

**Agenda for Cabinet
Wednesday, 5th May, 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
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ
DX 48808 HONITON
Tel: 01404 515616

Venue: Online via the Zoom app.

Contact: Amanda Coombes, Democratic Services
Officer 01395 517543 or email
acoombes@eastdevon.gov.uk

www.eastdevon.gov.uk

(or group number 01395 517546)
Friday, 30 April 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/UCmNHQruge3LVI4hcgRnbwBw>

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

- 1 Public speaking
Information on [public speaking is available online](#)
- 2 Minutes of the previous meeting (Pages 4 - 14)
- 3 Apologies
- 4 Declarations of interest
Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)
- 5 Matters of urgency
Information on [matters of urgency](#) is available online
- 6 Confidential/exempt item(s)

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

- 7 Forward Plan (Pages 15 - 16)
- 8 Minutes of Exmouth Queen's Drive Delivery Group held on 11 March 2021 (Pages 17 - 24)
- 9 Minutes of Poverty Working Panel held on 15 March 2021 (Pages 25 - 29)
- 10 Minutes of LED Monitoring Forum held on 30 March 2021 (Pages 30 - 33)
- 11 Minutes of Strategic Planning Committee held on 30 March 2021 (Pages 34 - 41)
- 12 Minutes of Housing Task and Finish Forum held on 31 March 2021 (Pages 42 - 47)
- 13 Minutes of Scrutiny Committee held on 8 April 2021 (Pages 48 - 53)

Matters for Decision

- 14 **Cranbrook Strategic Delivery Board** (Pages 54 - 60)

This report puts forward updated terms of reference for the Cranbrook Strategic Delivery Board including with regard to member representation.

- 15 **Additional Restrictions Grant** (Pages 61 - 70)

- 16 **LED financial settlement 2021/22** (Pages 71 - 76)

LED has been severely impacted by the Covid-19 pandemic with interruptions to its business since the introduction of lockdown restrictions in April 2020. This as a consequence has had a significant impact on income generation and the Council agreed in 2020/21 to a support package of £1,339,000 to ensure LED remained financially solvent. This report outlines further measures required for 2021/22 as the leisure industry emerges from lockdown restrictions to ensure that is able to “bounce back” and recover lost income and membership numbers.

- 17 **Exemption to Contract Standing Orders - One Public Estate, Stage One study, Thriving Towns - East Devon Mini Programme** (Pages 77 - 82)

The Council has the opportunity to access central government funding in order to progress the One Public Estate (OPE) initiative for East Devon.

The Thriving Towns East Devon Study will represent a ‘pilot’ project under a Devon & Torbay OPE Partnership theme of “promoting economic growth in a post –Covid-19 environment” and “regeneration of market and coastal towns across the County” which is an emerging theme in the OPE Partnership’s Programme Refresh.

- 18 **Exemption to Contract Standing Orders - Levelling Up Fund** (Pages 83 - 87)

The purpose of this report is to notify Cabinet of the use of an Exemption from Contract Standing Orders to enable the appointment of consultants Avison Young to support the development of an application to the Levelling Up Fund.

19 **Exemption to Contract Standing Orders - Place & Prosperity Surveyor**
(Pages 88 - 93)

20 **Exemption to Contract Standing Orders - Queen's Drive, Exmouth Former Overflow Car Park Restoration** (Pages 94 - 99)

The purpose of this report is to notify Cabinet of the use of an Exemption to Contract Standing Order to enable the procurement of Works to restore the former car park at Queen's Drive, Exmouth to a grassed open space in order to reduce the project timeframe and allow the potential opening of the site to the public for the summer 2021 season.

[Decision making and equalities](#)

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

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Cabinet held at Online via the Zoom app. on 31 March 2021****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 9.11 pm

357 Public speaking

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

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

358 Minutes of the previous meeting

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

359 Declarations of interest

Min 357. Public speaking.

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

Min 370. Sidmouth and East Beach BMP.

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

Min 371. Exmouth Beach Management Scheme.

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

Min 371. Exmouth Beach Management Scheme.

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

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

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

Min 379. Exmouth Sideshore car park.

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

Min 381. Restart Grants.

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

360 **Matters of urgency**

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

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

None

362 **Forward Plan**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Discussions included the following:

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

RESOLVED:

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

REASON:

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

370 **Sidmouth and East Beach BMP**

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

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

RESOLVED that Cabinet;

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

RECOMMENDED to Council;

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

REASON:

The Advisory Group were polled on the following:

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

The poll outcome was as follows

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

371 **Exmouth Beach Management Scheme**

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

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

Discussions included the following:

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

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

RESOLVED:

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

RECOMMENDED to Council:

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

REASON:

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

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

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

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

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

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

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

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

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

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

RESOLVED:

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

REASON:

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

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

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

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

Discussions included the following:

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

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

RESOLVED:

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

REASON:

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

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

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

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

Discussions included the following:

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

RECOMMENDED to Council:

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

REASON:

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

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

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

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

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

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

RECOMMENDED to Council:

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

REASON:

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

376 **Levelling Up Fund**

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

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

Discussions included the following:

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

RESOLVED:

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

RECOMMENDED to Council:

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

REASON:

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

377 The Future of New Homes Bonus Consultation

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

RESOLVED:

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

REASON:

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

378 Mobile phone tariff payments in car parks

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

RECOMMENDED to Council:

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

REASON:

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

379 **Exmouth Sideshore car park**

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

Discussions included the following:

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

RECOMMENDED to Council:

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

REASON:

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

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

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

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

RESOLVED:

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

REASON:

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

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

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

381 **Restart Grants**

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

RESOLVED:

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

REASON:

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

Attendance List

Present:

Portfolio Holders

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

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

Also present (for some or all the meeting)

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

Also present:

Officers:

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

Chair

Date:

EAST DEVON DISTRICT COUNCIL

Forward Plan of Key Decisions - For the 4 month period: 1 May 2021 to 31 August 2021

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

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

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

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

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

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

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

Obtaining documents

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

Key Decision	Portfolio (Lead Officer)	Documents to be considered before Cabinet take decision	Whether other documents will be considered before decision taken [Y/N]	Other meetings where matter is to be debated / considered	Date of Cabinet meeting	Part A = Public meeting Part B = private meeting [with reasons]
Play Strategy	Coast, Country and Environment (Andrew Hancock)		Y		June 2021	Part A

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

April 2021

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

Exmouth Queen's Drive Delivery Group held on 11 March 2021

Minute 31 Car park site to rear of former lifeboat station - verbal update

that Cabinet approve to continue with the use of the land as car parking, with delegated authority being given to the Service Lead – Place, Asset and Commercialisation in consultation with the Portfolio Holder for Economy and Assets and the Chair of the Exmouth Queens Drive Delivery Group to submit an appropriate planning application in this regard.

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Exmouth Queen's Drive Delivery Group held Online via the Zoom app on 11 March 2021

Attendance list at end of document

The meeting started at 10.00 am and ended at 12.35 pm

24 Welcome from the Chair

The Chair welcomed those participating and those watching via the live stream. Councillor Arnott had been the Chair of the Group, however, Councillor Nick Hookway had recently been invited to become the Portfolio Holder for Culture, Tourism, Leisure and Sport at EDDC, and it felt fitting that he become Chair of the Group. This had been agreed at the February full Council meeting. Councillor Arnott was pleased to hand over to Councillor Hookway to chair the meeting and Group, which continued to make considerable progress for both residents and visitors. He thanked all the officers for all their work and gave particular thanks to the Service Lead – Place, Asset and Commercialisation and the Events Officer.

Councillor Hookway stated that he was delighted to become Chair of the Group, which was at the heart of changes to Exmouth and would continue to welcome views of local residents as plans in the area were progressed. He went on to welcome those participating and watching via the live stream.

25 Public speaking

There was one member of the public registered to speak. Geoff Skinner was the Chair of the Exmouth Community Association. He welcomed the new Chair of the Group, Councillor Hookway, and thanked Councillor Arnott for all he had achieved so far. He stated that he was disappointed with the Government's budget and that levelling up funding did not appear to be available. He would be lobbying to close the shared pavement as it he felt that it should be for pedestrian use only, particularly around the pinch point by the arcade. He asked for confirmation that additional car parking would be provided once the arcade had closed.

26 Minutes of the previous meeting held on 25 January 2021

The minutes of the previous meeting held on 25 January 2021 were confirmed as a true record.

It was requested that the cycle path in front of Side Shore water sports centre be added as an agenda item to a subsequent Delivery Group meeting. There was concern it was potentially dangerous as people walked directly onto the cycle path carrying hot takeaway food and drinks. It was noted that this matter would also involve Devon County Council.

27 Declarations of interest

Declarations of interest.

Councillor Aurora Bailey, Personal, Exmouth Town Councillor.

Declarations of interest.

Councillor Bruce De Saram, Personal, Exmouth Town Councillor and had met Adrian Toole in the past.

Declarations of interest.

Councillor Chris Wright, Personal, former tenant of the Queen's Drive site.

Declarations of interest.

Councillor Joe Whibley, Personal, Exmouth Town Councillor.

Declarations of interest.

Councillor Nick Hookway, Personal, He was involved with the Save Exmouth Seafront campaign prior to being elected to the district council in 2019 and he had met Adrian Toole in the past.

Declarations of interest.

Councillor Olly Davey, Personal, Exmouth Town Councillor, member of Transition Exmouth and had known Adrian Toole for a number of years.

Declarations of interest.

Councillor Steve Gazzard, Personal, Exmouth Town Councillor, trustee of Exmouth Museum and he knew Adrian Toole.

28

Presentation by Exmouth Beach Volleyball Club

The Chair welcomed Mark Myerson to present on behalf of Exmouth Beach Volleyball Club. Mr Myerson thanked the Chair for the invitation to attend the meeting.

He stated that he had great ambitions for the both the Exmouth Beach Volleyball Club and sport in Exmouth. Beach volleyball had been played in Exmouth since the 1980s, with tournaments starting in 1994 and permanent nets on the beach from 2007-2014. The club had about 20-30 players per session during the summer season.

Mr Myerson explained the current problems for the club. The beach levels were reducing, with low sand levels and sticks and other debris being exposed. The temporary nets that were used had to be stored and brought to the beach and set up for every session, which restricted who could use them. For a permanent court area, clean level sand was necessary. If the club had a site it would allow more regular playing opportunities and free up space on the beach. The pitch and nets could also be used for beach tennis, badminton, netball, foot-volly, beach football and beach rugby. The benefits of this would be wider than the club itself – engaging local people of all ages in sport and well-being and attracting players to the region for tournaments, who would require overnight stays and use the local hospitality. It was noted that Exmouth was one of only two beach volleyball teams in Devon.

The advantages of the site that the club wished to locate to was that the area was flat and somewhat sheltered. It was near to key facilities such as parking and toilets, it was surrounded by refreshments and was opposite the outdoor sports area. Equipment for hire could be kept at Side Shore. The space could hold 3 courts and other potential activities on the same area, for use by the public.

The Group noted that the area could be adapted for different sports. A decision had already been made to grass over the area. The vision for the area was to create a public

area for various traders to be hiring the space. If a volleyball court was fenced off this could potentially be exclusive and prevent public accessibility and availability. There was some concern that if the whole site was used for volleyball courts/sports area it could defeat the objective of the space being available for public attractions. The area also needed to provide a financial return for EDDC.

On behalf of the Group the Chair thanked Mr Myerson for his interesting presentation.

29 **Presentation from Transition Exmouth**

Adrian Toole, from Transition Exmouth was welcomed to the meeting and gave the Group a presentation on the proposal for an interpretation centre. Transition Exmouth felt that there was a clear need in Exmouth to expand on the traditional concept of a visitor centre by explaining through a 21st century experience, the place of Exmouth in the world. The proposal was being made in the context of fulfilling the Exmouth Neighbourhood Plan. Community action NEA7 in the Neighbourhood Plan stated: 'For the Neighbourhood Plan to support organisations in assessing the need, viability and most effective siting of an Interpretation Information Centre and ask the EDDC Countryside Team and relevant voluntary bodies to address the need for a more comprehensive approach to environmental education/public awareness. Responsibility: DCC, EDDC, ETC'.

An interpretation centre was defined as an institution for the dissemination of knowledge of natural or cultural heritage. Interpretation centres were a kind of new-style museum, often associated with visitor centres or eco-museums, and located in connection to cultural, historic or natural sites.

It was proposed that the operation of the interpretation centre would rely largely on information technology. It was envisaged that the physical exhibition area would be relatively modest and could be combined in location and for staffing purposes with a visitor centre. Through the use of IT the interpretation centre would have an existence outside of the walls of the building. Through the use of QR codes users could bring up a fuller story on a suitable display device outside the interpretation centre, at any time. Consoles could be installed in locations around the town and the online presence would make them more accessible anywhere in the town, or the world. This offered a contemporary way of telling Exmouth's great story. Transition Exmouth's proposal acknowledged that further research was needed and it hoped that it could be moved forward by EDDC.

Members agreed that an interpretation centre was a very interesting concept that had been put forward many years ago and should be explored further. There was a great deal of heritage in Exmouth, it was on the Exe Estuary and was the gateway to the Jurassic Coast, a World Heritage Site. A scoping study was vital. An interpretation centre must be economically viable in the long term. It was suggested that the Coastal Communities Fund be investigated.

On behalf of the Group the Chair thanked Adrian for his interesting presentation.

30 **Temporary uses update**

The Events Officer updated the Group on work with three event organisers who had expressed an interest in hiring the Queen's Drive Event Space for the forthcoming season. The three companies were proposing to operate together, sharing the space. Work would be undertaken on creating entrance and exit accesses to enable social distancing.

Initial contact had been made with the five traders (four plus bar) to provide an update. Following Cabinet, the proposed heads of term would be run through with them and details agreed for the next season, before instructing legal services to formalise. One trader did not want to renew and the opportunity would be marketed with the Estates Team. The renewal of furniture at Queens Drive Space (QDS) was underway, along with the boardwalk (within previously agreed budget). The Events Officer reported that in accordance with Government Covid guidance the earliest date QDS would be opened with seating was 12 April 2021.

Concern was expressed over the QDS opening date of 12 April. This meant that traders would miss out on the Easter holiday. It was asked whether traders could open sooner without the furniture being in place. Officers replied that there were a number of issues to consider including the replacement of the furniture/fencing off of the area, government social distancing guidelines, the licenses and legal paperwork necessary before the traders could commence operating, and how the area, which was in the Council's control could be managed to ensure covid compliance.

Once there was a clearer indication on timescales officers would work on marketing details for the QDS former car park. Advice had indicated that one operator should manage and 'sublet' the space.

31 **Car park site to rear of former lifeboat station - verbal update**

The Service Lead – Place, Asset and Commercialisation advised the Group that the temporary planning consent for the car park site to the rear of the former lifeboat station would expire in mid-June 2021. Gross income for the car park was circa £7,000 per annum, with around 4,000 transactions. The car park produced a profit of circa £3,500 per annum.

Members were asked whether or not they wished officers to seek to renew the temporary planning consent. The Group agreed that until an alternative use for the site which generated more revenue was identified, it should remain as car park site. It was suggested that the site could be used for an interpretation centre as it was in a busy area of the seafront.

RECOMMENDED: that Cabinet approve to continue with the use of the land as car parking, with delegated authority being given to the Service Lead – Place, Asset and Commercialisation in consultation with the Portfolio Holder for Economy and Assets and the Chair of the Exmouth Queens Drive Delivery Group to submit an appropriate planning application in this regard.

32 **Resourcing**

The Queen's Drive Delivery Group had previously debated for two posts to be appointed on fixed term contracts to focus on property and place interventions in Exmouth generally. This would include Queen's Drive, which would take priority and it was envisaged that it would consume 50% of the resource which would include a Development Project Surveyor and an Engagement Officer. On 3 March 2021 Cabinet agreed the recommendation that up to £200,000 be made available from the Business Rates Pilot Reserve for a Development Surveyor and an Engagement / Project Officer for a term of 2 years, dedicated to moving forward a suite of place & prosperity based projects in Exmouth and to include Queen's Drive.

Once approvals were in place, job descriptions and person specifications would be finalised and recruitment would commence. To inform this work, the Service Lead – Place, Assets and Commercialisation sought guidance from the Queen's Drive Delivery Group on:

1. The roles are about Place & Prosperity interventions, capitalising on the breadth of Council assets and linked to supporting economic recovery through direct interventions. What are the initial identified key opportunities/ untapped potential for Place & Prosperity based interventions in Exmouth?
2. How much reliance is to be placed on previous consultation and visioning work? Thoughts on further consultation and visioning work needed.
3. The funding for resource is for a maximum of 2 years. What will success look like after 6 months, 1 year and 2 years of those posts being filled? In some instances this will be about direct delivery, but in other instances will be about identifying projects and developing into credible business cases to secure 3d party engagement and / or funding including from Government.

Subsequent discussion included:

- The outcomes the Group were looking for would guide the skill set, capacity and timing of the posts.
- The roles should be commercially viable and sustainable.
- Applicants should have a commercial background and experience of commercial lettings and uses.
- Consider using closed shops and redundant buildings for pop up shops and events.
- There should be an arts centre, to utilise the wealth of talent in Exmouth.
- There should be consultation with the public.
- There was the issue of ownership in the town centre. Most of the redundant buildings were not within the Council's control.
- Many of the issues in the town centre related to retail and it was likely that the Council had limited options.
- Two years was a short period of time – there was the need to be very clear on what was to be achieved in the limited amount, with the limited amount of resources. It was important to identify things that were achievable in two years.
- It was important to focus on Council owned assets and consider how the assets could be used through place and prosperity interventions to support economic recovery. Projects should be used to get traction on and relate to the use of Council assets, such as the leisure centre, car parks, Imperial Recreation ground and the seafront.
- Identify the opportunities to do things differently and make better use of the Council's assets.
- It would be helpful to list all the Council's assets in Exmouth.

- The emphasis should be on economic recovery.
- Exmouth was the largest town in East Devon, with the largest amount of assets and therefore huge untapped potential.
- A list of all the projects previously identified in the master plan and neighbourhood plan would be useful. Some of these had been delivered, but others had not. This could be a starting point for the new officers when appointed.
- Hemingway had raised aspects along the seafront to be considered.
- The first three months in post should be spent gathering information, considering what had already been achieved, projects which had not been delivered, and speaking to people. After three months the officers should have a full understanding and awareness of what the Group and the community wanted.
- The vision of councillors, the Queen's Drive Delivery Group and the public should be joined up.
- Queen's Drive should not be looked at in isolation to the town.
- Engage with Exmouth Town Council.
- Partnership working offered huge potential and the opportunity to draw additional funding.
- What is Exmouth? Who decided what it should be/become? There was a massive opportunity to do something positive but people needed to be asked what they wanted in order for them to accept it.
- Public consultation was essential.
- The role of the Delivery Group was to influence through the two new posts. Facilitating places and influencing how people could use the town. Encompassing people to use places and using Council assets to address behaviours and influence outside bodies.
- Often one project acted as a catalyst for others.
- Two or three things needed to be seen to be achieved over the next couple of years.

Attendance List

Councillors present:

P Arnott (Vice-Chair)
M Armstrong
O Davey
N Hookway (Chair)
D Ledger
B Taylor
J Whibley
C Wright
S Gazzard
B De Saram
P Hayward
A Bailey

Councillors also present (for some or all the meeting)

F Caygill
M Howe
G Jung
M Chapman
P Skinner

A Moulding
E Wragg

Officers in attendance:

Susan Howl, Democratic Services Manager
Alethea Thompson, Democratic Services Officer
Tim Child, Service Lead - Place, Assets & Commercialisation
Simon Davey, Strategic Lead Finance
Angela Gordon Lennox, Events Officer
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)
Lisa Bowman, Clerk to Exmouth Town Council
Peter Gilpin, Chief Executive, LED

Councillor apologies:

A Colman

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Poverty Working Panel held at Online via the Zoom app on 15 March 2021****Attendance list at end of document**

The meeting started at 11.00 am and ended at 1.40 pm

41 Public speaking

There were no members of the public registered to speak.

42 Declarations of interest

44. Presentation by the Housing Service.

Councillor Bruce De Saram, Personal, Designated Person for EDDC tenants.

46. Updated Draft Poverty Strategy Action Plan

Councillor Mike Allen, Personal, Involved in local church which runs a food bank.

43 Minutes of the previous meeting held on 15 February 2021

The minutes of the meeting held on 15 February 2021 were agreed as a correct record.

44 Presentation by the Housing Service

The Chair welcomed Jo Garfoot - Acting Housing Service Lead; Andrew Mitchell - Housing Solutions Manager; Sophie Davies – Housing Business and Customer Improvement Manager, and Sue Bewes – Housing Services Manager, to the meeting.

Jo Garfoot gave an overall introduction to the Housing Service and the work of various officers and stated that;

- Upgrading properties to be carbon neutral was likely to have the biggest impact on costs for tenants in terms of reducing the potential for fuel poverty.
- Upgrading properties was also likely to be the biggest expenditure that the Council had ever made.

Andrew Mitchell gave a presentation about Homelessness and this included the following points:

- Homelessness and poverty go hand in hand and the Council had a number of initiatives to address these inter-related issues.
- There was a clear increase in demand for temporary accommodation in 2019 and 2020, and when the COVID pandemic started to make its impact felt several months later. This had given rise to initiatives such as 'Everybody In', increases in Domestic Violence, and the inability for people to 'sofa-surf'.
- EDDC had responded with schemes including the Rent Deposit and Bond scheme to assist people into the private sector, and the Homemaker Financial Advice and Assistance scheme which were working well and assisting an increasing number of people.

- Housing First was a scheme to provide accommodation for rough sleepers who had no other options. Accommodation was provided by the Local Authority with support provided by others and funded by monies from the Rough Sleeper Initiative. EDDC has 3 properties in 2020-21, but is hoping to apply to MHCLG to double that to 6 over the coming months.
- The Furniture Project is set up to assist people moving from temporary accommodation into more settled housing, but have no means of furnishing it. The project ensures that people have what they need when they move into a property and uses recycled furniture which may have been donated.
- This links to a number of Council strategies in tackling homelessness, climate change and poverty.
- There are a number of challenges facing officers in this work in relation to how far the Council can go to assist on top of its statutory duties, including storage, transport, and lifting of items amongst others.

Debate following the presentation included the following comments:

- There were currently about 25 residents in B&Bs presently which had a big financial impact on the Council and those concerned, and was not ideal for families or single people.
- It was harder to move people on at present due to the COVID situation.
- Domestic Violence victims originated from both urban and rural areas and the Housing Service just needed to respond as fast as they could.
- In the current circumstances EDDC were allocating 60% of accommodation to temporary needs and was actively looking for 3 or 4 bedroom properties in order to bring more properties into EDDC stock.
- After the eviction moratorium, there will be an expected influx of people who will need rehousing.
- Temporary accommodation is exempted from the Right to Buy rules.
- Mutual exchanges occur each year, which are private swaps between existing tenants to suit a variety of circumstances.
- In terms of a moving on programme, there is always a plan to suit the situation of individuals.
- The Housing Service are quietly confident that additional funding will be made available to increase the number of properties from 3 to 6 as previously referred.
- EDDC is expecting monies to become available under the Domestic Violence Bill 2020, which will increase the responsibilities for local Councils in future.
- In response to a question, officers confirmed that carpets can be recycled for temporary accommodation.
- Work is ongoing with letting agents to understand forthcoming cases and assist with deposits and rents.
- The former Housing Company TaFF is evolving into a different kind of group hoping to increase levels of housing stock.

Sophie Davies (who was replacing Graham Baker – Housing Property & Asset Manager due to an unexpected appointment) gave a presentation about the Green Energy Project and this included the following points:

- The aim of the project was to improve the energy performance and affordable warmth of some of the worst performing and most expensive to heat properties; to improve living conditions for tenants and reduce carbon emissions by more than half.

- Funding was made available by Government in 2020 as part of their Green Homes Grant Local Delivery Scheme. EDDC successfully bid for funds on condition that it was able to match fund the project costs by a minimum of 50%, which it confirmed that it would.
- The grant fund was to install more efficient air source heat pump powered heating systems to 100 homes, while EDDC match funds would be used to put in additional measures to improve the energy performance of the homes.
- 100 properties will have received the pumps by the end of March 2021, with other measures to follow.
- Tenant feedback to date has been very positive about the new heating systems.
- Funding models to cover EDDC housing stock and to meet climate change targets need to be developed.
- The Stock Condition Survey will form the basis of future work on the suitability of different properties to green works. It will enable a forecast of the cost of carbon efficient works required on Council housing stock and facilitate the planning of spend over the next 20-30 years.

Debate following the presentation included the following comments:

- Criteria for prioritising which tenants are assisted are given as part of the scheme.
- Tangible benefits for tenants who have provided feedback include how life has changed by, for example, being able to afford to heat a whole house instead of only one room.
- Issues were discussed in relation to the cost of upgrading properties which could then fall under the right to buy and money being lost for the benefit of future Council tenants. This would effectively mean public sector funds were being handed to the private sector, and would be an issue facing Councils everywhere.

Sue Bewes gave a presentation (on behalf of Nettie Giles who was unable to attend) about the work of the rental team in preventing poverty and this included the following points:

- The challenges currently facing EDDC tenants include having no money for rent or council tax, for food, for heating and many are living in fear of poverty.
- The pandemic has taken away financial and emotional security of tenants and the rental team ensure that they do not lose their homes, and that they can live in a comfortable environment in which they can care for and feed their families. This is done with outside agencies.
- Financial support is offered via referrals to Homemaker Southwest, as well as to food banks and charities for furniture or other goods.
- Tenants will also be given support with claims for Universal Credit, Council Tax Reduction and Discretionary Hardship Payments.
- The team work across the Council with Housing Benefits and Council Tax teams to assist tenants.
- Three case studies were referred to, to indicate the various ways in which the Rental Team had worked with others to assist tenants in positive and practical ways.

The Chair thanked Jo Garfoot, Andrew Mitchell, Sophie Davies and Sue Bewes for their presentations which would be circulated after the meeting.

45 **Review of Council poverty-related activities 2020-21 - Helen Wharam - Public Health Officer**

Helen Wharam gave a brief summary of her Review of Council poverty related activities during 2020-21. She stated that this was compiled from readily available documents supporting Service Plans across the Council. The last year was the year of the pandemic and not a typical year, but the review gave an indication of the huge range and volume of activities undertaken by services under the five headings of the Poverty Strategy Action Plan;

1. Helping people on low incomes
2. Strengthening families and communities
3. Inclusive economy
4. Housing
5. Improving health outcomes

It was clear that a staggering amount of work had been done across the Council, made more difficult because of the COVID pandemic which had made life worse for many people.

The Chair thanked Helen for presenting her report.

46 **Updated Draft Poverty Strategy Action Plan - John Golding - Strategic Lead - Housing, Health & Environment**

John Golding presented the latest iteration of a developing Poverty Strategy Action Plan which had been circulated prior to the meeting. Some elements had been updated to reflect different themes covered and issues such as digital inclusion.

He hoped to conclude work on the document at the April meeting of the Panel and then implement the actions, all of which needed to be aligned with all the updated Service Plans over the next few weeks.

He referred to predictable problems which could not be resolved by EDDC alone, such as poverty amongst older people, or the disparity in pay between men and women which would impact on pensions, but that the Council would need to lobby Government on such issues. He also confirmed the need for financial resilience and how the Council could promote positive messages and information.

The Chair thanked John for this latest draft of the Action Plan.

47 **Date of the next meeting**

The next meeting will be held on Monday 12th April when a final draft of the Poverty Strategy should be available.

The Chair said that the work done by Jamie Buckley on community engagement and with the Community and Voluntary sector will be a topic for the next meeting. Libby Jarrett – Service Lead for Revenues and Benefits, suggested briefing members of the Panel in April, on the new ‘Breathing Space’ regulations which would be introduced in May, and which would put all debts on hold for 60 days. The Chair agreed.

The Panel would also discuss a report for Cabinet about how it would evolve into more of a monitoring group over the coming months, reviewing how the Action Plan is being progressed.

Future meetings will be held on 10th May, 14th June, 19th July, 20th September and 22nd November 2021.

Attendance List

Councillors present:

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

Councillors also present (for some or all the meeting)

P Arnott
P Faithfull
M Howe
A Moulding
J Rowland
E Rylance

Officers in attendance:

Jo Garfoot, Acting Housing Service Lead
Sue Bewes, Housing Services Manager
Amanda Coombes, Democratic Services Officer
Sophie Davies, Housing Business and Customer Improvement Manager
John Golding, Strategic Lead Housing, Health and Environment
Susan Howl, Democratic Services Manager
Libby Jarrett, Service Lead Revenues and Benefits
Andrew Mitchell, Housing Solutions Manager
Helen Wharam, Public Health Project Officer

Councillor apologies:

S Hawkins
F King

Non Panel Councillor apologies:

I Hall

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of LED Monitoring Forum held online on 30 March 2021****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 7.58 pm

34 Public Speaking

There were no members of the public registered to speak.

35 Minutes of the previous meeting

The minutes of the previous meeting held on the 23 February 2021 were confirmed as a true record of the meeting.

36 Declaration of interest

Cllr P Arnott: Minutes 39, 40 and 42; Personal Interest: Membership of LED Leisure.
Cllr A Dent: Minutes 39, 40 and 42; Personal Interest: Membership of LED Leisure.
Cllr V Johns: Minute 40; Pecuniary Interest: Husband is Chair and Trustee of Ottery St Mary Cricket Club.

37 Matters of urgency

Noted a late report, listed under minute 42.

38 Confidential/exempt item(s)

There was one item agreed by the Forum to be held in private session, listed under minute 42.

39 Management agreement review of Colyton Grammar School dual use site

The Service Lead for Place, Assets and Commercialisation updated the Forum on the review of the management agreement in relation to the dual use facilities at Colyton Grammar School.

Following a recent approach from the school, some work has begun to identify a way forward for a revised management agreement that improves the offer and a fairer sharing of costs.

The current building has a 99 year lease, with the current management agreement permitting school use during the school day, bar a two hour window whereby the dance studio of the building is available for LED to utilise, and the hall available outside of school hours and weekends. The building is under the responsibility of the Council to maintain.

The pitch at the site has been installed by the school, with some contribution by the Council, whereby the pitch can be utilised by LED to offer services outside of school

hours and a contribution is made by LED for this use. Maintaining the pitch falls to the school.

Recent pressure for space on the school has meant that an interim management arrangement has been in place for the last two years, with the two hours of dance studio time being surrendered in exchange for compensation to LED. The pitch is also in need of significant investment, hence the approach by the school for an increased contribution.

A full review of the management arrangement is timely with the work on building a new leisure strategy. The Forum were asked to provide their support for continued work on negotiation of the management arrangement, with a view to a formal report coming back to the Forum with more detail in due course.

Forum discussion included:

- Welcoming discussion to lead to an improved management arrangement;
- Community use of the site was high and valued;
- Need to ensure income protection of site;
- If the pitch is deemed to be a strategic asset (once diagnostic assessment complete) then a case could be built for funding to improve it;
- Pitch agreements were normally on the basis of 10 – 15 years, with a review at least two years prior to expiry, as that was the normal expectant lifespan of a pitch before refurbishment was required;
- The site was not a profit generating site for LED, but the community value was high, and therefore usually offset by profit from other sites.

RESOLVED that the Service Lead for Place, Assets and Commercialisation continued negotiation of the management agreement for the dual use site at Colyton Grammar School, and reports back to the Forum with progress in due course.

40 **EDDC Playing Pitch Strategy review**

The Planning Policy Manager presented his report on the Playing Pitch Strategy. His report highlighted:

- The purpose of the strategy in providing an overall qualitative assessment of provision, and identifies shortfalls and deficiencies;
- Look to protect facilities from loss as a result of redevelopment, as well as enhancing existing facilities and provide new facilities to meet current and future needs;
- Includes outdoor pitch provision in respect of use by and for the organised team sports of cricket, football, hockey and rugby union (not tennis or netball);
- Includes all pitches that have some element of public use and access, regardless of ownership;
- The existing strategy in place was completed in 2015;
- Strategic Planning Committee resolved for the production of a new strategy to be undertaken in-house on 23 February 2021;
- Work undertaken to date includes the updating of every club and teams that play matches, with a link to pitches and quality of pitch;
- Work still to timetable, includes updating quality of pitches and supporting club house/other facilities;
- Recognition that the work will align with wider leisure and recreation provision in the district being under review.

Comments from the meeting included:

- What could be done to ensure that the playing pitch strategy was fully implemented; some pitch losses had occurred in Exmouth since the last strategy was put in place;
- Examples given where one new pitch had been created and one refurbished since the current strategy was agreed;
- Difficulties in managing implementation due to some areas have a lack of suitable sites, and/or aligning with new development on the scale that would release section 106 contributions that would be sufficient to cover the costs or match fund bid applications;
- Some scepticism that even with a new strategy in place, delivery of new pitches in Exmouth would be delivered;
- Explaining the relationship between the Leisure Strategy, which would sit above the playing pitch strategy and a built sports facility strategy. The latter two would contain the detail. It was stressed that the playing pitch and built sports facilities strategy (for the purposes of the Local Plan) needed to include all availability, not just what the Council would be supporting in terms of leisure provision;
- Next stages included communicating with local clubs and sporting bodies to ask what demands they were facing and what their expectations are for the future;
- Suggestion that contact with local clubs should be made directly rather than through the sporting bodies recommended by Sport England, as that would be more successful.

RESOLVED that the report be noted.

41 **Exclusion of the press and public**

That under section 100(A)(4) of the Local Government Act 1972 and in accordance with the Local Authorities (Executive Arrangements)(Meetings and access to Information)(England) Regulations 2012, the public (including the press) were excluded from the meeting as exempt and private information was likely to be disclosed and on balance the public interest is in disclosing the items in private session.

42 **LED Service fee**

The Forum received an update on the further modelling of the service fee for the current year and for the subsequent year. Following discussion the service fee would go back to the LED Board for further debate.

RESOLVED that the report be noted.

Attendance List

Councillors present:

P Arnott
A Dent
M Hartnell
S Hawkins (Chair)
V Johns
G Jung

J Rowland

Councillors also present (for some or all the meeting)

P Faithfull
S Gazzard
N Hookway
P Millar
A Moulding

LED Leisure representation:

Peter Gilpin, CEO LED Leisure
Bridgette Jones, Director of Finance LED Leisure
Jamie Bryant, Director of Delivery LED Leisure
Nigel Halford, Chairman LED Leisure

Strategic Leisure (consultants)

Liz Taylor
Rachel Fowler

Officers in attendance:

Tim Child, Service Lead - Place, Assets & Commercialisation
Simon Davey, Strategic Lead Finance
John Golding, Strategic Lead Housing, Health and Environment
Charles Plowden, Service Lead Countryside and Leisure
Matthew Dickins, Planning Policy Manager
Debbie Meakin, Democratic Services Officer
Wendy Harris, Democratic Services Officer

Apologies:

Mark Williams, Chief Executive

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Recommendations for Cabinet consideration from the meeting of the Strategic Planning Committee on 30 March 2021

Minute 121: The Future of New Homes Bonus Consultation

RECOMMENDED that Cabinet:

That the proposed responses to the consultation questions form the Council's formal response to be submitted to the government be agreed.

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Strategic Planning Committee held at Online via the zoom app on 30 March 2021

Attendance list at end of document

The meeting started at 2.02 pm and ended at 4.15 pm. The meeting was adjourned at 3.30 pm and reconvened at 3.35 pm.

114 Public speaking

There were no members of the public that wished to speak.

115 Minutes of the previous meeting

The minutes of the Strategic Planning Committee meeting held on 23 February 2021 were confirmed as a true record.

116 Declarations of interest

Minute 120. Urban Capacity Study.
Councillor Eleanor Rylance, Personal, Broadclyst Parish Councillor.

Minute 120. Urban Capacity Study.
Councillor Olly Davey, Personal, Exmouth Town Councillor.

Minute 120. Urban Capacity Study.
Councillor Paul Arnott, Personal, Colyton Parish Councillor.

117 Matters of urgency

There were no matters of urgency.

118 Confidential/exempt item(s)

There were no confidential/exempt items.

119 East Devon Local Plan - Committee Work Programme for 2021

The Service Lead – Planning Strategy and Development Management presented the report which provided a proposed work plan for the coming year. He updated Members on the local plan summarising that Officers were currently going through and analysing around 650 responses received from the issues and options consultation that ended on 15 March 2021 and advised a detailed report highlighting the key issues would be brought to the next meeting in April, with a view to bringing a draft local plan to Strategic Planning Committee at the end of the year for Members to scrutinize before the start of the consultation in the Spring next year.

Members' views were sought on the draft timetable on page 14 of the report that summarised the proposed committee dates that Members would discuss and feedback on key papers.

The Service Lead – Planning Strategy and Development Management outlined Section 4 of the report and encouraged Member discussion on the importance of establishing a local plan strategy at an early stage of plan making and drew Members attention to some key challenges detailed in Section 5 highlighting the importance of keeping to the work programme so that Members receive a draft local plan in December.

Comments made by Non-Committee Members included:

- Clarification sought on the membership of the external panel detailed on page 22. The Service Lead – Planning and Development Management advised the HELAA Panel was only an advisory panel made up of Members and professional advisors and developers to provide technical advice on viability and deliverability of development sites.
- Concerns raised about the lack of climate change evidence and the need to build more energy efficiency homes. Comment made about when was the Government going to stipulate that housing must be energy efficient.
- Comment made about the possibility of a reduction in demand for employment sites due to the impact of homeworking. The Service Lead – Planning Development Management concurred but highlighted it was difficult to look at the impacts due to the current lockdown rules and current uncertainties.
- Comment made whether this was an opportunity to revive town centres by having more office space in empty buildings with the opportunity of accommodation. The Service Lead – Planning and Development Management advised these questions were asked in the issues and options consultation which would be fed back to Members at the next meeting.

Comments made by Committee Members included:

- Strong concerns expressed about climate change and the need for it to be placed centrally within the planning system.
- The need to build houses that are by design well insulated, cheap to heat and dry and warm.
- The need to incorporate homeworking into the design planning.
- The need to keep people close to their communities.
- Clarification sought on the joint strategy work. The Service Lead – Planning Strategy and Development Management advised that since all the relevant councils had formally agreed to do a non-statutory strategic plan for the Greater Exeter area this council had been working on a timetable for the production of the plan and looking at resourcing of external consultants to undertake a lot of the work. He advised a report would be brought to Strategic Planning Committee in June to seek Members views.
- Clarification sought on the Duty to Co-operate. The Service Lead – Planning Strategy and Development Management commented that as well as having a duty to co-operate with our partner authorities there was also a duty to co-operate with Dorset, South Somerset, Natural England and the Environment Agency among others.
- Clarification sought on whether the Climate Action Officer, when in place, would have a role within the work plan. The Service Lead – Planning Development Management advised he was keen to work with the Climate Action Officer
- Clarification sought about the impact of the timescale if the Cranbrook Plan DPD was found to be unsound. The Service Lead – Planning Strategy and Development Management advised he was confident it would be found sound but if not there were various scenarios that could be addressed and incorporated into the local plan.

- A suggestion was made to report to Full Council half yearly to endorse the progress. The Service Lead – Planning Development Management advised interim reports could be brought to Full Council if Members wished but highlighted this would result in additional work that could delay the progress across the year.

RESOLVED:

- 1. That the Committee endorse the proposed programme for committee consideration of local plan reports through 2021 and into 2022.**
- 2. That the Committee agree to work towards an early draft local plan for committee consideration in December 2021**

120 **Urban Capacity Study**

The Committee considered the Service Lead – Planning Strategy and Development Management’s report on the Urban Capacity Study which sought Members’ agreement to publish work undertaken on the production of a study assessing the potential housing capacity within the urban areas of the larger towns in East Devon.

The Service Lead – Planning Strategy and Development Management highlighted the joint methodology appended to the report which helped to understand what capacity East Devon had to meet the housing needs from within the existing built up areas.

The report outlined the high level assessment and breakdown of the key towns and Members noted that there was a potential maximum supply of 766 homes which was significantly less than one year’s housing supply.

The Service Lead – Planning Strategy and Development Management sought Members guidance on whether to adopt a proactive approach to the delivery of the 766 homes or his preferred approach to note that those sites exist with a chance that a number of them would come forward as windfall sites. He raised concerns that the proactive approach was likely to be time and highly resource intensive which could have a potential impact on the local plan production.

Comments made by Non-Committee Members included:

- Comment made about a report about how much surplus house building there had been in Devon which would help to reach the minimum requirement within one year. The Service Lead – Planning Strategy and Development Management highlighted that supply ebbs and flows over time and a small surplus one year can help to minimise the impacts of underprovision in others. He also commented that if those sites do not come forward the council could be in a position of not being able to maintain an adequate supply and not meeting the Government’s requirement which is not a position the council wants to be in.

Comments made by Committee Members included:

- An effort should be made to contact landowners and invite them to bring their properties forward for consideration.
- A comment was made about the amount of commercial properties that might become available due to post Covid-19.
- Clarification sought on what type of dwelling is a notional dwelling. The Service Lead – Planning Strategy and Development Management advised that the number of homes each site could accommodate was based on an Officer assessment taking into account the surrounding area such as access roads, parking, garden spaces

- Public perception that there is infill happening all over the district.
- Clarification sought on historical data of infill sites. The Service Lead – Planning Strategy and Development Management did not have the information to hand but directed Members to the annual housing monitoring reports.
- Joined up and ambitious thinking is needed to achieve the best results from the Government’s levelling up fund.
- Cranbrook cannot be considered as it does not have a defined town boundary.
- The need to dedicate some Officer time to work on the bigger schemes to actively encourage development in towns and work with the towns and the other built up area boundaries to bring forward good quality schemes.
- We do not need to have every single site that you have identified at this stage in the local plan we just need to agree in principle that when urban sites come forward we make the best possible use of the land.
- Suggestion made to revisit this again when we discuss the town centres and built up area boundaries to encourage the development of higher density. In response the Service Lead – Planning Strategy and Development Management advised it could be done through policy to encourage the reuse of vacant land within towns to promote higher density and through the plan process gather sufficient evidence through sites being put forward to allocate some of these sites.

The following amendment to the motion was proposed by Councillor Eleanor Rylance and seconded by Councillor Olly Davey.

That Strategic Planning Committee note the work in relation to the Urban Capacity Study summary of findings report and related appendices and endorse its use as evidence to support production of the new Local Plan with a caveat that we explore higher densities in towns.

A further amendment was proposed by Councillor Kevin Blakey and agreed by Councillor Eleanor Rylance and Councillor Olly Davey

That Members note the limited capacity available within the existing built up area boundaries of the main towns and the potential need to find land outside of these areas to meet the future development needs of the district when the identified areas within the towns are exhausted.

RESOLVED:

- 1. That the Committee notes the work in relation to the Urban Capacity Study summary of findings report and related appendices and endorses its use as evidence to support production of the new Local Plan with a caveat that we explore higher densities in towns.**
- 2. That Members note the limited capacity available within the existing built up area boundaries of the main towns and the potential need to find land outside of these areas to meet the future development needs of the district when the identified areas within the towns are exhausted.**

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

The Committee considered the report of the Service Lead – Planning Strategy and Development Management on the future of new homes bonus consultation which was critical to the financial position of the Council.

The report outlined the financial implications of reaching the peak of £4.5m funding through the new homes bonus in the 2017/18 financial year and receiving approximately £2.5m in the 2021/22 financial year.

The Service Lead – Planning Strategy and Development Management gave a broad overview of the options being pursued through the consultation and the responses received.

Comments made by Committee Members included:

- Slight concern raised about the planning framework being governed by people who do not really understand how local authorities deliver houses.
- The need for Government support to enable councils to be more incentivized to deliver more social housing.
- Would like to see the delivery of houses that people could actually afford to live in on local wages.
- The need to focus on delivering more social housing that is affordable.
- Good set of predictable questions.

RESOLVED:

That Members consider the government consultation on the Future of New Homes Bonus.

RECOMMENDED to Cabinet:

That the proposed responses to the consultation questions form the Council's formal response to be submitted to the government be agreed.

122 **National Planning Policy Framework and National Model Design Code Consultation**

The report presented to the Committee provided details of a current government consultation on changes to the National Planning Policy Framework and a new National Model Design Code which provided a framework for the production of design codes.

The Service Lead – Planning Strategy and Development Management summarised the key issues in the proposed amendments to the Framework which included flood risk and climate change and how to make the planning system work in support of better design and style in towns and villages.

The Service Lead – Planning Strategy and Development Management drew Members attention to the National Model Design Code which was helpful guidance when considering aspects of design and beauty.

Comments made by Committee Members included:

- The need to consider climate change. It is more important to consider how warm and dry the house is rather than it looking pretty. We should not be able to produce houses that are not designed with climate change in mind.
- Beauty is in the eye of the beholder.
- Clarification sought on who decides what is beautiful and what is ugly and if a building is considered ugly would this become a valid reason for objecting to a planning application. The Service Lead – Planning Strategy and Development Management advised design was very subjective and said design was already a key consideration of any planning applications. In general people appreciate something that is well designed irrespective of their particular taste.

- The need to look at good design as inspiring.

RESOLVED:

That Members consider the proposed changes to the National Planning Policy Framework and the proposed National Model Design Code and agree the proposed responses to the consultation for submission on behalf of the Council.

123 **East Devon District Design Guide**

The Service Lead – Planning Strategy and Development Management presented a report on the East Devon District Design Guide addressing the reasons for the delay and summarising the progress made on the production of the Guide.

The Service Lead – Planning Strategy and Development Management asked Members to consider a number of key options about how design guides and design coding should be taken forward in the district.

These options were:

- District Design Guide and Checklists
- District Design Codes
- Site Specific Design Codes
- No Design Codes

Members noted that a further report would be brought to Strategic Planning Committee in early 2022 to consider the need for and scope of the work.

Points raised by Committee Members during discussion included:

- Disappointment was expressed about the lack of a design guide template when involved with the Axminster Neighbourhood Plan. The Service Lead – Planning Strategy and Development Management said he understood the desire to have a design guide but advised there was no requirement to have it as part of a neighbourhood plan.
- A preference was shown to opt for the Site Specific Design Code as each town and village in East Devon had an enormous variety of existing buildings that were made from all sorts of materials.
- Concentrating on strategic developments as a district council is absolutely the right way to go and local circumstances should be taken into account.
- It is important to be clear on what the scope of a design code is in the guide.
- Fully in agreement that where large developments are proposed there is a design code that takes some account of the local housing.
- Fully support neighbourhood plans but concerns were raised about replicating the design codes of the past. Modern designs should not be ignored.

RESOLVED:

1. **That Members consider the current position with the proposed East Devon Design Guide and the national design guidance and agree that work ceases on the Design Guide.**
2. **That Members agree that Officers focus on undertaking design coding for the main site allocations emerging from the new Local Plan and note that this would need to be done through supplementary planning documents post adoption of the Local Plan.**

3. That a further report be brought to Committee in early 2022 to consider the need for and scope of design coding needed alongside the draft local plan, options for undertaking this work and the likely resource implications.

Attendance List

Councillors present:

D Ledger (Chair)
O Davey (Vice-Chair)
P Arnott
K Blakey
P Hayward
M Howe
B Ingham
A Moulding
E Rylance
I Thomas

Councillors also present (for some or all the meeting)

S Bond
P Faithfull
S Jackson
G Jung
M Rixson
E Wragg

Officers in attendance:

Ed Freeman, Service Lead Planning Strategy and Development Management
Shirley Shaw, Planning Barrister
Wendy Harris, Democratic Services Officer
Debbie Meakin, Democratic Services Officer

Councillor apologies:

J Bailey
S Chamberlain
P Skinner

Chairman

Date:

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

Housing Task and Finish Forum on 31 March 2021

Minute 20 Feedback from Member Working Group meeting with Torbay Council's Housing Company representatives

That Cabinet approve that the Portfolio Holder for Sustainable Homes and Communities be included in the membership of the Member Working Group of the Housing Task and Finish Forum.

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Housing Task and Finish Forum held Online via the zoom app on 31 March 2021

Attendance list at end of document

The meeting started at 10.00 am and ended at 11.20 am

15 Public speaking

There were no members of the public wishing to speak.

16 Minutes of the previous meeting

The minutes of the previous meeting held on 14 December 2020 were confirmed as a true record.

17 Declarations of interest

Declarations of interest.

Councillor Dan Ledger, Personal, Member of the working group and had been in discussion with Middlemarch.

Declarations of interest.

Councillor Olly Davey, Personal, Exmouth Town Councillor.

18 Matters of urgency

There were no matters of urgency raised at the meeting.

19 Confidential/exempt items

There were no confidential or exempt items.

20 Feedback from Member Working Group meeting with Torbay Council's Housing Company representatives

The Service Lead – Place, Assets and Commercialisation advised the Forum that the member working group had met with representatives from Torbay Council's housing company (Torvista Homes) the previous day. The TaFF were reminded that the member working group comprised of Councillors Ledger, Thomas and Moulding. The Strategic Lead – Housing, Health and Environment, Strategic Lead – Finance and the Service Lead – Place, Assets and Commercialisation had also attended the meeting.

The Service Lead – Place, Assets and Commercialisation explained that Torbay Council had previously undertaken a voluntary transfer of its housing stock so was starting with no social housing. The housing company (Torvista Homes) took two years to set up and aimed to have stock of 560 units after five years. It had 360 firm sites, with 200 yet to be identified. This included land already transferred to the Council and other infill sites which it would look to infill. It brought lots of delivery methods together and borrowing was from the Council and the PWLB (Public Works Loan Board). Torbay Council had significant resource working on the project. It was noted that the Service Lead – Place,

Assets and Commercialisation had presented a range of possible mechanisms to grow EDDC stock to the last meeting of the TaFF, and that these had all been broadly considered by Torbay Council. The key messages to take from the meeting with Torbay Council's housing company representatives was that in order to be successful the appropriate skills, capacity and finance were required, as well as 'buy in' from all. It was also important to acknowledge that it could take five years for a housing company to be established and to fulfil its objectives.

The Chair echoed the comments of the Service Lead – Place, Assets and Commercialisation and remarked that it had been a very interesting meeting. Torbay Council also offered an incentivising scheme to incentivise people to move to smaller, new developments and help free-up larger housing stock.

The Strategic Lead – Housing, Health and Environment commented that Torbay Council had been bold and clearly focused on meeting housing need. This vision was backed up with £40m finance and the aim of the housing company was to be a social housing provider, as opposed to income generation. The main driver was poverty. There was an acceptance of the housing company being loss making in the first five years. Torvista Homes Ltd was a not for profit, wholly owned subsidiary of TDA and had the advantage of being able to lean on the reliance and ability of TDA. TDA was created by Torbay Council in 2011. It was a collection of companies offering a wide range of diversified services spanning business and property services, workspace management and affordable housing. It was a social enterprise with a board of directors encompassing skills from a range of disciplines. Members were urged to look at the [TDA website](#).

Members agreed that the housing company should be given a chance, with at least a five year opportunity for it to become income generating. The scale of resource needed to be right, to enable the right people to be in the right place. Commitment was needed over the medium to long term in order to offer stability and continuity.

It was noted that EDDC was a registered provider and had a vehicle in terms of the Housing Revenue Account (HRA) to deliver affordable housing, and had been doing this in relatively small numbers. The HRA had to be retained in surplus and there were existing, competing pressures on the HRA, such as the decarbonisation of all stock over the next 20 years, tenant safety and the delivery of affordable housing.

The Portfolio Holder – Sustainable Homes and Communities requested to be included in the member working group and this was agreed by the TaFF.

RECOMMENDED: that Cabinet approve that the Portfolio Holder for Sustainable Homes and Communities be included in the membership of the Member Working Group of the Housing Task and Finish Forum.

21 **Community Led Affordable / Socially Rented Housing - Presentation by Middlemarch CIC**

The Chair welcomed Steve Watson and Jay Lambe from Middlemarch to the meeting. They were community led homes accredited advisers for Middlemarch, previously Wessex. They had been invited to attend the meeting to share their experiences in East Devon and further afield.

Steve Watson explained that a Community Land Trust (CLT) was:

- A not-for-private-profit organisation set up to benefit a specific community.

- CLTs could own land and other assets which were important to a community – starting with affordable housing.
- CLTs held those assets so they were available and affordable for future generations.
- A CLT was open to membership by anyone in the community supporting its aims.

Middlemarch were currently supporting over 60 projects across the South West. In East Devon there was a pipeline of projects and seven CLTs supported by Middlemarch (two completed). CLTs tended to take about six years from start to completion of the scheme. This was a similar time period to the private sector.

There were two main sources of affordable land:

- Rural exception sites.
- Land in public ownership.

The average land value per dwelling was £7,000. Middlemarch were working with local authorities to identify fragments of land for development rather than whole sites.

CLT's aspirations were:

- Housing prioritised for local people.
- Social rents.
- Low carbon properties.
- High quality aesthetically.
- Locally supported.

They also hoped to follow the five basic principles of passive house, which relied on the constant circulation of air and required virtually no heating system:

- Ventilation with heat recovery.
- Airtightness.
- Thermal bridge free design.
- Thermal insulation.
- Passive house windows.

The legal and financial model was that the CLT was the freeholder and the housing authority was the leaseholder. By working with CLTs, housing authority partners could build on their asset base.

- The CLT led the project and owned the freehold
 - Location, numbers of homes, design and occupancy criteria
 - Selects the housing association partner.
- The housing authority supports the CLT and had a 125-year lease
 - Funds, develops and operates the homes, including land price.
- Benefits to the CLT:
 - Affordable in perpetuity
 - Prevents sales under the Right to Shared Ownership
 - Party to s.106 agreement
 - Receives ground rent: £4/home/week
 - Local people in housing need had priority.

The funding for this would come from Homes England's Approved Development Programme, East Devon's Community Housing Fund, section 106 commuted sums and Right to Buy receipts.

Middlemarch's support for community housing groups included:

- Strategic advice
- Access to fund

- Site identification and land acquisition
- Partnering
- Planning issues
- Development risks
- Communication
- Project management
- Training
- Problem solving
- Risk management.

It was noted that there was scope for CLTs to get involved in brown field sites, developments in town centres and high density housing. CLTs had an exemption from two of three tenants' Rights to Buy. There were early indications that CLT properties took less management. It was thought that this was due to the properties being occupied by tenants who were local people and already had social networks in the area.

It was suggested that EDDC work with Middlemarch, who may have additional knowledge on available sites, and were able to do things EDDC did not currently have the capacity for. The Service Lead – Place, Asset and Commercialisation advised that there was unlikely be one single solution for growing the Council's good quality housing stock. There were many different options to be explored. CLTs and Torvista Housing offered two extreme examples. The member working group intended to consult with approximately six housing companies and a report would be brought back to the TaFF for its consideration.

The Strategic Lead – Housing, Health and Environment explained that the role of a housing enabler was distinct from the housing landlord role. EDDC for many years had been working with Wessex (Middlemarch) and Devon Community Together. The Council had a service level agreement with Wessex (Middlemarch) and discussions had been underway about finding land within the Council's ownership. It was planned to have a fresh look at this to identify development opportunities. It was noted that many council housing estates had nice landscaped areas and there was a tension between maintaining this and not concreting/over developing the estates.

On behalf of the Forum the Chair thanked Steve Watson and Jay Lambe for a very interesting and informative presentation.

RESOLVED: that the Forum note the presentation from Middlemarch.

Attendance List

Councillors present:

M Armstrong
K Blakey
O Davey
D Ledger (Chair)
A Moulding
H Parr
E Rylance
I Thomas

Councillors also present (for some or all the meeting)

P Arnott
S Chamberlain
P Faithfull
M Howe
G Jung
J Rowland
E Wragg

Officers in attendance:

Tim Child, Service Lead - Place, Assets & Commercialisation
John Golding, Strategic Lead Housing, Health and Environment
Wendy Harris, Democratic Services Officer
Alethea Thompson, Democratic Services Officer
Jay Lambe, Middlemarch
Steve Watson, Middlemarch

Councillor apologies:

I Hall

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Scrutiny Committee held Online via the Zoom app on 8 April 2021****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 8.07 pm

140 Public speaking

One member of the public had registered to speak. It was agreed that the member of the public would speak at agenda item 7, Decisions made by Cabinet (including Portfolio Holders) called in by Members for scrutiny in accordance with the Overview and Scrutiny Procedure rules [minute 145 refers].

141 Minutes of the previous meeting

Cllr Val Ranger proposed that the minutes of the previous meeting held on 4th March 2021 be amended to include the following points at minute 137 (Comments and questions raised by Committee members and responses from the Chief Executive and Mark Everden including):

- Early informal verbal intervention in the event of any suggestion of bullying should be considered
- Restorative justice as a form of mediation should be considered

The amendments were agreed and the minutes of the meeting held on 4th March 2021, as amended, were agreed as a correct record.

142 Declarations of interest

Minute 145. Decisions made by Cabinet (including Portfolio Holders) called in by Members for scrutiny in accordance with the Overview and Scrutiny Procedure Rules. Councillor Eleanor Rylance, Personal, The member is Assistant Portfolio Holder for Coast, Country & Environment and advised that she had not been involved in the Portfolio Holder decision which had been called in for scrutiny and would be discussed at agenda item 7 [minute 145].

Minute 146. Quarterly Monitoring of Performance - Quarter 3 2020 - 21. Councillor Olly Davey, Personal, Member of Exmouth Town Council.

143 Matters of urgency

There were no matters of urgency.

144 Confidential/exempt item(s)

There were no confidential / exempt items.

145 **Decisions made by Cabinet (including Portfolio Holders) called in by Members for scrutiny in accordance with the Overview and Scrutiny Procedure Rules**

The Committee considered the call-in of the decision of the Portfolio Holder for Coast, Country and Environment of 16th March 2021 (Portfolio Holder report of February 2021 refers), in accordance with paragraph 15 of part 4.5 of the Overview and Scrutiny procedure rules. The call-in related to the decision that the Council agrees to no longer provide short term lets of beach huts in Budleigh via the TIC and offer them instead as EDDC sites for long term rental.

The call-in was proposed by Councillor Alan Dent and supported by Councillors Colin Brown, Maddy Chapman, Bruce de Saram, Paul Jarvis and Tom Wright.

The member of the public, Helen Warren, a director of the Budleigh Information Centre (BIC) [note: the TIC had closed and the new entity is the BIC] and Chair of the Budleigh Chamber of Commerce, addressed the Committee and made the following points:

- The TIC had closed in March 2020 during the first Covid-19 lockdown and re-opened in August 2020 under a new model with volunteers as a more viable concern
- The TIC had closed again in November 2020 and January 2021 and was preparing to re-open on 12th April
- The TIC is self-funded with running costs of approximately £12,000 per annum and no longer receives a financial contribution from EDDC
- Renting out the beach huts had raised significant income for the TIC in previous years due to their popularity
- Beach huts have been rented out on a daily or weekly basis, often by local holiday accommodation providers and play a vital role in promoting tourism
- Plans were in place to produce a town guide and grant funding had been received to update the TIC website
- The loss of the rental income from the beach huts would significantly impact the revenue for the TIC

Ward members for Budleigh made the following points:

- Providing short term lets was an important tourism offer and supported local holiday businesses
- There had been no tourism since May 2020 and no need for the TIC during the intervening period
- EDDC had not attempted to contact the director of the TIC and had not involved the TIC in consultation
- Ward members had also not been contacted for information regarding the position of the TIC
- The Portfolio Holder for Coast, Country and Environment had not consulted ward members on the proposed changes and no stakeholder discussion had taken place
- Notifying members of the changes by way of the weekly email lacked openness and transparency
- Recovery after the Covid-19 pandemic lockdown will rely on tourism and visitor footfall
- The TIC had worked very hard to obtain external financial support and to cut costs by relying on volunteers
- Lack of local consultation was disgraceful

- The ability to offer short term lets of the beach huts had a wider impact than just generating income for the local economy

Comments from non-members of the Committee included the following points:

- There is a long waiting list for use of the beach huts which includes local people and families
- Ward members should have been consulted on this decision and should be consulted on local decisions as a matter of course

Andrew Hancock, Service Lead for Streetscene advised that the proposal had been made for practical reasons based on the understanding that the TIC was no longer operating. That understanding had now been shown to be incorrect and it was agreed that ward members should have been consulted. The beach huts had been inspected and a budget of £14,000 was need to replace them, together with a £5,000 budget for annual dismantling and storage as there was no dry storage space available to EDDC in Budleigh.

It was noted that consideration may need to be given to a legal agreement with the TIC if the short term lets continued.

Councillor Geoff Jung, Portfolio Holder for Coast, Country and Environment apologised for the lack of consultation with ward members on this particular decision, and noted that this was not normally the case. The Portfolio Holder decision had been made on the basis of the information contained in the report with a very short timescale for signing off.

Comments from members of the Committee were made as follows:

- Long term beach hut rents are very high and short term lets at an affordable rate are very attractive to visitors
- The opportunity for the beach hut experience should be widely available to as many people as possible
- Ward member consultation had been improving and it appeared that the decision under discussion had resulted from miscommunication
- There was a case for a full review of beach hut policy and rentals across the district
- Concern was raised as to the practicality of deep cleaning the beach huts if they were let on a short term basis

The Service Lead for Streetscene advised that officers would need to check the current situation regarding the implementation of the Portfolio Holder decision and the status of the tenants for the 2021 season. The decision had been implemented for practical reasons due to the timescale involved. Any decision made by the Scrutiny Committee would not preclude the letting of the beach huts reverting back to the TIC, only the type of tenancy for the current season.

Councillor Eleanor Rylance proposed that the decision be referred back to the Portfolio Holder to reconsider his decision, to consult with ward members and to update the accuracy of the report with regard to the Budleigh TIC and to consider whether there is any more information that should be taken into account. This was seconded by Councillor Vicky Johns and was agreed.

RESOLVED that the decision of the Portfolio Holder for Coast, Country and Environment of 16 March 2021 [Portfolio Holder report of February 2021 refers] relating to the decision that the Council agrees to no longer provide short term lets in Budleigh via the TIC and

offer them as EDDC sites for long term rental, be referred back to the Portfolio Holder to reconsider his decision, to consult with ward members and to update the accuracy of the report with regard to the Budleigh TIC and to consider whether there is any more information that should be taken into account.

Ward members thanked the Committee for its consideration of this matter. The Chair thanked the public speaker, Helen Warren, for attending the meeting.

146 **Quarterly Monitoring of Performance - Quarter 3 2020 - 21**

This item had been deferred from the previous meeting and was presented by the Deputy Monitoring Officer.

Comments from the Committee members highlighted the following:

- The figure for voluntary turnover of leavers had reduced from previous years which was viewed very positively
- Officers were thanked for their work during the very difficult circumstances of the Covid-19 pandemic
- Regarding the number of working days lost due to sickness absence, the Deputy Monitoring Officer would circulate the figures after the meeting

RESOLVED:

That the Quarterly Monitoring of Performance – Quarter 3 2020 – 21 be noted.

147 **Forward Plan**

Members considered a proposal form submitted by Cllr Maddy Chapman on the production of the Local Plan 2013-31 and Goodmores Farm. Cllr Chapman introduced the proposal form and highlighted the following points:

- Issues and concerns with the development of the site had been ongoing for eight years
- There is a lack of community infrastructure on the site which comprises 16 affordable homes out of approximately 300 dwellings
- There was concern that trees and hedges are being removed from the site

Non-members of the Committee made the following points:

- It was noted that, under the Constitution, the Scrutiny Committee is not permitted to comment on planning site allocations, but that perhaps this should be reviewed
- The issue was with the public consultation process and this aspect should be scrutinised to learn lessons for the future

The Deputy Monitoring Officer confirmed that the Scrutiny Committee is precluded by law from scrutinising planning applications and queried the benefit of looking at the process for the Goodmores Farm application which had been upheld by the Planning Inspector previously.

The Service Lead for Planning advised that, in his view, the issue with the Goodmores Farm site was with the viability of the development and that this may explain why the site

does not meet the ward members' and community's expectations in terms of infrastructure delivery. The process for ensuring that development is viable and deliverable is prescribed by planning legislation and policies in the Local Plan. It was noted that, with regard to learning lessons for the future, legislation has changed since the current Local Plan was adopted and now requires greater scrutiny of the viability and deliverability of developments at the point of allocation through the Local Plan process. If the Committee was minded to proceed with the proposal, careful scoping would be needed to ensure that the Committee remained within its legal remit.

In response to a question, the Service Lead for Planning advised that open book viability appraisals are already required and that Goodmores Farm would have been subject to this requirement under the current policy framework.

Cllr Chapman recommended to the Committee to scrutinise the different steps that were taken with regard to Goodmores Farm and the subsequent issues with this development in order to understand what had gone wrong.

Cllr Olly Davey proposed that the Committee requests the Service Lead for Planning to bring a report to the Strategic Planning Committee to consider the lessons to be learned from the Goodmores Farm development, with particular reference to the role of public consultation and historic site allocations.

The Deputy Monitoring Officer advised the Committee to consider requesting the Service Lead for Planning to bring a scoping report back to Scrutiny to ensure that any work undertaken was in line with the Committee's requirements.

The Service Lead for Planning suggested that a report could scrutinise how the allocations within the Local Plan come to fruition through the planning process and how policies in the Local Plan are translated into the delivery of a development. Goodmores Farm, together with other allocations by way of examples, could be considered, rather than looking at one application in isolation. The report, to come to the Scrutiny Committee, would cover the process and how the outcomes envisaged in the Local Plan have or have not been delivered, and why.

Councillor Chapman proposed that the report as outlined above by the Service Lead for Planning be requested. This was seconded by Cllr Ranger and was agreed.

RESOLVED:

That the Service Lead for Planning brings a report to the Scrutiny Committee setting out how the allocations within the Local Plan come to fruition through the planning process and how policies in the Local Plan are translated into the delivery of a development. Site allocations would be considered by way of examples, including Goodmores Farm, rather than looking at one particular application in isolation. The report would cover the process and how the outcomes envisaged in the Local Plan have or have not been delivered, and why.

It was agreed to defer the proposal form on playing pitch strategy, submitted by Councillor Millar, to the next meeting.

Attendance List

Councillors present:

C Brown (Chair)
V Ranger (Vice-Chair)
E Rylance
M Chapman
I Chubb
A Colman
V Johns
O Davey
S Hawkins
H Parr

Councillors also present (for some or all the meeting)

P Arnott
D Bickley
K Bloxham
S Bond
B De Saram
A Dent
M Howe
P Jarvis
G Jung
P Millar
A Moulding
M Rixson
J Rowland
I Thomas
E Wragg
T Wright

Officers in attendance:

Ed Freeman, Service Lead Planning Strategy and Development Management
Andrew Hancock, Service Lead StreetScene
Wendy Harris, Democratic Services Officer
Sarah Jenkins, Democratic Services Officer
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

Councillor apologies:

F King
T McCollum
B Taylor
C Wright

Chair

Date:

Report to: **Cabinet**



Date of Meeting 5 May 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Cranbrook Strategic Delivery Board

Report summary:

This report puts forward updated terms of reference for the Cranbrook Strategic Delivery Board including with regard to member representation.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That Cabinet;

- endorse the updated terms of reference for the Cranbrook Strategic Delivery Board
- endorse the three Cranbrook ward members and the Portfolio Holder for Strategic Planning being appointed to the Board from Annual Council

Reason for recommendation:

To ensure that the Board can continue to play a leading role in supporting the delivery of a sustainable community at Cranbrook

Officer: Andy Wood, tel 01395 571743, email adwood@eastdevon.gov.uk, Ed Freeman, tel 01395 517519 email efreeman@eastdevon.gov.uk

Portfolio(s) (check which apply):

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

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Link to [Council Plan](#):

Priorities (check which apply)

- Outstanding Place and Environment
 - Outstanding Homes and Communities
 - Outstanding Economic Growth, Productivity, and Prosperity
 - Outstanding Council and Council Services
-

1. Background and context

1.1 The September 2019 meeting of the Cabinet considered a report on the establishment of a Strategic Delivery Board for Cranbrook. The purpose of this was to;

- support the development of Cranbrook as a sustainable community by ensuring that there is a clear plan for the delivery of key community infrastructure, assets and services in the town in step with the growing population
- provide a forum for the three tiers of local government to consider the coordinated and cohesive delivery of assets and services and to provide advice to each Authority accordingly
- ensure that there is a strategic business case to support the delivery of assets and cost effective services on an ongoing basis.

Proposed Terms of the Reference for the Board were endorsed with two members each from the County, District and Town Councils.

1.2 The Board has now been meeting for over one year. The business of the Board over this period has largely been dominated by consideration of proposals for the development of the town centre which has in turn led to more frequent meetings than was originally anticipated. A proposed Memorandum of Understanding to guide the development of the town centre was agreed in principle by Cabinet on the 6th January.

2. Updated Terms of Reference

2.1 Members of the Board have recently reviewed the Terms of Reference. An updated document is appended to this report. This includes expanding the District Council's representation to include all three ward members.

2.2 There has been some frustration amongst board members during the first year of operation that the Board operates in an advisory capacity only. In reality it is not possible to delegate responsibility for planning decisions or for budgetary matters to a non-statutory Board. For this reason the terms of reference recognise that executive decision making and financial decisions will remain the remit of each individual Authority but that any views expressed by the Board will carry weight as a material consideration in any decisions taken by the respective authority.

2.3 There have also on occasion been some frustrations amongst the officers attending the Board, particularly around the topic of the town centre, where at times it was felt that the Board stepped beyond their advisory capacity and sought to direct negotiations. This put officers in an awkward position in balancing instructions from the Board with their own professional opinion. It is considered that this led to the developers at times receiving contradictory advice from officers and the Board which confused and elongated negotiations. This was only resolved once the matter was brought to Strategic Planning Committee.

2.4 The revised terms of reference help to clarify the position with regard to decision making but it is also considered important that Members of the Board understand that they cannot negotiate or be seen to act in anyway on behalf of the partner authorities in the run up to a matter being put before the relevant committee for decision. It is the role of officers to negotiate on behalf

of the Council in accordance with the constitution having where necessary taken relevant instructions from the Committees of the Council. This balance between advising and directing is a delicate one as members of the Board have at times also felt frustrated by a lack of progress towards the signing of the MoU for the town centre and the nature of the associated negotiations.

2.5 The updated Terms of Reference do change the level of representation for the District Council such that it will now exceed that for either the County or Town Councils. Subsequently there is a risk that this unbalances how specific items are considered. The Board was originally established with the same level of representation from each of the three local authorities on the basis that the views and priorities of each would have an equal opportunity of being represented. The revised terms of reference changes this balance such that there would now be 4 District Council Members, 3 County Council Members and 2 Town Council Members. Members may wish to consider the merits of rebalancing the board in this way. The updated Terms of Reference have though been discussed and agreed by members across all three tiers of local government.

2.6 A further consideration relates to the focus of the Board. As part of an informal review of the first year of operation it was queried whether the reference to the Board being both strategic and delivery focused in its title was in some way contradictory. Given the emphasis on the town centre over the last 12+ months the Board has both met more frequently and considered items in more detail than was originally anticipated. This led to a significant number of meetings that were at times unproductive. Although the ward and Town Council members desire for regular updates is understood officers need to be given adequate time between meetings to make progress. At times the Board has also discussed highly detailed matters when other forums are available for such issues to be addressed. There is though a challenge for the Board in terms of focusing solely on strategic issues when future delivery necessarily also hinges on an appreciation of the detail. This is an area that will need to be kept under review going forward.

2.7 Taking account of all of the above it is recommended that the updated Terms of Reference are endorsed and that a recommendation is made to Council to appoint the three Cranbrook ward members to the Board alongside the Portfolio Holder for Strategic Planning.

3. Conclusion

3.1 The original vision for Cranbrook was as a freestanding new community which would be capable of supporting its own assets and services. It is essential, in terms of supporting the growing population, that such provision is delivered in a timely and cost effective manner. Robust governance arrangements are in turn an important ingredient for ensuring the necessary coordination and oversight for this. The Board will play a leading role in this respect.

Financial implications:

There are no direct financial implications identified from the recommendations in this report.

Legal implications:

There are no specific legal implications requiring comment. If endorsed the addition of the two other Cranbrook Ward Members to the Board will be presented to Annual Council for agreement.

Terms of Reference for the Cranbrook Strategic Delivery Board (hereafter referred to as the 'Board')

Purpose

- Provide a forum within which the three tiers of local government can promote coordinated and cohesive delivery of assets and services;
- Support the development of Cranbrook as a sustainable community by ensuring that there is a clear plan for the delivery of key community infrastructure, assets and services in the town in step with the growing population;
- Ensure that there is a strategic business case to support the delivery of assets and cost effective services on an ongoing basis.

The Board has been established to support the coordinated development of Cranbrook as a new community through focusing on the delivery of key assets and services. It will act in an advisory capacity and will provide advice to each tier of local government. It is expected that the Board will develop an Implementation Plan for the delivery of assets and services in the town and provide oversight for its delivery. This will include ensuring that each asset is supported by a strategic business case. Executive decision making and financial decisions will remain the remit of each individual Authority but any views expressed by the Board will carry weight as a material consideration in any decisions taken by the respective authority.

Administrative Support

The Secretariat for the Board will be provided by the organisation that is chairing the Board and will revolve on an annual basis. The Secretariat will minute all meetings and record any actions arising therefrom.

Agendas will include a standard item requiring declarations of interests to be made. Members with a disclosable financial or personal interest in respect of a particular matter being considered by the Board should act in accordance with the Councillor's Code of Conduct of the relevant organisation that they represent.

The Board will be supported by Officers from East Devon District Council, Devon County Council and Cranbrook Town Council as well as external partners as required.

Objectives

The Board is responsible for overseeing the strategic detail and delivery of assets and services in Cranbrook. It provides a coordinating vehicle to help develop a corporate position between all three tiers of local government.

Specific objectives are:

1. To develop an Implementation Plan for the delivery of key assets and services in the town and ensure that the Implementation Plan includes a clear understanding of the following in relation to individual assets;
 - the strategic business case;
 - who the client is;
 - the business plan;
 - the brief and specification;
 - the budget and funding package, including sources of funding;
 - procurement strategy;
 - project management and delivery;
 - ownership and management of facilities;
 - the ongoing service delivery model and associated costs.
2. Engage with public and private sector partners and secure the cooperation and buy-in of key stakeholders.
3. Monitor risks, progress and effectiveness of delivery
4. Identify and secure funds including coordinating applications for funding
5. Ensure consistency of approach between all three tiers of local government so as to be able to speak with one voice
6. Develop a communications plan to ensure clarity around key messages and to manage expectations with the community

Membership

The membership will comprise:

- The elected District Council ward members;
- The elected County Council divisional members;
- Two elected Town Council members;
- The relevant Portfolio Holder from both the District and County Council.

External Partners

Attendance will normally be limited to members of the Board from the three authorities with relevant officer support representing each of the three authorities. Other parties may be invited to join the meeting as appropriate where the Board agrees that their involvement is beneficial. Agendas will be timetabled to facilitate this process.

Reports and other information shared with members of the Board may be shared with other parties only with the agreement of the Board acting on advice of the relevant Officer(s).

Chair: Shall revolve between Cranbrook Town Council, Devon County Council and East Devon District Council. The Chair will be elected annually by the Board.

Quorum: Shall be a minimum of 3 members which must include at least one from each of Cranbrook Town Council, Devon County Council and East Devon District Council.

Meetings: A minimum of 2 meetings per year, although meetings may be called more frequently on an "as and when required" basis to deal with operational matters.

Decision making: Decision making will, as far as it possible, be by consensus. In the event that this is not possible areas of disagreement and the position of individual organisations will be recorded and recognised in the subsequent advice/recommendations.

Review: The group’s terms of reference as well as its outcomes and successes will be reviewed annually.

Report to: **Cabinet**

Date of Meeting 5th May 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Additional Restrictions Grant

Report summary:

Options for ARG Spend before June 30th 2021

The purpose of this report is to provide an update on the April 15th Department for Business, Energy and Industrial Strategy (BEIS) guidance and FAQ's relevant to EDDC's Additional Restrictions Grant (ARG) delivery and our eligibility to secure additional ARG top up funding. Specifically this report;

- Provides an update on ARG spend
- Presents the relevant aspects of updated BEIS guidance for Local Authorities administering the ARG which impact our planned spend
- Highlights the current position with regard to our existing £1m commitment of ARG to the AIR Fund
- Sets out 6 updated options for the deployment of the remaining ARG funds through to the 30th June
- Puts forward a preferred way forward based on consideration by the ARG Panel

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That Cabinet;

- 1) Consider the implications of the updated April 15th BEIS guidance on the existing Cabinet commitment of £1m of ARG funds towards our AIR Fund
- 2) Review the options for the deployment of ARG funds to try and meet the deadline for spend of our existing ARG funds before the 30th June 2021
- 3) Endorse moving forward with Options C, E and F in line with the advice of the ARG Panel
- 4) Endorse the proposed policy for ARG3 as set out in Appendix A
- 5) Agree that, if we are successful in completing spend by the 30th June, that the £1.14m of ARG top up funds will be dedicated to the AIR Fund

Reason for recommendation:

To maximise delivery of Additional Restrictions Grant funding to businesses and organisations across East Devon.

Officer: Andrew Wood, tel 01395 571743, email adwood@eastdevon.gov.uk

Portfolio(s) (check which apply):

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

Equalities impact Low Impact

If choosing High or Medium level outline the equality considerations here, which should include any particular adverse impact on people with protected characteristics and actions to mitigate these. Link to an equalities impact assessment form using the [equalities form template](#).

Climate change Low Impact

Risk: Medium Risk; The report set out the implications arising from updated national guidance for the deployment of ARG funds. This principally concerns the need to defray funds before the 30th June in order to qualify for a further top up payment. The report puts forward a preferred way forward for how this can be achieved but it will require considerable effort to implement and to meet the associated deadline. Subsequently there is a risk that the top funds are not secured. Regular progress reports can be given to the ARG Panel.

Links to background information

[Supporting Economic Recovery](#) Agenda item 13 report to Cabinet 3rd Feb 2021;
[Business Support Grant Measures](#) Agenda item 7 report to Cabinet 20th Jan 2021;
[Covid-19 Economic Response and Recovery – Resources](#) Agenda item 17 report to Cabinet 25th Nov 2020

Link to [Council Plan](#):

Priorities (check which apply)

- Outstanding Place and Environment
 - Outstanding Homes and Communities
 - Outstanding Economic Growth, Productivity, and Prosperity
 - Outstanding Council and Council Services
-

Report in full

1. Background and Context

1.1 On the 31st October 2020, the Government announced the introduction of additional support to be administered by Local Authorities under national and Local Covid Alert Level 3

restrictions. This support took the form of a one-off lump sum payment called the Additional Restrictions Grant (ARG) to be used before 31st March 2022.

1.2 The Council was initially awarded a sum of £2,925,680. A further payment of £1,299,448 was made in recognition of the third period of national restrictions, making a total £4,225,128.

1.3 Government guidance highlighted the ARG awards must a) be used to support businesses through any future periods of national restrictions to March 2022; b) that wider business support could be funded through ARG; and c) that discretionary grant schemes could be offered to support businesses that have had their trade affected by periods of national restrictions. This included businesses required to close that don't pay business rates (so can't claim LRSG); and businesses that have not been required to close, but are still severely impacted.

1.4 Each local authority was given the discretion to establish business grant schemes or other wider business support as best fits their area. A discretionary grants policy was approved to guide the deployment of the funds which included establishing eligibility criteria, local priorities and grant payment levels.

1.5 At its meeting on 25th November 2020, Cabinet considered a report on the deployment of the ARG funds. This meeting resolved to divide the initial ARG award as follows:

- £1m towards a discretionary grant scheme to be deployed in line with an agreed policy (ARG1 was subsequently delivered covering the November nat. restrictions, followed by ARG2 and ARG2.1 covering the period from Jan 5th to March 31st)
- £925,680 to be held in reserve (This was subsequently approved by Cabinet for use in funding ARG2 and ARG2.1 applications (See report [Business Support Grant Measures](#))).
- £1m towards strategic economic recovery projects and priorities. This took the form of a grant scheme to support business adaptation, resilience and innovation ([AIR Fund prospectus](#) developed and consulted on – planned launch in May 2021)

1.6 The allocation of £1m ARG funding to support the deployment of the AIR Fund was endorsed again by Cabinet in February 2021. See Agenda Item 13: [Supporting Economic Recovery](#) report.

2 ARG: Overall Financial Position

2.1 We have experienced a strong demand in terms of ARG applications and businesses awareness has been helped by active marketing which encourages eligible businesses to apply. The most recent ARG application window closed at 4pm on Friday 23rd April.

2.2 As of the 26th April, EDDC have spent £2,507,346 on 1,343 ARG grant payments to 539 applicant businesses.

ARG financial overview	
ARG1 (paid)	£134,950
ARG2, top up and ARG2.1 (paid)	£2,372,396 (as at 26.04.21 - increases daily)
The Total ARG paid out	£2,507,346 (as at 26.04.21 - increases daily)
Remaining Funds	

(this is our £4,225,128 current total ARG funding allocation <u>minus</u> the £2,507,346 paid to date)	£1,717,782 (as at 29.04.21 we have 76 applications yet to be assessed. Payment of these could reduce the figure by a further c.£400,000).
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2.3 Of the £1,717,782 remaining, £1m is currently committed to the Adaptation, Innovation and Resilience (AIR) Fund matched by £1m from the Council’s Business Rate Pilot reserve.

2.4 Once the outstanding ARG2/2.1 applications are approved, this would leave an ARG residual of c.£300,000 to deliver a further grant tranche ‘ARG3 - Discretionary Restart Grants’, to support those business not eligible to receive grant funding via the main business rates and sector linked Restart Grant scheme.

3 Updated BEIS Guidance – Accessing Further ARG

3.1 At a webinar on the 9th March BEIS signalled that it would only be those local authorities that have fully spent their current ARG award in full that would be eligible for a share of the additional £425m nationally that was announced as part of the March Budget.

3.2 This new requirement conflicts with previous BEIS guidance and the approach adopted by Cabinet in November 2020 whereby £1m of ARG funding was allocated (in full accordance with previous guidance) to help support economic recovery through the proposed AIR Fund.

3.3 The AIR Fund is intended to support and sustain economic recovery throughout 2021, ensuring full spend of the existing ARG commitment ahead of the previous March 2022 deadline. The dedication of funds from the Business Rate Pilot reserve also enables support to be provided beyond this date.

3.4 On the 17th March BEIS set out a significant change in that Local Authorities now have until 30th June 2021 to meet all necessary conditions and prove that they have spent or made a validated attempt to spend 100% of their first two ARG allocations combined or no further ARG top up would be awarded.

3.5 On the 22nd March, updated guidance on the ARG was published and further FAQs followed on the 31st March but to the frustration of Local Authority teams, these provided no further clarity on “necessary conditions” or what is meant by a ‘validated attempt’ to spend 100% of our ARG funds.

3.6 We did, however, learn that EDDC’s provisional further ARG top up amount would be £1,144,070 *if* we are able to satisfy the “necessary conditions” and “validated attempt to spend criteria” which, by our ARG Panel meeting on the 14th April, still had not been published.

3.7 It wasn’t until the 15th April, 2 weeks after BEIS pledged to update the ARG guidance for LAs that this was [finally published](#) alongside updated FAQs.

3.8 These new conditions set out that:

- For the purposes of the ARG scheme, ‘spend’ would be defined as all funding being defrayed or where there has been a validated attempt to defray the funding (allowing for bounce-backs or technical errors in completing the payments)

- Funding being allocated but where there is no contract to provide business support after 30 June 2021 would not be considered a ‘validated attempt’
- Likewise, transferring funds to a different cost code or a third-party account, where no contract has already been signed to provide a service (prior to the circulation of the guidance on 15 April 2021), such as for business support activity, would not be considered spend or a validated attempt
- For spend to be considered as a validated attempt, the payment of all remaining ARG funds must be either complete, or in the financial system (meaning the processing of the payment is underway) before the 30th June 2021

3.9 Just before announcing the transfer of responsibility for Covid-19 business grants, the Co-Director of the Cities and Local Growth Unit noted that BEIS did acknowledge that this new guidance and deadline for spend would present ‘a challenge’ to Local Authorities who have worked hard to develop wider business support programmes that now needed ‘reviewing’.

3.10 The main implications arising from the updated guidance are considered to be twofold;

- BEIS would no longer consider EDDC’s £1m commitment of ARG funds to the Adaptation, Innovation and Resilience Fund to be “validated” spend.
- for EDDC to access £1.14m of further ARG top up funding, we now need to spend all of our remaining ARG funding (£1.7m with our existing £1m AIR Fund commitment factored back in) within the next 8 weeks.

4 Options for the Deployment of Remaining ARG Funds prior to June 30th 2021

4.1 A range of potential options to meet the revised spend requirement embodied in the updated guidance were considered at the ARG Panel meeting on the 26th April. These are set out below.

A. Continue with the current ARG spend programme

- Under this scenario, we would continue processing ARG2 applications alongside the development of the ARG3 tranche (Discretionary Restart Grants) to be launched in late May 2021 (see Option C).
- This would see an overall ARG grant spend of c.£2.8m on ARG1, ARG2 and ARG2.1 and the residual c.£1.3m would be spent on ARG3 discretionary restart grants; further ARG funded Special Case requests and in delivering the AIR Fund grant programme as planned.
- This is the approach that, with continued effort, our current staff resource has been working to achieve as our £1m AIR Fund commitment remains consistent with BEIS guidance unless we aim to try and secure the top up ARG funding.
- No ARG top up of £1.14m would be achieved if we were to continue pursuing this scenario as it is unlikely full spend of existing ARG would be achieved before the 30th June 2021.

B. Distribute all ARG residual to existing ARG recipients

- This option would see us complete all ARG2/2.1 application assessments and relevant payments before dividing what we then have left in ARG by the total number of existing ARG beneficiaries. We could then send access codes for them to access a further grant.
- To date, we've 539 existing businesses supported by ARG. If these were each to receive an equal share of what we estimate will be a post-ARG2/2.1 residual of c.£1.3m, they would each receive a further grant of c.£2,400.
- This would be £1,000 more than any previous ARG grant for the majority of businesses and unrelated to experienced losses, fixed business costs and the short period of time between April 1st and April 12th that the minority of ARG beneficiaries will have had to remain closed as a result of national restrictions.
- Though attractive in its simplicity, this option is a significant departure from the evidence based approach taken to date across all of our discretionary grant programmes. It would also preclude delivery of any ARG3 Discretionary Restart Grants and further Special Case Grant awards.

C. Launch ARG3 Discretionary Restart Grants as a priority alongside an increased number of targeted Special Case Grants Awards

- Achievable with existing partnership working between Economic Development, Business Rates and Customer Services.
- ARG3 Grants would be based on 30-70% of the existing mandatory Restart Grant funding bands.
- Not possible to accurately forecast uptake but would be widely promoted to relevant sectors and the relevant supply chains.
- Could be run alongside maximising our deployment of targeted Special Case applications from businesses with evidenced loss of trade and for whom we are assured the grant would strengthen recovery.

Details of how we would propose to deliver this further ARG tranche are set out in Appendix A at the end of this report: Policy Proposal - Additional Restrictions Grants Round 3 (ARG3 Discretionary Restart Grants).

D. Launch our AIR Fund with immediate effect and invite grant submissions

- This would require significant officer time marketing the early launch of the programme; addressing enquiries around eligibility and requests for dedicated officer support; assessing rushed, incomplete and flawed applications needing significant work to meet minimum requirements.

- Given the ARG spend deadline, there would be pressure to approve funding to projects that haven't been fully worked up and may lack feasibility. This would reduce the resultant impact of the AIR Fund in securing local economic recovery and adaptation.
- Impossible to impose conditions on funding retrospectively (required targets, outputs and milestones) once funding has been approved prematurely so we can meet the June 30th deadline.
- Resource constraints within team if launched alongside ARG3, Special Cases, Levelling-Up Fund and Community Renewal Fund submissions, Reopening High Streets Safely Fund, Welcome Back fund etc.
- Unlikely to secure a sufficient number of fundable projects and collaborative proposals to enable full spend of the ARG residual prior to June 30th.
- Recommend we launch AIR Fund in July to be able to focus on more effective methods of meeting the ARG spend deadline.

E. Special Case Grant awards to support a number of non-commercial organisations and partnerships committed to promoting local economic recovery, adaptation, higher value employment and support to local enterprise

- We have the option of offering ARG funded financial support to organisations such as our Growth Hub, Exeter Science Park, Future Skills Centre, Visit South Devon, Princes Trust, Social Enterprises and Community Transport Groups. All of these are at EDDC's discretion, but must be based on local economic needs.
- DCC have pre-existing contracts with Cosmic, Dartington School for Social Entrepreneurs, Learn Devon and Made in Devon. They may be an opportunity to boost these in terms of the provision of extra targeted supported (such as in promoting digital skills) in District.
- Such contributions could help boost the role of the new Future Skills Centre (former Flybe Training Academy) with Exeter College or expand the number of East Devon businesses able to be supported by the Growth Hub.

F. Recovery packages for heavily impacted sectors: Leisure, Aviation and Culture

- We have the opportunity to offer recovery packages to sit alongside the Restart grants for retail, but targeted at other heavily impacted sectors such as culture, aviation and leisure who, with support, can help strengthen our wider economy.
- Special Case grant awards to individual businesses within these sectors could be provided, such as to those within the aviation supply chain, Leisure East Devon and sports/leisure clubs more generally or organisations in the creative industries to help support their recovery and to fund workforce skills development.
- Time allowing, we would examine the potential to augment existing national support packages already targeted at these sectors.

Preferred way forward

4.2 Following consideration of these options by the ARG Panel it is a specific recommendation of this report that a preferred approach combining Options C, E and F is pursued. Furthermore it is recommended that the proposed policy approach for ARG3 as set out in Appendix A is endorsed.

5 Conclusion

5.1 The Additional Restrictions Grant continues to be an essential source of financial support for businesses and organisations that have been heavily impacted by the periods of restrictions. The commitment of £1m towards the AIR Fund was a strategic and effective measure to support economic recovery that was consistent with the government guidance at the time. This guidance has now changed, bringing the £1m back into the ARG remaining funds and subject to the 30th June deadline if we decide to try to access further ARG top up funding.

5.3 This report sets out a number of updated options for the deployment of our remaining ARG to try and meet this spend deadline. A preferred way forward which combines options C,E and F is put forward based on the advice of the ARG Panel.

5.4 Whatever option or combined approach is decided on, we ask that Cabinet agree that, if we are successful in completing spend of all remaining ARG funds ahead of the 30th June, that the £1.14m top up funds unlocked will be reallocated to the recovery focussed AIR Fund such that this strategic initiative can be delivered as previously endorsed by Cabinet.

Financial implications:

The financial details are contained in the report and relate to the allocation and spend of Government Grant to assist businesses in the district. The Council is changing its previously agreed strategy in terms of the best use of this funding in order to comply with recent Government changes to enable the Council to secure an additional £1.14m funding for the district. As the S151 Officer I have emailed BEIS as to the risk that local authorities may under this change, where all existing funds need to be spent by 30th June to receive further funding, there is a risk that public funds will not be used in the most efficient manner and additional funding should just be distributed based on spending plans. Having said that the proposed grant allocation/spend detailed in this report have been considered in detail and steered by the Member Panel to deliver efficient use of this funding whilst attracting the additional allocation. The report highlights the risk that unless the full existing allocation is spent by 30th June then none of £1.14m will be received. This comment is based on the most up to date guidance.

Legal implications:

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

Appendix A: Policy Proposal: Additional Restrictions Grants Round 3 (ARG3 Discretionary Restart Grants)

Background

In the latest Budget, the Chancellor announced an additional £5b for Restart Grants, to replace the LRSG schemes for rated and closed businesses. An additional £425m top-up to the ARG scheme was also announced, of which East Devon could receive £1,144,070.

Having spent £2.5m of our £4.2m ARG, East Devon currently has a remainder of around £1.7m which will need to be spent by the end of June 2021 in order to unlock this additional £1.1m ARG top-up.

This ARG3 policy has been developed to support businesses through the final period of national restrictions and those ineligible for the Restart grant whilst significantly reducing our ARG remainder. Delivered alongside further Special Case grant awards, this will help East Devon to unlock the £1.1m top-up ARG allocation which, with member approval, can then be used for the upcoming AIR Fund scheme.

Proposed approach

The Economic Development team, in consultation with the Business Rates team, have explored various options for ARG3. There was a shared desire to keep the scheme as closely aligned to the main Restart Grant scheme as possible, but factoring in the necessity to spend our existing ARG allocation by the end of June 2021.

Our proposal is that the ARG3 scheme align more closely with the reopening dates for each sector compared to the non-discretionary Restart Grant scheme. This means paying a lower amount to personal care and accommodation businesses (able to open April 12th) compared to hospitality and leisure (unable to open before May 17th). A new category, 'driving and transport', has been included for taxi drivers and driving instructors, who do not neatly fit into any of the pre-existing categories.

Businesses in the 'preferential' sectors will receive a grant equalling 70% of Restart Grant amounts if they are rated and 30% if they are non-rated. Businesses in the 'other' sectors will receive a 2-week payment equalling a third of the 6-week payments they received for ARG2 and ARG2.1.

The table below outlines exactly what each type of applicant would receive for both the non-discretionary Restart Grants and discretionary ARG3 scheme.

Non-discretionary: Restart Grants (rated businesses)			
Sector	Affected Ratepayer - RV £0 - £15k	Affected Ratepayer - RV £15k - £51k	Affected Ratepayer - RV £51k+
Non-essential retail	£2,667	£4,000	£6,000
Personal care	£8,000	£12,000	£18,000
Hospitality	£8,000	£12,000	£18,000
Leisure	£8,000	£12,000	£18,000
Accommodation	£8,000	£12,000	£18,000
Gyms & sport	£8,000	£12,000	£18,000

Discretionary: ARG3 (non-rated, supply chain and severely impacted businesses)				
Sector	Affected or Closed Non-Ratepayer	Affected Ratepayer RV £0-£15k	Affected Ratepayer RV £15-£51k	Affected Ratepayer RV £51k+
Non-essential retail	£1,067	£1,867	£2,800	£4,200
Personal care	£1,067	£1,867	£2,800	£4,200
Accommodation	£1,067	£1,867	£2,800	£4,200
Driving & transport	£1,067	£1,867	£2,800	£4,200
Hospitality	£3,200	£5,600	£8,400	£12,600
Leisure	£3,200	£5,600	£8,400	£12,600
Gyms & sport	£3,200	£5,600	£8,400	£12,600
Other	£467	£467	£700	£1,050

Those who supply a particular sector, rather than provide good/services direct to the end user, will receive the same amounts as above and will be asked to select the sector which represents the majority of their trade.

As this will be the first discretionary scheme to include sectoral bandings, we cannot say at this stage what the cost of the scheme will be. The bandings in the table above may alter if the total projected cost either exceeds our current ARG remainder (unlikely) or comes to a total significantly below our current ARG remainder.

Applications

To streamline the application process, all previous ARG recipients will be sent access code letters enabling them to avoid submitting a new application in full. Similar to ARG2, the access codes will present applicants with a pre-filled application form based on their previous answers.

Additional questions will be asked in the streamlined application form, asking applicants which sector they fall under to ascertain which grant band they are eligible for. Those in the preferential sectors will be asked to supply evidence that they trade within or supply the sector they have selected. Officers will conduct a manual review of this evidence prior to awarding the grant to ensure that applicants have not selected an inaccurate sector to receive a higher grant amount. Those in the 'other' category will simply receive an automated payment without the need for manual checks.

Those businesses which have not applied for ARG before will be able to submit a new application in full without an access code. This will apply to businesses which were previously eligible for the LRSG schemes but are not eligible for the Restart Grants; coach tour operators for example. New applications will also be invited from freelance and mobile businesses, event industry suppliers, wholesalers and English language schools, ensuring the most recent Gov. Guidance is met ([See point 27](#)).

Next steps

If Cabinet approve this ARG3 Policy approach, Strata will be instructed to develop the online application form. Subject to their development timeframe, we expect this scheme to be launched towards the end of May 2021.

Reporting to our Discretionary Grants Panel will continue as with ARG1 and ARG2/2.1, along with any relevant Special Case grant award applications until full spend of the existing ARG funds has been achieved.

Report to: Cabinet



Date of Meeting 5 May 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

LED financial settlement 2021/22

Report summary:

LED has been severely impacted by the Covid-19 pandemic with interruptions to its business since the introduction of lockdown restrictions in April 2020. This as a consequence has had a significant impact on income generation and the Council agreed in 2020/21 to a support package of £1,339,000 to ensure LED remained financially solvent. This report outlines further measures required for 2021/22 as the leisure industry emerges from lockdown restrictions to ensure that it is able to “bounce back” and recover lost income and membership numbers. This additional financial support will be subject to the external auditing process put in place in 2020 to ensure that all monthly claims of additional financial support are scrutinised in an open book manner. The report makes a separate request for financial support for its outreach work which provides a hugely important role in delivering health and wellbeing directly into our communities. The leisure industry has continued to suffer due to enforced closure of premises under government restrictions and the complexities of providing Covid19 secure facilities and activities.

This report deals with the additional financial support for LED in 2021/22. Work is underway under the guidance of the LED Forum on the preparation of Leisure Strategy, this is seen as a key piece of work to help shape the Council’s future delivery of this important function and to help steer the direction of LED’s future offering to the Council that is affordable within the context of the Council’s Medium Term Financial Plan budget gap and competing service priorities. The current preparation of a new Council Plan will also play an important role in this determination.

Is the proposed decision in accordance with:

Budget Yes No Policy Framework Yes No

Recommendation:

- (1) That Cabinet recommend to Council additional financial support to LED of up to £535,000 for 2021/22 (above the existing budgeted sum of £894k) to meet expected net losses as result of reduced income through the implications of covid.
- (2) That Cabinet recommend to Council a sum is made available up to £50,000 to LED to support an Outreach Programme for 2021/22.

Reason for recommendation:

To ensure that LED remain a viable leisure provider for East Devon DC and are able to manage the ongoing financial impacts of COVID19 and the restrictions into the 2021/22 financial year. The request for additional support for lost income will ensure that LED are able to reopen their facilities as lockdown restrictions are eased in May and June enabling recovery of membership numbers and income as expeditiously as possible.

Portfolio(s) (check which apply):

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

Equalities impact Low Impact

Climate change Medium Impact

Risk: Medium Risk; The basis of this report and predicted costs are based on the Governments current steps to coming out of lockdown and no further periods of lockdown or additional restrictions have been factored in. Any changes to this then further consideration by LED and the Council will be required.

Links to background information

Link to [Council Plan](#):

Priorities (check which apply)

- Outstanding Place and Environment
- Outstanding Homes and Communities
- Outstanding Economic Growth, Productivity, and Prosperity
- Outstanding Council and Council Services

Report in full

1. Summary of financial support 2020/21

1.1 Cabinet agreed for budgeting purposes to identify £1,339,000 in the 2020/21 financial year to support LED's lost income from April 2020 to March 2021 to ensure that LED remain a viable organisation that can continue to operate their sites.

1.2 The creation of the LED Monitoring Forum has enabled monthly meetings to ensure that any variation to this agreement is kept under review as well as better understand the implications on LED's income projections due to the ongoing lockdown restrictions put in place by Government. Also with the appointment by East Devon DC of external Consultants (Strategic Leisure) to independently assess the monthly subsidy requests by LED has enabled the Council to ensure that an open book and transparent process has been put in place to verify all claims made for additional support.

1.3 In the meantime considerable attempts have been made by Cabinet and Officers to recover LED's lost income from Government which has resulted in a £299,244 payment received from the Government's National Leisure Recovery Action Fund (NLRF) to help mitigate the financial

burden placed on those local authorities with an outsourced leisure provision. Although the Government has recently announced that only 30% of this figure can be allocated to 2020-21 (£89,767), with the remaining 70% (£209,457) to be provided to the operator towards reopening costs in April – June 2021. This has been welcomed however has been in direct contrast to the ability of other local authority's with in-house leisure facility provision to claim 75% of lost income (above the first 5% loss) through the Covid Income Guarantee Scheme. To emphasis this position EDDC has met from its own balances £1.339m to support LED continued operation in 2020/21 and received £90k support through NLRFF; whereas a Local Authority directly run operation would have received in the same situation £954k in Government Funding!

1.4 Many Councils are as a consequence having to underwrite their leisure providers to keep them afloat but this is not a long term solution, if providers collapse Councils will have to take these services back in house without necessarily having the expertise under challenging circumstances and financial insecurity, the loss of affordable leisure services will also have a huge impact on local communities particularly for those who from deprived communities, which will lead to a widening of health inequalities

2. Proposed fee submission 2021/22

2.1 LED's gyms and pools have now reopened from the 12th April. However LED are unable to restart their indoor group exercise programme until the 17th of May, at the earliest. This is the largest income generating activity that LED provides so income generation and recovery will be significantly affected until this date. The easing of all restrictions that is currently planned for 21st June will hopefully enable a full speed income recovery enabling unrestricted access to gyms, swimming pools and exercise classes. However it is anticipated that the continuation of social distancing and use of face masks will be continued. From June onwards there will be a much clearer idea of how income is recovering and also membership recovery is faring.

2.2 The 2021/22 budget has allocated the annual Service Fee of £893,717 which has remained unchanged since LED voluntarily reduced it in 2010. The legacy of COVID-19 is that LED forecasts continued additional losses for 2021-22 of £535,000, and requests that this figure be agreed as additional financial support for the year if required and as it is proposed that the current arrangement with external auditing of monthly claims is continued through 2021/22 to ensure an open book process is continued.

2.3 The additional anticipated losses of £535,000 for 2021/22 have been predicated on the following operational modelling assessment by LED:

Year Apr 2021/March 2022 - Forecasts

The forecasts for April 2021 to March 2022 show additional losses of approx. £535,000, after including the 2016 – 2021 annual subsidy payment. A revised report for 2021-22 will be provided in conjunction with EDDC's Strategic Lead – Finance and is anticipated to be less than the current £535,000 forecast due to additional funding sources. However, the key factor will be the return of customer confidence and attendances, combined with an expectation of no further lockdowns.

The forecasts have to date been built using a prudent approach including the following assumptions:

Opening times – Leisure Services

Exmouth Leisure Centre – Fully open 12th April, no group exercise classes until 17th May.

Exmouth Tennis Centre – Opening 19th April 3.30 – 7.30pm Monday – Friday, & 8-12noon Saturday -Sunday. This is to accommodate junior tennis, which is allowed indoors; the gym will also be open for these hours. Fully open 17th May.

Sidmouth Swimming Pool – Normal opening hours from 26th April.

Sidmouth Leisure Centre – Open 6.45 – 11.30am & 16.45 -21.30. No group exercise classes until 17th May.

Colyton Leisure Centre – Closed until 17th May 2021 when group exercise classes return.

Broadclyst Leisure Centre – Closed until July 21st

Ottery St Mary Leisure Centre – reduced opening hours until 17th May

Honiton Leisure Centre – pool and centre opening 12th April – group exercise returning 17th May.

Axminster Leisure Centre – open mornings and evenings from 12th April.

Memberships

Memberships included in the forecasts only reflect the re-activation of those members who were active before the lockdown in January 2021. Members on suspend remain so and are considered a prospect once we re-open fully on the 17th of May.

Team Costs

Team costs have been presented according to the opening times and flexi-furlough will continue to be used at every opportunity.

National Living Wage and National Minimum Wage adjustments for affected operational staff and differential payments for their team leaders are included.

No LED pay awards for other staff are included for 2021/22, as they are currently considered unaffordable.

Training

Only mandatory training has been included for 2021/22, until the recovery position is understood.

Swimming Pools

Although there is a cost attached, LED believe the importance of opening swimming pools in East Devon is not only for Health and Wellbeing, but also to support younger members growing up in coastal communities and the importance of having the ability to learn to swim, as agreed with the Council last summer.

Exmouth Pavilion – Opening

Takeaway – The Ice-cream shop is now open, and the Café is providing outdoor service only. The café will open indoors on the 17th of May.

Events – Start in late May, with some free events, to support the community. All will be compliant with Social distancing regulations. The first major show planned is Robert Plant (of Led Zeppelin fame) on the 24th of June.

2.4 Providing continued Community Engagement ('Outreach') work is recognised as an essential community benefit activity, as agreed with the Council in 2020. LED's community engagement (outreach) projects include Walk this Way, Active Mums, dementia support, walking football and netball, Age UK, disability groups, FORCE cancer referrals, Ways 2 Wellbeing (social prescribing) coaches, Parkinson's disease, Connecting Actively with Nature (CAN). Some of these activities have been award-winning and recognised both locally and nationally. Although many of these activities are either part or fully funded through grants, they (and future ones) would not have been instigated nor be sustainable without the bid proposals, management and

support provided by LED's Community Engagement Manager(s), currently a full-time post job-share.

2.5 The cost of employing the full time Community Engagement Manager post is £50,000 p.a including on costs and this role is part of the additional support requested by LED for 2021/22. The Outreach team will be returning at the beginning of May and therefore the requirement for funding for 2021/22 has been reduced by 1/12th and therefore the request is pro rata'd which for the year ahead is £45,833.

LED's Outreach Programme for June – September 2021:

- Re-start Health Referrals across East Devon (GP Referral, Cardiac Rehab, Escape Pain, Strength and Balance)
- Work with Volunteers to establish a new set of Wellbeing Health Walks following Covid19 guidance – June/July Start
- Promote the “Naturally Healthy May” campaign to LED members through email, social media, Health Coaches and LED's app, linking to EDDC natural environments such as Wetlands, Wild Projects and LED's outdoor activities, such as exercise classes, tennis, mini golf etc.
- Develop a Wild Swimming project at Exmouth to start in July, in partnership with EDDC
- Work with the Imperial Medical Centre on specific walks to target inactive people
- Set up “Couch to 5K” 6-week running course at Exmouth LC – targeting inactive people, to build levels of fitness. If successful, to target specific age groups.
- Promote “Wellness Week” in June to support the community – Book a Health Screening as well as potential Nutrition and Coaching Seminars.
- NHS Health & Wellbeing Coaches – Support their clients with LED being the exercise pathway and continue to develop the “Ways2Wellbeing” social prescribing model.
- Support new opportunities with NHS physiotherapists.

2.6 The outreach work is an important part of the Council's Public Health Plan and Action Plan outputs with a significant amount of collaboration with the Council's Wild East Devon team in areas such as healthy walking initiatives, wild swimming and outdoor clubs carried out on a variety of the Council's Nature Reserves.

3. Financial Support 2022/23 and beyond.

3.1 Prior to the pandemic discussions had begun with LED on the annual service level payment which was due to be reviewed for 2021/22. The circumstances of the pandemic put those discussions to one side, however subject to a position being agreed for 2021/22 (basis of the recommendation in this report) then members consideration needs to be given to the future financial support of LED for 2022/23 onwards.

3.2 LED has indicated the standard level of support at £894k per annum was insufficient to maintain the existing level of operation provided, the suitability of the Council owned and funded leisure facilities needs consideration and all this in the context of a Medium Term Financial Plan deficit of £4.3m over the next two years (2022/24).

3.3 Members' anticipated this predicament, through the LED Forum, and instigated the development of a Leisure Strategy which includes a built facility review and sports data analysis and provision. This work will help members set out a plan for leisure provision going forward giving a LED a clear direction of what the Council requires from it. This is being formulated at the same time the Council considers a new Council Plan and leisure provision will have to be considered in the context of other Council priorities and the finances available,

Financial implications:

Details are contained in the report. In terms of the additional budget request to Council for 2021/22, total amount being up to £585k, this can be met from the unallocated budget members agreed to set aside to meet such anticipated costs in 2021/22. The total budget available was £1.316m derived from one off covid and service grant allocated to the Council as part of the 2021/22 local government finance settlement. Of this sum to date Council has ring- fenced £270k spend from this budget, if the LED funding request is met this leaves £461k for other costs in the remainder of the year.

Legal implications:

What is recommended is within the power of the authority. It is important that appropriate documentation is put in place to reflect that this is the use of public funds. Otherwise there are no implications requiring comment.

Report to: Cabinet



Date of Meeting 12 May 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Exemption from Contract Standing Orders – One Public Estate, Stage One study, Thriving Towns - East Devon Mini Programme

Report summary:

The Council has the opportunity to access central government funding in order to progress the One Public Estate (OPE) initiative for East Devon.

The Thriving Towns East Devon Study will represent a 'pilot' project under a Devon & Torbay OPE Partnership theme of "promoting economic growth in a post –Covid-19 environment" and "regeneration of market and coastal towns across the County" which is an emerging theme in the OPE Partnership's Programme Refresh.

East Devon District Council has appointed Avison Young to undertake the Stage One study. Senior Officers have made the decision to grant Exemption from Standing Orders for this contract.

Cabinet are asked to note the exemption as the contract exceeds £20,000.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That Cabinet notes the exemption from Contract Standing Orders in accordance with para 3.2 of the Council's Contract Standing Orders.

Reason for recommendation:

In order to take this initiative forward in a timely manner, and with the appropriate expertise, it was considered beneficial to make a direct appointment of Avison Young for this first stage of work.

As a project funded by One Public Estate (Cabinet Office) monies (that are already secured), it is essential that the external advisors understand One Public Estate and the core objectives; have experience of working across the public sector (health, blue light, central government, local government and education); understand the individual challenges faced by different organisations (and factors influencing collaboration) and experience of public estate focussed studies and projects.

Avison Young are property consultants working with public and private sector clients across the UK. They are recognised as a leading OPE advisor from their work with many local authority led partnerships across the country. In January 2019, they were appointed as overall Programme Managers (PMO) for the Devon & Torbay OPE Partnership and have been working with the various public sector partners, including East Devon District Council ever since.

Portfolio(s) (check which apply):

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

Equalities impact Low

Climate change Low Impact

Risk: Low Risk; The OPE Thriving Towns Mini study, to which this contract relates, is fully funded by One Public Estate (Cabinet Office).

Links to background information

Link to [Council Plan](#):

Priorities (check which apply)

- Outstanding Place and Environment
- Outstanding Homes and Communities
- Outstanding Economic Growth, Productivity, and Prosperity
- Outstanding Council and Council Services

Financial implications:

The financial details are contained in the exemption.

Legal implications:

The contract value falls below the threshold set out in the Public Contracts Regulations 2015 and therefore the EU procurement procedure (which is still currently relevant) does not apply and an exemption can be validly relied upon pursuant to the Council's Contract Standing Orders Rule 3.2. The reason for using the exemption in this case appears justified.



REQUEST FOR EXEMPTION TO CONTRACT STANDING ORDERS

Contract Standing Orders (CSOs) requires certain steps to be followed when carrying out procurement exercises. Exemptions to CSOs can be authorised by Council / Cabinet upon report and separately by officers with the approval of certain senior officers. An exemption can only be relied upon in certain circumstances (as detailed in CSOs Rules 3.1 – 3.5) but in any event cannot be used where the EU Procedure applies.

This form is intended to be used by officers to obtain an exemption to using CSOs.

Name: Alison Hayward	Date: 14 January 2021
Service: Place Assets & Commercialisation	Team: Place & Prosperity
Total contract value: £25,000	

Background (including product and supplier details, costs etc:

The Council has the opportunity to access external government funding in order to progress the One Public Estate initiative for East Devon

The Thriving Towns East Devon Study will represent a ‘pilot’ project under a Devon & Torbay OPE Partnership theme of “promoting economic growth in a post –Covid-19 environment” and “regeneration of market and coastal towns across the County” which is an emerging theme in the OPE Partnership’s Programme Refresh.

The initial allocation of funding for East Devon was intended to focus on two towns within the District, Axminster and Exmouth. However, as part of the recent Programme refresh, the Programme Administrators are now seeking a District-wide project

The Council requires support from external professional advisors, to work with the Council, and partnership, to define a programme of projects and proposals for East Devon that, collectively, help the District’s towns recover. The Study will focus on the role of the public estate and public services in facilitating change, delivering the target OPE benefits/objectives and other benefits which will contribute to the District’s economic recovery and low carbon impact etc.

Adopting a ‘place-making’ approach, the external consultants will assess the public sector assets within the District; understand the future plans and operational needs of those public sector bodies present and/or unrepresented; to identify opportunities for collaborative working around landholdings; and identify specific projects that could be pursued.

The overarching theme will be to ensure that the project outcomes can provide sustainable economic benefits to the District’s towns and town centres in particular in order to assist in facilitating job creation and an increase in footfall to its towns to promote economic growth in the post –Covid-19 environment. This aligns with the wider theme of regeneration of market

and coastal towns across the county which is an emerging priority in on-going Board discussions and for the forthcoming Programme Refresh.

The project will be commissioned in 2 stages:

The first stage of the Thriving Towns East Devon Study will cost up to £25,000 and will involve the following:

The Place – gathering together existing information about East Devon’s towns.

The Partners – engaging with senior representatives of the OPE Partnership already present in East Devon and those unrepresented.

Opportunities – produce a summary report setting out key findings, key themes and potential opportunities.

It is proposed to utilise the services of Avison Young Property Consultants for this project.

The Portfolio Holder for Economy and Assets has been briefed on this commission, the reasons for recommending use of Avison Young and is in support of this as a way forward.

Business Reasons for an Exemption:

Although the following are justifiably accepted as valid reasons for an exemption to Contract Standing Orders, they are closely monitored and should be applied only in cases where a full procurement exercise is not a viable option. (Tick appropriate boxes)

	✓	Which CSO rule?
An Emergency		
Goods or Services to existing systems or kit		
Purchase or repair of patented or proprietary articles sold only at a fixed price		
Effective competition is prevented by government control		
Goods and/or Services recommended by a Central Government Department		
Extension to an existing contract for the purpose of achieving Best Value		
Purchase or Sale by Auction		
Where the Contract is with a Public Utility Company or other organisation which will assume liability for the works on completion e.g. sewer adoption		
Other Reasons (please provide details)	x	

Business Benefits for an Exemption:

As a project funded by One Public Estate (Cabinet Office) monies (that are already secured), it is essential that the external advisors understand One Public Estate and the core objectives; have experience of working across the public sector (health, blue light, central government, local government and education); understand the individual challenges faced by different organisations (and factors influencing collaboration); have market-facing insight into town

centres and regeneration expertise; and experience of public estate focussed studies and projects.

Avison Young are property consultants working with public and private sector clients across the UK. They offer a full range of expertise from property strategy and planning through to development viability, developer selection and project delivery. They have a strong market presence in the South West from their Bristol Office. Members of their niche Public Sector Advisory Team have supported the Government’s One Public Estate Programme for over 6 years. They are recognised as a leading OPE advisor from their work with many local authority led partnerships across the country. They have supported the partnerships to develop governance arrangements, programmes of potential projects and have authored applications for OPE funding – all of which have been successful. In 2017 they authored the first Devon & Torbay Partnership application and successfully secured OPE and Land Release Funds for the partnership, some of which was allocated to East Devon DC to drive forwards the Thriving Towns initiatives. In January 2019, they were appointed as overall Programme Managers (PMO) for the Devon & Torbay OPE Partnership and have been working with the various public sector partners, including East Devon DC ever since.

Avison Young’s Bristol Office is well connected to the various public bodies across the South West. They have access to the key participants who can assist in driving the first stage of the project forward, gathering the relevant information and identifying the opportunities. As such, they are well placed to drive the Thriving Towns East Devon study forward and help our Council to understand whether the public estate and future public service needs for the residents of East Devon could act as a catalyst for the revival of its high streets and town centres.

In order to take this initiative forward in a timely manner, and with the appropriate expertise, it is considered beneficial to make a direct appointment of Avison Young for this first stage of work, rather than go out through a tender process which will further delay progress and risk the appointment of professional advisors without the optimum level of experience.

What are the implications to the following:

Finance: none – this is externally funded

Human Resources: none

ICT: none

Asset Management: none

Strategic and/or Operational Objectives: Consideration of asset ownership, opportunities to maximise efficiencies in the council’s assets.

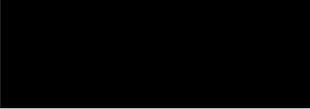
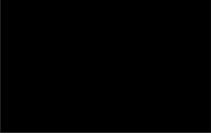
Risk Assessment:

Detail risks here:

This stage of the project represents a low risk to the council.

This is an initial study to gather information on public sector ownership within East Devon, discuss land and building requirements with key public sector partners and identify opportunities that could be taken forward for further feasibility work. There is no commitment to enter into any land acquisition or disposal activities.

Or attach print from the RM system

<u>Signature of line manager or service head</u> 
<u>Supporting signature of Strategic Lead - Finance</u> 
<u>Supporting signature of Strategic Lead – Governance and Licensing</u> 

PLEASE NOTE:

Where the Contract value is £20,001 or above then Rule 3.2 requires you to prepare a report for Cabinet to note their support for the action taken.

The Council is required to keep a Register of Exemptions. **Please ensure that a signed copy of this form is provided to the S.151 Officer.**

Report to: **Cabinet**



Date of Meeting 12th May 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Levelling Up Fund – Exemption from Contract Standing Orders

Report summary:

The purpose of this report is to notify Cabinet of the use of an Exemption from Contract Standing Orders to enable the appointment of consultants Avison Young to support the development of an application to the Levelling Up Fund.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

It is recommended that members;

- Note the use of an Exemption from Standing Orders to enable the appointment of Avison Young

Reason for recommendation:

To maximise the chances of the Council submitting a successful bid to the Levelling Up Fund.

Officer: Andy Wood, adwood@eastdevon.gov.uk, tel 01395 571743

Portfolio(s) (check which apply):

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

Equalities impact Low Impact

Climate change Low Impact

Risk: High Risk; East Devon is identified as being in the lowest priority for the Levelling Up Fund. Subsequently there is a significant risk that considerable time and effort is invested in to developing and submitting bids that are ultimately unsuccessful on a national stage.

Links to background information [Levelling Up prospectus.pdf \(publishing.service.gov.uk\)](#)
[Agenda for Cabinet on Wednesday, 31st March, 2021, 6.00 pm - East Devon](#) Item 21

Link to [Council Plan](#):

Priorities (check which apply)

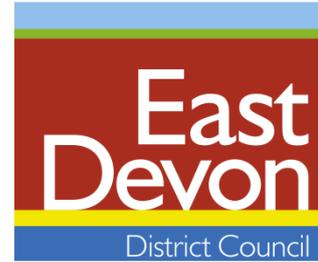
- Outstanding Place and Environment
 - Outstanding Homes and Communities
 - Outstanding Economic Growth, Productivity, and Prosperity
 - Outstanding Council and Council Services
-
-

Financial implications:

The financial details are contained in the report. The £50k expenditure it is intended will be met from the Welcome Back Fund but if this fails Council have approved for the amount to be met Business Rates 100% Pilot Reserve.

Legal implications:

The contract value falls below the threshold set out in the Public Contracts Regulations 2015 and therefore the EU procurement procedure (which is still currently relevant) does not apply and an exemption can be validly relied upon pursuant to the Council's Contract Standing Orders Rule 3.2. The reason for using the exemption in this case appears justified.



REQUEST FOR EXEMPTION TO CONTRACT STANDING ORDERS

Contract Standing Orders (CSOs) requires certain steps to be followed when carrying out procurement exercises. Exemptions to CSOs can be authorised by Council / Cabinet upon report and separately by officers with the approval of certain senior officers. An exemption can only be relied upon in certain circumstances (as detailed in CSOs Rules 3.1 – 3.5) but in any event cannot be used where the EU Procedure applies.

This form is intended to be used by officers to obtain an exemption to using CSOs.

Name: Andy Wood	Date: 26 th April 2021
Service: Growth, Development & Prosperity	Team:
Total contract value: up to £50,000	

Background (including product and supplier details, costs etc:

The prospectus for the Levelling Up Fund was published alongside the Budget in March. This was subsequently followed by the publication of more detailed guidance. The Fund represents a significant opportunity to secure substantial investment for the district with specific objectives around transport improvements, town centre regeneration and cultural investment.

In recognition of the potential offered by the Fund an initial report was considered by Cabinet on the 31st March. This started to scope out potential projects as well as highlighting the demanding timescales for bidding in to the first round (deadline of the 18th June) and the relative priority placed on the District (tier 3, the lowest nationally) meaning that any application would have to be both developed at pace and be of an exceptional quality to stand a chance of being successful.

A key requirement of the application process is to have the support of the local MP. Subsequent to the Cabinet meeting a call was arranged with two of the constituency MPs to discuss potential bids. This helped to frame the scope and timing of applications.

A bid is now in the process of being prepared for Exmouth which will cover both the Dinan Way extension and town centre regeneration. In order to support the development of this bid and to meet both the demanding timescales and the quality threshold for bids from tier 3 areas it is proposed to appoint Avison Young (AY) to provide consultancy support. Avison Young are currently undertaking the 'Thriving Towns' study for the Council which is being funded through the One Public Estate programme.

The budget for the work to support the development of an application to the Levelling Up Fund is up to £50k. It is proposed to recoup these costs from the monies available to the Council through the Welcome Back Fund.

<u>Business Reasons for an Exemption:</u>		
Although the following are justifiably accepted as valid reasons for an exemption to Contract Standing Orders, they are closely monitored and should be applied only in cases where a full procurement exercise is not a viable option. (Tick appropriate boxes)		
	✓	Which CSO rule?
An Emergency		
Goods or Services to existing systems or kit		
Purchase or repair of patented or proprietary articles sold only at a fixed price		
Effective competition is prevented by government control		
Goods and/or Services recommended by a Central Government Department		
Extension to an existing contract for the purpose of achieving Best Value		
Purchase or Sale by Auction		
Where the Contract is with a Public Utility Company or other organisation which will assume liability for the works on completion e.g. sewer adoption		
Other Reasons (please provide details)	X	
<p>To be able to meet the demanding timescales and quality threshold for submitting a bid to the Levelling Up Fund.</p> <p>To utilise the expertise and knowledge that the proposed consultants have already developed in undertaking the 'Thriving Towns' study.</p>		

<u>Business Benefits for an Exemption:</u>
<p>The Levelling Up Fund is a significant opportunity to secure substantial public funds for the District. In turn this should help to catalyse wider investment particularly in terms of town centre regeneration. The application process for the Fund is though very demanding both in terms of timescales and quality thresholds. Also the Council does not have all the necessary skills and expertise in house in order to be able to complete all aspects of the application from.</p> <p>Avison Young are considered to be uniquely placed to support the development of a bid to the Levelling Up Fund. This will draw on their expertise and knowledge gained in undertaking the current 'Thriving Towns' study. The exemption will also enable the demanding timescales and deadlines to be met.</p>

<u>What are the implications to the following:</u>
<p>Finance: It is proposed to recoup the cost of this support from the Welcome Back Fund in the first instance. In for any reason this is not successful then there is a Council resolution regarding meeting the cost from the Business Rate Pilot reserve.</p>
<p>Human Resources: None</p>

ICT: None
Asset Management: None
Strategic and/or Operational Objectives: Supporting the regeneration of town centres will be a key means of enabling recovery from the impacts of the COVID-19 pandemic.

<u>Risk Assessment:</u>
Low
Detail risks here: The main risk relates to timing and getting a well worked up bid submitted by the June deadline. Commissioning Avison Young is core to managing this risk. <p style="text-align: right;">Or attach print from the RM system</p>

<u>Signature of line manager or service head</u>


<u>Supporting signature of Strategic Lead – Finance</u>


<u>Supporting signature of Strategic Lead – Governance and Licensing</u>


PLEASE NOTE:

Where the Contract value is £20,001 or above then Rule 3.2 requires you to prepare a report for Cabinet to note their support for the action taken.

The Council is required to keep a Register of Exemptions. **Please ensure that a signed copy of this form is provided to the S.151 Officer.**

Report to: **Cabinet**

Date of Meeting 5th May 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Exemption from Contract Standing Orders – Appointment of Place & Prosperity Interim Surveyor through Macdonald & Company

Report summary:

The purpose of this report is to notify Members of the use of an Exemption from Standing Orders to enable the appointment of an interim Place & Prosperity Surveyor through the recruitment company Macdonald & Company to support delivery of key projects within the Place & Prosperity Team. Workload has increased significantly in the past 6-12 months, compounded in recent months by the absence of a key Officer. The Team's work is increasingly linked to economic recovery projects.

Cabinet are asked to note the exemption as the contract exceeds £20,000.

The staffing resource for the Team is budgeted for but this interim appointment will result in an overspend due to reliance on agency support and which will need to be addressed from budgets elsewhere. Discussions prior to appointment had taken place with and support was given by the Strategic Lead – Finance.

The attached form provides the full background and business reasons for the exemption.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That Cabinet notes the exemption from Contract Standing Orders.

Reason for recommendation:

To enable the appointment of this Interim Place & Prosperity Surveyor pursuant to the Council's Contract Standing Orders Rule 3.2.

Officer: Tim Child, Service Lead - Place, Assets & Commercialisation, tchild@eastdevon.gov.uk
01395 571692

Portfolio(s) (check which apply):

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

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk; There is a possibility this post will need to be extended to accommodate expectations.

Links to background information

Link to [Council Plan](#):

Priorities (check which apply)

- Outstanding Place and Environment
- Outstanding Homes and Communities
- Outstanding Economic Growth, Productivity, and Prosperity
- Outstanding Council and Council Services

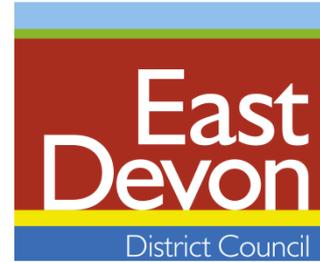
Financial implications:

The financial details are contained in the exemption.

This will result in a budget overspend as agency resource is having to be used to deliver work due to staff sickness. Under and overspends against budget occur and are monitored carefully with the overall position presented regularly to Cabinet in case overall action is required to keep the Council within its overall cash budget.

Legal implications:

The contract value falls below the threshold set out in the Public Contracts Regulations 2015 and therefore the EU procurement procedure (which is still currently relevant) does not apply and an exemption can be validly relied upon pursuant to the Council's Contract Standing Orders Rule 3.2. The reason for using the exemption in this case appears justified.



REQUEST FOR EXEMPTION TO CONTRACT STANDING ORDERS

Contract Standing Orders (CSOs) requires certain steps to be followed when carrying out procurement exercises. Exemptions to CSOs can be authorised by Council / Cabinet upon report and separately by officers with the approval of certain senior officers. An exemption can only be relied upon in certain circumstances (as detailed in CSOs Rules 3.1 – 3.5) but in any event cannot be used where the EU Procedure applies.

This form is intended to be used by officers to obtain an exemption to using CSOs.

Name: Tim Child	Date: 30/03/21
Service: Place, Assets & Commercialisation	Team: Place & Prosperity
	Total contract value: £33,000 plus VAT

This relates to the appointment of an interim agency Place & Prosperity Surveyor through the recruitment company Macdonald & Company.

The Place & Prosperity Team have been under considerable pressure over the past 6 months to deliver on projects. A number of projects are new and a direct consequence of the covid pandemic recovery with the Team adding 10 projects initially to the Team Devon Economic Recovery pipeline, but there are also other projects being taken forward at Members request, these having previously stalled. The Team were already struggling to deliver on these projects and to compound matters further, there has been a key staff absence over the past few months. A work plan had been shared with the Portfolio Holder which contained key milestones and there is pressure to deliver. Over the coming months we now have the added pressure to that Team of further work likely through emerging economic recovery projects.

To help provide resource to ensure that projects on the work plan can be progressed and new projects adequately supported I am appointing an interim agency Place & Prosperity Surveyor for 4 months. This is an urgent appointment so as not to further compound the pressures we are experiencing. An individual has already been identified through a recruitment agency through a speculative approach to the Council, the Surveyor is already known to the Service Lead through previous work at other authorities, has a strong track record and would be a good fit and available for an immediate start. A CV has been received from the recruitment company Macdonald & Company and competency based interview undertaken before offer of appointment. A day rate is to be paid as is standard practice for this type of post which includes within it a fee retained by the recruitment company.

Through discussions with other recruitment companies in recent months when appointing to other positions it is clear that there is a lack of good quality Surveyors with the skillsets and experience needed for this post. As evidence to substantiate the day-rate, we currently utilise Torbay Development Agency for valuation and estates projects for 2.5 days a week, this day rate compares favourably and furthermore is comparable with other day rates through CV's issued on a spelative and ad hoc basis. Whilst we have not approached other recruitment companies, the rate as comparable to other candidates, arguably less qualified for this role.

The appointment to this post for 4 months will cost a maximum of £33,000. We have not approached other recruitment companies as we already know that there is limited available Surveyors with the appropriate skillset and experience and we further know that the day rate is fair and reasonable whn comparing with others. Furthermore the candidate in question needed to be apointed quickly to both secure the candidate but also to allow projects to move forward.

Business Reasons for an Exemption:

Although the following are justifiably accepted as valid reasons for an exemption to Contract Standing Orders, they are closely monitored and should be applied only in cases where a full procurement exercise is not a viable option. (Tick appropriate boxes)

	✓	Which CSO rule?
An Emergency		
Goods or Services to existing systems or kit		
Purchase or repair of patented or proprietary articles sold only at a fixed price		
Effective competition is prevented by government control		
Goods and/or Services recommended by a Central Government Department		
Extension to an existing contract for the purpose of achieving Best Value		

Purchase or Sale by Auction		
Where the Contract is with a Public Utility Company or other organisation which will assume liability for the works on completion e.g. sewer adoption		
Other Reasons (please provide details). Details included above.	X	

Business Benefits for an Exemption:
 To secure a good quality candidate available for an immediate start.

What are the implications to the following:

Finance: £33,000 plus VAT

Human Resources: Appointed through a recruitment company. 1 week’s notice on either side.

ICT: To receive usual login access rights.

Asset Management: None

Strategic and/or Operational Objectives: To support delivery

Risk Assessment:

Detail risks here: Failure to appoint resulting in further pressure on both the Team and on service delivery.

Or attach print from the RM system

Signature of line manager or service head



Supporting signature of Strategic Lead - Finance



Supporting signature of Strategic Lead – Governance and Licensing



PLEASE NOTE:

Where the Contract value is £20,001 or above then Rule 3.2 requires you to prepare a report for Cabinet to note their support for the action taken.

The Council is required to keep a Register of Exemptions. **Please ensure that a signed copy of this form is provided to the S.151 Officer.**

Report to: **Cabinet**



Date of Meeting 5th May 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Exemption from Standing Orders – Restoration of Former Overflow Car Park, Queen’s Drive, Exmouth

Report summary:

The purpose of this report is to notify Members of the use of an Exemption to Contract Standing Orders for the procurement of Works to restore the former overflow car park at Queen’s Drive, Exmouth to a grassed open space in order to reduce the project timeframe and allow the potential opening of the site to the public for the summer 2021 season.

The attached form provides the full background and business reasons for the exemption.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That Members note the use of an Exemption to Contract Standing Orders for the procurement of Works to restore the former overflow car park at Queen’s Drive, Exmouth to a grassed open space in order to reduce the project timeframe and allow the potential opening of the site to the public for the summer 2021 season.

Reason for recommendation:

To enable the direct award of the works contract to John Luffman Trading to the value of £40,000 based on this being the best value quotation that delivers the works within the required timeframe. This will ensure that grassing of the site takes place at the most suitable time of year, increasing its likelihood of successfully establishing before the site opens and will allow the site to open for Summer 2021 as per the desire of the Queen’s Drive Delivery Group and EDDC members.

Officer: Hal Furneaux-Gotch – Junior Engineer hfurneaux-gotch@eastdevon.gov.uk
01395 517571

Portfolio(s) (check which apply):

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

- Strategic Planning
- Sustainable Homes and Communities

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information N/A

Link to [Council Plan](#):

Priorities (check which apply)

- Outstanding Place and Environment
- Outstanding Homes and Communities
- Outstanding Economic Growth, Productivity, and Prosperity
- Outstanding Council and Council Services

Report in full

The purpose of this report is to notify Members of the use of an Exemption to Contract Standing Orders for the procurement of Works to restore the former overflow car park at Queen's Drive, Exmouth to a grassed open space in order to reduce the project timeframe and allow the potential opening of the site to the public for the summer 2021 season.

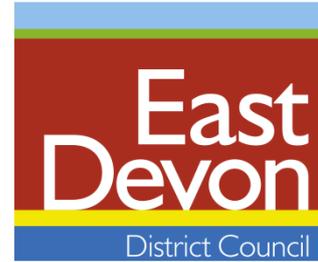
The attached form provides the full background and business reasons for the exemption.

Financial implications:

The financial details are outlined in the report.

Legal implications:

The contract value falls below the threshold set out in the Public Contracts Regulations 2015 and therefore the EU procurement procedure (which is still currently relevant) does not apply and an exemption can be validly relied upon pursuant to the Council's Contract Standing Orders Rule 3.2. The reason for using the exemption in this case appears justified.



REQUEST FOR EXEMPTION TO CONTRACT STANDING ORDERS

Contract Standing Orders (CSOs) requires certain steps to be followed when carrying out procurement exercises. Exemptions to CSOs can be authorised by Council / Cabinet upon report and separately by officers with the approval of certain senior officers. An exemption can only be relied upon in certain circumstances (as detailed in CSOs Rules 3.1 – 3.5) but in any event cannot be used where the EU Procedure applies.

This form is intended to be used by officers to obtain an exemption to using CSOs.

Name: Hal Furneaux-Gotch	Date: 17/03/2021
Service: Streetscene	Team: Engineers
	Total contract value: <£40,000

Background (including product and supplier details, costs etc):

Queen’s Drive, Exmouth is currently undergoing significant regeneration in order to provide greater amenity value to residents and visitors to the district alike; this includes the construction of the Sideshore development (a watersports centre with associated shops and eateries) as well as the Queen’s Drive Space and play area. A small section of EDDC owned land in this area (immediately adjacent to the new Queen’s Drive Car Park) currently remains largely undeveloped, and temporary planning permission was granted in 2019 for this site to be used as an overflow car park. Temporary surfacing in the form of compacted stone was installed and the car park has been operated for two years.

A desire for a change of use of this site has been expressed by Members and the Queen’s Drive Delivery Group, and on 3rd March 2021, Cabinet agreed officer recommendations that EDDC should seek temporary planning permission to change the use of the overflow car park to a grassed area to be used for fitness activities. Members are keen that this change of use is achieved by the 2021 summer season in order to ensure optimum use which, while achievable, puts significant time constraints on delivery of these works particularly due to the narrow window in which grass can be successfully seeded, and the need to provide adequate time for grass to establish prior to sustained use.

A full tender process to procure these works in line with the Council’s Contract Standing Orders would take approximately 6-8 weeks including document preparation and a fair period for return from suppliers, meaning that the contract for these Works would likely be awarded in May at the earliest. Allowing time for Contractor mobilisation, Works would likely be complete in June, which is an undesirable time to be attempting to establish grass for use of the site in the summer season. It is therefore recommended that a tender process is not undertaken for these Works in order to expedite their completion and to ensure the site’s use within the desired timeframe.

Three quotes have already been obtained from contractors in order to inform officer recommendations to Cabinet, and the contractor offering best value for money with the required short lead time (pre-Easter holidays) is John Luffman Group Ltd for a total not exceeding £40,000. This figure includes the removal of the concrete hardstanding within the site; the laying of geotextile to prevent migration of Type 1 on site; the importation of 100mm of screened topsoil, adjusting the ground and ironwork levels within the site and seeding the site with an appropriate grass mix.

Based on the above, it is therefore recommended that a tender process is not undertaken for the Works described in order to ensure delivery of this scheme within the desired timeframe, and that the contract is instead directly awarded to John Luffman Group Ltd to a value no greater than £40,000. This is based on assessment of quotations received from three different contractors, a number that would ordinarily be suitable for a contract of this value as well as their anticipated leadtimes.

Business Reasons for an Exemption:

Although the following are justifiably accepted as valid reasons for an exemption to Contract Standing Orders, they are closely monitored and should be applied only in cases where a full procurement exercise is not a viable option. (Tick appropriate boxes)

	✓	Which CSO rule?
An Emergency		
Goods or Services to existing systems or kit		

Purchase or repair of patented or proprietary articles sold only at a fixed price		
Effective competition is prevented by government control		
Goods and/or Services recommended by a Central Government Department		
Extension to an existing contract for the purpose of achieving Best Value		
Purchase or Sale by Auction		
Where the Contract is with a Public Utility Company or other organisation which will assume liability for the works on completion e.g. sewer adoption		
Other Reasons (please provide details) Exemption needed to shorten project timeline and allow the site to open within timeframe anticipated by members. Foregoing tender process also provides the best opportunity for the grass to establish prior to site opening.	X	

<p><u>Business Benefits for an Exemption:</u></p> <ul style="list-style-type: none"> -Significantly reduced programme length for reverting car park from its current use to proposed outdoor exercise area allowing anticipated delivery times to be met. -Increase likelihood of success of scheme by providing more time for grass to establish within the site prior to opening -Limitation of reputational damage to EDDC -Reduction in officer time associated with full tender, increasing availability for other schemes

<u>What are the implications to the following:</u>
Finance: Budget has already been allocated
Human Resources: N/A
ICT: N/A
Asset Management: Ensures compliance with temporary planning permission that EDDC is currently subject to at this location. Improved amenity provision for the general public through offering of a dedicated exercise space as opposed to car parking.

Strategic and/or Operational Objectives:

Outstanding place and environment: Compliance with planning permission. Encouraging a healthy lifestyle through provision of a dedicated exercise area. Use of site has low carbon impact and arising from the Works can be fully recycled (subject to contractor selected).

Outstanding homes and communities: Ensures provision of free to use public open space for the community as a whole.

Outstanding economic growth, productivity and prosperity: Provision of a further attraction to encourage visitors to the newly regenerated Queen's Drive who may use other concessions here.

Risk Assessment:

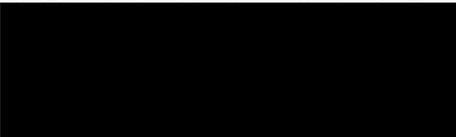
Detail risks here: All usual risks associated with procurement and undertaking of Works. This exemption will help reduced the overall risk of the scheme by ensuring that Works take place at the best time of year for grass to establish and that the site can open at the required time. All contractors selected for quotation are well established and have been used by EDDC or DCC to much larger schemes in the past.

Or attach print from the RM system

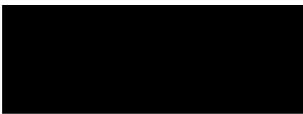
Signature of line manager or service head



Supporting signature of Strategic Lead - Finance



Supporting signature of Strategic Lead – Governance and Licensing



PLEASE NOTE:

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The Council is required to keep a Register of Exemptions. **Please ensure that a signed copy of this form is provided to the S.151 Officer.**