

**Agenda for consultative meeting of the Cabinet
Wednesday, 1st December, 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.

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(or group number 01395 517546)
Monday, 22 November 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 27th July 2021 to 17th 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 3 - 11)

3 Apologies

4 Declarations of interest

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

5 Matters of urgency

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

There are two items to be dealt with in this way;

Agenda item 8 Minutes of Overview Committee held on 25 November 2021

Agenda item 13 Honiton Community Governance Review Petition

6 Confidential/exempt item(s)

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

7 Forward Plan (Pages 12 - 13)

Members agreed to recommend the contents of the Forward Plan for key decision for the period 1 January 2022 to 30 April 2022 for approval.

8 Minutes of Overview Committee held on 25 November 2021 (Pages 14 - 20)

Matters for Key Decision

9 Public Toilets Review - Consultation results and Categorisation proposal (Pages 21 - 38)

Matters for Decision

10 **Council Tax Reduction Scheme 2022/23** (Pages 39 - 46)

11 **Treasury Management Mid-Year Review 2021/22** (Pages 47 - 48)

This report details the overall position and performance of the Council's Investment Portfolio for the first six months of 2021/22.

12 **Dalwood Neighbourhood Plan Examiner's Report** (Pages 49 - 63)

The report provides feedback and sets out proposed changes following the examination of the Dalwood Neighbourhood Plan.

13 **Honiton Community Governance Review Petition** (Pages 64 - 68)

Cabinet considered a report on the Honiton Community Governance Review Petition at its 3rd November 2021 meeting. The recommendation was to progress a review having first obtained and considered the views of both Honiton Town Council and Gittisham Parish Council. This report provides an update and enables Cabinet to further consider the matter in light of correspondence received.

[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 at Online via the Zoom app. on 3 November 2021****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 8.46 pm

94 **Public speaking**

Cllr Ray Bloxham from Cranbrook Town Council spoke on minute 104 Cranbrook Town Council - Community Governance Review. He wanted to correct the assertions in the responses to the review that the Town Council, in its submission, included Broadclyst Station in its request for a change of boundary. The Town Council had never sought to include Broadclyst Station nor any of the homes in Station Road, Broadclyst within the parish of Cranbrook. He stated that the Town Council had always supported the desire of the surrounding settlements to retain their separate independence and integrity.

Ian Priestley Chair of Colyford Residents Association spoke on minute 105 Colyford - Community Governance Review. He stated that Colyford was the largest settlement in East Devon without a parish council. It had its own sense of identity with different issues, aims and demographic to that of Colyton. By creating a new council this would reduce the current council's workload as well as addressing Colyford's own unique needs. A third of residents had signed a petition for a community governance review. Residents' questions such as the right to be buried in the cemetery, the use of footpaths and playground and would this be financially viable were answered through two open meetings, with the answers being yes. Colyford had a steering group on standby to help EDDC with the next stage of the community governance review.

Cllr Jess Bailey spoke of the subject of sewage discharge in the River Otter and its threat to the beavers that had recently been reintroduced to the river. She asked the Portfolio Holder for Coast, Country and Environment if he agreed that the discharge of untreated sewage by SW Water into East Devon rivers was unacceptable. She asked that SW Water be invited to explain to how it was going to improve its infrastructure so these discharges no longer happen.

The Portfolio Holder for Coast, Country and Environment thanked Cllr Bailey for her question. He agreed it was a good idea for SW Water to attend a meeting and subject to the chair of the scrutiny committee thought that would seem the most appropriate committee. He explained that the problem was the older combined drains systems where surface water was combined with sewage. In a storm event the treatment plants could not cope and the polluted storm water was discharged into rivers and sea. Through talks with both Teignbridge and Exeter councillors on this very subject they were all similarly minded. Therefore a combined approach from all 3 councils on the subject could prove to be worthwhile as all its sewage ended up in the same area of sea. He hoped a solution could be agreed and set in place very quickly.

95 **Minutes of the previous meeting**

The minutes of the consultative meeting of Cabinet held on 6 October 2021 were agreed.

96 **Declarations of interest**

Min 104. Cranbrook Town Council - Community Governance Review.
Councillor Megan Armstrong, Personal, Family members living in Cranbrook.

Min 104. Cranbrook Town Council - Community Governance Review.
Councillor Paul Hayward, Personal, Family members living in Cranbrook.

Min 105. Colyford - Community Governance Review.
Councillor Paul Arnott, Personal, Member of Colyton Parish Council.

Min 106. Community Housing Fund.
Councillor Paul Arnott, Personal, Director for Colyton and Colyford Community Land Trust.

Min 110. Sidmouth and East Beach BMP: Direction for OBC development and submission.
Councillor John Loudoun, Personal, Member of Advisory Group, Ward Member and Sidmouth town councillor.

Min 110. Sidmouth and East Beach BMP: Direction for OBC development and submission.
Councillor Marianne Rixson, Personal, Sidmouth town councillor.

Min 111. Cloakham Lawns Employment Land, Axminster.
Councillor Paul Hayward, Personal, Member of staff at Axminster Town Council and resident of Cloakham Lawns.

Min 111. Cloakham Lawns Employment Land, Axminster.
Councillor Sarah Jackson, Personal, Sits on Axminster Neighbourhood Plan Steering Group.

Min 112. Honiton - Community Governance Review.
Councillor Jake Bonetta, Personal, Member of Honiton Town Council and Honiton Forward.

Min 113. Dowell Street Car Park.
Councillor Jake Bonetta, Personal, Member of Honiton Town Council.

Min 113. Dowell Street Car Park.
Councillor Paul Hayward, Personal, Had corresponded with Honiton Town Council and received lobbying emails from residents.

97 **Matters of urgency**

None

98 **Confidential/Exempt item(s)**

None

99 **Forward Plan**

Members agreed to recommend the contents of the Forward Plan for key decision for the period 1 December 2021 to 31 March 2022 for approval.

100 **Minutes of joint meeting of Overview and Scrutiny Committees held on 16 September 2021**

Members agreed to note the minutes of the joint meeting of Overview and Scrutiny Committees held on 16 September 2021.

101 **Minutes of Poverty Working Panel held on 20 September 2021**

Members agreed to note the minutes of the Poverty Working Panel held on 20 September 2021.

102 **Minutes of Scrutiny Committee held on 7 October 2021**

Members agreed to note the minutes of Scrutiny Committee held on 7 October 2021.

103 **Minutes of Recycling and Waste Partnership Board held on 13 October 2021**

Members agreed to note and recommend the minutes and recommendations of Recycling and Waste Partnership Board held on 13 October 2021 to officers for decision.

Minute 20 Crew behaviour training phase 2

1. 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 training video be included on the EDDC website and that all councillors be encouraged to watch it.

Minute 21 Flats recycling project

- that district councillors share with residents associations in their area the flats recycling project and video, in order to encourage residents of flats to recycle.
- that an improvement project be established and reported back to future meeting of the Recycling and Waste Partnership Board.

104 **Cranbrook Town Council - Community Governance Review**

The Chief Executive updated members on the responses received to the phase 1 consultation and to recommend that the Community Governance Review (CGR) not be further proceeded with.

Discussions included;

- How often could a CGR be applied for? Surrounding local villages needed assurance that they would not have to go through the worry of this regularly.
- Disappointed the responses were uninformed and that any future CGR made it very clear to where proposed boundaries were to be placed, so everyone understood what was being proposed so could therefore comment accordingly.

Clarity to surrounding parishes that it would not be a take-over by Cranbrook TC but the solution to the governance and management of the expanding town.

- Clarity needed as the Cranbrook Plan did include Broadclyst Station causing more confusion.

RECOMMENDED to Council;

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 was received and the implications of the report had been fully assessed.

REASON:

To take account of representations received and the delay in receiving the Inspector's report.

105 **Colyford - Community Governance Review**

The Deputy Leader took over the Chair as the Leader was a district councillor for Colyford.

The Strategic Lead Governance & Licensing stated that a request had 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.

RECOMMENDED to Council;

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 would be brought to Cabinet in order that decisions may be made in respect of draft proposals and final recommendations of the Review.

REASON:

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.

106 **Community Housing Fund**

The Strategic Lead Housing, Health and Environment outlined the purpose of the report was 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.

RECOMMENDED that;

Senior Officers approve

- 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 and the Portfolio Holder for Strategic Planning.

2) To increase the amount of grant for revenue funding from £40,000 to £50,000.

REASON:

To ensure community led affordable housing schemes could be delivered.

107 **Discretionary Housing Payments Policy**

The Service Lead Revenues, Benefits, Customer Services & Corporate Fraud presented her report which advised of necessary changes made to the Discretionary Housing Payment (DHP) Policy. The report detailed 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) would have), Members were asked to better understand what financial support was available for low income households who were struggling to afford day to day essentials. DHP's was one of a number of different funds the Council had available in order to provide extra financial support for low income households.

The Portfolio Holder Finance and Portfolio Holder Sustainable Homes and Communities thanked Libby for bring this report to Cabinet.

RECOMMENDED that;

Senior Officers approve the updated Discretionary Housing Payment policy.

REASON:

The report set 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 took 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.

108 **Annual Treasury Management Review 2020/21 - 1 April 2020 to 31 March 2021**

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

Having received the report members reviewed and noted the investment values and performance for the year to 31 March 2021 and that no further recommendations were required.

109 **Financial Monitoring Report 2021/22 - Month 6 September 2021**

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

Current monitoring indicated that:

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

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

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

Specific cost pressures had been identified and importantly funded from additional Government grant.

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

Having received the report members acknowledged the variances identified as part of the Revenue and Capital Monitoring process up to Month 6 and that no further recommendations were required.

110 **Sidmouth and East Beach BMP: Direction for OBC development and submission**

The Engineering Projects Manager stated that Sidmouth and East Beach BMP had been progressing for the last 6 months, whilst officers and a Sub-Group investigated alternative ideas given the increased funding eligibility. Six months had now elapsed and although no single complete option had come out of the additional study process, it left three directions that the project can move in. These were;

- 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)

Members were asked to decide on which direction to take the project forward with option B being recommended.

The Engineering Projects Manager informed members of 3 amendments to the report.
Item 4. (B) Alternative Option should read (B) Alternative Preferred Option
Item 4.1.3 the word 'Allowance' replaced with 'Expectation'
Item 4.1.5 to include the importance of quicker and easier launching of the lifeboats.

RECOMMENDED that;

Senior Officers approve the direction that Sidmouth and East Beach BMP should take, with option B - Alternative preferred option (Preferred option but with an additional offshore breakwater or breakwaters on Town Beach) - being the recommendation.

REASON:

The Sidmouth and East Beach advisory group recommended that option B was recommended 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 were being managed.

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

111 **Cloakham Lawns Employment Land, Axminster**

The Service Lead Place, Assets & Commercialisation provided an update on the opportunity for an employment site to come forward in Axminster. This included;
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- Vistry Homes Limited 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 transferring the employment land (as registered proprietor of the land concerned).

RECOMMENDED that;

Senior Officers approve

1. delegated authority being granted 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. This would be entered into with them for the temporary use of this site as a compound whilst the feasibility study was undertaken with due consultation and prior to development.

Recommend the following to Council;

2. 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:

A budget of £9,400 was 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 was 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) wished to use the compound for the next three years and until their housing development had completed and would require a short term lease in order to use this site for this purpose. This transaction would generate an income stream for EDDC and would significantly reduce holding costs until EDDC were ready to take over the site.

112 **Honiton - Community Governance Review**

The Strategic Lead Governance & Licensing stated that following a petition request for a community governance review, Counsel's advice had 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 were now advocating that the petition be withdrawn. Members were 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.

Discussions included:

- Boundaries needed looking into especially interior ward boundaries
- The Boundary Commission could only review district boundaries. EDDC could only review parish boundaries
- Direct the debate towards the town and Gittisham
- Preferable for Honiton Town Council and Gittisham Parish Council to be supportive of any process.

RECOMMENDED to Council;

1. That, subject to receiving the views of Honiton Town Council and Gittisham Town Council, the Council undertake a Community Governance Review of the Gittisham Parish / Honiton Town Council boundaries 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:

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 was for Members to determine the appropriate approach in relation to a Honiton Community Governance Review.

113 **Dowell Street Car Park**

The Strategic Lead Governance and Licensing updated members of the consultation and advertising of the proposed variation in the East Devon Off-street Parking Places Order had been completed and Cabinet affirmed the previous decision at its meeting in January 2020. A draft lease and management agreement was now ready for signature by the parties but at the request of the Portfolio Holder, Cabinet was being asked to review the position and determine whether it wished to make any alternative recommendation to Council.

RECOMMENDED that;

Senior Officers approve the request to Honiton Town Council that they reconsider and confirm that they wish EDDC to manage the Dowell Street car park in accordance with the draft management agreement that had been shared between the organisations.

REASON:

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

Attendance List

Present:

Portfolio Holders

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

Also present (for some or all the meeting)

Councillor Kevin Blakey
Councillor Kim Bloxham
Councillor Jake Bonetta
Councillor Colin Brown
Councillor Bruce De Saram
Councillor Peter Faithfull
Councillor Marcus Hartnell
Councillor Vicky Johns
Councillor Richard Lawrence
Councillor Paul Millar
Councillor Andrew Moulding
Councillor Helen Parr
Councillor Christopher Pepper
Councillor Geoff Pook
Councillor Val Ranger
Councillor Eleanor Rylance
Councillor Brenda Taylor

Also present:

Officers:

Tom Buxton-Smith, Engineering Projects Manager
Tim Child, Service Lead - Place, Assets & Commercialisation
Amanda Coombes, Democratic Services Officer
Simon Davey, Strategic Lead Finance
John Golding, Strategic Lead Housing, Health and Environment
Henry Gordon Lennox, Strategic Lead Governance and Licensing (and Monitoring Officer)
Andrew Hopkins, Communications Consultant
Libby Jarrett, Service Lead Revenues and Benefits
Debbie Meakin, Democratic Services Officer
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)
Mark Williams, Chief Executive

Chair

Date:

EAST DEVON DISTRICT COUNCIL

Forward Plan of Key Decisions - For the 4 month period: 1 January 2022 to 30 April 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.

Key Decision	Portfolio (Lead Officer)	Documents to be considered before Cabinet take decision	Whether other documents will be considered before decision taken [Y/N]	Other meetings where matter is to be debated / considered	Date of Cabinet meeting	Part A = Public meeting Part B = private meeting [with reasons]
Community Asset Transfer Policy	Assets & Economy (Tim Child)		Y		5 January 2022	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

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

December 2021

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Overview Committee held online via the Zoom App on 25 November 2021****Attendance list at end of document**

The meeting started at 6.04 pm and ended at 8.05 pm

15 Public Speaking

The following statement was read out on behalf of Honorary Alderman, Peter Burrow, in relation to the public toilet review:

“As I have been involved in getting the carnival events back up and running I had taken less of an interest in Council events, however I picked up on the review in late September as I was involved with the previous one many years ago and has encouraged me back onto Seaton Town Council.

The paper mentioned a co-ordinated campaign in getting people to response to the questionnaire when the results are not to the liking of those that initiated the consultation in the first place. To get as much response in the cornerstone of any democracy.

The consultation was itself loaded to make people support the premise of the categorisation made by the officers before answering questions about the toilets themselves. I, myself, had to go through it five times before putting the answers in, so it is disingenuous of the officers complaining of co-ordinated campaigns when they do not like the answers that they were expecting.

If when I personally went on Facebook to encourage people to response to the consultation less than a week before the closing date is the co-ordinated campaign I feel the officers underestimate the feelings of the residents of Seaton as a proper campaign done seven weeks earlier would have got an even more representative view of their opinions.

Relating to the Underfleet toilets, in clear view, the officers say that they can use the facilities at Tesco's as it was a planning condition. There was a planning condition that two zebra crossings be built on Harbour Road and there is only one! To access the toilets, which are not displayed, you must go into the front entrance 100 metres further away than the Underfleet ones then pass through the pay-out tills walk right along the store into the Costa area to find them, another 80 metre journey. Before Covid this was bad enough but wearing masks and negotiating young people in Costa is not something elderly people getting off the coaches want to do.

The Underfleet toilets there are very well used with disabled access, when event are held there in Thurley Harcourt Place, in fact, Saturday is a perfect example with the late night shopping/lights switch on and Christmas carnival which I have organised with the carnival committee. The parade starts there and with the desire of people to be entertained there will be hundreds there and they would not like to trek to the seafront if caught short.

Sadly, the public toilet review contained many flaws and a perfect example with the Chine toilets. Their closure was sold to the people of Seaton as upgrade of the premises with access to the toilets all year. Yes, the Hideaway Café does look nice but as you can

expect it is not open all the time. There have never been a sign that explains that the toilets within are available to coastal walkers etc., in fact, those walking along the coastal path see the back of the café and the closed toilets. I walk past here most mornings and I hear from any people that you cannot use the café toilets unless you are a customer. No what councillors were told at the time.

Please make sure the Underfleet toilets are not closed because Seaton will not gain coach friendly status which is no needed for the local community and visitors alike.”

16 **Declarations of interest**

Minute 17. Public Toilets Review - Consultation results and report.
Councillor Dawn Manley, Personal, Sidmouth Town Councillor.

Minute 17. Public Toilets Review - Consultation results and report.
Councillor Helen Parr, Personal, Ward Member for Coly Valley.

Minute 17. Public Toilets Review - Consultation results and report.
Councillor Jake Bonetta, Personal, Ward Member for Honiton St Michaels and a Honiton Town Council for St Michaels.

Minute 17. Public Toilets Review - Consultation results and report.
Councillor Mike Allen and Councillor Phil Twiss, Personal, Ward Member for Honiton St Michaels.

Minute 17. Public Toilets Review - Consultation results and report.
Councillor Paul Millar, Personal, Director of Sideshore Community Interest Company who are working with EDDC on public toilets.

Minute 17. Public Toilets Review - Consultation results and report.
Councillor Steve Gazzard and Councillor Tony Woodward, Personal, Exmouth Town Councillor.

Minute 17. Public Toilets Review - Consultation results and report.
Councillor Val Ranger, Personal, Member of the Gigg Club that use the toilets at Port Royal, Sidmouth.

Minute 17. Public Toilets Review - Consultation results and report.
Councillor Vicky Johns, Personal, user of toilet facilities.

17 **Public Toilets Review - Consultation results and report**

The Chair welcomed everyone to the meeting and reminded Members that the item had been deferred from the meeting on 18 November to allow Councillors and members of the public more time to read the report and associated papers.

The Service Lead – Streetscene gave a detailed presentation to the committee outlining the consultation results and categorisation proposal. Members’ noted that 1,267 responses had been received which included:

- Most respondents want the council to continue to provide what is provided now;
- Many respondents commented on how the proposed changes would impact on those with protected characteristics including age and disability.

The Service Lead – Streetscene explained the three priorities from the report that Members' would need to consider, which were:

- To review the equalities impact assessment and the consultation reports and to provide Cabinet with your view to assist with their decision making;
- The current recommendations is to approve the categorisation as set out in the report, Overview Committee were asked to debate this;
- The reasons the review was required:
 - The need to invest in the retained sites;
 - The need to improve standards;
 - Can no longer afford to provide at all sites;
 - Would like to ask others to help: community groups, local businesses and other tiers of local government.

He also expanded on the reasons for undertaking the review which included:

- There had been no investment in toilets since 2014. This was now overdue and needed.
- There was a large budget deficit and a need to make savings to address the deficit.
- There was a need to make the service more affordable.
- An opportunity for alternative uses to bring additional attractions to an area, such as, a new community or local business space.

Comments made by the Portfolio Holder for Finance and Portfolio Holder for Coast Country and Environment included:

The Portfolio Holder for Finance stressed the importance for Members' to take into account the Council's current situation with the budget for this year and 2022/2023. He advised that the projected shortfall for this year was £439k which would need to be taken from the General Fund Reserve which cannot continue to be relied upon and an estimate of £700k for 2022/2023 leaving an estimated £300 - £500k to find.

The Portfolio Holder for Coast, Country and Environment acknowledged the challenge that Committee Members faced following the public consultation. He personally thanked the Service Lead – Streetscene, Jamie Buckley and the rest of the team for all their hard work, stamina and perseverance.

He advised that the 27 toilets provided by the Council were in need of substantial investment and addressed that in the current climate they were difficult to clean, not Covid compliant, easy to vandalise and not up to standard for baby/adult changing facilities. He addressed the need to act now to maintain the toilets to their highest standards by borrowing at a very low rate with the need to substantially reduce the cleaning and maintenance costs.

The Portfolio Holder for Coast Country and Environment addressed some of the issues which included:

- Government funding to provide one disabled adult changing toilet in each visitor town which would assist with the finances on top of the additional borrowing.
- Close some of the toilets which have less footfall or in close proximity to other toilets.
- Relocate toilets to more central locations.
- Some toilets would be better served with another use, such as a café with a public toilet incorporated or cycle hub
- A charge to use the toilet – 30p/40p. With a paid access card available at some retail establishments.

Questions raised by non-Committee Members included:

- In response to a question raised about the upgrade costings for Category A the Service Lead – Streetscene advised it would be in the region of £3.1m with service costs of £900k in total with the ability of that being reduced by £204k up to £430k.
- In response to an explanation about the charging contributions the Service Lead – Streetscene advised there would be a net benefit of £150k based on one million visits a year at a cost of 30p per visit or £200k based on 40p per visit.
- In response to the possibility of using monies from other non-statutory areas as well as the Transformation Reserve to continue funding toilet provision, the Portfolio Holder for Finance advised this would need a further public consultation and the Strategic Lead for Finance advised that using monies from the Transformation Fund would only be a one off payment to help with the transition period.
- Clarification sought on what further investigation had been made in paragraph 2.18 on page 25 and reference was made to Orcombe Point (Category B) and whether these could remain open. In response the Service Lead – Streetscene advised that further investigation referred to ‘going out to market’ to invite formal bids on alternative uses. He advised that at Orcombe Point an expression of interest had been received from a local business to repurpose the toilets into a café which would include publicly accessible toilets.
- Clarification sought on paragraph 6.4 and whether the closure of the Harbour Road toilets would reduce the capital costs for the town council. In response it was advised potentially the capital costs could reduce if the toilets closed.
- Clarification sought about whether SLAs could be set up for town and parish councils for the continuation of toilet cleaning. In response it was confirmed the district council could offer its services via an SLA to clean the sites but would need to cover both the revenue and capital costs.

Questions raised by Committee Members included:

- Clarification sought on paragraph 2.4 regarding the proximity of the toilets and whether the reports takes into account about hidden disabilities such as colitis, visual impairment and Crohns Disease. In response it was advised hidden disabilities had been considered in the Equalities Impact Assessment.
- Clarification sought on whether there would be an assessment done on people who cannot afford to pay or have medical needs. In response it was advised that an assessment would be done pending the decisions from Committee Members.

Comments made by non-Committee Members included:

- Two thirds of people who had commented on the questionnaire did not agree with all the categories which means that people are concerned with losing toilets. It is a basic human need.
- There is a need to retain toilet provision in Colyton.
- Concern expressed that Colyton was in Category C.
- Support was expressed for opportunities for town and parish councils.
- Concerns raised about Honiton which has a population of 16,785 people needs adequate toilet provision. The town is very clearly under provision which cannot be allowed to continue.
- There are no toilets in Ottery St Mary owned by East Devon District Council. There is no reason why a town or parish council cannot take on this responsibility as they have the budget to continue to deliver these services.

- A suggestion was made for further investigation as 50% of respondents disagreed with the recommendations.

Comments made by Committee Members:

- Concerns raised about massive precept changes which will affect town councils.
- The public want and need the council to carry on providing toilet provision and are prepared to make a contribution towards those facilities.
- There is a need to consider all toilets, both rural and urban.
- A questions was raised about whether the council should be trying to offload the responsibility to a lower tier of local government.
- It was highlighted about the difficulty in understanding how much each toilet costs.
- 56% of the public agreed that they would pay to access a toilet.
- In the last 15 years Exmouth has lost four toilets.
- Support was expressed for businesses to take over some toilets and a suggestion was made that these businesses must enter into a clear agreement that they must provide toilet provision with clear signage that they are public toilets.
- Exciting possibilities in Categories B and C.

Councillor Paul Millar proposed, seconded by Councillor Jake Bonetta, the following recommendations:

That Overview Committee recommends that Cabinet:

1. Request that more detailed water usage data for toilets EDDC owned and that toilets are more regularly assessed so they can be broken down to show how popular toilets are at certain points of the day/year.
2. To offer Town/Parish Councils one final opportunity to retain Category B and C toilets if leases with community partner organisations cannot be struck within 12 months.
3. Write to all local businesses and make a powerful case for them to offer the use of their toilets to non-paying customers who may have disabilities and illnesses that are not always visible, given the findings of the local consultations which shows the high extent of local need.
4. Establishes the principle of charging for Category A toilets and considers carefully both the price entry, the choice of private partners and the option of using cash.

In response the Portfolio Holder for Coast, Country and Environment welcomed the recommendations and the need for a more accurate figure for water usage. He addressed the difficulty of this year due to Covid-19 highlighting half of the toilets had been shut and the other half over used. He also addressed the use of cash and highlighted that most of the vandalism was because of coin collection boxes.

Councillor Jake Bonetta, proposed the following recommendations:

1. Acknowledge the historic, well-publicised and in parts still live, legal and governance issues within Honiton Town Council and in the fact that they require extra time to make finances and resourcing available for taking over King Street public toilets despite their early inclined desire and to make a special case to keep these toilets open for a further two years rather than one to allow time for them to make the necessary arrangements to inherit and manage the asset.
2. Write to the Secretary of State for Housing, Communities and Local Government to request that he lobbies the Treasury for a fund be created to help Councils further invest in public toilet provision and to make toilets a mandatory rather than

discretionary service given their positive role in ensuring people with health issues can live their lives.

Councillor Millar who seconded said he was happy for the recommendation to be incorporated into the other recommendations.

Councillor Andrew Moulding proposed the following amendment and seconded by Councillor Ben Ingham that recommendation 4 reads:

Establishes the principle of charging for Category A toilets, such toilets to be made and calculated and serviced to cover the costs of their refurbishment and retention together with careful consideration of the choice of private partners and the option of using cash.

Councillor Millar said he was happy for Councillor Moulding's recommendation to be incorporated into the other recommendations.

RECOMMENDED TO CABINET

- (1) Request that more detailed water usage data for toilets EDDC owned and that toilets are more regularly assessed so they can be broken down to show how popular toilets are at certain points of the day/year.**
- (2) Request that Town/Parish Councils are offered one final opportunity to retain Category B and C toilets if leases with community partner organisations cannot be struck within 12 months.**
- (3) Request that the council write to all local businesses and make a powerful case for them to offer the use of their toilets to non-paying customers who may have disabilities and illnesses that are not always visible, given the findings of the local consultations which shows the high extent of local need.**
- (4) Establishes the principle of charging for Category A toilets, such charges to be made and calculated so as to cover the costs of their refurbishment and retention together with careful consideration of the choice of private partners and the option of using cash.**
- (5) Acknowledge the historic, well-publicised and in parts still live, legal and governance issues within Honiton Town Council and in the fact that they require extra time to make finances and resourcing available for taking over King Street public toilets despite their early inclined desire and to make a special case to keep these toilets open for a further two years rather than one to allow time for them to make the necessary arrangements to inherit and manage the asset.**
- (6) Write to the Secretary of State for Housing, Communities and Local Government to request that he lobbies the Treasury for a fund be created to help Councils further invest in public toilet provision and to make toilets a mandatory rather than discretionary service given their positive role in ensuring people with health issues can live their lives.**

Attendance List

Councillors present:

V Johns (Chair)

J Bonetta (Vice-Chair)

S Gazzard

B Ingham

D Manley
P Millar
A Moulding
V Ranger
T Woodward

Councillors also present (for some or all the meeting)

M Allen
M Armstrong
P Arnott
D Bickley
K Bloxham
M Chapman
O Davey
B De Saram
P Faithfull
N Hookway
G Jung
J Kemp
R Lawrence
D Ledger
J Loudoun
H Parr
M Rixson
J Rowland
E Rylance
P Twiss
J Whibley
E Wragg

Officers in attendance:

Henry Gordon Lennox, Strategic Lead Governance and Licensing (and Monitoring Officer)
Andrew Hancock, Service Lead StreetScene
Simon Davey, Strategic Lead Finance
John Golding, Strategic Lead Housing, Health and Environment
Tim Child, Service Lead - Place, Assets & Commercialisation
Wendy Harris, Democratic Services Officer
Sarah Helman, Democratic Services Officer
Sarah Jenkins, Democratic Services Officer
Andrew Hopkins, Communications Consultant

Councillor apologies:

I Hall
M Hartnell
G Pook

Chairman

Date:

Report to: Cabinet

Date of Meeting 1 December 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Public Toilets Review – Consultation results and Categorisation proposal

Report summary:

In May Cabinet debated a report on reviewing our public toilets and agreed to the principles of the review as set out in the May report, and the proposed categorisation of our public toilet stock and potential re-use of sites that were not category A (which EDDC would continue to maintain).

The proposed categorisation, guiding principles and rationale for the review were subject to public consultation to inform decision making on the categorisation, investment and if closures of toilets were to be made.

This report sets out some of the headlines of the results of the consultation, issues raised and considerations to address some of the concerns expressed, along with an equalities impact assessment (EIA linked under background papers) which considers the effect on those affected by this review and possible mitigation to address impacts. The suggestions in this report have been reached after taking into account all the views expressed from individuals, equalities groups and town & parish councils and weighing these against the difficult reality that; we need to invest in our public toilet buildings, but can't afford to do this across all 27 sites, we can't afford to continue running everything as we have done, we have a budget deficit to address and a legal duty to set a balanced budget so some savings must be identified from somewhere.

Cabinet is being asked to consider the consultation responses and results and the EIA (linked under background papers) to assess the implications related to the proposed categorisation of our public toilet stock, take account of the recommendations from Overview and debate the issues raised and then decide on the recommendations in relation to the categorisation and route forward as set out in this report; to provide improved public toilets with investment where we retain them, seek alternative uses at some sites and conclude negotiations with interested parties for the sites we are suggesting we can no longer afford to run. If the proposals are ultimately agreed, the intention would be for the proposed Category B to be marketed commercially, but with consideration to community uses and lease conditions protecting toilet access where possible. The Category C sites where transferred would be on the basis of the heads of terms set out in the consultation. The toilets shown in appendix table 4 from the May report will also be standardised following the completion of this process.

This is a difficult decision, however we can no longer afford to provide everything as we have before, and these proposals seek to set out a sustainable way forward that protects a level of public toilet provision and tries to reduce the impact at those sites that we suggest East Devon can no longer provide directly. These proposals will help preparations for setting a balanced budget in 2022/23 and meet our required medium term financial plan saving against public toilets. A failure to achieve this service rationalisation and saving against an important but discretionary service, will require cuts across other service areas such as parks and gardens, planning support, countryside, culture or the delivery of revenues and benefits support.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That Cabinet;

- 1) Approve the proposals and the categorisation of the public toilet stock outlined in section 4 together with the specific mitigations (in section 4.6) to protect access.
- 2) For the 8 sites to be confirmed as (section 4.10) and the 6 sites where further discussions are required to confirm categorisation (section 4.12), delegate authority to the Portfolio Holder for Coast, County & Environment in consultation with the Portfolio Holders for Economy & Asset Management and Leisure, Sport & Tourism and the Strategic Leads for Finance and Housing, Health & Environment to complete negotiations with interested parties (including the Towns and Parishes) and to complete the related documentation to affect transfers (including the mitigations set out in section 4.6).
- 3) Decide on whether to implement paid access at Cat A toilet sites.

That Cabinet recommend to Council;

- 4) that the Transformation Reserve be used to fund the Cat B & C sites where an alternative use is proposed, allowing them to remain open until these transfers are complete (for up to a year as set out in 5.10) to minimise the impact of closed public toilet sites on those with protected characteristics.
- 5) that the Transformation Reserve be used to assist with legal and transfer fees for town or parish councils taking on the running of any B & C sites through this review.

Reason for recommendation:

A review of our public toilet stock and investment in its buildings is overdue, and now necessary due to our budget deficit and proposed medium term financial plan saving against the provision of the public toilet service.

Officer: Andrew Hancock, Service Lead – StreetScene ahancock@eastdevon.gov.uk

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 High Impact

Please see the attached Equalities Impact Assessment under background links which details the impacts on those with protected characteristics and proposed mitigation.

Climate change Low Risk.

There will be some carbon emissions involved in demolition of any sites without re-use or through the building works to fit out as a refurbished toilet or alternative use. Building tenders should consider ways to minimise the carbon footprint and take every opportunity to install energy saving technology such as PV and water saving devices.

Risk: High Risk; The risk of doing nothing is we cannot afford to maintain all sites and won't be able to invest in the facilities to ensure they are fit for purpose. If we do nothing we will also risk not being able to set a balanced budget for 2022/23. Risks are explored in more detail in the report.

Links to background information

- [Cabinet Report – Public Toilet Review - Right Toilet in the Right Place - 12 May 2021](#)
- [Equalities Impact Assessment – Public Toilet Review](#)
- [Full general public consultation results](#)
- [Town & Parish Council results summary](#)
- [Equalities response summary](#)
- [Public Toilet Review Consultation Questionnaire](#)
- [Axminster Public Conveniences map](#)
- [Beer Public Conveniences map](#)
- [Budleigh Salterton Public Conveniences map](#)
- [Exmouth Public Conveniences map](#)
- [Honiton Public Conveniences map](#)
- [Seaton Public Conveniences map](#)
- [Sidmouth Public Conveniences map](#)

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 Following a report to Cabinet in May 2021 (background papers), Cabinet agreed that a review of our public toilets was required as it had long been avoided and was now overdue since there had been no investment in our toilets since 2014 with many of poor quality and requiring investment, furthermore the review was needed to improve the quality of the public toilets we have, look at how else they might be run and reduce the costs of the service to deliver a saving towards our MTFP shortfall of £700k to help set a balanced budget in 2022/23.

1.2 Cabinet resolved that the Principles of Provision – as detailed in the May 2021 Cabinet report, be used as the basis for the toilet review, as well as agreeing the importance of public toilets

to tourism and the local economy. In passing, and in accordance with the May 2021 decision, the intention is that the Council will pursue the following actions for the toilets the Council maintains for others (Table 4 of Category A, B & C list background papers, May Cabinet report); that the service contract costs be increased to cover expenditure to achieve breakeven, achieving a predicted income of around £16,500 and arrangements should be standardised and full freehold transfer to the town or parish council offered and completed where appropriate.

- 1.3 Cabinet endorsed that East Devon a) focusses on the provision and support for Category A public conveniences at our key locations on the basis of the Principles of Provision, and b) seeks to provide opportunities for others to take on Category B sites, and c) offers Category C sites to Town & Parish councils if they feel continued provision here is necessary.
- 1.4 Cabinet then resolved that a detailed public consultation should be conducted to inform the final categorisation, with Overview reviewing the results of this before a final decision is taken. Overview will be considering a very similar report at its extraordinary meeting on 25th November and any recommendations from that meeting will be reported to the Cabinet in order that those views can be taken into account by Cabinet when considering the matter.
- 1.5 This report sets out the key information and statistics from the consultation and suggest mitigations or considerations for the Council to consider before determining how the review is concluded.
- 1.6 The full consultation responses are linked under background papers and have not been recreated in full in the report, please ensure you review the consultation summaries. This report instead seeks to highlight the themes, important statistics and a general review of what the consultation tells us.
- 1.7 We ran an open to all public consultation on our proposals for public toilet review for 2 months through August and September 2021. We also sought the views of our Town & Parish Councils. We received almost 1300 responses, which is an exceptional response rate to such an engagement. The consultation was available online, publicised through several media releases and regular social media posts and also available in paper format. The consultation questionnaire is linked under background papers and showed the range of questions we asked, designed to gain wide-ranging views on our proposals, the impact of these on our communities and any alternative ideas.
- 1.8 In addition to this we consulted with a number of equalities groups following an invitation sent to 25 well known East Devon voluntary, community and social enterprise groups that work regularly and closely with people with protected equalities characteristics. A summary of the group discussion has been reviewed along with a letter from Devon Link Up, a local learning disabilities group in the completion of the EIA and this report in order to gain the widest input of views on our proposed rationalisation and improvement of public toilets as possible.

Cabinet should consider and have regard to the consultation responses, the equalities impact assessment, the full content of this report and the recommendations from Overview when considering their decision in this matter.

2 Consultation results

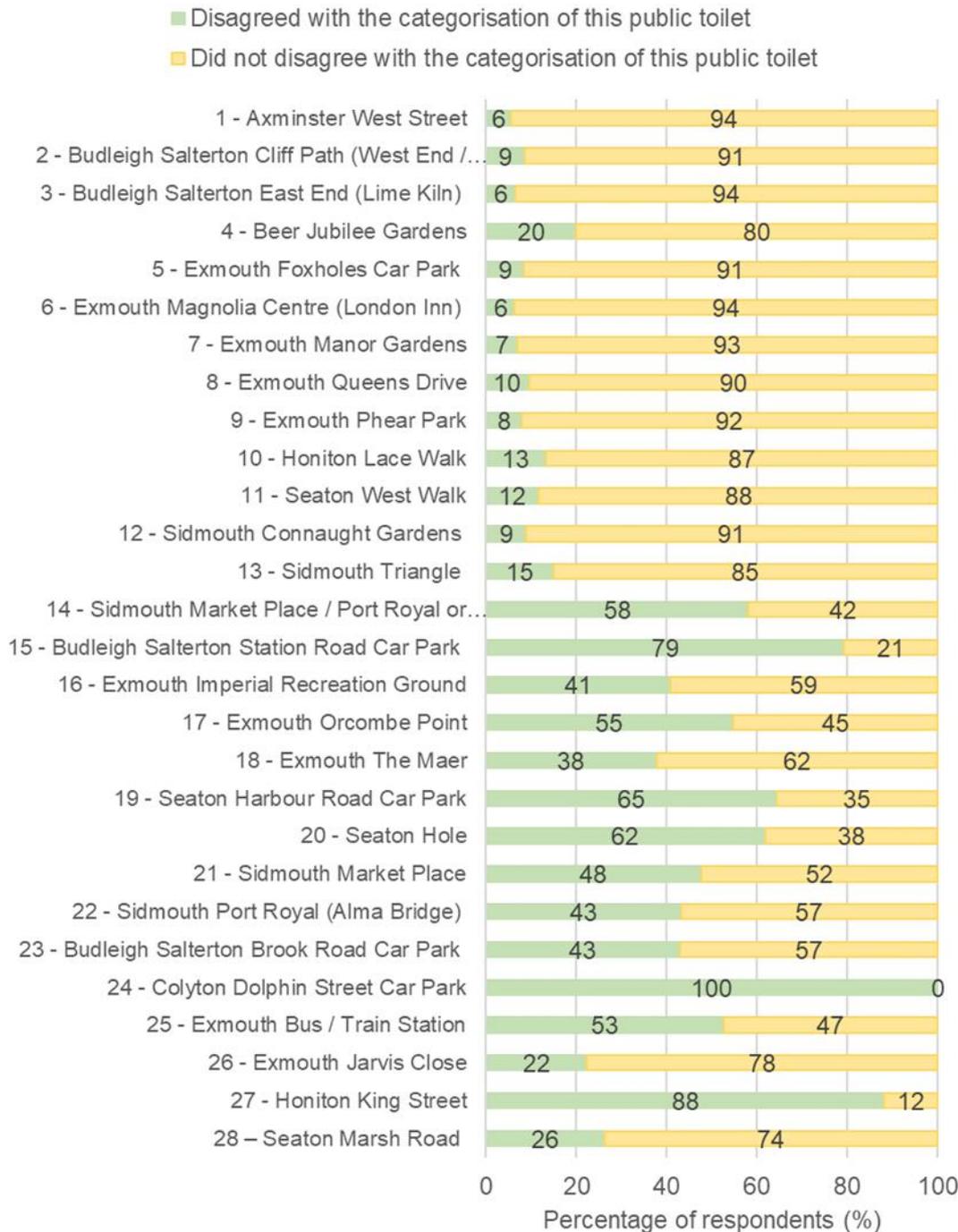
- 2.1 A lot of respondents said that we should not close or reduce public toilets and that we should find a way to continue to afford them. However, hardly any respondents put forward actionable ideas related to how we might continue to fund all of the toilets bearing in mind our financial situation, other than those we already proposed as part of the review for the future provision of public toilets.

- 2.2 We expected this response as this service is highly emotive and used by a lot of people. It remains however that in order to address our budget deficit and be able to afford to maintain what we have, we need to make some difficult decisions on what we can afford in relation to discretionary (non-statutory) services.
- 2.2 A very small minority of respondents did suggest other ways to continue to fund toilet provision (other than those we already proposed as part of the review for the future provision of public toilets) such as; raising council tax, using car park income to fund them, reducing EDDC staffing levels elsewhere, reducing EDDC costs such as by reducing staff pensions, making the toilets smaller or using environmentally friendly solutions to reduce costs.
- 2.3 Lots of respondents across the survey commented on how this will impact those with protected equalities characteristics, for example by saying the walking speeds we have used in the proximity principle are unrealistic for those with mobility issues. In the Equalities Impact Assessment (EIA) (background links) we've taken account of these responses and equalities considerations generally and tried to mitigate this where possible. We acknowledge that a reduction in public toilet provision will have a negative impact on all service users, including those with protected characteristics and this needs to be taken into consideration when a decision is made on future provision.
- 2.4 The EIA sets out this information more fully, but for the purpose of the report an example of mitigation is that the walking speed used takes the lower end of the UK average walking speed at 3 miles per hour. The proximity principle also sets out facilities will be a minimum of an 8 minute walk away from a town centre or attraction, but in most cases it is actually half this at 4 minutes and can be less when one takes into account Category B sites which can have an alternative use such as a community space or café which might still include a publically accessible toilet. So we are trying to reduce the impact of the potential outcomes of the proposed review as far as reasonable with the guiding principles and alternative uses but whilst still enabling the difficult but necessary decision to reduce what East Devon provides directly due to affordability.
- 2.5 58% of people agree with our proposed guiding principles for public toilet provision, and there was general acceptance of these and the need to review how we provide the service.
- 2.6 The most disagreed with principle was proximity, with people noting it could be difficult or even impossible for young children, those with medical or mobility issues or older people to walk 8 minutes to a public toilet. It is important to point out however that the 8 minute distance was a maximum, and in most cases it is likely that there will be a toilet within a 4 minute walk, either directly provided by EDDC or as an accessible toilet within another facility such as a café (Cat B sites). Where respondents suggested an alternative to the 8 minute distance, it was that it should be halved or reduced (4 minutes).
- 2.7 A significant amount of people throughout the district wouldn't support Category B, public toilets being provided in a different way but they felt public toilets must continue to be provided.
- 2.8 A lot of respondents also felt that alternative (Cat B) uses such as café's meant opening times would be limited and dictated by the café or business, which may not meet the needs of the public. They felt in these situations there should be a separate entrance, but this could cause issues of security for the business.
- 2.8 Respondents however would definitely be more supportive of Category B uses, rather than them being closed altogether. In Seaton particularly respondents cited the example of the Chine Hideaway which they state it is an unreliable toilet as they shut without notice, and even in the height of summer only open something like 11am to 3pm. The issue of access at the Hideaway has been impacted by the pandemic as access was restricted to patrons only through this time and opening curtailed. It is clear that careful thought to lease conditions on Category B sites to try and protect toilet access, ensure it is open to non-customers and more clearly signposted is needed if this route is taken and should be incorporated into the

marketing and evaluation of bids for these sites. However some Cat B uses may not include a publically accessible toilet if no business or community interest can be found.

2.9 Surprisingly over a third of people agreed with the categorisation of every public toilet site as proposed. We felt this was high considering this was really an acceptance of the need to provide public toilets differently, or at fewer sites than we do currently.

2.10 The majority of respondents who disagreed with the categorisation of toilets did so for those in their own town where they lived. However this is what we would expect. Breaking down the responses from those who disagreed, against where the people are from then gives us a greater insight into the public toilets where people felt strongly that the categorisation was wrong. The graph below shows whether respondents from a particular town disagree with the categorisation of the toilet in that area. It should be noted that the graph has 28 sites but that is because site 14 (duplicates entries in relation to Sidmouth). There are 27 sites in total.



2.11 As can be seen, there is general agreement with toilets 1 – 13, the Category A's. 14 including Market Place Sidmouth, with possibility of it moving to Category B – see below Of the Category B & C's the following sites with over 50% disagreement from local respondents merit further consideration. Suggestions in response for each site are set out in section 4.

A lot of the respondents who disagreed with the categorisations of the public toilets below also / instead cited the impact on people with medical needs / elderly people / young children / people with disabilities who need toilets in closer proximity. The comments listed below are the ones which relate to a particular public toilet.

- a) **Sidmouth Market Place / Port Royal** – 58% of respondents from Sidmouth didn't agree with this categorisation. Specific feedback was both toilets should stay as they are needed and well used. Outside of the view that it should all be kept, some suggested the Triangle should be closed and Market/Port Royal kept open instead.
- b) **Budleigh Salterton – Station Rd** – 79% of respondents from Budleigh didn't agree with this being a Category B/alternative use, saying;
 - These are essential for bus and coach passengers and people parking in the car parks who have just arrived.
 - These are important for shoppers in the town / are the most central toilets and therefore important for the economy.
- c) **Exmouth – Orcombe Point** – 55% of respondents from Exmouth disagree with categorising this as a Category B/alternative use. They said;
 - They are not close enough to other public toilets (most mentioned Foxholes) for them to close.
 - These toilets are in constant use during the summer, toilets are needed here at least seasonally.
- d) **Seaton – Harbour Rd** – 65% of respondents from Seaton disagreed with this categorisation as a Category B/alternative use, however there was a coordinated campaign in Seaton which may have increased the percentage. They said;
 - These are the main public toilets for people arriving at Seaton, alternatives in the Tramway and Tesco's are not well known enough or easy enough to access and there isn't clear signage to say they are public toilets.
 - West Walk is too far for young families / people with disabilities or medical issues / older people to walk.
- e) **Seaton Hole**- 62% of respondents from Seaton disagreed with this categorisation as a Category B/alternative use, however there was a coordinated campaign in Seaton which may have increased the percentage. The main objection was that these are important for coastal path visitors, and the next nearest toilets is not close enough as one has to walk a long way around, and that toilets are needed for the cafe. Respondents are saying we are not sticking to our Guiding Principles, as it isn't 8 minutes' walk from the next nearest toilet, it's more like 25 minutes, unless you go along the beach which is not an easy route and not suitable for a lot of people.
- f) **Colyton Dolphin St** – 100% of respondents from Colyton disagreed with this categorisation as a Category C/offer to others to operate, however there was a coordinated campaign in Colyton which may have increased the percentage. They said;
 - It's a popular tourist town. Lots of people come, especially on the tram, they need public toilets. 90,000 people come to Colyton on the tram every year.
 - They're the only toilets in the town and without them people (who need them) won't go out as much.

- g) **Exmouth Bus / Train Station** – 52% of respondents from Exmouth disagreed with this categorisation as a Category C/offer to others to operate. They said;
 - It's at a major interchange (car / bus / train) with no other public toilets nearby. There are no toilets on the Exmouth to Exeter Trains
 - Get Great Western Railways / Exmouth Train Station to take over the running of these.
- h) **Honiton King St** – 88% of respondents from Honiton disagreed with this categorisation as a Category C/offer to others to operate. They said;
 - This would mean only one public toilet in Honiton (whereas similar sized towns are getting two or three) this is not enough (at a time when Honiton is growing in terms of residents / tourist numbers).
 - These are in better condition / better access than the Lace Walk toilets, but Honiton does need both.

2.12 Almost 40% of respondents felt there were good opportunities for alternative uses at some sites, these are listed in Q8 in the full consultation results linked under background papers against relevant sites. Many of the suggestions are plausible and tie with officers thoughts on alternative uses, as well as some of the expressions of interest put forward for certain sites. This was felt to be a significant percentage given the strength of feeling around public toilets and is an indication that re-purposing some sites into other uses could be a viable way to reduce East Devon's service costs, but still retain some toilet provision at Category B & C sites.

2.13 Alternative uses as Category B & C sites could also provide opportunities for greater community cohesion where local businesses or community groups take on the site, provide an accessible toilet alongside a new use, giving the community an opportunity to come together in new spaces such as bike hubs, eco hubs or cafes.

2.14 80% of respondents either strongly or tended to agree that East Devon public toilets were in need of refurbishment, which supports our view that investment in whatever we retain is overdue.

2.15 56% agree they would pay to access public toilets if it helped keep sites open in future years. This suggests serious consideration should be given to paid access if further income/reduction in running costs are needed in the future. From the comments submitted with this response however, it does suggest however that some of this support is tied to an expectation that it would mean Cat B & C sites reverted to Cat A. In other words East Devon would continue to provide all toilets it currently has.

2.16 A range of disagreements to paid access were expressed at around 32%; such as toilets should be free, we pay already through council tax, it could discourage tourists and some might have payment problems (old/young/those in poverty/those with disabilities).

2.17 If paid access were introduced, 71% of respondents would pay 30p and a surprising 18% would pay 50p, when given options ranging from 30p to more than 50p. 41% of respondents felt a discount card should be available to people who can't afford to pay and 66% felt a discount card should be available to people with medical needs.

2.18 18 expressions of interest were made to run or use a public toilet space differently, including cafés, a cycling hub, a bike café, business funding of sites proposed for alternative uses, a community/eco hub, a tourist information point, a takeaway and a tea room. The majority however wanted the toilets to remain open and funded by East Devon. This doesn't address our budget need or investment need in toilet buildings, so it is recommended that all of these ideas will need further investigation if Members approve the public toilet review proposals. When negotiating other uses, we will initially set out lease conditions for sites which are not disposed of commercially that require public access to an accessible toilet (even for non-customers) and address signage to offset some of the concerns related to alternative uses,

incorporating this into marketing and evaluation criteria. If no bids come back on this basis, alternatives without retained public toilets may be considered at some sites.

2.19 Notable responses from the town & parish consultation results (linked under background papers) included;

- 57% agreed with the guiding principles, which we interpret as understanding the logic behind the review and the imperative to do it; however 62% disagreed with the categorisation, this was related to disagreeing with the categorisation for toilets within their area, where all town councils said all public toilets in their area should be Cat A and needed to be retained.
- Better wayfinding signage is needed for some sites. We think this becomes especially important if proposals for alternative use sites are taken forward, where we will need to show the public they can use the toilets within the new Cat B use.
- Equality of provision. For example Cranbrook shouldn't be treated differently to other settlements.
- A suggestion that we should have looked at what uses could have complemented a public toilet to reduce its costs without closing. In part this is what Cat B seeks to do with alternative community or business uses.
- The Town & Parish results also show which councils were interested in further discussions about taking on some sites and which were not.

3 Our imperatives

3.1 In considering all of the information from the consultation and while compiling our EIA, we have thought deeply about the impact on our communities and those with protected characteristics. In an ideal world we would have the budget to continue provision at all sites, to invest in all of our public toilets to improve the buildings and the design of the facilities and to include accessible features, better baby change, and adult changing places and address gender equality through the ratio of toilet available. The difficult reality is we don't have that luxury. The whole public toilet review was designed to set out a logic to provision which sought to safeguard a level of access whilst minimising the impact of reduction elsewhere.

3.2 For the Category B (alternative uses including community or commercial use) & C (offered to town & Parish or community) sites, section 4 below sets out what is recommended, which takes account of all the feedback from the consultation, strength of feeling about continued public toilet provision and addressing our public sector equality duty (through the detail of the EIA); but weighing this against our imperatives, the reasons we must consider this difficult choice. We will refer to 'our imperatives' throughout the following sections, they are as follows;

- We have not invested in our public toilet stock since 2014, many of the buildings are outdated and in poor repair. Investment is needed. However we can't afford to invest in all of the sites.
- If we do nothing we will be left with an aging and dilapidated public toilet stock which we won't be able to afford to continue servicing or repairing.
- We don't believe we can continue to afford providing public toilets at all the locations we have previously.
- We know we must protect some access to this valued and important, but discretionary (non-statutory) service.
- We don't think East Devon need to directly provide public toilets in all cases, where other levels of Local Government could help or businesses could assist.
- In new areas of growth we should look to 'lock in' public toilet provision by others through agreements, for example with operators of new sea front developments such as QDS.
- We think there are exciting opportunities in some cases for alternative uses such as community spaces or cafes, which in some instances could still have community public

toilet access, would reduce East Devon's direct costs and support a new business or community use.

- Our reduced financial settlement from government and rising cost of services above income (including council tax) means we have to look at cost reduction and in some cases discretionary service cuts.
- We have a legal obligation to set a balanced budget, with a projected budget deficit of around £3million to 2024 and rising costs across many statutory services, we have to consider savings in some places.
- If we don't provide a saving towards the MTFP shortfall in an area where we can still provide the service in some shape, we will need to look at cuts elsewhere which may result in total service cessation. Originally a target of at least £200k was set out against public toilet provision for the MTFP, but since then our financial position has become more acute with new cost pressures increasing our budget deficit. As such a focus on realising as much of the saving potential, with a reasonable level of retained service should be sought. The possible saving is between £200-£430k depending on options and income generation from paid access.

3.3 These are the things we are considering when we say 'our imperatives' for the public toilet review, some were discussed in more detail in the May 2021 Cabinet report. All these factors are being weighed against the understandably strong feeling from respondents to the consultation that we just must continue providing this important service, along with the impact service reductions will have on our residents and those with protected characteristics. The fact remains however that we must reduce our costs somehow, and the proposals for the alternative use of some sites and other aspects we have considered to reduce the impact give us a viable option to do this which doesn't result in a total service closure and balances the need of those who have protected characteristics so they are not disadvantaged.

4 Suggested way forward for Cat A (retained by EDDC and invested in) and Cat B (Alternative community or business uses to include a public toilet where possible) & C (Offered to town or parish councils or alternative uses) and proposals for mitigating sites with a high percentage of disagreement

The categorisations from the May report are as follows:

Category A toilets – *Important public toilet sites which underpin the community, visitor economy or town, in which we will continue to invest and maintain. These toilets will meet our Principles of Provision and be open in design, unisex where appropriate, easy to maintain, will have open access disabled facilities (not RADAR key restricted) and incorporate energy saving features. Where category A toilets do not currently meet these standards we will invest in them so they do. Category A sites will have a long term investment plan to ensure the facilities East Devon manages continue to be of a high standard.*

Category B toilets – *Still important locally, but less well used or where there are multiple toilets in close proximity (according to proximity maps and 4/8 minute walking zones). If a toilet has been listed as suggested category B it means we would look at other options for the use of the site. At sites identified as category B, we could consider marketing a lease opportunity for a different offer such as a café, to include a publicly accessible toilet, or market the asset for sale, depending on the options for each particular site. Town or parish councils wouldn't be precluded from bidding for these sites, but we believe category B sites offer good potential for an alternative use and therefore would attract a commercial value. These uses may in some instances still include a publicly accessible toilet operated by a third party.*

Category C toilets – As above, but less well used or the area is well served by toilets. In these examples we don't believe there is a commercial alternative that could provide an income and publicly accessible toilet, or there is a desirability to sell the freehold. In these examples the toilet should be offered as a freehold transfer to the town or parish council to operate for a peppercorn and with overage provisions should the use subsequently change. It is acknowledged and accepted that a parish or town council might wish to remodel a building and East Devon would have no objection to them doing so, provided an appropriate toilet facility remained. No dowry should be payable due to our budget deficit. Under these proposals these toilets are over the level of provision as outlined in the 'principles of provision' and it can be considered that we can no longer afford to provide them. If the town or parish council did not wish to take them on, they would be closed, and in most cases demolished to provide additional car parking spaces.

- 4.1 With all the factors weighed, our imperatives set out in section 3 require us to look at where East Devon can continue to afford to provide this important and valued discretionary (non-statutory) service and where it cannot, along with how we can reduce the impact where we are suggesting we can no longer be the direct providers. Financially we must realise the MTFP saving figures to help set a balanced budget, and to enable us to afford the £3m capital investment in the retained Cat A buildings.
- 4.2 Along with protecting a continued level of public toilet access on a sustainable financial footing, the review will also allow us to invest in retained stock. This will significantly enable us to improve the standard of our public toilets, addressing improvements for accessibility, and families through greater provision of baby change facilities, improve inclusion by providing adult changing places and balancing gender inequality through equal provision of facilities for Women and Men where space allows.
- 4.3 While none of this completely offsets the strong feelings expressed in response to this review, with 54% of people accepting the guiding principles and over a third of people agreeing with all the categorisations of the public toilets, there is a higher than expected acknowledgment of the logic behind the review.
- 4.4 With 40% of respondents agreeing to alternative uses and many of the suggestions being plausible, this is felt to be a significant percentage given the strength of feeling this subject elicits. It could be taken as an indication that re-purposing some sites into other uses is a viable way to reduce East Devon's service costs, improve community or business use of a site and in many cases still provide toilet access.
- 4.5 For those that disagree there are legitimate concerns about access for people with protected characteristics, a strength of feeling that we must continue to provide what we have (which doesn't address our difficult choices or budget position), a concern about impact on tourism and growing towns and the public health impacts of reduced provision. The latter concerns should be addressed through careful choice of the Cat B community or business uses and some associated protections that have been suggested through the consultation responses.
- 4.6 The measures and mitigations which could be put in place in response to the consultation concerns and EIA issues discussed are as follows;
 - Marketing and evaluation of Cat B & C sites to focus on careful selections for alternative uses, prioritising community use or local business with a retained toilet provision operated by them when these offers come forward.
 - Lease disposal in most cases to enable lease conditions to constrain continued public toilet access, when interested parties come forward. Open market exercise to seek a community/local business use, with open market commercial disposal this is not possible.
 - Leases of Cat B and Cat C alternative uses to follow a standard set of heads of terms which will include conditions on accessibility standards for toilets within alternative uses and allow access for non-customers to toilets.

- Public access toilets to be accessible standard where possible.
- Clear wayfinding signage with walking distances and minutes to be implemented for alternative use sites, so the public know there is a toilet available.
- Designating cubicles for Women and Men where space allows, so not all cubicles are unisex. When we do this ensure equal numbers of cubicles between Men and Women as a minimum (including urinals). When possible have a ratio of 2:1 in favour of women to address 'potty parity'.
- Improve baby change facilities and ensure all genders can access them.
- Install at least 2 adult changing places to improve inclusion, investigate funding for more.
- If considering charged access, have a discount card for those with medical conditions, or who are unable to pay, along with pre-paid cards for those who may not have access to contactless (Elderly or children for example).
- Incorporate a dry and clean place to put/hang medical equipment in toilets.
- There could also be a positive impact on community relations where a Cat B site is used for an alternative such as community hub or café where people can come together and where the public can still access a public toilet.
- If no alternative community/local business uses with a retained toilet come from the marketing, we would then need to market the sites for commercial disposal.

4.7 It is proposed that taking into consideration all consultation responses and EIA mitigations the following 14 Category A public toilets (EDDC continues to maintain and invests in) are agreed to be retained and run by EDDC as set out in the original May Cabinet report (with possibility of one moving to Category B) – see below :

- 1 Axminster West Street Car Park Public Toilets
- 2 Budleigh Salterton Cliff Path (West End / Steamer) Public Toilets
- 3 Budleigh Salterton East End (Lime Kiln) Public Toilets
- 4 Beer Jubilee Gardens Public Toilets
- 5 Exmouth Foxholes Car Park Public Toilets
- 6 Exmouth Magnolia Centre (London Inn) Public Toilets
- 7 Exmouth Manor Gardens Public Toilets
- 8 Exmouth Phear Park
- 9 Exmouth Queens Drive Public Toilets
- 10 Honiton Lace Walk Public Toilets – Honiton Town Council want to enter into further discussions about taking on either or both toilets in Honiton.
- 11 Seaton West Walk Public Toilets
- 12 Sidmouth Connaught Gardens Public Toilet
- 13 Sidmouth Triangle Public Toilets **This site should be confirmed as a Category A following further discussions with the town council.**
- 14 Sidmouth Market Place Public Toilets **This site should be confirmed as a Category A following further discussions with the town council.**

In relation to Sidmouth, a reduction of 4 sites to 3 sites funded by East Devon is the recommended outcome. Sidmouth Town Council did express an interest in funding some site(s) and consultation feedback also suggested The Triangle would be a preferable Cat B site if that had to be an outcome; therefore it is suggested further discussions are held with Sidmouth Town Council and delegation used to conclude negotiations accepting the need to reduce from 4 to 3 EDDC funded sites.

4.8 Category B

15 **Budleigh Salterton Station Road Car Park Public Toilets** – This site was the subject of strong disagreement on categorisation due to use for those arriving at Budleigh (2.11 b). The town council were unclear on if they wanted to take on any public toilet provision, however given that East Devon can't afford to continue with all sites, and based on proximity, we still feel Budleigh's suggested Cat A's give appropriate coverage and would suggest further discussions with Budleigh Town Council regarding funding for or taking on Station Rd, and confirmation of Cat B status.

This site therefore should be confirmed as a Category B following further discussions with the town council.

16 **Exmouth Imperial Recreation Ground Public Toilets** – We've had a strong expression of interest for this site for a community Eco hub which is very interesting and we feel could be a great use of this site. 'A Community Hub for Exmouth working with the community towards a more sustainable future through information, inspiration and conversation, with accessible toilets for all'. It is strongly suggested this categorisation be confirmed and the expression be investigated along with other opportunities following marketing. Other uses suggested for the site included a water sports café.

Site to be confirmed as set out in proposed categorisation, with some mitigations.

17 **Exmouth Orcombe Point Public Toilets** – Just over half of Exmouth respondents disagreed with this categorisation citing the need for toilets at this location and for the beach. With these toilets not being accessible, there is a strong justification to change them and a credible expression of interest from an Exmouth business, for a café use at the site which would include publically accessible toilets. Whilst the argument for beach access is sound, this site is only just outside of the 4 minute proximity ring and comfortably within the 8 minutes. Therefore it is recommended the categorisation is confirmed and the expression taken up/alongside marketing of the space, which would still afford some access to a toilet, whilst meeting the imperatives of the review.

Toilet access for non-customers would need to be agreed in the lease, along with clear wayfinding signage.

Site to be confirmed as set out in proposed categorisation, with some mitigations.

18 **Exmouth The Maer Public Toilets** – With 62% of public respondents from the area not disagreeing with the categorisation and our belief that there are strong alternative options for this site such as a café, community space or restaurant, it is suggested this site as a Cat B is marketed as available for other uses which should include a publically accessible toilet, available for non-customers and clearly signed.

Site to be confirmed as set out in proposed categorisation, with some mitigations.

19 **Seaton Harbour Road Car Park Public Toilets** – The disagreement with this site as Cat B is due to it being an arrival point in Seaton and no suitable nearby alternative. However part of the planning condition for Tesco was that they had toilets available for public use. So with some improvements in signage and discussions with Tesco we feel this is a reasonable mitigation given our imperatives. Seaton Town Council did not wish to take on any toilet sites.

Furthermore the expressions of interest for this site suggests a cycle hire venue or bike café with a publically accessible toilet remaining, but operated by the business is viable. We recommend marketing the site as Cat B on that basis.

Site to be confirmed as set out in proposed categorisation, with some mitigations.

20 **Seaton Hole Public Toilets** – The disagreement with this being Cat B was due to it being outside our proximity principle of an 8 minute walk to another toilet and use for the coast path. However given our imperatives, and given that we don't have public toilets in other locations to service the coast path only, we recommend this is taken forward as Cat B and discussed with the café, who could be offered the option to include it within their lease or the site marketed.

Site to be confirmed as set out in proposed categorisation, with some mitigations.

21 **Port Royal (Alma Bridge) Public Toilets** – The disagreement with Cat B for this site was around access for the seafront, however we believe there is a very strong case to seek an alternative use for this site on the open market and enter into discussions with Sidmouth Town Council about alternative provision, who indicated they would like to talk further about what might be possible.

Ideally it is suggested we should identify a site around the Ham for a new public toilet to replace Port Royal, which could include an adult changing place. What is clearly being suggested through the review is that we cannot afford to continue maintaining or afford the required refurbishment at all 4 toilet sites in Sidmouth Town, so the conclusion of any discussions must recognise this. If a new site was identified, then the Market toilets could be re-purposed.

This site therefore should be confirmed as a Category B following further discussions with the town Council.

4.9 Category C

23 **Budleigh Salterton Brook Road Car Park Public Toilets** – With a lower percentage of respondents disagreeing with this categorisation, our proximity principle suggesting the town is covered by other sites, Budleigh Town Council not indicating a clear desire to take it, and all of this weighed against our imperatives, the strong recommendation is that this site is closed or offered on the open market for alternative uses.

Site to be confirmed as set out in proposed categorisation, with some mitigations.

24 **Colyton Dolphin Street Car Park Public Toilets** – 100% of Colyton respondents disagreed with this categorisation, but there was a coordinated campaign in Colyton which may have increased the response. The main reason cited for keeping these is the need to have them for the 90,000 visitors on the Tram reported annually. That said the Tram does have toilets at both ends and the water consumption indicating level of use for this site is the third lowest in the district.

It was unclear through the consultation if Colyton Parish Council would take on these toilets, but they have previously indicated they might be interested. It is suggested these toilets are considered outside of what East Devon can afford to provide and further discussions are held with Colyton Parish Council or alternative uses sought for the block.

This site therefore should be confirmed as a Category C following further discussions with the parish Council.

25 **Exmouth Bus / Train Station Public Toilets** – Just over half of Exmouth respondents disagreed with this categorisation based on the fact this is a gateway transport site for

Exmouth, Exmouth Town Council said keeping the train station toilets was imperative, however they were also not interested in taking on or funding any public toilets in Exmouth.

The water consumption at this site indicating levels of use is the fourth lowest in the district, falling below Jarvis Close and the Maer (which is only open for 6 months), so this doesn't support its perceived importance, but the logic of needing toilets at such an interchange is sound.

Weighed against the imperatives of this review, it is suggested that the Cat C designation be upheld and 1 of 3 routes be pursued: 1) Negotiations with Exmouth Town Council for funding are initiated, 2) Negotiations with South Western Trains and/or the bus company are initiated, 3) The site is re-purposed as part of the proposed Motorhome project to provide paid for showers, water and chemical toilet disposal for those using the car park.

This site therefore should be confirmed as a Category C following further discussions with the town Council and other stakeholders.

- 26 **Exmouth Jarvis Close Public Toilets** – Water consumption indicating usage is very low at this site, the 5th lowest in the district. 78% of Exmouth respondents did not disagree to the categorisation of this site and so it should be confirmed as Cat C.

A few expressions of interest were received; one for a community tea room type use and a private use. Other suggestions were for a café or bar with toilets. It is recommended a community use be sought first, and if this does not come forward an alternative use or demolition is approved.

Site to be confirmed as set out in proposed categorisation, with some mitigations.

- 27 **Honiton King Street Car Park Public Toilets** – A high percentage of respondents from Honiton disagreed with this categorisation as Honiton would then only have 1 public toilet. The town council also expressed this view, pointing out towns with similar populations had more toilets.

There were suggestions for alternative uses such as a café/bar and also to house a visitor centre with some form of retained toilet.

Honiton Town Council expressed an interest in taking on public toilets and so this toilet should remain Cat C and negotiations with Honiton Town Council be initiated. There were also indications from local business who may be prepared to help fund the site.

This site therefore should be confirmed as a Category C following further discussions with the town Council.

- 28 **Seaton Marsh Road Public Toilets** – A low percentage of Seaton respondents disagreed with this categorisation, and when weighed against the imperatives of the review it is suggested this is taken forward as a Cat C.

Seaton Town Council were not interested in taking on any sites and so this site should be offered for community use (there was one expression of interest for a cycle/walking hub), and if there are no interested parties, then disposed of on the open market.

Site to be confirmed as set out in proposed categorisation, with some mitigations.

4.10 In total it is recommended that 8 sites from the B & C list have their category confirmed and work is undertaken to conclude negotiations with interested parties within 6 months from commencement of marketing (nominally July 2022). This would meet £125,926 of the proposed MTFP saving.

The 8 sites are:

- Budleigh Salterton Brook Road Car Park Public Toilets
- Exmouth Imperial Recreation Ground Public Toilets
- Exmouth Jarvis Close Public Toilets
- Exmouth Orcombe Point Public Toilets
- Exmouth The Maer Public Toilets
- Seaton Harbour Road Car Park Public Toilets
- Seaton Hole Public Toilets
- Seaton Marsh Road Public Toilets

4.11 In total 6 sites need further discussion and some adjustments to allow their confirmation in the proposed category. Further discussions with town and parish councils and interested parties at these sites are suggested, but with a clear view to moving them to the proposed category, taking account of local opportunities, ideas and funding.

These would meet £78,201 of the proposed saving. £118,789 if Market Place became a Cat B additionally.

Total of £204,127 saving for all proposals, £244,715 if Market Place became a Cat B.

4.12 These further discussions should be concluded within 12 months of the toilet review completing (nominally Jan 2022 until Jan 2023), and will require us to use the transformation reserve to fund the operation of these sites in the meantime (from April 2022). Both factors to meet financial constraints. If agreement cannot be reached during this 12 months, it is suggested the proposed categories are confirmed and sites marketed with suggested mitigations from 4.6 included.

The 6 sites where further discussions would be prudent to confirm categorisation are:

- Budleigh Salterton Station Road Car Park Public Toilets
- Colyton Dolphin Street Car Park Public Toilets
- Honiton King Street Car Park Public Toilets
- Exmouth Bus / Train Station Public Toilets
- Sidmouth Market Place Public Toilets
- Sidmouth Port Royal (Alma Bridge) Public Toilets

5 Conclusion

5.1 We've taken account and considered deeply the issues raised in the consultation, and explored the impacts on different protected characteristics as well as documenting the justifications or considerations we've made against these in the EIA. We've listened to the feedback we've had and are suggesting further discussions in some locations as a result, but with an anticipation that all proposed categorisations will be approved, and negotiations completed in due course.

5.2 Cabinet will be asked to approve the Category A list (12 sites as proposed, 2 sites in Sidmouth approved in principle pending further discussion) and the majority of the Category B & C lists (the 8 sites). In relation to the 6 sites (which include 1 Cat A at Sidmouth) that are identified for further discussion with town councils to allow their categories to be confirmed, the intent is for the approval of these to be delegated to the Portfolio Holder for Coast, County & Environment in consultation with the Portfolio Holders for Economy & Asset Management and Leisure Sport & Tourism and the Strategic Leads for Finance and Housing, Health & Environment. The delegation will also permit negotiations with interested parties (including the Towns and Parishes) around Category B & C toilets and completing the related documentation to affect transfers.

- 5.3 Our May report stated: *'we can consider alongside straight disposal, the scenario of adding an amenity such as a bar or café, leased or disposed by the council, or indeed retaining as an investment whilst retaining a form of toilet provision operated by a 3rd party. The sites which can be used differently could generate a small income in addition to the £230k saving if all proposals are taken forward. A typical average rent for a small café lease would be around £5-10,000 p.a. although clearly the rent would depend on the premises'*.
- 5.4 It is therefore suggested that to enable the mitigations of consultation concerns and the EIA, the Cat B sites be first marketed as lease opportunities with the mitigations set out in section 4.6. Except where a compelling case exists for a commercial or community use disposal, such as at Port Royal in Sidmouth, where the location would be better used for something else and proximity to other facilities still gives people reasonable access to toilets (4/8 minute walking distances).
- 5.5 If no offers arise, then these Cat B sites will be considered for disposal in accordance with our legal duty to secure best value or otherwise in accordance with the General Disposal Consent (England) Order 2003.
- 5.6 Cat C sites should be first offered to the town or parish council and if they do not wish to take them, then 5.4 and 5.5 apply. Our May report said this on Cat C sites: *'In these examples the toilet should be offered as a freehold transfer to the town or parish council to operate for a peppercorn and with overage provisions should the use subsequently change. It is acknowledged and accepted that a parish or town council might wish to remodel a building and East Devon would have no objection to them doing so, provided an appropriate toilet facility remained'*.
- 5.7 It is not anticipated that dowries would be payable, and a standard set of heads of terms will be used when sites are marketed on a lease arrangement.
- 5.8 In addition to the above, the consultation posed the question of keeping Cat B & C sites open until alternative uses or business funding could be sought. Cabinet is asked to consider whether to recommend the use of the transformation reserve to fund the Cat B & C sites remaining open until these transfers are complete to minimise the impact of closed public toilet sites on those with protected characteristics. Also to recommend that the reserve is used in addition to assist payment of reasonable legal and transfer fees for town and parishes taking on Cat B & C sites.
- 5.9 Alongside this Cabinet may wish to consider if it would be appropriate to give an indication whether the Council should explore any Town and Parish requests to borrow for capital works on these assets through the Public Works Loan Board. Should there be support, individual proposals will need to be reported back as Council will need to approve any borrowing and the necessary terms to ensure compliance with state subsidy requirement.
- 5.10 However doing so could use a large proportion of the reserve at around £200k, and a long stop date would have to be agreed. This is suggested to be 6 months (nominally July 2022) for the 8 sites listed at 4.10 for completion of marketing and new leases or disposals and 12 months for the 6 sites listed in 4.12 (nominally Jan 2023 for completion of agreements). If agreements are not in place by these proposed deadlines, then the sites should be marketed for commercial uses as East Devon can no longer afford them and the revenue budget to maintain them would no longer exist. Use of transformation reserve to fund the operation of sites is suggested at a year total from the end of the current budget year until April 2023.
- 5.11 56% support the introduction of charging for access, if toilets are kept open and much improved. We believe from the responses that this was made on the understanding that it might result in a higher number of toilets becoming Cat A, but this is not something we are suggesting we can afford.
- 5.12 The introduction of paid access has the potential to further improve cleanliness standards and bring an estimated income of around £200k, so careful consideration of this issue is needed. The income would help towards our large budget deficit, and protect future provision

of this service and others, and so Cabinet will be asked to consider whether to decide to introduce this or not.

- Paid access charged at 40p is estimated to bring a potential income of around £200k based on 62 contactless charging points. The income will fluctuate depending on use, and what sites are selected.
- A reduction to 30p would result in an estimated income of £150k and 50p equals £250k
- If paid access is taken forward, more work will be required to procure the supplier and agree the operational specifics. It is suggested that if this is taken forward, paid access is initiated after completion of toilet refurbishment at each site.
- Contactless access only is suggested as cash collection will increase costs and most people are now comfortable with contactless charging.
- In the consultation 71% of respondents felt 30p was a reasonable charge if paid access was in place.
- There were concerns expressed for those with protected characteristics, such as young, old or those with learning difficulties using contactless charging. 66% agreed that a discount card should be available for those with a disability. Access cards could also be distributed through TIC or similar outlets to give access to those without contactless payment methods.

5.13 In conclusion then, having considered the consultation responses, associated EIA, 'our imperatives' and analysis above, officer advice is that the categorisation of the toilets and steps in relation to future provision / alternative uses / disposal should be approved. This will enable the Council to deliver a service which is financially sustainable, which improves our facilities for all and helps meet the required level of saving for budget balancing purposes.

Financial implications: The report highlights the financial predicament the Council is in and the need for it to reduce its costs and/or increase income in order for it meet its legal duty to set a balanced budget. The Medium Term Financial Plan showed an estimated saving required of £700k in 2022/23 and since then further financial service pressures including recycling and refuse costs have arisen that will significant add to this budget deficit. As outlined previously public toilet provision is one of the largest discretionary spend areas of the Council (£900k per annum) and require over £3m of capital investment to bring key sites up to a modern/good standard. Proposals have been made to reduce the number of public toilets directly operated by the Council whilst ensuring key sites are maintained and invested in. Proposals reduce annual revenue costs by £230k to £430k depending on options taken. Whilst it is appreciated this is a difficult decision for members this is a key decision in that the Council cannot afford to continue providing the existing level of services and assets it currently does and other areas will need to be explored to meet the remaining budget deficit.

Legal implications:

As the report identifies the provision of toilets is a discretionary service and therefore the Council is able to decide whether it wishes to continue with the provision of public toilets and if so how. The approach advocated / options presented are within the Council's duties and powers. In coming to a decision on how to progress, it will be necessary to comply with the public sector equality duty and Members should therefore have regard to this duty and accompanying equalities impact assessment when considering the matter. Should the decision be to progress transfers / disposals in due course, Legal will advise as and when appropriate and provide support as necessary.

Report to: Cabinet



Date of Meeting 1 December 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Council Tax Reduction Scheme 2022/23

Report summary:

To consider and approve the Council Tax Reduction (CTR) scheme for 2022/23 which we are recommending remains unchanged from our current scheme.

The CTR scheme for 2020/21 saw a number of significant changes made – such as increasing maximum support from 80% to 85% - whilst also implementing an income banded scheme. Although the scheme has now been running for approximately 19 months we are not proposing to make any changes for this coming financial year. Over the course of the pandemic we saw an increase in our working age CTR caseload from 3387 in April 2020 to 4733 in October 2021. This is likely as a result of people losing household income from earnings through furlough, reduced hours in employment or loss of employment.

The report also includes background data (appendix 1) on how Covid-19 has impacted our caseload by parish

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

To recommend to Council that the Council Tax Reduction Scheme for working age residents is approved for 2022/23.

Reason for recommendation:

The Council is required by law to decide whether to revise or replace its CTR scheme each year. As we made a significant number of changes to our scheme for 2020/21 we did not make any changes to the scheme for 2021/22. It is still not possible to be able to fully assess what further changes may be required to our scheme due to the on-going effects of the Covid-19 pandemic. We still have a higher number of working age households in receipt of CTR than we would have had prior to the pandemic, so are unable to complete a detailed comparison analysis of our current scheme against our previous scheme. Our maximum support from 80% to 85% will still be benefiting those on the lowest income.

Officer: Libby Jarrett, Service Lead –Revenues, Benefits, Customer Services, Corporate Fraud & Compliance ljarrett@eastdevon.gov.uk 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 [East Devon S13A 202122 Scheme Final.2](#)

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 Council Tax Reduction (CTR) was introduced from 1 April 2013. It is a means tested reduction/discount for council tax payers who are on a low income. It replaced the previous national Council Tax Benefit scheme.
- 1.2 For working age applicants the scheme is determined by local policy and for pension age applicants it is a national scheme subject to prescribed legislation.
- 1.3 Each year the Council is required to review and agree the working age scheme by 11 March of the preceding financial year. Any changes to our scheme are subject to public consultation.
- 1.4 We are not proposing any changes be made to our scheme for 2022/23. This is because we are still dealing with the effects of Covid-19 and therefore it is still too early to determine whether further changes to our scheme are needed. Our caseload is still higher than pre pandemic levels and is likely to fall as residents start to return to work and return to more normal income levels.
- 1.5 Significant changes to our working age scheme were introduced from 2020/21 where we not only increased support from 80% to 85% but also moved to an income banded scheme in order to simplify the previous scheme and to better align with Universal Credit. In order to make changes to the scheme you need to go out to public consultation on your proposed draft scheme as well as fully understand the equalities impact on people with protected characteristics as well as implementing changes to software, online forms, etc. Therefore, sufficient lead time and resource commitment is needed in order to carry out this work.

2. Current Scheme (including caseload)

- 2.1 Our current scheme is based on four income bands – 85%, 80%, 55% and 25%. When modelling this scheme in 2019 it was estimated that 94% of our previous caseload would either benefit or be unaffected by the changes that were introduced from 01 April 2020.

2.2 The following table provides a breakdown of the number of claimants split between working age and pensioners and how the caseload has changed since April 2020:

Caseload	As at April 2020	As at November 2020	As at April 2021	As at October 2021	Difference between Apr 20 & Oct 21 (% rise)
Working age	3,387	4,189	4,920	4,733	1346 (39.71%)
Pension age	3,839	3,778	3,775	3,686	-153 (-3.96%)
Total	7,226	7,967	8,695	8,419	1193 (16.51%)

- Our working age caseload has seen an increase of 39.71% since April 2020, confirming Covid-19 has had a significant impact on working age households.
- A small reduction in working age caseload figures has been seen since April 2021. At present it is still too early to confirm if this downward trend will continue as the furlough scheme only ended on 30 September 2021 with the £20 Universal Credit uplift ending on 06 October 2021. These changes could result in further working age households losing income from employment and a further increase in CTR claims.

2.3 The following table provides the caseload broken down by the four discount bands:

Band	October 2019	October 2020	October 2021	2019 to 2020	% Change	2020 to 2021	% Change
85%	2,323	2,387	2,032	+64	+2.7%	-355	-14.9%
80%	587	885	1,327	+298	+50.7%	+442	+49.9%
55%	247	647	993	+400	+161.9%	+346	+53.6%
25%	74	270	381	+196	+264.9%	+111	+41.5%
Total	3,231	4,189	4,733	+958	+29.7%	+544	+13.0%

- The highest increase in caseload was between October 19 and October 20, and likely to be due to the start of the Covid-19 pandemic.
- Alongside the increase in caseload we are also seeing a greater proportion of working age households falling into income bands 2 and 3.
- We have seen a reduction in those falling into income band 1 which is likely due to the amount of people who lost income during the pandemic now seeing recovery and returning to employment or in receipt of higher earnings.
- Income band 2 has seen the highest increase in households closely followed by income band 3, which strongly supports that those households in work have been particularly affected by Covid-19 e.g. furlough, loss of employment, reduced pay etc.

2.4 Working Age caseload on Universal Credit comparing October 2020 to October 2021:

	October 2020	Proportion of WA Caseload (2020)	October 2021	Proportion of WA Caseload (2021)
Universal Credit Claimants on CTR (WA)	1864	44%	2751	58%

- There has been a 14% increase in the amount of working age households receiving Universal Credit from 1865 in October 2020 to 2751 in October 2021.

2.5 The following table shows how the caseload has changed across four different characteristics:

Band	Households with Children			Disability Benefit			Employed			Carer		
	Oct-20	Oct-21	% Diff	Oct-20	Oct-21	% Diff	Oct-20	Oct-21	% Diff	Oct-20	Oct-21	% Diff
Band 1 85%	935	816	-13%	1428	1252	-12%	172	77	-55%	359	280	-22%
Band 2 80%	393	623	59%	191	272	42%	402	559	39%	36	62	72%
Band 3 55%	410	611	49%	194	271	40%	453	638	41%	20	60	200%
Band 4 25%	191	253	32%	66	73	11%	242	343	42%	11	31	182%
Total	1929	2303	19%	1879	1868	-1%	1269	1617	27%	426	433	2%

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

- Households with children have not increased significantly however the income bands they are in have moved, with a 13% decrease of those dropping out of income band 1. This suggests that households with children are now better off financially as they have a higher income, however this is an area that we will be considering further to understand if there is a need for band changes in 2023/24.
- Although not illustrated in the above table it is worth highlighting that there has been a 34% increase in the number of single residents becoming entitled to CTR over the last 12 months. In October 2020 there were 890 single households in receipt of CTR compared to 1200 in October 2021.

2.6 Appendix 1 provides data by parish on those parishes that have seen the biggest increase in claims

2.7 Our working age scheme includes an exceptional hardship fund (EHF) for help with Council Tax that allows us to provide additional support of up to 100% on a case by case basis. This provides a safety net for those that need additional financial help or where we need to provide transitional support following adverse changes to a resident's circumstances. To date, we have awarded £43,651 under this fund which is included in the costs under table 3.1

3.0 Current scheme costs

3.1 The expenditure split as at October 2021 is as follows:

Claim type	Expenditure costs
Working age	£4,625,587
Pension age	£4,650,599
Total	£9,276,186

3.2 The cost of CTR for 2020/21 was £8,943,434. Costs for the financial year as at October 21 is just under £9.3 million and this is likely to still rise. The extra £332,752 cost is predominately linked to the annual council tax rise. Costs of the scheme for 2022/23 will largely depend on the local economic recovery, working age households returning to work and more normal levels of earnings and of course the annual rise in council tax.

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

4.0 Arrears

4.1 As part of our on-going CTR scheme and financial resilience work we are now starting to closely monitor arrears of our CTR caseload.

4.2 There are currently 782 households receiving CTR that are in arrears with their Council Tax which equates to 9.3% of our total working age CTR caseload. In comparison to July 2019 this was 712 households but represented 22% of our caseload. Although there has been an increase in the number of households in arrears (was 712 now 782) of 9.8% when comparing this with the increase in caseload of 39.7% it highlights that this has not increased in proportion to the rise in caseload. This may indicate that our scheme which now provides for up to 85% support together with the additional financial support provided during Covid (£150 extra given to all CTR working age households) may have helped to limit the number of households falling into arrears.

4.3 Cases in arrears split between working age and pension age:

Outstanding Balance on CTax Account	Overall		Working Age		Pension Age	
	Cases	%	Cases	%	Cases	%
£0.00-£1,000	653	7.8%	612	12.9%	41	1.1%
£1,000-£2,000	80	1.0%	78	1.6%	2	0.1%
£2,000-£3,000	27	0.3%	26	0.5%	1	0.0%
£3,000-£4,000	13	0.2%	11	0.2%	2	0.1%
£4,000 +	9	0.1%	8	0.2%	1	0.0%
Total	782	9.3%	735	15.5%	47	1.3%

- The vast majority of CTR claimants who are in arrears are working age households.

4.4 Working Age arrears by discount band and household type:

	Overall Working Age			With Disability			With Children			In Employment		
	Cases	in Arrears	%	Cases	In Arrears	%	Cases	In Arrears	%	Cases	In Arrears	%
Band 1 85%	2,032	238	12%	1252	107	9%	816	139	17%	77	15	19%
Band 2 80%	1,327	260	20%	272	48	18%	623	129	21%	559	99	18%
Band 3 55%	993	177	18%	271	50	18%	611	108	18%	638	96	15%
Band 4 25%	381	60	16%	73	15	21%	253	37	15%	343	53	15%
Total	4,733	735	16%	1868	220	12%	2303	413	18%	1617	263	16%

Note: a household can fall into more than one category

- The highest percentage of those with arrears fall within income bands 2 and 3. Income band 1 has the lowest percentage of arrears.

4.5 Level of Arrears by Household Type:

	Working Age			
	Overall	In employment	With Children	With Disability

Outstanding Balance on CTax Account	In arrears	In arrears	% of Arrears	In arrears	% of Arrears	In Arrears	% of Arrears
£0.00-£500	486	171	35%	275	57%	172	35%
£500-£1,000	126	41	33%	74	59%	30	24%
£1,000-£2,000	78	33	42%	45	58%	15	19%
£2,000-£3,000	26	12	46%	14	54%	2	8%
£3,000-£4,000	11	4	36%	2	18%	1	9%
£4,000 +	8	2	25%	3	38%	0	0%
Total	735	263	36%	413	56%	220	30%

Note: a household can fall into more than one category

- Of the 735 working age households, 413 or 56% are households with children resident.
- 263 or 36% of working age households with arrears are in employment with 220 or 30% having someone with a disability benefit in payment resident in the household.
- The highest percentage of those with arrears owe £1,000 or less.

5.0 Summary

5.1 Covid-19 has resulted in households being affected by income losses that would not normally be felt by working age households and this has increased our working age caseload. Data strongly suggests that those in employment have been significantly impacted by Covid-19 and are still negatively financially affected.

5.2 Now we are starting to identify rural areas (see appendix 1) with higher proportions of residents receiving CTR we will look at these in conjunction with other financial resilience data to consider whether there is a need to do some targeted support in these areas.

5.3 Further monitoring of our arrears cases will be carried out to see whether this position will improve. Alongside this we will continue to do more in-depth work to look at what proportion of these cases are in arrangement or can be supported (if not already) by the work of our Financial Resilience officers which will also consider if appropriate the use of our discretionary funds.

5.4 As we have only been running the scheme for 19 months it is too early to determine whether changes are needed.

5.5 A full review will be carried out in Spring/Summer 2022 once we have another complete year of data to better understand movement in caseload and arrears levels as there are recent external factors (rising fuel costs, removal of the additional £20 Universal Credit payment, ending of the furlough scheme, etc, where the impact of these are not yet known. With a buoyant employment economy with many more higher skilled jobs being available this may help to mitigate some of this which is why it is important that we do a review next year and will present our findings to the Poverty panel.

Financial implications:

The financial details are covered in the report.

Legal implications:

Legal implications: Schedule 1A of the Local Government Finance Act 1992 requires that the Council must decide, for each financial year, whether to revise its scheme or to replace it with another scheme. The recommendation of the finance team is to leave the scheme as adopted for 2021/22 given that it has still not been possible to assess the impact of the previous changes made in 2020/21. Officers responsible for implementation are aware of the need to comply with council tax statute, regulations (and, where appropriate, guidance) in delivering the scheme.

1.0 Caseload by parish – top 10

1.1 Changes in caseload for parishes comparing October 2020 to October 2021

Parish	Oct-20	Oct-21	Difference	% Difference
EXMOUTH	2424	2555	131	5%
BROADCLYST	266	327	61	23%
HONITON	772	829	57	7%
CRANBROOK	258	314	56	22%
AXMINSTER	559	608	49	9%
OTTERY ST MARY	370	415	45	12%
SIDMOUTH	755	790	35	5%
SEATON	540	566	26	5%
DUNKESWELL	129	141	12	9%
OTTERTON	25	36	11	44%

1.2 Top 10 parishes by Council Tax payers receiving CTR

Parish	CTR Cases	CTAX Banded Properties	% of Banded Props in receipt of CTR
DUNKESWELL	141	871	16%
AXMINSTER	608	3930	15%
EXMOUTH	2555	17204	15%
HONITON	829	5595	15%
SEATON	566	4333	13%
CLYST HONITON	19	148	13%
BROADCLYST	327	2584	13%
BRAMPFORD SPEKE	18	150	12%
CRANBROOK	314	2646	12%
OTTERY ST MARY	415	3514	12%

- Exmouth and Broadclyst still continue to see the highest increase in claims, however Sidmouth is no longer one of the areas seeing the highest increases as was the case in 2020.
- The highest percentage change of increase in CTR claims was in Otterton, followed by Broadclyst and Cranbrook.
- Dunkeswell has the highest proportion of residents receiving CTR based on the number of properties charged council tax.

1.3 Top 10 Parishes by proportion of properties in arrears:

Parish	CTAX Banded Properties	Ctax Payers in Arrears	% of Parish
HAWKCHURCH	287	30	10%
AXMINSTER	3930	274	7%
CRANBROOK	2646	162	6%
HONITON	5595	307	5%

EXMOUTH	17204	918	5%
COMBE RALEIGH	97	5	5%
CLYST HONITON	148	7	5%
DUNKESWELL	871	40	5%
AYLESBEARE	267	12	4%
BROADCLYST	2584	116	4%

Report to: Cabinet



Date of Meeting 1 December 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Treasury Management Mid-Year Review 2021/22

Report summary:

This report details the overall position and performance of the Council's Investment Portfolio for the first six months of 2021/22.

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 period to 30 September 2021.

Reason for recommendation:

The Council is required to produce a half-yearly review of its treasury management activities and performance.

Officer: Janet Reeves – Accountant. jreeves@eastdevon.gov.uk Tel: 01404 515616

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; 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 [Mid-Year Treasury Management Review 2021/22](#)

Link to [Council Plan](#)

Priorities (check which apply)

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

Report in full

See link to background information.

Financial implications:

Contained within the Report

Legal implications:

There are no specific legal implications that require comment.

Report to: Cabinet

Date of Meeting 1 December 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Dalwood Neighbourhood Plan Examiner's Report

Report summary:

The purpose of the report is to provide feedback and set out proposed changes following the examination of the Dalwood Neighbourhood Plan. The independent examination of the Plan has now concluded and the final Examiner's report received. In accordance with the relevant legislation, the District Council must now consider its response to the Examiner's recommendations and also satisfy itself that the Plan meets the necessary 'basic conditions'. If the recommendation to accept the Examiner's recommendations in full is accepted, a decision notice will be published accordingly. This will confirm that the Plan can go forward for public vote in a local referendum as the penultimate stage in the plan-making process. An updated (Referendum Version) of the Neighbourhood Plan will also be published. The publishing of the decision notice itself will give the Plan significant weight in the determination of planning applications in the Dalwood parish area.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

1. That Members recommend that the Examiner's recommendations on the Dalwood Neighbourhood Plan (the Plan) are endorsed.
2. That Members recommend approval of a 'referendum version' of the Plan (incorporating the Examiner's modifications) to proceed to referendum and that a decision notice to this effect be published.
3. That Members congratulate the Neighbourhood Plan Steering Group on their hard work.

Reason for recommendation:

The legislation requires a decision notice to be produced at this stage in the process. The Plan is the product of significant local consultation and has been recommended to proceed to referendum by the Examiner subject to modifications which are accepted by the Parish Council.

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

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

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

Climate change Low Impact

Risk: Medium Risk; There is a risk that the Neighbourhood Plan could fail the referendum if a majority of the community vote against it.

Links to background information [The Localism Act](#); [Plain English Guide to the Localism Act](#); [National Planning Policy Framework \(2021\)](#); [Neighbourhood Planning Regulations](#); [Neighbourhood Planning Roadmap Guide](#); [East Devon Neighbourhood Planning webpages](#); [Dalwood Parish Neighbourhood Development Plan \(Submission Version\)](#); [Examiner's Final Report](#).

Link to [Council Plan](#)

Priorities (check which apply)

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

Report in full

The Examination

- 1.1 The Dalwood Neighbourhood Plan has now been examined and, subject to modifications, it has been recommended that it proceed to referendum. The Examiner, Jill Kingaby, was appointed by East Devon District Council, following consultation with Dalwood Parish Council.
- 1.2 The examination was undertaken on the basis of considering the written material which forms the Plan, its appendices and accompanying statements as well as any representations received in response to the formal consultations. The Examiner did not consider it necessary to hold a public meeting. The [Plan \(as submitted for examination\)](#) and the [Examiner's report](#) are available to view on our website.
- 1.3 The legislation, reflected in the Council's [Neighbourhood Planning Protocol](#), requires the Policy Team to notify Members of the findings and recommendations of the Examiner and how the Council proposes to respond to the recommendations. The agreed response will then be published as a decision notice.

- 1.4 The Examiner has recommended textual modifications to 11 of the 13 policies within the Plan as well as various amendments and additions to supporting text, maps, aims and objectives and community actions, for reasons of clarity/accuracy and to meet the 'Basic Conditions'. These amendments are summarised and explained in Annex 1.
- 1.5 In the process of considering her recommendations, the Examiner consulted with both the Parish and District Council and gave the opportunity for responses to be made to specific questions. The questions and the responses can be viewed on the [Dalwood neighbourhood plan webpage](#). The Examiner's reasons for all of the amendments are explained in more detail in the Examiner's report.
- 1.6 The Examiner congratulated Dalwood Parish Council and its neighbourhood plan steering group, for "producing a Plan which covers the wide range of planning policy matters relevant to Dalwood" which she considered "should contribute positively to decision-making by the EDDC planning department." Overall, the examiner concluded that, "Dalwood Neighbourhood Plan has been duly prepared in compliance with the procedural requirements" and recommended that, "the Plan, once modified, proceeds to referendum".

Response to the Examiner's Recommendations

- 1.7 Under paragraph 12 of the Town and Country Planning Act it is for the Local Planning Authority (EDDC) to consider the recommendations made in the Examiner's report and the reasons for them and decide what action to take in response to each recommendation.
- 1.8 The District Council must also be satisfied that the Neighbourhood Plan:
- i. meets the necessary 'Basic Conditions' by;
 - having regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contributing to the achievement of sustainable development;
 - being in general conformity with the strategic policies of the Development Plan for the area;
 - not breaching, and being compatible with European Union obligations (as retained and/or incorporated into UK law)
 - ii. is compatible with the European Convention of Human Rights (within the meaning of the Human Rights Act 1998), and;
 - iii. complies with the provisions under section 38A and 38B of the Planning And Compulsory Purchase Act,

(or that the draft Neighbourhood Plan would do so if modifications were made to it, whether or not recommended by the Examiner, before a referendum is held.)

- 1.9 The Neighbourhood Plan regulations go on to state that if
- a) the Local Planning Authority propose to make a decision which differs from that recommended by the Examiner, and
 - b) the reason for the difference is (wholly or partly) as a result of new evidence or a new fact or a different view taken by the authority as to a particular fact, then,
- the authority must notify prescribed persons of their proposed decision (and reason for it) and invite representations.
- 1.10 The legislation, which is reflected in our protocol, requires the Council to consider and respond to the Examiner's report. Officer assessment is that with the incorporation of the amendments suggested by the Examiner, the Council can be satisfied that the Plan meets

the legal requirements. There are not considered to be any grounds to reject the findings of the report.

- 1.11 Members are therefore asked to agree to accept the recommendations of the Examiner's report and agree that a notice to this effect be published.

Next Steps

- 1.12 A revised version of the Plan (known as the 'Referendum Version'), incorporating the recommended changes, will be made available to view on the [Dalwood page](#) of the East Devon District Council website, together with the Decision Notice. As well as incorporating the Examiner's recommended changes, East Devon District Council Officers will work with Dalwood Neighbourhood Plan Steering Group to help ensure the accessibility of the plan document. This may require some changes in formatting and layout, together with addition of descriptive text ('alt text') for images, but will not otherwise amend any part of the plan.
- 1.13 The District Council will be responsible for arranging a referendum where all electors within the parish of Dalwood will be invited to vote on whether the Neighbourhood Plan should be used to make planning decisions in the Parish. If more than 50% of those who vote say 'yes', the Neighbourhood Plan will be made and will form part of the Development Plan for East Devon, where it will carry full weight in the planning decision making process.

Financial implications:

Central Government funding is available for Neighbourhood plans. This income covers not only examination fees but also all other associated costs such as employment and all other supplies and services. Any residual funds are placed into an earmarked reserve and utilised to cover funding gaps in subsequent years.

Legal implications:

On 26th July 2021, the Council agreed that all decision making bodies (Council, Cabinet and main committees) together with Panels, Forums etc. will be held virtually with decisions delegated to senior officers until 23.59hrs on 17th January 2022 (or earlier if there is a subsequent decision to this effect). As the report identifies, it is a formal requirement for the Council to consider the Examiner's recommendations and satisfy itself that the proposed neighbourhood plan, as modified, meets the prescribed 'Basic Conditions'. The purpose of the report is to satisfy this formal requirement. Assuming Members recommend endorsement and the Senior Officer approves the proposed recommendations then the Council is obliged to publish a notice to this effect, pursuant to the applicable Regulations, and Recommendation 2 covers this aspect. The report also identifies that the District Council is responsible for organising the referendum and requires a resolution to progress this, at such time the Council will arrange such referendum under relevant Government Covid-19 guidance. At this stage there are no other legal observations arising.

Annex 1: Examiner's Proposed Modifications (PM) and Officer Responses

1. References to the emerging new Local Plan for East Devon (PM1 and PM4)

Add wording to acknowledge that there is an emerging new Local Plan for East Devon and that the Parish and District Council will work to seek to ensure that the emerging new Local Plan's policies and the policies of Dalwood Neighbourhood Plan are complementary.

EDDC Officer Comment: Agree. It is helpful to highlight the changing context for the neighbourhood plan and set the intention for the relationship between the plans going forward.

2. References to the latest National Planning Policy Framework July 2021 (PM5, PM10, PM11 and PM14)

The plan as a whole to reference the updated NPPF July 2021 which was issued during the course of the examination.

EDDC Officer Comment: Agree. This will help ensure the plan remains up to date.

3. References to the East Devon Area of Outstanding Natural Beauty (PM2, PM6 and PM8)

Add wording where relevant throughout the plan to acknowledge that the parish of Dalwood lies partially within the East Devon Area of Outstanding Natural Beauty (AONB), and not solely the Blackdown Hills AONB, but also to clarify that the Blackdown Hills AONB policies have been the main point of reference for the neighbourhood plan.

EDDC Officer Comment: Agree. This is required for accuracy.

4. Plan aims and objectives (PM7, PM12 and PM18)

Make minor wording changes to several aims of the plan for clarity and accuracy. Add a new objective, as put forward by the Parish Council, to aim 6 to help create, support and sustain local businesses, to read, "Support the provision of improved connectivity for local businesses and people working from home, through policies and community actions which respond to Aims 12-14".

EDDC Officer Comment: Support the aims and objectives as modified.

5. Policy NE1: Conserving and Enhancing the Natural Beauty of the Parish (PM9)

- Remove the clause, "where there is the opportunity to do so" from part 1(ii) of the policy to confirm that 'development proposals will only be supported where they enhance the natural environment'.
- Modify the first part of criteria 2 from, "Where mitigating measures are unavoidably required for development to be acceptable within its landscape setting...." to, "Where any adverse landscape impact can be suitably mitigated, this must ensure compatibility with local landscape character for development to be acceptable within its landscape setting...."
- Condense and correct the wording of criteria 4 to read, "There is a presumption of conservation of any existing natural features even where they are not afforded specific protection by law. Any removal must be justified in the planning application, and new or replacements must be of suitable locally present native trees, shrubs and hedges.
- Insert an additional criteria (new no. 5) relating to flooding to read, "Proposals for development should not increase flood risk or undermine flood protection/mitigation measures, especially in the Corry Brook corridor, where green infrastructure which will give benefits in terms of flood risk management and protecting water quality will be supported.

- Insert an additional criteria (no. 6) relating to supporting biodiversity to read, “Opportunities to incorporate provision for nesting birds and roosting bats must be considered, and included wherever possible/practical in new developments, to protect and enhance biodiversity. A minimum of one integral bird box designed for swifts shall be incorporated into each new build residential unit, and/or where existing buildings are being altered/extended, an ecologist should be instructed to check for existing nests/roosts of birds or bats. These should be retained where possible or replaced with an integral box, or if not practical, an external box. Wherever possible and practicable, this minimum requirement should be exceeded through other appropriate measures including, but not limited to, external nest cups for house martins and swallows, and internal oxygen “tubes” for bats, at all times in accordance with current legislation for specially protected species.”
- Remove reference to ash in the list of native species that should be used where the appropriate planting is part of mitigation planting/planting schemes in view of the fact that currently ash will not be a sustainable planting choice, given there are no disease tolerant ash on the market.
- Correct reference to Devon County Council highways guidance to ‘Highway Management in Protected Landscapes Guidance’, and add footnote with weblink to same.

EDDC Officer Comment: Agree. This improves clarity of the wording and function of the policy.

6. **Policy NE2: Preserving Tranquillity and Dark Skies (PM10)**

- Add a new sentence to the end of the policy to read, “New development should follow the guidance on lighting contained in the Blackdown Hills AONB Management Plan 2019-24, and its Design Guide for Houses.” and reference this in the corresponding footnote.

EDDC Officer Comment: Agree. This improves clarity of the policy for developers and decision makers.

7. **Built Environment chapter (PM11)**

- Modify the explanatory text relating to the background and reasoning for policies (at paragraph 4.1.1 of the plan to read, as follows:

“Dalwood has several buildings of historic significance, some of which already have national protection through listed building status and others which are present on the Historic Environment Record. Of particular importance to us are: St Peter’s Church (Grade I listed) and the adjacent cottages (Grade II listed), The Tuckers Arms (Grade II listed), Village Hall, Loughwood Meeting House (Grade II*), The Methodist Chapel and The Reading Room (see Figure 7). National planning policy requires assets to be conserved in a manner appropriate to their significance. The table following Figure 7 provides additional information as to the status of the named assets. The green open space of the Jubilee Field, Green river-bank and Corry Bridge and St Peter’s Church Cottages were all raised as significantly important, in historic terms, throughout consultations. Our objective above (4a) therefore reflects the desire to protect them. The Parish Council will work with EDDC to secure the inclusion on the local list of assets which do not have protection in place, but which demonstrably merit protection.”

- **Policy BHE1 Maintaining the Built Character of the Parish through High-Quality Design (PM11)**

- Amend the first sentence of the policy from, “To ensure that new housing development is of high-quality design and sympathetic to the traditional built character of the Parish, proposals will be supported where they.”, to, “All new

- development should achieve high-quality design and be sympathetic to the traditional built character of the Parish. Proposals will be supported where they:"
- Extend the first criteria of the policy from, "take fully into account the Blackdown Hills AONB Design Guide for Houses (March 2012);" to, "in the case of housing development, take fully into account the Blackdown Hills AONB Design Guide for Houses (March 2012) alongside the National Design Guide and the National Model Design Code."
 - Insert the words "for all development" for application of the remaining criteria.
 - Add a new criteria (vii) to read, "are designed to minimise the occurrence of crime, disorder or anti-social behaviour."
- **Policy BHE2 Protecting Locally Valued Heritage Assets (PM11)**
 - Amend the title of the policy to, "Protecting Heritage Assets".
 - Remove reference to figure 7 showing locally valued heritage assets from the policy wording to the supporting text only, and amend policy wording from, "Proposals for development affecting these assets and their settings will only be supported where..." to, "Proposals for development affecting designated and non-designated heritage assets and their settings will only be supported where..."
 - Reverse the ordering of the 2 criteria in the policy and amend the new first criteria from, "where relevant, they have considered fully any additional local evidence documenting local historic sites" to, "they have fully considered the Historic Environment Record (HER) as well as other available local evidence documenting local historic sites.."
 - Amend Community Action 13 (CA13) to add the words, "including to utilise the EDDC Heritage Strategy to proposed non-designated Heritage Assets for inclusion on the EDDC local list" to the existing wording of, "The Parish Council will work in partnership with the community and Devon County Council, East Devon District Council, and other partners to ensure as necessary to protect the sites of local value."

EDDC Officer Comment: Agree with minor tweak to Examiner's proposed wording of additional criteria to Policy BHE1 for grammatical reasons only replacing 'are' with 'to be'. These amendments in combination improve clarity, relevance and application of the text and policies relating to the heritage.

8. Housing and Population chapter (PM13)

- Revise the wording of Policy HP1 (Housing Development in Dalwood), the associated Figure 9, and supporting text in line with that put forward by the Parish Council during the examination. This proposed modification centres on the replacement of the proposed 'Settlement Boundary' for Dalwood Village with a 'Dwelling Downsizing and Annexe Zone' to reduce potential for confusion with the Built Up Area Boundaries (BUABs) used in the adopted Local Plan policy and to increase the level of control over proposals that may be supported. The intention being to allow, in limited circumstances and subject to strict criteria, for,
 - annexes to existing dwellings, within the existing curtilage of a dwellinghouse, which provide additional residential space for family members being cared for, but who wish to retain a degree of independence in their living arrangements, or,
 - 1 or 2 bedroom units, developed on land within the curtilage of an existing dwellinghouse and suitable in their size and design to meet the needs of the existing residents wishing to downsize or to establish a first home to rent or buy.
- Wording to be added to the Plan under PM13 also clarifies that the introduction of the downsizing and annexe zone "does not replace or remove the village's designation as

being in the countryside, as defined in Strategy 7 of the adopted East Devon Local Plan 2013-31”.

EDDC Officer Comment: Agree that these proposed modifications reduce the potential for confusion with BUABs, make the intention of the policy clearer and align the policy better with principles of sustainable development. In combination with the tightly drawn boundary of the zone, this has helped to address concerns raised by EDDC at the Regulation 16 consultation stage, and mitigate the risks identified. Due to the small scale of development that would be envisaged to be supported by the policy and confidence that the approach reflects the wishes of the community, it is considered that this can now be supported.

9. Policy CFS2: Improvements to Existing Community Facilities, Amenities and Assets (PM15)

- Modify the first part of point 1 of the policy from, “Figure 10 identifies the Parish’s valued community assets, facilities and amenities.”, to, “Figure 10 identifies the Parish’s community assets, facilities and amenities valued for protection/retention and/or improvement.”
- Modify the first part of point 2 of the policy from, “Proposals which seek to enhance or improve Dalwood’s existing local community facilities, amenities and assets will be supported where:”, to, “Proposals relating to but not limited to the assets named above which seek to enhance or improve Dalwood’s existing local community facilities, amenities and assets will be supported where:”
- Modify point 3 of the policy from, “Proposers of development should consult with the Parish Council at the earliest opportunity to ensure that proposals meet the aims and objectives of this Plan and take into account the views of the local community”, to read, “Applicants for development will be expected to demonstrate how their proposals meet the aims and objectives of the Neighbourhood Plan and how they have consulted and engaged with the Parish Council, users of the facility, and with the wider community.

EDDC Officer comment: Agree. This aligns to EDDC comments made on the Submission version of the plan and submitted to the examination.

10. Policy CFS3: Loss of Local Community Facilities through Redevelopment or Change of Use (PM15)

- Modify criteria ‘i’ of point 1 of the policy from, “it does not have an adverse impact on the special character of the area’s natural and built environments”, to “they would not have an adverse impact on the special character of the area’s natural and built environments”
- Modify point 2 of the policy to read same as the modified part 3 of Policy CFS2 (above) in respect of pre-application consultation and consideration of the neighbourhood plan.

EDDC Officer comment: Agree. This improves clarity of the policy and furthers EDDC comments made on the Submission version of the plan and submitted to the examination.

11. Transport and Accessibility Chapter (PM16)

- Extend the last sentence on page 55 of the plan (“This Plan’s intent is to recognise the necessity of the motor car and enhance both the intra-support within the Parish whilst continuing to make walking, riding and cycling safer and more appealing”) to read, “This Plan’s intent is to encourage sustainable travel and minimise the use of the car wherever possible, having regard for national planning policy (section 9 of the NPPF) and the East Devon Local Plan (eg. Policy TC2). The adverse effects of increased road traffic – noise, air pollution (causing harm to biodiversity, human health and climate change), road accidents and loss of visual amenity) – could also undermine the tranquillity and beauty of Dalwood within the AONBs. This Plan, nevertheless,

recognises the necessity of the motor car for local people within the Parish, whilst it will continue to make walking, riding and cycling safer and more appealing.”

- Add a new Community Action relating to sustainable transport, that, “The Parish Council will continue to explore sustainable transport schemes and solutions to retain and improve accessibility for residents to local facilities and services, working with partners within the community.”

EDDC Officer comment: Welcome this strengthening of the Plan’s intent in respect of sustainability.

12. Policy TA2: Rights of Way (Public Footpaths and Bridleways) (PM17)

- Insert a requirement when proposals for development affecting rights of way can be supported, to make this, “Subject to compliance with all other relevant policies” in the Plan;
- Make the relationship between all 3 criteria of the policy for assessing proposals affecting Public Rights of Way ‘and/or’;
- Add wording to the 3rd criteria of the policy to make it explicit that proposals for or affecting rights of way should “include measures designed to” ‘prevent motorised vehicles (except those specifically designed for the disabled) illegally using designated footpaths, bridleways and cycleways (where established).’

EDDC Officer comment: Agree. This improves clarity and application of the policy.

13. Policy EE1: Superfast Connectivity (PM19)

- Add an additional sentence to the policy wording to state, “Where practicable, all new residential, educational and business premises will be required to make provision for the latest high-speed broadband and other communication networks.”

EDDC Officer comment: Agree. This improves clarity of the expectation and aligns to EDDC comments made on the Submission version of the plan.

14. Policy EE2: Farming (New Development Proposals) (PM20)

- Add two additional criteria at the start and end of the policy respectively to require proposals to demonstrate how they will, “meet an agricultural need and be commensurate in size with the intended future use” and “include minimal new lighting, and comply with Policy NE2: Preserving Tranquillity and Dark Skies”.

EDDC Officer comment: Agree. This improves clarity of the expectation and aligns to EDDC comments made on the Submission version of the plan.

15. Policy ELC1: Renewable and Low Carbon Energy Schemes (PM21)

- Add, “heritage assets (including their settings and any archaeology needs)” to the list of factors in point 1 of the policy that renewable and low carbon energy schemes would need to demonstrate that they have ‘no adverse impact on’ in order to be supported.
- Modify the supporting text to ensure the ‘Devon Landscape Policy Advice Group’ is correctly titled.

EDDC Officer comment: Agree. This improves accuracy and responds to comments made by EDDC on the Submission Version of the plan.

16. Amendments to Figures (PM3, PM10 and PM17)

- Amalgamate figures 2a and 2b to show the location and key features of the parish of Dalwood / Dalwood Neighbourhood Plan Area into a single map (Figure 2), entitled, “Dalwood Neighbourhood Plan Area”.
- Modify Figure 7 to retitle it, “Heritage Assets Most Valued by the Local Community”, amend the key so that it is clear which assets are listed, add arrows to the map so that the location of individual assets is clearer, and insert a table provided by the Parish Council during the examination after Figure 7 to set out information on the ‘Status of Local Heritage Assets’ shown.
- Replace the map on page 58 (Figure 11) with the updated map provided to the examiner by East Devon District Council on 7 October 2021, entitled ‘Dalwood Map – Oct 2021 – PROW’ which takes account of comments made at the Regulation 16 consultation by Devon Countryside Access Forum and East Devon District Council.

EDDC Officer comment: Agree. This improves clarity and responds to comments made on the Submission Version of the plan.

Annex 2 Dalwood Parish Neighbourhood Development Plan Policies (incorporating Examiner's Proposed Modifications)

1. Policy NE1 Conserving and Enhancing the Natural Beauty of the Parish

1. Development proposals will only be supported where:
 - i. the development does not result in adverse impacts on the natural environment (landscape and biodiversity); and,
 - ii. they enhance the natural environment.
2. Where any adverse landscape impact can be suitably mitigated, this must ensure compatibility with local landscape character. Such measures should include the use of locally present native species of trees, shrubs and hedges.
3. Proposals for development which unavoidably affect traditional Devon hedges will only be supported where they have demonstrated no harm to the hedgerow/bank, setting in the landscape, biodiversity, and habitats.
4. There is a presumption of conservation of any existing natural features even where they are not afforded specific protection by law. Any removal must be justified in the planning application, and new or replacements must be of suitable locally present native trees, shrubs and hedges.
5. Proposals for development should not increase flood risk or undermine flood protection/mitigation measures, especially in the Corry Brook corridor, where green infrastructure which will give benefits in terms of flood risk management and protecting water quality will be supported.
6. Opportunities to incorporate provision for nesting birds and roosting bats must be considered, and included wherever possible/practical in new developments, to protect and enhance biodiversity. A minimum of one integral bird box designed for swifts shall be incorporated into each new build residential unit, and/or where existing buildings are being altered/extended, an ecologist should be instructed to check for existing nests/ roosts of birds or bats. These should be retained where possible or replaced with an integral box, or if not practical, an external box. Wherever possible and practicable, this minimum requirement should be exceeded through other appropriate measures including, but not limited to, external nest cups for house martins and swallows, and internal oxygen "tubes" for bats, at all times in accordance with current legislation for specially protected species.
7. For the avoidance of doubt, in this context, the definition of "development" includes changes to access to the highway where planning permission is required and in such cases the Devon County Council Highway Management in Protected Landscapes Guidance should be applied.

2. Policy NE2 Preserving Tranquillity and Dark Skies

To ensure that the tranquillity of the Parish and dark skies are maintained, development will only be supported where it demonstrates that it:

- i. will not adversely impact on the tranquillity of the Parish through increasing levels and extent of noise; and,
- ii. will not adversely impact, through light pollution (during any part of the year), on valued dark skies observable from the Parish.

New development should follow the guidance on lighting contained in the Blackdown Hills AONB Management Plan 2019-24, and its Design Guide for Houses.

3. Policy BHE1 Maintaining the Built Character of the Parish through High-Quality Design

All new development should achieve high-quality design and be sympathetic to the traditional built character of the Parish. Proposals will be supported where they:

- i. in the case of housing development, take fully into account the Blackdown Hills AONB Design Guide for Houses (March 2012) alongside the National Design Guide and the national Model Design Code.
- And, for all development:
- ii. ensure that the size, scale and location of the development is appropriate to the form, scale and setting of the existing built environment;
 - iii. ensure that materials and design of the development are in-keeping with the character of the existing built environment;
 - iv. ensure that it is designed in such a way that it minimises the impact on the visual amenity of the surrounding landscape, on views of the proposed development and on the natural environment;
 - v. ensure adequate covered and secure external storage for recycling and waste disposal bins;
 - vi. include the use of appropriate sustainable drainage systems (SuDS) and other measures to reduce surface water run-off; and,
 - vii. are designed to minimise the occurrence of crime, disorder or anti-social behaviour.

4. Policy BHE2 Protecting Heritage Assets

Proposals for development affecting designated and non-designated heritage assets and their settings will only be supported where they demonstrate, as part of the planning application, that:

- i. they have fully considered the Historic Environment Record (HER) as well as other available local evidence documenting local historic sites; and
- ii. they will not have an adverse impact on these assets or their settings.

5. Policy HP1 Housing Development in Dalwood

1. Proposals for housing developments in the Zone shown in Figure 9 will be supported where they are for:

- i. annexes to existing dwellings, within the existing curtilage of a dwellinghouse, which provide additional residential space for family members being cared for, but who wish to retain a degree of independence in their living arrangements, or,
- ii. 1 or 2 bedroom units developed on land within the curtilage of an existing dwellinghouse and suitable in their size and design to meet the needs of the existing residents wishing to downsize or to establish a first home to rent or buy.

2. Proposals will be supported within the Zone where:

- i. development is of a scale, density massing and appearance in keeping with surrounding properties and the character of the village and consistent frontage is maintained;
- ii. sufficient garden depth and area is retained within the curtilage of existing dwellings, commensurate with their size and character, where relevant;

- iii. with regard to annexes, the proposal does not introduce a separate access to the existing dwelling and the remaining garden is shared;
- iv. they demonstrate how they have taken into account the criteria of Policy BHE1, where relevant;
- v. local amenity (including issues of overlooking, daylight and sunlight, outlook or noise disturbance) is not adversely impacted, and the privacy of occupiers of dwellings is maintained;
- vi. the impact of the development on garden habitats and biodiversity has been considered and kept to a minimum;
- vii. access and egress arrangements do not compromise road safety for pedestrians and vehicle users; and
- viii. provision for off-street vehicle parking meets current adopted parking standards and exceeds them where feasible. There should be a minimum of one parking space for 1 bedroom properties, and a minimum of two spaces for 2 bedroom properties.

6. Policy CFS1 New Retail and Commercial Development in Dalwood Village

Proposals for new retail and commercial facilities, extensions and/or alterations to existing facilities to serve the local community will be supported on sites within or adjoining the Dalwood Settlement Boundary provided that:

- i. they can be provided (preferably) through the conversion or extension of an existing building, or if that is not viable or feasible, the development of a new building, without having a significant adverse impact on the special character of the area's natural and built environments;
- ii. they are small-scale, in-keeping with the density and massing of neighbouring buildings and with the built character of the village;
- iii. the proposal will be well related to the built form of the settlement and close to existing development;
- iv. the site is accessible by a variety of types of transport, including walking and cycling and the amount of traffic generated by the proposal could be accommodated on the local highway network without harming road safety;
- v. the proposal would not be detrimental to the amenity of neighbouring residents by reason of undue noise or traffic; and,
- vi. the proposal demonstrates that it will have a beneficial impact on existing community services and / or the local retail /commercial offer, complementing existing provision of a similar nature or filling a gap in demand / need.

7. Policy CFS2 Improvements to Existing Local Community Facilities, Amenities and Assets

- 1. Figure 10 identifies the Parish's community assets, facilities and amenities valued for protection/retention and /or improvement. They are:
 - i. Community Shop and Post Office;
 - ii. The Tuckers Arms;
 - iii. St. Peter's Church;
 - iv. The Methodist Chapel;
 - v. The Folly Nursery;
 - vi. The Village Hall and car park;
 - vii. The Jubilee Pavilion and Field; and,
 - viii. The Reading Room.

2. Proposals relating to but not limited to the assets named above which seek to enhance or improve Dalwood's existing local community facilities, amenities and assets will be supported where:
 - i. there is a demonstrable need for them.
 - ii. they do not have an adverse impact on the special character of the area's natural and built environments.
 - iii. there are no adverse impacts on the amenity of residents or neighbouring uses.
3. Applicants for development will be expected to demonstrate how their proposals meet the aims and objectives of the Neighbourhood Plan and how they have consulted and engaged with the Parish Council, users of the facility, and with the wider community.

8. Policy CFS3 Loss of Local Community Facilities through Redevelopment or Change of Use

1. Proposals for the change of use or development of locally valued community assets defined in Policy CFS2 will only be supported if:
 - i. they would not have an adverse impact on the special character of the area's natural and built environments;
AND,
 - ii. there is no other reasonable prospect of viable continued use of the existing building or facility which will benefit the local community and it has been professionally marketed at a market price for at least two years and no proceedable buyer has been found; or,
 - iii. it will not result in the net loss of a community facility where need and demand for that facility and/or an alternative community use has been evidenced.
2. Applicants for development will be expected to demonstrate how their proposals meet the aims and objectives of the Neighbourhood Plan and how they have consulted and engaged with the Parish Council, users of the facility, and with the wider community.

9. Policy TA1 Off Road Parking

Proposals to provide additional off-road parking will be supported where they do not have an adverse impact on:

- i the character of the local built environment;
- ii the quality of the surrounding natural environment; and,
- iii highway safety.

10. Policy TA2 Rights of Way (Public Footpaths and Bridleways)

The improvement and enhancement of public rights of way will be supported. Subject to compliance with all other relevant policies in this Plan, proposals for development of or affecting public rights of way will be supported where:

- i. they promote, protect, maintain and enhance the existing local footpath and bridleway network for use on foot, bicycle or horseback; and/or
- ii. they improve and enhance the existing network through the provision of new or extended routes; and/or
- iii. they include measures designed to prevent motorised vehicles (except those specifically designed for the disabled) illegally using designated footpaths, bridleways and cycleways (where established).

11. Policy EE1 Superfast Connectivity

The development of a superfast broadband infrastructure to serve the Parish will be supported where it is sensitively sited and sympathetically designed. Where practicable, all new residential, educational and business premises will be required to make provision for the latest high-speed broadband and other communication networks.

12. Policy EE2 Farming (New Development Proposals)

Proposals for new agricultural development requiring planning permission will be expected to demonstrate how they will:

- i. meet an agricultural need and be commensurate in size with the intended future use;
- ii. protect and / or enhance historic farming or landscape features and the rural characteristics of the surrounding area;
- iii. protect or reinforce the natural beauty, bio-diversity and special character of the AONB landscape; and
- iv. include minimal new lighting, and comply with Policy NE2: Preserving Tranquillity and Dark Skies.

13. Policy ELC1 Renewable and Low Carbon Energy Schemes

1. Renewable and low carbon energy schemes will be supported at a scale appropriate to those defined in Figure 12 and where they are sensitively sited, and demonstrate that they have no adverse impact on enjoyment of the natural and built environment nor on the quality of Dalwood's and the Area of Outstanding Natural Beauty's landscape, biodiversity, wildlife habitats, heritage assets (including their settings and any archaeological needs) and neighbouring amenity. These will principally be at the small and medium scale depending on the need to minimise impact on the landscape.
2. Renewable energy and low carbon scheme proposals should demonstrate that they would have no adverse impact on water supply and water quality, such as fish pass (Hydro-electric power- HEP), flood flow (solar panels / HEP) and ground water quality (wind turbines), and should provide a net gain for biodiversity.
3. Where appropriate, landscaping should be used to mitigate the impact on the landscape.
4. In addition to other policies in this Plan, proposals should take into account the advice given in the "Renewable Energy in the Blackdown Hills Report,' 2010 and the most up-to-date landscape policy advice produced by the Devon Landscape Policy Group, or equivalent.
5. Planning applications for smaller wind turbines will be assessed in terms of visual intrusion and the appropriateness of the site and must be accompanied by site-specific measured wind speed data and not solely the AONB (estimated) database.
6. Proposals for large-scale renewable and low carbon energy generating plants and fossil-fuel based energy generating plants will not be supported.

ENDS



Report to: Cabinet

Date of Meeting 1 December 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Honiton Community Governance Review Petition

Report summary:

Cabinet considered a report on the Honiton Community Governance Review Petition at its 3rd November 2021 meeting. The recommendation was to progress a review having first obtained and considered the views of both Honiton Town Council and Gittisham Parish Council. This report provides an update and enables Cabinet to further consider the matter in light of correspondence received.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

1. Cabinet considers the representations from Gittisham Parish Council and Honiton Town Council and decides whether to revise its previous recommendation to Council.

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](#)

[Cabinet 3rd November 2021](#)

[Gittisham Parish Council 4th November 2021](#)

[Honiton Town Council 8th November 2021](#)

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. Background

- 1.1 Cabinet received a report at its 3rd November 2021 meeting in relation to the Community Governance Review Petition that had been received. The report also identified various anomalies in the boundaries around the western end of Honiton. The Cabinet resolved;

RECOMMENDED to Council;

1. That, subject to receiving the views of Honiton Town Council and Gittisham Town Council, the Council undertake a Community Governance Review of the Gittisham Parish / Honiton Town Council boundaries 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

- 1.2 Since that meeting the Council has been provided with updates from both Gittisham Parish Council and Honiton Town Council.

- 1.3 Members are invited to review their recommendation in light of the comments below.

2. Gittisham Parish Council

- 2.1 Gittisham Parish Council considered the matter at its meeting of 4th November 2021 and the minutes for that meeting are in the background links.

- 2.2 Gittisham Parish Council formerly wrote to the Council on 10th November 2021 saying;

[The Parish Council] have asked as a matter of urgency for any decision on whether a review takes place to be postponed until next year, until a comprehensive consultation can be carried out.

1. *The failure to identify the need to consult GPC and HTC is incredulous given the consequences that might arise following a review of Parish/Town Council boundaries.*
2. *The report was initiated as a result of understandable concerns over Ward boundaries but has been escalated to promoting a Community Governance Review addressing the Parish/Town Council boundaries. The justification for this escalation at para 3.1 of the report is misleading in that the informal approach referred to was the need for a discussion about the balance of Councillors representing the 3 distinct residential areas (Vale, Hayne and village) and the employment land LP allocation. There was no reference to reviewing the Parish/Town Council boundaries.*
3. *There are 2 assumptions in para 3.8 and 3.10 to the effect that Gittisham Vale and Hayne Farm to the effect that these areas are likely to be seen as part of Honiton. Whilst this may be a geographical observation it does not reflect the views of the residents. There is no evidence presented to justify these assumptions.*
4. *The report presents no financial implications. To enable proper consideration of the appropriateness of a CGR there should have been some reference to the financial consequences of possible boundary changes. The consequences for GPC are far reaching and would have a detrimental financial effect for residents of the Vale and Hayne Farm.*
5. *The officers' recommendation at 3.11 has a degree of logic but the Cabinet referral to Council promotes the commencement of a CGR. This is premature given the total lack of consultation with both Gittisham and Honiton Town Councils and with those residents that would be directly affected by any boundary change.*
6. *Gittisham PC presented some initial comments prior to the Cabinet Meeting but these were not reported at the Cabinet Meeting. Given the extraordinary lack of any consultation prior to this report being presented to Cabinet, the failure to report the GPC preliminary comments to the Cabinet is a further area of concern.*
7. *GPC considers that there is a strong case for this report to be withdrawn from further consideration and should this not be possible, that the report should be deferred to a date later in 2022 to enable proper consideration and consultation with all those that would be affected by any boundary changes.*
8. *In the meantime, it might be pertinent to resolve the Ward boundaries.*

3. Honiton Town Council

- 3.1 Honiton Town Council considered the matter at their 8th November 2021 meeting, the agenda is in the background links but at the time of writing the minutes were not available. The agenda contained the following;
 15. *Community Governance Review and Boundary Review Council is asked to NOTE the report to EDDC Cabinet 3 November 2021 and RESOLVE to make any comments to EDDC at this stage.*
- 3.2 It is understood that Honiton Town Council did resolve in accordance with the above and the views are being sought to enable a formal response to be provided.
- 3.3 While the minutes of the meeting are not yet on line, the Clerk has reported that the following comment was made;

'Should Old Elm Road be opened up as part of the boundary review? One of the reasons given originally for its closure was the narrow railway bridge but this has been deemed acceptable for the Hayne Lane development.'

3.4 In addition the Clerk received one comment from a Honiton Town Council councillor which is set out below;

"I am in agreement that a boundary review should be undertaken between the parishes of Honiton and Gittisham, with the view of at the very least aligning town council boundaries with current District ward boundaries as set by the Boundary Commission. It is clear to me that the boundaries are archaic, following geographic and historical markers (a stream for example) as opposed to congruent neighbourhood boundaries. It has also been made clear to me through conversations on the doorsteps during my work as a Councillor and political candidate that there is interest in starting a Boundary CGR.

Therefore, I believe a boundary review should be taken on the 3 following points:

- Changing the parish boundaries between Honiton and Gittisham to incorporate the Gittisham Vale ward (and even possibly extra areas earmarked for development in the Cabinet report 8.11.21) into the Honiton Town Council area.*
- Changing the interior ward boundaries of Honiton town to better balance the populations of the wards, or even creating a new ward/wards to allow this to happen. This will allow for more proportionate representation across the town, considering the St. Paul's ward houses approximately 38% of the population but has 45% of Town Council seats. I am particularly mindful of the proposal suggested by Cllr Coombes for a St. Margaret's ward encompassing everything west of Sidmouth Road.*
- Changing the number of Honiton Town Councillors per ward to allow for a proportionate level of representation by population, and in doing so increasing the number of councillors to 21 (or another, odd number) to allow for a better balance of workload across Councillors in light of an increasingly large work programme.*

I note the precept change has been mentioned by Councillors in Gittisham. However, at current levels, the change in price for the precept would represent about 1 and a half cups of coffee from a chain store per month, in an area with higher retirement rates than much of the town.

It is also pertinent to look at the Hayne Lane development taking place. It is very important to note that, even though many people who live on this estate may recognise themselves to live in Honiton, not Gittisham, and all the services they would use on a daily basis would most likely be in Honiton, they are still outside our boundaries. This is also unfair on our infrastructure, meaning that S106 and CIL monies are directed away from the estate's adjoining town and away from the services that provide for them.

I am not at all worried about the short timescales involved. Although I would have wished for better communication from the District to the Town Councils about this agenda item, I feel that the timescales being discussed for a CGR are appropriate considering there is a 3-month window within the process itself to allow for public consultation. The start of a CGR process does not necessarily mean it will actually happen.

Therefore, I support a boundary review under the proposed timescale in line with the Colyford CGR, under the above remits and premises."

3.5 Together the above forms Honiton Town Council's response.

4. Conclusion

4.1 Members are asked to consider the comments above and determine whether they would like to review their recommendation to Council or whether the recommendation of progressing a Community Governance Review should remain.

4.2 Depending on discussion, it may be necessary to review the Terms of Reference and more particularly the timetable set out therein.

Financial implications:

The finance comment from the November report still stands should members wish to progress with the review in that Cabinet would be required to recommend to Council a budget of £5k.

Legal implications:

The legal implications are detailed in the previous report to Cabinet in November 2021 (background links) and the report does not raise any further implications requiring comment.