



## Agenda for Cabinet Wednesday, 29th November, 2023, 6.00 pm

### Members of Cabinet

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

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

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Tuesday, 21 November 2023

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- 1 Minutes of the previous meeting (Pages 4 - 11)
- 2 Apologies
- 3 Declarations of interest  
Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)
- 4 Public speaking  
Information on [public speaking is available online](#)
- 5 Matters of urgency  
Information on [matters of urgency](#) is available online
- 6 Confidential/exempt item(s)  
To agree any items to be dealt with after the public (including the Press) have been excluded. There are two items which officers recommend should be dealt with in this way.
- 7 Minutes of Scrutiny Committee held on 5 October 2023 (Pages 12 - 15)
- 8 Minutes of Strata Joint Executive Committee held on 5 October 2023 (Pages 16 - 17)
- 9 Minutes of Placemaking in Exmouth Town and Seafront Group held on 7 November 2023 (Pages 18 - 21)
- 10 Minutes of Overview Committee held on 12 October 2023 (Pages 22 - 27)

- 11 Minutes of Recycling and Waste Partnership Board held on 25 October 2023 (Pages 28 - 34)
- 12 Minutes of Arts and Culture Forum held on 8 November 2023 (Pages 35 - 43)
- 13 Minutes of Housing Review Board held on 9 November 2023 (Pages 44 - 51)
- 14 Minutes of Overview Committee held on 9 November 2023 (Pages 52 - 57)

### **Key Matters for Decision**

- 15 Review of bin collection service and town and parishes' service charges (Pages 58 - 64)
- 16 Housing Benefit Modified Scheme Policy (Pages 65 - 72)
- 17 Safeguarding update following recommendations from Council 11 July 2023 (Pages 73 - 78)
- 18 Safeguarding Policy update report (Pages 79 - 90)
- 19 Homelessness Service update (Pages 91 - 102)

### **Matters for Decision**

- 20 **Exmouth Sea Wall Emergency Repairs Budget** (Pages 103 - 110)
- 21 **Peer challenge update report** (Pages 111 - 116)
- 22 **Car Park Summer Income report** (Pages 117 - 122)
- 23 **Mill Street Reserved Permits & Devon County LEVI (EV) Funding Bid** (Pages 123 - 138)
- 24 **Treasury Management Performance 2023/24 - 1 April to 30 September 2023** (Pages 139 - 140)
- 25 **Financial Monitoring Report 2023/24 - Month 6 September 2023** (Pages 141 - 150)
- 26 **Application to designate West Hill Neighbourhood Area** (Pages 151 - 162)
- 27 **Consultation on draft Cemetery Regulations** (Pages 163 - 189)
- 28 **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

#### **The Vice Chair to move the following:**

“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)”.

### **Part B Key Matters for Decision**

- 29 Discretionary Rate Relief (Broadclyst Ward) (Pages 190 - 198)
- 30 Site Acquisition Opportunity (Pages 199 - 207)

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

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

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

[Decision making and equalities](#)

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**EAST DEVON DISTRICT COUNCIL****Minutes of the meeting of Cabinet held at Council Chamber, Blackdown House, Honiton on 10 October 2023****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 8.45 pm

**52 Minutes of the previous meeting**

The minutes of the previous meeting of Cabinet held on 6 September 2023 were agreed.

**53 Declarations of interest**

Min 54. Public speaking.

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

**54 Public speaking**

The Chair handed the meeting over to the Vice Chair at this point due to a personal interest.

Cllr Ian Priestley spoke as Chair of newly formed Colyford Parish Council. The judicial review brought by Colyton Parish Council was taking up a huge amount of their time and causing an unwelcome distraction. It was delaying providing for the village, for which they had the duty of care and responsibility, which they took very seriously. Cllr Priestley stated that Colyton Parish Council still owed over £11k plus interest to Colyford PC. He asked that EDDC take up the shoulder of responsibility of chasing Colyton PC for this sum, and that they needed one impartial district councillor who would be happy to represent, guide and help them in this matter.

The Portfolio Holder Communications and Democracy confirmed that a meeting would be set up with herself, Cllr Priestley, EDDC's Monitoring Officer and Colyford's Parish Clerk, with confirmation of this being sent to Cllr Priestley tomorrow.

**55 Matters of urgency**

There were none.

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

There were 3 items which officers recommend should be dealt with in this way recorded at Minutes 69 to 71.

**57 Minutes of the Strategic Planning Committee held on 5 September 2023**

Members agreed to note the Minutes and recommendations of Strategic Planning Committee held on 5 September 2023.

**Minute 22: Gypsy and Traveller Site Provision**

1. That the Council agree in principle to taking over the lease arrangements for the Elbury Close site at Broadclyst and progress discussions with Devon County Council and the National Trust over these arrangements be agreed as well as to discuss the opportunities to continue the current management arrangements with Elim Housing. A detailed proposal for the new lease and management arrangements to then be brought to Cabinet for Members consideration.
2. That option 3 of paragraph 3.11 of the report be recommended as the preferred option.

**Minute 24: Section 106 and CIL Resources and Processes**

1. That the proposed revised S106 Monitoring Fees charging schedule appended to this report be supported.
2. That the proposed Planning Obligations Team incorporating the existing COL and Section 106 Officer posts and the proposed new Planning Obligations Manager and Planning Obligations Support Officer posts be created with the new posts to be funded from S106 Monitoring Fees and CIL admin funds be approved.
3. That the current spend process for S106 receipts for spend in the community on play areas, open space and other community spaces be amended as per option 2 as detailed in the report and delegated authority be given to the Assistant Director – Planning Strategy and Development Management to issue best practice guidance on the Council's website on how town and parish councils should engage their communities on spend decisions be approved.

**58 Minutes of Scrutiny Committee held on 7 September 2023**

Members agreed to note the Minutes and recommendations of Scrutiny Committee held on 7 September 2023.

**Minute 15 Section 106 and CIL Resources and Processes**

That an interim solution be found to put resources in place as soon as possible in respect of dealing with the approximately 150 outstanding cases where a notice of payment has been issued and monies remain outstanding. Officers were asked to give this matter their earliest attention.

**59 Minutes of Placemaking in Exmouth Town and Seafront Group held on 12 September 2023**

Members agreed to note the Minutes of Placemaking in Exmouth Town and Seafront Group held on 12 September 2023.

**60 Minutes of Budget Setting and Capital Allocations Panel held on 18 September 2023**

Members agreed to note the Minutes of Budget Setting and Capital Allocations Panel held on 18 September 2023.

**61 Minutes of LED Monitoring Forum held on 19 September 2023**

Members agreed to note the Minutes of LED Monitoring Forum held on 19 September 2023.

**62 Minutes of Extraordinary Recycling and Waste Partnership Board held on 20 September 2023**

Members agreed to note the Minutes of the Extraordinary Recycling and Waste Partnership Board held on 20 September 2023, when under discussion at Minute 69 - Recycling and Waste Contract extension.

**63 Council Tax - Local Discount for Care Leavers**

The Assistant Director Revenues, Benefits & Corporate Customer Services presented her report which sought Members approval to implement a council tax discount scheme of up to 100% relief for care leavers until their 25<sup>th</sup> birthday from 1<sup>st</sup> October 2023.

**RECOMMENDED to Council:**

1. To agree to a Care Leavers discount scheme of up to 100% relief until their 25th birthday where Devon County Council has acted as their corporate parent. Scheme to apply from 1 October 2023 using our provision under S13A (1) (C) of the Local Government Finance Act 1992.

**RESOLVED:**

2. That delegated authority is given to the Assistant Director for Revenues, Benefits, Corporate Customer Services to finalise the scheme criteria and make technical changes to ensure the scheme is aligned with the other Devon districts including any potential changes in scheme funding, be agreed.

**REASON:**

Care leavers face the challenge of having to cope with the demands of living on their own at a young age. They must manage finances, maintain a home and manage their lives independently, without the support from their families. Whilst not mitigating the impact of all the disadvantages that care leavers have experienced, a council tax discount can provide a positive financial measure.

**64 Updates to Discretionary Rate Relief Policies**

Approval was sought to update the following policies relating to technical and administrative changes:

- Local Discretionary Rate Relief and Hardship Policy
- Discretionary Rate Relief for Partly Occupied premises.

**RESOLVED:**

1. That the updated Local Discretionary Rate Relief and Hardship policy and the Discretionary Rate Relief for Partly Occupied premises policy, be agreed.  
2. That delegated authority be given to the Assistant Director responsible for Business Rates to update the policy to take account of technical or administrative changes.

**REASON:**

Policy updates currently required Cabinet approval as this had not been allowed for officers to make technical changes; moving forward the second recommendation would allow for this.

**65 Financial Plan 2024-2034**

The Director Finance presented the annual formulation of the Financial Plan and approval process which helped the Council plan ahead to maintain balance budgets. The

Budget Setting and Capital Allocation Panel had considered the draft Plan and have recommended it to Cabinet.

**RECOMMENDED to Council:**

To consider the draft Financial Plan 2024 – 2034 and recommend its adoption.

**REASON:**

It was essential the Council considered its financial resources in advance to allow time to make necessary amendments in its service provision to ensure balance budgets were maintained.

66 **East Devon - Local Economic Review**

The Economic Development Manager presented the main findings of the Local Economic Review (LER) recently completed by the Economic Development team. The core issues and challenges facing the district economy were evidenced from the most up to date Census and ONS data.

Endorsement of the work was sought alongside approval for its use in informing both the emerging Council Plan and in the development of a new Economic Development Strategy for East Devon.

During discussions the inclusion of any available broadband connectivity data for the district was suggested. It was also suggested the Neighbourhood Planning Officer should disseminate this evidence to local Neighbourhood Planning groups.

Members from across parties wished to thank and congratulate Rob Murray, Tom Winters and the team on this hugely important in-depth report, whose evidence and data had far reaching consequences that would help shape future decisions in the district.

**RESOLVED:**

1. That the report and detailed Local Economic Review which underpins it, be endorsed.
2. That the use of the Local Economic Review and up to date statistical evidence it comprises be used to inform the development of the emerging Council Plan, be agreed.
3. That the development of a new Economic Development Strategy for East Devon that would directly engage the core challenges highlighted by the Local Economic Review, be agreed.

**REASON:**

To ensure that the Council was informed, and so able to act upon, the most reliable, transparent, and up to date local economic evidence. This data could then inform the emerging Council Plan in identifying local economic and employment priorities, as well as providing baseline evidence for the development of a robust Economic Development Strategy to deliver on the new Council Plan aims.

67 **Enterprise Zone**

An update was provided on the operation and performance of the Exeter and East Devon Enterprise Zone designation. This included a review of what had been delivered to date since the beginning of the designation in 2017. The assessment focused particularly on the capacity for investment in specific projects, funded through borrowing against ring-fenced business rate income. This provided important wider context for specific investment proposals that would be reported to Cabinet over the coming months.

**RESOLVED:**

1. That the progress with the delivery of the Enterprise Zone designation to date, be noted.
2. That the current position regarding borrowing against retained business rate income and the capacity to support further strategic investment, be noted.

**RECOMMENDED to Council:**

3. that up to £250k is borrowed against future ring-fenced business rate income to support the ongoing progression of the Interconnector Project.

**REASON:**

To ensure that Cabinet was aware of the progress to date with the Enterprise Zone designation. To provide context for further investment decisions that would be reported to Cabinet in the coming months. To support the ongoing development of the Interconnector Project.

68 **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).

69 **Recycling & Waste Contract extension**

The report outlined the terms of the EDDC Recycling & Waste contract extension and explained why it was required, along with the due diligence that had been undertaken to assure that the terms were commensurate with the changing sector and the commercial pressures that were present. Agreement in principle to take the 3-year extension available in the contract was approved by Cabinet in March 2022.

The Portfolio Holder Coast, Country and Environment wished to thank Gareth Bourton and Andrew Hancock for their hard efforts in getting the extension contract through to this stage. In turn the Chair and Vice Chair thanked the Portfolio Holder Coast, Country and Environment for his constant support and dedication on this matter.

**RESOLVED:**

1. That the principal terms of the contract extension to the Recycling & Waste contract to take the contract up to its full contract term to June 2026 as set out in the report, be agreed.
2. That delegated authority is given to the Assistant Director StreetScene, Director of Finance and Director of Governance and Licensing, in consultation with Portfolio Holder Coast, Country & Environment to negotiate, agree the terms of the contract extension reflecting the agreement to agree from the Interim-extension letter and to enter into the contract extension.

**RECOMMENDED to Council:**

3. That an additional budget be allowed for 23/24 and future budget implications be modelled through annual budget setting for 24/25.
4. That a Portfolio Team be convened to take forward the preparation work for contract replacement from 2026, building on initial investigation work undertaken by the



department, to commission the scope of future services required to meet legislative and budgetary changes. The team to be politically balanced and consist of no more than 7 Members plus Portfolio Holder.

**REASON:**

Approval of the EDDC contract extension terms would allow the successful partnership to remain in place for the full available contract term of ten years, taking it up to June 2026. It would also provide continuity to allow the Recycling & Waste team to continue to appraise the forthcoming changes to the recycling and waste sector as DEFRA issue more information on legislative change for the industry, and thus prepare EDDC for implementation of the changes from 2025 onwards. Along with scoping and building a clearer specification for contract replacement in 2026.

70 **Review of Lifeguard provision 2023**

Increased tourism, the rise of the staycation, and an increased interest in water sports combined were leading to a rise in beach use, therefore the need to review and increase our lifeguard provision was required. At the same time the RNLI (lifeguard provider) were finding their budgets squeezed and costs increased and so needing to pass a greater proportion of the seasonal costs on to EDDC.

**RESOLVED:**

1. That the continuation of RNLI as best practice lifesaving service provider with step increases in % contribution payable by EDDC for the service, be agreed.
2. That the expansion of service to Budleigh (peak season only) for the reasons set out in the report, at 100% of cost contribution rate, be agreed.
3. That waiving standing orders to enable the contract with the RNLI to be extended, be agreed.
4. That procurement advice was obtained to ensure compliance with public sector procurement requirements.

**RECOMMENDED to Council:**

5. That a budget be approved for this service for Exmouth and Budleigh Salterton in 2024/25, to be confirmed through the budget setting process.

**REASON:**

As covered in the report lifeguarding provision was essential to meet the council's health and safety and water safety responsibilities.

71 **Review of the Home Safeguard Service**

The report outlined a review of the Home Safeguard (HSG) service and proposed interim changes that could address immediate issues. A comprehensive review with recommendations to be brought back to Cabinet at a future date, would be undertaken.

**RESOLVED:**

1. That a further 18-month contract between EDDC and Night-Owl; pending a full review of the services provided by Home Safeguard, be agreed.
2. That a review of the Out of Hours Service ensuring appropriate staff were in place to respond and with effective escalation procedures to deal with higher-level emergency issues, be agreed.

3. That the business plan and growth strategy undertaken in 2020 by an external consultant be reviewed and the draft report be updated with current changes in structure and data analysed, be agreed.

4. That delegated authority be given to the Assistant Director of Housing in consultation with the S151 Officer for the approval a budget for additional resource, as part of ensuring the interim structure sufficiently meets the needs of the service, be agreed.

**RECOMMENDED to Council:**

5. The authority to procure a new call handling system and agree the additional resources for IT improvements identified in this report to support the service.

6. That the amendments to the permanent and new interim structure, at the recommended grades (subject to job evaluation), for an 18-month period to enable the service to carry out IT implementation and carry out the reviews outlined in this report, be agreed.

**REASON:**

Home Safeguard provided a 24/7 monitoring and support service to approximately 1400 tenants and 2000 private sector residents. It provided support and guidance at point of need at all hours of the day and night. It was a statutory requirement for the Authority to provide an Out of Hours service to deal with emergencies and Home Safeguard performed this role for EDDC and Teignbridge District Council.

The service previously had not been running as a commercial entity and the review would investigate the options and opportunities this could present.

**Attendance List**

**Present:**

**Portfolio Holders**

G Jung	Portfolio Holder Coast, Country and Environment
D Ledger	Portfolio Holder Sustainable Homes & Communities
M Hall	Portfolio Holder Economy
O Davey	Portfolio Holder Strategic Planning
S Jackson	Portfolio Holder Communications and Democracy
J Loudoun	Portfolio Holder Council and Corporate Co-ordination
N Hookway	Portfolio Holder Culture, Leisure, Sport and Tourism
P Arnott	Leader of the Council
P Hayward	Deputy Leader and Portfolio Holder Finance (Assets)

**Also present (for some or all the meeting)**

Councillor Ian Barlow  
Councillor Kevin Blakey  
Councillor Kim Bloxham  
Councillor Colin Brown  
Councillor Roy Collins  
Councillor Mike Goodman  
Councillor Todd Olive

**Also present:**

**Officers:**

Gareth Bourton, Recycling and Waste Contract Manager

Robert Murray, Economic Development Manager

Amanda Coombes, Democratic Services Officer

Simon Davey, Director of Finance

Amy Gilbert-Jeans, Assistant Director Housing

Andrew Hancock, Assistant Director StreetScene

Naomi Harnett, Delivery Manager

Tracy Hendren, Director of Housing, Health and Environment

Andrew Hopkins, Communications, Digital Services and Engagement Manager

Libby Jarrett, Assistant Director Revenues, Benefits, Corporate Customer Access, Fraud & Compliance

Andrew Melhuish, Democratic Services Manager

Melanie Wellman, Director of Governance & Licensing (Monitoring Officer)

Andrew Wood, Assistant Director Growth Development and Prosperity

Chair .....

Date: .....

**EAST DEVON DISTRICT COUNCIL****Minutes of the meeting of Scrutiny Committee held at Council Chamber, Blackdown House, Honiton on 5 October 2023****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 7.26 pm

**19 Minutes of the previous meeting**

The minutes of the previous meeting held on 7 September 2023 were agreed as a true record.

**20 Declarations of interest**

There were none.

**21 Public speaking**

No members of the public had registered to speak at the meeting.

**22 Matters of urgency**

There were no matters of urgency.

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

There were no confidential or exempt items.

**24 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.

**25 Update on draft Scrutiny Protocol**

The Deputy Monitoring Officer informed the Committee that the draft Scrutiny Protocol is delayed and an update will be provided from the Monitoring Officer in due course.

**26 Correspondence from Simon Jupp MP regarding South West Water**

The Chair introduced this item, explaining that South West Water (SWW) had attended a Scrutiny Committee meeting in November 2022. The Committee subsequently requested that Richard Foord MP and Simon Jupp MP attend this evening's meeting or, in the alternative, provide reports on actions they have taken to require improvements from SWW, primarily regarding sewage discharge into the district's rivers and coastline.

A response dated 29 September 2023 had been received from Simon Jupp MP, for the Committee's consideration.

The Chair invited comment.

The Portfolio Holder Coast, Country and Environment made a number of comments in relation to the response from Simon Jupp MP, including the following:

- It is valuable to have the MP's report, but it is disappointing the Portfolio Holder Coast, Country and Environment was not asked what he and EDDC Officers had been doing with regards to SWW.
- Why are MPs having a crackdown on water companies, when this is the job of Ofwat? Perhaps this is because the regulator has not performed.
- Why is surface water allowed to enter the foul sewerage system, when it is known that this causes problems? The present regulations require that surface water goes to a soakaway, filtration system, watercourse or sewer. Is it the fault of the government, water companies or Ofwat that action has not been taken to reduce surface water in the foul sewerage networks?
- The planned investment to tackle sewage discharges is coming from bill-payers at a cost of £150 per year, because the government and Ofwat have not been ensuring that the water companies have been doing their job previously.
- The government's new targets to generate £56 billion of capital investment will also be funded by the general public.
- Millions was pulled from the Environmental Agency annual budget in 2014, specifically covering river surveys; it is not possible for the Environment Agency to clamp down, if there are not the staff to do this.
- The government has passed new laws to allow regulators to impose unlimited civil penalties; but is removing the threat of criminal conviction the best approach?

Discussion included the following points:

- Some members commented positively on the efforts of Simon Jupp MP in requiring improvements from SWW, recognising that there is no easy solution.
- Other members were of the view that the measures set out in the MP's report fail to address fundamental, systemic issues with the water industry, and there needs to be wholesale revision and funding of the regulators.
- Sewage discharges have been going on for years; water companies are making massive profits and taking too long to fix the problems.
- There have been continual issues with discharges from the new treatment works at Fluxton, which should have been built with capacity for the number of buildings it needed to accommodate; the issue is not simply about a Victorian infrastructure.
- Where there are developments of multiple houses, water companies are taking more money from more homes, but need to be making relevant changes to the water system, to do something with the sewage.
- SWW's meters measure sewage discharge output by hours and not by volume, and so the amount that is being leaked is not known. Different sorts of measurements are needed, in order that SWW can be held to account.
- The water industry should not have been privatised and needs to come back into public ownership. It was recognised that this is a national matter outside of the Council's control.
- Water quality results for East Devon's beaches were received this week, and all beaches will qualify for the Blue Flag award next year. Members commented that it would be helpful to know if the water quality has had a direct effect on marine life.
- It would be useful to know how many free water butts SWW have delivered, and the impact of this.
- It was suggested that a reminder is sent to Richard Foord MP inviting him again to provide a response for this Committee.
- Water companies published their 5-year plan earlier this week, with action plans setting out what they are intending to do.
- The Scrutiny Committee could consider the following actions:
  - Explore the extent to which regulators in East Devon have been defunded, the resource they have to carry out investigations and how this has changed, and whether this Council can be pressing for more resource locally.

- The Council could help the Citizen Science projects get off the ground.
- The Communications Manager could be asked to consider the ways in which this Council can promote water butts, to tie in with messaging from SWW.
- It would be appropriate to invite SWW CEO, Susan Davy, to attend a future meeting of Scrutiny Committee, to answer questions; this can be added to the Forward Plan. It was suggested that SWW be asked to provide a report in advance of the meeting detailing where there are issues, when these were first identified, what is being done about them, and how quickly.

## 27 **Update on scoping for grass cutting and re-naturing report**

The Chair invited the Portfolio Holder Coast, Country and Environment to update the Committee on this item.

The Portfolio Holder Coast, Country and Environment advised that the Council is working with Devon County Council on a Nature Recovery Policy, which will identify where the nature is and which areas of grass need to be cut or not cut. It is appropriate for this piece of work to be completed first, which will in turn inform the scoping exercise for the grass cutting and re-naturing report. He added that there have been some delays due to staff shortages throughout the summer, and some staff changes.

Discussion included the following points:

- People are strongly divided on the issue of grass cutting and re-wilding, with some very supportive of biodiversity and not cutting grass, and others preferring to see areas neat and tidy.
- Sites designated as Wildlife Improvement Areas are listed on the Council's website.
- There have been operational issues during Covid and around staffing which have meant that there have been some delays with grass cutting.
- There is no strategic map for the district which sets out which agency is responsible for which areas; mapping is problematic and will take some time to do. It was noted that this Council is not responsible for all areas for which complaints are received, and some areas are the responsibility of Devon County Council.
- It would be appropriate for Scrutiny Committee to ask for data along multiple aspects, e.g. the extent to which rewilding enhances diversity and species numbers, and whether people are happy or unhappy with their local area. It is important to communicate to people what the Council is doing, and get consensus from the population that the Council is doing the right thing.
- Members recognised that Officers do not currently have the capacity to gather the data, and there is currently no strategy in place.
- It was suggested that Officers could start by gathering data for a small area, e.g. Sidmouth, and build on that.
- The Portfolio Holder Coast, Country and Environment will arrange for a report to come to the Committee in March 2024 which sets out what the Council intends to do during the year. Work on the strategy can then be progressed during 2024.
- The Chair suggested that the aforementioned report includes a data analysis of Sidmouth.

## 28 **Forward Plan**

The Committee agreed the Forward Plan.

**Attendance List**

**Councillors present:**

J Bailey  
I Barlow  
B Collins  
R Collins  
M Goodman (Chair)  
D Mackinder  
S Smith

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

P Arnott  
P Faithfull  
G Jung  
T Olive  
M Rixson

**Officers in attendance:**

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

**Councillor apologies:**

A Bruce  
M Chapman  
A Hall  
J Heath  
A Toye  
J Whibley

Chair: .....

Date: .....

## **STRATA - JOINT EXECUTIVE COMMITTEE**

**THURSDAY, 5 OCTOBER 2023**

Present:

Councillors Bialyk, Wrigley and Arnott (Chair)

Members Attendance:

Councillors Radford and Nuttall

Apologies:

Phil Shears and Jo Yelland

Officers in Attendance:

Sarah Selway, Democratic Services Team Leader & Deputy Monitoring Officer

Bindu Arjoon (Exeter), Chief Executive - Exeter City Council

Steve Mawn, Director of IT and Digital Transformation

Neil Blaney, Head of Place & Commercial Services

Simon Davey, Strata Board Director

David Sercombe, Head of Business Systems & Business Intelligence

Martin Flitcroft, Chief Finance Officer & Head of Corporate Services

**These decisions will take effect from 10.00 a.m. on 12 October 2023  
unless called-in or identified as urgent in the minute**

**7. ELECTION OF A CHAIR FOR 2023/2024**

Cllr Arnott of East Devon District Council was elected Chair for the 2023/24 Municipal Year.

**8. MINUTES**

The minutes of the meeting held on 17 January 2023 were approved as a correct record and signed by the Chair.

**9. DECLARATIONS OF INTEREST**

None.



**10. STRATA BUDGET MONITORING OUTTURN 2022-23**

The Director of IT and Digital Transformation presented the report which advised on the financial position of Strata at the end of 2022-23.

Key variations from Revenue Budget were highlighted.

**RESOLVED** that the report be noted.

**11. STRATA BUDGET MONITORING REPORT APRIL 2023-24**

The Director of IT and Digital Transformation presented the report which advised on the financial position of Strata at the end of April 2023.

**RESOLVED** that the report be noted.

**12. PRESENTATION BY DIRECTOR OF IT AND DIGITAL TRANSFORMATION, STRATA SERVICES SOLUTIONS LTD**

The Director of IT and Digital Transformation, Strata Services Solutions Ltd gave a presentation – attached to the agenda.

The presentation was noted.

The meeting started at 10.04 am and finished at 10.45 am.

Chair

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

**Placemaking in Exmouth Town and Seafront Group held on 7 November 2023**

**Minute 17 The Draft Placemaking Strategy**

**RECOMMENDED**

1. That the draft Exmouth Placemaking Plan be fully supported.
2. That a steering group be formed consisting of Exmouth Town Council, East Devon District Council and Devon County Council, to oversee and co-ordinate the Placemaking Plan.
3. That a Park and Ride facility be considered on the outskirts of Exmouth which provides necessary space for motorhomes, coaches and lorries.

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Placemaking in Exmouth Town and Seafront Group held at Online via the Zoom app on 7 November 2023**

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

The meeting started at 10.00 am and ended at 12.08 pm

#### **14 Minutes of the previous meeting held on 12 September 2023**

The minutes of the previous meeting held on 12 September 2023 were noted as a true and accurate record.

#### **15 Declarations of interest**

Cllr M Chapman – Minute 17; Affects Non-Registerable Interest: Member of Exmouth Town Council.

Cllr T Dumper – Minute 17; Affects Non-Registerable Interest: Member of Exmouth Town Council.

Cllr N Hookway – Minute 17; Affects Non-Registerable Interest: Member of Exmouth Town Council.

Cllr A Toye – Minute 17; Affects Non-Registerable Interest: Member of Exmouth Town Council.

Cllr J Whibley – Minute 17; Affects Non-Registerable Interest: Member of Exmouth Town Council.

Cllr D Wilson – Minute 17; Affects Non-Registerable Interest: Member of Exmouth Town Council.

Cllr Davey wished it to be recorded that he is on the membership of the PETS Group in his capacity as Portfolio Holder Strategic Planning, Exmouth Ward Member and as Chair of Exmouth Town Council.

#### **16 Public speaking**

No members of the public had registered to speak at the meeting.

#### **17 The Draft Placemaking Strategy**

The Project Manager – Place and Prosperity (Exmouth) introduced the draft Placemaking Strategy which sets out a vision for the future for Exmouth Town and Seafront.

Ms Gayatri Suryawanshi, WSP's Placemaking Consultant, then delivered a presentation outlining at length the emerging placemaking plan framework, and the proposed actions to deliver the following strategic objectives:

- Harness availability of land for development and tourism opportunities
- Connected and continuous public realm to strengthen the relationship between the town centre and the seafront

- Activation and meanwhile activities and events to create year-round interest
- Active lifestyle offer in the town centre and the seafront for all age groups
- Encouraging active and sustainable transport in the town centre and the seafront
- Enhance and celebrate the rich biodiversity and natural assets of Exmouth

Members were asked to consider the draft Strategy, and to recommend to Cabinet to support the approach set out therein.

Discussion and clarification included the following points:

- One Member questioned whether Foxholes was an appropriate location for an Arts Hub and suggested the Pavilion would be more suitable, and closer to the town.
- The beach needs to be family-friendly; some Members were concerned that families should be able to paddle in areas free from boats and jet skis, and questioned whether the Plan includes enough attractions for families.
- Concern was expressed that there is no provision in the Plan for secure storage for electric bikes.
- In trying to build Exmouth as a destination, the Council needs to work with South West Water to get the seas clean.
- Careful thought will need to be given to any development along the seafront and shoreline, given the climate emergency, and money needs to first be found to shore up the sea wall.
- There needs to be a focus on the town's heritage, and particularly its maritime history.
- The baseline review at stage one of the Placemaking process took account of a raft of existing studies and strategies together with associated documents. The baseline study arising from the review is a comprehensive document from which progress is measured and a copy will be circulated to PETS Group Members, for reference.
- The Pebblebed Heaths and the Exe Estuary are special nature conservatory locations and concern was raised that there is a focus in the Plan on promoting watersports, but that wildlife and watersports do not generally go together.
- Whilst the Plan seeks to reduce the dominance of cars, car parking space on the seafront will need to be available for people with limited mobility and for those transporting equipment for watersports. It was noted that there is provision in the Plan for some car parks to be expanded.
- A number of the proposals in the Plan will require co-operation from Devon County Council (DCC) and consideration will need to be given to how this is achieved.
- It was proposed to establish a steering group with representatives from DCC and Exmouth Town Council, to take the Placemaking Plan forward. It was suggested the steering group could include representatives from Stagecoach, with a view to ensuring a good local bus service.
- The Placemaking Consultant advised that the proposed strategy links to and is compatible with the Levelling Up project for Dinan Way and the Exmouth Gateway.
- Consideration should be given to a Park and Ride facility for lorries, coaches and motorhomes on the outskirts of town. One Member was of the view, however, that consideration should be given to possibilities more generally, since lorries are likely to need parking facilities only, and users of motorhomes might not want to use Park and Ride.

#### **RECOMMENDED to Cabinet:**

1. That the draft Exmouth Placemaking Plan be fully supported.
2. That a steering group be formed consisting of Exmouth Town Council, East Devon District Council and Devon County Council, to oversee and co-ordinate the Placemaking Plan.
1. That a Park and Ride facility be considered on the outskirts of Exmouth which provides necessary space for motorhomes, coaches and lorries.

**Attendance List**

**Councillors present:**

P Arnott (Vice-Chair)  
M Chapman  
A Hall  
P Hayward  
N Hookway (Chair)  
J Whibley  
D Wilson

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

I Barlow  
G Jung  
M Rixson  
T Dumper  
P Fernley  
C Nicholas  
E Rylance  
A Toye  
C Fitzgerald  
E Wragg  
M Howe

**Officers in attendance:**

Sarah James, Democratic Services Officer  
Gerry Mills, Project Manager Place & Prosperity (Exmouth)  
Alethea Thompson, Democratic Services Officer  
Anita Williams, Principal Solicitor (Deputy Monitoring Officer)  
Tim Child, Assistant Director Place, Assets & Commercialisation

**Councillor apologies:**

M Hall

Chair: .....

Date: .....

**EAST DEVON DISTRICT COUNCIL**

**Minutes of the meeting of Overview Committee held at Council Chamber, Blackdown House, Honiton on 12 October 2023**

**Attendance list at end of document**

The meeting started at 6.00 pm and ended at 7.54 pm

**9 Minutes of the previous meeting held on 20 July 2023**

The minutes of the previous meeting held on 20 July 2023 were signed as a true and accurate record.

**10 Declarations of interest**

Cllr B Bailey – Minute 15; Affects Non-Registerable Interest: Member of Exmouth Town Council.

Cllr K Blakey – Minute 15; Affects Non-Registerable Interest: Cranbrook ward member and member of Cranbrook Town Council.

Cllr K Bloxham – Minute 15; Affects Non-Registerable Interest: Cranbrook ward member.

Cllr J Brown – Minute 15; Affects Non-Registerable Interest: Member of Honiton Town Council.

Cllr T Dumper – Minute 15; Affects Non-Registerable Interest: Member of Exmouth Town Council.

Cllr P Fernley – Minute 15; Affects Non-Registerable Interest: Member of Broadclyst Parish Council.

Cllr M Martin – Minute 15; Affects Non-Registerable Interest: Member of Ottery Town Council.

Cllr D Wilson – Minute 15; Affects Non-Registerable Interest: Member of Exmouth Town Council.

Cllr T Olive wished it to be recorded for minutes 14, 15 and 17 that he is Assistant Portfolio Holder Coast, Country & Environment.

**11 Public Speaking**

There were no members of the public registered to speak.

**12 Matters of urgency**

There were no matters of urgency.

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

There were no confidential or exempt items.

14 **Car Parking Strategy - Draft principles and objectives**

The Parking Services Manager introduced this report which set out the draft principles and objectives that will form the basis for the Council's Car Parking Strategy for the proposed dates of 2024-2031, for the Committee to consider.

In discussion at length, Members were broadly supportive of the principles and objectives, and several Members made comments which aligned with a number of the specific objectives set out in the report.

Other points and clarification included the following:

- People who park and charge electric vehicles are currently only charged for charging, and not for parking. This can be reviewed in the future; there are inconsistencies across Devon and some other councils charge for both parking and charging.
- Some members were keen to ensure that parking in short-stay car parks remains free after 6pm.
- Residents parking permits need to be widely promoted, to raise awareness. However, one member was of the view that parking permits are not suitable for all residents.
- Some members would like to see reduced tariffs available for locals and for people who need to travel by car into town from rural locations.
- One Member was of the view that a 7-year strategy could be too long given the changes that can occur over that time, and it might be appropriate to consider a reduced time span.
- Constituents want to see value for money, and if car parking charges are reviewed, then this needs to be balanced with what is spent in wards.
- People should be encouraged to use public transport where possible, given the climate emergency.
- The draft principles and objectives do not cover coach parking.

The following were then agreed:

**RESOLVED:**

1. The Committee agreed the proposed principles and objectives that will form the basis for EDDC's Car Parking Strategy.
2. The Committee agreed the dates of 2024-2031 for the time period in which the strategy will cover.
3. Members will feed into the strategy by providing their comments to the officers who are preparing the strategy.
4. The strategy is to be brought back to Overview Committee for debate and recommendation to Council via Cabinet.

15 **StreetScene Public Bin Review**

The Assistant Director - StreetScene introduced this report which was a review of the StreetScene bin collection service. The review arose due to Cranbrook Members requesting, through a question to Council, a review of equitable bin charging across the district, and also from the Service's own planned work to review service delivery within operations tied to the recycling and waste contract work.

The review examines the council's litter, recycling and dog collection service charges and operational model. Members were asked to consider the overall policy and the findings of the review, and to discuss whether dog bin charges should be increased in line with the litter bin charges and whether this increase should be staged over two years as suggested, or come forward to one year.

Discussion and clarification included the following:

- Members asked direct questions concerning the content of the report, raised wider issues around the collection and disposal of waste and the town and parishes service charges, and highlighted concerns of particular relevance to their towns, parishes and wards.
- The due date for this report, as set out in the Service Plan, was Spring 2024, however one Member expressed disappointment that the report was not prepared earlier.
- The first occupation in Cranbrook was ten years ago and Cranbrook members were of the view that a strategic plan for the bin collection service should have been prepared alongside developer planning applications and delivery of dwellings. It was noted that continued growth in Cranbrook and other areas required a fundamental review of the bin collection service, and the current report looks at the service holistically.
- Towns and parishes will be looking at their costs, and will be less concerned with equity when compared to Cranbrook; it is Officers assessment that the increase to service charges risks wider reputational damage if those towns and parishes make complaints.
- Whereas the review aims to bring about a more equitable scheme of charges for bin collections, it would not be appropriate to expect residents of resort towns to pay for all of their visitors' rubbish to be collected.
- The proposed new service charges will cover labour costs and on-costs.
- Benchmarking with local district councils is being carried out in order to explore if the StreetScene Service is achieving best value, or if other services apply margins to their external charges.
- Mixed waste bins containing dog waste have weighed up to 30kg and Cranbrook Town Council has worked with StreetScene to put in extra bins at extra cost to the town council, to make manual handling easier.
- Bins on EDDC land or adopted public realm land are collected free of charge by the StreetScene service. Bins on other relevant land owned by others, such as a Town Council, are chargeable.
- This council adopted a policy some 10 years ago which set out that open spaces, and any public waste bins required in those spaces, would become the responsibility of a management company, with residents responsible for the management company's fees. Cranbrook Town Council took the decision to take these charges into their precept, and it is for this reason that bin collections in Cranbrook have become the responsibility of Cranbrook Town Council, and not EDDC.
- Some members expressed a view that the increased charges to town and parish councils should be implemented without delay, given that the Council is currently delivering the service at a loss. It was clarified that the rationale for the proposed two-year roll out for the increase is to reduce the impact on customers and to enable parish and town councils to build the charges into their budgets from April 2024.
- The mapping of bins that has taken place will improve the reliability of dog bin collections.
- It was suggested that if the government reinstate the Dog Licence at a suitable level, this could cover the costs involved in dog waste collection.
- StreetScene Area Officers will work with town and parish councils regarding the locations for new bins.
- Cabinet have agreed to set up a Portfolio Holder team to look at future services work for the recycling and waste contract, and the model of operation for StreetScene operations will be considered as part of this. This work will need to be completed by 2026, when the waste and recycling contract renews.
- StreetScene Operations is working with the Property, Assets and Commercialisation team to identify further depot locations in the district; one Member suggested this could be included in the S106 negotiations current taking place for the Cranbrook expansion areas, or for developments in Honiton or Ottery St Mary.



- Under future services work, it would be appropriate to look into other models of operation, to bring innovation and future transformation into the service delivery.
- The government is due to give some guidance around the Environment Act and the Deposit Return Scheme, and this Scheme will change the landscape of what recyclable materials there are in the materials stream; it is therefore not appropriate to invest heavily in recycling bins and associated logistics, at the present time.

Following the discussion, Members were invited to make suggestions for officers to consider incorporating into the policy, which would then go to Cabinet. Members then voted in favour of the following recommendations.

**RECOMMENDED:**

1. That the proposed increase to the litter bin collection rate should be applied to the dog bin collections.
2. That the increase to all town and parish service charges should be spread over two years.

16 **Minutes of Scrutiny Committee held on 9 June 2022**

The minutes of Scrutiny Committee held on 9 June 2022 had been referred to Overview Committee by Cabinet on 13 July 2022, to look into making further progress on the following recommendations (set out at minute 7 of the 9 June 2022 minutes):

- To consider a petition platform within the Council's website
- To publicise the Council's petition scheme via the Council's weekly press release

Discussion included the following points:

- Some members expressed concern about bias and leading questions in petitions, however it was noted that this can occur irrespective of whether a petition is on a digital platform, or on paper.
- Members were of the view that a digital petition platform would improve democratic participation in local government and give everyone a voice.

The following was then agreed:

**RESOLVED:**

1. Officers to research what other authorities have done in terms of digital petition platforms on their websites. In doing so, it would be appropriate to explore costs relative to the benefits, and how councils have ensured that people cannot sign a petition if they are ineligible to do so under the rules set out in the constitution.

17 **Work Programme 2023-2024**

This item was for Members to consider additions to the Overview Committee's work programme. The Chair ran through the items on the current work programme, and invited comment.

Members referred to the item regarding grass cutting in urban areas, and suggested the report should include the idea of liaising closely with Devon County Council and local town and parish councils, given that those authorities also have grassed areas to manage in East Devon.

Members then considered a proposal form submitted by Cllr Mike Goodman which proposed that Overview Committee receives an update on the implementation of the public toilet strategy following recommendations made by Council in 2021, and reviews the direction of travel. It was agreed to add this item to the Committee's work programme, and an update report is expected from the Assistant Director – Place, Assets & Commercialisation.

### **Attendance List**

#### **Councillors present:**

B Bailey  
J Brown  
T Dumper  
P Fernley  
A Hall (Chair)  
Y Levine  
M Martin  
T Olive  
H Riddell  
D Wilson (Vice-Chair)

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

P Arnott  
K Blakey  
K Bloxham  
C Brown  
M Goodman  
N Hookway  
G Jung  
D Ledger  
M Rixson

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

Richard Easthope, Parking Services Manager  
Andrew Hancock, Assistant Director StreetScene  
Sarah James, Democratic Services Officer  
Anita Williams, Principal Solicitor (Deputy Monitoring Officer)  
Andrew Melhuish, Democratic Services Manager

#### **Councillor apologies:**

J Heath  
V Johns  
C Nicholas

Chair: .....

Date: .....

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

**Recycling and Waste Partnership Board on 25 October 2023**

**Minute 19 Absorbent hygiene products collection service - initial proposal**

**RECOMMENDED:**

1. that Cabinet approve the initial budget provision of £20,000 in 2024/25 to run a trial for nappy collections.
2. that East Devon District Council approach Devon County Council to share the research to date and seek support from them as the waste disposal authority.

**Minute 23 Any other business - DEFRA residual waste proposals**

**RECOMMENDED:** that Cabinet approve that East Devon District Council respond opposing the DEFRA residual waste disposal proposals, both individually, collectively with other Devon authorities and lobby the local MP.

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Recycling and Waste Partnership Board held at online via zoom on 25 October 2023**

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

The meeting started at 10.10 am and ended at 12.05 pm

#### **13 Minutes of the previous meetings of 12 July 2023 and 20 September 2023**

The minutes of the meeting held on 12 July 2023 and the minutes of the extraordinary meeting held on 20 September 2023 were agreed as a true record.

#### **14 Declarations of interest**

Declarations of interest.

Councillor Geoff Jung, Affects Non-registerable Interest, Ward member for Woodbury and Lymptone which includes Greendale Business Park..

#### **15 Matters arising**

There were no matters arising.

#### **16 Joint contract and operational report**

The Recycling and Waste Manager and the SUEZ Contract Manager gave the Board a joint report on a contract and operational update for the second quarter of 2023/24. Operationally the partnership had delivered another good quality performance. Service levels remained high and performance was high with an average of just over 62% recycling rate across quarter two. The peak summer period had been successful, with no incidents of reduction in performance. Complaints and missed collections remained below the performance framework thresholds. The health and safety statistics remained low, with minor slips, trips and cuts.

The service continued to grow rapidly with twin milestones of 74,000 households and 19,500 green waste subscriptions being passed in quarter two. Phase two of the bridging solution had been planned during quarter two and had been seamlessly implemented in early quarter three. This was the final part of the bridging solution which was designed to provide the service with operational capacity to manage the growth in households.

A significant amount of time had been spent finalising the contract extension agreement and implementing the amended practices and procedures needed to move to a different payment mechanism. The joint working ethic was helping to smooth the transition with finance teams from EDDC and SUEZ providing support and advice to the team to help with this change. The partnership was now in the fourth month of the new cost plus arrangement, with working relationships closer and a more visible approach to managing the contract.

Trials for all the fleet options for electric vehicles had been completed. The latest trial from RVS for a repowered refuse collection vehicle (RCV) was successful in the growth

zone area. The partnership would consider electric RCV to go alongside the two electric recycling collection vehicles on order from Romaquip for the new year.

Recruitment remained positive, with long serving agency staff joining the business, helping to strengthen the manual workforce. Staff continued to be promoted through LGV training with positive results. The knowledge base across the wider team continued to be developed, with EDDC's Recycling and Waste Officer Lou Hodges gaining a CPC in Transport Management after undertaking training with UK Logistics. SUEZ were also doing great work in the Devon community, working with schools in East Devon to create new recyclers.

Material sales had remained static since the last meeting and officers stated that future material prices were an element of risk and hard to predict.

In response to a question, the SUEZ Contract Manager explained the absence management procedures for both short and long term sickness, which were dealt with by SUEZ's HR facility. It was noted that one day short term sickness was the hardest to manage. Due to the operational nature of the business not many employees worked from home, but SUEZ had a policy for hybrid working where appropriate. The Recycling and Waste Contract Manager reminded the Board that HR statistics were managed and included in the monthly performance figures.

## 17 **Performance framework**

The Board noted the performance framework which showed performance across the contract. It allowed officers to look for areas of improvement and put plans in place to correct actions if necessary. The Recycling and Waste Contract Manager explained the performance framework and the history behind it. The contract had a performance framework criteria of service standards, each of which had a threshold and that performance was measured against these in both points and pounds. Although changes had been made to the contract there had been no changes to the performance framework. The framework was occasionally suspended for certain reasons such as mobilisation and during the covid-19 pandemic. A partnership approach had been taken and the performance framework had not been invoked at all. The framework was used as a way of measuring performance rather than penalising.

## 18 **CORE issues/risk**

Melvin Dhorasoo, Business Improvement & Mobilisation Manager and Bev Parry, Head of Project Management from SUEZ were welcomed to the meeting.

The Recycling and Waste Contract Manager explained that the CORE system had been a growing cause for concern due to some long standing and short term issues. CORE was an operating system which provided crew information on a tablet, reporting in live time, such as crew route, staff members, access issues, previous missed bins, locked gates, property issues and road closures. All the information was sent electronically and was essential to day-to-day operations. CORE was a real-time source and required an active mobile connection, however it also worked offline, with all the information stored and download once the device reconnected. The system was hard-wired in the cab and there were contingencies in case the system went down. This had never happened, but sometimes the devices might break and require replacements. All the information was available in paper form too.

The Recycling and Waste Contract Manager reported that CORE problems were becoming very frequent and issues were not being rectified in a timely manner. CORE issues were now logged formally and discussed monthly between EDDC and SUEZ. The team had worked hard to improve communications, working with IT support from EDDC and SUEZ and the technology providers. Progress had been made in resolving issues, but EDDC regarded difficulties with the CORE system as an emerging risk. Improved communication was regarded as critical.

The SUEZ Business Improvement & Mobilisation Manager accepted and apologised for the errors. Lessons had been learnt and there was a more robust communications process in place between the parties. He had proposals to discuss with the Recycling and Waste Contract Manager going forward and gave assurances that two members of the municipal support team would be focussing on East Devon and that there would be twice weekly phone calls with the SUEZ Contract Manager and a monthly steering group consisting of the Contract Manager, the Principal Commercial Manager, the Business Improvement & Mobilisation Manager and the Head of Project Management. The SUEZ Business Improvement & Mobilisation Manager also offered to attend any future Partnership Board meetings if required.

It was noted that an updated risk register would be brought to the next meeting of the Recycling and Waste Partnership Board.

## 19 **Absorbent hygiene products collection service - initial proposal**

East Devon District Council was regarded as a top performing local authority for recycling rates and waste minimisation. The Partnership was keen to keep improving and the immediate target was to recycle 65% of the municipal waste. It was aimed to achieve that by:

- Improving dry recycling and food waste collection rates.
- Reaching over 20,000 green waste customers.
- Absorbent Hygiene Product collections (AHP).

Following the waste composite analysis in October 2022 the largest components remaining in residual waste was food waste (15.1%), which was already collected in East Devon, and nappies/AHP (12.2%), which weren't. Green waste accounted for 3.2% of residual waste by weight. Food and green waste collections were already promoted through campaigns and day to day-to-day activities. AHPs and nappies were not currently recovered in the recycling stream.

EDDC had received 3218 requests for extra bin capacity in the last three years from families with children in nappies. These households would all be eligible for nappy recycling. If AHP from older residents was included this would significantly increase the potential tonnages captured. It was projected that potentially there could be 1551 tonnes of nappies from 5250 households each year, almost 8 million nappies. This could translate to a potential increase in recycling rate of 3.4% if the nappy waste was diverted into the recycling stream, as well as diverting more waste away from the energy from waste plant and helping with additional capacity issues. This would result in a recycling rate of 62.9%, which would mean that East Devon could have the highest recycling rate in England (the 2022/23 recycling rate was 59.5%).

The Recycling and Waste team had researched nappy collections and the challenges and opportunities they presented, and these were explained to the Board. Recycled nappies could be used in road surfacing, to make insulation panels, fibre boards or could

be recycled into wood/plastic composite. The benefits, challenges and risks of AHP recycling were all outlined in the report.

The Recycling and Waste Contract Manager presented the summary of a trial service design collecting nappies to take place with 200-250 properties in Cranbrook/Tithebarn (young families and condensed urban area) receiving weekly bag collections for three months. Following the trial the team would conduct an end of trial survey to learn what worked and what didn't, with the learning informing a business case and any potential service design district wide. East Devon would like to approach Devon County Council (DCC) as the waste disposal authority (WDA) to share the research and ask them to work with EDDC on the trial. It was imperative that EDDC had DCC's backing as the cost of disposal for any permanent collection service in the future would fall to the WDA. EDDC would need to cover the cost of collecting the material and haulage for the trial, which was estimated to be around £20,000. The the only facility operated by Nappicycle (processor) in the UK, was in Carmarthenshire, Wales, 160 miles from Woodbury Salterton.

The Board were supportive of the initiative and it was suggested that the costs could be spread across Devon if successful. The trial was required to gain information and assess costs. The Chair advised that the would be reporting this to Devon Authorities Strategic Waste Committee (DASWC) and would seek other local authorities' views.

**RECOMMENDED:**

1. that Cabinet approve the initial budget provision of £20,000 in 2024/25 to run a trial for nappy collections.
2. that East Devon District Council approach Devon County Council to share the research to date and seek support from them as the waste disposal authority.

20 **Green waste accounts**

The Recycling and Waste Contract Manager gave the Board a verbal update on the green waste service accounts. Due to changes in the payment mechanism the full accounts were not yet available. The service remained profitable and was still running on four crews to keep the costs down. The customer base was still growing and it was anticipated that a fifth crew would be needed in 2024, however round reviews would be done in the meantime.

As part of the annual charges review it was proposed that the annual subscription would increase by £2 next year to £52 per bin per annum for the green waste service. This was regarded as excellent value for money. It was noted that customer feedback was positive, with very few customers failing to renew. The number of subscriptions continued to grow on a daily basis, reaching 19,896 on 24 October 2023.

21 **Contract extension agreement**

The Recycling and Waste Contract Manager informed the Board that the contract extension had been unanimously approved at the Cabinet meeting on 10 October 2023. The Deed of Variation was currently being fine tuned and it would hopefully be signed by 1 November 2023.

22 **Depot review project**



The Recycling and Waste Contract Manager updated the Board on the depot review project. Greendale was being outgrown and there was a wider depot review to look at premises currently used by Street Scene being progressed through the Place and Prosperity team. Consultants had been appointed to help create a vision of how the service wished to operate in the future, along with conceptual designs of the depot and site identification. The consultants' outputs were expected in mid-January 2024 at which time officers would be in a better position to consider the depot strategy.

## 23 **Any other business - DEFRA residual waste proposals**

The Recycling and Waste Contract Manager gave a brief summary to the Board on the recently announced Government policy proposals on residual waste collections which stated the Government expected a minimum service frequency for residual waste collections of at least fortnightly alongside a weekly food waste collection. The Government proposals went on to encourage councils to collect residual waste more frequently than fortnightly. This minimum standard provided a backstop, not a recommendation.

The Recycling and Waste Contract Manager had attended a hastily set up DEFRA forum the day before and for the local authorities such as EDDC that operated a restricted capacity system it was a 'hot topic' contested by many. A meeting was being sought by the Chair of Local Authority Recycling Advisory Committee (LARAC) with DEFRA the following week to broach this subject. It was felt that there was a wealth of evidence that three weekly waste collections produced the results that DEFRA were seeking and that it would be a retrograde step to move away from them. The deadline to respond to the consultation proposals was 20 November 2023. The Recycling and Waste Contract Manager would be responding on behalf of EDDC but also collectively as part of a Devon wide group. There were a significant number of authorities around the country that operated three weekly residual waste collections, but there was no funding in the DEFRA proposal to cover the cost of changing to fortnightly collections.

The Board agreed that going back to fortnightly waste collections was retrograde. It would increase the carbon footprint, cost more and likely to reduce the recycling rate by giving residents the opportunity to put more waste into their bin. There was evidence to prove that reducing the number of refuse collections, restricting capacity increased the rate of recycling. This information was reported to DEFRA as part of the waste data flow. All of this would be included in the Council's response to the Government policy proposals and it was suggested that the Portfolio Holder, Country, Coast and Environment also write to lobby the MP in his role as Chair of DASWC.

**RECOMMENDED:** that Cabinet approve that East Devon District Council respond opposing the DEFRA residual waste disposal proposals, both individually, collectively with other Devon authorities and lobby the local MP.

### **Attendance List**

#### **Board Members:**

#### **Councillors present:**

G Jung (Chair)

M Rixson

T Olive

P Fernley

**Officers present:**

T Hendren, Director of Housing, Health and Environment  
G Bourton, Recycling and Waste Contract Manager

**Suez present:**

N Tandy, Principal Commercial Manager  
J Gatter, Contract Manager

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

I Barlow  
C Brown  
P Faithfull  
M Goodman  
E Rylance

**Officers in attendance:**

Lou Hodges, Recycling & Waste - Operations and Projects Officer  
Steve Joyce, Recycling & Waste - Operations and Projects Officer  
Alethea Thompson, Democratic Services Officer

**Suez representatives in attendance:**

M Dhorasso, Business Improvement and Mobilisation Manager  
B Parry, Head of Project Management  
J Prosser, Recycling Officer

**Board Member apologies:**

James Pike, SUEZ Regional Director  
Andrew Hancock, Assistant Director Streetscene EDDC  
Councillor Steve Gazzard

Chair .....

Date: .....

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

**Arts and Culture Forum 8 November 2023**

**Minute 7 Arts and Culture Forum constitution update**

that Cabinet recommend to Council the proposed changes to the terms of reference of the Arts and Culture Forum.

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Arts and Culture Forum held at online via zoom on 8 November 2023**

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

The meeting started at 10.00 am and ended at 12.15 pm

#### **1 Appointment of Vice Chair**

The Chair welcomed all those present to the meeting.

Nominations for Vice Chair were received for Councillor Nick Hookway.

**RESOLVED:** that Councillor Nick Hookway be appointed Vice Chair of the Arts and Culture Forum for the ensuing year.

#### **2 Minutes of the previous meeting**

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

#### **3 Declarations of interest**

Minute 8 & 12 Councillor Vicky Johns declared an Affects Non-Registerable Interest as she was an art administrator for an arts charity which THG was hosting an exhibition in 2014, and had attended ACED workshops in a personal capacity.

Minute 8 Councillor Ian Barlow declared an Affects Non-Registerable Interest as director of Sidmouth School of Art, which had applied to ACED for a small grant.

Minute 8 Councillor Jenny Brown declared an Affects Non-Registrable a trustee of the Beehive, Honiton which was applying for a grant from ACED.

Minute 9 Councillor Joe Whibley declared an Affects Non-Registerable Interest as he was in the process of becoming a trustee of Exmouth Museum.

#### **4 Public speaking**

There were no members of the public registered to speak.

#### **5 Matters of urgency**

There were none.

#### **6 Confidential items**

There were no confidential/exempt items.

#### **7 Arts and Culture Forum constitution update**

The Assistant Director – Countryside and Leisure's report proposed some minor amendments to the original Arts & Culture Forum Constitution which were agreed by the

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Council in 2013. The amendments were intended to reflect the increased activities brought about by the adoption of East Devon's Cultural Strategy 2022-2031 and the need for the Arts & Culture Forum to have oversight of its delivery plan. The appointment of East Devon DC's Cultural Producer to drive the delivery of the Cultural Strategy meant there was now increased project activity which required reporting on. Also, there would be funding bid applications moving forward which would require input from the Forum before they were submitted. This could require a decision from the Forum to agree and support an allocation of funding to enable funding bids succeed.

The report also highlighted the development of the Arts and Culture East Devon (ACED) Network since 2021/22 which brought together East Devon's creative communities and organisations and provided a much stronger and more visible platform for communities to proactively engage in East Devon's creative arts and cultural programmes. This has resulted in there no longer being a specific need for community representatives on the Forum as that was their original intention to provide a community platform for arts and culture. This coincided with the resignation of the one remaining community representative due to ill health.

The minor proposed changes were contained in the report and noted by the Forum. The changes would update the Forum's terms of reference to reflect the changes since it was last revised in 2013, including the adoption of East Devon's Cultural Strategy 2022-31 and the creation of the ACED network, which now represented the activities and networking of the district's cultural and creative arts communities.

It was noted assistant portfolio holder roles were still being looked at by Cabinet.

**RECOMMENDED:** that Cabinet recommend to Council the proposed changes to the terms of reference of the Arts and Culture Forum.

## 8 **UK Shared Prosperity Fund Cultural Programme**

The Cultural Producer's report provided a summary of the first year of outputs of the UK Shared Prosperity Fund (UK SPF) cultural programme (January – March 2023). This was a three-year funded programme which would help to both support the delivery of East Devon's Cultural Strategy 2022-2031 as well as deliver funding into the district's diverse and distinctive creative communities and help to support their activities and events. The three-year cultural programme would also help to enable the delivery of the Council Plan 2021-2023 strategic aim to 'develop a stronger commitment to and offers in arts and leisure through the development of a Culture Strategy and an Events Strategy for our own land'. It was therefore a significant programme that would benefit the whole of the district.

The Arts and Culture Forum would be informed annually on the progress of the three-year UK SPC cultural programme in a reliable and transparent manner. The cultural programme year one outcomes would feed into the overarching monitoring and evaluation being reported into the Department for Levelling Up, Housing and Communities by the Economic Development team as the UK SPF programme co-ordinators.

The vision of the cultural strategy 2022-2031 was for East Devon to be a vibrant cultural ecosystem whose distinctive communities and outstanding natural environment were enhanced and enriched through creativity, curiosity and collaboration. There were eight core themes:

- Strengthening the community.
- Protecting the environment.
- Growing cultural tourism.
- Creative enterprise and skills.
- New places for culture.
- Connectivity.
- Cultural leadership.
- Capture value.

Specific focus had been on theme one – strengthening and supporting the ‘people that do’. Free training sessions had covered fundraising, marketing, volunteer recruitment, carbon literacy, collection care for museums and governance. Future sessions would include a public speaking workshop and mentoring training.

The Cultural Producer’s presentation explained that Arts and Culture East Devon (ACED) was a network connecting the creative communities in East Devon and provided a central platform to engage, promote and talk about Arts and Culture across the region. It currently had 113 members.

The Creative East Devon Fund (£50,000) provided discretionary financial support to local art and culture initiatives and projects that could demonstrate a commitment to developing the East Devon Cultural Strategy. This recently launched scheme was funded by the UK Government through the UK Shared Prosperity Fund (SPF) and had received a positive response. Organisations could apply for a maximum of £3,000, with applications being thoroughly scrutinised. The closing date for the first applications was 15 November 2023, with a second funding opportunity available in April 2024.

The goals of the Cultural Strategy were contained in the presentation and considered by the Forum. It was noted that the SPF provided funding for the first three years so other sources of funding would be needed for the remaining seven years, to 2031.

It was suggested that the success of the cultural programme so far be widely shared and publicised. A great deal of work had taken place during the first three months of its delivery and officers including the Cultural Producer and economic delivery team were praised. As well as enhancing quality of life it also helped promote East Devon’s economy.

**RESOLVED:** that the Arts and Culture Forum endorse the Cultural Producer’s report and the successful delivery of the year one outputs of the UK Shared Prosperity Fund cultural programme.

## 9 **South West Museums Development**

Vic Harding, Programme Manager, South West Museum Development introduced herself and thanked the Forum for her invitation to present to them. She began by giving context and providing key regional and national museum statistics for 2022/23 explaining that the majority of museums in the south west were small-medium, independently run and volunteer led. The south west had the highest proportion of independent museums, at 67% (58% nationally) of the museums in the region, with the vast majority being ‘micro museums’ (fewer than 10,000 visitors annually) at 57% (46% nationally). The cultural sector was working hard to regain visitor numbers following the ongoing impact of the covid-19 pandemic, with the south west doing well in comparison to the rest of the country. Although visitor numbers were still down 8% in the region the figure nationally

was 18%. 42 % of museums in the south west were wholly volunteer run (31% nationally).

The Programme Manager went on to explain South West Museum Development as a team of museum and heritage development specialists working with the museum and heritage sector in the south west to effect positive lasting change and deliver public value. It was an Arts Council England funded Sector Support Organisation, and one of nine Museum Development providers across England. Museum Development activity in East Devon included organising the East Devon Museums Group meetings in March 2023, museum accreditation support given to Ottery St Mary, Exmouth Museum and Whimble Heritage Centre and successful submission of accreditation return for Sidmouth Museum achieved in October 2023. Support and advice with grant applications had been provided to Fairlynch Museum, Exmouth Museum, Allhallows Museum and Whimble Heritage Centre. The South West Museum Development Officer was also the Arts and Culture East Devon Museum and Heritage Champion.

The Wild Escape was a new project bringing museums, schools and families together to engage young people, with the UK's natural environment, drawing inspiration from the art and objects in museums and the creative and learning opportunities they could deliver. The Thelma Hulbert Gallery and Honiton Museum had been awarded £6000. It was hoped to raise the profile of activities in East Devon with the Arts Council.

201 museums had benefitted from support during 2022/23, with the provision of targeted grant application support, and in person training and online workshops. An 40% increase in investment had been generated from the Arts Council grant, increasing value for the sector to £820,000 in 2022/23. It was reported that Arts Council England funding had been successfully secured for the following two years 2024-26. The Programme Manager was congratulated on this and it was suggested that EDDC issue a press release.

On behalf of the Forum the Chair thanked the Programme Manager for her presentation.

## 10 **Villages in Action presentation**

Mair George, Creative Director, Villages in Action had given her apologies for the meeting but the Forum noted the East Devon highlights from March-October 2023. This included £4385 box office takings in East Devon (£12,597 in total), 503 audiences in East Devon (1250 in total) and 6 hosted events (20 in total).

## 11 **UK Shared Prosperity Fund Culture and Leisure and Tourism Fund update**

The Management Information Officer gave the Forum an update on the UK Shared Prosperity fund Culture and Leisure and Tourism Fund. This grant scheme which was run over the summer provided almost £190,000 of funding to help community groups and tourism businesses in terms of decarbonisation. Community organisations of any type, with a rural focus were able to apply for grants of up to £20,000 and tourism businesses were able to apply for grants of up to £5,000. In total 38 applications were received and 20 community groups were awarded over £117,000 in grants. There would be £320,000 available next year to do more such decarbonisation work. The process would be similar, however officers were looking at ways in which to improve. It was hoped to

provide more support beforehand to help organisations understand exactly what decarbonisation meant and what they needed to do to apply. A full list of all the successful organisations was available on the EDDC website: Approvals – East Devon.

The Management Information Officer was thanked for all her work on the initiative and the efficient way in which the scheme was handled. The Forum was made aware of a wider corporate piece of work the Assistant Director – Place, Assets and Commercialisation was undertaking on decarbonising the Council's asset base.

In response to a question the Management Information Officer advised that the scheme had been oversubscribed, with just under £300,000 of applications received. Almost £90,000 was given to tourism businesses in terms of grants, but their grants were limited to £5,000. It was estimated that as a result of the money spent through the fund this year there should be a saving of 70 tons of carbon.

## 12 **Thelma Hulbert Gallery presentation**

The Chair welcomed Gemma Girvan, Manager and Curator of the Thelma Hulbert Gallery (THG). He also thanked Ruth Gooding, who had recently left EDDC and the role of THG Manager.

The THG Manager gave the Forum a presentation which included the highlights of 2023:

- Paradise Found – New visions of the Blackdown Hills - record sales and pre-pandemic visitor figures.
- Present Makers 2023 – Christmas selling event – co-ordinating workshops sold out.
- Arts Council funding – The Wild Escape – project aimed to inspire children to visit museums. The largest ever collaboration between UK museums.
- Arts Council funding – Create Our Space – aimed to create opportunities to engage with arts, culture and climate, responding to the needs of East Devon's young people 7-25.
- Funding highlights also included network meetings, workshops, festivals and events, THG events, Summer Art week, engagement with over 600 local school children and outreach engagement with over 3700 adults and young people.
- BBC coverage of summer workshops.
- Record breaking applications to OPEN2023.
- Carbon literacy training.
- 62% increase in gallery sales.
- 17% increase in donations.
- 5% increase in gallery visitors

The THG was aligned to the East Devon Cultural Strategy and was a vital partner delivering against the strategy for East Devon communities. The THG Manager and Curator's presentation gave examples of how the THG had delivered against some of the core themes of the strategy. She then went on to outline the 2024 Process and Places Programme. Creative process would be explored through time and place;

- Art in the form of climate care and action.
- Supporting and showcasing local Southwest artists.
- Considering human engagement with the earth, art and artefacts.
- Researching the cultural heritage.
- Engagement and reviving of forgotten craft techniques.

On behalf of the Forum the Chair thanked the Manager and Curator of the THG for her presentation and urged members to attend the Present Makers exhibition, which began on 11 November 2023. Those present agreed that the THG was making brilliant connections between arts and culture with the environment and climate change. It also



raised East Devon's profile as a place for the arts, as well as doing fantastic outreach work. The post covid performance recovery had been excellent, with income and footfall being close to pre-pandemic figures.

### 13 **Manor Pavilion theatre update**

The Forum received a verbal update from the Manor Pavilion Theatre Manager, Graham Whitlock. He reported that the 10<sup>th</sup> year of Paul Taylor Mills Summer Season had been incredibly successful this year with over 10,000 people attending the building in three months. Although some people had not returned to the theatre since the covid-19 pandemic, there were also new audiences.

The Manor Pavilion Theatre Manager reported that the theatre business changed on a regular basis and it was important to change and adapt. The team had been working hard to use Facebook and other forms of social media as a different approach to marketing the theatre. There was a change to the autumn programme in that there was no longer a 'What's On' guide, but shows were being sold well in advance and earlier than usual. There was a demand for theatre of all types and an increase in prices had not deterred people. A new Box Office system had been installed and an increase in staff.

The Manor Pavilion Theatre Manager outlined a great forthcoming programme and stated that the future of the theatre was positive, upbeat and cheerful. There was a mixture of performances planned for 2024, with bookings being taken for 2025.

On behalf of the Forum the Chair thanked the Manor Pavilion Theatre Manager for his update.

### 14 **Wild East Devon update**

James Chubb, Countryside Team Leader began his presentation by giving the Forum an update on the Wild Honiton project. The public launch event had been attended by 250 people and included partner organisations such as Devon Wildlife Trust, Creative Cabin and Devon Loves Dogs. There had been a further four public events through the town and an explorer trail created, to be installed in five locations around the town (wooden posts containing QR codes).

The Countryside Team Leader went on to update the Forum on countryside events that had taken place across the district. There had been 42 public events held since March 2023, with 702 people booking to attend and eight explorer trail events installed during the school holidays. The Countryside Service now had a stand-alone website which was an important resource for publicising all the work carried out across the district.

The Countryside Team Leader outlined initiatives that had taken place to increase volunteering. There were currently 250 people registered for volunteering and 78 volunteers had participated in activity since March 2023. This amounted to 2793.5 hours of work over 815 shifts, which was a huge benefit in kind to the service. 1396 school children had also been hosted on an educational site visit.

Seaton Wetlands had been a huge success. A full site interpretation refurbishment had been initiated and a cycleway connection was imminent. There was a footpath all the way from Seaton Jurassic to Colyton and the wetlands was included on the tram halt. A

Birds of the Axe Valley book had been published. Seaton Wetlands had the first ever breeding success for Avocets in Devon. ITV Westcountry evening news conducted a live interview and the result of this was a 40% uplift in footfall week-on-week and 30% of annual donations pledged in a week. Visitor numbers to the wetlands had already surpassed 100,000 for 2023 for the first time.

On behalf of the Forum the Chair thanked the Countryside Team Leader for his interesting presentation and the fantastic work being done across all the nature reserves. Others present praised the Countryside Service for all the work being done and agreed that the QR codes on country walks as part of the explorer trails was a great idea. Working with local businesses also boosted tourism. It was noted that the Countryside Service had an ambitious nature recovery plan for the following year involving engagement with communities.

The Chair thanked all those present for attending the meeting and urged all councillors to attend the next meeting of the Arts and Culture Forum.

### **Attendance List**

#### **EDDC Councillors present:**

O Davey  
P Fernley  
N Hookway  
V Johns  
J Whibley

#### **Town Representatives**

I Barlow, Sidmouth Town Council  
R Doorbar, Budleigh Salterton Town Council  
L Goudie, Cranbrook Town Council  
N Sneller, Ottery St Mary Town Council  
A Singh, Seaton Town Council

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

Charles Plowden, Assistant Director Countryside and Leisure  
Graham Whitlock, Theatre and Arts Centre Manager (Manor Pavilion Theatre)  
Gemma Girvan, Gallery Manager and Curator  
Alethea Thompson, Democratic Services Officer  
Jo Avery, Management Information Officer  
James Chubb, Countryside Team Leader  
Sarah Elghady, Cultural Producer  
Victoria Harding, Programme Manager, South West Museums Development  
Jess Magill, Arts Manager, Exmouth Town Council  
David Knox, ACED Music Champion

#### **Also Present**

P Faithfull  
P Arnott  
G Jung  
M Rixson

E Rylance  
J Brown  
K Bloxham  
R Jefferies  
C Fitzgerald

**Apologies:**

A Mendham, Seaton Town Council  
Burrough, Axminster Town Council

Chair .....

Date: .....

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

**Housing Review Board on 9 November 2023**

**Minute 28 Future of Warm Hubs**

that Cabinet recommend to Council the approval of £50,000 to allocate towards delivering and designating the Warm Hubs project.

**Minute 29 Review of housing compliance policies**

that Cabinet approve the proposed amendments to the electrical safety policy, legionella plan and policy and asbestos management plan and policy for housing.

**Minute 31 Finance report**

that Cabinet note the Housing Revenue Account update.

**Minute 32 Electrical compliance update**

1. that Cabinet note the revision of the Electrical Safety Policy.
2. that Cabinet agree that the Housing Review Board have oversight of the Housing Service's Compliance and Electrical Safety Policy.

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Housing Review Board held at Council Chamber, Blackdown House, Honiton on 9 November 2023**

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

The meeting started at 10.25 am and ended at 12.00 pm

#### **21 Appointment of Vice Chair**

The Chair welcomed all those present to the meeting, in particular Councillor Chris Burhop who had recently joined the Housing Review Board.

Nominations for Vice Chair were received for Councillor Helen Parr.

**RESOLVED:** that Councillor Helen Parr be appointed Vice Chair of the Board for the ensuing year

#### **22 Minutes of the previous meeting**

The minutes of the previous meeting held on 15 June 2023 were agreed.

#### **23 Declarations of interest**

There were no declarations of interest under the Code of Conduct. Councillor Sarah Chamberlain declared that she was employed by Exeter City Council in the housing department.

#### **24 Public speaking**

There were no members of the public registered to speak.

#### **25 Matters of urgency**

There were none.

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

There were three confidential/exempt items.

#### **27 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 either informing herself or the Democratic Services Officer.

The Assistant Director of Housing advised the Board that the format and structure of the forward plan would be amended for future meetings to better align with the Cabinet forward plan. The quarterly performance information was now included in the regular housing performance dashboard report and presentation. Once complete the outcome

of the stock condition survey and the development of an asset management strategy would be included on the plan and reported to the Board. An update would be presented to the Housing Review Board at the next meeting.

**RESOLVED:** that with the addition of a stock condition survey update report the forward plan be agreed.

## 28 **Future of Warm Hubs**

The Interim Housing Operations Manager presented to the Board a review of the Warm Hubs, which were agreed by the HRB for winter 2022 as a response to the cost of living crisis. It also detailed the ongoing support provided through the Community Hubs project during the summer and considered how this could be extended with further Warm Hubs provision through winter 2023/24. The Warm Hubs project had been successful in tackling social isolation, food poverty, housing warmth, personal development, community cohesion and in relaunching tenant involvement and engagement. It had clearly made a difference to tenants' lives and there was overwhelming demand for the service to continue. The main focus of the Warm Hubs was to meet the needs of tenants by establishing 'warm banks'. These were the equivalent of food banks where people who couldn't afford heating were invited to spend their days, at no cost, in the warm spaces.

Since opening there had been nearly 2500 visits to the Warm Hubs, made by 362 different residents of East Devon, from all types of housing (not just EDDC tenants). The busiest hub was Broadview in Broadclyst. Over 1600 hot meals had been provided, including 118 Christmas dinners. Workshops had been run on budgeting, seated exercise classes, cooking on a budget and craft sessions, alongside games and jigsaws. Hats, gloves, over 200 blankets and 500 pairs of socks had all been provided.

It was hoped to expand the Warm Hub offering and look into the possibility of a baby bank. A mapping exercise had been undertaken at the start to identify gaps in existing provision across the district before opening up the Warm Hubs. These could be altered depending on demand and provision, as well as the possibly providing 'roaming' in some of the small isolated communities.

External organisations, as well as a researcher from Exeter University had attended the Broadclyst Warm Hub to understand what made the Warm Hubs work. The feedback from this was positive. The most beneficial aspect of the Warm Hubs was the social aspect. It was suggested that other community groups/village hall committees be invited to see the Warm Hubs in action as best practice. Seeing the model could be invaluable to other groups looking to set up something similar.

A Housing Emergency Financial Support Fund had been established, with £2018.96 being paid out to date, with most referrals coming from housing officers, for energy payments for sheltered housing tenants. This indicated that general needs tenants were unaware of the fund and the plan going forward into winter 2023/24 was to alert tenants of potential support available to them.

The Board supported the fabulous initiative and suggested that councillors attend these hubs which offered a great way of engaging with residents.

The Housing Review Board noted and agreed the contents of the report and supported the additional fund of £50,000 to continue the popular project. The fund would cover the

running costs of 10 Warm Hubs, transforming into Community Hubs in the spring, along with financing the Housing Winter Pressures Hardship Fund that would be used to continue financial support to tenants.

**RECOMMENDED:** that Cabinet recommend to Council the approval of £50,000 to allocate towards delivering and designating the Warm Hubs project.

## 29 **Review of housing compliance policies**

The Housing Review Board were asked to consider and agree the amended reviews of the electrical safety policy, legionella plan and policy and the asbestos management plan and policy for housing, to ensure compliance with current legislation and regulations relating to those statutory areas of compliance.

It was suggested that tenants should be reminded to be aware of possible asbestos in their homes when undertaking any DIY work as the asbestos management plan was focussed on workers' safety.

**RECOMMENDED:** that Cabinet approve the proposed amendments to the electrical safety policy, legionella plan and policy and asbestos management plan and policy for housing.

## 30 **Housing performance dashboard**

The Housing Review Board received a report and presentation from the Interim Housing Services Manager on the key performance indicator (KPI) dashboard and compliance dashboard at quarter 2. The presentation also outlined actions being taken to improve performance where targets were not being achieved in relation to:

- Ensuring void property targets were met.
- Ensuring repairs targets were met.
- Improving complaints handling performance.

KPIs in the presentation included:

- Percentage of self-contained dwellings vacant and not available to let.
- Average days to re-let a social housing dwelling (standard).
- Percentage of rent lost through properties becoming vacant.

These three indicators were all linked.

The Interim Housing Services Manager responded to concerns from those present over performance. He acknowledged that although continuous improvement was required, steady progress was being made in some key areas and improvement plans developed. Managerial focus and sufficient management capacity were important in this.

**RESOLVED:** that the Housing Review Board receive and note the performance report at quarter 2.

## 31 **Finance report**

The Housing Accountant's report provided the Housing Review Board with current draft financial outturn figures for the Housing Revenue Account (HRA) and housing capital program for the 2023/24 financial year. Work was ongoing regarding staffing structures,

once these were completed and approved the results would be reflected in the next finance report to Housing Review Board.

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.

The HRA reserves, original budgeted surplus and revised budget deficit figures were contained in the report and noted by the Board.

Income was increased on rents by 7% and all other service charges by 3% in 2023/24. Lost rent due to voids continued to be above the budgeted levels and would add an additional £0.5m to the in-year deficit if it continued at the current level. The knock-on effect of voids/significant planned works was the requirement for emergency accommodation/decants for tenants. The current figures were shown in the report and discussed by the Board. It was suggested that void properties not yet relet could be used for decants. The Housing Solutions Manager advised that this had been considered but the issue was that often the set aside properties were not the right size and/or in the right location for the decants. There were also currently more 'decants' than there was available housing stock. Officers recognised the need to make the best use of available housing stock and this was being reviewed as part of the review of the homelessness and rough sleeping policy and temporary accommodation strategy. A request was made for the decant figures in terms of the number of people and the length of days spent in temporary accommodation.

**RECOMMENDED:** that Cabinet note the Housing Revenue Account update.

## 32 **Electrical compliance update**

The Board received an update in relation to electrical compliance. On 15 June 2023 the Board were alerted to non-compliance regarding electrical safety and were presented with the performance indicator dashboard and summary on findings and actions in place to address non-compliance. There was a five-year periodic testing regime, but as at 15 June 2023 531 Electrical Periodic Inspections were overdue from the 2022/23 testing year. Due to this and following external legal advice and self-assessment of the risk the service self-referred itself to the Social Housing Regulator. Following this referral officers were asked to provide a comprehensive amount of information in relation to compliance, not just covering electrical but all areas of compliance across the housing stock. There had also been a series of virtual meetings with the Regulator to talk through the measures being taken and the progress being made to ensure compliance would be regained.

The Assistant Director for Housing was overseeing the numbers of properties out of compliance on a weekly basis with officers in the team reporting directly to her, ensuring oversight at senior leadership level. This was also being more widely monitored by the Senior Leadership Team and regular updates had been provided to the Portfolio Holder. Overall, the increased monitoring of compliance would ensure that the contractors were adhering to statutory testing/servicing regimes.

There were currently 46 EICRs outstanding (down from 531 in June). 22 of the properties had a failed access visit which meant that the appointment was pre-booked with the tenant, but they were not home when the operative arrived to undertake the work. They were now at the start of the no-access process which ultimately would result



in a legal process as this had been aligned in terms of needing to access properties for EICRs, along with how gas safety visits were managed.

The Compliance Surveyor was monitoring the contract closely with the contractor through weekly meetings and information sharing and formal operation meetings were held regularly. There was a delivery plan in place for all properties that had been agreed with the contractor and this was generally adjusted in line with success rates of entering properties. Repairs that had arisen from the testing were now being managed by two separate contractors in order to bring them down rapidly and compliance was being monitored weekly, the same way the ECIR checks were monitored.

Various changes had taken place around monitoring and officers were confident that they had the correct performance indicators in place to ensure closer monitoring of this area of compliance, which would prevent a similar situation occurring in the future.

Officers were congratulated on the remarkable amount of progress that had been made in a relatively short amount of time.

**RECOMMENDED:**

1. that Cabinet note the revision of the Electrical Safety Policy.
2. that Cabinet agree that the Housing Review Board have oversight of the Housing Service's Compliance and Electrical Safety Policy.

**33 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 in the agenda is likely to be disclosed and on balance the public interest is in discussing these items in private session (Part B).

**34 Interim staffing position**

The Interim Chief Executive & Director for Housing Health and Environment, and Assistant Director for Housing's report set out a brief overview of the current staffing challenges within the housing service and plans for how this was being taken forward. Following the appointment of the Director for Housing, Health and Environment, a full review had been undertaken to clarify and establish the best route forward in relation to ensuring that the service was fully resourced and able to meet the needs of frontline service delivery including the necessary management resource. The Interim Chief Executive & Director for Housing Health and Environment wanted to give the Board reassurance and confidence that the challenges of the service had been recognised and that a robust management team was being put in place to address the issues. It was essential to have the right senior management team in place, with resilience across the structure. A copy of the revised staffing structure, with roles and responsibilities would be provided at the next meeting of the Housing Review Board.

**RESOLVED:** that the Housing Review Board note the actions being taken to ensure the housing service was able to function and meet the required level of service delivery for tenants and wider residents.

**35 Home Safeguard service update**

The Board received the report along with a series of recommendations which were considered and approved by Cabinet on 10 October 2023. The recommendations were based around monitoring of the Home Safeguard service, the procurement of a new call handling system, a review of the out of hours service, plans for a growth strategy within the service and the implementation of a new staffing structure. It was important for the HRB to aware due to strong link of the service with the Housing Revenue Account.

**RESOLVED:** that the Housing Review Board note the recommendations within the report.

## 36 **Housing Ombudsman determination**

The Interim Housing Operations Manager's report outlined the Ombudsman investigation and determination of a complaint from an EDDC tenant regarding anti-social behaviour, EDDC's response to a request for re-housing and how EDDC handled the complaint. The Ombudsman determination was that there was severe maladministration by EDDC in respect of its response to the reports of anti-social behaviour and maladministration in respect of the way it handled the complaint. The report also outlined EDDC's response to the findings. Officers reassured members that the service had and would continue take the learning from the case in order to ensure the failures could not be repeated.

**RESOLVED:** that the Housing Review Board note the report and the actions taken in response to the Ombudsman's findings.

### **Attendance List**

#### **Board members present:**

Councillor Sarah Chamberlain (Chair)  
Councillor Peter Faithfull  
Councillor Helen Parr  
Councillor Christopher Burhop

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

I Barlow  
J Loudoun  
M Martin

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

Amy Gilbert-Jeans, Assistant Director Housing  
Tracy Hendren, Director of Housing, Health and Environment  
Yusef Masih, Interim Housing Services Manager  
Andrew Mitchell, Housing Solutions Manager  
Alethea Thompson, Democratic Services Officer  
Rob Ward, Accountant  
Giles Salter, Solicitor  
Andrew King, Interim Tenancy Services Manager

#### **Councillor apologies:**

Sue Dawson, Tenants  
Sara Clarke, Independent Community Representative  
Rob Robinson, Independent Community Representative  
Cindy Collier, Tenant

Councillor Tony McCollum

Chair .....

Date: .....

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

**Overview Committee held on 9 November 2023**

**Minute 23 Public Toilets Update Report**

1. To extend the closing date and any necessary revenue budgets for Category B and C sites until 31<sup>st</sup> March 2025 to allow a further 12 months to enable an urgent revisiting of negotiations with town and parish councils to look at freehold disposals and other changes to the offer according to a specified timetable and including a renewed effort through Ward Members to engage town and parish councils, with the reality of reduced or removed public toilet provision at the sites should agreement not be reached.
2. For this Council to write to the Secretary of State to push for public toilets to become a statutory service, and to invite other councils in Devon and Cornwall to also do so.

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Overview Committee held at Council Chamber, Blackdown House, Honiton on 9 November 2023**

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

The meeting started at 6.00 pm and ended at 8.34 pm

#### **18 Minutes of the previous meeting held on 12 October 2023**

The minutes of the previous meeting held on 12 October 2023 were signed as a true and accurate record.

#### **19 Declarations of interest**

Cllr P Arnott – Minute 23; Affects Non-Registerable Interest: Member of Colyton Parish Council.

Cllr B Bailey - Minute 23; Affects Non-Registerable Interest: Member of Exmouth Town Council.

Cllr I Barlow - Minute 23; Affects Non-Registerable Interest: Member of Sidmouth Town Council, which pays for a large number of its public toilets.

Cllr J Brown - Minute 23; Affects Non-Registerable Interest: Member of Honiton Town Council.

Cllr M Goodman - Minute 23; Affects Non-Registerable Interest: Member of Sidmouth Town Council, which pays for a large number of its public toilets.

Cllr J Heath - Minute 23; Affects Non-Registerable Interest: Member of Beer Parish Council, which has public toilets due for renovation over 2024-2025.

Cllr N Hookway - Minute 23; Affects Non-Registerable Interest: Member of Exmouth Town Council.

Cllr T Dumper - Minute 23; Affects Non-Registerable Interest: Member of Exmouth Town Council.

Cllr C Nicholas - Minute 23; Affects Non-Registerable Interest: Member of Exmouth Town Council.

Cllrs G Jung, wished it to be recorded for minute 23 that he is Portfolio Holder for Coast, Country and Environment.

Cllrs P Fernley and T Olive wished it to be recorded for minute 23 that they are Assistant Portfolio Holders for Coast, Country and Environment.

#### **20 Public Speaking**

No members of the public had registered to speak at the meeting.

21 **Matters of urgency**

There were no matters of urgency.

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

There were no confidential or exempt items.

23 **Public Toilets update report**

The Assistant Director – Place, Assets and Commercialisation introduced this update report which set out the background to the Public Toilets Review Project, the progress to date, next steps and current timetable implications.

The context for the report at this time was explained as:

- a) It is an opportunity to update Members more widely on the fundamentals of the Public Toilets Review, the progress made so far and the next steps. Through doing so, using our Membership to ensure the wider public is better informed. There was lots of attention by Members and the public on this back in 2021 at the time of the public consultation and the various Overview and Cabinet reports, an update to All Members back in March this year, but whilst there has been lots going on in the background by Officers, with a large number of newly elected Members back in May, and the fact that the project is going ‘public’ shortly with planning applications being submitted, now is a very timely opportunity to update.
- b) We are at a bit of a crossroads in terms of how we move specific challenging elements forward, and hence as Officers and as a Cabinet would welcome feedback from Overview Committee on next steps in terms of moving this project forward.

Discussion and clarification included the following points:

- It is not a statutory requirement for a district council to provide public toilets and no funding for them is provided by central government. Publicly accessible toilets are a basic necessity however, particularly for the elderly, disabled and young children, and East Devon is a tourist area with visitors expecting a suitable provision.
- It would be appropriate for this Council to write to the Secretary of State to push for public toilets to become a statutory service, and to ask other councils in Devon and Cornwall to also do so.
- In accordance with an existing Cabinet decision, charging for use of public toilets on Category A sites will be implemented at such time as those sites reopen following the build projects, with new facilities. It is expected to cost £250k to install paid access and this will enable the Council to charge people when they enter the cubicles, at a currently agreed rate of 40 pence per use. The paid access equipment will also be a means of measuring the amount of usage.
- One Member raised that a council in Cornwall is installing a system whereby only tourists pay to use public toilets and suggested EDDC consider a similar system for toilets on Category A sites, given that most residents already pay Council Tax. She added that the charge per use could be increased to 50 pence. Another Member suggested exploring alternative ways of financing the toilets such as sponsoring and advertising or asking people to donate.
- The Assistant Director – Place, Assets & Commercialisation stated that charging for public toilets is an existing Cabinet decision and to undo an element of this would have implications on revenue requirements moving forward, and impact on the financial business case.

- Some concerns were raised by Members on the increasing cost estimate for delivery of the Category A investment works. The Assistant Director – Place, Assets & Commercialisation confirmed that considerable expertise by consultants had gone into calculating the build costs on the Category A sites, their costs being provided for within the capital budget. Work will be tendered but costs are high, the design has adapted since the earlier estimates to ensure best practice is adopted and there has been considerable build cost inflation since the earlier estimates were produced. Furthermore, to withstand heavy public usage and to withstand abuse, building materials are costly. All kit will be robust to withstand high usage, with facilities designed such that they are easy to clean and maintain. It was clarified that costs include demolition and removal of old structures.
- Two suppliers of public conveniences have reported that sales of self-cleaning cubicles have dropped off as they have proven ineffective and do require additional cleaning. Specification for toilets on Category A sites is therefore for easy-cleaning vandal-proof toilets, but not self-cleaning.
- Officers are in regular contact with the Department for Levelling Up, Housing and Communities (DLUHC), and they are aware that this Council is not in a position to deliver the Changing Places facilities by the specified deadline of 31<sup>st</sup> March 2024, this being a condition of the grant funding. However, it is anticipated based on communications to date that the funding will still be available to complete the facilities if this Council remains in communication with DLUHC and is able to demonstrate that at the very least, planning permission is in place and contractors appointed by that date.
- The Committee considered reasons why town and parish councils have been unwilling to take on public toilets at Category B and C sites. It was understood that reasons include the level of financial risk, and the amount of control that EDDC still required over the use of the sites, as set out in the heads of terms previously consulted on. It was suggested by Members that those Councils would favour freehold transfer instead.
- It was noted that Lympstone and Woodbury Parish Councils and Ottery Town Council have to manage their own public toilets and the Ward Members for these areas were of the view that other town and parish councils should not be subsidised by EDDC and should pay for their own public toilets if these are to stay open.
- It was suggested by Members that EDDC could consider extending the revenue budget to keep toilets open at Category B and C sites for a further 12 months from 31 March 2024, to allow for further negotiations with town and parish councils to take place, including around potential freehold disposals. The Assistant Director – Place, Assets & Commercialisation stated that whilst this would allow time to deal with the process if we were to remain firm to agreed timescales, it was not possible to know what the outcome of the process would be.
- It would be appropriate for Ward Members to facilitate negotiations by engaging in positive discussions with town and parish clerks to disseminate the message that, unless funding is provided by central government, towns and parish councils will need to step forward to maintain a toilet provision at Category B and C locations if they are to stay open, as EDDC will be unable to do so and it is uncertain at this stage whether commercial businesses will take on this role.

### **RECOMMENDED to Cabinet**

1. To extend the closing date and any necessary revenue budgets for Category B and C sites until 31<sup>st</sup> March 2025 to allow a further 12 months to enable an urgent revisiting of negotiations with town and parish councils to look at freehold disposals and other changes to the offer according to a specified timetable and including a renewed effort through Ward Members to engage town and parish councils, with the reality of reduced or removed public toilet provision at the sites should agreement not be reached.
2. For this Council to write to the Secretary of State to push for public toilets to become a statutory service, and to invite other councils in Devon and Cornwall to also do so.

The Director of Governance and Licensing introduced this item and ran through the core principles set out in the draft protocol with a view to ensuring that the role of the scrutiny committees and the relationship with Cabinet is clear, effective and consistent with best practice.

Members were invited to consider and recommend changes to the draft protocol, and to recommend it for approval in early 2024 alongside any changes recommended by the Scrutiny Committee and Cabinet and taking into account any feedback from the review by the Centre for Governance and Scrutiny.

Discussion and clarification included the following points:

- There is an expectation that reports submitted to the Overview and Scrutiny Committees would normally be authored by Officers.
- It would be helpful to distinguish within the draft protocol between the Scrutiny Committee and the Overview Committee.
- The Constitution allows for Assistant Portfolio Holders (APHs) on the membership of Overview Committee; however, one Member was of the view that this makes the Committee more Cabinet-led than it should be. Other Members stated that they were comfortable with APHs on the Overview Committee membership on the understanding that they could absent themselves from the meeting for items that were particularly contentious and related to their portfolio. The Director of Governance and Licensing clarified that the statutory guidance is clear that APHs can sit on Overview and Scrutiny Committees but cannot take part in discussions relating to matters that they have been involved in in their APH role.
- The Overview and Scrutiny Committees can invite other organisations and external bodies in, for matters which are of relevance to the district.

## **RESOLVED**

That the Overview Committee agrees the draft protocol subject to Members comments being taken into consideration.

## 25 **Work Programme 2023-2024**

The Overview Committee's Work Programme 2023-2024 was received and noted.

The Chair informed Members of the format for the Joint Budget Meeting of the Overview and Scrutiny Committees scheduled for 11 January 2024.

### **Attendance List** **Councillors present:**

B Bailey  
J Brown  
T Dumper  
P Fernley  
A Hall (Chair)  
J Heath  
V Johns  
M Martin  
C Nicholas  
T Olive



H Riddell

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

P Arnott  
I Barlow  
C Brown  
P Faithfull  
M Goodman  
P Hayward  
N Hookway  
S Jackson  
G Jung

**Officers in attendance:**

Tim Child, Assistant Director Place, Assets & Commercialisation  
Andrew Hancock, Assistant Director StreetScene  
Sarah James, Democratic Services Officer  
Melanie Wellman, Director of Governance & Licensing (Monitoring Officer)  
Jorge Pineda-Langford, Principal Building Surveyor, Property & FM

**Councillor apologies:**

Y Levine  
D Wilson

Chair: .....

Date: .....

Report to: Cabinet



Date of Meeting 29 November 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

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## A review of the StreetScene bin collection service and town and parishes' service charges

### Report summary:

The review of the StreetScene bin collection service has examined the council's litter, recycling and dog collection service charges and operational model.

- An increase in operating costs requires an uplift in service charges that are consistent charges across the district.
- The review has started looking at alternative operational models which follows national trends and internal and external challenges, and has identified the need for further future strategic planning.
- An electronic map of the bins locations has been produced to provide management information and support future planning.
- The anticipated population growth in Cranbrook, the proposed new town and the wider district will significantly impact on the delivery of the bin collection service and further work is required to develop a strategic plan with stakeholders.
- This report has been considered by the Overview Committee who voted in favour of the following recommendations:
  1. That the proposed increase to the litter bin collection rate should be applied to the dog bin collections.
  2. That the increase to all town and parish service charges should be spread over two years.

### Is the proposed decision in accordance with:

Budget                      Yes  No

Policy Framework      Yes  No

### Recommendation:

1. Cabinet to endorse the continuation of the current litter and dog bin collection service whilst further strategic options are considered.
2. Cabinet to agree to increase all town and parish service charges to £4.00 per litter bin collection which will be spread over two years to reduce the impact on customers.
3. Cabinet to consider increasing charges for dog bins in line with litter bins following a recommendation made by Overview.
4. QR codes to be introduced on all litter, dog and recycling bins to improve quality management.

5. Further work will be undertaken to explore alternative models and working relationships between StreetScene Operations and Recycling and Waste as part of the SUEZ contract replacement work which is currently underway.
6. StreetScene Operations to develop a strategic plan to manage the anticipated population growth in Cranbrook, the proposed new town and the wider district.
7. The Strata project to provide StreetScene Operations with an appropriate software package to manage its operations efficiently is prioritised.

### Reason for recommendation:

### StreetScene Service Plan Objective 5 - Review of the collection model for street litter bins and dog waste bins and the charges

- Bring about a more equitable scheme of charges for such services, which cover delivery costs.
- Appraise the various models of collection and charges a clearer and more equitable charging schedule across the district where we provide such services.

Officer: David Snape, StreetScene Project Officer and Andrew Hancock Assistant Director - StreetScene

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Portfolio(s) (check which apply):

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

**Equalities impact** Low Impact

**Climate change** Medium Impact

**Risk:** Medium Risk; Failure to prepare and plan for future growth could lead to a degradation of service standards and inefficiency and budget pressure. The current service charges are not consistent across the district and there is a risk of inequity. A revision in the charges will result in some customers incurring higher charges with potential reputational damage.

### Links to background information

- [StreetScene's Main Annual Budgets 2023/24](#)
- [Streetscene Bin Product Range – June 2023](#)
- [\(Public Pack\)Agenda Document for Council, 28/04/2021 18:00 \(eastdevon.gov.uk\)](#) Question 3 outlines where EDDC are responsible for emptying bins and where they are not.

Link to [Council Plan](#)

Priorities (check which apply)

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

## Report in full

### Baseline Data

1. There are 762 litter and 71 recycling bins in the district that are emptied by the StreetScene operatives. There are 396 dog bins that are emptied by Suez.
2. The cost of the dog bin collections is included in the domestic bin collection service contract for household bin and recycling collections, which is managed by Recycling and Waste.
3. The frequency of bin collections ranges from once a week in rural areas to three collections per day on the Exmouth Esplanade during the summer.

### Dog Bin Collections

4. Dog waste is mixed with non-recyclable waste when it is taken to the Energy From Waste (EFW) facility in Exeter, as EFW do not accept unmixed dog waste.
5. There are 3 full-time Suez operatives emptying the dog bins and there is no provision to cover holiday, sickness from the Recycling and Waste workforce. This will lead to inconsistent collections and an increase in complaints.

## Service Charges

### Dog Bin Collections

6. Dog bin costs are currently linked into the overall SUEZ contract. The cost per collection will be reviewed as part of the contract replacement work, which has recently started within the Recycling and Waste Team. As part of this work, we will also review the best place for the dog bin collection service to sit within the council.
7. The Portfolio Holder report rates set out below are based on 3 dog bin collections per week and are charge pro-rata as required. These charges are reviewed every year as part of our annual charges review and we will continue in this way until contract replacement.
8. The rate equates to £2.12 per collection and is lower than the proposed new litter bin collections and we intend to address this rate during SUEZ contract replacement.

#### CHARGES 2023-24

	2020-2021	2021-22	2022-23	2023-24
Additional Waste Collections (10 bags)	£40.00	£42.00	£45.00	£47.00
<b>Dog Bin Collections for Parish Councils (per bin)</b>	<b>£260.00</b>	<b>£270.00</b>	<b>£300.00</b>	<b>£330.00</b>
Green Waste (annual)	£48.00	£48.00	£48.00	£50.00

9. Members to consider applying the proposed increase to the litter bin collection rate to the dog bin collections. Dog bin collection costs are included in the Suez contract and so are more complex to extrapolate, but based on our own measures of collection costs and because we

are entering a cost-plus arrangement with Suez it would seem prudent to increase collection charges to ensure the council is covering costs. Alternatively, more work can be undertaken in preparation for contract replacement in 2026. Overview Members have considered this and recommended that dog bins charges be increased in line with the litterbins.

### **Litter Bin Collections**

10. The 2023/24 bin collection charge to town and parish councils is £110 per bin per year (£2.12 per collection). This is based on an historical cost with annual inflation uplifts and bears no relation to our actual service costs.
11. Cranbrook Town Council (CTC) is charged £5.00 per bin collection, based on 29 bins located on unadopted land. This charge is based on two collections per week, but three collections are made each week to deal with the volume of waste. This reduces the weekly charge to £3.45 per bin collection.
12. The Cranbrook Town Council collections were priced at a level to achieve full cost recovery. The charge to other town and parish councils does not cover costs and this has led to the imbalance between what Cranbrook and other town and parish councils pay.
13. StreetScene Operation's services charges have not been previously benchmarked and the council recognises that they have been artificially low for many years.
14. Local district councils were approached to participate in a benchmarking exercise, but have failed to respond. During the next stage of the project, benchmarking will be extended further to enable comparisons to be made.

### **Service Delivery Costs**

15. StreetScene's main [annual budgets](#) 2023/24:
  - Labour salaries, including superannuation: £1,333,200
  - Vehicles and associated costs for cleansing, excluding sweepers: £172,022
16. We have reviewed the Cranbrook Town Council service costs and established that current service charges do not cover the cost of delivering the service. Labour charges are based on the lowest hourly paid to an operative and do not include oncosts for pensions, holidays and sickness pay. Fuel is included, but there is no allowance for vehicle purchase or lease costs, maintenance costs, PPE or equipment and management costs.
17. Based on 2023/24 salaries, the service charge will need to increase to [£4.00 per collection](#) to cover operating costs. This will need to be applied to all town and parish councils from April 2024 to ensure costs are covered and are consistent charging across the district. To mitigate the impact of the increase that the charge is increased over two years + RPI.

Council	Dog Bins	Litter Bins	Frequency	Total	23/24	Charge	24/25	25/26
Town A	0	4	Weekly	Collections	Total	per	Total	Total
			1	208	Recharge	collection	Recharge	Recharge
					£440.00	23/24	£636.48	£832.00
<b>CHARGES</b>	<b>2023/24</b>	<b>2024/25</b>	<b>2025/26</b>		Charge	Charge	Charge	
					per	per	per	
					collection	collection	collection	
<b>1 x weekly</b>	£110.00	£159.12	£208.00		23/24	24/25	25/26	
<b>2 x weekly</b>	£220.00	£318.24	£416.00		£2.12	£3.06	£4.00	
<b>3 x weekly</b>	£330.00	£477.36	£624.00					

### A Combined Litter And Dog Waste Collection Model

18. A combined waste collection model would see the removal of all the dog bins in the district and the dog waste collected in the black litter bins, which is already happening in many of areas in the district.
19. Although this model would remove the need for a separate dog waste collection service, significant additional capital investment will be required to install larger litter bins if the dog bins are removed.
20. Throughout the district there are many bins that cannot be easily accessed by the collection vehicles, which requires the operatives to carry the litter long distances to their vehicles. The additional weight of dog waste will make this impractical in these locations and will require bins to be relocated. Dog waste is heavy and will significantly increase the total weight of the waste in the bins. There are 768 litter bins in the district that may need relocating or replacing in order to manage the larger volume of combined waste.
21. More vehicles with side-lifts will be required to tip the wheelie bins into the vehicle to reduce manual handling issues. These vehicles are leased at a cost of £54,000 per vehicle over 6-years.
22. The review has considered the costs and benefits of introducing a combined waste pilot to evaluate an alternative operating model. It is estimated that the setup costs of a pilot project would be over £13,300 to replace the existing 19 bins with 14 larger bins. The average cost of installing a replacement bin would be approximately £951.
23. Based on this pilot costings, if the council was to replace the current 768 litter bins the total cost would be approximately £730,000. It is anticipated that not every bin would need replacing, but designated barbeque areas will incur additional costs as these bins require steel internal casings to prevent fire damage from hot barbeques.
24. An existing vehicle with a side-lift could be used during a pilot to lift the wheelie bins, but additional staff may be required to deal with extra collections. Additional vehicles will be required if this model is introduced throughout the district.
25. Due the high setup costs, it is recommended that a pilot is not progressed. As the existing litter bins can be used to collect dog waste, there is limited benefit in removing the dog bins and installing larger litter bins. The council should promote that any bin can be used for general litter and dog waste and larger litter bins installed to replace existing bins if required.

## **Alternative Service Delivery Options**

26. Local authorities are facing the challenges of external factors which include the legislative outcomes of the Environmental Act 2021 and market drivers. Many are looking to alternative models that can bring together existing services such as Recycling & Waste and StreetScene. There are 3 main models available to the council:
- In-house delivery
  - Outsourced delivery
  - Local Authority Trading Company
27. It is suggested that a Portfolio Holder Leader team be convened to take forward the preparation work to consider the best future option for EDDC.

## **Bin Mapping And Software**

28. As part of this review the location of all of the council's bins have been mapped and this information is now available on the eMap system.
29. Next year a QR code and ID number will be added to every bin to enable members of the public to report damaged and full bins via the council's website.
30. During the bin mapping exercise it became apparent that a management system is required to monitor operatives' time, volume of work and the resources required to meet demand. There is a job in Strata's unrefined backlog of projects which came from an earlier project circa 2017 to converge the 3 council partners' software to manage their public realm cleansing.
31. It is recommended that this work is restarted to ensure our systems are as efficient as possible and provide the evidence based needed for alternative models of operations.

## **Bin Products**

32. There is a diverse mixture of bin products throughout the district and many of the bins have been installed incorrectly or in the wrong location, causing difficulties when emptying the bins.
33. StreetScene Operations has introduced a [new range of bin products](#) for the town and parish councils to choose from when requesting new bins. At present, StreetScene Operations do not have capacity to increase the number of bins, but stage 2 of the project will present policy suggestions for members to consider.
34. All new bins will be installed by StreetScene Operations, who will look to work with the town and parish councils to ensure new bins are installed in appropriate locations for collections.

## **Cranbrook**

35. The anticipated population growth in Cranbrook will significantly impact on the delivery of the StreetScene Operation's services. It is proposed that the next stage of the project considers the future strategic direction of the service in Cranbrook to address the operational issues identified during the review.
36. The council has already changed and adapted its Recycling and Waste service to allow capacity for growth in Cranbrook and StreetScene Operations will adopt a similar approach for its services.

37. StreetScene Operations currently operates out of the Exmouth and Sidmouth depots. It is recognised that lost time and travel costs would be reduced if StreetScene Operations had a premises in the Cranbrook or Honiton area. StreetScene Operations is working with Property, Asset and Commercialisation Team to identify further depots locations throughout the district as part of the depot review to meet operation need into the future

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**Financial implications:**

Financial implications are included within the report giving detail of the cost recovery position and providing an equitable pricing solution. With any further strategic options review the cost recovery position should be maintained including covering the cost of any required capital investment.

**Legal implications:**

The legal implications are dealt with in the body of the report.



Report to: Cabinet



Date of Meeting 29 November 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## Housing Benefit Modified Scheme Policy

### Report summary:

This report covers details of the Modified Scheme for disregarding income from war pensions for the purposes of administering Housing Benefit.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

That Cabinet agree the Housing Benefit Modified Scheme policy so that we can continue to disregard war pensions from the calculation of Housing Benefit.

### Reason for recommendation:

EDDC are signed up members of the armed forces covenant and as part of this are committed to supporting veterans and their families. However, due to changes in senior management we have been unable to locate the existing covenant. A new signed covenant is currently being developed by our Corporate HR Manager and it is intended that the modified scheme policy will be reflected within it. However, in the interim we need to put in place a local Modified scheme policy so that we can continue to fully disregard income from war pensions.

Rents charged by private landlords remain high and Local Housing Allowance rates have not been raised to keep pace with these rising rents, therefore residents are finding it harder to fund shortfalls between the rent charged and the Housing Benefit or Universal Credit Housing Costs received. If we do not fully disregard war pensions residents will need to use this income to help pay their rental costs.

It is also worth noting that under Part 16A of The Armed Forces Act 2006 there is a legal obligation on public bodies to have due regard to armed forces personnel when carrying out healthcare, housing and education functions. Whilst this legislation does not give a legal obligation around financial assistance, it does support our current approach of fully disregarding the income from the means test.

By continuing our modified scheme we will ensure that the financial compensation received during service can be used for the purposes it was intended for.

Officer: Sharon Church, Benefits and Financial Resilience Manager. [SChurch@eastdevon.gov.uk](mailto:SChurch@eastdevon.gov.uk), 01395 571791

Portfolio(s) (check which apply):

Climate Action and Emergency Response

- Coast, Country and Environment
- Council and Corporate Co-ordination
- Communications and Democracy
- Economy
- Finance and Assets
- Strategic Planning
- Sustainable Homes and Communities
- Culture, Leisure, Sport and Culture

**Equalities impact** Low Impact

As this policy formalises our approach to fully disregarding war pensions the impact has been assessed as low but the impact assessment can be found [here](#).

**Climate change** Low Impact

**Risk:** Low Risk;

**Links to background information**

Link to [Council Plan](#)

Priorities (check which apply)

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

**1. Background**

- 1.1 Housing Benefit is a means tested benefit for residents on a low income to help with rental payments.
- 1.2 War pensions are granted as compensation for injuries, illness or death caused by service in the armed forces prior to 6 April 2005.
- 1.3 For injuries, illness or death caused on or after 6 April 2005 compensation is provided under The Armed Forces Compensation Scheme.
- 1.4 Under Housing Benefit legislation only £10 of the income received under one of these schemes is disregarded from the means test, however we can fully disregard the remaining 100% of income through a local modified scheme. This is made possible through the Welfare Reform Act 2007 and the subsequent War Pensions Disregards Regulations 2007.
- 1.5 Since these regulations came into effect EDDC have fully disregarded this income under our modified scheme along with most other Local Authorities in England, Scotland and Wales. Disregarding the income from these payments is a cost met by the Local Authorities.
- 1.6 Each year we have an external audit carried out on our subsidy claim (the payment we receive back from the Department for Works and Pensions (DWP) for administering Housing Benefit). During the audit for 2022/23 we were asked to provide sight of the policy and unfortunately due to the office moves, changes in management and the length of time since the original policy was put into effect, we have not been able to locate it. We are aware that there are some other authorities who are in a similar position. The DWP have requested that all Members have sight of the policy and hence the reason for this report.

## 2. Caseload

- 2.1 The number of veterans who are currently in receipt of Housing Benefit is broken down into types of accommodation they are residing in. This is either temporary accommodation (non-hra), council owned accommodation (rent rebate) and either privately owned or other social housing (rent allowance).

	2021/22	2022/23
Non-HRA	0	0
Rent Rebate	11	12
Rent Allowance	10	11
<b>TOTAL</b>	<b>21</b>	<b>23</b>

- 2.2 The following figures have broken the number of residents receiving Housing Benefit into working age and those residents who have reached pension age.

	2021/22	2022/23
Working Age	9	16
Pensioner Age	12	7
<b>TOTAL</b>	<b>21</b>	<b>23</b>

- 2.3 For this current financial year, 2023/24 we have 21 veterans receiving a full disregard from their war pensions under our modified scheme.

### 3. Proposed policy

- 3.1 The proposed policy is to continue allowing the full disregard of income received from war pensions for the purposes of Housing Benefit.

### 4. Other considerations

- 4.1 Disregarding the income received by veterans from war pensions is a cost that is met by EDDC directly.
- 4.2 The financial cost to EDDC for financial year 2022/23 was £56,258. This related to £28,941 for HRA properties and £27,317 for RA properties. There was no financial cost for Non-HRA properties during 22/23.
- 4.3 Based on the current number of veterans receiving Housing Benefit in September 2023 we are unlikely to see a large rise in the cost of the scheme.

### 5. Summary

- 5.1 This policy is a relatively low cost to EDDC and would ensure that we continue to support veterans and their families.

**Financial implications:**

The cost of the scheme is already included in the Council's budget.

**Legal implications:**

The legal issues are dealt with in the body of the report.

<b>Issue details</b>	
<b>Title:</b>	<b>Housing Benefit Modified Scheme</b>
<b>Version number</b>	<b>Version 1</b>
<b>Officer responsible:</b>	<b>Service Lead – Revenues, Benefits, Corporate Customer Services, Fraud &amp; Compliance</b>
<b>Authorisation by:</b>	<b>Cabinet</b>
<b>Authorisation date:</b>	

<b>History of most recent Policy Changes – Must be completed</b>			
<b>Date</b>	<b>Section</b>	<b>Change</b>	<b>Origin of change (eg change in legislation)</b>

# East Devon District Council – Housing Benefit Modified Scheme

## 1 Why has the council introduced this policy?

This policy has been introduced to confirm how EDDC are financially supporting veterans of the armed forces who are residing in low income households and as such are entitled to receive Housing Benefit.

Housing Benefit legislation provides the ability for Local Authorities to disregard any prescribed war disablement pension or prescribed war widow's pension. This is known as a local modified scheme.

In addition EDDC are signed up to the Armed Forces covenant and this policy supports the covenant.

## 2 What is the council's policy?

### 2.1 Modified scheme

Through the local scheme provisions EDDC will fully disregard any amount of income not already disregarded through the national schemes from the following;

- Armed Forces and Reserve Forces Compensation Scheme - Guaranteed Income Payment - from 20th November 2006  
MOD Early Departure Payment - from 2nd November 2009
- Naval, Military and Air Force Death and Disablement Pension - Children's Allowance
- War Disablement Pension, which includes - Services Attributable Pension and Services Invaliding Pension
- War Widow's/Widower's Pension,

### 2.2 Who is eligible?

Any resident who is receiving a payment listed under 2.1 and is in receipt of Housing Benefit will automatically receive the disregard.

### 2.3 Disregarding income for the purposes of a Discretionary award

Our discretionary awards are based on total income and expenditure for a household and the individual needs of the household. Each case is decided on its own merits therefore although income from war

pensions may not be fully disregarded in the calculation, we will take into account all reasonable expenditure when deciding if a discretionary award is appropriate.

### **3. How will we use & share information**

The Council will only collect data relevant to a claim for Housing Benefit and Council Tax Reduction. Data will be held on our digital platform and will be protected using up-to-date technical and organisational security measures.

Data will also be used to:

- Determine eligibility for other discretionary funds such as Discretionary Housing Payments, The Household Support Fund and our Cost of Living Hardship Fund.
- Contact residents about decisions or updates related to an application

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

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

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

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

With permission we may also share data with partner agencies to enable them to provide the necessary support in order to achieve long term outcomes in building financial resilience (for example Exeter Community Energy, Citizens Advice East Devon, South West Water).

We may also share data within the organisation or with other Government agencies in order to prevent and/or detect potentially fraudulent activity. Subject to a legal gateway, information may also be shared for the prevention of fraud and criminal activity with (list not exhaustive):

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

We will also share anonymised monitoring data with the DWP in order to complete the monitoring returns.

### **3. Fraud**

The Council is committed to tackling and preventing fraud in all its forms. If a claimant attempts to claim an award of Housing Benefit or Council Tax Reduction by making a false declaration or providing false evidence or statements, they may have committed an offence under the Theft Act 1968. Where the Council suspects that fraud may have occurred it will investigate the matter as appropriate, and this may lead to criminal proceedings.

### **4. Policy Administration**

#### **Appendices and other relevant information**

[Social Security Administration Act 1992 \(legislation.gov.uk\)](#)  
[The Housing Benefit and Council Tax Benefit \(War Pension Disregards\) \(Amendment\) Regulations 2009 \(legislation.gov.uk\)](#)  
[Armed Forces Act 2006 \(legislation.gov.uk\)](#)

### **5. Data Protection**

Provide a general view of what personal data is to be used and how and provide a link to the [Council's Data Protection Policy](#) and reference the relevant privacy notices.

### **6. Policy consultation**

Senior Leadership Team & Cabinet

#### **Policy review**

Libby Jarrett, Assistant Director for Revenues, Benefits, Corporate Customer Access, Fraud and Compliance. [ljarratt@eastdevon.gov.uk](mailto:ljarratt@eastdevon.gov.uk)





Report to: Cabinet

Date of Meeting 29 November 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## Safeguarding update

### Report summary:

At an Extraordinary Council meeting on 11<sup>th</sup> July 2023 the Council considered a report from Verita into the actions of the Council following allegations and then criminal charges against former Cllr John Humphries. A number of recommendations were approved by members and the Monitoring Officer was invited to bring back a report to members to update on the timetable for implementing those resolutions.

This report therefore updates on the steps that have been taken since that meeting and that are planned moving forward.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

That Cabinet note the update

### Reason for recommendation:

The Council made a number of important resolutions regarding the Council's safeguarding procedures and it is important that those resolutions are implemented.

Officer: Melanie Wellman, Director of Governance and Licensing and Monitoring Officer

Portfolio(s) (check which apply):

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

**Equalities impact** Low Impact

As this report is simply updating on the implementation of Council resolutions, there are no significant equalities implications arising.

### **Climate change** Low Impact

**Risk:** Medium Risk; It is important that the Council acts upon the recommendations coming out of the Verita report and that changes to the Safeguarding procedures are implemented.

### **Links to background information**

Link to [Council Plan](#)

Priorities (check which apply)

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

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### **Report in full**

At Full Council on 11<sup>th</sup> July 2023 Members considered an original and supplementary report from Verita covering the independent investigation into the actions of the Council following the allegations and criminal charges against former councillor John Humphries and a supplementary report prepared at the request of the internal Commissioning Group.

Following a presentation from Mr Scott, the Verita representative, Council made the following resolutions and invited the Monitoring Officer to report back with an action plan.

Each of the resolutions, together with the steps that either have been taken or are to be taken, are set out below: -

**In the event that a similar event arises in the future, we consider that anyone from EDDC invited to a LADO meeting should not go unaccompanied and should consult the Safeguarding Lead.**

The Council's safeguarding procedures have been updated to reflect the need for anyone from EDDC invited to a LADO meeting should not go unaccompanied and should consult the Safeguarding Lead.

**EDDC should revisit its discussions and plans to reform the Honorary Alderman/Alderwoman process.**

No further Honorary Alderman/Alderwoman appointments have been made subsequently and a report will be presented to the Overview Committee in 2024 to review the process moving forward.

**EDDC should consider implementing a development programme for members to incorporate regular 1:1s, ongoing training needs assessments, surveys and exit interviews for councillors.**

This is to be picked up as part of the work that is in progress in relation to a member skills audit and will be considered by the Member Development Working Group.

**The Safeguarding Lead to consider adding specific procedural guidance to the safeguarding policy to help users understand how, in practice, risk should be assessed and managed.**

Specific procedural guidance has been added to the safeguarding policy to address this. A copy of the updated policy is on this agenda for Members approval.

**EDDC should consider designating safeguarding champions from within the councillor body.**

This has been picked up in the Safeguarding Policy and members will be invited to nominate a Safeguarding Champion at their Council meeting on 6 December 2023.

**Officers and all councillors to attend mandatory safeguarding training. The Safeguarding Lead to set up a small working group with councillors to consider what training would be appropriate to improve understanding of preventative safeguarding practice.**

Safeguarding training is already mandatory for all members and officers. Sessions have been made available to members and further sessions will be offered to any that have not yet been able to attend.

A safeguarding working group (to include the Safeguarding Champion once appointed) will consider what training is appropriate to improve Member understanding of preventative safeguarding practice.

**Raise concerns with both Devon County Council and the Devon & Cornwall Police via the Monitoring Officer in conjunction with the Portfolio Holder**

The Monitoring Officer in conjunction with the Portfolio Holder for Communications and Democracy wrote to Devon County Council and Devon and Cornwall Police and a copy of their respective responses is attached at Appendix A. The Monitoring Officer could further clarify some of the answers to the questions, but it is unclear as to whether this would illicit any further information bearing in mind that Verita has already investigated the matter and due to the lapse of time.

**Refer a review of record keeping of the Council to the Audit and Governance Committee for scoping.**

An Information Governance Audit has been conducted since the Full Council meeting which made a number of recommendations in relation to record keeping. This included an update of our Data Protection and Data Retention Policy together with an action for the Data Protection Officer to conduct proactive checks in relation to record keeping on a quarterly basis. Those actions have been assigned and dates agreed. The outcome of the Audit will be presented to the Audit and Governance Committee.

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**Financial implications:**

There are no direct financial implications identified from the recommendations in the report.

**Legal implications:**

As this is an update report only, there are no substantive legal issues directly arising.



## Response to East Devon District Council

18 September 2023

This report provides responses by Devon and Cornwall Police to questions posed by East Devon District Council following the review of the independent Verita investigation at the full Council meeting held on 11 July 2023. The Verita investigation considered the actions of East Devon District Council following the allegations and criminal charges against John Humphreys.

### **1. Who you contacted at EDDC regarding this issue and when?**

#### Devon and Cornwall Police response

As part of the investigation into allegations against Mr Humphreys, the investigating officer made a LADO referral on 7 December 2015. An initial Managing Allegations Strategy meeting was held on 9 March 2016, chaired by Devon County Council, at which the East Devon District Council Monitoring Officer was present. In this meeting, details of the allegations against Mr Humphreys were shared with partner agencies including East Devon District Council.

### **2. Why you directed the case to the Council's Monitoring Officer at that time and not the Safeguarding Lead?**

#### Devon and Cornwall Police response

Our records do not clarify why the case was directed to the Monitoring Officer and not the Safeguarding Lead, nor which agency made this decision.

### **3. Why the Monitoring Officer was asked to keep the matter entirely confidential, outside normal practice and if this was due to the investigation, why the advice did not change once Mr Humphreys was arrested and questioned?**

#### Devon and Cornwall Police response

The minutes of the Devon County Council LADO/MAS meetings provide the official and most accurate written record of the conversations that took place within these meetings. There is no recorded requirement for the matter to be kept entirely confidential within these minutes.

Given the length of time since the LADO/MAS meetings took place, it is now not possible to categorically confirm the terms of the advice or instructions that police gave to attendees at these meetings.

Email correspondence between the investigating officer and the Monitoring Officer, which has already been shared, state that the Monitoring Officer should not share any information



with Mr Humphreys. The email correspondence does not include any request from the investigating officer to keep the matter entirely confidential.

- 4. Would the same approach take place now or have procedures been revised? If so, please can we have details.**

Devon and Cornwall Police response

The LADO meeting structure remains the appropriate and agreed means by which information should be shared where it is believed that a person who works with children may present a risk to them, or may have committed an offence against them. Once a partner agency has been informed of a risk it is for them to assess and manage the impact of that risk internally as they see fit. Whilst an investigation may be confidential in nature, this should not preclude those in an organisation tasked with safeguarding from being made aware of the risk, in order that mitigating actions can be instigated.

A referral to the LADO process would take place now should similar circumstances arise, as it did in 2015.

## RESPONSE FROM DEVON COUNTY COUNCIL MONITORING OFFICER

As you are aware this was before both my time and the current DCC's LADO'S time but, I can confirm that shortly after my appointment I had it confirmed that LADO processes has been considered and improved. DCC had the LADO responsibility to call a multi agency meeting but as you are aware Mr Humphries was not a DCC Councillor or employee and the responsibility for Mr Humphries position and the criminal matter sat with EDDC and the police to manage.

It maybe that a meeting with you, me and our LADO to talk though processes now would be useful for you? I have commented where I am able to provide a response below

- 1) Would the same approach (the Monitoring Officer being advised to maintain complete confidentiality) take place now or have procedures been revised? If so, please can we have details.

The LADO usually advises the meeting attendees that the LADO process is in confidence and information is only shared on a need to know basis whilst ensuring that all parties are protected. Speaking from experience as an MO when I am required to attend a LADO meeting if I assess that information is required to be shared outside of the process or attendees of the meeting then I simply raise this with the LADO at the meeting and seek such approval, which has never been refused, especially on the basis of ensuring that children and vulnerable adults are not at risk. The LADO has no control of the information that the police dictates may be shared in relation to criminal matters.

- 2) Would the Safeguarding Lead for EDDC have been a more appropriate or additional attendee to the Monitoring Officer at that time? What is the established current practice?

This would be a matter for EDDC to determine. Upon invitation it would be for EDDC and the MO to determine if the attendance was right or if they should ask the LADO to invite additional representative from EDDC.

- 3) Will you be looking to revise the joint safeguarding policy to set out the actions that can be taken by an organisation to mitigate the safeguarding risks posed by any individual and particularly elected members?

I believe that the Current LADO may have already considered that and would be more than happy to facilitate a meeting with them so that you are able to discuss.

- 4) Will the concerns regarding the shortcoming in records be considered and addressed moving forward?

I believe that this has already been reviewed.

Report to: Cabinet



Date of Meeting 29 November 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## Safeguarding Policy Review

### Report summary:

Districts across Devon have produced and have adopted a joint safeguarding policy designed to protect children and vulnerable adults. In raising safeguarding standards, we have taken the Devon Districts Safeguarding Policy as an overarching framework and included some additional requirements to the original policy specific to East Devon District Council. The wider policy covers children and adults in one high level statement, and also incorporates modern slavery and counter terrorism. The East Devon District Safeguarding policy is now to be considered alongside the wider Devon Districts Safeguarding policy for all staff, members, other workers and volunteers of East Devon District Council.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

To adopt and implement the updated East Devon District Council Safeguarding Policy

### Reason for recommendation:

To ensure that we have a 'fit for purpose' safeguarding policy in place for the organisation.

Officer: Matt Blythe, 01395 519977, [matthew.blythe@eastdevon.gov.uk](mailto:matthew.blythe@eastdevon.gov.uk)

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

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

### Equalities impact Medium Impact

The equalities considerations are as set out in the report and the policy. The policy itself and processes that underpin the policy are an important way of reducing inequality and ensuring that vulnerable people are protected. Equalities Impact Assessment conducted at initial creation of the policy in 2015.

## Climate change Low Impact

**Risk:** Medium Risk; failure to take action around Safeguarding is a Medium risk as we have an existing Policy and reviewing this policy keeps it current with learning and legislation and therefore a continued mitigation against those risks occurring.

### Links to background information

Link to [Council Plan](#)

Priorities (check which apply)

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

## Report in full

### 1. Background

- 1.1 The Council has adopted policies for staff and members to follow, that set out our roles and responsibilities for safeguarding children and vulnerable adults. The district Safeguarding Leads in Devon have produced a combined policy as part of the Devon Districts Safeguarding Officers Network, drawing on good practice found in existing safeguarding policies to ensure that we all have access to a policy that is relevant and appropriate, this year we have adapted to create a new policy to reflect East Devon District Council's (EDDC) specific way of working. The East Devon District Council safeguarding policy is to be considered in conjunction with the wider Devon District Councils safeguarding policy moving forward for East Devon District Council. The Devon District Councils joint safeguarding policy was last reviewed and presented to Cabinet in July 2021. The East Devon District Council Safeguarding policy has been developed to include the recommendations from the Verita report, our response to the 2022 Self-assessment audit commissioned by The Devon Children's Safeguarding Partnership and feedback from local training delivery. The proposed policy is shown at annex 1.
- 1.2 The policy sets out a series of high level aims and goes into detail on the responsibilities to provide clarity on who should be doing what.
- 1.3 In essence we have a duty to work with other agencies and the policy reminds us of the Council's responsibility under the Children's Act 2004, the Care Act 2014 and related legislation, which is essentially to ensure that our functions are discharged with regard to the need to safeguard and promote the welfare of children and other vulnerable groups.
- 1.4 We have a shared responsibility with a variety of statutory agencies to protect children and vulnerable adults from harm, ensure their safety, and prevent impairment of their health or development. As a partner agency we appreciate that safeguarding is not just the duty of Social Services and child protection specialists.
- 1.5 Typically in a district council our staff and Members in housing, environmental health, Countryside, benefits and leisure have the most contact with children and families, and vulnerable adults. Other Services and Members will also get involved in service delivery where we come into contact with families and children. As an example, in Housing we are involved in homeless situations; anti-social behaviour; community development; children's cases conferences; investigating housing conditions etc. that requires close working with Social Workers, and there will be examples in other Services where operationally we come in to contact with children and their support workers.
- 1.6 As a minimum all employees, elected members and partners/contractors should become familiar with our safeguarding policy and procedures on how to report and handle incidents where we suspect abuse or neglect.



## **2 The Council's Commitments**

- 2.1 We have set out a series of commitments in the Policy which says that we will seek to tackle and manage safeguarding concerns.
- 2.2 We have raised awareness of our duties through the staff welcome process, making safeguarding mandatory training for staff, managers meetings, development of an Internal Safeguarding Forum and reports to the Senior Leadership Team.
- 2.3 There is now mandatory training on induction which is renewable every three years. Also available through our Learning provider is a Level 2 course for frontline staff that come into regular face to face contact with customers and require more than just an awareness of the issues. We have also provided an ongoing package of safeguarding training for Elected Members, Senior Leadership Team, and bespoke enhanced safeguarding/mental capacity act training for staff.
- 2.4 The EDDC Safeguarding Forum has been in place since November 2022 it is made up of representatives including the safeguarding lead, safeguarding champions, Housing and Benefit managers and safeguarding support officers. The forum meets every two months to discuss the direction of safeguarding delivery internally, monitoring how we are currently working and drawing on National/County and local learning to inform staff and keep their knowledge current around emerging trends.
- 2.5 We have encouraged managers to reinforce awareness of safeguarding issues with their teams at team meetings to help keep this important duty in our corporate consciousness.
- 2.6 In adopting a standalone policy that dovetails with the wider Devon Districts policy it will be necessary to underpin this policy with procedures that set out how staff and members should deal with particular situations. We draw on good practice and advice from our Safeguarding Boards to ensure that we have a policy and procedure that is clear and easy to follow.
- 2.7 Our attendance as a member of the Devon Districts Safeguarding Officers Network, which has representatives from both safeguarding boards and the other Devon Districts, ensures that we are aware of all relevant local updates, changes and emerging threats. We share these updates with our Safeguarding Champions and through our forum for cascading to our frontline staff.

## **3 Enhancements**

- 3.1 Enhancements to the Devon Districts Joint Safeguarding policy have been made to the following sections of the existing policy in addition to minor wording changes, to produce the East Devon policy.
    - 3.1 Aims of Policy,
    - 4.4 Volunteer policy & Members Code of Conduct included.
    - 5.3 & 5.6 Councillor Safeguarding Lead and Champion.
    - 5.5 Designation of Assistant Director/Director as Champions.
    - 5.7 inclusion of line manager and champions.
    - 5.12 leads reference change to champion and inclusion of line manager role.
    - 5.13 champion reference and mandatory training requirement.
    - 5.15 Councillor's responsibilities.
    - 5.17 LADO liaison. Accompanied LADO meeting attendance consultation with safeguarding lead and reference to EDDC Safeguarding Forum.
- Appendix 1 inclusion of process flowchart

## **4 Conclusion**

4.1 The proposed amendments build on the Devon Districts' Safeguarding Policy and take into account changes since it was adopted by East Devon.

4.2 The amended policy is now tailored to East Devon procedures and practices.

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### **Financial implications:**

There are no direct financial implications identified from the recommendations in this report.

### **Legal implications:**

This is an important policy and it is important that it is regularly reviewed and updated, to ensure it is robust and in accordance with best practice. As it is not part of the policy framework, it can be adopted by the Cabinet.

# East Devon District Council

## SAFEGUARDING POLICY

This policy should be read with the individual district council guides managers and employees.

This policy can be made available in large print and other formats such as printed on yellow paper, taped, Braille etc. as requested.

### Policy development and Version details

V1 October 2023

<b>Title</b>	East Devon District Council Policy
<b>Author</b>	East Devon District Council Safeguarding Leads
<b>Owner</b>	Dave Whelan
<b>Review dates</b>	October 2024
<b>Status for FOI</b>	Open
<b>Protected marking status</b>	Unclassified
<b>EqlA conducted</b>	October 2023

Version	Date	Description
V1	Oct 2023	Individual East Devon District Council Safeguarding Policy created from Devon District Councils Joint Safeguarding Policy

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## 1. Introduction

1.1. This policy is based on the district council responsibilities under:

- The Care Act 2014 in particular Sections 42 to 46 related to safeguarding, further information can be found at: <http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>
- The Children's Act 2004, specifically Section 11 which places a duty on key people and public bodies, including district councils, to make arrangements to ensure that their functions are discharged with regard to the need to safeguard and promote the welfare of children. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2004/31/contents>
- The Mental Capacity Act 2005 provides a statutory framework for people who lack capacity to make decisions for themselves.
- The Human Rights Act 1998 applies to all public authorities. Organisations must comply with the Act and the individual's rights when providing a service or making decisions that impact on the individual's rights.
- The Counter Terrorism Act 2015 section 26 which places a duty on certain bodies, in the exercise of their functions, to have due regard to the need to prevent people from becoming terrorists or supporting terrorism. The Prevent Agenda is one of four strands which makes up the Government's counter-terrorism strategy. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2015/6/contents>
- The Modern Slavery Act 2015. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>
- The Anti-Social Behaviour, Crime and Policing Act 2014 in particular Part 10 relating to forced marriage. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted>
- The Serious Crime Act 2015 particularly Part 5 relating to female genital mutilation, child cruelty and domestic abuse. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2015/9/contents/enacted>
- The policy is written with reference to the principle of Think Child, Think Parent, Think Family. Further information can be found at: <http://www.publichealth.hscni.net/publications/think-childhttp://www.publichealth.hscni.net/publications/think-child-think-parent-think-family-0think-parent-think-family-0>

## 2. Policy commitment

- 2.1. Devon District Councils believe that all children, young people and adults have the right to be safe, happy and healthy and deserve protection from abuse. The councils are committed to safeguarding from harm all children, young people and adults with care and support needs (see definition in point 4 relating to the Care Act 2014) using any council services and involved in any of their activities, and to treat them with respect during their dealings with the councils, our partners, and contractors.
- 2.2. This policy has been created from the existing Devon District Councils agreed joint safeguarding policy to ensure the wider recommendations received by East Devon District Council from external bodies can be incorporated into the day-to-day approach from the district council. This policy dovetails the wider Devon District Councils joint safeguarding policy and enables East Devon District Council to continue to sign up to the wider joint policy whilst ensuring additional recommendations are adhered to by creating an East Devon District Council Safeguarding policy.

### 3. Aims of the Policy

3.1 The aims of the policy are to:

- Clarify the roles and responsibilities of all parties within scope of the policy.
- Support the promotion of a safe working environment and a culture of care in which the rights of all children, young people and adults with care and support needs are protected and respected and have the right to be safe.
- Ensure the importance of listening to children and adults at risk and responding appropriately.
- Promote best practice in how employees and associated workers interact with children, young people and adults with care and support needs while providing Council services.
- Develop clear guidance and procedures for those employees working with children, young people and adults with care and support needs and ensure through training and support that they are aware of these and able to implement them.
- Support a framework for developing partnerships with appropriate external bodies e.g. Torbay and Devon Safeguarding Adult Board and Devon Safeguarding Children Partnership, to ensure that the policy continues to reflect legal and best practice requirements in respect of the responsibility of care of children, young people and adults with care and support needs.
- Provide a framework for local Practical Guidance to exist for the consideration and management of safeguarding via the EDDC Safeguarding Intranet Page.

### 4. Scope of the Policy

4.1 The policy is in respect of the district council responsibility towards:

- Children and young people, legally defined as any person under the age of 18. From this point the terms child or children will be used to refer to this group.
- Adults with care and support needs are defined under the Care Act 2014 and for the purposes of this policy, as anyone over the age of 18 who:
  - has needs for care and support (whether or not the local authority is meeting any of those needs) **and**;
  - is experiencing, or at risk of, abuse or neglect; **and**
  - as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.
- The employees of the council who have dealings with children, young people and adults with care and support needs and who are required to act in a position of trust and to act responsibly and within the law.
- The employees and elected members of the council who, while not required to act in a position of trust, will come into contact with members of these groups on a regular basis during the course of their work.
- Volunteers and other workers involved in the provision of council services but not employed by the council, including workers in organisations with whom the council has contracts for the delivery of services.

4.2 It covers all the functions and services of the council, its elected Councillors, staff, partners and contractors.

4.3 This document is primarily concerned with protecting children, young people and adults with care and support needs from harm and providing guidance on how to deal with issues. However, it is important to remember that safeguarding has a wider meaning which includes the promotion of welfare and taking action to enable all children, young people and adults with care and support needs to have the best life outcomes.

- 4.4 The policy does not cover health and safety issues related to safeguarding children such as use of play equipment or provision of food at events. Separate guidance on this and appropriate behaviours when dealing with children and adults with care and support needs, should be read in conjunction with this policy.
- 4.5 Where available this policy should also be used in conjunction with the following documents:
- Disciplinary Procedure
  - Grievance Procedure
  - Whistle Blowing Policy
  - Access to Information Policy
  - Acceptable Use Policy
  - Equality Policy
  - Complaints & Feedback Procedure
  - Harassment and Hate Crime Policy
  - Health & Safety at Work guidance
  - Volunteer Policy
  - Councillors' Code of Conduct

## **5. Responsibility**

- 5.1. The Chief Executive has overall responsibility for delivery of the organisation's safeguarding arrangements.
- 5.2. The Council is responsible for ensuring that the Local Authority has a safeguarding policy which adequately provides protection for children and adults with care and support needs in receipt of its services. It is also responsible for the regular review of this policy in the light of changes to legislation e.g. Data Protection Act, or new legislation or regulation. Responsibility for the implementation of this policy lies at all levels of the council.
- 5.3. Safeguarding sits within the Council and Corporate Coordination Portfolio and the portfolio holder will be the designated Lead Councillor for Safeguarding. The Lead Councillor will work with the Corporate Safeguarding lead to ensure that the policy is fit for purpose and fully implemented.
- 5.4. East Devon District Council has appointed The Director of Housing, Health and Environment as the Corporate Safeguarding Lead responsible for the implementation of the policy and providing a single point of contact for the safeguarding boards.
- 5.5. Assistant Directors & Directors will act as Safeguarding Champions. There are also a number of staff across the council situated in teams and services which have the most experience of dealing with safeguarding issues in their day-to-day work.
- 5.6. The Council will appoint a Councillor Safeguarding Champion. The Champion will support the Councillor Lead, act as a link between other Councillors (giving advice and support) and the Corporate/Councillor Lead and will liaise with Officer Safeguarding Champions to ensure that safeguarding issues are addressed appropriately, and that learning is shared across the Council.
- 5.7. Elected Councillors who have a safeguarding concern should in the first instance discuss the matter with the Councillor Lead or Champion who will make a decision whether or not to refer the matter to the appropriate external organisation.
- 5.8. Any staff who have a safeguarding concern should in the first instance discuss the matter with their line manager or any one of the Safeguarding Champions who will make a decision whether or not to refer the matter to the appropriate external organisation.

### **5.9. Safeguarding Leads/Champions have responsibility for:**

- Receiving concerns, discussing them with whoever has raised the concern and taking advice from the relevant partner agency/County Council service: this could include complex matters such as consent and whether parents/carers should be notified.
- Making a decision about how to proceed and whether to make a formal referral, officers and Councillors should in the first instance and where possible discuss the referral with the appropriate Champion. If there is disagreement on the appropriate course of action to take between the staff/Councillor and the staff/Councillor Safeguarding Champion, then the Safeguarding Champion has the final decision. Where staff/Councillors are dissatisfied with the decision of the Safeguarding Champion, they should report their concerns to their Safeguarding Lead in the first instance and can still make a referral if they have strong concerns.
- Ensuring the procedure is followed on such matters as making a referral, confidentiality, and recording.
- Working with colleagues to improve practice across the organisation.
- Attending appropriate courses and updating of safeguarding legislation.

### **5.10. In addition, the Corporate Safeguarding Lead has responsibility for:**

- Ensuring there is a secure central record relating to allegations and investigations.
- Acting as multi agency partner on the Local Safeguarding Children Board and Local Adult Safeguarding Board.
- Advocating the importance of safeguarding to partners, contractors and customers.
- Ensuring all safeguarding policies, procedures and guidelines are implemented and promoted.
- Ensuring anyone from EDDC invited to a Local Authority Designated Officer (LADO) meeting called by DCC should not go unaccompanied and should consult the Safeguarding Lead.
- Delivery of the EDDC Safeguarding Forum.
- Delivery of a bi-annual Safeguarding Champions meeting.

### **5.11. In addition to the above, members of the Senior Leadership Team are responsible for:**

- Identifying those services and posts that are likely to have an involvement with children and adults with care and support needs and undertaking an appropriate risk assessment of posts in respect of DBS disclosure requirements.
- Ensuring that those people appointed by them to the district council, whose normal duties fall into the definition of Regulated Activity as defined in the Safeguarding Vulnerable Groups Act 2006 and amended by the Protection of Freedoms Act 2012, are subject to the appropriate level of DBS disclosure and are appropriately qualified and/or trained in working with these groups.
- Ensuring that all necessary procedures and practices are in place to provide adequate protection both for the individuals in these groups but also protection for the employees involved with them.
- Ensuring that proper records are kept of any incidents occurring within their service and that these are held securely and/or passed on to the council's Human Resources/Personnel team if the incident involves a member of staff.
- Ensuring that the procurement framework for the authority includes expectations upon contractors to demonstrate effective safeguarding practices for all their staff.

### **5.12. Line Managers are responsible for:**

- Ensuring that employees, volunteers and other workers dealing with these groups are adequately trained and aware of their responsibilities in this area.

- Ensuring that external contractors delivering council services are aware of the council's expectation that workers are aware of and abide by the standards of behaviour expected of council employees.
- Ensuring that carers and/or parents of the children and adults with care and support needs are aware that, in providing services, council employees are not normally acting in place of a parent, except in relation to events for unaccompanied children who have been formally registered.
- Ensuring the carers and/or parents of the children and adults with care and support needs who are in direct receipt of council services 1 are made aware that services will be delivered in line with this policy.
- Ensuring that any evidence or complaint of abuse or lack of care is reported to the appropriate body e.g. Devon County Council, Safeguarding Board or the Police, and to the council's Human Resources or Personnel team where members of staff are involved.
- Ensuring that employees and others do not work with children or adults with care and support needs on regulated activities without an appropriate Disclosure & Barring Service (DBS) disclosure.
- Working with other associated agencies to ensure the proper transfer of information relating to dealings with children and adults with care and support needs, where necessary.
- Ensuring that adequate supervision and support is available to those who have been directly involved in dealing with safeguarding cases, including a debrief of the case and any relevant outcomes.

**5.13. Human Resources/Personnel are responsible for:**

- Working with senior managers in maintaining a record of those posts, requiring a DBS disclosure together with the level of disclosure required.
- Ensuring that recruitment procedures are robust and that information pertinent to working with these groups is obtained during the recruitment procedure.
- Ensuring that DBS Disclosures are carried out in compliance with legislation and DBS guidance.
- Supporting senior managers in dealing with allegations of abuse or lack of care by staff.
- Referring information to the DBS and Local Authority Designated Officer (LADO) about employees who have been dismissed or removed from working with vulnerable groups (or would have been had they not left/resigned) as a result of a relevant caution/conviction, conduct that has harmed or put a child/vulnerable adult at risk of harm, or satisfied the 'Harm Test' in relation to vulnerable groups.

**5.14. All employees and particularly those working with children and adults with care and support needs are responsible for:**

- Ensuring that they are familiar with and understand the policies and procedures relating to their work with or in the vicinity of children and adults with care and support needs.
- Ensuring that they feel confident in working within this environment and working with their managers to ensure that they have the knowledge and skills to carry out their tasks in this context.
- Treating all those children and adults with whom they come into contact while carrying out their work equally and with respect.
- Reporting to a Safeguarding Champion/line manager, any concerns they may have about abuse or a lack of care of children and adults with care and support needs either from Councillors, other staff, from carers, parents or those in place of a parent or between members of the group.
- In the event of an incident or query, should a line manager or Safeguarding Champion not be available, staff should go straight to the relevant Devon County Council (DCC) service.



- Undertaking Mandatory Safeguarding Training upon induction and every three years.

**5.15. All elected Councillors are responsible for:**

- Ensuring that they are familiar with and understand the policies and procedures relating to their Council casework with or in the vicinity of children and adults with care and support needs.
- Ensuring that they feel confident in working within this environment to ensure that they have the knowledge and skills to carry out their tasks in this context.
- Treating all those children and adults with whom they come into contact while carrying out their work equally and with respect.
- Reporting to the Councillor Safeguarding Lead/Champion, any concerns they may have about abuse or a lack of care of children and adults with care and support needs either from other Councillors, staff, from carers, parents or those in place of a parent or between Councillors of the group.
- In the event of an incident or query, should the Safeguarding Lead or Champion not be available, Councillors should go straight to the relevant Devon County Council (DCC) service.
- Undertaking Mandatory Safeguarding Training upon induction and each new term of office.

**5.16. Volunteers, partners, contractors and other workers are expected to:**

- Work with employees of the council, to the same standard, in ensuring the safety and wellbeing of children and adults with care and support needs within their scope.
- Participate in any training or development opportunities offered to them to improve their knowledge of skills in this area.

**5.17. Local Authority Designated Officer (LADO) Liaison (Corporate HR Manager) is responsible for:**

- In the case of suspected abuse or working outside of good practice involving a member of staff, volunteer or Councillor, the reporting member of staff would raise the issue through a Safeguarding Lead, and a reporting councillor would raise it through the Councillor Safeguarding Lead for consideration of submission to the Local Authority Designated Officer via our Liaison Officer as detailed below.
- Reviewing situations with the Safeguarding Lead where a member of staff or volunteer may have behaved in a way that has harmed or may have harmed a child, possibly committed a criminal offence against children, or related to a child, behaved towards a child or children in a way that indicates they may pose a risk of harm to children.
- Reviewing with the Monitoring officer and both of the Safeguarding Leads, concerns with regards to a Councillor who may have behaved in a way that has harmed or may have harmed a child, possibly committed a criminal offence against children, or related to a child, behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

**6. Review**

- 6.1 This policy and the guidance will be reviewed bi-annually or whenever there is a significant change in the related legislation, or an emerging risk is identified. This will help us ensure that these documents are up to date and fit for purpose.
- 6.2 A review of safeguarding activity will be presented to Scrutiny Committee Annually.

# Appendix 1 EDDC Safeguarding Process

Safeguarding Guidance for staff and members.

**EVERY Staff & Member has a DUTY to report Safeguarding Concerns and share information.**

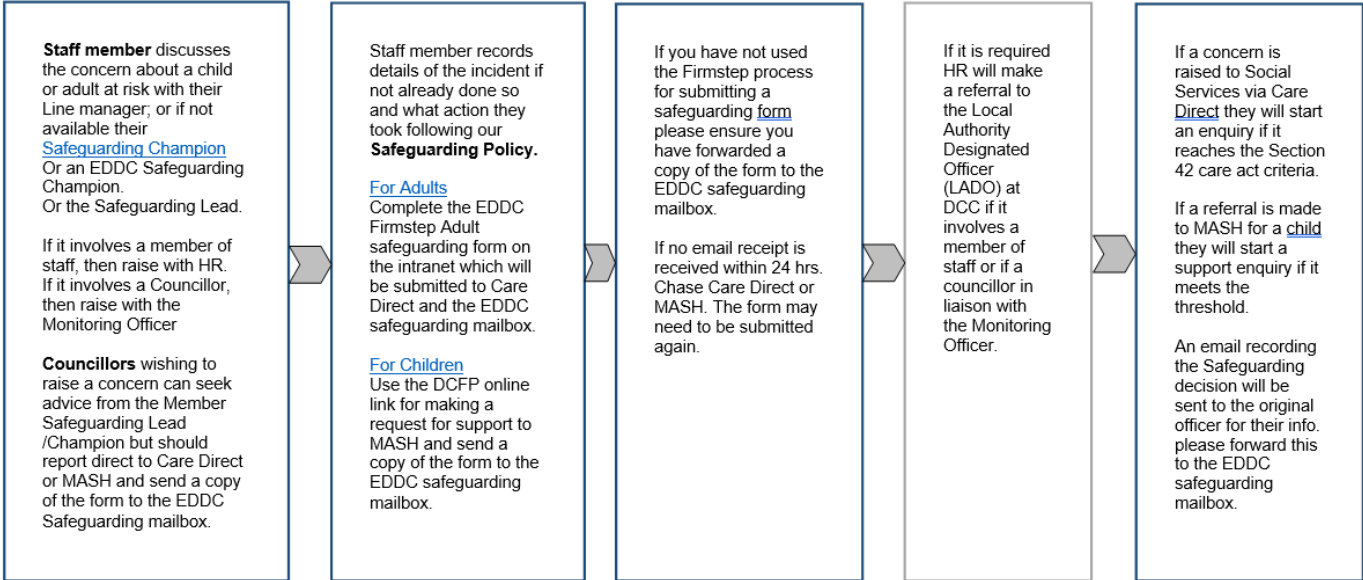
**If you think a child or adult is in immediate danger or a crime has been committed, then always contact the police on 999.**



**Summary process chart –**

Remember to stick to what is factual or your professional opinion when reporting safeguarding concerns.

Check the client's file/records for any professionals they are already working with and keep them involved.



If your concerns need an urgent response call the agency you have referred to and prompt them to check your referral. This part of the process should be completed within 24hrs. EDDC Safeguarding mail [box](mailto:Safeguarding@eastdevon.gov.uk):- [Safeguarding@eastdevon.gov.uk](mailto:Safeguarding@eastdevon.gov.uk)

The agency that concerns have been raised with should confirm receipt within 24 hrs. Young Person/Child MASH Multi Agency Safeguarding Hub - [Devon Safeguarding Children Partnership](#). 0345 155 1071 Adults Care Direct - [Torbay & Devon Safeguarding Adult Partnership](#) 0345 155 1007

Report to: Cabinet



Date of Meeting 29 November 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## Homelessness Service Update

### Report summary:

To provide an update and review of the homelessness service and resource levels for the Housing Options team, including details of challenges ahead and progress on the composition of the new Homelessness and Rough Sleeper Strategy. Whilst staffing levels are considered adequate at this moment in time there are a number of challenges and risks ahead that may result in the need for additional resources in the future.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

That Cabinet note the report and the potential impact of the challenges ahead, and a further report is provided in six months' time confirming progress and impact.

### Reason for recommendation:

To ensure the homelessness service is sufficiently set up and equipped to deal with the level of pressure and homelessness demand, and to keep Cabinet informed and updated in respect of the potential consequences of the challenges ahead.

Officer: Andrew Mitchell, Housing Solutions Manager [amitchell@eastdevon.gov.uk](mailto:amitchell@eastdevon.gov.uk)

Portfolio(s) (check which apply):

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

**Equalities impact** Low Impact

**Climate change** Low Impact

**Risk:** Low Risk;

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

Priorities (check which apply)

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

**Report in full**

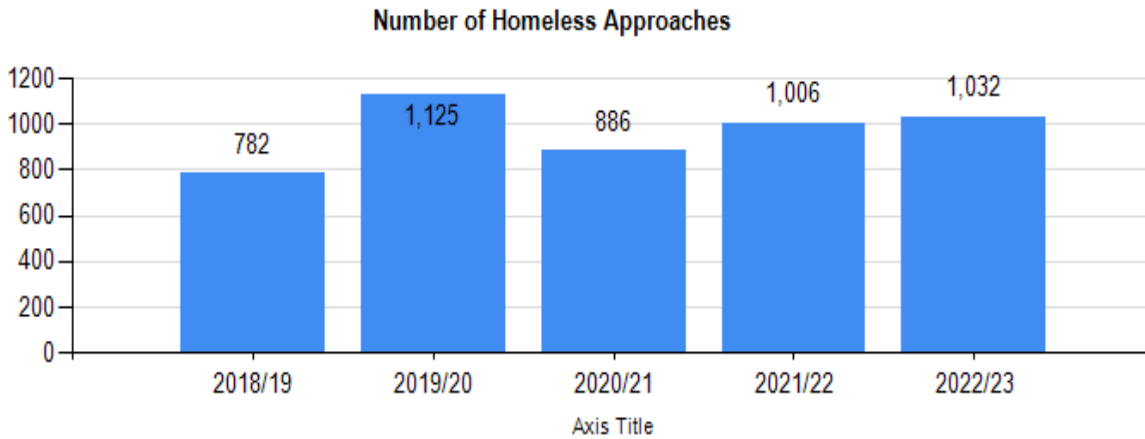
**1. General homelessness update**

1.1 There has been a significant rise in homelessness demand over the past few years owing to factors including:

- The overall housing environment within the region with a shortage of available accommodation required to meet increasing demand that has been created by a number of factors including the cost-of-living crisis, increases in numbers of poverty cases, lasting effects of the pandemic and more recently rises in cases of refugees becoming homeless.
- This increase in demand affects all forms of housing, in particular social housing. This is demonstrated through an increase in the number of households registering for social housing through Devon Home Choice. On 1<sup>st</sup> April 2022 there were 4547 Devon Home Choice applications managed by East Devon. This figure rose to 5374 as of 1<sup>st</sup> April 2023 representing an increase of 18%. In the first six months 2023/24 there has been an increase of 6.6% from 1<sup>st</sup> April 2023 with the total number of applications managed by East Devon totalling 5732 as of 1<sup>st</sup> October 2023.
- There is also huge competition for all forms of private sector housing. Scarcity and shortage of availability, a lack of affordability and rising rent levels contribute towards this situation creating a scenario whereby the private sector is realistically out of reach for many of our customers.
- Also to be factored in is the extremely limited availability of supported accommodation projects which would ordinarily provide a suitable accommodation option for many of our customers, especially those with higher levels of support needs. Currently there is only one such project that exists within East Devon, Alexandra House in Exmouth. However, the future of Alexandra House is currently under threat – full details contained within Annex 1.
- Within this environment, levels of homelessness are rising. We are seeing increasingly high numbers of homeless approaches and it is important to note that within these rising numbers is the situation whereby it is increasingly difficult to resolve these cases due to the situations our customers are in and the stark reality of extremely limited accessible options with which to prevent or relieve homeless situations.
- This situation is in turn reflected through a significant rise in numbers of homeless households requiring temporary accommodation, when faced with no other available accommodation options.

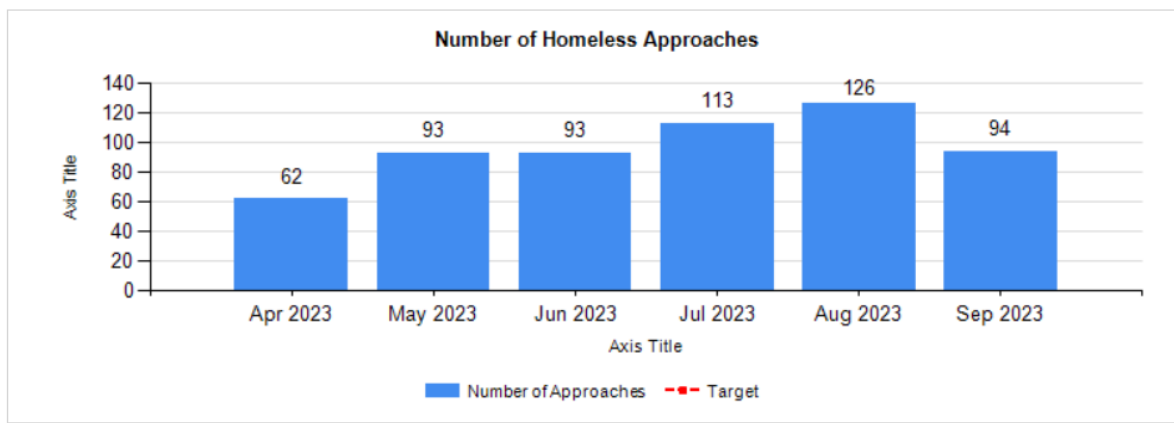
**2. Homelessness Statistics (up to the end of September 2023)**

*Chart 1a - Supporting figures to show levels of homelessness demand, via number of approaches, from 2018-19 to 2022-23 inclusive.*



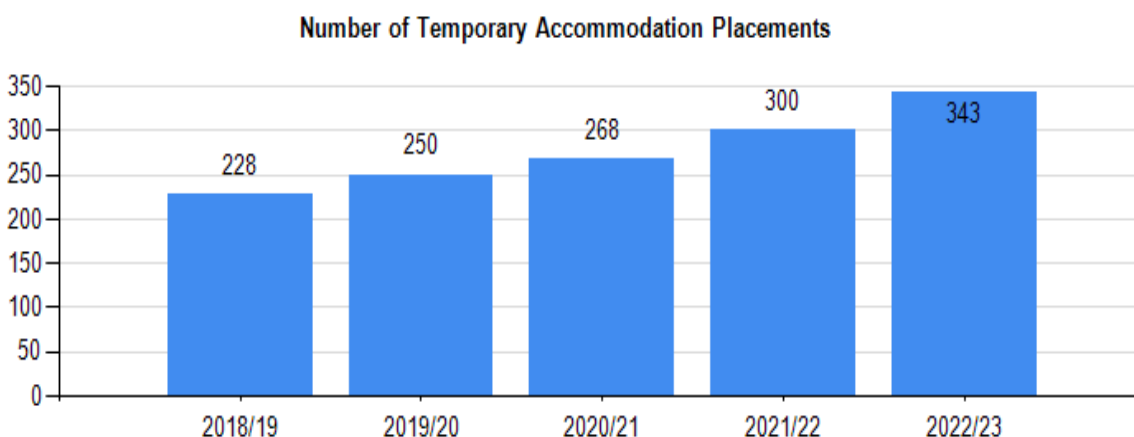
2.1 Chart 1a shows that the number of approaches fluctuated in the early years of the reporting period, around the time of the introduction of the Homelessness Reduction Act. There was a dip in the number of approaches in 2020-21 due in main to restrictions put in place during the Covid pandemic. The last two years have shown consistently high levels of approaches and there has been an overall 24% increase in approaches over the five year period.

Chart 1b - Supporting figures to show levels of homelessness demand, via number of approaches



2.2 Chart 1b shows the number of approaches in the first six months of 2023-24, totalling 581. This number is on course to eclipse the number for 2022-23.

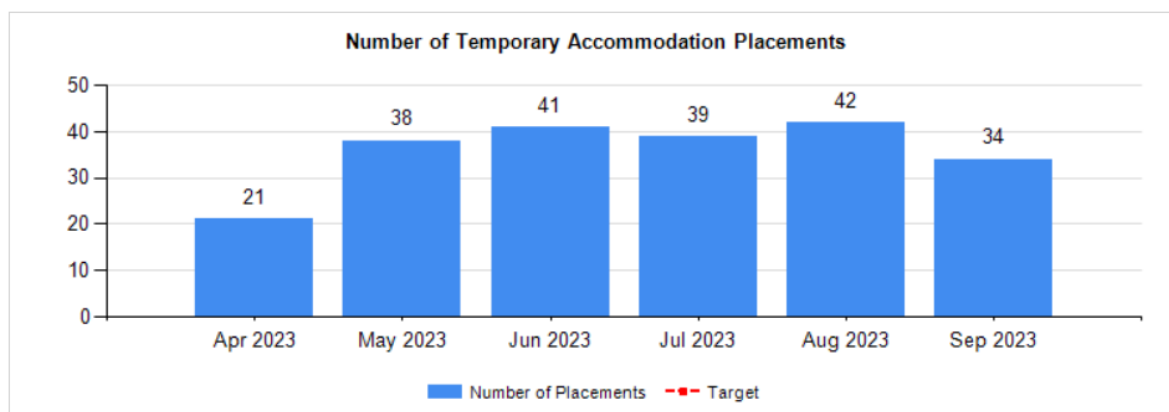
Chart 2a - Temporary accommodation numbers from 2018-19 to 2022-23 inclusive.



2.3 Chart 2a shows that there has been a significant increase in the number of households placed into temporary accommodation from homeless situations over the five year period,

owing to increasing numbers of homeless approaches and decreasing numbers of accessible alternative accommodation options.

Chart 2b - Temporary accommodation numbers for the first six months of 2023-24.



2.4 Chart 2b shows the number of temporary accommodation placements within in the first six months of 2023-24, totalling 215. As with the number of homeless approaches, this figure is also on course to eclipse the number for 2022-23.

### 3. Focus on Temporary Accommodation Reduction

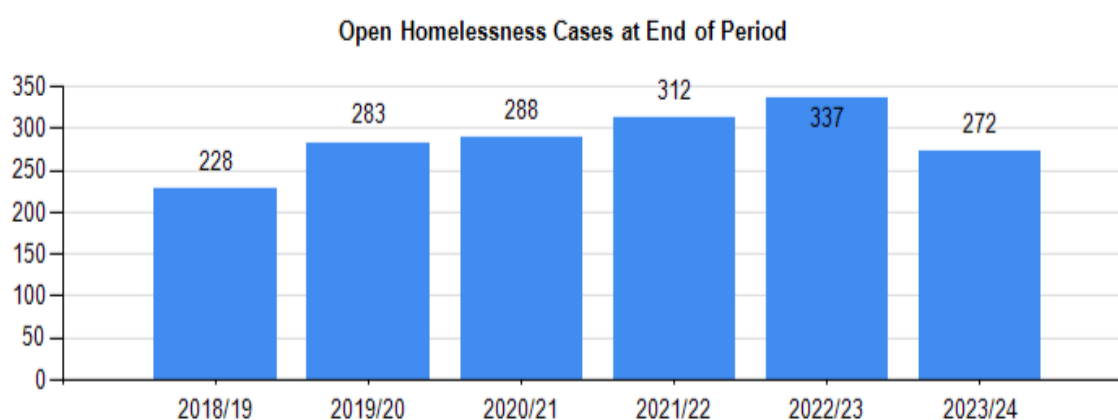
- 3.1 There has been a significant rise in not only the demand for temporary accommodation over the last few years but also in the difficulty in moving people on due to the lack of available alternative accommodation owing to the housing crisis and the overall environment.
- 3.2 These numbers demonstrate the significant increase in temporary accommodation numbers over the past few years. The main factors in this increase are (a) the rise in homelessness demand and (b) the significant reduction in and increasing competition for suitable and available move-on options for homeless households, ie social housing, accommodation in the private sector and supported housing projects.
- 3.3 This situation results in customers remaining in temporary accommodation for longer periods which is a negative outcome all round, with challenges in being able to move people on to appropriate alternative accommodation options.
- 3.4 It has been necessary to expand our range of temporary accommodation options throughout the district in order to meet the Council's statutory responsibilities. Our current temporary accommodation portfolio is made up of an 8 bed supported project in Honiton owned and managed by a third party, an 8 bed HMO in Exmouth owned and managed by EDDC, a further ten EDDC properties throughout the district designated as temporary accommodation and one private sector leased property.
- 3.5 Any other temporary accommodation placements are made through spot purchase arrangements, ie holiday lets or B&B's. All accommodation options are contained within a very wide geographical area making management increasingly challenging.
- 3.6 A main objective of the Housing Options Team is to reduce the number of homeless households in temporary accommodation, and in particular to focus on reducing the use of spot-purchase arrangements by providing more cost-effective methods of temporary accommodation provision.
- 3.7 Recent positives in this area include the purchase of a new 6 bed HMO that aims to be available for occupation in December, and other recently purchased properties using right-to-buy receipts to be utilised as temporary accommodation. The focus throughout Housing

on reducing the number of EDDC void properties has resulted in more properties becoming available for allocation.

#### 4. Resource levels - staffing

- 4.1 The Housing Options team currently consists of twenty-two members of staff including five fixed term posts financed through utilising external funding.
- 4.2 Four of the five fixed term posts have been added to the team via a bid for funding from DLUHC (the Department for Levelling Up, Housing and Communities) to focus specifically on reducing rough sleeping, the Rough Sleeper Initiative (RSI). This funding stream covers the period until 31<sup>st</sup> March 2025 and there is no guarantee of any further funding after that date.
- 4.3 One of the five fixed term posts has been added through funding via Homes for Ukraine in order to provide support to the team to deal with the additional overall pressure resulting from additional workloads due to the fall out from the war in Ukraine, and the number of Ukrainian refugees becoming homeless within the district. Again, the post is only currently provided for a fixed period, in this instance up to February 2024, and there is no guarantee of an extension to this funding after that.
- 4.4 To date 71 Ukrainian households have presented as homeless within East Devon, and there are a further 75 Ukrainian families still hosted within the district, where there will be a high possibility of future homeless presentations when the arrangements end.
- 4.5 Overall, it is considered that resource levels are adequate to cope with demand at this moment in time. Adequate staffing numbers have resulted in manageable caseloads for the Housing Officers, in turn increasing the likelihood of positive outcomes and overall ability to resolve cases of homelessness (as can be seen through Chart 3, below). However, there are a number of challenges and risks ahead, listed under section 5, that could considerably alter this situation.

Chart 3 – Open homelessness cases from 2018-19 to 2023-24 inclusive.



- 4.6 Not having the required levels of resources would inevitably lead to a lessened ability to prevent or relieve homeless cases creating higher numbers of unresolved cases of homelessness. This in turn would increase the risk of homeless households being unable to access support, therefore driving up homelessness numbers within the district. As a result we would see higher numbers of customers requiring temporary accommodation, leading to further increases in the temporary accommodation budget.
- 4.7 As supporting evidence for our current staffing levels, we can demonstrate strong performance from the team in providing positive outcomes for individuals and families who approach the service in need of assistance from homeless situations. One of our key performance indicators focuses on the performance of the team through the percentage of

successful homeless preventions. Table 1 shows that as an example, in August 2023 we closed 35 prevention cases, 30 of those were positive, making it 85.71% positive outcomes, which is higher than the national average.

Table 1 – Successful homeless preventions

TABULAR SUMMARY 2023/24									
PI Code	Performance Indicator	Final 2022/23	Q1 (Apr-Jun)	Q2 (Jul-Sep)	Q3 (Oct-Dec)	Q4 (Jan-Mar)	August 2023	Year To Date	2023/24 Target
HA09	Successful homeless preventions as a % of prevention cases	71.67	77.23	80.3	N/A	N/A	85.71	78.44	60

4.8 In addition to the performance information we consider that a good service is provided to our customers and this can be demonstrated through low numbers of complaints and the low number of review requests for homeless decisions made. Only 8 review requests were received in 2022-23 with 4 in the first six months of 2023-24.

## 5. Future risks and challenges

5.1 Whilst current demand is being met, with expected further rises in homelessness and challenges ahead there is a strong possibility that additional resources will be required in the future. There are a number of areas of significant risk which could place additional pressures onto the homelessness service of EDDC:

- Potential Devon County Council cuts to funding for homelessness services throughout Devon, totalling £1.5 million. There has been much coverage in the media and a decision is expected by Devon County Council in December 2023. EDDC’s response to DCC’s consultation exercise, listing the risks to existing services and service users, is included in full within Annex A. The risks of cutting this funding stream are potentially extremely damaging, with the key areas of risk being the floating support contract – currently Sanctuary provide this service via the DCC funding and they typically support 60 households within East Devon at any one time – and three supported housing projects that EDDC regularly refer homeless applicants in need of support into, Alexandra House in Exmouth, Gabriel House in Exeter and Exeter YMCA. Should the cuts go ahead as proposed instances of homelessness for members of the public will inevitably rise significantly.
- Increases in refugee resettlement. This has also been well documented in the media and for East Devon the large numbers of Ukrainian refugees where a future homeless situation threatens (ref 4.4) and the existence of bridging hotels and asylum hotels in the district represent a significant risk of future homeless situations for several households. A bridging hotel in Exmouth closed in August 2023 with the Home Office giving notice to the occupants at the time, resulting in a large scale homeless situation. 18 households were in the bridging hotel at the time notice was served, the resulting homeless situations resolved via partnership working between the Housing Options team and Devon County Council. There is also an asylum hotel based in East Devon with 65 families residing in it, as of 25<sup>th</sup> October 2023. Therefore, there is a risk that the occupants in that establishment could also be served notice at any time, ending up in homeless situations and in need of assistance.
- Funding streams that cover a number of posts within the team, four linked to the RSI (Rough Sleeper Initiative, see 4.2) and one linked to Homes For Ukraine (see 4.3) have limited life spans with no guarantee of extension. With five posts linked to these funding streams, there is a significant risk to the existence of a significant proportion of the overall team.
- We are seeing reductions in the number of available properties within the private sector due to landlords selling, owing to reasons including mortgage rate rises and future introduction of new legislation, the Renters (Reform) Bill. This is resulting in an increase of households



renting in the private sector being given notice, as well as reducing accommodation options for the future, contributing to an overall detrimental effect on the market.

- Funding will also be required in order to 'level up' various homelessness prevention schemes available to homeless applicants, namely the Council's Rent Deposit and Bond Scheme which at the current time is less favourable to potential landlords than the Homes For Ukraine funded package.

## **6. Homelessness & Rough Sleeper Strategy**

- 6.1 The current Homelessness & Rough Sleeper Strategy covers the financial year until 31<sup>st</sup> March 2024. A review has been conducted and we are currently in a period of consultation before the Strategy can be updated.
- 6.2 We have run a series of focus groups with staff members, former service users and partner agencies and organisations focused on tackling homelessness. Following these sessions the draft Strategy will be put out for public consultation until January 2024. The feedback and results will contribute towards the finalised Strategy which we intend to publish in April 2024.
- 6.3 In the meantime the Homelessness Strategy Review Group will continue to meet on a quarterly basis to review the ongoing, live homelessness action plan. This group is made up of former service users, Cabinet Member for Sustainable Homes & Communities, representatives from partner agencies and organisations and staff members.

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Annex 1

### **Devon County Council 18+ Homelessness Prevention Fund and contract cessation** **East Devon District Council Response Consultation**

#### **Proposal**

Devon County Council are proposing to cease the adult social care contribution to the overall 18+ homelessness prevention fund and contract across the Devon County Council geographical boundary (excluding Torbay and Plymouth). The fund and contract totals £1,454,478.48 per year and purchases support hours to people living in supported housing projects and also in their own accommodation. The contract does not pay for building or accommodation costs.

The supported accommodation element of the contract is delivered through five providers and supports around 250 people at any one time. This is made up of around 113 bed spaces in managed multiple occupancy supported accommodation project settings and around 132 people receiving floating support. The floating support element of the contract is delivered by Sanctuary Supported Living and managed by Devon County Council with referrals shared amongst the various Local Authorities

Providers use support hours to target people aged 18 years and over whose homelessness is not only a housing issue but something that is linked with their personal challenges. Providers build professional, helping relationships to help bring about changes across multiple areas of the individuals' life that are directly relevant to the prevention of and recovery from homelessness. Where appropriate, individuals are helped to engage with the relevant Health, Housing and Social Care practitioners to achieve a lasting recovery and independence.

#### **Background**

Devon County Council have made the proposal due to budget pressures. At the present time there is no confirmed date proposed for when the cessation of funding would take effect from.

Over recent years there have been a series of meetings and discussions between Devon County Council and the Local Authorities in respect of a proposal by Devon County Council to devolve the 18+ homelessness prevention contribution to the Local Authorities. There was a collective willingness from the Local Authorities to take over the responsibility for managing this funding stream although no agreement was reached. In July 2022 Devon County Council confirmed that they had listened to feedback and concerns and halted plans to devolve the contribution for the financial year 2022-23.

Devon County Council announced on 22<sup>nd</sup> February 2023 that consultation had been launched on the current proposals, giving very little notice to the Local Authorities and the accommodation and floating support providers likely to be affected.

## **Homelessness Landscape**

### **Devon**

Should the proposals result in the cessation of this stream of funding the impact on all Local Authorities in Devon will be devastating. This proposal is being made in a time when the outlook for the homelessness landscape is bleak and more challenging than ever.

We are already well within a homelessness crisis, with increasing numbers of people who are either homeless or facing homeless situations. Higher demand, increasingly limited and reducing accommodation options, and reductions in the availability and resources of partner support agencies (for example mental health services) are all factors that contribute towards this situation.

There has been a steady and significant increase in homelessness over the past few years, including a 28% rise in homelessness across Devon in the past year alone. Compounding this are factors including higher numbers of people approaching the service with complex needs, making resolving their homeless situation even more challenging, against a backdrop of extremely limited resources – in particular supported accommodation and support services. Furthermore, an announcement has been made that notice will be served by the Home Office on the occupants of bridging hotels housing Afghan refugees throughout Devon, including one based in Exmouth currently accommodating 77 people. This will add significantly more pressure on already scarce accommodation resources and pressurised support services.

### **East Devon**

There are currently 341 live homeless cases being managed by the Housing Options team (snapshot from 31<sup>st</sup> March 2023). These are by far the biggest numbers we have ever faced, with the numbers of homeless approaches over the past three years demonstrating the growing trend of increasing homelessness in the district:

2020-21 = 897

2021-22 = 1022

2022-23 = 1031

Options to resolve people's homeless situations are increasingly challenging and dwindling. There is a severe lack of suitable, available accommodation across the board available for people who are either homeless or facing homelessness. Demand for social housing far outstrips the available supply and this is demonstrated through the significant increase in the number and complexity of Devon Home Choice applications. Demand and competition for limited private sector accommodation is extremely high, with increased competition for available private lets, increasing rent levels in the private sector and the effects of the cost of living crisis. Well documented

migration to the region following the pandemic due to a cultural rise in home-working has compounded the issue by further reducing the availability of accommodation in the private sector further. Compounding this situation is increased competition from refugees being resettled into private sector accommodation within the district, in particular those fleeing the war in Ukraine.

Aligned with this scenario is the inevitable rise in the need for and subsequent provision of temporary accommodation. Using averages from month-end snapshots of temporary accommodation placements throughout 2022-23, a total of 66 households from homeless situations were provided with temporary accommodation at any one time throughout the year, 36 of which were individuals. Of these placements, spot-purchase arrangements (ie bed and breakfasts and holiday lets) averaged 35 at any one time, 19 of which were individuals.

This overall scenario of increased homelessness demand and a lack of available, suitable accommodation has increased the reliance on the services provided by this stream of funding in order to meet significant demand and meet our statutory duties towards people who are either homeless or facing homeless situations – namely the supported accommodation projects in the Eastern region of the county and the floating support services.

### **Impact of Proposed Cuts – Supported Accommodation Projects**

Compounding this challenging scenario is a lack of specialised, supported accommodation projects or 'hostels'. Supported accommodation projects are a vital component of the protocol to prevent and relieve homelessness throughout the district and very often the only realistic and achievable solution for people with limited options from homeless situations. There has already been a significant reduction in the number of supported projects within Devon in recent years, halving from ten to five following a reduction in available funding via Devon County Council and a procurement exercise in 2013.

Three of the five supported accommodation projects are situated within the Eastern area of the district: Alexandra House in Exmouth (Westward Housing), Gabriel House in Exeter (BCHA) and Exeter YMCA. Despite Gabriel House and the YMCA both being situated in Exeter, EDDC has had great success in referring people in need into both projects, alongside referring people into Alexandra House which is based in Exmouth, which also receives referrals from Exeter. The combination of different levels of support being available is vital in combatting homelessness depending on the circumstances of the person in need. For example, Gabriel House provides high level support and is suitable for many rough sleepers and homeless applicants with complex needs, whereas Alexandra House is considered as medium level support and will assist people from homeless scenarios where there is a lesser but still significant and recognised support need. An indication of the likely impact, both personally for the people who will no longer be accommodated and supported, and on local services can be drawn from the following snapshot of the needs of 23 current residents of Alexandra House in Exmouth:

- 96% of individuals experience poor mental health
- 30% are open to secondary mental health Services
- 22% have a drug addiction
- 13% have an alcohol addiction

From January 2022 through to March 2023 a total of 33 people have been successfully referred into the three projects by EDDC from rough sleeping and homeless situations, broken down as follows: 14 to Gabriel House, 10 to Alexandra House and 9 to Exeter YMCA.

### **Risks to the Working Model**

The proposal to cease this funding stream puts the established and effective supported accommodation model that has been set up to successfully assist people with a recognised

support need at great risk. The current set up enables people escaping from traumatic events and homeless situations, including rough sleeping, to obtain a period of supported accommodation for a period until they are ready to move on into independent living. This is the only model that will work in practice for several people to whom we have a statutory duty to assist, especially considering the increase in complex and support needs linked with the people we have a duty of care towards. People are given much needed support hand in hand with their accommodation and are only moved on to alternative accommodation when it is agreed by all parties that they are ready to do so and there is a significant chance of success and sustainability. The model is well established, aiming to set the individual up to succeed, and it works.

Without this vital step in the overall recovery process there will be inevitably higher instances of homelessness and people facing crisis situations. There would be a non-existent opportunity within the district to provide this much needed period of support and stability for people who have been homeless or threatened with homelessness inevitably resulting in higher numbers of rough sleepers, higher numbers of people living in unsuitable and unsafe accommodation, and higher numbers of failed temporary accommodation placements, due to a lack of specialised and necessary support. There would be an increasing number of people facing the 'revolving door' scenario of repeat homelessness and rough sleeping which every time will significantly reduce the possibility of successful resolution in the future. There would be a higher number of 'entrenched' rough sleepers for whom there would be no viable or achievable resolution opportunity.

On a longer term basis, the current model is set up to ensure long term sustainability with people receiving essential support and encouragement over time to enable them to move on to long term successful accommodation arrangements. Removing this vital step in the recovery process will be catastrophic for the individuals who would be no longer able to access supported accommodation, inevitably leading to increases in physical and mental health collapses.

In addition, it is inevitable that numbers of homeless approaches and temporary accommodation figures will significantly rise further owing to the lack of availability of suitable, supported accommodation which is the only avenue to prevent and relieve many people from homeless situations. Costs to the Local Authority would significantly rise. The number of people requiring temporary accommodation would increase as there would be no available alternative options. Time spent in temporary accommodation would also increase with a lack of move on options. The lack of support for individuals in need of supporting services would see an increase in the number of failed temporary accommodation placements.

### **Impact of Proposed Cuts – Floating Support Funding**

These risks are mirrored with respect to the floating support funding, where valuable and necessary support is required to assist people to sustain their tenancies, preventing potential returns to homelessness and rough sleeping. Typically in East Devon referrals are made to Sanctuary to provide floating support for people accommodated within the private sector, where there is a recognised support need that is necessary to ensure the tenancy succeeds and the tenant does not become homeless. As with the supported accommodation projects, this floating support service is severely oversubscribed and considered vital in the work carried out to prevent homelessness by increasing tenancy sustainability.

The contract has been managed by Devon County Council and unfortunately there are no figures or supporting evidence to show numbers of referrals specifically within East Devon. However, it goes without saying that the impact of no longer having this service available to support vulnerable individuals and families in maintaining their accommodation would be devastating. Without necessary floating support services which help to increase tenancy sustainability for people at risk of homelessness there would be an inevitable rise in homelessness and rough sleeping.

## **Implications for the Residents of East Devon, EDDC and other related services**

Should the proposal to cease this funding stream go ahead, already high and escalating numbers of people in homeless and rough sleeping situations would increase significantly further. Removing a model and pathway that succeeds in improving people's lives from desperate situations within an already hazardous environment where there is a recognised shortage of services and available, attainable accommodation would have a devastating effect on both the individuals and local services.

### **Personal Impact for Residents in Need**

Without the necessary levels of support or accommodation, an increase in homelessness and rough sleeping would inevitably increase the possibility of severe harm coming to those individuals affected, those no longer supported or assisted. The funding cuts would create and compound physical and mental health issues for those individuals affected, increasing the need for hospital admissions, GP and hospital appointments, mental health service support, police and probation assistance and interventions. Giving consideration to the needs of the current cohort of residents at Alexandra House, where the recognised support needs are recorded and established, it can be evidenced that there would be an escalation in need and reliability on support services for those particular individuals. And that would just be the current cohort, it would not take into account the future needs of people who would be requiring urgent support and assistance and would no longer be in a position to have their needs met.

### **Impact for EDDC and other local services**

The proposals to cease this stream of funding will have severely damaging implications for East Devon District Council and our statutory responsibility to assist people from homeless situations. Effectively there would be a scenario of no resources available to provide supported accommodation alongside a lack of floating support being available to enable people to maintain successful tenancies within the private sector.

In addition to effectively ending the realistic possibility of preventing people from becoming homeless, there would also be a severe reduction unrealistic and attainable move on opportunities for people who have become homeless and are potentially accommodated in unsuitable and unsupported temporary accommodation placements. This is on top of the personal cost to people with a recognised support need who could no longer be provided with supported accommodation or necessary floating support where quality of life will be severely impacted.

There would be an inevitable increase in numbers of rough sleepers across Devon and this will come at a high personal cost to people who may have to sleep rough as a direct consequence of the cessation of this funding stream.

The proposal would undermine and disrupt the significant amount of work that has gone into tackling rough sleeping over a number of years, typified by the RSI (Rough Sleeping Initiative) scheme set up to specifically tackle rough sleeping across the country. One of the main methods of success has been securing positive outcomes for rough sleepers, and people at risk of sleeping rough, through the number of successful referrals into the various supported projects.

The proposals will also put at risk the Council's commitment to end rough sleeping, an ambition that has been made in line with the DLUHC's Rough Sleeping Strategy and demonstrated through EDDC's Homelessness and Rough Sleeper Strategy and 'Ending Rough Sleeping Plan', to which EDDC are committed.

Our temporary accommodation budget would, without doubt, significantly increase and we would see higher numbers of people placed into unsupported and unsuitable temporary accommodation without their support needs being met. This would inevitably increase the chances of the

temporary accommodation placements failing and people returning to homeless and rough sleeping situations.

In addition to the added pressure on EDDC services, there would be increased pressure and demand on other related services including physical and mental health services, hospitals and GP surgeries, the police, probation and charities and organisations set up to assist people from homeless and rough sleeping situations. All of the above mentioned services, which is not an exhaustive list, are already under well documented levels of pressure and the cessation of this stream of funding would place these services and the people relying on them to achieve a decent quality of life at grave risk.

### **Summary - Alternative Solution?**

It is appreciated that to meet budget requirements, Devon County Council will need to make significant cuts. However, the proposal to cease this funding stream altogether would be counter-productive as the consequence would be a significant increase in the levels of costs then required to assist those people no longer accommodated or provided with the support they desperately need. Any mitigating actions, all with cost implications, could only be seen as a 'sticking plaster' rather than a genuine plan to improve an individual's quality of life through the effective working and established model of supported accommodation projects.

Therefore it is proposed that there is a compromise to the proposal to completely end this funding stream. Rather than a complete cessation, it is suggested that the supported accommodation projects are maintained to enable the continuation of a genuine means to resolve instances of homelessness and rough sleeping, preparing people in desperate need on the way towards an achievable positive outcome that would not be possible without the existence of the supported accommodation projects. For other areas of Devon where there is no access to supported accommodation projects then there would need to be floating support provision. If this possibility can be agreed, EDDC would commit towards working alongside Devon County Council and the other local Authorities to make this work.

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### **Financial implications:**

There are no direct financial implications identified from the recommendations in the report but a number of risks and challenges are identified including the possibility of reduced funding from DCC which will have an effect on our residents and our associated costs. Homelessness in an area of financial risk to the Council and needs careful monitoring with actions developed to mitigate costs where possible.

### **Legal implications:**

As this report is for note only, there are no substantive legal issues directly arising at this stage.



Report to: Cabinet

Date of Meeting 29<sup>th</sup> November 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## Exmouth Sea Wall Emergency Repairs Budget

### Report summary:

Report to outline emergency repairs to Exmouth Seawall, highlight ongoing risks and seek authority for the council to spend up to £1.1m to carry out an emergency repair which could also act as the permanent solution

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

1. That cabinet approves the carrying out of emergency (and potentially permanent) repairs to Exmouth seafront and grants delegated authority to the Director of Housing Health and Environment in respect of the project, in consultation with the Director of Finance and the Director of Governance and Licensing.
2. That cabinet recommends to council that the sum of up to £1.1m is allocated to the project to carry out emergency works to Exmouth Seafront; such works may also act as the permanent solution. It is noted that external contributions may be received which may reduce the spend.
3. Given the emergency nature of the works, Cabinet notes the exemption to contract standing orders in respect of the consultancy spend for the sum of £60,000 has been approved by S151 Officer and Monitoring Officer as provided for in the Constitution.
4. Cabinet approves the exemption to contract standing orders in the sum of £1.1m in respect of the awarding of the contract in respect of the construction works for repairs to the sea wall

### Reason for recommendation:

Given the location of the failed and failing wall, it is not an option to do nothing and allow the sea to erode the seafront further. Therefore, the most cost effective option (option C) has been selected to proceed as it will restore the sea defence and reduce impact on public and businesses and allow options going forward for aesthetic improvements if required by planning conditions.

Officer: Tom Buxton- Smith, Engineering Projects Manager. [tbuxton-smith@eastdevon.gov.uk](mailto:tbuxton-smith@eastdevon.gov.uk)  
01395 571630

Portfolio(s) (check which apply):

Climate Action and Emergency Response

Coast, Country and Environment

- Council and Corporate Co-ordination
- Communications and Democracy
- Economy
- Finance and Assets
- Strategic Planning
- Sustainable Homes and Communities
- Culture, Leisure, Sport and Tourism

**Equalities impact** Medium Impact

Damaged wall is currently impeding a section of the long flat Exmouth seawall walk. Repairing the wall will restore this important link.

**Climate change** High Impact

**Risk:** High Risk; Works are required likely due to climate change.

**Links to background information** [Exemption to contract standing orders – Consultant](#)

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

Priorities (check which apply)

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

**Report in full**

1. Background

- 1.1. In late August, EDDC engineers were made aware of cracks in the seawall in front of the Sideshore development, and appointed Moffatt and Nichol to gain all the required permissions to carry out trial holes and carry out investigations.
- 1.2. However, a storm over the weekend of 28<sup>th</sup>/29<sup>th</sup> October significantly dropped beach levels and caused the wall to crack and slump, putting the wall at serious risk of collapse.
- 1.3. Emergency works were completed in the following days to shore up the wall through the next storm, with the wall surviving. Due to limited time, the works consisted of concrete blocks placed at the base of the wall, and lots of sand being placed on the wall. This kept the wall intact.
- 1.4. Following the storm, a large void opened out in the old lifeboat slipway and required fixing to enable access to the beach.
- 1.5. Further blocks and sand are being placed prior to the next set of high tides, and this activity may need to be repeated throughout the winter.





Image 1.5. Wall damage and temporary repairs.

## 2. Wall history

- 2.1. We believe the wall is around 100 years old and built by the Clinton Devon Estate. We believe it originally consisted with only a vertical wall, and following periodic beach lowering, the sloped lower revetment was added. (This has not been verified and carrying out further research)
- 2.2. This section of the wall has no foundations below the sloped revetment. Other sections do have foundations.
- 2.3. EDDC has had to underpin other sections of Exmouth Seawall in the past following beach drop.
- 2.4. The wall has failed due to being undermined by beach lowering, with waves washing out sand from under the structure. This in turn has caused the structure to crack, allowing more water in and out the structure, washing out the sandy backfill from behind, causing voiding and further cracking.
- 2.5. A further storm may remove the stone, leaving the sandy backfill exposed to the waves, causing swift erosion behind, and eventually leading to all the seawall unzipping and land behind lost to the sea.
- 2.6. It is worth noting that at the time of design and construction of the Sideshore development, the sand on the beach was over 2 metres higher, giving plenty of cover to the base of the wall. It is likely any surveyor at the time would have determined that the seawall was in good condition and had sufficient protection from the sea, due to the healthy beach.
- 2.7. It is also worth noting, that this work is required even if the Sideshore development was not built. Any hole in a seawall will need to be repaired, otherwise it will cause the rest of the wall to unzip, and lead to loss of land/flooding behind.

## 3. Proposals

- 3.1. We have looked at all viable options, and selected option C, which is a new sheet pile wall in line with the current vertical wall.

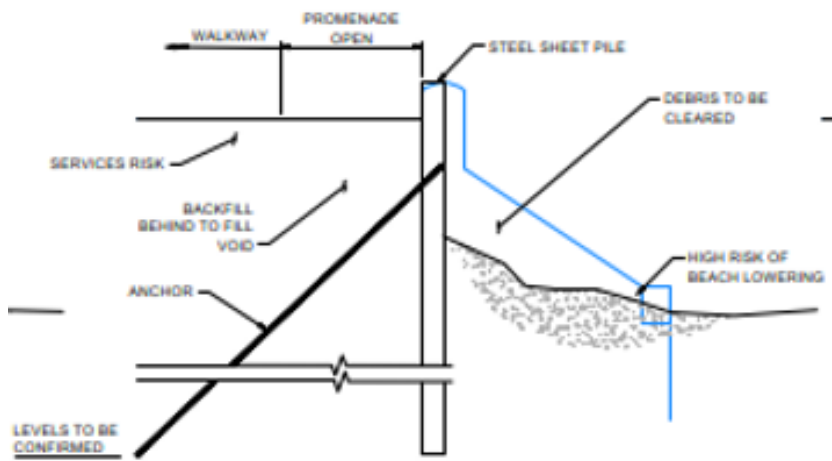


Image 3.1.1. Section of proposed Option C.

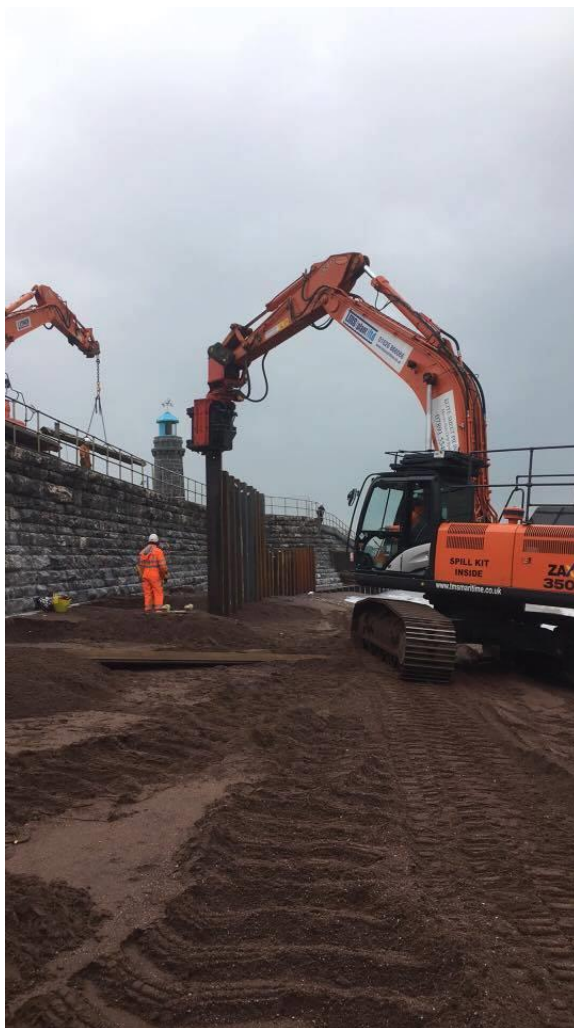


Image 3.1.2. Sheet piles being installed at Teignmouth (Photo TMS)

- 3.2. Option C involves working from land, installing a new sheet pile wall in line of the current masonry wall.
  - 3.2.1. This would become the new line of sea defence, with the remaining revetment on the seaward side of the pile needing to be removed (and possibly replaced for an aesthetic function) or where not damaged, repaired for an aesthetic function.
  - 3.2.2. Works would be done from the land, removing risk of intertidal working and winter storms.
  - 3.2.3. Works would be quicker than other options.

- 3.2.4. Works would restore the full width of the cycleway/walkway sooner than other options.
- 3.2.5. Works could involve an increase in amenity and habitat space on the beach, as the sloped revetment would be removed.
- 3.2.6. Gaining habitat space now, could offset future habitat loss caused by future sea defence works.
- 3.2.7. Works outside the existing footprint are unlikely to be accepted as the permanent solution, due to loss of habitat and amenity space, unless compensatory space can be found.

3.3. Options that have been dismissed

- 3.3.1. Regular Beach Recharge – dismissed due to ongoing costs and no certainty of defence holding.
- 3.3.2. Rock Armour – dismissed due to high cost, and loss of amenity beach space.
- 3.3.3. Sheet piling of toe, to build off replacement revetment at a later date – dismissed due to £1m cost over option C (Plus revetment rebuild cost) and impact on beach space summer 2024 before revetment can be rebuilt.

4. Extents.

- 4.1. Currently only 90m of the 255m section of wall has failed, and is not easily salvageable, requiring either a rebuild or extensive further works in the short term.



Image 4.1. Map of extents of the work.

- 4.2. Although 90m of wall requires work now, the remaining 165m wall is of the same construction and at risk of failure similar to the one experienced. Although offering a short-term saving, work to the 165m wall could be put on hold until it is undermined or damaged, however would be more expensive to carry out these repairs at a later date, and could mean less of the existing wall could be salvaged.
- 4.3. Costs on both the full and partial extent are in section 5.
- 4.4. Works to the remaining 165m of wall would include working around the 3 concessions located here. The preferred option gives a good opportunity for the

sheet pile construction to be easily extended around the building footprint, better protecting all three concessions. Any contributions to this additional protection would need to be agreed with the tenants.

5. Costs.

5.1. Costs to date are expected to be £60k, but likely to increase with more poor weather predicted.

5.2. The cost of the sheet pile wall is estimated as follows.

	90m of wall repair	Full (255m) wall repair
Contractors estimate	£398k	£898k
Additional 20% optimism bias allowance	£80k	£180k
Duration of works	5 weeks	8.5 weeks
Total 2023/24 costs	£478k	£1078k
Future sum for revetment (or cladding) if required 2024/25 costs	£0-£1198k	£0 -£2040k

6. External contributions

6.1. Our consultants have run some high-level calculations and believe there could be a maximum eligibility for external funding from the Environment Agency of sub £400k, however this could reduce by £150k due to complications around new development. It is worth noting this contribution is not guaranteed. This contribution figure is lower than other EDDC projects, due to lack of residential property behind the wall at risk of flooding/erosion.



Image 6.1. Erosion map if seawall left to fail.  
page 108

6.2. In carrying out the full option c works, concessions will benefit from increased storm defence, so it would not be unreasonable to ask for these concessions to contribute. However, this contribution would likely be small in the balance of the large scheme.

## 7. Procurement.

- 7.1. Under emergency rationale, Moffatt and Nichols (Design Consultant) have been appointed to develop the permanent design as soon as possible. This is due to their familiarity of the site prior to the damage, and involvement to date. Standing Orders Exemption will be applied for their work.
- 7.2. To date, all construction work has been done by Kier and their subcontractor through the Environment Agency' Collaborative Delivery Framework (CDF) which EDDC is signed up to, therefore this work does not require a standing order exemption.
- 7.3. Given the emergency works are required soon we do not have time to run a normal tender process, so we are looking at an exemption to standing orders to direct award the work to TMS who have been involved since the beginning of the emergency. We are also looking if it is feasible to enter a Local Government framework that TMS is on, and appointing them under that framework to comply with standing orders and EU procurement, however due to the requirement to be on site soon. This may not be possible.
- 7.4. Cabinet is asked to approve an exemption to contract standing orders in the sum of £1.1m in respect of the contract to Teignmouth Maritime Services (TMS) to enable the emergency works to proceed given the urgent nature of the works required.
- 7.5. Cabinet is asked to note the exemption to contract standing orders in respect for the consultancy spend of £60,000 which has been approved by S151 Officer and Monitoring Officer.

## 8. Ongoing Risk

- 8.1. The main risk is that the wall falls completely before we start with the end solution. This will increase temporary costs, put people and infrastructure at risk and likely mean more cost for the long-term solution.
- 8.2. The current proposal will mean that for at least the 90m (and possibly full 255m depending on condition) the sloped revetment will be removed, leaving a vertical steel sheet piled wall, either indefinitely or until Autumn 2024 at the earliest (once summer season is over) A vertical steel face, is a change from the current masonry sloped revetment, and the required planning application, may require us to rebuild the revetment for aesthetics, or clad the vertical sheet piles, perhaps with recycling the current revetment stone, or another material such as timber. This would add additional cost to the project in 2024 or beyond.
- 8.3. Works are unlikely to start until January 2024 (unless Christmas break working is pursued) so there will likely further costs of temporary repairs, and disruption to the public and businesses until the works start.

## 9. Impact of construction

- 9.1. Marine construction requires large equipment and materials, which require a lot of space.
- 9.2. It is anticipated that the whole of the EDDC car park opposite Sideshore will be required as a site compound for the duration of the works (8.5weeks)
- 9.3. A further area will be needed to store sheet piles. The green adjacent to the car park has been suggested, or the Queens Drive Space open area has been suggested if businesses not open.
- 9.4. The frontage cycle/footway will need to be closed for the duration of the works with pedestrians and cyclists needing to use the road and adjacent pavement.

- 9.5. The green triangle adjacent to Sideshore and space seaward of the building will need to be taken up for construction workspace.
  - 9.6. There will be minimal beach works, so low impact on the beach and its use.
10. Future post emergency works
- 10.1. Due to the weather, and further delays likely for additional design, it will not be possible to restore the look of the previous wall (sloped stone revetment and vertical masonry wall) until the summer at the earliest. But likely September to avoid the tourist season.
  - 10.2. Unless the sheet piled look is deemed acceptable long term, there is likely to be a requirement or desire to make the wall more attractive, either restoring it to its previous look, or an alternative design, but more attractive. This will require a further sum of money to be agreed to fund these works.
  - 10.3. Works to make the wall more attractive will not class as emergency works and therefore will require all sufficient permits, assents, notices and permissions in place before proceeding. Works would also be tendered in line with contract standing orders.
  - 10.4. It is worth noting that the stone sloped revetment is only present for half of the 255m wall requiring work, with the western half actually being a rough concrete finish.
  - 10.5. Prior the emergency works, we will photograph and survey the 255m of wall to record what it looks like.
11. Timetable
- 11.1. Works likely to begin early January 2024 (unless Christmas working agreed) pending contractor availability. Potentially works could start mid-December if required.
  - 11.2. Works to take 8.5 weeks, so should be complete early March 2024 with public areas returned to public full public use soon after.
  - 11.3. If required, and affordable, future cladding/revetment works to start in September 2024 to miss summer season.

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### **Financial implications:**

This is a significant unexpected capital cost at £1.1m with likely grant funding to support costs of between £150k to £400k and possibly further small contributions. This cost, if approved, will be added to the Council's capital programme and to remain in Medium Term Financial Plan projection of the implication of borrowing on the General Fund then this will restrict schemes that can be approved through the annual capital bidding process unless borrowing cost assumptions are increased making the balancing of the 2024/25 and future year budget harder.

### **Legal implications:**

There is no direct comment to be made in relation to this report, any issues will need to be considered as they arise and as the project progresses



Report to: Cabinet

Date of Meeting 29 November 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## Peer challenge update report

### Report summary:

To provide Cabinet with an update on the progress towards the Corporate Peer Challenge (CPC) and other items following the Council motion passed on the 19 July 2023.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

1. That Cabinet note the update and the direction of travel.

### Reason for recommendation:

To ensure that the Cabinet are up to date in relation to progress towards implementation of the Council motion of 19 July 2023.

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Portfolio(s) (check which apply):

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

**Equalities impact** Low Impact

**Climate change** Low Impact

**Risk:** Medium Risk;

### Links to background information

Link to [Council Plan](#)

Priorities (check which apply)

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

## Report in full

This report is intended to update Cabinet on the progress towards the motions passed by the Council on the 19<sup>th</sup> July 2023.

*1. Undertake a skills and knowledge audit of all Cabinet Members and key councillors to ensure that they are fully equipped to undertake their roles in the challenging times in which we find ourselves. This will lead to individual support for those members including specific mentoring and placement on appropriate courses and conferences.*

Member Development Working Group will meet at the end of November to consider proposals for undertaking a skills and knowledge audit of all cabinet and key councillors. MDW Group to identify questions to be used and set a timetable for reviewing the results and preparing an action plan to identifying the individual support for each member and how that support will be delivered.

*2. Work to bring together the Cabinet and Senior Management to become a unified team which, whilst respecting the different roles of officers and members, can move forward as one body in dealing with the issues faced by the council and its partners. In the first instance this would involve a facilitated Cabinet/SLT awayday and such work as may flow from that.*

Cabinet and Senior Management have taken the opportunity over the last couple of months to hold joint meetings one on the 20th September to discuss a variety of issues including the council plan, the corporate peer challenge and leadership arrangements. There have also been two joint council plan sessions held on the 6th October and the 23rd October. There are two more joint council plan sessions planned for the 20 and 27th November. All of the joint sessions so far have been well attended and have been positive and collaborative.

*3. Ask the LGA to undertake a Corporate Peer Challenge in September using leading and respected officers and members from other councils to look at the core of the council and recommend ways forward with a particular emphasis on:*

*i) Reviewing the member/officer protocol.*

*ii) Reviewing the Council's communications strategy in the light of experiences gained with Covid.*

*iii) Reviewing the procedural standing orders as part of a constitutional review and make all parts of the constitution become clearer, both to the public and members, and encourage more members to participate in discussions & decisions around both the development, and the scrutiny, of those strategies.*

*iv) Reviewing all safeguarding strategies to ensure the continued protection of our vulnerable residents.*

*v) Reviewing the relationships between the District Council, the County Council and town & parish councils to ensure appropriate place-based working and the joining up of the public sector and partners to deliver cost-effective and locally relevant services.*

Preparations for the Corporate Peer Challenge ("CPC") are progressing well. A Peer Challenge officer team has been set up and tasks allocated. There is a biweekly catch up between all of the officers involved, led by members of the ELT to update on the progress of actions being taken. Work on the position statement and supporting documents that are required by the Peer



Challenge team beforehand has been assigned to officers and is moving forward and will be ready in early January 2024.

Experienced political and managerial peers with local government experience will conduct review.

There will be a team of six consisting of a lead chief executive, liberal democrat peer, conservative peer, officer with governance background, officer with community background and a peer challenge manager. Their role will be to provide challenge, insight and guidance to help us to address our priorities and enable continuous improvement moving forward.

The key areas covered by the review are:

- Local priorities and outcomes
- Organisational and place leadership
- Governance and culture
- Financial planning and management
- Capacity for improvement.

Staff and Member briefing sessions will be held in the lead up to the Peer Challenge in the week commencing 15th January 2024.

The Peer Challenge team will be on site at Blackdown House from 6th to 8th February 2024 when they will meet with councillors, officers, partners and residents. On their final day they will give verbal feedback to senior members and officers and will then prepare a report on their findings (feedback report). The Council will need to consider that report and come up with an action plan. The feedback report must be published on our website within 3 months, together with our action plan in response.

Around ten months after the CPC, the LGA will organise a visit to review our progress against the action plan.

*4. Ask the Centre for Governance and Scrutiny to conduct, as soon as is practicable, a review of the scrutiny processes to ensure that:*

*i) The Cabinet and Officers continue to cooperate in the preparation of strategies to ensure that the undoubted professionalism of our staff is supported by the undoubted skills and knowledge of all local councillors from across the political spectrum in the development of those strategies from the outset.*

*ii) A suite of performance indicators are put in place to ensure that service delivery can be scrutinised by both Councillors and the public and to ensure that modifications can be made to service delivery by a due process of review.*

The Centre for Governance and Scrutiny have been engaged and have conducted interviews with councillors and officers, this includes a survey seeking views on the current overview and scrutiny process at East Devon District Council. The officer leading the review also attended the Overview Committee meeting on 9th November 2023. Once the review has been completed (end of November 2023) the CGfS will present its recommendations that will help to shape performance indicators and how overview and scrutiny can monitor and review service delivery in the future.

*5. Ask SW Employers to undertake a review of the training and support needs of the SLT and the methodologies by which the SLT functions as a coherent team.*

The Motion proposed that this be undertaken by South West Councils (SWC) but the Corporate Lead - HR has been exploring this with SWC and the Local Government Association (LGA).

The proposed purpose of the work is to identify the development needs of SLT as a group and individually and then use this to inform a costed development plan. Although this action focuses on SLT, it is proposed that it links with the separate action to 'undertake a skills and knowledge audit of all Cabinet Members and key councillors', thus providing a means of considering collective

member/officer leadership requirements and development needs and continuing to build positive working relations between SLT and Cabinet. This is also the advice of the LGA, who have suggested some means of achieving this, which is reflected in the proposal below.

It is proposed that the work has four stages:

1. Clarity about the competencies required of senior leaders (individually and as a team) within the Council – i.e. the benchmark. It is proposed that this will be informed by the new Chief Executive Development Framework recently published by the LGA and Solace.
2. Identification of any development gaps for each individual and the whole senior leadership team, assessed against the benchmark.
3. Clear and costed development plan in place for each individual and the whole senior leadership team.
4. Evaluation of impact of the development plan, on individual, team and organisational performance.

It is proposed that this work commences with facilitated preparatory/exploratory workshop sessions, one with Cabinet and one with SLT, in January 2024, in advance of the Peer Challenge, and then a further joint Cabinet/SLT workshop post the Peer Challenge. The purpose of the first two workshops would be for Cabinet and SLT to have time to reflect on where we are now, to set out priorities for the next 6-8 months, agree the key messages and challenges we want to share with the Peer Challenge team, and to start to explore what good collective leadership looks like in this context. Each group will undertake the exercises over a day or part day from the perspective of their roles within the Council and an output from each session will be produced. If participants agree, it would be helpful to share the outputs across both groups post the workshop, so that officers and members have a collective view.

Following the first workshops, a further Cabinet/SLT workshop will be planned for after the Peer Challenge to consider the impact of the feedback from the challenge, to revise or update priorities and plans and to consider the implications of the feedback on the leadership development needs of individuals and the whole senior leadership team.

We recommend that all three workshops have external facilitation and input to allow all SLT members to participate fully as a member of the team and the LGA have offered to assist with identifying a suitable facilitator.

The insight and intelligence gained from the three workshops will be used to shape the future officer development programme to ensure it fully aligns with the needs of the Council, from which a costed development plan would be brought to Cabinet in June 2024, which also allows for SLT individual development needs to be considered as part of the annual Performance Excellence Review (appraisal) cycle in April/May 2024.

The 2023/24 HR Service Plan includes a planned review of the Council's wider leadership and management development offer. It is proposed that this is delayed, enabling resources to initially be focused on senior leaders, and the learning from this work is then used to inform that wider piece of work from late 2024 onwards.

*6. Ask the Council's S151 Officer, in conjunction with the Cabinet Member for Finance and Assets, to prepare a report outlining the likely costs to the Council of these recommendations and to ascertain any risks associated with them, both financially and reputationally.*

This action is complete and the Cabinet agreed to allocate a sum of £25K from the transformation budget for implementation of the motion on 6th September 2023.

The Leader of Council received a letter from the Department for Levelling Up, Housing and Communities on 13 November 2023 acknowledging the progress that is being made by the Council. A copy of that letter is attached at Appendix A to this report.

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**Financial implications:**

There are no substantive financial issues to be added to this report

**Legal implications:**

There are no substantive legal issues to be added to this report



Department for Levelling Up,  
Housing & Communities

**Lee Rowley MP**

*Parliamentary Under-Secretary of State for Local  
Government and Building Safety*  
2 Marsham Street  
London  
SW1P 4DF

Our reference: 28547166

Councillor Paul Arnott  
East Devon District Council  
St Andrew's Road  
Exmouth  
EX8 1AW

13 November 2023

Dear Councillor Arnott,

Thank you very much for your letters of 23 June and 11 September to the Secretary of State for Levelling Up, Housing and Communities discussing concerns about the management of East Devon District Council. Please accept my apologies for the delay in responding to you.

I am grateful to you for getting in touch and thank you for sharing your concerns. We are pleased to hear the progress being made, particularly in reference to embedding a new senior leadership team, improving relationships between officers and members, and reviewing the councils' safeguarding strategies.

We welcome the council's continued engagement with the Local Government Association and are pleased to see your commitment in agreeing to a Corporate Peer Challenge which will provide a level of external scrutiny to the council.

The Government remains dedicated to transparency and good practice in local government and maintains an interest in East Devon District Council, as it does for all local authorities.

Thank you again for taking the time to share your concerns.

Yours sincerely,

**LEE ROWLEY MP**

Report to: Cabinet

Date of Meeting 29 November 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



## Car Park Summer Income Report - 2023

### Report summary:

Review of the car parking tariff increase that was introduced across the district in April 2022

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

1. That Cabinet acknowledge the car parking comparisons for the most recent summer periods
2. That Cabinet note the impending EDDC Car Parking Strategy and commit to ensuring that any future tariff changes are carried out in accordance with the strategy principles once agreed

### Reason for recommendation:

Car Parking Tariffs are an important mechanism for managing car parking demand, as well as attracting and facilitating visits to East Devon. Tariffs are able to influence traffic movement through our towns and are also intrinsically linked to economic activity in the locations that are served by the car parks. Although the current tariffs were considered a dramatic increase on those that were in place before, the tariffs had not been reviewed for 10 years previously. With the East Devon Car Parking Strategy being produced next year, it is important to ensure that any future changes are made in accordance with the agreed principles of the strategy, to ensure that the future competing demands for car park use are effectively prioritised. As is demonstrated in the report, other car park schemes such as the permit offer are directly affected by tariff changes, and therefore a holistic approach should be taken when considering future changes to the tariffs and price modelling for our car parks.

Officer: Richard Easthope – Parking Services Manager - [reasthope@eastdevon.gov.uk](mailto:reasthope@eastdevon.gov.uk)

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

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

**Equalities impact** Low Impact

**Climate change** Low Impact

**Risk:** Low Risk;

**Links to background information**

Link to [Council Plan](#)

Priorities (check which apply)

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

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## Report in full

### 1. Background

The EDDC Car Parking charges were increased for the first time in 10 years in April 2022. This increase saw the doubling of some tariffs from £1.00 to £2.00 per hour in short-stay car parks.

The car parking tariffs are distinctly split between the high-summer season from April to October and the low-winter season between November and March. The supplementary 'winter parking offer' which begins on the 1<sup>st</sup> November allows £2.00 all day parking and is transferable between all EDDC car parks.

Following an update on the tariff increases to this committee last November, a further update was requested this year, to include two full summers worth of parking data as a comparison.

It was widely reported that the whole of the South West region experienced 20% less visitors this year when compared to last summer, this was almost entirely attributable to poor weather across the UK.

### 2. Car Parking Data

#### 2.1. April – October – Yearly comparison

	INCOME & TICKET SALES - APRIL - OCTOBER (SUMMER)	
	REVENUE (GROSS)	NUMBER OF TICKETS SOLD
<b>2021 (old tariff)</b>	£ 2,497,158.00	1,103,044
<b>2022</b>	£ 3,526,594.80	1,073,867
<b>2023</b>	£ 3,529,220.40	1,028,333

Car parking revenue has increased by just over £1,000,000 in both summer periods since the tariff changes have been introduced. The number of tickets sold has gradually decreased each year, with the figure for this year 74,711 lower than in 2021. There is further analysis on ticket data within this report.

## 2.2. April – October – Comparison by month

	MONTHLY COMPARISON - REVENUE (NET) & TICKET SALES					
	2021 (old tariff)		2022		2023	
	REVENUE (NET)	TICKETS	REVENUE (NET)	TICKETS	REVENUE (NET)	TICKETS
<b>April</b>	£ 160,615.00	98,455	£ 272,951.00	145,186	£ 353,612.00	132,752
<b>May</b>	£ 186,014.00	109,196	£ 365,550.00	138,546	£ 423,566.00	145,732
<b>June</b>	£ 330,001.00	169,078	£ 424,283.00	150,337	£ 449,081.00	151,623
<b>July</b>	£ 401,478.00	199,365	£ 541,326.00	176,204	£ 417,596.00	148,112
<b>August</b>	£ 440,930.00	211,355	£ 660,872.00	202,184	£ 548,894.00	177,039
<b>September</b>	£ 321,002.00	171,412	£ 362,832.00	136,482	£ 425,660.00	147,487
<b>October</b>	£ 240,925.00	144,183	£ 307,016.00	124,928	£ 322,608.00	125,588

July and August are traditionally the busiest tourist months across East Devon due to the summer school holiday period, however the figures on the table above highlight the drop in revenue and ticket sales for these months this summer.

Car parking revenue for the months leading up to the summer was significantly higher than the same period last year, with September and October also showing an increase on 2022. The increased revenue in the traditionally quieter months have led to a very small increase in total revenue across the full summer period for this year (£2,625.60).

## 2.3 April – October – Comparison by town

	COMPARISON BY TOWN - REVENUE (NET) & TICKET SALES					
	2021 (old tariff)		2022		2023	
	REVENUE (NET)	TICKETS	REVENUE (NET)	TICKETS	REVENUE (NET)	TICKETS
<b>SIDMOUTH</b>	£ 511,540.00	265,903	£ 699,575.00	229,724	£ 699,274.00	217,387
<b>EXMOUTH</b>	£ 795,372.00	405,835	£ 1,120,756.00	386,054	£ 1,166,913.00	380,460
<b>SEATON</b>	£ 139,513.00	55,680	£ 163,743.00	44,183	£ 167,844.00	43,155
<b>AXMINSTER</b>	£ 41,941.00	37,296	£ 86,075.00	67,972	£ 92,679.00	70,957
<b>BUDLEIGH S</b>	£ 213,759.00	108,792	£ 312,161.00	98,762	£ 264,414.00	82,676
<b>HONITON</b>	£ 146,749.00	121,503	£ 253,563.00	152,450	£ 255,162.00	143,698

As part of the Lower Otter Restoration Project, Lime Kiln Car Park in Budleigh Salterton experienced a summer of significant disruption with the presence of large plant machinery and areas of partial car park closure. Lime Kiln is traditionally one of the busiest car parks during the summer and it is expected that the completion of the LORP works, as well as the new car park surface will see a high number of visitors return from next year.

Sidmouth and Exmouth produced similar levels of revenue to last year, and visitor numbers would have certainly been higher if weather had been more suitable for beach/coastal trips during the peak summer months.

## 2.4. April – October – Comparison by length of stay

Short stay car parks (Maximum 4 hour stay)

SHORT STAY PARKING BY TICKET NUMBERS - APRIL - OCTOBER			
	2021	2022	2023
Up to 30 mins	43,545	57,696	49,396
30-60 mins	112,510	99,080	92,468
60-90 mins	55,288	63,978	64,955
90-120 mins	89,869	79,241	78,574
2-3 hrs	34,180	39,818	42,009
3-4 hrs	104,417	63,463	59,863
<b>TOTAL</b>	<b>439,809</b>	<b>403,276</b>	<b>387,265</b>
Up to 2 hours	211,343	220,754	206,819
Over 2 hours	138,597	103,281	101,872
<b>TOTAL PAID PARKING HOURS</b>	<b>917,160</b>	<b>755,683</b>	<b>737,255</b>

Long stay car parks (maximum 24 hour stay)

	LONG STAY PARKING - BY TICKET NUMBERS		
	2021	2022	2023
Up to 30 mins	56,886	76,464	69,676
30-60 mins	115,117	120,995	115,318
60-90 mins	56,290	70,382	71,435
90-120 mins	109,952	101,489	96,752
2-3 hrs	107,565	88,994	84,247
3-4 hrs	59,766	39,154	37,891
4-5 hrs	25,987	13,860	12,683
5-6 hrs	7,551	6,412	6,579
6-8 hrs	5,828	5,557	5,400
Up to 24 hrs	56,143	87,531	84,756
<b>TOTAL TICKETS</b>	<b>601,085</b>	<b>610,838</b>	<b>584,737</b>
Up to 2 hours	338,245	369,330	353,181
Over 2 hours	262,840	241,508	231,556
<b>PAID PARKING HOURS</b>	<b>2,578,955</b>	<b>3,144,348</b>	<b>3,035,350</b>

Total paid parking hours (Short & long stay combined)

	2021	2022	2023
<b>Short stay paid parking hours</b>	917,160	755,683	737,255
<b>Long stay paid parking hours</b>	2,578,955	3,144,348	3,035,350
<b>TOTAL</b>	<b>3,496,115</b>	<b>3,900,031</b>	<b>3,772,605</b>

Since the tariff increase last April there are key trends that can be established through analysis of the paid parking time;

- Reduction in the use and length of stay in of short stay car parks since 2021
- Increase in the paid parking time for long stay car parks with more motorists paying for 24 hour parking
- Increase in the amount total amount of paid parking hours across both car park types



### 3. Summary

The car parking revenue for this summer was almost identical to that achieved last year, this is despite a reported decline in visitor numbers to the region due to the poor weather.

There has been a notable shift in the type of car park usage, with more motorists paying for longer stays in EDDC long-stay car parks and staying for less time in the short stay car parks. The car parks are well suited to this type of use, as the short stay car parks tend to be smaller and offer the most-convenience, whereas the long stay car parks are larger and can accommodate longer stays by more vehicles.

The East Devon District Council Parking Strategy will be produced in 2024, which will set out how our Car Parks will be holistically used and managed in the coming years, members will have the opportunity to contribute to this strategy early next year, and this will include a section relating to car park pricing, offers and individual car park reviews. It is therefore recommended that the car park tariffs remain the same for 2024, to ensure that any future changes are made in accordance with the agreed strategy.

### 4. Car Parking permits update

East Devon residents are able to buy a town modular permit that costs £120.00 per year for parking in one town, and increases by £24.00 for each additional town up to a total of five locations. A monthly payment option is available for this permit type which helps split the upfront cost across the year, or allows residents to only purchase a permit for the months in which they require one.

Permit figures comparison;

	ANNUAL/MONTHLY PERMIT SALES - APRIL to OCTOBER					
	2021		2022		2023	
	REVENUE (NET)	PERMITS	REVENUE (NET)	PERMITS	REVENUE (NET)	PERMITS
<b>ANNUAL</b>	£ 259,812.00	2,644	£ 338,392.00	2,585	£ 368,320.00	2,691
<b>MONTHLY</b>	£ -	0	£ 27,992.00	2,446	£ 58,440.00	5,243
<b>TOTAL</b>	£ 259,812.00	2,644	£ 366,384.00	5,031	£ 426,760.00	7,934

Permit revenue and sales have increased significantly when compared with the same period in 2021. The monthly permits have increased in popularity since they were introduced last year, which may be a reflection on the cost-of-living situation. The increased permit sales have led to a greater demand for long-term parking, particularly in Exmouth and Honiton. See comparison below.

	COMPARISON BY TOWN - ANNUAL/MONTHLY PERMIT SALES - APRIL to OCTOBER					
	2021 (old tariff)		2022		2023	
	REVENUE (NET)	PERMITS	REVENUE (NET)	PERMITS	REVENUE (NET)	PERMITS
<b>SIDMOUTH</b>	£ 23,884.00	254	£ 35,952.00	288	£ 40,632.00	320
<b>EXMOUTH</b>	£ 94,500.00	972	£ 143,736.00	1,175	£ 175,172.00	1,464
<b>SEATON</b>	£ 22,912.00	226	£ 25,050.00	186	£ 28,330.00	214
<b>AXMINSTER</b>	£ 12,628.00	120	£ 12,492.00	99	£ 13,146.00	102
<b>BUDLEIGH S</b>	£ 10,236.00	106	£ 15,426.00	112	£ 16,608.00	141
<b>HONITON</b>	£ 18,396.00	191	£ 23,044.00	186	£ 28,686.00	226

Demand for resident's permits may well have been driven by the tariff increases, as the permits represent much better value for money than paying daily for parking, at around 33p per day. External factors such as the expansion of the Devon County controlled parking zone in Exmouth will also have had an impact on permit parking demand in the town.

**Financial implications:**

The financial details are outlined in the report.

**Legal implications:**

There is no direct comment to be made in relation to this report, any individual issues which may arise will need to be considered subsequently.

Report to: Cabinet



Date of Meeting 29 November 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## Mill Street Reserved Permits & Devon County LEVI (EV) Funding Bid

### Report summary:

A review of the reserved parking arrangements at Mill Street Car Park, Sidmouth, and details of the Devon County LEVI funding bid for Electric Vehicles which would see up to 78 “slower” EV charging units for residential use provided within EDDC car parks.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

- (1) That Cabinet approve the redesign of Mill Street Car Park, including the creation of a dedicated “Reserved” Parking area, where permit holders are able to use any available bay, as opposed to having their own dedicated space.
- (2) That Cabinet determine whether a resident concessionary permit offer is appropriate for Mill Street, and if so, set the price and conditions.
- (3) That Cabinet acknowledge the current EDDC engagement with the Devon County LEVI EV funding bid and approve the list of car parks put forward for the project.

### Reason for recommendation:

Mill Street – This car park serves an important dual purpose, to help meet short term parking need, and also through the provision of reserved bays which are used by residents/holiday home owners for a guaranteed long term parking space. The planned separation of the two parking areas should negate the need for the installation and maintenance of costly bollards, as well as providing much more accessible short term parking for visitors to the town. A limited resident’s concessionary offer has the opportunity to make reserved parking more affordable for those who do not generate an income from their home, and the financial implications of such an offer are included within the report.

LEVI bid – Working with Devon County Council on the LEVI bid will provide access to an important funding stream as well as the associated project management to ensure the successful delivery of much needed slower EV chargers for residents within our car parks. This approach will also provide a level of consistency and cohesion across the County and help encourage the transition to EV vehicles ahead of the proposed national ban on petrol and diesel vehicle sales in 2035. The spaces that have been provisionally put forward for this project are well spread throughout the district, and are predominantly located in long stay car parks, meaning that the busier, high turnover car parks will not be impacted by this project. There will be long (10/15 year) leases offered to the chosen provider so the car parks identified for other uses should not be included. EDDC will not have any Capital cost for the delivery of this project, but will benefit from a percentage of the income of all future charging sessions that take place through the chargers.

Portfolio(s) (check which apply):

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

**Equalities impact** Low Impact

**Climate change** Medium Impact

**Risk:** Low Risk; LEVI Project - Simultaneous long term leases in some car parks and the length of the leases that will be provided to the chosen operator of the EV charging bays will impact the viability of alternative plans for relevant car parking land throughout the lease term. Multiple EV charging operators may exist within some car parks, however the target market is different so issues of commercial competition should not be relevant. From a customer experience perspective, it would be better to not have multiple charging operators in the same car park, however this will likely be unavoidable.

**Links to background information**

Link to [Council Plan](#)

Priorities (check which apply)

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

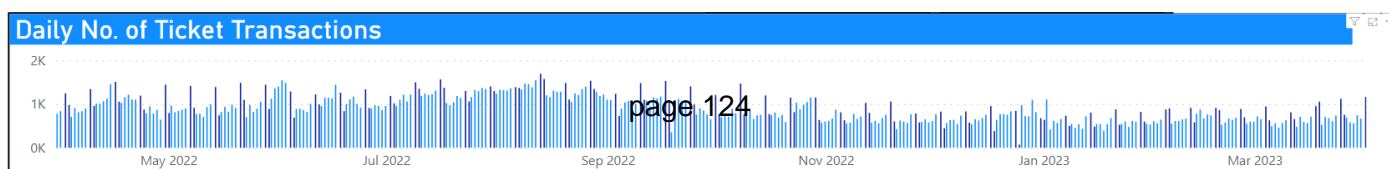
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**Report in full**

## 1. Mill Street, Sidmouth - Background

Mill Street Car Park, Sidmouth, consists of 46 spaces, 19 of these are available for pay and display parking on a short stay basis (maximum 3 hours between 8am – 6pm) with the remaining 27 leased on an individual basis to local residents, 2<sup>nd</sup> home and business owners on an per-space basis. The lease on each of the bays expires on the 31<sup>st</sup> March 2024 and the car park is due for much needed resurfacing which provides the opportunity to review the current permit offer, as well as the layout of the car park to ensure that it best meets its intended and desired purpose.

Parking in Sidmouth is in high demand throughout the year, particularly during the busy summer months. The below graphic shows the daily number of parking transactions in the town throughout the year 2022/23. June, July and August offer the peak visitor times, with a generally consistent level of visitors through the low season.



As a pay & display car park, despite only offering 19 spaces, Mill Street generated revenue of £14,194 in 2022/23, amounting to approximately £747 per space, and 13.5 transactions per day. The nature of the current lease arrangements allowed the renter to choose their desired parking bay, assumingly leaving only the least desirable spaces available for pay & display parking. This also makes it difficult to establish if there are available spaces without entering the car park.

The cost of each leased bay for the current period was £1,500 +VAT (£1,800) on an annual basis, which initially included the installation of a retractable bollard, ensuring that only the key holder was able to access the space. This also allowed for the parking space to be secured when not in use.

There are currently 6 people on the waiting list for a bay, should one become available. At the request of the portfolio holder at the time, no new leases have been granted for Mill Street since June 2022, awaiting this review of the parking arrangements.

Unfortunately, the type of bollard installed in the car park have proved to be particularly unreliable, with EDDC expenditure on repairs and maintenance exceeding £2,600 since January 2022. This is in excess of the initial outlay of approximately £500 per bollard, per bay. The main failings have been with the locking and rising/sinking functions. At the time of writing this report, there are still currently 3 bollards which are inoperable awaiting repair. The unreliability of the bollards have led to many complaints from those affected, with it being unclear through the lease process who should be responsible for the ongoing cost of repair and maintenance.

## **2. Current Lease Holders**

Many of the current lease holders in Mill Street are 2<sup>nd</sup> home/business owners, who pay for a dedicated space to aid the commercial operation of their business. Generally speaking, and especially in busy coastal towns where parking is at a premium, holiday/short term let properties with the offer of a dedicated parking space are more desirable than those without. Many of the terraced properties within close proximity to Mill Street do not have a dedicated on or off-street space, hence the demand for reserved parking.

The provision of privately let holiday accommodation is an important part of Sidmouth's tourism industry, and intrinsically linked is EDDC's offer of reserved parking spaces.

For those who live in the centre of town all year round, finding parking is equally challenging, and there is an unmet demand for reserved parking to meet residential need.

The current make up of permit holders is as below;

Sidmouth addresses – 9 leaseholders

Other East Devon Address – 2 leaseholders

Address outside of the District – 16 leaseholders

The waiting list for spaces is currently made up of all Sidmouth based residents (6).

Based on the above figures there is a current known demand for 33 spaces of the 46 available, assuming that all current leaseholders wish to renew.

Throughout the term of the current scheme, 3 leaseholders have surrendered their leases, for varying reasons.

The current scheme did not apply a restriction on residency, or any other condition and spaces were offered on a first come, first served basis, honouring previous arrangements in the car park.

### 3. Consultation with existing leaseholders

As part of an informal consultation exercise with existing leaseholders, a set of questions were sent out, with the responses summarised as below. 12 responses were received in total, although a holiday let management company responded on behalf of its 15 customers with reserved parking spaces in the car park, amounting to some duplication with the direct responses;

The email text can be found as Appendix 1.

1 - Are you a Sidmouth resident without a dedicated parking space at your home address?

Yes – 5

No – 5

Did not specifically answer – 2

2 - Do you use your space for any activity associated with operating a business i.e. guest parking for B&B/Holiday home?

Yes – 11

No – 1

3 - Would you be interested in purchasing a permit for the reserved area of the car park from April 2024 if this is determined as the preferred way forward?

Yes – 12

4 - Do you feel that parking spaces in the reserved area of this car park should be prioritised for those that can demonstrate a residential need?

No – 11

Yes – 1

5 - Any further comments regarding parking in Sidmouth as a whole would also be appreciated for context.

Response 1

*Parking in Sidmouth has always been an issue. I am acutely aware of this as I have lived in Sidmouth for most of my adult life. There are obviously a number of residents in the town who rely on their cars and they need priority so they can use them. And should have priority so they can go about their daily business. However, there are those who need to drive into town from further out to do their shopping. It is always going to be difficult with so little space. This is not counting the visitors on whom the town relies and who need to be able to park to enjoy the town and spend money to keep the Sidmouth economy going. I don't know what the answer to this one is. Maybe make more use of the park and walk at the Knowle? Maybe a park and ride from further out? Or a bit radical but how about putting another story on the ham carpark and making that double height? Or double height at Manor Road*

Response 2

*Sidmouth is a very nice town that works well for a demographic of user: families with small children, mature families and recreational walkers*

Response 3

*Parking for visitors in Sidmouth "as a whole" is insufficient as it is such a popular and wonderful holiday resort. Any provision of extra visitor parking in Sidmouth must be done with great care, to avoid spoiling/ruining the unique character of the town.*

#### Response 4

*In the summer months drivers can be quite competitive when looking for a parking space and try to park in a reserved space if you lower the bollard to park. The signage and policing of the reserved area would have to be of the top order. I have never had any problem with my bollard, other than routine maintenance to remove dirt and gravel around the cover flap in order to ensure it operates easily.*

*My only other comment is that although I'm aware that in other towns the issue of holiday homes can be contentious, I think that taking into account the reduced number of hotel beds available in the town and the income visitors provide to the local business, who are struggling as it is. The holiday homes in East town contribute to the prosperity of the high street and help to maintain Sidmouth's reputation as a holiday destination.*

Although not specifically asked as a question, there were several direct responses relating to the proposal to have a designated permit holders only section of the car park, as well comments relating to the importance of the bollards/other method of securing a space.

In summary, the respondents overwhelmingly felt that it was of the utmost importance that permit holders/leaseholders continued to have a way of securing their bay to stop unauthorised parking, and so to be able to guarantee a parking space for visiting guests. This was also the stand out point of discussion in subsequent phone conversations with 2 x current leaseholders

#### **4. Proposed way forward**

The impending resurfacing work, brings the opportunity to redesign the Mill Street car park, and consider a new way of managing reserved parking.

The key factors for consideration are;

- Shortage of residential parking in Sidmouth as well as the seasonal demand for tourist accommodation with associated parking
- The preference of the current leaseholders to have a way of securing a particular space for their exclusive use
- The potentially inhibitive cost of a reserved space if not being used to aid the operation of a holiday let business
- A need to balance the short stay paid parking/reserved bay ratio to ensure the availability of sufficient parking during the busiest times
- The ongoing maintenance burden and associated costs of the currently installed bollards
- The lack of distinction between the two types of parking currently available (Pay & Display/Reserved) within the car park
- 

Mill Street's triangular layout limits the number of bays that can be accommodated within the car park to 47. A logical split in the car park footprint would see 19 bays separated to be available for Pay & Display sessions and 28 bays available for Reserved/Permit based parking. This is broadly similar to the current split, and falls only slightly short of the known demand for reserved bays. This hybrid approach reflects the way the car park has evolved over time, from previously being a solely reserved car park, to its current use as a mixture of both types of parking.

Various designs were tested to make better use of the central area of the car park, however these did not add any additional spaces, and would most likely have made navigating the car park more difficult.



Should this approach/design be supported, different bay marking colours and very clear signage would be needed to separate and distinguish the two areas to ensure that visiting motorists did not inadvertently end up in a reserved bay. This approach would also require an increased amount of enforcement presence in the initial stages to help encourage long term compliance.



This clear division between pay & display/permit holder only parking would certainly be more accessible and easier to understand for visiting motorists, especially when compared with the current arrangements. This should encourage greater use of this car park from day visitors and town shoppers.

The proposed design represents a variation on the current mixed offering, however a more radical change could be implemented to either revert to a completely reserved car park, or offer only pay or display parking. These are summarised below;

- 1. Option 1 – Mixed usage – Shared reserved bays.** This is the split option demonstrated through the proposed layout diagram, with as many permits issued as there are bays within the reserved section. With no specific space for any particular vehicle, theoretically there will always be a space available for each permit holder. It would be extremely unlikely that all permit holders would be present within the car park at the same time, especially with various comings and goings from holiday let properties. This approach is easiest to manage for EDDC as individual leases and bollards will not be required. More visible enforcement will be needed, especially in the early stages. This may be considered a less desirable offer for perspective permit holders, as feedback suggests it is reassuring to have a protected allocated space. This approach would need to be supported by very clear signage and ground markings to stop unauthorised parking, however unauthorised parking would only impact permit holders in the circumstance of the car park being full. This mixed use option helps meet short-term parking need as well as providing a long term offer for residential and holiday home users.
- 2. Option 2 – Mixed usage - Bay exclusivity.** This would follow the proposed layout diagram Issue a specific bay number/bay lease to each permit holder. This will offer a degree of exclusivity, and freestanding cones or permanent bollards could be used to protect spaces when not in use. Unauthorised use may still occur and could have the potential to reflect badly on a particular holiday home business if an allocated space is not available due to unauthorised parking. Unlike option 1, there would be no other bays free to be used in the instance that an unauthorised vehicle was parked in a reserved bay, as they will all be allocated, regardless of whether they are being used or not.

Should bollards continue to be used to secure bays within the permit holders section of the car park, then the estimated cost of installing these would be £1,000 per bay. £28,000 in total. Ongoing maintenance and repair costs would be unknown, but should be factored in to any pricing, or be at the expense of the bay user.

- 3. Option 3 – Pay and Display only –** This option would see the entirety of the car park being used for short/long term parking, with no reserved bays.  
**As a short-term car park –** This car park would be well used by shoppers and visitors to the town, particularly during high season, and would be equally popular for all-day parking during the winter, at the current £2 all day rate.  
**As a long term car park –** If included in the current town modular permit scheme then this car park would likely be heavily oversubscribed by permit holders due to its proximity to the town, and exceptionally so during the busy holiday period, with Manor Road being the nearest alternative long stay car park.

As a pay and display only car park, parking would be on a first-come first-serve basis which would be unlikely to meet the needs of the current leaseholders, which is the reason they currently pay a premium for dedicated bay. The extra spaces would ease the pressure on other local car parks at key times, and help reduce traffic congestion in the town, however the loss of reserved bays may reduce the attractiveness of certain holiday accommodation in the town, which may result in less visitors.

**4. Option 4 – Fully reserved car park** – This option would see the car park used only for reserved parking spaces, with no pay and display parking. The car park’s prime position, as well as the shortage of nearby residential parking would likely see a strong demand for this, which would represent a return to how this car park was previously used. The loss of short term parking may increase pressure on other nearby car parks which are already extremely busy at key times, however this approach would guarantee a level of revenue for the car park which is representative of the value of the land based on its location. A lockable barrier could be installed at the car park entrance to ensure no unauthorised parking, the cost of this installation could be recovered through the yearly fee for use of the car park.

## 5. Pricing

Should members choose a use of the car park that includes an element of reserved/permit based parking then the cost of these bays will become relevant. The current pricing model for Mill Street may (depending on individual circumstances) be effectively less expensive for 2<sup>nd</sup> home/holiday let owners than it is for residents. VAT registered businesses will most likely be able to reclaim the VAT from the annual lease fee, and may also be able to attribute the lease of the space as a business expense for accounting purposes. These options are not available to permanent residents, who also do not generate any income from renting their home to be able to assist with funding the cost of a bay.

Reserved parking is a premium arrangement, offering the convenience of a guaranteed space in an otherwise short stay car park. Other EDDC permits limit the length of stay in specific car parks, and motorists are not guaranteed a space.

A concessionary model, as below, could provide a discount to permanent residents. This could be limited to a particular number of bays within the car park, to ensure availability for existing lease holders. If the number of concessionary bays exceeded the current number of lease holders using their bays for holiday let purposes, then a selection process would need to be established to allocate the remaining bays to interested parties. The level of concession will likely dictate the amount of interest from residents in this scheme.

Roxburgh Car Park, nearby, generates £1,516 per bay (2022/23), per year, in parking revenue. A similar figure could be expected from Mill Street should the car park be used only as a short stay Pay & Display Car park.

1 - £1500 per year (including VAT)

Cost per bay - £1500 per year (incl VAT) (28 bays) - £4.11 per day				
Number of bays for permanent residents only	0	5	8	14
25% Concession	£ -	£ 5,625.00	£ 9,000.00	£ 15,750.00
50% Concession	£ -	£ 3,750.00	£ 6,000.00	£ 10,500.00
75% concession	£ -	£ 1,875.00	£ 3,000.00	£ 5,250.00
Annual income from remaining bays	£ 42,000.00	£ 34,500.00	£ 30,000.00	£ 21,000.00
<b>Total income @25%</b>		£ 40,125.00	£ 39,000.00	£ 36,750.00
<b>Total income @50%</b>		£ 38,250.00	£ 36,000.00	£ 31,500.00
<b>Total income @75%</b>		£ 36,375.00	£ 33,000.00	£ 26,250.00

2 - £1850 per year (including VAT)

Cost per bay - £1825 per year (incl VAT) (28 bays) - £5 per day				
Number of bays for permanent residents only	0	5	8	14
25% Concession	£ -	£ 6,843.75	£ 12,000.00	£ 21,000.00
50% Concession	£ -	£ 4,562.50	£ 7,300.00	£ 12,775.00
75% concession	£ -	£ 3,650.00	£ 3,650.00	£ 6,387.50
Annual income from remaining bays	£ 51,100.00	£ 41,975.00	£ 36,500.00	£ 25,550.00
<b>Total income @25%</b>		£ 48,818.75	£ 48,500.00	£ 46,550.00
<b>Total income @50%</b>		£ 46,537.50	£ 43,800.00	£ 38,325.00
<b>Total income @75%</b>		£ 45,625.00	£ 40,150.00	£ 31,937.50

3 - £2000 per year (including VAT)

Cost per bay - £2000 per year (incl VAT) (28 bays) - £5.48 per day				
Number of bays for permanent residents only		5	8	14
25% Concession	£ -	£ 7,500.00	£ 12,000.00	£ 21,000.00
50% Concession	£ -	£ 5,000.00	£ 8,000.00	£ 14,000.00
75% concession	£ -	£ 2,500.00	£ 4,000.00	£ 7,000.00
Annual income from remaining bays	£ 56,000.00	£ 46,000.00	£ 40,000.00	£ 28,000.00
<b>Total income @25%</b>		£ 53,500.00	£ 52,000.00	£ 49,000.00
<b>Total income @50%</b>		£ 51,000.00	£ 48,000.00	£ 42,000.00
<b>Total income @75%</b>		£ 48,500.00	£ 44,000.00	£ 35,000.00

4 - £2500 per year (Including VAT)

Cost per bay - £2500 per year (incl VAT) (28 bays) - £6.85 per day				
Number of bays for permanent residents only	0	5	8	14
25% Concession	£ -	£ 9,375.00	£ 15,000.00	£ 26,250.00
50% Concession	£ -	£ 6,250.00	£ 10,000.00	£ 17,500.00
75% concession	£ -	£ 2,500.00	£ 4,000.00	£ 7,000.00
Annual income from remaining bays	£ 70,000.00	£ 57,500.00	£ 50,000.00	£ 35,000.00
<b>Total income @25%</b>		£ 66,875.00	£ 65,000.00	£ 61,250.00
<b>Total income @50%</b>		£ 63,750.00	£ 60,000.00	£ 52,500.00
<b>Total income @75%</b>		£ 60,000.00	£ 54,000.00	£ 42,000.00

All figures above represent gross income

## 6. Mill Street - Summary

The resurfacing of Mill Street is a timely opportunity to review the current use/layout of this car park. The officer recommendation is based on the draft guiding principles of the EDDC Parking Strategy and attempts to find a balance between the competing needs of car park users at this location. This would involve the launch of a new reserved permit scheme that supports holiday rentals in encouraging visitors to the town, and also helps address the shortage of available residential parking in nearby streets. From a car park management perspective, the new car park design could alleviate the need for expensive to maintain and

install bollards, and increase the use of the pay and display bays within the car park by offering a better customer experience.

The current leaseholders would prefer a solution that ensures they can reserve their space for their exclusive use, however this could be mitigated through increased enforcement and the ability to for permit holders to park flexibly within any available bay in the permit holders section of the car park.

As with many decisions affecting individual car parks, all 4 options contained within this report will have knock-on implications for other car parks, as well as potentially the wider parking policy across the District.

## **7. Devon County Council LEVI Fund**

The draft Devon Electric Vehicle Charging Strategy 2022 recognises that a key barrier to the uptake of Electric Vehicles (EVs) is the availability of suitable charging infrastructure across the County.

Between 2016 and 2021 there was an 870% increase in the number of ultra-low emission vehicles registered in Devon, and as more households without off-street parking acquire EVs, the need for publicly accessible charge points grows. National policy supports the role of the public sector in enabling the transition to EVs, particularly as the sale of new petrol and diesel cars is due to end in 2035. The draft Devon EV Charging Strategy recommends that DCC should deliver 2,000 charge points by 2030, with a strong focus on residential charging.

Central government also recognises that the pace of charge point rollout is too slow across the country. It has announced the £450m Local Electric Vehicle Infrastructure (LEVI) Fund to deliver a step-change in the scale and speed of chargepoint delivery.

In April 2023 Devon County Council were allocated £7m LEVI Capital Funding to install chargers across the highway network and in collaboration with the District Councils. DCC intend to secure this funding to achieve the aims of the Devon EV Charging Strategy, including delivery of approximately 2,000 publicly accessible charge points. Under the terms of the LEVI funding, the majority of charge points must be low powered (<22kw) and predominantly help meet residential charging need, however, DCC will seek opportunities to deliver charge points serving a range of users including visitors, shoppers, taxis, and others.

The details of the LEVI Capital project will be developed over the coming months before potential submission of the full application in late November 2023. The draft DCC EV Charging Strategy hierarchy for residential charging has been used to inform the emerging approach shown in Figure 1 (below). This has been used to develop the overall approach to the Devon LEVI programme shown in Figure 2.

Figure 1 - Charging hierarchy

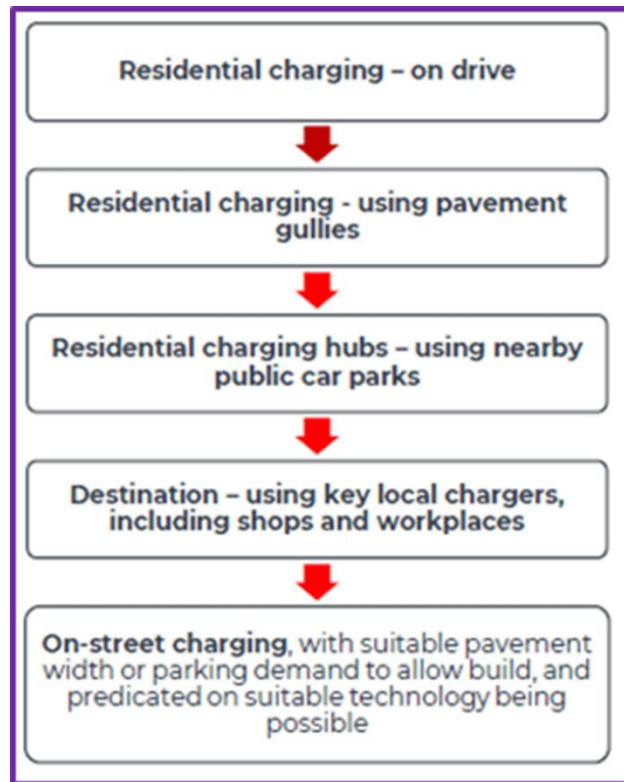
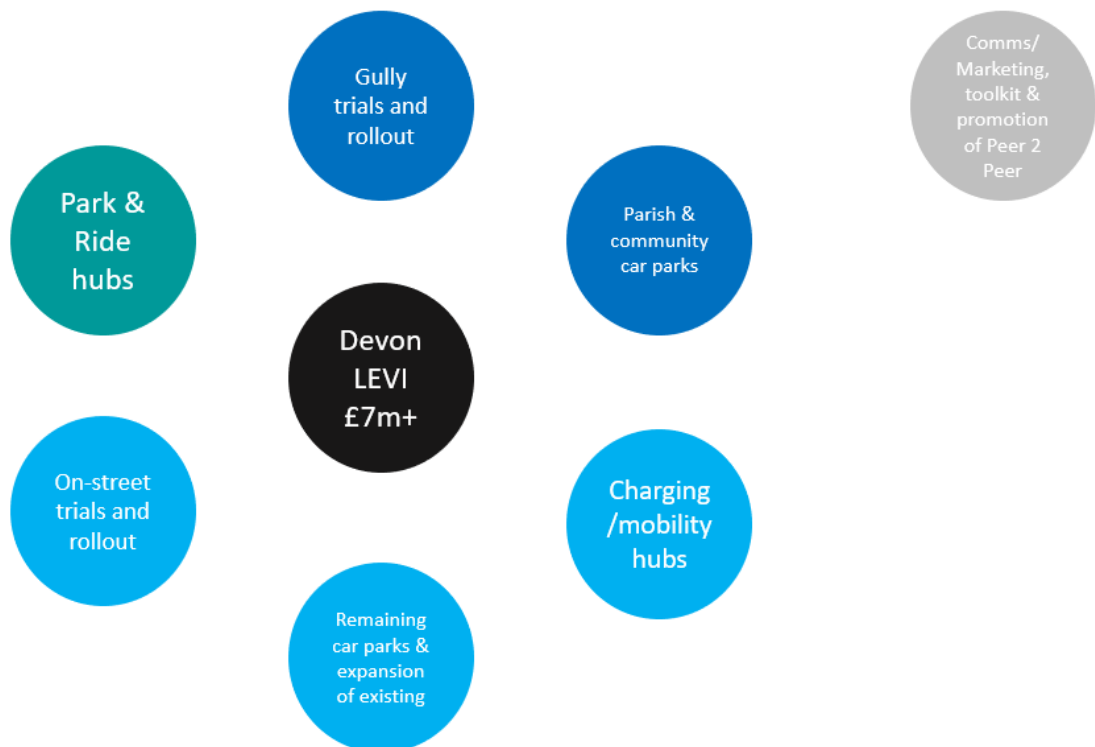


Figure 2 – Scope of the scheme



EDDC have committed to supporting Devon County in the delivery of the scheme, which will undoubtedly support the County wide transition to EV's. The two elements of this project in which EDDC will have involvement with at this time are;

## **Gully trials and rollout**

The draft Devon EV strategy contains a commitment to trial EV charging gullies in four areas with a larger scale roll-out if the trial is successful. Gullies are a low cost and relatively simple solution to on-street charging. Crucially, they allow residents to use cheaper domestic energy rates for charging their vehicles. It is anticipated that trials will take place across 2-3 participating district authorities. Chargepoints at homes without off-street parking may currently require planning permission, and we would like to explore with interested district councils if this requirement can be streamlined or relaxed. The target areas should test a range of locations (e.g. rural/urban, high/low parking stress/footfall).

The proposed approach is to establish a DCC grant pot for gullies and invite applications from residents that would like to have a gully installed. A single supplier will be procured to manage the identification of sites and installation on a long term contract. The following process is proposed:

- Identify target areas with participating districts
- Procure long term gully supplier
- Set up platform for requests for gullies from residents
- Determine whether requested locations are suitable for gullies and group if possible
- Supplier manages all aspects of the installation including installation of home chargepoint (including application for Home Chargepoint Scheme funding), securing permissions required, and installation of the gully.

In the trial phase DCC will provide full funding for the installation other than a contribution to the cost of the home chargepoint not covered by the Home Chargepoint Scheme. In the roll-out phase a tapered grant will be offered to households, providing a contribution to the overall costs.

EDDC have provisionally asked for areas in Sidmouth and Exmouth to be part of this trial.

## **Remaining car parks**

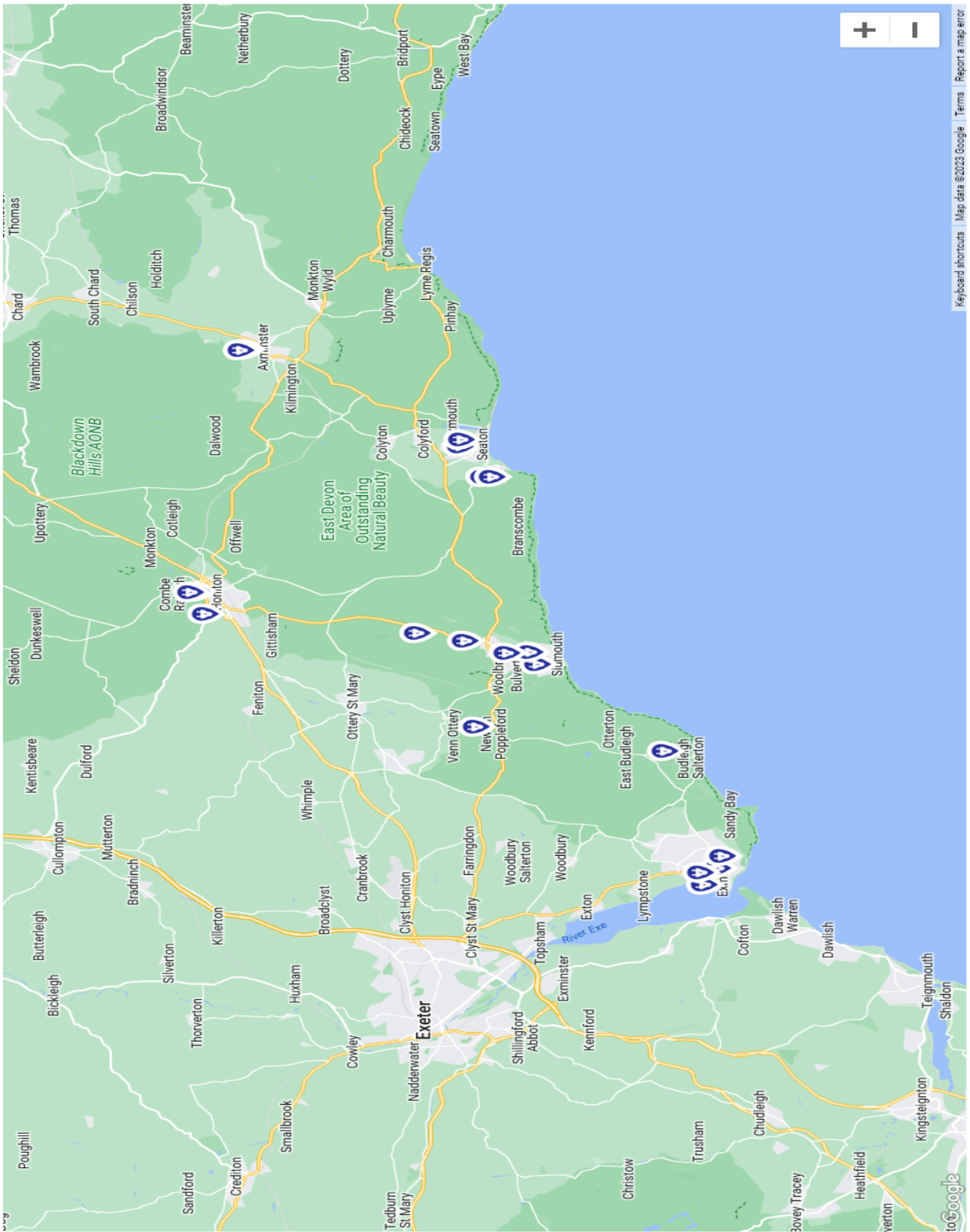
There are around 300 local authority owned car parks in Devon, most of which do not currently have charge points installed. The aim of this element of the project is to install at least 2x [11kw/ 22kw] charge points, with capacity for up to 6 further sockets in future as many car parks in Devon as possible.

On that basis, I have produced the following list of car parks with sufficient capacity and the required residential need that could be included within the scheme. It is worth noting that not all will be selected, and the number of chargers at each site may be reduced.

Some of the car parks listed do already have chargers from other providers installed, however these slower chargers will serve a different purpose, and will mainly be used for overnight charging by residents. The assets team have added their comments relating to the potential future use of some sites.

Short stay car parks have been avoided, as these are best suited to rapid chargers compatible with the maximum length of stay. If agreed, a concessionary model will be sought through a private operator to install and manage the chargers within the car parks on a long term lease basis, as is the current arrangement. EDDC will incur no cost.

CAR PARK NAME	LONG/SHORT STAY	OSPREY RAPID RATING (Suitability for rapid chargers)	SPACES	MAX STAY	Number of spaces available for LEVI	Residential Need?	Assets comments
Camperdown Terrace, Exmouth	Long	Back up site for rapids	111	24 hrs	6	Yes	Need to be mindful of longer term redevelopment plans in Exmouth which could affect this area
Central, Beer	Long	Back up site for rapids	163	24 hrs	4	No	Already have spaces let to Scottish Power and (Deletti phase 1) and Gamma
Church Street, Sidmouth	Long	Triple 75 compact site	64	24 hrs	2	Yes	Possible long term potential for redevelopment including adjoining housing site
Cliff Top, Beer	Long	No go site for rapids	300	24 hrs	6	No	Practicality of marking bays may be an issue as well as service connection being potentially difficult
Coombe Lane, Axminster	Long	Back up site for rapids	85	24 hrs	3	Yes	
Dolphin Street, Colyton	Long	Back up site for rapids	60	24 hrs	2	Yes	Already have lease to WENEA for chargers so limited additional space
Foxholes, Exmouth	Long	No go site for rapids	198	24 hrs	4	No	
Lace Walk, Honiton	Long	Triple 75 compact site	197	24 hrs	4	Yes	Already have lease of spaces to WENEA in Lace Walk
Lime Kiln, Budleigh Salterton	Long	No go site for rapids	418	24 hrs	6	No	Already a Deletti site in car park
London Hotel, Exmouth	Short	Unknown	142	3 hrs	2	Yes	
Maer Road, Exmouth	Long	No go site for rapids	334	24 hrs	6	No	
Manor Farm, Sidbury	Long	No go site for rapids	19	23 in 24 hrs	2	Yes	
Manor Road, Sidmouth	Long	No go site for rapids	287	24 hrs	4	Yes	
Mill Street, Sidmouth	Long	Back up site for rapids	34	3 hrs	2	Yes	Some spaces let on leases so would need to make sure we have enough adjoining bays we can free up.
New Street, Honiton	Long	Back up site for rapids	53	24 hrs	3	Yes	Already have some Deletti chargers in New Street
Orchard Road, Seaton	Long	Triple 75 compact site	164	24 hrs	2	Yes	Already have some chargers in this car park
Poplar Mount, Axminster	Long	No go site for rapids	74	24 hrs	4	Yes	Need to make sure no redevelopment land from Housing which could include this site.
School Lane, Newon Poppleford	Long	No go site for rapids	31	23 in 24 hrs	8	Yes	
Seaton Lurasic	Long	No go site for rapids	106	24 hrs	2	Yes	Previously looked at and lack of 24 hr access and service connection was an issue
Silver Street, Honiton	Long	Back up site for rapids	88	24 hrs	4	Yes	
Temple Street, Sidmouth	Short	Back up site for rapids	19	2 hrs	2	Yes	Need to be aware of any access rights granted off car park and make sure any charging bays don't affect these



The above map shown the distribution of the proposed LEVI car park locations across the district.



## **Appendix 1 – Email to Mill Street Residents**

Email sent on Wednesday 16<sup>th</sup> August 2023

*You are receiving this email as a current lease holder for a reserved parking bay within Mill Street car park.*

*As you have probably noticed, Mill Street is in need of resurfacing works which have been scheduled in for early 2024 – (more details to follow), with these works imminent and all current leases coming to an end, we have the opportunity to review the current configuration of the car park as well as demand for permit based parking.*

*It is fair to suggest that some of the bollards have not been particularly reliable over the past few years and our new proposal is to create a clearly defined permit holders only area within the car park, and issue as many permits as there are spaces, meaning that there will always be an available space for permit holders, without any person owning any particular space within the car park. We realise that this will require regular enforcement, which we are fully prepared to deliver.*

*I am in the early stages of considering the best way to administer permits for next year, and I would very much like your feedback on the following questions that will help shape a report to our elected members on this subject;*

*1 – Are you a Sidmouth resident without a dedicated parking space at your home address?*

*2 – Do you use your space for any activity associated with operating a business i.e. guest parking for B&B/Holiday home?*

*3 – Would you be interested in purchasing a permit for the reserved area of the car park from April 2024 if this is determined as the preferred way forward?*

*4 – Do you feel that parking spaces in the reserved area of this car park should be prioritised for those that can demonstrate a residential need?*

*5 – Any further comments regarding parking in Sidmouth as a whole would also be appreciated for context.*

*There are no definitive plans at this point so I would very much appreciate your constructive views and opinions on this matter whilst we are in the early stages of planning.*

*I thank you in advance of any feedback you are able to provide.*

*Kind regards*

**Financial implications:**

The per-bay income sought from reserved parking should be greater than that would likely be achieved through short term parking provision.

**Legal implications:**

The legal issues are dealt with in the body of the report.



Report to: Cabinet

Date of Meeting: 29 November 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release: N/A

## Treasury Management Performance 2023/24 – 1 April to 30 September 2023

### Report summary:

Half year review of the Council's treasury management activities and performance: 1 April 2023 to 30 September 2023.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

The Cabinet is asked to recommend the following to the full Council:

1. Note the report, the treasury activity and recommend approval of any changes to the prudential indicators.

### Reason for recommendation:

The Council is required by regulations issued under the Local Government Act 2003 and the Code of Practice on Treasury Management published by the Chartered Institute of Public Finance & Accounting (CIPFA) to produce a half yearly review of its treasury management activities and performance.

Officer: Janet Reeves - Accountant [jreeves@eastdevon.gov.uk](mailto:jreeves@eastdevon.gov.uk) 01404 515616 extension 2033

Portfolio(s) (check which apply):

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

**Equalities impact** Low Impact

**Climate change** Low Impact

**Risk:** Low Risk; Any depositing of surplus funds exposes the Council to a certain degree of risk relating to the security of deposits and investment return. However, through the Council's Treasury Management Strategy, the level of risk is proactively managed to an acceptable level.

**Links to background information** [Mid-Year Treasury Management Review 2023-24](#)

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

Priorities (check which apply)

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

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### **Report in full**

See Link to Background Information

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### **Financial implications:**

Contained within the report.

### **Legal implications:**

There are no legal implications requiring comment at this time.

Report to: Cabinet



Date of Meeting 29 November 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## Financial Monitoring Report 2023/24 – Month 6 September 2023

### Report summary:

This report gives a summary of the Council's overall financial position for 2023/24 at the end of month six (30 September 2023).

Current monitoring indicates that:

- The General Fund Balance is being maintained within the adopted levels.

Early forecasts indicate a favourable position of £177k is predicted. We continue to see a short-term favourable position in treasury management interest and a forecast salary saving above target. This is partially offset with Housing Benefit subsidy costs and increased Refuse and Recycling contract costs.

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

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

The variances identified as part of the Revenue and Capital Monitoring process up to Month 6 be acknowledged.

### Reason for recommendation:

The report updates Members on the overall financial position of the Authority at set periods and includes recommendations where corrective action is required for the remainder of the financial year.

Officer: John Symes, Finance Manager, [jsymes@eastdevon.gov.uk](mailto:jsymes@eastdevon.gov.uk), 01395 517413

Portfolio(s) (check which apply):

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

- Sustainable Homes and Communities
- Culture, Leisure, Sport and Tourism

**Equalities impact** Low Impact

**Climate change** Low Impact

**Risk:** Low Risk;

**Links to background information -**

Link to [Council Plan](#)

Priorities (check which apply)

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

## Report in full

### 1. Introduction

1.1 The purpose of this monitoring report is to update members of Cabinet on the overall financial position of the Authority following the end of month six. The report considers expenditure to date and projections on year-end spend to determine if the Council will maintain it's spending within budget and maintain the General Fund Balance and the Housing Revenue Account Balance within the adopted ranges.

1.2 The report contains the following sections:

- Section 2 General Fund Position
- Section 3 Housing Revenue Account
- Section 4 Capital Programme
- Section 5 Treasury Management

### 2. General Fund Position as at Month 6 September 2023

2.1 The following table shows the original budget set for the year and any supplementary estimates approved to date affecting the General Fund position. In year variances have been identified which are likely to alter the outturn position for the year as detailed in the table below. Budget monitoring will continue throughout the year with the outturn position being reported early in the new financial year along with any recommended reserve movements.

<b>General Fund Position</b>	<b>£m</b>	<b>F/A</b>
<b>Original Budget Requirement</b>	<b>9.974</b>	
Budget increases to P6 reporting	0.010	F
Predicted adverse (A) / favourable (F) spend at year end	0.167	F
<b>Revised Budgeted Deficit (2)</b>	<b>9.797</b>	

## 2.2 Staff related Cost of Service Variations to budget (£0.462 (F))

An estimated impact of the agreed staff cost of living increases of £1,925 up to the 43 salary spine point and 3.88% uplift above have been included in the outturn data using the general fund establishment at the end of October. Appendix 1 shows both the current forecasted outturn of employment costs in totality and the impact of the uplift alone.

## 2.3 Total Cost of Service Variation to Budget (£1.202m (A))

The variation across the council's portfolio of services, including the above staff related variations is show in Appendix 2 with associated commentaries made on material items within each service.

## 2.4 Interest Income from Treasury Management Activities (£1,412 (F))

Estimates for interest income in the year have been projected using the first 6 months rate of receipt. The continuing rise of base rates and the associated impact on term deposit and money market rates is resulting in a significant surplus to budget. The prediction at the time of budget setting was for a gradual decline in rates over the period however rates remain high resulting in this short-term favourable position. The increased interest return forecast may also reduce in year due the offset against any new Minimum Revenue Provision the council needs to make against new loan debt.

## 3. Housing Revenue Account Position as at Month 6 September

### 3.1 HRA Opening Balances

<b>HRA Reserves</b>	<b>£m</b>
<b>Revenue Reserves</b>	<b>(12.472)</b>
HRA Balance & Volatility Reserve	(4.702)
Other Earmarked Reserves	(7.770)
<b>Capital Reserves</b>	<b>(5.731)</b>
Ring Fenced RTB Capital Receipts	(5.731)

### 3.2 In Year Surplus and Approved Budget Variations

The following table sets out the impact on the originally agreed budgeted surplus of subsequently approved spend that was not originally included in the set budget.

<b>HRA Position</b>	<b>£m</b>	<b>F/A</b>
<b>Original Budgeted Surplus</b>	<b>(0.268)</b>	
Approved Staff Budget Variations during reporting period	0.241	A
Additional GF funding for Housing Complaints Officer	0.034	A
Remit Zero Pilot	0.475	A
<b>Revised Budgeted Deficit (1)</b>	<b>0.482</b>	

### 3.4 Impact on Income

Income was increased on rents by 7% and all other service charges by 3% in 2023/24. Lost rent due to voids continues to be above the budgeted levels and will likely add an additional £0.5m to the in-year deficit as the catch-up work to reduce void levels continues for the remainder of the year.

Additionally, due to the high levels of major works that are being addressed from the stock condition feedback the expenditure on decants during the year has been higher than expected. The forecasted implications of these two factors being;

HRA Position	£m	F/A
<b>Revised Budgeted Deficit (1)</b>	<b>0.482</b>	
Forecast Lost rent due to Voids	0.497	A
Forecast Emergency Accommodation/Decants	0.289	A
<b>Revised Deficit (2)</b>	<b>1.268</b>	

### 3.5 Integrated Asset Management Contract Expenditure

The stock condition survey has also significantly increased the demand on the IAMC contract with void levels and their associated expenditure as well as larger jobs outside of the Price Per Property framework requiring significant contributions from reserves.

### 3.6 Staff related Cost of Service Variations and the impact of Pay Award

The estimated impact of the agreed pay award on the HRA for the year is £0.17m. The salary related underspends before this uplift versus the interim agency costs were materially equal and offsetting.

### 3.7 Final forecast deficit to be taken from earmarked reserves

The above two factors combined would have the below impact to be funded from other earmarked reserves reducing their level to £5.296m.

HRA Position	£m	F/A
<b>Revised Deficit (2)</b>	<b>1.268</b>	
Staff costs & IAMC related contributions	1.206	A
<b>Revised Deficit (3)</b>	<b>2.474</b>	



#### 4. Capital Programme Position up to Month 6

4.1 Below is the estimated current position for the capital programme, which reflects a re-profiling of expenditure taking into account carried forward from the 2022/23 budget.

<b>Capital Programme Summary</b>	<b>£000</b>
<b>Net Capital Programme Budget</b>	<b>10,166</b>
Budget slippage into 2023/24	12,569
<b>Revised 2023/24 budget</b>	<b>22,735</b>
<b>Identified likely slippage</b>	<b>7,674</b>
<b>Actual Capital Expenditure</b>	<b>5,485</b>
<b>Unpaid orders</b>	<b>1,164</b>
<b>Capital Budget Requirement per programme</b>	<b>8,411</b>

4.2 Details of portfolio budgets and expenditure is available at appendix 3.

4.3 The Council currently does not hold a general capital reserve and all funding needs to be found. The cash required to fund the expenditure can be met from internal cash balances or through raising loans, this decision is made in line with Council's Treasury Management Strategy. The revenue implications of funding this position has been factored into the revenue monitoring position.

#### 5. Treasury Management

5.1 The treasury management interest received position is summarised below:

	<b>Annual Budget £000</b>	<b>Forecast Outturn £000s</b>	<b>Forecast Variance £000s</b>
Internal Investments	790 (F)	1,271 (F)	481 (F)
External Investments	347 (F)	1,141 (F)	794 (F)
	<b>1,137 (F)</b>	<b>2,412 (F)</b>	<b>1,275 (F)</b>

5.2 Detail of the treasury management portfolio is available at appendix 4.

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#### **Financial implications:**

Contained within the report.

#### **Legal implications:**

Any legal implications are identified in the report and no further comment is required.

## Appendix 1: General Fund Employment Costs Review

Table 1 – Forecast outturn of Total Employment Costs

### General Fund Revenue Budgets 2023/24

<b>Portfolio Budget - Net Expenditure</b>	<b>Actuals 2022/23</b>	<b>Budget 2022/23</b>	<b>Variation</b>	<b>%age Var</b>
Corporate Business	75,157	74,620	537	1%
Corporate Services	2,473,582	2,173,930	299,652	12%
Economy And Regenrtn Portfolio	1,788,934	1,858,090	-69,156	-4%
Environment Portfolio	2,594,261	2,794,230	-199,969	-8%
Finance	3,519,523	3,860,700	-341,177	-10%
Strategic Development & P'Ship	3,387,042	3,448,390	-61,348	-2%
Street Scene Portfolio	4,201,746	4,148,920	52,826	1%
Sustainable Homes & Communitie	2,081,857	2,225,110	-143,253	-7%
<b>Portfolio Totals</b>	<b>20,122,101</b>	<b>20,583,990</b>	<b>-461,889</b>	<b>-2%</b>

Table 2 – Estimated General Fund Impact of Agreed Salary Uplifts

<b>Portfolio Budget - Net Expenditure</b>	<b>Actuals 2022/23</b>
Corporate Business	3,486
Corporate Services	82,264
Economy And Regenrtn Portfolio	50,458
Environment Portfolio	97,624
Finance	150,220
Strategic Development & P'Ship	94,442
Street Scene Portfolio	196,723
Sustainable Homes & Communitie	84,512
<b>Portfolio Totals</b>	<b>759,728</b>

## Appendix 2: General Fund Summary – Cost of Services

### General Fund Revenue Budgets 2023/24

Portfolio Budget - Net Expenditure	Actuals 2022/23	Budget 2022/23	Variation	%age Var	Notes
Corporate Business	166,511	169,520	-3,009	-2%	1
Corporate Services	3,326,955	3,019,430	307,525	9%	2
Economy And Regenrtn Portfolio	371,369	588,060	-216,691	-58%	3
Environment Portfolio	5,701,860	5,629,120	72,740	1%	4
Finance	-1,157,572	-1,154,745	-2,827	0%	5
Strategic Development & P'Ship	3,361,679	3,318,342	43,338	1%	6
Street Scene Portfolio	14,023,841	13,151,070	872,771	6%	7
Sustainable Homes & Communitie	1,806,498	1,714,654	91,844	5%	8
<b>Portfolio Totals</b>	<b>27,601,142</b>	<b>26,435,451</b>	<b>1,165,691</b>	<b>4%</b>	
Reversal of Capital Charges (Depreciation)	0	0	0		
<b>Portfolio Totals Net of Capital Charges</b>	<b>27,601,142</b>	<b>26,435,451</b>	<b>1,165,691</b>	<b>4%</b>	
Interest Receipts (Net of investment management fees)	-2,412,253	-1,137,335	-1,274,918	53%	
Interest Payable	1,457	300	1,157	79%	
PWLB Interest	81,376	94,990	-13,614	-17%	
Principal Repayments	328,000	417,000	-89,000	-27%	
<b>Net Expenditure</b>	<b>25,599,722</b>	<b>25,810,406</b>	<b>-210,684</b>	<b>-1%</b>	
<b>Government Grants</b>					
New Homes Bonus Grant	-1,025,642	-1,025,642	0	0%	
Rural Services Delivery Grant	-264,441	-264,441	0	0%	
Lower Tier Services Grant	-1,530,145	-1,530,145	0	0%	
New Services Grant	-107,777	-107,777	0	0%	
Savings Target	0	-70,000	70,000	100%	
<b>Use of Reserves</b>					
Capital Reserve Transfers	0	0	0		
Use of Collection fund surplus Income	-358,810	-358,810	0	0%	
Use of Collection fund surplus MIRS	0	0	0		
Use of Accumulated Absence Reserve	0	0	0		
Use of Other Earmarked Reserves	-5,800,319	-5,773,041	-27,279	0%	
<b>Budget Requirement</b>	<b>16,512,588</b>	<b>16,680,550</b>	<b>-167,962</b>	<b>-1%</b>	
Business Rates Income	-6,716,000	-6,716,000	0	0%	
Business Rates MIRs	0	0	0		
<b>Council Tax Requirement</b>	<b>9,796,588</b>	<b>9,964,550</b>	<b>-167,962</b>	<b>-2%</b>	
Vs EDDC Precept per MTFP	-9,973,900	-9,973,900	0	0%	
(Surplus) / Funding GAP	-177,312	-9,350	-167,962		

## Notes

1. Corporate Business  
*No material variation on which to comment.*
2. Corporate Services  
*Centralised salary saving expectations in 23/24 amount to £0.4m and are driving this variation –offsetting savings are anticipated across the rest of the portfolio.*
3. Economy Portfolio  
*Various small variations against budget across Queens Drive, Ocean, Manor Pavilion and Industrial Sites*
4. Environment Portfolio  
*No material variations on which to comment*
5. Finance  
*The housing benefit subsidy is driving an increase of approx.. £0.3m, based on a subsidy recovery percentage of 94%. This is completely offset by the forecast salary savings based upon Oct establishment as shown in Appendix 1.*
6. Strategic Development  
*No Material variations on which to comment..*
7. Street Scene  
*The primary driver of the variance is the impact of the Suez refuse and recycling contract based upon a cost plus 5% model*
8. Sustainable Homes & Communities  
*No material variations on which to comment*

### Appendix 3: Capital Programme

Capital Programme Portfolio Summary 2023/24						
Line	Portfolio	Budget after revisions	Likely Slippage in Budget	Actual	Unpaid Orders	Under/ (Overspend)
		2023/24	2023/24	2023/24	2023/24	2023/24
		£	£	£	£	£
1	Corporate Services	1,227,732	173,674	126,875	13,183	914,000
2	Community - Housing General Fund	1,460,181	143,271	261,590	-	1,055,319
3	Economy and Regeneration	4,057,117	1,797,772	919,820	191,963	1,147,562
4	Environment	2,646,762	626,118	310,634	534,610	1,175,400
5	Street Scene	12,503,245	5,664,116	1,111,743	424,523	5,302,862
6	Strategic Development	1,250,000	1,250,000	-	-	-
7	<b>TOTAL GF GROSS EXPENDITURE</b>	<b>23,145,037</b>	<b>9,654,952</b>	<b>2,730,662</b>	<b>1,164,278</b>	<b>9,595,144</b>
8	Community - HRA	4,406,710	-	3,830,132	-	576,578
9	<b>TOTAL GROSS EXPENDITURE</b>	<b>27,551,747</b>	<b>9,654,952</b>	<b>6,560,794</b>	<b>1,164,278</b>	<b>10,171,722</b>
10	Corporate Services	-	-	-	-	-
11	Community - Housing General Fund	(1,342,796)	-	(1,075,083)	-	(267,713)
12	Economy and Regeneration	(2,249,000)	(1,124,500)	-	-	(1,124,500)
13	Environment	(531,449)	(446,111)	-	-	(85,338)
14	Street Scene	(693,630)	(410,000)	-	-	(283,630)
15	Strategic Development	-	-	-	-	-
16	<b>TOTAL GF EXTERNAL FUNDING</b>	<b>(4,816,875)</b>	<b>(1,980,611)</b>	<b>(1,075,083)</b>	<b>-</b>	<b>(1,761,181)</b>
17	Community - HRA	-	-	(216)	-	216
18	<b>TOTAL EXTERNAL FUNDING</b>	<b>(4,816,875)</b>	<b>(1,980,611)</b>	<b>(1,075,299)</b>	<b>-</b>	<b>(1,760,965)</b>
19	Corporate Services	1,227,732	173,674	126,875	13,183	914,000
20	Community - Housing General Fund	117,385	143,271	(813,493)	-	787,607
21	Economy and Regeneration	1,808,117	673,272	919,820	191,963	23,062
22	Environment	2,115,313	180,007	310,634	534,610	1,090,062
23	Street Scene	11,809,615	5,254,116	1,111,743	424,523	5,019,232
24	Strategic Development	1,250,000	1,250,000	-	-	-
25	<b>TOTAL GF NET EXPENDITURE</b>	<b>18,328,162</b>	<b>7,674,341</b>	<b>1,655,579</b>	<b>1,164,278</b>	<b>7,833,963</b>
26	Community - HRA	4,406,710	-	3,829,916	-	576,794
27	<b>TOTAL NET EXPENDITURE</b>	<b>22,734,872</b>	<b>7,674,341</b>	<b>5,485,495</b>	<b>1,164,278</b>	<b>8,410,757</b>

## Appendix 4: Treasury Management

TREASURY PORTFOLIO				
	Actual	Actual	Current	Current
	31.3.23	31.3.23	30.9.23	30.9.23
Treasury investments	£000	%	£000	%
<b>Banks</b>				
Lloyds Bank Call Account	1,000	1.7%	1,000	1.5%
Lloyds Bank Bonus Call Account	1,000	1.6%	1,000	1.5%
Bank of Scotland Call Account	2,000	3.4%	2,000	2.9%
Santander Business Reserve Account	1,000	1.7%	1,000	1.5%
Santander Business Notice Account	1,000	1.6%	1,000	1.5%
<b>Building Societies</b>	0	0.0%	0	0.0%
<b>Local Authorities</b>	0	0.0%	0	0.0%
<b>DMADF (HMTreasury)</b>	15,000	25.3%	22,450	33.1%
<b>Money Market Funds</b>				
CCLA - Public Sector Deposit Fund	3,000	5.1%	2,600	3.8%
Goldman Sachs - Sterling Liquid Reserves Fund	1,700	2.9%	3,000	4.4%
Morgan Stanley Sterling Liquidity Fund	3,000	5.1%	3,000	4.4%
<b>Total managed in house</b>	<b>28,700</b>	<b>48.4%</b>	<b>37,050</b>	<b>54.6%</b>
<b>Money Market Funds*</b>				
Payden Sterling Reserve Fund	15,120	25.5%	15,147	22.4%
Royal London Asset Management Short Term Fixed Income Fund	15,529	26.1%	15,614	23.0%
<b>Total managed externally</b>	<b>30,649</b>	<b>51.6%</b>	<b>30,761</b>	<b>45.4%</b>
<b>Total treasury investments</b>	<b>59,349</b>	<b>100.0%</b>	<b>67,811</b>	<b>100.0%</b>
<b>Treasury external borrowing</b>				
<b>Local Authorities</b>	0	0.0%	0	0.0%
<b>PWLB</b>	84,046	100.0%	83,581	100.0%
<b>Total external borrowing</b>	<b>84,046</b>	<b>100.0%</b>	<b>83,581</b>	<b>100.0%</b>
<b>Net treasury investments / (borrowing) **</b>	<b>(24,697)</b>	<b>0.0%</b>	<b>(15,770)</b>	<b>0.0%</b>

\* market value. \*\* ignores internal borrowing between General Fund and HRA

Report to: Cabinet



Date of Meeting 29 November 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## Application to designate West Hill Neighbourhood Area

### Report summary:

West Hill Parish Council have applied to the District Council for the designation of their whole Parish as a Neighbourhood Area for neighbourhood planning purposes. If approved, they can then produce a Neighbourhood Plan for their area setting out how the local community would like to see the Parish develop in the future. West Hill Parish currently falls within the already designated Ottery St Mary and West Hill Neighbourhood Area and is covered by the joint Ottery St Mary and West Hill Neighbourhood Plan, 'made' in July 2018. When this area was designated, West Hill Parish Council was not in existence and the area covered was served by Ottery St Mary Town Council only. West Hill Parish Council was formed when preparation of the neighbourhood plan was well advanced, and it was agreed at that time to continue progressing the plan jointly.

Following a review of the current arrangement, West Hill Parish Council resolved to apply for the creation of a new Neighbourhood Area for the West Hill parish only, with the intent to prepare a new neighbourhood plan for this area. The application has been advertised for 6 weeks. No objections have been raised and no suggestions have been received that the parish of West Hill would not be an appropriate Neighbourhood Area. A 'whole parish' is the default geographical area for a Neighbourhood Area in statute. Applications on this basis cannot normally be refused. However, in this case, a decision is required because of the special circumstances that apply.

As no two neighbourhood areas can overlap, the approval of a new West Hill Neighbourhood Area will also simultaneously require a decision to modify the existing Neighbourhood Area to remove the parish of West Hill from within its boundary. The effect of this will be to split the existing Neighbourhood Area into two separate Neighbourhood Areas along the parish boundary.

Ottery St Mary Town Council have not raised any objection and whilst Officers see some merit in the joint arrangement, there are not considered to be any overriding planning reasons not to approve the application and support West Hill with their neighbourhood planning intentions.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

- (1) That Cabinet approve the designation of the whole of the parish of West Hill as its own Neighbourhood Area for neighbourhood planning purposes, and;
- (2) That Cabinet agree to amend the existing joint Ottery St Mary and West Hill Neighbourhood Area to remove the whole of the parish of West Hill and rename it accordingly as the Ottery St Mary Neighbourhood Area;
- (3) That Cabinet note the effect of (1) and (2) to be the subdivision of the existing joint Ottery St Mary and West Hill Neighbourhood Area into two separate Neighbourhood Areas ('West Hill' and 'Ottery St Mary'), each covering the whole of their individual administrative parish area.

## Reason for recommendation:

To enable West Hill Parish Council (and Ottery St Mary Town Council should they wish to do so) to prepare a new neighbourhood plan for their parish under the auspices of the Localism Act 2011 and the Neighbourhood Planning Regulations 2012 (as amended).

Also, to comply with these Regulations and the Town and Country Planning Act (1990) (as amended) which do not permit designated Neighbourhood Areas to overlap and provide for a pre-existing Neighbourhood Area to be amended as part of a decision to designate a new one, including by separation into two or more Neighbourhood Areas.

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

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Portfolio(s) (check which apply):

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

## Equalities impact Low Impact

The designation of the West Hill parish as a neighbourhood area, along with the necessary revision of the pre-existing Neighbourhood Area to cover the whole of the parish of Ottery St Mary only, will ensure that residents and those with an interest in these two parishes remain able to participate in the neighbourhood planning process. Residents and other interested parties have been given the opportunity to comment on the change to the Neighbourhood Area boundary which was advertised in a variety of formats. Neighbourhood planning itself is designed to be inclusive, and extensive consultation is a fundamental requirement. The existing joint Ottery St Mary and West Hill Neighbourhood Plan, which was supported by majority vote in 2018 will remain in place across both parishes, unless and until it is replaced by new plans. New Neighbourhood Plans will go through wide consultation with the community and will be subject to referendum for electors in their neighbourhood area.

## Climate change Low Impact

**Risk:** Low Risk; The Council must provide sound reasons for refusing the application or approving an alternative Neighbourhood Area to that in the application. There is a risk that the decision will be subject to legal challenge and that West Hill Parish Council will feel disenfranchised and that their right to produce a Neighbourhood Plan under the Localism Act, on the geography they consider most appropriate, has been prevented, especially as there is no formal response from Ottery Town Council to suggest whether they wish to continue to promote a joint neighbourhood plan in the future.

**Links to background information** [West Hill Neighbourhood Area Application](#); [West Hill Neighbourhood Area Map](#); [Publicity Notice](#); [Link to Consultation Details and Representations Received](#); [Ottery St Mary and West Hill Made Neighbourhood Plan \(2018\)](#); [Ottery St Mary and West Hill Neighbourhood Plan Information \(including original Neighbourhood Area designation\)](#);



[Localism Act 2011](#); [Neighbourhood Planning Regulations 2012 \(as amended\)](#); [Town and Country Planning Act 1990 Section 61\(G\) \(as amended\)](#); [Neighbourhood Planning 'Roadmap' Guide](#); [adopted East Devon Local Plan \(2013-2031\)](#); [emerging new Local Plan \(Regulation 18 draft\)](#)

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

Priorities (check which apply)

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

## **Report in full**

### **Introduction**

1. The District Council has received an application from West Hill Parish Council for the designation of the whole Parish as a Neighbourhood Area, separating it from the existing joint [Ottery St Mary and West Hill Neighbourhood Area](#). The Parish Council have stated an intent to work on a Neighbourhood Plan for the whole Parish, tailored to the particular local circumstances of West Hill and in the light of the emerging new Local Plan. This could set new/revised local planning policies and identify sites for development in the designated area. Designating an appropriate neighbourhood area is the first stage in the neighbourhood planning process.

### **Legal Requirements**

2. The application was submitted to the District Council on 8<sup>th</sup> September 2023.
3. The requirements for an application for designation of a Neighbourhood Area are set out in Regulation 5 of the Neighbourhood Planning Regulations and in section 61G of the 1990 Town and Country Planning Act (which was amended to incorporate parts of the Localism Act 2011 and by the Neighbourhood Planning Act 2017).
4. Regulation 5 states that an application to the Council for designation of a Neighbourhood Area must include:
  - a. A map which identifies the area to which the application relates;
  - b. A statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and
  - c. A statement that the organisation is the relevant body for the purposes of section 61G of the 1990 Act.
5. The application has been assessed by officers to meet these requirements, having been proposed by a 'qualifying body' for neighbourhood planning (the Parish Council) and including the required statement of reasons and map of the proposed neighbourhood area boundary. The [application form](#) and accompanying [map](#) are available to view with this report.
6. Under Regulation 5A, the Local Authority does not normally need to consult on, or have the ability to refuse, an application for designation of a Neighbourhood Area that covers a whole parish. However, in this instance exceptional circumstances apply, namely that the area applied for has already been designated as a neighbourhood area 'which extends

outside the parish council's area' (i.e., across the whole of the adjoining parish of Ottery St Mary). As such, a formal consultation and decision on whether to approve the area as applied for, or approve it on an alternative geography, or refuse it, is necessary.

7. Section 61G of the Town and Country Planning Act 1990 (as amended) sets out that in determining a Neighbourhood Area application, the Local Authority must have regard to:
  - a) the desirability of designating the whole of the area of a parish council as a neighbourhood area, and
  - b) the desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas.
8. And, that in determining the application we can modify an existing designation. In this case, this could be to:
  - a) change the boundary of the existing neighbourhood area, or;
  - b) replace the existing neighbourhood area with two or more separate neighbourhood areas (This would include creating the new neighbourhood area by splitting it from the existing area).
9. Whatever we decide, the Act specifies that "areas designated as neighbourhood areas must not overlap".
10. The published decision will need to include a map setting out the areas that are being designated, or, if refusing the application, to set out the reasons for refusal.
11. The formal consultation ran on the application for 6 weeks, as required by the Regulations, from 18<sup>th</sup> September to 30<sup>th</sup> October 2023. The consultation was publicised in both the parish of West Hill and Ottery St Mary. It was advertised on the District and Town/Parish Council websites, on our social media, in the local paper and on Parish noticeboards. Hard copies of the application documentation were also made available in the local library. Notices were also sent to:
  - Devon County Council,
  - Environment Agency,
  - Historic England,
  - National Highways,
  - Natural England,
  - Sport England,
  - Ottery St Mary Town Council
  - All Parish Councils with boundaries adjoining West Hill and/or Ottery St Mary parish,
  - Members for affected and adjoining wards
  - Others not included above who had made representations on the Ottery St Mary and West Hill Neighbourhood Plan when it was submitted to East Devon District Council at its Regulation 16 stage consultation.
12. In this way it is considered to have been appropriately advertised and brought to the attention of those 'living, working and carrying out business in the area', as required by the Regulations. The [publicity notice](#) is available to view with this report. The legislation now requires determination of the application by 19<sup>th</sup> December (13 weeks from the day after the application was first advertised).

## **Reasons for Application**

13. A Neighbourhood Area (with a made Neighbourhood Plan) currently exists jointly across the whole of West Hill parish and the adjoining parish of Ottery St Mary. The application seeks to create a new neighbourhood area for the parish area of West Hill only, removing this

from the joint neighbourhood area. At the time the original Neighbourhood Area was designated in 2013, West Hill Parish Council was not in existence. The original Neighbourhood Area covered that served solely by Ottery St Mary Town Council. The formation of West Hill Parish Council, in 2017, occurred during the advanced stages of neighbourhood plan preparation, and it was agreed at that time to continue progressing the plan jointly. The joint Plan was 'made' in July 2018.

14. With both the Plan and West Hill Parish Council having been operational for over 5 years, and in the context of an emerging new Local Plan, discussions have taken place between the Town and Parish Council about reviewing the neighbourhood plan. These included the relative merits of continuing with a joint plan arrangement or splitting the neighbourhood areas and each parish preparing its own plan.
15. West Hill Parish Council advise in their application that the discussions identified that each parish/council has its own interests, needs and priorities which in some cases have diverged. They cite the separate and distinct characteristics and identities of the settlements of West Hill and Ottery St Mary which they consider could be better served by individual neighbourhood plans. At the same time, they acknowledge a need for, and advise of a current agreement between, the two councils to liaise on matters of mutual interest where it would be advantageous to have some joint working and discussion, e.g., potential green wedge between Ottery & West Hill.
16. West Hill consider that whilst some policies in the current Plan are working well, others could benefit from being strengthened and made more specific for West Hill, and that some new policies are needed.
17. For these reasons, West Hill Parish Council resolved to apply for the creation of a new Neighbourhood Area for the West Hill parish only, with the intent to prepare a new neighbourhood plan.

## **Representations Received**

18. In response to the proposed Neighbourhood Area application, a total of 10 representations have been received, from residents, an agent and statutory bodies. The statutory bodies comprised Environment Agency; Historic England; Natural England, National Highways, and Sport England.
19. No objections or concerns have been raised to the proposals in any of the representations. Five representations explicitly expressed support for the creation of a West Hill only Neighbourhood Area. The others, all from statutory agencies, responded to the consultation primarily to offer support, advice and guidance for future plan preparation. All [responses](#) are available to view on our website.
20. No alternatives to the geography of the applied for Neighbourhood Area have been suggested by any respondents as being more appropriate. Ottery St Mary Town Council have not responded to the consultation directly. However, the application was discussed at a full Town Council meeting on 2<sup>nd</sup> October 2023. The minutes record that the matter was considered and that the Town Council, "wish West Hill Parish Council well in their endeavours". Previously, on 13<sup>th</sup> March 2023, the Town Council had themselves resolved to "apply to EDDC to register a new Neighbourhood Area of Ottery St Mary Parish."
21. West Hill Parish Council also advise in their application that the proposal to proceed with a neighbourhood plan review was discussed with residents during the consultation event they organised related to the emerging new Local Plan, and that residents were supportive of the proposal to proceed with a separate new neighbourhood plan for West Hill. The EDDC

Ward Member, Councillor Jess Bailey, is also supportive of the application on the grounds of it being consistent with West Hill having its own Parish Council, whilst also meaning that West Hill and Ottery St Mary parishes can co-operate where they wish to do so.

## Assessment

22. Having considered the reasons for application, the representations received and the Ward Member observations, as set out above, there are no obvious reasons to suggest the application should not be supported as submitted. However, in reaching a judgement about the extent of the Neighbourhood Area, the Council as Local Planning Authority needs to consider:
- Is the proposed area consistent, coherent and appropriate for neighbourhood planning?
  - Is the neighbourhood area an appropriate area to 'plan' for in planning terms?
  - Does the proposed neighbourhood area reflect recent/ current development proposals in the area?
23. To assist with the assessment, [National Planning Guidance](#) on neighbourhood planning (paragraph 033) sets out considerations that may be relevant, other than administrative boundaries, in determining the extent of a neighbourhood area. Most relevant in this case are considered to be:
- village or settlement boundaries (including areas of planned expansion);
  - the catchment area for walking to local shops and services;
  - the area where formal or informal networks of community-based groups operate;
  - the natural setting or features in an area.
24. Clearly there is considerable interaction between the two settlements/parishes of West Hill and Ottery St Mary, as indeed there is between Ottery and other smaller, surrounding villages and hamlets in its hinterland. West Hill residents use the facilities such as schools, shops and surgeries in the town, and there are shared opportunities to enjoy the surrounding and intervening areas of accessible countryside and other green and recreational spaces.
25. Nevertheless, there is a clear identifiable and distinct difference in the nature and character of the adjoining parishes of West Hill and Ottery St Mary. The focal point of each is the settlement of the same name, which each lie entirely within the boundaries of their own parish. As one of 7 main towns in the district, the market town of Ottery St Mary has seen significant expansion under the adopted Local Plan and is proposed for further planned growth under the emerging Local Plan, (currently 288 new homes and 1.25 hectares of employment land across 6 sites). The growth that has occurred under the adopted Local Plan and is envisaged under the new Local Plan does not straddle the boundary into the parish of West Hill.
26. The large distinct post-war village of West Hill is characterised by sizeable, detached houses in spacious plots, interspersed with numerous trees and woodland, and has its own primary school, village shop, and hall. There has been limited development at West Hill under the adopted Local Plan, by virtue of it being a named settlement with a defined 'Built Up Area Boundary' but with no allocations made. This is set to change to some extent under the emerging Local Plan which includes West Hill as one of 23 'Service Villages', where limited development to meet local needs would be allowed. This time, as well as a proposed revised (looser) settlement boundary, the Plan (as at Regulation 18 draft) proposes 3 sites for allocation at West Hill for around a total of 57 new dwellings and 0.2 hectares of employment land. Again, these are closely related to existing development at

West Hill village and not proposed to straddle the boundary into the parish of Ottery St Mary (notwithstanding that West Hill village does lie close or adjacent to part of this boundary at its eastern extremity).

27. The made Neighbourhood Plan seeks to ensure the special characteristics of each settlement in the Plan Area are retained. The Plan is also particularly concerned with containing the settlements of West Hill and Ottery as separate entities. To this end it includes a policy (NP4) to resist developments that would compromise this through the setting of a 'Settlement Containment Area' that straddles the parish boundary (falling predominantly in the parish of Ottery St Mary). It also identifies 'valued views', some of which extend into the adjoining parish (Policy NP6) and seeks to facilitate safe pedestrian and cycle links between the two settlements.
28. There is evidence that the northern part of the identified 'Settlement Containment Area' is under some potential development pressure, with substantial parts of it put forward for consideration for development through the HELAA/Call for Sites process. From the assessment of sites undertaken to date for the new Local Plan, the majority of these are not proposed for allocation and are assessed as 'rejected sites', although this process is ongoing and subject to change. There is however one 'preferred site' proposed for allocation in the draft new Local Plan. This is at Barrack Farm and is proposed for allocation for 70 homes and 1.25 ha employment land. The site lies wholly within the 'Settlement Containment Area'. It is however also wholly within the Ottery St Mary parish, adjacent to the current 'Built Up Area Boundary' of the town.
29. The 'Settlement Containment Area' is currently being assessed as a potential 'Green Wedge' for designation in the emerging Local Plan to protect against settlement coalescence. The outcome of this assessment will not be known for some time and is due to be consulted upon next Spring. Separate neighbourhood plans for each parish in due course, replacing the made joint neighbourhood plan, would not individually cover the full extent of the current Settlement Containment Area and would need to rely on any protection given to it in the new Local Plan and / or any new neighbourhood plan policy applicable within their own area. The matter could however potentially be addressed in a complementary/co-ordinated fashion between the 2 neighbouring plans if it remains a priority to both parishes. Although this is likely to be more challenging to achieve than if this area (or any future iteration of it) fell within a single Neighbourhood Area, this is not considered to represent grounds for objecting to the application.
30. In terms of any current/recent development proposals in the area, since the release of the draft new Local Plan for consultation last year, and the current lack of a 5-year housing land supply in the district, a number of speculative applications have already been submitted at various sites in West Hill. There are 3 live proposals currently on sites assessed for allocation in the new Local Plan:
- Application 23/1143/MFUL for 36 dwellings (50% affordable): Preferred Site West\_04 in emerging Local Plan - *Awaiting decision*
  - Application 23/0727/MOUT – Outline application for up to 30 dwellings – Preferred Site West 06 in emerging Local Plan – *Resolution to approve (subject to s106 Agreement)*
  - Application 22/2533/MOUT - Outline application for 23 dwellings - Rejected Site West 05 - *At appeal for non-determination (awaiting decision)*
31. These are all at/adjacent to the village of West Hill and fall entirely within West Hill Parish. There are no other current or recent proposals considered to be relevant to highlight in the consideration of this application.

32. There would, as standard, be substantial consultation as part of any neighbourhood plan preparation process. It is also considered that a single approach or set of planning policies for the parish of West Hill (and/or the parish of Ottery St Mary) could be coherently and appropriately made, whilst also taking account of and responding to the relationship with the adjoining area.
33. The timing of any new or modified neighbourhood plan for West Hill parish (and/or Ottery St Mary parish) and any joint working between the two, will need to be the subject of careful consideration and discussion between the parish and town council and with East Devon District Council. It is also worth being aware that the new Local Plan (when adopted) will supersede the made Neighbourhood Plan, in so far as there are conflicts between the two. Also, that any new or modified neighbourhood plan will need to be developed in general conformity with the strategic policies of the Local Plan, with the role of neighbourhood plans being to focus on adding local specificity/requirements.
34. It is not considered that the proposed change in neighbourhood area would undermine or conflict with the strategic planning for the area, but it will be important to manage local expectations in both Ottery and West Hill parishes. Neighbourhood plans cannot propose less development than is promoted in strategic planning policy, and a new neighbourhood Plan for West Hill (or Ottery St Mary) would have limited opportunity to influence emerging strategic planning policy and could not affect any existing planning permissions. However, it could produce local policies addressing issues such as design and layout and help to ensure that local needs and priorities are addressed through the development management process. It could also allocate sites for development if so desired and appropriately justified.
35. Finally, in respect of housing, it should be noted that the new Local Plan must set a housing requirement figure for all designated Neighbourhood Areas. The purpose of setting them, according to Government, is to increase certainty for neighbourhood plan preparation and to set out the scale of development that can be expected in an area. If the application under consideration is approved, a separate figure will therefore need to be calculated and set for both West Hill Neighbourhood Area and Ottery St Mary Neighbourhood Area, rather than a single figure applicable across both parishes jointly. Through Strategic Planning Committee, the Council intend to consult on the methodology for how these figures are calculated in the Spring. Ahead of the method selection and the calculation of the housing requirement figures, it is not possible to comment on what the implications might be for individual neighbourhood plans. Given the location of a main town in the larger parish of Ottery St Mary, two separate Neighbourhood Areas, each with their own housing requirement to reflect local circumstances, might be more appropriate. In any case, it should be noted that neighbourhood plans do not have to make allocations and it is possible that their requirement could be fully met through other sources (e.g. through development already consented or through allocated sites in the new Local Plan). This is therefore something to note as an implication of creating a new Designated Neighbourhood Area, rather than a key consideration in determining the application itself.
36. For reference, the map in Annex 1 shows the parishes boundaries of West Hill and Ottery St Mary parishes/proposed Neighbourhood Areas; the Settlement Containment Area in the made Neighbourhood Plan; and the current status of sites put forward for development in the area being assessed through the emerging Local Plan process (some of which are the subject of live planning applications/appeals as set out in paragraph 30 above).

## Alternative Options

37. There are considered to be two alternative options to approving the application as submitted:
- a) **Refuse the application and retain the existing joint Ottery St Mary and West Hill Neighbourhood Area:** The legislation and regulations are such that, in most circumstances, approval of an application for a Neighbourhood Area based on a single whole parish area is accepted / standard practice. Whilst Officers saw some merit in early discussions about this matter with both West Hill Parish Council and Ottery St Mary Town Council for retention of the joint area to facilitate consideration of cross-boundary issues, there are not considered to be any overriding reasons to recommend refusal. Without a designated Neighbourhood Area in place West Hill Parish Council would not be able to proceed with its intention to prepare a Neighbourhood Plan for its own area, and no objections have been received to the application. Approval of the application would not prevent Ottery St Mary Town Council from preparing a new Plan for their area in the future, should they wish to do so. The existing joint 'made' neighbourhood plan will remain in force in both parishes until such time as it is replaced by a new plan in that area.
  - b) **Approve the application but designate the new Neighbourhood Area to cover a different (larger or smaller) area, not fully contiguous with the West Hill parish boundary:** This has not been suggested by any respondents to the consultation and consideration was given to this prior to the application in informal discussion with Officers. As above, whilst Officers considered there to be some merit in the joint area covering both Ottery St Mary and West Hill parishes to facilitate consideration of cross-boundary issues, there are not considered to be any overriding reasons to recommend the joint area is retained or any other alternative area is designated. The intention of both parties to work together on issues of mutual interest is noted. Separation of the existing joint area into its two constituent parishes enabling each to develop their own Neighbourhood Plan, in consultation with the other, is considered to be appropriate. There are no areas of existing or proposed strategic development within West Hill parish that it would be appropriate to exclude. As above, the legislation and regulations are such that, in most circumstances, approval of an application for a Neighbourhood Area based on a single whole parish area is standard practice and this is the norm in East Devon.

## Conclusions and Next Steps

38. Officers recommend that a new Neighbourhood Area should be designated to cover the entire parish of West Hill only. As a result, it is required that Members also agree to amend the boundary of the original Ottery St Mary and West Hill Neighbourhood Area to cover the entire parish of Ottery St Mary only. It is recommended that this be renamed accordingly as the Ottery St Mary Neighbourhood Area. This decision would effectively separate the existing neighbourhood area into two areas, along the shared parish boundary, as shown in the map in Annex 1.
39. If Members decide not to accept the recommendation and refuse to designate the Neighbourhood Area as proposed in the application, the Council must publish a statement setting out the decision and the statement of reasons for making that decision (the 'decision document').
40. The Council will need to publish the decision relating to the neighbourhood area on the website, including a map to show the areas being designated/modified, and bring this to the attention of people who live, work or carry out business in the neighbourhood area.

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**Financial implications:**

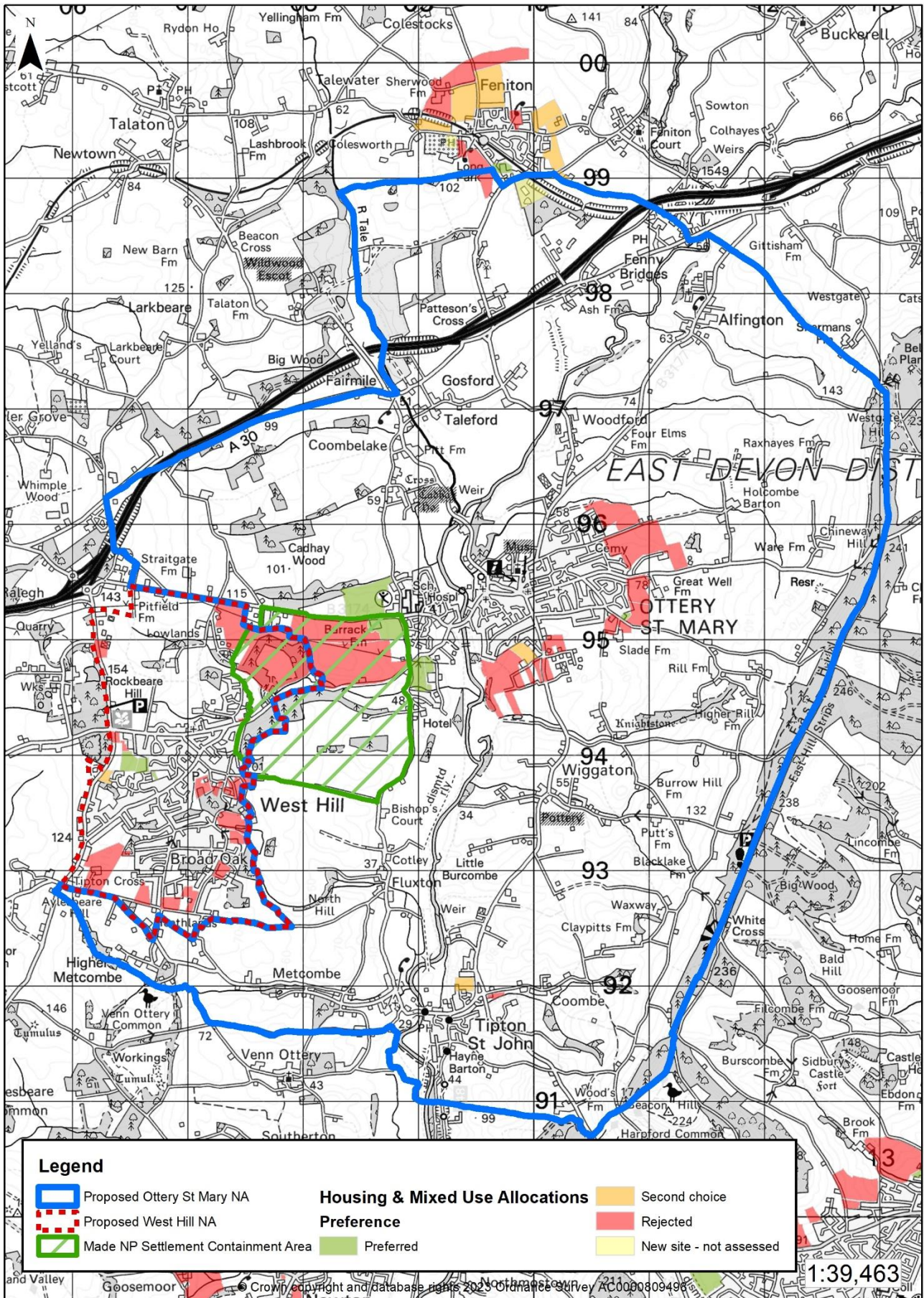
Central Government funding is available for Neighbourhood plans. This income covers not only examination fees but also all other associated costs such as employment and all other supplies and services. Any residual funds are placed into an earmarked reserve and utilised to cover funding gaps in subsequent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

**Legal implications:**

Once a Neighbourhood Area is designated the District Council are legally required to provide advice and assistance to the subsequent production of the Neighbourhood Plan (including the costs of organising the independent examination – although a Government grant towards the costs can be sought). Once the Neighbourhood Plan is adopted then it carries weight as part of the Development Plan and moreover entitles the Neighbourhood to 25% of CIL receipts from development within its area to be used towards the provision of local infrastructure. In this instance it is the responsibility of Cabinet to determine the Neighbourhood Area to designate. If refusing the application or designating an alternative Area, it is critical (to avoid the risk of legal challenge) that full and justifiable reasons are given when making the decision.



# Annex 1: Proposed West Hill and Ottery St Mary Neighbourhood Areas in Context







Report to: Cabinet

Date of Meeting 29 November 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

## Consultation on draft Cemetery Regulations

### Report summary:

To seek Cabinet approval to undertake a consultation process introducing combined Regulations for the Management and Control of East Devon District Council Cemeteries.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

**To carry out a consultation on the introduction of Regulations for the Management and Control of East Devon District Council Cemeteries.**

### Reason for recommendation:

In order to meet the requirements to carry out a consultation before introducing the new regulations.

Officer: Phillippa Norsworthy - Licensing Manager email: [pnorsworthy@eastdevon.gov.uk](mailto:pnorsworthy@eastdevon.gov.uk)

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

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

**Equalities impact** Low Impact

**Climate change** Low Impact

**Risk:** Low Risk;

**Links to background information** [combinedcabagenda080317PUBLICverscompressed.pdf](https://www.eastdevon.gov.uk/combinedcabagenda080317PUBLICverscompressed.pdf)  
([eastdevon.gov.uk](https://www.eastdevon.gov.uk))

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

Priorities (check which apply)

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

## Report in full

1.1 The rules and regulations for the control and proper management of the council's cemeteries are made under the provisions of the Local Authorities Cemeteries Order 1977 which replaced all previous rules and regulations. The Council reserves the right to alter, add to or amend the Regulations from time to time as necessary.

1.2 The Council manages Seaton, Sidmouth and Sidbury cemeteries and controls all matters relating to notice of burials, selection of grave space, interment fees, rights of burial, exhumations, cemeteries' registers, permissions for monuments and inscriptions. The council also manages security and maintenance of the cemeteries.

1.3 Whilst there is no statutory requirement for a Council to provide cemeteries there is a statutory duty to dispose of those who die within the District where no other funeral arrangements are being made. In line with most authorities, the Council provides cemeteries.

1.4 All three were 'inherited' by the council in 1974 following the amalgamation of former rural and urban councils into the East Devon District Council. Since that time the three cemeteries have been extended to accommodate further areas for burials. The council also inherited three sets of cemetery regulations relating separately to Seaton, Sidbury and Sidmouth cemeteries (regulations approved in the case of Sidbury and Sidmouth in 1952 and Seaton in 1974 respectively).

1.5 The control of council cemeteries are set out in regulations agreed by the authority, these being conditions setting out the administration of the cemeteries along with the controls and requirements applicable to burials and the placing of memorials and plaques.

1.6 The working arrangements that have evolved over previous decades are that the Licensing Team administers cemetery registers, fees and the allocation of burial plots whilst Street Scene has responsibility for maintenance of the cemetery grounds along with some grave preparation relating to ashes interments. The council does not undertake full grave excavations which are arranged by the relevant undertaker.

1.6 A working draft of the regulations is provided at **Appendix A** together with a draft declaration for Certificate or Order at **Appendix B**.

1.7 It is now considered timely and necessary to combine and modernise the regulation of the three cemeteries by producing one set of regulations that apply to all three. The regulations now amalgamate the three sets of historic regulations drawing on parts of the old regulations, on recent experience, on best practice from around the country, and on a comments from a previous consultation undertaken in 2017.

1.8 Whilst not required by legislation, it is considered good practice for interested parties to be consulted about the regulations. Providing members agree to the consultation being undertaken, it is proposed that the consultation will be carried out over a period of six weeks to include all Town and Parish councils, undertakers, funeral directors and members of the public. There will be a web based consultation, with paper copies available on request, with an opportunity to comment via the council website.

1.9 A consultation on an earlier set of proposed regulations was undertaken between 1<sup>st</sup> August 2017 and 15<sup>th</sup> September 2017, and the attached draft regulations incorporate feedback received as part of that consultation exercise. Due to the length of time that has elapsed since the previous consultation exercise, and the number of changes made to the draft Regulations in light of the previous responses, it is considered good practise to undertake a further public consultation exercise.

1.10 All responses will be duly considered and if appropriate the regulations may be amended prior to the final draft being submitted to Cabinet and Council for approval.

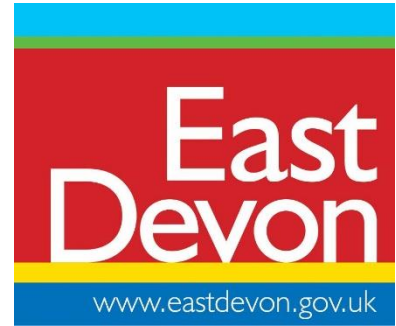
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**Financial implications:**

The associated consultation preparation and publication costs will be met in full from cemetery fees income.

**Legal implications:**

The full legal implications are set out within the text of the report.



**East Devon District Council**

**Regulations for Management  
and Control of  
Cemeteries**

**2023**

**Draft**

**Regulations for the Management and Control of Cemeteries**

**INTRODUCTION AND HISTORY**

East Devon District Council provides and manages three cemeteries in Seaton, Sidbury and Sidmouth following the amalgamation of former rural and urban councils in 1974. In the intervening years the cemeteries have been extended and a woodland section has been developed at the Seaton Cemetery.

The controls on council cemeteries are set out in 'regulations' agreed by the authority. These had been approved in the case of Sidbury and Sidmouth in 1952 and Seaton in 1974. There have been minor changes made to these regulations since that time including the introduction of the Seaton Woodland section.

There is no restriction on who can be buried in the cemeteries however like most councils, this council has charged double fees for the burial and the placing of memorials of those who before their death were not resident in the district. Double fees are also charged for the purchase of exclusive rights of burial by a non-resident.

It is now intended that this single set of regulations will apply to all three cemeteries drawing on the parts of the old regulations, Local Authorities Cemeteries Order 1977, recent experience and from best practice around the country.

**Regulations for the Management and Control of Cemeteries**

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**Regulations for the Management and Control of Cemeteries**

**Regulations for the Management and Control of East Devon District Council Cemeteries**

The District Council manages and controls three cemeteries in East Devon

Seaton Cemetery  
Colyford Road  
Seaton  
Devon  
EX10 2DQ

This cemetery includes a woodland area for woodland burials

Sidbury Cemetery  
Deepway  
Sidbury  
Devon  
EX10 0SA

Sidmouth Cemetery  
Temple Street  
Sidmouth  
Devon  
EX10 9BN

**1. Cemeteries Regulations**

The rules and regulations for the control and proper management of the council's cemeteries are made under the provisions of the Local Authorities Cemeteries Order 1977 and replace all previous rules and regulations.

If you need help in interpreting the rules and regulations, please contact the Council - contact details are within this document and may change accordingly.

The Council reserves the right to alter, add to or amend the Regulations from time to time as necessary.

**2. General**

The cemeteries will normally be open to the public daily between 0900 hours and sunset.

No person other than a person authorised by the Council shall enter or remain in any cemetery at any time when it is closed.

All persons entering any cemetery shall be subject to the orders and controls of the Council or any person authorised by the Council.

The Council will deal with all matters relating to the management and security of the cemeteries.

## Regulations for the Management and Control of Cemeteries

### 3. Management of Bereavement Services

The burial authority is East Devon District Council, Blackdown House, Heath Park Industrial, Honiton, Devon EX14 1EJ. Telephone contact for general enquiries can be made through calling 01404 515616 or by email at [burials@eastdevon.gov.uk](mailto:burials@eastdevon.gov.uk).

Staff in Bereavement Services are working Monday - Friday (9.00am - 12.30pm) excluding Bank Holidays and on all days when the council offices are closed. The staff have an extensive knowledge of cemetery processes having undertaken training by the Institute of Cemetery and Crematorium Management (ICCM).

None of the following actions can take place without specific prior permission of the Council:

- (a) Burials or exhumations
- (b) Burial of ashes.
- (c) Erection or fixing of a memorial.
- (d) Inscription on a memorial.
- (e) Renovation of a memorial.
- (f) Removal and /or replacement of a memorial.
- (g) Scattering of Ashes

The Council manages all matters relating to notice of burials, allocation of grave space, interment fees, rights of burial, exhumations, cemeteries' registers, permissions for monuments and inscriptions. Application forms and forms of notice in connection with burials and interments and memorialisation may be obtained from the Council Offices. Forms and notices may change and vary accordingly.

### 4. Booking an interment

Initial reservations to arrange a burial [\(Book a burial - East Devon\)](#) should be submitted online through the council's website as bookings will not be accepted by telephone. All reservations will be treated as 'provisional' until receipt of the formal notice of interment form, required certificates and the payment. The Council will not accept any responsibility for any delay or misunderstanding if instructions are given by telephone, nor through the late submission of any documents that are required prior to any interment or scattering of ashes taking place.

The time fixed for a funeral must be that when the procession is to arrive at the Cemetery. The time must be strictly kept to prevent one funeral interfering with another. If a funeral arrives late there may be an additional fee to be paid.

Prior notice should be given for extraordinary or large funeral processions. For example, the use of a horse drawn hearse, a military funeral, or a large gathering.

## Regulations for the Management and Control of Cemeteries

### 5. Notice of Interment

We accept notice of interment (including all burials, interment of ashes or scattering of ashes) as 'confirmed' upon receipt of all forms and certificates required to fulfil statutory requirements, and those required by the Council, being received at the Council office no later than two full working days before the proposed date of the funeral. This period of time excludes Saturdays, Sundays, Bank Holidays and when the Council offices are closed over the Christmas and New Year period. The period of notice may only be reduced in exceptional circumstances at the Council's discretion and not without prior confirmed arrangement.

The fees and charges for any burial, interment or scattering of ashes will be invoiced at the time of booking and are due before the burial, interment or scattering takes place. Application fees relating to the erection of a memorial adding an inscription or the replacement of a memorial will be invoiced when the application is processed and paid before the work to which they relate is started. Funeral directors and monumental masons may apply for an account with the Council. Facilities are available to make payments by BACS bank payment and by card over the telephone. Charges are in accordance with the Councils' published scale of fees for cemeteries and are available on the council's website at [cemetery fees](#).

The notice of burial must be in the form prescribed by the Council and must contain the following information:

- I. Name of person being buried or whose ashes are being interred
- II. Permanent address prior to death
- III. Address at which the death occurred
- IV. In the event of the length of stay in East Devon District being less than one year the deceased's previous address.
- V. Date of birth (day, month and year)
- VI. Date of death (day, month, and year)
- VII. Age of person (if in years that of their last birthday)
- VIII. Date and time of intended interment
- IX. Name of person to officiate at burial (if any)
- X. Situation of the grave or plot, and where relevant the name and address of the owner of the exclusive rights of the grave
- XI. The depth of the proposed grave
- XII. The dimensions of the coffin or casket
- XIII. The name and address of the funeral director
- XIV. The name and address of the person giving notice of the funeral
- XV. The notice must be in writing and plainly signed with the name and address of the person giving it.

**Regulations for the Management and Control of Cemeteries**

**6. Certificate for Burial or Cremation**

A certificate for Burial or Cremation issued by the Registrar for Births, Deaths and Marriages, or a Coroner's Order for Burial or in the case of ashes a Certificate of Cremation issued by the crematorium, must be delivered to the Council before the burial of a body or interment of ashes.

For the burial of a stillborn child a Registrar's Certificate for disposal or if there has been an inquest, an order of the coroner will be required. In the case of a non-viable foetus, the medical practitioner or midwife's certificate of delivery will be required. The medical practitioner or midwife must have been involved with the delivery. No interments will take place unless the certificate or order is produced. The only exception is where a burial (not a cremation) is allowed without actual delivery of the Registrar's Certificate or Coroner's Order where the person effecting the disposal is satisfied by a written declaration from the person procuring the disposal that such a Certificate or Order has in fact been issued in respect of the deceased. Regulation 49(3) of the Registration of Births and Deaths Regulations 1987 provides that the terms of the declaration shall be as set out in Form 18. A copy of a Form 18 appears at Appendix B to these regulations.

**7. Selection of Graves and Ashes Plots**

- (a) The allocation of any grave or ashes plot for any burial or interment of ashes for which exclusive rights have not been purchased will be at the sole discretion of the Council.
- (b) New graves will be allocated in strict rotation. They are not available for selection other than the option of a grave in consecrated or un-consecrated ground. Un-consecrated ground is available for funeral rites of different denominations, non-denominational and humanist burials.
- (c) New graves will be allocated in 'lawn' type sections. Lawn sections allow only for the provision of a headstone and base placed at the head of the grave with the remainder kept as grass and permanently unobstructed for the purpose of maintaining the cemetery.

**8. Interments**

- a) Interments will take place between the following times (excluding bank or public holidays):

Winter hours - Burials	Monday to Friday	09:00 to 14:00
- Interment of ashes	Monday to Friday	09:00 to 14:30
Summer hours Burials	Monday to Friday	09:00 to 15:00
Interment of ashes	Monday to Friday	09:00 to 15:30

Please check with bereavement services for exact dates that summer &

## Regulations for the Management and Control of Cemeteries

- winter hours are in force
- b) The Council may at its discretion grant permission for a burial between the hours of 0900 and 1300 on Saturdays for which an additional fee will be charged.
  - c) When the Council offices are closed or over the Christmas/New Year period. bookings for interments can be made through of [online booking form](#). The booking may not be confirmed until the Council offices reopen.
  - d) No burials or interment of ashes will normally be permitted to take place within 60 minutes following the time appointed for an earlier funeral at the same cemetery.
  - e) The party arranging the funeral is responsible for providing sufficient bearers to convey the coffin reverently from the hearse to the coffin resting place/and/or the graveside.

### 9. Officiating at a Funeral

A person having charge of a funeral who wishes for a person to officiate at any burial or scattering of ashes must make arrangements for that person to attend. The Council takes no responsibility for making such arrangements or collecting any fees for such attendance.

### 10. Full Memorial Graves

Full memorial graves are no longer available in any of the Council cemeteries. These graves are located in the older parts of the cemeteries; Sidbury cemetery sections AA, A – Q, Sidmouth cemetery sections A – Z and XA – AG. Whilst kerbs, railings, posts or chains and similar items to enclose a grave were permitted when these areas were purchased in the past, no further items of this nature are now permitted. Where items and structures have been damaged or general wear has taken place they can be replaced 'like for like' but providing in all cases that the Exclusive Right of Burial for the grave has not expired and with the permission of the holder of the Exclusive Right of Burial. This must only be with the Council's written consent. The memorial will become the Council's property at the expiry date of the period of the grant of the Exclusive Right of Burial for the grave.

### 11. Graves in Lawn Section

All new graves in the Council cemeteries with the exception of any woodland grave are Lawn Plots. A memorial may be placed at the head of a grave only with the Council's prior written consent. No other permanent memorial may be placed on the grave. The memorial will become the Council's property at the expiry date of the period of the grant of the Exclusive Right of Burial for the grave.

## **Regulations for the Management and Control of Cemeteries**

All containers left on the grave must be of a non-breakable material. Any items left on the graves are at the owners own risk and the Council cannot be held responsible for any breakages however caused. The Council may remove any articles from any grave that are likely to cause risk, damage, or amount to an offence or which may interfere with the Councils maintenance of the grounds and site.

### **12. Woodland Graves (Seaton only)**

The woodland section is managed to evolve in a way that will be contributing to the creation of a new sanctuary for wild plants, birds, butterflies, and other wildlife. Only biodegradable coffins will be permitted allowing the area to remain as natural as possible. After an interment the area will be returned to grass. We will plant trees and shrubs, at our discretion, to enhance the woodland feel. No individual markers or monuments will be allowed on any grave.

Only single body burials are permitted in the woodlands cemetery. An exclusive right of burial certificate may not be purchased for the woodlands cemetery. No reservations are permitted.

### **13. Dimensions of Graves and Ashes Plots**

- a) Full Size Graves measure 1.20m (4') wide x 2.70m (8' 10") long x 2.00m (6' 6") deep. Where two coffins are to be interred in a grave the grave must be sufficiently deep to allow for a minimum of 0.16m (6") of soil between each coffin and in all cases there must be 0.92m (3') of soil between the top of the coffin and the surrounding ground level.
- b) In any woodland area only one coffin is permitted in a grave.
- c) A maximum of four sets of ashes may be interred in any full size grave.
- d) All ashes plots, from the date of the approval of these regulation, are suitable for the interment of a maximum of two sets of ashes in plots measuring 0.45m (18") long x 0.45m (18") wide x 0.45m (18") deep. The use and allocation of single plots and for 4 sets of ashes has been discontinued.

### **14. Excavation of Graves**

The funeral director or the person having charge of the funeral must contract the services of a suitably qualified and council approved gravedigger to excavate the grave and will be responsible for paying the gravedigger or contractor the appropriate fee. The Council does not collect grave-digging fees nor undertake arrangements to excavate the grave currently.

### **Regulations for the Management and Control of Cemeteries**

Graves must be dug to conform to Health and Safety requirements. All graves exceeding 1m (3' 3") deep must be shored during excavation. Shoring may only be removed when the grave is refilled.

Unattended open graves must be covered by a fully secured "lock-down" of the open grave in order to minimise the risk of injury to any person nearby. The cover will be removed immediately prior to the interment service.

Where a concrete memorial support beam has been built into the ground, the head of the grave must be dug to the extreme edge of the beam.

The surface of the grave will be levelled by Council staff after six months.

#### **15 Excavation of Ashes Plots**

The Council will arrange for qualified council technicians to excavate ashes plots for the interment of ashes and to back fill upon completion.

#### **16 Coffins and Caskets**

- a) No interment will be permitted unless the body of the deceased person is contained in a coffin considered to be suitably biodegradable. For interment in a vault or brick-lined grave, coffins must be entombed in an airtight manner by concreting, cement, stone or brickwork to the satisfaction of the Council (Vaults and brick-lined graves will only be found in the older cemetery sections).
- b) Every coffin must bear the details of the deceased person thereon and may only contain one body except in the case of a mother and her baby(ies).
- c) Ashes must be interred in a biodegradable casket or similar suitable container in graves or ashes plots

#### **17. Removal of a Body or Cremated Remains (Exhumation)**

- (a) No body or cremated remains (ashes) may be removed from a grave or ashes plot without the prior production of an ecclesiastical faculty and/or a Home Office exhumation licence (Burial Act 1857 section 25 as amended by Criminal Law Act 1977 section 31). Both documents may be required. Only original documents will be accepted for this purpose. A minimum of 14 clear working days' notice must be given for any exhumation once authorised.
- (b) For land that is consecrated, burial is regarded as permanent. Applications for a faculty to authorise exhumation are granted only in special circumstances and are not automatically approved.
- (c) All costs relating to exhumation will be the responsibility of the person making



### Regulations for the Management and Control of Cemeteries

- the request and charges will be in addition to standard interment fees, including costs of additional work, locating graves and preparing documents.
- (d) Exhumations are generally rare and complex and advanced contact with the Council is recommended prior to considering any application.

### 18 Exclusive Right of Burial

- (a) With the exception of the Council's Woodland burial areas the Exclusive Right of Burial in an earthen grave or ashes plot may be purchased and is subject to approval by the Council who may give or withhold such approval.
- (b) The period for Exclusive Rights of Burial is fifty (50) years commencing from the date that approval is given. Exclusive Rights of Burial issued for Sidmouth Cemetery before 31<sup>st</sup> October 1980 and before 1<sup>st</sup> January 1981 in Sidbury Cemetery were for ninety nine (99) years. Exclusive Rights of Burial issued in Sidmouth Cemetery sections A - R are in perpetuity. The Council hold limited records for the oldest part of Sidbury Cemetery, there is no register of graves all these graves have the prefix "O", there is no purchase register. In the absence of information it is assumed that graves where there is already a memorial, Exclusive Rights of Burial were issued in perpetuity. Prior to the expiry of the Exclusive Right the Council will offer the holder the opportunity to purchase a further 10 years.
- (c) Exclusive rights of burial cannot be purchased in any woodland burial area.
- (d) No more than two grave spaces may be purchased by one person
- (e) The selection of any grave or ashes plot for exclusive rights will be at the sole discretion of the Council and will be allocated in strict rotation. They are not available for selection other than consecrated or un-consecrated ground may be chosen. In line with current guidance from the Institute of Cemeteries and Cremation Management all new areas in the cemeteries will be un-consecrated ground to permit the burial of funeral rites of different denominations, non-denominational and humanist burials.
- (f) Exclusive Rights will not be sold to undertakers, their agents or other persons for resale but will be granted to a single or a couple of named owners.
- (g) The Council must be satisfied in writing that the holder of an Exclusive Right consents before a grave can be re-opened to allow a further interment,.
- (h) An Exclusive Right granted may be transferred by deed by the holder to another person but the transfer must be agreed and recorded by the Council. Transfer of Exclusive Right must be bequeathed upon death of the holder by will whose executors must confirm its accuracy in writing. In either case a charge to transfer will be payable to the Council.
- (i) The next of kin may apply for the rights to be transferred to them for the remaining period upon the death of the holder of the deeds of Exclusive Rights, subject to obtaining the Council's permission. The applicant will be required to provide sufficient proof of their relationship with the deceased which will be established by the production of the original copy of the sealed

**Regulations for the Management and Control of Cemeteries**

- grant of probate, or a signed Statutory Declaration.
- (j) If the holder of Exclusive Rights should die intestate then the next of kin can apply to the courts to be made an Administrator of the estate.
  - (k) Owning an Exclusive Right of Burial for a grave does not give ownership of the actual land, but does give the owner of the deed right to:
    - (i) Be buried in that grave if space is available
    - (ii) Authorise further burials in that grave, where space is available, or the interment of ashes in that grave
    - (iii) Place a memorial on that grave, subject to the Council's regulations relating to memorials with prior, written approval
    - (iv) Have inscriptions, or additional inscriptions, on a memorial on that grave, subject to the Council's Regulations and prior, written approval.
  - (l) Exclusive Rights may be returned to the Council only by the named owner. If legal transfer of rights has occurred, return may be considered with proof of transfer through grant of probate. The council will apply a charge and may reimburse some costs not being in excess of the original deed purchase.

The Exclusive Right of burial deed is an important document to be kept safely.

**19 Memorials**

- (a) No memorial will be allowed over any grave for which the exclusive right of burial has not been purchased.
- (b) No memorial shall be erected or placed in a cemetery without the prior approval of the details by the Council.
- (c) The Council reserve the right to remove any unauthorised memorial to a safe location. Unauthorised memorials include but are not limited to items of pottery, tin, plastic, glass, wire mesh, wood or plastic fences, artificial grass or other materials not permitted. The Council will not be responsible for any damage that may be caused to unauthorised memorials during removal. The Council reserves the right to charge the owner for the removal of any unauthorised memorial.
- (d) Memorial stonemasons should carry out approved work to nationally accredited standards (i.e. BRAMM, NAMM). Should memorial work be below the standard required or not to authorised dimensions, the memorial may be removed. The Council will not accept any responsibility for costs of removal.
- (e) No masons, letter cutters or other workmen engaged in fixing, delivering, erecting or repairing memorials will be admitted to the cemeteries on Saturdays, Sundays, Christmas Day, Good Friday or other public holiday, or on any other day before 0900 hours and must leave the cemetery no later than the official closing time.
- (f) Any memorial removed from a full grave to facilitate an interment within that grave shall be replaced as soon as practicable, but in any case no less than 6 months for a headstone, and 6 months for a kerbstone. Ashes memorials can be placed straight away following an interment.

**Regulations for the Management and Control of Cemeteries**

- (g) The Council reserves the right to move any memorial temporarily in order to allow another burial to take place.
- (h) All memorials must be completed outside the cemetery, except that inscriptions may be added inside the cemetery.
- (i) All work must be done as quickly as possible and to knowledge of an authorised Council employee who may give directions as appropriate to preserve grass margins, flowers, shrubs, and trees in the cemetery.
- (j) After the completion of the work all bricks, stones and other materials, spare soil and rubbish shall be removed, and the grave with the adjoining ground left in neat and proper condition. Masons, tradesmen, and others will be held responsible for all damage done to the cemetery, or anything therein by themselves or their workmen.
- (k) Memorials of any kind are not permitted in any woodland area.
- (l) Providing an exclusive right has been purchased for a grave and the council has approved the design of the temporary memorial, a temporary wooden memorial may be erected on a grave (not an ashes plot) for the first twelve months following an interment. The dimensions of the wooden cross or other religious emblem shall not exceed 91.44 cm (3') in height above ground level and 68.58 cm (2'3") in width and not exceed 10.16 cm (4") in thickness. At the end of the twelve-month period following an interment, the owner of the exclusive right of burial must remove and dispose of the temporary memorial and reinstate the surface of the grave to the council's satisfaction. If the memorial is not so removed it will be disposed of by the cemetery staff at the expiration of this period following consultation with relatives.
- (m) Sculptures are only permitted if they form an integral part of the headstone and are carved from the same piece of stone and fall within the maximum permitted size. With the exception where these have been approved in the past.
- (n) Kerbs, railings, posts or chains and similar items to enclose a grave are not permitted, except where these have been approved in the past or in the Full Memorial Grave sections.
- (o) Chippings and similar materials to cover the surface of a grave are not permitted, except where these have been approved in the past or in the Full Memorial Grave sections.
- (p) Tree, shrubs and other plants are not permitted unless planted by the council or with its written approval and may be removed by council staff.
- (q) Under burial law, at the end of the period of the grant of Exclusive Right of Burial the Council may:
  - (i) move any memorial to another place in the cemetery
  - (ii) remove from the cemetery, for preservation elsewhere or for destruction any tombstone or other memorial which has not been removed from the cemetery by the owner of the right to lace and maintain it in the cemetery

**Regulations for the Management and Control of Cemeteries**

**20 Memorial Applications**

- (a) A memorial may only be erected on a grave space within the cemetery with the Council's permission and upon payment of the appropriate fee. The right to erect a memorial rests with the holder of the exclusive rights for the grave and will be for the unexpired portion of the grant of the exclusive right of burial.
- (b) A memorial application can only be accepted by the council after the burial or interment has been booked or already taken place.
- (c) All applications relating to erecting, repair of memorials, or inscriptions thereon must be made in writing to the Council. Application forms are available from the Council.
- (d) The approval of the Council for any application will be confirmed in writing and will be valid for 6 months. No work will be permitted without suitable written authority.
- (e) In accordance with the condition specified in the application there shall be produced with the application evidence of a policy of insurance to cover the liability of the contractor in the sum of at least £5 million. In the case of an undertaker or stonemason who regularly carries out works in the Council's cemeteries it will be sufficient for the undertaker or stonemason to furnish the council on an annual basis with the necessary evidence of insurance cover.
- (f) Prior to commencing work stonemasons must produce, if requested to do so, the written authority to the person appointed at the cemetery for that purpose.
- (g) Any person who undertakes any memorial work for which prior written authority has not been obtained will be required to remove the memorial and pay all costs involved.
- (h) All memorials shall at all times be kept in good repair by the owners, and in the event of the memorial falling into disrepair and the necessary repairs not carried out within 6 months after notice from the Council, the memorial may be removed. The Council reserves the right to charge the owner for any work deemed necessary to make a

**21. Memorial Inscriptions**

- (a) An inscription will only be permitted on a memorial with the Council's permission and on payment of the appropriate fee. The right for an inscription on a memorial rests with the holder of the exclusive rights for the grave and will be for the unexpired portion of the grant of the exclusive right of burial.
- (b) All applications relating to inscriptions on memorials must be made in writing to the Council. Application forms are available from the Council.
- (c) Inscriptions must be simple and reverent and in keeping with surrounding memorials.
- (d) The approval of the Council for any inscription will be confirmed in writing and will be valid for 6 months. No work will be permitted without this written authority.
- (e) Prior to commencing work stonemasons must produce, if requested to do so,

## Regulations for the Management and Control of Cemeteries

the written authority to the person appointed at the cemetery for that purpose.

### 22. Memorial Design, Construction and Installation

- (a) All work involving the design, construction, installation of memorials and inscriptions on them must conform to British Standard BS8415 and be carried out by approved contractors. The Council reserves the right to refuse access to any person(s) undertaking unapproved or unsatisfactory installation and construction.
- (b) All new memorials and where practicable re-fixed memorials are to be fixed in the cemeteries in accordance with NAMM or BRAMM Code of Working .
- (c) Permanent memorials may not be of wood, metals or non-stone material.
- (d) Sub bases must be of reinforced concrete conforming to BS8415, flush with ground and fixed to the memorial using NAMM/BRAMM approved fixings of a maximum size:
  - (a) Width 0.91m (36 inches)
  - (b) Front to back 0.46m (18 inches)
  - (c) Thickness 0.08 (3 inches)
- (e) All new memorials must have the corresponding grave plot number inscribed clearly on the reverse side of the memorial
- (f) Only single grave memorials are permitted on lawn plots and must not exceed the following dimensions:
  - (a) height 1.20m (47.25 inches)
  - (b) width 0.90m (35.5 inches)
  - (c) thickness 0.10m (4 inches)
- (g) Headstone base of a design to match and must not exceed the following dimensions:
  - (a) Width 0 .61m (24 inches)
  - (b) depth 0.30m (12 inches)
  - (c) thick 0.10m (4 inches)
- (h) All headstones shall be constructed of granite, slate or other similar natural hard stone. Any other material will be removed at cost to the owner.
- (i) Where there is no concrete memorial support beam built into the ground memorials must be placed in the defined line at the head of the grave– not on the part of the ground that has been dug. Foundation bases should be of either best-quarried materials or reinforced concrete conforming to BS8415 and fixed flush with the ground and leave a maximum of 0.05m (2 inch) margin around the memorial base.
- (j) Grave numbers must be engraved on the back of the headstone or its base, no less than 1.27cm (1/2”) and Monument’s Mason’s name may also be engraved on the back of the headstone or its base, no less than 1.27cm (1/2”)
- (k) No permanent planting will be permitted.
- (l) With the approval of the Council inscriptions may be added to the back of headstones.
- (m) In the Full Memorial Graves sections a single flat cremation marker, ledger or

### Regulations for the Management and Control of Cemeteries

wedge will be allowed in front of a headstone, which is full and over where ashes have been added. Not exceeding the following dimensions: 0.46m (18 inches) x 0.46m (18 inches) an maximum height of 0.10m (4 inches) to be fixed to a sub base flush with the ground not exceeding 0.61m (24 inches) square.

- (n) We will consider each memorial application on its own merits and will generally approve. Should we refuse an application we will give a written explanation. Should you wish to appeal this decision please do so in writing.

### 23. Ashes Plots

- (a) All ashes sections brought into use following the approval of these regulations and including the ashes plots in Seaton cemetery - section L, Sidbury cemetery - section SA and Sidmouth cemetery - section XO are suitable for the interment of two sets of ashes. Single and plots for 4 sets of ashes have been discontinued.
- (b) New ashes plots will be designated by the council with a flat concrete slab 0.45m (18") x 0.45m (18") x 0.05m (2") flush with the surrounding grass to mark each plot. The slab will be removed for an ashes burial and replaced afterwards level with the surrounding ground. Only the flat concrete slab provided by the Council can be used and that the plaque must be cemented to this.
- (c) Following the approval of these regulations only tablet style memorials are permitted on ashes plots in any of the council's cemeteries. They must be flat and measure 0.45m (18") long x 0.45m (18") wide and 0.05m (2") high
- (d) All tablets shall be constructed of granite, slate or other similar natural hard stone.
- (e) Where a vase is required it must be included within the tablet. No memorials, vases, plants, planters etc. may be placed on the grass surrounding the tablet. This restriction will be relaxed immediately following an interment to allow for the extra floral tributes that would be expected at that time. The Council will remove flowers, wreaths or decorations which have become unsightly. Glass, ceramic or plastic containers will not be permitted in the future.
- (f) No permanent planting will be permitted.

### 24. Woodlands Area

In any area of a cemetery set aside for woodland burial the following applies:

- a) A maximum of one coffin only may be interred in each grave space.
- b) The depth of a grave shall be 2.00m (6' 6").
- c) Exclusive rights of burial will not be available.
- d) No memorialisation of any kind will be authorised.
- e) Interment of ashes is not permitted in any Woodland grave.
- f) No graves can be reserved. The Council will allocate the next available grave

**Regulations for the Management and Control of Cemeteries**

g) Planting is only permitted by the Council

**25. Un-purchased Graves**

The Council reserves the right to bury unrelated bodies in any grave for which no exclusive right of burial has been purchased subject to sufficient depth and provided existing remains are not disturbed.

**26. Gardens of Rest**

**Scattering of Ashes (Seaton and Sidmouth only)**

With prior approval from the Council ashes may be scattered in cemeteries where there is a garden of rest. In Seaton cemetery a plaque containing the information set out below may be purchased to be placed on the wall of remembrance:

- (i) the deceased person's name
- (ii) the year of birth
- (iii) the year of death

This is not available in Sidmouth as there is no longer any space on the wall of remembrance.

**Unmarked Plots (Sidmouth only)**

With prior approval of the Council ashes may be buried in unmarked plots.

**Wall of Remembrance (Seaton only)**

Where the interment has taken place elsewhere a plaque may be purchased to be placed on the Wall of Remembrance in commemoration

In all cases the plaque will contain the following information:

- (i) the deceased person's name
- (ii) the year of birth
- (iii) the year of death

A space may be reserved on the Wall of Remembrance by purchasing a blank plaque that may be replaced by the purchase of a new plaque containing the deceased person's name, their year of birth and year of death.

**27. Chapel (Sidmouth only)**

A chapel is available for use at a funeral service at Sidmouth Cemetery upon payment of the appropriate fee. No burials may take place within the chapel. At least five clear working days' notice must be given if the use of the chapel is required.

**Regulations for the Management and Control of Cemeteries**

**28. Cemeteries Registers**

- a) The registers of burials are maintained by the Council.
- b) Members of the public are entitled to view the burial registers by prior appointment.
- c) The registers relating to ownership and allocation of graves are not for public access.
- d) Searches of the registers will be undertaken by the Council. There is a fee for the search of each entry.

**29. Fees**

The Council will determine fees for all cemetery services. All fees for burials, graves, vaults, interment of ashes or scattering of ashes must be paid before any work is commenced. All fees are payable in advance to the Council. No receipts will be valid unless on the official form of receipt issued by the East Devon District Council. Exhumation of remains is a complex matter requiring fees on a case by case basis in line with the additional staff time required to ensure approval.

Burial fees and Purchase of Exclusive Rights of Burial will be doubled where:

- a) at the time of death or in the twelve months before death the deceased was not resident in the District,
- b) the pre-purchase of Exclusive Rights of Burial are purchased by someone who is not resident in East Devon at the time of purchase.

All cemetery fees will be reviewed annually. Any fee changes will come into force for all burials and interments taking place, memorial applications and request to purchase Exclusive Right of Burial from 1<sup>st</sup> April following the review.

**30. Non-Residents**

Non-residents for the purposes of these regulations are defined as persons who were not residents of East Devon at the time of the death or in the previous 12 months

**31. Conduct Within Cemeteries**

- a) All persons visiting the cemeteries should endeavour wherever possible to keep to the paths or roads except while visiting a grave and refrain from touching any ornaments or anything growing in the cemetery. Any damage must be repaired at the expense of the person responsible for it.
- b) In any cemetery all persons shall conduct themselves in a decent, quiet and orderly manner having regard to the dignity of any service taking place in the cemetery or any other visitor who may be present.
- c) All persons entering the cemeteries will be subject to the orders and control of



**Regulations for the Management and Control of Cemeteries**

- East Devon District Council or any other person authorised by the Council.
- d) Any person using a motor vehicle in a cemetery shall do so on a carriageway suited to the purpose and with the consent of the Council and will usually be limited to the following:
- Vehicles used for maintenance of the cemeteries by Council Staff
  - Vehicles used by Approved contractors
  - Vehicles used by funeral directors at the time of interment
- e) In any cemetery without a suitable carriageway no motor vehicle of any description will be permitted other than those used for maintenance of the cemeteries by Council staff, approved contractors and vehicles that form part of the funeral service at the time of the interment
- f) No person shall ride a bicycle, skateboard or any similar wheeled device or machine in the cemeteries.
- g) No person shall drop, throw or otherwise deposit and leave in the cemeteries any wastepaper or refuse of any kind except in the litter bins provided.
- h) No person shall operate any sound reproducing equipment or play any musical instrument in the cemeteries without prior written consent of the Council.
- i) Ashes will not be scattered in any cemetery without the prior consent of the Council and the appropriate fee having been paid. The scattering of ashes over graves is not permitted.
- j) Funerals must arrive on time as failure to do so may cause the interference with other funerals.
- k) No smoking shall take place within or close proximity to any place where an interment is taking place.

**32 Soliciting of Services within Cemeteries.**

Any person soliciting orders within the cemeteries for any services or sale of any goods will be required to leave the cemeteries and will not be readmitted without the permission of the Council.

**Regulations for the Management and Control of Cemeteries**

**33. Dogs**

No dog will be permitted to enter or remain in any cemetery unless kept continuously on a lead and under proper control. Any fouling must be cleaned up and removed from the cemetery.

**34. Floral Tributes, Planting and Ornamentation**

On the day of a funeral, flowers and wreaths may be placed upon the grave in which the burial takes place and will be removed at the discretion of council staff when they become unsightly. **No permanent planting of any kind will be permitted.**

- a) No persons other than duly authorised officers of the Council shall interfere with or alter the grass area of the grave, which will be maintained by the Council at no cost to the owner of the grave.
- b) Flowers, shrubs, trees of any kind, wreaths, flower containers or items of similar nature shall not be taken out of the cemetery without the permission of a duly authorised Council officer or the written permission of the owner of the article concerned.
- c) No trees, shrubs or any other plants shall be planted on any grave or ashes plot whether exclusive right of burial has been purchased or not.
- d) Artificial flowers, whether silk or plastic are not allowed. An exception to this rule is made for Remembrance Day poppies and traditional Christmas wreaths which are permitted and will be removed when they fade or decay.
- e) Vases should be placed on the plinth of the memorial or in a recesses designed for the purpose on ashes tablets – not on the grass or soil adjoining the memorial or tablet. Glass, ceramic and plastic vases are not permitted.
- f) Wreaths and floral tributes may be laid on the graves immediately following the burial, Remembrance Day Poppies and traditional Christmas wreaths and will be removed when they fade or decay and cut flowers placed in metal or stone vases placed on the memorial plinth. Glass, ceramic and plastic containers are not permitted. If there is no plinth, a single vase may be sunk into the ground immediately in front of the memorial – the vase must be sunk below the level of the surrounding ground so that it does not impede and will not be damaged by a mower.

**Regulations for the Management and Control of Cemeteries**

**35. Maintenance and Upkeep**

With the exception of some of the older sections of the cemeteries all graves and ashes plots are laid to grass. Permanent plantings, shrubs, saplings or trees may be planted on graves only by the Council in the woodland areas. The Council has sole discretion about the distribution and variety selected. No other plants of any description are permitted to be planted on any grave or ashes plot.

- a) The Council will not accept any responsibility for any damage caused through the maintenance and upkeep of the cemetery.
- b) Stability checks are conducted every three years and any monument found to be unsafe will be laid down to be rectified and repaired by the owner at their own expense.

**36. Offences in Cemeteries** (Local Authority Cemeteries Order 1977, Section 18)

- a) No person shall:
  - i. wilfully create any disturbance in a cemetery
  - ii. commit any nuisance in a cemetery
  - iii. wilfully interfere with any burial taking place in a cemetery
  - iv. wilfully interfere with any grave or vault, any tombstone or other memorial, or any other flowers or plants on any such matter; or
  - v. play at any game or sport in a cemetery
- b) No person not being an officer or servant of the burial authority or another person so authorised by or on behalf of the burial authority shall enter or remain in a cemetery at any hour when it is closed to the public.

(The Local Authorities' Cemeteries Order 1977 articles 18 (1) and (2))

**37. Miscellaneous**

- a) Funeral directors shall give special notice to the Council whenever they have a funeral which is likely to be attended by an unusually large number of mourners.
- b) Issues arising for which no provision is made in these Regulations shall be referred to the Council, or any Committee or Officer of the Council to which the Council has delegated its powers on its behalf, whose decision shall be final.
- c) The Council reserves the right to revise these regulations at any time.

**38. Revocation**

All other regulations for cemeteries made by this Council are hereby revoked.

**Regulations for the Management and Control of Cemeteries**

**Definitions**

“Cemetery” and “Cemeteries” refer to the cemeteries provided by the Council at:  
Temple Street, Sidmouth  
Deepway, Sidbury  
Colyford Road, Seaton

“Council” means East Devon District Council

“Grave” means a burial place formed in the ground by excavation without any internal wall, brickwork or stonework or any other artificial lining.

“Full Memorial Plot” means a grave plot where the entire area of the grave may be used for memorialisation and or planting flowers. New Full Memorial Plots are no longer available in any of the District Council’s cemeteries.

“Lawn plot” means a grave where only the head of the grave may be used for memorialisation.

“Ashes plot” means a grave reserved solely the interment of ashes.

A “memorial” is any object placed upon the ground above a grave. It may be an engraved stone, a plant, cut flowers in a vase or any other object. The term also refers to benches, trees and other items donated to the Cemetery *in memoriam*.

“Vault” means an underground burial place of any description except a grave as defined above.

“Resident” means a person residing within the District of East Devon or in a property owned or provided by the Council outside East Devon during the twelve months immediately preceding the ‘resident’s’ death.

“Un-purchased, public or common grave” means a grave in which no exclusive right of burial has been or will be granted by the Council and in which unrelated persons may be interred.

“Woodland Grave” means any grave in an area of a cemetery set aside for woodland burials.

Regulations for the Management and Control of Cemeteries

Appendix B

Form 18

Declaration that Certificate or Order has been issued

Regulation 49(3) Births and Deaths Registration Act 1926, Section 1(1)

I, .....

of .....

in pursuance of the Births and Deaths Registration Act 1926, declare:

(1) That I am the person procuring the burial of the body

of .....

who died at ..... on the .....

(2) that a registrar's certificate/coroner's order \* authorising burial was issued by

the registrar/coroner \* at .....

to .....

living at .....

on .....; and

(3) that the reason why the said document cannot be delivered before burial is that

.....

.....

I make this declaration believing the same to be true.

Signature of the declarant .....

Date .....

\* Strike out whichever does not apply

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

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of the Local Government Act 1972.

Document is Restricted