

EAST DEVON DISTRICT COUNCIL

Minutes of the consultative meeting of Cabinet held at Online via the Zoom app. on 7 September 2022

Attendance list at end of document

The meeting started at 6.00 pm and ended at 9.48 pm

42 Public speaking

Lee Collins spoke on minute 59 Motorhome & Campervan Framework Policy. He said he had lived in Exmouth for 25 years and was part of the van-life community. He stated that this community all had different reasons for living this alternative way of life but that everyone needed a place to call home. He asked that the lorry park in Exmouth be repurposed for motorhomes and campervans stating the council would get more income from this. He claimed presently there was an average of 15 vehicles there and that some residents had stated they liked the security this community brought to the area.

Kelly Avery spoke on minute 59 Motorhome & Campervan Framework Policy. She said she was also part of the van-life community and was presently studying at Exeter University and could not afford to live elsewhere due to the rising cost of living costs. She asked that officers come to the lorry park to assess the community's needs and that the spaces designed for lorries were never all used and if lorries parked up late at night and left early in the morning the council was not receiving any income anyway. She asked if consideration could be made to people who can prove they have a connection to the area where a special permit could be granted for a reasonable charge for them to reside in the area and feel safe, with the council receiving an income.

Dave Toomey spoke on minute 59 Motorhome & Campervan Framework Policy. He said he was a resident of Exmouth and a motorhome user. He asked how the charge of £21 for 24-hour parking for motorhomes and campervan was arrived at especially as there were no facilities in Maer Road car park. He stated that the overnight trial started in 2018 with the provision of facilities to be looked at and four years later there were still no facilities even though the trial was deemed to be successful. He said that other local authorities within the area were charging approximately £8 per night and had high uptake for these parking spaces as well as the income created for local businesses from tourist spend. He thought the proposed £21 charge was too high.

43 Minutes of the previous meeting

The minutes of the consultative meeting of Cabinet held on 13 July 2022 were agreed.

44 Declarations of interest

Min 51. Cranbrook Pump Track.
Councillor Paul Hayward, Affects Non-registerable Interest, Family members living in Cranbrook.

Min 51. Cranbrook Pump Track.
Councillor Sam Hawkins, Affects Non-registerable Interest, Member of Cranbrook Town Council.

Min 52. Cranbrook Delivery Capacity.

Councillor Paul Hayward, Affects Non-registerable Interest, Family members living in Cranbrook.

Min 53. Tourism Strategy for East Devon.

Councillor Vicky Johns, Affects Non-registerable Interest, Works at SW Academy of Applied & Fine Arts.

Min 54. Homes for Ukraine.

Councillor Peter Faithfull, Affects Non-registerable Interest, Member of Ottery Refugee Response Group.

Min 59. Motorhome & Campervan Framework Policy.

Councillor Joe Whibley, Affects Non-registerable Interest, Exmouth Town Councillor.

Min 59. Motorhome & Campervan Framework Policy.

Councillor Paul Millar, Affects Non-registerable Interest, Kelly Avery (public speaker) is a friend.

Min 59. Motorhome & Campervan Framework Policy.

Councillor Steve Gazzard, Affects Non-registerable Interest, Exmouth Town Councillor.

Min 60. Customer Access - Reception Service (Face to face).

Councillor Joe Whibley, Affects Non-registerable Interest, Exmouth Town Councillor.

Min 60. Customer Access - Reception Service (Face to face).

Councillor Steve Gazzard, Affects Non-registerable Interest, Exmouth Town Councillor.

45 **Matters of urgency**

None

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

None

47 **Minutes of Placemaking in Exmouth Town and Seafont Group held on 19 July 2022**

Members agreed to note the minutes of Placemaking in Exmouth Town and Seafont Group held on 19 July 2022.

48 **Minutes of Recycling and Waste Partnership Board held on 20 July 2022**

Members agreed to note the minutes of Recycling and Waste Partnership Board held on 20 July 2022.

49 **Minutes of Overview Committee held on 21 July 2022**

Members agreed to note the Minutes of Overview Committee held on 21 July 2022.

Members agreed to note the recommendation and would treat any report as they see fit when it comes forward to Cabinet.

Minute 6 Forward Plan

That any future decision by Cabinet on the future of Seaton Jurassic is a recommendation to Council.

50

Former Councillor and Honorary Alderman J. Humphreys

Introducing his report, the Chief Executive confirmed that in accordance with the timetable he had outlined, his report had been prepared in June for July's Cabinet meeting. Unfortunately it had not proved possible to debate it at that meeting. He acknowledged the frustration on his part and that of several councillors that his report hadn't yet been debated. However, since he had written the report several things had happened; Council had debated the matter and he had consequently sent correspondence to the Conservative party with a reply having just been received that evening. He had not yet had the opportunity to fully digest that correspondence or had the opportunity to circulate that correspondence to Councillors for their consideration.

The Chief Executive was aware that Cllr Bailey was seeking to call an extraordinary general meeting because of the delays in his report being considered, and he explained his concerns that she had not meaningfully engaged with the statutory officers regarding her proposals. His recommendation that evening was to request the Chair of Council to call an extraordinary general meeting to allow for his report to be updated in light of correspondence back from the Conservative party as well as allow the statutory officers to comment on the proposal that Cllr Bailey wished to bring to Council. Cllr Bailey questioned the validity of the calling of the EGM stating the Chair had not called the meeting and it was now a matter for those who had submitted the request. The Monitoring Officer wished it be noted that his position on this matter was not the same as Cllr Bailey's and that there had been correspondence with her over the calling of the meeting.

Cllr Millar expressed his concern and stated that he found the delay in calling an extraordinary meeting deeply frustrating.

The Chief Executive confirmed his intention to include the full wording of Cllr Bailey's proposal in his report. The proposal did seek to commit the Council to significant expenditure and, as presently worded, would come to Council without any opportunity for the statutory officers to formally comment on it. This would put the Council in a position where there was no actual opportunity to have their views recorded in writing in advance of debating what was proposed. This was a matter which needed to be fully debated but as the Chief Executive as well as the Head of Paid Service there was something administratively wrong that Councillors could commit the Council to significant expenditure without the normal due diligence process being followed through which was at least to get the advice from statutory officers.

In response to the criticism that the Chief Executive had not 'rubber-stamped' the earlier decision of Council, he reminded Members that Council had been advised that the current consultative meetings (unlike the normal 'in-person' meetings), involved a process of delegation to officers. Officers were duty bound to consider the member recommendation but also apply their own professional judgement. This may be considered anti-democratic by some but it was a consequence of the member decision to continue to meet virtually and he was under an obligation to consider the exercise of his delegation. In his view, he did not think any criticism was fair because it was based on a misunderstanding of the basis upon which the Council was currently meeting.

The Chief Executive confirmed that as a result of the conversations he had had and from all the documents he had been able to discern from others he did not think an independent investigation was necessary. In his opinion he did not think anyone would find out anything new or relevant than what was already known. He was not criticising those who chose not to say what they thought they knew because at all material times, there was an active criminal investigation under way. There had been a lot said in terms of safeguarding policy, whether this was a political witch hunt, and generally what some members perceived or believed had gone on with regard to this matter. However, in his opinion, the only way Humphrey's victims had got justice in this was through the criminal law and that was the key point. As a consequence he had tried in his report to identify what were the key learning points from this matter and this formed the basis of his investigations.

Cllr Bailey stated, among others, that she thought one of the key things was should the Council have behaved differently in these circumstances.

In response, the Chief Executive explained why he had decided it was necessary to take QC's opinion. He had engaged with the Group Leaders about this issue and his concerns about the way in which the original motion had come about in terms of amending the minutes of Scrutiny meeting and also the emotional nature of the debate. In addition there had been a lack of opportunity for officers to meaningfully contribute their advice to the meeting. Furthermore, some of the things that has been said weren't, in his opinion, legally correct. This was why he had wanted to make sure that the Council, if it proceeded down the road of an independent investigation, had clear written advice to help guide it to make sure it was able to apply the relevant legal considerations properly. He confirmed he had taken the views of the group leaders and wanted to make sure that they were as fully informed as possible.

The Chair asked whether the suggested extraordinary general meeting should be in person. The Chief Executive responded that in terms of a clear record of what was said and what decisions were made and the reasons they were made, he was minded to go with the Chair of Council to say that to ensure a full record of the meeting was recorded to YouTube through a virtual meeting.

Having listened and debated the suggestion from the Chief Executive, members noted the report presented on this agenda and **RECOMMENDED** that;

the Chair of Council call an EGM at the earliest opportunity with the Chief Executive bringing to that meeting an updated report incorporating the recently received correspondence from the Conservative Party, the proposed motion from Cllr Bailey and others and any other relevant update.

51 **Cranbrook Pump Track**

The Portfolio Holder Tourism, Sport, Leisure and Culture introduced the report which outlined the support needed for the delivery of a key facility for Cranbrook residents. He stated this was an important development in Cranbrook especially with the Town's high number of young people.

RECOMMENDED that;

Senior Officers agree the principle of funding up to 25% of the total cost of the proposed pump track at Cranbrook in accordance with the fairer play principles for Town and Parish Councils and the forthcoming Play Strategy.

RECOMMENDED to Council that;

a capital budget was approved of up to £10k to support the proposed pump track at Cranbrook.

REASON:

To support the delivery of a key facility for Cranbrook residents.

52 **Cranbrook Delivery Capacity**

The Service Lead Growth, Development & Prosperity presented the report which sought approval for a budget of up to £50k to support additional project management capacity, so as to be able to progress multiple projects at Cranbrook over the balance of the present financial year. He updated members on the provision of the supermarket, retail units and nursery the construction of which had now started.

RECOMMENDED to Council that;

a budget of up to £50k was made available for the balance of this financial year from the general fund to support project management capacity at Cranbrook.

REASON:

To ensure that there was sufficient capacity in place to support the delivery of a vibrant town centre for Cranbrook and the ongoing expansion of the town.

53 **Tourism Strategy for East Devon**

The Economic Development Manager's and Senior Economic Development Officer's report sought to endorsement for the proposed Tourism Strategy for East Devon. The report provided a summary of the key aspects of the Tourism Strategy which sought to support the tourism sector to achieve sustainable growth and deliver economic benefits to the district. The strategy document outlined the council's strategic vision and key objectives in a mid-term 5-year strategy.

The Chair commended the entire economic development team for their imaginative use of funding opportunities and the excellent commissioning of the consultants for their fantastic report. The aim was to become the leading tourist destination in Devon leading to prosperity and a strong range of jobs.

RECOMMENDED that;

Senior Officers agree the proposed Tourism Strategy for East Devon.

REASON:

To ensure that the Council delivers on its vision and key priorities outlined in the Council Plan; especially its resilient economy priority, where the ambition to deliver a tourism strategy with emphasis on the green economy was outlined.

54 **Homes for Ukraine**

The Strategic Lead Housing, Health & Environment informed members on the continued duties that the council had under the UK Government's Homes for Ukraine Scheme. The

UK Government asked that district councils make provision for a welcome and support service, property inspections, administering payments to Ukrainian guests and host households, and a re-matching scheme when host / guest relationships irreparably break down or when hosts decide to stop hosting.

The Portfolio Holder Sustainable Homes and Communities wished to credit John Golding and his team for successfully managing this scheme with limited resources and budget. The Portfolio Holder Finance wished to credit and thank Jamie Buckley for the work she had taken on with this scheme as well as her role as Engagement and Funding Officer.

Members noted the extended Service Level Agreement with Citizens Advice East Devon and the progress report, the Exemptions from Standing Orders to commission the welcome and wraparound support service and the report from Andrew Mitchell, Housing Solutions Manager, reviewing the staffing requirements of the Housing Options Team, where reference is made under section 6 to utilising funding in respect of the Ukrainian refugee scheme to finance a fixed term Housing Officer post to be created to specifically manage homeless applications from Ukrainian refugees facing homelessness at the end of the Homes for Ukraine scheme.

RECOMMENDED that;

Senior Officers approve the additional resource requirements as set out in the report to successfully administer the scheme.

REASON:

To provide Cabinet with a progress report on the council's response to the Homes for Ukraine Scheme, highlight the challenges that the scheme presented and identified an approach that ensures that Ukrainian refugees were welcomed and settled in this country and that host families were supported until a longer term exit strategy was developed by the UK Government.

55 **Review of Staffing Requirements of the Housing Options Team
(Homelessness Service)**

The Housing Solutions Manager's report reviewed and addressed staffing requirements within the Housing Options team one year on from the Cabinet report of 8th September 2021.

Members noted the report from the Homes for Ukraine report on the agenda, addressing the proposed utilisation of funding in respect of the Ukrainian refugee scheme, referencing an additional Housing Officer post to be created and funded to specifically manage homeless applications from Ukrainian refugees facing homelessness at the end of the Homes for Ukraine scheme, funding to be provided by the Homes for Ukraine budget.

RECOMMENDED to Council;

1. To make the two fixed term Housing Officer positions agreed by Cabinet on 8th September 2021 permanent due to ongoing demand and a need for service stability through staff retention. Annual budget in the region of £70,135 for the two Housing Officer posts to continue is recommended to Council for approval, funding to be provided by the Homelessness Prevention Grant.
2. To approve the additional budget in respect of an additional, permanent, full time Temporary Accommodation Officer post in order to cope with additional demand created through higher temporary accommodation numbers. Annual budget in the region of

£34,380 is recommended to Council for approval, funding to be provided by the Homelessness Prevention Grant.

REASON:

To ensure the Housing Options service was sufficiently set up and equipped to tackle the level of pressure and homelessness demand.

56 **Annual Review of Public Health priority actions 2021-22**

The Public Health Project Officer presented her report explaining public health was the science and art of preventing disease, prolonging life and promoting health through the organised efforts of society. Public health covered both physical and mental health and wellbeing of everyone in the district. She went on to say the council had an overarching responsibility to consider health and wellbeing in all its activities. Each year this work was reviewed to see how targets and aspirations were met as part of the Public Health Strategic Plan.

Having received the report members noted and celebrated the contributions made by council services through their activities which were reviewed annually to underpin the Public Health Strategic Plan.

57 **Economic Development Capacity: Prosperity & Investment**

The Economic Development Manager updated Members to the proposal to endorse to recruit two additional Economic Development Officer posts for a fixed term of two years, funded through the business rate retention pilot reserve.

Having successfully recruited to one of those roles (Economic Development Officer – Prosperity & Investment) in April 2021, the officer resource has proved instrumental in the successful delivery of discretionary grant programmes ARG3 & 4, the development and delivery of the Innovation and Resilience Fund and the development and early submission of our UK Shared Prosperity Fund (SPF) Investment Plan.

The purpose of the report was to seek endorsement for making permanent the existing fixed term role of Economic Development Officer - Prosperity and Investment.

The Portfolio Holder Economy and Assets on behalf of the cross-panel groups who met to assist business in the economy; who could not have done this without this officer, applauded the efforts he put in to deliver of these grants and funds.

RECOMMENDED to Council;

To approve making the existing Economic Development Officer – Prosperity & Investment role (currently due to end in April 2023) permanent and for this to be funded through the general fund.

REASON:

To ensure that the council retained a highly successful and effective Economic Development Officer role which, having developed its Investment Plan to access £1.8m UK Shared Prosperity Fund allocation, would ensure delivery of the included interventions and subsequent projects over the next three years and contribute directly to the ongoing attainment of external funding.

58 **Community Asset Transfer Procedure**

The report detailed the background to the Community Asset Procedure and final draft documentation which included a recommendation to adopt.

RECOMMENDED that;

Senior Officers adopt the draft Community Asset Transfer Procedure for General Fund assets.

REASON:

At the Asset Management Forum meeting held on 21 June 2022, the Forum noted the revisions to the draft Community Asset Transfer Procedure and recommended that Cabinet adopts the Policy.

59 **Motorhome & Campervan Framework Policy**

The Parking Services Manager presented his report for consideration of the draft framework policy for overnight motorhome and campervan parking within East Devon car parks.

RECOMMENDED to Senior Officers;

1. That the framework policy for campervans, vans and motorhomes using East Devon District Council pay and display car parks be approved.
2. That the Council charge a variable tariff for overnight stopovers in car parks with a tariff that includes 24 hour parking at that location to support the local visitor economy. The tariff at each location should be determined in accordance with each local Tripartite TAFF with delegated authority to the Deputy S151 Officer in consultation with the Chair of the TAFF, the Portfolio Holder and Strategic Lead for Finance.
3. That an additional seasonal Civil Enforcement Officer post be approved to enable effective management and enforcement of overnight stopovers during the peak summer period.
4. That when the regulations for the coach/ lorry park are reintroduced that any enforcement action against the van lifers is held so officers can explore other options to assist them with such a position to continue until EDDC determines that discussions are concluded and serves notice on the van lifers that the hold on enforcement is at an end.
5. That officers look for additional sites for van lifers in Exmouth.

RECOMMENDED to Council;

6. That the budget for the additional seasonal Civil Enforcement Officer post be approved.

REASON:

The recommendations were based on the continued popularity of the motorhome pilot scheme in Exmouth and the potential to expand and develop this offer in other locations within the District.

60 **Customer Access - Reception Service (Face to face)**

The Service Lead Revenues, Benefits, Corporate Customer Access, Fraud & Compliance presented her report to explain that since the start of Covid-19 pandemic, the council had been operating an appointment service for those residents who require face to face support both at Exmouth Town Hall and Blackdown House. Although Covid-19 restrictions were fully lifted in early 2022 this had been continued to maintain an 'appointment only' service.

Following concerns being raised by Members the report explained the background and reasons for operating an 'appointment only' service. It also set out the measures being put into place to improve accessibility for residents.

Councillor Steve Gazzard thanked Libby Jarrett for her report but expressed his concern that the town hall was not open. He explained that Exmouth town hall was very different to other town halls with having two other tenants. Figures do not show the people who were not turning up with a lot of misunderstanding to its opening hours and access. Homelessness in the town was getting worse with the national cost of living crisis going to have huge impact on the town. He wished for the town hall to reopen Monday to Friday 9am – 1pm, stating the need to trial this to get true information and be there face to face with the council's residents.

The Portfolio Holder Finance thanked Libby Jarrett for her report.

RECOMMENDED that;

Senior Officers agree to continue to operate the 'appointment system' for visitors at Exmouth Town Hall and Blackdown House and the position is formally reviewed again in February 2023 for the reasons highlighted in the report. If however in the interim the Chief Executive is satisfied that there is an adequate staffing resource then the town hall reception will reopen for a recommended period of time.

REASON:

Due to the reasons set out in the report it was considered that Members reviewing the position again in 6 months, would allow sufficient time for the intercom to be trialled, the lease renewal to be sorted and staff shortages addressed.

61 **Financial Monitoring Report 2022/23 - Month 4 July 2022**

The Finance Manager's report gave a summary of the Council's overall financial position for 2022/23 at the end of month four (31 July 2022).

Current monitoring indicated that;

The General Fund Balance was being maintained within the adopted levels. At this early stage of the financial year a favourable position was being reported largely because of employee cost savings due to large numbers of staff vacancies including those added to the 22/23 budget for additional staffing where recruitment was ongoing.

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

Having received the report members noted the variances identified as part of the Revenue and Capital Monitoring process up to Month 4.

62 **Exemption to Contract Standing Orders in respect of a consultant solicitor**

Cabinet were asked to approve an exemption to Contract Standing Orders in respect of a consultant solicitor to cover an unfilled vacancy.

RECOMMENDED that;

Senior Officers approve the exemption to contract standing orders in respect of the procurement of a consultant solicitor from Lighthouse Law Limited in accordance with Rule 2.3.1 of the Constitution.

REASON:

Legal Services has two vacant posts for commercial property lawyers which they had been unable to fill despite considerable advertising. After consideration of the market and in consultation with Human Resources, it had been decided to await the outcome of the reward review and to re-advertise the posts in the autumn.

In the meantime there was a need to ensure that there was sufficient capacity in the service and the wish to use the services of a consultant solicitor who had worked with EDDC previously. Legal Services had approached him direct through his own limited company rather than via an agency which meant that a need for an exemption to contract standing orders in respect of the procurement process.

63 **Response to the Broadclyst Neighbourhood Plan Submission**

The purpose of the report was to formally agree the response by EDDC to the submission consultation for the Broadclyst Neighbourhood Plan. Broadclyst Parish Council had formally submitted their Neighbourhood Plan to the District Council. The Neighbourhood Planning (General) Regulations 2012 (Regulation 16) require the District Council to formally consult on the Plan for a minimum of 6 weeks.

RECOMMENDED that;

Senior Officers

1. Note the formal submission of the Broadclyst Neighbourhood Plan and the producers of the plan be congratulated on their dedicated hard work and commitment throughout the process.
2. Recommend that the proposed representation set out at paragraph 1.21 in the report be made in response to the consultation.

REASON:

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

Attendance List

Present:

Portfolio Holders

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 Sustainable Homes and Communities
M Rixson	Portfolio Holder Climate Action and Emergency Response
J Rowland	Portfolio Holder Finance
S Jackson	Portfolio Holder Democracy, Transparency and Communications;
N Hookway	Portfolio Holder Tourism, Sport, Leisure and Culture

Cabinet apologies:

J Loudoun

Portfolio Holder Council and Corporate Co-ordination

Also present (for some or all the meeting)

Councillor Mike Allen
Councillor Megan Armstrong
Councillor Jess Bailey
Councillor Fred Caygill
Councillor Maddy Chapman
Councillor Peter Faithfull
Councillor Steve Gazzard
Councillor Ian Hall
Councillor Sam Hawkins
Councillor Vicky Johns
Councillor Richard Lawrence
Councillor Dawn Manley
Councillor Paul Millar
Councillor Andrew Moulding
Councillor Helen Parr
Councillor Geoff Pratt
Councillor Eleanor Rylance
Councillor Philip Skinner
Councillor Brenda Taylor
Councillor Joe Whibley
Councillor Eileen Wragg

Also present:

Officers:

Tim Child, Service Lead - Place, Assets & Commercialisation
Amanda Coombes, Democratic Services Officer
Simon Davey, Strategic Lead Finance
Amy Gilbert-Jeans, Service Lead Housing
John Golding, Strategic Lead Housing, Health and Environment
Henry Gordon Lennox, Strategic Lead Governance and Licensing (and Monitoring Officer)
Andrew Hopkins, Communications Consultant
Libby Jarrett, Service Lead Revenues and Benefits
Robert Murray, Economic Development Manager
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)
Mark Williams, Chief Executive
Andrew Wood, Service Lead - Growth Development and Prosperity
Richard Easthope, Parking Services Manager
Geri Panteva, Senior Economic Development Officer
John Symes, Finance Manager
Helen Wharam, Public Health Project Officer

Chair

Date: