead to existing parish boundaries becoming anomalous as new houses are built across the boundaries resulting in people being in different parishes from their neighbours. In such circumstances, the council should consider undertaking a community governance review, the terms of reference of which should include consideration of the boundaries of existing parishes.'

This guidance assumes that houses have been built (or at least have permission) and that there is a degree of certainty and permanence in terms of development on the ground. In the absence of this it is problematic for the Council to be confident that the statutory requirements of effective and convenient community governance and reflecting local identity are met. In the circumstances I have concluded that the CGR is premature and should be discontinued. This will not prevent Cranbrook Town Council from reapplying at a later date when there will be greater certainty that the statutory requirements are or can be met.

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## Financial implications:

The report of 3 March 2021 estimated costs in the region of £5,000 linked to the production of the Community Governance Review and so will be avoided if the Review is discontinued.

## Legal implications:

Section 81 of the Local Government and Public Involvement in Health Act 2007 provides that it is for the Council to decide the terms of reference of any community governance review. The legal requirements for recommendations arising out of the community governance review are set out in

page 39

Part 4 Chapter 3 of the 2007 Act. This includes recommendations as to what new parish or parishes (if any) should be constituted in the area under review, and its electoral arrangements. There must be recommendations as to the name of any new parish, and as to whether or not the new parish should have a parish council, and if so, its style [parish / town / community / village / neighbourhood]. The Council must have regard to guidance issued by the Secretary of State under s100 of the 2007 Act about carrying out community governance reviews and giving effect to any recommendations arising out of the review. The Council must also have regard to guidance from the Electoral Commission on electoral recommendations arising out of the review.

Report to: Cabinet



Date of Meeting 3 November 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## Colyford – Community Governance Review

### Report summary:

A request has been received from Colyford Village Residents Association requesting that the Council undertake a community governance review under section 80 of the Local Government and Public Involvement in Health Act 2007. The purpose of the review would be to assess whether or not Colyford should have its own parish council rather than being part of Colyton Parish Council.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

1. That the Council undertake a Community Governance Review of the current Colyton Parish Council area with a view to establishing whether Colyford should have its own parish council and approve a budget of £5,000 for carrying out the review.
2. That the Terms of Reference be agreed, including the timetable and arrangements for public consultation.
3. That further reports will be brought to Cabinet in order that decisions may be made in respect of draft proposals and final recommendations of the Review.

### Reason for recommendation:

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

Officer: Henry Gordon Lennox, Strategic Lead Governance & Licensing

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

**Equalities impact** Low Impact

**Climate change** Low Impact

**Risk:** Low Risk;

**Links to background information** [Local Government and Public Involvement in Health Act 2007 Communities and Local Communities - Guidance on community governance reviews March 2010](#)

**Link to** [Statement of Intent](#)

Priorities (check which apply)

- Better Homes and Communities for all
  - Greener East Devon
  - A resilient Economy
  - Services that matter
- 

## **1 Introduction to Community Governance Reviews**

1.1 A Community Governance Review is a review of the whole or part of a district to consider one or more of the following:

- creating, merging, altering or abolishing parishes;
- the naming of parishes and the style (i.e. whether to call it a town council or village council etc) of new parishes;
- the electoral arrangements for parishes – the ordinary year of election, the size of the council, the number of councillors to be elected and parish warding;
- grouping parishes under a common parish council, or de-grouping parishes.

1.2 Under the legislation the Council must aim to ensure that community governance in the area under review:-

- reflects the identities and interests of the community in that area
- is effective and convenient
- takes into account any other arrangements for the purpose of community representation or community engagement.

1.3 When considering this, the Council should take into account a number of factors, including:

- the impact of community governance arrangements on community cohesion; and
- the size, population and boundaries of any new local community or parish.

A review involves the following stages:

- (1) Setting terms of reference of the review (if Cabinet recommends a review, suggested terms of reference are set out in Appendix 1);
- (2) Publicising the terms of reference (for the purposes of the Act, the review formally commences when the terms of reference are published);
- (3) Undertaking consultations with the local government electors for the area and any other person or body (including relevant Parish Councils) who appear to have an interest in the review;
- (4) Considering representations;

- (5) Preparing and publishing draft proposals;
- (6) Undertaking consultation on the draft proposals;
- (7) Considering representations;
- (8) Publishing recommendations;
- (9) Making an order to bring into effect any decisions arising from the review;
- (10) A review must be concluded within 12 months of the publication of the terms of reference.

1.4 When undertaking a Community Governance Review a principal council must have regard to guidance issued by the Secretary of State and the Electoral Commission. However, subject to this, it is for the Council to decide how to undertake the review.

1.5 A copy of the request for the review is available for inspection and a copy is attached as Appendix 2 together with the petition that residents were asked to sign (Appendix 3). The request is thorough and it is clear that there has been careful consideration of the request and its implications by Colyford Village Residents Association, being the petition organiser.

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### **Financial implications:**

There will be costs other than existing staff resources, although these are not expected to be significant, estimated to be in the region of £5,000. There is no existing budget provision for this amount.

### **Legal implications:**

Section 81 of the Local Government and Public Involvement in Health Act 2007 provides that it is for the Council to decide the terms of reference of any community governance review. The legal requirements for recommendations arising out of the community governance review are set out in Part 4 Chapter 3 of the 2007 Act. This includes recommendations as to what new parish or parishes (if any) should be constituted in the area under review, and its electoral arrangements. There must be recommendations as to the name of any new parish, and as to whether or not the new parish should have a parish council, and if so, its style [parish / town / community / village / neighbourhood]. The Council must have regard to guidance issued by the Secretary of State under s100 of the 2007 Act about carrying out community governance reviews and giving effect to any recommendations arising out of the review. The Council must also have regard to guidance from the Electoral Commission on electoral recommendations arising out of the review.

East Devon District Council

## LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

### COMMUNITY GOVERNANCE REVIEW

#### TERMS OF REFERENCE

A review of parishes and related matters under the Local Government and Public Involvement in Health Act 2007

#### **INTRODUCTION**

##### Setting the Context

The Local Government and Public Involvement in Health Act 2007 provides for a principal council to conduct a community governance review at any time. The Council can undertake a review of the whole or part of its area.

East Devon District Council (“the Council”) has resolved to review the governance arrangements for the parish of Colyton following a request from the residents of Colyford village to create their own parish council.

In undertaking the review the Council will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007, the relevant parts of the Local Government Act 1972, Guidance on Community Governance Reviews issued in accordance with section 100(4) of the Local Government and Public Involvement in Health Act 2007 by the Department of Communities and Local Government and The Local Government Boundary Commission for England in March 2010, and the following regulations which guide, in particular, consequential matters arising from the review: Local Government (Parishes and Parish Councils) (England) Regulations 2008, Local Government Finance (New Parishes) Regulations 2008. Section 81 of the Local Government and Public Involvement in Health Act 2007 requires the Council to publish its Terms of Reference in a review.

These Terms of Reference will be published by placing a copy on public deposit at the offices of East Devon District Council, Blackdown House, Honiton and on the Council’s website at [www.eastdevon.gov.uk](http://www.eastdevon.gov.uk)

##### What is a Community Governance Review (CGR)?

A CGR is a review of the whole or part of the district to consider one or more of the following:

- Creating, merging, altering or abolishing parishes;
- The naming of parishes and the style of new parishes;
- The electoral arrangements for parishes (the ordinary year of election; council size; the number of councillors to be elected to the council, and parish warding); and
- Grouping parishes under a common parish council or de-grouping parishes.

The Council is required to have regard to the need to secure that community governance within the area under review will be

- Reflective of the identities and interests of the community in that area; and
- Is effective and convenient.

In deciding what recommendations to make, the council must take into account any other arrangements (apart from those relating to parishes) that have already been made, or that could be made, for the purposes of community representation or community engagement in respect of the area under review. In doing so the CGR is required to take into account:

- The impact of community governance arrangements on community cohesion; and
- The size, population and boundaries of a local community or parish.

#### Who undertakes the review?

As the principal authority the District Council is responsible for undertaking any CGR within its electoral area.

The Council will approve the final recommendations before a Community Governance Order is made.

### **CONSULTATION**

#### How the Council proposes to conduct consultations during the CGR

The Council has drawn up and now publishes this Terms of Reference document. This document lays out the aims of the review and the legislation that guides it.

In coming to its recommendations in the CGR the Council will need to take account of the views of local people. The Act requires the Council to consult the local government electors for the area under review and any other person or body who appears to have an interest in the review and to take the representations that are received into account by judging them against the criteria in the Local Government and Public Involvement in Health Act 2007.

The Council intends to consult with all households and interested parties in the area inviting initial submissions and seeking views on the draft proposals.

The Council will also identify any other person or body who it feels may have an interest in the review and write to them inviting them to submit their views at both stages of consultation.

This will include

- Ward Members
- Tenants and Residents Associations
- Groups and Societies
- Schools and Colleges
- Members of Parliament
- Devon Association of Local Councils
- The Police

The Council will also be pleased to receive comments from any other person or body that wishes to make representations; any such person that makes representations during the initial invitation to submit proposals will be invited to make comments in respect of the draft proposals.

As required by Section 79(3) of the Local Government and Public Involvement in Health Act 2007, the District Council will notify Devon County Council that a review is to be undertaken, provide them with a copy of the Terms of Reference for the review and will consult them on the matters under review.

The Council intends to clearly publish all decisions taken in the review and the reasons for taking those decisions and will work towards the Government's view in undertaking the review that "Community Governance Reviews should be conducted transparently so that local people and other stakeholders who may have an interest are made aware of the outcome of the decisions taken on them and the reasons behind these decisions."

In accordance with the Act, representations received in connection with the review will be taken into account and steps taken to notify consultees of the outcome of the review by publishing them on the Council's website at [www.eastdevon.gov.uk](http://www.eastdevon.gov.uk) , through general press releases, public notice advertisements in local newspapers, placing key documents on public deposit at Council offices and will communicate the final outcome of the review by writing to all households in the area affected by the review.

A timetable for the review

A CGR must, by statute be concluded within a twelve-month period from the day on which the CGR starts. A CGR starts when the District Council publishes its Terms of Reference and concludes when the District Council publishes the recommendations made in the CGR.

The following is the review timetable

Action	Timetable	Dates
Compiling Terms of Reference		October 2021
Terms of Reference report to Cabinet		November 2021
Council approves Terms of Reference		December 2021
Publication of Terms of Reference		January 2022
Stage one – Invite initial submissions	3 months	January 2022 to March 2022
Stage two – Consideration of submissions received and draft proposals prepared		April 2022
Stage three – Draft proposals are published and consultations made	3 months	June 2022 to August 2022
Stage four – Consideration of submissions received and final proposals prepared		September/October 2022
Preparation of Recommendation and approval by Cabinet		November 2022
Preparation of Recommendation and approval by Council		December 2022
Publication of Recommendations		December 2022
Effective date of Order		December 2022
Parish Council elections under new arrangements		May 2023

## PARISH AREAS

### Introduction

The legislation requires that the Council must have regard to the need to secure that community governance within the area under review:

- Reflects the identities and interests of the community in that area, and
- Is effective and convenient, and
- Takes into account any other arrangements for the purposes of community representation or community engagement in the area.

### Parishes

The Council is anxious to ensure that electors should be able to identify clearly with the parish in which they are resident because it considers that this sense of identity and community lends strength and legitimacy to the parish structure, creates a common interest in parish affairs, encourages participation in elections to the parish council, leads to representative and accountable government, engenders visionary leadership and generates a strong, inclusive community with a sense of civic values, responsibility and pride.

Details of the submission made by the Colyford Village Residents Association are appended to these terms of reference.

### District Warding and County Division Boundaries

Should the issues which are the subject of this review require any alterations to the boundaries of District Wards or County Divisions, the Electoral Commission is responsible for deciding whether boundary changes of this nature should be made and will require evidence that the Council has consulted on any such recommendations. If the need for changes become apparent during the course of this review the Council will endeavour to incorporate them within in the consultation at the earliest opportunity.

## **REORGANISATION OF COMMUNITY GOVERNANCE ORDERS AND COMMENCEMENT**

The process will be completed when the Council adopts the Reorganisation of Community Governance Order. Copies of this Order, the map(s) that show the effects of the Order in detail, and the document(s) which set out the reasons for the decisions the Council has taken (including where it has decided to make no change following the review) will be deposited at the Councils offices and posted on its website.

In accordance with the Guidance issued by the Government, the Council will issue maps to illustrate each recommendation at a scale that will not normally be smaller than 1:10,000. These maps will be deposited with the Secretary of State at the Department for Communities and Local Government and at the Council's offices. Prints will also be supplied in accordance with the regulations to Ordnance Survey, the Land Registry, the Valuation Office Agency, the Local Government Boundary Commission for England and the Electoral Commission.

Should an Order be made, it is proposed that it will take effect for financial and administrative purposes on **1 April 2023**

## **CONSEQUENTIAL MATTERS**

### General Principles

The Council notes that a Reorganisation Order may cover any consequential matters that appear to the Council to be necessary or proper to give effect to the Order. These may include:

- The transfer and management or custody of property;
- The setting of precepts for new parishes;
- Provision with respect to the transfer of any functions, property, rights and liabilities;
- Provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters.
- In these matters the Council will be guided by Regulations that have been issued following the 2007 Act.

In particular the Council notes that Regulations regarding the transfer of property, rights and liabilities require that any apportionments shall use the population of the area as estimated by the Proper Officer of the Council as an appropriate proportion.

Furthermore, the Council notes that the regulations regarding the establishment of a precept for a new parish require the Council to calculate the first anticipated precept for a newly constituted parish council and for the amount of that precept to be included in the Reorganisation Order.

### **HOW TO CONTACT US**

Should you wish to submit a written representation regarding this review please address this to

Electoral Services

East Devon District Council

Blackdown House

Border Road

Honiton

EX14 1EJ

Alternatively you representation can be e-mailed to [electoralservices@eastdevon.gov.uk](mailto:electoralservices@eastdevon.gov.uk)

### **DATE OF PUBLICATION OF THESE TERMS OF REFERENCE**

Date of Publication: **[DATE]**

# Proposal for a Community Governance Review for Colyford

## 1. The Proposal

- 1.1. We are submitting a petition to East Devon District Council to carry out a Community Governance Review with the purpose of constituting a Parish Council for Colyford under the section 80 of the Local Government and Public Involvement in Health Act 2007 ("the Act").<sup>1</sup> We request that the new Parish Council shall be called Colyford Village Council.
- 1.2. In accordance with s80 (3) of the Act, the petition has been signed by 249 electors, which is significantly above the threshold of 187 required by the Act. There are currently approximately 733 local government electors on the electoral roll for the Colyford village petition area.
- 1.3. In accordance with s80 (4) of the Act, we attach a map (Appendix 1) to define the area to which the review is to relate.

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<sup>1</sup> [http://www.legislation.gov.uk/ukpga/2007/28/pdfs/ukpga\\_20070028\\_en.pdf](http://www.legislation.gov.uk/ukpga/2007/28/pdfs/ukpga_20070028_en.pdf)

## 2. Background Policy relating to Parish Councils

2.1. Recent governments have spoken of the importance of parish and town councils. The 2006 local government white paper, *Strong and prosperous communities*, stated:

“We will make it clear that there will be a presumption in favour of the setting up of parish councils so that local authorities will be expected to grant communities’ requests to set up new parish councils, except where there are good reasons not to, and that existing parish councils are not to be abolished against the wishes of local people.”<sup>2</sup>

2.2. The Act gives residents the right to petition for the formation of parish councils and has devolved the decision-making on such matters from central government to local authorities. We are therefore submitting our petition to East Devon District Council, the relevant decision making local authority. Guidance on Community Governance Reviews was published in March 2010 (“the Guidance”).<sup>3</sup>

2.3. The government’s intentions are to make the process for obtaining a community governance review even easier. On 11 December 2014 a legislative reform order was laid before parliament, which will lower the threshold of signatures required and speed the decision making process by the local authority.<sup>4</sup>

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<sup>2</sup> DCLG, *Strong and prosperous communities*, 2006, p43

<sup>3</sup> [http://www.lgbce.org.uk/\\_\\_data/assets/pdf\\_file/0019/10387/community-governance-review-guidance.pdf](http://www.lgbce.org.uk/__data/assets/pdf_file/0019/10387/community-governance-review-guidance.pdf)

<sup>4</sup> The Legislative Reform (Community Governance Reviews) Order 2014

- It's own church, St Michaels Chapel of Ease with an active church community.
  - Two busy pubs well used by locals and visitors alike, which attracts many people into the village.
  - A state of the art cycle shop which, together with the cafe within it, attracts visitors in great numbers who are following the SusTrans Route 2 cycle route or just touring the area.
  - Two tram stops on the Seaton to Colyton Tramway, one in the village and the other currently under construction in the Seaton Wetlands Wildlife Reserve close to Colyford Common well used by visitors and residents.
  - A well supported Residents' Association which works to represent the interests of village residents, and was instrumental in protecting several attacks by developers on the Green Wedges between settlements and has been instrumental in keeping the village tidy and presentable.
- d) Colyford is currently part of Colyton Parish and is served by Colyton Parish Council. The Parish Council has 13 Councillors.
- e) It is difficult for Colyton Parish Council to meet all the needs of a parish when it has Colyford village as a major peripheral settlement close to it and it is inevitable that the focus of the Parish Council will be on the facilities and needs of Colyton town, rather than those of Colyford. This will become even more marked because Colyton has planning permission for over 70 new dwellings on the old Ceramtec site, which is in the process of being built. This will bring new challenges and priorities. It means that the Parish Council must inevitably focus even more on the town's residents and their needs and less on those of the peripheral settlements like Colyford. It is therefore better to have two separate governance systems which recognise the separate community identities, so that each can prioritise. The workload for Colyton Parish Council will be decreased.
- f) It is important for community cohesion for both Colyton and for Colyford that each community should have a clear governance structure that represents its own identities and interests.
- g) Community cohesion will be enhanced for Colyford by having its own village council. A village council could influence the quality of planning, improving amenities and public open spaces and improving the quality of life for Colyford residents. Increasing a sense of local identity will make an important contribution to community cohesion.
- h) A village council for Colyford would bring together people with a shared future vision, working together to enhance our community, and increasing a sense of involvement. Residents will feel they have a stake in their community and a chance to influence decisions affecting their lives.

- i) During this campaign for a village council, local residents have come forward to express an interest in becoming a village councillor for Colyford. They can identify with their community and its needs and interests. In general they do not wish to be involved in Colyton Parish Council as it has a different identity that is not so relevant for them.
- j) The attempt to create a village council in Colyford has met with widespread and whole-hearted support from residents. The will of the people is evident and should be respected. The influence of the Localism Agenda is important, and support in the Act and the Guidance states that the feeling of the local community and the wishes of local inhabitants are the primary considerations.

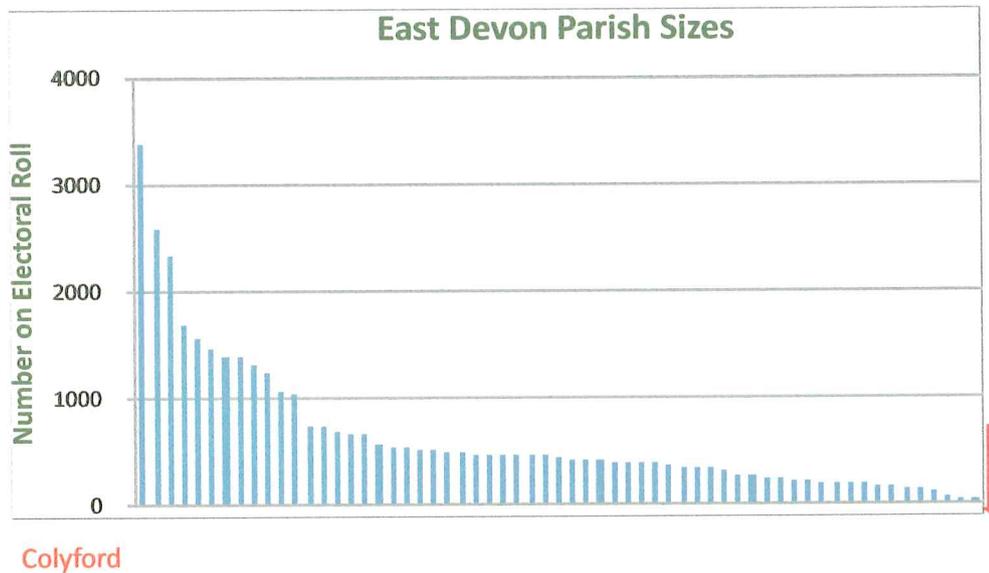
### **3.3. Effective and convenient local government**

- a) The most effective and convenient local government is for local people to have a say in the way the village is managed. For Colyford residents, this means a local council in Colyford rather than in Colyton.
- b) It is not convenient for Colyford residents to have to travel to Colyton to attend local council meetings. Council services, such as inspecting plans for planning applications, would be provided much more effectively locally in Colyford. Accessibility would be improved with a Colyford village council.
- c) Colyford residents should make decisions on Colyford matters. At present, because of our minority representation on Colyton Parish Council, the few Colyford based councillors can easily be outvoted. This can lead to a sense of disenfranchisement for Colyford residents.
- d) Colyton town has a multitude of issues to consider, as discussed above in 3.2 e), which are not always relevant to Colyford, and this leaves even less time for Colyford issues to be considered. It is more efficient and effective for each community to deal with its own issues.
- e) With its own village council, money raised through the precept from Colyford residents would be spent locally and there would be accountability. Priorities would be decided by Colyford residents.
- f) With the introduction of the Community Infrastructure Levy ("CIL"), 15% (or 25% once a Neighbourhood Plan is in place) would come straight to a Colyford village council. Money which is triggered by development in Colyford would be spent in Colyford, rather than in the wider Colyton parish.

### **3.4. Size, population and boundaries of a local community**

- a) Size, population and boundaries of a local community are linked to aspects of both the principal criteria identified in s93 of the Act, but perhaps more specifically to community governance being effective and convenient.

- b) The Guidance advises that a parish's population is one of the influential factors that local authorities should take into account when carrying out a community governance review.
- c) We believe Colyford is the largest village in East Devon that does not have its own parish council.



- d) There are a large number of parishes smaller than Colyford that have their own parish council or parish meeting. Some of these are significantly smaller than Colyford and have efficient parish councils that meet the needs of their residents, e.g. Aylesbeare, Rockbeare.
- e) A village of Colyford's size needs its own representation. This would bring it into line with other similar sized villages in East Devon which have their own parish council. Newton Poppleford, Whimble, Feniton and Uplyme are all similar sized villages with effective parish councils.
- f) A village of Colyford's size with the number of residents we have means that a village council is the most effective way to meet the needs of our community. Our own village council could represent the community's interests better and increase community cohesion.
- g) There are no other 1st Tier councils in East Devon that have a settlement the size of Colyford included in their area. For example Honiton Town Council is surrounded by 8 small parish councils or parish meetings: Gittisham (465), Buckerell (189), Awliscombe (390), Combe Raleigh (186), Luppitt (359), Monkton (141), Offwell (334), Farway (206).
- h) The boundary of the present Colyford village, which we propose to be the boundary of Colyford Village Council, has been reviewed by several local people with a deep knowledge of the history of the village and is considered to form the best natural boundary for the settlement.

#### **4. Community Engagement**

We have engaged with the community extensively throughout this process. The Residents' Association held a meeting with its members where the proposal was discussed. This indicated there was a large degree of support for forming a new village council.

Subsequently, the Resident's Association delivered a leaflet to every household in Colyford explaining the advantages and disadvantages of forming our own separate council together with a projected budget based on similar sized existing parish councils. This was followed by holding two public open meetings for all villagers, where discussion and a question and answer session were held and people were asked to decide whether they would like to support a petition for a Community Governance Review towards forming our own village council. Both of these meetings were very well attended. What has emerged from this consultation process is a very clear and consistent desire for change and a belief that Colyford should be able to determine the services it wishes to provide and to determine the precept it needs to raise in order to provide those services.

#### **5. Recommendation**

We have presented a petition with 249 signatures, significantly in excess of the 187 threshold required by the Act to trigger a Community Governance Review.

The community of Colyford has thus clearly expressed their wish for a village council to be set up, and this should be given considerable weight.

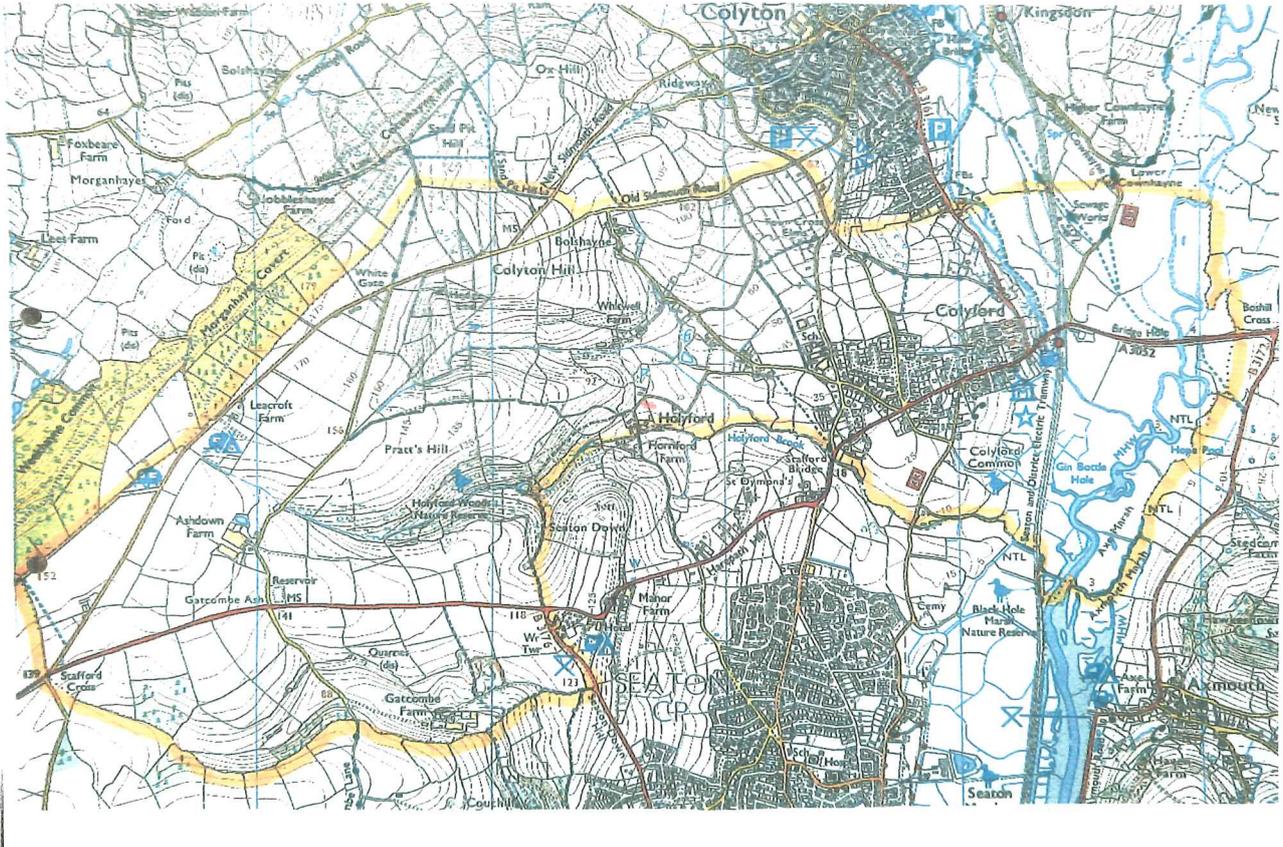
We have shown that Colyford has its own identity and sense of place, and that community cohesion will be enhanced by having its own village council.

We have shown that a village council for Colyford will be effective and convenient, and will provide strong and accountable local government and community leadership.

We therefore respectfully request that East Devon District Council exercise their powers under the Act and undertake a Community Governance Review and recommend the formation of a village council for Colyford.

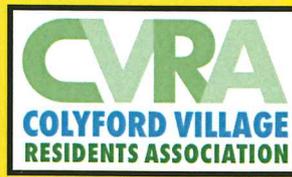
**APPENDIX 1**

**COLYFORD BOUNDARY MAP (Border in Orange)**



**PETITION BY**  
**COLYFORD REGISTERED VOTERS**  
**TO TRIGGER A**  
**COMMUNITY GOVERNANCE REVIEW**  
**FOR A NEW VILLAGE COUNCIL**  
**SEPTEMBER 2021**

SPECIMEN



FOR  
EDDC

## For All Colyford Residents

### Introduction

The CVRA Committee have been asked recently why Colyford doesn't have its own parish or village council. At our AGM held last weekend there was good support for this idea, so we have prepared this information sheet to inform everyone in the village the process we have to follow, the advantages and disadvantages of having our own council, the area that it is likely to cover and a projection of how the costs would work out for our own precept (from the Council Tax)

### The Process of Going Independent

Under English law there is a requirement for a minimum of 187 signatures (the number required for our size of village) to be collected in a petition for forming a new parish council. If this is achieved then East Devon District Council must hold a "Community Governance Review" (CGR) on the matter, which by law must be concluded within 12 months. EDDC bear all the costs of this review.

During this Review EDDC will run a consultation by gathering opinions from all electors in the parish of Colyton to gauge whether it would be appropriate to have a separate council for Colyford. If there is clear evidence that there is good support for a separate council, especially within the village; that Colyford is clearly a separate settlement with its own identity and facilities; and there are no overriding legal reasons why a separate council should not be formed; under the law EDDC have to give it serious consideration.

After the consultation has concluded, EDDC Cabinet will debate the opinions expressed by electors, review the recommendation by the EDDC Returning Officer from his assessment of the consultation and will come to a final decision. If they decide in favour, the new council will be set up and councillors elected at the next elections. (May 2023 if we start the process this autumn)

CVRA will facilitate the Petition process, but once that has been achieved and a Community Governance Review has started, a separate village based group will be formed to take the process forward with EDDC.

We would propose calling a new council "Colyford Village Council" (CVC). EDDC liked this name, but the final decision rests with them.

We plan to hold a village meeting for everyone resident in Colyford to allow discussions and questions in the near future. The date and venue to be decided.

### **Advantages for Colyford:-**

1. Colyford village is around 800 in number and plenty big enough for our own council. Colyford is a separate thriving community with its own sense of identity. We are one of the largest settlements in East Devon without its own council. There are several thriving businesses here.
2. We have different issues to Colyton, like an A road and associated crossings and speeding and traffic issues, We also have a much older population with different needs. Our own council would concentrate on these.
3. Colyford contributes 1/3 of the total parish precept (amounting to over £17000 in 2021), but the village gets hardly anything back. We would be able to spend our council tax money as we wish.
4. We could influence better planning and provide better amenities with our own council.
5. We could control the look of our village by having regular maintenance of the public areas rather than a begrudged twice a year grass verge cut. This will give the village some pride in itself.
6. We are always outvoted on financial and other matters in Colyton Parish Council. With our own council we would have control of our own destiny and how the precept is spent.
7. Colyford electors want to see council meetings recorded and broadcast on social media so it's easy to follow council business and get involved. Colyton Parish Council have refused to do this, but we could ensure our own council would.

### **Advantages For Colyton:-**

1. If Colyford leaves it will reduce the work load of Colyton Parish Council. Colyton parish meetings would be less fractious with no arguing from residents in Colyford wanting things done and fewer planning applications to comment on, thus saving them time and heartache.
2. Colyton Parish Council will have more time to discuss their own problems and set their own policies leading to them being more efficient and effective. They would also need fewer councillors.
3. Colyton can focus on managing their own portfolio in a better way and more efficiently, so the precept wouldn't need to be increased. Currently they pay for things they don't need to.
4. Separation is likely to have a positive impact on both local economies and electors' wellbeing.

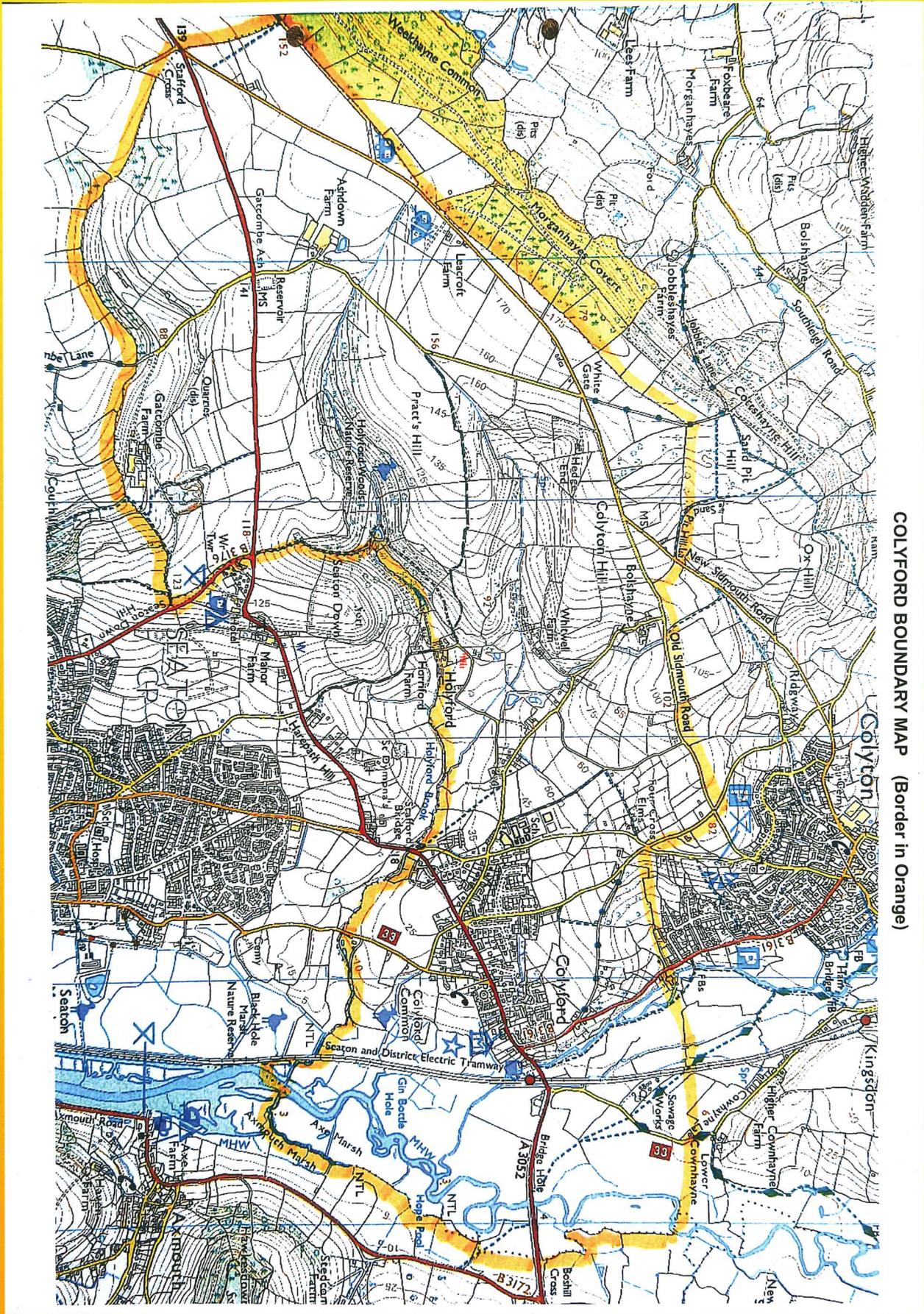
### **Disadvantages for Colyford:-**

1. We would need to fund the employment of a Clerk, however in other smaller councils locally their Clerk is usually shared with other parish councils, so the cost would easily be covered within the precept (see projected budget below).
2. We would have to find our own councillors to stand for election, however there are more than enough local people, some ex-councillors, who have indicated they would be willing to serve on our own council.

### **Disadvantages for Colyton:-**

- 1.- They would need to reassess their funding from the precept, however this could be achieved by efficiency savings and a review of unnecessary spending within their parish.

# Proposed Boundary of Colyford Village Council



COLYFORD BOUNDARY MAP (Border in Orange)

## Projected Annual Budget for a Colyford Village Council

This projection is based on 2021 budgets of other similar size local parish or village councils with a population, layout, road system and facilities similar to Colyford who currently contribute in excess of £17,000 in precept to Colyton. Note that we would almost certainly need a higher precept than shown below to cover unexpected items and to build a contingency fund:-

	Projected Annual Budget for a Colyford Village Council	
Staff Costs (part time Clerk)		£5500.00
General Admin		£250.00
Training		£200.00
Audit		£400.00
Hall Hire		£175.00
Insurance		£550.00
Playground Inspection		£90.00
Website		£180.00
General Maintenance		£800.00
Elections		£250.00
Emergency Plan		£500.00
Footpaths		£500.00
Data Protection		£40.00
DALC		£105.00
SLCC (Clerk Training)		£110.00
<b>TOTAL ANNUAL PRECEPT</b>		<b>£9150.00</b>



Report to: Cabinet



Date of Meeting 3 November 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## Community Housing Fund

### Report summary:

The purpose of this report is to provide an update on the spending of the Community Housing Fund to date and to seek authority to increase the scope of the scheme to enable both capital and revenue grant.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

- 1) To approve the use of the Community Housing Fund for capital grant going forward with approval of individual grant applications delegated to the Strategic Lead for Housing, Health & Environment in consultation with the Portfolio Holder for Homes and Communities.
- 2) To increase the amount of grant for revenue funding from £40,000 to £50,000.

### Reason for recommendation:

To ensure community led affordable housing schemes can be delivered.

Officer: Melissa Wall, Housing Enabling Officer [mwall@eastdevon.gov.uk](mailto:mwall@eastdevon.gov.uk) 01395 519982

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

**Equalities impact** Low Impact

**Climate change** Medium Impact

**Risk:** Low Risk;

**Links to background information** [Cabinet report 05 April 2017 on Community Housing Fund](#)

**Link to [Statement of Intent](#)**

Priorities (check which apply)

- Better Homes and Communities for all
- Greener East Devon
- A resilient Economy
- Services that matter

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## 1.0 Background

- 1.1 On 23 December 2016 the Chief Executive received a letter from the Department for Communities and Local Government (DCLG) advising that EDDC had been awarded £1,210,418 of the £60M Community Housing Fund (CHF) announced in the 2016 Budget. The purpose of the funding was to enable local community groups to deliver affordable housing units of mixed tenure on sites which are likely to be of little interest to mainstream housebuilders.
- 1.2 A report was taken to Senior Management Team in February 2017 which outlined our proposals for the use of the funding. An exemption to standing orders was approved by Cabinet on 5 April 2017 to appoint Wessex Community Housing Project (now known as Middlemarch) to work in the district supporting Community Land Trusts. A further exemption to standing orders has been submitted for approval to renew the service level agreement with Middlemarch for a further 4 years. A revenue based grant scheme was created and CLTs and Parish Councils can apply for funding after submitting an application form.
- 1.3 The letter from DCLG stated that the fund would enable capital investment, technical support and revenue to be provided to make schemes more viable and significantly increase community group's current pipeline. We have been using the fund to pay for technical support and revenue grant but we now need to be able to offer capital grant to make schemes viable and ensure their delivery.

## 2.0 Update and current position

- 2.1 To date we have £916,718 remaining in the Community Housing Fund. We have awarded grant to 7 CLTs and one Parish Council (Clyst Honiton) for revenue funding for feasibility investigations totalling £246,757 (See table below). We have spent a further £62,500 on paying Middlemarch for their technical support over 4 years together with £10,000 to the Devon Rural Housing Partnership who complete housing needs surveys and assist us with rural enabling work.

<b>Group/Organisation</b>	<b>Funding received</b>
Yarcombe Parish CLT	£23,355.66
Wilmington CLT	£16,215.9
Upper Coly Valley CLT	£43,584
Beer CLT	£38,645
Colyton & Colyford CLT	£33,314
Gittisham CLT	£38,627
Clyst Honiton Parish Council	£2,302
Broadhembury CLT	£25,156
<b>Total</b>	<b>£246,757.66</b>

- 2.2 To apply for funding the CLT or community group/parish council complete an application form which is then verified and checked by an advisor for Middlemarch who are not connected to

the CLT or scheme (Chinese Wall approach), before sending to EDDC for final approval and payment. The limit for each group for revenue funding is £40,000. However there have been occasions where this amount has been exceeded. The £40,000 limit was set in collaboration with Middlemarch based on the average total amount required to set up a CLT and secure planning permission. What we have found is that some of the sites which the CLTs are progressing are challenging and require more detailed or specific types of reports to support their planning application and sites are taking longer to get to development stage which requires more technical support from Middlemarch. There have also been abortive costs if a particular site did not proceed. It is now considered that a higher limit of £50,000 is an appropriate amount for revenue funding to cover rising costs.

2.3 The CLTs are having varying degrees of success and are all at different stages in their journey to provide affordable homes for their communities. Gittisham are progressing with their chosen site and will soon be in a position to request pre-application advice from planning. Colyton were making progress with one site but unfortunately this has now fallen through. They are continuing to look for suitable sites. Wilmington CLT found a site and a willing landowner who was successful in gaining outline planning approval (the landowner funded the application). Unfortunately the land owner then changed their mind and decided not to release the land for development. The CLT is looking at other suitable sites in the village and working with other landowners. Yarcombe have submitted a planning application for 6 units in Marsh which is awaiting determination. Upper Coly Valley CLT have received planning permission for 6 new affordable homes on a piece of land owned by the Parish Council and adjoining EDDC council stock. Beer CLT, who are not supported by Middlemarch, have also used the grant to prepare a planning application for their second development in Beer comprising 7 units. This application has been granted planning approval. Upton Pyne CLT who have already delivered a scheme are now looking to do another and Lyme Regis CLT are looking to help Uplyme deliver a scheme.

2.4 To date the grant has enabled 3 CLTs to get schemes drawn up and submit a planning application with all schemes receiving planning approval. Whilst funding was available from Homes England for this (funding stopped in March 2020), the CHF has proven to be a quicker and simpler way of accessing funds. Middlemarch have supported 2 of these CLTs and have been influential in driving things forward and keeping momentum going amongst these groups. Middlemarch’s technical abilities have been essential as all of the chosen sites have proven very challenging.

2.5 The pipeline for Community Led Housing is as follows:

<b>Stage in development process</b>	<b>Number of affordable units</b>
Affordable units with planning permission	19 (6 will not proceed)
Affordable units in for planning	6
Affordable units about to submit planning application	6
CLTs in early stages (likely delivery)	10
<b>Total (that are likely be delivered)</b>	<b>34 units</b>

### 3.0 Use of Community Housing Fund for Capital Grant

3.1 Due to the high costs associated with developing small, often difficult rural sites with limited infrastructure together with the more rigorous design expectations there is likely to be a shortfall in funding when it comes to building these units. Following discussions with Homes England (HE), Middlemarch and Teign Housing (the registered provider partnered with two of the CLTs) it is proposed that we agree to use the Community Housing Fund to provide capital grant funding to help gap fund in situations where there is a short fall. Initial discussions with

Homes England, who have agreed in principal to fund a number of the CLT schemes through the Affordable Homes Programme, have confirmed that the level of HE grant available will not meet the build costs and even with additional monies from the registered provider there is still a funding shortfall affecting viability.

- 3.2 The level of gap funding will depend on the site specifics and some schemes will require more gap funding than others. For this reason we do not propose setting a maximum level of grant per unit but instead will consider each request on a scheme by scheme basis. However in order to ensure the fund can support a number of projects we will limit the amount of grant to cover up to 30% of total development costs. We intend to work with the registered provider and Homes England to ensure value for money is achieved. They have agreed to an open book approach to assess viability.
- 3.3 We will expect groups to have considered all available sources of finance/grant. In some cases commuted sums could be used instead of the CHF. The Council has provided loans to CLTs in the past and this option could also be considered.
- 3.4 Applications for capital grant funding will require the submission of a fully completed grant application form together with supporting evidence from the registered provider and/ or Homes England to include viability appraisal showing the short fall in funding. Middlemarch will provide additional advice if necessary on how the proposal compares to other CLT projects with similar costs. Authority to approve capital grant applications will be delegated to the Strategic Lead for Housing, Health & Environment in consultation with the Portfolio Holder for Homes and Communities.
- 3.5 It is proposed that the Council enters into an individual grant agreement with the grant recipient which will usually be the registered provider. This will specify the purpose and objectives of the grant, terms and conditions including repayment should the scheme not finish, monitoring and how the grant will be paid.

#### **4.0 Recommendation**

- 4.1 To approve the use of the Community Housing Fund for capital grant going forward with approval of individual grant applications delegated to the Strategic Lead for Housing, Health & Environment in consultation with the Portfolio Holder for Homes and Communities.
- 4.2 To increase the amount of grant for revenue funding from £40,000 to £50,000.

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#### **Financial implications:**

Additional revenue requirement will be met from existing Community Housing Fund grant.

#### **Legal implications:**

The legal framework is set out within the report and requires no further comment at this stage.

Report to: Cabinet



Date of Meeting 3 November 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release NA

## Discretionary Housing Payments Policy

### Report summary:

This report advises of necessary changes made to the Discretionary Housing Payment (DHP) Policy (appendix 1). The report details the changes made in order for DHPs to be used to meet the aims of the Poverty strategy and Poverty Action plan.

Following the motion to Council on 20 October 2021 (regarding the impact the £20 cut in Universal Credit (UC) will have), I'm aware that Members are keen to better understand what financial support we have available for low income households who are struggling to afford day to day essentials. DHP's is one of a number of different funds the Council has available in order to provide extra financial support for low income households. In this instance DHPs can be used to help with shortfalls in rent for those claiming Housing Benefit or UC housing costs – see main report.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

1. That Cabinet recommends the approval of the updated Discretionary Housing Payment policy to senior officers.

### Reason for recommendation:

This report sets out the reasons for the updates made to the DHP policy. The policy changes made take into account the Council's Poverty Strategy and Poverty action plan. The changes also take into account the work being carried out by the Financial Resilience team and the wider work with partner agencies, including those in the voluntary sector.

Officer: Libby Jarrett, Service Lead – Revenues, Benefits, Customer Services & Corporate Fraud  
[ljjarrett@eastdevon.gov.uk](mailto:ljjarrett@eastdevon.gov.uk) Direct Line 01395 517450

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance

- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

**Equalities impact** Low Impact

**Climate change** Low Impact

**Risk:** Low Risk;

**Links to background information** [Discretionary Housing Payment policy - East Devon](#), [Our poverty reduction strategy overview - East Devon](#), [Department for Works and Pensions Discretionary Housing Payments Guidance Manual](#)

**Link to** [Statement of Intent](#)

Priorities (check which apply)

- Better Homes and Communities for all
- Greener East Devon
- A resilient Economy
- Services that matter

## Report in full

### 1. Background

- 1.1. Discretionary Housing Payment (DHP) is a means of providing extra financial support towards housing costs if a resident has a liability to pay rent, is in receipt of Housing Benefit or Universal Credit Housing Costs.
- 1.2. Funding for DHP is given by central government each financial year with Local Authorities able to top up government funds by an additional 150%. Any unspent government contribution at the end of the financial year must be returned to the Department for Works and Pension.
- 1.3. Spend of the DHP fund over recent years has consistently been over the amount of the government contribution and based on current spend this is set to be the case for financial year 2021/2022.

Financial Year	Government Contribution	Total Spend	Cost to EDDC
2021 - 2022	£211,157.00	£96,736.98 as at 11.10.21	
2020 - 2021	£279,520.00	£285,103.33	£5,583.33
2019 - 2020	£177,988.00	£183,206.00	£5,218.00

- 1.4. Whilst decisions are discretionary we are required to take into account the Department for Works and Pensions DHP guidance manual and we also look at best practice surrounding the use of discretionary funds.
- 1.5. The DHP policy was last reviewed in 2016 and focussed on supporting residents who were experiencing financial difficulties to access extra funds to help with payment of rental liabilities.
- 1.6. The current DHP policy is already wide enough to take into account a lot of different situations and allows for each resident's case to be looked at based on its own merits. There is also the potential within the existing policy to allow for exceptional situations that would not normally allow for a DHP to be paid. Now we have Financial Resilience Officers in post we are able to dedicate time to get a better wider understanding of a resident's

whole situation. Following the Council's adoption of the Poverty Reduction Strategy the changes allows us to focus on solving the root causes of poverty and reflect that we now use the DHP funding as a tool to achieve this. (Appendix 1)

## **2. The main changes to Policy**

- 2.1 The work of the Financial Resilience team means that there is a fundamental shift in approach to DHP fund use from one where we only make a payment whilst the resident seeks to improve their own situation, to one where we seek to identify and help solve the underlying issue/s causing the financial hardship and poverty.
- 2.2 To solve the root causes of poverty we need to work with other partners both internally and externally through a referral process.
- 2.3 To make it more clear that the DHP fund, along with other discretionary funds such as the Exceptional Hardship fund for Council Tax and the Hardship fund for help with emergency support, are now being used as a tool to help achieve the aims of the Poverty strategy, rather than a set amount of money that is administered in isolation within the Benefits team.

## **3. Feedback from partner agencies**

- 3.1 As part of updating our DHP policy we have consulted with Citizens Advice East Devon, some of our partner Housing Associations and East Devon's Housing Department, as we recognise the importance of their feedback in helping to ensure that our policy is reflective of local issues and needs. Their feedback showed agreement of the changes to the policy. None felt anything was missing, nor were there any amendments to make.

## **4. Overall**

- 4.1. The changes to the policy give more focus to the Poverty Strategy and Poverty Action plan and the work of the Financial Resilience Team.
- 4.2. Updates build in the commitment of the Financial Resilience team and the Benefits team to working with partner agencies.

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## **Financial implications:**

EDDC cost element as outlined in the report is contained within existing budget provision.

## **Legal implications:**

Section 69 of the Child Support, Pensions and Social Security Act 2000 and regulations made thereunder give the Council power to make discretionary housing payments to persons who are entitled to housing benefit, council tax benefit or those on universal credit. The fundamental premise and procedural requirements in applying the policy have not altered since this matter was previously reported in 2016. The reasons for amending the policy and the scope of the changes are identified in the report and the revised policy appears to be legally compliant. While it is considered that the changes to the policy are relatively minor, so as not to necessitate an equalities impact assessment, it should be remembered that the public sector equality duty in section 149 of the Equality Act 2010 requires the Council to have due regard to the need to (in relation to nine protected characteristics of age, race/ethnicity, religion/belief and sexual orientation, disability, gender re-assignment, pregnancy/maternity and marriage/civil partnership) (i) Eliminate discrimination, victimisation and harassment, (ii) Advance equality of opportunity and (iii) Foster good relations between people. In considering whether to approve the revised policy members should consider this duty.



## Discretionary Housing Payments (DHP) Policy

Issue details	
<b>Title:</b>	<b>Discretionary Housing Payments (DHP) Policy</b>
<b>Version number</b>	<b>Version 2.0</b>
<b>Officer responsible:</b>	<b>Libby Jarrett, Service Lead – Revenues, Benefits, Customer Services &amp; Corporate Fraud</b>
<b>Authorisation by:</b>	<b>Cabinet/Senior Officer</b>
<b>Authorisation date:</b>	<b>03 November 2021</b>

History of most recent Policy Changes – Must be completed			
<b>Date</b>	<b>Section</b>	<b>Change</b>	<b>Origin of change (eg change in legislation)</b>
27/07/2016	Whole Document	Updated to replace the Discretionary Housing Payment (DHP) policy which was adopted in 2013.	Due for review
03/11/2021	Whole Document	Updated to replace the Discretionary Housing Payment (DHP) policy which was adopted in 2016 and to take into account adoption of the Poverty Strategy	Due for review

# Discretionary Housing Payment (DHP) Policy

## East Devon District Council

### 1 Previous Policies/Strategies

- 1.1 This Policy updates and replaces the Discretionary Housing Payment (DHP) Policy which was adopted in July 2016

### 2 What is the council's policy?

- 2.1 The DHP scheme has been in operation since 2<sup>nd</sup> July 2001 to provide additional help to tenants facing a shortfall in their Housing Benefit (HB) and housing costs who are facing exceptional hardship such as debt issues and need some additional financial assistance for a period of time. The scheme also includes support for moving costs, including rent deposits and rent in advance. From November 2015 this scheme includes help for customers receiving Housing Costs within their Universal Credit (UC).
- 2.2 This Policy is intended to ensure that DHPs contribute to the Council's aims and objectives for the development of the East Devon area promote social and financial inclusion, support the work of the Poverty Panel and to work towards achieving the aims of the Council's poverty Strategy.
- 2.3 There have been a number of significant welfare reforms in recent years which have impacted our customer's ability to meet their rent payments in full. DHPs can be used to provide support to customers affected by these key welfare reforms. Examples of some of these reforms include:
- The introduction and subsequent reduction of the Benefit Cap.
  - Size restrictions for customers living in social rented sector accommodation.
  - The introduction of the shared accommodation rate for single customers under 35 years of age.
  - The change to uprating Local Housing Allowance since 2013/14 by the Consumer Price Index (CPI) and by varying percentages and freezing of rates until April 2020 when rates were increased to the 30 percentile of local rents
  - The Localisation of Council Tax Support - There is a separate Exceptional Hardship Fund Policy which deals with additional help for Council Tax Support customers.
  - The introduction of Universal Credit (UC) which replaces Housing Benefit, Jobseekers Allowance, Employment and Support Allowance, Income Support, Working Tax Credit and Child Tax Credit into one monthly payment.
- 2.4 We need to manage the expectations of customers and welfare agencies successfully as DHP's will not be able to meet the full shortfall for all customers experiencing financial hardship.
- 2.5 Councils are given a grant each year from the Department for Work and Pensions (DWP) to use for DHP awards. The Council can however, spend up to a maximum of two and a half times the amount of the DWP's DHP grant. Any sum paid above the DWP grant level will be paid from EDDC's General Fund, any unspent grant at the end of the financial year must be returned to the DWP.

- 2.6 DHP's are discretionary and it is up to East Devon District Council to determine how to operate any such scheme. There is no statutory right to a payment of DHP and the Council must be satisfied that a customer is genuinely in need of further financial assistance with their housing costs to prevent exceptional hardship.
- 2.7 Each application will be considered on an individual basis with all customers being treated equally and fairly. All payments will be made in line with our Housing Benefit purpose statement, i.e. to pay the right person, the right amount at the right time.
- 2.8 DHP's cannot cover:
- Ineligible service charges. Service charges which are not eligible for HB or UC cannot be covered by DHP;
  - Increases in rent due to outstanding rent arrears;
  - Sanctions and reductions in benefit from Jobcentre Plus;
  - Benefit suspensions; and
  - Shortfalls caused by HB overpayment recovery.

### **3 DHP Administration**

- 3.1 We will consider each application in line with the Council's corporate aims and objectives, and seek to:
- alleviate poverty;
  - safeguard residents in their own homes;
  - sustain tenancies and help prevent homelessness;
  - help customers through personal crisis and difficult events over which they have no control;
  - keep families together;
  - support vulnerable or elderly customers in the local community;
  - help those who are trying to help themselves;
  - encourage residents to obtain and sustain employment;
  - support vulnerable young people, such as those leaving care, in the transition to adult life;
  - help customers to move to affordable accommodation which they can maintain without the need for ongoing DHP awards;
  - signpost residents seeking advice and guidance about money advice and debt;
  - Refer residents to partner agencies who can help address the underlying issue/s contributing to the root cause of poverty to help them towards obtaining future financial resilience;
  - support the work of foster carers; and
  - support disabled people to remain in adapted properties
- 3.2 The Revenues and Benefits service is committed to working with other Council services and the wider community on Financial Resilience work such as Housing Services, landlords and the voluntary sector, to provide an inclusive approach to addressing financial difficulties. We will deal with claims for DHP in a professional and fair manner that shows respect for customers, members of staff and anyone else involved in the process.
- 3.3 The spirit of the DHP scheme is:
- To offer short-term emergency assistance to enable tenants to take the appropriate actions to change their personal situation.

- To offer longer-term support, for example, if a resident who has a disability and has had substantial adaptations to their home and where it may not be considered reasonable to expect them to move in the short-term.
- To offer help with costs associated with moving to an affordable and sustainable tenancy, removing the dependence on future DHP awards and other discretionary awards

### 3.4 Some examples of when we may give temporary help via the DHP Fund are:

- reductions in HB or UC where the benefit cap has been applied;
- reductions in HB or UC for under-occupation in the social rented sector especially in the following cases:
  - a) where disabled people are living in significantly adapted accommodation (including any adaptations made for disabled children) ; and
  - b) Foster carers, whose Housing Benefit is reduced because of a bedroom being used by, or kept free for foster children.
- reductions in HB or UC as a result of LHA restrictions;
- rent shortfall to prevent a household becoming homeless whilst Housing Options explore alternative options with the resident;
- rent officer restrictions such as local reference rent or shared accommodation rate;
- non-dependant deductions;
- reductions due to income tapers;
- a customer experiences unexpected changes in their income/expenditure which they have no control over but are still tied into the terms of their current tenancy;
- when someone is treated as temporarily absent from their main home, for example because of domestic violence and they have a liability to pay rent on two homes which is not being met in full by HB or UC;
- to help a customer to move into work after a period of unemployment;
- families where a disabled child who requires an additional bedroom but is not receiving the middle or highest rate of Disability Living Allowance;
- if benefit is less than the full rent because a customer's disability or vulnerability makes it hard for them to move to cheaper accommodation;
- a person has moved to cheaper accommodation and there is an unavoidable overlap in rent costs;
- people affected by domestic violence who remain in a property which has been adapted under a sanctuary scheme;
- families expecting a first child where housing allocation has been made on this basis;
- approved or prospective adoptive parents who are required to have a bedroom for an adopted child;
- people approaching pension age, where work is not a realistic option;
- parents needing an additional room under child access arrangements where alternative housing options, including options in the private sector, are not appropriate; and
- to help a customer move into more affordable accommodation by paying the deposit for the new property, rent in advance and other lump sum costs associated with a housing need such as removal costs.

The above list is not exhaustive.

### 3.5 Rent deposits, rent in advance and moving costs

- 3.6 DHPs can be awarded for a rent deposit and/or rent in advance for a property that the customer is yet to move into as long as they are already entitled to HB or UC at their present home. The award will help a resident move into more affordable accommodation by paying

the deposit for the new property, rent in advance and also other lump sum costs associated with a housing need, such as removal costs. These payments will be considered in conjunction with other funding available for example from rent deposit bonds and charitable payments which the customer may be eligible to receive.

3.7 When awarding DHP's for a rent deposit or rent in advance or assisting with removal costs we will ensure that:

- the new property is affordable for the tenant; and
- the tenant has a valid reason to move; and
- the deposit or rent in advance is reasonable.

3.8 We will also establish with the customer whether they:

- are due to have a deposit or rent in advance in respect of their existing tenancy returned to them; or
- have received assistance from another department within EDDC towards a rent deposit (such as a rent deposit guarantee scheme or similar)

### **3.9 Applying for a DHP**

3.10 Customers can apply for a DHP by:

- completing an application form on our website
- telephoning the Council
- emailing the Council
- writing to the Council
- visiting the Council offices, outreach surgeries or at a visit to the customer's home.

It is particularly important that the most vulnerable residents know how to apply.

3.11 The Revenues and Benefits Service may request evidence in support of the application and reserves the right to verify any information or evidence provided by the resident.

3.12 In deciding whether to award a DHP, we will take into account the following criteria:

- Whether the resident has already accessed or is engaging for assistance with budgeting and financial/debt management advice. A DHP award may not be made until the customer has accepted assistance either from the Council's Financial Resilience Team or a third party, such as Citizens Advice or similar organisations, to enable them to manage their finances more effectively;
- the shortfall between HB or UC and the actual housing costs;
- any steps taken by the resident to reduce their rental liability;
- household income, including type and amount and expenditure, and also including savings and capital;
- household expenditure will be considered on a case by case basis;
- income from disability-related benefits such as Disability Living Allowance and Personal Independence Payment are considered on a case by case basis, looking at the purpose of the benefits and whether the money from those benefits have been committed to other liabilities associated with disability;
- unavoidable costs such as fares to work for people who have had to move as a result of welfare reforms;
- regular debt repayments;
- exceptional circumstances (including ill health and disability);

- the possible impact on the Council of not making such an award, e.g. the pressure on priority homeless accommodation;
- the period that the customer anticipates the DHP will be needed for; and
- any other special circumstances brought to the attention of the Council.

3.14 Applications for DHP's will normally be subject to an income and expenditure review. DHP's will **not** normally be considered where:

- Suitable alternative and more affordable housing is an option. This will include accommodation in the private rented sector. The issue of whether the accommodation is suitable will take into account whether it is reasonable to expect the tenant to move, having regard to the impacts on health and schooling where children are present;
- Alternative income sources are available. This will include unclaimed benefits and tax credits, income from other adults living in the household and savings over an agreed level;

3.15 We will work with the Housing Options Team and other partners including those in the voluntary sector in order to address wider support issues. For example, customers may need help to reduce household running costs and expenditure which will then remove the reliance on DHP's.

In all cases we will look carefully at a customer's circumstances before coming to a decision.

3.16 A DHP award may be made based upon conditionality. This may include, amongst other things:

- a) engaging with money/debt advice assistance;
- b) actively engaging in Devon Home Choice and accepting accommodation which the resident has been successful in bidding for; and
- c) in the case of benefit cap cases engaging with Jobcentre Plus in order to secure employment of 24+ hours per week;

3.17 No award can be made past the end of the financial year in which the award starts. In general, short term awards may be appropriate if a resident needs time to sort out their financial circumstances; longer term awards may be appropriate, depending on the resident's circumstances and the likelihood of change.

### **3.18 The level of DHP award**

3.19 In cases where a DHP is awarded due to a rent shortfall between housing benefit paid and rent due, the level of DHP awarded will not exceed the weekly or monthly eligible rent on the home. This includes the maximum amount of housing costs within UC towards a rental liability.

3.20 The UC award is made up of various elements such as personal, child and housing costs; however the final award consists of one monthly payment. If the customer is in receipt of a housing element within their UC, then the maximum DHP we can pay is the shortfall between the UC and the eligible rent.

3.21 For lump sum payments such as deposits or rent in advance the weekly limit does not apply.

### **3.22 Length of payments**

- 3.23 There is no limit to the length of time over which a DHP may be made. A time-limited award may be appropriate when an impending change of circumstances will result in an increase in HB or UC. The start and end dates of an award are decided on a case by case basis.
- 3.24 In the case of long term awards these can only be awarded for a financial year at a time. At the start of the financial year, we will review the resident's circumstances at the same time as looking at renewing the award.
- 3.25 Backdating a DHP**  
There are no restrictions on the length of backdating period (apart from any date prior to 2<sup>nd</sup> July 2001).
- 3.26 A backdated DHP award can only be made for a period where the linked HB or UC is payable.
- 3.27 Examples of where we may consider a backdated DHP award where:
- A customer is subject to a rent shortfall due to welfare reforms has accrued rent arrears during the transition period between a reduction in benefit and moving into employment.
  - A customer has accrued rent arrears as a result of welfare reforms and the customer wants to move to more affordable accommodation, but the landlord is preventing this due to these arrears.
- 3.28 Notifying our decision**
- 3.29 We will aim to make a decision about awarding a DHP within 14 days of receiving all the information required.
- 3.30 We will tell all residents the outcome of their application for DHP, whether successful or not, and let them know:
- the reason for the decision;
  - that they can ask us to look at our decision again;
  - that they have the right to take the application to a judicial review.
- 3.31 For successful applications, our letters will include the following information;
- the amount of the award;
  - the period of the award;
  - the need to notify of any changes in circumstances;
  - advice that we cannot guarantee any future applications for help will be successful, even if circumstances have not changed because DHP is cash limited and the threshold set by Government cannot be exceeded.
- 3.32 The Revenues and Benefits Service will decide on the most appropriate person to pay DHP to depending on the circumstances of each case. Payments of DHP will be made in line with the frequency of Housing Benefit payments.
- 3.33 Appeals**
- 3.34 Residents have no statutory right of appeal against DHP decisions because DHP's are not payments of benefit and therefore cannot be appealed to the HB tribunal.

- 3.35 If a resident (or their appointee or agent) disagrees with a DHP decision we will review it. The review will always be undertaken by someone other than the original officer to ensure a fair review and in order to mitigate the risk of legal challenge or allegation of maladministration.
- 3.36 If a resident's application has been reviewed and they are still not happy with the outcome they can:
- seek a Judicial Review;
  - make a complaint in accordance with the Council's complaint Policy, which explains how it can be escalated to the Ombudsman.
- 3.37 Change of circumstances and overpaid DHP**
- 3.38 The Revenues and Benefits Service may revise an award of DHP where the resident's circumstances have changed, which either increases or reduces their HB or UC entitlement. Awards of DHP may also be revised when there is no change to the amount of HB or UC.
- 3.39 We cannot recover overpaid DHPs from ongoing Housing Benefit because they are not benefit awards. We can recover DHP overpayments by issuing an invoice to the person to whom the DHP payment was made.
- 3.40 Overpayments will be recovered in-line with the Council's Corporate Debt Policy.
- 3.41 East Devon District Council is committed to fighting fraud and therefore we will always aim to investigate any DHP applications which are suspected of being fraudulent. Submitting a fraudulent claim for DHP is a criminal offence and offenders may be prosecuted.
- 3.42 Publicity**
- 3.43 We will raise awareness of DHPs in a wide variety of ways including:
- using the Council's website;
  - leaflets;
  - in letters advising customers about their Housing Benefit awards;
  - when customers come to us to discuss a claim;
  - by working closely with our Housing Team;
  - by making landlords and Social Services aware of the scheme;
  - by involving key voluntary sector organisations such as Citizens Advice, Homemaker etc.
- 3.44 This will promote the overall aim of linking the scheme to the council's vision.
- 3.45 Responsibility for administration of DHPs**
- The Revenues and Benefits Service are responsible for administering, determining and awarding DHPs.
- 3.46 The Service Lead for Revenues, Benefits, Customer Services & Corporate Fraud will monitor the overall budget expenditure.
- 3.47 In order to monitor and manage the DHP budget effectively and fulfil its duty to act fairly, reasonably and consistently we will record the following:
- amounts awarded;
  - reason for the award;
  - duration of the award;
  - resident's characteristics.

## 4. Appendices and other relevant information

### Links related Policies/Strategies, Procedures and Legislation

#### 4.1 Related Policies:

- Corporate Strategy
- Homeless Strategy 2019-2023
- Homes and Communities Plan 2017 - 2020
- Corporate Debt Policy 2021 - 2026
- Poverty Strategy 2021

#### 4.2 Legislation:

- Section 69-70 of The Child Support, Pensions and Social Security Act 2000.
- The Discretionary Financial Assistance Regulations 2001
- Article 7 of The Discretionary Housing Payment (Grants) Order 2001
- Schedule 1 to the Housing Benefit Regulations 2006 and Schedule 1 to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006
- Regulation 11(3) of the Housing Benefit Regulations 2006 and Regulation 11(2) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006
- The Human Rights Act 1998
- Data Protection Act 1998

### Data Protection

Along with details of personal circumstances a personal income and expenditure form will be collected, and evidence of this could be required so that assessment to entitlement can be made. This data will be stored and used in line with the [Council's Data Protection Policy](#) and the [Administration of Benefits Privacy notice](#).

### Policy consultation

Consultation of this policy has been undertaken with stakeholders such as Citizens Advice East Devon, Housing Associations and East Devon's Housing Department.

### Policy review

The Service Lead for Revenues, Benefits, Customer Services & Corporate Fraud is the responsible officer for this policy. It will be reviewed in 2026, or earlier if required due to changes in legislation or guidance.

Report to: Cabinet



Date of Meeting 3 November 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## Annual Treasury Management Review 2020/21 – 1 April 2020 to 31 March 2021

### Report summary:

This report details the overall position and performance of the Council's Treasury Management Strategy during 2020/21.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

**Cabinet is requested to review and note the investment values and performance for the year to 31 March 2021.**

### Reason for recommendation:

The Council is required by regulations issued under the Local Government Act 2003 and the Code of Practice on Treasury Management in Public Services published by the Chartered Institute of Public Finance & Accounting (CIPFA) to produce an annual review of its treasury management activities and performance.

Officer: Janet Reeves – Accountant. [jreeves@eastdevon.gov.uk](mailto:jreeves@eastdevon.gov.uk) .01404 515616, Extension 2033

### Portfolio(s) (check which apply):

- Climate Action and Emergencies
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Culture, Tourism, Leisure and Sport
- Democracy and Transparency
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities

**Equalities impact** Low Impact

**Climate change** Low Impact

**Risk:** Low Risk; any depositing of surplus funds exposes the Council to a certain degree of risk relating to the security of deposits, investment return and interest rate risk. However, through the Council's Treasury Management Strategy, the level of risk is proactively managed to an acceptable level.

**Links to background information** [East Devon District Council Annual Treasury Management Review 2020/21](#)

**Link to** [Statement of Intent](#)

Priorities (check which apply)

- Better Homes and Communities for all
  - Greener East Devon
  - A resilient Economy
  - Services that matter
- 

### **Report in full**

See link to background information.

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### **Financial implications:**

Contained within the report.

### **Legal implications:**

The legal position is set out in the report and accompanying document and no further comment is required.



Report to: Cabinet

Date of Meeting 3 November 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## Financial Monitoring Report 2021/22 – Month 6 September 2021

### Report summary:

This report gives a summary of the Council's overall financial position for 2021/22 at the end of month six (30 September 2021).

Current monitoring indicates that:

- The General Fund Balance is being maintained within the adopted levels.

The first six months of the financial year has seen a return to more stable financial performance however, service demand remains high in many service areas.

Income levels continue to recover, for example car parking income, as services reopen.

Specific cost pressures have been identify and importantly funded from additional Government grant, these are listed within the report.

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

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

The variances identified as part of the Revenue and Capital Monitoring process up to Month 6 be acknowledged.

### Reason for recommendation:

The report updates Members on the overall financial position of the Authority at set periods and includes recommendations where corrective action is required for the remainder of the financial year.

Officer: John Symes, Finance Manager, [jsymes@eastdevon.gov.uk](mailto:jsymes@eastdevon.gov.uk), 01395 517413

Portfolio(s) (check which apply):

- Climate Action and Emergencies
- Coast, Country and Environment
- Council and Corporate Co-ordination

- Culture, Tourism, Leisure and Sport
- Democracy and Transparency
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities

**Equalities impact** Low Impact

**Climate change** Low Impact

**Risk:** Low Risk;

### **Links to background information**

Link to [Statement of Intent](#)

Priorities (check which apply)

- Better Homes and Communities for all
- Greener East Devon
- A resilient Economy
- Services that matter

## **Report in full**

### **1. Introduction**

- 1.1 The purpose of this monitoring report is to update members of Cabinet on the overall financial position of the Authority following the end of month six. The report considers expenditure to date and projections on year-end spend to determine if the Council will maintain it's spending within budget and maintain the General Fund Balance and the Housing Revenue Account Balance within the adopted ranges.

### **2. General Fund Position as at Month 6 September 2021**

- 2.1 The following table shows the original budget set for the year and any supplementary estimates approved to date affecting the General Fund position. In year variances have been identified which are likely to alter the outturn position for the year as detailed in the table below. Budget monitoring will continue throughout the year with the projected outturn position being refined.

The financial implication of the pandemic continues in the new financial year but services reopening has led to a more stable financial position. Any further future restriction could dramatically alter this position however. Continuing service specific cost demands have been identified and are being funded by additional Government grant, which is mitigating the impact on the General Fund balance.

The Government Income Compensation Scheme continued to operate for lost income in April, May and June and an estimated claim of £70k has been included in our forecast.

Service demand remains high with particular issues in Streetscene recruitment and retention with additional budget in this area having been agreed and is included below or detailed directly against the General Fund balance e.g. Seaton Jurassic centre costs.

No inflationary pay award was built into the 2021/22 budget having been 'frozen', however negotiations continue and an estimated cost equivalent to 1.75% has been built into our forecast outturn below.

The Government funding of £1.316m (£616k additional CV-19 grant plus £700k Lower Tier Service Grant) and its allocation is included below. This includes funding towards the total allocation of £535k for the financial support for LED.

<b>General Fund Position</b>	<b>£000</b>
<b>Original Budget Requirement (set 24/02/21)</b>	<b>13,840</b>
Predicted adverse (A) / favourable (F) spend at year end (detailed below)	254 (A)
<b>Predicted Outturn Position 31/3/2022</b>	<b>14,094</b>

A summary of the predicted over and under spends to the Year End is shown below:

Predicted adverse (A) / favourable (F) spends	Predicted Outturn Variation £000
<u>Council &amp; Grant Income</u>	
Grant Funding – total of £1.316m received. Total of £867k allocated to newly created budget, leaving £449k to allocate	867 (F)
Interest – continued low interest rate environment	71 (A)
GF Minimum Revenue Provision - due to lower debt position than estimated	136 (F)
Government income compensation scheme grant (est.) – final claim to be made in October	70 (F)
<u>Portfolio Variances – Specific Service Costs</u>	
LED financial support – additional subsidy upto £535k less £192k National Leisure Recovery Grant	343 (A)
Discretionary Hardship Fund (£50k Food Bank)	100 (A)
Mental Health resource	50 (A)
Queens Drive Open Space	19 (A)
Additional toilet cleaning	71 (A)
Management review	25 (A)
Council Plan	5 (A)
LED outreach programme	50 (A)
Poverty Strategy	30 (A)
S/S recruitment and retention	174 (A)
Housing Benefit subsidy – overpayments recovery position £319k, Write-Offs £35k, Net Benefits position £29k	383 (A)
Housing Benefit admin – additional Government Grant expected	193 (F)

Court summons income down – forecast improved	20 (A)
Car Parks – strong pick up in car parking income with rise in Staycations over the summer	200 (F)
Manor Pavilion - reductions in customer receipts offset with reduced expenditure. Will be monitored closely and Apr-Jun income compensation claim to be finalised	57 (A)
Bulky household waste – reduction in income due to redeployment of staff to recycling crews	22 (A)
Homesafeguard equipment hire & monitoring – increased budget not achieved to date, planned review in line with new digital upgrade rollout required by 2025	92 (A)
Refuse & Recycling: No Waste Avoidance receipt from DCC (covering two years). Currently offset with high income levels	217 (A)
Recycling income – positive income levels due to combination of high commodity prices and volume. Will be monitored closely as highly volatile area.	297 (F)
Local Government employers revised pay offer for 21/22 at 1.75% (not agreed) – outside of approved 21/22 budget	190 (A)
Total overall employee costs forecast on £14.8m budget against the £349k budgeted salary saving	98 (A)
<b>Predicted Net Outturn Total Variations General Fund</b>	<b>254 (A)</b>

2.2 These variations will have the following overall effect on the Council's General Fund Balance:

		<b>£000</b>
<b>General Fund balance as at 1/4/2021</b>		<b>3,922 (F)</b>
Use of General Fund to balance 2021/22 Budget		122 (A)
Delay in Car Park income rise	300 (A)	
Council Tax Surplus	367 (F)	
CT Surplus to reserve for future yrs deficit	189 (A)	
Net predicted overspend		254 (A)
Approved use of General Fund Balance in year – LGA learning review		18 (A)
Approved use of General Fund Balance in year – to meet Seaton Jurassic centre holding costs		45 (A)
<b>Predicted General Fund Balance 31/03/22</b>		<b>3,483 (F)</b>

The Council has an adopted range for the General Fund Balance to be within £3m to £3.8m.

The predicted balance is currently within this range and any required action can be taken at year end.

Summary of newly created budget allocations and remaining balance:

<b>Newly created budget for allocation against approved costs – allocation of grant funding of £1.316m</b>	<b>£000s</b>
Discretionary Hardship Fund (£50k food fund)	100
Mental Health resource	50
Queens Drive Open Space	19
Additional toilet cleaning	71
Management review	25
Council Plan	5
LED financial support (value upto £535k less £192k National Leisure Recovery Grant)	343
LED outreach programme	50
Poverty Strategy	30
S/S recruitment & retention	174
To be allocated	449

### 3. Housing Revenue Account Position – month 6

3.1 The following table shows the variation against the original budget, which will affect the Housing Revenue Account year-end position.

<b>Predicted adverse (A) / favourable (F) spends</b>	<b>Predicted Outturn Variation £000</b>
Income	181 (A)
Repairs and Maintenance – General	594 (A)
Repairs and Maintenance – Special	830 (F)
Supervision & Management	380 (F)
Other Expenditure	175 (F)
Major Repairs	810 (F)
Financing interest on Balances	15 (A)
<b>Predicted Outturn Total Variations HRA</b>	<b>1,405 (F)</b>

Notable items of budget variance are;

- Income lower – garage rents due to be lower than budgeted due to high void levels.
- Expenditure – high levels of PPP exceptions & compliance testing being undertaken, material underspends in the year will be reserved.

- Surplus forecast to be better than budget at this mid year stage.

3.2 The following table shows the original budget surplus set for the year and the total variations as identified above, giving a revised budget surplus for the year.

<b>HRA (Surplus)/Deficit</b>	<b>£000</b>
<b>Original Budget surplus (Council 24/2/21)</b>	<b>985 (F)</b>
Predicted net (under)/overspend to year end	1,405 (F)
<b>Predicted Budget (Surplus)/Deficit HRA</b>	<b>2,390 (F)</b>

The original approved budget generates a surplus of £0.985m in 2021/22. This sum was to be used to help finance the purchase of properties, continuing with the £5m annual investment programme (£3.5m from reserves/surplus and £1.5m from RTB receipts).

3.3 The following table shows the effect on HRA Reserve:

	<b>£000</b>
<b>HRA balance as at 1/4/2021</b>	<b>3,100 (F)</b>
Predicted net over / (under) spend to year end	2,390 (F)
<b>Predicted HRA Balance 31/03/22</b>	<b>5,490 (F)</b>

The HRA Balance is required to be maintained within the adopted range of £2.1m and £3.1m, it is currently being projected to be £5.5m at the end of 2021/22. The outturn report will confirm this position and its possible allocation. Other reserves held by the HRA are contained in the most recent report to Housing Review Board.

#### **4. Capital Programme Position up to Month 6**

4.1 Below is the estimated current position for the capital programme, which reflects a re-profiling of expenditure taking into account carried forward from the 2020/21 budget.

<b>Capital Programme Summary</b>	<b>£000</b>
<b>Net Capital Programme Budget (Council 26/02/20)</b>	<b>8,964</b>
2020/21 outturn position, budget slippage into 2021/22	10,239
<b>Revised 2020/21 budget</b>	<b>19,203</b>
<b>Capital Programme variations</b>	<b>0</b>
<b>Actual Capital Expenditure</b>	<b>3,848</b>
<b>Unpaid orders</b>	<b>1,614</b>
<b>Capital Budget Requirement per programme</b>	<b>13,741</b>

4.2 Details of portfolio budgets and expenditure is available at appendix A.

4.3 The Council currently does not hold a general capital reserve and all funding needs to be found. The cash required to fund the expenditure can be met from internal cash balances or through raising loans, this decision is made in line with Council's Treasury

Management Strategy. The revenue implications of funding this position has been factored into the revenue monitoring position.

## 5. Treasury Management

5.1 The treasury management interest received position is summarised below:

	Annual Budget £000	Forecast Outturn £000s	Forecast Variance £000s
Internal Investments	63 (F)	56 (F)	7 (A)
External Investments	155 (F)	91 (F)	64 (A)
	<b>218 (F)</b>	<b>147 (F)</b>	<b>71 (A)</b>

5.2 Detail of the treasury management portfolio is available at appendix B.

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### **Financial implications:**

Contained within the report.

### **Legal implications:**

Any legal implications are identified in the report and no further comment is required.

## Capital Programme Portfolio Summary 2021/22

Portfolio	Budget after revisions	Actual	Unpaid Orders	(Under)/ Overspend
	2021/22	2021/22	2021/22	2021/22
	£	£	£	£
Corporate Services	1,411,249	55,038	0	(1,356,211)
Community - Housing General Fund	1,167,037	53,334	0	(1,113,703)
Economy and Regeneration	7,615,336	731,814	1,359,186	(5,524,336)
Environment	2,798,550	110,765	10,423	(2,677,362)
Street Scene	4,851,498	240,255	243,137	(4,368,106)
Strategic Development	1,250,000	0	0	(1,250,000)
<b>TOTAL GF GROSS EXPENDITURE</b>	<b>19,093,670</b>	<b>1,191,206</b>	<b>1,612,746</b>	<b>(16,289,718)</b>
Community - HRA	4,726,000	3,380,710	1,224	(1,344,066)
<b>TOTAL GROSS EXPENDITURE</b>	<b>23,819,670</b>	<b>4,571,916</b>	<b>1,613,970</b>	<b>(17,633,783)</b>
Corporate Services	(11,000)	0	0	11,000
Community - Housing General Fund	(1,046,237)	(674,310)	0	371,927
Economy and Regeneration	(2,269,000)	0	0	2,269,000
Environment	(587,240)	0	0	587,240
Street Scene	(703,620)	(50,000)	0	653,620
Strategic Development	0	0	0	0
<b>TOTAL GF EXTERNAL FUNDING</b>	<b>(4,617,097)</b>	<b>(724,310)</b>	<b>0</b>	<b>3,892,787</b>
Community - HRA	0	0	0	0
<b>TOTAL EXTERNAL FUNDING</b>	<b>(4,617,097)</b>	<b>(724,310)</b>	<b>0</b>	<b>3,892,787</b>
Corporate Services	1,400,249	55,038	0	(1,345,211)
Community - Housing General Fund	120,800	(620,976)	0	(741,776)
Economy and Regeneration	5,346,336	731,814	1,359,186	(3,255,336)
Environment	2,211,310	110,765	10,423	(2,090,122)
Street Scene	4,147,878	190,255	243,137	(3,714,486)
Strategic Development	1,250,000	0	0	(1,250,000)
<b>TOTAL GF NET EXPENDITURE</b>	<b>14,476,573</b>	<b>466,896</b>	<b>1,612,746</b>	<b>(12,396,931)</b>
Community - HRA	4,726,000	3,380,710	1,224	(1,344,066)
<b>TOTAL NET EXPENDITURE</b>	<b>19,202,573</b>	<b>3,847,606</b>	<b>1,613,970</b>	<b>(13,740,996)</b>

## **EDDC Treasury Management Portfolio**

### **List of investments held as at 30 September 2021**

<b>Fund</b>	<b>£</b>
<b>External investments</b>	
Payden & Rygel Reserve Fund (@Aug)	15,540,324
Royal London Asset Management Cash Plus Fund	15,503,981
<b>Internal Investments</b>	
<b>Banks</b>	
Bank of Scotland - Call Account	-
Lloyds Bank plc - Call Account	900,000
Santander - Call Account	1,000,000
<b>Money Market Funds</b>	
CCLA Public Secotr Deposit Fund	2,950,000
Morgan Stanley	3,000,000
<b>Fixed Rate Deposits - Building Societies</b>	
Coventry Building Society	3,000,000
Nationwide Building Society	3,000,000
Yorkshire Building Society	3,000,000
Leeds Building Society	1,000,000
West Bromwich Building Society	3,000,000
National Counties Building Society	2,000,000
Progressive Building Society	2,000,000
Principality Building Society	3,000,000
Newcastle Building Society	2,000,000
Skipton Building Society	3,000,000
<b>Fixed Rate Deposits - Other Local Authorities</b>	
Thurrock Borough Council	3,000,000
<b>Fixed Rate Deposits - Debt Management Office of UK Government</b>	
	450,000
	<b>67,344,305</b>

Report to: Cabinet



Date of Meeting 3 November 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## Sidmouth and East Beach BMP: Direction for OBC development and submission

### Report summary:

Sidmouth and East Beach BMP has been progressing for the last 6 months whilst officers and a Sub-Group made up of members of the public Advisory Group investigated alternative ideas given the increased funding eligibility. 6 months has now elapsed and although no single complete option has come out of the additional study process, we are left with three directions that the project can move in. They are A) continue with the preferred option, B) switch to the alternative option (developed during the additional study period or C) make no decision at this time (further study/fundraising)

We are asking members to decide on which direction to take the project and recommending option B.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

That Cabinet recommend the direction that Sidmouth and East Beach BMP should take, with option B being the officer recommendation.

- A) Preferred option
- B) Alternative option (Preferred option but with additional offshore breakwaters on Town Beach)
- C) No decision (further study/fundraising)

### Reason for recommendation:

The Sidmouth and East Beach advisory group recommended, at their meeting on the 25 October 2021, that option B is recommended to Cabinet as the direction for the Outline Business Case (OBC) to take, with the inclusion of further check stages by the advisory group, including review of a new draft OBC, and prior to the submission of a planning application, to ensure that project risks are being managed.

EDDC officers believe option B, the alternative option to be the best way forward as it is best on both technical and economic grounds

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Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment

- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

**Equalities impact** Low Impact

**Climate change** High Impact

**Risk:** High Risk; Due to this being a major project for Sidmouth, with homes at risk of both flooding and erosion it is important to make the right decision.

**Links to background information** [Report to Cabinet 31 March 2021 item 370](#)

**Link to [Council Plan](#)**

Priorities (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

## Report in full

### 1. Background

- 1.1. Sidmouth and East Beach BMP was completed and adopted in 2017 with the outline business case (OBC) phase experiencing a long gestation period, due to lack of funding, then limited support for the basic preferred option. Following a change in government funding policy along with additional benefits being found the funding gap was closed and it was found that the projects funding eligibility had increased.
- 1.2. It was decided by Cabinet on 31 March 2021 given the additional funding eligibility to 'pause' the preferred option OBC for 6 months to investigate any feasible alternative options to the preferred option.
- 1.3. A sub-group was formed and the consultant was appointed to work with the group to develop alternative ideas that would achieve the standard of protection required.
- 1.4. An extensive brief was set, however the main points within it were to reduce the need for a 1m splash wall along the Esplanade, maintain safe swimming, reduce erosion rates at East Beach, and reduce ongoing maintenance costs (recycling/recharge).
- 1.5. Multiple ideas were investigated such as submerged breakwaters, geotubes, multiple 100m plus groynes (to act as a landing pier from town beach), but were dismissed on technical or cost grounds. [A technical note on the study process can be found here](#)
- 1.6. We have relied on previous public consultation responses for guidance on which elements to any proposal are likely to be popular/unpopular.
- 1.7. ***It is worth noting that the OBC process is not a final decision on what will be built. It is business case submission to the Environment Agency so that they can allocate DEFRA funding. The submission needs to be firm enough to show the general design direction, and evidence that it will work. The detailed design stage will follow a successful OBC submission, where exact locations, alignments, positions, finishes, and finished levels/heights of each element will be decided before a planning application. The planning application will ultimately decide on what is built.***

## 2. Funding and scheme costs

### 2.1. Current non FDGIA (Flood Defence Grant in Aid) funding pledged

Source	Amount
East Devon District Council	£500,000
Devon County Council	£500,000
Local Levy	£500,000
Cliff Road Residents	£50,000
Lifeboat	£100,000
Sidmouth Town Council	£100,000
EDDC Housing	£50,000
Total non FDGIA funds	£1,800,000

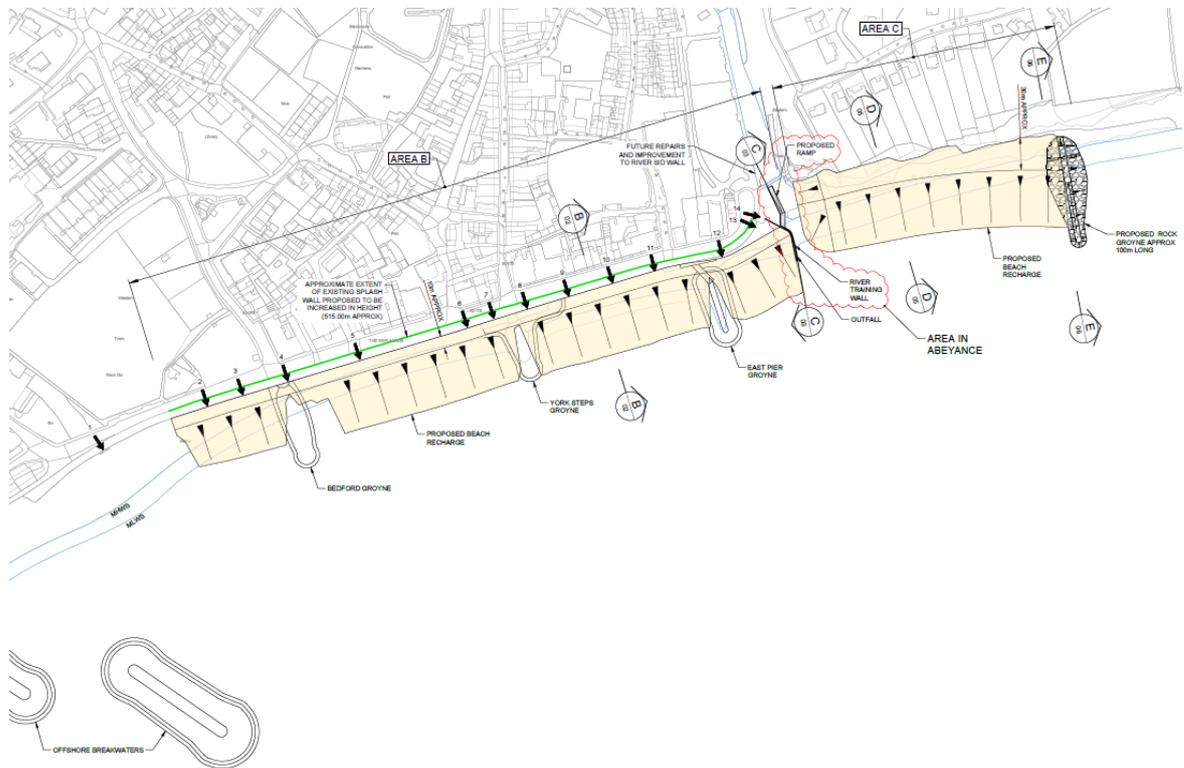
### 2.2. Total available funding inclusive of above pledges:

Total Funding eligibility excluding using recreational benefits	£12,000,000
Total Funding eligibility including using recreational benefits	£14,700,000

2.2.1. It is worth noting that recreational benefits are increasingly being used to increase funding eligibility, as per the EA guidance, however historically they have not been included. Therefore the £12m is a conservative figure, with up to £14.7m available should the case be robust.

## 3. **(A) Preferred option**

This is the option from the adopted BMP as outlined in the image below, however the 1m high solid splash wall is now longer part of the option in that form. See 3.1.3



3.1. The Scheme consists of the following elements:

- 3.1.1. Coastal protection Works at Millennium Walk Way
- 3.1.2. Town Beach, Beach recharge to 1990 design scheme levels. (To aid coastal protection to the town)
- 3.1.3. Existing splash wall raising (due to the increased funding eligibility, the wall raising could be delayed until sea level is realised (for example year 30), or could fund smart demountable splash walls built in year 0)
- 3.1.4. Boat users ramp improvement at Port Royal – To allow easier beach maintenance and improved public use.
- 3.1.5. Alter the river training wall to allow more beach material to move between Town Beach and East Beach
- 3.1.6. 120m long groyne at East Beach, to hold a healthy beach at East Beach to reduce the rate of erosion of the cliffs behind.
- 3.1.7. Beach recharge at East Beach to aid with above.
- 3.1.8. Ongoing recycling (moving existing) and recharging (new material) will be carried out as maintenance into the future.

### 3.2. Preferred Option Development.

- 3.2.1. The preferred option came out of what was affordable at the time of its development, and was put out to public consultation and was found to be less popular than other options, but was the only financial viable solution.
- 3.2.2. When the scheme was better modelled for the OBC, it was found that to provide the level of flood protection required, the splash wall would need to be raised to 1m high along most of the esplanade. This development was unpopular because of the visual impact and the preferred option has struggled for support since.
- 3.2.3. EDDC investigated glass walls, and other demountable walls which were generally more popular, however there is significant opposition against dividing the town from the sea with any structure.
- 3.2.4. The old central government funding mechanism (PF calculator) meant even that scheme was £1.5m short, so the scheme did not progress until the new PF calculator was released in May 2020. This removed the funding gap, and an updated OBC was commissioned to maximise this funding, as well as put in a higher cost allowance for a

splash wall, allowing more freedom at the detailed design stage to choose its appearance, location and potentially delaying its construction into the future.

- 3.2.5. With the OBC nearing completion, a combination of the new PF calculator, as well as including new economics, such as a the loss to the economy of severing the coast path, it was found that there was even more eligibility than first realised. This development led to the start of the 'pause' process allowing options previously dismissed due to finance to be investigated again. This has led to the alternative option, see section 4.

### **3.3. Preferred Option Costs**

- 3.3.1. The latest total scheme cost was £10.3m which is comfortably below the maximum funding eligibility.
- 3.3.2. There is potential to move some of the non-FDGIA funding into a separate ring-fenced pot to fund future maintenance.

### **3.4. Preferred Option Benefits**

- 3.4.1. OBC well developed and ready to submit soon.
- 3.4.2. Idea is well modelled and comfortably affordable in the short term.
- 3.4.3. Option can still be developed at detailed design stage, so deferring wall raising to a later year, or further research into acceptable wall type(s).
- 3.4.4. Is the quickest way to deliver a scheme on the ground.

### **3.5. Preferred Option negatives**

- 3.5.1. Not as popular as some other options.
- 3.5.2. Although affordable short term, it relies on ongoing beach recharge and recycling which is a drain to the public purse, and has sustainability concerns. See section 8.
- 3.5.3. Option still is an environmental compromise at East Beach with a manmade structure being introduced to an developed section of coastline (which is designated and part of the Jurassic Coast World Heritage Site).
- 3.5.4. Due to the unpopular opinion of the splash wall, the scheme may struggle to achieve planning permission. Also due to the proximity of historic buildings, the wall's permission may be refused.
- 3.5.5. Both Natural England and the Jurassic Coast Team's acceptance of the compromised solution at East Beach is based on it being the best compromise given the financial envelope. Arguably, carrying on with the preferred option, could free up some funding for another solution at East Beach. However, this would delay the process. We also feel that the 120m long groyne is the best structure that could be built at East Beach (from a coastal processes perspective) to achieve the aims of the project. See section 7

## **4. (B) Alternative Option**

This is the option as outlined in the image below and developed during the 'pause' study phase, however the sizing and number of rock islands may change during the detailed design stage.



#### 4.1. The alternative Scheme consists of the following elements

- 4.1.1. Coastal protection Works at Millennium Walk Way.
- 4.1.2. Town Beach, Beach recharge to 1990 design scheme levels. (To aid coastal protection to the town).
- 4.1.3. Allowance for existing splash wall to be raised no more than 100mm (to 400mm) and to have foundations upgraded to allow for future raising if required.
- 4.1.4. Raising splash wall to 1m high at the Port Royal end, although opportunity for this to be set back and reduced in height.
- 4.1.5. Boat users ramp improvement at Port Royal – To allow easier beach maintenance and improved public use.
- 4.1.6. Alter the river training wall to allow more beach material to move between Town Beach and East Beach.
- 4.1.7. 120m long groyne at East Beach, to hold a healthy beach at East Beach to reduce the rate of erosion of the cliffs behind.
- 4.1.8. Beach recharge at East Beach to aid with above.
- 4.1.9. One or two additional rock islands in front of Town Beach – To dissipated more storm waves, but also build and hold a strong beach in its lee, similar to the existing two islands.
- 4.1.10. Less ongoing recycling (moving existing) and recharging (new material) will be carried out as maintenance into the future due to the additional islands holding the beach in place.

#### 4.2. Alternative option's development.

- 4.2.1. Other non-rock island solutions were discussed and discarded, and more information on these can be found in technical note provided in the appendices.
- 4.2.2. Given the popularity of more rock islands during public consultation of the BMP, this idea was explored further.
- 4.2.3. Initially from first principles, 4 large islands were proposed out at sea which successfully dissipate enough wave energy (not relying on the beach) and do not create unsafe swimming conditions. They however were too expensive and felt due to their size, they would not be visually accepted so were dropped.
- 4.2.4. The consultant then took the islands near shore, closer than the existing islands. They found not all the wave energy was dissipated by the islands, but the big beach these structures would hold would protect the town. These islands were just about affordable within the budget. However, the islands would produce unsafe swimming conditions

- 4.2.5. The consultant then looked at four intermediate islands, including two at East Beach a bit closer to the beach to protect from Easterly events. These were found to be effective with the beach in reducing flood risk to Sidmouth. However, 4 islands across the whole frontage along with the other required items sits outside the projects funding eligibility.
- 4.2.6. The consultant then looked at reverting to the 120m long groyne at East Beach, but keeping one or two islands on Town Beach and found this to be affordable.
- 4.2.7. The initial calculations indicate that the splash wall raising could be delayed or omitted, however as a full model run has not been undertaken.

### **4.3. Alternative option's cost**

- 4.3.1. A two island solution is costed at around £14.7m.
- 4.3.2. A single island solution is costed at around £12.1m.
- 4.3.3. The above two figures are likely to vary in the detailed design stage, as a change in island size (and splash wall size) would affect the construction costing.

### **4.4. Alternative Options Benefits**

- 4.4.1. OBC is adaptable from the preferred option, and aside from some minor changes in policy (and required additional work) it should be quick to produce.
- 4.4.2. Final options can still be developed at detailed design stage, so exact length and height of splash wall raising if required, and number and size of town beach rock islands.
- 4.4.3. Option is just about affordable.
- 4.4.4. Option future proofs Sidmouth against sea level rise, allowing for the splash wall to be raised at a later date should sea level rise be worse than the current guidance allowance.
- 4.4.5. We believe the option will be as popular as the 4 island option publically consulted with at the BMP stage.
- 4.4.6. Due to the reduced splash wall raising works, this option is more likely to be successful in the planning process (compared to the preferred option), as it will have less impact on the adjacent historic buildings, and less impact on residents/visitors views of the sea.
- 4.4.7. This option is different enough from the preferred option to be a general improvement, but not so much of a different option that would force the OBC to be remodelled/rewritten to add further delay to our programme. Any further delay to our programme will likely result in big pressure to apply for separate planning permission at East Beach, which risks are explained in 5.4.
- 4.4.8. Good potential to build and hold additional beach area, similar to the beach behind the existing breakwaters. This would increase amenity space and mostly provide safer swimming conditions.
- 4.4.9. Although the physical impact within the designated site is the same as (A) the preferred option, its other long term impacts are less frequent, as due to the rock island(s) on town beach, less beach material will need to be recycled/recharged meaning fewer heavy plant movements on East Beach, risking damaging the designated site.

### **4.5. Alternative Option negatives**

- 4.5.1. Not been fully consulted on with the public.
- 4.5.2. Adding a further island or two will affect the visual look out from Sidmouth
- 4.5.3. Option still is an environmental compromise at East Beach with a manmade structure being introduced to a developed section of coastline (which is designated and part of the Jurassic Coast World Heritage Site).
- 4.5.4. The existing islands are a health and safety issue with people getting on to them, and occasionally being stuck by the incoming tide. Further islands will add to this risk.

- 4.5.5. The existing islands under certain wind and wave directions can make swimming conditions dangerous with large rip currents forming, dragging swimmers out to sea. Further islands will add to this risk.
- 4.5.6. In principle the Environment Agency (Locally) are supportive of this approach, however the guidance states that you should pursue the cheapest option that delivers the same benefits, so to counter this we need to build a strong case to highlight the risk not getting planning for (A) the preferred option, and the unsustainable beach recharge/recycling of (A) the preferred option.

## **5. (C) No decision at this time (Further study and/or fundraising)**

Six months was an ambitious target to develop a new idea, but given more time and resources, another idea could be developed delaying the scheme further.

### **5.1. Further study (likely) scheme elements**

- 5.1.1. It is envisaged some beach recharge for both town beach and East Beach will be required.
- 5.1.2. It is anticipated that the scheme would look to have a complete off shore solution with an offshore solution at East Beach as well as town beach.
- 5.1.3. It is anticipated the scheme would seek to reduce any wall raising.

### **5.2. Further study development**

- 5.2.1. This is likely to follow on from existing ideas which have been dismissed, looking at them again with alternative technology or materials, or perhaps seeking to find additional funding to make an idea affordable.
- 5.2.2. Through both the public consultation and pause process the most popular design would be a largely off shore solution.
- 5.2.3. We would need to reappoint our consultant on a new commission or tender for a new consultant.

### **5.3. Further study (likely) scheme cost.**

- 5.3.1. Given the drive to deliver something that appeals to as many people as possible, the proposal is likely to be well over the current funding eligibility. Therefore further contributions will likely be required to achieve a more expensive scheme.
- 5.3.2. In the short term we would need to find additional money to fund additional study.

### **5.4. Separate Planning Permission process and risks.**

If the project is delayed further, we will face increased pressure to apply for separate planning permission to install rock revetment at East Beach. The following section outlines this process and the risks the council faces.

#### **5.4.1. Planning applications**

There has been two previous applications outlined below. Both were withdrawn. The last application was withdrawn after it was recommended to Development Management Committee for refusal for the reasons outlined in the appendices.

11/0904/FUL | Construction of 240m long rock revetment to provide coastal protection  
[11/0904/FUL | Construction of 240m long rock revetment to provide coastal protection | Base Of Cliff To East Of Pennington Point Sidmouth \(eastdevon.gov.uk\)](#)

#### 5.4.2. Previous 'Emergency Works' completed in early 2000s.

It is believed, that following a cliff fall, there was a call to do emergency works in 2003. It is understood that the Environment Agency was approached for funding, however none was granted. It is understood funding was found from an alternate source within central Government.

Approximately 100 tonnes of rock armour was placed at Pennington Point in front of the original timber beach access steps.

It is perceived that the rock armour placement has slowed the rate of erosion locally at Pennington Point, however there is insufficient study to prove or disprove this, although the indication is that the rate has slowed, but it is unclear if this is due to the rock armour, or Pennington Point being better protected from South Westerlies as it retreats behind the lee of the Ham and river training wall. There is also not sufficient study to ascertain if the placing of the rock armour has increased erosion rates on the soft rock eastwards of it. This process is known as terminal erosion.

The rock armour has been placed without planning permission. It is unclear if it was required at the time (either in advance or retrospectively.) The rock armour has now been in place for a sufficient period to now not need planning permission.

#### 5.4.3. Risking activating section 172

This is a procedure by which issues affecting the WHS can be referred to government and UNESCO comes from paragraph 172 of the Operational Guidelines for the Implementation of the World Heritage Convention; "172. The World Heritage Committee invites the States Parties to the Convention to inform the Committee, through the Secretariat, of their intention to undertake or to authorize in an area protected under the Convention major restorations or new constructions which may affect the Outstanding Universal Value of the property. Notice should be given as soon as possible (for instance, before drafting basic documents for specific projects) and before making any decisions that would be difficult to reverse, so that the Committee may assist in seeking appropriate solutions to ensure that the Outstanding Universal Value of the property is fully preserved."

Should we proceed with an intent to install rock revetment, it is likely we will trigger section 172, therefore the planning process will be under scrutiny from both Government and UNESCO before an application is submitted. This will potentially delay any application, or make it not advisable.

#### 5.4.4. Financial cost of the planning application

We have an estimate for a straightforward planning application of £30k including all likely permitting costs. However, should the planning application not be straightforward this cost could increase significantly.

We can afford this budget within the current BMP budget, however it is removing overall funding from the long term project. A separate planning application is essentially abortive money if it is successful or not (in light of the long term scheme) however short term, should it be successful, and it will help slow the rate of erosion.

- 5.4.5. Budget for funding construction of any separate option  
Currently there is no budget available to build any significant rock revetment. EDDC will have used up the majority of its funding in developing the BMP and OBC to the current stage. Therefore, money to fund it would either need to be funded by other local contributors, or be at an advance from central government funding. This advance would be at risk to EDDC. Should the BMP's OBC never be approved, this money will not be available.
- 5.4.6. Cost of construction of any separate option  
This could be minimal or up to a maximum of £1m given the rock proposed for the current long term solution at East Beach is valued to a similar amount.  
The last planning proposal was costed at over £1m in 2011, however this would be more rock than is currently proposed for the long term plan at East Beach, and so it would require any additional rock to be removed from site at further cost. Therefore, it would seem best to cap the amount of rock volume as the same as is proposed for East Beach.
- 5.4.7. Timeline for a separate planning application  
Although we have readied a consultant to undertake the work, they will require a sufficient lead in time to put resources to the job. Given this, along with a likely non-straight forward application, we anticipate due to planning work pressures at least 9 months before an application could be determined, so around late July 2022,  
Once a funding source for the construction is agreed upon, if the application is successful it would be difficult but possible to procure a contractor ready to start works for autumn 2022, if not spring 2023.  
It is also worth noting, that expediting work on any separate option will slow progress on the BMP, as resource will be diverted towards the separate option.
- 5.4.8. Temporary Planning Permission may not be possible:  
Although other locations both in and out of East Devon have achieved temporary planning permission, due to the scale proposed, this proposal may not be able to be classed as temporary, even if it has a fixed removal strategy and/or date. The guidance on temporary consents is to test if the application would be acceptable permanently or not. Making the application temporary or permanent would not affect its suitability for approval or not.
- 5.4.9. Major risks to the council with undertaking separate planning permission application
- 5.4.9.1. Current advice from the statutory consultees of the designated area is that a separate rock armour installation would not be acceptable and they would likely recommend refusal at the planning stage.
- 5.4.9.2. We currently enjoy a good working relationship with the statutory consultees. Going against their advice will sour this relationship and could jeopardise the main scheme.
- 5.4.9.3. Should it be decided that the planning proposal is refused, then the installation cannot occur, unless it is appealed. This will cost further funds and time. Note EDDC cannot appeal against its own decision, so the application would need to be from someone else should there be any intention to appeal.
- 5.4.9.4. Should it be decided that the planning proposal is approved, then the statutory consultees could choose to appeal the decision and call it in to the secretary of state. The secretary of state could overrule the planning approval and the installation of rock armour would not be able to occur. Should the secretary of state uphold the decision the statutory bodies could raise this with UNESCO, with the worst case scenario, the whole or part of the Jurassic Coast World Heritage Site losing its status, not too dissimilar to Liverpool losing its status. [Liverpool stripped of Unesco World Heritage status - BBC News](#) Potentially this could be a major blow for the region's economy.

- 5.4.9.5. Risk is also to residents of cliff road is that physical inaction is further reducing the life expectancy of their property. Also long term, physical inaction will leave Sidmouth open to flooding from South East Storms as the natural protection of Pennington point
- 5.4.9.6. There is also reputational risk with both a planning process potentially against statutory consultees, but also through inaction.
- 5.4.9.7. There is a risk of wasting public funds during the planning process should it be prolonged, with (public) officers representing various bodies requiring to work extensively on the application and any future appeals.

## **5.5. Further study benefits**

- 5.5.1. Potential to achieve a scheme which keeps more parties happy.
- 5.5.2. Further time on research may uncover other options not yet discussed.
- 5.5.3. Potential to install near shore wave buoys to improve data collection for future modelling
- 5.5.4. Inaction may result in a large storm event occurring in the meantime leading to flooding within Sidmouth Town. This may change public opinion to be less against the raising of the splash wall.

## **5.6. Further study negatives**

- 5.6.1. If the project is delayed further, we will face increased pressure to apply for separate planning permission to install rock revetment at East Beach.
- 5.6.2. Separate planning application will require resource to push through, which removes resource from delivering the BMP, further delaying it.
- 5.6.3. Unless further funding is found, there may not ultimately be a better option than (A) the preferred option or (B) the alternative option.
- 5.6.4. Project will remain without a direction, and further delay any implementation of a permanent scheme.
- 5.6.5. The funding from DEFRA, via the Environment Agency is part of a 6 year programme budget, which may not be available in the future. See 9.2.

## **6. Environmental and Designations Consideration**

It is important to highlight the environmental sensitivities as they need to be at the forefront of any decision being made for all options.

### **6.1. Designations and relevant legislation.**

East Beach sits within the multiple designations, and remit of bodies overseeing the designation and implementation of regulations. It is worth noting the date of the designations and acts when comparing any potential future works against prior applications or emergency installations.

- 6.1.1. Marine and Coastal Access Act 2009, which created the foundation of the MMO (Marine Management Organisation) on 1<sup>st</sup> April 2010.
- 6.1.2. Jurassic Coast World Heritage Site (December 2001.) World Heritage Sites are an International Designations [Jurassic Coast World Heritage Site](#)

- 6.1.3. The cliffs make up an area off the Sidmouth to West Bay SAC (Special Area of Conservation) (1<sup>st</sup> April 2005) SAC's are a European Designation.  
<https://designatedsites.naturalengland.org.uk/SiteGeneralDetail.aspx?SiteCode=UK0019864&SiteName=&countyCode=&responsiblePerson=&unitId=&SeaArea=&IFCAArea=>
- 6.1.4. Sidmouth to Beer Coast was designated a SSSI (Site of Special Scientific Interest) on 9<sup>th</sup> August 1985) SSSI's are a National Designation. [SSSI detail \(naturalengland.org.uk\)](#)
- 6.1.5. East Cliff sits within the East Devon Area of Outstanding Natural Beauty which was established in 1963.
- 6.1.6. The regulations concerning designated areas were further strengthened as part of the 'Conservation of Habitats and Species Regulations 2017'

## 6.2. Extent of the Designations.

Due to the rate of erosion, parts of the beach now fall outside the area of designations as shown on the map below, however they remain within the Impact Risk Zone so require statutory consultation. Note that the mapping is indicative and will be updated over time, so part of the cliffs being outside the current area cannot be argued that that the designations do not apply.



## 6.3. Further environmental and designation information

Further information detailing the importance to each designation and the World Heritage site can be found in here: [Sidmouth Alternative Option Environmental Considerations](#)

## 7. 120m long groyne at East Beach

The inclusion of rock island(s) at Town beach in (b) the alternative option, will allay many people's fears for a raised splash wall, however the 120m long groyne remains unpopular, but we believe it to be the best solution at East Beach.

- 7.1. The 120m long groyne and associated beach recharge is affordable. It is not as cheap as rock revetment along the base of the cliff, but is cheaper than multiple rock islands.
- 7.2. The 120m long groyne is a compromise solution accepted in principle by Natural England and Jurassic Coast Team. The cheaper rock revetment is not acceptable. Off shore rock islands have not been explored for acceptance, but likely to be more acceptable due to potential less effect on the site.
- 7.3. A 120m long groyne is has the following coastal process benefits over other structures.

- 7.3.1. A 120m long groyne provides an area for beach material to accumulate, so that when needed it can be moved back to town beach.
  - 7.3.2. Rock islands may not keep as much beach material on East Beach, so less to recharge town beach.
  - 7.3.3. If (B) the alternative option is selected, having two new rock islands at Town Beach will reduce the frequency of recycling required, so less excavator and dumper movements on East Beach over the schemes lifetime.
  - 7.3.4. To build a high beach at East Beach, rock islands would be close to the cliffs, and it may lead to strong tombolas being formed, which could create a beach that would look very unnatural.
  - 7.3.5. If the current two proposed rock islands were built on East Beach instead (to keep the financial element viable) we would need to recharge town beach regularly, which will mean excavators and dumpers on East Beach more often.
  - 7.3.6. An East Beach rock island may cause a tombola to build up near the mouth of the Sid, which may lead to it being blocked more often, possibly not breaking through during a flood event.
  - 7.3.7. Breakwaters at East Beach, will build a beach in places, but take it in others. The islands proposed for town beach are spaced with the existing groynes, which will keep the beach in place where no tombola is being formed. If we put rock islands at East Beach, we may need small groynes between them to reduce the rate of erosion away from the tomobolas.
- 7.4. We accept there are still issues with the 120m long groyne that need mitigating. These are, but not limited the visual change in looking east from Sidmouth, and potentially trapping beach walkers on the wrong side during an incoming tide.
  - 7.5. Looking to change the 120m groyne at this stage, will likely push us into a delay and the choice defaults to (C) further study, with all the risk that entails.

## **8. Ongoing Maintenance costs:**

- 8.1. It is important to note that any scheme going forward will have ongoing maintenance costs, and these will need to be largely borne by EDDC, so minimising these as much as possible by a better upfront solution.
- 8.2. There are four major types of maintenance required by all options**
- 8.2.1. Beach recycling. This involves moving via a digger and dumper beach material from a location where there is too much, to a location where it is too low.
  - 8.2.2. Beach recharge. This involves bringing in new beach material from outside the sediment cell of the beach. Depending on quantities, this would either be delivered by road, or by sea.
  - 8.2.3. Flood gate maintenance. As a moving metal element in the marine environment, they require regular maintenance and replacing over the course of the scheme. Clearly the more gates, the more maintenance.
  - 8.2.4. General maintenance. Although both rock armour and any concrete wall structure should last over the 100 year scheme duration, minor repairs will likely be required.
- 8.3. (A) The preferred option has a discounted future maintenance cost of £3.6m over the next 100 years, and is made up of a beach recycle at £30k every 4 years and a beach recharge of £800k every 10 years. It is also made up of flood gate replacement and maintenance.
  - 8.4. (B) the alternative option currently does not have any amended figures of maintenance, but it is felt to be a lot less than (A) the preferred option. This is because any additional island(s) will more than likely hold and maintain a larger beach in their lee, much like the existing two rock islands. Therefore, less beach will be lost to the east (needing to be

recycled back to the west) and less beach material will be lost out the sediment cell requiring recharge.

- 8.5. (C) No decision will just delay the implementation of the project and the maintenance period. Should this end up in a 4 island solution, with two rock islands at East Beach, we believe recharge costs may increase compared to (B) the alternative option, as the rock islands won't provide as good a structure as the 120m long groyne to reduce beach loss out the sediment cell.

## **9. Further BMP Risks not already identified.**

- 9.1. Inaction means further loss of (land) property for cliff road, and reduction in property lifespan.
- 9.2. The project is highlighted in the national top 5 of FDGIA funded projects at risk of major programme and therefore funding slippage. Should the project be delayed further, the funding period will have passed, and unless further funding is announced, the project could risk needing to wait until the next funding programme. This value changes through each six year funding period, and it is not known how much programme funding will be available in the next funding period.
- 9.3. Due to the above, there are already conversations being undertaken to see if it is possible to expedite the construction of the East Beach works, and thus spend the funding, with the Town Beach element of the scheme to follow at a later date. Option 3 will mean that this is not an option and an opportunity missed.

## **10. Conclusion**

Clearly the Sidmouth and East Beach BMP is an important and emotive issue that will affect the future of Sidmouth.

- 10.1. Given the three options on the table, we believe perusing with (B) the alternative option is the best way forward for the following reasons:
- 10.1.1. Removes the need for a complete 1m high splash wall along the esplanade, which would struggle through the planning process, and is unpopular.
- 10.1.2. Reduce ongoing maintenance costs to EDDC, by reducing future recycling and recharge costs of the beach.
- 10.1.3. Does not add any further delay to the project compared to (C) no decision.
- 10.1.4. Potential to expedite works at East Beach to suit Environment Agency spending profile.
- 10.1.5. An environmental compromise at East Beach, which is better than rock revetment to the base of the cliffs, but is still impacting the designated area.
- 10.1.6. Future proofs Sidmouth, by having the primary town defences out at sea, the splash wall can be raised in the future when sea level rise is realised.
- 10.1.7. This option allows enough flexibility at the detailed design stage for further public engagement to look at the size, shape, alignment and finish of all structures.

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## **Financial implications:**

The financial information is contained within the report; EDDC budget contribution has been approved at £500k with project costs to date being met from this sum.

## **Legal implications:**

The various options presented are all within the powers of the Council to agree. Specific legal advice on the project and its various aspects will be given as and when required. There are no other legal implications requiring comment.

Appendices:

### **RECOMMENDATION**

REFUSE for the following reasons:

1. The proposed development by reason of its size, appearance and function would devalue the designated environment recognised as a World Heritage Site, through a change to the natural processes that take place and the resulting obscuring of the features through both the physical structure and a build up of additional sediment. The application is therefore contrary to Guidance in PPS1 (Delivering Sustainable Development), PPS 9 (Biological and Geological Conservation), and Circular 07/09 (World Heritage Sites), as well as Policies C09 (Biodiversity and Earth Science Diversity) and C05 (Coastal Preservation Areas) of the Devon Structure Plan.
2. Insufficient information has been submitted to allow the Local Planning Authority as the competent Authority to make an Appropriate Assessment of the impact of the proposed development. As such and in light of a lack of detailed evidence to the contrary it is considered that the proposed development by reason of potential harm through hydrodynamics, sediment transport, rates of erosion and the location for this, previous and current modes of cliff failure, and the impact on the existing rock platform (all in isolation and in combination) have the potential to significantly harm an area of protected environment

designated as a Site of Special Scientific Interest and a candidate Special Area of Conservation. The proposed development is therefore considered to be contrary to guidance contained in PPS 1 (Delivering Sustainable Development), and PPS 9 (Biological and Geological Conservation) and Policies C09 (Biodiversity and Earth Science Diversity), and C010 (Protection of Nature Conservation Sites and Species) of the adopted Devon Structure Plan and Policy EN4 (Nationally Important Sites - Including sites of Special Scientific Interest) of the East Devon Local Plan.

3. The proposed development by reason of the size and appearance of an artificial and alien addition along the base of internationally recognised cliffs and a natural area of East Devon including the adjacent East Devon Area of Outstanding Natural Beauty, harms the natural beauty and intrinsic quality of the environment. The proposed development is considered contrary to guidance contained in PPS 1 (Delivering Sustainable Development), PPS 7 (Sustainable development in Rural Areas) and the draft National Planning Policy Framework, Policies C01 (Landscape Character and Local Distinctiveness), C03 (Areas of Outstanding Natural Beauty) and C05 (Coastal Preservation Areas) of the Devon Structure Plan and Policy EN1 (Development Affecting Areas of Outstanding Natural Beauty) of the adopted East Devon Local Plan.
4. The proposed development by reason of its function contradicts advice set out in the adopted Shoreline Management Plan for the area which recognises an area of Managed Realignment between the Sidmouth (hold the line) approach and the no intervention to the east. By reason of the length and permanency of the structure the aims and objectives of the agreed approach would not be achieved. The proposed development is therefore considered contrary to government advice contained in PPS 25 Supplement (Development and Coastal Change).

Report to: Cabinet



Date of Meeting 3 November 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## **Cloakham Lawns Employment Land, Axminster**

### **Report summary:**

- Vistry Homes Limited will be taking the lease of the compound; ( Previously known as Bovis but Bovis still use Bovis as one of their trading name , plus Linden Homes which they acquired. It is one and the same Group)
- Vistry Homes Limited will be transferring the employment land (as registered proprietor of the land concerned);

The purpose of this report is to provide an update on the opportunity for an employment site to come forward in Axminster.

In 2011, the council entered into a S.106 Agreement with Bovis Homes (now Vistry Homes Limited) for the transfer of employment land to the council at the Cloakham Lawns housing development in the town. The trigger point for the transfer of this employment land has now been reached.

Following transfer, the council will undertake a feasibility study to consider the future employment options for the site. This report is therefore requesting a budget allocation of £59,400 to cover the costs associated with the transfer and the cost of a carrying out a feasibility study and masterplan exercise which will ascertain the best employment development options for the site.

The report also requests that delegated authority is given to the Service Lead for Place, Assets & Commercialisation to complete the transfer and to approve heads of terms with Vistry Homes Limited for temporary use by them of the employment land as a compound and to subsequently complete the associated leasehold documentation.

### **Is the proposed decision in accordance with:**

Budget Yes  No

Policy Framework Yes  No

### **Recommendation:**

That Cabinet recommends

- (i) that delegated authority is given to the Service Lead for Place, Assets & Commercialisation in consultation with the Portfolio Holder for Economy & Assets to approve the Heads of Terms and complete the lease with Vistry Homes Limited for a short term lease be entered into with them for the temporary use of this site as a compound whilst the feasibility study is undertaken and prior to development.

That Cabinet recommends to Council

- (ii) the allocation of up to £59,400 from the Business Rates Reserve Pool for a feasibility study and masterplan on future uses and for legal costs and stamp duty land tax in the acquisition.

**Reason for recommendation:**

A budget of £9,400 is required so that the transfer of the employment land can complete as HMRC Stamp Duty Land Tax needs to be paid on the transfer for which EDDC are liable. A budget of up to £50,000 is required so that a feasibility study and master planning exercise can be undertaken in order to identify the development options and possible returns from the site.

Bovis (trading name for Vistry Homes Limited) wish to use the compound for the next three years and until their housing development has completed and they will require a short term lease in order to use this site for this purpose. This transaction will generate an income stream for EDDC and will significantly reduce holding costs until EDDC are ready to take over the site.

Officer: Tim Child, Service Lead – Place, Assets & Commercialisation, 01395 571692  
[tchild@eastdevon.gov.uk](mailto:tchild@eastdevon.gov.uk)

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Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

**Equalities impact** Low Impact

**Climate change** Low Impact

**Risk:** Low Risk;

**Links to background information**

Link to [Statement of Intent](#)

Priorities (check which apply)

- Better Homes and Communities for all
- Greener East Devon
- A resilient Economy
- Services that matter

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## Report in full

### 1. Background

- 1.1 Outline planning permission (10/0816/MOUT) was granted to Bovis on 29<sup>th</sup> March 2011 for a mixed use, urban extension of land at Cloakham Lawns on Chard Road, Axminster.
- 1.2 The scheme includes a maximum of 400 residential dwellings, managed employment space, public open space and the retention of existing recreational facilities at Cloakham Lawn Sports Centre.
- 1.3 A Section 106 agreement entered into by EDDC and Bovis relating to this development obliges Bovis to transfer the freehold interest in the serviced employment land element of the scheme to EDDC upon reaching the prescribed trigger event for the transfer, being the occupation of more the 50% of the dwellings under construction. This event occurred on 14<sup>th</sup> August 2020 although EDDC were not notified of the trigger event occurring until 22<sup>nd</sup> Jan 2021.
- 1.4 The land to be transferred is approx. 0.75 acres and is highlighted in red on the following plan.



- 1.5 The Transfer is to take place at 'nil cost' to the Council although Vistry Homes Limited have no obligation to pay any of EDDC's professional, legal or other acquisition costs arising from the transaction. Furthermore, the employment land must be laid out as serviced land to the satisfaction of EDDC.
- 1.6 As part of the due diligence process relating to the transfer of this parcel of land, Legal Services will need to carry out several searches and incur various disbursements which are likely to be in the region of £1000. Legal must also submit an HMRC SDLT (stamp duty land tax) return confirming the open market value of the land which is then used to calculate the SDLT payable on the transaction.

## **2 Valuation**

- 2.1 Comparable evidence of employment land values in Devon suggest this site is worth between £350 - £375k per acre, which results in a land value of approx. £280,000.

## **3 SDLT liability**

- 3.1 The resultant SDLT is £3500 assuming a realisation date of 1<sup>st</sup> December 2021. However, as the contracts were exchanged prior to 17<sup>th</sup> March 2016 when the SDLT regime changed, EDDC may have to pay stamp duty based on the old SDLT rules which could result in an SDLT payment of £8400. The worst case scenario has been assumed.

## **4 Development Options for the Employment Land**

- 4.1 If EDDC is unable to complete the construction within 5 years from the date of transfer, the Council or its successors shall be free to develop the employment land for any purpose (subject to planning) provided that if consent is given for residential on all or part of the employment land, the Council or their successors in title shall pay the person who transferred the employment land to the Council 50% of the uplift in value, which is currently Vistry Homes Limited. The mechanism for arriving at the increase in value and payment dates is detailed in the S 106.
- 4.2 Evidence on employment need for Axminster and the east of district, suggests that there is likely to be a good level of demand for employment space within the town. Our Economic Development team's most recent workspace survey of 26 directors at Millwey Rise opposite this site (Sept 2018) identified a net additional B use land requirement of 3.82 ha to 2023. No new employment land has since come forward in Axminster to meet this demand and the estate remains at capacity. Furthermore, the speed with which local businesses have taken up all available space at The Carpet Factory provides more recent and robust evidence of employment demand which has persisted despite the pandemic.
- 4.3 The site has the potential for direct investment by the council and this will be explored as part of the feasibility study.

## **5 Feasibility Study**

- 5.1 A Feasibility study and master planning exercise will therefore need to be carried out to ascertain the best employment use for the land taking into consideration all relevant factors. This is likely to cost up to £50,000 and will be led by an Officer in the Place and Prosperity Team. The findings of this study will be reported to the Asset Management Forum in the first instance.
- 5.2 The S 106 states that EDDC are to use reasonable endeavours to complete construction of the Employment Land within 5 years of the date of transfer (not the occupancy trigger date of 14<sup>th</sup> August 2020). This date will be crystallised once the Transfer takes place.

## **6 Proposed short term lease of the Transfer Land**

- 6.1 Bovis have been using this site as a compound since 2020 and now wish to enter into a lease with EDDC for a further 3 years to take them to the end of their scheme. Terms have not yet been agreed as EDDC can only agree a lease with Vistry Homes Limited when EDDC accept a transfer of the freehold interest in the land. The rent for use of the compound is likely to be in the order of £4000 pa but a capital payment will also be requested to cover the period the compound has been used by Bovis post the trigger event, up until the date of completion of the new lease as rent cannot be collected for this period.

- 6.2 The S 106 agreement which contains the transfer obligations, requires Vistry Homes Limited to provide a serviced plot which must be signed off by EDDC prior to handover. This obligation will be reinforced in the lease agreement with Vistry Homes Limited.
- 6.3 The lease agreement with Vistry Homes Limited will also require them to be liable for all security, insurance and maintenance of the site and avoid EDDC incurring holding costs whilst the feasibility and master planning is being carried out.

## **7 Summary**

- 7.1 EDDC must accept a transfer of the land from Vistry Homes Limited but in doing so, it will 'acquire' valuable employment land worth approx. £280,000. Although upfront costs are in the region of £9,400 in order to complete the Transfer, and £50,000 for a feasibility study with master planning, any future development of the land for employment uses will result in the creation of jobs in Axminster. The site offers the opportunity for direct investment by the council if that appetite exists.
- 7.2 The feasibility study and master planning work will determine the best development options for the site and is anticipated to cost up to £50,000.
- 7.3 In the interim, once the transfer completes and new lease terms with Vistry Homes Limited are agreed for a term of 3 years, EDDC will be able to secure an income from the letting of the compound to Vistry Homes Limited whilst the feasibility study and master planning is carried out. This also removes any obligation on EDDC to secure, insure and maintain the site during this period.

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### **Financial implications:**

Accepting a transfer of the land will gain EDDC employment land worth approx. £280,000. Associated upfront costs of circa £9,400 are required to complete the transfer and £50,000 for a feasibility study. A lease income in the order of £4,000 pa for 3 years will be agreed as part of the transfer. The background to these figures is to be found in the text of the report. The source of funds indicated in the report will need to be confirmed.

### **Legal implications:**

What is proposed is within the power of the Council to agree to. It seems a reasonable approach in the circumstances. Legal will advise on the transfer and lease as appropriate. Otherwise there are no legal implications requiring comment.

Report to: Cabinet



Date of Meeting 3 November 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## Honiton Community Governance Review Petition

### Report summary:

Following a petition request for a community governance review, Counsel's advice has confirmed that it would not be appropriate to progress a review on the basis of the recommendations sought, and in any event the petition organisers are now advocating that the petition be withdrawn. Members are asked to consider this but also whether a review may nonetheless be appropriate due to some boundary anomalies and recent developments to the east end of Honiton.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

1. Cabinet recommend that the Honiton Forward petition request for a community governance review does not progress for the reasons given.
2. Cabinet consider whether it wishes to recommend that there should be a community governance review to look at existing boundaries to the east end of Honiton and with Gittisham Parish Council for the reasons given in the report. Officer advice is not to progress a review at this time.

### Reason for recommendation:

In accordance with the provisions of Part 4 of the Local Government and Public Involvement in Health Act 2007; the principal legal framework within which councils must undertake these reviews. It is for Members to determine the appropriate approach in relation to a Honiton Community Governance Review.

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

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities

Tourism, Sports, Leisure and Culture

**Equalities impact** Low Impact

**Climate change** Low Impact

**Risk:** Low Risk;

**Links to background information** [Local Government and Public Involvement in Health Act 2007 Communities and Local Communities - Guidance on community governance reviews March 2010](#)

**Link to** [Statement of Intent](#)

Priorities (check which apply)

- Better Homes and Communities for all
  - Greener East Devon
  - A resilient Economy
  - Services that matter
- 

## 1. Introduction to Community Governance Reviews

- 1.1 A Community Governance Review is a review of the whole or part of a district to consider one or more of the following:
- creating, merging, altering or abolishing parishes;
  - the naming of parishes and the style (i.e. whether to call it a town council or village council etc) of new parishes;
  - the electoral arrangements for parishes – the ordinary year of election, the size of the council, the number of councillors to be elected and parish warding;
  - grouping parishes under a common parish council, or de-grouping parishes.
- 1.2 Under the legislation the Council must aim to ensure that community governance in the area under review:-
- reflects the identities and interests of the community in that area
  - is effective and convenient
  - takes into account any other arrangements for the purpose of community representation or community engagement.
- 1.3 When considering this, the Council should take into account a number of factors, including:
- the impact of community governance arrangements on community cohesion; and
  - the size, population and boundaries of any new local community or parish.

A review involves the following stages:

- (1) Setting terms of reference of the review;
- (2) Publicising the terms of reference (for the purposes of the Act, the review formally commences when the terms of reference are published);

- (3) Undertaking consultations with the local government electors for the area and any other person or body (including relevant Parish Councils) who appear to have an interest in the review;
  - (4) Considering representations;
  - (5) Preparing and publishing draft proposals;
  - (6) Undertaking consultation on the draft proposals;
  - (7) Considering representations;
  - (8) Publishing recommendations;
  - (9) Making an order to bring into effect any decisions arising from the review;
  - (10) A review must be concluded within 12 months of the publication of the terms of reference.
- 1.4 When undertaking a Community Governance Review a principal council must have regard to guidance issued by the Secretary of State and the Electoral Commission. However, subject to this, it is for the Council to decide how to undertake the review.
- 1.5 A review can be triggered through either a petition being submitted or application made for a community governance review (the latter can only be done by a body or organization designated as a neighbourhood forum) or where a principal council considers that one should be carried out.

## **2. Honiton Forward Petition for a Community Governance Review**

- 2.1 In December 2020, Honiton Forward submitted a petition to East Devon District Council requesting a review of the community governance arrangements at Honiton Town Council. The petition was submitted in person to officers at Blackdown House and the organisers subsequently addressed Members at the Full Council meeting of 9<sup>th</sup> December 2020.
- 2.2 The petition was supported by 791 electors within the administrative area of the parish, which is above the 688 (7.5%) required by S.80 of the Local Government and Public Health Involvement Act 2007. It also conformed with the other statutory requirements, namely that it identified that it relates to the whole of the Town Council area and specified one or more recommendations which the petitioners wish the review to consider making. It was therefore a valid petition which was confirmed to Honiton Forward on 21<sup>st</sup> December 2020.
- 2.3 The petition specifically requested the following actions by East Devon District Council;

*“We the undersigned members of the Honiton community call upon East Devon District Council to undertake a Community Governance Review for the Honiton Town Council area with the purpose of ensuring improved community engagement, better local democracy and more effective and convenient delivery of local services We believe that the current Council, which has not been subject to democratic scrutiny at the last election or since, has failed to deliver a sense of civic values, responsibility and pride within the Town, or to create a place with a positive feeling for people and local distinctiveness which is reflective of the identities and interests of the Honiton community. This is evident in the large number of issues that have occurred in recent years and particularly the abnormal level of councillor turnover and the amount and seriousness of staff sickness. We call on East Devon District Council to take action under the provisions of the Local Government and*

*Public Involvement in Health Act 2007 to undertake a community governance review and to:-*

· **Dissolve** the council and take over its operation for the period before new elections

· **Repair** the council by resolving staff issues and settling all outstanding legal disputes.

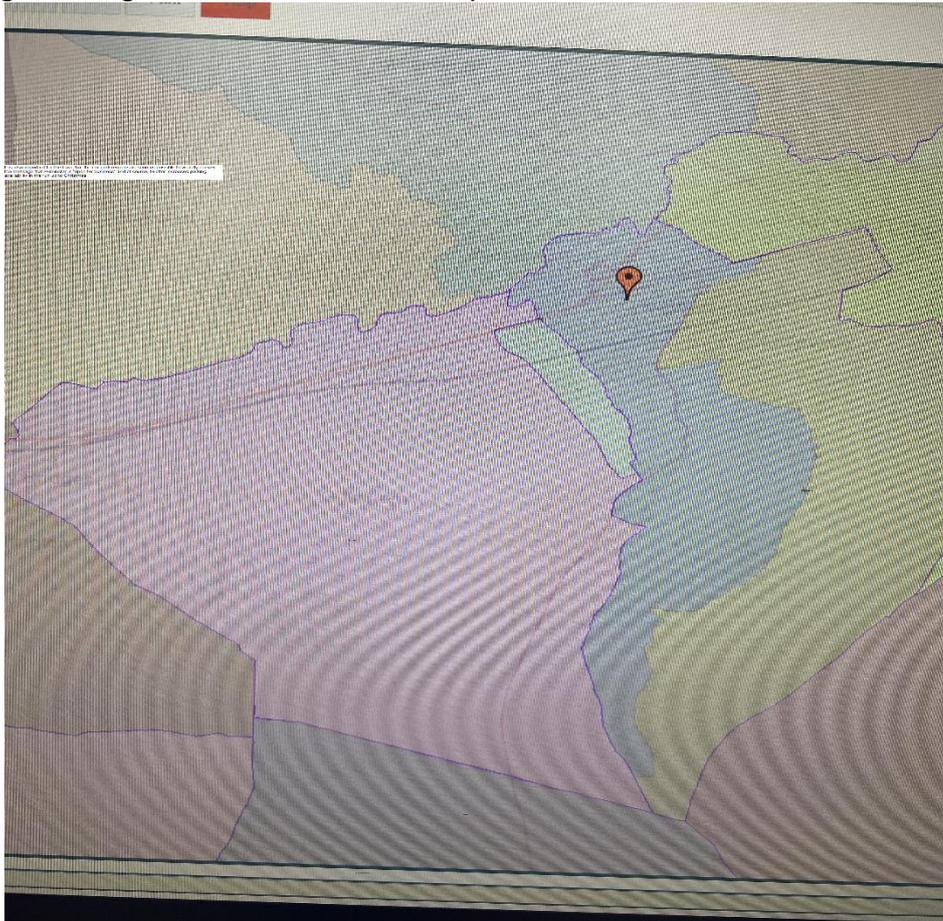
· **Restore** the Council by holding new elections in May 2021 and encouraging all those with a positive vision for serving and improving the Town to stand for office.”

- 2.4 The recommendations raised concerns given that it was requesting a Town Council to be dissolved. In light of what was asked, Counsel’s opinion was sought on whether or not a community governance review could be carried out along the lines sought.
- 2.5 In May 2021, Honiton Town Council had a by-election which resulted in a large number of new councillors being elected to the Council. Honiton Forward, the petition organisers, had indicated that depending on what happened at the election, they might consider withdrawing the petition.
- 2.6 While Counsel’s advice was requested on a number of points, on the primary issue the advice was;
- “26. In my view the 2007 Act does not permit EDDC to make an order or orders abolishing HTC and immediately re-creating it for the purpose of removing its current membership.”*
- 2.7 Honiton Forward have been advised of this and the difficulty it presents and in September 2021, they wrote an open letter to the signatories of the petition and to the Town Council in which they state that Honiton Forward *“is however minded to withdraw the petition at this point because if it were eventually implemented it would potentially undermine the work of the new Councillors”* and further *“[i]n summary it is the view of the Honiton Forward committee that the interests of the community are currently best served by allowing the new councillors to address and attempt to resolve, together with the community, the many issues that the Council faces.”*
- 2.8 The view of officers therefore is that the Council should determine that it is not appropriate to progress a community governance review on the basis that the petition request, while technically valid, advocates recommendations that are beyond the power of the Council to deliver.

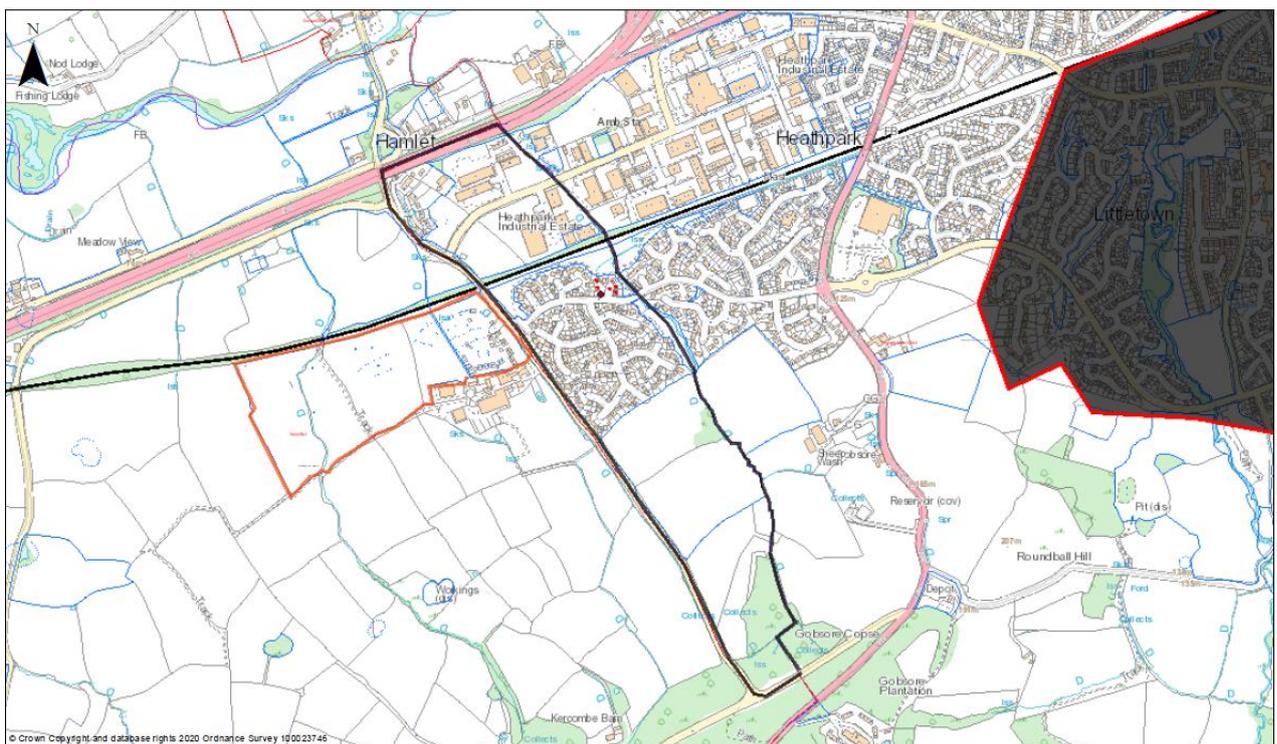
### **3. Consideration as to whether there should be a community governance review for Honiton**

- 3.1 The above said, there are some issues which affect the east end of the administrative area of Honiton Town Council that might benefit from a community governance review. In this regard Gittisham Parish Council have also informally approached officers raising the issue of the appropriate boundary between the two bodies.
- 3.2 These issues relate (i) to an anomaly between the Gittisham Vale parish and St Michael’s district ward boundary, (ii) the new Baker Estates (Hayne Lane) development and (iii) the employment land allocations in the Local Plan which are yet to come forward for development and sites being proposed for development as part of the New Local Plan.

3.3 This first map shows the extent of Gittisham Vale (green) and Gittisham Village (purple) areas which comprise Gittisham Parish. Honiton St Michaels town boundary is the neighbouring blue area with the red pin in it.

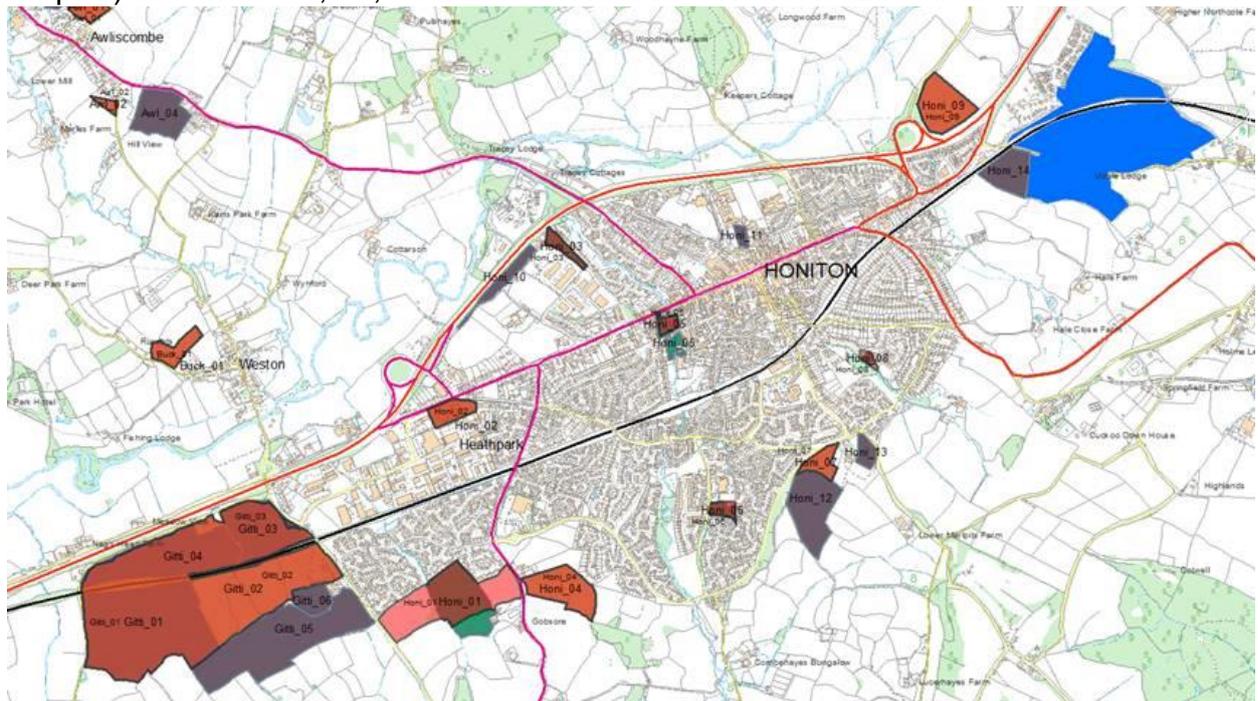


3.4 This map shows the Gittisham Vale boundary (black) and the Baker Estates (Hayne Lane) development boundary (red). The Baker Estate's site sits in Gittisham Village area.





3.7 Finally, this plans shows site that have been promoted for development as part of the 'call for sites' as part of the New Local Plan. Relevant sites (south west corner of the plan) are GITTI 01, 03, 04 and 05 and HONI 01. GITTI 02 is the Baker Estates site.



- 3.8 As mentioned above, there is a historic anomaly that requires consideration. As can be seen from the maps, the western most edge of the developed part of Heathpark Industrial Estate and the residential estate to the south are within Gittisham Vale parish area but Honiton St Michaels District Ward area. Logic would suggest that these probably ought to sit within Honiton St Michaels town area and not Gittisham Vale given that they would be viewed as being part of Honiton.
- 3.9 If those areas were to be made part of Honiton St Michaels town area the question then is what happens to the remainder of Gittisham Vale, bearing in mind that this is also within Honiton St Michael's district ward area. There seems little point leaving this small area of land as Gittisham Vale and it might make sense that it too is incorporated into Honiton St Michaels town area. If HON 1 were to be allocated for development this is likely to increase the case for such a move. Alternatively it could be considered to be incorporated into Gittisham Village area, but this will cause the anomaly to remain in terms of the parish / ward boundaries.
- 3.10 The Baker Estates development is within the Gittisham Village parish area but, as with those areas discussed above, is likely to be seen as part of Honiton. However the Baker Estates area is also outside of the district ward boundary. In this case, there is a question of whether it is appropriate to approach the Boundary Commission to deal with the district ward boundary first (extending the Honiton St Michaels ward area) before then dealing with the parish areas afterwards. This issue is also compounded by the allocated employment site (042) in current Local Plan and the number of sites also being put forward for development as part of the Local Plan process in this area. If the district ward areas were to be looked at, this could also consider the southern part of Gittisham Vale as referenced above.
- 3.11 Officer advice is to await the outcome of the Local Plan review process so that there is clarity over site allocations in and around this area before considering whether or not to approach the Boundary Commission and / or carry out a community governance review. The publication draft of the Local Plan, which will detail the Council's intended

allocations, is currently expected to be in the Autumn of 2022 with final adoption of a Local Plan currently expected to be in February 2024.

- 3.12 If members wish to commence a review, it is advised that the appended terms of reference (Appendix 1) should be recommended. There is no budget for carrying out a community governance review and so should Members wish to progress a review it is estimated that these would be around £5000 and so a request to Council would need to be made for a budget.

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**Financial implications:**

No direct financial implication.

**Legal implications:**

Section 81 of the Local Government and Public Involvement in Health Act 2007 provides that it is for the Council to decide the terms of reference of any community governance review. The legal requirements for recommendations arising out of the community governance review are set out in Part 4 Chapter 3 of the 2007 Act. This includes recommendations as to what new parish or parishes (if any) should be constituted in the area under review, and its electoral arrangements. There must be recommendations as to the name of any new parish, and as to whether or not the new parish should have a parish council, and if so, its style [parish / town / community / village / neighbourhood]. The Council must have regard to guidance issued by the Secretary of State under s100 of the 2007 Act about carrying out community governance reviews and giving effect to any recommendations arising out of the review. The Council must also have regard to guidance from the Electoral Commission on electoral recommendations arising out of the review.

East Devon District Council

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

COMMUNITY GOVERNANCE REVIEW

TERMS OF REFERENCE

A review of parishes and related matters under the Local Government and Public Involvement in Health Act 2007

## **INTRODUCTION**

### Setting the Context

The Local Government and Public Involvement in Health Act 2007 provides for a principal council to conduct a community governance review at any time. The Council can undertake a review of the whole or part of its area.

East Devon District Council (“the Council”) has resolved to review the governance arrangements for the parish of Honiton and Gittisham following a request for a review.

In undertaking the review the Council will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007, the relevant parts of the Local Government Act 1972, Guidance on Community Governance Reviews issued in accordance with section 100(4) of the Local Government and Public Involvement in Health Act 2007 by the Department of Communities and Local Government and The Local Government Boundary Commission for England in March 2010, and the following regulations which guide, in particular, consequential matters arising from the review: Local Government (Parishes and Parish Councils) (England) Regulations 2008, Local Government Finance (New Parishes) Regulations 2008. Section 81 of the Local Government and Public Involvement in Health Act 2007 requires the Council to publish its Terms of Reference in a review.

These Terms of Reference will be published by placing a copy on public deposit at the offices of East Devon District Council, Blackdown House, Honiton and on the Council’s website at [www.eastdevon.gov.uk](http://www.eastdevon.gov.uk)

### What is a Community Governance Review (CGR)?

A CGR is a review of the whole or part of the district to consider one or more of the following:

- Creating, merging, altering or abolishing parishes;
- The naming of parishes and the style of new parishes;
- The electoral arrangements for parishes (the ordinary year of election; council size; the number of councillors to be elected to the council, and parish warding); and
- Grouping parishes under a common parish council or de-grouping parishes.

The Council is required to have regard to the need to secure that community governance within the area under review will be

- Reflective of the identities and interests of the community in that area; and
- Is effective and convenient.

In deciding what recommendations to make, the council must take into account any other arrangements (apart from those relating to parishes) that have already been made, or that could be made, for the purposes of community representation or community engagement in respect of the area under review. In doing so the CGR is required to take into account:

- The impact of community governance arrangements on community cohesion; and
- The size, population and boundaries of a local community or parish.

#### Who undertakes the review?

As the principal authority the District Council is responsible for undertaking any CGR within its electoral area.

The Council will approve the final recommendations before a Community Governance Order is made.

### **CONSULTATION**

#### How the Council proposes to conduct consultations during the CGR

The Council has drawn up and now publishes this Terms of Reference document. This document lays out the aims of the review and the legislation that guides it.

In coming to its recommendations in the CGR the Council will need to take account of the views of local people. The Act requires the Council to consult the local government electors for the area under review and any other person or body who appears to have an interest in the review and to take the representations that are received into account by judging them against the criteria in the Local Government and Public Involvement in Health Act 2007.

The Council intends to consult with all households and interested parties in the area inviting initial submissions and seeking views on the draft proposals.

The Council will also identify any other person or body who it feels may have an interest in the review and write to them inviting them to submit their views at both stages of consultation.

This will include

- Ward Members
- Tenants and Residents Associations
- Groups and Societies
- Schools and Colleges
- Members of Parliament
- Devon Association of Local Councils
- The Police

The Council will also be pleased to receive comments from any other person or body that wishes to make representations; any such person that makes representations during the initial invitation to submit proposals will be invited to make comments in respect of the draft proposals.

As required by Section 79(3) of the Local Government and Public Involvement in Health Act 2007, the District Council will notify Devon County Council that a review is to be undertaken,

provide them with a copy of the Terms of Reference for the review and will consult them on the matters under review.

The Council intends to clearly publish all decisions taken in the review and the reasons for taking those decisions and will work towards the Government's view in undertaking the review that "Community Governance Reviews should be conducted transparently so that local people and other stakeholders who may have an interest are made aware of the outcome of the decisions taken on them and the reasons behind these decisions."

In accordance with the Act, representations received in connection with the review will be taken into account and steps taken to notify consultees of the outcome of the review by publishing them on the Council's website at [www.eastdevon.gov.uk](http://www.eastdevon.gov.uk) , through general press releases, public notice advertisements in local newspapers, placing key documents on public deposit at Council offices and will communicate the final outcome of the review by writing to all households in the area affected by the review.

A timetable for the review

A CGR must, by statute be concluded within a twelve-month period from the day on which the CGR starts. A CGR starts when the District Council publishes its Terms of Reference and concludes when the District Council publishes the recommendations made in the CGR.

The following is the review timetable

<b>Action</b>	<b>Timetable</b>	<b>Dates</b>
Compiling Terms of Reference		October 2021
Terms of Reference report to Cabinet		November 2021
Council approves Terms of Reference		December 2021
Publication of Terms of Reference		January 2022
Stage one – Invite initial submissions	3 months	January 2022 to March 2022
Stage two – Consideration of submissions received and draft proposals prepared		April 2022
Stage three – Draft proposals are published and consultations made	3 months	June 2022 to August 2022
Stage four – Consideration of submissions received and final proposals prepared		September/October 2022
Preparation of Recommendation and approval by Cabinet		November 2022
Preparation of Recommendation and approval by Council		December 2022
Publication of Recommendations		December 2022
Effective date of Order		December 2022
Parish Council elections under new arrangements		May 2023

## PARISH AREAS

### Introduction

The legislation requires that the Council must have regard to the need to secure that community governance within the area under review:

- Reflects the identities and interests of the community in that area, and
- Is effective and convenient, and
- Takes into account any other arrangements for the purposes of community representation or community engagement in the area.

### Parishes

The Council is anxious to ensure that electors should be able to identify clearly with the parish in which they are resident because it considers that this sense of identity and community lends strength and legitimacy to the parish structure, creates a common interest in parish affairs, encourages participation in elections to the parish council, leads to representative and accountable government, engenders visionary leadership and generates a strong, inclusive community with a sense of civic values, responsibility and pride.

### District Warding and County Division Boundaries

Should the issues which are the subject of this review require any alterations to the boundaries of District Wards or County Divisions, the Electoral Commission is responsible for deciding whether boundary changes of this nature should be made and will require evidence that the Council has consulted on any such recommendations. If the need for changes become apparent during the course of this review the Council will endeavour to incorporate them within in the consultation at the earliest opportunity.

## **REORGANISATION OF COMMUNITY GOVERNANCE ORDERS AND COMMENCEMENT**

The process will be completed when the Council adopts the Reorganisation of Community Governance Order. Copies of this Order, the map(s) that show the effects of the Order in detail, and the document(s) which set out the reasons for the decisions the Council has taken (including where it has decided to make no change following the review) will be deposited at the Councils offices and posted on its website.

In accordance with the Guidance issued by the Government, the Council will issue maps to illustrate each recommendation at a scale that will not normally be smaller than 1:10,000. These maps will be deposited with the Secretary of State at the Department for Communities and Local Government and at the Council's offices. Prints will also be supplied in accordance with the regulations to Ordnance Survey, the Land Registry, the Valuation Office Agency, the Local Government Boundary Commission for England and the Electoral Commission.

Should an Order be made, it is proposed that it will take effect for financial and administrative purposes on **1 April 2023**

## **CONSEQUENTIAL MATTERS**

### General Principles

The Council notes that a Reorganisation Order may cover any consequential matters that appear to the Council to be necessary or proper to give effect to the Order. These may include:

- The transfer and management or custody of property;
- The setting of precepts for new parishes;
- Provision with respect to the transfer of any functions, property, rights and liabilities;
- Provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters.
- In these matters the Council will be guided by Regulations that have been issued following the 2007 Act.

In particular the Council notes that Regulations regarding the transfer of property, rights and liabilities require that any apportionments shall use the population of the area as estimated by the Proper Officer of the Council as an appropriate proportion.

Furthermore, the Council notes that the regulations regarding the establishment of a precept for a new parish require the Council to calculate the first anticipated precept for a newly constituted parish council and for the amount of that precept to be included in the Reorganisation Order.

### **HOW TO CONTACT US**

Should you wish to submit a written representation regarding this review please address this to

Electoral Services

East Devon District Council

Blackdown House

Border Road

Honiton

EX14 1EJ

Alternatively you representation can be e-mailed to [electoralservices@eastdevon.gov.uk](mailto:electoralservices@eastdevon.gov.uk)

### **DATE OF PUBLICATION OF THESE TERMS OF REFERENCE**

Date of Publication: **[DATE]**



Report to: Cabinet

Date of Meeting 3 November 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## Dowell Street Car Park

### Report summary:

The Council previously considered a proposal from Honiton Town Council to enter into a management agreement in respect of Dowell Street car park in the town. At the Cabinet meeting of 2 January 2019, it was resolved that:

- 1. Honiton Dowell Street Car Park be included in East Devon District Council's Off-street Parking Places Order (subject to there being in place a lease in favour of East Devon District Council),*
- 2. that EDDC enters into a ten-year full repairing and insuring lease of Dowell Street car park, and*
- 3. that delegated authority be granted to the Chief Executive in consultation with the Portfolio Holder Asset Management to enter into a detailed agreement with Honiton Town Council to provide car park management services on terms to be agreed, be agreed.*

*REASON: There was demand for additional public car parking in the town and at present the use of the car park was unrestricted. The Town Council had considered the issues raised in the representations and had requested that the Council proceed with putting in place measures to enable EDDC to manage the car park as a public pay and display car park.*

Consultation and advertising of the proposed variation in the East Devon Off-street Parking Places Order has been completed and Cabinet affirmed the previous decision at its meeting of January 2020. A draft lease and management agreement is now ready for signature by the parties but at the request of the Portfolio Holder, we are now asking the Cabinet to review the position and determine whether it wishes to make any alternative recommendation to Council. .

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

1. That Cabinet requests that Honiton Town Council confirm that they wish EDDC to manage the Dowell Street car park in accordance with the draft management agreement that has been shared between the organisations.

### Reason for recommendation:

To consider further the decision made by this Council on 2 January 2019, which was affirmed by Cabinet on 8 January 2020.

Officer: Andrew Ennis, Service Lead for Environmental Health and Car Parks

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Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

**Equalities impact** Low Impact

**Climate change** Low Impact

This is a small car park and it is already well used. The proposed management arrangements are not anticipated to result in any increase in emissions of greenhouse gases locally. However in the longer term this and other car parks will need to be reviewed as part of our climate emergency action plan to ensure that opportunities for introducing incentives to discourage the use of petrol and diesel fuelled vehicles in our towns and to consider the provision of electric vehicle charging infrastructure at this site are not overlooked.

**Risk:** Low Risk: This is an opportunity to provide a service for Honiton Town Council enabling this Council to develop its car parking services with minimal risks to its reputation and a modest financial gain.

**Links to background information** This matter has previously been considered and approved by this Council. [Original report](#) and minutes (item 123) from 8 January 2020.

**Link to [Statement of Intent](#)**

Priorities (check which apply)

- Better Homes and Communities for all
- Greener East Devon
- A resilient Economy
- Services that matter

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**Report in full**

Following further consideration of representations made locally in respect of the possible continuing use of the car park in connection with The Beehive in the spring of 2021, The Town Clerk has now stated that the Town Council is ready to proceed with the lease and management agreement. However our Portfolio Holder has suggested that it would be prudent for this council to review its previous decision because of the amount of time that has elapsed.

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**Financial implications:**

The original proposal was agreed on the basis that costs would be recovered by the Council and no additional budget was being requested.

**Legal implications:**

The legal implications in relation to managing the Dowell Street car park are contained in the previous reports. The original decision of January 2019 (affirmed January 2020) essentially forms part of the Car Parking Strategy and is capable of implementation. Should Cabinet wish to recommend an alternative course of action then this will require a recommendation to Council given that the Car Parking Strategy is part of the Policy Framework.