

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Cabinet held at Council Chamber, Blackdown House, Honiton on 4 January 2023**

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

The meeting started at 6.00 pm and ended at 8.15 pm

#### **116 Public speaking**

There were no members of the public wishing to speak.

#### **117 Minutes of the previous meetings held on 30 November and 5 December 2022**

The minutes of the meetings of Cabinet held on 30 November and 5 December 2022 were agreed.

#### **118 Declarations of interest**

Min 125. Council Tax Base 2023/2024.

Councillor Paul Arnott, Affects Non-registerable Interest, Colyton Parish Councillor.

Min 130. Council Tax Charges for Second Homes & Empty Properties.

Councillor John Loudoun, Disclosable Pecuniary Interest, owns a second property in the district (Cllr Loudoun left the room during this debate).

Min 131. Proposals to vary and discharge the Public Spaces Protection Orders 2023.

Councillor Tom Wright, Affects Non-registerable Interest, Walks his dog along Budleigh Salterton seafront.

#### **119 Matters of urgency**

None

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

None

#### **121 Minutes of Community Grant Panel held on 28 November 2022**

Members agreed to note the minutes of the Community Grant Panel held on 28 November 2022.

#### **122 Minutes of Scrutiny Committee held on 1 December 2022**

Members agreed to note the minutes of Scrutiny Committee held on 1 December 2022.

#### **123 Minutes of Budget Setting and Capital Allocation Panel held on 5 December 2022**

It was confirmed that the proposals from this meeting had been incorporated in to the draft budgets and so Members agreed to note the Minutes and recommendations of the Budget Setting and Capital Allocations Panel held on 5 December 2022.

### **Minute 35 Proposed bids**

1. that the following bids be included in the Capital Programme:
  - a. Vehicle Trespassing Prevention measures for £35,000 in 2023/24
  - b. Connaught Pergola, Sidmouth replacement for £50,000 in 2023/24
  - c. The Beacon railings restoration for £65,000 in 2023/24
  - d. Footpath resurfacing works of public spaces for £40,000 in 2023/24
  - e. Seawall works across the District for £50,000 in 2023/24
  - f. Ottery St Mary Sluice Replacement for £50,000 in 2023/24
  - g. Sidmouth Connaught Cliff Works for £60,000 in 2023/24
  - h. Seaton, Beer and Sid Cliff works for £30,000 in 2023/24
  - i. Play equipment repairs/works for £50,000 in 2023/24
  - j. Jubilee Play Area, Beer for £100,000 in 2023/24
  - k. North Street Allotment Play Area, Axminster for £60,000 in 2023/24
  - l. Land of Canaan Play Area, Ottery St Mary for £130,000 in 2023/24
  - m. Camperdown Depot resurfacing for £21,000 in 2023/24
  - n. Manor Gardens Seating Area improvements for £20,000 in 2023/24
  - o. The Glen steps and handrails replacement for £60,000 in 2023/24
  - p. Recycling and Refuse Solution Phase 2 Collection Vehicles Electric option for £453,000 and Retrofit of vehicles for £300,000 in 2023/24
  - q. Recycling and Refuse Depot Plant and Food Waste Bay works for £412,000 in 2023/24
  - r. Exmouth Foxhole Chalets roofing works for £8,745 in 2023/24 and £125,755 for 2024/25
  - s. Exmouth Tennis Centre Resurfacing courts 1 – 4 for £194,500 in 2023/24
  - t. Exmouth Tennis Centre roofing works for £39,150 in 2023/24 and £558,350 in 2024/25
  - u. Honiton Leisure Centre drainage works for £25,500 in 2023/24
  - v. Sidmouth Jacobs Ladder beach huts replacement for £240,000 in 2023/24
  - w. Sidmouth Manor Pavillion Fire Escape steps for £32,000 in 2023/24
  - x. Sidmouth Manstone Workshops carpark resurface for £73,000 in 2023/24
2. that the following bids be deferred:
  - a. Budleigh Steamer & Beach access steps for £250,000 in 2023/24
  - b. Mona Island, Exmouth railings restoration for £20,000 in 2023/24
  - c. Withycombe pitches parking for £125,000 in 2023/24; with referral to the relevant Portfolio Holders for assessment;
  - d. Phear Park access works for £120,000 in 2023/24, with referral to the relevant Portfolio Holders for assessment;
  - e. Lady Bryon Play Area, Exmouth for £100,000 in 2023/24
  - f. The Maer Play Area, Exmouth for £100,000 in 2023/24
  - g. Budleigh Gabion basket repair for £75,000 in 2023/24
  - h. Exmouth Pavillion roofing works for £25,410 in 2023/24 and £365,090 in 2024/25
3. That the inclusion of £320,000 in 2023/24 for the Recycling and Refuse Bridging Solution Phase 2 collection vehicles in the Capital Programme had been previously approved, be noted;

4. That a provisional inclusion of £1,700,000 for 2024/25 for the implementation of the Sidmouth Beach Management Plan works has been made, subject to a report to Cabinet for agreement, be noted.

124 **Minutes of Placemaking in Exmouth Town and Seafont Group held on 13 December 2022**

Members agreed to note the Minutes of the Placemaking in Exmouth Town and Seafont Group held on 13 December 2022.

125 **Council Tax Base 2023/2024**

The Assistant Director Revenues, Benefits, Customer Services & Corporate Fraud presented her report which set out the tax base for 2023/2024 and included the breakdown for each parish, expressed in terms of Band D equivalent properties on which the council tax would be based. This was an important component in the Council's budget setting process for 2023/2024.

**RESOLVED:**

1. That the tax base for 2023/2024 at 61,653 Band D equivalent properties, and
2. the amount for each parish as detailed under section 3 of the report, be agreed.

**REASON:**

The calculation of the tax base was prescribed in regulations and was a legal requirement. The council tax base was defined as the number of Band D equivalent properties in a local authority's area. The tax base was necessary to calculate council tax for a given area.

126 **Draft Revenue and Capital Budgets 2023/24**

The Director of Finance presented the draft revenue and capital budgets for 2023/24 for adoption by the Cabinet before consideration by a joint meeting of the Overview and Scrutiny Committees and the Housing Review Board. Recommendations from these meetings will be presented back to Cabinet on 1 February 2023 when members would finalise budget proposals to recommend to Council.

**RESOLVED:**

That the draft revenue and capital estimates being adopted and forwarded to a joint meeting of the Overview and Scrutiny Committees and Housing Review Board for consideration, be agreed.

**REASON:**

There was a requirement to set a balanced budget and to levy a Council Tax for 2023/24.

127 **Devon Housing Commission**

The Director of Housing, Health & Environment's report set out the case for joining a collaboration of Devon councils to investigate and report on the housing market in the county under the umbrella of a Devon Housing Commission.

The purpose of the Devon Housing Commission is to conduct an in-depth analysis of the various local housing markets, related socio-economic profiles and model demographic change to make the case for a step change in social and housing policy and pragmatic solutions to be delivered locally moving into the next decade.

**RECOMMENDED to Council:**

To identify a budget of £9,000 to enable EDDC to participate in the Devon Housing Commission and support the work of a comprehensive investigation into the housing market and report on the research findings.

**REASON:**

To collaborate with Devon County Council and district partners in assessing the housing market and identifying market failure and options for interventions. This work would influence the Housing Strategy and inform the evidence gathered for the Local Plan.

128 **Cost of Living Hardship Fund Policy**

The Assistant Director Revenues, Benefits, Corporate Customer Services updated Members that following the recommendations of the Poverty Panel at the meeting on 8 December 2022 her report provided details on the proposed policy and the funding available to support households who were struggling to afford essentials due to the high cost of living and in particular the current energy prices.

The Portfolio Holder Finance thanked Libby and her team for the all the work they had been put into this policy and the numerous support funds that had emerged over the past few years.

**RESOLVED:**

1. That the Cost of Living Hardship Fund Policy which replaces the Covid-19 Hardship Fund Policy as recommended by the Poverty Panel, be agreed.
2. That delegated authority to be given to the Assistant Director for Revenues, Benefits, Customer Services and Fraud & Compliance in consultation with the Portfolio Holder for Finance and the Portfolio Holder for Sustainable Homes and Communities to amend the policy to allow for targeted support to be provided if needed, be agreed.

**REASON:**

Supports the recommendation of the Poverty panel at their meeting on 8 December 2022. Updating the previous Covid-19 Hardship Fund Policy to the Cost of Living Hardship Fund Policy means that there was an up to date policy in place to support residents who were struggling to afford essentials. This was particularly important as should we run out of HSF residents would still be able to access emergency support. The policy builds in flexibility to allow the Council to provide targeted support where it was identified that there is a particular need, as well as dealing with claims on a case by case basis through delegated authority to the Assistant Director in consultation with the Portfolio Holder for Finance and Sustainable Homes and Communities. This meant a quick response to distribute funds where identified.

129 **Council Tax Reduction Scheme 2023/24**

The Assistant Director Revenues, Benefits, Corporate Customer Access, Fraud & Compliance sought Members approval on the proposed changes to the Council Tax Reduction (CTR) scheme to be implemented from 1 April 2023 following public

consultation. Members of Cabinet had approved at the meeting on 2 November 2022 to consult on making changes to our scheme from 1 April 2023. These changes would increase the amount of financial support for the majority of working age residents in receipt of CTR. One of the main proposals was to increase Band 1 support from 85% to 100%, which would lift those residents with the lowest incomes that fall within this band out of paying council tax altogether.

**RECOMMENDED to Council:**

1. To consider fully the equality impact assessment in relation the scheme.
2. To adopt the new Council Tax Income banded scheme as set out in the report under sections 1.7 and 1.8 from 1 April 2023

**REASON:**

Each financial year the Council was required by law to decide, whether to revise its scheme or to replace it with another scheme. There had been significant changes to our scheme for 2020/21 with the move to an income banded scheme and also increased maximum support from 80% to 85%. The council committed to undertake a full review during this year so that it would have time to consult on any proposed changes before proposing the 2023/24 scheme to Members. The changes being recommended supported the Council's poverty strategy as by reducing the council tax burden for those on the lowest incomes the proposals would help to build financial resilience. Also, it was important that the income bandwidths take account of increases in inflation and were aligned to the applicable amounts for means tested benefits.

130 **Council Tax Charges for Second Homes & Empty Properties**

The report set out the changes that the Levelling Up and Regeneration Bill make to the Council Tax legislation and provided recommendations relating to changes that could be made to the level of charge paid for properties that were not lived in (second homes and empty properties). These changes were subject to the Bill becoming law and the report detailed the steps needed to take once this happened.

Cllr Geoff Jung thanked the Portfolio Holder Finance, Libby Jarrett and officers for bringing this to Cabinet. He proposed 2 further recommendations which were agreed and listed below under recommendations d & e.

**RECOMMENDED to Council:**

to resolve to implement the following upon the legislative provisions coming into force:

- a) The application of a premium of 100% for all dwellings which are unoccupied and substantially unfurnished (empty dwellings) after a period of one year rather than the current 2 with effect from 1st April 2024;
- b) The application of a premium of 100% for all dwellings which are unoccupied but substantially furnished (second homes) with effect from 1st April 2024; and
- c) That the Service Lead for Revenues, Benefits, Corporate Customer Access is given delegated powers to implement the policy in line with the Council's requirements and having regard to any guidance given by the Secretary of State.
- d) That a letter is written to our local MPs to ensure their support for the bill so it receives royal assent prior to April 2023.
- e) To communicate to all other councils in Devon to encourage a unified Devon policy on the increase in rates for empty or second homes.

**REASON:**

The proposed change in legislation was primarily designed to encourage taxpayers to use premises as their main residence or allow others to use it. It is hoped that this

change would allow more empty dwellings and unoccupied dwellings to be brought back into use for the local community. The changes would provide additional funding to the collection fund which would be shared between the Council and other precepting authorities in line with their share of the Council Tax.

131 **Proposals to vary and discharge the Public Spaces Protection Orders 2023**

The report sought approval of the proposals to vary and discharge three Public Spaces Protection Orders; Dog Control, Seashores & Promenades, and Control of Anti-Social Behaviour & the Consumption of Intoxicating Substances in Exmouth and Sidmouth.

The Chair thanked the Portfolio Holder Coast, Country and Environment and officers for their input into this matter.

**RESOLVED:**

1. To discharge the Public Spaces Protection Orders 2019 as required by the provisions within the Anti-Social Behaviour Crime and Policing Act 2014.
2. To approve the amendments and variations to the East Devon Public Spaces Protection Orders 2023 as attached to the report.

**REASON:**

In order to clarify and simplify the current PSPO's and allow a targeted approach to dog control and anti-social behaviour within the district.

132 **The Luppitt Neighbourhood Plan ('the Plan') to be formally 'made'**

The Luppitt Neighbourhood Plan has now successfully passed referendum and must be formally 'made' (adopted) by East Devon District Council in order to form part of the development plan.

**RESOLVED:**

1. that the Luppitt Neighbourhood Plan be 'made'.
2. that once made, the Plan will carry full weight in the planning decision making process as part of the statutory development plan for this Neighbourhood Plan Area (the parish of Luppitt).
3. That Luppitt Parish Council and their Neighbourhood Plan Steering Group be congratulated on all their hard work in developing the Plan.

**REASON:**

The Plan received a majority 'yes' vote in the neighbourhood area referendum, as required by the Regulations, and there was no substantive reason not to make the Plan. In addition, to recognise the significant work over a number of years by Luppitt Parish Council and dedicated volunteers to prepare the Plan.

133 **Member Development Working Party update**

The report updated Members that at the Scrutiny Committee meeting on 2 December 2021, the Portfolio Holder for Democracy and Transparency presented an update on progress with the Member Development Working Party (MDWP). At its meetings the MDWP had considered post-election induction training, refresher training for new and existing elected members, information for prospective Councillors and current and future Member Development needs.

The Portfolio Holder Council and Corporate Coordination thanked Sue Howl and Cllr Sarah Jackson for the input into this matter.

**RESOLVED:**

1. The draft Member Development Plan, including the identified mandatory training elements that all members have to undertake, be adopted.
2. That attendance at mandatory training be uploaded to Member's Profiles on the EDDC website in September following an election, and be included as a Key Performance Indicator (KPI) on the Council's Performance Management system (SPAR) and monitored on an ongoing basis as part of the Quarterly Reviews, as a percentage of Councillors who had received training on mandatory topics.
3. That Members note a budget of £10k is available to deliver a phased Member Development Programme which would include mandatory and recommended elements.
4. That wherever possible, training should be interactive and include practical examples and case-studies, and be made available in-person and/or online and a variety of formats to suit different learning styles.
5. To review and update content available on the website for prospective Council members, to include information about training expectations and support available.

**RECOMMENDED to Council:**

6. That the Member Code of Conduct be revised so that;
  - a. paragraph 5.8.1 incorporates reference to 'the mandatory training identified as part of the adopted Member Development Plan' in place of 'Code of Conduct' (assuming Code of Conduct training remains identified as mandatory) to ensure that any failure to attend mandatory training would constitute a breach of the Code of Conduct,
  - b. paragraph 5.8.5.3 be deleted as the penalty for not attending mandatory training would now be dealt with through Code of Conduct complaints.

**REASON:**

To ensure that existing and newly elected members were offered a range of development and training opportunities after elections and on an ongoing basis, which enabled them to be fully equipped to fulfil their Council duties.

**Attendance List**

**Councillors present:**

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

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

J Bonetta  
M Hartnell  
S Hawkins  
B Ingham  
P Skinner

T Wright

**Officers in attendance:**

Matthew Blythe, Assistant Director Environmental Health and Car Parks

Amanda Coombes, Democratic Services Officer

Simon Davey, Director of Finance

John Golding, Director of Housing, Health and Environment

Henry Gordon Lennox, Director of Governance and Licensing (and Monitoring Officer)

Andrew Hopkins, Communications Consultant

Libby Jarrett, Assistant Director Revenues, Benefits, Customer Services & Corporate Fraud

John Symes, Finance Manager

Sally Webster, Principal Environmental Health Officer

Andrew Wood, Assistant Director Growth Development and Prosperity

Chair .....

Date: .....