

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Cabinet held at Council Chamber, Blackdown House, Honiton on 1 March 2023

Attendance list at end of document

The meeting started at 6.00 pm and ended at 9.20 pm

153 Public speaking

Ian Barlow in his capacity as a Sidmouth resident, not on behalf of Sidmouth Town Council, spoke in regard to agenda item 12 on the Esplanade toilets in Sidmouth. Whilst he supported Rockfish, he questioned why the number of toilets in the proposal was not higher; what were the implications if Rockfish ceased trading; why the Council could not rent the building instead. He felt that the site was undervalued based on his experience. He stated that no councillors or officer take bribes, but this value looked difficult to the public and brings the Council into disrepute. He stated that the current planning permission was out of date anyway, so a new application was required. He asked for the Cabinet to see if a better deal was available.

Councillor Jess Bailey told Cabinet that she had enquired on the number of applications made to the Council for voter authority certificates to enable them to vote at the forthcoming elections in May. She felt that there were potentially many more still unaware of the need to apply if they had no identification, and asked for all present to do everything possible to raise awareness of this new legal requirement. She also criticised the change in legislation, commenting on the cost impact to the tax payer.

In response to the public speakers, the Chair advised the first public speaker to be careful in making any reference to bribery and stated that this had not occurred. In response to Councillor Bailey, he echoed the need to publicise and advised Members of the information on the polling cards issued prior to the election.

A statement was read out on behalf of Councillor Jake Bonetta as follows:

“Statement on the conduct of Cllr Mike Allen – Littletown Green, 1st March 2023

Cabinet, please accept my apologies that I can't be at this evening's meeting in-person. Nevertheless, following the events at Littletown Green this morning, I felt it important to deliver a short statement on what I witnessed, what our Officers were put through, and the consequences of Cllr Allen's actions.

For context, an event was scheduled at Littletown Green, Honiton, for early this morning to conduct tree planting in the area. Following a successful consultation on the plans, which received high levels of public support, the plans were given the go-ahead. This was planned to be a great event, involving Littletown Primary Academy school pupils with the planting of the trees. This would have had the effect of improving the site for all its users, including those very schoolchildren before and after their days of lessons.

I arrived at the site at 9:28am, eager to get involved in the community event. When I turned up, I was astounded and shocked to see one of our own Councillors, Mike Allen, and a member of the public, ripping prepared bamboo sticks out of the ground and throwing them to the side. Not only was Cllr Allen uprooting these bamboo shoots, but he

was protesting against the planned works and arguing directly with Council staff and myself about the plans.

A Council officer had to turn the school pupils away near the entrance to the field, deeming it an unsafe environment for children to be let into. Public protestations, criminal damage against Council property and outrageous behaviour by one of our elected Council members, doesn't create an environment conducive and safe for schoolchildren. As well as this, Cllr Allen was taking photos of the situation and threatening to take further photos of the trees being planted by these children. As my 4 active DBS checks, safeguarding training and experience as a Designated Safeguarding Lead for a not-for-profit has taught me, threatening to take unpermitted photos of kids, whether in an open and public setting or not, is a serious breach of safeguarding responsibilities – on which we have just received mandatory training by the Council.

On top of this, in my view, Cllr Allen was acting in a threatening and bullying way against officers of the Council, who were only following the detailed legal advice of this Council and the advice of their managers and colleagues. One officer, who shall remain unnamed in this forum, spoke to me about feeling very shaken and directly bullied by Cllr Allen through the event. In my view, it is totally unacceptable for any Councillor to place our brilliant and dedicated staff in any difficult situations through their own volition, and I want to openly commend and support our officers that had to witness and deal with these outbursts this morning.

The Nolan Principles of public life teach us that we must act with integrity, accountability, and leadership. On top of this, our own Code of Conduct places a responsibility on all elected Councillors to act with integrity and honesty, to treat all persons with respect, and to lead by example. Considering the abhorrent behaviour of Cllr Allen this morning, I am of the view that these high standards expected of him have been broken, and I will be investigating taking further action on the matter.”

Councillor Hayward commented on Cllr Allen's resolution the previous week at Council in regard to civility and respect; therefore he was shocked to hear this account by Councillor Bonetta. He personally apologises to officers present at the meeting, on behalf of all Councillors, and asked that his apology be passed to the officers impacted. He stated a message to Councillor Skinner as the group leader to take swift action in light of the events.

Councillor Wright offered to send a copy of Councillor Bonetta's statement to the group leader as a matter of urgency.

154 **Minutes of the previous meeting**

The minutes of the previous meeting of Cabinet held on 1 February 2023 were agreed.

155 **Declarations of interest**

Minute 160

Councillor Tom Wright, Affects Non-registerable Interest, Member of Lower Otter Restoration Group

Councillor Joe Whibley, Affects Non-registerable Interest, Exmouth Town Councillor and some 'vanlifers' are known to him but his judgement remains open

Councillor Bruce de Saram, Affects Non-registerable Interest, Exmouth Town Councillor

Minute 161

Councillor Kim Bloxham, Affects Non-registerable Interest, Cranbrook Town Councillor
Councillor Kevin Blakey, Affects Non-registerable Interest, Cranbrook Town Councillor
Councillor Dan Ledger, Affects Non-registerable Interest, Seaton Town Councillor
Councillor Vicky Johns, Affects Non-registerable Interest, Ottery St Mary Town Councillor
Councillor Sarah Jackson, Affects Non-registerable Interest, Member has a sensitive interest which does not have to be disclosed under S32 of the Localism Act 2011.
Councillor Marianne Rixson, Affects Non-registerable Interest, Sidmouth Town Councillor
Councillor John Loudoun, Affects Non-registerable Interest, Sidmouth Town Councillor
Councillor Paul Hayward, Affects Non-registerable Interest, Employee of Axminster Town Councillor and two Parish Councils
Councillor Peter Faithfull, Affects Non-registerable Interest Ottery St Mary Town Councillor

Minute 163

Councillor Sarah Jackson, Affects Non-registerable Interest, Member has a sensitive interest which does not have to be disclosed under S32 of the Localism Act 2011.
Councillor Paul Hayward, Affects Non-registerable Interest, Employee of Axminster Town Councillor and two Parish Councils, and Chair of Renewal Boards referenced in the report

Minutes 164

Councillor Marianne Rixson, Affects Non-registerable Interest, Sidmouth Town Councillor
Councillor John Loudoun, Affects Non-registerable Interest, Sidmouth Town Councillor
Councillor Paul Hayward, Affects Non-registerable Interest, Met with Rockfish with Officers present regarding the Drill Hall, not the toilets, in role as Portfolio Holder for Economy & Assets

Minute 166

Councillor Peter Faithfull, Affects Non-registerable Interest, Member of Refugee response group in Ottery St Mary

156 **Matters of urgency**

There was one late report recorded at minute 167 – Enterprise Zone – Acquisition of land.

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

There were two confidential items recorded at minute 166 and 167.

158 **Minutes of the Recycling and Waste Partnership Board held on 1 February 2023**

Members agreed to note the Minutes and recommendations of the Recycling and Waste Partnership Board held on 1 February 2023.

159 **Minutes of the Scrutiny Committee held on 2 February 2023.**

Members agreed to note the Minutes of the Scrutiny Committee held on 2 February 2023.

160 **'Vanlifers' - Estuary lorry park, Exmouth**

Lee Collins spoke about the welcomed response from Councillors at their previous meeting on the issue, which felt rational and realistic. On reading the report provided for this meeting, his impression was that the Council did not want to help. He asked Members to consider other solutions, wider than the immediate issue to include building affordable homes. He said that the old rules cannot be applied to these new problems. He explained that the vans had to park together for reasons of safety, and advised of the impact on those residents if a solution cannot be found.

Sarah Begleri spoke on the report presented to Cabinet, as showing little knowledge of their situation. There were also terms used that were not acceptable. She outlined how for many, the lifestyle was not a choice, but a necessity. Housing was unaffordable, and the worry of debt was a serious mental health issue. Light pollution was not related to the vans, only the street lighting which remained on all night.

A statement was read out on behalf of Polly Anderson, requesting that Councillors look again at an Exmouth Residents Campervan Pass along the same lines as the current EDDC car parking pass. This residents pass would allow people with a strong connection to Exmouth to park motorhomes at a reduced price in overnight carparks.

Councillor Whibley gave this thanks to the Portfolio Holder for Coast, Country and Environment; and the Portfolio for Finance, for their efforts and compassion in dealing with the issue. In particular he commended the Portfolio Holder for Finance in his good grace to speak with Exmouth Town Council on the matter. He explained to Members that to reclaim the lorry park, and evict the residents, was a no win situation. The £11 overnight charge on the Maer was not an affordable option, but that the current residents were willing to pay something. He made clear that the 'vanlifers' had cooperated from the start, and the situation would only increase as the cost of living crisis continued. Whilst the Council had no legal obligation to find a location for the motorhomes, they had a moral one. He requested a further period of grace, and agreed with the suggestion of permits. He appealed to any landowner to accommodate them, and warned of exasperating the homelessness situation if eviction went ahead.

The Parking Services Manager presented his report that gave an update on the occupation of the Estuary Lorry Park in Exmouth. Cabinet had previously considered the situation at their meeting on 7 September 2022, where agreement was made to seek out alternative sites for van lifers in Exmouth. In response to the public speakers, he apologised for any offence caused by his reference to terms in the report in inverted commas. He recognised that this was a difficult and contentious issue, but reiterated the work undertaken as set out in the report.

The Portfolio Holder for Finance outlined for Members the previous decision made in September, and the work undertaken since that date to try to provide a solution to the issue. Private landlords had been approached, but none had come forward to offer an alternative site. He had spoken to a number of the residents on the site and there was recognition that, in occupying the site, it was a temporary arrangement whilst works took place on the estuary. He took great regret in his proposal, but he emphasised the need to take action and to carry out the next step from Cabinet's decision in September 2022.

Discussion covered:

- Appreciation of the predicament of the ‘vanlifers’, whilst aware of the breach of planning, was a difficult decision to take;
- Awareness of the national issue that must be taken up with government;
- The lifestyle was a direct consequence of the housing crisis;
- Eviction from the site could result in some of those residents presenting as homeless, which in turn impacts on the Council already dealing with high demand for homes;
- Maer Road motorhome spaces were intended to be provision for visiting motorhomes in the tourism season, charged at £11 per night;
- Public perception was not a true reflection of why some of the ‘vanlifers’ had taken up residence in a motorhome – many faced financial pressures that meant this was the only means of residency they could afford;
- Examine the period of notice; the suggestion of the parking place order being enforced from 31 March was not sufficient notice for the current occupants, particularly including the call-in period for any decision made by Cabinet
- The option of moving to another car park would present the same planning breach issue

RESOLVED

1. that the planning, parking and equality implications of the current ‘vanlife’ occupation of the Estuary Lorry Park are acknowledged, and the reintroduction as a parking place for lorries and coaches be agreed as at 1 July 2023, with notice to leave the site given one month before that date;
2. to write to the local MPs, with copy to Devon County Councillors, on the issues facing the authority in regard to ‘Vanlifers’ need for locations to park.

REASON

Due consideration has been given to the availability of alternative sites and the planning considerations relating to the current occupation of the site. Local commercial land owners have been contacted but not responded to provide a site; and no suitable land owned by the Council has been identified to accommodate this community.

161 **Adoption of EDDC Play Strategy, Town and Parish Council criteria to access EDDC capital funding**

The Assistant Director for Streetscene presented the Play Strategy to Cabinet for consideration and approval.

Members were appraised of the aims of the Play Strategy, including:

- Contributing towards the delivery of the Council Plan, and the health and wellbeing of local communities;
- Reducing the carbon footprint of installing and maintaining play provision;
- Demonstrate the level of management at District Council level for owning and maintaining the provision;
- Set clear responsibilities of provision, along with the type that meets the vision of the Strategy;
- Fairer play provision – allowing Town and Parish Councils and communities that meet certain criteria to bid into the Council’s capital budget for up to 25% of the project total
- Strong links with GSP and OSS strategies;
- Explanations on access and resources;
- Demonstrate the economic value of play space; and
- Setting out an action plan for delivery.

He highlighted the forward plan of capital investment in the sites owned by the Council. These sites would be funded and maintained for at least the life of the strategy. He also stressed the key theme of setting the quality standard to which sites under EDDC control

would have, which would serve as a benchmark for others to use for future play areas created under development schemes.

Councillors Kim Bloxham and Kevin Blakey raised a number of concerns relating to the provision at Cranbrook, including:

- Challenging the perception of the Council Tax level for Cranbrook being high due to the management of the Cranbrook Town Council maintained play areas – this was not correct, as the play area element was small, with the largest element of the precept relating to the 34 hectares of country park and open space. Based on the known cost at Cranbrook, it was suggested that therefore many other towns would be able to afford maintaining their own play areas and therefore devolvement of the assets to them would be a better strategy;
- Care with management company arrangements on new developments, based on the experience of Cranbrook, as such arrangements do not work with a large development and unfairly hit the tax payer, and the lack of accountability and transparency requirements that local authorities have to provide;
- Suggestion to work with Cranbrook Town Council to develop the strategy further to get first hand experience of the issues experienced, to learn lessons for future developments;
- Welcoming the intention to investigate measures to improve fairer play provision across the District, but the suggested 25% funding help to deliver a community project was not the way forward. It would be more beneficial to transfer play assets to towns and parish councils to maintain and remove the two tier system that exists;
- The strategy as it stands does not sufficiently support Cranbrook and emerging new communities.

In response, the Assistant Director acknowledged the views provided and outlined how the strategy had tried to reflect those concerns. It was not financially viable for the Council to take on all the facilities in the district – this would amount to an additional 4 to 7 million on top of the existing capital fund. The primary goal was to protect the Council owned sites, before moving on to exploring other sites.

The Strategy was primarily about the standards provided, and protecting provision at Council owned sites in the face of previous affordability/budget challenge. It discusses the Cranbrook issue, but this is not the main focus of the strategy. It also sets out how the Council valued the importance of play, as well as the economies of scale in maintaining and inspecting to keep those areas safe for use.

Whilst some local councils may wish to take on play assets, the position set out in the Strategy was to keep those current EDDC maintained sites as best placed. Options such as community trusts may be considered for new developments, but the Council was not in a financial position to take on additional sites without consequences of cuts elsewhere in budget. There was no easy solution to the two tier system of ownership of the Council, and management charge systems for play sites delivered through housing developments, but investigating ways of mitigating this was part of the strategy, such as reviewing current planning practice on public open space through work on the developing Local Plan.

The Portfolio Holder for Coast, Country and Environment gave his support for the strategy, which reflected a compromise and a way forward to seek a balance.

RECOMMENDED to COUNCIL

1. that the EDDC Play Strategy 2022 – 2032 be adopted;
2. that the section on fairer play provision for Town and Parish Councils is noted, which will allow community groups to bid into the Council's capital budget for up to 25% of the

project total, subject to budget availability and meeting the criteria in section 4 of the Play Strategy.

REASON:

Adopting the Play Strategy will help guide both the Council and the public on the direction of play provision for the next time period. It also permits a mechanism for Town and Parish Councils to bid for additional funding towards projects in their community, providing access to fairer play provision, with acknowledgement of play sites brought forward though housing development and run by a management company will lead to a two tier system between adopted EDDC sites and new sites. The strategy will explore ways to improve this position.

162 **Public Health Implementation Plan 2023/34**

The Public Health Project Officer gave a report on the Public Health Implementation Plan for 2023/24, which covered three key aims:

- To help people to be healthy and stay healthy
- To enhance self-care and support community resilience
- To integrate and improve support for people in their homes

Some examples of the work involved across services were shared with Members, including outreach work by the Thelma Hulbert Gallery, and Streetscene events in the Council's parks and gardens. The activities also overlapped with the Council's strategies on poverty and sustainability. Each service had a part to play in delivering the plan, and the work forms a golden thread running through the services.

Cabinet welcomed the report and commented on the need to publicise the good news stories that the report held.

RESOLVED to recognise the contribution made by our services to health and wellbeing through activities identified annually which underpin our Public Health Strategic Plan.

REASON to help ensure that staff and members are aware of the commitment to the activities in the Plan, assisting them to make the best possible use of our resources to support health and wellbeing across the District.

163 **Devon Place Board Update - Seaton and Axminster Renewal Strategies**

Cabinet considered an update report on the Urban Renewal Programme, prepared by Devon County Council, covering the towns of Axminster and Seaton. The resulting Renewal Strategies for each town were provided with the report.

Each strategy identifies a list of projects, including a "quick win" which will receive seed funding from Devon County Council to enable the project to develop. Meetings of the Renewal Boards will be taking place to discuss how to take the work forward now that the Urban Renewal Programme is drawing to a close.

Councillor Hayward, as Chair of both Renewal Boards, gave his thanks to all the participants of those Boards and those who had contributed to bring about the two strategies. Whilst it was disappointing that the two towns had not been successful in the second round of bidding for Levelling Up funding, the strategies set out case studies that could be progressed once further funding had been found. Funding was still an issue for

the longer term projects, but the strategies offered unique opportunities for the towns to develop.

RESOLVED that the conclusion of Devon County Council's Urban Renewal Programme in Axminster and Seaton be noted.

REASON to acknowledge the conclusion of the Urban Renewal Programme and be prepared for involvement with other stakeholders in the projects set out in the town Strategies.

164 **Esplanade toilets Sidmouth**

Cabinet received a report that set out an offer to the Council for the acquisition of the toilet block adjacent to the Drill Hall on Sidmouth seafront. An offer of £70,000 for a 125 year lease has been made by Rockfish, which exceeded the market value of the site, and includes two toilet cubicles within the replacement scheme on the site, provided and maintained by Rockfish.

The offer provided a significant opportunity to enable the delivery of an attractive placemaking solution to the Esplanade area in Sidmouth.

In reference to the public speaker under minute 153 in relation to commenting on the price, the officer confirmed to Members that there had been no bribes offered or accepted. An earlier offer for the public toilets had been made by Rockfish for a lesser amount and rejected, and the offer negotiated to the level now presented to Cabinet for decision.

Discussion covered:

- Clarification on the access and number of toilets being provided. In response, to question, confirmation was given that the toilets would be able to be accessed by the public from outside the establishment, with no requirement to be a customer of the establishment in order to use those facilities. On the basis of the toilet review, two was felt sufficient due to the number of other accessible toilets in the town;
- Legal services were aware of the covenant relating to the site and would review it before entering into detailed discussion with Rockfish;
- Agreement that the changes to the Esplanade area, including the delivery of the Beach Management Plan, would make it a desirable destination for both residents and visitors to the area.

RESOLVED that Officers review the legal situation with regard to the toilets prior to entering into detailed discussions with Rockfish in order to agree heads of terms for the disposal by way of a lease of the Esplanade Toilet Block on Sidmouth seafront, and that delegated authority is granted to the Assistant Director of Place Assets and Commercialisation in discussion with the Portfolio Holder for Economy and Assets, the Director of Finance and the Director of Governance and Licensing to agree the heads of terms and to agree and complete all the necessary documentation to enable the granting of the lease.

REASON to enable the disposal of the Toilet Block on the Esplanade, Sidmouth which will result in a capital receipt to the Council, and to facilitate an enhanced offer for the Rockfish restaurant at the Drill Hall site.

165 **Plant Based Treaty**

The report from the Director of Housing, Health and Environment outlined the invitation to sign up to the Plant Based Treaty as a way of contributing towards the reduction in carbon production, and combatting climate change.

A statement was read out on behalf of Councillor Denise Bickley, setting out some factors of the treaty and asking Members to consider signing up to help towards the Council's work on climate change. She encouraged research into the topic and included her own examples of changes made, asking for Members to consider how it will make the most difference to individual and collective carbon footprints.

Cabinet discussion covered:

- Agreement to some aspects of the treaty, but that the premise was to demand, not propose change;
- Scale of change was such that the options needed careful and detailed discussion, which may be better suited to the Overview Committee to undertake;
- Impacts on local food producers was significant, at a time when they most needed the support of the Council;
- Education was key, particularly to younger generations, in their approach to food;
- Other options were available, such as regenerative farming, and should be explored alongside those suggested in the Treaty

RECOMMENDED to COUNCIL that the Council notes the principles in the Plant Based Treaty, and considers signing up to the Treaty, and in doing so, refers the issue to the Overview Committee to assess the implications on food producers, planning policy, and other considerations.

166 **Changes to the provision of the Homes for Ukraine scheme re-matching and wraparound service**

The report provided an update to the Cabinet on the Homes for Ukraine support service currently provided by Citizen's Advice East Devon (CAED).

RESOLVED

1. To agree to terminate the current Service Level Agreement in place with CAED to provide a re-matching service and wraparound service;
2. The re-matching and wraparound service to instead be provided by EDDC using finances provided by the UK Government;
3. To agree for officers to engage specialist legal HR support and to begin TUPE negotiations with the affected staff;
4. The transfer of affected staff to be carried out by the Head of Paid Service, and Corporate HR Manager; such transfer to be in discussion with the Portfolio Holders for Council and Corporate Co-ordination and Sustainable Homes and Communities.

REASON

The change will improve the Homes for Ukraine scheme re-matching and wraparound service provided by the Council and will enable resources provided by the UK Government to be re-directed to benefit guests and hosts.

167 **Enterprise Zone - Acquisition of land**

Cabinet considered the report on the acquisition of employment land.

RESOLVED to authorise officers to proceed with the acquisition of Airport Land for the sum set out in the report, plus costs/fees/SLT plus further due diligence with the

estimated cost set out in the report. Authority to proceed being delegated to Assistant Director Growth Development & Prosperity, Director of Finance and Director of Governance and Licensing (Monitoring Officer).

RECOMMENDED to COUNCIL that budget is allocated to the sum of set out in the report for the purchase of the land, plus costs/fees/SLT plus further due diligence, estimated cost set out in the report.

REASON The site is a potentially compromised junction and is the main access into the Airport. This access serves the Airport and the recently LDO approved Power Park, which could consist of an additional 26,000 sqm of employment space.

Attendance List

Councillors present:

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

Councillors also present (for some or all the meeting)

J Bailey
K Blakey
K Bloxham
F Caygill
M Chapman
B De Saram
P Faithfull
V Johns
J Whibley
T Wright

Officers in attendance:

Tim Child, Assistant Director Place, Assets & Commercialisation
Richard Easthope, Parking Services Manager
John Golding, Director of Housing, Health and Environment
Andrew Hancock, Assistant Director StreetScene
Alison Hayward, Project Manager Place & Prosperity
Andrew Hopkins, Communications Consultant
Helen Wharam, Public Health Project Officer
Simon Davey, Director of Finance
Debbie Meakin, Democratic Services Officer
Anita Williams, Interim Director of Governance and Licensing and Monitoring Officer
Emily Robins, Homes for Ukraine project coordinator

Chair

Date: