

## Agenda for Cabinet Wednesday, 4th January, 2023, 6.00 pm

### Members of Cabinet

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

**Venue:** Council Chamber, Blackdown House, Honiton

**Contact:** Amanda Coombes, Democratic Services Officer;  
01395 517543 or email [acoombes@eastdevon.gov.uk](mailto:acoombes@eastdevon.gov.uk)  
(or group number 01395 517546)  
Monday, 19 December 2022

East Devon District Council  
Blackdown House  
Border Road  
Heathpark Industrial Estate  
Honiton  
EX14 1EJ

DX 48808 HONITON

Tel: 01404 515616

[www.eastdevon.gov.uk](http://www.eastdevon.gov.uk)

- 1 Public speaking  
Information on [public speaking is available online](#)
- 2 Minutes of the previous meetings held on 30 November and 5 December 2022  
(Pages 3 - 12)
- 3 Apologies
- 4 Declarations of interest  
Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)
- 5 Matters of urgency  
Information on [matters of urgency](#) is available online
- 6 Confidential/exempt item(s)  
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 Minutes of Community Grant Panel held on 28 November 2022 (Pages 13 - 16)
- 8 Minutes of Scrutiny Committee held on 1 December 2022 (Pages 17 - 21)
- 9 Minutes of Budget Setting and Capital Allocation Panel held on 5 December 2022  
(Pages 22 - 26)
- 10 Minutes of Placemaking in Exmouth Town and Seafront Group held on 13  
December 2022 (Pages 27 - 29)

### Matters for Key Decision

11 Council Tax Base 2023/2024 (Pages 30 - 34)

### **Matters for Decision**

12 **Draft Revenue and Capital Budgets 2023/24** (Pages 35 - 52)

13 **Devon Housing Commission** (Pages 53 - 61)

14 **Cost of Living Hardship Fund Policy** (Pages 62 - 75)

15 **Council Tax Reduction Scheme 2023/24** (Pages 76 - 83)

16 **Council Tax Charges for Second Homes & Empty Properties** (Pages 84 - 89)

17 **Proposals to vary and discharge the Public Spaces Protection Orders 2023** (Pages 90 - 115)

18 **The Luppitt Neighbourhood Plan ('the Plan') to be formally 'made'** (Pages 116 - 119)

19 **Member Development Working Party update** (Pages 120 - 134)

Under the Openness of Local Government Bodies Regulations 2014, any members of the public are now allowed to take photographs, film and audio record the proceedings and report on all public meetings (including on social media). No prior notification is needed but it would be helpful if you could let the democratic services team know you plan to film or record so that any necessary arrangements can be made to provide reasonable facilities for you to report on meetings. This permission does not extend to private meetings or parts of meetings which are not open to the public. You should take all recording and photography equipment with you if a public meeting moves into a session which is not open to the public.

If you are recording the meeting, you are asked to act in a reasonable manner and not disrupt the conduct of meetings for example by using intrusive lighting, flash photography or asking people to repeat statements for the benefit of the recording. You may not make an oral commentary during the meeting. The Chair has the power to control public recording and/or reporting so it does not disrupt the meeting.

Members of the public exercising their right to speak during Public Speaking will be recorded.

[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 Council Chamber, Blackdown House, Honiton on 30 November 2022****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 8.22 pm

**99 Public speaking**

Liza McLean spoke on Minute 110 Review of free car parks and charging hours. She was a Temple Street business owner and resident. She stated the free spaces in the car park served a few of the out of town businesses adjacent to the car park whom do not benefit from an in town location. She felt the current resident car parking spaces worked well.

Sally Mynard, Chair of the Sidmouth Chamber of Commerce spoke on Minute 109 Car Parks Review. She said the car parking price increases had gone through with no consultation and little concern for the economic health of her community and businesses they support. She asked the car parking charges be lowered due to many businesses facing a challenging time as well as residents. She reported the Chamber of Commerce had received complaints from residents and visitors and a survey showed the detrimental impact this was having on them. Visitors were not spending much time in Sidmouth and trade from May to September was lower than expected.

Ian Priestley, Chair of Colyford Residents Association spoke on Minute 111 Colyford Community Governance Review. He stated Colyford had a long and rich history with strong traditions. The last 30 years had seen development increase by approximately 20% and the population was now about 800. S106 funding from these developments had helped growth and the community's amenities. He stated this was once in a generation opportunity, the Community Governance Review would restore democracy and benefits to provide services for the village. He thanked Henry Gordon Lennox and all staff for their continued hard work on this Community Governance Review.

Andrew Parr, Chair of Colyton Parish Council spoke on Minute 111 Colyford Community Governance Review. He said that Colyford had never been a parish therefore there was no traditional parish boundary. He asked the Parish Council's proposed parish boundary be followed. He said Colyford had said they had had under investment in their village; roads, signage and bridges were not the responsibility of the Parish Council but the County Council's. When they had wanted financial help on issues like resurfacing their car park, repairs to their village hall and play park the Parish Council had always assisted. He was concerned that the split of the community's assets did not reflect in the distribution of finances to support their upkeep. He asked that they be no transfer of assets and that Colyton maintain their assets.

Colin Pady, Colyton Parish Councillor spoke on Minute 111 Colyford Community Governance Review. He rejected the proposal to split Colyford from the parish of Colyton. He said Colyton was an example of a well-run parish council and to dismantle this and diminish its assets was senseless.

Councillor Paul Hayward made a statement on his EDDC's register of interests. For a short period of time he had carried out internal auditor work for a local Parish Council after they had approached him and asked to assist following the untimely

departure of their former auditor. As it was only an annual requirement he only carried out three audits for the Parish Council whilst being an elected member of this authority. Despite the fact that he didn't want to charge anything for carrying out the work the Parish Council insisted in paying him for the audit service; between £50 and £100 for each audit. Upon receipt of those payments he subsequently paid that same amount to a local foodbank, sometimes as a cash donation and on other occasions as a donation of goods to the same value. To that end he wanted to reassure everyone and any members of the public that he did not therefore personally financially benefit in any way, and thus at the time did not consider it as a pecuniary interest requiring registration. Not including it on his published register of interests at the time of the audit Cllr Hayward said was simply an oversight. Having now taken further advice he accepted that it should have been included and on that basis he apologised unreservedly for that omission as it should have been declared on the online form available for public scrutiny.

100 **Minutes of the previous meeting**

The minutes of the meeting of Cabinet held on 2 November 2022 were agreed.

101 **Declarations of interest**

Min 102. Matters of urgency - Colyford Community Governance Review.  
Councillor Paul Arnott, Other Registerable Interest, Is a Colyton Parish Councillor - (Cllr Arnott left the room during the debate).

Min 109. Car Parking permit and tariff increase review - Summer 2022.  
Councillor Paul Hayward, Affects Non-registerable Interest, Has purchased an EDDC parking permit.

Min 109. Car Parking permit and tariff increase review - Summer 2022.  
Councillor Sarah Jackson, Affects Non-registerable Interest, Has purchased an EDDC parking permit.

Min 110. Review of free car parks and charging hours.  
Councillor Sarah Jackson, Affects Non-registerable Interest, Has purchased an EDDC parking permit.

Min 110. Review of free car parks and charging hours.  
Councillor Tom Wright, Affects Non-registerable Interest, Chair of Liaison Group involved in the Lower Otter Restoration Scheme.

102 **Matters of urgency - Colyford Community Governance Review**

There was one late item that officers recommended were dealt with in this way that of the Colyford Community Governance Review.

The Chair left the room during the debate due to a declaration of interest.

The Strategic Lead Governance & Licensing explained that in late 2021, Cabinet and Council agreed that a Community Governance Review be undertaken following a request from the Colyford Village Residents' Association. In July 2022 Cabinet agreed to the principle of a new parish being created and draft proposals were formally published. The second statutory period of consultation expired on the 22nd November 2022 and the report now recommended alternative decisions for the Cabinet and Council to consider.

Discussions included the following:

- It was difficult to thoroughly read the report with only 2 days' notice with little time for people to prepare statements
- Concerns over the parish boundary, it was difficult to follow
- The financial demands from Colyford Village Residents' Association were out of proportion
- Both villages had happily shared their facilities which had benefitted all
- 2 communities were stronger together and should remain the parish of Colyton
- Not enough information to make an informed decision
- Short notice meant members were incapable of making sound decisions and had not had time to decipher the information
- This should not entered into lightly
- The whole process must be completed within 12 months from the Terms of reference (December 2022)
- The need to come to a conclusion in order to avoid a fresh start

Cabinet voted in favour for this item to be deferred to an Extraordinary meeting of Cabinet on Monday 5 December at 5.30pm.

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

None

104 **Minutes of Arts and Culture Forum held on 12 October 2022**

Members agreed to note the minutes of Arts and Culture Forum held on 12 October 2022.

105 **Minutes of Scrutiny Committee held on 3 November 2022**

Members agreed to note the minutes of Scrutiny Committee held on 3 November 2022.

106 **Minutes of Asset Management Forum held on 4 November 2022**

Members agreed to note the minutes of Asset Management Forum held on 4 November 2022.

107 **Complaints decided by the Local Government and Social Care Ombudsman and by the Housing Ombudsman 2021/22**

The report provides information on complaints referred to and decided by the Local Government and Housing Ombudsmen during 2021/22. The Chief Executive stated that the sad case of the death of the little boy in Rochdale, would have a fundamental change in the way the council was expected to manage the council's housing stock. There would also be the expectation to inspect the private sector housing within the district, which would provide a lot of extra work coming through to the council.

**RESOLVED:**

That the report and learning points arising from complaints decided during the year and the steps being taken to address certain areas to improve dealing with complaints be noted.

**REASON:**

To continue to improve the way we handle, and learn from, complaints.

108 **Review of the Local Code of Corporate Governance**

The Strategic Lead Governance and Licensing & Monitoring Officer presented his report on the Council's Code of Corporate Governance, which sets out the overarching approach to the council's corporate governance arrangements and was now due for review.

It was a requirement of the Constitution that Cabinet consult with Audit & Governance in relation to the approval, implementation and monitoring of the Code of Corporate Governance. Audit & Governance Committee received the report at its meeting on 17th November 2022 and supported the recommendation. It was therefore recommended that Cabinet continue to use the current Code unchanged with a further review in two years' time.

**RESOLVED:**

that the Local Code of Corporate Governance should continue without amendment and be reviewed again in two years' time, unless circumstances require an earlier review, be agreed.

**REASON:**

The Council regularly reviewed the policies, codes and procedures that govern the way it operates. The Code of Corporate Governance provided the overarching framework for the Council's Corporate Governance. It was last updated in December 2016 following revised guidance from CIPFA/SOLACE and reviewed in January / February 2019. It was not a standalone document but rather identified the key principles that the Council agreed to follow in establishing its governance framework. It was supported by a number of other documents, being the Council's key policies, which in combination seek to ensure that the Council has systems, processes, culture and values that the council engages with and acted by and were accountable in respect of. Ultimately the Code was about ensuring that the Council does the right things, in the right way for the right people in a timely, inclusive, open, honest and accountable manner.

109 **Car Parking permit and tariff increase review - Summer 2022**

A review of the current car parking fees that were increased in April 2022.

Discussion included the following:

- Parking permits were good value and these should be promoted more
- The need to promote the permits especially as there was a monthly payment option
- Economic challenges meant people were using hospitality less, with a general increase to online shopping leading to reduced footfall. However this was not reflected on the districts car parks which appear to be well used
- The council was not looking to increase car parking charges next April, as was the case in other areas outside the district

**RESOLVED:**

that the summer review of the car parking tariff and permit increase be continued with the current fees and tariffs into the next financial year, be agreed. A directly comparable report on summer income to be brought to Cabinet in 12 months.

**REASON:**

Car parking charges were increased for the first time in 10 years in April 2022. The increased charges reflected the fact that no increases had been applied for a significant period of time and certain tariffs had fallen below what was deemed appropriate; high demand prime tourist car parks where the revised charges were applied. This also reflected the rise in VAT from 17.5% to 20% in 2011 and to bring East Devon Coastal town tariffs in line with similar tourist destinations across the County. Having made the decision to revise charges it is acknowledged the income supports the delivery of other services particular additional costs in tourist areas and will also help the Council achieve its ambition of becoming carbon neutral by 2040 through the growth of green infrastructure across the district.

110 **Review of free car parks and charging hours**

The Car Parking Services Manager outlined the details of a proposal to take on management of a new car park as part of the Lower Otter Restoration project, as well as a review of the 6 free car parks that were currently managed by EDDC. As well as options for extended evening charging in the coastal locations and free Sunday charging in the inland towns and villages.

**RESOLVED:**

1. That the portfolio of free car parks be agreed. The Manor Farm Estate car park, Sidbury option B (make no changes) was agreed. In all other cases, option A was agreed for each site. With an expectation that the 20 reserved spaces in Temple Street will remain as such and The Green – Broadclyst being deferred at this time for updated costs to be provided.
2. That the proposed management arrangement for the new car park on South Farm Road, Budleigh Salterton be approved. Terms to be agreed with Clinton Devon Estates through delegated authority to the Strategic Lead for Governance and Licensing in conjunction with the Strategic Lead for Finance.
3. That extending the charging hours in our short stay car parks, and to maintain the current charging structure be agreed.
4. That free Sunday car parking charges across the District and to continue with the current arrangements be agreed.
5. That the current process for assessing and determining concessionary parking requests be agreed.

**REASON:**

1. These car parks were important assets in their respective areas, but other options for their maintenance and long term use should be assessed to ensure they continue to be the best use of land in consideration of other Council priorities.
2. The management of this new car park was mutually beneficial in as much as it offers effective management of the site by EDDC who share the landowner's aspirations for the site to be a popular visitor destination. Alternative management by a third party would not achieve this, and EDDC would not benefit from any additional income from this site.
3. Extended charging is an option of managing evening parking demand, however this would have an impact on the evening economy as well as being ineffective due to alternative free parking options at this site.
4. There were other options that could be considered in relation to free Sunday parking however the current arrangements were well established and consistent with the current approach to parking charges across the District. Changes made in isolation run the risk of

artificially increasing demand on some days and unintended consequences in regards to traffic management and demand on services.

5. It was important that EDDC operate a fair and transparent process for considering concessionary parking requests and that this process was consistent in all circumstances.

**Attendance List**

**Councillors present:**

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

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

A Dent  
C Gardner  
S Gazzard  
A Moulding  
H Parr  
P Skinner  
T Wright

**Officers in attendance:**

Richard Easthope, Parking Services Manager  
Amanda Coombes, Democratic Services Officer  
Simon Davey, Strategic Lead Finance  
John Golding, Strategic Lead Housing, Health and Environment  
Henry Gordon Lennox, Strategic Lead Governance and Licensing (and Monitoring Officer)  
Mark Williams, Chief Executive

**Councillor apologies:**

G Jung

Chair .....

Date: .....

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Cabinet held at Council Chamber, Blackdown House, Honiton on 5 December 2022**

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

The meeting started at 5.30 pm and ended at 7.35 pm

#### **111 Public speaking**

Andrew Parr, Chair of Colyton Parish Council spoke on the vote to which the response figures were based. These were collated from a questionnaire and not a ballot or referendum with people being unaware of the financial implications. He said he had asked for a proper ballot but this had been rejected by the council. He said the results had showed conflicting evidence. He stated that the financial requests evidenced in the Vesting Statements were unreasonable and that Colyton Parish Council would be financially worse off if the split was to go ahead. He asked that there be no transfer of assets.

Alison Stenning said she thought Colyford wanted independence from Colyton but saw that they wished to use Colyton PC as a 'cash cow'. Colyford would have to pay for maintenance costs just for the play park and 3 gateways so could see no reason to the transfer assets over to them. She asked why EDDC wanted to destabilise a very long established parish in the district.

Joy Gardner said analysis of the questionnaires showed more that 71% of people of Colyford did not wish for a new parish council. She said people had thought this was just a pre questionnaire and that when the full facts were available they would get to vote on the changes. There had been no factual information and what this would entail had been sent out to residents. She said claims that Colyford had been neglected were untrue and that it was not in the interest of residents to split the parish council. This could lead to a potential rise in the cost to the parishioners' council tax in both communities.

Ken Clifford from Colyton Parish Council, said he was bewildered by the wish for Colyford to separate from the present parish council.

Colin Pady said that through consultation he had had with people, they were opposed to this proposal which had been started from a minority group from Colyford Village Residents Association (CVRA), he did not feel their views reflected majority feeling. He had a fifty yearlong connection with the village and any split would be a serious mistake and said the 2 villages were stronger together.

Julian Thompson stated democracy could be thought of as a way of governing by the will of the people. Colyford had 800 residents and was one the largest village in the district without its own parish council. He said Colyford had the people, skills and competency to operate its own parish council. CVRA steering group had delivered the petition which had led to the proposal being discussed today. He said 76% of Colyford submissions wished to have they own parish council.

Ian Priestley said the new parish council would have strong values, behaviours and benefits. The CVRA had informed all residents of the procedures and processes as they had happened. Their blueprints presented a fresh start. He said the new parish council had shared a future vision and sense of belonging, they valued diversity with strong

professional relationships with people of different backgrounds and would represent their community by working hard on its behalf. The new parish council would work closely with other councils and intended on being good friends and neighbours.

John Vieth talked on how a new parish council would work once established. He claimed that Colyton Parish Council were wealthy and as Colyford had no democratic bearing they could not access their share of the parish precepts. He said there was a strong majority to change, that the boundary made sense and that they had the right values as well as it being affordable and achievable. He said it was only fair and reasonable that the CVRA had requested sensible Vesting Statements. He claimed the relationship with Colyton Parish Council was untenable.

Andrew Wilkinson said he lived in Colyton and had known Colyford and its people all his life. He stated the whole process had been a slur against the good work and performance of the parish council. Residents cannot understand the need to break up something that works and had done for many decades. The figures in this process did not reflect the feeling of parishioners because few understood the full implications of the full consultation; the questionnaire implied a further opportunity to comment. He had no idea that should this motion go ahead, Colyton PC would have to hand over 30% of its assets; clearly having financial implication for the parish council and the people of Colyton. The motion for the split had implications far beyond discussions on boundaries. It would affect the whole parish and its finances, use off and access to its assets, governance and landownership which he was certain many people in Colyton were unaware of. He asked for the decision not to be made until greater effort to inform all people affected to the full consequences to the intended split.

112 **Declarations of interest**

None

113 **Matters of urgency**

None

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

None

115 **Colyford Community Governance Review**

Following the deferment from last week's Cabinet meeting on this item, the Strategic Lead Governance & Licensing reminded members that in late 2021, Cabinet and Council agreed that a Community Governance Review be undertaken following a request from the Colyford Village Residents' Association. In July 2022 Cabinet agreed to the principle of a new parish being created and draft proposals were formally published. The second statutory period of consultation expired on the 22<sup>nd</sup> November 2022 and this report now recommends alternative decisions for the Cabinet and Council to consider. He reiterated some of the responses from the consultation with 56% of respondents in favour to the establishment of a new parish council in Colyford.

Discussions included the following:

- 2 communities were stronger together

- This had not been discussed fully with the residents of both villages
- Any under investment in Colyford was not down to Colyton Parish Council
- People could not be fully informed when filling out the questionnaire as the boundary review had not taken place at this time
- It was not fair to say that Colyton Parish Council was wealthy
- This would have huge effects on Colyton Parish Council's finances and the expenses involved in maintaining its assets
- People should be allowed to vote on this as this was not democratic on the lack of information on the questionnaire
- This was an accepted part of political life now with localism and general devolution – this was a micro version of what was happening nationally
- Colyford was now of a size so as to determine its own future
- The initial consultation was quite telling with the figures speaking for themselves for reorganisation
- Parish Councils exist to serve its parishioners, there should be a spirit of cooperation and working together.

**RECOMMENDED to Council to;**

establish a new Parish Council for the area known as 'Colyford' and;

- That the boundary be as detailed in Appendix I and paragraph 17
- That the new Parish Council be known as 'Colyford Parish Council'
- That the Membership will comprise of 7 councillors
- That no warding provisions are incorporated in the Parish Council
- That the membership of Colyton Parish Council be reduced from 13 to 11 councillors
- That these recommendations are duly published and the appropriate Order made with delegated authority given to the Chief Executive to incorporate all necessary provisions into the Order and to make any supplementary arrangements as may be necessary. In order to facilitate this Members considered the Vesting Statements provided by the Colyford Village Residents' Association and comments from the Colyton Parish Council and give a view on the acceptability of what is requested. Members agreed;
  - VS1 – land at Stafford Common (shown hatched green on Appendix I) be transferred to the new Colyford Parish Council but otherwise the request be denied
  - VS2 – if the play equipment (and any land interest) is vested in Colyton Parish Council then this should be transferred to the new Colyford Parish Council
  - VS3 – responsibility for the parish gateways be transferred to the new Colyford Parish Council
  - VS4 – the £10,000 held by Colyton Parish Council and ring-fenced for road safety projects in in Colyford be transferred to the new Colyford Parish Council and for it to be similar ring-fenced if possible
  - VS5 – request be denied
  - VS6 – review whether there are any CIL receipts for 2021/22 and 2022/23 within the proposed boundary and if legally permissible seek a transfer of those funds to the new Colyford Parish Council but otherwise the request be denied
  - VS7 – request be denied
- That it be noted the Parish Council will come into formal legal effect on the 1<sup>st</sup> April 2023 and the first elections will be held in May 2023.
- Agree a budget of £12,350 + VAT to pay Capita to implement the changes to the Council Tax system.

**REASON:**

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

Members will recall that the rationale for undertaking this review arose from a 249 signature petition which claimed that: 'The community of Colyford has thus clearly expressed their wish for a village council to be set up, and this should be given considerable weight. We have shown that Colyford has its own identity and sense of place, and that community cohesion will be enhanced by having its own village council. We have shown that a village council for Colyford will be effective and convenient, and will provide strong and accountable local government and community leadership. We therefore respectfully request that East Devon District Council exercise their powers under the Act and undertake a Community Governance Review and recommend the formation of a village council for Colyford.'

Cabinet considered the outcome of the first stage statutory consultation exercise at its meeting of 13<sup>th</sup> July 2022 and agreed, on the basis of the guidance and consultation responses, to publish draft proposals for consideration. This report reviews the second stage statutory consultation responses and presents options for Cabinet and Council to consider as to how to conclude the community governance review.

**Attendance List**

**Councillors present:**

P Hayward (Vice-Chair)  
M Rixson  
J Rowland  
J Loudoun  
S Jackson

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

A Moulding  
H Parr

**Officers in attendance:**

Amanda Coombes, Democratic Services Officer  
Henry Gordon Lennox, Strategic Lead Governance and Licensing (and Monitoring Officer)

**Councillor apologies:**

P Arnott  
G Jung  
D Ledger  
N Hookway

Chair .....

Date: .....

**EAST DEVON DISTRICT COUNCIL****Minutes of the meeting of Community Grant Panel held at Council Chamber.  
EDDC Blackdown House, Honiton on 28 November 2022****Attendance list at end of document**

The meeting started at 2.00 pm and ended at 2.57 pm

**94 Public Speaking**

None.

**95 Minutes of the previous meeting**

The minutes of the previous meeting held on the 31 August 2022 were agreed.

**96 Declarations of Interest**

None.

**97 Matters of Urgency**

None.

**98 Confidential or exempt items**

None.

**99 Community Buildings Fund**

The Panel were asked to consider the first round of applications under the Action on Poverty Fund, which are set out later in the minutes.

A request had been made to reconsider the requirements for the Fund. The Panel were reminded of the current requirements as:

- A minimum of 50% match funding for each project from sources other than the Action on Poverty Fund;
- Of that minimum 50% match funding, the applicant was required to have in place a minimum of 70% of that funding available or promised to the applicant.

The Panel discussed this minimum level, and agreed two votes to one that the 70% of the 50% match funding should be reduced to 50% to enable more applicants to reach the threshold for consideration for funding.

The Panel also agreed to the amendment of the second closing date to 15 February 2023 to allow more time for applicants to submit early in the new year.

Learning from the applications submitted so far, the Panel also agreed that the guidance and application form could be amended to include some improvements. This would be undertaken by the Community Engagement Officer, in liaison with the Chair.

**RESOLVED:**

1. That the percentage of match funding of the 50% match that must be in place for applications be amended from 70% to 50% for reasons of enabling more applications to be considered;
2. That the second closing date for the Action on Poverty Fund be amended to the 15 February 2022;
3. That the Community Engagement and Funding Officer, in discussion with the Chair of the Panel, to amend the guidance and application form for improvements as required.

100 **Seachange Devon application**

The application from Seachange Devon requested £2,065 for a project to run Let's Cook for Health, family/community sessions in Littleham in Exmouth. The match funding was fully in place.

The Panel commented on the clear links to the work of the Budleigh Hub, and the merits of the application in supporting education in a healthy lifestyle.

**RESOLVED** that the application by Seachange Devon for £2,065 is approved.

101 **Open Door Exmouth application**

The application from Open Door Exmouth requested £3,010.80 for a project to expand their community café to Saturdays, and to equip staff and volunteers to better support people with financial worries. The match funding was fully in place.

The Panel commented on the benefits and needs of debt and financial training to offer support.

**RESOLVED** that the application by Open Door Exmouth for £3,010.80 is approved.

102 **Project Food application**

The application from Project Food requested £4,276 for a project to encourage people in financial need with mental health issues to take part in farm activities and healthy eating. The match funding was fully in place.

The Panel were pleased to hear directly from the applicants on the positive work of the project. The Panel were fully supportive of the initiative and expected to see the project grow.

**RESOLVED** that the application by Project Food for £4,276 is approved.

103 **Exmouth Stroke Survivors application**

The application from Exmouth Stroke Survivors requested £1,750 for a project to set up a community café in Littleham in Exmouth. Stroke survivors were sometimes isolated while recovering at home, whilst also facing pressures from the cost of living. The project offered support and a warm space to meet. The match funding was fully in place.

The Panel supported the application, commenting that for such a small fund, it was money well spent for a positive initiative for this group of people.

**RESOLVED** that the application by Exmouth Stroke Survivors for £1,750 is approved.

104 **EX5 Alive application**

The application from EX5 Alive requested £4,950 to set up a community hub at the Younghayes Centre in Cranbrook, to help support young families and people. The hub would help signpost people to other services, as well as offer “home from home” drop in events to residents. There was a shortfall of £120 to the match funding, which they had plans in place to raise.

The Panel supported the application and welcomed the support for young families facing difficulties in that area, hearing further detail from an applicant supporter. With a small shortfall, the Panel felt that it would be beneficial to increase the amount awarded to the maximum permitted.

**RESOLVED** that the application by EX5 Alive is approved and increased to the maximum amount that can be provided from the fund of £5,000.

105 **Re:Store Axe Valley CIC application**

The application from Re:Store Axe Valey CIC requested £5,000 to help them deliver Christmas hampers to families in need in the Axe Valley. Over 70% of their match funding was in place.

The Panel heard from applicant supporters on some of the detail of the application. The Panel were in support of the project, and supported the application.

**RESOLVED** that the application by Re:Store Axe Valey CIC for £5,000 is approved.

106 **Sidmouth Rotary application**

The application from Sidmouth Rotary requested £5,000 to help deliver Christmas hampers to families in need in the Sid Valley. They have 72% of their match funding in place, and have plans in place for raising the remaining funding.

The Panel supported the application, expecting a well known and established organisation to be able to raise the shortfall.

**RESOLVED** that the application by Sidmouth Rotary for £5,000 is approved.

107 **Exeter Community Energy application**

The application from Exeter Community Energy requested £5,000 to help them deliver an energy, debt and money advice project to East Devon residents. They have 70% of the match funding in place. This was a reputable organisation well known to the Council, and therefore the match funding was expected to be found to enable the project.

The Panel welcomed the project and supported the application.

**RESOLVED** that the application by Exeter Community Energy for £5,000 is approved.

**Attendance List**

**Councillors present:**

J Rowland (Chair)

J Loudoun

H Parr

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

None

**Officers in attendance:**

Jamie Buckley, Community Engagement and Funding Officer

Andrew Hopkins, Communications Consultant

Debbie Meakin, Democratic Services Officer

**Councillor apologies:**

J Bailey

D Key

G Pook

T Woodward

Chair .....

Date: .....

**EAST DEVON DISTRICT COUNCIL****Minutes of the meeting of Scrutiny Committee held at Council Chamber  
Blackdown House on 1 December 2022****Attendance list at end of document**

The meeting started at 6.13 pm and ended at 8.15 pm

**54 Public speaking**

There were no members of the public registered to speak.

**55 Minutes of the previous meeting**

The minutes of the meeting held on 3 November 2022 were agreed and signed as a true record.

**56 Declarations of interest**

Minute 60 Portfolio Holder Annual Report - Sustainable Homes and Communities. Councillor Jake Bonetta, Affects Non-registerable Interest, Councillor is the Chair of Food Save, a local community organisation.

**57 Matters of urgency**

There were no matters of urgency.

The Chair requested feedback on the recent scrutiny training provided by the Centre for Governance and Scrutiny. Members agreed that the training had been helpful and informative and that it had been very useful to refresh their knowledge.

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

There were no confidential / exempt items.

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

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

**60 Portfolio Holder Annual Report - Sustainable Homes and Communities**

Cllr Dan Ledger, Portfolio Holder for Sustainable Homes and Communities, presented his report and thanked all of the officers involved for their help in preparing the report. Cllr Ledger advised that staff are under huge pressure with a mounting workload.

The report highlighted the following points:

- A number of grants had recently been received which had meant that additional staff could be employed to provide homelessness support.
- There is currently a large amount of casework across multiple departments trying to address homelessness.

- Three Ukrainian families are currently in temporary accommodation and 56 families or individuals are in temporary accommodation in the district.
- The Poverty Working Group has now moved to a policy monitoring phase.
- A new Community Development Manager has been appointed which will assist with delivering the Housing Winter Pressures Plan.
- With regard to strategic asset management, the housing stock condition survey and decarbonisation, the team has been very short staffed with multiple officers undertaking the role of two people due to ongoing issues with recruitment.
- There is currently a large number of void properties and it was highlighted that the cost of turning around a void property should be around £2,500. Recent costs have been between £6,000 - £8,000 due in part to the age of the housing stock or the way the property was treated by previous tenants. Further work needs to be undertaken around recovery of these costs.
- The stock condition survey will result in difficult decisions of a strategic nature, including potential disposal of ageing properties.
- It was noted that Ian Williams contractors are increasing their workload in order to deal with current demand and this was applauded.
- The Homes for Ukraine scheme has meant increased pressure on staff and the Portfolio Holder acknowledged the hard work that has gone into delivering the scheme.
- Attention was drawn to the work of the Housing Task Force in increasing delivery of both affordable and social housing across the district.

In response to questions from Members, the following points were made:

- With regard to the high turnover of tenants and the cost of work on void properties, the age of the stock could be contributing to the issue as tenants move to better properties. Work was needed over the next twelve months to better understand the data and the reasons behind turnover levels.
- Regarding retro-fitting properties, a Government grant of approx. £1.5m has been received for the first round of work, with a further funding bid having recently been submitted for work to increase energy efficiency.
- The Portfolio Holder has met with many voluntary sector providers across the district and aims to increase networking and highlight opportunities for grant funding for the sector.
- Officers are currently working on identifying developable housing opportunities across the district in order to increase housing stock.
- Damp and mould issues are dealt with as soon as the Council is made aware of a problem and a damp and mould policy is shortly to be presented to the Housing Review Board. A new contractor has recently been appointed to review all properties with regard to installing proper ventilation. Early intervention, with tenants informing the Council of issues as soon as possible, is critical, followed by immediate repairs and a good communication strategy to educate tenants with regard to ventilating properties to reduce the occurrence of damp and mould.
- Some of the housing stock will not be able to be brought up to an acceptable standard of decarbonisation and will not be re-let when tenants leave. The Housing Task Force is currently working on this issue alongside the stock condition survey.
- The recent edition of the tenants' magazine, Housing Matters, was considered to be very good.
- The Portfolio Holder would follow up on the matter of putting out communications regarding the large number of grants and assistance available to residents, either through the Council or via other means.

The Portfolio Holder was thanked for his report.

## 61 **Quarterly Performance Report**

With regard to the Quarterly Performance Report, the following points were made:

- The Committee discussed the use of paper agendas and noted that Councillors were using both iPads and paper agendas in some meetings, which may be an unintended consequence of meeting in person and not having access to multiple screens in meetings.
- The high number of days lost to sickness, and in particular stress, was noted.
- With regard to the review of compliance procedures by an external body and the lack of progress due to issues with recruitment, it was noted that the compliance procedures in question relate to matters such as fire safety and asbestos.

The Quarterly Performance Report was received and noted.

## 62 **Forward Plan**

It was noted that the Chair had requested an additional meeting in 2023 in order to complete the work programme and that this was proposed, and subsequently agreed to be held on 9<sup>th</sup> March 2023. It was also noted that the April meeting would be likely to fall in the period of purdah. The revised forward plan was tabled and agreed.

The Committee discussed the procedure for adding items to the Scrutiny Committee agenda and noted that the process was slow for bringing matters forward for discussion.

The Deputy Monitoring Officer advised that officers require clarity of what exactly the Committee is looking to scrutinise and that having more information set out by Councillors on the proposal form would enable officers to produce reports more easily, which could speed up the process.

The Committee discussed the example of scrutinising the use of Blackdown House post Covid as a possible future agenda item.

Further discussion included the Portfolio Holder reports and whether there should be greater clarity and targeting as to what the Committee is looking to consider, rather than just receive a general overview of a particular service.

It was noted that very few Committee members had been present at the previous meeting, and at this meeting, to hear the Portfolio Holder reports.

## 63 **Update on draft Training Strategy**

The Portfolio Holder for Democracy, Transparency and Communications presented an update on the draft Training Strategy which included the following points:

- An update on meetings of the Member Development Working Group which had considered post-election induction training, refresher training, information for prospective Councillors and current and future training needs.
- Key points had emerged such as Councillors needing to be aware that some Committees are statutory and require Members to be trained before sitting on the Committee eg. Licensing & Enforcement, Planning.
- Attendance at mandatory training could be published on the Council's website.
- A Member training survey was circulated to all Councillors, with a response rate of 33%, although useful information was collected.
- The benefits of ongoing refresher training needed to be made clear as legislation changes and Members need to be kept up to date.

- Safeguarding has recently been added to the list of mandatory training and it was noted that, although requested specifically by Councillors and offered at a cost on different days and times, only just over 50% of Councillors responded to the Democratic Services Team.
- It was suggested that attendance at mandatory training should be added as a key performance indicator on a quarterly basis and potentially published on Members' profiles on the website in order to encourage attendance which, to date, has not been good.
- A Member Development Plan will shortly be prepared for the forthcoming elections which will include mandatory training immediately after the election, followed by phased training due to the large volume of information for new Councillors.
- It is difficult to plan the resource requirements for training as this depends largely on the form of delivery, whether in person or online.
- Some training could be offered in-house such as Planning and some online.
- The Member Development Working Group is proposing an estimated budget for training after the elections of £10,000.

The Portfolio Holder outlined the recommendations which would be made to Cabinet and included the following:

- To adopt the Member Development plan which specifies the mandatory elements of training.
- That the Code of Conduct is revised so as to recognise the mandatory training and that failure to attend would be a breach of the Code of Conduct.
- Attendance at mandatory training would be uploaded to Members' profiles on the website and included in the key performance indicators in the quarterly performance report.
- It was recognised that, on occasions, Councillors may not be able to attend mandatory training and methods should be available to enable Members to catch up.
- A budget of £10,000 be made available.

In response to questions from Members, the following points were made:

- Regarding training for Councillors elected mid-term, it was noted that it was difficult to obtain the necessary knowledge, particularly where the new Member did not have the support of a political group. It was recognised that the assistance of the Democratic Services team was invaluable and that key learning resources, such as videos and online training should be made available to new Councillors.
- It was proposed to develop a list of key officer contacts to facilitate induction.
- It was noted that refresher training is important as Members need to be kept up to date with changes to legislation.
- It was further noted that training on planning and licensing would also be helpful for Councillors who are not on those Committees but may respond to planning or licensing applications.
- The Mod.Gov library would be checked and updated for training content as this is a useful central resource.
- It was recognised that Councillors needed to have training in IT from the start in order to access other training.
- It would be beneficial to look at the training provided by other local authorities.
- Other resources are available such as through the LGA or resources provided to officers and would be followed up by the Portfolio Holder.

The Portfolio Holder was thanked for her update.

### **Attendance List**

#### **Councillors present:**

M Allen (Vice-Chair for this meeting)

J Bailey

J Bonetta  
O Davey  
J Kemp (Chair for this meeting)  
H Parr

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

S Jackson  
G Jung  
D Ledger  
J Rowland

**Officers in attendance:**

Sarah Jenkins, Democratic Services Officer  
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

**Councillor apologies:**

A Bruce  
M Chapman  
C Gardner  
S Hawkins  
D Key  
E Rylance  
B Taylor  
J Whibley  
T Woodward

Chair .....

Date: .....

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

**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.

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Budget Setting and Capital Allocations Panel held at online via zoom on 5 December 2022**

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

The meeting started at 9.30 am and ended at 3.25 pm

#### **30 Welcome from the Chair**

The Chair welcomed Councillors and officers to the meeting, and set out the purpose of the meeting to the Panel.

#### **31 Notes from the previous meeting**

The minutes of the previous meeting held on 8 September 2022 were agreed.

#### **32 Declarations of interest**

Minutes x; Councillor Paul Hayward Affects Non-Registerable Interest, Employed by Axminster Town Council.

Minute x; Councillor Paul Millar; Affects Non-Registerable Interest, Membership of LED Leisure as a service user.

#### **33 Capital Financing**

The Strategic Lead Finance set out the Capital Programme financing, covering both the existing commitments and the proposed bids before the Panel for discussion. This included the element already agreed for inclusion for the Recycling and Refuse Bridging Solution Phase 2 for vehicles of £320K; and the provisional sum for the Sidmouth & East Beach Management Plan implementation works at £1.7m.

In response to questions, the general fund balance was confirmed to be within the adopted range. The Panel were asked to bear in mind the predicted gap that would need to be financed if all the proposed bids were adopted.

Many of the bids had arisen from routine, proactive inspection and condition surveys.

#### **34 Scoring matrix for Capital bids proposed**

The Panel were reminded of the criteria that bids had to follow. The proposed bids were presented with a ranking of priority and highlighted any health and safety requirement for completion.

#### **35 Proposed bids**

The Panel worked through the 31 bids presented, with questions answered by relevant officers.

In respect of bids that were deferred, discussion covered:

- Budleigh Steamer and beach steps bid needed further work to bring forward a cheaper alternative option for consideration;
- Work to Mona Island railings was rejected because the Panel felt that the site as a whole needed careful consideration for best use, and therefore remedial works in 2023/24 may be an unnecessary cost;
- Lady Bryon and The Maer play areas were not felt to be essential work and therefore were deferred to be considered at a later date;
- Withycombe Pitches Parking be considered by the relevant Portfolio Holders for Finance, and Economy & Assets respectively to consider appropriate rental rates and funding opportunities to finance improvements to the parking provision. The Panel agreed that improved parking on this site would be welcomed in principle, but needed further work to offset the considerable cost;
- Phear Park access works were similarly supported in principle, but the Panel felt that further work was needed to find an alternative solution to the access issues. They asked that the proposal be put to the relevant Portfolio Holders for Finance, and Economy & Assets respectively, working with other stakeholders and relevant officers, to work towards an alternative solution, including consideration of charging for parking;
- Budleigh gabion basket repair was rejected on the grounds that the beach level grading could be considered, and there may be changes to the levels once the Lower Otter Restoration Project has been completed; therefore it was premature to replace the gabion basket before then;
- The Panel wished to wait for further development of the Exmouth Pavillion offer and usage before agreeing to any projects relating to that building.

The Panel also discussed raising awareness of the impact on costs for the repair of assets following vandalism.

**RECOMMEND to Cabinet:**

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
1. 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 rooking works for £25,410 in 2023/24 and £365,090 in 2024/25
  2. 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;
  3. 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.

### **Attendance List**

#### **Councillors present:**

J Rowland (Chair)  
P Arnott  
P Hayward  
G Jung  
J Loudoun  
G Pook  
M Rixson  
N Hookway  
E Wragg

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

P Faithfull  
T McCollum  
P Millar

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

Tom Buxton-Smith, Engineering Projects Manager  
Tim Child, Service Lead - Place, Assets & Commercialisation  
Simon Davey, Strategic Lead Finance  
Andrew Hancock, Service Lead StreetScene  
John Hudson, Accountant  
Debbie Meakin, Democratic Services Officer  
Jorge Pineda-Langford, Principal Building Surveyor, Property & FM  
John Symes, Finance Manager  
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

#### **Councillor apologies:**

D Bickley  
K Blakey

E Rylance

Chairman .....

Date: .....

**EAST DEVON DISTRICT COUNCIL****Minutes of the meeting of Placemaking in Exmouth Town and Seafront Group (formerly Exmouth Queen's Drive Delivery Group) held at Online via Zoom app on 13 December 2022****Attendance list at end of document**

The meeting started at 10.01 am and ended at 10.42 am

**11 Public speaking**

There were no members of the public registered to speak.

**12 Minutes of the previous meeting held on 10 October 2022**

Members asked for a small amendment to the minutes of the previous meeting at item 10, to clarify that it was *the current tenants* of the former play park who were consulted or invited to engage in consultation, to provide their views. The revised minutes to be presented at the next meeting.

**13 Declarations of interest**

Cllr B De Saram: Minute 14; Affects Non-Registerable Interest: Exmouth Town Councillor.

Cllr J Whibley: Minute 14; Affects Non-Registerable Interest: Exmouth Town Councillor.

**14 Progress Update on Placemaking in Exmouth**

The Project Manager – Place & Prosperity (Exmouth) ran through the update report which summarised progress since the Group's last meeting, including:

- Following a debrief meeting with the traders at Queen's Drive Space, all the current traders have submitted interest in taking the pitches for the 2023 season.
- Planning consent is being prepared for the fitness area; it expires in July 2023 and needs to be renewed.
- The Events Space has been marketed as agreed to see if a reliable operator can be secured either for the whole season or for the summer holidays.
- A small budget has been identified for car park signage and this will proceed with colleagues who look after car parking in Exmouth.
- We have begun preparing the planning consent for the Strand which expires in September 2023 and needs to be renewed.
- Following the Placemaking in Exmouth Consultation, the budget of £160k to develop the Placemaking Strategy was approved by Full Council on 7 December 2022 and in anticipation of that, the tender specification was written to appoint the team which will report on to the Placemaking Group in due course, as set out in Appendix A to the update report.
- Led by colleagues in Devon County Council, the Levelling Up Fund Bid was submitted and a letter of support has been issued by both East Devon District Council and Exmouth Town Council, as has match funding. To date, there has been no news on whether the bid has been successful.

Discussion included the following points:

- It was confirmed that traders on Queen's Drive Space were offered a 15% discount.
- Members discussed the use of grassed areas in the Strand. One Member expressed concern that because traders were licensed to use the grassed areas, the space was not

available for one-off events. The Service Lead – Place, Assets & Commercialisation commented that the agreements with traders covered two seasons, to enable them to plan, so an agreement for arrangements for summer of 2023 was already in place. However, it was agreed with the traders and the PETS Group that these arrangements would be reviewed thereafter, and the review could take account of one-off events if that is considered appropriate. It is expected that discussions with traders for the 2024 season will commence in Spring 2023.

- It was noted in respect of the Strand that all of the agreements required traders to remove outside furniture by the end of September; however, some had gone beyond this date, with one trader having only very recently removed their tables and chairs but leaving some flower pots and fencing, and officers would be addressing this with the trader today. A Member commented that this is entirely unsatisfactory conduct on behalf of that tenant. This has been a very challenging issue for Officers going over 2 or 3 years and there has been bullying conduct towards Officers by some of the licensees. The tenant has carried on making extra dollar, on the public of East Devon, throughout the autumn and into the Christmas season and if they had wanted to do that, they should have come back to the Council and applied, and paid for something different. The Member felt it was important that these points are recorded in the minutes to demonstrate if necessary to the MP, who supported the traders but did not know his facts, that this Council has not driven the traders out but has been very tolerant, and the Member expects thanks from the licensees for this Council's forbearance.
- There is a firm proposal for LED to take on the Fitness Space at Queen's Drive for the 2023 and 2024 seasons, but not immediately post-Christmas.
- Members were disappointed that an update has not been received from DLUHC on the Levelling Up Bid and it was agreed to email East Devon MPs Simon Jupp and Richard Foord to ask for an update on when a decision can be expected, for both the Exmouth and Axe Valley bids.

Members of the Group noted the progress since the last meeting of 10 October 2022.

### **Attendance List**

#### **Councillors present:**

P Arnott (Vice-Chair)  
M Armstrong  
O Davey  
N Hookway (Chair)  
B Taylor  
J Whibley  
C Wright  
B De Saram  
J Rowland  
A Bailey (Exmouth Town Council)  
S Gazzard (Exmouth Town Council)

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

G Jung

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

Sarah James, Democratic Services Officer  
Tim Child, Service Lead - Place, Assets & Commercialisation  
Gerry Mills, Project Manager Place & Prosperity (Exmouth)  
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

Debbie Meakin, Democratic Services Officer  
Charles Plowden, Service Lead Countryside and Leisure  
Matthew Blythe, Service Lead Environmental Health & Car Parks

**Councillor apologies:**

A Colman

Chair .....

Date: .....

Report to: Cabinet



Date of Meeting 4 January 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## 2023/2024 Council Tax Base

### Report summary:

This report sets out the tax base for 2023/2024 and includes the breakdown for each parish, expressed in terms of Band D equivalent properties on which the council tax will be based. This is an important component in the Council's budget setting process for 2023/2024.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

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

### Reason for recommendation:

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

Officer: Libby Jarrett, Service Lead – Revenues, Benefits, Customer Services & Corporate Fraud  
Direct Line: 01395 517450

Portfolio(s) (check which apply):

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

Tourism, Sports, Leisure and Culture

**Equalities impact** Low Impact

**Climate change** Low Impact

**Risk:** Low Risk;

**Links to background information**

Link to [Council Plan](#)

Priorities (check which apply)

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

## **1.0 Background**

1.1 The tax base for council tax must be set between 1 December 2022 and 31 January 2023.

1.2 The council tax base is the measure of the number of dwellings to which council tax is chargeable in an area or part of an area. It is used for the purposes of calculating an authority's band D council tax.

1.3 Regulations prescribe that the relevant date to be used in estimating the tax base will be 30 November in the financial year preceding that for which the tax base is calculated.

1.4 The tax base calculation is determined annually by identifying the number of properties listed in the valuation list and then adjusted for the following:

- An estimate of the number of new properties to come on to the Valuation list for all or part of the year and the estimated level of discounts, exemptions and reliefs that may apply.
- An estimate of the number of properties to be demolished and allowing for any discounts and exemptions associated with them.
- The number of discounts, exemptions, premiums and relief that already apply
- Any changes to the level of discounts, premiums, etc.
- The estimated reduction for the council tax reduction scheme
- The estimated collection rate for the year.
- The Contribution in lieu from the Ministry of Defence (MoD properties are treated as exempt for council tax purposes and the MoD makes a contribution in lieu of council tax after deducting an allowance for periods when properties are empty).

## **2.0 Council Tax Base Calculation for 2023/2024**

2.1 The table at 2.7 shows the number of properties (by band) in the Valuation list as at 30 November 2022 and then adjusted to reflect discounts, exemptions, premiums and reliefs that already apply, estimate of new builds, deletions, appeals, council tax reduction scheme, collection rate and contribution from MoD.

- 2.2 The estimate for the Council Tax reduction scheme has been calculated taking into account the proposed changes that are to be considered by Cabinet on 4 January 2023 for recommendation to Full council on the final scheme to be adopted for 2023/24.
- 2.3 The adjustments for discounts, premiums have been based using the same percentage levels that currently apply.
- 2.4 There are 474 (450 Band D equivalents) new properties that have been included to come on for the equivalent of the whole of next year. This is after adjustments for discounts, exemptions, number of days within the year, etc.
- 2.5 We have used a collection rate of 98.7% our collection rate was 98.9% last financial year but to reflect current performance as collections are slightly down, and the current economic climate we have retained the collection rate that we used in our previous calculation of 98.7%
- 2.6 There are 162 Band D equivalent MoD properties which has been estimated taking into account the current contribution.

## 2.7 Totals for East Devon 2023/2024

BAND	A*	A	B	C	D	E	F	G	H	Total
1. Properties in list	0	6,647	13,909	17,238	13,402	11,116	6,588	4,191	199	73,290
2. Adjustments	11	-1,399	-1,943	-1,871	-1,300	-909	-437	-312	-41	-8,201
3. Plus New Builds	0	39	73	176	88	83	11	4	0	474
4. Adjusted number of properties (Sub total of rows 1-3)	11	5,287	12,039	15,543	12,190	10,290	6,162	3,883	158	65,563
5. Less CTR	3	1,350	2,264	1,559	491	185	49	17	0	5,918
6. Total equivalent properties	8	3,937	9,775	13,984	11,699	10,105	6,113	3,866	158	59,645
7. Ratio to Band D	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	N/A
<b>8. Band D equivalent</b>	<b>4</b>	<b>2,625</b>	<b>7,603</b>	<b>12,430</b>	<b>11,699</b>	<b>12,351</b>	<b>8,830</b>	<b>6,443</b>	<b>316</b>	<b>62,301</b>
9. Collection Rate @ 98.7%										61,491
10. Contribution for MOD properties										162
<b>11. Tax Base</b>										<b>61,653</b>

## Key

- 1 Properties in list - refers to the number of properties in each band shown in the Valuation list as at 30 November 2022 (A\* = band A with a disablement discount).
- 2 Less adjustments for exemptions, disablement relief, discounts, empty home premiums, etc
- 3 Newly built properties estimated to come onto Valuation list and adjusted for discounts, reliefs, etc.
- 4 Adjusted number of properties.
- 5 Less Council Tax Reduction Scheme
- 6 Total equivalent number of properties after all adjustments.
- 7 Band ratios as prescribed by legislation
- 8 Band D equivalent gives the totals in line 5 expressed in terms of band D.
- 9 Adjustment for assumed collection rate for 2023/2024.
- 10 The contribution from the Ministry of Defence adjusted to the number of Band D equivalent properties.
- 11 Tax Base for 2023/2024 in Band D equivalents

2.8 The tax base for 2023/2024 has increased by 848 band D equivalent properties (60,805 for the current year tax base 2022/23).

2.9 The actual number of additional new properties on the Council Tax Valuation list (comparing 30 November 2021 to 30 November 2022) has increased by 920.

### 3.0 Parish/Town Tax Base for 2023/2024

3.1 The table below shows the tax base expressed as the number of Band D equivalent properties for each of the parish/towns after adjustments. The calculation for each of the towns and parishes is determined in the same way as set out in section 2 of this report.

All Saints	256	Dalwood	212	Poltimore	134
Awliscombe	233	Dunkeswell	588	Rewe	195
Axminster	2,835	E.Budleigh/Bicton	513	Rockbeare	380
Axmouth	249	Exmouth	13,039	Seaton	3,231
Aylesbeare	261	Farringdon	157	Sheldon	88
Beer	665	Farway	130	Shute	297
Bishops Clyst	617	Feniton	672	Sidmouth	6,973
Brampford Speke	151	Gittisham	416	Southleigh	113
Branscombe	326	Hawkchurch	272	Stockland	332
Broadclyst	2,560	Honiton	3,971	Stoke Canon	246
Broadhembury	318	Huxham	46	Talaton	238
Buckerell	117	Kilminster	405	Uplyme	883
Budleigh Salterton	2,812	Luppitt	220	Upottery	327
Chardstock	410	Lypstone	926	Upton Pyne	223
Clyst Honiton	111	Membury	280	West Hill	1,165
Clyst Hydon	130	Monkton	77	Whimble	721
Clyst St George	396	Musbury	242	Widworthy	142
Clyst St Lawrence	47	Netherexe	27	Woodbury	1,449

Colaton Raleigh	309	Newton Poppleford	960	Yarcombe	221
Colyford	423	Northleigh	82		
Colyton	1,041	Offwell	190		
Combe Raleigh	98	Otterton	303		
Combpyne-Rousdon	189	Ottery St Mary	2,899		
Cotleigh	106	Payhembury	331		
Cranbrook	2,415	Plymtree	262		
			<b>Grand total</b>		

---

**Financial implications:**

This is an essential part of the budgeting process and required to set the Council tax next year for this authority and all preceptors.

**Legal implications:**

There is a statutory framework governing the Council Tax setting process and this has been had regard to with the key requirements also identified within the report. There are no further comments required.

Report to: Cabinet



Date of Meeting 4 January 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## Draft Revenue and Capital Budgets 2023/24

### Report summary:

This report presents 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<sup>st</sup> February 2023 when members will finalise budget proposals to recommend to Council.

This report has been compiled before the Local Government Finance Settlement which is expected on the 21<sup>st</sup> December, Cabinet will be updated on any implications to the draft budget for its meeting on 4<sup>th</sup> January.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

**That the draft revenue and capital estimates are adopted before forwarding to a joint meeting of the Overview and Scrutiny Committees and Housing Review Board for consideration.**

### Reason for recommendation:

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

Officer: Simon Davey – Strategic Lead Finance [sdavey@eastdevon.gov.uk](mailto:sdavey@eastdevon.gov.uk)  
 John Symes – Finance Manager [jsymes@eastdevon.gov.uk](mailto:jsymes@eastdevon.gov.uk)

Portfolio(s) (check which apply):

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

## **Equalities impact** Low Impact

An analysis of budget changes has not highlighted areas that give rise to any equality issues that need highlighting. There are no changes proposed from the current service provisions as a result of the draft budget that will effect individuals.

## **Climate change** High Impact

The budget approval gives the Council the resources necessary to undertake its business which will significantly contribute to the carbon footprint of the Council. The Council is committed to reducing its carbon net emissions to zero by 2040 and resources have been factored into the budget to meet this priority.

**Risk:** Medium Risk; Risks have been considered in preparing the budgets and the financial implications have been assessed at the point of preparation. Various budget assumptions have been made including the treatment of inflation and interest rates; estimates on the level and timing of capital receipts; the treatment of demand led pressures; the treatment of planned efficiency savings/productivity gains; levels of income; financial risks inherent in any new arrangements; capital developments; the availability of funds to deal with major contingencies and the need for any provisions. In each of these areas the Council's financial standing, management and track record have been considered in order to prepare robust budget proposals. Other specific areas of risk have been highlighted where appropriate within the report.

## **Links to background information**

[Budget Book 2023/23](#)

[Paper on resources required for preparation of a new town in East Devon](#)

[Financial Plan](#)

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

Priorities (check which apply)

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

---

## **1. Process**

- 1.1 The Constitution requires Cabinet to approve the draft revenue and capital budget prior to consideration by the Overview and Scrutiny Committees. The Housing Review Board will undertake the same function in relation to the Housing Revenue Account budgets.
- 1.2 Recommendations from these meetings will be presented back to Cabinet at its meeting on 1<sup>st</sup> February, along with any comments from the business community. At this meeting members will be required to recommend to Council a budget and the Council Tax requirement for 2023/24.
- 1.3 At the same time as preparing the draft budget, draft service plans have been prepared for member consideration. Service plans and budgets are aligned and link back to the Council Plan.

## **2. General Fund Budget**

### **The Overall Financial Picture**

- 2.1 Members will be aware this Council does not receives Revenue Support Grant to help finance the cost of services it provides to the public. Instead costs are met through

Business Rate income, a decreasing sum from New Homes Bonus Grant (NHB), Council Tax and through fees and charges on services it provides.

- 2.2 The Local Government Finance Settlement is a crucial part in the Council's budget preparation. This details the rules and allocations around key income streams and how much the Council can expect to receive from them. The exception being fees and charges which in the main the Council can determine itself, except with planning fees which are determined by Government.
- 2.3 Unfortunately the settlement is not expected until 21<sup>st</sup> December, too late to be reflected in this report, but an update will be circulated once details are received. Assumptions have been made using the Autumn Statement 2022 (17<sup>th</sup> November 2022) which indicated that departmental budgets in 2023/24 and 2024/25 will be maintained at least in line with the budgets set at the Spending Review 2021, with efficiency savings then expected from 2025/26 onwards. Specific announcements have been made, although to be confirmed in the Settlement, on Council Tax Referendum Limitations (for District Councils this being £5 or 3% whichever is the greatest).
- 2.4 A statement made by the Secretary of State on 21<sup>st</sup> November at the House of Commons Levelling Up, Housing and Communities Committee was a clear commitment that there will not be a business rates reset or reform of the system until after the next general election. Members from previous budget reports and from the Council's Financial Plan will know the significance of this announcement in that rebasing at worse could lose this Council in the order of £3m in annual income.
- 2.5 The above all accords to a Local Government finance policy statement 2023/24 to 2024/25 issued on 12<sup>th</sup> December 2022 as a precursor to the Finance Settlement which it confirmed would be announced before Christmas.
- 2.6 The adopted Financial Plan which contains the Medium Term Financial Plan (MTFP) estimated for 2023/24 a budget gap of £588k from services costs increasing greater than income generated. The assumption had already been made in the Plan that business rate rebasing would not occur until 2025/26.
- 2.7 The process of completing the detailed draft budget for 2023/24, working from the base up inevitably gives a different position to that calculated in the MTFP, which is prepared at an earlier stage, at a high level and before key Government announcements. The MTFP has proven to be a good estimate and guide in preparing the Council's annual budget.
- 2.8 **The draft budget proposed requires £434k to be taken from balances, this is mainly through timing in bring forward proposed savings outlined in the Financial Sustainability Plan, along with higher costs than expected in some areas.**

**The draft budget recommends that this deficit is met through the Medium Term Financial Plan (MTFP) Risk Reserve**, this being set aside by Council to help smooth the timing of savings required to balance the books of the Council. The balance on this reserve is £2.9m.

Whilst not ideal, the sum is manageable in the context of the Council's overall budget and is acceptable. By not addressing this deficit in the 2023/24 budget the amount will be added to the budget deficit that will be required to be found in 2024/25, currently estimated at £892k, it is therefore essential that proposed actions contained in the Financial Sustainability Plan are progressed with the intention to bring forward saving in the budget year 2023/24 to reduce the necessity of utilising the MTFP Risk Reserve and to address the 2024/25 budget gap.

Members should also note that in the letter accompanying the Local Government Finance Policy Statement issued by DLUHC (12<sup>th</sup> December) was a message to Leaders of Councils asking for them to consider whether they can use their reserves to maintain services in the face of immediate inflationary pressures.

### **Draft Revenue Budget 2023/24**

- 2.9 A summary position of the General Fund draft budget is given below. Further details are contained in the Budget Book linked to this report showing the current budget and the draft budget proposed for 2023/24 alongside variation between years.
- 2.10 The draft budget includes key areas that align to the Council Plan and details can be drawn from the service plans.

## General Fund Revenue Budgets 2023/24

Portfolio Budget - Net Expenditure	Original 2022/23	Original 2023/24	Variation	%age Change	Notes
Corporate Business	175,210	194,520	19,310	11%	
Corporate Services	2,107,434	2,207,870	100,436	5%	1
Economy And Regenrtn Portfolio	278,520	588,060	309,540	111%	2
Environment Portfolio	1,269,350	2,178,760	909,410	72%	3
Finance	1,564,048	2,268,935	704,887	45%	4
Strategic Development & P'Ship	2,670,542	3,188,800	518,258	19%	5
Street Scene Portfolio	11,341,217	13,151,070	1,809,853	16%	6
Sustainable Homes & Communitie	921,520	1,714,654	793,134	86%	7
<b>Portfolio Totals</b>	<b>20,327,841</b>	<b>25,492,669</b>	<b>5,164,828</b>	<b>25%</b>	
Reversal of Capital Charges (Depreciation)	-3,133,070	-3,270,390	-137,320	4%	
<b>Portfolio Totals Net of Capital Charges</b>	<b>17,194,771</b>	<b>22,222,279</b>	<b>5,027,508</b>	<b>29%</b>	
Interest Receipts (Net of investment management fees)	-392,130	-1,148,535	-756,405		
Interest Payable	300	300	0		
PWLB Interest & Principal Repayments	438,040	523,190	85,150		
<b>Net Expenditure</b>	<b>17,240,981</b>	<b>21,597,234</b>	<b>4,356,253</b>	<b>25%</b>	
<b>Government Grants</b>					
New Homes Bonus Grant	-1,500,000	-1,125,000	375,000		
Rural Services Delivery Grant	-236,590	-236,590	0		
Lower Tier Service Grant	-404,000	-1,079,498	-675,498		
New Service Grant	-184,000	-139,139	44,861		
Savings Target	-70,000	-70,000	0		
<b>Use of Reserves</b>					
Use of Collection fund surplus	-197,680	-358,810	-161,130		
Earmarked Reserves	-284,041	-1,295,160	-1,011,119		
Use of General Fund Balance for elections	0	-169,290	-169,290		
Use of MTFP Risk Reserve	0	-433,847	0		
Use of General Fund Balance	0	0	0		
<b>Budget Requirement</b>	<b>14,364,670</b>	<b>16,689,900</b>	<b>2,759,077</b>	<b>19%</b>	
Revenue Support Grant	0	0	0		
Business Rate Baseline Funding	-2,831,660	-3,098,000	-266,340		
Business Rate Retention Inflation Uplift	-2,000,000	-3,300,000	-1,300,000		
Business Rate Pooling Gain	0	-318,000	-318,000		
-	0	0	0		
<b>Council Tax Requirement</b>	<b>9,533,010</b>	<b>9,973,900</b>	<b>874,737</b>	<b>9%</b>	

### 2.11 Significant variations between year's to note:

- Overall there has been significant increase in the pay bill of £2.6m (including on-costs). The implications of the 2022/23 national pay award being £1,925 per employee, this being £0.8m above the 2022/23 budget with the increase now reflected in the 2023/24 budget, along with a further increase of 3.4% assumed for 2023/24. The £0.5m budget allocated for the pay review in 2022/23 has now been

budgeted at service level applying the new grading structure, along with additional approved front line staff resources agreed in the 2022/23 budget.

The 3.4% increase has also been assumed for members allowance in 2023/24 but will be subject to recommendations of the Independent Remuneration Panel.

- Energy costs across assets have been increased were the Council meets the cost direct by £0.2m.

### **Service specific variations referenced to the above table**

#### 1. Corporate Services

£169k included for District Election in May 2023

#### 2. Economy & Regeneration

£161k resource now allocated for Place Making in Exmouth being met from earmark reserves as approved by Council.

General Increases across the Portfolio to reflect pay and inflation.

#### 3. Environment

£341k LED service payment increase over original approved budget 2022/23.

General increases across the Portfolio to reflect pay and inflation.

#### 4. Finance

£115k additional net cost in Housing Benefit Awarded through subsidy reduction and a further £75k reduction in administration subsidy.

£136k for Financial Resilience Team now in core budget, currently being funded from earmarked reserve.

Additional External Audit Costs £78k, this may be offset in part by additional grant but this has not been confirmed.

This service has a number of staff particularly in the revenues and benefits teams which have been subject to the pay increases as detailed above.

#### 5. Strategic Development & Partnerships

£100k has been included for project resources for the early stage planning of a new town in the District – paper linked to report. For 2023/24 this is being funded from earmarked reserve but this will not be available going forward for future years.

£50k project resource in the Growth, Development & Prosperity Team as highlighted in the Financial Plan.

Increase in net costs of Development Management £282k with no increase assumed in fee charges. This is an area where Government may increase the fee levels

authorities can charge but no details have been confirmed, just a statement that's it under consideration.

## 6. StreetScene

Total expenditure on recycling and waste has increased by £1.1m this is from the approved bridging solution implications and as a consequence of inflation linked to the contract payment. This is nearly £450k higher than expected in the MTFP and the implications of inflation in key contracts needs to be carefully assessed in future projections.

This Portfolio because of the number of employees has seen significant cost increases across a number of services and additional fuel costs.

## 7. Sustainable Homes and Communities

Homeless Persons budget has increased by £232k; £68k relates to net costs after government grant and £164k from internal service charges.

Home Safeguard additional net cost £143k, partly staff costs but also a reduction in external income of £35k.

Additional costs for the Housing Task Force Team £182k, this is being met from an earmarked reserve.

2.12 The draft budget has been prepared on the basis of continuing to provide existing services with additional resources being allocated to recycling and waste collection and key objectives of the Council. The Council did agree in the current budget to add additional resources into key front line services and these posts are now reflected at service level as specific posts with the various uplifts applied.

2.13 The variations highlighted includes an additional sum for the LED contract payment. The LED payment included in the draft budget is £1.372m, this being the initial sum indicated by LED, which as highlighted was a £341k above the base sum allowed for in 2022/23 budget (base contract £896k, Outreach £50k and a sum of additional energy costs £85k). Although members will be aware a further sum was approved for payment in 2022/23 of £326k to keep the Trust financial solvent to continue to operate our services.

Since compiling the detailed Council draft budget LED have completed their own budget preparation and forwarded a request to the Council asking for a sum of £1.498m in 2023/24. Whilst it is appreciated the financial pressures LED are facing with fuel costs and other inflationary pressures this is a significant ask considering the Council's own position with £434k being required from its own balances.

It is proposed the draft budget remains as is at this stage and consideration of the LED request is given by LED Forum who meet in January with their recommendations coming back to Cabinet in February in time for final budget proposals to Council.

2.14 No special items have been brought forward for consideration as there is no scope within the budget. The proposed list mainly related to StreetScene, management are considering

these in terms of priority, health and safety and how they may be accommodated within existing budgets/funds/savings. These will be brought forward for member consideration if we are unable to meet essential requirements and can be considered at the 2022/23 Outturn stage if they remain an issue.

The following item needs to be highlighted for consideration but is currently **not** included in the current or draft budget for next year;

*From the Chair and Vice Chair of Scrutiny – “we need to continue the independent impartial and non-partisan approach with Scrutiny and to do this I would like to have consulting help from CfGS to help Jamie run a short-term Taff over the winter. In addition there seems to be a need for a budget to further a particular line of enquiry regarding food, renewable energy and the environmental and economic issues involved. Although I have contacted Andy Wood Rob Murray and Naomi Hammett for advice it is already clear that sufficient expertise and capacity does not exist inside EDDC so a budget is needed for an outside study beyond that which Cornwall County conducted on P V. Therefore I would like a budget of £20,000 for the residue of 22/23 and a budget of £30,000 for 23/24 to be made available.”*

## 2.14 Council Tax

The draft budget assumes the Council will increase the Council Tax for 2023/24 by £5 a year. This is in line with the MTFP and assumptions made by Government on funding available to the Council. This gives a precept for the Council of £9,974,222 raising the current annual council tax charge from £156.78 to £161.78 for a band D property, a 3.19% increase. This is the maximum increase allowed within the Referendum regulations (£5 or 3% which is ever is the greater).

This is based on the Council Tax Base of 61,653 band D properties; an increase of 848 compared with the current year.

## 2.15 General Fund Balance

The Council has an adopted range for the General Fund Balance of between £3.5m to £4.3m this was increased for 2022/23 due to risk factors (inflation and energy), this is still considered appropriate at this stage but will be revisited at the 2022/23 Outturn position.

At the beginning of the current financial year the General Fund Balance stood at £4.3m, the Council have agreed in year supplementary estimates totalling £601k, it is not predicted in year variations at this stage will require use of the Balance but a budget monitoring report will be presented to Cabinet in February to confirm, or not this position.

**Budget proposals for 2023/24 recommend the costs of the District Election in May 2023 (£169k) is met from the Fund in line with previous elections as they are not annual costs. This along with the 2022/23 in year supplementary budget approvals will bring the estimated Balance down to £3.530m; still in the adopted range but only just.**

Again consideration of this position will be reflected upon at the 2022/23 outturn.

## 2.16 Business Rates

The 2023/24 budget uses the Government's assumed funding calculation at £3.098m (to be confirmed), to this an additional £3.3m has been added to reflect the estimated income above base received in business rates (projection in line with LGFutures estimates for EDDC).

Also for the first time the Devon Pool gain has been included estimated at £0.3m. In previous years this has been taken as a windfall, but is required to help fund the overall budget.

The Council does hold a Rates Volatility Fund of £0.639m accumulated from previous Business Rate surplus to mitigate the risk if Rates do not achieve this full level and it helps smooth out year on year fluctuations. A further increase in this reserve at year end if resources are available would be prudent to help mitigate any fluctuations in rates considering the amount now included in the Council's base budget (£6.7m).

## 2.17 New Homes Bonus (NHB)

The Government intention is to end the NHB scheme, the grant for 2023/24 is assumed at £1.125m but is to be confirmed, this is a reduction of £1.012m on 2022/23.

### **Budget Strategy for future years**

2.18 The Council adopted in October 2022 the Financial Plan 2023 – 2033 which comprised two parts:

#### ➤ **Part A - The Medium Term Financial Plan Model (MTFP)**

The MTFP provides a financial model and forecast of the cost of providing services over a rolling ten year period, together with an estimate of the financial resources that are likely to be available to the Council. The process is designed to provide an early warning of any potential deficit in the required level of resources.

An extract from that Model is shown in the table below and highlights again the impact of worse case on business rates rebasing in 2025/26 with a shortfall of £3.8m.

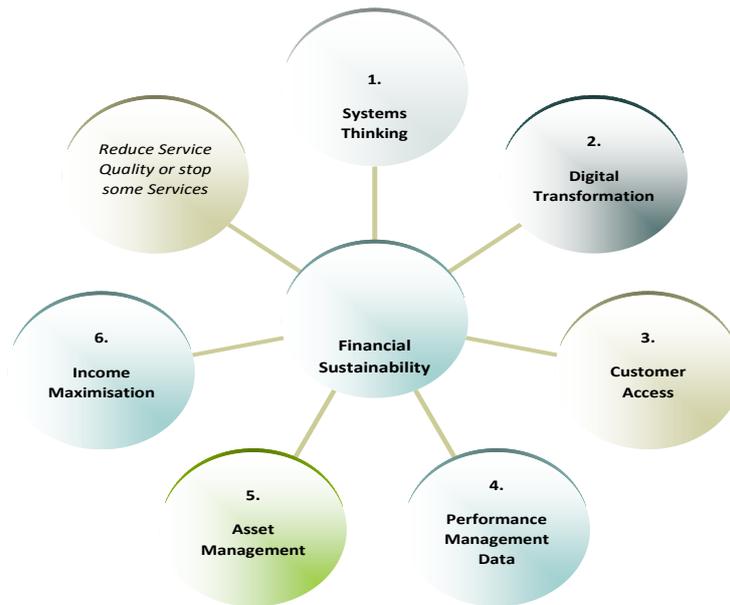
General Fund	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33
	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
<b>Budget Shortfall/(Surplus)</b>	589	892	3,805	(1,128)	(122)	(17)	600	(13)	(97)	20

The draft budget now prepared in detailed for 2023/24 gives a balance outstanding of £434k, which will be added to underlining shortfall showing at £892k in 2024/25.

## ➤ Part B – Financial Sustainability Model (FSM)

This part of the Financial Plan considers how the Council will balance its finances over the coming years to continue to provide service for its residents and customers. This work now needs to begin in earnest, to ensure we are achieving Value for Money throughout the Council within each service, to evidence this and seek improvement and savings where possible. Key enablers are identified to aid us in this process with Enabler Leads identified and corporate resources being available to work with services.

Extract from the FSM as a reminder to the process adopted;



Depending on the outcome of this work and savings achieved, consideration will then need to be given to service reductions to balance the books in order to achieve financial sustainability.

## 3 Housing Revenue Account Budget

### The Overall Financial Picture

- 3.1 The Housing Revenue Account (HRA) is underpinned and influenced by a business plan, this plan needs to be updated with revised financial modelling once the house condition survey work is complete.

The draft 2023/24 budget is similar to the current year with variations as noted below, continuing to invest in our existing properties at a similar level. All planned expenditure is met from available income.

- 3.2 The increase in any individual tenants rent is normally limited to inflation + 1% for the forthcoming financial year. Inflation is taken as the Consumer Price Index (CPI) rate at the prevailing rate for September 2022, which was official registered at 10.1%.

However members will be aware that Government have restricted the increase to 7% for 2023/24. The draft budget assumes an increase in Council House rents to this level with a factor included for a reduction in stock numbers and voids giving £19.9m, an increase of £1.3m. The same increase has been assumed on garage rents giving an additional £15k in income but members may consider this not to be appropriate.

### **Draft Revenue Budget 2023/24**

- 3.3 The budget book details the draft estimates for 2023/24.
- 3.4 The budget has been prepared to maintain council homes to a high standard with a comprehensive planned programme of expenditure, adaptations and routine repairs. The 2023/24 draft budget maintains significant sums for:
- Major repairs totalling £4m covering new doors, boilers, kitchens and bathrooms, including change of tenancy expenditure, replacement of wooden fascias with uPVC and roof replacements.
  - Day to day repairs, programme maintenance and one off works totalling £4.6m.
- 3.5 A sum has been included of £880k in line with the current year as a standalone project within our budgets for carbon reduction. This is challenging, as many of the costs will be absorbed into our standard housing maintenance, planned works and capital programmes. However we have added a budget line for any works funded by external grants and this will also show any match funding we have apportioned to the specific delivery programme.

When rationalising the costs linked to the decarbonisation of our housing stock we have used an industry best practice 'Fabric First, Least Regret' methodology as explained below

- Fabric First – is about addressing issues with and upgrading the actual building such as; insulation, windows, doors, roofing structures etc. in readiness for sustainable heating and hot water solutions. Due to the age and condition of our stock this is by far the most expensive part of the carbon reduction process. This approach has the added benefit of making the current heating systems much more effective and efficient for our tenants. The Stock Condition Survey will give us the data needed to schedule these works appropriately. These costs will sit predominantly within our maintenance/repairs, planned and cap works budget lines.
- Least Regret – relates to the replacement of systems and components, within each building, at point of 'failure' (expected replacement date). So following on from the above works and again using the Stock Condition Survey data, we will plan the incremental upgrade of all our heating systems in line with each systems/boilers expected replacement date. So for example, when a gas boiler is due for replacement we will remove it and fit a sustainable system in its place, reducing the cost implications of carbon reduction as we will effectively be just bridging the gap in cost between replacing a standard gas boiler and with the cost of fitting an Air Source Heat Pump for example – these costs will sit largely within the planned works budget lines as it is work we would have delivered anyway ....albeit in a different way.

HRA BUDGET SUMMARY by SERVICE LINE & ACCOUNTING TYPE				2022	2023	Variance	
Sum of Budget				£	£	£	
Rep Cat 1	Rep Cat 2	Rep Cat 3	Data	2022 YTD	2023	2023	Note
1 INCOME	1 Gross Property Rent inc Garages	1 Gross Property Rents		-18,609,260	-19,911,900	-1,302,640	1
		2 Garage Rents		-215,990	-231,110	-15,120	2
	2 Other Income	1 Other Income		-619,600	-658,510	-38,910	
<b>1 INCOME Total</b>				<b>-19,444,850</b>	<b>-20,801,520</b>	<b>-1,356,670</b>	
2 EXPENDITURE	1 Repairs And Maintenance - General	1 Responsive Maintenance		2,050,770	2,201,058	150,288	3
		2 Annual Programmed Maintenanc		1,019,810	1,039,760	19,950	
	2 Repairs And Maintenance - Special	1 Compliance		791,750	808,600	16,850	
		2 Other		532,000	538,900	6,900	
	3 Supervision And Management	1 Supervision And Mgt General		5,270,670	5,973,526	702,856	4
		2 Supervision And Mgt Special		1,849,000	2,192,480	343,480	4
	4 Other Expenditure	1 Other Exp non Sewerage		233,110	236,680	3,570	
		2 Sewerage		44,250	45,740	1,490	
	5 Capital Charges & Bad Debt	3 Major Repairs Expenditure		4,056,710	4,056,890	180	5
		2 Reval Deprn and Impair		950,420	950,420	0	
<b>2 EXPENDITURE Total</b>				<b>16,798,490</b>	<b>18,044,054</b>	<b>1,245,564</b>	
3 FINANCING	1 Interest on Balances	(blank)		-24,170	-49,000	-24,830	
		2 Loan Principal & Interest repayments	(blank)	2,532,740	2,608,580	75,840	
	3 Other	1 Gain on Disposal		-3,161,910	-3,161,910	0	
		2 Loss on Disposal		2,001,980	2,001,980	0	
		4 Other		-10	-10	0	
		5 Cont to Capital		880,000	880,000	0	6
	4 MIRS	1 Rev Gain on Disposal		3,161,910	3,161,910	0	
		2 Rev Loss on Disposal		-2,001,980	-2,001,980	0	
	3 Rev Rev, Dep & Impair		-950,420	-950,420	0		
<b>3 FINANCING Total</b>				<b>2,438,140</b>	<b>2,489,150</b>	<b>51,010</b>	

### Variations referenced to the above table

- 1&2. Rents on council dwellings have been inflated at the Government capped percentage increase of 7%. This covers Rental income as well as budgeted lost rent due to voids.
3. The Asset Management contract with Ian Williams has been subject to an inflationary uplift in 23/24 by 10.1%.
4. The increase in management charges relate to both Staff related costs, premises costs and increases in overhead recharges back to the general fund for premises and services.  
 Staff and agency/consultant costs have been based upon a revised predicted establishment provided and the expected salary, pension and national insurance.  
 Premises costs have also increased most notably utilities costs that are estimated to require an additional £148k of budget in 2023/24.  
 Overhead recharges explain the remainder of the increase with the impact of significant inflationary uplifts and pressures on central and support services to the HRA that reside within the general fund driving increases.
5. The planned maintenance and major repairs expenditure has been kept relatively consistent year on year due to the unknown factor of the stock condition survey.
6. A large contribution to capital has again been budgeted for in 23/24 for continued climate change work on the council stock.

- 3.6 The HRA draft budget currently shows a surplus of **£0.268m**; The HRA Balance is currently predicted to be significantly above the £3.1m level at the end of 2022/23 with decisions to be made by members at year end on where to allocate the additional balance. There are competing priorities that members will have to consider. Assuming these decisions are made then the Balance will be back at year end to £3.1m and the £208k surplus identified for 2023/24 can be allocated to priority areas at the end of 2023/24. There is an additional £1.6m being held in the HRA debt Volatility Fund which remains unchanged.
- 3.7 The draft HRA budget will be reviewed by the Housing Review Board (HRB) on 18<sup>th</sup> January 2023.

## **4 Capital Programme**

### **The Overall Financial Picture**

- 4.1 The draft Capital Programme for 2023/24, after in year available resources are used, gives an overall funding need of £4.888m. The funding position across years will be managed in the most efficient manner considering the Council's overall Treasury Management position.
- 4.2 Any underfunded capital is factored into the Council's Minimum Revenue Provision (MRP) calculation (the amount required to be charged to the revenue account for unfunded capital) in line with the Council's MRP Policy. In addition there will either be interest on any external loans required to be factored in, or the loss of investment interest on any internal borrowing used. This has been factored into the 2023/24 draft budget. The higher the unfunded element of the capital programme the greater cost to the General Fund.
- 4.3 The preparation of the draft Capital Budget has been directed by the Budget Setting & Allocation Panel who met on 5<sup>th</sup> December 2022 to consider scheme proposals. The Panel considered funding resources available, the capital appraisal process and then each scheme proposal in turn. Minutes of this meeting are presented to Cabinet.

The Panel worked diligently considering the finances available and priorities of the Council and to note agreed £0.753m additional expenditure for 2 electric kerb-side sort recycling vehicles and to retrofit an existing refuse collection vehicle from a diesel to electric power in support of the Council's drive to being carbon neutral.

- 4.4 The capital appraisal process has been used to build a capital programme aimed at delivering the Council's stated priorities and ensuring schemes meet set outcomes. Each scheme is given a score against a set criteria such as how the project meets the Council Plan, the risk involved, any part funding, invest to save, service provision and carbon implications; scoring schemes higher which contributed to a reduction in carbon. This scoring is used to measure priority against the funding available.

For each scheme proposed an Initial Project Proposal Form was completed as governed in the adopted "Guide to Project Management".

## Draft Capital Budget 2023/24

4.5 The attached booklet details the draft capital programme for 2022/23 to 2026/27; scoring information is included against the new capital bid items.

4.6 A summary of the capital funding position is given below:

Capital Programme Financing	2022/23	2023/24	2024/25	2025/26	2026/27
	Budget	Budget	Budget	Budget	Budget
	£	£	£	£	£
Net Expenditure to be Financed (GF & HRA)	18,792,922	10,070,253	7,187,450	4,736,915	5,139,201
<b>Adjust for unused income from grants/contributions:</b>					
	18,792,922	10,070,253	7,187,450	4,736,915	5,139,201
<b>Financing:</b>					
In year capital receipts General Fund	(100,000)	(200,000)	(100,000)	(100,000)	(100,000)
3rd Party Loan repayments	(674,302)	(76,231)	(1,336,497)	(102,888)	(906,117)
GF Capital Receipts Reserve	0	0	0	0	0
<b>General Fund Capital Receipts</b>	<b>(774,302)</b>	<b>(276,231)</b>	<b>(1,436,497)</b>	<b>(202,888)</b>	<b>(1,006,117)</b>
PWLB loan - EZ - Park and Change	(209,274)				
PWLB loan - EZ - Long Lane	(1,252,712)				
PWLB loan - EZ - Open Innovation Building	(160,000)				
<b>GF Loans</b>	<b>(1,621,986)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Section 106 Funding</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>GF Grants</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Use of GF Capital Project reserves</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>GF Revenue Contributions to Capital Funding</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
HRA Released RTB and Misc Capital Receipts	(500,000)	(500,000)	(500,000)	(500,000)	(500,000)
HRA contribution - From Major Repairs Reserve	(2,779,780)	(3,127,280)	(3,127,280)	(3,127,280)	(3,127,280)
HRA Cont "Depn"	(1,278,720)	(1,278,720)	(1,278,720)	(1,278,720)	(1,278,720)
<b>HRA funding</b>	<b>(4,558,500)</b>	<b>(4,906,000)</b>	<b>(4,906,000)</b>	<b>(4,906,000)</b>	<b>(4,906,000)</b>
<b>New Homes Bonus Funding</b>	<b>(1,000,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Net (internal borrowing) / Transfer to Capital Reserves balance	(10,838,134)	(4,888,022)	(844,953)	371,973	772,916
<b>GF Loans/Internal Borrowing</b>	<b>(10,838,134)</b>	<b>(4,888,022)</b>	<b>(844,953)</b>	<b>371,973</b>	<b>772,916</b>
<b>Total Funding</b>	<b>(18,792,922)</b>	<b>(10,070,253)</b>	<b>(7,187,450)</b>	<b>(4,736,915)</b>	<b>(5,139,201)</b>

4.7 The draft capital budget for 2023/24 totals £10.070m (net of direct grants), with the unfunded amount being £4.888m. There is no longer any New Homes Bonus (NHB) available to fund the capital programme.

## 5 Other Balances & Reserves available to the Council

5.1 The Council holds a number of earmarked reserves set aside for specific purposes, the use of such reserves in the 2023/24 draft budget are detailed in the budget book for members' information. In addition, members have ring-fenced the use of the Transformation Fund to support the decisions made over public toilet provision - implementation costs, continued running costs whilst transfers/disposals are completed and to assist with legal fees incurred by town and parish councils. The extension and use of the Fund is likely to be required in 2023/24 and it is proposed an additional provision sum is allocated of £200k if required.

## **6. Robustness of estimates and adequacy of reserves**

- 6.1 This part of the report deals with the requirement of Section 25 (2) of the Local Government Act 2003 in that the Council's Chief Finance Officer (CFO) must report on the robustness of the estimates included in the budget and the adequacy of reserves for which the budget provides.
- 6.2 In terms of the robustness of the estimates, all known factors have been considered and the financial implications have been assessed at the point of preparation. Various budget assumptions have been made including the treatment of inflation and interest rates, estimates on the level and timing of capital receipts, the treatment of demand led pressures, the treatment of planned efficiency savings/productivity gains and levels of income, financial risks inherent in any new arrangements and capital developments and the availability of funds to deal with major contingencies and the need for any provisions. In each of these areas the Council's financial standing, management and track record have been considered in order to prepare robust budget proposals.
- 6.3 The proposed draft budgets for 2023/24 maintain both the General Fund balance and the Housing Revenue Account balance at adopted levels provided actual net expenditure is at, or below, the level forecast. Continuous monitoring and reports to Cabinet will highlight and make recommendations on any corrective action necessary to achieve this during 2023/24. The position on these Balances will be considered again at the 2022/23 Outturn stage when the final year end position is known.

Particular risks have been highlighted in the report with the General Fund position being at the bottom end of the adopted range and the full business rate income being taken into the budget.

This report has also been prepared without the Local Finance Settlement having been announced and members will be updated on the implications of the actual Settlement.

## **7. Prudential Code**

- 7.1 The Local Government Act 2003 also requires under regulation for local authorities to have regard to the Prudential Code for Capital Finance in Local Authorities, issued by the Chartered Institute of Public Finance and Accountancy (CIPFA) when setting and reviewing their affordable borrowing limit.
- 7.2 The key objective of the Code is to ensure, within a clear framework, that the capital investment plans of local authorities are affordable, prudent and sustainable. A further key objective is to ensure that treasury management decisions are taken in accordance with good professional practice and in a manner that supports prudence, affordability and sustainability.
- 7.3 To demonstrate that local authorities have fulfilled these objectives, the Prudential Code sets out the indicators that must be used and the factors that must be taken into account. These indicators will be presented to the next Cabinet meeting when a recommendation will be made on the budget for 2023/24, Council Tax levy and Council House Rents.
- 7.4 A Capital Strategy is required to be approved by Council annually to consider any investment property the Council holds or likely to hold, what this means in terms of financial

exposure and risk. This will be presented along with the documents above at the next Cabinet for onward approval by Council in February 2023.

---

**Financial implications:**

Financial details are contained in the report

**Legal implications:**

No legal observations are required

EAST DEVON DISTRICT COUNCIL - MTFP summary Page  
GENERAL FUND REVENUE BUDGET FORECAST

APPENDIX A (i)

Note	2022/23			2023/24			2024/25			2025/26			2026/27			2027/28			2028/29			2029/30			2030/31			2031/32			2032/33		
	Total	Addition	Reduction	Total	Addition	Reduction	Total	Addition	Reduction	Total	Addition	Reduction	Total	Addition	Reduction	Total	Addition	Reduction	Total	Addition	Reduction	Total	Addition	Reduction	Total	Addition	Reduction	Total					
<b>BUDGET SET</b>	17,194,771			17,194,771			19,629,531			20,532,861			21,335,796			20,832,068			21,480,257			22,040,675			22,613,644			23,199,499			23,908,588		
<b>AMENDMENTS TO BUDGET</b>																																	
1 One off Items of expenditure from Earmarked Reserves			284,041	(284,041)			0			0			0			0			0			0			0			0		0			
2 One off sum for tree strategy			50,000	(50,000)			0			0			0			0			0			0			0			0		0			
3 Culture & Leisure Strategy Staff implications after reserve funding							0	63,280	63,280	0			0			0			0			0			0			0		0			
4 EDDC Elections		90,000		90,000			0		63,280	0			100,000			100,000			0			0			110,000			110,000		0			
5 Clyst Honiton Parish Council Support - Council approved 5 yr grant				0		9,000	(9,000)			0			0			0			0			0			0			0		0			
6 Crankbrook Grant £30k final sum in 22/23			30,000	(30,000)			0		0				0			0			0			0			0			0		0			
7 Consideration of LED management fee additional charge		98,000		98,000			0		0				0			0			0			0			0			0		0			
8 Staffing & Resourcing of possible new town		100,000		100,000	400,000		400,000		500,000				1,000,000			(1,000,000)			0			0			0			0		0			
9 Recycling & Refuse Contract renegotiation 2022 6mths effect in base full yr to be included				650,000			650,000		0				0			0			0			0			0			0		0			
10 Project management/delivery capacity - Growth, Development & Prosperity Team				50,000			50,000		0				0			0			0			0			0			0		0			
11 Savings on vehicle Allowances				0		56,000	(56,000)						0			0			0			0			0			0		0			
12 Local Plan Preparation - Evidence, Consultation & Examination				0			0						0			0			0			0			0			0		0			
13 Employee Value Proposition/Employer Branding - met from Transformation Fund		30,000		30,000		30,000	(30,000)						0			0			0			0			0			0		0			
Financial Sustainability - Work Smart, M365 rollout implications & other upfront costs to deliver further VFM - met from Transformation Reserve (phone replacement £75k, Agile Training & Project software £50k, Office configuration & Equip £75k, Business Analyst new 3 yrs £40k, 1 yr extended period for Digital Projects Transformation Officer & Corporate Performance Data Analyst £85k		240,000		240,000	85,000		85,000		285,000				40,000			(40,000)			0			0			0			0		0			
14 Assumed increase in Council Tax Support Scheme		44,000		44,000			0						0			0			0			0			0			0		0			
<b>TOTAL</b>	<b>0</b>	<b>1,302,000</b>	<b>364,041</b>	<b>937,959</b>	<b>485,000</b>	<b>95,000</b>	<b>390,000</b>	<b>563,280</b>	<b>285,000</b>	<b>278,280</b>	<b>0</b>	<b>1,040,000</b>	<b>(1,040,000)</b>	<b>100,000</b>	<b>0</b>	<b>100,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>110,000</b>	<b>0</b>	<b>110,000</b>	<b>0</b>	<b>0</b>		
<b>ONGOING BUDGET VARIANCES IDENTIFIED DURING BUDGET MONITORING</b>																																	
15 Below offset with recharge to HRA (16 & 17)			205,000	(205,000)			0			0			0			0			0			0			0			0		0			
16 Increase in salary base for underbudgeted national pay award		588,150		588,150			0			0			0			0			0			0			0			0		0			
17 Increase in oncosts from above (16)		176,445		176,445			0			0			0			0			0			0			0			0		0			
<b>TOTAL</b>	<b>0</b>	<b>764,595</b>	<b>205,000</b>	<b>559,595</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>			
<b>INFLATION</b>																																	
18 a Employee Pay Award		472,181		472,181	275,434		275,434	280,943	280,943	286,562	292,293	292,293	298,139	304,102	304,102	310,184	310,184	316,388	316,388	322,715	322,715	328,855	328,855	335,100	335,100	341,450	341,450	347,900	347,900	354,450	354,450		
b Employees Other Costs		18,883		18,883	11,486		11,486	11,715	11,950	12,189	12,432	12,681	12,935	13,193	13,457	13,726	14,000	14,273	14,546	14,820	15,093	15,367	15,640	15,913	16,187	16,460	16,733	17,007	17,280	17,553	17,827		
c Superannuation		93,793		93,793	57,048		57,048	58,189	59,353	60,540	61,751	62,986	64,246	65,531	66,841	68,187	69,569	70,987	72,441	73,931	75,456	76,997	78,564	80,157	81,776	83,421	85,092	86,789	88,512	90,261	92,036		
d National Insurance		44,310		44,310	26,951		26,951	27,490	28,040	28,601	29,173	29,756	30,351	30,958	31,577	32,207	32,848	33,500	34,163	34,837	35,522	36,218	36,925	37,643	38,372	39,112	39,863	40,625	41,398	42,182	42,977		
19 Inflation Summary - expenditure		746,579		746,579	415,806		415,806	425,014	434,469	444,179	454,155	464,407	474,946	485,783	496,931	508,388	520,155	532,241	544,648	557,376	570,425	583,795	597,485	611,506	625,858	640,561	655,615	671,030	686,805	702,940	719,355		
20 Inflation Summary - fees, charges & contributions		(438,540)		(438,540)	(273,396)		(273,396)	(278,697)	(284,101)	(289,613)	(295,232)	(300,963)	(306,906)	(312,765)	(318,840)	(325,130)	(331,633)	(338,350)	(345,281)	(352,426)	(359,785)	(367,358)	(375,145)	(383,146)	(391,361)	(399,790)	(408,433)	(417,290)	(426,361)	(435,646)	(445,145)		
<b>TOTAL INESCAPABLE BUDGET CHANGES</b>	<b>0</b>	<b>937,206</b>	<b>0</b>	<b>937,206</b>	<b>513,330</b>	<b>0</b>	<b>513,330</b>	<b>524,655</b>	<b>536,272</b>	<b>548,189</b>	<b>560,418</b>	<b>572,969</b>	<b>585,855</b>	<b>599,088</b>	<b>612,682</b>	<b>626,637</b>	<b>640,962</b>	<b>655,667</b>	<b>670,752</b>	<b>686,217</b>	<b>702,062</b>	<b>718,277</b>	<b>734,862</b>	<b>751,817</b>	<b>769,142</b>	<b>786,837</b>	<b>804,902</b>	<b>823,337</b>	<b>842,142</b>	<b>861,317</b>	<b>880,862</b>		
<b>SERVICE PLAN COMMITMENTS NOT INCLUDED IN BASE BUDGET</b>																																	
21 None identified																																	
<b>TOTAL "UNAVOIDABLE" CHANGES TO BUDGET</b>	<b>0</b>	<b>3,003,801</b>	<b>569,041</b>	<b>2,434,760</b>	<b>998,330</b>	<b>95,000</b>	<b>903,330</b>	<b>1,087,935</b>	<b>285,000</b>	<b>802,935</b>	<b>536,272</b>	<b>1,040,000</b>	<b>(503,728)</b>	<b>648,189</b>	<b>0</b>	<b>648,189</b>	<b>560,418</b>	<b>0</b>	<b>560,418</b>	<b>572,969</b>	<b>0</b>	<b>572,969</b>	<b>585,855</b>	<b>0</b>	<b>585,855</b>	<b>709,088</b>	<b>0</b>	<b>709,088</b>	<b>612,682</b>	<b>0</b>	<b>612,682</b>		
<b>PREDICTED BUDGET REQUIREMENT</b>	<b>17,194,771</b>			<b>19,629,531</b>			<b>20,532,861</b>			<b>21,335,796</b>			<b>20,832,068</b>			<b>21,480,257</b>			<b>22,040,675</b>			<b>22,613,644</b>			<b>23,199,499</b>			<b>23,908,588</b>			<b>24,521,270</b>		
<b>FINANCED BY:</b>																																	
Government Grant - NDR Gov't baseline		2,940,239		3,098,000			3,160,000		3,223,200			3,287,664		3,353,417		3,420,486		3,488,895		3,558,673		3,629,847		3,702,444		3,776,488		3,852,993		3,931,558		4,012,183	
Rural Services Delivery Grant		236,590		236,590			236,590		236,590			236,590		236,590		236,590		236,590		236,590		236,590		236,590		236,590		236,590		236,590		236,590	
Lower Tier Service Grant		295,543		1,211,000			722,000		722,000			722,000		722,000		722,000		722,000		722,000		722,000		722,000		722,000		722,000		722,000		722,000	
Service Grant		183,878		252,000			252,000		252,000			252,000		252,000		252,000		252,000		252,000		252,000		252,000		252,000		252,000		252,000		252,000	
NDR Uplift - Amount above Baseline (Rebased 2025/26)		2,000,000		3,150,000			3,150,000		200,000			400,000		600,000		800,000		1,000,000		1,200,000		1,400,000		1,600,000		1,800,000		2,000,000		2,200,000		2,400,000	
2023/24		9,533,010		9,917,923			10,307,838		10,702,753			11,102,668		11,507,583		11,917,498		12,332,413		12,752,328		13,177,243		13,602,158		14,027,073		14,451,988		14,876,903		15,301,818	
2024/25		392,130		686,230			784,260		784,260			784,260		784,26																			

Appendix A (ii)

INESCAPABLE BUDGET CHANGES		2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2033/34
		£	£	£	£	£	£	£	£	£	£	£
Note	BASE											
<b>Employee Costs</b>												
<b>Inflation - Employees Pay</b>												
Base Pay Budget (Salary/Wages/Overtime)		13,299,538	13,299,538	13,771,719	14,047,154	14,328,097	14,614,659	14,906,952	15,205,091	15,509,193	15,819,377	16,135,764
22/23 assumed 2% pay award, latest offer £1,925 per employee - under budgeted sum			588,150									
Assumed Pay Award (inline with Treasury Target on Public Sector Pay, except 23/24 inline with OBR est. Aug 2022)			3.40%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Total Pay		<b>472,181</b>	<b>275,434</b>	<b>280,943</b>	<b>286,562</b>	<b>292,293</b>	<b>298,139</b>	<b>304,102</b>	<b>310,184</b>	<b>316,388</b>	<b>322,715</b>	
<b>Inflation - Employees Other - Inline with General Inflation</b>												
Base Pay Budget		555,396	555,396	574,279	585,765	597,480	609,430	621,619	634,051	646,732	659,667	672,860
Assumed Inflation Level			3.40%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Total Pay Inflation		<b>18,883</b>	<b>11,486</b>	<b>11,715</b>	<b>11,950</b>	<b>12,189</b>	<b>12,432</b>	<b>12,681</b>	<b>12,935</b>	<b>13,193</b>	<b>13,457</b>	
<b>Pension- Triannual review 20/21</b>												
Inflation		2,629,230	2,629,230	2,852,416	2,909,465	2,967,654	3,027,007	3,087,547	3,149,298	3,212,284	3,276,530	3,342,060
Adjustment for increased pay award 2022/23 £588,150 *22%			129,393	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
		<b>93,793</b>	<b>57,048</b>	<b>58,189</b>	<b>59,353</b>	<b>60,540</b>	<b>61,751</b>	<b>62,986</b>	<b>64,246</b>	<b>65,531</b>	<b>66,841</b>	
<b>National Insurance</b>												
Inflation		1,256,190	1,256,190	1,347,552	1,374,503	1,401,993	1,430,033	1,458,634	1,487,807	1,517,563	1,547,914	1,578,872
Adjustment for increased pay award 2022/23 not in base £588,150*8%			47,052	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
		<b>44,310</b>	<b>26,951</b>	<b>27,490</b>	<b>28,040</b>	<b>28,601</b>	<b>29,173</b>	<b>29,756</b>	<b>30,351</b>	<b>30,958</b>	<b>31,577</b>	
<b>OTHER</b>												
<b>Inflation - Premises General</b>												
Inflation Rate		1,345,450	1,345,450	1,391,195	1,419,019	1,447,400	1,476,348	1,505,875	1,535,992	1,566,712	1,598,046	1,630,007
Increased Sum			3.40%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
		<b>45,745</b>	<b>27,824</b>	<b>28,380</b>	<b>28,948</b>	<b>29,527</b>	<b>30,117</b>	<b>30,720</b>	<b>31,334</b>	<b>31,961</b>	<b>32,600</b>	
<b>Inflation - Premises Energy</b>												
Inflation Rate		227,490	227,490	254,789	272,624	291,708	312,127	333,976	357,354	382,369	409,135	437,775
Increased Sum			12.00%	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%
		<b>27,299</b>	<b>17,835</b>	<b>19,084</b>	<b>20,420</b>	<b>21,849</b>	<b>23,378</b>	<b>25,015</b>	<b>26,766</b>	<b>28,639</b>	<b>30,644</b>	
<b>Inflation - Premises Rates</b>												
Inflation Rate		863,530	863,530	892,890	910,748	928,963	947,542	966,493	985,823	1,005,539	1,025,650	1,046,163
Increased Sum			3.40%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
		<b>29,360</b>	<b>17,858</b>	<b>18,215</b>	<b>18,579</b>	<b>18,951</b>	<b>19,330</b>	<b>19,716</b>	<b>20,111</b>	<b>20,513</b>	<b>20,923</b>	
<b>Inflation - Transport General</b>												
Inflation Rate		783,365	783,365	809,999	826,199	842,723	859,578	876,769	894,305	912,191	930,435	949,043
Increased Sum			3.40%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
		<b>26,634</b>	<b>16,200</b>	<b>16,524</b>	<b>16,854</b>	<b>17,192</b>	<b>17,535</b>	<b>17,886</b>	<b>18,244</b>	<b>18,609</b>	<b>18,981</b>	
<b>Inflation - Transport Fuel related</b>												
Inflation Rate		149,550	149,550	157,028	160,168	163,371	166,639	169,972	173,371	176,838	180,375	183,983
Increased Sum			5.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
		<b>7,478</b>	<b>3,141</b>	<b>3,203</b>	<b>3,267</b>	<b>3,333</b>	<b>3,399</b>	<b>3,467</b>	<b>3,537</b>	<b>3,608</b>	<b>3,680</b>	
<b>Inflation - Supplies &amp; Services</b>												
Inflation Rate		5,740,705	5,740,705	5,935,889	6,054,607	6,175,699	6,299,213	6,425,197	6,553,701	6,684,775	6,818,471	6,954,840
Increased Sum			3.40%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
		<b>195,184</b>	<b>118,718</b>	<b>121,092</b>	<b>123,514</b>	<b>125,984</b>	<b>128,504</b>	<b>131,074</b>	<b>133,696</b>	<b>136,369</b>	<b>139,097</b>	
<b>Inflation - Members Allowances</b>												
Inflation Rate		379,870	379,870	392,786	400,641	408,654	416,827	425,164	433,667	442,340	451,187	460,211
Increased Sum			3.40%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
		<b>12,916</b>	<b>7,856</b>	<b>8,013</b>	<b>8,173</b>	<b>8,337</b>	<b>8,503</b>	<b>8,673</b>	<b>8,847</b>	<b>9,024</b>	<b>9,204</b>	
<b>Inflation - Refuse &amp; Recycling</b>												
New Contract arrangement reflected in base for 6mths - additional £650k full yr effect		5,451,980	5,451,980	6,309,447	6,435,636	6,564,349	6,695,636	6,829,549	6,966,140	7,105,462	7,247,572	7,392,523
			3.40%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
		<b>650,000</b>	<b>-</b>	<b>-</b>								
		<b>207,467</b>	<b>126,189</b>	<b>128,713</b>	<b>131,287</b>	<b>133,913</b>	<b>136,591</b>	<b>139,323</b>	<b>142,109</b>	<b>144,951</b>	<b>147,850</b>	
<b>Inflation - LED SLA</b>												
Leisure Contract freeze agreed 2016/17 for 5yrs, then assumed continued freeze		981,720	981,720	1,079,890	1,101,488	1,123,518	1,145,988	1,168,908	1,192,286	1,216,132	1,240,454	1,265,263
Increased Sum - assume management fee 10% (implications of Leisure Strat ignored)			3.40%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
		<b>98,170</b>	<b>21,598</b>	<b>22,030</b>	<b>22,470</b>	<b>22,920</b>	<b>23,378</b>	<b>23,846</b>	<b>24,323</b>	<b>24,809</b>	<b>25,305</b>	
<b>Inflation - Strata</b>												
Contract (payment based on inflation - salary + software %)		2,833,110	2,833,110	2,929,436	2,988,024	3,047,785	3,108,741	3,170,915	3,234,334	3,299,020	3,365,001	3,432,301
Increased Sum			3.40%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
		<b>96,326</b>	<b>58,589</b>	<b>59,760</b>	<b>60,956</b>	<b>62,175</b>	<b>63,418</b>	<b>64,687</b>	<b>65,980</b>	<b>67,300</b>	<b>68,646</b>	
<b>Summary of inflation</b>												
			746,579	415,806	425,014	434,469	444,179	454,155	464,407	474,946	485,783	496,931
<b>Inflation - HB payments (includes £550,000 overpayment income)</b>												
		19,777,870	19,777,870	19,777,870	19,777,870	19,777,870	19,777,870	19,777,870	19,777,870	19,777,870	19,777,870	19,777,870
			<b>0</b>	<b>0</b>								
<b>Misc</b>												
		10,860										
<b>Sub Total</b>		<b>56,285,854</b>										
<b>Inflation - HB Admin (£311k base) /CTS (£139k base)</b>												
Assumed all reduction now made - annual increase inline with inflation		-439,350.00	-439,350	-454,288	-463,374	-472,641	-482,094	-491,736	-501,571	-511,602	-521,834	-532,271
			3.40%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
		<b>-14,938</b>	<b>-9,086</b>	<b>-9,267</b>	<b>-9,453</b>	<b>-9,642</b>	<b>-9,835</b>	<b>-10,031</b>	<b>-10,232</b>	<b>-10,437</b>	<b>-10,645</b>	
<b>Inflation - NNDR Admin</b>												
Inflation Rate		-246,767	-246,767	-255,157	-260,260	-265,465	-270,775	-276,190	-281,714	-287,348	-293,095	-298,957
Increased Sum			3.40%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
		<b>-8,390</b>	<b>-5,103</b>	<b>-5,205</b>	<b>-5,309</b>	<b>-5,415</b>	<b>-5,524</b>	<b>-5,634</b>	<b>-5,747</b>	<b>-5,862</b>	<b>-5,979</b>	
<b>Inflation - Homelessness</b>												
Inflation Rate		-445,380	-445,380	-460,523	-469,733	-479,128	-488,711	-498,485	-508,455	-518,624	-528,996	-539,576
Increased Sum			3.40%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
		<b>-15,143</b>	<b>-9,210</b>	<b>-9,395</b>	<b>-9,583</b>	<b>-9,774</b>	<b>-9,970</b>	<b>-10,169</b>	<b>-10,372</b>	<b>-10,580</b>	<b>-10,792</b>	
<b>Inflation -Recycling</b>												
Inflation Rate - assume 1% increase		-1,657,790	-1,657,790	-1,674,368	-1,691,112	-1,708,023	-1,725,103	-1,742,354	-1,759,777	-1,777,375	-1,795,149	-1,813,101
Increased Sum			1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%
		<b>-16,578</b>	<b>-16,744</b>	<b>-16,911</b>	<b>-17,080</b>	<b>-17,251</b>	<b>-17,424</b>	<b>-17,598</b>	<b>-17,774</b>	<b>-17,951</b>	<b>-18,131</b>	
<b>Inflation - Government &amp; OLA Grant Balance</b>												
Inflation Rate		-484,230	-484,230	-500,694	-510,708	-520,922	-531,340	-541,967	-552,806	-563,863	-575,140	-586,643
Increased Sum			3.40%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
		<b>-16,464</b>	<b>-10,014</b>	<b>-10,214</b>	<b>-10,418</b>	<b>-10,627</b>	<b>-10,839</b>	<b>-11,056</b>	<b>-11,277</b>	<b>-11,503</b>	<b>-11,733</b>	
<b>Inflation - Other Grants &amp; Con't</b>												
Inflation Rate		-613,648	-613,648	-634,512	-647,202	-660,146	-673,349	-686,816	-700,553	-714,564	-728,855	-743,432
Increased Sum			3.40%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
		<b>-20,864</b>	<b>-12,890</b>	<b>-12,944</b>	<b>-13,203</b>	<b>-13,467</b>	<b>-13,736</b>	<b>-14,011</b>	<b>-14,291</b>	<b>-14,577</b>	<b>-14,869</b>	
<b>Inflation - HB Subsidy</b>												
		-19,894,610.00	-19,894,610	-19,894,610	-19,894,610	-19,894,610	-19,894,610	-19,894,610	-19,894,610	-19,894,610	-19,894,610	-19,894,610
			<b>0</b>	<b>0</b>								
<b>Inflation - Other Customer Receipts</b>												
Inflation Rate		-5,454,908	-5,454,908	-5,640,375	-5,753,182	-5,868,246	-5,985,611	-6,105,323	-6,227,430	-6,351,978	-6,479,018	-6,608,598
Increased Sum			3.40%	2.00%	2.00%</							



Report to: Cabinet

Date of Meeting 4 January 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## Devon Housing Commission

### Report summary:

The report sets 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.

A contribution has been requested towards the work of the Commission and I am advised that 10 of the 11 authorities have agreed to support the Devon Housing Commission (with the exception of Plymouth) and DCC's financial contribution has helped cover that gap. Our contribution for districts has been set at £8,800.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

To identify a budget of £9,000 to enable us 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 for recommendation:

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

Officer: John Golding Strategic Lead – Housing, Health & Environment.

Portfolio(s) (check which apply):

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

Tourism, Sports, Leisure and Culture

**Equalities impact** Low Impact

**Climate change** Medium Impact

**Risk:** Low Risk;

**Links to background information** Exeter University report at annex 1.

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

Priorities (check which apply)

Better homes and communities for all

A greener East Devon

A resilient economy

---

## 1. A Devon Housing Commission

- 1.1 Following presentations to the Devon Leaders & Chief Executive's group, a Devon Housing Commission has been established. This has been prompted by the increase in housing pressures, supply and demand considerations, affordability, holiday and second homes, increased homelessness etc. all indicating a housing crisis in the county.
- 1.2 It has been recognised that Devon's housing challenges and their solutions are complex, interconnected and vary across the county.
- 1.3 The eleven Devon local authorities in acknowledging the very great and growing challenges established a Devon Housing Task Force. This is a Member-led group that has started to examine the interrelated problems across the various housing markets that make up the wider housing system.
- 1.4 The data collated by the Task Force shows that demand has outstripped supply for many years leading to a cycle of decline in affordability and availability across the whole housing system.
- 1.5 Furthermore, the evidence shows a clear acceleration in the demand/supply pressures during the Pandemic caused by such changes in behaviour as people being able to work from any location and the spike in use of property for short-term letting or second homes. Whilst Devon has always been an attractive holiday destination due to its natural beauty it is the sheer scale of changes alongside an already heavily constrained market that any change in one part of the market will impact on the whole and the market is now in crisis.
- 1.6 The initial data collated by the Task Force shows:
  - Housing affordability 20% higher than rest of the UK average
  - Average house price above £300,000 is beyond the range of many first time buyers
  - A 50% decrease in private rent stock availability between 2019 – 2021 coupled with an estimated 18% increase in private rent levels in 2022
  - Local Housing Allowances not keeping pace with price inflation
  - Significant increase in housing waiting lists, homelessness and pressure on temporary accommodation
  - Inaccuracy or unavailability of official data to understand the stock levels, quality, price, in each form of tenure to understand the true picture of socio-economic impact
- 1.7 To fully understand the problem, Devon local authorities have asked the University of Exeter to collaborate in the development of a "Housing Commission". This document (reproduced in **annex 1**) sets out the purpose, outcomes, objectives, proposed approach, budget and timetable to be adopted for further discussion with Exeter University.

- 1.8 As part of the emerging 'County Deal' discussions with government linked to devolution opportunities as identified in the Levelling Up White Paper, the authorities across Devon are collaborating on a range of issues – with housing being one of the key themes of priority and challenge right across the pan-Devon area. The County Deal geography includes the administrative areas of Devon County Council, the eight District Councils, plus the two unitary authorities of Plymouth and Torbay. The Devon Housing Commission's scope will reflect this geographic area – often referred to as 'geographic Devon' within this proposal.
- 1.9 A contribution of £8,800 has been requested towards the work.
- 

**Financial implications:**

This is a request for Council to approve a £9k supplementary estimate for 2022/23 and will be met from the General Fund Balance.

**Legal implications:**

There are no legal implications raised by the report requiring comment.

*DRAFT*

## Devon Housing Commission

**Innovation Impact and Business**  
**University of Exeter**  
30/06/2022

Amended 14/9/22  
(Comments from Chair of DHTF)

## Background

Devon's housing challenges and their solutions are complex, interconnected and vary across the county.

The eleven Devon local authorities in acknowledging the very great and growing challenges established a Devon Housing Task Force. This is a Member-led group that has started to examine the interrelated problems across the various housing markets that make up the wider housing system.

The data collated by the Task Force shows that demand has outstripped supply for many years leading to a cycle of decline in affordability and availability across the whole housing system.

Furthermore, the evidence shows a clear acceleration in the demand/supply pressures during the Pandemic caused by such changes in behaviour as people being able to work from any location and the spike in use of property for short-term letting or second homes. Whilst Devon has always been an attractive holiday destination due to its natural beauty it is the sheer scale of changes alongside an already heavily constrained market that any change in one part of the market will impact on the whole and the market is now in crisis.

The initial data collated by the Task Force shows:

- Housing affordability 20% higher than rest of the UK average
- Average house price above £300,000 is beyond the range of many first time buyers
- A 50% decrease in private rent stock availability between 2019 – 2021 coupled with an estimated 18% increase in private rent levels in 2022
- Local Housing Allowances not keeping pace with price inflation
- Significant increase in housing waiting lists, homelessness and pressure on temporary accommodation
- Inaccuracy or unavailability of official data to understand the stock levels, quality, price, in each form of tenure to understand the true picture of socio-economic impact

To fully understand the problem, Devon local authorities have asked the University of Exeter to collaborate in the development of a "Housing Commission". This document sets out the purpose, outcomes, objectives, proposed approach, budget and timetable to be adopted for further discussion with Exeter University.

As part of the emerging 'County Deal' discussions with government linked to devolution opportunities as identified in the Levelling Up White Paper, the authorities across Devon are collaborating on a range of issues – with housing being one of the key themes of priority and challenge right across the pan-Devon area. The County Deal geography includes the administrative areas of Devon County Council, the eight District Councils, plus the two unitary authorities of Plymouth and Torbay. The Devon Housing Commission's scope will reflect this geographic area – often referred to as 'geographic Devon' within this proposal.

## Purpose

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.

## Outcome

Through in-depth socio-economic and demographic analysis and community and stakeholder engagement, produce a report with recommendations to influence significant housing and social policy change and practical solutions that will start to address the broken local housing markets across geographic Devon.

## Objectives

The objectives of the Devon Housing Commission are as follows:

1. Develop a clear picture of the problems across local housing markets and tenure types across geographic Devon with a wide-range of engagement from communities, experts and partner agencies.
2. Understanding of the future need for housing supply, tenure types and use that will aid the wider outcomes of prosperity, economic growth and social mobility
3. Provide recommendations for social and housing policy changes required to respond to the crisis over the next decade
4. Provide some practical recommendations that help to deliver on an improvement in use, supply and tenure type including improving the quality of the private rented stock in line with carbon plan objectives.

## Delivery

It is our intention to deliver a Housing Commission which will be supported by a panel of advisers and will engage significantly with experts and local and regional stakeholders - hearing from councils, developers, charities, health partners, and many others.

The University of Exeter will manage the delivery of the Housing Commission through their Innovation, Impact and Business Division.

Reporting will be to the Commission and to the Devon Housing Task Force, who will 'own' this exciting piece of work.

## Appointing Commissioners

A key component is the appointment of a panel "Commissioners". Commissioners bring independence and expertise to the process. In terms of the role of the commissioners, most commissions appoint a panel of high-level commissioners that set the scope for the work, hear evidence, explore the variety of tools to be deployed and oversee the development of recommendations.

The Commission also needs a route for recommendations to be taken forward and in Devon the Commission will make recommendations to the Devon Housing Task Force that will be

working closely with Government, MPs and local partners through frameworks such as the Devon Deal to action the recommendations.

The success of the Commission will be greatly influenced by the Chair and the panel of commissioners that support the work. A high-profile Chair is seen to add weight to the approach and the panel should be drawn from leading thinkers in demographic and socio-economic modelling and a range of interests with an interest in the problems faced by the seemingly broken housing market in Devon.

The recommendation of the Devon Housing Task Force is that the Commission should not just focus on the technical aspects of the local housing markets across Devon but the wider impact on the economy and prosperity. In this way we see strong links with other work of the University such as the Social Mobility; responding to climate change and health.

### Supporting the Commission

The Commission will need to be supported by a small team. The team to be led by a Commission Director to be appointed by the University of Exeter. Their role will be to manage and co-ordinate the work of the Commission Team. The Devon Housing Task Force will provide in-kind support from housing, planning, health and social policy specialists and will also provide a partner contact officer who will draw expertise from wider partners as requested by the Commission Director. They will be supported by a full-time administrator.

### Communication, engagement and consultation

The Commission Director will work with the Commission team to develop a communication, engagement and consultation plan as it is intended that the Commission will be the public face of the work of the Devon Housing Task Force and the Devon Deal in lobbying for policy change and innovative solutions.

Given the impact on communities across Devon it is important that the Commission seeks views from a wide range of citizens and stakeholders. The approaches could include:

- Online surveys
- Polling of key groups and stakeholders
- Focus groups (number to be agreed)
- Calls for evidence from interest groups and experts – presented to meetings of the Commissioners
- Open Consultation events/Big conversation
- Evidence gathering
- Evidence events around Devon on key themes
- A web presence and blogs to drive engagement online
- New ideas/innovations conference
- Discussions with the voluntary and community sector may also yield additional community based approaches to ensure that this is an inclusive process.

The Devon Housing Task Force would look to provide in-kind resource from its communications, events teams, policy specialists and data analysts to provide support for this work.

## Possible Workplan Phases

### *Phase 1 – Development*

- Appoint Commission Co-ordinator
- Appoint Chair
- Agree Outline Plan (in consultation with the Devon Housing Task Force)
- Appoint the Commissioners
- Scoping Phase
- Commissioners will meet to agree the content and process

### *Phase 2 - Evidence Gathering*

- Researching literature and data in the public domain
- Consultation exercise, inviting written evidence from interested parties
- Evidence Gathering Workshops or Panels (2/3) hosted at the University and across Devon. We will seek to gather information which is:
  - rigorously measured
  - nationally comparable
  - nationally consistent
  - applicable to help inform policy interventions

### *Phase 3 - Expert Witness Sessions*

- Will catalyse the discussion around key themes and further shaping of the scope for further consultation
- A panel of expert witnesses will be assembled to present to Commissioners

### *Phase 4 - Review and Writing Phase*

- Reviewing written evidence submitted to the commission
- Commissioners' meeting at the University to reflect on the issues raised in the workshops and consultations, and to deliberate on policy options.
- Commission findings and recommendations finalised at Commissioners' meeting.
- Presented to the Devon Housing Task Force
- Recommendations testing
- Report and Recommendations Launched

### *Phase 5 – Task Force*

- Response to recommendations and implementation plan from the Devon Housing Task Group.

## Potential Themes to be Explored

Our initial work will confirm the themes we need to tackle, and these will probably evolve as we speak to our experts and stakeholders. Experience from similar studies suggests these are likely to include:

- Housing supply
- Housing affordability
- Building more homes
- Creating communities where people want to live

- Homes and integrated health and care
- Homes and employment
- Short term letting – holiday lets, student accommodation
- Second homes

## Proposed Budget

### Staffing

Commission Director	£68,000
Administrative Support	£27,400
Commissioner Budget (time of Commissioners)	£10,000

### Commissioning Research

Budget for thematic research experts and surveys	£30,000
--------------------------------------------------	---------

### Events and Travel

Room hire, catering, launch event and focus groups etc.	£10,000
Travel of commissioners and staff	£2,000

**Total** **£147,400**

## Proposed Timetable

We propose that the work can be carried out within a 9-month period with an additional three months for the production and agreement of the final report.

### Project Management

Regular liaison with DCC	Bi -Weekly
Commissioner and Expert Meetings	TBC
Recruit Commission Director	Pre project phase
Establish Commission	Month 1
Formal launch	Month 2
Evidence gathering	Months 3 - 9
Draft Report with Recommendations	Month 10
Final Report with Recommendations	Month 11
Presentation of Results and Recommendations	Month 12

## Contact

The university will ensure a contact person is identified for the work and that they are available for the regular client and Steering Group liaison.

Dr Andrew Dean  
[a.dean@exeter.ac.uk](mailto:a.dean@exeter.ac.uk)

Report to: Cabinet

Date of Meeting 4 January 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



## Cost of Living Hardship Fund Policy

### Report summary:

Following the recommendations of the Poverty Panel at their meeting on 8 December 2022 this report provides details on the proposed policy and the funding available to support households who are struggling to afford essentials due to the high cost of living and in particular the current energy prices.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

1. That Cabinet agree to the Cost of Living Hardship Fund Policy which replaces the Covid-19 Hardship Fund Policy as recommended by the Poverty Panel.
2. That Cabinet agree for 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.

### Reason for recommendation:

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 we have an up to date policy in place to support residents who are struggling to afford essentials. This is particularly important as should we run out of HSF residents will still be able to access emergency support. The policy builds in flexibility to allow the Council to provide targeted support where it is 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 means that we can respond quickly to distribute funds where identified.

Officer: Libby Jarrett, Assistant Director Revenues, Benefits, Corporate Customer Services

Portfolio(s) (check which apply):

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

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

### **Equalities impact** High Impact

We recognise that having a discretionary fund to support to residents who are financially struggling with the cost of living will have a high relevance on some of the groups with protected characteristics, these are age, disability, children and vulnerable adults. However, we consider that our policy does not adversely impact these protected groups. The draft policy makes provision that should we subsequently look to provide targeted support then a further impact assessment will need to be carried out. [Equalities Impact Assessment](#)

### **Climate change** Low Impact

**Risk:** Low Risk;

### **Links to background information**

Link to [Council Plan](#)

Priorities (check which apply)

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

---

## **1.0 Background**

1.1 The Council agreed at its meeting on 19 October 2022:

“Council requests officers to investigate creating an additional discretionary energy support fund based on evidence from the poverty dashboard data. This will look at taking into account existing funds, how this additional fund could be financed from the level of grants and also explore the systems and staff resources required to design and administer the scheme. The report will be presented at a Poverty panel meeting for consideration and potential recommendations”.

1.2 At the Poverty panel meeting on 8 December 2022 Members agreed to the proposed policy and approach being presented.

1.3 At the 2 November 2022 Cabinet Meeting under the report titled “Household Support Fund (HSF) and Discretionary Fund” it was highlighted that the Council already had funds set aside of £257K to support households struggling to afford essentials. It was proposed that we could use this funding in addition to the Household Support Fund we had been given to help struggling households.

1.4 For any Members who aren't aware the government have extended the HSF to cover the period up to 31 March 2023. The HSF is funding to help support households who are struggling to afford essentials, including help with energy costs this winter. Funding goes direct to Upper tier authorities and Devon County pass on a proportion of that funding to Billing Authorities to run their own schemes as part of a Devon framework. We have been given £323,030 and this money has to be spent before 31 March 2023. The HSF is in addition to the government cost of living payments currently being received by households. Cabinet Members at their meeting on 2 November 2022 agreed the policy for how we would utilise the HSF which is for

approximately two thirds of the funding to go on targeted support and one third to be retained for open applications. More information about this scheme is available here. ([Public Pack](#))[Agenda Document for Cabinet, 02/11/2022 18:00 \(eastdevon.gov.uk\)](#).

## 2.0 Proposed approach/policy

2.1 Members had agreed (see para 1.1) that we took account of evidence from our poverty dashboard in order to help inform how any additional funding would be best utilised as part of designing and shaping a scheme to help residents with the cost of living crisis. As we are currently prioritising launching the HSF which includes providing targeted support we are not in a position to identify any additional cohorts for targeted support at this stage. Our proposal is to update the previous Covid-19 Hardship Fund policy (see appendix 1) which has been renamed “Cost of Living Hardship Fund”. This will mean we can run this alongside the HSF policy. As the HSF is time limited we will always seek to use that funding first, however there maybe occasions when we utilise funding from both schemes at the same time. For example, insufficient funding available from the HSF to fully cover a cost.

2.2 The draft policy has also been updated to reflect:

- Households struggling due to the Cost of Living crisis instead of Covid-19
- The fund will only be used when it is not possible to draw upon other available financial support schemes, such as the HSF
- Where a resident has been declined for financial assistance for the same support from another scheme unless due to unavailable funding.
- Using data to help build understanding through the social resilience (poverty) dashboard
- Updates relating to application process, data protection, fraud, etc.

2.3 This updated draft policy allows flexibility over how this fund will be utilised. As already mentioned we are not in a position to identify where the need is for further support until we have distributed the targeted funding from the HSF, and have a better understanding of who is still approaching for financial support through the open application process. For instance we know with the discretionary energy rebate scheme that there were a number of households who did not want additional financial support even though they were in the cohort for receiving a targeted payment. It should also be noted that the government have provided a number of other measures to help households this winter. Information about the different energy support schemes provided is shown in appendix 2.

2.4 We also recognise that there will be residents who have not received targeted support either through the HSF or from the government’s cost of living payment but nevertheless are still in financial need – for example those that are just above the income thresholds for pension credit or those where their personal circumstances have taken a turn for the worse and who have not yet claimed the benefits they are eligible to receive.

2.5 Clearly the cost of living crisis is not going to be over quickly and energy prices are likely to stay high for some time. As part of the Council’s poverty strategy we are keen to build upon more of the proactive work we can do in addressing root causes. As these are our own funds we have built into the policy the ability to utilise some of the funding to provide more energy efficient/saving measures to help reduce energy consumption and lower bills.

2.6 For instance, we know there are a number of low income households who are living in low energy rated accommodation and our aim would be to explore the possibility of trialling joint working on a small number of cases with Exeter Community Energy and Private Sector Housing to try and improve their accommodation, and we would utilise this fund to support this work when appropriate. It is important to note where we can access funding from other schemes we would always do that first. Doing more proactive work not only helps reduce household expenditure on energy costs it could also help to address health and wellbeing issues as well as supporting our climate strategy.

2.7 In mid to late January 2023 we will have a better understanding of demand on the HSF including the take up rate for those we are prioritising for targeted support. This means we will be able to assess whether there are particular cohorts where it would make sense to provide further targeted support as well as understanding the need of those applying on a case by case basis. The proposed policy would allow us to include providing further targeted support if required.

2.8 It is important that we have a joined up approach not only between the HSF and this proposed scheme but also that we linking in with partner organisations to access other funds they have available.

2.9 Applications under the Cost of Living Hardship Fund will be via our existing request for Financial Support form.

2.10 An equalities impact assessment has been carried out and is available [here](#).

### **3.0 Other considerations/priorities**

3.1 We currently have a number of priorities that the service is delivering on which means we are having to juggle resources but also meet some key critical deadlines which cannot be moved. Due to the different types of skill sets and experience needed, unfortunately it is not just a case of bringing in more administrative staff in order to set these schemes up. Current priorities are:

#### Household Support Fund

As already highlighted our focus is currently on launching the HSF3. Setting up the scheme has been resource intensive as we have had to:

- Model and review many different data sets in order to help inform policy including writing policy documents, equalities impact assessments, reports, etc
- Manually review identified cases in order to ensure amounts awarded for targeted support are correct due to system limitations. This work is essential for processing of applications as the data sits within the tables behind the application form.
- Produce system specification for Strata and carry out testing before going live
- Produce communication materials in readiness for go live.

We are aiming to go live with the scheme before Christmas 2022.

#### Working Age Council Tax Reduction Scheme

The report for changes to our Council Tax Reduction Scheme for 2023/24 was considered by Cabinet on 2 November 2022, and we have proposed changes to our scheme which will lead to circa 2960 (65%) households seeing increases in the amount of support they receive. These changes include those on the lowest incomes (Band 1) seeing the relief being increased from 85% to 100% which will lift them out of paying Council Tax altogether. Public consultation closed mid December 2022. Results of the consultation have needed to be analysed and a full equalities impact assessment carried out before proposing the final scheme to be recommended for approval to Council at its meeting on 4 January 2023.

Link to the Committee report: [\(Public Pack\)Agenda Document for Cabinet, 02/11/2022 18:00 \(eastdevon.gov.uk\)](#).

#### Energy Bills Support Scheme – Alternative Funding

BEIS (Department for Business, Energy & Industrial Strategy) wrote to local authorities on 18 November 2022 to advise that they are requiring local authorities to work in partnership to deliver the Alternative Funding Scheme (see appendix 2 for details) There is approximately £1million households across the UK who do not directly contract with a domestic electricity supplier and therefore miss out on the Energy Bills Support Scheme. The government are providing a one-off payment of £400 of support to applicants via their bank accounts. The government will host the application form and we will be expected to verify eligibility and make

the payment. This is a different approach to how we've operated previous government schemes and it is still unclear how data will be passed between government systems and our office. We are still waiting on further guidance for the scheme however the government expect the scheme to go live in January 2023.

### Energy Rebate Scheme (Main & Discretionary Scheme)

The Discretionary Energy Rebate Scheme closed on 30 November 2022 and our priority up until then was to ensure that we deployed all the government funding to our residents. The main scheme was due to be closed on 30 September 2022 but was extended until 30 November 2022. Our current priority is now to complete the government return in relation to both schemes including the reconciliations, governance arrangements, our approach for our discretionary scheme, etc.

As Members may recall under our local scheme we targeted the majority of funding at households where there was a resident with a disability or carer present. Although we received a good number of applications we also found that there were a number of residents who didn't want the funding. For those residents that couldn't apply online, staff resources were needed to support residents being able to make a claim and we also had to undertake a lot of phone work and repeated reminders to encourage applications. Despite these measures not everyone made an application. Overall, delivering the Energy Rebate Scheme (main and discretionary) has taken a significant amount of staff resources which only came to an end mid December 2022. Despite this being the largest scheme we've had to deliver at short notice we've provided financial support to over 47,000 households and provided circa £7.268m in financial support to our residents.

### 3.2 Other priorities (Core work)

In addition to the above government schemes we also have to deliver on the following:

- **Business Rates**
  - Business Rates Revaluation – All businesses are being revalued (last revaluation was 2017) and as part of this work we need to ensure the new rating list is implanted onto our billing system, all reconciliations are carried out and that the lists are kept aligned until 1 April ahead of annual billing.
  - As part of the Autumn Statement the government announced a number of new rate relief schemes – Supporting Small Businesses (supporting businesses with the impact of revaluation), continuation of the Expanded Retail Discount Scheme (increasing from 50% to 75%) and new transitional arrangements.
  - Business rates annual billing work commences in late January and as this will be more complex due to revaluation this will require more resources to test, etc before issuing annual bills end of February/early March.

This is the busiest time of the financial year for Revenues and Benefits teams as we prepare for annual billing whilst also moving into the last quarter of the collection cycle.

## **4.0 Resources**

4.1 At this stage it is unclear what the demand will be this winter and how resource intensive the latest government schemes (Alternative Funding Scheme) will be on the Service especially as they are expecting this to be delivered at pace. Once we are issued with the guidance we will be in a better position to know what additional resources are needed and our capacity to set up and administer new schemes. BEIS have also indicated that we are likely to be involved with administering the Alternative Fuel Payment but again we don't have any details on timeliness or on scheme guidance.

- 4.2 As mentioned we are keen to part use the Cost of Living Hardship Fund to build upon proactive measures to address poor energy rated properties especially those occupied by our vulnerable residents who are also in low income households. If members are in agreement with this approach then in mid to late January we can start scoping up our approach as this will involve working with partners. This will include how we can resource this project and the appetite from partner agencies to work collaboratively on solving underlying causes.
- 4.3 We are currently recruiting to vacant posts as well as bringing in two additional temporary staff to support the additional work. However, we are very much reliant on utilising existing staff on these additional areas due to the knowledge, skills and experience needed to set these schemes up as well as administer applications.

## **5.0 Summary**

- 5.1 As can be seen there are a number of schemes we have delivered or in the process of delivering that are providing support to low income households but require resources to implement.
- 5.2 Anyone struggling is able to access support now as they can be dealt with under the Household Support Fund. The government have already indicated that they will be extending the Household Support Fund post 31 March 2023.
- 5.3 The proposed draft Cost of Living Hardship Policy provides flexibility in how this funding is utilised and means if we do identify the need to provide further targeted support then there is also provision to do that within this policy.
- 5.4 At this stage we consider that the £257,000 currently available within the Hardship Fund is sufficient but this will be monitored and an update will be provided at the next Poverty panel meeting on the demand for HSF and Cost of Living Hardship Fund including balances of each budget.
- 5.5 Should we run out of HSF we can still support households in need by utilising the Cost of Living Hardship Fund.
- 5.5 It is important that we take a joined up approach to all these different schemes to ensure that we are able to support those most in need and where current support does not go far enough as well as linking in with other funds available by partner organisations.
- 5.6 Members of the Poverty panel agreed to this approach at their meeting on 8 December 2022 where a briefing paper and draft policy was presented.

### **Financial implications:**

The financial implications have been outlined in the report and the funds identified to support this Policy are in place.

### **Legal implications:**

What is proposed is within the authority of Cabinet to agree and the policy appears reasonable. Members must have regard to the equalities impact assessment prepared to support the proposal in terms of discharging the public sector equality duty. Otherwise there are no legal implications requiring comment.

## Financial Hardship Support due to Cost of Living

Issue details	
<b>Title:</b>	<b>Cost of Living Hardship Fund Policy</b>
<b>Version number</b>	<b>2.0</b>
<b>Officer responsible:</b>	<b>Service Lead – Revenues, Benefits, corporate Customer Services</b>
<b>Authorisation by:</b>	
<b>Authorisation date:</b>	

History of most recent Policy Changes – Must be completed			
<b>Date</b>	<b>Section</b>	<b>Change</b>	<b>Origin of change (eg change in legislation)</b>
2022	All	<b>Updated to reflect funding to be used to support the impact of the current cost of living instead of Covid-19</b>	December 2022 Poverty Panel meeting.
<b>27 April 2020</b>		<b>Covid-19 Financial Hardship Fund Policy</b>	<b>Delegated Officer decision</b>

## Cost of Living Hardship Fund Policy

### 1 Why has the council introduced this policy?

The Council has provided funding to financially support residents who are struggling to afford essential bills due to the cost of living crisis.

### What is the council's policy?

#### 2.0 Objectives

- 2.1 This fund is available to help ease the financial pressure on households who are on low incomes and who are struggling to afford essentials. As part of administering this fund along with short term emergency support we will also explore how we can provide financial support to achieve long term outcomes. This fund will only be used when it is not possible to draw upon other available financial support schemes, such as the Household Support Fund
- 2.2 Although the focus of this fund is on direct support to applicants, it can also be used to support our partners who are working with us directly in helping address and solve the wider issues affecting residents who are experiencing financial hardship that have been referred to them.
- 2.3 The scheme will compliment and support other schemes already running within East Devon District Council such as the Household Support Fund, Discretionary Housing Payments, Council Tax Exceptional Hardship Payments and other government schemes we are administering on their behalf.

#### 3.0 Eligibility Criteria

- 3.1 Our eligibility criteria balances supporting as many residents as we can with targeting our limited funds to support those who need our help the most.

##### Applicants must:

- Be over the age of 16; and
- Live in the District (as their main residence); and
- Be without sufficient resources to meet the immediate short-term needs of themselves or dependents.
- not have received financial assistance from another source for the same reason or have been declined for the same support from another fund unless due to unavailable funding.

##### 3.2 The scheme will not award:

- Mortgage support - homeowners could still qualify for the other elements of the Fund (such as food, energy, water, essentials linked to energy and water and wider essentials). Where a homeowner is having difficulty with their mortgage payments, they should contact their lender as soon as possible to discuss their circumstances as lenders will have a set procedure to assist.
- Payments for debt and money advice services

#### **4.0 Application Process – for residents**

- 4.1 Applications for the Cost of Living Hardship Fund will be made via our online request for Financial Support form for direct applications from residents or a referral agency.
- 4.2 All applicants will be required to have a telephone interview with an officer to complete a basic financial assessment to determine the need for assistance and to ascertain what measures the applicant is taking to alleviate the situation.
- 4.3 EDDC may request any reasonable evidence in support of an application.
- 4.4 The Financial Resilience team will administer the scheme on behalf of the Council. The type and level of assistance will take account of any circumstances that make the applicant or their family vulnerable, for example the number of dependent children, physical/mental health issues, or incidence of Domestic Violence and Abuse.
- 4.5 A declaration will be signed by the applicant which will allow the Council to share information with third parties to help prevent fraud. Records will be kept on each application approved.
- 4.6 An award will not usually be a cash payment but made through the use of electronic vouchers (including post office vouchers) or invoices for payment being sent directly to East Devon District Council. All awards from the fund will be made as quickly as possible to meet the agreed needs of the household.
- 4.7 Support will usually be provided from the fund once. In exceptional circumstances repeat applications will be considered on merit. In the case of repeat applications further work and referrals to other agencies will be discussed with the applicant and any further awards may be conditional on the agreed identified actions (e.g. referrals to Exeter Community Energy to help reduce ongoing energy costs).
- 4.8 If the applicant has not applied for a welfare benefit they are entitled to receive or Council Tax Reduction they will be provided with, or signposted to, support to make a claim.

#### **4.9 Application process for requests for funding from partners**

Request for funding from our direct partners will be via agreement with the Assistant Director for Revenues, Benefits & Customer Services and in line with our procurement policy where necessary

#### **5.0 Assessment process**

- 5.1 It is important that the scheme is discretionary – there is no legal right to the scheme; it should be flexible and avoid any rigid interpretation of rules.
- 5.2 Decisions will depend on the individual applicant's circumstances/needs determined by the financial assessment and the reasons provided on the application. Officers should be relatively free to determine the financial help or support required depending on the individual household situation and the short term crisis.
- 5.3 In making a decision on whether to make an award from the scheme and the amount to be awarded the officer will consider the eligibility criteria and our approach to prioritisation, as well as the funds that we have available at the time of application. Once we have assessed whether the application falls within our eligibility criteria, we will consider whether the applicant meets one or more of our prioritisation criteria.
- 5.4 Our officers will consider all the information at their disposal to assess the risk faced by the applicant and the relative priority of their application including but not limited to:

- Applicants financial circumstances
- Access to other forms of financial support
- Circumstances and reasons for the claim
- Preventative measures taken by the applicant or partner
- Impact of making or not making of the award
- The budgetary situation of the fund

If the officer feels that there are sufficient grounds for an award to be made based on priority and vulnerability they will then consider the amount of the award.

- 5.5 As part of the application, the resident will be asked to give an indication of the support that is required. However, the assessing officer will determine the amount of support based on other factors such as; access to other funds, financial circumstances and available budget, etc.

## **6.0 Advising you of a decision**

Once the officer has made a decision on your application we will give you a written notice advising you:

- Whether an award has been made and the reason for the decision
- The intended use of the award
- The amount of the award

We will also let you know about other services in the council and the community which may be able to provide further support. We will also advise you as to how the award will be made.

## **7.0 Reviewing unsuccessful applications**

- 7.1 The scheme is discretionary and there are no appeal rights to an Independent Tribunal, but you can ask us to look at your case again within 5 days of our decision if you are not happy with the outcome of your application. Requests for a review of our decision need to be made in writing. It must state the reasons why you are asking for a review of the decision and be signed and dated.
- 7.2 Decision will be reviewed by the Benefits and Financial Resilience Manager or the Assistant Director for Revenues, Benefits and Customer Services.
- 7.3 You will be notified of the review decision within 14 days of your request. This decision will be final. If you do not have access to a computer, you can get in touch with us and we will advise you on how you can request a review.

## **8.0 Other considerations**

- 8.1 As this is a limited fund once exhausted the scheme will close. The budget will be monitored on a regular basis.
- 8.2 As this policy has been established to respond rapidly to the cost of living crisis it may need to be revised to ensure the scheme meets the needs of both our residents and the Council. Delegated authority is given to the Assistant Director for Revenues, Benefits, Customer Services in consultation with the Finance Portfolio Holder and the Portfolio Holder for Sustainable Homes and Communities to adjust the policy where further need which has not

yet been identified or in the administration of the scheme and would need to be done in conjunction with an equalities impact assessment to ensure that we had considered the impact of providing targeted support against those with protected characteristics. This would also include providing targeted support of a fixed amount to a particular cohort by inviting them to make a claim.

8.3 In line with the principles of good administration, all applications will be treated fairly and consistently under the terms we have set out here. Applications will be processed in a timely manner.

8.4 We will monitor this scheme on an ongoing basis. We will regularly review the scheme to ensure that we are making the best use of the money we have available. To support our monitoring and evaluation, we may get in touch with applicants after decisions on awards have been made in order to ask for feedback about the scheme and may also share your data with other colleagues in the council to support our monitoring and evaluation of the scheme.

## **9.0 How will we use & share your information**

9.1 The Council will only collect data relevant to your application. Your data will also be held on our digital platforms and will be protected using up-to-date technical and organisational security measures.

9.2 Your data will be used to:

- Determine your eligibility for a cost of living hardship payment
- Contact you about decisions or updates related to an application
- Issue the payment to your nominated Bank or Building Society account where appropriate
- Monitor the needs of our residents to enable the aims of the poverty strategy to be met and help inform future policies, strategies and operational matters.

9.3 Your personal data will not be kept longer than necessary (in line with our existing retention schedule).

9.4 Information collected during the application process will be used to assess your claim. Information may be cross matched with other data held by the Council and third-party agencies e.g. Department for Work and Pensions (DWP), HM Revenue & Customs (HMRC) for verification purposes.

9.5 The Council can also share data with both internal and external organisations for the purposes of validating any applications you may make or have made for other Council services such as Housing Applications, School Placements, Homeless Applications.

9.6 With your permission we may share your data with partner agencies to enable them to provide the necessary support in order to achieve long term outcomes in building financial resilience.

9.7 In addition, we may also share your data within the organisation to support our efforts to redirect you to other support that may be available (for example our Discretionary Housing Payment Scheme, Council Tax Reduction Scheme).

## **10.0 Fraud**

10.1 Your data may be shared within the organisation or with other Government agencies in order to prevent and/or detect potentially fraudulent activity. Subject to a legal gateway,

your information may also be shared for the prevention of fraud and criminal activity with (list not exhaustive):

- The police
- Immigration Service, Absconder Services and/or UK Border Agency
- Health and social care organisations
- Other Local Authorities

10.2 Failure by the applicant to disclose a material fact or to make a false application will be treated as a fraudulent application.

10.3 Where fraud has been detected the applicant will be refused any further assistance and where appropriate, the Council may prosecute the applicant.

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

Discretionary Housing Payment Policy

Council Tax Discretionary & Exceptional Hardship Policy

Council Tax Reduction Scheme Policy

Household Support Fund Policy

Appendix 2

## Government Support – Support with Energy Costs

Since February 2022 the government have announced a number of support packages to help residents with rising energy costs and these are summarised below:

No	Scheme	Amount
Announced 3 February 2022		
1	Council Tax Energy Rebate – Main & Discretionary Scheme <a href="https://www.gov.uk/guidance/the-council-tax-rebate-2022-23-billing-authority-guidance">The council tax rebate 2022-23 – billing authority guidance - GOV.UK (www.gov.uk)</a>	
1a	Main scheme (government criteria based scheme) Residents living in Council Tax Bands A-D. Eligibility based on living at the address on 1 April 2022. Administered by local authorities. In East Devon we paid out £6,998,500 to 46,659 households Scheme closed on 30 September.	One off amount of £150.00. (Non means tested but linked to your council tax band)
1b	Discretionary Scheme – we were allocated an amount of £269,850 to provide extra support with energy costs. Scheme closes 30 November 2022 and any unspent funds will need to be repaid to government. Scheme approved by Cabinet. <a href="#">Agenda for Cabinet on Wednesday, 4th May, 2022, 6.00 pm - East Devon</a>	Two levels of payments £40 or £150 (Based on eligibility to certain qualifying

	<p>Our local scheme is in two parts – targeted support and special cases to be considered on a case by case basis.</p> <p>Targeted support was directed at those on low incomes who were not eligible under the main scheme and alongside this to provide an additional top-up payment to disabled households and households with carers.</p>	benefits or council tax discounts).
Announced 26 May 2022		
2	<p>Energy Bills Support Scheme</p> <p><a href="https://www.gov.uk">Getting the Energy Bills Support Scheme discount - GOV.UK (www.gov.uk)</a></p> <p>Provides a £400* non-repayable discount to households with a domestic electricity connection in England, Scotland and Wales to help with their energy bills over winter 2022 to 2023.</p> <p>Discount will be applied:</p> <p>£66 in October and November</p> <p>£67 in December, January, February, &amp; March</p> <p>*This replaced the £200 repayable discount that was previously announced in February 2022.</p>	<p>One off £400 discount off your electricity bill.</p> <p>Non means tested</p>
3	<p><b>Cost of Living Support – providing 3 different levels of targeted support and extending the Household Support Fund</b></p> <p><a href="https://www.gov.uk">Cost of living support factsheet: 26 May 2022 - GOV.UK (www.gov.uk)</a></p>	
3a	<p>£650 one-off Cost of Living Payment for those on means tested benefits:</p> <ul style="list-style-type: none"> <li>• Universal Credit</li> <li>• income-based Jobseeker’s Allowance (JSA)</li> <li>• income-related Employment and Support Allowance (ESA)</li> <li>• Income Support</li> <li>• Pension Credit</li> <li>• Child Tax Credit</li> <li>• Working Tax Credit</li> </ul> <p><u>Qualifying period and amounts – no award if qualifying period nil UC award</u></p> <p>£326 for qualifying period 26.04.2022 – 25.05.2022</p> <p>£324 for qualifying period 26.08.2022 to 25.09.2022</p> <p>Tax Credit has annual award of £26 or above</p>	<p>£650 one off payment which is means tested</p>
3b	<p><b>b) £150 Disability Cost of Living Payment</b></p> <p>For those receiving:</p> <ul style="list-style-type: none"> <li>• Attendance Allowance</li> <li>• Constant Attendance Allowance</li> <li>• Disability Living Allowance for adults</li> <li>• Disability Living Allowance for children</li> <li>• Personal Independence Payment</li> </ul>	<p>£150</p>

3c	<ul style="list-style-type: none"> <li>Armed Forces Independence Payment</li> <li>War Pension Mobility Supplement</li> </ul> <p>Must have received payment for one of these qualifying benefits as of 25.05.2022 to get the payment.</p> <p><b>c). One off £300 Pensioner Cost of Living Payment</b></p> <p>Pensioner households will receive an extra £300 this year to help them cover the rising cost of energy this winter.</p> <p>All pensioners who receive the Winter Fuel Payment (between £200-£300) will receive an extra £300 this year to help them cover the rising cost of energy this winter.</p>	£300
3d	<p><b>£500m increase and extension to the Household Support Fund (HSF)</b></p> <p>The HSF helps those in most need with payments towards the rising cost of food, energy and water bills. Funding is provided to upper tier councils.</p> <p>As part of Team Devon framework, East Devon receives a proportion of that funding in order to operate our own HSF scheme.</p>	No fixed amount but local policy to be agreed.
Updated December 2022		
4	<p><b>Energy Price Guarantee</b></p> <p><a href="http://www.gov.uk">Energy Price Guarantee - GOV.UK (www.gov.uk)</a></p>	
a)	<p>The Energy Price Guarantee reduces (compared to the undiscounted price of energy) the amount you can be charged per unit of gas or electricity, to an annual equivalent of around £2,500 for a typical household in Great Britain. This means a typical household in Great Britain will save around £900 this Winter, compared to undiscounted energy prices under the price cap.</p> <p>Scheme will be in place from – 1October 2022 to 31 March 2023.</p>	Typical household will save £900 this winter – reducing bills by roughly a third.
b)	<p><b>If not using main gas for your heating</b></p> <p>The Alternative Fuel Payment (AFP) will provide a one-off £200 payment to UK households that use alternative fuels for heating, such as heating oil or LPG.</p> <p>Awaiting for scheme details but it is likely that we will have to support have just found out that local authorities will be required to support government in the administration of this scheme.</p>	One off £200 payment who use alternative fuels for heating.
c)	<p><b>For households who do not directly contract with a domestic electricity supplier and therefore miss out on the Energy Price Guarantee (EPG).</b></p> <p>The Energy Bills Support Scheme Alternative Funding Support will provide a one off £400 payment for those households who haven't benefitted from the EPG because the household is not on a domestic supply. For instance this could apply to residents who live in care homes or in properties where the pay to the Landlord who is on a non-domestic supply.</p>	One off £400 payment

Report to: Cabinet



Date of Meeting 4 January 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## Council Tax Reduction Scheme (Working Age) 2023/24

### Report summary:

This report is seeking Members approval on the proposed changes to our Council Tax Reduction (CTR) scheme to be implemented from 1 April 2023 following public consultation. Members of Cabinet had approved at their 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 is 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.

### Is the proposed decision in accordance with:

Budget Yes  No Policy Framework Yes  No 

### Recommendation:

1. To consider fully the equality impact assessment in relation the scheme
2. That Cabinet recommend to Council 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 for recommendation:

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

Officer: Libby Jarrett, Assistant Director– Revenues, Benefits, Corporate Customer Access, Fraud & Compliance. [ljarrett@eastdevon.gov.uk](mailto:ljarrett@eastdevon.gov.uk) 01395 517450

Portfolio(s) (check which apply):

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

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

## **Equalities impact High**

[EIA](#)

## **Climate change Low Impact**

**Risk:** Low Risk

### **Links to background information**

[Draft policy](#)

[Consultation Results](#)

[DCC response to CTR changes](#)

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

Priorities (check which apply)

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

---

## **1.0 Background**

- 1.1 Council Tax Reduction (also known as Council Tax Support) was introduced from 1<sup>st</sup> April 2013. It is a means-tested reduction/discount for Council Tax payers who are on a low income.
- 1.2 For working-age applicants the scheme is determined by local policy and for pension-age applicants it is a national scheme prescribed by legislation.
- 1.3 When changing our scheme we must take account of our duties to protect vulnerable people by having due regard to the equalities act. We also have a legal duty to consult with major preceptors and with the public on any proposed changes. Any changes to a scheme must be adopted by Full Council by the 11 March for the new financial year.
- 1.4 Significant changes to our working age scheme were introduced from 2020/21 where the Council increased maximum support from 80% to 85%,and also moved to an income banded scheme in order to simplify the previous scheme and to better align with Universal Credit. The reasons why we moved to a banded scheme and increased support can be found in the Cabinet report to Members at their [meeting on 8 January 2020](#).
- 1.5 We committed to carry out a full review of our CTR working age scheme this year (Service plan objective and action within the Poverty plan) in order to be able to properly assess the impact of our current scheme on low income households, whether we are striking the right balance in the percentage of council tax support being provided across the four income bands, the actual income band levels for the different household groups and the affordability of the council tax by assessing arrears levels. As part of this review we can draw on data from our Social Resilience (Poverty) Dashboard where we can identify whether there are any demographic groups, especially those with protected characteristics who are presenting to us for financial help from our emergency discretionary funds.

1.6 As part of this review we have also considered what changes other authorities are planning to make to their schemes in order to ensure that our scheme doesn't disadvantage low income residents living in East Devon compared to others in neighbouring authorities who are providing more generous levels of support. Up until now Teignbridge was the only Devon authority providing 100% support for those in Band 1 with their other bands set at 75%, 50% & 25%. A number of Devon authorities are proposing to make changes to their schemes for 2023/24. North Devon District Council have already agreed to increase to a 100% scheme from April 2023, despite objections raised by Devon County Council. Mid Devon District Council are also proposing to increase their scheme to provide up to 100% support and this will be considered by Members in January 2023. South Hams & West Devon are proposing to make changes to their bandwidths by uplifting the thresholds benefitting households on CTR..

1.7 Members of Cabinet at their meeting on 2 November 2022 agreed to consult on the following changes to our scheme:

- Increase Band 1 support from 85% to 100% - residents who fall in this band have the lowest income levels and by increasing support will lift them out of paying Council Tax altogether.
- Introduce a 16 hour minimum income floor which will mirror the equivalent in Universal Credit for the self-employed. This will benefit those households that are unable to work more hours such as those with caring responsibilities, etc as we will calculate their entitlement based on this lower earnings threshold.
- Introduce a maximum of 12 months backdating for new claims as currently we have no limit which creates difficulties for residents being able to provide the information and evidence needed to support applications. Instead we will consider backdates beyond this period via our council tax hardship fund.
- Having fully reviewed the income band levels we have recognised that as well as allowing for increases due to inflation (so it doesn't result in residents dropping bands as benefits and wages increase), we have also needed to increase the bandwidth for couples as the levels are currently the same as those for single people, and therefore weren't fully aligned with the applicable amounts that are used within means tested benefits. See table below:

	Passported	Single No Children	Couple No Children	1 Child	2 Child +
<b>Group 1 – 100%</b>	No Limit	£0.00 - £90.00	£0.00 - £130.00	£0.00 - £200.00	£0.00 - £270.00
<b>Group 2 – 80%</b>	N/A	£90.01 - £160.00	£130.01 - £200.00	£200.01 - £275.00	£270.01 - £345.00
<b>Group 3 – 55%</b>	N/A	£160.01 - £235.00	£200.01 - £265.00	£275.01 - £340.00	£345.01 - £410.00
<b>Group 4 – 25%</b>	N/A	£235.01 - £310.00	£265.01 - £330.00	£340.01 - £405.00	£410.01 - £475.00

1.8 In addition we have also included in the consultation the expansion of existing provisions within our policy to disregard incomes received under certain government initiatives, such as crisis payments (local welfare provision). This builds on a pre-existing disregard following the government providing more emergency support than previously available since Covid-19, and allows us to ensure our policy is future proofed so that any new emergency schemes or temporary increases in welfare benefits can be disregarded.

1.9 Details of the caseload distribution and the impact of the proposed changes were set out in the report to Cabinet at its meeting on 2 November 2022 [Agenda for Cabinet on Wednesday, 2nd November, 2022, 6.00 pm - East Devon](#). The key headlines to the proposed changes are as follows:

- 2960 households (65% of our caseload) will benefit from these changes and with no one worse off.
- 2,423 households (53% of our caseload) will be lifted out of paying Council Tax
- Largest group to benefit is those households with children where 1486 out of a 2276 will have less council tax to pay and 994 (44% of caseload with children) will come out of paying council tax altogether.
- Second largest group is disabled households where out of 1763, 1056 will have less council tax to pay, 908 (52% of our disabled cases) of these will come out of paying council tax altogether.
- Disabled households are identified from our Social Resilience (Poverty) Dashboard as the biggest group presenting for emergency support and these changes will help to provide financial support to those most in need.

## 2.0 Outcomes of the consultation

2.1 We've had responses to our consultation from our major preceptors:

- Devon Fire and Rescue Authority – Supports the proposed changes to the Council Tax Reduction Scheme (via email)
- Devon County Council – Formally object to these proposals at this time. Letter available [here](#)
- Devon & Cornwall Police Authority – Confirmed agreement to this change (via email)

2.2 The public consultation was open for 6 weeks from 4 November 2022 to 15 December 2022 and we received **178** responses. The consultation was published online and was also promoted via local press, social media, emails, internal staff bulletins, letters, etc. Due to the specific topic of the consultation which is relatively technical this would not be an unreasonable level of response. In 2019 when we consulted on the previous changes to our Council Tax Reduction Scheme (where we introduced a Banded scheme from April 2020) we received 161 responses so the level of response this time is slightly higher.

2.3 Of the 178 responses received for the consultation the majority overall agreed to the changes proposed. The key headlines from the consultations are:

- 85 (61%) responded positively or very positively to the overall changes with 17 neutral (12%) and 38 (27%) either against or very against the proposals.
- 89 responses (57%) voted yes to the revision of the income bands with 62 (40%) voting no. This includes raising income band 1 to 100% and changes to the band widths to allow for couples.
- 98 (67%) responded yes and 42 (29%) no to introducing a 16 hour minimum income floor for the self-employed unable to work more hours
- 112 (78%) voted yes to the introduction of a maximum of 12 months backdating with 21 (15%) voting no.
- 107 (74%) yes compared to 22 (15%) no responses were received for disregarding certain crisis payments and 109 (75%) yes to 22 (15%) no responses for disregarding emergency increases in national welfare benefits.
- Citizens Advice East Devon 100% agree with the changes being proposed.

Full consultation results are available [here](#)

2.4 Comments made in relation to the proposed scheme changes ranged from support for the scheme and the acknowledgment that some households are in need of extra financial support, to those that did not support the scheme as everyone is struggling due to the cost of living crisis.

2.5 Whilst we are aware that there are a large number of households affected by the cost of living crisis we are only able to provide a CTR scheme to support those residents who are on the lowest incomes.

### 3.0 Final Scheme being recommended

3.1 The final scheme being recommended is to implement all the changes that were consulted on as summarised under section 1.7 & 1.8. The draft policy document is available under background papers and reflects these changes.

3.2 We have carried out an equalities impact assessment. Our proposed scheme provides the following benefits to those with protected characteristics who are claiming under our working age CTR scheme:

- 65% (2960 out of 4560 households) will see increases in the amount of CTR being provided
- 53% of our working age caseload who have the lowest incomes will come out of paying Council tax altogether
- No one is losing out under our proposals
- 60% of households with a disabled member resident will see an increase in the amount of support being provided
- 52% of households with a disabled member resident will come out of paying council tax altogether
- 81% of households with a carer will benefit
- 65% of households with children will benefit
- 42% of households in work will benefit

3.3 The full equalities impact assessment is available [here](#).

3.4 The movement in bands is shown below:

From	To	Cases	% movement	Household with Children	Disabled	Employed	Carer
25%	55%	151	5%	140	43	131	16
25%	80%	1	0%	0	0	1	0
55%	80%	385	13%	352	105	304	63
55%	100%	0	0%	0	0	0	0
80%	100%	288	10%	211	99	149	68
85%	100%	2135	72%	783	809	127	374
<b>Totals</b>		<b>2960</b>	<b>100%</b>	<b>1486</b>	<b>1056</b>	<b>712</b>	<b>521</b>

3.5 The changes being recommended supports the Council's poverty strategy as reducing or removing the council tax burden for those on the lowest incomes will help to build financial resilience.

### 4.0 Cost of Scheme – Impact on Tax Base

4.1 As we are recommending an increase in the amount of CTR for those of working age the total scheme costs will increase and is estimated as follows:

Current Working Age Scheme Cost	Proposed Working Age Scheme cost (based on current year Council tax)	Estimated cost of changes (based on current year costs)
£4.532m	£5.255m	£723K

4.1 As CTR is funded through the Council Tax base, the costs are shared in proportion with the amount preceptors receive. The proportions are as follows:

Preceptor	% Contribution	Estimated Cost
Devon County Council	73%	£528K
Police & Crime Commissioner for Devon & Cornwall	12%	£87K
Devon & Somerset Fire & Rescue Authority	4%	£29K
East Devon District Council	7%	£50K
Town/Parish Councils	4%	£29K

- 4.2 The additional costs of these proposals have been included in the tax base calculation for 2023/24. Approving the tax base is also included as an item on this Cabinet agenda. This shows the tax base for 2023/24 is 61,653 band D equivalents which is an increase of 848 band D's on the current year, which will raise approximately an extra £1.8m on the council tax collection fund (estimated on this year's council tax). This already factors in the additional cost for increasing our CTR based on these proposed changes.
- 4.3 The major preceptors have also just been notified of a £3.256m surplus on the collection fund. It is unlikely that they will have budgeted for this full amount. For Devon County this is circa £2.379m.
- 4.4 East Devon has budgeted for this additional cost.
- 4.5 As highlighted under section 2.1, Devon County Council are objecting to our proposed scheme due to the impact on their budgets and are requesting the Council reconsider. Although we are required to consult with the major preceptors on changes to our scheme we are only required to consider this as part of the Council making its decision. The decision making in relation to determining our scheme sits with the elected Members of this Council. Both the police and fire service support these proposals.
- 4.6 When we made changes to our scheme for 2020/21, Devon County also raised concerns over the increase in costs as part of their consultation feedback. It is also worth noting that North Devon Council have already approved to move to a 100% scheme from 2023 despite the objections raised by Devon County Council. Mid Devon District Council are also proposing to move to a 100% scheme but this isn't being finalised by Members until January 2023. Teignbridge District Council already provides for a 100% support in their scheme.
- 4.7 It is also important to note that if we are unable to collect the Council Tax that is due and end up writing it off then this ultimately has the same effects on budgets. It is important to ensure that we provide the right level of funding upfront in order to avoid the build-up of what will be uncollectable debts. When we reviewed our existing scheme on customer's ability to pay we could see from the data that CTR working age customers represent 18% (£528k) of all outstanding arrears (as at July 2022) despite the proportion of Council Tax they pay representing only 1.3% of the total net collectible debit. The highest proportion of CTR households in arrears are those in Band 1 (households on the lowest incomes). In 2019 when we last reviewed our scheme the level of debts represented 13% of all

outstanding arrears. This means the position has worsened since then which is not surprising with the impact of Covid-19 and now with the cost of living crisis.

## **5.0 Other considerations**

5.1 We recognise the difficulties that all preceptors are facing with budget pressures and the challenges this creates in protecting essential public services and we recognise that these proposals do affect the tax base. Along with what has already been mentioned above Members may also find the following useful:

- From April 2024 the Council (assuming the Bill becomes law) will have the ability to increase the charges on second homes and there are also changes to empty properties. This is estimated to generate an extra circa £6m Council Tax income which will more than offset the additional cost of changing our CTR scheme moving forward. This is also on the agenda for this Cabinet meeting.
- Teignbridge District Council already have a 100% scheme. North Devon District Council Members have agreed to move to a 100% scheme from April 2023 and Mid Devon District Council are proposing to do the same.
- Somerset authorities are also proposing to move to a 100% scheme from April 2023.
- The Council Tax Base for 2023/24 is showing growth of 848 band D properties despite factoring in these changes. The previous year's growth was 721.
- East Devon District Council has the highest Council Tax collection rate out of all the Devon authorities and also in the South West for 2021/22, nationally we're ranked 5th highest out of 316 councils. What this hopefully demonstrates to Members is how as an authority we are going over and above to protect and maximise the Council Tax income to all preceptors.
- We are in discussions (along with all the Devon districts) with carrying out a single person discount review during 2023/2024. The last time we did this was in 2018 and it generated an annual income of £229K in Council Tax revenue as we removed 566 discounts that were incorrectly being claimed. This review would have happened sooner had it not been for resources having to be directed at delivering government schemes (impact of Covid & now Cost of Living) which have been ongoing since March 2020. If a similar level of discounts were to be removed this would generate over £300K based on current council tax levels. Doing this review benefits Devon County Council the most because of the proportion of Council Tax income they keep.

## **6.0 Other options**

6.1 Not to adopt the changes and retain our existing scheme for 2023/24 would not provide the additional support to our low income working age households and will likely see the level of council tax debts rise especially with the cost of living pressures which are disproportionately impacting low income households. Also, if we don't change the bandwidths to reflect inflation then existing claimants may drop down a band making them worse off. Due to the work we are doing as part of the Council's poverty strategy we see these changes as a positive measure in helping to build financial resilience.

## **7.0 Conclusion**

7.1 From the work we have been doing on poverty and financial resilience since 2020 we have recognised that those low income households are being disproportionately impacted by the cost of living crisis. In addition, welfare reform over the last 10 years has seen real term cuts in benefit payments. As a result more and more people are becoming reliant on using foodbanks or accessing emergency support funds as they are struggling to make ends meet. We can see from our own Council Tax arrears figures that the level of indebtedness for CTR claims is proportionately higher than it was in 2019.

- 7.2 These proposed changes will provide real term benefits to those households on low incomes with the two largest groups to gain being families with children and households where there is a disabled resident living. These proposed changes supports the work this Council is doing as part of its poverty strategy by building financial resilience and helping to lift people out of repeat financial crisis.
- 7.3 With more authorities moving to 100% schemes it seems appropriate for the reasons stated in this report that East Devon District Council should do the same by approving the changes as set out in the recommendation.
- 

### **Financial implications:**

The financial implications were considered by Cabinet in the initial report in agreeing the draft scheme for consultation, the implications have been factored into the Council Tax Base for 2023/24 on the assumption that the scheme will now adopted by members.

### **Legal implications:**

Schedule 1A of the Local Government Finance Act 1992 requires that the Council must decide, for each financial year, whether to revise its scheme or to replace it with another scheme. The recommendation of the finance team is to implement a revised scheme and they have carried out appropriate consultation, as set out in the report, and a detailed equality impact assessment (see background links) in respect of the latest scheme. Members should consider and take into account the consultation responses and the equality impact assessment as well as officer conclusions before approving the new scheme. Further, the officers responsible for implementation are aware of the need to comply with council tax statute, regulations (and, where appropriate, guidance) in implementing the scheme.

Report to: Cabinet

Date of Meeting 4 January 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



## Council Tax Charges for Second homes and Empty properties

### Report summary:

- 1 The report sets out the changes that the Levelling Up and Regeneration Bill make to the Council Tax legislation and provides recommendations relating to changes that can be made to the level of charge paid for properties that are not lived in (second homes and empty properties).
- 2 These changes are subject to the Bill becoming law and the report will detail the steps we will need to take once this happens.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

That Cabinet recommend to Council to approve a resolution 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 1<sup>st</sup> April 2024;
- (b) The application of a premium of 100% for all dwellings which are unoccupied but substantially furnished (second homes) with effect from 1<sup>st</sup> April 2024; and
- (c) That the Assistant Director 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.

### Reason for recommendation:

The proposed change in legislation is primarily designed to encourage taxpayers to use premises as their main residence or allow others to use it. It is hoped that this change will allow more empty dwellings and unoccupied dwellings to be brought back into use for the local community.

The changes will provide additional funding to the collection fund which will be shared between the Council, and other precepting authorities in line with their share of the Council Tax.

Officer: **Libby Jarrett, Assistant Director - Revenues, Benefits, Customer Services, Fraud & Compliance** [LJarrett@eastdevon.gov.uk](mailto:LJarrett@eastdevon.gov.uk) 01395 517450

Portfolio(s) (check which apply):

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

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

**Equalities impact** Low Impact

**Climate change** Low Impact

**Risk:** Low Risk;

**Links to background information** <https://publications.parliament.uk/pa/bills/cbill/58-03/0169/220169.pdf>

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

Priorities (check which apply)

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

## 1.0 Background

1.1 A large part of the Council Tax legislation is mandatory on all billing authorities within England. Discounts such as single person discounts, disregards and exemption are set by statute with no discretion allowed.

1.2 However, there are an increasing number of areas where each Council may determine the type and level of charge to be made (within prescribed parameters). The Council has previously adopted the maximum level of premiums on empty properties and also on second homes.

1.3 The main discretionary areas are as follows:

- Second homes (premises which are no-one's sole or main residence but are furnished);
- Unoccupied and substantially unfurnished premises;
- Unoccupied and substantially unfurnished premises which require or are undergoing structural repairs; and
- Premiums where premises have been unoccupied and substantially unfurnished for a period of 2 years or more.

Details of the current situation in relation to these discretionary areas is shown in appendix 1.

1.7 This report seeks approval from Members to agree to the proposals in relation to changes to second homes and empty properties set out within the Levelling Up and Regeneration Bill, subject to the provisions becoming law.

1.8 The Levelling Up and Regeneration Bill allows for changes to the level of charge paid in two situations:

- (a) It allows Billing Authorities to bring forward the period from two years to one year when an unoccupied and substantially unfurnished dwelling (empty dwelling) can be charged a premium of 100% (Clause 72 (1) (b) of the Bill)
- (b) To enable the immediate charging of a 100% premium (Clause 72 (2)) for any dwellings which are:
  - No one's sole or main residence; and
  - Substantially furnished.

- 1.9 Government are introducing this legislation in order to help local authorities tackle the housing shortages by encouraging them to be brought back into use and to also address inconsistencies with the current legislation.
- 1.10 The current premiums for leaving a property empty can be avoided by furnishing the property. These changes would address the inconsistencies in the current legislation where an empty homes premium can be avoided by the taxpayer furnishing the property which means it becomes a second home which currently has a maximum charge of 100%.
- 1.11 Members have previously raised concerns over the number of second homes in the District and the negative impact this is having on the supply of homes available to meet local housing needs and the potential harm these can cause to local communities.

## **2.0 Changes to empty dwelling premiums**

- 2.1 The Bill will permit billing authorities in England to impose an empty dwellings premium after one year instead of two. This follows a commitment made by Government in the Levelling up White Paper.
- 2.2 The Bill also provides that billing authorities must have regard to any guidance issued by the Secretary of State when deciding whether to implement an empty dwellings premium and it is expected that the current guidance drafted by Government in 2013 will be updated. This change will come into effect from the 2024/25 financial year. The Council is requested to approve delegated powers to the Assistant Director for Revenues, Benefits and Corporate Customer Access to implement the policy having regard to the guidance when published.

## **3.0 Introduction of premiums for second homes**

- 3.1 Currently the law only permits for Billing Authorities to impose a premium on empty properties (unoccupied and substantially unfurnished) and does not cover properties that are no one's sole or main residence but are furnished, commonly referred to as second homes.
- 3.2 The Bill will permit billing authorities to apply a premium of a 100% to properties that have no resident and are substantially furnished. This means that the Council tax charge would be the standard 100% charge plus a premium of 100% making a total charge of 200%.
- 3.3 There is no requirement for a property to have been used as a second home for a fixed period of time before the premium can apply.
- 3.4 The Bill also specifies that the first decision to impose this class of premium must be taken at least 12 months before the financial year to which it would apply. In effect this means that the earliest the premium can apply is from 2024/25 assuming the decision is approved by Full Council and the Bill receives Royal Assent before 31 March 2023.
- 3.5 The Secretary of State has the power to prescribe certain classes of property that will not be subject to an empty dwelling premium. Currently these are homes that are empty due to the occupant living in armed forces accommodation for job-related purposes, or to annexes being used as part of a main property. It is expected that when regulations are laid, similar exceptions will apply to second homes premiums.

## **4.0 Premiums – generally**

- 4.1 The Council, is required to determine the level of any discounts or premiums which will apply in its area and a decision is required to be made by full Council under Section 11A and 11B of the Local Government Finance Act 1992.
- 4.2 Once determined, the resolution of the Council will need to be published in at least one local newspaper(s) within 21 days of the decision.
- 4.3 Should the Council at any time wish to vary or revoke a decision to impose any type of premium this can be done at any time before the beginning of the financial year to which it would apply.

## 5.0 Caseload

### 5.1 Figures taken from the CTB1 as at 03.10.2022 (annual government return)

Premium's currently charged on Empty properties (residents already paying this would not see a change):

Premium	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Total
100% More than 2 years but less than 5 years	13	11	10	11	7	5	1	0	58
200% More than 5 years but less than 10 years	5	1	2	2	1	1	1	0	13
300% More than 10 years	1	1	2	0	1	0	0	0	5
<b>Total</b>	<b>19</b>	<b>13</b>	<b>14</b>	<b>13</b>	<b>9</b>	<b>6</b>	<b>2</b>	<b>0</b>	<b>76</b>

### 5.2 Properties currently empty between 1 year and less than 2 years would now pay the 100% premium charge on top:

	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Total
Empty properties	33	30	26	26	16	13	10	0	154

### 5.3 Second homes (no one's sole or main residence and furnished) currently paying a full charge and would be subject to the 100% premium charge on top:

	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Total
Second homes (Class A & B)	329	448	641	584	344	177	147	17	2,687

## 6.0 Potential additional Council Tax Income

6.1 If agreed a 100% premium would apply to the 2,687 second homes. Assuming these numbers remain and based on this year's average Council Tax charge this has the potential to generate circa £5.7m additional Council Tax. As Council tax is shared across all preceptors, East Devon would retain 7% equating to approximately £399K. The majority of this additional revenue would go to Devon County Council who retains 73%

6.2 Changing when the empty homes premium applies from 2 years to one year would impact those empty properties shown in paragraph 2.2. Again assuming that these numbers remain and based on this year's average Council Tax charge this has the potential to generate circa £317K additional Council Tax. East Devon retains circa £22K.

## 7.0 Requirements

7.1 The following are conditions that will need to be met once the provisions becomes law in order to apply these recommendations from 1 April 2024:

- A resolution is to be made by full Council by 31 March 2023.
- One year's notice will need to be given meaning that the changes to the charge would start from 01.04.2024
- A notice of the decision will need to be published within 21 days of it being taken in at least one local paper
- Should the council wish to vary or revoke a decision for any type of premium this would need to be done in the year prior to the change and cannot be revised in year
- We would need to comply with any exceptions that the Secretary of State prescribes. Currently these are homes that are empty due to the occupant living in armed forces accommodation for job-related purposes, or to annexes being used as part of a main property.

## **8.0 Other considerations - Avoidance**

- 8.1 Members have previously raised concerns over the increasing number of properties being used as holiday lets (Airbnb, etc) and whether the application of a second home premium might encourage Council Tax "avoidance", for instance transferring the property to business rates.
- 8.2 Currently, properties that are available to let for more than 20 weeks (140) days can be rated as a business by the Valuation Office Agency (VOA). Being business rated can be financially advantageous where they would be entitled to claim up to 100% Small Business Rate Relief (subject to meeting eligibility rules) which mean they don't pay anything. From April 2023 the government are introducing new rules in relation to the rating of holiday lets which will be managed by the VOA. The new eligibility rules mean that in order to be business rated the property must be (all of the following):
- available for letting commercially (with a view to making a profit) for short periods. These short periods must total 140 days or more in the previous, and in the current year.
  - Actually let commercially for 70 days or more in the previous 12 months.
- 8.2 Although the new eligibility rules come into force on 1 April 2023, for assessment purposes the VOA will look at letting information from the previous operating year.
- 8.3 This means that unless the business can meet these new eligibility rules then they will cease to remain business rated and be subject to Council Tax.
- 8.4 Another concern that has been mooted is that a person registers as living at the property in order to avoid the second homes charge and at the same time claim single person discount. For example a couple who own a second home may claim that they are living separately and are single occupants of each respective property. We will be reviewing our procedures and updating our online forms to make it clear that this isn't allowed as liability is determined on sole and main residence. We will also be reviewing the wording of our declarations regarding providing false information. The Council also has existing mechanisms in place for checking the circumstances giving rise to any discount or relief claimed. In addition, we can also impose financial penalties where incorrect information has been provided. Also, if false information is provided then the council can consider taking action under the Fraud Act.

---

## **Financial implications:**

The financial details are outlined in the report. This additional income would be extremely welcomed to put towards this Council's future budget gap and that of the other preceptors, particularly Devon County Council.

## Legal implications:

The recommendations set out within this report are subject to the Levelling Up and Regeneration Bill receiving Royal Assent. There will need to be a review of the legal position once it becomes law in conjunction with any relevant guidance issued by the Secretary of State to ensure the resolution remains appropriate.

## Appendix 1

The Council currently has discretionary powers relating to the following situations:

- (a) Second homes (premises which are no-one's sole or main residence but are furnished);
- (b) Unoccupied and substantially unfurnished premises;
- (c) Unoccupied and substantially unfurnished premises which require or are undergoing structural repairs;
- (d) Premiums where premises have been unoccupied and substantially unfurnished for a period of 2 years or more.
- (e) The ability to award a discretionary discount based upon the situation the resident finds them self or something that has affected the property (such as flooding)

The current situation:

	Current policy
Second Homes No one's sole or main residence and which is substantially furnished 28-day planning restriction (Class A) Or no planning restriction (Class B)	0% discount
Class C Unoccupied dwelling with is substantially unfurnished	100% discount for 3 months only after which a full charge applies
Class D structural repairs (unoccupied and substantially unfurnished) (Maximum 12 months)	50% discount for 12 months (or up to six months after the completion of works, to the maximum twelve month period)
Premium - Dwellings which are unoccupied and substantially unfurnished (Empty dwellings premium) After 2 years up to 5 years of becoming empty.	100% premium
Premium - Dwellings which are unoccupied and substantially unfurnished (Empty dwellings Premium) Dwellings empty between 5 years and up to 10 years	200% premium
Premium - Dwellings which are unoccupied and substantially unfurnished (Empty dwellings Premium) Dwellings empty for 10 years or more	300% premium

Where a premium applies it is charged in addition to the standard 100% charge so for example if a 100% premium applies a 200% charge will be due.

Report to: Cabinet



Date of Meeting 4 January 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## Approval on the proposals to vary and discharge the Public Spaces Protection Orders 2023

### Report summary:

To seek 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

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

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 this report.

### Reason for recommendation:

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.

Officer: Sally Webster, PEHO, Environmental Protection, [swebster@eastdevon.gov.uk](mailto:swebster@eastdevon.gov.uk)

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

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

## **Equalities impact:** Medium Impact

The need for appropriate dog controls throughout the district is necessary in order to encourage responsible dog ownership because problems with poorly controlled dogs can impact on other members of the public using open spaces.

The need to manage anti-social behaviour impacting on members of the public whilst balancing the needs of particular groups such as the homeless, so the PSPO does not disadvantage them in accessing resources.

## **Climate change:** Low Impact

**Risk:** Low Risk.; The consultation is a requirement of the Act and is necessary in order to create the required orders. Failure to complete this process will mean that previously held powers will be removed when the current PSPOs reach three years. There is a risk that any decisions made can be formally challenged.

## **Links to background information** Anti-Social Behaviour Crime and Policing Act 2014

<http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted/data.htm> Home Office Statutory

Guidance on the Act July 2014

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/352562/ASB\\_Guidance\\_v8\\_July2014\\_final\\_2\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf)

## **Link to Council Plan**

Priorities (check which apply)

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

---

## **Report in full**

1. A Public Space Protection Order (PSPO) is a tool under the Anti-Social Behaviour, Crime and Policing Act 2014 which is intended to deal with a particular nuisance or problem affecting a specified area that is detrimental to the local community's way of life. They could be used for a wide range of problems. The area may be as small as a play park or as large as the district of the local authority as a whole.
2. A PSPO can be made by the council if it is satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space:
  - Have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;

And that the effect or likely effect of the activities:

- Is or is likely to be persistent or continuing in nature;
- Is or is likely to be unreasonable and
- Justifies the restrictions imposed.

3. Byelaws are local laws which can be introduced by the Council to implement requirements in a specified area. Sanctions for contravention of a byelaw would be through conviction in a magistrate's court. A Public Space Protection Order is preferable to control certain anti-social behaviour as contravention can be dealt with more efficiently by issuing a fixed penalty notice (a civil sanction) instead of or prior to, prosecution in a magistrates court. In addition, a Public Space Protection Order is in place for maximum of three years before review and so can be amended to respond to specific local issues.

4. Existing dog controls were transferred from Dog Control Orders into Public Spaces Protection Orders in 2017; this was a requirement on local Councils.
5. PSPOs may be used to control a range of activities where there is evidence of detriment. As previously noted PSPOs are time limited to three years. The current East Devon PSPOs are due to expire in May 2023 so we have carried out a review of and consultation on the existing orders, assessing if they are still likely to be required and proposed amendments where considered appropriate.
6. The current PSPO covers:
  - Control of Dogs – continuing the existing whole district requirements to clear up after dogs, keep dogs on leads in specified places and designate some areas where dogs are not allowed, to walk no more than six dogs at any one time, and a requirement for dog(s) to be kept on a lead when asked by an authorised officer.
  - Seashores and Promenades – to amend the seasonal dog exclusions, update dog on lead areas and to continue to prohibit the feeding of seagulls on the town beaches and promenades.

A table of proposed changes with justifications is included in Appendix 1. The recommended changes have been proposed following internal consultation with relevant Council teams and Council members and external public consultation. Some key points that underpin the consultation process are:

- It was proposed in the public consultation to remove the requirement to keep dogs on leads whilst on or adjacent to the highway as it could be considered that a targeted approach is more suitable to deal with irresponsible dog owners and there are other powers available under the ASB, Crime and Policing Act 2014 to address this issue.
- The Council has received a number of requests from dog walkers to be allowed to exercise their dogs on the beaches in the summer during the early morning or later evening when the beaches are cooler and quieter for residents and people visiting the area to exercise their dogs
- Analysis of complaints received concerning dogs on the exclusion areas indicate that the majority of the complaints relate to a breach of the current PSPO rather than specific anti-social behaviour caused by the dog owners, such as fouling or nuisance behaviour of the dogs.
- Time limits apply on beaches within Cornwall and feedback from Cornwall Council has indicated that they received fewer complaints concerning dog nuisance and fouling on the beaches and dogs being on the beach during the banned times. They also commented that they were able to target their limited resources in hot spot areas based on local intelligence and this enabled more successful enforcement. Many of Cornwall's beaches are also dog accessible all year round, whilst EDDC are still proposing to retain dog ban areas on all of our beaches during May to Sept.
- Dorset Council are another local council who have also relaxed dog controls on some of their beaches from January 2021 and they now have seasonal exclusions on some beaches and others are dog accessible all year round, enabling residents and visitors to use the beaches as appropriate to their needs.
- The Environmental Protection Team have undertaken patrols of the beaches this summer, providing information and education to those found in the dog exclusion areas and the majority of those spoken to and asked to leave the beaches were found to be local residents who were fully aware of the restrictions. Any changes to the PSPO will be disseminated to the public and signage will be reviewed before May 2023 and we will robustly enforce the PSPO with the use of Fixed Penalty Notices to reinforce the requirements.

It should be noted that consideration is being given to the introduction of a further PSPO in relation to the banning of BBQ's and fires on the beaches and other Council owned land. This PSPO will be separate to the PSPOs being considered during this review period and a separate Cabinet report will be presented by Streetscene who are leading on this PSPO. Consideration may also be given to the use of Chinese Lanterns on beaches during the consultation of the new PSPO.

With regard to the possible introduction of a PSPO in respect of the slipway access and parking issues at Imperial Recreation Ground, it has been noted that the issues are predominately around the impact of cars on the SSSI and Special Protection area for wildlife (damage to substrate, leaching oil). The Home Office Guidance relating to PSPOs emphasises that this tool should be used to reduce impact of anti-social behaviour on communities and individuals, rather than wildlife as appears to be currently the case. In order to proceed with a PSPO the Council would have to be satisfied that it met the test that the behaviour is unreasonable, persistent, and justifies the restrictions. Further consideration will also need to be given to which council officers would be responsible for the enforcement of such a PSPO. It is therefore not considered appropriate to pursue a PSPO in respect of this issue within this review period but if further evidence is produced detailing the effects on the community, it can be reconsidered in the future.

7. The PSPOs will remain in force for 3 years at which point they will be reviewed, amended and renewed as appropriate.
8. A person observed not to be complying with the PSPO is liable to receive a fixed penalty notice, which can be up to £100, but has been set at £80 which was the same as the previous dog control orders. However, it is proposed to increase this to £100 to bring EDDC enforcement in line with neighbouring councils. A number of council officers and police officers are authorised to enforce the requirements of the orders.
9. There is a requirement in the legislation for interested parties to be consulted about the proposals. Consultees included all district councillors, town and parish councils, affected landowners, Devon County Council, Devon and Cornwall Police and the Police and Crime Commissioner. There was a press release drawing attention to the web-based consultation, with paper copies available on request. There was also the opportunity for members of the public to comment, in writing, by emailing [pspoconsultation@eastdevon.gov.uk](mailto:pspoconsultation@eastdevon.gov.uk) or by post to Environmental Health.
10. The consultation period was 10<sup>th</sup> October to 20<sup>th</sup> Nov 2022 and the Council received a total number of 639 representations from the public, Parish and Town Councils and other interested bodies.
11. Use this link to the current PSPO's , for further reference , [Public Spaces Protection Orders - Dog control, seashore and promenades public spaces protection orders \(PSPOs\) - East Devon](#)
12. In addition to the email responses received, a petition was received from a resident, in which they had asked people whether they were in favour of the change in the current PSPO to allow dogs on the beaches before 09:00 and after 18:00. There were a 123 responses, of those 11 were duplicated, in that those individuals had already made comment via email so these have been discounted from the petition. 108 people signed the petition in favour of the changes to the timings of the dog exclusion on beaches and 4 people signed the petition against the changes.

### **Changes to The Control of Anti-Social Behaviour & the Consumption of Intoxicating Substances in Exmouth and Sidmouth PSPO.**

13. This order relates to a number of designated streets in Exmouth and Sidmouth where certain controls have been needed at the request of Devon and Cornwall Police in order to enable them to manage behaviours. The streets included are those where there have been particular problems in past years. Although only low numbers of fixed penalty notices have been served under this order since its introduction in 2017, the ability to use the power to move individuals on and remove containers of alcohol is implemented weekly by the police. The businesses from the local area of the Strand, Exmouth ring on a weekly basis to report street drinking and anti-social behaviour during warmer weather, which the police respond to and deal with. The PSPOs are already in existence in a number of central streets in Exmouth and the variation which extended it in 2021 to cover the area linked to the beach, this allows authorised officers to deal with individuals by way of fixed penalty notices for:

- i. Possessing intoxicating substance including alcohol.
- ii. Urination and defecation within a street or public place.
- iii. Aggressive requests for money.
- iv. Anti-Social Behaviour causing Intimidation, harassment, alarm or distress.

14. The PSPO in Sidmouth was created to deal with the issues around the streets linked to The Night club and Pubs which formed the Evening and Night time economy for the locality and allowed authorised officers to deal with individuals by way of fixed penalty notices for:

- i. Possessing intoxicating substance including alcohol.

15. The PSPOs will remain in force for 3 years at which point they will be reviewed, amended and renewed as appropriate.

16. A person observed not to be complying with the PSPO is liable to receive a fixed penalty notice which can be up to £100 but has set at £80. However, it is proposed to increase this to £100 to bring EDDC enforcement in line with neighbouring councils. A number of council officers and police officers are authorised to enforce the requirements of the orders.

17. There is a requirement in the legislation for interested parties to be consulted about the proposals. Consultees included all district councillors, town and parish councils, affected landowners, Devon County Council, Devon and Cornwall Police and the Police and Crime Commissioner. There was a press release drawing attention to the web based consultation, with paper copies available on request, and there was also be an opportunity for members of the public to comment by emailing or writing to the Environmental Health team.

18. The consultation period was between 10<sup>th</sup> October to 20<sup>th</sup> November 2022.

19. A table of Proposed Changes and Consultation Responses and Recommendation are shown in Appendix 1.

20. In addition to the original proposals, other issues were raised through the consultation process. These are shown in Appendix 2 with associated recommendations.

#### 21. Timetable

w/c 10/10 – 20/11	Public Consultation period
w/c 21/11 – 10/12	Review of Public Consultation responses
	Legal Services instructed to review drafts and amend as necessary
12/12	Report to Democratic Services for inclusion into Cabinet meeting on 4/1
22/2/23	Full Council meeting to ratify and sign off final PSPO's Legal Services instructed to seal and sign PSPOs
5/23	Implementation of amended PSPOs

---

**Financial implications:**

There are no identifiable financial implications, however should there be Financial resource requirements then these would be funded from the individual Service budgets.

**Legal implications:**

The minor changes and variations proposed in the renewal of the PSPOs are acceptable within the provisions of s59 of the ASB Crime and Policing Act 2014, and require no further comment at this stage.

## **Appendix 2. Additional Requests for other areas to be included in the Dog Control PSPO**

<b>Request</b>	<b>Recommendation</b>
All Hallows Playing Fields – requests from the public to have a dog exclusion for the playing fields to reduce dog fouling, particularly on the rugby pitches.	<b>Recommend this is approved</b>
Kilmington Playing Fields request: No dogs in the Play Area and Dogs on Leads for the field area to reduce dog fouling in these areas,	<b>Recommend this is approved</b>
Axe Yacht Club request the Boat and Carpark area is considered for Dogs on Leads restricted.	<b>Recommend this is approved</b>

## Appendix 1. Table of Proposed Changes, Consultation Responses and Recommendations

Proposed change	Justification	Consultation Response	Public Comments	Officer Comment	Recommendation
<p><b>Dog(s) on lead on roads and pavement</b></p> <p>Removal of this requirement across East Devon.</p>	<p>The Environmental Protection team (and other authorised officers) can use other powers available under the Anti-social Behaviour, Crime and Policing Act 2014 to deal with irresponsible dog ownership. Powers, such as a Community Protection Notice, can be used to place restrictions or positive requirements upon the owner.</p>	<p>The majority of the public responses (78%) were against this requirement being removed from the PSPO.</p> <p>94 respondents objected to the proposal.</p> <p>20 respondents supported the proposal.</p> <p>Cranbrook Town Council supports the proposal.</p> <p>Devon &amp; Cornwall Police have no objection to the proposal.</p> <p>Exmouth Town Council objected to the proposal.</p>	<p>The perception from the public was that this would lead to an increase in dogs being walked off lead causing further problems such road traffic accidents and dog attacks.</p> <p>One respondent commented "All dogs should be on leads in public spaces at all times."</p>	<p>Whilst there are relatively few complaints regarding this issue and there are alternative powers, it is clear that the majority of consultees would want to see this requirement retained.</p>	<p><b>Recommend that the proposal is rejected.</b></p>
<p><b>No more than six dogs to which a person may take onto the land</b></p> <p>Exemption to be applied for certain</p>	<p>This will enable owners of working dogs to continue their activities without breach of the Order.</p>	<p>The public response, 62% was against the inclusion of the exemption. The objections related to the use of trail hunt dogs. The public response, 62% was against</p>	<p>I am really concerned about all the hunt hounds up and down the country being allowed on roads</p> <p>I've seen countless footage of hunts blocking the roads</p>	<p>Although there was a majority against this change there was a small overall response. This exclusion should have been included in</p>	<p><b>Recommended that this change is accepted.</b></p>

<p>working dogs i.e. those involved in law enforcement, military duties, statutory emergency services and search/rescue and those using a working dog(s) for agricultural activities.</p>		<p>the inclusion of the exemption.</p> <p>11 respondents supported the proposal.</p> <p>18 respondents objected to the proposal. Particular reference was made to hunt hounds within all the objections.</p>	<p>with horses, quad bikes and dogs. It's so dangerous for all concerned it's madness</p>	<p>the original 2017 and subsequent 2020 Orders to allow working dogs to be exempt. This is in line with other Councils PSPO's. For this reason the recommendation is to accept.</p>	
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

### Dog on Lead Areas

<p>Inclusion of this requirement within the area occupied by food and drink outlets at Queens Drive Space, Queens Drive, Exmouth</p>	<p>This is an enclosed space with food and drink outlets and customer seating available. A Dog on Lead requirement will ensure that dogs are kept under close control near to their owners.</p>	<p>The public response, 79% was in favour of this change</p> <p>15 respondents supported this proposal.</p> <p>4 respondents objected to the proposal.</p>			<p><b>Recommend the change is approved</b></p>
<p>Removal of this requirement at The Glen, Honiton</p>	<p>This is an open green space close to residential areas within Honiton. Removal of the Dog on Lead requirement will provide an additional dog exercise space within the locality.</p>	<p>The public response, 62% was in favour of this change</p> <p>13 respondents supported the proposal.</p> <p>8 respondents objected to the proposal.</p> <p>Honiton Town Council supports the proposal.</p> <p>Devon &amp; Cornwall Police have no objection to the proposal.</p>	<p>In The Glen, signage is inadequate. It is far from clear where dogs are expected to be kept on leads.</p>		<p><b>Recommend the change is approved.</b></p>

<p>Change of wording from 'Candys field play area' to 'Candy's field children's play area'.</p>	<p>Clearer description of where Order applies.</p>	<p>No responses received</p>			<p><b>Recommend the change is approved.</b></p>
<p><b>Dog Exclusion Areas</b></p>					
<p>Inclusion of this requirement at the events area at Queens Drive Space, Queens Drive, Exmouth</p>	<p>This is an enclosed area which is often used for community events.  A Dog Exclusion area will ensure that dogs do not come into close proximity to equipment or people using the space.</p>	<p>The public response, 82% was in favour of this change.  14 respondents supported the proposal.  3 respondents objected to the proposal.</p>			<p><b>Recommend the change is approved</b></p>
<p>Removal of this requirement at Londinium Way play park, Rockbeare</p>	<p>This play park is now called Southbrook Meadow play area and is already covered by the Order.</p>	<p>No responses received</p>			<p><b>Recommend the change is approved</b></p>
<p><b>Fixed penalty notice</b>  The fixed penalty notice offered to a person enabling discharge of liability for a conviction (for breach of Order) to be increased from £80 to £100</p>	<p>The Anti-social Behaviour, Crime and Policing Act 2014 enables the amount payable to be no more than £100.  This quantity is in line with fines used by other local authorities.</p>	<p>The public response, 96% was in favour of this change  22 respondents supported the proposal.  1 respondent objected to the proposal.  Cranbrook Town Council supports the proposal.</p>			<p><b>Recommend the change is approved</b></p>

**Changes to the Seashores and Promenades Public Spaces Protection Order.**

Proposed change	Justification	Consultation Response	Public Comments	Officer Comment	Recommendation
<b>Dog on Lead Areas</b>					
<p>Inclusion of a new requirement covering the esplanade at Exmouth beach.</p> <p>The wording will state 'The esplanade adjacent to the beach between Mamhead slipway and the cliffs at Orcombe point'.</p>	<p>This requirement will be in line with other esplanades at East Devon beaches.</p>	<p>The public response, 83% was in favour of this change</p> <p>29 respondents supported the proposal.</p> <p>6 respondents objected to the proposal.</p> <p>Devon &amp; Cornwall Police have no objections to the proposal.</p>			<p><b>Recommend this change is approved.</b></p>
<p>Change of wording for this requirement and inclusion of grass area covering the esplanade at Budleigh Salterton.</p> <p>To be changed from 'The promenade between the outfall opposite South Parade in the west and a point opposite Lime Kiln in the east' to 'The esplanade and</p>	<p>Clearer description of where the Order applies.</p>	<p>The public response, 79% was in favour of this change</p> <p>15 respondents supported the proposal.</p> <p>4 respondents objected to the proposal.</p>			<p><b>Recommend this change is approved.</b></p>

<p>grass area adjacent to the beach between South Parade and Lime Kiln car park’.</p>					
<p>Change of wording and extent of this requirement covering Sidmouth.</p> <p>To be changed from ‘The esplanade between the west end of the beach huts at Jacobs Ladder and the eastern facing access ramp opposite Ham Lane in the east’ to</p> <p>‘The stepped area in front of the beach huts at Jacobs Ladder, and the esplanade adjacent to the beach between Jacobs Ladder to the last access ramp onto the beach at the turning circle</p>	<p>Clearer description of where the Order applies.</p>	<p>The public response, 83% was in favour of this change</p> <p>15 respondents supported the proposal.</p> <p>3 respondents objected to the proposal.</p>			<p><b>Recommend this change is approved.</b></p>

<p>Removal of this requirement at Beer Beach:  'Beer beach from a point immediately below Charlie's Yard in the west to the last beach hut in the east from 1st May to 30th September every year'.</p> <p>Inclusion of the following requirement at Beer Beach:  From the bottom of Sea Hill to the beach café within the Dog Exclusion area'.</p>	<p>To bring Beer Beach in line with other beach requirements within East Devon.</p> <p>Introduction of this requirement enabling access to the beach café which is situated within the Dog Exclusion area.</p>	<p>53% of respondents were against this change.  15 respondents supported this proposal.  17 respondents objected to this proposal.</p> <p>The public response, 89% was in favour of this change  16 respondents supported this proposal.  2 respondents objected to the proposal.</p>		<p>It should be noted that this proposal has been included to ensure consistency of the beach requirements for all the beaches in East Devon.</p>	<p><b>Recommend approval of this change.</b></p> <p><b>Recommend this change is approved.</b></p>
<p>Change of wording and extent of this requirement at Seaton Beach.</p> <p>To be changed from 'West Walk between The Chine and Castle Hill' to 'The esplanade, from the</p>	<p>Clearer description of where the Order applies.</p>	<p>The public response, 94% was in favour of this change  16 respondents supported the proposal.  1 respondent objected to the proposal.</p>			<p><b>Recommend this change is approved</b></p>

<p>Chine (including West Walk) to Trevelyan Road'.</p> <p>Removal of the requirement on 'The walkway adjacent to the beach between Castle Hill and Trevelyan Road between 1st October and 30 April every year'. Changed to a year round Dog on Lead requirement.</p>	<p>This will enable a year round Dog on Lead requirement along the esplanade between the Chine and Trevelyan Road. This is in line with other esplanades across East Devon.</p>	<p>The public response, 76% was in favour of this change</p> <p>22 respondents supported the proposal.</p> <p>7 respondents objected to the proposal.</p> <p>Devon &amp; Cornwall Police have no objection to this proposal.</p>			<p><b>Recommend this change is approved</b></p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	--	-------------------------------------------------

**Seasonal Dog Exclusion Areas**

<p>Change of wording for this requirement at Exmouth Beach. To be changed from 'The beach between a point opposite the Octagon in the west and the second groyne before Orcombe Point in the east' to 'The beach between the Octagon café to the second groyne before Orcombe Point'.</p>	<p>Clearer description of where the Order applies.</p>	<p>The public response, 87% was in favour of this change</p> <p>13 respondents supported the proposal.</p> <p>2 respondents objected to the proposal.</p>			<p><b>Recommend this change is approved.</b></p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------	--	--	--------------------------------------------------

<p>This requirement to apply between the hours of 09.00 and 18.00 during the summer season (1 May and 30 September).</p>	<p>This will enable individuals to walk their dogs during the early morning and evening when the beach is quieter.</p> <p>Environmental Health complaint records for 2020, 2021 and 2022 indicate that complaints related to presence of dogs within the dog ban area, rather than presence of dogs within the dog ban area causing incidents of dog fouling or dogs running loose and out of control.</p> <p>Recruitment of a Dog Enforcement Officer in September 2022. This will enable continuation of beach patrols and enforcement.</p>	<p>The majority of the public who responded by email were against this proposal, 52%.</p> <p>189 respondents supported the proposal.</p> <p>209 respondents objected to the proposal.</p> <p>Exmouth Town Council objects to the proposal.</p> <p>Devon and Cornwall Police object on the grounds that they consider 18:00 to be too early and recommend a later time be considered.</p>	<p>As a regular walker on beaches (both with and without dogs) and a litter picker I can confirm that by far and away the biggest problem in beaches is general human litter. In my experience it is very rare to encounter dog mess that has not been cleared away at any time of year.</p> <p>One factor that needs to be addressed regarding the proposals to change the Public Spaces Protection Order (PSPO) covering dog control, is the Blue Flag status of Exmouth Beach. One of the criteria for the Blue Flag awards is no. 23 (from BLUE FLAG BEACH CRITERIA AND EXPLANATORY NOTES 2021, KEEP BRITAIN TIDY)</p> <p>Best to keep them off all beaches during the said time period. Full stop.</p> <p>On the contrary all dogs should be banned at all times from beaches for the</p>	<p>The majority of the public who responded by email were against this proposal, 52%. However should the petition responses be included, this will change the responses to a majority approval of 58% for the changes.</p> <p>It should be noted that the Town Council were not in favour of this change.</p> <p>There were several requests from the public to extend this area from Orcombe Point to the Lifeboat station due to the dog exclusion area being restricted at high tide.</p> <p>Consideration must be given to the Blue Flag status of the beach which will only be maintained if the following is approved;</p> <p>Dogs will only be allowed on Exmouth Beach before 09:00 and 18:00 between May and September.</p>	<p><b>Recommend this proposal is NOT approved.</b></p>
--------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------

			sake of human health and wildlife welfare!	<p>This will mean the removal of the dog exclusion area for dogs on Exmouth beach .</p> <p>Taking into consideration the Blue Flag status of Exmouth Beach and the opposition of the Town Council who are representatives of Exmouth residents, officers recommend this proposal is <b>NOT</b> approved.</p>	
<p>Change of wording for this requirement at Budleigh Salterton Beach. To be changed from 'The beach between the outfall opposite South Parade in the west and a point opposite Lime Kiln in the east' to 'The beach between South Parade and Lime Kiln car park'.</p> <p>This requirement to apply between the hours of 09.00 and</p>	<p>Clearer description of where the Order applies.</p> <p>As previously stated.</p>	<p>The public response, 92% was in favour of this change</p> <p>12 respondents support the proposal.</p> <p>1 respondent objected to the proposal.</p> <p>Budleigh Salterton Town Council support the proposal.</p> <p>The majority of the public who responded by email, 52% were against this</p>	<p>It is my belief that dog-owners already have far more access to our lovely beaches than they deserve,</p>	<p>It should be noted that Budleigh Salterton</p>	<p><b>Recommend this change is approved.</b></p> <p>If members are minded to give weight to the</p>

<p>18.00 during the summer season (1 May and 30 September).</p>		<p>proposal, however should the petition responses be included, this will change the responses to a majority approval for the changes</p> <p>143 respondents support the proposal.</p> <p>156 respondents object to the proposal.</p> <p>Budleigh Salterton Town Council object to the proposal.</p>	<p>and they do not mix well with families that come to our lovely beaches for their holidays.</p> <p>My suggestion would be that dogs are welcome on the beach at all times in all areas whilst on a lead.</p>	<p>Town Council object to the proposal.</p>	<p>opposition of Budleigh Salterton Town Council as representative of residents, officers <b>recommend the proposal is NOT approved.</b></p>
<p>Change of wording and extent of this requirement at Sidmouth Beach.</p> <p>To be changed from 'The beach between a point 100 metres to the west of Jacobs Ladder and the eastern facing access ramp opposite Ham Lane in the east' to 'The beach between Jacobs Ladder and the access ramp opposite Sidmouth Sailing and Sea Angling Club.</p>	<p>Clearer description of where the Order applies.</p> <p>The removal of the dog exclusion area between Jacobs Ladder and the section of the beach 100 metres to the west will enable dog owners to exercise their dogs along the full extent of the beach, and will remove requests to walk their dogs on a lead next to the cliffs for reasons of public safety.</p>	<p>The majority of the public opposed this change, 60%.</p> <p>39 respondents support the proposal.</p> <p>59 respondents object to the proposal.</p>	<p>We would also ask you to consider opening up another section of the Sidmouth beach in the summer during the day time as the section by the sailing club is very small and you have lots of activity with boats being launched, winches and fishermen and their rods.</p> <p>On Sidmouth beaches the area for use by dog owners in the summer is largely limited to Fishermans Beach (Port Royal). Walking along the pebbles for over 100 metres past Jacob's Ladder is</p>	<p>Although there is a majority of those who have responded, consideration should be given to the health and safety implications of requiring dog walkers to walk under cliffs to access the dogs allowed area of the beach.</p>	<p><b>For this reason, officers recommend the change is approved.</b></p>

<p>This requirement to apply between the hours of 09.00 and 18.00 during the summer season (1 May and 30 September).</p>	<p>As previously stated.</p>	<p>The majority of the public who responded by email, 57% were against this proposal, however should the petition responses be included, this will change the responses to a majority approval of 56% for the changes.</p> <p>153 respondents support the proposal.</p> <p>203 respondents object to the proposal.</p>	<p>impossible for anyone with mobility problems. In view of this I would like to propose that the "dog friendly area" is extended from Fisherman's Beach along to the second set of rock groynes.</p> <p>As we have 5 beaches in Sidmouth I think it is very reasonable to make the beaches at either end available dogs and their owners and would suggest keeping the three in the middle totally dog free.</p> <p>The changing of the time restriction is a good idea, but 9am is too early. 10am is more realistic and most families go down to the beach late morning. Ask the kiosk owner at Jacobs ladder, who rarely opens before eleven.</p>	<p>Consideration must be given to the Blue Flag status of the beach which will only be maintained if the following is approved;</p> <p>Dogs will only be allowed on Sidmouth Beach before 09:00 and 18:00 between May and September.</p> <p>This will mean the removal of the dog exclusion area for dogs on Sidmouth beach .</p> <p>Taking into consideration the Blue Flag status of Sidmouth beach, officers recommend that this proposal is <b>NOT</b> approved.</p>	<p><b>Taking into consideration the Blue Flag status of Sidmouth beach, officers recommend that this proposal is NOT approved.</b></p>
<p>Change of wording and extent of this requirement at Beer Beach. To be changed from 'Beer beach from a point immediately below Charles Yard in the</p>	<p>Clearer description of where the Order applies. Introduction of dog on lead requirement enabling access to the beach café which is situated within the Dog Exclusion area.</p>	<p>The majority of the public who responded 53%, opposed this change.</p> <p>15 respondents support the proposal.</p>		<p>Although 53% of respondents have objected to this proposal, officers would <b>recommend</b> approval to provide clarity to the Order and facilitate</p>	<p><b>Recommend approval of this proposal.</b></p>

<p>east extending in a westerly direction for 200m' to 'Beer beach from a point below the access path at Sea Hill onto the beach to the edge of the cliffs in the west, excluding the dogs on lead access to the beach café located within the Dog Exclusion area.'</p> <p>This requirement to apply between the hours of 09.00 and 18.00 during the summer season (1 May and 30 September).</p>	<p>As previously stated.</p>	<p>17 respondents object to the proposal.</p> <p>The majority of the public who responded by email were against this proposal 52%, however should the petition responses be included, this will change the responses to a majority approval of 61% for the changes.</p> <p>154 respondents support the proposal.</p> <p>164 respondents object to the proposal.</p> <p>Beer Parish Council objects to the proposal.</p>		<p>access to the Beach Café for dog owners.</p>	<p><b>If members are minded to give weight to the opposition of Beer Parish Council as representative of residents, officers recommend the proposal is NOT approved.</b></p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	-------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>Change of wording and extent of this requirement at Seaton Beach.</p> <p>To be changed from 'The beach between Castle Hill in the west and Trevelyan Road in the east, including the walkway adjacent to the beach' to 'The beach between Castle Hill and Trevelyan Road'.</p> <p>This requirement to apply between the hours of 09.00 and 18.00 during the summer season (1 May and 30 September).</p>	<p>Clearer description of where the Order applies.</p> <p>Removal of the Dog Exclusion requirement on the esplanade between Castle Hill and Trevelyan Road. This has been changed to a year round Dog on Lead requirement along the esplanade between the Chine and Trevelyan Road. This is in line with other esplanades across East Devon.</p> <p>As previously stated.</p>	<p>The majority of the respondents, 99% agreed with the change</p> <p>15 respondents support the proposal.</p> <p>1 respondent objects to the proposal.</p> <p>The majority of the public who responded by email were against this proposal 52%, however should the petition responses be included, this will change the responses to a majority approval of 61% for the changes</p> <p>141 respondents support the proposal.</p> <p>155 respondents object to the proposal.</p>	<p>In Seaton could we walk dogs up until 10am rather than 9am and 5pm rather than 6pm. There are very few tourists on the prom that early!</p> <p>My suggestion would be that dogs are welcome on the beach at all times in all areas whilst on a lead.</p>	<p>It should be noted that Seaton will be the sole beach in East Devon allowing times access to the whole beach area, officers</p>	<p><b>Recommend the change is approved</b></p> <p><b>Recommend this proposal is NOT approved.</b></p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------

			Extend the summer no go areas from Apr to Nov. With no exceptions or timings.		
Fixed penalty notice The fixed penalty notice offered to a person enabling discharge of liability for a conviction (for breach of Order) to be increased from £80 to £100	The Anti-social Behaviour, Crime and Policing Act 2014 enables the amount payable to be no more than £100. This quantity is in line with amounts used by other local authorities.	The majority of the respondents, 97% agreed with the change 35 respondents support the proposal. 3 respondents object to the proposal. Cranbrook TC support the proposal. Devon & Cornwall Police have no objection to the proposal.			<b>Recommend the change is approved</b>

**Changes and Consultation Responses to the Control of Anti-Social Behaviour and the Consumption of Intoxicating Substances in Exmouth and Sidmouth Responses**

<b>Proposed change</b>	<b>Justification</b>	<b>Consultation Responses</b>	<b>Public Comments</b>	<b>Officer Comments</b>	<b>Recommendation</b>
Removal of the Sidmouth area of the PSPO and then change of title to	The Local Devon & Cornwall Policing team covering Rural East Devon have outlined that the	60% of the respondents approved of the proposal.	Anti-Social Behaviours at The Ham, Sidmouth		<b>Recommend the proposal is approved.</b>

<p>“Control of Anti-Social Behaviour and the Consumption of Intoxicating Substances”</p>	<p>original PSPO was set up to deal with issues that were witnessed as a result of the Sidmouth night economy around the night club. The night club no longer exists and the police team who are the enforcement element have not made use of the Public Spaces Protection Order in recent years since the night club closure so it is proportionate to remove the control.</p>	<p>6 respondents support the proposal. 4 respondents object to the proposal. Devon &amp; Cornwall Police have no objection to the proposal.</p>	<p>This location, if not already, should be in the schedule of areas.</p>		
<p>Amalgamation of the Exmouth Areas from the Varied Public Spaces Protection Order 2021 and the 2020 ASB &amp; Intoxicating substances PSPO.</p>	<p>This will allow the Exmouth area governed by the PSPO to sit under one order which share the same control measures, by doing this it simplifies the PSPO process.</p>	<p>100% of respondents agreed with the proposal. 5 respondents support the proposal. There were no objections received from the public. Devon &amp; Cornwall Police have no objection to the proposal.</p>			<p><b>Recommend the proposal is approved.</b></p>
<p>Change "Intoxicating Substances" is given the following definition (which includes Alcohol and substances which are commonly referred to as 'legal highs'):</p>	<p>Psychoactive substances is a more appropriate phrase than 'legal highs'</p>	<p>No responses received from the public.</p>			<p><b>Recommend the proposal is approved.</b></p>

<p>"Substances with the capacity to stimulate or depress the human central nervous system" To</p> <p>"Intoxicating Substances" is given the following definition (which includes alcohol and 'new psychoactive substances'):</p> <p>"Substances with the capacity to stimulate or depress the human central nervous system"</p>					
<p>Change <i>"An authorised officer is permitted to ask people within a group to disperse immediately or by such time as may be specified. A person shall be guilty of an offence if they do not disperse away from that group of people."</i></p> <p>To <i>"An authorised officer is permitted to ask a Person or</i></p>	<p>The original action of moving away from that group gave no control over the distance moved and no control over the time that person needed to move from the area where ASB was being caused. This often lead to ASB reoccurring shortly after individuals being directed to move away. This new addition which is similar to Exeter City's PSPO and Torridge PSPOs gives</p>	<p>100%/5 respondents support the proposal, Devon &amp; Cornwall Police have no objection to the proposal.</p>			<p><b>Recommend the proposal is approved.</b></p>

<p><i>persons within this area who breach Prohibition (iv) shall when ordered to do so by an authorised person leave the area either immediately or by such time as may be specified and in such a manner as may be specified.</i></p> <p><i>The manner specified by the authorised person may include a requirement not to re-enter a defined zone within the PSPO area until a certain time, which shall be no later than 24 hours from the time that an authorised person orders a person to leave the area and or persons to disperse from that area.” A person shall be guilty of an offence if they do not disperse away and leave the area or fail to comply with the directions to not re-enter the specified</i></p>	<p>greater clarity of control of an area to reduce ASB and future escalation.</p> <p>Local Business in The Strand had started a petition for an Alcohol ban in The Strand. No other District Authority in the locality has an alcohol ban in place.</p> <p>This additional enforcement control alongside, specific targeting of off licensed premises to control the sale of alcohol has a similar affect to an Alcohol ban but more in line with this council and other local councils level of proportionate use of ASB Powers. Targeting those who’s drinking/behaviour has become anti-social affecting the local area and then dispersing them for a period allows for the ASB to disappear.</p> <p>This part of the control can also be used by Police to deal with the wider groups that support Anti social</p>				
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	--	--	--

<p>area until a certain time</p>	<p>driving by requiring them to move/disperse out of a defined area for a set period of time where their activity is causing Intimidation, Harassment Alarm or Distress.</p>				
<p>Include after “(iii) Aggressive requests for money A person shall be guilty of an offence if, at any time in a street or public open space, he makes unsolicited or unauthorised requests for money whether expressly requested or impliedly requested from persons not known to him.” “It would include behaviour’s such as: (1) clearly intimidating, i.e. through the use of threatening language or gestures, or (2) intimidating by being passive aggressive, such as standing or sitting in close</p>	<p>Aggressive requests for money is a continuing problem that occurs and putting some greater definition around this gives clarity for enforcement.</p>	<p>No responses received from the public.</p>			<p><b>Recommend the proposal is approved.</b></p>

<p>proximity (i.e. within 5 metres) of a cash machine or pay station either singularly or in a group of two or more i.e. where people expect privacy and/or feel vulnerable with their money, bank cards, wallets or purse on display.”</p>					
<p>Fixed penalty notice The fixed penalty notice offered to a person enabling discharge of liability for a conviction (for breach of Order) to be increased from £80 to £100</p>	<p>The Anti-social Behaviour, Crime and Policing Act 2014 enables the amount payable to be no more than £100. This penalty is in line with amounts used by other local authorities.</p>	<p>100%/10 respondents support this proposal. Cranbrook Town Council support the proposal. Devon &amp; Cornwall Police have no objections to the proposal.</p>			<p><b>Recommend the proposal is approved.</b></p>

Report to: Cabinet



Date of Meeting 4 January 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

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

### Report summary:

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.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

- (1) That Members recommend that the Luppitt Neighbourhood Plan be 'made'.
- (2) That Members note 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 Members congratulate Luppitt Parish Council and their Neighbourhood Plan Steering Group on all their hard work in developing the Plan.

### Reason for recommendation:

The Plan received a majority 'yes' vote in the neighbourhood area referendum, as required by the Regulations, and there is 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.

Officer: Angela King Neighbourhood Planning Officer. Email: [Aking@eastdevon.gov.uk](mailto:Aking@eastdevon.gov.uk), Phone: 01395 571740

Portfolio(s) (check which apply):

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

**Equalities impact** Low Impact

Neighbourhood Planning is designed to be inclusive and extensive consultation is a fundamental requirement. The Luppitt Parish Neighbourhood Plan has been the subject of significant consultation and engagement with the community, set out in a detailed Consultation Statement. All persons living in the parish have had the opportunity to be engaged in the Plan's production and all persons registered to vote in the area could vote in the referendum.

**Climate change** Low Impact

**Risk:** Low Risk; The only reason for the Plan not to be made now is if the Council consider that to do so would be incompatible with any retained EU obligation or any of the Convention rights within the meaning of the Human Rights Act 1998. There is a risk that should we take that decision it will be subject to legal challenge and that the Parish Council will feel disenfranchised that their right to produce a Neighbourhood Plan under the Localism Act has been prevented.

**Links to background information** [The Localism Act](#); [Plain English Guide to the Localism Act](#); [National Planning Policy Framework \(2021\)](#); [Neighbourhood Planning Regulations](#); [Neighbourhood Planning Roadmap Guide](#); [East Devon Neighbourhood Planning webpages](#); [Luppitt Parish Neighbourhood Plan webpage](#); [Luppitt Parish Neighbourhood Plan Referendum Version](#)

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

Priorities (check which apply)

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

**Report in full**

## **1.0 Luppitt Neighbourhood Plan Referendum**

1.1 On 24 November 2022, a referendum was held on Luppitt Neighbourhood Plan at Luppitt Village Hall from 7am to 10pm.

1.2 Voters were asked the following question:

"Do you want East Devon District Council to use the Neighbourhood Plan for Luppitt to help it decide planning applications in the neighbourhood area?"

1.3 The regulations advise that if more people vote 'yes' than 'no' in the referendum, East Devon District Council should use Luppitt Parish Neighbourhood Plan to help it decide planning applications in Luppitt Parish. The Plan once made (adopted) will then become part of the statutory development plan for the area.

1.4 In East Devon, the development plan currently consists of the East Devon Local Plan (2013-2031); the East Devon Villages Plan (adopted 2018); any made Neighbourhood Plan; the Devon Waste Plan (2011-2031); and the Devon Minerals Plan (2011-2033). A new Local Plan for East Devon is currently being prepared but this work is at an early stage. For this reason, it is the adopted Local Plan that the Neighbourhood Plan has been examined against, and found to be in general conformity with, in meeting the 'Basic Conditions' for a neighbourhood plan to be made.

1.5 The final results of the Luppitt Neighbourhood Plan referendum are shown below:

- Yes: 102
- No: 13
- Voter turnout: 29%
- In favour: 89%

1.6 The results show a clear majority in favour. The Cabinet must now consider whether it would be appropriate to make the Plan.

1.7 Once the Plan is formally made it will carry full weight in the planning decision making process. As part of the development plan, any planning applications in Luppitt Parish will be judged against the Neighbourhood Plan, as well as policies of East Devon District Council and also the National Planning Policy Framework. Effective application of the policies of the Plan will ensure that the hard work that has gone into its production will translate into the incorporation of local community expectations and aspirations within the decision making process.

1.8 The only reason for the Plan not to be made now is if Cabinet consider that to do so would be incompatible with any retained EU obligation or any of the Convention rights within the meaning of the Human Rights Act 1998. This has been considered during the examination process, where the Examiner expressed that they were satisfied that the Plan meets these obligations. Officer assessment is that the Council can be satisfied that the Plan meets the legal requirements. There are therefore not considered to be any grounds not to make the Plan.

## **2.0 Next Steps**

2.1 Following the decision whether or not to make the Plan, we will produce a decision notice for the Plan. This will detail the decision and reasons for it and where it may be viewed.

2.2 The decision notice will be publicised by:-

- publishing it on the neighbourhood planning pages of our website
- by sending a copy to the Plan producer and requesting that they notify those persons who live, work or carry on business in the neighbourhood area to which the Plan relates
- by notifying the 'consultation bodies' referred to in the consultation statement
- by advising:-
  - those adjoining authorities
  - anyone who asked to be notified of a copy of the decision
  - all those who made representations on the relevant plan

2.3 In conclusion, Members are now asked to approve the recommendation to enable the Plan to be formally 'made', in accordance with this report.

**Financial implications:**

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

**Legal implications:**

Following a majority vote in favour of the plan at referendum the Council must proceed to adopt (or 'make') the plan within 8 weeks of the referendum, unless in doing so it would be incompatible with any retained EU obligation or any of the Convention rights within the meaning of the Human Rights Act 1998. The Council has adopted a Screening Opinion, accepted by relevant statutory consultees, which confirms that there is unlikely to be a significant effect on the environment. As such a Strategic Environment Assessment (SEA) was not required. A Habitats Regulations Assessment (HRA) was not required. The Independent Examiner accepted the outcome of the screening assessment. The legal position is that the Council must now 'make' the Neighbourhood Plan as modified. As noted, once it had been made, the Luppitt Neighbourhood Plan will become part of the Development Plan for decision making on planning applications.

Report to: **Cabinet**

Date of Meeting 4 January 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



## **Member Development Working Party update**

### **Report summary:**

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.

At the meeting discussion included the following points:

- Members needed to be aware that some Committees are statutory and require Members to be fully trained before participating e.g. Planning and Licensing.
- Group Leaders needed to take into account whether Members had attended mandatory training when making appointments to statutory committees.
- Attendance at training which is mandatory could be published on the website.
- That various methods of delivering training could be offered.

Moving forward it was planned to develop a Members' Training Survey and a Training & Development Plan which would set out the training needed for members to fulfil their roles.

The Portfolio Holder for Democracy and Transparency, Cllr Jackson agreed to provide a further update report to the Scrutiny Committee towards the end of 2022, and following meetings of the Member Development Working Party during the year, to present a report to Cabinet in January 2023.

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

Budget Yes  No

Policy Framework Yes  No

### **Recommendation:**

**That Cabinet considers the content of the report and the draft Member Development Plan and agrees the recommendations set out in paragraphs 1 to 7 below.**

- (1) To adopt a Member Development Plan specifying mandatory elements of training which all members have to undertake.
- (2) The draft Member Development Plan, including the identified mandatory training elements, be recommended for adoption with such amendments / changes as the Cabinet consider appropriate.

- (3) That the Member Code of Conduct be revised so that 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. This will require a recommendation to Council as it is amending the Constitution. It is further considered that if this is agreed that paragraph 5.8.5.3 should be deleted as the penalty for not attending mandatory training would now be dealt with through Code of Conduct complaints.
- (4) That if the above is agreed, attendance at mandatory training would be uploaded to Member's Profiles on the EDDC website in September following an election, and would also 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.
- (5) That Members note a budget of £10k is available to deliver a phased Member Development Programme which would include mandatory and recommended elements.
- (6) 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.
- (7) To review and update content available on the website for prospective Council members, to include information about training expectations and support available.

### **Reason for recommendation:**

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

Officer: Sue Howl, Democratic Services Manager

---

Portfolio(s) (check which apply):

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

**Equalities impact** Low Impact

**Climate change** Low Impact

**Risk:** Low Risk; .

## Links to background information

[Member Development Working Party minutes of 27 October 2022](#)

[Members' Training Development survey Results](#)

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

Priorities (check which apply)

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

## Report in full

### 1. Introduction

The Member Development Working Party (MDWP) is a Panel within the terms of the Constitution, which can operate on a permanent or ad hoc basis, to assist Cabinet or any of the Overview and Scrutiny Committees on an advisory basis. It has met on a number of occasions when required, to consider and assist in the preparation for a forthcoming election and the training of new and returning Elected Members, but it may continue to have a role in monitoring and review or if further work was considered helpful on Member Development issues in general.

### 2. Members' Training Survey

Over recent months, the MDWP developed a Members' Training Survey which has been circulated to all EDDC members, covering all aspects of training and development, including induction and training post-election, ongoing training throughout the civic year if required, and to consider what might be helpful for those Cllrs elected mid-term via by-elections.

3. 20 out of 60 Cllrs completed the Survey or 33% of the total membership, but although limited to some extent by timescale and numbers participating, there was a lot of useful information collated. What seemed clear for more recently elected Cllrs was the sheer scale, variety and nature of what was involved in becoming a Cllr for the first time, and this provided challenges for a more diverse group of people who had commitments ranging widely from full-time employment and child-care amongst others as well as the practical logistics of travelling across a large rural district to undertake their Council duties.
4. It also seemed clear that greater demographic diversity meant that different types of training or development opportunities for Cllrs were required, and this had been highlighted throughout the pandemic when attending meetings and performing the role of a Cllr was necessarily undertaken more online and in a remote manner.
5. Many respondents of the Survey found induction training immediately after the last election was invaluable and that both formal and informal sessions where Cllrs could meet collectively with each other and with officers was helpful and informative. Although some referred to the Induction and Training Programme as their main guide or 'bible' for the first few weeks, the amount of information and time commitment required was also overwhelming at times and so a phased approach in future would be considered helpful.
6. For some respondents who had already served as Cllrs before the last election, training and development seemed to be regarded as marginal, with an existing knowledge and awareness of issues combined with other commitments and travelling regarded as having a major impact on their ability to attend sessions. However, those who did attend found the experience worthwhile, informative and enjoyable in terms of meeting colleagues, officers

and refreshing their knowledge. The benefits of updating previously learned knowledge or skills should be made clearer in future.

7. Methods of delivering training in future were considered, with a preference generally for more interactive sessions when possible, using practical examples, case-studies and 'what-if' scenarios, but acknowledging that delivery might be dependent on the subject. The use of recordings of sessions was considered helpful as a reference for those unable to attend sessions, as were hard copies to accompany the topic under consideration to enable members to read about what could be complex topics in advance, as well as a reference guide after the event.
8. Flexibility in whether training sessions would take place in person or be held virtually was considered possible and desirable, whilst acknowledging that some messages were best heard in person, for example, there would be clear benefits for Cllrs to meet Senior Management Team members to talk about the roles and responsibilities of Cllrs and for Cllrs to come together as a collective early on.

### **9. Mandatory training**

In the run up to the 2019 elections, there was a clear expectation around Cllrs undertaking mandatory training, which included Code of Conduct issues and Equalities, with a further expectation that Council would consider not putting people onto committees if they had not done the relevant training. For example, it was expected that training on Planning and Licensing issues, would be undertaken before Cllrs could take their seat on these committees due to their regulatory functions and requirements. More recently Safeguarding has been added to the list of mandatory training.

10. However, the Monitoring Officer has clarified that the new Code of Conduct adopted in 2022 has introduced a requirement that Cllrs undertake the Code of Conduct training and if it was not done a Cllr would be in breach of the Code of Conduct. So the Constitution could be amended effectively to say that Cllrs should undertake any mandatory training that formed part of the Member Development Programme that the Council had agreed, and if they did not they would be in breach of the Code of Conduct.
11. Further to this, advice to the MDWP from the Monitoring Officer was that if considering how to progress the issue by making recommendations to Cabinet, and then on to Council, it would be sensible when adopting a Member Development Training Programme, to stipulate that the mandatory elements have to be undertaken and it would be a breach of the Code of Conduct if they were not, and that an amendment to the Code of Conduct would also be made to reflect this.
12. There were also various ways of reporting on the take up of mandatory training, as introduced with Licensing Training this year, such as including it in the SPAR performance management reviews as a KPI (key performance indicator) showing up thereafter as a percentage of Cllrs who had been trained on mandatory topics, on a quarterly basis. Attendance at training which is mandatory could also be published in Member profiles on the website.
13. A structured Member Induction and Training Programme would soon be developed for the forthcoming elections and future candidates should be told that they needed to do some preparatory work themselves, such as observing meetings and participating in local activities. Mandatory training would continue to be offered in the first few weeks after elections, for example, covering issues such as Code of Conduct, Data Protection, Standards in Public Life, Safeguarding and Equalities, alongside an understanding of how the Council

framework works and who everyone is in the Senior Management Team (SMT). In line with points raised already, this would be offered in a phased manner with other recommended training over a longer period of time, with several opportunities to do it and via different methods when possible.

#### **14. Resource requirements**

It is difficult to assess the resources required for this work. It would be important not to overload the programme in the early days after an election due to the cost implications, time commitments and for some of the reasons already identified above,

15. Based on previous experience but mindful of training costs rising as with all things, the impact of member training and level of budget required is dependent largely on the form of delivery employed. For example, forthcoming Safeguarding sessions with an external expert including the production of bespoke materials for EDDC will cost an amount approaching £2K, while the request for a QC who is a recognised expert in Licensing law to deliver training could amount to a figure approaching £3k+. There is some training which is expertly provided in-house, such as Planning issues, and ongoing training throughout the year that can be offered at a lesser cost but more easily accommodated via webinars online where interaction, and question and answer sessions can prove informative and engaging. It is, therefore suggested that a notional budget of £10k is made available as a starting point to deliver a phased Member Development Programme which could include mandatory and recommended elements.
16. Accompanying this report (Appendix 1) is a Member Development Plan as agreed by the MDWP at its meeting on 1 September 2022, amended slightly to emphasise the mandatory elements of it, how often they would need to be undertaken, and an indication of what would be included in a training timetable over the first two weeks following the forthcoming elections.

---

#### **Financial implications:**

Financial implications are included in the report.

#### **Legal implications:**

It is for Cabinet to adopt a Member Development Training programme. Any changes to the Member's Code of Conduct would require Council's approval. Otherwise there are no legal implications requiring comment.



## Member Development Plan – 2022 - 2027

### Introduction

The Council Plan 2021 – 23 sets out the Council’s vision which is to make a positive difference to residents’ lives and our environment in East Devon.

The way we will make a positive difference to residents’ lives and our environment will be influenced by our values. These include:

- seeking continuous improvement of our high performing council
- listening to and learning from our residents and caring for them
- adapting as a council to new ways of working and refreshed priorities whilst recognising the pressure on resources

The Council Plan focuses on the things that matter most to residents and is based on three priorities; better homes and communities for all, a greener East Devon and a resilient economy.

Elected members are accountable for the delivery of the Council’s objectives. This relies on them having the key skills and knowledge to balance varied responsibilities and fulfil their role as Councillors.

Given the demands placed upon all Councillors, ensuring good opportunities for learning and development is a key aim at East Devon.

We provide training in a number of different ways which include:

- Mandatory training immediately on election
- Phased induction training following election
- Training for Councillors elected during the civic term
- Face to Face
- E-learning (Learning Nexus): [Learning Nexus](#)  
*Some helpful tips on ‘How to navigate Nexus’ can be found at the end of this document*
- LGA Workbooks [Councillor workbooks | Local Government Association](#)

Training is split into mandatory training (Standards in Public Life, Code of Conduct, Equalities and Safeguarding) immediately on election, phased induction training and highly recommended on-going training and development.

If a training need arises which is not outlined in this Plan, please contact myself or Susan Howl, Democratic Services Manager ([showl@eastdevon.gov.uk](mailto:showl@eastdevon.gov.uk)) to discuss this requirement. Should you require a Learning Nexus password or password reminder, please contact Ann Woodland [awoodland@eastdevon.gov.uk](mailto:awoodland@eastdevon.gov.uk).

Please do contact me if you have any feedback on this plan or the training provided.

**Cllr Sarah Jackson**  
**Portfolio-holder for Democracy, Transparency and Communications**

## 1 Mandatory Training immediately on election

**Mandatory training is for ALL Councillors on election.** The Council’s Code of Conduct has introduced a requirement that Councillors undertake the Code of Conduct training and that, if training is not undertaken, a Councillor would be in breach of the Code.

Type of training	Subject	Provider	Completion date	Additional resources / continuous development
<b>1 Mandatory training</b> for all Councillors (immediately following ordinary elections)	Councillors Induction To include using Council provided IT	Democratic Services	On election	New Councillors – LGA Workbook Councillor induction – LGA e-learning module
	Use of Council provided IT	Democratic Services & Strata	On election	Local instructions/ Guidance notes/ Drop-in sessions
	Councillors Welcome Sessions (1 & 2) <i>Note: different sessions, not repeats</i>	Chief Executive & Monitoring Officer	On election	Being an Effective Ward Councillor – LGA Workbook LGA e-learning module Handling Casework – LGA Workbook

Type of training	Subject	Provider	Completion date	Additional resources / continuous development
<b><u>1 Mandatory Training</u></b> <i>continued</i>				Working with Town and Parish Councils – LGA Workbook
	Standards in Public Life	Monitoring Officer	On election	Councillor/Officer Relations – LGA Workbook
	Code of Conduct	Monitoring Officer	On election	LGA e-learning module
	The Equalities Framework	External training provider	On election and as required thereafter	Diversity, Equality & Discrimination – Learning Nexus Equality, Diversity & Inclusion – LGA e-learning module
	Safeguarding	External training provider	On election and as required thereafter	

## 2 Phased Induction Training following election

Phased induction training is for all Councillors and is split into the following:

- 2.1 General induction training for all Councillors – this gives an overview of the work of the Council’s Committees and Members’ roles and responsibilities, including the role of the frontline Councillor.
- 2.2 Mandatory training for all Councillors for the Planning Committee and Licensing & Enforcement Committee as these Committees have a regulatory function. Members are only able to sit on these Committees if they have attended the appropriate training. Following an election, the intention is for all Councillors to be trained as membership of Committees may change during the civic term and Councillors may be appointed to these Committees at a later date.

2.3 Pre-meeting briefings – training specifically for the first meeting of Committees and Panels to include current issues and work programme.

Type of training	Subject	Provider	Completion date	Additional resources / continuous development
<b><u>2.1 General Induction training</u></b> for all Councillors (immediately following ordinary elections)	Data Protection Training	Monitoring Officer	As per induction timetable	Data Protection Training module – Learning Nexus  Data Protection Act 2018 – Learning Nexus  UK GDPR – LGA e-learning module
	The Role of the Frontline Councillor	External training provider	As per induction timetable	
	Scrutiny training	External training provider	Prior to attending first Scrutiny Committee meeting	Scrutiny – LGA Workbook Scrutiny of Finance – LGA Workbook Scrutiny for Councillors – LGA e-learning module Good Scrutiny Guide – Centre for Public Scrutiny

Type of training	Subject	Provider	Completion date	Additional resources / continuous development
<b><u>2.1 General Induction training</u></b> for all Councillors <i>continued</i>	Overview training	External training provider	Prior to attending first Overview Committee meeting	
	Strategic Planning	Chief Executive & Service Lead	Prior to attending first Strategic Planning Committee meeting	
	Overview of Recycling & Waste Service	Recycling Team & Suez	As per induction timetable	
	Overview of Local Government Finance issues: Budget setting Audit & Governance  Asset Management  Treasury Management	External training provider	As per induction timetable and prior to attending first meeting of Committees	Local Government Finance – LGA Workbook LGA e-learning module
	Housing & tenant participation		On election and as required thereafter	

Type of training	Subject	Provider	Completion date	Additional resources / continuous development
<b><u>2.1 General Induction training</u></b> for all Councillors <i>continued</i>	Mock Council debate – the Constitution and statutory procedures in action	Monitoring Officer & Democratic Services	As per induction timetable and before first ordinary Council meeting	
	Effective meetings & chairing skills	External training provider	As per induction timetable	Chairing Skills – LGA Workbook
<b><u>2.2 Mandatory training</u></b> for all Councillors Planning Committee Licensing & Enforcement Committee	Planning Committee Members	Service Lead & Development Manager	Prior to attending first Planning Committee meeting	Planning – LGA Workbook Planning – LGA e-learning module
	Licensing Committee Members	Barrister (in person) Barrister (online)	Prior to attending first Licensing Committee meeting	Online videos – Cornerstone Chambers website Licensing & Regulation – LGA e-learning module

Type of training	Subject	Provider	Completion date	Additional resources / continuous development
<b><u>2.3 Pre-meeting briefings</u></b>	Annual Council (All Councillors)	Chief Executive	Immediately before Annual Council meeting	
	Strategic Planning	Service Lead	Prior to first Strategic Planning Committee	
	Planning	Service Lead	Prior to first Planning Committee	
	Asset Management Forum Members	Strategic Lead Finance	Prior to first Asset Management Forum meeting	
	Housing Review Board Members	Strategic Lead Housing, Health & Environment	Prior to first Housing Review Board meeting	
	Recycling & Waste Partnership Board Members		Prior to first Recycling & Waste Partnership Board meeting	
	Scrutiny Committee Members	External training provider	Prior to first Scrutiny Committee meeting	

	Budget Setting & Capital Allocations Panel Members	Strategic Lead Finance	Prior to first Budget Working Party meeting	
	Overview Committee Members	External training provider	Prior to first Overview Committee meeting	
	Audit & Governance Committee Members	Strategic Lead Finance	Prior to first meeting of the Audit & Governance Committee	

### 3 Highly Recommended

The following training and development is highly recommended both after election and as refresher training or on-going development. Information can be found at the following links:

[New councillor hub | Local Government Association](#)

[Councillor e-learning | Local Government Association](#)

[Councillor workbooks | Local Government Association](#)

Acting on Climate Change	LGA Workbook	As required
Biodiversity for Councils	LGA e-learning module	As required
Bribery and Fraud Prevention	LGA Workbook	As required
Commissioning Services	LGA Workbook LGA e-learning module	As required
Community Engagement & Leadership	LGA e-learning module	As required
Community Safety	LGA Workbook	As required
Creating a 'fit for the future organisation'	LGA Workbook	As required

Economic Development	LGA e-learning module	As required
Engaging Young People	LGA Workbook	As required
Facilitation and Conflict Resolution	LGA Workbook LGA e-learning module	As required
Handling complaints for service improvement	LGA Workbook	As required
Handling Intimidation	LGA e-learning module	As required
Health and Safety in the Council	LGA Workbook	As required
Influencing Skills	LGA Workbook LGA e-learning module	As required
Media Skills Training	External Trainer	As required
Police & Crime Panels	LGA e-learning module	As required
Safeguarding Adults	Learning Nexus	As required
Social Media Training	1-2-1 with Communications Team	As required
Stress Management and Personal Resilience	LGA Workbook LGA e-learning module	As required
Supporting Mentally Healthier Communities	LGA e-learning module	As required
Supporting Residents with Complex Issues	LGA Workbook LGA e-learning module	As required
Whistleblowing	Learning Nexus	As required

## How to Navigate Learning Nexus

### [Learning Nexus](#)

To find your chosen subject, please search the course catalogue which can be found on the opening screen of Learning nexus. Just type a key word or words, such as 'data protection' into the box.



Your options will appear on the next screen. Click on the coloured text of the course name to access the e-learning course and follow the instructions.

