

Agenda for the meeting of the Council Wednesday, 19th April, 2023, 6.00 pm

To: All elected Members of the Council; Honorary Aldermen

Venue: Ocean Suite, Ocean, Queen's Drive, Exmouth, EX8 2AY

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Dear Sir/Madam

Meeting of the Council of the District of East Devon on Wednesday, 19th April, 2023 at 6.00 pm

You are called upon to attend the above meeting to be held at Ocean, Queen's Drive, Exmouth EX8 2AY. It is proposed that the matters set out on the agenda below will be considered at the meeting and resolution or resolutions passed as the Council considers expedient.

Yours faithfully

A handwritten signature in black ink, appearing to be "M. Howl", written over a white background.

Chief Executive

1 Public speaking

Information on [public speaking](#) is available online

2 Minutes of the previous meeting (Pages 4 - 16)

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 Announcements from the Chair and Leader

7 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, but if confidential minutes from Cabinet and/or the Council's Committees are being discussed, Officers may recommend consideration in the private part of the meeting.

8 To answer questions asked by Members of the Council pursuant to Procedure Rules No. 9.2 and 9.5 (Pages 17 - 18)

9 Reports from the Cabinet and the Council's Committees and questions on those reports (Pages 19 - 20)

- a) Minutes of Cabinet held on 1 March 2023. Minute numbers 153 - 167 (Pages 21 - 31)
- b) Minutes of Cabinet held on 29 March 2023. Minute numbers 168 - 184 (Pages 32 - 38)
- c) Minutes of Scrutiny Committee held on 2 March 2023. Minute numbers 100 - 109 (Pages 39 - 43)
- d) Minutes of Scrutiny Committee held on 9 March 2023. Minute numbers 110 - 117 (Pages 44 - 47)
- e) Minutes of Housing Review Board held on 16 March 2023. Minute numbers 47 - 63 (Pages 48 - 56)
- f) Minutes of Strategic Planning Committee held on 14 February 2023. Minute numbers 60 - 69 (Pages 57 - 66)
- g) Minutes of Strategic Planning Committee held on 7 March 2023. Minute numbers 70 - 77 (Pages 67 - 71)

- h) Minutes of Planning Committee held on 28 February 2023. Minute numbers 96 - 103 (Pages 72 - 75)
- i) Minutes of Planning Committee held on 28 March 2023. Minute numbers 104 - 117 (Pages 76 - 83)
- j) Minutes of Licensing & Enforcement Committee held on 15 March 2023. Minute numbers 27 - 33 (Pages 84 - 86)
- k) Minutes of Licensing & Enforcement Sub-Committee held on 7 March 2023. Minute numbers 21 - 25 (Pages 87 - 90)
- l) Minutes of Licensing & Enforcement Sub-Committee held on 6 April 2023. Minute numbers 26 - 31 (Pages 91 - 92)
- m) Minutes of Audit & Governance Committee held on 23 March 2023. Minute numbers 27 - 39 (Pages 93 - 96)

[Decision making and equalities](#)

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EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Council held at Ocean Suite, Ocean, Queen's Drive, Exmouth, EX8 2AY on 22 February 2023****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 8.45 pm

57 Public speaking

The Chair welcomed everyone to the meeting and explained that it was being held at Ocean in Exmouth following the decision made at the Council meeting in October that Council and all committees and sub-committees would be returning to physical meetings, unless current legislation permitted the holding of virtual meetings and until a new operating system for running meetings is installed in the Council Chamber.

The Chair then started the meeting by doing a roll call of those present, and confirmed that the meeting was quorate.

During the meeting the public would be able to participate if they had pre-registered to speak.

Four members of the public had pre-registered to speak at this meeting.

Cllr Jane Chanot who was a Cllr from Farringdon Parish Council, wanted to address Council in relation to items 10e – minutes of the Scrutiny Committee meeting on 2nd February, and 14 – the Motion entitled 'Recompiling the Local Plan'. She said that she and other Farringdon parishioners were pleased that the Scrutiny committee had raised the concerns with issues relating to aspects of the emerging Local Plan, particularly in the light of changes to government policy. There had been concerns about the Regulation 18 consultation and that it had been rolled out over the Christmas period. The Strategic Planning Committee in December had been shown detailed plans, and in February it had agreed to put the Plan on hold until there was a greater knowledge of what government plans entailed. As a result, it was to be hoped that the Plan and Regulation 18 consultation would be re-visited in the spring.

Cllr Rob Hatton who was a Cllr from Bishops Clyst Parish Council, also wanted to address Council in relation to items 10e – minutes of the Scrutiny Committee meeting on 2nd February, and 14 – the Motion entitled 'Recompiling the Local Plan'. He and other parishioners questioned the prudence of continuing with the local plan process until the revised National Planning Policy Framework (NPPF) had been issued by government. This was thought likely to permit reductions in housing numbers, and a number of other local authorities had suspended work on new local plans for this reason. He went on to say that the government had made provision for this to happen without disadvantaging councils, and had proposed some time-limited arrangements which would apply for a period of two years.

He went on further to say that the whole process needed reviewing in the light of a new NPPF, including the Sustainability Appraisal, Housing Needs Assessment and the Housing & Economic Land Availability Assessment (HELAA) which had all been prepared in line with the current NPPF.

In response to the two speakers, the Portfolio Holder and Chair of Strategic Planning, Cllr Dan Ledger, would comment when item 14 was discussed.

Oliver Russell wanted to speak on item 12, the Motion entitled 'Transgender Visibility.' He introduced himself as a Secondary school teacher at Cranbrook, and wanted to share his experience as a non-binary person living and working in East Devon. He said that he thought there were problems on the doorstep which people were unaware of, so he had spoken to a group of LGTBQ students and also asked the opinions of individuals on whether they thought East Devon was transphobic. Their view had been that it was, and they had talked about the bullying they had experienced outside the school walls. He went on to say that the school now dealt with these issues very well, but after many difficult conversations had been had to raise awareness and to discuss different views. He concluded that transphobia was a real issue to be dealt with.

Bethany Collins wanted to speak on Motion 12 Transgender Visibility. She introduced herself as a non-binary Teaching Assistant at a school in Exeter, and she lived in Ottery St Mary. She said that she had grown up without any references to gender identity. She saw nobody with diverse gender identity in her community or on TV. The school where she works is very diverse, with safe spaces for children to explore different identities and to make it more comfortable to speak. With the rise in hate crime against LGBTQ people, a culture of inclusivity was to be encouraged for children in all aspects of life, and visibility of people like herself was really important.

The Chair thanked all speakers for their contributions and said that Cllr Bonetta would be speaking later in the meeting at item 12.

58 **Minutes of the previous meeting**

The Chair invited comments from members on the minutes of the Council meeting held on 7th December.

Cllr Burhop wanted to point out that a correction was needed under minute number 56 relating to the Motion on Voter Identification, in that he was reported as saying that '800 people had turned out to vote for' him, which was incorrect. 800 had people had voted in the by-election, but not all for him. The Chair said that this would be amended. Following a vote he then confirmed that the minutes of Council on 7th December were agreed as a true record.

59 **Declarations of interest**

64. Report: Council Tax resolution 2023/2024.

Councillor Paul Hayward, Affects Non-registerable Interest, Employment with three local authorities, All Saints PC, Chardstock PC and Axminster Town Council.

64. Report: Council Tax resolution 2023/2024.

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.

65a. Minutes of Cabinet held on 4 January 2023. Minute numbers 116 - 133.

Councillor Eleanor Rylance, Disclosable Pecuniary Interest, Owns a holiday let above her garage..

68. Motion: Civility and Respect Pledge.

Councillor Paul Hayward, Affects Non-registerable Interest, Employment with three local authorities. All Saints PC, Chardstock PC and Axminster TC.

68. Motion: Civility and Respect Pledge.

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.

60 **Matters of urgency**

There were no matters of urgency.

61 **Announcements from the Chairman and Leader**

The Chair had a couple of announcements to make. He began by saying that Members had lost two former colleagues within the last six weeks.

Firstly Cllr Ken Potter who had passed on 19th January in hospital. He had been made an Honorary Alderman in 2015 in recognition of the eminent services he had given to East Devon. He went on to say that Ken Potter had been diligent and diplomatic in all his undertakings; as Chair of Audit & Governance, and as a Champion for rural Post Offices. He had been a very community minded member and was responsible for the building of West Hill Village Hall. He had set up the local shop in West Hill with his brother, which was still known by some as Potters' shop. He had also been a soldier, choir member and postmaster.

The Chair then spoke about former Cllr Paul Diviani. The Chair said that he had known Paul Diviani well, and as a former Leader of EDDC had served in his Cabinet. He had been a good ambassador for the Council due to his national work with the LGA and as a Devon County Councillor as well at District Council level where he had served for 20 years between 1999 and 2019, being Leader between 2011 and 2018, and becoming an Honorary Alderman in 2019. The Chair said that he had inherited a relationship with Exeter CC that had resulted in millions of pounds coming into the district to boost the economy, regeneration and strategic planning projects.

The Chair asked those present to join him in a moment of silent reflection for these two former colleagues.

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

There were none.

63 **To answer questions asked by Members of the Council pursuant to Procedure Rules No. 9.2 and 9.5**

There were no questions received from Members of the Council at this meeting.

64 **Report: Council Tax resolution 2023/2024**

The Chair invited members to consider the report of the Council's Director for Finance, Simon Davey, the purpose of which was to enable the Council to calculate and set the Council Tax for 2023/24.

In agreeing to the Cabinet recommendations on the Revenue and Capital Budgets 2023/24 (Minute Number 145) on the 1st February 2023 this gives the Council Tax requirement for this Council of £9,974,222 resulting in a Council Tax Band D amount of £161.78. This is an increase of £5 a year (3.19%), within the threshold stipulated by government before triggering a council tax referendum.

In accordance with Section 25 of the Local Government Act 2003 the Chief Financial Officer (Director of Finance) has reported to the authority on the robustness of the 2023/24 budgets and was satisfied with the adequacy of the proposed financial reserves. The 2023/24 budget recommended by Cabinet was balanced with expenditure matched by available income.

There is a legal requirement for the Council to set a budget and associated Council Tax; the process for Council Tax Billing starts the day after the Council meeting in order to meet the necessary deadlines (bill printing, dispatch and appropriate direct debit notifications etc.). The obligation to make a lawful budget each year is shared equally by each Member. A similar deadline is associated with council house rent accounts.

The Council Tax setting process is that all preceptors (Devon County Council, Police and Crime Commissioner for Devon and Cornwall, Devon & Somerset Fire & Rescue Authority and town and parish councils) set their budgets and relevant council tax requirement and then this Council, as the billing authority, formally sets the Council Tax for the area to include all the amounts to be collected.

Members were reminded that in line with legislation that came into force on 25 February 2014, The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a recorded vote would need to be taken on the budget decision.

Before moving to a vote, the Chair invited comments from members.

Cllr Skinner wanted to thank officers on behalf of the Conservative Group for the hard work which had gone in to achieving a balanced budget and deliver good services under the current economic circumstances. He said that a Council was measured by the way it delivered its services and the Conservatives considered many services were delivered well.

However, there were two frontline services with which they had concerns. In relation to Car Parking Charges, he said that whilst the previous Conservative administration could have done more over the last 10 years to increase charges, this administration had been very stringent in its recent application of increases when they had become necessary. In relation to Public Toilets, whilst recognising that this was not a mandatory service, in his opinion they were a vital service in a tourist area like East Devon, and so the Conservatives could not support the sweeping closures which had reduced the public toilets from 27 to 14.

Speaking in his role as Finance Portfolio Holder, Cllr Rowland thanked the Finance Team for undertaking superb work at the most difficult times faced by the Council in recent years. He said that over the last decade, the Council has lost over £50m in real terms in support from Central Government, but is not increasing any charges during the next financial year, despite external pressures to do so. So congratulations were in order with no service cuts being made, and an increase of 3.19% in the budget. He went on to say that in relation to Car Parking Charges, they had not been increased for 10 years, whilst VAT had increased from 17.5% to 20%, meaning that net income received had reduced at the same time as inflation had been increasing. In addition, charges had not been increased for all Car Parks in East Devon. Adjacent authorities had largely increased their charges for the forthcoming year. Accordingly, Cllr Rowland said that the administration had done well to protect frontline services.

As Portfolio Holder for Coast, Country & Environment, Cllr Jung, said that he was surprised that the Conservatives were concerned about proposals for Public Toilets, since they had been inherited from their administration. The current administration had

adopted and improved them and put more money into the provision of modern toilets for modern towns and holiday locations. He went on to say that many toilets had been past their sell-by date and were not suitable for people with disabilities. Government funding had been received to support improvements for people with disabilities which had been long needed and would improve many toilets.

The Chair then moved to put the recommendation in the report to the vote.

The proposal, to agree the formal Council Tax Resolution, as printed in Appendix A to the report was put to the vote and carried.

Recorded vote on the budget:

Councillors Megan Armstrong, Paul Arnott, Jess Bailey, Denise Bickley, Jake Bonetta, Chris Burhop, Olly Davey, Peter Faithfull, Steve Gazzard, Sam Hawkins, Paul Hayward, Nick Hookway, Mike Howe, Sarah Jackson, Paul Jarvis, Vicky Johns, Geoff Jung, Dan Ledger, Dawn Manley, Marianne Rixson, Jack Rowland, Eleanor Rylance, Brenda Taylor, Ian Thomas, Joe Whibley, Tony Woodward, Eileen Wragg, Chris Wright - voted in favour – 28.

Councillor Mike Allen, Colin Brown, Alasdair Bruce, Fred Caygill, Maddy Chapman, Bruce De Saram, Alan Dent, Ian Hall, Marcus Hartnell, Stuart Hughes, Ben Ingham, Richard Lawrence, Andrew Moulding, Helen Parr, Philip Skinner, Tom Wright – abstained – 16.

RESOLVED:

1. It be noted that on 4th January 2023 Cabinet (minute reference 125 refers) calculated the Council Tax Base 2023/24
 - (a) for the whole Council area as 61,653 [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; and
 - (b) for dwellings in those parts of its area to which a Parish precept relates as detailed in Schedule 1 attached.
2. As a preliminary step, calculate that the Council Tax requirement for the Council's own purposes for 2023/24 (excluding Parish precepts) is £9,974,222.
3. That the following amounts be calculated for the year 2023/24 in accordance with Sections 30 to 36 of the Act:
 - (a) £100,206,828 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.
 - (b) £85,211,023 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
 - (c) £14,995,805 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act).

- (d) £243.23 being the amount at 3(c) above (Item R), all divided by Item T (1(a) above), calculated by the Council in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).
- (e) £5,021,582.59 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act (as per the attached Schedule 1).
- (f) £161.78 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by Item T (1(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.
- (g) The amounts stated in column 5 of the schedule 1 attached given by adding to the amount at 3(f) above the amounts of the special item or items relating to dwellings in those parts of the Council's area specified in column 1 of Schedule 1 divided in each case by the amount at 1(a) above, calculated by the Council in accordance with Section 34(3) of the Act, as the basic amounts of its Council tax for the year for dwellings in those parts of its area set out in column 1 of Schedule 1 to which one or more special items relate.
- (h) The amounts set out in Schedule 2 attached given by multiplying the amounts at 3(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.
4. That it be noted that for the year 2023/24 Devon County Council, Police and Crime Commissioner for Devon and Cornwall and Devon and Somerset Fire and Rescue Authority have stated the following amounts in precepts issued to the District Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

Precepting Authority

Valuation Bands	Devon County Council	Police & Crime Com for Devon & Cornwall	Devon & Somerset Fire & Rescue
A	£1,089.42	£174.37	£64.53
B	£1,270.99	£203.44	£75.28
C	£1,452.56	£232.50	£86.04
<u>D</u>	<u>£1,634.13</u>	<u>£261.56</u>	<u>£96.79</u>
E	£1,997.27	£319.68	£118.30
F	£2,360.41	£377.81	£139.81
G	£2,723.55	£435.93	£161.32
H	£3,268.26	£523.12	£193.58

5. That, having calculated the aggregate in each case of the amounts at 3 (h) and 4 above, the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the amounts set out in Schedule 3 attached as the amounts of council tax for the year 2023/24 for each of the categories of dwellings shown in Schedule 3.
- 6 The Council has determined that its relevant basic amount of Council Tax for 2023/24 is **not** excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992. As the billing authority, the Council has **not** been notified by a major precepting authority that its relevant basic amount of Council Tax for 2023/24 is excessive and therefore the billing authority is not required to hold a referendum in accordance with Section 52ZK Local Government Finance Act 1992.

65 **Reports from the Cabinet and the Council's Committees and questions on those reports**

- (a) **Minutes of Cabinet held on 4 January 2023. Minute numbers 116 - 133**
The Chair invited Cllr Arnott to move the minutes.
Following a vote the Chair confirmed that the above minutes were agreed as a true record.
- (b) **Minutes of Cabinet held on 1 February 2023. Minute numbers 134 - 152**
The Chair invited Cllr Arnott to move the minutes.
Following a vote the Chair confirmed that the above minutes were agreed as a true record.
- (c) **Minutes of the Joint Budget meeting of Scrutiny & Overview Committees part 1 held on 11 January 2023. Minute numbers 64 - 74**
The Chair invited Cllr Rylance to move the minutes.
Following a vote the Chair confirmed that the above minutes were agreed as a true record.
- (d) **Minutes of the Joint Budget meeting of Scrutiny & Overview Committees part 2 held on 12 January 2023. Minute numbers 75 - 88**
The Chair invited Cllr Johns to move the minutes.
Following a vote the Chair confirmed that the above minutes were agreed as a true record.
- (e) **Minutes of the Scrutiny Committee meeting held on 2 February 2023. Minute numbers 89 - 99**
The Chair moved the minutes in the temporary absence of Cllr Allen.
Following a vote the Chair confirmed that the above minutes were agreed as a true record.
- (f) **Minutes of the Housing Review Board meeting held on 18 January 2023. Minute numbers 33 - 46**
The Chair moved the minutes in the absence of Cllr Chamberlain.

Following a vote the Chair confirmed that the above minutes were agreed as a true record.

(g) Minutes of the Planning Committee meeting held on 29 November 2022. Minute numbers 64 - 74

The Chair invited Cllr Wragg to move the minutes.

Following a vote the Chair confirmed that the above minutes were agreed as a true record.

(h) Minutes of the Planning Committee meeting held on 20 December 2022. Minute numbers 75 - 83

The Chair invited Cllr Wragg to move the minutes.

Following a vote the Chair confirmed that the above minutes were agreed as a true record.

(i) Minutes of the Planning Committee meeting held on 31 January 2023. Minute numbers 84 - 95

The Chair invited Cllr Wragg to move the minutes.

Following a vote the Chair confirmed that the above minutes were agreed as a true record.

(j) Minutes of the Licensing & Enforcement Committee meeting held on 7 December 2022. Minute numbers 17 - 26

The Chair invited Cllr Whibley to move the minutes.

Following a vote the Chair confirmed that the above minutes were agreed as a true record.

(k) Minutes of the Licensing & Enforcement Sub-committee meeting held on 24 January 2023. Minute numbers 16 - 20

The Chair invited Cllr Whibley to move the minutes.

Following a vote the Chair confirmed that the above minutes were agreed as a true record.

(l) Minutes of the Personnel Committee

The Chair moved the minutes of both the Personnel Committee on 6 February and Interviewing (Chief Officers) sub-committee on 7 February since the latter is a sub-committee of the former. Accordingly on behalf of the sub-committee the Chair recommended the appointment of Melanie Wellman, currently Assistant Director for Legal and Governance and Monitoring Officer at Sedgemoor Council, as the new Director of Governance & Licensing and Monitoring Officer at EDDC.

Following a vote the Chair confirmed that the above minutes were agreed as a true record.

66 Changes to governance arrangements

The Chair asked Members to confirm the appointment of Cllr Bruce De Saram as a member of the Scrutiny Committee and as Chair of the Committee, following the recent resignation of Cllr Mike Allen as Chair and his standing down as a member of the committee. This is in order to maintain the political balance with a member of the Conservative Group replacing another.

Following a vote, the Chair was able to confirm the appointment.

67 **Motion: Transgender Visibility**

The Chair invited Cllr Bonetta as the proposer, to speak to the motion.

Cllr Bonetta referred to two siblings who had grown up together in East Devon, and recounted what had occurred when one of them had expressed their wish to permanently change their name and gender. He referred to the use of new pronouns and discussions which had taken place within their family to understand what was needed to support the sibling wanting to make changes.

He said that he had used the story to demonstrate that transgender and non-binary people have existed for millennia, presenting in different ways and needed to be recognised in policy. Being transgender is about the reassignment away from the sex assigned to one at birth, and so is not a simple choice.

He went on to say that although there is little scope for what can be done by a District Council, it can work to current legislation, improve its in-house services, and protect and celebrate any Officers or Members who go through any transitions.

Through the motion, EDDC could do the following:

- Provide visibility by flying the Transgender flag
- Agree to demonstrate its serious attitude towards equality through the Stonewall Diversity Champions Program
- Update its policies and training to ensure it uses current equalities legislation to its fullest extent
- Improve its homelessness policies to try and support young people facing homelessness due to being LGBT.

The Chair invited Cllr Whibley as the seconder, to speak to the motion.

Cllr Whibley said that he attended a vigil on Cathedral green in Exeter at the weekend in remembrance of Brianna Ghey, a 16year old who had been murdered recently by her contemporaries. He said that anything which differentiated or categorised people negatively was wrong, and that there had been 8 recorded violent attacks this year against the trans community. He went on to say that the media-fuelled campaign against this community is similar to the vilification of the gay community in the 1980's as a response to Aids. He said that the motion would not change health policies or stop attacks on people, but was a symbolic motion to show that the Council would champion all sections of the community.

Cllr Arnott referred to a number of renowned individuals in the public eye who had become great advocates for the people facing the challenges of going through a gender transition. He said that this was a controversial issue used badly by the press, social media and politicians. He said that the Council has an opportunity to signal its support, and show tolerance and respect to the trans community, and should be proud of doing so.

Cllr Dent expressed concerns about the motion in that a new and detailed policy with seven actions attached had not been considered by any committee and had been presented to Council at short notice. He said that all Cllrs had signed up to the Nolan Principles in Public Life and what was being considered in this motion could equally covered in the next motion on Civility and Respect.

He proposed an amendment to the motion as follows;

‘That this motion be deferred until it can be fully considered by the Personnel Committee (as an appropriate committee) and a detailed summary and report could be submitted to Cabinet.’

The amendment was seconded by Cllr Caygill.

The Chair asked for comments on the amendment.

Comments included the following;

- Cllrs should have a good look at the recommendations which are largely symbolic but signalling a message of support rather than seeking major change to policy
- Colleagues have not read the motion properly and should understand that it is encouraging more interaction with trans communities to understand what issues exist for them
- The motion was presented within the same timescale as the other motions
- Some members commended the way that the motion was presented by Cllr Bonetta
- Training and education was the most important issue for older people in relation to such issues and to encourage understanding
- There was a huge amount of ignorance in the room about this issue, as well as across the wider community, but Cllrs are supposed to represent all members of their community and Cllrs present need to be inclusive rather than divisive

The Chair put the amendment to the vote. Following a vote the amendment was defeated.

The Chair then asked for comments on the motion.

Comments on the motion included the following;

- There were more commendations to Cllr Bonetta about the way he presented the motion
- Thanks were given to the proposers and supporters of the motion, and to the public speakers
- Having been brought up in a bigoted family background, it seems that our children are capable of teaching us more about these issues
- What would Jesus do – probably give trans-people a big hug
- Stonewall programme presents an issue of concern and that part of the motion should be amended
- There is an issue of timing. The Equality Act of 2010 has been enacted for 13 years but is clearly not working because people are not abiding by it. There is hate against people who want to change their gender, and people in the room who want to make pedantic changes in wording
- It's sad that this motion has to be brought to Council at all, let alone amending and kicked into the long grass.

The Chair invited Cllr Bonetta to sum up.

Cllr Bonetta wanted to thank colleagues who had spoken eloquently about the motion and made very good points. He clarified that there had been much discussion about the wording of the motion and the further work required if it was agreed, but it would be offering more support and protection to officers or members in future if agreed.

The Chair invited member to vote for the motion.

Following a vote the motion was carried by the majority of those present, 6 abstentions and no votes against.

68 **Motion: Civility and Respect Pledge**

The Chair invited Cllr Allen as the proposer, to speak to the motion.

Cllr Allen addressed the Pledge initiated by the National Association of Local Councils (NALC), and how it could encourage better practice in EDDC in line with its Constitution, and in line with many other local authorities.

The Chair invited Cllr Moulding as the seconder, to speak to the motion.

Cllr Moulding said it was gratifying to know that many town Councils had signed up to the Pledge already and hoped that EDDC would do likewise in order to encourage good standards of behaviour and mutual respect between Cllrs and the people they serve.

Cllr Hayward said that he was Clerk to three councils and was proud that one of them had already signed up to the pledge. However, whilst approving the motion in principle, he said that it was aimed primarily at Town and Parish Councils governed by NALC and not at District Councils which were not. He wanted to propose an amendment as follows;

‘EDDC will encourage all Town & Parish Councils to adopt the Civility and Respect Pledge’.

The Chair asked for a seconder. Cllr Allen said that he was happy to accept the proposed amendment and Cllr Moulding would second that. Following a vote, the Chair confirmed that the amendment was carried and had become the substantive motion.

Cllr Ledger confirmed that his Town Council had agreed the pledge and become the 1001st to do so.

Cllr Howe asked for the motion to be put and Cllr Ingham seconded this.

The Chair invited members to vote for the motion, which was carried unanimously.

69 **Motion: Recompiling the Local Plan**

The Chair invited Cllr Allen as the proposer, to speak to the motion.

Cllr Allen said that the Consultation was put out with many deficits in supporting evidence and background information, and so was not compliant with the current NPPF. The software supporting the consultation also appeared to be problematic to use, and therefore led to distortions and errors in the results. He wanted to propose that the consultation was done again to engage more local residents and rectify the deficits.

The Chair invited Cllr Skinner as the seconder, to speak to the motion.

Cllr Skinner said that at the last Strategic Planning Committee it was proposed to put the Local Plan on hold, which met with agreement from across the political spectrum. It also seemed sensible to wait until we had received the forthcoming government requirements and guidelines rather than ploughing on and having to make changes after the event in order to be working within a new NPPF.

As Portfolio Holder for Strategic Planning, Cllr Ledger responded by asking for clarification about the type of consultation being requested.

Cllr Allen stated that it would require a Regulation 18 consultation.

Cllr Ledger said that this would be impossible within the timeframe available when all the work was needed to be done by 2025. There was no time to do another consultation and EDDC did not have the resources or planners to do the work again without losing the data already collected and without losing the 5 year land supply. He went on to say that

the Local Plan was a fluid document that would progress incrementally with more consultations and more iterations, but he did not want to put communities at risk by allowing unsustainable developments to take place.

During the following debate comments included the following;

- It cannot be right to carry on if the evidential basis was wrong
- Residents feedback was that the consultation was fundamentally flawed
- Agreement was not reached on deferring the Plan but only to the land allocation for housing and employment land. Nothing else had changed. A statement of intent had been made by the Secretary of State, Michael Gove, but no legislation had yet come out, so all other work is continuing. Most consultations are flawed but this one had more public engagement than ever before, and a record number of responses. The motion could not be supported because the implications were too serious for the District, as outlined by Cllr Ledger.
- EDDC is in a better position than most Councils because it has a Local Plan.
- Government has called the policy but not replaced it, and due to its procrastination, we do not know what housing numbers we are looking at. As a result, work needs to continue with the accompanying public engagement and transparency. Figures will be corrected down the line as necessary.
- All Town and Parish Councils were consulted several times, and do not feel disenfranchised by the consultation. Many have Neighbourhood Plans and appropriate comments were included as part of the Local Plan consultation.
- If the rug were to be pulled on the process, there would be no figures or evidenced basis to prevent developers presenting unsustainable proposals in future.
- It was unfortunate Michael Gove made the comments he did, but Exmouth TC were consulted and responded. The motion could not be supported because EDDC has lots of information, lots of responses, and it would not be right to put local residents in a difficult position, and when multiple consultations would come as part of the ongoing work.
- The motion as it stands was throwing EDDC off a cliff if we did as it suggested. EDDC cannot go back or it would put us in a much worse situation. Consultation would have to happen again after the elections and when the new NPPF emerged.
- Ottery St Mary has a Neighbourhood Plan and responded to the consultation. It was central government that keeps changing its mind. Nobody was ever satisfied with site allocations because they were chosen by landowners.
- The public and Cllrs are confused by the issues involved, so another consultation is not going to help.
- Every Town and Parish council clerk received details of the consultation and had the opportunity to table an item on it to be discussed. If this did not happen it was down to the Clerk. Everyone moans about consultations and that government changes the ground rules on a regular basis. But this was an incredibly complex consultation. EDDC offered several ways to receive and analyse the responses including making bound paper copies available. This is complex because it will influence developments in East Devon for decades to come. This motion cannot be supported because everyone was given an opportunity to engage.

The Chair asked Cllr Allen to sum up.

Cllr Allen said that colleagues had not read the motion. All it was suggesting that since there were deficits in the information and poor software to support the consultation, there should be a second in-depth consultation carried out. The motion was simply requesting an opportunity to put it right.

The Chair then moved to a vote.

Following a vote the motion was defeated by a majority of those present.

The Chair thanked everyone for their attendance, including members of the public and speakers.

The meeting ended at 8.45pm

Attendance List

Councillors present:

M Armstrong	D Bickley	B Ingham
P Jarvis	J Bailey	G Jung
S Jackson	P Hayward	H Parr
P Arnott	S Hawkins	M Rixson
F Caygill	A Moulding	E Rylance
A Colman	M Allen	B De Saram
R Lawrence	D Manley	P Skinner
T Woodward	C Brown	B Taylor
N Hookway	M Chapman	I Thomas (Chair)
C Wright	A Dent	E Wragg
O Davey	P Faithfull	T Wright
J Whibley	S Gazzard	S Hughes
V Johns	I Hall	A Bruce
D Ledger	M Hartnell	J Bonetta
J Rowland	M Howe	C Burhop

Officers in attendance:

Simon Davey, Director of Finance
Anita Williams, Interim Director of Governance and Licensing and Monitoring Officer
Susan Howl, Democratic Services Manager
Sarah James, Democratic Services Officer
Andrew Hopkins, Communications Consultant

Councillor apologies:

S Chamberlain
K Bloxham
T McCollum
J Loudoun
D Key
C Gardner
I Chubb
G Pratt
P Twiss

Chair

Date:

Council Meeting on 19th April 2023

Agenda Item No 8

Questions by Members to Full Council under Procedure rule 9.2

Question 1: Procedure Rule 9.2 to the Deputy Leader of the Council from Councillor Mike Allen

Over-50s account for the majority of UK employment growth in the past decade, one in four have been furloughed this year and face devastating financial implications. Over 50s who fall out of the workforce are twice as likely to become long-term unemployed.

- a) How does EDDC ensure there is strong employment support for older workers and that employers are age-friendly and inclusive. Just a 1% increase in the number of people in work aged 50-64 could increase UK GDP by around £5.7 billion per year with knock on positive effects on local economies.
- b) Will EDDC commit to becoming an age-friendly employer leading by example and encourage employers in our area to do the same.
- c) Are the businesses EDDC contracts with asked whether they offer flexibility for older workers or how they recruit in a way that attracts older workers.
- d) How does EDDC ensure that local services that support unemployed people back to work reflect the needs of those aged over 50.
- e) How can EDDC work with DCC to use commissioning powers and work with local Further Education providers to ensure specifically tailored skills training for those in mid to later life, and develop ring-fenced funding for retraining after unemployment or redundancy for those in mid to later life. This should include sector-based training related to labour market opportunities and transferable skills.

Answer:

I appreciate the concern regarding employment support for the over 50s. The furlough scheme ran between April 2020 and October 2021. The latest labour market profile statistics from February of this year indicate that there were 415 unemployment benefit claimants aged 50 or above in District. That equates to 1.3% of the overall 50+ population which compares favourably to the equivalent figures of 1.8% for the South West and 2.8% for Great Britain. Our issue is less our older economically active residents of 50-64 years looking for work, and more our economically inactive 16-64 years resident population (people who are neither in employment nor unemployed). The same labour market profile shows that we have 17,200 such residents (Oct 2021 – Sept 2022) representing a higher proportion of our East Devon population than either the South West or Great Britain data (22.6% compared to 19.7 and 21.6 respectively). Of these economically inactive residents of working age, 86.9% in East Devon do not want a job – significantly higher than in the SW (82%) and Great Britain population.

It is this higher degree of economic inactivity in East Devon which has shaped our three UK Shared Prosperity Fund People and Skills projects to be delivered in 2024-25. These will

focus on providing employment support for economically inactive residents of all ages with disabilities to improve their employment prospects. We will also be providing support for young residents not in employment, education or training to improve their employment opportunities. This is targeted at younger residents since levels of economic inactivity are significantly higher in our 16-24 years population. Lastly, we will be targeting our economically inactive residents across all age groups to encourage take up of re-skilling and up-skilling opportunities to gain net zero related skills such as accreditations required to enter the retrofitting marketplace.

We will continue to work with local Further Education colleges to ensure that the skills and training needs of our residents are met to best effect including through sector-based initiatives. A decision on whether to become formally recognised as an age-friendly employer, for example by signing up to the Age-Friendly Employer Pledge, would need to be considered by the new administration through the Personnel Committee and would link with other initiatives that HR are working on, including 'growing our own' to support entry in and progression through the organisation. Equally a requirement for business that the Council contracts with to offer flexibility for older workers would need to be considered through a review of our Procurement Strategy.

Question 2: Procedure Rule 9.2 to the Portfolio Holder for Sustainable Homes and Communities, and Portfolio Holder Strategic Planning from Councillor Mike Allen

Please explain how much has been spent in the last 2 financial years on the new Local Plan.

Answer:

Production of the Local Plan utilises resources which are primarily held as part of the Planning Policy team budget, however this budget is also utilised for other planning policy work which is not part of the local plan and so splitting this out to identify the monies spent on the Local Plan from this budget is difficult. Furthermore much of the evidence base for the Local Plan has been jointly funded with the neighbouring authorities of Exeter City Council, Mid-Devon District Council, Teignbridge District Council and Devon County Council as part of an on-going programme of developing a shared evidence base which has been an approach taken for many years using funds held in a separate account. In addition resources from other services have also fed into work on the local plan including staff resources from teams including Economic Development, Countryside and Housing among others who have helped to produce policies and evidence documents relevant to those service areas. It is not therefore possible to identify exactly how much has been spent specifically on the new Local Plan. I can however assure you that wherever work can be carried out in house this has been done to minimise expense and the production of a shared evidence base with costs shared with neighbouring authorities wherever possible has further helped to keep the cost of external consultant reports to a minimum.

Summary of recommendations being presented to Council that will resolve in an action being taken:

19 April 2023 (Minutes in full have been circulated and are available on line.)

Cabinet – 1 March 2023	
161 Adoption of EDDC Play Strategy, Town and Parish Council criteria to access EDDC capital funding	
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.
165 Plant Based 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.
167 Enterprise Zone - Acquisition of land	
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.

Cabinet – 29 March 2023	
183 Towards Zero Carbon Development in the West End: Project Management Capacity	
RECOMMENDED	To Council to: 2. That the outcome of the bid to the Green Heat Network Fund be noted and recommends to Council that the associated funding agreement is signed. 3. That £80k is made available from the General Fund to provide additional project management support for the delivery of low and zero carbon development in the West End.

184 Exeter Science Park Company: Debt to Equity**RECOMMENDED**

To Council:

that the request to convert debt to equity is agreed subject to;

1. the other ESPL Shareholders also agreeing to convert outstanding debt to equity.
2. satisfactory resolution of the position regarding the Growing Places Fund loan with the Heart of the South West Local Enterprise Partnership.

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 – Littleton 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 Littleton 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 Littleton 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 Littleton 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 car parks.

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:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Cabinet held at Council Chamber, Blackdown House, Honiton on 29 March 2023

Attendance list at end of document

The meeting started at 6.00 pm and ended at 6.59 pm

168 Public speaking

There were no members of the public wishing to speak.

169 Minutes of the previous meeting

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

170 Declarations of interest

Min 174. Minutes of Scrutiny Committee held on 2 March 2023.

Councillor Steve Gazzard, Affects Non-registerable Interest, Reference SW Water - is a Town Councillor and resident of Exmouth.

Min 179. Exemption from Contract Standing Orders - UK Shared Prosperity Fund - OSM.

Councillor Peter Faithfull, Affects Non-registerable Interest, Member of Ottery Town Council.

Min 180. Homes for Ukraine project approval to extend the financial 'Homemaker' check service and delegated authority.

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

Min 184. Exeter Science Park Company: Debt to Equity.

Councillor Jack Rowland, Affects Non-registerable Interest, Council appointed Shareholder of Exeter Science Park.

Min 184. Exeter Science Park Company: Debt to Equity.

Councillor Paul Hayward, Affects Non-registerable Interest, Council appointed Director of Exeter Science Park.

171 Matters of urgency

None

172 Confidential/exempt item(s)

There were two confidential items recorded at minute 183 and 184.

173 Minutes of Arts and Culture Forum held on 1 March 2023

Members agreed to note the Minutes of Arts and Culture Forum held on 1 March 2023.

174 Minutes of Scrutiny Committee held on 2 March 2023

Members agreed to note the Minutes and recommendations of Scrutiny Committee held on 2 March 2023.

Minute 106 Portfolio Holder Annual Report - Coast, Country and Environment

1. That the Council encourages South West Water to bring the new sewage treatment plants and other infrastructure improvements into operation as soon as possible for the benefit of residents and that the Council takes proactive action wherever possible to protect its residents from the effects of pollution.
2. That the Council works with other authorities in the south west and involves the relevant MPs in support of its dialogue with South West Water to achieve improvements.
3. That the Council, through its partners, ensures that food waste is reduced and recycled and that, if necessary, a campaign is introduced after the next election to educate and encourage residents.

Minute 107 Expenditure on consultants and agency staff 2021 – 2022

That where the Council has to employ consultants it always aims to achieve best value for money.

175 Minutes of Scrutiny Committee held on 9 March 2023

Members agreed to note the Minutes of Scrutiny Committee held on 9 March 2023.

176 Minutes of Housing Review Board held on 16 March 2023

Members agreed to note the Minutes and recommendations of Housing Review Board held on 16 March 2023.

Minute 53 Changes to the housing leadership team

that Cabinet recommend to Council the creation of a new post of Head of Housing Operations to be funded through the Housing Revenue Account.

Minute 54 Finance report

that Cabinet note and approve the Housing Revenue Account and Housing Capital finance 2022/23 forecast outturn report.

Minute 55 Remit Zero Cylo – Innovate UK application

1. that Cabinet support the Innovate UK funding bid and EDDC's role as a collaboration partner.
2. that Cabinet approve the funding of the Council's contribution to the bid of £125,000.
3. that should the funding bid not be successful, that Cabinet authorise the Director of Housing, Health and Environment in liaison with the Portfolio Holder for Homes and Communities to identify an alternative project that could be implemented to install Cylo as an initial pilot of ten council homes.

Minute 56 Integrated asset management contract – minor works

that Cabinet approve, in accordance with the conditions of the integrated asset management contract the change by the core group and approve that it is implemented/recorded under a formal contract amendment.

Minute 57 Void performance

1. that Cabinet note the contents of the report including contributing factors towards performance levels and details of the plan for improving performance.
2. that Cabinet recommend the additional staff resource required to implement the suggested improvements, namely an additional Housing Allocation Officer.
3. that Cabinet approve the changes to the voids lettable standard.

Minute 58 Learning from complaints

1. that Cabinet note the learning points from the report and the areas of improvement identified.
2. that Cabinet recommends to Council the appointment of an additional Complaints Officer (Housing) for a fixed 12 month period who will work within the Corporate Complaints team.
3. that Cabinet recommends to Council that additional funding in the sum of £25,409 plus on costs is approved to fund an additional Complaints Officer (Housing) for a fixed 12 month period.

Minute 59 Tenancy visits

1. that Cabinet note and agree the tenant visits policy and procedure.
2. that Cabinet agree that all properties be visited annually.
3. that Cabinet recommend to Council two additional housing officer posts and the additional budget requirement.

Minute 61 HouseMark 2023/24 membership renewal

1. that Cabinet approve that the HouseMark membership is renewed for 2023/24 at an annual cost of £8225 plus VAT.
2. that Cabinet approve that the subscription is carried forward on an annual basis unless the Housing Review Board are otherwise informed.

177 Minutes of Community Grant Panel held on 17 March 2023

Members agreed to note the Minutes and recommendations of Community Grant Panel held on 17 March 2023.

Minute 113 Community Buildings Fund

That the remaining balance of the Community Buildings Fund be carried forward to 2023/24 for future applications in that year and that the Fund is better promoted in future years, with an emphasis on green projects.

178 Broadclyst Neighbourhood Plan Examiner's Report

The report provided feedback and set out proposed changes following the examination of the Broadclyst Neighbourhood Plan. The independent examination of the Plan had now concluded and the final Examiner's report received. In accordance with the relevant legislation, the District Council must now consider its response to the Examiner's recommendations and also satisfy itself that the Plan meets the necessary 'basic conditions'.

RESOLVED:

1. That the Examiner's recommendations on the Broadclyst Neighbourhood Plan (the Plan) be agreed.
2. That a 'referendum version' of the Plan (incorporating the Examiner's modifications as set out in this report) be produced and give delegated authority to the Assistant Director Planning Strategy and Development Management in consultation with the Portfolio Holder – Strategic Planning to agree a final version once the issues highlighted in paragraphs 41

and 42 of Appendix A have been addressed and to then proceed to referendum and publish a decision notice to this effect, be agreed.

3. That the Broadclyst Parish Council and Neighbourhood Plan Steering Group be congratulated on their sustained hard work.

REASON:

The legislation required a decision notice to be produced at this stage in the process. The Plan was the product of significant local consultation and has been recommended to proceed to referendum by the Examiner subject to modifications which were accepted by the Parish Council.

179 Exemption from Contract Standing Orders - UK Shared Prosperity Fund - OSM

The report relates to the Feasibility Study for the Ottery St Mary (OSM) Station Youth Hub that was being delivered using UKSPF funding. The UKSPF Investment Plan was approved by Government on 7 December 2022. The total allocation for Ottery St Mary is £25,000, split over 2 funding years. There was insufficient time to conduct a procurement exercise given the external funding timeframe.

Members asked that a letter be written to the District's MPs to request that any further allocations of funding; of any sort, be sent well advance of any deadline dates for allocation or spending.

RESOLVED:

That support for the action taken in accordance with para 2.3.2 of the Council's Contract Standing Orders be noted.

REASON:

To enable commencement of spend of the UKSPF allocation for OSM by 31 March 2023. To avoid having to return the funding allocation due to not delivering any expenditure by the end of this financial year.

180 Homes for Ukraine project approval to extend the financial 'Homemaker' check service and delegated authority

The report sought to extend the financial check service provided by Homemaker Southwest to assist more Ukrainian guests to move in to private rented accommodation and to introduce a delegated authority to the Homes for Ukraine project.

RESOLVED:

1. That the extension of the financial check service provided by Homemaker Southwest for an extra 2 days a week for use by Ukrainian guests looking to move in to private rented accommodation for an initial 6 month period from 1 April 2023, at a cost of £8,000 be agreed.
2. That this new service be delivered within the finances provided by the UK Government be agreed.
3. That future approval for spending on this project within existing budgets and to enter into such agreements as are required to ensure that the project meets its aims, to be delegated to one of the following - Director Finance, Director Housing, Health and Environment or Director Governance and Licensing. With such spend to be in discussion with the Portfolio Holders for Finance and Sustainable Homes and Communities be agreed.

REASON:

The extended financial check service provided by Homemaker Southwest would enable more Ukrainian guests to move in to private rented accommodation and ease the pressure the service was experiencing at this time due to the number of referrals it was receiving. The introduction of a delegation to the project would enable the Homes for Ukraine scheme to become more agile and flexible and to enable new initiatives to be agreed in a timely manner.

181 **Household Support Fund 4**

The report provided details on the proposed policy of the Household Support Fund and funding available to support households for the period 1 April 2023 to 31 March 2024.

Sharon Church, Libby Jarrett and the Finance team were congratulated on getting the fund to this point.

RESOLVED:

1. That the proposed policy for the Household Support Fund for the period 1 April 2023 to 31 March 2024 be agreed.
2. That delegated authority to be given to the Assistant Director for Revenues, Benefits, Customer Services and Fraud and Compliance in consultation with the Portfolio Holder for Finance and the Portfolio Holder for Sustainable Homes and Communities, to determine the targeted groups who are most in need of financial support, which takes into account data from the poverty dashboard and other relevant factors, be agreed.

REASON:

The recommendation allowed for the administration of the Household Support Fund to be targeted at those who required financial support through the cost of living crisis. In addition the proposed policy was in line with the Department for Work and Pensions guidance and was in agreement with other Team Devon authorities who continued to work together to ensure a Devon wide framework in administering these funds. This policy also continued to support the Council's Poverty Strategy.

182 **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

that under Section 100(A) (4) of the Local Government Act 1972 and in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public (including the press) be excluded from the meeting as exempt and private information (as set out against each Part B agenda item), is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B).

183 **Towards Zero Carbon Development in the West End: Project Management Capacity**

The report highlighted the good progress being made both with the development of the interconnector project and to support the ongoing roll out of district heating to the Cranbrook expansion areas. This included a successful bid to the Green Heat Network Fund.

RESOLVED:

1. That delegated authority be granted to the Chief Executive in consultation with the Leader, Deputy Leader and Portfolio Holders for Finance and Coast, Countryside & Environment and the Director Governance & Licensing to complete the relevant documentation.

RECOMMENDED to Council:

2. That the outcome of the bid to the Green Heat Network Fund be noted and recommends to Council that the associated funding agreement is signed.
3. That £80k is made available from the General Fund to provide additional project management support for the delivery of low and zero carbon development in the West End.

REASON:

To ensure the successful progression of the interconnector project and the ongoing roll out of district heating to serve the Cranbrook expansion areas.

184 **Exeter Science Park Company: Debt to Equity**

The Assistant Director Growth, Development & Prosperity presented his report that sought to convert the Council's £1m loan plus associated interest in to an equity stake in Exeter Science Park Limited. The proposal followed a formal request from the Chief Executive of ESPL with other shareholders expected to take similar action. This approach was necessary to ensure the future financial sustainability of the Science Park.

RECOMMENDED to Council:

that the request to convert debt to equity is agreed subject to;

1. the other ESPL Shareholders also agreeing to convert outstanding debt to equity.
2. satisfactory resolution of the position regarding the Growing Places Fund loan with the Heart of the South West Local Enterprise Partnership.

RESOLVED:

3. That delegate authority be granted to the Chief Executive in consultation with the Leader, Portfolio Holders for Finance and Economy & Assets and Directors for Governance & Licensing and Finance, to finalise the associated legal agreements.
1. That authority be granted to the S151 Officer to sign the request of the Letter of Comfort received from the CEO Exeter Science Park.

REASON:

To ensure the future financial sustainability of Exeter Science Park Limited.

Attendance List

Councillors present:

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

Councillors also present (for some or all the meeting)

J Bonetta
P Faithfull
S Gazzard
T Wright

Officers in attendance:

Sharon Church, Benefits Manager
Amanda Coombes, Democratic Services Officer
Simon Davey, Director of Finance
Naomi Harnett, Enterprise Zone Programme Manager
Alison Hayward, Project Manager Place & Prosperity
Andrew Hopkins, Communications Consultant
Emily Robins, Homes for Ukraine project coordinator
Anita Williams, Interim Director of Governance and Licensing and Monitoring Officer
Andrew Wood, Assistant Director Growth Development and Prosperity

Councillor apologies:

S Jackson

Chair

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Scrutiny Committee held at Council Chamber, Blackdown House, Honiton on 2 March 2023

Attendance list at end of document

The meeting started at 6.00 pm and ended at 8.04 pm

100 Public speaking

There were no members of the public registered to speak.

101 Minutes of the previous meeting

The minutes of the previous meeting held on 2 February 2023 were agreed and signed as a true record.

102 Declarations of interest

There were no declarations of interest.

103 Matters of urgency

There were no matters of urgency.

104 Confidential/exempt item(s)

There were no confidential / exempt items.

105 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 by Members for scrutiny.

106 Portfolio Holder Annual Report - Coast, Country and Environment

Cllr Geoff Jung, Portfolio Holder for Coast, Country and Environment presented his report and thanked the Countryside Team for their Annual Review, which had been circulated to all Councillors. Questions and comments on the Portfolio Holder report included the following points:

- Issues with staffing were starting to improve following the recent pay review.
- A recent waste survey had shown that elderly households are most likely to recycle, with busy families the least likely. Food waste continues to be a big issue, although a Devon wide survey showed that EDDC has a higher rate of food waste collection than other authorities.
- It was noted that each service within the portfolio now has a workforce plan which includes succession planning.
- Recycling of waste in public areas is mixed due to improper use by members of the public, resulting in most waste going to the Exeter incinerator.
- There was discussion regarding types of flaps on recycling vehicles and it was noted that this is also a health and safety issue for operatives as well as a practical matter.

- The lower Otter Estuary project is now being seen in a positive light, despite initial opposition, and is viewed as a good example of collaborative working across various organisations.
- There was discussion regarding on-going concerns about beach pollution in Exmouth and continuing incidences of sewage discharges as a result of storm overflow. It was noted that South West Water sewage treatment plants are at capacity. SWW are trying to resolve issues at the Maer nature reserve which is managed by the Countryside team.
- It was noted that the fitting of meters to storm overflow pipes is likely to give rise to more pollution alerts as information will be in real time and will result in more beach closures.
- It was further noted that the new draft Local Plan included a new sewage treatment plant connected to the proposed new town, which could be viewed as preferable to additional housing in locations across the district with no new sewage treatment capacity.
- Regarding the energy from waste incinerator, it was noted that constant air sampling is undertaken and that the operation is both efficient and clean.
- Pest control in Council properties should be carried out immediately in order to avoid increasing problems.

The Director of Housing, Health and Environment advised the Committee that the Environmental Health team is aware of pollution incidents across the district and continues to hold South West Water to account. The service plan includes a more proactive approach to enforcement.

The Committee thanked Cllr Jung for his report and for attending the meeting.

RECOMMENDATIONS TO CABINET

1. That the Council encourages South West Water to bring the new sewage treatment plants and other infrastructure improvements into operation as soon as possible for the benefit of residents and that the Council takes proactive action wherever possible to protect its residents from the effects of pollution.
2. That the Council works with other authorities in the south west and involves the relevant MPs in support of its dialogue with South West Water to achieve improvements.
3. That the Council, through its partners, ensures that food waste is reduced and recycled and that, if necessary, a campaign is introduced after the next election to educate and encourage residents.

The Committee agreed to request a report from MPs setting out their actions on requiring improvements from South West Water and that this be put on the Forward Plan for the new Committee following the election.

107 Expenditure on consultants and agency staff 2021 - 2022

The Finance Manager and Deputy S.151 Officer presented the report on expenditure on consultants and agency staff 2021-22 and advised that the detail in the report had been generated from the Council's financial systems, with commentary provided by budget managers.

Cllr Kim Bloxham had submitted questions on the report prior to the meeting and a response had been circulated to all Councillors. Cllr Bloxham had further questions on the report and the Finance Manager agreed to provide a response following the meeting. Additional information regarding consultancy projects which had not been completed would be added to future reports.

It was suggested that a review of the value of engaging consultants as against direct employment or short term contracts in certain areas of work could be added to the Scrutiny Forward Plan.

Discussion and questions on the report included the following points:

- Consultants are recruited where specialist expertise for certain projects is required in the short term, rather than being a full time post.
- The Legal team requires high level advice from time to time and is also currently experiencing difficulty with recruitment.
- The external audit report includes the issue of value for money in this regard.

The Finance Manager agreed to provide a summary of previous reports to show year on year comparisons of costs.

RECOMMENDATION TO CABINET

That where the Council has to employ consultants it always aims to achieve best value for money.

108 Quarterly performance report - quarter 3

The quarterly performance report was taken as read.

Concern was expressed with regard to the turnaround of void properties. The Director of Housing, Health and Environment advised that issues with void properties had arisen due to contractor capacity, more voids than usual, a backlog of repairs following the pandemic and the number of properties being returned to the Council in an appalling state. It was noted that the Housing Review Board is monitoring the situation closely and that the Housing service plan is focussed on this issue.

Questions and discussion on the quarterly performance report included the following:

- With regard to housing benefit claims, it was noted that the team has a significant workload due to the delivery of various Government schemes and emergency help which is on-going, often with complex cases.
- There is a need for a good stock of emergency accommodation.

The Director of Housing, Health and Environment advised that the need for temporary accommodation has increased dramatically in recent years and that the Council's own stock is sometimes used for temporary housing as well as private lets using rent deposits, and property acquisitions to increase the housing stock. The Housing Task Force is working to bring forward schemes to boost the supply of affordable housing.

The Housing Review Board can bring in additional contractors to help when required. More frequent inspections of properties and pre-termination visits can be effective with regard to improving the state of void properties.

The Committee noted that Councillors should be encouraged to participate with officers in estate inspections in their wards as these prove to be very useful.

It was also noted that the Portfolio Holder Sustainable Homes and Communities is proactively involved with the various strategies to engage Council tenants on their

estates. There is a planned programme of estate walk-about covering all areas of the district.

RECOMMENDATIONS TO HOUSING REVIEW BOARD

1. That the Council continues to encourage tenants to return properties in a good state of repair and condition.
2. That improved monitoring of void properties is undertaken when they are due to be returned to the Council for re-letting.
3. That Councillors be encouraged to accompany officers on property and estate inspections in their wards.

109 Forward Plan

Discussion on the Forward Plan included the following points:

- The new County wide Tree Policy will include many of the points raised in the recommendations made previously by the Scrutiny Tree TaFF. The Tree Policy, developed with various partner agencies, is due to be presented to the Strategic Planning Committee in June and will include a mix of protective measures and increasing the County's tree stock.
- The report of the Scrutiny Tree TaFF from 2015 would be circulated following the meeting.

Following discussion, it was agreed to remove the review of recommendations of the Tree TaFF from the Forward Plan.

The following changes to the Forward Plan were also agreed:

- To leave the proposal from Mid Devon District Council for a joint review into planning controls and regulatory requirements associated with the bio-energy industry within Devon to the next Council year following the elections.
- To add the review of the value of consultants against direct employment or short term contracts in certain areas of work to the Forward Plan.
- To delete the consideration of the use and provision of all forms of renewable energy across the whole district from the Forward Plan.

With the above amendments, the Forward Plan was agreed.

Attendance List

Councillors present:

A Bruce
M Chapman
O Davey (Vice-Chair)
B De Saram (Chair)
D Key
H Parr
B Taylor

Councillors also present (for some or all the meeting)

P Arnott
K Bloxham
G Jung

M Rixson
J Rowland
T Wright

Officers in attendance:

John Golding, Director of Housing, Health and Environment
Sarah Jenkins, Democratic Services Officer
John Symes, Finance Manager
Anita Williams, Interim Director of Governance and Licensing and Monitoring Officer

Councillor apologies:

J Bailey
S Hawkins
E Rylance
J Whibley
T Woodward

Chair

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Scrutiny Committee held at Council Chamber, Blackdown House, Honiton on 9 March 2023

Attendance list at end of document

The meeting started at 6.00 pm and ended at 8.15 pm

110 Public speaking

There were no members of the public registered to speak.

111 Declarations of interest

There were no declarations of interest.

112 Matters of urgency

There were no matters of urgency.

113 Confidential/exempt item(s)

There were no confidential / exempt items.

114 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 by Members for scrutiny.

115 Portfolio Holder Annual Report - Council and Corporate Co-ordination

Cllr John Loudoun, Portfolio Holder for Council and Corporate Co-ordination presented his report and thanked the Corporate HR Manager and her team for their contributions and professionalism in maintaining good employee relations. Cllr Loudoun also thanked Cllr Ian Thomas for his work as Chair of the Personnel Committee.

Questions and comments on the Portfolio Holder report included the following points:

- Members of the Personnel Committee do not necessarily need HR experience as they have the professional advice of the supporting officers.
- Future potential pay claims were flagged as an area of concern, however, it was noted that this is a national issue facing public sector employers.
- Regarding the Worksmart approach which was revised in May 2022, it was emphasised that service delivery is the first priority when staff are working flexibly.
- Good information sharing is regarded as crucial to an organisation's culture and it was considered that the culture within EDDC is good.
- Setting up the Personnel Committee was a very positive step and had taken staffing matters out of the political arena. This had been assisted by having the independent Chair of Council as Chair of the Personnel Committee.
- With regard to staff turnover, and in particular staff at a higher level, it was noted that there needs to be a balance of experience and innovation when recruiting for these posts.

- On-going difficulties with recruitment were discussed and it was acknowledged that, although the recent pay review had helped considerably, there are also national shortages in some skill sectors such as surveyors which contribute to recruitment issues.
- In order for the Council to maintain its position following the pay review, this will be considered again after 9 months to monitor its success.
- Apprenticeships are not restricted to traditional roles, but are spread across the council. The Portfolio Holder would report back to clarify the number and type of apprenticeships currently in place.
- Regarding sickness absence, it was noted that, as well as winter colds, flu and covid, staff mental health was also being negatively impacted by the current cost of living crisis.
- It was noted that a staff survey is due at some point, but that this needed to be undertaken separately from the Investors in People re-accreditation process which is currently underway.

At the conclusion of its discussion, the Committee noted that the outcome of the staff survey will be monitored closely by the Personnel Committee as a good indicator of staff well-being.

It was further noted that the Chief Executive delivers the Council Plan through the staff, while always ensuring that support for staff well-being is paramount.

The Chair thanked Cllr Loudoun for attending and for his report.

116 **Portfolio Holder Annual Report - Tourism, Leisure, Sport and Culture**

Cllr Nick Hookway, Portfolio Holder for Tourism, Leisure, Sport and Culture presented his report. Cllr Hookway advised that this was a relatively new Portfolio and the report covered the past two years. The Portfolio, which covered several services, was an effective cross-cutting method of working and would not function without the cross-service support of officers. Cllr Hookway also thanked Cllr Hawkins for his work as Chair of the LED Monitoring Forum.

Questions and comments on the report included the following points:

- The Exmouth Pavilion is seeing audiences returning slowly following the pandemic, in line with the experiences of venues across the country.
- A key issue for the Pavilion and other similar building is the lack of investment in maintenance over previous years.
- The Exmouth placemaking consultation is currently underway, although it was noted that any investment in the Pavilion may be constrained by lack of funds.
- A report is awaited as to what urgent repairs to the Pavilion might be needed.
- The Queen's Drive fitness space was installed during the pandemic so that it could be used while social distancing was in place. It was noted that its usage has not been as hoped and the space had been adversely affected by last year's heatwave and the impact on growing conditions for the grass surface. It was planned to run fitness sessions for teenagers over the summer season.
- It was noted that the key rationale in the Portfolio is to drive the economy in tourism and culture. Working across departments was critical to providing support for businesses as they emerge from the pandemic.
- Thanks was also due to the Arts and Culture Forum chaired by Cllr Whibley and the LED Monitoring Forum for their roles in delivering the strategies within the Portfolio.
- Regarding the playing field strategy, it was noted that no further update is available currently and the Portfolio Holder is waiting for work to recommence.

- Cllr Whibley as Member Champion for Arts and Culture, highlighted the excellent work undertaken by the Assistant Director, Countryside and Leisure and the Arts Development Manager at the Thelma Hulbert Gallery in pulling the different strategies together.
- The role of consultants in developing the Culture, Leisure and Tourism Strategies was noted.
- The appointment of the EDDC Cultural Producer would assist with overcoming some of the obstacles to delivering the Culture Strategy, however, the lack of a budget remained an obstacle to delivery. The Portfolio Holder was considering future Government levelling up funding as a possible option.
- Regarding the demographic of visitors to East Devon, it was difficult to be specific as it depends on time and location. The Portfolio Holder would report back with demographic information at a future point.
- It was noted that existing dual use arrangements are to be renegotiated and that this was well received. It was further noted that this would be a slow process as all sites have to be re-negotiated and that previously unknown issues had come to light during production of the Leisure Strategy.
- With regard to holding cultural events, there needs to be a balance between the benefit and the impact on local residents.
- The impact of holding weddings and the Christmas event in Connaught Gardens in Sidmouth was discussed and concern was expressed about closing off parts of the Gardens to visitors during events. Concern was also expressed that the identity of the Gardens should not be lost due to the holding of events, and that events should at least cover their costs.
- It was further noted that events such as weddings bring considerable economic benefit to the area.
- It was noted that Cranbrook should be included in the delivery of cultural and leisure facilities and that discussions between the Portfolio Holder and the Assistant Director, Growth, Development and Prosperity are on-going with regard to delivery of the Leisure Strategy in Cranbrook.
- With regard to ensuring that there is sufficient and wide promotion of cultural events, it was noted that one of the purposes of the Arts and Culture East Devon (ACED) network is to promote awareness of events.

The Scrutiny Committee noted the contents of the report with regard to the stock condition survey and agreed the following recommendations to the Overview Committee.

RECOMMENDATIONS TO OVERVIEW COMMITTEE

1. That the Council aims to complete the Leisure Strategy stock condition survey by the end of the next Council term to enable both the Council and the public to be aware of the condition of their local assets and so that the required maintenance can therefore be budgeted for.
2. In the event that a cultural or leisure site is to close as a result of the stock condition survey, a public consultation be held where possible.

The Portfolio Holder was thanked for his report.

117 Forward Plan

With regard to the annual report from the Portfolio Holder for Democracy, Transparency and Communications, the Interim Monitoring Officer advised that it would be preferable for the report to be considered in the new Council term rather than at the meeting scheduled for 6th April 2023 as this falls within the pre-election period. It was noted that there was, therefore, no business for the meeting on 6th April 2023.

It was agreed that the Committee write to the MPs requesting a date for them to report on their actions on requiring improvements from South West Water.

The Forward Plan was agreed.

Attendance List

Councillors present:

O Davey
B De Saram (Chair)
C Gardner
S Hawkins
D Key
H Parr
E Rylance (Vice-Chair)
B Taylor
J Whibley

Councillors also present (for some or all the meeting)

P Arnott
N Hookway
J Loudoun
J Rowland
P Skinner
T Wright

Officers in attendance:

Sarah Jenkins, Democratic Services Officer
Anita Williams, Interim Director of Governance and Licensing and Monitoring Officer

Councillor apologies:

J Bailey
A Bruce
M Chapman
J Kemp
T Woodward

Chair

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Housing Review Board held at Council Chamber, Blackdown House, Honiton on 16 March 2023

Attendance list at end of document

The meeting started at 10.00 am and ended at 12.38 pm

47 Public speaking

There were no members of the public registered to speak.

48 Minutes of the previous meeting

The minutes of the previous meeting held on 18 January 2023 were agreed.

49 Declarations of interest

There were none.

50 Matters of urgency

There were none.

51 Confidential/exempt item(s)

There were none.

52 Housing Review Board forward plan

The Assistant Director of Housing presented the forward plan and advised members that the forward plan acted as a reminder of agenda items to come forward to future meetings. Members were reminded that they could add further reports and topics for discussion to the next forward plan by informing either herself or the Democratic Services Officer.

The Assistant Director of Housing added to the forward plan a review of the Housing Revenue Account Business Plan, which would be needed as a result of the stock condition survey, which was still on track to complete in September 2023. The results of the tenant satisfaction survey were being collated and would be reported to the June meeting of the Housing Review Board. In response to tenants' concerns the Assistant Director reassured the Board that the survey, which had been approved by the Board in 2022, did not break any GDPR regulations and that the Council's data protection officer had been involved in the whole process. It was also agreed that the Assistant Director of Housing would provide further reassurance to the Board via a short bulletin via email.

A HouseMark performance report was also added to the forward plan.

53 Changes to the housing leadership team

The Housing Review Board considered the proposal for increasing capacity and resilience in the housing leadership team and providing more resource for the housing

service. The proposal was in response to increasing demands on the service, rising expectations from external bodies and its own customers, and to ensure that there were sufficient resources, capacity and capability to meet the purpose and priority of a decent home for all, whilst operating a high performing housing service. Housing service managers were operating in an environment where they needed to be agile and flexible, with many factors leading to additional burdens on staff.

The creation of a new post of Head of Housing Operations would ensure that there was a structure that was 'fit for purpose' to meet the demands placed on a social housing provider with housing responsibilities, including homelessness, housing register, community development, community alarm service, housing repairs and housing development. It would also ensure that the housing service could meet the requirements of the Social Housing Bill.

The Head of Housing Operations would line manage the senior Housing Options and Allocations, Property and Asset, Housing Services and Housing Systems team managers. The new post holder would oversee and manage day to day housing management ensuring that the specialist areas of the service were co-ordinated and worked effectively towards the housing vision and aims. The post holder would also deputise for the Assistant Director, providing greater resilience and accountability in the service, strengthening the leadership team and increasing capacity.

The Board commented on the size and diverse, frontline nature of the housing service within the Council and recognised the need for the additional senior post.

RECOMMENDED: that Cabinet recommend to Council the creation of a new post of Head of Housing Operations to be funded through the Housing Revenue Account.

54 **Finance report**

The accountant's report provided the Housing Review Board with current draft financial outturn figures for the housing revenue account and housing capital program for the 2022/23 financial year. The report also considered the implications of any forthcoming regulatory changes.

Producing a Housing Revenue Account had been a statutory requirement for Councils who managed and owned their housing stock for some time, and therefore a key document for the Board to influence.

It was noted that the Housing Revenue Account (HRA) was in a healthy position. The surplus forecast for the year was on budget and it was predicted that the HRA balance would remain at the £3.1m adopted level for 2022/23. There was a variation in the outturn for forecasted rents due to the impact of rent losses on void properties.

There had been 29 Right to Buy sales to date which had resulted in a gross capital receipt of £3.7m. Although this meant a lack of housing stock it also created a large amount to fund capital expenditure.

RECOMMENDED: that Cabinet note and approve the Housing Revenue Account and Housing Capital finance 2022/23 forecast outturn report.

55 **Remit Zero Cylo - Innovate UK application**

The Director – Housing, Health and Environment explained that officers had been working with local business Remit Zero on a proposal to install their Cylo product in ten council homes as a way of decarbonising council homes and providing tenants with affordable warmth. Cylo was an alternative technology to provide heating and hot water. Remit Zero described their technology as using the principals of natural science to develop a portfolio of zero emission high performance products. The Cylo product could change the way many families and businesses heat their homes and premises. It was a simple, innovative, affordable and rapidly deployable heating solution which would help reduce CO₂ emissions rapidly, while maintaining the user's comfort and convenience. Relying solely on water and electricity, the Cylo vessel could replace a fossil fuel boiler, without compromise, providing the same familiar functional performance, convenience and low cost operation, but with absolutely zero emissions. The proposed project would have a duration of 24 months and could commence during the summer 2023.

The total project costs were circa. £687,392. If the funding bid was successful Innovate UK would cover up to 70% of the costs and would therefore fund £481,174. The remaining 30%, £206,218 was the match funding required. Remit Zero could contribute to some of the match funding with reduced labour costs. This would require approximately £125,000 match contribution from EDDC to cover the costs of solar installation on the roofs and the associated works. It was proposed that the programme be funded from the existing HRA budgets for heating upgrades.

The deadline to submit the expression of interest was Wednesday 18 January and a further bid application needed to be submitted by 26 April 2023. If successful the Council would be asked to sign a funding agreement (after the initial application was successful and then subsequently passing Innovate UK's due diligence procedure). This provided time to clarify the minutiae such as the selection process of the properties that would take part in the trial. EDDC had been requested to be a collaboration partner as part of the application process.

The Director – Housing, Health, Environment explained that if the funding application was unsuccessful he would like to continue discussions with Remit Zero to find a way of installing their product in a sample of the Council's properties because it appeared to offer a serious alternative to gas boilers and ground/air source heat pumps, and did not necessitate extensive building fabric upgrades.

The Director's report explained in detail how the Cylo vessel worked and it was noted that officers had seen Cylo installed in a facility at the Exeter Science Park. Remit Zero had installations in MOD properties where testing had been completed. The aim of the project was to demonstrate Cylo's benefits, including its ability to reduce costs for those within fuel poverty, in a way that enabled low-income households to play a meaningful role in tackling climate change.

The intention was that the trials would couple the installation of Cylo with solar on the roofs of selected properties. The project would aggregate and compare data on the charging and discharging of the Cylo vessel, this coupled with user interaction surveys would provide feedback on user behaviour and acceptance criteria. The following would be monitored with data sent and stored securely:

- Electricity used to charge Cylo, both quantity and timing.
- Thermal output to the house from Cylo.
- All room temperatures for 24 hours per day.
- Outside air temperature for 24 hours per day.
- Application of a Remit Zero designed external heat flux sensor, this would identify effective heat loss from the building as it was affected by both temperature and wind speed variation. This would be monitored for 24 hours per day. This

measurement would also inform regarding the condition and performance of any cavity or wall insulation.

It was suggested that a Remit Zero representative be invited to a future meeting to explain to the Board how the Cylo worked and update them on the trial.

RECOMMENDED:

1. that Cabinet support the Innovate UK funding bid and EDDC's role as a collaboration partner.
2. that Cabinet approve the funding of the Council's contribution to the bid of £125,000.
3. that should the funding bid not be successful, that Cabinet authorise the Director of Housing, Health and Environment in liaison with the Portfolio Holder for Homes and Communities to identify an alternative project that could be implemented to install Cylo as an initial pilot of ten council homes.

56 Integrated asset management contract - minor works

The Property and Asset Manager's report provided the Housing Review Board with an update on a minor change to improve the service delivery of repairs carried out under the integrated asset management contract (IAMC) as part of a response to ongoing concerns raised regarding the delivery of some key functions of the contract. The introduction of a minor works programme was not intended to replace the planned works contracts, but work alongside it to provide an avenue for larger works which were not planned works and were causing blockages within the day to day delivery of repairs.

RECOMMENDED: that Cabinet approve, in accordance with the conditions of the integrated asset management contract the change by the core group and approve that it is implemented/recorded under a formal contract amendment.

57 Void performance

The Housing Solutions Manager's report provided the Board with an update on the performance of the key to key voids process and details of the plans for improved performance, recognising that current performance remained a concern. The 'key to key' time covered the period from when a property became void until a new tenant moved in. The report to the Board had been produced alongside an independent review into the voids process conducted by the consultants Echelon, which addressed findings through recommendations for improvements in the overall process. The report also recommended changes to the void lettable standard to ensure it was modernised, fit for purpose and aligned to EDDC's poverty agenda.

A number of contributing factors towards performance levels had been identified in the delivery of the overall void process:

- Lack of resources, in particular staff shortages.
- Effect of the Covid-19 pandemic – an increase in void turnover.
- Brexit – impact around sourcing and delivery times for certain materials and components, compounded by the impact of the current economic climate which had led to significant increase in material and labour costs in the construction industry.
- Issues in clearing debt meters.
- Poor condition of voids on return.
- More significant upgrades of properties being required due to the poor condition of some of the housing stock.
- Additional factors creating additional time at the end of the process, such as notice periods and affordability issues.

The Echelon review identified areas where additional staff resources were required for two specific parts of the process:

1. Pre-termination visits to be re-introduced and to be more rigid.
2. Joint handovers of properties between the contractors, Property and Assets team and the Housing Allocations team.

It was noted that there was limited scope within the Housing Allocations team and it was recommended that an additional Housing Allocations Officer post was required. The Echelon report also recommended that EDDC consider where overall responsibility of the keys to keys process sits and how we ensure the complete void process is managed. Further work is required to analyse the potential need for an additional post or whether this could be incorporated within the current resources available.

The current lettable standard was also reviewed and changes were made to ensure that it was modernised and remained fit for purpose. Key changes were around issues of damp and mould and ensuring that work was undertaken alongside the poverty agenda. Officers proposed that through a dedicated hardship fund, vouchers be provided towards decorations and carpets for those incoming residents in real hardship to enable them to bring their property up to a decent habitable standard.

During discussions the Board raised concerns over the current voids performance and agreed the need for an additional post, which would increase resources and the capacity of the team. The Assistant Director outlined the current performance in this area as unacceptable and that this area remains an urgent priority for the service in order to see improved performance.

RECOMMENDED:

1. that Cabinet note the contents of the report including contributing factors towards performance levels and details of the plan for improving performance.
2. that Cabinet recommend the additional staff resource required to implement the suggested improvements, namely an additional Housing Allocations Officer.
3. that Cabinet approve the changes to the voids lettable standard.

58 Learning from complaints

The Assistant Director – Housing gave the Board a follow up report on complaints, following her previous one in January 2023. The report set out a more in-depth analysis of the complaints with an overview of the failures that led to the Ombudsman determining maladministration in all four cases. Areas for improvement were also identified as a direct result of the four cases, which were outlined in the report.

As part of reviewing the cases, poor recording keeping and poor communication were identified as two major areas for improvement. This was centred around:

- Poor communication with a failure to ensure that tenants were kept up to date with progress on matters that related to them.
- Failure to reassure tenants around matters that were impacting on them.
- Lack of thorough case notes that evidenced progress and actions taken.
- Lack of thorough case notes that detailed how tenants had been communicated with.
- Progressing matters too slowly or not responding to complaints quickly enough.

The Assistant Director – Housing's report outlined a number of actions being implemented to address the areas of improvement, which included:

- A review of all procedures that related to the Anti-Social Behaviour policy.
- A review of all procedures that related to how property and asset/responsive repairs cases were handled.

- Refresher training for all officers in record keeping.
- A review of how contract information was held.
- Recruitment of the Housing Repairs Customer Service Manager role.
- Spot checks on managers.
- Spot checks on repairs calls.
- Customer service training for all housing officers.
- Learning from case studies approach.

The Assistant Director – Housing suggested that she attend a future Tenant Involvement meeting to explain the issues raised in the report and improvements being taken. A briefing would also be undertaken for the Tenant Complaints Panel.

The Board endorsed the appointment of an additional Complaints Officer in the Corporate Complaints team for a 12 month period in order to help the Housing Service improve its response times and resolve complaints.

RECOMMENDED:

1. that Cabinet note the learning points from the report and the areas of improvement identified.
2. that Cabinet recommends to Council the appointment of an additional Complaints Officer (Housing) for a fixed 12 month period who will work within the Corporate Complaints team.
3. that Cabinet recommends to Council that additional funding in the sum of £25,409 plus on costs is approved to fund an additional Complaints Officer (Housing) for a fixed 12 month period.

59 **Tenancy visits**

The Interim Housing Services Manager's report provided the HRB with a proposal on the planned implementation of a rolling programme of tenancy visits across all Council tenancies in East Devon. The report sought approval to implement a tenancy visit programme and policy based on proposed staffing levels within the estate management team.

The Council needed to ensure that its tenants were supported in a variety of ways, that its systems were up to date with correct household information, and that its properties were being looked after and used for intended purposes. Tenancy visits would also identify residents at risk of tenancy failure at an early stage and enable the Council to respond positively.

It was expected that this proactive approach of visiting tenants in their homes would identify previously unreported repairs and issues within households. As well as identifying and resolving any maintenance issues, early intervention could also be instigated when a tenancy was showing signs of failing and a tenant needing support.

The Interim Housing Service Manager's report outlined options for frequency of tenancy visits based on permanent staffing arrangements:

1. Annual tenancy visits – this would require an additional two Housing Officers.
2. Tenancy visits every two years – this was more realistic based on current staffing levels, but would still place additional burden on workloads and stretch resources.
3. Tenancy visits every three years – this was more achievable based on current workloads and resources, but would take longer to accomplish tenancy visits across the housing stock.
4. All tenancy visits to be completed in year one, then reverting to a two year cycle – this would require an additional two housing officers in year one.

The report recommended option 1 – annual tenancy visits – in order to provide the maximum support to residents in maintaining their tenancy and ensure the Council's properties were looked after. Annual tenancy visits would ensure that tenants were supported, their personal needs and preferences identified, properties were maintained, reducing void costs, the ability to evidence disrepair claims and improve the empty property turnaround times. It was acknowledged that an additional budget of £62,040 per annum was required for two additional housing officers. The Board noted that sheltered accommodation visits would be managed by the Mobile Support Officers, who already had contact with those residents.

The Board discussed the issue of non-entry and it was suggested that this be included as a key performance indicator. It was noted that there was a process for non-entry in the policy. Tenants stressed the need to clearly communicate the compulsory tenancy visits with residents.

RECOMMENDED:

1. that Cabinet note and agree the tenant visits policy and procedure.
2. that Cabinet agree that all properties be visited annually.
3. that Cabinet recommend to Council two additional housing officer posts and the additional budget requirement.

60

Performance dashboard

The Interim Housing Services Manager's report and presentation outlined the key performance indicators (KPIs) for quarter three and the actions being taken to ensure targets were achieved. The Interim Housing Services Manager presented on behalf of the Senior Management team. The presentation focused on 12 high level key performance indicators that had been taken from the tabular summary included in the report. It provided detail on areas of concern and actions that were being put into place to address the issues. The presentation also detailed work underway ready for the start of the new financial year and how the performance indicators would be reported moving forward.

The purpose of the housing services performance indicator framework was to recognise achievements and good performance, as well as identify areas requiring improvement. There was a collective responsibility, which included the Board, to ensure good performance. Plans for 2023/24 KPIs included:

- Continuing to cleanse and improve the data.
- Introducing new indicators (tenancy visits, tenant satisfaction measures, community development).
- Improving reporting on complaints, to include complaints upheld, partially and not upheld, and the learning from the complaints.
- Setting targets for 2023/24 – consulting with staff and residents to ensure that appropriate targets were set, and ensuring continual enhancement of services for residents.
- Developing and monitoring team targets which measured and tracked performance of teams.
- Finalise the compliance dashboard and commence reporting to the HRB.

RESOLVED: that the Housing Review Board note the quarter three performance and actions.

61 **HouseMark 2023/24 membership renewal**

The Housing Review Board were asked to agree to the membership renewal of HouseMark. HouseMark was a data analysis service which gathered performance and cost information from 350 social housing providers across the UK providing them with the data and insights needed to make evidence based decisions to drive efficient and performance business improvement. EDDC had been members of HouseMark for a number of years and the Board were asked to consider whether to continue to use HouseMark as a tool to monitor and evaluate the housing service.

RECOMMENDED:

1. that Cabinet approve that the HouseMark membership is renewed for 2023/24 at an annual cost of £8225 plus VAT.
2. that Cabinet approve that the subscription is carried forward on an annual basis unless the Housing Review Board are otherwise informed.

62 **Self-assessment of Consumer Standards**

As part of preparations for the introduction of the Social Housing Act, the Social Housing Regulator had encouraged stock holding local authority landlords to self-assess themselves in detail against the current consumer standards as a way of highlighting areas that were not currently compliant. The results of the self-assessment were included with the report for the Board's information. The Assistant Director's report provided an overview of:

- The role of the Regulator of Social Housing and how the sector was currently regulated.
- Changes to regulations being proposed as part of the Social Housing Act.
- An overview of the consumer standards.
- A summary of the Housing Service's self-assessment.
- Areas identified that needed to be focussed on to strengthen compliance.

The Vice- Chair requested that this item be deferred until the next Board meeting as some tenants felt they had not had sufficient time to input into this. The Interim Housing Services Manager advised that he had reported the consumer standards to the Resident Involvement Management Group, which had agreed to feed comments back prior to the Housing Review Board meeting. He explained that failure to deliver services to tenants in line with consumer standards (which were set by the regulator), best practice and regulation could bring scrutiny from the regulator and action taken against EDDC, as well as expose tenants to the risk of failures in service delivery.

RESOLVED: that the Housing Review Board note and agree the self-assessment against the Regulator of Social Housing consumer standards and the actions identified, with tenants being given the opportunity to provide further feedback to officers within the next 6 weeks, and these comments being built into the self-assessment.

63 **Annual Housing Review Board report**

The Assistant Director – Housing presented the annual report of the Housing Review Board which summarised and highlighted the diverse range of issues covered by the Board over the year. The report gave an overview of the achievements of the Board and celebrated the progress that had been made. The Democratic Services Officer was thanked for producing the report which the Board endorsed and noted.

Attendance List

Board members present:

Sue Dawson, Tenants
Sara Clarke, Independent Community Representative
Sue Saunders, Tenants (Vice-Chair)
Councillor Helen Parr
Councillor Brenda Taylor
Councillor Sarah Chamberlain (Chair)

Councillors also present (for some or all the meeting)

T McCollum
D Ledger

Officers in attendance:

Alethea Thompson, Democratic Services Officer
Graham Baker, Property and Asset Manager
Amy Gilbert-Jeans, Assistant Director Housing
John Golding, Director of Housing, Health and Environment
Yusef Masih, Interim Housing Services Manager
Andrew Mitchell, Housing Solutions Manager
Rob Ward, Accountant
Giles Salter, Solicitor

Councillor apologies:

Stephen Beer, Tenants
Councillor Ian Hall
Cindy Collier, Tenant

Chair

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Strategic Planning Committee held at Council Chamber, Blackdown House, Honiton on 14 February 2023****Attendance list at end of document**

The meeting started at 10.00 am and ended at 12.45 pm. The meeting was briefly adjourned at 11.41 am and reconvened at 11.49 am.

60 Public Speaking

The following speakers spoke on item 7 – Proposed response to Government consultation – Levelling-up and Regeneration Bill: reforms to national planning policy.

Councillor Chanot who spoke on behalf of Farringdon Parish Council advised that the Local Plan had been taken over by changes to Government policy and referred to Michael Gove's Steering Statement of 6 December 2022. There had been at least 30 councils who had recognised the importance of suspending any changes until the new National Planning Policy Framework (NPPF) was in place and suggested that the Strategic Planning Committee should follow suit. She referred to the Scrutiny Committee on 2 February where discussions took place about the failings of the consultation process and that a motion had been raised by the former Chair and member of Strategic Planning Committee that another consultation should be held with full facts presented and properly analysed once the NPPF had been published later this spring.

Councillor Chanot suggested that Strategic Planning Committee should recommend to Full Council that the Local Plan process be suspended until the revised NPPF was published. Thereafter the emerging local plan and sustainability appraisal and supporting evidence including the HELAA be revisited and be consistent with new Government Policy. Finally all residents should be afforded full details in line with transparency and all resident's views properly taken into account.

Councillor Hattan spoke on behalf of Bishops Clyst Parish Council raising concerns about question 11 which covered the examination of plans and for paragraph 35(b) on page 12 to be retained as the retained provisions in paragraphs 31 and 35 did not cover this.

He advised that the parish council had commissioned a report from a planning consultant on the Local Plan process who had raised several areas where the criteria for local plans would change. In particular, paragraph 17 of the NPPF consultation document which states 'Authorities can begin planning in line with these changes, should they be implemented following public consultation, in Spring 2023. We recognise that any changes to emerging plans which are necessary may result in delays in getting an up-to-date plan in place. So, to reduce the risk of communities being exposed to speculative development, we propose the following time limited arrangements. For the purposes of decision making, where emerging Local Plans have been submitted for examination or where they have been subject to a Regulation 18 or 19 consultation which included both a policies map and proposed allocation towards meeting housing need, those authorities will benefit from a reduced housing land supply requirement. This will be a requirement to demonstrate a four year supply of land for housing instead of the usual five. These arrangements would apply for a period of two years from the point that these changes to the framework take effect, since our objective to provide time for review while incentivising plan adoption.'

The parish council questioned the prudence of continuing with the Local Plan process until the revised NPPF had been issued by Government and requested that Strategic Planning Committee recommended to Full Council that the local plan process be suspended until the revised NPPF was published and the housing targets reassessed.

Nigel Dutt sent in a question to the Assistant Director – Planning Strategy and Development Management and asked for it to be read out during the meeting. The question read as follows:

Following item 7 and noting the reaction by many other local councils, will the planning officers be making a recommendation at this meeting on whether the uncertainty around the proposed NPPF changes should have any immediate effect on the content or timescale of the proposed EDDC 2024 – 2040 Local Plan. In response the Assistant Director Planning Strategy and Development Management advised there was no intention to make any further recommendations at this stage.

The following statement was read out on behalf of Councillor Les Bayliss, Chairman of Cranbrook Town Council on item number 9 - District heating and its reliability and resilience.

“The report in front of councillors today was considered in draft form at the meeting of the Cranbrook Strategic Delivery Board on 23 January 2023. At that meeting, the councillors who represent Cranbrook advised that the report was misleading in two respects:

1. The report downplays the impact on the number of homes affected. The figures seem to indicate that the bulk of the 1,700+ homes were affected for less than one day which is incorrect. Cranbrook residents have been experiencing difficulties with the district heating system multiple times every year, not just in December as stated the report.
2. The report also downplays just how poor E.ON's customer service was. It collapsed and totally let down hundreds of households. One district and town councillor sat at home providing a response to those who needed it and relaying engineering calls – not E.ON's contact centre.

In Cranbrook Town Council's opinion, the current system is not fit for purpose. Another example is the current meter and billing issues and E.ON's total failure to respond to and resolve these.

Whilst the report talks about the resilience of district heating itself, what it does not talk about is the lack of E.ON ability and resilience to respond locally to issues. It doesn't challenge the lack of availability of sufficient engineering staff to respond to major outages which arise regularly outside normal working hours. There seems to be a need to challenge the ongoing investment by E.ON in providing enough resources to respond when needed. Even the best systems fail from time to time and the test is whether the organisation is able and ready to provide a prompt and effective response when that happens. Telling people who report a failure of heating and hot water on a Friday evening that they will have an engineer appointment the following week is not helpful. Those with boilers can turn to an emergency heating engineer if one is needed – with district heating that is not an option.

On balance, Cranbrook Town Council would probably endorse the recommendation to support the roll-out of district heating networks but there has to be a much more robust challenge and oversight by East Devon District Council in the future. East Devon District

Council has been leaving the private sector to get on with it in Cranbrook unchecked. That has to change with Cranbrook and also with regard to the emerging Local Plan which to date is proposing the same approach with the proposed second new community. Please learn lessons and improve.”

61 **Minutes of the previous meeting**

The minutes of the Strategic Planning Committee held on 1 November 2022 were confirmed as a true record.

62 **Declarations of interest**

Minute 65. Proposed response to Government consultation - Levelling-up and Regeneration Bill: reforms to national planning policy.
Councillor Paul Hayward, Affects Non-registerable Interest, Employed by Axminster Town Council, All Saints Parish Council and Chardstock Parish Council.

Minute 67. District Heating: Reliability and Resilience.
Councillor Kevin Blakey, Affects Non-registerable Interest, Resident of Cranbrook and Cranbrook Town Councillor.

Minute 67. District Heating: Reliability and Resilience.
Councillor Kim Bloxham, Affects Non-registerable Interest, E.ON Liaison on behalf of Cranbrook Town Council; Cranbrook Town Councillor and a resident of Cranbrook.

Minute 67. District Heating: Reliability and Resilience.
Councillor Paul Hayward, Affects Non-registerable Interest, Family members live in Cranbrook.

Minute 69. Infrastructure Funding Statement.
Councillor Paul Hayward, Affects Non-registerable Interest, Employed by Axminster Town Council, All Saints Parish Council and Chardstock Parish Council.

63 **Matters of urgency**

There were no matters of urgency.

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

There were no confidential/exempt items.

65 **Proposed response to Government consultation - Levelling-up and Regeneration Bill: reforms to national planning policy**

The Committee considered the Assistant Director Planning Strategy and Development Management's report that sought agreement to how the council responds to the Government's consultation on changes to the National Planning Policy Framework.

Key issues raised throughout the consultation that could have implications included:

- Housing numbers and housing need. Members noted that the Government consultation was not proposing to withdraw the standard method for calculating housing need;

- Additional guidance to help authorities with an alternative method for assessing housing need where characteristics apply such as islands with a high percentage of elderly residents or university towns with a high percentage of students. Members noted that the council's response focused on environmental constraints such as the Areas of Outstanding Natural Beauty that should be taken into account when considering housing numbers;
- The soundness for local plans and the need to remove the word 'justified' as a requirement. Members noted it was difficult to understand the significance at this stage.
- Five year housing land supply requirements. Members noted that the consultation focussed on transitional requirements which could benefit this council to a reduced housing land supply to four years rather than five years;
- To remove the duty to cooperate and be replaced with an alignment policy;
- Measures to tackle slow build;
- Measures to tackle climate change;
- Supplementary planning documents to be replaced with supplementary plans which would carry the same weight as local plans;
- National Development Management Policies to be set based on the additional National Planning Policy Framework guidance;
- Neighbourhood plans to be protected for five years rather than the two years which would benefit this council with its five year land supply.

The following additional recommendation was proposed by Councillor Arnott and seconded by Councillor Rylance

"Officers continue with background technical work regarding the local plan but that no further discussions or decisions will be made with regards to sites or their allocations until the Government has delivered the finalised National Planning Policy Framework."

Comments made during discussion included:

- Reference was made to 'islands of elderly residents' and that the ONS data shows that some wards in East Devon have more than 30% over 75 years old
- The need to focus on the lack of truly affordable housing as the affordable housing being delivered at present is not affordable. The Assistant Director Planning Strategy and Development Management acknowledged this was a significant issue which was addressed in the proposed response to Q.22;
- There is a need for a comprehensive report on what can be built and where-as a lot of East Devon is being destroyed by greenfield development. The Assistant Director Planning Strategy and Development Management advised in his opinion there was not a significant amount of brownfield sites suitable for development as many had constraints;
- Reassurance was sought on the current five year housing land supply under the Government's proposal and what could be done now about next year's five year housing land supply. It was advised under the Government's transitional arrangements the council would have a four year land supply but with projections declining it would be prudent to review applications in sustainable locations to bolster supply;
- Clarification was sought about why developers were being allowed to build on existing sites with no provision of affordable housing. Are we being forceful enough? In response the Assistant Director Planning Strategy and Development Management advised that it was an uphill battle as Government guidance says that local authorities must be accommodating to enable development to come forward to help bolster supply;

- Minor amendment to the wording on page 69 – Mission 11 – to read ‘designing out crime continues to be a key consideration in the determination of planning applications’;
- A concern was raised about increased housing bringing issues with sewage and water and how the problems with South West Water must not be drawn out any longer than necessary;

With the agreement of the proposer and seconder of the recommendation it was suggested that the second recommendation should read as follows to reflect the concerns raised about sewage and water:

‘That Officers continue with the background technical work with regard to the Local Plan including discussions with consultees and other stakeholders and infrastructure providers in particular concerning water, sewerage and other environmental matters to enable those discussions with infrastructure providers and stakeholders to continue but that no further discussions or decisions will be made with regard to the sites or their allocation until the Government has delivered the finalised NPPF.’

Comments from Members on the proposed answers to the consultation questions included:

- Q.28 – Is it a missed opportunity to not make a comment on bringing affordable housing on exception sites. The Assistant Director Planning Strategy and Development Management was happy to incorporate an appropriate response in line with funding for CLTs;
- Q.30 – A suggestion to include a comment about retrospective planning applications being abused by developers. The Assistant Director Planning Strategy and Development Management shared the concerns and suggested adding a general comment along the lines that this should be avoided at all costs.

RESOLVED:

1. Strategic Planning Committee agree that this Council respond to the Government consultation with the boxed text explicitly set out in this committee report together with additional wording to address the concerns regarding retrospective planning applications being delegated to the Assistant Director of Planning Strategy & Development Management in consultation with the Chair.
2. That Officers continue with the background technical work with regard to the Local Plan including discussions with consultees and other stakeholders and infrastructure providers in particular concerning water, sewerage and other environmental matters to enable those discussions with infrastructure providers and stakeholders to continue but that no further discussions or decisions will be made with regard to the sites or their allocation until the Government has delivered the finalised NPPF.

66 Greater Exeter Economic Development Needs Assessment

The Committee considered the Assistant Director Planning Strategy and Development Management’s report that sought agreement for the Greater Exeter Economic Development Needs Assessment January 2023 report to be published on the council’s website as part of the new Local Plan evidence base.

It was a jointly commissioned piece of work between East Devon District Council, Exeter City Council, Mid Devon District Council and Teignbridge District Council to understand the need for employment land to meet forecast demand over a 20 year period.

Key findings included:

- East Devon accounts for approximately 20% of employment and GVA across Greater Exeter and employment and growth rates are the highest of the local authority areas in Greater Exeter;
- A larger proportion of growth is concentrated in the West End of the district.

Members noted the table at paragraph 2.7 relating to additional jobs with a figure showing a minimum figure of 3,200 additional jobs over the planned period up to a maximum of 13,700 additional jobs.

Members also noted the demand for sites and premises in which East Devon has approximately 106 ha. of employment space. Some concerns were raised including that a number of these sites had already been allocated in the existing local plan and as a result it was concluded additional work was required to help understand why sites had not come forward. It was also recognised that there was a need to look more closely at the council's relationship with Exeter City Council and cross boundary issues highlighted at paragraph 3.4.

Points raised during discussion included:

- It does not make sense in terms of sustainability that Exeter City Council would consider using brownfield sites leading to the loss of employment land;
- Welcome the opportunity to relocate some employment land into East Devon which would create shorter journeys to work.

RESOLVED:

1. That the Greater Exeter Economic Development Needs Assessment January 2023 report be noted and its use as evidence for the purposes of the new Local Plan and other spatial plan making, for development management and in support of achieving East Devon District Council's corporate objectives be agreed;
2. That the issue of displacement of employment uses within Exeter arising from their recently consulted on draft Local Plan and the further work that is needed to fully understand and discuss this with the partner authorities as well as further work referred to in Section 4 of the report to more fully understand Economic Development issues in East Devon be noted;
3. That Strategic Planning Committee recommend that the Greater Exeter Economic Development Needs Assessment January 2023 report be published on the council's website as part of the new Local Plan evidence base.

67 District Heating: Reliability and Resilience

The Committee considered the Assistant Director Growth, Development & Prosperity report that detailed the cause of technical issues affecting the operation of the district heating network that impacted over 1,700 homes in Cranbrook. The report also considered how to improve oversight of the operation of the two networks in the district and whether there were wider strategic implications in terms of the policy of promoting the ongoing roll out of district heating in the West End of the district.

Members noted that E.ON were still conducting an analysis as to why so many valves failed simultaneously during a period of cold weather on the 7 December. This coincided with a period of cold weather with minimum temperatures dropping to freezing or below for the next 10 days.

Two meetings took place, one on 19 December with District Councillors, Town Councillors and Simon Jupp MP followed by a meeting on 25 January for the wider public. This was attended by 66 Cranbrook residents to help explain what had happened and to address outstanding issues including customer service. A number of key learning points were detailed in the report.

The Assistant Director Growth, Development & Prosperity acknowledged residents' frustrations about being locked into a contract with poor service but advised that in a wider context the transition to net zero carbon was critical and the rationale for completing the journey still remained. He referred to the recommendations in the report, in particular Recommendation 2 to introduce a District Heating Stakeholder Forum with E.ON referring to paragraph 3.4 for details of the membership, Recommendation 3 to continue to support the approach of pursuing the roll out of district heating networks to serve the major development areas in the West End and Recommendation 4 to write to the relevant BEIS Minister to advocate for support on energy bills for district heating customers across the country.

Comments received from non-Committee Members included:

- Councillor Bloxham expressed support that District Heating was pursued for the further expansion of Cranbrook but said people deserved a better service than had been experienced to date. Resilience is poor, responses are poor and there is clear under investment in all aspects of providing district heating whether it be resilience of supply, engineering capacity to respond to issue, call centre capability or customer service – all have been very lacking to date. She advised that the report did not really give a true picture of the customer experience which had been woeful and that she had spent many hours trying to assist residents with their issues. So far the District Council had taken a back seat. The lack of any sort of a development corporation role has been fully exposed by these events and moving forward the District Council has got to be more involved, not just because it may have a financial interest in the future but because it has a moral responsibility to ensure that the future is better.
- Support was expressed for the need to decarbonise the district heating network but this also needed robust oversight and effective customer service.

Points made by Committee Members during discussion included:

- Clarification sought on what guarantees were in place that this would not happen again when Cranbrook is at full size especially as problems with hot water and heating have happened in the past. The Assistant Director Growth, Development & Prosperity advised that the network would become resilient over time as the need for temporary energy centres was removed and all the network was connected to the main energy centre;
- Had attended the meeting on 25 January held by Cranbrook Voice and was not reassured by E.ON. They are good at producing heat and taking money but everything in between leaves something to be desired. The Local Authority has a part to play in this and it is not pulling its weight. East Devon District Council needs to be more proactive.
- Reference made to Recommendation 2 needing more teeth and the need for a legally binding agreement with E.ON;
- Reference made to Recommendation 4 and concerns raised that district heating was currently unregulated and the need for it to be regulated and be brought under OFGEM; In response the Assistant Director Growth, Development & Prosperity advised that Government were committed to introducing OFGEM as part of the Energy Security Bill;

- The failings of this system should not impact the wider strategy around district heating. When new technology is introduced there is often teething problems but there needs to be better customer service to keep residents updated. It was suggested that a dedicated telephone number for Cranbrook residents should be established;
- Cranbrook residents had to wait in excess of 10 days for repairs and some families had to move out because it was too cold. More resource is needed on the engineering side and as Cranbrook develops at a pace it needs to be resilient. The forum needs to hold E.ON to account.
- E.ON needs to understand that the forum has a responsibility to make necessary recommendations which should be binding;
- There is a need to learn from experience. This is the future and there is a need to stick with district heating.

RESOLVED:

1. The issues that led to the supply issues on the Cranbrook network in December and what has been done to rectify the position be noted;
2. The principle of establishing a District Heating Stakeholder Forum with E.ON to cover both district heating networks be endorsed;
3. To continue to support the approach of pursuing the roll out of district heating networks to serve major development areas in the West End in line with adopted policies;
4. The approach of the Chair writing to the relevant BEIS Minister to advocate for an equivalent package of support for domestic consumers on heat networks to that received by domestic consumers on the gas grid under the Energy price Guarantee (EPG) be endorsed.

68

East Devon self-build monitoring report 2021-2022

The Committee considered the Assistant Director Planning Strategy and Development Management's report outlining the latest monitoring figures for self builds until 30 October 2022. The Council was legally required to meet the demand for self/custom building housing shown on the self-build register.

Members noted that the overall demand for plots was 28, with 11 in 'Part 1' which the council would need to permission in order to meet demand between 31 October 2021 and 30 October 2024. The supply figures indicated that 16 suitable plots were permissioned for self-build between 31 October 2021 and 30 October 2022 which would mean that, so far, the council was short of 10 plots to meeting our 2020 – 2021 demand figures of 26.

Points raised during discussion included:

- It was pointed out that Recommendations 3 and 4 had a couple of typo errors in the dates;
- Clarification sought on the definition of serviced plots. In response it was advised the plot of land would have all main services such as water, gas, electric etc.

RESOLVED:

1. The draft monitoring report for use in planning decisions (both to inform local plan production and inform decision making on planning applications) be endorsed.
2. That 28 individuals added to the self-build register during the latest monitoring period (31/10/21 to 30/10/22) be noted;

3. The need to permission 11 plots suitable for self-build between 31/10/21 and 30/10/24 to meet the level of demand shown on Part 1 of the self-build register (between 31/10/21 and 30/10/22 be noted;
4. The additional need to permission 10 additional plots suitable for self-build between 31/10/22 and 30/10/23 to meet the 'residual' requirement from the demand shown on the register for 31/10/20 to 30/10/21 be noted;
5. That the demand for self-build plots indicated on the register should be taken into account in our planning, regeneration and estate functions be noted.

69 **Infrastructure Funding Statement**

The Committee considered the Assistant Director Planning Strategy and Development Management's report that summarised the contents of the East Devon District Infrastructure Funding Statement that the Council was legally required to publish on an annual basis.

Points on the report included:

- A comment was raised about whether the Feniton to Sidmouth Cycle way could be included in the infrastructure list. In response the Assistant Director Planning Strategy and Development Management advised this would need to come forward through the CIL Infrastructure List which needed to be reviewed.
- Clarification sought on whether the list detailed in paragraph 3.2 were in priority order. It was advised it was a high level list with no order of priority.

RESOLVED:

1. That the contents of this report and the requirement to provide an 'Annual Infrastructure Funding Statement' be noted;
2. That the publication and submission to government of the 2021/22 'Annual Infrastructure Funding Statement' based on the information detailed in this report be approved.

Attendance List

Councillors present:

D Ledger (Chair)
O Davey (Vice-Chair)
P Arnott
J Bailey
K Blakey
P Hayward
M Howe
R Lawrence
A Moulding
E Rylance
P Skinner

Councillors also present (for some or all the meeting)

P Faithfull
G Jung
T Wright
K Bloxham

Officers in attendance:

Ed Freeman, Assistant Director Planning Strategy and Development Management

Damian Hunter, Planning Solicitor

Andrew Wood, Assistant Director Growth Development and Prosperity

Wendy Harris, Democratic Services Officer

Councillor apologies:

S Chamberlain

B Ingham

G Pratt

Chairman

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Strategic Planning Committee held at Council Chamber, Blackdown House, Honiton on 7 March 2023

Attendance list at end of document

The meeting started at 10.03 am and ended at 10.58 am

70 Public speaking

Peter Brooke asked the following question on item 9 (minute 75) Initial feedback on consultation on the draft East Devon Local Plan – consultation undertaken from 7 November 2022 to 15 January 2023.

‘EDDC are aware that the Commonplace.IS feedback system website used in the “consultation process” has been reported to the Information Commissioners Office (ICO) for breach of The Privacy and Electronic Communications (EC Directive) Regulations 2003 (PECR) concerning cookie consent. Has EDDC established with Commonplace if a breach had indeed occurred and if so, did they report it to the ICO within 72 hours as required by law?’

The Assistant Director Planning Strategy and Development Management confirmed it had been discussed with Commonplace who had contacted the ICO and were advised there was no need to inform them in this case. In response to Mr Brookes request for a copy of the correspondence he was advised that as the conversation had taken place by telephone it was believed there was no written record. Mr Brookes was advised that a more detailed response could be provided at a later date when a detailed report reflecting on the consultation and lessons to be learned would be brought to a future Strategic Planning Committee.

71 Minutes of the previous meeting

The minutes of the Strategic Planning Committee held on 14 February 2023 were confirmed as a true record.

72 Declarations of interest

Minute 77. Designated Neighbourhood Area Housing Requirements.
Councillor Eleanor Rylance, Affects Non-registerable Interest, ward, home and business in Broadclyst is in one of the neighbourhood plan areas.

Minute 77. Designated Neighbourhood Area Housing Requirements.
Councillor Mike Howe, Affects Non-registerable Interest, ward, home and business is in one of the neighbourhood plan areas.

73 Matters of urgency

There were no matters of urgency.

74 Confidential/exempt item(s)

There were no confidential/exempt items.

75 **Initial feedback report on consultation on the draft East Devon Local Plan - consultation undertaken from 7 November 2022 to 15 January 2023**

The Committee considered the report outlining some initial feedback on the consultation that had been undertaken. Members noted that although it was too early to provide an exact total number of responses there had been around 2,500 responses through the Commonplace software and around 1,000 in an email or letter format.

From the statistics detailed in Section 4 it had been identified that the Commonplace software had enabled engagement with a much wider age group seeing over 22% from the age group 35-44 or younger and around 94% of respondents living in the district.

The Assistant Director Planning Strategy and Development Management drew Members attention to some key issues including the 300 responses received to the three options for a new settlement of which 23.3% supported option 1, 11.11% for option 2 and 8.7% for option 3 proving that early conclusions indicated there was a low level of satisfaction for a new community.

Members' attention was also drawn to paragraph 8.4 detailing specific questions about scales of growth for Feniton and Whimble and noted that a lot of the responses were yet to be analysed including letters and a petition but early indications suggested that only low levels of growth were welcomed in those locations.

Finally the Assistant Director Planning Strategy and Development Management drew Members' attention to paragraph 9 detailing more general matters raised in responses to the consultation and paragraph 10 about what happens next advising that a full consultation feedback report would be presented to Strategic Planning Committee later this year in the early Summer.

Questions raised by Committee Members included:

- Clarification was sought about why the 500 responses received from Feniton residents in a petition had not been included in the consultation as promised by the Chief Executive. The Assistant Director Planning Strategy and Development Management confirmed that officers had not yet had a chance to review all the comments and advised that a full consultation feedback report detailing comments from all the petitions received would be brought back to the Strategic Planning Committee later this year;
- Clarification was sought on the number of houses proposed for Whimble as the public consultation that took place in Whimble Village Hall held by officers was misleading as it only suggested 35 additional houses but the draft Local Plan is suggesting much higher numbers. In response the Assistant Director Planning Strategy and Development Management emphasised the consultation was a 'draft' Local Plan and that further work was needed including levels of growth at Whimble. He advised that the consultation had contained specific questions relating to specific levels of growth for Feniton and Whimble which respondents had answered;
- Clarification was sought on whether the statistics could show additional information such as where respondents live, work or which particular area they were commenting about. The Assistant Director Planning Strategy and Development Management advised that although respondents did not have to

give full details he referred to paragraph 4.4 which detailed the total number of respondents giving their address details.

RESOLVED:

The contents of this initial feedback report be noted.

76 **Proposed response to the Teignbridge Local Plan Regulation 19 Consultation**

The Committee considered the Assistant Director Planning Strategy and Development Management report that addressed some cross boundary issues relating to the Teignbridge Local Plan Regulation 19 Consultation which included the European designated wildlife sites of the East Devon Pebblebed Heaths and land designated for windfall sites.

Members' attention was also drawn to the following concerns:

- that their Local Plan does not set out a minimum housing requirement figure for the whole plan period.
- there was a lack of clarity about the potential risk of unmet housing need in the Teignbridge Plan area
- no allowance has been made for small windfall sites;
- housing supply within the Teignbridge part of Dartmoor has not been taken into account;
- the need to plan for more buffers which has not been addressed in the Plan;
- the level of housing requirement to accommodate any unmet housing from the adjoining authority Torbay Council has not been addressed;

The Assistant Director Planning Strategy and Development Management advised that in response to these concerns he had had a useful and productive meeting with Teignbridge District Council who had accepted that minor modifications were needed to address these concerns and further information needed to be made available and as such asked Members to consider the proposed response as detailed in the report.

Questions and concerns raised by Members included:

- Clarification was sought on the response from Exeter City Council. The Assistant Director Planning Strategy and Development Management advised that although he had not read it he understood they have objected quite strongly;
- Concerns raised about EDDC being made a scapegoat for Teignbridge's housing allocation;
- A comment was made that perhaps our response was too polite and whether there was a need for stronger recommendations. In response it was advised EDDC would have a 'seat at the table' and its position would be protected by raising representations to the Inspector at the examination stage if the issues highlighted in the report were not resolved in the meantime;
- Clarification was sought on EDDC's position with the duty to co-operate. The Assistant Director Planning Strategy and Development Management highlighted to members that Teignbridge District Council had circulated a draft duty to co-operate statement in advance of their consultation that this council did not sign as it was deemed inappropriate considering our concerns;
- Clarification was sought about who would have a 'seat at the table'. It was advised it would be done through a public forum with a Planning Inspector to

Chair the meeting and other parties would be able to attend including an officer from this council to make representations;

- Clarification was sought on whether EDDC had commented on their Regulation 18 Consultation and whether these issues were raised by us or anyone else at that stage. It was advised a response was sent to their Regulation 18 Consultation and that none of these issues had existed at that time.

RESOLVED:

1. That the proposed representations to the Teignbridge Local Plan consultation that are set out in this report be endorsed and for them to be submitted to Teignbridge District Council be agreed.
2. That officers continue to work with officers at Teignbridge District Council to secure further evidence and potential modifications to the Teignbridge Local Plan in the hope that the concerns can be withdrawn at a future date be agreed.

77 **Designated Neighbourhood Area Housing Requirements**

The Committee considered the Assistant Director Planning Strategy and Development Management's report that summarised a new requirement introduced by the National Planning Policy Framework (NPPF) that required local authorities to establish a housing requirement figure for all designated neighbourhood areas. Members noted there had been 40 designated neighbourhood areas identified in East Devon.

Members were asked, at this stage, to agree to start an initial consultation exercise with the 40 neighbouring planning groups identified in the report to understand their thoughts on the housing requirement options and the impact on their intentions and aspirations for their neighbourhood plans. A report would then be brought back to Strategic Planning Committee on its findings and to provide more details on a proposed wider consultation.

Members were in support of the need to deliver small scale growth in villages and hoped that villages would take up the opportunity.

RESOLVED:

1. The work needed for the emerging Local Plan regarding designated neighbourhood area housing requirements, the complexities to be addressed and the need for further specific consultation on a methodology for calculating these figures be noted;
2. That in preparation for the consultation officers can commence dialogue with communities that have a designated neighbourhood area to inform the development of this work package, including on both a one to one basis and via officer-lead group discussion be agreed, and
1. That a more detailed technical report on the potential options and their implications and on the proposed consultation be brought back to Committee, prior to a full formal consultation being launched be noted.

Attendance List

Councillors present:

D Ledger (Chair)

O Davey (Vice-Chair)

P Arnott

K Blakey

M Howe
R Lawrence
A Moulding
G Pratt
E Rylance

Councillors also present (for some or all the meeting)

P Faithfull

Officers in attendance:

Ed Freeman, Assistant Director Planning Strategy and Development Management
Damian Hunter, Planning Solicitor
Wendy Harris, Democratic Services Officer
Wendy Ormsby, Development Manager

Councillor apologies:

M Allen
S Chamberlain
P Hayward

Chairman

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Planning Committee held at Council Chamber, Blackdown House, Honiton on 28 February 2023

Attendance list at end of document

The meeting started at 10.05 am and ended at 2.43 pm. The meeting briefly adjourned at 11.47 am and reconvened at 12.01 pm and adjourned again at 1.18 pm and reconvened at 1.40 pm.

96 Minutes of the previous meeting

The minutes of the Planning Committee held on 31 January 2023 were confirmed as a true record.

97 Declarations of interest

Minute 99. 22/1532/MOUT (Major) BROADCLYST.
Councillor Kim Bloxham, Affects Non-registerable Interest, as a member of Cranbrook Town Council and had attended a couple of presentations from the applicant.

Minute 99. 22/1532/MOUT (Major) BROADCLYST.
Councillor Mike Howe, Affects Non-registerable Interest, Bishops Clyst Parish Councillor; Advised that Bishops Clyst Parish Council had put in an objection to the application but he had remained open minded.

Minute 99. 22/1532/MOUT (Major) BROADCLYST.
Councillors Richard Lawrence and David Key, Affects Non-registerable Interest, Adjoining Ward Members.

Minute 99. 22/1532/MOUT (Major) BROADCLYST.
In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the constitution Councillors Eileen Wragg, Kim Bloxham, Andrew Colman, Olly Davey, Bruce De Saram, Steve Gazzard, Mike Howe, David Key, Geoff Pratt, Philip Skinner and Richard Lawrence advised lobbying in respect of this application.

Minute 100. 22/2265/MFUL (Major) SIDMOUTH SIDFORD
In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the constitution Councillors Kim Bloxham and Geoff Pratt advised lobbying emails in respect of this application.

Minute 101. 22/2216/MFUL (Major) YARTY
In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the constitution Councillors Eileen Wragg, Colin Brown, Olly Davey, Bruce De Saram, Steve Gazzard, Mike Howe, David Key, Richard Lawrence, Geoff Pratt and Philip Skinner advised lobbying in respect of this application.

Minute 102. 22/2157/FUL (Minor) EXMOUTH TOWN.
Councillors Andrew Colman, Bruce De Saram, Steve Gazzard Affects Non-registerable Interest, Exmouth Town Councillor.

Minute 102. 22/2157/FUL (Minor) EXMOUTH TOWN.

Councillor Olly Davey, Affects Non-registerable Interest, Had visited the site and had met with one of the objectors.

Minute 102. 22/2157/FUL (Minor) EXMOUTH TOWN.

Councillor Eileen Wragg, Affects Non-registerable Interest, Had received telephone calls and visited the site.

98 **Planning appeal statistics**

The Committee noted the planning appeals statistics report setting out four appeal decision notices, three of which had been dismissed and one allowed.

Members' attention was drawn to the appeal allowed on application 21/0103/FUL at Chestnuts, 65 Salterton Road, Exmouth where the Inspector did not agree with Members views and determined that the proposal would not have an adverse impact on the area and would not have a detrimental impact on the neighbouring occupiers living conditions.

99 **22/1532/MOUT (Major) BROADCLYST**

Applicant:

Redrow Homes (SW) Limited.

Location:

Treasbeare Expansion Area, land to the north of Treasbeare Farm, Clyst Honiton, EX5 2DY.

Proposal:

Outline planning application for up to 1,035 residential dwellings; a neighbourhood centre with a maximum of 3,000 sq.m. gross of ground floor space (Use Class E and sui generis (hot food takeaways, betting shops, pubs/bars)); a two form entry primary school with early years provision (Use Class F1); public open space, including formal open space, formal play space, allotments, amenity open space and SANGS land; a sports hub comprising playing pitches, tennis courts, a multi-use path and a pavilion (Use Class F2); up to 10.26 ha. of employment land (Use Classes E(g), B2, B8 and an extension to the existing Cranbrook Energy Centre); five serviced pitches for gypsies and travellers; sustainable drainage systems and associated infrastructure. All matters are reserved for future consideration aside from access. Principal access is to be provided from four points off London Road (B3174) with additional access points proposed for pedestrians and cyclists.

RESOLVED:

1. The Appropriate Assessment as set out in appendix 2 be adopted.
2. Approved as per officers recommendation subject to the imposition of an additional condition requiring the applicant to submit details to demonstrate how sewage from the site will be handled and not contribute to known issues with capacity in the sewerage network in the villages to the south of the site. The precise wording of the additional condition to be delegated to the Assistant Director Planning Strategy and Development Management in consultation with the Chair of Planning Committee and Ward Members.

100 **22/2265/MFUL (Major) SIDMOUTH SIDFORD**

Applicant:

Mr Kevin Shaw (Hartford Care).

Location:

Malden House, 69 Sidford Road, Sidmouth, EX10 9LR.

Proposal:

Side extension to existing care home to provide an additional 11 ensuite bedrooms. Works include demolition of existing side extension and associated external works.

RESOLVED:

Approved as per officers recommendation.

101 **22/2216/MFUL (Major) YARTY**

Applicant:

Enso Green Holdings B Limited.

Location:

Pound Road BESS land north east of Axminster National Grid Substation, Pound Road, Hawkchurch.

Proposal:

Installation of a battery energy storage system with associated infrastructure and works.

RESOLVED:

Refused contrary to officers recommendation.

Members considered that the proposal did not comply with Strategy 39 of the Local Plan as there was no evidence that it would be used to store energy from low carbon sources. As a result they considered it to be contrary to the requirements of Strategy 7 and that, in combination with other installations in the area, it would be harmful to the landscape character and quality of the area contrary to Strategy 46. In addition Members considered that there was insufficient information on the quality of the agricultural land upon which the proposal was to be located or the health and safety measures that would be put in place to control battery leakages and fire.

102 **22/2157/FUL (Minor) EXMOUTH TOWN**

Applicant:

Mr & Mrs M Lee.

Location:

30 Camperdown Terrace, Exmouth, EX8 1EH.

Proposal:

Single storey rear extension, single storey side extension with alteration to fenestration, first floor rear balcony.

RESOLVED:

Deferred for a site inspection to consider the impact on the neighbouring properties.

103 **22/2281/FUL (Minor) YARTY**

Applicant:

Laura Joyce.

Location:

Land to the north east of Woodhouse Farm Stables, Woodhouse Lane, Hawkchurch, EX13 5UF.

Proposal:

Construction of barn (retrospective)

RESOLVED:

Approved as per officers recommendation.

Attendance List

Councillors present (for some or all the meeting)

E Wragg (Chair)
K Bloxham
C Brown
A Colman
O Davey
B De Saram
S Gazzard
M Howe
D Key
R Lawrence
G Pratt
P Skinner

Councillors also present (for some or all the meeting)

P Faithfull
P Hayward
G Jung

Officers in attendance (for some or all the meeting)

Ed Freeman, Assistant Director Planning Strategy and Development Management
Damian Hunter, Planning Solicitor
James Brown, New Community Officer, Development Management
Wendy Harris, Democratic Services Officer

Councillor apologies:

S Chamberlain
G Pook
E Rylance
T Woodward

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Planning Committee held at Council Chamber, Blackdown House, Honiton on 28 March 2023****Attendance list at end of document**

Due to technical issues the meeting started at the later time of 10.40 am. The meeting adjourned at 1.43 pm and reconvened at 2.10pm and ended at 4.36 pm

104 Minutes of the previous meeting

The minutes of the Planning Committee held on 31 February 2023 were confirmed as a true record.

105 Declarations of interest

Minute 107. 22/2157/FUL (Minor) EXMOUTH TOWN.

Councillor Mike Howe, Affects Non-registerable Interest, Received various emails from an objector and neighbours about the committee process.

Minute 107. 22/2157/FUL (Minor) EXMOUTH TOWN.

Councillor Olly Davey, Affects Non-registerable Interest, Exmouth Town Councillor and Ward Member.

Minute 107. 22/2157/FUL (Minor) EXMOUTH TOWN.

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

Minute 107. 22/2157/FUL (Minor) EXMOUTH TOWN.

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the constitution Councillors Eileen Wragg, Kim Bloxham, Colin Brown, Olly Davey, Bruce De Saram, Steve Gazzard, Mike Howe, Geoff Pratt, Philip Skinner and Tony Woodward advised lobbying emails in respect of this application.

Minute 108. 22/1954/MOUT (Major) EXMOUTH LITTLEHAM.

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

Minute 108. 22/1954/MOUT (Major) EXMOUTH LITTLEHAM.

Councillor Bruce De Saram, Affects Non-registerable Interest, Ward Member and had attended a consultancy zoom meeting in respect of this application.

Minute 108. 22/1954/MOUT (Major) EXMOUTH LITTLEHAM.

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the constitution Councillors Eileen Wragg, Kim Bloxham, Mike Howe, Geoff Pratt, Philip Skinner and Tony Woodward advised lobbying emails in respect of this application.

Minute 108. 22/1954/MOUT (Major) EXMOUTH LITTLEHAM.

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the constitution Councillor Olly Davey advised he had met with objectors and had attended a presentation about this application.

Minute 109. 22/0783/MFUL (Major) WHIMPLE & ROCKBEARE.

Councillor Olly Davey, Other Registerable Interest, Member of the Devon Wildlife Trust.

Minute 109. 22/0783/MFUL (Major) WHIMPLE & ROCKBEARE.
Councillor Richard Lawrence, Affects Non-registerable Interest, Ward Member.

Minute 109. 22/0783/MFUL (Major) WHIMPLE & ROCKBEARE.
Councillor Sarah Chamberlain, Directly relates Non-registerable Interest, known to the applicant.

Minute 109. 22/0783/MFUL (Major) WHIMPLE & ROCKBEARE.
In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the constitution Councillors Eileen Wragg, Kim Bloxham, Bruce De Saram, Steve Gazzard, Geoff Pratt, Philip Skinner and Tony Woodward advised lobbying emails in respect of this application.

Minute 110. 22/2653/VAR (Minor) FENITON.
Councillor Philip Skinner, Affects Non-registerable Interest, received an email from the Ward Member about the planning application.

Minute 111. 22/1315/FUL (Minor) SIDMOUTH RURAL.
Councillors Bruce De Saram and Colin Brown, Affects Non-registerable Interest, attended a pre-application panel meeting involving this application.

Minute 111. 22/1315/FUL (Minor) SIDMOUTH RURAL.
Councillor Olly Davey, Affects Non-registerable Interest, Received an email in respect of this application.

Minute 111. 22/1315/FUL (Minor) SIDMOUTH RURAL.
In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the constitution Councillors Philip Skinner and Tony Woodward advised lobbying emails in respect of this application.

Minute 113. 22/0686/MFUL (Minor) BROADCLYST.
Councillor Philip Skinner, Affects and prejudicial Non-registerable Interest, known to the applicant.

Minute 113. 22/1886/FUL (Minor) CLYST VALLEY.
Councillor Mike Howe, Affects Non-registerable Interest, As Ward Member had spoken with residents and although he was known to the applicant he advised he remained open minded.

Minute 116. 22/2824/OUT (Minor) WHIMPLE & ROCKBEARE.
Councillor Richard Lawrence, Affects Non-registerable Interest, Ward Member.

Minute 116. 22/2824/OUT (Minor) WHIMPLE & ROCKBEARE.
Councillor Richard Lawrence, Affects and prejudicial Non-registerable Interest, well known to applicant and his wife.

Non-Committee Members

Minute 111. 22/1315/FUL (Minor) SIDMOUTH RURAL.
Councillor Nick Hookway, Affects Non-registerable Interest, attended a pre-application panel meeting involving this application.

Minute 114. 22/2316/FUL (Minor) OTTERY ST MARY.
Councillor Peter Faithfull, Affects Non-registerable Interest, known to the applicant.

106 Planning appeal statistics

The Committee noted the planning appeals statistics report and members' attention was drawn to the three appeals relating to two planning applications and an enforcement notice for the retention of a cement silo, water silo, site office and additional concrete area at Stopgate Farm, Yarcombe.

All three appeals were dismissed and the enforcement notice upheld as the Inspector determined that the access arrangements were harmful to highway safety and the development was harmful to the landscape and scenic beauty to the Area of Outstanding Natural Beauty.

107 22/2157/FUL (Minor) EXMOUTH TOWN

Applicant:

Mr & Mrs M Lee.

Location:

30 Camperdown Terrace, Exmouth, EX8 1EH.

Proposal:

Single storey rear extension, single storey side extension with alteration to fenestration, first floor rear balcony.

RESOLVED:

Approved as per officer's recommendation but with condition 4 amended to read as follows:

Prior to the first use of the balcony hereby approved obscure glazed screens to a height of 1.8m as measured from the finished floor level of the balcony and extending along the complete depth of the sides of the balcony as shown on drawing No 1646-03 Revision B received on the 3 October 2022 shall be installed. A 1.2m high glazed screen shall also be erected along the north/north-east extent of the balcony. The glazed screens shall remain at the same height and in the same positions in perpetuity.

(Reason – To prevent the use of the wider flat roof area and to protect the privacy of neighbouring properties in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 – 2031.)

108 22/1954/MOUT (Major) EXMOUTH LITTLEHAM

Applicant:

Littleham 2010 Ltd., c/o Bell-Cornwell.

Location:

Douglas Gardens, Douglas Avenue, Exmouth.

Proposal:

Outline application, with all matter except access reserved, for up to 44 residential units including demolition of 76 Douglas Avenue, open space provision, drainage and the creation of a linking pedestrian access.

RESOLVED:

Deferred for a site inspection to consider the landscape impact, highways safety and drainage matters. DCC Highways and South West Water to be invited to the site inspection and the following meeting.

109 **22/0783/MFUL (Major) WHIMPLE & ROCKBEARE**

Applicant:

Aura Power Developments Ltd.

Location:

Land east of Rutton Farm, Rull Lane, Whimble, EX5 2NX.

Proposal:

Construction and operation of a ground mounted solar farm with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, ancillary equipment, landscaping and associated development.

RESOLVED:

Deferred for a site inspection to consider the landscape impacts.

110 **22/2653/VAR (Minor) FENITON**

Applicant:

Raymond Borkowski.

Location:

Sunningdale, Buckerell, Honiton, EX14 3ER.

Proposal:

Variation of Condition 2 (approved plans) of planning permission 21/0039/FUL (replacement of existing dwelling and garage/workshop with new dwelling and garage with storage space) to allow revisions to internal layout.

Officer updated that the description has been amended as follows:

Variation of Condition No. 2 (Approved plans) of planning permission 21/0039/FUL (Replacement of existing dwelling and garage/workshop with new dwelling and garage with storage space) to allow revisions to position, height, external appearance and internal layout of approved replacement dwelling - part retrospective.

RESOLVED:

Approved as per officer's recommendation but with the addition of a further condition: Condition 5 of the original planning permission requiring the garage to be ancillary to be repeated.

111 **22/1315/FUL (Minor) SIDMOUTH RURAL**

Applicant:

Mr Malcolm Burrough.

Location:

Thorn Park Family Gold Centre, Salcombe Regis, EX10 0JH.

Proposal:

Construction of tithe barn to be used as multi-functional building for events and weddings, including hard standing for removeable stage.

RESOLVED:

Approved as per officer's recommendation subject to the following additional/amended conditions:

1. The external frame of the tithe barn hereby approved shall be constructed in timber **and the roof finished in timber shingles** unless agreed otherwise in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Strategy 46 - Landscape Conservation and AONB's and Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

2. Prior to use of the building hereby approved, details of any external lighting required in connection for the hosting of weddings and events shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. **No further lighting shall be installed unless approved in writing by the Local Planning Authority.**

(Reason - To minimise the impacts of light pollution on the East Devon Area of Outstanding Natural Beauty in accordance with Strategy 46 - Landscape Conservation and Enhancement and AONBs of the East Devon Local Plan 2013-2031.)

3. **Any use including weddings or events held within the building hereby approved shall only be operated in conjunction with, and ancillary to, the operation of Thorn Park Family Golf Centre.**

Reason: To reflect what is being applied for and to ensure that the Local Planning Authority retains control over the use of the building as other uses may give rise to additional planning issues and to comply with Strategy 7 - Development in the Countryside and Policy E5 - Small Scale Economic Development of the East Devon Local Plan 2013-2031.

112 **22/0686/MFUL (Minor) BROADCLYST**

Applicant:

Mr Troy Stuart.

Location:

Hill Barton Business Park, Sidmouth Road, Clyst St Mary.

Proposal:

Change of use of land for the purposes of parking, associated with the existing operations at Hill Barton Business Park for a temporary period of 3 years (retrospective application).

RESOLVED:

Refused as per the officers recommendation

113 **22/1886/FUL (Minor) CLYST VALLEY**

Applicant:

Mr A Cork.

Location:

Unit 60D, Stock Exe Ltd., Newcourt Barton, Clyst Road, Topsham, EX3 0DB

Proposal:

Change of use of land from agricultural to a B8 storage yard, to include the erection of a building and siting of three containers, for the extension of an existing yard area used in conjunction with a builders merchants.

RESOLVED:

Approved contrary to officer's recommendation.

Members considered that it was in compliance with Strategy 7 of the adopted East Devon Local Plan, would not cause any significant harm in landscape terms and would not present a flood risk. Delegated authority was granted to the Assistant Director – Strategic Planning and Development Management to approve in consultation with the chair and ward member subject to appropriate conditions including those to control the use of the site, the height of external storage, landscaping, drainage etc.

114 **22/2316/FUL (Minor) OTTERY ST MARY**

Applicant:

Mr M Burgess.

Location:

Devon Mushroom Farm, Alfington Road, Alfington, Ottery St Mary, EX11 1FE.

Proposal:

Change of use of agricultural buildings to five Class B8 (storage and distribution) units and two Class E(g) (light industry) units including provision of 11 parking spaces (part retrospective).

RESOLVED:

Approved as per officer's recommendation.

115 **22/2166/FUL (Minor) WEST HILL & AYLESBEARE**

Applicant:

Mr & Mrs G Vooght.

Location:

The Oaks, Aylesbeare, EX5 2DE.

Proposal:

Completion of an outdoor menage and the surfacing of the existing driveway utilising an existing vehicular access.

Officer updated that the description has been amended as follows:

Provision of an outdoor menage and the surfacing of the existing driveway utilising an existing vehicular access. (Part retrospective).

RESOLVED:

Approved as per officer's recommendation.

116 22/2824/OUT (Minor) WHIMPLE & ROCKBEARE

Applicant:

Mr Cyril Emmett.

Location:

The Littlefield, land south of Hazel Grove, Rockbeare.

Proposal:

Outline application for the construction of up to four dwellings (all matters reserved except for access).

RESOLVED:

1. The appropriate assessment forming part of the report be adopted.
2. Approved as per the officer recommendation subject to the additional condition:

The reserved matters application for layout shall include a detailed scheme of foul and surface water drainage for approval by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details, which shall be installed prior to the first occupation of the development hereby approved, and shall thereafter be maintained and retained for the lifetime of the development.

(Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with Policy EN22 (Surface Water Run-Off Implications of New Development) of the East Devon Local Plan 2013 to 2031 and paragraph 103 of the NPPF.)

117 22/2549/OUT (Minor) WOODBURY & LYMPSTONE

Applicant:

Mr Vernon Bristow.

Location:

Marandor, Exmouth Road, Exton, EX3 0PZ.

Proposal:

Outline application with some matters reserved (access, layout and scale) for the erection of two storey detached dwelling with associated parking, garage and south-west facing garden.

RESOLVED:

Approved as the officer's recommendation subject to the additional condition:

Details of the internal floorplans of the dwelling and garage hereby approved shall be submitted to and agreed in writing by the Local Planning Authority with the application for reserved matters of appearance. Development shall take place in accordance with the approved details.

(Reason: To secure adequate levels of residential amenity for future and existing residents in accordance with Policy D1 (Design and local distinctiveness) of the East Devon Local Plan 2013 to 2031.)

Attendance List

Councillors present:

E Wragg (Chair)

S Chamberlain (Vice-Chair) left the Chamber for application 22/0783/MFUL and did not take part in discussions or vote

K Bloxham

C Brown

O Davey

B De Saram

S Gazzard

M Howe

D Key

R Lawrence left the meeting after application 22/2316/FUL and was present for application 22/2824/OUT

G Pratt

E Rylance

P Skinner left the Chamber for application 22/0686/MFUL and did not take part in discussions or vote

T Woodward

Councillors also present (for some or all the meeting)

J Bailey

P Faithfull

N Hookway

G Jung

J Loudoun

Officers in attendance:

Ed Freeman, Assistant Director Planning Strategy and Development Management

Wendy Ormsby, Development Manager

Anita Williams, Interim Director of Governance and Licensing and Monitoring Officer

Shirley Shaw, Interim Head of Legal Services and Deputy Monitoring Officer

Councillor apologies:

A Colman

G Pook

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Licensing and Enforcement Committee held at Council Chamber, Blackdown House, Honiton on 15 March 2023****Attendance list at end of document**

The meeting started at 10.02 am and ended at 11.10 am

27 Public Speaking

Cllr Louise Cole, Sidmouth Town Council, read out a letter from the Chair of Sidmouth Town Council regarding the summary of responses to the recent consultation on the Street Trading Policy. The Town Council was concerned that the public's objections to the proposals was based on a lack of understanding and a fear that any change to the Street Trading Policy would allow anyone to set up a street stall at any time in the designated streets. The Town Council was of the view that greater flexibility in the Policy would be beneficial for Sidmouth. The Town Council requested that the Committee reconsider a greater flexibility for specific named events to enable the town to better manage the large visitor numbers and associated need for food and drink, particularly with regard to the Regatta weekend at the end of August.

Cllr Cole noted that the inclusion of the list of prohibited streets in the consultation had resulted in fear and confusion among the public. The Town Council worked hard to promote Sidmouth and felt that the town would benefit from greater flexibility for street trading for specific events.

28 Minutes of the previous meeting

The minutes of the meeting held on 7 December 2022 were agreed and signed as a correct record.

29 Declarations of interest

There were no declarations of interest.

30 Matters of urgency

There were no matters of urgency.

31 Confidential/exempt item(s)

There were no confidential or exempt items.

32 Street Trading Policy update

The Licensing Manager presented the Street Trading Policy update report and highlighted the following points:

- The Committee had approved the consultation at the meeting in December 2022 which included a review of street trading application fees.
- The designation of prohibited streets applied solely to Sidmouth, with the list of current prohibited streets shown at Appendix B.
- It was noted that the list of streets in Appendix C was incorrect and confirmed that the designated streets under discussion are as listed in Appendix B.

- A large proportion of responses to the consultation were specific to Sidmouth, with objections to any further relaxation of designated prohibited streets.
- It was noted that the current Street Trading Policy designates the Sidmouth Esplanade and Promenade as a consent street, but only during Sidmouth Folk Week and for the purposes of the sale of craft items only, not including food and drink items, so as not to conflict with local hospitality businesses.
- Other responses to the consultation referred to Axminster and Cranbrook.
- There is a need for a revised, fit for purpose Street Trading Policy to be in place by the start of the new civic year in May, as the policy covers the whole district.
- Any change to the consultation draft of the policy at this stage would legally require a further consultation to be held.

Questions from Members and discussion included the following points:

- The comments regarding the consultation were noted, however, it was difficult to predict what would be the response from Sidmouth residents if a further consultation was held.
- Should a further consultation be held, this would delay the adoption of the Street Trading Policy and would leave the whole district without a fit for purpose policy over the summer months and during the first months of a new Council term following the election in May.
- It was noted that any extension of the consent time applying to the Sidmouth Esplanade and Promenade would result in those areas being open for any application at any time.
- Officers would be happy to discuss greater flexibility with Sidmouth Town Council going forward but any change at this stage would require further consultation.
- Sidmouth Town Council would need to specify exactly what they would wish to happen regarding street trading on the Esplanade and Promenade and that this should be linked to particular events rather than dates.
- It was noted that Officers had worked closely with Cranbrook Town Council as a consultee in order to establish an appropriate framework for Cranbrook. Officers would be happy to work with Sidmouth Town Council, although authority to grant licences could not be delegated.

RESOLVED

1. That the Committee notes the results of the public consultation exercise undertaken (Appendix A of the report)
2. That the streets as currently designated in East Devon (set out in Appendix B of the report) be kept
3. That the Street Trading Policy (set out in Appendix C of the report) be approved
4. That the Committee recommends to Council that the fees be applied to all applications received for Street Trading Consent from 1st May 2023 as set out in Appendix C of the report
5. That the Committee will revisit the issue of including specific events for the consent of the Esplanade and Promenade in Sidmouth after the start of the new civic year in consultation with Sidmouth Town Council.

The Chair thanked Cllr Cole for attending the meeting.

The Chair also thanked the Licensing Manager for his work and support for the Committee. The Licensing Manager wished to record his thanks to the Licensing Street Trading Support Officer and the Licensing Support Officer for their work on the Street Trading Policy and consultation.

33 Quarterly update report

The Licensing Manager presented the quarterly report which provided an update on the activities of the Licensing Service under the Licensing Act 2003, Gambling Act 2005,

Taxi legislation and General Licensing including Street Trading and Pavement Licences. The following points were highlighted:

- Since the report was published, the Licensing & Enforcement Sub Committee hearing of 7 March 2023 had been held and the premises licence had been granted.
- The Licensing team continued to investigate complaints with regard to taxis and advice for the public had been issued. The online complaints reporting tool was now live on the EDDC website.
- Officers had prepared additional signage to enable the easy identification of EDDC licenced vehicles and examples were shown to Members.
- It was noted that there is scope for a further Catching a Taxi Safely information campaign over the summer months.

The Chair expressed concerns which had arisen as a result of the Licensing and Enforcement Sub Committee hearing of 7 March 2023 regarding the need to more fully understand the Police process for commenting on premises licence applications and the reasons and justification for coming to an agreed position with applicants. There was concern that this process did not give the Committee and Sub Committee the opportunity to consider what the night time economy of a location should look like, or to come to a position which was different from that agreed between the Police and the applicant.

It was agreed that it would be helpful to invite Inspector Antonia Weeks to a future meeting to discuss the Committee's concerns.

The quarterly update report was noted.

The Chair thanked the Licensing Manager for his work and support.

Attendance List

Councillors present:

J Whibley (Chair)
O Davey
A Dent
P Jarvis
B Taylor
T Wright (Vice-Chair for this meeting)

Councillors also present (for some or all the meeting)

Officers in attendance:

Zoe Jones, Licensing Support Officer (Street Trading)
Sarah Jenkins, Democratic Services Officer
Giles Salter, Solicitor
Stephen Saunders, Licensing Manager

Councillor apologies:

K Bloxham
M Chapman
S Gazzard
T Woodward

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Licensing and Enforcement Sub Committee held at Tale Room, Blackdown House, Honiton on 7 March 2023

Attendance list at end of document

The meeting started at 9.30 am and ended at 10.47 am

21 Minutes of the previous meeting

The minutes of the previous meeting held on 24 January 2023 were agreed and signed as a true record.

22 Declarations of interest

There were no declarations of interest in accordance with the Council's Code of Conduct. The Chair wished to record that he used the establishment on occasion as a resident of Exmouth.

23 Matters of urgency

There were no matters of urgency.

24 Confidential/exempt items

There were no confidential / exempt items.

25 Determination of an application for the grant of a premises licence to allow the sale of alcohol and the provision of late night refreshment at Moores Newsagents, 28 The Strand, Exmouth EX8 1AQ

The Sub Committee considered the application for the grant of a premises licence to allow the sale of alcohol and the provision of late night refreshment at Moores Newsagents, 28 The Strand, Exmouth EX8 1AQ.

The meeting was a hearing under the Licensing Act 2003.

The Chair introduced the members of the Sub Committee.

The applicant, present and entitled to make representations was Mr Yogananthan Ramesh. The applicant's agent, Mr Ian Rushton, was represented at the hearing by Mr Frank Fender.

The interested parties, present and entitled to make representations were Mr Oliver Bainbridge, Mr George Nightingale, Mr David Weston and Mrs Jeanette Weston.

The Licensing Authority had received representations from Devon and Cornwall Police who were not present.

The Sub Committee's legal advisor, Giles Salter, outlined the procedure for the meeting.

The Licensing Officer, Lesley Barber, summarised the application and advised that the applicant had provided all necessary documentation. Seven objections had been received from interested parties. Four interested parties were present, with Mr Bainbridge also nominated to speak on behalf of Ms Lynsey Lowthian. The Police had reached an agreed position with the applicant.

Since the publication of the report, updated information had been circulated to all parties and published with the report at Appendix H with three additional supporting documents.

In response to a question from the Sub Committee, the Licensing Officer set out the maximum opening hours of other licensed venues in the vicinity of the application premises.

The interested parties had no questions for the Licensing Officer.

The agent for the applicant, Mr Fender, made the case for the application and highlighted the following points:

- The applicant has made a considerable investment in the premises and now wishes to add the sale of alcohol to complete the convenience store offer.
- The applicant has held a premises licence since 2005 and has an excellent track record, with no breaches of licensing conditions
- Measures which would be in place to uphold the licensing objectives include CCTV, Challenge 25 and staff training, with the type of training set out in the updated information which had been submitted.
- Although representations had been submitted by local residents and businesses, the Police had no objections to the application and the additional conditions set out by the Police had all been accepted by the applicant.
- No other statutory consultees had submitted representations and many other local businesses had also not submitted objections.
- The applicant's agent, Mr Rushton, had contacted interested parties to explain the application, but this had not resulted in any representations being withdrawn.
- With regard to paragraph 3.6 of the report, it was noted that the applicant is not the premises licence holder for another premises, Premier JC Stores and has never worked at that premises. Issues regarding Premier JC Stores were not relevant to the application under consideration.
- There was no evidence to support concerns regarding potential damage and anti-social behaviour should the licence be granted and there was no basis for making assumptions as to how the licence would be operated if granted.

Members of the Sub Committee put questions to the applicant's agent who made the following points in reply:

- The operator of Premier JC Stores is the applicant's brother who had advised the applicant's agent that issues with street drinking had been reduced. Super-strength beers had been removed from sale at Premier JC Stores and would not be on sale at Moores Newsagents should the licence be granted.
- Regarding the licensing hours sought, the planned opening times of the premises would depend on market forces. Sales after midnight would be made through the sales hatch as the shop would then be closed.
- With regard to other late night licensed premises in the area, evidence of need is not a consideration under the Licensing Act.
- Regarding supervision, the applicant would have a good view of potential customers approaching the premises and would refuse the sale of alcohol if appropriate. Customers also have to take personal responsibility for their conduct.

Interested parties put questions to the applicant's agent, who advised the following in reply:

- With regard to the potential target audience, this included shift workers on their way home and workers in the hospitality trade.
- Regarding the family connection with Premier JC Stores, the applicant's brother is the premises licence holder and there is no intention that he would be involved with Moores Newsagents. There had never been a review application for JC Stores as a result of any issues arising from that premises.

The interested parties objecting to the application made their case and highlighted the following concerns:

- Concerns arise due to the existing level of street drinking in the area.
- Repeated complaints regarding street drinking in The Strand had been made to the Police and a death had previously occurred.
- The Strand is a family area, with war memorial, and during the summer months is busy with families. Visiting in winter does not provide an accurate picture of the area.
- The interested parties were of the view that granting the licence would be seen as encouraging street drinkers and that local objections had been overruled.
- The interested parties were surprised that the Police had not put in stronger objections given the previous level of complaints.
- Late night operating hours would encourage street drinking.

In response to a question from a Member of the Sub Committee, an interested party advised that the Police were not sufficiently resourced to enable them to respond to incidents resulting from street drinking.

Interested parties expressed further concerns as follows:

- Progress had been made recently by the Licensees Association of Exmouth and other partners, to improve the situation in The Strand, which is a natural area for people to congregate, and, should the licence be granted, this would jeopardise the last twelve years of their work.
- A lack of taxis on the taxi rank means that more people are waiting in the area and would take advantage of late night sale of alcohol.
- CCTV does not prevent crime and disorder, rather it just records it.

In response to a question from a member of the Sub Committee regarding complaints to the Police, an interested party confirmed that the Police record incidents with crime reference numbers.

With regard to younger people congregating in The Strand, an interested party advised that it was easier to identify street drinkers rather than minors engaging in under-age drinking. Groups of young people could be an intimidating presence in the area.

An interested party expressed concern that staff would not be properly trained and would not have the incentive to refuse to sell alcohol and turn customers away.

The applicant's agent put questions to the interested parties, and their replies included the following points:

- The 'drink of choice' of street drinkers is any alcoholic drink and removing certain super strength beers from sale would have little effect.
- The interested parties, putting forward their views and perspectives, had concerns regarding whether conditions would be adhered to based on previous issues with Premier JC Stores.

Regarding historic issues with JC Stores, the Licensing Officer advised that it was not correct to say that no actions had been taken. The Police and the Licensing Officer had previously visited JC Stores with regard to complaints about alcohol sales to minors and

street drinkers. Although there had not been formal tightening of conditions, improvements had been made but had not resolved the problem. The Police had subsequently asked that door staff be put in place on two consecutive weekends and were not aware of any issues at this premises since then.

In response to a question from a member of the Sub Committee, the Licensing Officer advised that, once a licence was granted, Licensing Officers would visit a premises to check that conditions are adhered to. The Licensing Authority keeps a record of any issues which bring a premises to the Authority's attention.

The applicant's agent advised that the applicant would continue to hold the premises licence for another business premises in Wellington and that the additional information submitted in support of the application evidenced the type of training which would be provided for staff.

The applicant's agent made a final statement which included the following points:

- The vast majority of customers using the premises would take alcohol home for consumption, rather than drink on the street.
- The Sub Committee were requested to attach weight to the applicant's experience and track record and the fact that no other authority had made representations.
- The Sub Committee should also attach the appropriate amount of weight to speculation regarding issues at Premier JC Stores.
- The Sub Committee were asked to note that there is the safety net of the review application process should any issues arise.
- The Police were happy with the application and the Sub Committee were asked to grant the licence.

The Chair thanked all participants for attending the hearing and advised that the decision of the Sub Committee would be notified to all parties in writing within five working days.

Attendance List

Councillors present:

K Bloxham (Vice-Chair)

J Whibley (Chair)

T Woodward

Councillors also present (for some or all the meeting)

None

Officers in attendance:

Lesley Barber, Licensing Officer

Sarah Jenkins, Democratic Services Officer

Giles Salter, Solicitor

Louise Bennett, Licensing Support Officer

Chair

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Licensing and Enforcement Sub Committee held at Council Chamber, Blackdown House, Honiton on 6 April 2023

Attendance list at end of document

The meeting started at 9.30 am and ended at 9.55 am

26 Minutes of the previous meeting

The minutes of the previous meeting held on 7 March 2023 were approved.

27 Declarations of interest

There were no declarations of interest.

28 Matters of urgency

There were no matters of urgency

29 Confidential/exempt items

There was one item which officers recommended should be dealt with under Part B.

30 Exclusion of Press and Public

RESOLVED that under Section 100(A) (4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, of the description set out on the agenda, is likely to be disclosed and on balance the public interest is in discussing this item in private session (Part B).

31 Hackney Carriage Driver Suitability

The purpose of the meeting was to determine whether the driver named in the Officer's report is a fit and proper person to continue to be licensed as a hackney carriage driver.

The driver was present at the meeting.

The Licensing Officer presented the report. There were no questions from Members or the driver.

Members were shown body camera footage of the incident. It was noted that the footage had not been seen by Members prior to the meeting.

The driver addressed the Sub Committee and responded to questions from Members.

The Chair advised the driver that the Sub Committee would retire to make its decision.

The Chair thanked everyone for attending.

Attendance List

Councillors present:

O Davey

A Dent (Vice-Chair)

T Wright (Chair)

Councillors also present (for some or all the meeting)

Officers in attendance:

Sarah Jenkins, Democratic Services Officer

Giles Salter, Solicitor

Phillippa Norsworthy, Licensing Officer

Stephen Saunders, Licensing Manager

Councillor apologies:

Chair

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Audit and Governance Committee held at Council Chamber, Blackdown House, Honiton on 23 March 2023

Attendance list at end of document

The meeting started at 2.30 pm and ended at 3.28 pm

27 Public speaking

Cllr Peter Faithfull asked that the situation with South West Mutual Bank was looked into to see if there were any investment opportunities for the council. The Director Finance agreed to present a status report on this matter to the Committee later on in the year.

28 Minutes of the previous meeting

The minutes of the Audit and Governance Committee held on 17 November 2022 were confirmed as a true record.

29 Declarations on interest

Min 27. Public speaking.
Councillor Peter Faithfull, Affects Non-registerable Interest, Member of South West Mutual.

30 Matters of urgency

None

31 Confidential/exempt item(s)

None

32 Internal Audit Plan Progress March 2023 (2022/23)

Alastair Woodland, Assistant Director, SWAP provided an update on the 2022/23 Internal Audit Plan as at end of March 2023.

RESOLVED:

That the progress made in delivery of the 2022/23 internal audit plan and findings be noted.

33 Internal Audit Plan and Charter 2023/24

Alastair Woodland highlighted that the Internal Audit function played a central role in corporate governance by providing assurance to the Annual Audit, Governance and Standards Committee, looking over financial controls and checking on the probity of the organisation.

The 2023-24 Annual Audit Plan provided independent and objective assurance on EDDC governance, risk and internal control environment. The work supported the Annual Governance Statement.

RESOLVED:

That the Internal Audit Plan for 2023/24 and Internal Audit Charter be approved.

34 **Audit Findings Report - Grant Thornton**

Jackson Murray and Beth Garner from Grant Thornton presented the observations arising from the audit that were significant to the responsibility of those charged with governance to oversee the financial reporting process, as required by International Standard on Auditing (UK) 260.

RESOLVED:

That the Audit Findings report be noted.

35 **Risk Review Autumn/Winter 2022-23**

Risk information for the 2022/23 financial year was supplied to allow the Audit and Governance Committee to monitor the risk status of Strategic and Operational Risks. This followed the full review of risks by responsible officers during December and January.

Cllr Lawrence expressed his concern for the high risk of 'Failure to satisfy a compliance requirement'. It was agreed a separate report for an update on this matter would be brought back to the Committee.

RESOLVED:

That the current status of risks following the full risk review undertaken in December and January be noted.

36 **Accounting Policies Approval**

The Finance Manager presented his report stating it was good practice for the Audit and Governance Committee to approve the Accounting Policies to be adopted in advance of the preparation of the accounts. At this stage there are no changes for 2022/23 identified.

RESOLVED:

That the Accounting Policies for the 2022/23 Statement of Accounts be approved.

37 **Section 106 and CIL Update**

The Assistant Director Strategic Planning and Development Management advised members on the current position with regard to Section 106 and CIL collection and spend issues. The report followed discussion at a recent Scrutiny Committee meeting and the joint Scrutiny and Overview Committee to consider service plans where concerns were highlighted with current resourcing.

The Committee thanked Ed Freeman for keeping on top of this issue especially under the present staff resourcing situation.

RESOLVED:

That the current position in terms of S106 and CIL processes and the proposed actions to address current issues highlighted in the report which include:

- a review of staffing for S106 and CIL monitoring and collection work including the role of the S106 Monitoring Officer;
- a review of the current resourcing issues with spend and delivery of S106 funded projects and how these can be unlocked; and
- a review of the information presented through the Exacom Public Facing module to ensure that it is clear and easy to understand, be noted.

38 **RIPA update**

The RIPA Senior Responsible Officer advised that there had been no requests for RIPA authorisation since the last committee.

39 **Audit and Governance Forward Plan**

Members noted the contents of the Committee Forward Plan for 2023/24.

Items to be considered at the July 2023 committee included:

- Internal Audit Plan 2022-23 Outturn
- Internal Audit Annual Audit Opinion 2022-23
- Auditor's Annual Report 2021-22
- Statement of Accounts
- Risk Management Review
- Revenue and Capital Outturn Report 2022-2023

Attendance List

Councillors present:

S Hawkins (Chair)
J Bonetta
R Lawrence

Councillors also present (for some or all the meeting)

P Faithfull

Officers in attendance:

Amanda Coombes, Democratic Services Officer
Simon Davey, Director of Finance
Ed Freeman, Assistant Director Planning Strategy and Development Management
Beth AC Garner
Jackson Murray
John Symes, Finance Manager
Anita Williams, Interim Director of Governance and Licensing and Monitoring Officer
Alastair Woodland, SWAP

Councillor apologies:

D Barrow
C Brown
S Gazzard
P Twiss
J Whibley
T Woodward

Chair

Date: