



**Agenda for Council
Wednesday, 18th October, 2023, 6.00 pm**

To: All elected Members of the Council; Honorary Aldermen

Venue: Council Chamber, Blackdown House, Honiton

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Dear Sir/Madam

**Meeting of the Council of the District of East Devon on
Wednesday, 18th October, 2023 at 6.00 pm**

You are called upon to attend the above meeting to be held in the Council Chamber, Blackdown House, Honiton. It is proposed that the matters set out on the agenda below will be considered at the meeting and resolution or resolutions passed as the Council considers expedient.

Yours faithfully

A handwritten signature in black ink that reads "Mjwellman".

Interim Chief Executives: Melanie Wellman, Simon Davey and Tracy Hendren

- 1 **Apologies**
- 2 **Minutes of the meetings held on 11 July 2023 and 19 July 2023 and minutes of the Extraordinary meeting held on 4 October 2023 (Pages 5 - 29)**
- 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 Announcements from the Chair and Leader

7 Confidential/exempt item(s)

To agree any items to be dealt with after the public (including the Press) have been excluded. There are no items which officers recommend should be dealt with in this way, but if confidential minutes from Cabinet and/or the Council's Committees are being discussed, Officers may recommend consideration in the private part of the meeting.

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

9 Reports from the Cabinet and the Council's Committees and questions on those reports (Pages 30 - 36)

- a) Minutes of Cabinet held on 6 September 2023. Minute numbers 31 - 51 (Pages 37 - 44)
- b) Minutes of Cabinet held on 10 October 2023. Minute numbers 52 - 71 (Pages 45 - 52)
- c) Minutes of Scrutiny Committee held on 6 July 2023. Minute numbers 1 - 8 (Pages 53 - 59)
- d) Minutes of Scrutiny Committee held on 7 September 2023. Minute numbers 9 - 18 (Pages 60 - 65)
- e) Minutes of Housing Review Board held on 15 June 2023. Minute numbers 1 - 20 (Pages 66 - 77)
- f) Minutes of Strategic Planning Committee held on 9 June 2023. Minute numbers 1 - 7 (Pages 78 - 82)
- g) Minutes of Strategic Planning Committee held on 21 July 2023. Minute numbers 8 - 13 (Pages 83 - 92)

- h) Minutes of Strategic Planning Committee held on 5 September 2023. Minute numbers 14 - 24 (Pages 93 - 104)
- i) Minutes of Planning Committee held on 20 June 2023. Minute numbers 13 - 17 (Pages 105 - 107)
- j) Minutes of Planning Committee held on 18 July 2023. Minute numbers 18 - 30 (Pages 108 - 112)
- k) Minutes of Planning Committee held on 28 July 2023. Minute numbers 31 - 41 (Pages 113 - 116)
- l) Minutes of Planning Committee held on 22 August 2023. Minute numbers 42 - 55 (Pages 117 - 122)
- m) Minutes of Licensing and Enforcement Committee held on 19 July 2023. Minute numbers 1 - 7 (Pages 123 - 126)
- n) Minutes of Licensing & Enforcement Sub Committee held on 21 June 2023. Minute numbers 1 - 6 (Pages 127 - 132)
- o) Minutes of Licensing & Enforcement Sub Committee held on 12 July 2023. Minute numbers 7 - 12 (Pages 133 - 136)
- p) Minutes of Licensing & Enforcement Sub Committee held on 19 July 2023. Minute numbers 13 - 17 (Pages 137 - 138)
- q) Minutes of Licensing & Enforcement Sub Committee held on 23 August 2023. Minute numbers 18 - 22 (Pages 139 - 141)
- r) Minutes of Audit & Governance Committee held on 27 July 2023. Minute numbers 1 - 13 (Pages 142 - 145)
- s) Minutes of Audit & Governance Committee held on 21 September 2023. Minute numbers 14 - 23 (Pages 146 - 148)
- t) Minutes of Overview Committee held on 20 July 2023. Minute numbers 1 - 8 (Pages 149 - 152)

10 **Appointments to the Housing Review Board**

10.1 To appoint Councillor Sarah Chamberlain as Chair of the Housing Review Board,

10.2 To determine the Councillor vacancy on the Housing Review Board, and

10.3 To seek Council's endorsement to appoint Pat Gore as Tenant / Leaseholder Representative co-optee on the Housing Review Board.

11 Appointment to the Planning Committee

To appoint Cllr Jenny Brown to the Planning Committee, to replace Cllr Fred Caygill

12 Appointment of Leader of the Conservative Group

To appoint Cllr Colin Brown as Leader of the Conservative Group, to replace Cllr Marcus Hartnell

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 Chairman 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 Question Time will be recorded.

[Decision making and equalities](#)

For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Council held at Council Chamber, Blackdown House, Honiton on 11 July 2023****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 8.17 pm

1 Public speaking

Dr Cathy Gardner stated that:

Reading this report, it is apparent to me that some Officers and Members refused to be interviewed by Verita and that some documentation was difficult if not impossible for Verita to get. This is shocking in itself, given the nature of the investigation where full co-operation is surely to be expected and freely given.

I have two questions: Firstly is the Leader concerned that the investigation was deliberately frustrated or hampered by any individual or is he satisfied that Verita was able to obtain all the information they requested and had sufficient co-operation?

Secondly, if Verita were not able to obtain all the answers they were seeking, are further efforts being made to fill in any gaps so that the full investigation can be completed?

In response, the Leader felt that it was appropriate for the questions to be answered as part of the presentation from Verita.

2 Declarations of interest

Councillor Jess Bailey; Affects Non-registerable Interest: Devon County Councillor.
Councillor Iain Chubb; Affects Non-registerable Interest: Devon County Councillor.

3 Confidential/exempt item(s)

None.

4 Report of a Council commissioned Independent Investigation into the actions of East Devon District Council following allegations and then criminal charges against former Councillor John Humphreys

The Chair welcomed David Scott from Verita, and Simon Davey, Finance Director, to the meeting.

The reports before Council for consideration consisted of a report from Verita covering the independent investigation into the actions of the Council following the allegations and criminal charges against John Humphreys; and a supplementary report prepared at the request of the Commissioning Group to reopen the investigation in March 2023.

Mr Scott provided the Council with a summary of the timeline of events, and background to the work of Veritas in conducting the investigation. He highlighted:

- New evidence had prompted the re-opening of the investigation;
- The original report had been reviewed in light of the re-opening, and believed to still be accurate, and the recommendations still appropriate;

- The former Monitoring Officer was in an unenviable position in light of the police advice to maintain strict confidentiality, and therefore could not share the information with the Safeguarding Lead. Existing safeguarding procedures could therefore not be triggered;
- Expressing thanks to John Golding for his advice during the investigation;
- Urging all councillors to undergo and maintain safeguarding training to improve their understanding;
- The new evidence of minutes of LADO 9 March 2016 did cast doubt on the existing investigation, but the comment could not be attributed to any one person attending the meeting, and those attendees have not volunteered if any of them made the statement;
- The investigation found no reliable evidence to confirm that the Chief Executive was aware of the information as indicated by the statement in those minutes of LADO 9 March 2016.

In response to the questions put by Dr Cathy Gardner, Mr Scott responded that:

- He found it difficult to get a full contribution from officers at the Council. Face to face interviews were requested but declined, so information was sought through correspondence. He felt that this was unusual, but that the veritas team got as much information as they could have reasonably expected;
- It had also been difficult to obtain information from Devon County Council, and assistance was sought from the Director of Finance to press the County to respond. It was easier to obtain information from the Police.

The Chair requested questions on the report from Council, before moving onto debate.

Questions from Members included

- If the term “Chief” could have referred to any other officers or the Monitoring Officer; in response, Mr Scott outlined as already set out in the report as to an understanding of the term, and it would not have been the Monitoring Officer as he was present at that meeting;
- If the invitation to the LADO meeting would have contained details of what case would be discussed, and therefore the name of the individual being discussed, particularly as it was clear that the meeting was referred to as a strategy meeting on adults working with children; in response, Mr Scott stated that they did not have information about how the LADO invitation was made, and confirmed that they did not ask for this information;
- Clarity on the extent of digital record information requested, and if that included meta data and/or audit logs from IT systems; in response, officers outlined the work of keyword searches of data and reviewing that data. Mr Scott commented that in regard to the correspondence between the Police and the former Monitoring Officer, they only had sight of information from the former Monitoring Officer and did not receive information from the Police, although that was requested;
- What incurred the additional £8K to the originally agreed budget; in response, Mr Scott outlined the work involved with re-opening the investigation as requested by the Commissioning Group;
- What did Mr Scott make of comments regarding the reputation of Verita; in response, Mr Scott outlined the view put to him by the Chief Executive relating to a lack of background in local government, and that he had impartiality concerns;
- Was it unusual for a Monitoring Officer to be invited to a LADO meeting, and was it the right person; in response, Mr Scott said he felt it was unusual and thought that the safeguarding lead would be more suitable, but that it was Devon County Council’s choice to approach the Monitoring Officer, and he accepted;
- Explanation of that the Grant Thornton report was; in response, the Finance Director responded that this was part of the value for money work being undertaken by the Council’s auditors, Grant Thornton, being extended to include governance arrangements. The report is currently awaited;
- Were Verita aware of the main principles and the 5 Rs in safeguarding while conducting their investigation, and were any of those used; in response, Mr Scott confirmed he was aware, though work with the healthcare sector. He outlined as per the report findings,

that as the information had not been shared by the former Monitoring Officer, safeguarding processes were not triggered;

- Why the minutes of the LADO of 9 March 2016 were not part of the original investigation; in response, Mr Scott responded that the former Monitoring Officer was asked about minutes but that he did not offer them;
- On the balance of probability, based on those LADO minutes, that the Chief Executive was aware of the police investigation; in response, Mr Scott said he would not go that far, and that the police had been circumspect about information and added nothing further to the minutes. Therefore the conclusions as set out in the provided report were as previously stated;
- If procurement for funding this investigation was questioned, why did it go ahead; in response, the Finance Director reminded Council of their decision to go ahead with the appointment of Verita without following the procedure of seeking quotes or tenders from other providers.

It was PROPOSED by the Leader and SECONDED by the Deputy Leader

That Council:

1. Note the contents and findings of the Verita reports appended.
2. Approve the recommendations (R1 – R7) identified within the original Verita report (set out below), and agrees that the Monitoring Officer, in conjunction with the Portfolio Holder for Democracy & Transparency, urgently brings to Cabinet a report that includes a detailed action plan that relates to the following report recommendations:-

R1 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.

R2 EDDC should revisit its discussions and plans to reform the Honorary Alderman/ Alderwoman process.

R3 EDDC should consider implementing a development programme for members to incorporate regular 1:1s, ongoing training needs assessments, surveys and exit interviews for councillors.

R4 The Safeguarding Lead should consider adding specific procedural guidance to the safeguarding policy to help users understand how, in practice, risk should be assessed and managed.

R5 EDDC should consider designating safeguarding champions from within the councillor body.

R6 Officers, the Chair of Council and group leaders should encourage all councillors to attend the safeguarding training that is available. This should include induction and ongoing refresher training.

R7 The Safeguarding Lead should set up a small working group with councillors to consider what training would be appropriate to improve their understanding of preventative safeguarding practice.

3. Notes that in the “Financial implications” section of this report that an estimated additional expenditure of £8k was incurred in engaging Verita to undertake additional

work required to produce the supplementary investigation report, and Council approves of the additional funding that was incurred.

4. Notes with concern some of the conclusions within Verita's supplementary report, together with matters highlighted regarding both Devon County Council and the Devon & Cornwall Police, and in response Council agrees –

(i) through the Monitoring Officer, in conjunction with the Portfolio Holder for Democracy & Transparency, to raise and discuss these issues with Devon County Council.

(ii) through the Monitoring Officer, in conjunction with the Portfolio Holder for Democracy & Transparency, to raise and discuss these issues with the Devon & Cornwall Police.

The Chair then opened the debate on the recommendations put forward, which had been expanded on from the Verita report recommendations.

Debate on the recommendations included:

- Paying tribute to John Golding and the procedures already in place;
- Everyone's responsibility to undertake safeguarding as a duty and that criminal investigation and safeguarding processes should run concurrently; therefore the R1 was supported;
- Previous work by the Scrutiny Committee on safeguarding processes was robust and should be revisited if these recommendations are agreed;
- Keen to review fully the award of Honorary Alderman before any further awards made;
- Cllr Ingham read out part of a statement on behalf of Cllr Hartnell, some aspects of which had already been covered earlier in the meeting, but concluded that there was support for the recommendations but that the toxicity of political point scoring should not be allowed;
- All Councillors should be comfortable to be able to report any concerns they have, and be clear who that person is;
- Strengthen the mandatory aspect of safeguarding training;
- Have in place a Safeguarding Lead for Councillors, and a Safeguarding Lead for officers. Whilst there was reference to a Member Champion, some councillors felt that this was not strong enough. To assist Council, John Golding advised that he could explore options for this role for Members, either as part of an existing Portfolio or a lead in each political group. Members were keen to see qualified people in place, and that a report back on the options for implantation of those roles should be undertaken by the Monitoring Officer
- Debate over DBS enhanced checks as a requirement for Members to undertake, with some in support, but a reminder that the report set out how this would not have flagged up any concern for the former councillor until his arrest;
- Update the Portfolio Holder title to reflect the changes made at Annual Council, from Portfolio Holder for Democracy and Transparency, to Portfolio Holder Communications and Democracy.
- Consider a review of record keeping of this authority, as this impacts on the reputation of the Council; this could be directed to the Audit and Governance Committee to consider and scope;
- Make a direct request to the police to ask 1) Who did the police contact at EDDC and when; and 2) Why they directed the case to the Council's monitoring officer and not the safeguarding lead.

Before taking a vote, Councillor Paul Arnott as proposer, addressed Council with his thanks for the debate. He reminded those present of the courage and persistence of the victim, and that without that, the debate would not be taking place. He commented that he was disappointed with the comments replayed from Cllr Hartnell and stated that the calling of a separate meeting of the Council on this item was not the decision of this administration.

A recorded vote was agreed, and taken on the recommendations as set out below on block.

RESOLVED that Council:

1. Note the contents and findings of the Verita reports appended.
2. Approve the recommendations (R1 – R7) identified within the original Verita report (set out below), and agrees that the Monitoring Officer, in conjunction with the Portfolio Holder for Democracy & Transparency, urgently brings to Cabinet a report that includes a detailed action plan that relates to the following report recommendations:-
 - R1 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.
 - R2 EDDC should revisit its discussions and plans to reform the Honorary Alderman/ Alderwoman process.
 - R3 EDDC should consider implementing a development programme for members to incorporate regular 1:1s, ongoing training needs assessments, surveys and exit interviews for councillors.
 - R4 The Safeguarding Lead should consider adding specific procedural guidance to the safeguarding policy to help users understand how, in practice, risk should be assessed and managed.
 - R5 EDDC should consider designating safeguarding champions from within the councillor body.
 - R6 Officers and all councillors, must attend the mandatory safeguarding training that is available. This should include induction and ongoing refresher training.
 - R7 The Safeguarding Lead should set up a small working group with councillors to consider what training would be appropriate to improve their understanding of preventative safeguarding practice.
3. Notes that in the “Financial implications” section of this report that an estimated additional expenditure of £8k was incurred in engaging Verita to undertake additional work required to produce the supplementary investigation report, and Council approves of the additional funding that was incurred.
4. Notes with concern some of the conclusions within Verita’s supplementary report, together with matters highlighted regarding both Devon County Council and the Devon & Cornwall Police, and in response Council agrees –
5. through the Monitoring Officer, in conjunction with the Portfolio Holder for Communications & Democracy, to raise and discuss these issues with Devon County Council.
6. through the Monitoring Officer, in conjunction with the Portfolio Holder for Communications & Democracy, to raise and discuss these issues with the Devon & Cornwall Police; including the two questions put forward by Cllr Jess Bailey as follows: a) Who did the police contact at EDDC and when; and b) Why they directed the case to the Council’s monitoring officer and not the safeguarding lead.
7. Refers a review of record keeping of the Council to the Audit and Governance Committee for scoping.

For the recommendations: Councillors Arnott, B Bailey, J Bailey, Barlow, Bonetta, C Brown, J Brown, Bruce, Burhop, Chamberlain, Chapman, R Collins, Davey, Dumper, Faithfull, Goodman, Haggerty, A Hall, M Hall, Hawkins, Hayward, health, Hookway, Howe, Ingham, Jackson, Jefferies, Johns, Jung, Ledger, Levine, Loudoun, Mackinder, Martin, Nicholas, Olive, Parr, Richards, Rixson, Rylance, Smith, Toye, Westerman, Whibley, Wilson.

No councillors voted against or abstained.
(Councillors Caygill, Chubb, B Collins, and O'Leary left the meeting during the item and therefore did not participate in the vote)

Attendance List

Councillors present:

P Arnott	P Faithfull	J Loudoun
B Bailey	M Goodman	D Mackinder
J Bailey	D Haggerty	M Martin
I Barlow	A Hall	C Nicholas
V Bonetta	M Hall	J O'Leary
C Brown	S Hawkins (Vice-Chair)	T Olive
J Brown	P Hayward	H Parr
A Bruce	J Heath	S Richards
C Burhop	N Hookway	M Rixson
F Caygill	M Howe	E Rylance (Chair)
S Chamberlain	B Ingham	S Smith
M Chapman	S Jackson	A Toye
I Chubb	R Jefferies	S Westerman
B Collins	V Johns	J Whibley
R Collins	G Jung	D Wilson
O Davey	D Ledger	
T Dumper	Y Levine	

Officers in attendance:

Andrew Hopkins, Communications Consultant
Simon Davey, Director of Finance
John Golding, Director of Housing, Health and Environment
Wendy Harris, Democratic Services Officer
Debbie Meakin, Democratic Services Officer
Melanie Wellman, Director of Governance & Licensing (Monitoring Officer)
Anita Williams, Principal Solicitor (Deputy Monitoring Officer)

Councillor apologies:

K Blakey
K Bloxham
P Fernley
C Fitzgerald
S Gazzard
M Hartnell
S Hughes
J Kemp
T McCollum
H Riddell
E Wragg

Chair

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Council held at Council Chamber, Blackdown House, Honiton on 19 July 2023

Attendance list at end of document

The meeting started at 6.00 pm and ended at 8.33 pm

5 Declarations of interest

Minute 6. Public speaking.

Councillor Paul Arnott, Affects and prejudicial Non-registerable Interest, Councillor is a member of Colyton Parish Council.

Minute 14. Minutes of Cabinet held on 12 July 2023. Minute numbers 12 - 30.

Councillor Jessica Bailey, Affects Non-registerable Interest, Councillor is a member of Devon County Council.

Minute 21. Devon Districts Representation on DCC Investment and Pension Fund Committee; and Health and Adult Care Scrutiny Committee.

Councillor Jessica Bailey, Affects Non-registerable Interest, Councillor is a member of Devon County Council and sits on the DCC Investment and Pension Fund Committee.

Minute 21. Devon Districts Representation on DCC Investment and Pension Fund Committee; and Health and Adult Care Scrutiny Committee.

Councillor Marcus Hartnell, Affects Non-registerable Interest, Councillor is a member of Devon County Council and sits on the DCC Investment and Pension Fund Committee.

Minute 21. Devon Districts Representation on DCC Investment and Pension Fund Committee; and Health and Adult Care Scrutiny Committee.

Councillor Stuart Hughes, Affects Non-registerable Interest, Councillor is a member of Devon County Council.

6 Public speaking

Two members of the public had registered to speak.

Mr Jack Rowland, a former East Devon Councillor, provided the context for his question and advised that since 2010 the Council had lost approximately £51.8m in central government support. This, together with other spending restraints, made it very difficult for the Council to produce a balanced budget, as required by law. Mr Rowland urged all Councillors, and particularly those newly elected, to acquaint themselves with the projected budget deficit as shown in the Medium Term Financial Plan.

Mr Rowland advised that at the EDDC Full Council meeting on 7 December 2022 a motion was presented, and all recommendations had been agreed regarding the need for adequate immediate and longer term government funding.

Mr Rowland then asked whether the Council had registered support for the Local Government Association's 'Save Local Services' campaign, and if so, when. In addition, had the Council invited local MPs to support the Council's concerns, and if so, when and what was the outcome. It was also agreed to work with other local authorities to lobby for adequate local government funding, had this happened and if so, when and what was the outcome.

The Leader thanked Mr Rowland for his questions and advised that a written response would be provided.

The Leader left the meeting.

Mr Tim Wheeler, Vice-Chair of the newly formed Colyford Parish Council, spoke in a personal capacity and provided background information to the Council's decision in December 2022 to establish Colyford Parish Council, and the subsequent Reorganisation Order published in January 2023 which set out the assets to be transferred to Colyford Parish Council from Colyton Parish Council.

Concessions were agreed with EDDC to provide funds to cover essential start-up costs. The new Colyford Parish Council was elected in May 2023 and a new bank account set up. Colyford Parish Council has formally requested the transfer of the assets, however, the request has been refused by Colyton Parish Council, who regard the Reorganisation Order as illegal, and have subsequently started a judicial review of EDDC's decision. Without the transfer of assets and funds, Colyford Parish Council is unable to launch successfully and provide services to its local community.

Mr Wheeler had been going to request that EDDC enforce the Reorganisation Order, or, failing that, consider providing essential funds equivalent to the assets to be transferred from Colyton Parish Council until those assets are fully transferred. That afternoon, the Council had agreed to an early advance of the second tranche of the precept which provided assistance in the short term. However, Mr Wheeler asked that the Council enforce the Reorganisation Order as agreed.

The Portfolio Holder for Communications and Transparency advised that EDDC continues to provide support for Colyford Parish Council to enable it to function. However, it was difficult to make progress until the situation regarding the judicial review was clear and it was hoped that a response would be received from the courts before the end of August.

The Chair thanked Mr Wheeler for his contribution.

The Leader returned to the meeting.

7 Minutes of the previous meeting held on 24 May 2023

Regarding minute number 25 (Leader's appointment to Cabinet) of the minutes of the previous meeting held on 24 May 2023, it was noted that the appointment of Councillor Matt Hall as Portfolio Holder for Economy had been omitted.

The Monitoring Officer apologised to Councillor Hall for the error and confirmed that the minutes would be corrected.

With the above correction to minute 25, the minutes of the meeting held on 24 May 2023 were agreed as a true record.

8 Matters of urgency

There were no matters of urgency.

9 Announcements from the Chair and Leader

The Chair had three announcements to make.

The first was to inform the Council of the sad passing of former Councillor Chris Wale. Details of the funeral arrangements had been circulated to Councillors.

Secondly, the Chair informed the Council of the sad passing of the wife of former Councillor Bernard Hughes.

Finally, the Chair advised that she and the Vice-Chair would not take part in item 13 on the agenda (Motions: Actions to provide strong, united and informed managerial and political leadership). This was to avoid any potential conflict of interest as both the Chair and the Vice-Chair had signed the recent letter to the Secretary of State. At the appropriate point in the meeting, nominations would be invited to chair the meeting for that item.

The Leader had no announcements to make.

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

There were no confidential or exempt items.

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

Eighteen questions had been received and had been responded to in writing and published prior to the meeting. The Chair asked for any supplementary questions from the relevant Councillors: Cllr Hartnell, Cllr Goodman, Cllr Bailey, Cllr Martin.

Question 1: Councillor Hartnell asked whether all EDDC staff visiting tenants were given training on damp and mould identification.

In response the Portfolio Holder for Sustainable Homes and Communities confirmed that most staff were given basic training. Moving forward, an education campaign to support residents was needed as maintaining properties in good repair was key to this issue and should be the main focus. The current housing stock survey would also assist with this matter.

Question 2: Councillor Hartnell asked the Portfolio Holder for Sustainable Homes and Communities to provide reassurance that those on the waiting list would be able to move to a suitable home as soon as possible, given that a void property in Seaton had been unoccupied since October 2022 and that this was also a district wide issue.

The Portfolio Holder replied that a consultant had been engaged to manage the voids process as the Council was well aware of the issue. Currently a large amount of work was being undertaken to address the problem and an improvement plan was being drafted to enable the housing service to move forward.

It was noted that void properties are being returned in a worse condition than usual and, in some cases, requiring a new bathroom or kitchen, as opposed to minor re-decoration. The Portfolio Holder advised that staff were working very hard to address the situation and thanks to the staff was noted.

Question 4: Councillor Hartnell asked the Leader why he had not formed portfolio groups to support the administration, and would the Leader agree that it would be more democratic to involve the wider membership in this way.

In response, the Leader referred Members to agenda item 13 (Motion: Actions to provide strong, united and informed managerial and political leadership) and advised that many aspects of the Council's democratic processes need to be reviewed. Setting up portfolio groups would have been impossible during the covid pandemic and the Leader expressed doubt as to whether portfolio group meetings would be well attended. A meeting of Group Leaders would be arranged shortly to explore the matter further.

Question 5: Councillor Goodman asked whether the Leader would wish to reconsider his written answer with regard to Cabinet key decisions as there was no evidence that Cabinet had agreed its forward plan key decisions, despite this being a requirement in the Constitution. Councillor Goodman welcomed the Monitoring Officer's review of the forward plan and requested greater clarity as to what constitutes a key decision.

The Leader responded that work was underway to review the forward plan and the definition of key decisions.

Question 6: Councillor Goodman asked the Portfolio Holder for Communications and Democracy when the agreed review of online petitions would take place.

The Portfolio Holder for Communications and Democracy advised that this item had been referred to the Overview Committee to progress.

Question 7: Councillor Goodman asked when the forthcoming tree strategy would be brought to the Council.

In response, the Portfolio Holder for Coast, Country and Environment advised that Devon County Council was shortly to finalise the tree strategy which would be circulated to all Devon District Councils to adopt.

Question 8: Regarding the number of disabled car parking spaces, Councillor Goodman advised that he had been questioning whether a policy was in place and if there was no policy, whether a policy could be brought to Cabinet.

The Portfolio Holder for Coast, Country and Environment advised that, although no policy was in place, car parking spaces were marked up to the required standard.

Councillor Goodman responded that, under Government guidelines, 6% of car parking spaces should be marked for disabled motorists and that the majority of the Council's car parks fell short of this figure.

The Portfolio Holder for Finance and Assets advised that Government guidelines are guidance only and that EDDC was following its own policy. It would be difficult to quantify the need for disabled employee car parking spaces in rural East Devon and disabled motorists were able to park on-street for up to two hours with the correct permit without the need to use a Council car park.

Question 10: Councillor Jess Bailey asked the Leader to provide details of officer meetings, including dates, times and attendees, when the enlargement of the built up area boundary for West Hill was agreed.

The Leader responded that he would provide the details requested in due course.

Question 11: Councillor Jess Bailey asked the Leader to commit to including a requirement for event organisers and hirers of Council owned land to publish their own safeguarding policies.

The Leader confirmed that the matter raised by Councillor Jess Bailey would be included as part of the forthcoming safeguarding review agreed at the Council meeting on 11 July 2023.

Question 13: Councillor Jess Bailey was of the view that it should be possible to account for the interest on S.106 funds and CIL funds accrued to town and parish councils, and held by EDDC.

The S.151 Officer advised that the Council does not account for interest on S.106 and CIL monies, but that he would discuss this further with Councillor Jess Bailey.

Question 14: Councillor Jess Bailey requested details of the costs arising from the introduction of voter ID and of voters being turned away at the recent election.

The Leader agreed to revert to Councillor Bailey with the costs and advised that this would be followed up by the Audit and Governance Committee, as it was important to understand the cost of elections.

Question 16: Councillor Martin asked why void properties were not advertised when they were ready as this would avoid frustration with the system.

The Portfolio Holder for Sustainable Homes and Communities advised that waiting to advertise properties until they were ready would add to the bottleneck in the system, due to the majority of tenants having to terminate their current tenancies. Shortlisting early meant that viewings and checks could be undertaken sooner when a property was ready and a property could then be allocated as soon as possible. Currently the focus should remain on addressing the backlog of void properties.

Question 18: Councillor Martin asked why the Council needs to wait for the Government guidance on The Glue Traps (Offences) Act 2022 until it takes action on Council owned land.

The Leader responded that this matter could be considered by the Overview Committee and referred Councillor Martin to the Committee.

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

The item was to receive and accept the minutes of Committees and to agree any recommendations contained therein.

The Chair invited the Leader and the Chairs of Committees to present their minutes.

13 **Minutes of Cabinet held on 7 June 2023. Minute numbers 1 - 11**

Cllr Arnott moved the above minutes and following a vote, the minutes were accepted.

14 **Minutes of Cabinet held on 12 July 2023. Minute numbers 12 - 30**

Councillor Arnott moved the above minutes.

Councillor Jess Bailey had given notice that she wished to call minute 17 of the meeting of Cabinet held on 12 July 2023 (Home Office Asylum Hotel – Hampton by Hilton, Exeter Airport).

Councillor Bailey referred to minute 17 [page 60 of the Council agenda pack] which referred to there having been limited sight of the self-audit report from the Home Office. Councillor Bailey advised that only one person within EDDC had been allowed to see the Home Office self-audit report and made the following points:

- The Cabinet minutes should reflect the fact that the Council’s Safeguarding Lead was not allowed to see the Home Office report which refers to safeguarding and food.
- Despite being discussed at Cabinet, it was not widely known that there are concerns regarding the residents at the hotel.
- There was difficulty in getting the Home Office to take action.
- The Chief Executive had written to the Home Office.

Councillor Bailey asked that the Leader also write publicly to the Home Office to request that action is taken to support the residents, including the 100 children, at the hotel.

The Leader confirmed that there had been an expectation that the Home Office report would be available to more than one person in EDDC, and that the Safeguarding Lead should definitely have sight of the report. The Leader agreed that the minutes of Cabinet of 12 July 2023 should include this information and should be corrected.

The Leader further agreed to write to the Home Office again following the upcoming urgent Cabinet meeting.

With the correction to include the additional information regarding the Safeguarding Lead having sight of the Home Office report, the minutes were accepted.

The Cabinet recommendations to Council contained in the minutes were agreed as follows:

<u>Cabinet – 12th July 2023</u>	
Minute 24 - Revenue and Capital Outturn Report 2022 - 2023	
RESOLVED	<p>1. The outturn position for 2022/23 including the implications and proposals relating to the Balances and Reserves held by the Council.</p> <p>2. The proposed reserve transfers contained within the report and give delegated authority to the Director Finance in consultation with the Finance Portfolio for any amendments to these transfers as additional year end data becomes available.</p> <p>REASON: To accord with the Council’s financial regulations, the</p>

	<p>report presents the outturn position for the Council's approved budgets for the General Fund, Housing Revenue Account and Capital Expenditure. The financial position would align to the Council's Statement of Accounts but the position in the report was presented in a style that accorded to the budget setting and monitoring reports that members receive. Members were asked to note the variations from the budgets identified within the report and consider the final position. It was appropriate at this stage to reflect on the reserves and balances held by the Council and determine if these were the right reserves at the right levels going forward.</p>
<p>Minute 25 - Place & Prosperity Team Resourcing</p>	
<p>RESOLVED</p>	<p>that additional revenue budget is secured to;</p> <p>a) make the 2 year fixed term Project Manager – Exmouth post permanent at Grade 6. Revenue cost including on-costs of an additional £74,000 per annum from 2024/25 with a pro-rata allowance for latter 3 months of 2023/24, and</p> <p>b) make the Project Officer post full time. Additional revenue cost including on-costs would be £21,000 per annum from 2024/25 with a pro-rata allowance for latter 6 months of 2023/24.</p> <p>REASON: To provide an appropriate level of resource to fulfil Service Plan objectives, Council, business, residents and others expectations in Placemaking.</p>
<p>Minute 27- Delivering Environment Act 2021 new duties</p>	
<p>RESOLVED</p>	<ol style="list-style-type: none"> 1. The appointment of an Ecology Officer and an Ecology Graduate Apprenticeship role to help enable the Council to meet its new duty for Biodiversity Net Gain; 2. To provide funding for an Ecology Officer role and an Ecology Graduate Apprenticeship role to enable the delivery of the new Environment Act 2021 duties for Biodiversity Net Gain, at a budget of £47,049 per annum for the Ecology officer role and £27,344 for the Graduate Apprenticeship role. To be funded initially from the Government's new burdens payments and the Council's General Fund Revenue budget, whilst this new burdens payment is made available and thereafter by the Council's General Fund Revenue; 3. That a letter is written to our MPs and ministers saying EDDC totally support the Biodiversity Net Gain policies within the Environment Act 2021, but are concerned on the cost implications associated in administering it. Therefore, can an

	<p>urgent review and implementation of raising the fees for planning applications be carried out, to cover these extra costs, rather than the council looking at service reduction, or increased rate demands?</p> <p>REASON: To be able to meet the Environment Act 2021 duty to deliver Biodiversity Net Gain from November 2023.</p>
Minute 28 - New Council Plan Process	
RESOLVED	<p>A budget of £10,000 for this work.</p> <p>REASON: To progress the development of the new council plan with member inclusion and SMT+ support.</p>
Minute 30 - Zed Pods Housing Development	
RESOLVED	<p>To approve a capital budget of £302k (to be funded from HRA) for the PCSA and the 'indicative' scheme costs to support the delivery of this scheme.</p> <p>REASON: To meet the council's aspiration to build new, carbon neutral homes and increase its housing portfolio, following its district wide depletion due to extensive Right to Buy purchases. There had also been a change in Right to Buy legislation which now requires Local Authorities to build new homes with their receipts rather than acquire homes from the open market, as the council had historically done.</p>

15 **Minutes of the Planning Committee held on 24 April 2023. Minute numbers 118 - 124**

In the absence of the Chair and Vice-Chair of the Planning Committee, the Chair moved the above minutes and, following a vote, the minutes were accepted.

16 **Minutes of the Planning Committee meeting held on 25 April 2023. Minute numbers 125 - 135**

The Chair moved the above minutes and, following a vote, the minutes were accepted.

17 **Minutes of the Planning Committee meeting held on 13 June 2023. Minute numbers 1 - 12**

The Chair moved the above minutes and, following a vote, the minutes were accepted.

18 **Minutes of the Licensing and Enforcement Sub Committee held on**

24 April 2023. Minute numbers 32 - 37

The Chair of the Licensing & Enforcement Committee moved the above minutes and, following a vote, the minutes were accepted.

19 **Minutes of the Licensing and Enforcement Sub Committee held on 22 May 2023. Minute numbers 38 - 44**

The Chair of the Licensing & Enforcement Committee moved the above minutes and, following a vote, the minutes were accepted. Councillor Whibley thanked the Vice-Chair of the Licensing & Enforcement Committee, Councillor Bloxham, for chairing the Sub Committee meetings.

20 **Report on appointments to Panels, Forums and Joint Bodies and appointments to Outside Bodies 2023-24**

At the Annual Council meeting in May 2023, Councillors invited the Monitoring Officer to bring a report to full Council regarding the composition of Panels, Forums, Joint and Outside Bodies, and whether reference to "Members" included Portfolio Holders, particularly where Cabinet members were separately referred to.

The report updated Councillors on both the constitutional requirements and previous custom and practice and invited Councillors to consider whether the current arrangements should be altered. In the event that Councillors were minded to continue with the current arrangements, the report also invited the Council to agree changes to the Constitution so that the definition of "Member" in terms of appointments to Panels, Forums, Joint and Outside Bodies is clear.

Councillor Loudoun proposed two amendments to the recommendations contained in the report. This was seconded by Councillor Jackson. Following a vote, the amendments were agreed.

Councillor Goodman noted that the way the voting on appointments was undertaken at the Annual Council meeting was not in line with the Constitution. This would be amended at future meetings to ensure that voting is carried out as set down in the Constitution.

RESOLVED:

1. That the content of the report be noted.
2. That no changes are needed to current custom and practice.
3. That authority is delegated to the Monitoring Officer to amend the Constitution to include a definition of "Member" in terms of appointments to Panels, Forums, Joint and Outside Bodies in line with previous custom and practice.

21 **Devon Districts Representation on DCC Investment and Pension Fund Committee; and Health and Adult Care Scrutiny Committee**

Nominations were sought for District representation on the DCC Investment and Pension Fund Committee and the DCC Health and Adult Care Scrutiny Committee. Councillors noted that nomination did not guarantee an appointment to the respective Committee.

Councillor Paul Arnott nominated Councillor John Loudoun as representative on the DCC Investment and Pension Fund Committee. This was seconded by Cllr Todd Olive and, following a vote, was **RESOLVED**.

Councillor Paul Arnott nominated Councillor Tim Dumper as representative on the DCC Health and Adult Care Scrutiny Committee. This was seconded by Councillor Heath and, following a vote, was **RESOLVED**.

22 **Motion: Pay and display machines in Council operated car parks**

Motion:

This Council recognises that it is essential for people to have the freedom to pay for goods and services however they choose. The necessity for people to budget demonstrates the importance of cash, especially to those who are vulnerable, disadvantaged or in poverty. A growing number of councils are removing pay and display parking machines and asking people to pay using an app or by phone. This is discriminatory to those who do not have smartphones, are not familiar with modern technology or rely on cash. Therefore, this Council commits to ensuring that all pay and display machines in Council operated car parks continue to accept cash payments until at least 2027.

The Chair invited Councillor Bruce as the proposer, to speak to the motion.

Councillor Bruce was of the view that there was no cost implication to the motion, and no need for an officer report. The motion was concerned with ensuring choice in methods of paying for car parking.

Councillor Hartnell seconded the motion and noted that there was now more cash usage due to budgeting for the current cost of living crisis, and therefore the Council should not change to cashless payment methods only.

Debate on the motion included the following points:

- The car parking app causes difficulty when paying for car parking.
- The motion should be referred to the Overview Committee to enable an officer report to capture work done previously on car parking charges.
- There is an urgent need for the car parking strategy to be brought forward.
- There should not be a deadline as included in the motion as this matter should be part of a wider conversation about cashless payment methods.
- There is a need for evidence to support any decision on this matter.

Councillor Arnott proposed an amendment to the motion as follows:

This Council recognises that it is essential for people to have the freedom to pay for goods and services however they choose. The necessity for people to budget demonstrates the importance of cash, especially to those who are vulnerable, disadvantaged or in poverty. A growing number of councils are removing pay and display parking machines and asking people to pay using an app or by phone. This is discriminatory to those who do not have smartphones, are not familiar with modern technology or rely on cash. In the circumstances the Council agrees to refer the matter to the Overview Committee for consideration.

The amendment was seconded by Councillor Gazzard and was agreed.

The motion, as amended, was discussed and the following points made:

- The use of cash has disadvantages and there are factors around security.
- Not everyone has a bank account and technology is not simple to use for everyone.
- 5.4m adults still use cash and the 85+ age group is highly dependent on cash.
- Access to cash is becoming more difficult with so many bank closures.

Councillor Bruce, speaking to the motion, as amended, wanted to send a clear message that East Devon is open for business and accepts cash or card payments.

A vote was taken.

RESOLVED:

This Council recognises that it is essential for people to have the freedom to pay for goods and services however they choose. The necessity for people to budget demonstrates the importance of cash, especially to those who are vulnerable, disadvantaged or in poverty. A growing number of councils are removing pay and display parking machines and asking people to pay using an app or by phone. This is discriminatory to those who do not have smartphones, are not familiar with modern technology or rely on cash. In the circumstances the Council agrees to refer the matter to the Overview Committee for consideration.

23 **Motion: Actions to provide the strong, united and informed managerial and political leadership**

As advised above, the Chair and the Vice-Chair would leave the meeting for this item.

Councillor Paul Arnott proposed that Councillor Whibley take the chair for this item. This was seconded by Councillor Levine and was **RESOLVED**.

In response to a question from Councillor Goodman, the Monitoring Officer advised that it was a matter for individual Members to decide whether or not they should leave the meeting.

Councillor Rylance and Councillor Hawkins left the meeting.

Councillor Whibley took the chair.

Motion:

Council believes that the start of a four-year term with a controlling partnership of councillors with an increased mandate from the people of East Devon provides the opportunity to refresh the whole council both in terms of its priorities and the way it assembles all its resources to deal with the complex issues faced by its residents in challenging times. To that end Council commits to the following actions to provide the strong, united and informed managerial and political leadership that is required:

In the short term, to work with Local Government Association and other parts of the local government family to:

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; and

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.

In the medium term, to:

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.

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.

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.

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.

The Chair, Councillor Whibley, invited Councillor Hayward as the proposer, to speak to the motion.

Councillor Hayward advised that the principle behind the motion had come from the recent letter sent to the Secretary of State regarding various issues in the Council. From time to time, every local authority needs additional support in order to improve and develop. There was a need for the Council to work as a team in order to move forward and additional support from the Local Government Association should be viewed as a positive step.

Councillor Olive seconded the motion.

Debate on the motion included the following points:

- The Peer Review in 2019 had included some quick win points, but why had these not been followed up by the administration?
- Financial and legal comments and an equalities impact assessment are needed, which would have been included had the motion been taken as a report to Cabinet.
- A governance review had been started previously but not completed.
- The motion cannot be supported without information on the costs involved.
- The south west area lead officer for the Local Government Association would be involved and the likely cost would be less than £10,000.
- The Council is due a Peer Review and needs to recognise that a re-set is needed due to historic problems.
- Following the previous Peer Review the administration had other priorities, including the covid pandemic.
- It is good practice to draw up processes and principles for partnership working and to seek continuous improvement and accountability.
- The proposed review of relationships with DCC and town and parish councils is welcome as these do not always run smoothly.
- There is currently one team within the Council, but the covid pandemic affected the ability to create and maintain relationships.
- The motion sought to underpin the Council, rather than undermine it.
- Should the motion be agreed, the findings should be made public and reviewed frequently.
- The motion had nothing to do with helping local residents and was a reflection of poor leadership by the administration and an attempt to undermine officers.
- The Council should wait for the outcome of the forthcoming report by Grant Thornton and efforts should be made to bring forward this report.
- The previous Peer Review was under-researched and there was a need for peer reviewers to be briefed by Members, not just officers as happened previously.
- The Grant Thornton report was not due until September.
- The Council should not make a decision on the motion without knowing the costs involved.
- The issues should have been raised by way of an officer report to Cabinet and not as a motion to full Council.
- The Council would achieve more if it works together.
- The recent Verita report had not found fault with the Council.

Cllr Hayward summed up as the proposer of the motion, and noted that it was disappointing that some Members would use the motion as an opportunity to criticise the administration. The cost of not bringing in improvements would be greater than any costs incurred as a result of the motion being agreed.

A recorded vote was requested and agreed.

The motion as set out in the agenda and above was put to the vote.

In favour:

Councillors Paul Arnott, Kevin Blakey, Kim Bloxham, Violet Bonetta, Chris Burhop, Olly Davey, Tim Dumper, Paula Fernley, Charlotte Fitzgerald, Steve Gazzard, Del Haggerty, Anne Hall, Matt Hall, Paul Hayward, John Heath, Nick Hookway, Sarah Jackson, Richard Jefferies, Geoff Jung, Dan Ledger, Yehudi Levine, John Loudoun, Duncan Mackinder, Todd Olive, Marianne Rixson, Andrew Toye, Susan Westerman, Dan Wilson – 28 votes in favour.

Against:

Councillors Brian Bailey, Ian Barlow, Colin Brown, Jenny Brown, Alasdair Bruce, Maddy Chapman, Peter Faithfull, Mike Goodman, Marcus Hartnell, Stuart Hughes, Melanie Martin, Tony McCollum, Cherry Nicholas, John O'Leary, Helen Parr, Sophie Richards, Henry Riddell – 17 votes against.

Abstentions:

Councillors Roy Collins, Joe Whibley – 2 abstentions.

RESOLVED:

Council believes that the start of a four-year term with a controlling partnership of councillors with an increased mandate from the people of East Devon provides the opportunity to refresh the whole Council both in terms of its priorities and the way it assembles all its resources to deal with the complex issues faced by its residents in challenging times. To that end council commits to the following actions to provide the strong, united and informed managerial and political leadership that is required: In the short term, to work with Local Government Association and other parts of the local government family to:

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; and
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.

In the medium term, to:

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.

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.

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.

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.

The Chair of Council returned to the meeting. Councillor Whibley stepped down from the chair.

The Chair thanked everyone for attending and closed the meeting.

Attendance List

Councillors present:

P Arnott	C Fitzgerald	J Loudoun
B Bailey	S Gazzard	D Mackinder
J Bailey	M Goodman	M Martin
I Barlow	D Haggerty	T McCollum
K Blakey	A Hall	C Nicholas
K Bloxham	M Hall	J O'Leary
V Bonetta	M Hartnell	T Olive
C Brown	S Hawkins	H Parr
J Brown	P Hayward	S Richards
A Bruce	J Heath	H Riddell
C Burhop	N Hookway	M Rixson
M Chapman	S Hughes	E Rylance (Chair)
R Collins	S Jackson	S Smith
O Davey	R Jefferies	A Toye
T Dumper	G Jung	S Westerman
P Faithfull	D Ledger	J Whibley

P Fernley

Y Levine

D Wilson

Officers in attendance:

- Simon Davey, Director of Finance
- Andrew Hopkins, Communications Consultant
- Sarah Jenkins, Democratic Services Officer
- Melanie Wellman, Director of Governance & Licensing (Monitoring Officer)
- Anita Williams, Principal Solicitor (Deputy Monitoring Officer)

Councillor apologies:

- S Chamberlain
- I Chubb
- B Collins
- B Ingham
- V Johns
- J Kemp
- E Wragg

Chair

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Council held at Council Chamber, Blackdown House, Honiton on 4 October 2023

Attendance list at end of document

The meeting started at 6.15 pm and ended at 7.32 pm

24 Declarations of interest

Minute 28. Confidential staffing issues.

Councillor Jess Bailey. The Member had raised concerns but was satisfied that they were attending the meeting with an open mind and with no bias or pre-determination.

25 Public speaking

No members of the public had registered to speak.

26 Confidential/exempt item(s)

There was one item which officers recommended should be dealt with in this way, recorded at minute 28.

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

RESOLVED:

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 in the agenda), is likely to be disclosed and on balance the public interest is in discussing this item in private session (Part B).

28 Confidential staffing issues

RESOLVED:

That the recommendations, as set out in the report, be agreed.

Attendance List Councillors present:

P Arnott
B Bailey
J Bailey
I Barlow
K Blakey

C Fitzgerald
S Gazzard
M Goodman
D Haggerty
A Hall

Y Levine
J Loudoun
D Mackinder
M Martin
T McCollum

K Bloxham
V Bonetta
A Bruce
M Chapman
I Chubb
B Collins
R Collins
O Davey
T Dumper
P Faithfull
P Fernley

M Hall
M Hartnell
S Hawkins (Chair)
P Hayward
N Hookway
M Howe
S Hughes
B Ingham
S Jackson
R Jefferies
G Jung

C Nicholas
J O'Leary
T Olive
H Parr
S Richards
M Rixson
A Toye
S Westerman
J Whibley
D Wilson
E Wragg

Officers in attendance:

Simon Davey, Director of Finance
Joanna Fellows, Corporate HR Manager
Andrew Hopkins, Communications, Digital Services and Engagement Manager
Sarah Jenkins, Democratic Services Officer
Debbie Meakin, Democratic Services Officer
John Symes, Finance Manager
Melanie Wellman, Director of Governance & Licensing (Monitoring Officer)
Anita Williams, Principal Solicitor (Deputy Monitoring Officer)

Also in attendance:

Ian Morgan, South West Councils

Councillor apologies:

C Brown
J Brown
C Burhop
F Caygill
J Heath
V Johns
D Ledger
H Riddell
E Rylance
S Smith

Chair

Date:

**Summary of recommendations being presented to Council
18 October 2023**

(Minutes in full have been circulated and are available online)

<u>Cabinet 6th September 2023</u>	
Minute 41 - Nature Recovery Declaration for East Devon	
RECOMMENDED	<p>RECOMMENDED to Council:</p> <ol style="list-style-type: none"> 1. To adopt the Nature Recovery Declaration for East Devon; 2. To support DCC as the 'Responsible Authority' in developing a Devon Local Nature Recovery Strategy in our role as a 'Supporting Authority' as defined by the Environment Act 2021; 3. To develop a Local Nature Recovery Plan and Local Habitat Map for East Devon as a 'Supporting Authority' as defined by the Environment Act 2021. <p>REASON:</p> <p>This would enable East Devon DC to fulfil its role as a Supporting Authority as defined in the Environment Act 2021 and support Devon CC in developing a Devon Local Nature Recovery Strategy (LNRS). It would also enable EDDC to prepare a Local Nature Recovery Plan and Local Habitats Map that would develop the district's Nature Recovery Network and improve those habitats and species most under threat.</p>
Minute 42 – Application for Local Authority Housing Fund for Afghan Refugee Resettlement	
RECOMMENDED	<p>RECOMMENDED to Council:</p> <ol style="list-style-type: none"> 1. The Approval of £750K from the Local Authority Housing Fund to enable the provision of temporary accommodation for Afghan Refugees and others in need of temporary accommodation; 2. The Approval of a Housing Revenue Account capital budget of £975,000 as match funding for the project if required.

	<p>REASON:</p> <p>The LAHF round 2 had been specifically designed to help those Afghani citizens who assisted us during the conflict in their country. All local authorities had been encouraged to participate in this national effort to ensure that accommodation and support to those individuals be provided.</p> <p>EDDC did not have sufficient appropriate accommodation for large families. Whilst this funding would initially only provide one property for general needs temporary accommodation, the properties originally allocated to assist with Afghan resettlement can revert to general needs housing once the need for refugee resettlement had been satisfied. This fund would therefore enable the council to either bring back into use or purchase family-sized accommodation that would assist local families in need both in the short and long term.</p>
<p>Minute 44 – Proposals for a Place and Prosperity Framework for EDDC</p>	
<p>RECOMMENDED</p>	<p>RECOMMENDED to Council:</p> <ol style="list-style-type: none"> 1. The adoption of the Place and Prosperity Framework as amended to include the Chair of Overview as an additional non-executive member at Stage 1 of the Framework process. 2. The borrowing of up to £20,000,000 as a first tranche from Public Works Loan Board to deliver investments in accordance with the adopted Framework. <p>REASON:</p> <p>To allow the Framework to move forward for consideration through the democratic process and, subject to agreement, onwards to the implementation phase.</p>
<p>Minute 45 – Assistant Payroll Officer Funding Request</p>	
<p>RECOMMENDED</p>	<p>RECOMMENDED to Council:</p> <ol style="list-style-type: none"> 1. That approval is given to increase the Human Resources Service team budget by £34,344 per annum to facilitate a

	<p>new post of Assistant Payroll Officer to support the existing payroll resource provision.</p> <p>2. That the HR Manager reviews the arrangements for the provision of payroll to external organisations to assess whether further costs can be recouped.</p> <p>REASON:</p> <p>To ensure there was sufficient resource to operate an effective payroll.</p>
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Minute 46 - Annual Treasury Management Review 2022/23 - 1 April 2022 to 31 March 2023

RECOMMENDED	<p>RECOMMENDED to Council:</p> <p>That the investment values and performance for the year to 31 March 2023 be noted.</p> <p>REASON:</p> <p>The Council was required by regulations issued under the Local Government Act 2003 and the Code of Practice on Treasury Management in Public Services published by the Chartered Institute of Public Finance & Accounting (CIPFA) to produce an annual review of its treasury management activities and performance.</p>
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Minute 48 – Corporate Peer Challenge

RECOMMENDED	<p>RECOMMENDED to Council:</p> <p>1. That a budget of £25k be met from the Transformation Reserve to meet actions already adopted by Council.</p> <p>REASON:</p> <p>To meet the adopted Motion of Council as outlined in the report. [Council minute 23 19th July 2023]</p>
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Minute 51 – Seaton Jurassic

RECOMMENDED

RECOMMENDED to Council:

1. The capital receipt being ring fenced for delivery of those types of projects outlined in the report.

REASON:

To progress a way forward to ensure occupation of the site and its continued use as an Interpretation Centre linked to the broad requirements and expectations of the funding agreements and original intentions of the Centre.

Cabinet 10th October 2023

Minute 63 - Council Tax - Local Discount for Care Leavers

RECOMMENDED

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.

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.

Minute 65 – Financial Plan 2023 - 2024

RECOMMENDED

RECOMMENDED to Council:

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

	<p>REASON:</p> <p>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.</p>
<p>Minute 67 – Enterprise Zone</p>	
<p>RECOMMENDED</p>	<p>RECOMMENDED to Council:</p> <p>1. that up to £250k is borrowed against future ring-fenced business rate income to support the ongoing progression of the Interconnector Project.</p> <p>REASON:</p> <p>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.</p>
<p>Minute 69 - Recycling & Waste Contract extension</p>	
<p>RECOMMENDED</p>	<p>RECOMMENDED to Council:</p> <p>1. That an additional budget be allowed for 23/24 and future budget implications be modelled through annual budget setting or 24/25.</p> <p>2. 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.</p> <p>REASON:</p> <p>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 and thus prepare EDDC for implementation of the changes from 2025</p>

	onwards. Along with scoping and building a clearer specification for contract replacement in 2026.
Minute 70 – Review of Lifeguard provision 2023	
RECOMMENDED	<p>RECOMMENDED to Council:</p> <ol style="list-style-type: none"> 1. That a budget be approved for this service for Exmouth and Budleigh Salterton in 2024/25, to be confirmed through the budget setting process. <p>REASON:</p> <p>As covered in the report lifeguarding provision was essential to meet the council’s health and safety and water safety responsibilities.</p>
Minute 71 - Review of the Home Safeguard Service	
RECOMMENDED	<p>RECOMMENDED to Council:</p> <ol style="list-style-type: none"> 1. 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. 2. 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. <p>REASON:</p> <p>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.</p>

	The service previously had not been running as a commercial entity and the review would investigate the options and opportunities this could present.
<u>Strategic Planning Committee 5th September 2023</u>	
Minute 24 – Section 106 and CIL Resources and Processes	
RECOMMENDED	<p>RECOMMENDED to Council:</p> <ol style="list-style-type: none"> 1. That these charges be applied with effect to Section 106 agreements associated with planning applications received once the new charges have been published on the Council’s website. 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.
<u>Licensing and Enforcement Committee 19th July 2023</u>	
Minute 7 – Taxi and Private Hire Licensing Policy	
RECOMMENDED	<p>RECOMMENDED to Council:</p> <ol style="list-style-type: none"> 1. That the draft Hackney Carriage and Private Hire Policy, as amended, is adopted at the meeting on 18th October 2023. <p>REASON:</p> <p>The legislation does not require the Council to have a policy relating to the licensing of hackney carriages, private hire vehicles, their drivers and private hire operators, however it is regarded as good practice to have a policy to indicate the Authority’s approach to taxi licensing within its area.</p>

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Cabinet held at Council Chamber, Blackdown House, Honiton on 6 September 2023****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 8.45 pm

31 Public speaking

Cllr Steve Gazzard spoke about the Community Safety Partnership meetings. He was concerned that the meetings had not reconvened since the end of the pandemic. At a recent Police Advocates meeting he asked the Police Inspector when these meeting were due to restart. She said that the meetings were led by EDDC and supported the idea of them restarting. Cllr Gazzard said that the appropriate officer at the council response when questioned, was that they were looking at other ways of dealing with the issue. Cllr Gazzard stated he and fellow Exmouth councillors were concerned that anti-social behaviour had increased and that this was a serious matter.

The Chair assured Cllr Gazzard that he would receive a written response from the appropriate officer.

32 Minutes of the previous meeting

The minutes of the previous meeting of Cabinet held on 12 July 2023 were agreed.

33 Declarations of interest

Min 50. Strategic Land Acquisition.
Councillor Eleanor Rylance, Affects Non-registerable Interest, Ward Member.

Min 50. Strategic Land Acquisition.
Councillor Paul Arnott, Affects Non-registerable Interest, Chair of the Enterprise Zone Board.

Min 51. Seaton Jurassic.
Councillor Olly Davey, Affects Non-registerable Interest, Member of Devon Wildlife Trust.

34 Matters of urgency

There were no matters of urgency.

The Chair announced he had appointed Cllr Todd Olive as the Assistant Portfolio Holder for Coast, Country and Environment.

35 Confidential/exempt item(s)

There were 2 items which officers recommend should be dealt with in this way recorded at Minutes 50 and 51.

36 Minutes of LED Monitoring Forum held on 27 June 2023

Members agreed to note the Minutes of LED Monitoring Forum held on 27 June 2023.

37 **Minutes of Recycling and Waste Partnership Board held on 12 July 2023**

Members agreed to note the Minutes of Recycling and Waste Partnership Board held on 12 July 2023.

38 **Minutes of Scrutiny Committee held on 6 July 2023**

Members agreed to note the Minutes of Scrutiny Committee held on 6 July 2023.

39 **Minutes of Overview Committee held on 20 July 2023**

This item was discussed in more detail at Minute 44 where Members agreed to note the Minutes and recommendations of Overview Committee held on 20 July 2023.

Minute 6 Proposals for a Place and Prosperity Framework for East Devon District Council

The Committee recommended the amendment of the Place and Prosperity Framework to reflect the addition of an additional non-executive member and recommended that the Framework proceeds to Council.

40 **Minutes of Placemaking in Exmouth Town and Seafront Group held on 25 July 2023**

Members agreed to note the Minutes of Placemaking in Exmouth Town and Seafront Group held on 25 July 2023.

41 **Nature Recovery Declaration for East Devon**

The Assistant Director Countryside & Leisure, and District Ecologist's report stated that EDDC was required to have input into the Local Nature Recovery Strategy (LNRS) process under the Environment Act 2021. DCC as the identified 'Responsible Authority' has requested that all District Authorities who were identified as 'Supporting Authorities' contribute to the consultation and preparation of the Local Nature Recovery Strategy.

The Nature Recovery Declaration for East Devon recognised the crisis being faced ecologically alongside climate change and sets out how the Council would respond to this emergency at a high level.

During debate the question was asked if the 6 Town Councils could be included in discussion and how important it was to keep residents informed to aid engagement. The Assistant Director Countryside and Leisure stated the method of this engagement from the Town Councils would be looked into as he acknowledged this was of key importance for the success of the Strategy.

Members wished to thank Charlie Plowden and the team for their hard work in getting this Strategy established.

RECOMMENDED to Council;

1. To adopt the Nature Recovery Declaration for East Devon;
2. To support DCC as the 'Responsible Authority' in developing a Devon Local Nature Recovery Strategy in our role as a 'Supporting Authority' as defined by the Environment Act 2021;
3. To develop a Local Nature Recovery Plan and Local Habitat Map for East Devon as a 'Supporting Authority' as defined by the Environment Act 2021.

REASON:

This would enable East Devon DC to fulfil its role as a Supporting Authority as defined in the Environment Act 2021 and support Devon CC in developing a Devon Local Nature Recovery Strategy (LNRS). It would also enable EDDC to prepare a Local Nature Recovery Plan and Local Habitats Map that would develop the district's Nature Recovery Network and improve those habitats and species most under threat.

42 **Application for Local Authority Housing Fund for Afghan Refugee resettlement**

The Housing Projects Officer presented the report that stated that the Department for Levelling up, Homes and Communities (DLUHC) had issued grant funding primarily to assist Local Authorities in providing temporary accommodation for Afghan Refugees currently housed in bridging hotels across the country. It also provided limited funding for the provision of housing for general temporary accommodation.

There was the understanding that once the properties were no longer required for the primary focus, they could revert to be used for anyone seeking temporary accommodation. There was a specific requirement that out of the 5 units, 4 would be used in the first instance for people arriving under the two specific Afghan relocations Schemes with the remaining unit to be allocated as general temporary accommodation. Due to the make-up of the cohort, there was an expectation that the units would be large family sized properties.

Discussions included buying new properties where repair costs would not be an issue.

RESOLVED:

1. That delegated authority be granted to the Assistant Director of Housing in consultation with the S151 Officer, Monitoring Officer and Portfolio Holder for Sustainable Homes and Communities to provide including the possibility of purchasing, four units of accommodation for refugees and one unit for general temporary accommodation.

RECOMMENDED to Council;

2. The Approval of £750K from the Local Authority Housing Fund to enable the provision of temporary accommodation for Afghan Refugees and others in need of temporary accommodation;
3. The Approval of a Housing Revenue Account capital budget of £975,000 as match funding for the project if required.

REASON:

The LAHF round 2 had been specifically designed to help those Afghani citizens who assisted us during the conflict in their country. All local authorities had been encouraged to participate in this national effort to ensure that accommodation and support to those individuals be provided.

EDDC did not have sufficient appropriate accommodation for large families. Whilst this funding would initially only provide one property for general needs temporary

accommodation, the properties originally allocated to assist with Afghan resettlement can revert to general needs housing once the need for refugee resettlement had been satisfied. This fund would therefore enable the council to either bring back into use or purchase family-sized accommodation that would assist local families in need both in the short and long term.

43 **Decarbonisation of EDDC Swimming Pools - Consultant Appointment**

The Assistant Director Environmental Health presented his report that outlined a request for a key decision to be made regarding the allocation of up to £333,000 from the Climate Change budget towards the production of Heat Decarbonisation plans for three swimming pools.

In response to the question on the £333,000 fee proposal 'not' including specialist work and surveys, the Assistant Director Place, Assets and Commercialisation responded that he would seek clarification and provide a written response. He clarified that this was the full budget amount being requested.

RESOLVED:

That the allocation of £333,000 from the Climate Change budget for the production of RIBA Plan of Works Stage 3 decarbonisation plans for Exmouth and Honiton Leisure Centres, including swimming pools, and Sidmouth Swimming Pool be agreed.

REASON:

To support the council's journey towards its net-zero target by 2040.

44 **Proposals for a Place and Prosperity Framework for EDDC**

The Project Manager Place and Prosperity (Exmouth) provided Members with the proposed new Place & Prosperity Framework for consideration.

In addition to the adoption of the Framework itself, the Council would need to agree a sum to borrow from the Public Works Loan Board (PWLB) to enable the Framework to deliver investment opportunities in the district – the Framework recommends £20m in the first tranche.

RESOLVED:

1. That the recommendation from Overview Committee held on the 20 July 2023 that the Place and Prosperity Framework be amended to include an additional non-executive Board member be incorporated. Cabinet agreed for this to be the Chair of Overview Committee at Stage 1 of the framework process.
2. Mend the Place and Prosperity Framework to specify that the Chair of Overview Committee Board member should be able to enter into debate as part of the decision-making process at Stage 1 but should not have voting rights.

RECOMMENDED to Council;

3. The adoption of the Place and Prosperity Framework as amended to include the Chair of Overview as an additional non-executive member at Stage 1 of the Framework process.
4. The borrowing of up to £20,000,000 as a first tranche from Public Works Loan Board to deliver investments in accordance with the adopted Framework.

REASON:

To allow the Framework to move forward for consideration through the democratic process and, subject to agreement, onwards to the implementation phase.

45 **Assistant Payroll Officer funding request**

The HR Manager sought approval for funding for a new Assistant Payroll Officer post to support the effective operation of the Council's payroll.

RECOMMENDED to Council;

1. That approval is given to increase the Human Resources Service team budget by £34,344 per annum to facilitate a new post of Assistant Payroll Officer to support the existing payroll resource provision.
2. That the HR Manager reviews the arrangements for the provision of payroll to external organisations to assess whether further costs can be recouped.

REASON:

To ensure there was sufficient resource to operate an effective payroll.

46 **Annual Treasury Management Review 2022/23 - 1 April 2022 to 31 March 2023**

The report detailed the overall position and performance of the Council's Treasury Management Strategy during 2022/23.

RECOMMENDED to Council:

That the investment values and performance for the year to 31 March 2023 be noted.

REASON:

The Council was required by regulations issued under the Local Government Act 2003 and the Code of Practice on Treasury Management in Public Services published by the Chartered Institute of Public Finance & Accounting (CIPFA) to produce an annual review of its treasury management activities and performance.

47 **Financial Monitoring Report 2023/24 - Month 4 July 2023**

The Finance Manager's report gave a summary of the council's overall financial position for 2023/24 at the end of month four (31 July 2023).

Current monitoring indicates that:

- The General Fund Balance is being maintained within the adopted levels. Early forecasts indicated a favourable position of £150k was predicted. The council continued to see a short-term favourable position in treasury management interest, offset with Housing Benefit subsidy costs and increased Refuse and Recycling contract costs. The council was still awaiting any pay award outcome that remains to be accounted for.
- The Housing Revenue Account Balance was being maintained at or above the adopted level.

RESOLVED:

That the variances identified as part of the Revenue and Capital Monitoring process up to Month 4 be acknowledged.

REASON:

The report updated Members on the overall financial position of the Authority at set periods and included recommendations where corrective action was required for the remainder of the financial year.

48 **Corporate Peer Challenge**

Council agreed at its meeting on 19 July 2023 a Motion on actions to provide a strong, united and informed managerial and political leadership.

This comprised 5 key actions summarised as:

- A skills and knowledge audit of members in order to provide necessary support where required.
- Bring together Cabinet and Senior Management Team to become a unified team working together to meet challenges faced by the Council.
- Request the Local Government Association (LGA) to undertake a Corporate Peer Challenge.
- Ask the Centre for Governance and Scrutiny to conduct a review of the Council's scrutiny process.
- For South West Employers to undertake a training and support review of the Senior Management Team and how it functions as a coherent team.

The Chair wished to thank Paul Clark from the LGA and Richard Kemp, Deputy Lord Mayor of Liverpool for their support on this matter.

RECOMMENDED to Council;

1. That a budget of £25k be met from the Transformation Reserve to meet actions already adopted by Council.

RESOLVED:

2. That Cabinet note and agree the timeline for delivery of identified actions from the Council's adopted motion.

REASON:

To meet the adopted Motion of Council as outlined in the report.

49 **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).

50 **Strategic Land Acquisition**

Cabinet were advised of a strategic land acquisition opportunity in the west end of the District that could provide a site for the council's operations as well as offer employment sites for investment by the private sector in the future. The acquisition would be in partnership with Devon County Council where they would own and develop part of the site.

RESOLVED:

1. that the content of the report be noted and supports the council's actions in seeking to negotiate an acquisition price with the landowner be noted;
2. to agree to receive a further report detailing a negotiated purchase price and seeking approval to make a formal offer for the land in conjunction with Devon County Council, and subject to Enterprise Zone Board funding approval (including DCC) and full Council approval.

REASON:

To ensure that Cabinet was informed of the council's actions in negotiating to acquire a strategic site which could offer new operational accommodation, as well as sites for commercial investment by the private sector enabling further growth and business development opportunities in the west end of the District.

51 **Seaton Jurassic**

Seaton Jurassic Interpretation Centre was passed back to EDDC on 17 September 2021. There had been reports to Cabinet and Council at regular stages since, with the most recent report being to Cabinet on 5 October 2022 and then recommendation to Council on 19 October 2022. At that stage and following marketing of the opportunity to operate the interpretation centre by way of a lease there was a recommendation to progress heads of terms with Seaton Tramway for a 20-year lease. The complexities of this arrangement and the interrelationship with the different live funding agreements had made a freehold sale more appropriate.

Members wished to express their sincere thanks to Tim Child and officers for their tenacity in getting this to this stage. Cllr Marcus Hartnell expressed his thanks and the thanks from the residents of Seaton. He said their tremendous efforts and hard work could not be underestimated and that this was a huge asset for Seaton.

RESOLVED:

That Cabinet agree:

1. The freehold disposal of the Jurassic Centre (to also include adjoining ancillary area) to Seaton Tramway on those terms as outlined in report.
2. The novation of the funding agreement with one funder as outlined in report.
3. The surrender of the funding agreement with another funder as outlined in report.
4. The Memorandum of Understanding being entered into as outlined in the report.
5. Utilising the existing agreed revenue budget of £30,000 agreed in October by Council for costs in completing the lease, now to be utilised for completing the freehold transfer.
6. To delegate to Assistant Director Place, Assets & Commercialisation in consultation with Director Finance, Director Governance & Licencing, and Portfolio Holder for Finance & Assets to agree detailed terms in accordance with those principles set out in the report and to enter into all relevant documentation including legal documentation associated with the freehold transfer of the asset, the novation of the funding agreement, the surrender of the other funding agreement and the entering into of a memorandum of understanding as all detailed within the report.

RECOMMENDED to Council;

7. The capital receipt being ring fenced for delivery of those types of projects outlined in the report.

REASON:

To progress a way forward to ensure occupation of the site and its continued use as an Interpretation Centre linked to the broad requirements and expectations of the funding agreements and original intentions of the Centre.

Attendance List

Present:

Portfolio Holders

M Rixson	Portfolio Holder Climate Action & Emergency Response
G Jung	Portfolio Holder Coast, Country and Environment
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)

Cabinet apologies:

D Ledger Portfolio Holder Sustainable Homes & Communities

Also present (for some or all the meeting)

Councillor Brian Bailey
Councillor Ian Barlow
Councillor Roy Collins
Councillor Peter Faithfull
Councillor Steve Gazzard
Councillor Mike Goodman
Councillor Marcus Hartnell
Councillor Todd Olive
Councillor Eleanor Rylance

Also present:

Officers:

Matthew Blythe, Assistant Director Environmental Health
Tim Child, Assistant Director Place, Assets & Commercialisation
Joanna Fellows, Corporate HR Manager
Amy Gilbert-Jeans, Assistant Director Housing
Alison Hayward, Project Manager Place & Prosperity
Gerry Mills, Project Manager Place & Prosperity (Exmouth)
John Symes, Finance Manager
Amanda Coombes, Democratic Services Officer
Simon Davey, Director of Finance
Andrew Hopkins, Communications, Digital Services and Engagement Manager
Tim Laurence-Othen, Housing Projects Officer
Charles Plowden, Assistant Director Countryside and Leisure
Melanie Wellman, Director of Governance & Licensing (Monitoring Officer)

Chair

Date:

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 on 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, to 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 25th birthday from 1st 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, be agreed.

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 was 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 for the measurement of varying levels of connectivity across the district was suggested. Neighbourhood Planning Officers should disseminate this evidence to local Neighbourhood Planning groups.

Members from across parties wished to thank and congratulate Rob Murray, Tom Winters and their 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 noted.
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 or 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 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 6 July 2023****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 7.36 pm

1 Public speaking

Jack Rowland asked a question in relation to the Service Plan reports showing a variation on delivery – specifically on:

- the objective to “Develop a mitigation strategy for phosphate levels arising from development affecting the River Axe”. The report showed the reason for the variation being due to the post of District Ecologist becoming vacant, but is soon to be filled. He asked when the post would be filled, and if the previous post holder had begun work on a mitigation strategy or if the new post holder would have to start from scratch. Bearing in mind the importance of such a strategy in relation to planning applications in the area, and impact on other authorities. The timescales for delivery were requested.
- the objective “Seaton Jurassic – conclude how best to deal with the building defect issues and alongside let/sell to ensure the site is continued to use in some form or another by March 2023”. The report showed comment that discussions progressing constructively with Seaton tramway as future operator. An opening prior to Easter 2024 is looking unlikely. Cabinet decision made September 2022 on a lease, can officers confirm if current negotiations are on track without divulging commercially sensitive information. Will the centre be open by the tourism season for 2024.

Written responses to the questions had been received from officers as follows:

River Axe phosphate levels:

The post of Ecologist, following resignation and departure of the previous post holder last year, was filled in mid-April 2023 and as part of his job the new ecologist is taking the lead on River Axe mitigation matters. The previous ecologist had left handover notes with the work that had been undertaken to date, including a review of potential mitigation options, and the new ecologist has been getting up to speed with the work previously undertaken and upskilling themselves in this complex and specialised area.

The Council are also looking to secure additional ecological staff support, specifically on account of the new demands and work requirements with Development Management associated with the implementation of mandatory Biodiversity Net Gain (BNG) required under the Environment Act 2021 from November 2023. Some of this work may overlap with the River Axe mitigation work, e.g., exploring options for nutrient mitigation and stacking these with BNG environmental credits to deliver best outcomes for the environment and land managers.

The Council has taken the role of lead authority in respect of collaborative working with partners in other planning authority areas (Dorset and Somerset) and is advancing work on strategic solutions to provide appropriate mitigation in respect of addressing net increases in phosphates arising from development and adversely impacting on the River Axe. It is relevant to note, as well, that developers can identify and deliver mitigations measures themselves that would allow for new development to come forward. It is understood that a number of schemes are being investigated by developers.

The Council are working with a wide range of stakeholders and partners including industry and farming interests to identify appropriate mitigation measures and much of the work is geared around identifying and implementing actual projects, as opposed to developing or having a strategy that is not necessarily and directly linked to projects and implementation. Milestones will arise as and when projects are identified but at this stage specific schemes that can be implemented on the ground, on specifically defined sites, are still to be properly and fully identified and progressed. The theory around what will work is understood, the bigger challenge is actually developing and implementing specific projects.

Mr Rowland had a supplementary question, which was, Somerset Council have an agreed phosphate systems, so would it be worthwhile examining this system to see how it may benefit this authority.

Seaton Jurassic

A recommendation was made by Cabinet in October 2022 to progress heads of terms with Seaton Tramway. Negotiations continue and whilst the building has disappointingly remained closed for the summer 2023 season, both parties are committed to doing all they can to ensure a visitor attraction is open ready for Easter 2024 if the process can be agreed swiftly. A further report to Cabinet is planned for September with recommendations that will help to ensure that the project can be successfully concluded.

Mr Rowland did not have a supplementary question in response to the provided response, but looked forward to the report being before Cabinet in September.

He did have a further suggestion in relation to the Portfolio Holders' annual report and recommended they be given at least four weeks notice for preparation of the report, to take account of the time that the portfolio holder would need to prepare a comprehensive report alongside officers.

Questions arising from the officer responses included seeking clarification on monitoring the delivery of a mitigation strategy, in that any new strategy should go before the Overview Committee. The Chair advised that this issue would be left to the appropriate officer to deal with as required.

2 Minutes of the previous meeting

The minutes of the previous meeting held on 9 March 2023 were agreed.

3 Declarations of interest

Councillor V Johns; Other Registerable Interest: Director of OSM Community Larder that deals with Fairshare. Cllr Johns did not leave the meeting during this item.

Councillor B Collins: Other Registerable Interest: Company Director of Foodsave CIC which also deals with Fairshare. Cllr B Collins did not leave the meeting during this item.

4 Matters of urgency

None.

5 Confidential/exempt item(s)

None.

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

None.

7 Quarterly performance report - quarter 4 2022 - 2023

The Committee considered the quarterly monitoring report of the quarter January to March 2023, providing performance information and progress against the performance indicators and key objectives.

The report highlighted four indicators showing a status of concern:

- Number of households living in temporary accommodation
- Working days lost due to sickness absence
- Percentage of Stage 2 complaints responded to within stated timeframes
- Days taken to process new Housing Benefit claims and Days taken to process changes to Housing Benefit claims

Actions to mitigate those indicators were set out in the report.

The report also listed seven key service objectives showing a status of concern:

- Continue to collect and spend Community Infrastructure Levy monies to deliver the infrastructure needed to support new development
- Improve void turnaround times and review the Void Standards for properties being re-let as part of our Price Per Void contract and ensure that a suitable lettable standard is achieved for new tenants achieving “right first time”
- Review compliance procedures by an external body to drive continuous improvement
- To report on our delivery of high quality new and improved play areas, open spaces and sports pitches funded from development proposals
- Working with the neighbouring land owner to deliver a masterplan for the Hayne Lane site in Honiton December 2023
- Review of Taxi Policy to help seek to meet climate change targets, to reduce emissions and incorporating the national standards recommended by the Department of Transport
- Revising the Cemetery Regulations to ensure an updated and fit for purpose regime for burials by December 2022

Actions to mitigate those delays were set out in the report.

Discussion by the committee included:

- Lack of post holder to liaise between local councils and others to deploy s106 monies means that some money cannot be released, particularly with time sensitive linked funds, so concern that money will be lost; the issue of resourcing was still present and further enquiries will be made to try to establish what can be done to remedy the situation.
- Work signed off by contractors on housing stock where the work has not been completed. In relation to voids, clarification will be sought from the Housing service for the committee.
- Revising the cemetery regulations – are the team any nearer to completing this or is additional resource needed to get this achieved? Cllr Whibley, as Chair of Licensing, outlined the extensive increase in work for the Licensing team and the pressures for prioritising work. If there is any scope to add additional resource to the team, this would be welcomed.
- S106 money delays the delivery of parish play areas and this has been ongoing for some time and should be prioritised to avoid loss of funds. Parishes are getting frustrated and some recommendations should be made to Cabinet to either resource correctly or relax

the schemes to permit some schemes to proceed; The Chair suggested debate under their forward plan item to undertake some research into the situation before coming up with recommendations to Cabinet. A report was expected from Ed Freeman on this issue which would be taken into account.

- Manor Pavillion attendance figures and ticket sales clarification requested;
- Fly tipping incident increase clarification – was it a seasonal issue or just a general increase? In response, there had been changes to the way these are reported which may have generated the rise, but will be investigated to provide clarification to the committee; in response the Portfolio Holder commented that he kept a close eye for last eight years, overall there had been a downward trend, including Devon wide, so will look at the reporting mechanism to see how to correct to give a clear picture to the committee.

The Chair outlined how the report presented to the Committee would be reviewed, involving a small task force from the committee. Cllrs Whibley and Barlow volunteered to work with the Chair on this review.

8 **Forward Plan 2023 - 2024**

The Chair asked the committee to consider a manageable schedule of work for the them to undertake whilst maintaining some flexibility to handle any urgent matters that may come up during the year.

Waste and recycling contract

Waste contract discussion had already taken place prior to the meeting, and the Portfolio Holder for Coast, Countryside and Environment was present to discuss how Scrutiny can get involved with this work. The Portfolio Holder outlined how current work on an extension to the current contract was progressing, with three months extension almost agreed. Aside from this, consideration was needed for the next contract term, including aspects such as the vehicle fleet in respect of how they are powered and kept powered; changes in how waste streams are changing; charges for waste by manufacturers; changes to collection timings.

The Portfolio Holder informed the committee that the Waste and Recycling Team are working on reviewing options for future service provision to take account of industry changes and the best routes to continue our excellent service from this authority, bearing in mind that the Council is the number one in the country. A briefing paper will go before the Strategic Management Team and Cabinet in the late summer/early autumn of this year, to instigate commissioning the replacement of our current contract. He welcomed cross party nominations, with interest and knowledge of the service, to get involved with this process, being mindful of the sensitivities of contractual information. The Scrutiny committee would be kept informed of progress.

The Chair responded, commenting that he would like to see Scrutiny members involved and view the Cabinet report as a critical friend before the decision is taken by Cabinet to extend the current contract. The committee would have the topic added to their forward plan for Spring 2024 or earlier as required.

Other issues

Cllr Ingham suggested inclusion of a number of issues and outlined how the Scrutiny Committee should timetable such work, particularly on the Local Plan as it does not reflect the wants and needs of the local community using the current methodology. He also felt there were no significant changes visible to deal with climate change; the threat to local business for the increase in car park charges should be examined; and concern

on the contract for Housing repairs not delivering what tenants needed, and residents suffering as a result.

Debate from the committee on the topic of the Local Plan included arguments on the methodology, changes in central government advice, but the plan should not be stalled and it would only confuse the issue to examine it while it is already underway and legislation is still pending that may change it again.

The Chair outlined recent discussions with other Chairs on housing issues and work was underway to see how best to scrutinise that work, as that remit fell to the Housing Review Board as the scrutiny function for Housing. There may be a way forward working as a collective but he needed further discussion before coming back to the committee with a way forward.

The Chair commented that car park charges would be picked up after a report went to Cabinet in November.

Making access to S.106 monies easier for towns and parishes was discussed with some examples given of those difficulties in accessing the funds. Views could be sought from town and parish councils on their experiences to date. A balance on the outstanding amount will also be required.

The proposal from Mid Devon DC Scrutiny Committee regarding a joint review into the planning controls and regulatory requirements associated with the bio-energy industry within Devon, in particular anaerobic digesters, should be followed up. Links with neighbouring authorities on their scrutiny work should be developed.

Poverty working panel recently reported 60 families in temporary accommodation – should the authority be paying rent to private landlords when there is empty housing stock that could be used. Desire to move to a position of minimal to no temporary accommodation. The Chair will raise this with the Chair of HRB and the Portfolio Holder.

Progress in finding a site for travelling community was raised. In response, the Portfolio Holder suggested a meeting with Members to discuss this, but there is a report soon to be provided in confidence to Members on the issue.

Councillors discussed grass cutting and verges, alongside re-wilding.

The Portfolio Holder informed the committee:

- Of a pending Cabinet biodiversity paper;
- that review of planning policy, in particular relating to bird boxes and bee bricks, were an issue for strategic planning to review;
- Climate change on track for most of performance; awaiting DCC input to additional policies but he agreed the benefit of scrutinising delivery;
- September Cabinet paper on nature emergency, including “re-naturing” rather than “re-wilding”.

Committee members commented on complaints from the public in respect of visibility issues when grass verges were too long; and linking with Devon County Council on their policies for verges. The committee could consider the management plan for grass verges in Dorset; and check if East Devon have got cut and mulch machines which reduces amount of grass left on site and benefits the soil.

Flooding events recently; Devon County Council are reporting on this soon and the report should be considered by the Scrutiny Committee in order to consider working with resilience groups in the area to prepare for future flood events.

The Chair also had meetings planned to discuss public toilet provision but also wanted the scrutiny committee to review this.

In reviewing their work plan, the committee added:

- Making access to S.106 monies easier for towns and parishes, for the September meeting;
- Proposal from Mid Devon DC Scrutiny Committee regarding a joint review into the planning controls and regulatory requirements associated with the bio-energy industry within Devon, in particular anaerobic digesters
- South West Water report
- Review effectiveness of Blackdown House, in terms of fit for purpose for both employees and Members
- Budget scrutiny in line with the requirements prior to recommendation to Cabinet – November/December
- Climate change action plan progress - October
- Rewilding grass verges/grass cutting review – October
- Toilet provision
- Devon County Council's flood event report

The Monitoring Officer asked the committee about the adoption of a Scrutiny Protocol. This would set out what the purpose of the committee is, the four principles of scrutiny being included. It would also set out the process that would be followed in undertaking the scrutiny process, as well as lay out expectations. This would help inform both Members, officers and members of the public. The Monitoring Officer would bring forward a draft protocol for discussion at the September meeting.

The committee considered the draft Terms of Reference for annual reports by Portfolio Holders, with the intention for the annual report to be presented to Council once during a civic term. The terms of reference could also be included in the protocol.

RESOLVED

1. that the forward plan for the Scrutiny Committee be updated; and
2. that the Terms of Reference be included in the draft Scrutiny Protocol to be presented to the Scrutiny Committee at their next meeting.

Attendance List

Councillors present:

J Bailey
I Barlow
M Chapman
B Collins
R Collins
M Goodman (Chair)
A Hall
J Heath
J Kemp (Vice-Chair)
A Toye
J Whibley

Councillors also present (for some or all the meeting)

B Ingham
V Johns
G Jung

Officers in attendance:

Jo Avery, Management Information Officer
Andrew Hopkins, Communications Consultant
Sarah Jenkins, Democratic Services Officer
Melanie Wellman, Director of Governance & Licensing (Monitoring Officer)

Committee apologies:

S Smith

Other Councillor apologies:

M Hartnell
S Richards
P Arnott

Chair

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Scrutiny Committee held at Council Chamber, Blackdown House, Honiton on 7 September 2023****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 8.07 pm

9 Minutes of the previous meeting held on 6 July 2023 and minutes of the meeting held on 2 March 2023

The minutes of the previous meeting held on 6 July 2023 and the minutes of the meeting held on 2 March 2023 were agreed as a true record.

10 Declarations of interest

Minute 15. Section 106 and CIL Resources and Processes.
Councillor Ian Barlow, Personal, Member of Sidmouth Town Council which is in receipt of S.106 monies.

Minute 15. Section 106 and CIL Resources and Processes.
Councillor Paul Hayward, Personal, Clerk to Axminster Town Council which is in receipt of S.106 monies.

Minute 15. Section 106 and CIL Resources and Processes.
Councillor Sarah Jackson, Affects Non-registerable Interest, Details of the nature of the interest are withheld under S.33 of the Localism Act 2011.

Minute 15. Section 106 and CIL Resources and Processes.
Councillor Vicky Johns, Personal, Member of Ottery St Mary Town Council which is in receipt of S.106 monies.

11 Public speaking

One member of the public had registered to speak at the meeting. Mr Jack Rowland spoke on agenda item 11.1, the proposal form for car parking tariffs and advised that it was incorrect that the cost of all car parking across the district had been increased by 100% in 2022, as stated on the proposal form. Mr Rowland noted that some car parking tariffs had remained the same, and that over the winter period, the cost of car parking was £2 per day. Residents were also able to purchase car parking permits with an option of paying £10 per month.

Prior to the increases in 2022, car parking tariffs had not been increased for a decade and it was important to consider the overall budget plan. When compared with other local authorities in the southwest, East Devon was not the most expensive as stated on the proposal form. Mr Rowland gave examples of other authorities which were increasing their charges again. Mr Rowland also noted that it had always been the intention for a report reviewing the impact of the increase in car park tariffs to be considered by Cabinet in the autumn of this year, and so queried the timing of the submission of the proposal form.

The Chair thanked Mr Rowland for his contribution.

12 **Matters of urgency**

There were no matters of urgency.

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

There were no confidential / exempt items.

14 **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.

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

The Committee considered the report from the Assistant Director – Strategic Planning and Development Management on Section 106 (S.106) and Community Infrastructure Levy (CIL) resources and processes. The report highlighted a number of issues in relation to the Council's work in administering planning obligations such as CIL and S.106 agreements. Some of the issues had been highlighted in an audit in 2020 and while actions recommended by the audit were completed, due to various staffing issues there was a significant backlog again. The report proposed measures to address this, including a new staffing structure within the planning team that would be funded by a revised S.106 monitoring fees charging schedule as well as changes to the process for the spend of S.106 monies to try and reduce the administrative burden on the Council.

The Chair advised that he had visited six Town and Parish Council Clerks and had also spoken to Cllr Johns in her capacity as Chair of Ottery St Mary Town Council. The Chair had written a report with recommendations which had been seen by the Assistant Director – Strategic Planning and Development Management. The Chair's report would be circulated to Members following the meeting.

Discussion of the Assistant Director's report included the following points:

- As the Strategic Planning Committee had already considered the same report and had agreed the report's recommendations to Cabinet, it was questioned why the report had come to the Scrutiny Committee.
- At the previous meeting of the Scrutiny Committee, it had been noted that Town and Parish Councils across the district were having problems with accessing S.106 and CIL monies, and the Committee had considered this an important matter to scrutinise.
- Concern was expressed that the equalities impact assessment should not be low impact, as shown in the report, but should be high impact as S.106 is time limited.
- Members were aware of cases where S.106 money had been returned to developers as the time limit had expired.
- There was concern that the proposals for staffing arrangements set out in the report would take a long time to implement and it was suggested that an interim arrangement should be put in place to ensure that S.106 monies due to town and parish councils are not lost in the meantime.
- Members noted that there are around 150 cases where a notice of payment had been issued and where monies remained outstanding. It was questioned who would make the decision as to whether it was expedient or not to pursue these outstanding funds in the case of the smaller amounts.
- It remains unclear as to why it has taken so long to resolve the issue with S.106 and CIL resources and processes and there is a need to understand what has happened. It was

suggested that it would be beneficial to meet with the Clerks, Chairs and Deputy Chairs of the larger town and parish councils to understand what the problems are.

- It was noted that the Town and Parish Councils need training on how to manage S.106 and CIL, and that this has been acknowledged by the Assistant Director – Strategic Planning and Development Management.
- More staff have been taken on in the past and this did not resolve the issues.
- Private contractors could be brought in to assist with staff resources in the short term.
- Advice could be sought during the upcoming peer review and the processes used in neighbouring councils could be looked at.
- The whole S.106 and CIL process has been opaque when it should be open and transparent.
- Concern was expressed that the on-going issues with S.106 and CIL have a negative impact on the leisure strategy.
- The Council owes it to the local communities to bring in contractors to sort out the issues.
- It was noted that progress was being made but that this was then impacted by staff leaving.
- It was particularly urgent to have an initial push at resolving the issues.
- There was concern that the proposed structure and number of staff would not be sufficient to deal with the issues.
- The Parish and Town Councils could assist with providing information on developments.
- A Task and Finish Forum could be set up to consider various issues including how to ensure payments are collected so that Town and Parish Councils can spend the money they are owed. The TaFF could consist of Scrutiny Committee members with Overview Committee members invited.
- It was noted that the Assistant Director's report would continue through the Strategic Planning Committee process to Cabinet.

The Deputy Monitoring Officer advised that advice would need to be given through the Chair on the political balance and number of members on the TaFF. Notice of setting up the TaFF had not been given due to it arising from the discussion at the meeting, and members of the Overview Committee would not be aware of the discussion and subsequent decision. The TaFF could be held virtually.

RESOLVED:

To set up a Scrutiny Committee Task and Finish Forum, with members of the Overview Committee invited to participate, in order to consider various issues regarding S.106 and CIL monies collection and spend.

Members of the Scrutiny Committee and the Overview Committee would confirm their interest in joining the TaFF to the supporting Democratic Services Officer.

The following recommendations to Cabinet were then agreed:

RECOMMENDATIONS TO CABINET:

1. Recommend that Cabinet support the proposed revised S.106 Monitoring Fees charging schedule appended to the report [Report on Section 106 and CIL Resources and Processes] and recommend to Council that these charges be applied with effect to Section 106 agreements associated with planning applications received once the new charges have been published on the Council's website.
2. Recommend to Cabinet and to Council that the proposed Planning Obligations Team incorporating the existing CIL 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 S.106 Monitoring Fees and CIL admin funds.

3. Recommend to Cabinet that the current spend process for S.106 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.
4. Recommend to Cabinet 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.

The following was then agreed:

RESOLVED:

1. That the Scrutiny Committee receive an update report in late Summer 2024 to advise of progress in forming the new planning Obligations Team and their progress in addressing the issues highlighted in the report, and
2. That the Scrutiny Committee receive an interim update on progress in February 2024 as a matter of urgency.

16 **Update on the draft Scrutiny Protocol - Monitoring Officer**

The Deputy Monitoring Officer advised that the Monitoring Officer had been working on the draft Scrutiny Protocol and that there was a slight delay pending advice from the Centre for Governance and Scrutiny. It was anticipated that the draft protocol would come to the October Committee meeting.

17 **Update on progress with the quarterly performance report task force - Committee Chair**

The Chair provided an update on progress with reviewing the quarterly performance report. The Chair and Vice-Chair had held a very positive meeting with the Management Information Officer. It had been agreed by senior officers and internal audit that changes to the report were needed and a number of recommendations were being followed up.

The Chair, Vice-Chair and Cllr Whibley had been invited to attend the performance review workshop. It had been agreed with officers to bring the next quarterly performance report for quarter 2 to the November Scrutiny Committee meeting. This to be added to the Forward Plan.

18 **Forward Plan**

The Committee considered two proposal forms regarding:

1. a review of car parking tariffs, and
2. a review of public toilets.

1. Car parking tariffs

The Chair advised that he had submitted the proposal form in order to assist Cabinet with the provision of information when it considers its review of car parking tariffs in November.

The discussion included the following points:

- Concern was expressed that the incorrect figure regarding the increase in car parking tariffs contained in the proposal form was being quoted in the media.
- A number of complaints regarding car parking tariffs had been received, although this had not been indicated on the proposal form.
- Car parking permits should be publicised more widely and particularly when members of the public make a complaint regarding car parking tariffs.
- Information on parking permits could be included when council tax bills are sent out.
- As Cabinet would be reviewing the increase in car parking tariffs, it was not appropriate for Scrutiny to review at the present time.
- It was noted that district wide car parking tariffs would have a detrimental impact on asset transfers in Beer.
- It was suggested that proposal forms be fact checked by officers before publication.
- Any review of car parking tariffs should be undertaken with full information and there was a need to agree what data would be required for a review.

The Deputy Monitoring Officer advised that the Committee should agree the exact nature of what would be included in any review.

As Cabinet would consider an officer's report on the increase in car parking tariffs at its November meeting, or when the report was ready, it was agreed to defer this item on the Forward Plan until Cabinet had discussed this matter.

2. Public toilets

The Chair advised that he had met with officers to discuss issues with public toilets in Sidmouth and that, in his view, there was a lack of public awareness regarding the previously agreed toilet strategy which has begun to be implemented. Information regarding public toilet provision in Sidmouth had recently been published on the Council's website.

As a result of discussions with officers, the Chair wished to withdraw this proposal form and had submitted a proposal form to the Overview Committee instead.

The Chair of the Overview Committee advised that she was only looking for an update from officers on progress with implementing the toilet strategy.

Forward Plan

With the amendments as agreed at the meeting, the Forward Plan was agreed.

Attendance List

Councillors present:

J Bailey
I Barlow
M Chapman
R Collins
M Goodman (Chair)
A Hall
J Heath
J Kemp (Vice-Chair)
D Mackinder
A Toye

Councillors also present (for some or all the meeting)

P Arnott
B Bailey
P Hayward
N Hookway
B Ingham
S Jackson
V Johns
G Jung
M Rixson

Officers in attendance:

Andrew Hopkins, Communications, Digital Services and Engagement Manager
Sarah Jenkins, Democratic Services Officer
Anita Williams, Principal Solicitor (Deputy Monitoring Officer)

Councillor apologies:

B Collins
S Smith
J Whibley

Chair

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Housing Review Board held at Council Chamber, Blackdown House, Honiton on 15 June 2023****Attendance list at end of document**

The meeting started at 11.15 am and ended at 2.05 pm

1 Public speaking

There were no members of the public registered to speak. However a request was made via email from a district councillor for responses to the following:

1. Can an up to date report come before the next HRB on voids clearly setting how many are through the district and why it is taking so long to get them back into circulation.
2. Can a report come to the next HRB dealing with the stock condition survey, setting out where the district contractors are with the review, setting out number of houses that have been surveyed and what the surveyors are actually looking at.

2 Appointment of Vice-Chair

The Chair welcomed all those present to the meeting. He informed them that co-opted tenant member Sue Saunders had resigned from the Housing Review Board and thanked Sue for her contribution to and time spent on the Board

Nominations for Vice Chair were received for Councillor Sarah Chamberlain.

RESOLVED: that tenant representative Sarah Chamberlain be appointed Vice Chair of the Board for the ensuing year.

3 Minutes of the previous meeting

The minutes of the previous meeting held on 16 March 2023 were agreed.

4 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.

Councillor Vicky Johns declared that she had family members who were council housing tenants.

5 Matters of urgency

There were none.

6 Confidential/exempt item(s)

There was one confidential/exempt item.

7 Housing Review Board induction

Prior to the start of the Board meeting the Assistant Directors for Housing and the Housing Task Force gave members of the Housing Review Board and other councillors in attendance an introduction to the work of the HRB. They reminded those present of the priorities and remit of the Housing Review Board, and hoped that it would focus the Board on key activities and areas of service that mattered to tenants and service users.

As well as explaining the background and purpose of the Board they also outlined the aims and purpose for housing services, how the service was organised, future challenges and opportunities for housing, and the housing strategy. The three broad priorities fell under the following categories:

- Providing homes.
- Improving homes.
- Improving communities.

The presentation also covered detail around some of the external and internal pressures that the service was facing including changes in regulation, increasing demand in every area, ongoing sickness and wellbeing issues with officers due to pressure and workload and the ongoing challenges around recruitment.

RESOLVED: that the Housing Review Board note and use the contents of the report as part of the induction process for new Board members.

8 **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 Chair requested that the following items be added to the forward plan:

- A review of the Housing Review Board and its membership, which would tie in well with the Resident Involvement Strategy review.
- A review of the contract with StreetScene services for estate management.

RESOLVED: that with the addition of two items the forward plan be agreed.

9 **Social Housing White Paper action plan**

The Housing Review Board received a presentation from the Assistant Director Housing, along with a report and action plan in order to provide the Board with an update on the preparations that were being made to ensure compliance with the up and coming Social Housing (Regulation) Bill. The Bill provided the legal basis for many of the measures set out in the 2020 Social Housing White Paper. The intention was to deliver transformational change for social housing residents and fulfil the Government's manifesto pledge to empower residents, provide greater redress, better regulation and improve the quality of social housing.

The Assistant Director Housing's report aimed to summarise the Charter for Social Housing Residents (Social Housing White Paper) and consider how EDDC fared against its demands as it currently stood, and set out recommendations on what steps needed to be taken in order to prepare for its full implementation. The Consumer Standard would be given greater focus and status, elevating it to be in line with the Governance and

Finance measures. The proposed new regulations also set out wide-ranging proposals to transform and strengthen the regulatory regime based around new consumer standards and a code of practice with increasing powers of intervention to ensure it held all landlords to account for the services they delivered and drove good services for tenants.

The new transparent approach would bring a fundamental change to social housing regulation. The legislation would set new expectations on the services that landlords needed to provide for their tenants. There were new consumer regulations and standards. There would be reactive inspections every four years considering feedback from tenants, board reports on service performance and evidence from the Housing Ombudsman. There would be new tenant satisfaction measures and the Bill would look at the assurances councillors were getting about the quality of homes, service performance and their engagement with residents. There were stronger powers and harsher penalties on landlords if things went wrong, and a very transparent approach with the publication of conclusions from individual consumer inspections.

The Charter sought to deliver transformational change and respond to the lessons learnt from:

- The Grenfell Tower tragedy.
- The views of residents on the Social Housing Green paper 2018.
- Views on how social housing was regulated, including complaints.
- The impact of the Covid-19 pandemic and the importance of people's homes, communities, neighbourhoods and green spaces, social isolation, support for the vulnerable, wellbeing, mental health, crime and anti-social behaviour.
- To address energy efficiency and building safety.

The new Charter for social housing set out what every social housing resident should be able to expect from their landlord in seven chapters:

1. To be safe in your home.
2. To know how your landlord is performing.
3. To have your complaints dealt with promptly and fairly.
4. To be treated with respect.
5. To have your voice heard by your landlord.
6. To have a good quality home and neighbourhood to live in.
7. To be supported to take your first to home ownership.

The Assistant Director Housing explained that EDDC's action plan provided details of where it did and didn't meet the proposed Charter requirements and any further actions it needed to address these areas. It also set out where Charter requirements were yet to be determined/developed by the Regulator and notification was awaited. It was noted that the themes of the Charter could be seen throughout many of the agenda items for the meeting and emphasised the importance of the role of the Housing Review Board.

RESOLVED: that the Housing Review Board note and agree the report, action plan and content of the presentation.

10 **Results of tenant satisfaction survey**

The Information and Analysis Officer's report explained that the results of the March 2023 tenant satisfaction survey saw a significant decline in satisfaction across several aspects of the housing service. The housing leadership team had considered the findings in detail and a communication plan (worked in conjunction with the corporate communications team) and an improvement plan was being put together to address how tenant satisfaction could be improved. The results gave additional evidence to support

the measures being put in place to improve particular areas of the service, such as the complaints process and aspects of the repairs service.

This report also highlighted how performance in some of the key areas was translating into lower levels of tenant satisfaction. An important step to improving the services for tenants and hopefully improving tenant satisfaction was to ensure that the housing service was getting the basics right across the service. The survey was carried out by a third party company called 'Service Insights', which enabled the survey to be sent by email and SMS to general needs tenants (sheltered housing tenants received a postal survey). A lesson learnt from this was to ensure transparency on all aspects of data protection, and to ensure all tenants were aware of the survey in advance.

The Board were made aware that there was a requirement for all registered providers of social housing to run a tenant satisfaction survey annually from 2023/24, with a statutory duty to submit these measures to the Social Housing Regulator. The recent survey provided a 'baseline' to ensure the Council was meeting the requirements for the future. As part of the survey questions, tenants were asked if they would be willing to share further information and a proportion of tenants agreed. These tenants would be further engaged with to help gain more insight into tenant's experiences.

The Information and Analysis's presentation (and report) covered and explained the following satisfaction measures, as well as actions being taken to address the findings:

- Overall satisfaction.
- Satisfaction with repairs.
- Communication.
- Complaints.
- Anti-Social Behaviour handling.
- Cost of living and tenant wellbeing.

The next steps were to track tenant satisfaction much more closely and to monitor this as EDDC went through service changes. Officers acknowledged that there was a link between what tenants were saying they were unhappy with and where there were known service challenges/failures. It was important to be aware of the national context and change. The housing sector was working in a much tougher operating environment than ever before, nationally under increasing pressure in a number of areas. The trend across most other registered providers was showing a decline in tenant satisfaction across all service measures.

Those present expressed concern with the results of the tenant satisfaction survey. The Assistant Director Housing reported that the Housing Leadership Team were reflecting on the results of the survey and using them to feed into a wider improvement plan, with a report being brought to the September meeting of the HRB. The survey highlighted the need to improve the visibility of the service, accessibility for tenants and to build back up the relationship with tenants. The survey linked in directly with the current consultation to renew the resident involvement strategy. The survey also highlighted and provided further evidence that supported tenant dissatisfaction with the current repairs service. There was a review of the current staffing structure underway to ensure there were the right people in the right roles across the housing service as well as sufficient capacity.

RECOMMENDED:

1. that Cabinet approve the facilitation of a series of focus groups to be held with tenants who have offered to provide further insight and information on their experiences with the

housing services. Officers would then review and use these findings to further inform future improvements.

2. that Cabinet approve the further surveying of tenants over the coming months in order to monitor satisfaction levels more closely and more frequently and as a way of assessing whether levels of satisfaction were improving.

RESOLVED: that the Housing Review Board note the baseline tenant satisfaction measure survey report.

11 **HouseMark performance report**

The Information and Analysis Officer's report explained that HouseMark was a data analysis service which gathered performance and cost information from 350 social housing providers across the UK, providing them with the data and insights needed to make evidence based decisions to drive efficient performance and business improvement. Being able to bench mark the housing service across its peers was a very difficult exercise to do alone, but it could play a hugely important role in evaluating the service. The reports and online interactive analytical tools that HouseMark provided helped officers 'dive deep' into the data and compare EDDC's housing service with others.

HouseMark had provided a comprehensive report, giving a useful insight into cost and performance. Understanding costs alongside performance was an important part of knowing how the service was doing, as well as considering this with up to date performance and recent tenant satisfaction results.

RESOLVED: that the Housing Review Board considered, commented on and noted the HouseMark 2021/22 Benchmarking report.

12 **Consumer Standards - self assessment**

The Interim Housing Services Manager reminded the Board that at its last meeting on 16 March the HRB received a report on the Self-Assessment against the Consumer Standards. The HRB agreed the self-assessment and action plan and requested that further consultation should be carried out with tenants and reported back to the Board. This was due to tenants at the previous meeting expressing concern that they had not had sufficient time to consider the content of the self-referral. An extraordinary meeting of the Resident Involvement Management Group (RIMG) took place on 31 March 2021, with 13 tenants taking part in the consultation. Out of 126 assessment requirements the tenants agreed with 74 areas and disagreed with 52 areas. It was reported that the feedback was the view of tenants and officers were not involved in the self-assessment. Officers pointed out that this was useful, direct feedback from tenants and could be considered as part of the preparation work in this area.

It was noted that the tenant self-assessment was undertaken by tenants only without any officer input. It was their view on the requirement and how they felt EDDC were meeting the requirement. The EDDC self-assessment had been carried out by officers using the evidence and working knowledge of how the requirements were being met. It also included actions where it was felt the minimum standard was being met, but further work could be undertaken to strengthen the service and implement best practice.

The original HRB report proposed that when the revised Consumer Standards were received from the regulator, a self-assessment be carried out with both officers and tenants present so that there was a greater understanding of the requirement, the evidence that could be provided in meeting the standard and a joint assessment of whether EDDC met it.

RECOMMENDED: that Cabinet approve that a joint workshop is undertaken with officers and tenants on receipt of the revised Consumer Standards from the regulator.

13 **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 4 and year end. The presentation also outlined actions being taken to improve performance where targets were not being achieved.

KPIs in the presentation included:

- Rent arrears of current tenants as a % of annual rent debit.
- % of self-contained dwellings vacant and not available to rent.
- Average days to relet a social housing dwelling.
- % of rent lost through properties becoming vacant.
- % of routine repairs completed within target.
- % of emergency repairs completed within target.
- % of repairs outstanding and overdue.
- % satisfaction with day to day repairs.
- % of complaints responded to and closed within 20 days.
- % of calls answered within 1 minute.
- Average number of working days per person lost through sickness.

During 2023/24 the KPIs would continue to be cleansed and the data improved. PIs needed to be collected in line with the methodologies and best practice, ensuring it was accurate. New indicators of tenancy visits, tenant satisfaction measures and community development would be introduced. Improvements were planned for how complaints were reported, which would include complaints upheld, partially and not upheld, and learning from complaints. When setting targets for 2023/24, staff and residents would be consulted with to ensure that appropriate targets were set and that services for residents would continue to be enhanced. In addition to this, team targets would be developed and monitored to measure and track performance of teams.

Concern was expressed over staff sickness levels which the Assistant Director Housing agreed were high and an area of concern. Members also raised concerns over call centre response times and the Board were reassured that there were plans in place to improve this.

The eight key areas monitored in the compliance dashboard were:

- Asbestos.
- Electrical systems.
- Fire risk assessment.
- Fire protection systems.
- Gas safety.
- Lifting equipment.
- Smoke and carbon monoxide alarm regulations 2022.
- Water management.

The Interim Housing Services Manager outlined recent concerns in relation to electrical safety. This was being investigated and further information on this would be presented to the Board. Members questioned some of the narrative given and confirmation was received that asbestos surveys were now up to date.

RESOLVED: that the Housing Review Board receive and note the performance report at year end and for quarter 4.

14 **Finance report**

The 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 2022/23 financial year. The report also considered the implications of any forthcoming regulatory changes.

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

It was noted that the 2022/23 outturn deficit for the year was £1.264m, £158,000 below the budgeted surplus of £1.422m. The Housing Accountant's report gave a summary by cost driver:

- Employment costs of an additional £0.36m resulting from the 2022/23 pay award.
- Lost income of £0.43m due to void properties.
- Supplies, services and other costs of an additional £0.15m due in part to disrepair claims and legal fees.
- Interest, income and charges of £0.21m from improved returns on investments.
- Expenditure on premises of an additional £0.69m.

The report proposed to cover the in-year deficit of £1.264m from earmarked reserves, leaving the HRA balance at the adopted level of £3.1m through:

- A contribution of £1.12m to be taken from the planned maintenance reserve covering the premises overspend of £0.69m and the void loss of £0.43m. This would in effect reverse the surplus contribution made to this reserve in 2021/22 due to underspends.
- The residual net £0.144m to be taken from the Capital Development Fund.

In terms of capital expenditure and associated funding the housing accountant summarised that:

- A total of 3 acquisitions were completed within the year as opposed to 33 right to buy sales, reducing the stock significantly.
- The £1.816m capital expenditure on Green Homes was funded partially by a central government grant of £0.612m with the majority of the residual funded by non-ring-fenced right to buy capital receipts
- The total revenue contribution to capital made from the HRA was £0.757m rather than a budgeted figure of £0.88m.

The Board noted the year end reserve levels and the 2022/23 right to buy position which were contained in the report.

RECOMMENDED: that Cabinet note the Housing Revenue Account and Housing Capital Finance 2022/23 year end outturn report, and approve the reserve recommendations.

15 **Chartered Institute of Housing Qualifications**

The Assistant Housing Director outlined the reasons that were driving the need to professionalise the housing service and the broader context for this. The report presented to the Board explained what was being done to understand the current levels of professional qualification and the options available to increase the level of professionally qualified managers in the EDDC housing service, taking account of capacity and budget and the requirements of the Social Housing Regulator.

An audit was currently being carried out of all housing employees to understand their qualifications and at what level. Many officers had already undertaken Chartered Institute of Housing (CIH) learning. The CIH training was based around seven key characteristics or behaviours:

1. Integrity.
2. Inclusive.
3. Ethical.
4. Knowledgeable.
5. Skilled.
6. Advocate.
7. Leadership.

In many ways these were already aligned to the EDDC behaviours framework and it was therefore anticipated that they could be blended with the existing expectation for behaviour. The report suggested that the CIH professional standards were embedded into the culture and performance of the housing service to ensure they were current and alive. The report went on to outline a number of ways to increase knowledge and learning, as well as the budgetary implications. It was important to ensure a balance between work and any studies required.

It was expected that it would be a requirement for housing sector managers to be qualified, although it was not exactly clear what those levels were. This would make recruitment more challenging. A picture was being built of what the current position was, taking into account capacity, budget and timeframes, in order to achieve the required standards that were set by the regulator.

RECOMMENDED: that Cabinet approve the approach set out in the report and support the drive towards ensuring officers had or worked towards achieving a relevant professional housing qualification, which would improve the ability to deliver a service that met the needs of the tenants and the standards required by the Social Housing Regulator in a sustainable and timely way.

16 **Subscription for Advantage South West**

The Property and Asset Manager's report asked members of the Housing Review Board to note the benefits of membership of Advantage South West (ASW) and to support the continuing membership of the organisation. The advantages of ASW included:

- Maintaining properties to a good standard whilst achieving value of money.
- Assisting in achieving continuity of components and services across the Property and Asset service.
- Assisting in the ongoing training and upskilling of staff through regular product review workshops and continuing professional development events.
- Providing a platform for networking with other authorities and housing providers across the South West.

The Chair suggested that in future the annual ASW subscription be delegated to the Assistant Director for Housing, rather than being brought to the HRB for decision.

RECOMMENDED:

1. that Cabinet approve to continue paying the annual subscription to maintain the membership to Advantage South West.
2. that Cabinet approve that in future the decision to continue paying the annual subscription for Advantage South West membership be delegated to the Assistant Director Housing.

17 **Integrated asset management contract context and performance**

The Property and Asset Manager's report gave the Board an overview of the first four years of the integrated asset management (IAM) contract, particularly highlighting the growth and performance of the contract over that period. There had been a year on year increase in demands on the contract, and challenges facing the contract.

External factors that had impacted the contract and explained in the report were:

- Covid-19 pandemic.
- Brexit.
- Cost of living crisis/inflation.
- Disrepair cases.
- Damp and mould cases.

Internal factors that had impacted the contract and explained in the report were:

- Staffing.
- Stock investment.
- Processes.
- Resident expectations.
- Partnership ethos.

There had been a consistent year on year growth in responsive repairs and void works, as well as an increase in exclusion jobs and rise in damp and mould cases. The increased work load and factors such as inflation had attributed to the financial growth on the contract.

Key performance indicators (KPIs) contained in the report demonstrated numerous fluctuations in performance across all areas of the contract, with some KPIs showing a slight improvement and other showing a slight dip in performance. It was noted that a detailed review of the price per void was currently underway.

The Property and Asset Manager reported that the management of the contract remained a challenge. A high level review of the structure of the Property and Asset team in terms of resources and job roles was underway. Ian Williams had also had changes in their structure and were facing similar recruitment challenges.

Explanations of many other issues were contained the Property and Asset Manager's report including:

- Reactive repairs.
- Voids.
- Planned works.
- Handyperson service.
- Social value.
- Compliance and cyclical servicing.
- Customer satisfaction and compliments.

- Complaints.

There was a need to review and adapt the delivery model to meet service demand and ensure that the contract was delivered in the most efficient compliant manner possible. There was an ongoing improvement action plan which was a live tool to ensure that those areas highlighted/recorded would be monitored to ensure standards were maintained and improved upon. In addition to the action plan EDDC continued to benefit from the support of Echelon, the specialist consultant engaged to procure the IAM contract, carrying out in depth reviews of certain areas of the contract, specifically:

- Voids.
- Reactive repairs.
- Processes within the Open Housing System for the management of the IAM contract including the interface with Ian Williams.

In response to questions from members, the Property and Asset Manager advised that it was expected that a proportion of the backlog of current void works would be cleared by mid-July 2023. He explained that the repairs part of the voids process was just one phase and that properties also sat at different stages of the void process. He was uncertain why the number of repair jobs had increased so much but attributed some of this to the recent publicity surrounding damp and mould cases. Repairs identified as category one in the stock condition survey were being reported as urgent, other repairs would be assessed and dealt with accordingly.

The Assistant Director Housing reminded the Board that many things had changed since the contract was first tendered and that things were very different to five years ago. It was important to consider this going forward and whether the current contract was fit for purpose given where it was now.

RESOLVED: that the Housing Review Board notes the explanation and context that demonstrates how and why we have had to adapt from the original intentions in the contract to provide a fit for purpose repairs and void service tailored to the requirements of the Council's residents, and to note the performance in quarter 4 2022-23.

18 **Tenant Scrutiny Committee - Review of MSOs**

The report of the Interim Housing Services Manager set out the findings and recommendations made by the Tenant Scrutiny Panel (TSP) following their investigations into the roles of mobile support officers (MSOs) in September 2019 (delayed in being brought to the HRB due to the Covid-19 pandemic). The report sought to find ways to address the differing expectations of the service provided by the MSOs amongst sheltered housing tenants, the MSOs themselves and the wider housing service. The report made recommendations aimed at clarifying the boundaries of the responsibilities of MSOs. Changes had been made to the MSO team since the TSP report was completed, with most of the recommendations already having been undertaken. However, it was important to acknowledge and recognise the work of the TSP and ensure the learning was fully implemented.

RESOLVED: that the Housing Review Board note and endorse the recommendations highlighted within the report.

19 **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 this item in private session (Part B).

20 **Interim Housing Operations Manager**

The Director of Housing, Health and Environment's report followed on from the agreement at the last meeting of the Housing Review Board to create a new position of Operations Manager within the Housing Service. Having regard to current operational pressures and work demands it was being proposed that this position was filled on an interim basis by a recruitment agency appointment. The costs exceeded those originally budgeted due to the nature of the interim agency arrangement. The longer term intention was to recruitment permanently into the position.

Although the Board expressed some concerns about the additional costs they recognised the importance of filling the position and therefore regarded it as a necessary spend.

RECOMMENDED: that Cabinet approve that the recently created Housing Operations Manager position be filled on an interim basis using the individual put forward by a recruitment agency with the additional costs to be financed through the Housing Revenue Account.

Attendance List

Board members present:

Sara Clarke, Independent Community Representative
Rob Robinson, Independent Community Representative
Councillor Sarah Chamberlain
Councillor Peter Faithfull
Councillor Dan Ledger (Chair)
Councillor Tony McCollum
Councillor Helen Parr

Councillors also present (for some or all the meeting)

B Bailey
I Barlow
P Fernley
V Johns
G Jung
M Martin
M Rixson

Officers in attendance:

Graham Baker, Property and Asset Manager
Natalie Brown, Information and Analysis Officer (Housing)
Jo Garfoot, Assistant Director Housing Task Force
Amy Gilbert-Jeans, Assistant Director Housing
Yusef Masih, Interim Housing Services Manager
Andrew Mitchell, Housing Solutions Manager
Giles Salter, Solicitor

Melanie Wellman, Director of Governance & Licensing (Monitoring Officer)
Jacqueline Stokes, Administrator/Paralegal
Alethea Thompson, Democratic Services Officer

Councillor apologies:

Sue Dawson, Tenant
Cindy Collier, Tenant

Chair

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Strategic Planning Committee held at Council Chamber, Blackdown House, Honiton on 9 June 2023****Attendance list at end of document**

The meeting started at 10.00 am and ended at 11.58 am. The meeting was briefly adjourned at 11.23 am and reconvened at 11.36 am.

1 Public speaking

Councillor Geoff Jung spoke on the East Devon local plan update report in his capacity as Portfolio Holder for Coast, Country and Environment. Members were asked to consider a further recommendation referring to the second bullet point from paragraph 3.8 that read 'to present a case that there are such fundamental constraints in a local planning authority area that the required numbers cannot be acceptably accommodated'.

The reasons for the further recommendation would take into consideration the following:

- It has been shown that this council had increased its housing stock by over 13% in the previous 10 years whilst the national average was only 6%.
- East Devon is a coastal area where infrastructure is more costly. Inland communities are connected by their neighbouring communities with interconnecting roads, rail and utilities. However, coastal communities only have half a circle of influence as the other half of the influence is the sea.
- 75% of East Devon has designated areas including large areas of Areas of Outstanding Natural Beauty and the Exe Estuary.

2 Minutes of the previous meeting

The minutes of the Strategic Planning Committee held on 7 March 2023 were confirmed as a true record.

3 Declarations of interest

Minute 6. East Devon local plan update report.
Councillor Olly Davey, Other Registerable Interest, Exmouth Town Councillor.

4 Matters of urgency

There were no matters of urgency.

5 Confidential/exempt item(s)

There were no confidential/exempt items.

6 East Devon local plan update report

The Assistant Director – Planning Strategy and Development Management presented an update report on the East Devon local plan that provided Members with an overview of the work that had been done to date on the local plan and an explanation to why the standard methodology for housing numbers figure had changed since the committee had last met.

Members were advised that the draft local plan was currently at the Regulation 18 stage in which the council needed to prepare its strategy and approach following the public consultation earlier this year. Members noted that a further detailed report on the issues raised during that consultation would be brought to Committee in July for further consideration.

The Assistant Director – Planning Strategy and Development Management also addressed the housing numbers confirming that the present standard methodology housing number figure for East Devon now stood at 910 homes per year compared to 946 homes per year as previously advised. This was a consequence of an update to the affordability ratio between house prices and household income. Members were warned that there was a high possibility that these figures could change due to further updates in the future and potential changes to the National Planning Policy Framework (NPPF) and to the Levelling-up and Regeneration Bill.

In relation to these potential changes Members' attention was drawn to the current local plan making timetable detailed in paragraph 6.1 of the report where Members were advised that these dates were no longer achievable and that an updated timetable would be brought to committee in July or August 2023.

Questions raised by Members included:

- Clarification was sought on the proposed NPPF changes. Members were guided to a useful summary detailed in the 14 February 2023 agenda.
- There was a need for the Council to change its attitude when considering its housing stock to ensure that all houses built over the next 10 years address housing need and climate change. In response the Assistant Director – Planning Strategy and Development Management advised that the council was bound to current government planning guidance and legislation in terms of its planning process and that suitable land was needed first before housing stock and this depended on landowners bringing forward land for development. The Assistant Director – Planning Strategy and Development Management referred to Councillor Jung's statement and advised Members that although East Devon was heavily constrained the Inspector, when examining the local plan, would not be likely to consider this as sufficient justification for not meeting our housing need.
- Several members expressed a view that they did not want to accept the Government's Standard Methodology figure and that the council should take a stand and say no.
- Reference was made to the significant number of houses being developed in Cranbrook and a question was raised about how that would fit in with the five year land supply figure. The Assistant Director – Planning Strategy and Development Management advised that housing numbers can only be counted if they had either been granted full planning permission or reserved matters approval.
- It was suggested that restrictions should be put on houses to ensure only people living in East Devon could purchase these houses.
- Reference was made to paragraph 3.10 and the duty to cooperate and a concern was raised about whether this meant that this council had to accommodate neighbouring authorities housing numbers as well as its own housing numbers. Where does this council stand if our duty to cooperate means that our housing numbers could increase to 1,000 instead of 910 houses?
- It was suggested that there was a requirement for different housing types to maintain a well-balanced community. Cranbrook has mostly two or three bed houses and does not take into account other requirements for larger families.

- It was suggested there was a demand for one bed flats. Members were advised that policies could be put in place to secure different house types through the new Local Plan but until this had been adopted the policies in the current local plan had to be complied with.
- When considering the housing numbers it is important to consider that a proportion of people in East Devon are over the age of 65 which has a greater impact on the health sector.
- There was a need to consider the impact on our water and waste water and sewage services particularly when our water company is one of the worst performing in the country. This impact is further increased by East Devon being a coastal region as well as being a tourist region.
- Clarification was sought about the implications if the council did not comply with the standard method for calculating the housing need. Members were advised that if the local plan was found unsound the consequence would be that the council would have to start at the beginning again which was not a good position to be in. The Assistant Director – Planning Strategy and Development Management acknowledged Members concerns about the housing numbers and suggested that if Members wished a further report to consider these issues could be brought to a future meeting.

The following motion was proposed by Councillor Todd Olive and seconded by Councillor Yehudi Levine:

‘That a further detailed report outlining the risks associated with trying to present a case that there are fundamental constraints in a local planning authority areas that the required numbers cannot be acceptably accommodated be brought to a future Strategic Planning Committee meeting.’

Discussions related to the proposed motion included:

- It was suggested that there was a need to hear about the other options that the council could choose to take and the risk involved with those options;
- It was suggested that the report would need to be comprehensive with everything on the table so that Members could have a broad debate to help them reach an informed decision. Members did not want this to be a pointless exercise.
- It was suggested that the report should be brought back to committee as quickly as possible.

Following discussions Councillor Todd Olive and seconder Councillor Yehudi Levine were happy to amend their motion to read:

‘Following consultation with the Chair and Vice Chair of Strategic Planning Committee a further detailed report outlining the risks associated with trying to present a case that there are fundamental constraints in a local planning authority areas that the required numbers cannot be acceptably accommodated and the options that the Strategic Planning Committee may take on board when considering appropriate housing need be brought to committee as soon as possible.’

RESOLVED:

1. That the ongoing and future work on preparation of the East Devon local plan be noted.
2. That the housing need figure in East Devon generated from the Government standard methodology, now stands at 910 new homes a year and that this figure is lower than the 946 homes per year that was reported on in 2022 be noted.
3. Following consultation with the Chair and Vice Chair of Strategic Planning Committee a further detailed report outlining the risks associated with trying to

present a case that there are fundamental constraints in a local planning authority areas that the required numbers cannot be acceptably accommodated be brought to a future Strategic Planning Committee meeting and the options that the Strategic Planning Committee may take on board when considering appropriate housing need be brought to committee as soon as possible be agreed.

7 **Proposed response to the Government Consultation on short-term lets**

The Committee considered the Assistant Director – Planning Strategy and Development Management’s report outlining the proposed response detailed in appendix A to the Government consultations on short-term lets which if imposed would impact on East Devon District Council by the following planning issues:

- potential new policies on short-term lets;
- changes to the Use Class Order and to permitted development;
- impacts to access and affordability of housing;
- impacts on tourist accommodation;
- Implications for delivering corporate plan objectives on housing, economy and communities.

The proposed changes would relate to:

- the introduction of a new Use Class (C5) for short-term let accommodation without the requirement for planning permission;
- new Permitted Development Rights to change a C3 Use Class (residential accommodation) to a C5 Use Class;
- flexibility for homeowners to let out their home for a number of nights per year (consultation on 30, 60 or 90 nights per year).

Questions and concerns raised by Members included:

- Clarification was sought on the impact on the hospitality sector. Members were advised that the consultation came about from concerns raised about the housing stock and was not related to potential competition.
- A concern was raised that if implemented this could be expensive and a lot of work for the council to adopt. In response the Assistant Director – Planning Strategy and Development Management confirmed there would have resource implications and a burden on the council. It was advised that the suggested alternative planning approach to make the permitted change from C3 to C5 subject to a prior approval process would be better. This would still not be ideal but would at least generate an income for the council to help cover the administrative cost of dealing with the issue and negate the need for an article 4 direction.

RESOLVED:

That the assessment and the detailed responses to the Government consultations on short-term lets that are set out in the report be noted.

Attendance List

Councillors present:

B Bailey
K Blakey

B Collins
O Davey (Chair)
P Fernley
C Fitzgerald
P Hayward
M Howe (Vice-Chair)
B Ingham
D Ledger
Y Levine
T Olive
H Parr

Councillors also present (for some or all the meeting)

I Barlow
P Faithfull
G Jung
M Rixson

Officers in attendance:

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

Councillor apologies:

J Bailey
M Hartnell

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Strategic Planning Committee held at Council Chamber, Blackdown House, Honiton on 21 July 2023****Attendance list at end of document**

The meeting started at 10.00 am and ended at 1.00 pm. The meeting was briefly adjourned at 11.35 am and reconvened at 11.47 am.

8 Public speaking

The following question was read out by the Chair on behalf of Nigel Dutt, a member of the public:

Officers have completed an epic task in summarising the feedback received in response to the local plan consultation, but a very significant omission is any sort of quantification of the nature of the responses. This was very usefully done in the previous report on the Issues and Options consultation, where a lot of graphs and pie-charts were included to show how responses were distributed. This is a big part of the value of Commonplace, who make a lot of noise about these features, which are extensively used by almost all of their clients in their own reports.

EDDC made extensive use of requesting feedback ratings in the Commonplace-based consultation, so it does seem like a major omission not to have made any use of them, especially after expensively switching to Commonplace from the system previously used for the Issues and Options consultation. Instead, this report just summarises selected comments without indicating the overall balance of opinion, which would add a lot of value if done, and ought to help the Strategic Planning Committee in their further deliberations. It should also be possible to ascribe sentiment ratings to the non-Commonplace responses, so that shouldn't be used as a reason not to do it.

The question is whether there is any plan to provide quantitative analysis of the responses, especially given that this is so easily obtained from Commonplace?

In response the Assistant Director - Planning Strategy and Development Management accepted this was a fair challenge as the data obtained had either come from Commonplace or via emails and written comments. Although the report did provide the overall comments it did not, as pointed out, provide the sentiment scores. To address this the Assistant Director – Planning Strategy and Development Management advised that if Members were in agreement this could be provided in the final version of the document at the September meeting by an appendix with graphical illustrations detailing the sentiment scores and the additional data received. The Chair and Councillor Ingham agreed it was important to have this information.

The following statement was read out by the Chair on behalf of Councillor Alasdair Bruce, Ward Member for Feniton:

Many of you are new to this committee so for your benefit and the patience of those who are not, I will outline the main points of objection to any further major development in Feniton below.

Let's start with the planning department's designation of Feniton as a service village. This is an error and it should be classified as an unsustainable village.

The reasons are:

Topping the list must be the judgment from the 2014 super inquiry where the planning inspector ruled that Feniton was an unsustainable village with no further capacity for more development. The reasons cited in this judgment are still valid as nothing has changed. In fact it can be argued that things are now worse, with the only development that was allowed lies only half finished and with no end in sight.

The primary school has been full for a while and there is no possibility of it being able to expand. It therefore follows that any increase in children of this age and above must travel outside the parish to find schooling. The public transport is poor so almost all these journeys will have to be made by car. This fails one of the key points in EDDC sustainable planning. There is a Spar shop, no medical facilities and a pub, that's it. Such a description would match most villages in east Devon that gain the status of an unsustainable village.

Much is made of the parkway station as an excuse for increased housing and yet the service is once every two hours making it useless for commuting. There is no funding or plans to create a loop from Network Rail, which might increase the frequency. So it must follow that this must be discounted as an advantage to support more housing. Even now passing trains cause major traffic jams of up to 15 minutes. It is also the only level crossing in the UK located on a cross roads.

Flooding has been an historic problem in Feniton primarily exacerbated by the main railline embankment acting as a dam. Houses have been inundated and lives ruined. The current flood alleviation plan is stalled with an ever changing end date. The most recent update suggesting that the original calculations are wrong in terms of the potential capacity of the system which has given rise to very worrying concern from residents as you can imagine.

Sewage often backs up into peoples houses due to over capacity and low slope angles. This is a totally unacceptable situation with little concern or solution's being provided by SWW. Even with those developments that have been completed, there does not appear to be any accurate records of exactly what the drainage plans are. For example, the partially finished Acland Park development has a road system that, I'm reliably informed, will not be adopted as it is not fit for purpose and adds to the problem of surface water run off, the main flood risk in Feniton. Exactly what lies below ground to sort this out at this location remains a mystery.

With regard to the public consultation I could only find one chart reflecting public responses and that related only to Feniton, and you could be forgiven for thinking that the low numbers who responded reflect a lack of concern. This could not be further from the truth. What is not stated in this report is the very poor composition of this consultation. The questions asked were often restrictive and the widely criticised on line experience was very poor and difficult to navigate. So to say it was flawed is an understatement and should be mentioned in this report. The briefest of mention is given to the public petition raised by Feniton parish where over 500 people responded, but this report excludes the wording of the petition. I have previously raised this major omission with the head of planning and was assured it would be included in more detail later in the process. I cannot see a better place to fully outline it than in the report before you and yet it is still not there. So for clarity and for your records I've included the full wording of the petition at the end of this statement.

Finally, I must draw your attention to some of the comments raised in favour of many of the locations under Feniton. Setting aside the poor level of English grammar in the report for the moment, I have pulled out some examples of comments from developers in

favour of their respective sites, although all of them are poor, irrelevant or downright absurd.

Feni 04

The site has good public transport connections (this is simply not true and is a common phrase trotted out)

The site is closest to the A30 where most traffic will head (true but just adds to lanes already struggling to cope)

Feni 05

A new over 55's development would be great (is that really a planning consideration)

Feni 15

The site feels close to the centre of Feniton (I'm at a loss to understand the value of this statement as this village has an old and new part with open countryside between so exactly where is the centre and is it relevant).

I could go on but, hopefully you've had a chance to compare the well thought out objections with the many comments in favour that either have no bearing or relevance to the actual picture on the ground. In fact you could be forgiven for thinking that many of these developers have never visited Feniton and just conducted a google earth search!

PETITION - THE FUTURE OF FENITON

Consultation on the Draft East Devon Local Plan (7 Nov 2022 - 15 Jan 2023)

We the undersigned object to the inclusion of the five "Second Choice" (Amber) sites identified for housing development at Feniton in the draft East Devon Local Plan.

We do not consider Feniton to be a sustainable location for mass housing development that would result in a 66% growth in the village. Feniton's primary school is already full and it cannot expand, there are very few jobs in the village, there is inadequate public transport for effective commuting, a small convenience store, limited leisure facilities and no medical centre. Additional housing will greatly increase car journeys on the already wholly inadequate country lanes that serve the village. The village is subject to regular flooding from surface water that previous developments have failed to address and there is a genuine expectation that further mass housing will make this worse. The village is bisected by a railway line with a level crossing that causes inconvenience, nuisance and traffic safety issues. Further mass housing will add to these problems. We also object to the loss of open countryside, productive agricultural land and wildlife habitat that could be avoided by developing brownfield sites instead.

We agree that the "Rejected" (Red) sites at Feniton should not be developed.

We agree that as one of the "Tier 4 Service Villages" in the Plan, development should be "modest" and "to meet local needs". This could be achieved by the provision of 42 homes at the "Preferred Location" (Green) in the draft plan; the former Burlands Mead Nursery site.

In 2014 East Devon District Council argued that Feniton is not a place where large scale housing can be achieved in a sustainable way. An independent Planning Inspector agreed. We say that nothing has changed that position.

In response the Assistant Director – Planning Strategy and Development Management noted the concerns raised and advised this would need to be discussed at a future meeting when Members would consider the housing allocations for Feniton.

The minutes of the Strategic Planning Committee held on 9 June 2023 were confirmed as a true record.

10 **Declarations of interest**

There were no declarations of interest.

11 **Matters of urgency**

There were no matters of urgency.

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

There were no confidential/exempt items.

13 **Draft East Devon Local Plan 2020-2040 Consultation Feedback**

The Committee considered the draft East Devon Local Plan (2020-2040) Consultation Feedback report presented by the Assistant Director – Planning Strategy and Development Management noting that the final report would be brought to committee at a later date which would incorporate the comments raised by Mr Dutt about the Commonplace data and would also include any further work required as a result of today's meeting.

Members' attention was drawn to paragraph 5.3 in the second recommendation and Members views were sought on the two options.

The two options were:

Option 1

Respond to each point and alongside that produce a recommended next iteration of the plan for Members to review to give a comprehensive overview of all proposed changes at once but would take months of work for officers and then leave the committee with the entire plan to be reviewed all at once.

Option 2

Work through the comments and the plan in sections, chapters or topic areas so that the work can be brought to committee in parts over a number of meetings. This option was officers preferred option as it would make the workload more manageable but could have consequential changes from one section that impacts on another.

Members' views were also sought on a previous resolution detailed in paragraphs 5.4 and 5.5 for officers to continue with the background technical work concerning water, sewerage and other environmental matters but that no further discussions or decisions would be made with regard to the sites or their allocation until the Government had delivered the finalised NPPF.

The Assistant Director – Planning Strategy and Development Management updated Members on the Government's progress on the National Planning Policy Framework (NPPF) advising that Michael Gove MP was quoted as saying that the NPPF amendments was likely to now come forward in September (at the earliest). Members noted that there could potentially be a further hold up on this publication as the Government's Levelling up Housing Community Select Committee had recently

proposed various recommendations that the Government should take on board before publishing.

The Assistant Director – Planning Strategy and Development Management invited Members to read this published report which could be found online as it was a helpful report that analysed the proposed changes to the NPPF. In summary the report comments that:

- the Government was not going to meet its requirement of 300,000 homes a year target for house building but that it should be retained for transparency and accountability but recommends that it now includes 90,000 homes target for social rented housing within the 300,000 homes.
- To properly analyse the standard method and give greater flexibility in housing numbers on the delivery of the 300,000 homes a year target prior to the publication to any changes to the NPPF.
- The Government's standard method for assessing housing need is not fit for purpose and should be replaced by a revised formula.
- The 35% uplift in urban areas should be abandoned and a revised standard method should take account of future need to encourage regeneration across the country.

The Chair welcome comments and questions on the feedback report from non-committee Members:

Councillor Rixson made the following statement:

I applaud the work of the planning policy team and the efforts they have made to ensure they have created such a wide-ranging and well-researched document.

I am pleased to see that the climate emergency is being given the prominence it so rightly deserves. Climate change is happening **now**, not some far off date in the future. This means that what we do now will impact future generations and this is especially true when it comes to planning. The importance of this topic should not be underestimated in our fight against the damage that climate change will cause in our communities, as demonstrated only a few weeks ago with the flooding in our district, e.g. at Newton Poppleford.

Only yesterday, on BBC Today a top UK climate scientist, Prof Sir Bob Watson, former head of the UN climate body (IPCC) stated he thought the world would not keep within the 1.5C target. In fact he said he was pessimistic about achieving even 2C, as we are not reducing emissions fast enough, so we have to get on with it, not kick the can down the road.

The climate crisis is at heart a humanitarian crisis. As the draft plan states on Pg 30 "Transition will be difficult and we've no option but to engage fully and precipitate the shift from awareness to responsibility and positive action". This is further emphasised in Chapter 7, points 7.1 and 7.2 with regard to reducing emissions and promoting zero carbon development, stating that "the climate is in crisis".

In 2019, our Government and cabinet declared a climate emergency. In fact the climate emergency is our second priority and should be a key consideration in every strategy, policy and decision we make. The local plan is a key tool in tackling the massive challenge that we all face and I am pleased to see the many positive comments from residents supporting this work and encouraging us to do more, faster. This document covers the main areas of climate concern and identifies the key priorities. I applaud the

vision to go beyond the minimum as demonstrated in several areas including Biodiversity net gain where the target has been raised from 10% to 20%.

There are many aspirational policies in this draft but as ever implementation is the key issue. I will be keeping a keen eye to see what this looks like once it has been translated into processes, targets and deliverables. I hope that robust structures and guidance will be put in place to underpin the plan and ensure that new applications are thoroughly assessed to ensure that they meet the high standards the policy aspires to. For example:

- SP28 - Net Zero Carbon Development – “Carbon Statement” – how will these be assessed? Also Future Proofing/Maximising renewable energy – how will this be quantified?
- SP29 – how will the justification for non-renewable energy generation be assessed?
- SP34 – Embodied Carbon – how will viability and practicality be assessed?

I do have some concerns over various aspects such as the net zero carbon assessment for new developments - who will be assessing this? How will we ensure that the performance gap between the technology installed and how it operates is kept to a minimum? I have severe doubts about 7.6, with 10% of properties being used to assess the effectiveness. These issues are all resolvable but they need to be planned in from the very beginning to ensure they don't undermine the reasoning that sits behind them.

I have concerns too that the consultation could water down and weaken some of the suggestions contained within this report - I would hate for that to be the case as I believe this is an excellent starting point. But this is a foundation for building upon to achieve greater environmental improvements. The speed of decarbonisation is crucial - every fraction of a degree matters and buildings that are constructed now will likely have a lifespan of 100 years or more and especially if we start taking embodied carbon seriously then the prerogative is to retain buildings rather than replace them. We know that houses built at today's building standards will require more work in order to meet minimum energy standards, so maintaining current standards is not an option.

I would strongly suggest that we do not back down from the policy recommendations in the draft policy, as they would seem to be the **minimum** expected. I know that vested interests will always try to pass on the cost to protect profits but we must resist this, as it will hamper the progress we can make to the carbon footprint of the district which is around 800,000 metric tonnes of CO2. Any transition period should be kept as short as possible. I would like to see any weasel words disregarded should they seek to change and diminish the meaning of a statement, e.g. by proposing that recommendations should be turned into “suggestions” rather than being a “requirement”.

The Devon carbon plan identifies the shortfall in renewable energy and we all understand the challenges with grid connection capacity with the District network operator (DNO), the National Grid. We must factor these aspects into the plan, as otherwise factors outside our control may hamper these worthy aspirations.

We know that multiple ideas can sit alongside each other such as solar panels being installed in flood risk zones where natural methods of flood control might be used, in fact the Environment Agency supports this approach.

I am pleased by the creativity and vision that this report shows. Whilst I completely understand the desire to protect areas and their visual amenity, the effects of climate

change will have a far greater impact on how our countryside looks, so whilst the right development in the right place is essential, as is community buy in, we must be focused on the need to transform our energy supply network. However, to my mind installing solar panels on farmland should be the absolute last option and I would prefer to see solar panels installed on car parks, houses, shops and warehouses before open farmland, leading to the loss of future food production and food security.

If we can overcome the challenges in making this a realistic and deliverable local plan that carries the weight it deserves then this will be very good for the district and I would like to thank the officers behind this who have worked so hard to get us to this stage.

Councillor Barlow sought clarification on whether the council had completed a housing review survey as it would help understand what was required locally rather than just relying on what the Government tells us what we should have. The Assistant Director – Planning Strategy and Development Management confirmed that the council did have a Local Housing Needs Assessment which was published on the website.

Committee Members general comments and questions on the feedback report included:

- Concerns raised about the overall approach the council was taking on the draft local plan. It needs to be more structured with shorter reports on how the local plan is progressing. Members are getting bogged down with too much information and losing the strategic oversight; In response to all the comments received about the need for a more strategic approach the Assistant Director – Planning Strategy and Development Management advised he was happy to bring a detailed project plan to committee on a regular basis;
- Information on Green Wedges is still missing. There is a need to look at Green Wedges and development together case by case.
- Our website detailing the draft local plan needs updating and made simple;
- The committee needs to think in a more strategic and forward thinking way. It needs to consider what housing development we want to see in our area, the demographic we want to target to maintain sustainable communities and to focus on social, economic and climate issues;
- Members supported option 2 in bite size chunks;
- Our approach has been far too linear for example at the beginning the committee failed to start off at chapter 1 instead we started at chapter 7 which was policies;
- Clarification sought about the removal of the 35% urban uplift and what affect it would have on the housing numbers in East Devon;
- The two options in paragraph 5.3 were two ends of an extreme scale and it was suggested there could be a third option to cover the strategic approach - a hybrid of both options involving a Task & Finish Forum (TaFF) to include officers and members of Strategic Planning Committee;
- It was suggested to have a series of workshops with officers to help make the right decisions
- There is a need to recommence work on the site allocations;
- Acknowledgement was expressed for the massive amount of work officers had already completed and a thank you to officers for their incredible effort;
- Reference to paragraphs 5.3, 5.4 and 5.5 and it was suggested that the committee should continue with the previous resolution to allow officers to continue their background work but site allocations cannot continue until the NPPF amendments have been published; The Assistant Director – Planning Strategy and Development Management advised that as the NPPF was a fluid document and as it would be constantly updated it would not be possible to wait for the changes;

- New committee members requested an overview of what had been done to date and what the council was trying to do. In response the Assistant Director advised to help members get up to speed he would send out a updated document summarising discussions regarding the local plan to date which would also include hyperlinks to the relevant agendas
- Negative responses indicates that members of the public do not like what we had done previously so it is important to not make the same mistakes. There is a need to be flexible to help build the right houses and the right infrastructure;
- Reference was made to paragraph 3.1 where it showed that most people commenting on the plan were unhappy with the amount of development and clarification was sought on how the council would engage with the communities that did not want development.
- It was suggested to revisit chapter 2 – Vision and objectives. The Assistant Director welcomed the suggestion to revisit page 11 of the draft local plan advising he had not happy with the vision as it did not set out what East Devon wants to achieve by 2040. He advised it would also help members refocus about what the council wants to achieve in terms of the geography and environment of the district;
- The majority of Members supported the suggestion that work should recommence on sites and site allocations;

The Chair sought Members views on the recommendations detailed in the report. The general feeling obtained from earlier discussions indicated that in the second recommendation paragraph 5.3 Members preferred option 2 and were happy to go through the comments and the plan in sections.

The Chair welcomed comments from Members about how they would like to work through the sections and whether they would like to focus on the vision chapter.

Comments received included:

- Support expressed for a topic based approach with the vision being the first topic;
- It was suggested to have a less formal workshops/TaFFs to review where we have been and the effects of the NPPF;
- TaFFs are too regimented and require a lot of officer time but an informal workshop is a good starting point. The
- Chapters could be grouped together and theme based with a suggestion to do chapters 6 and 7 separately;
- Not in favour of having a lot of different meetings as Members can come to any Strategic Planning Committee meetings to make their representations. In response the Chair suggested having a workshop on the overall vision to help take the direction of specific areas we want to focus on as a committee;
- The vision needs to be coherent and holistic;
- If there is going to be a workshop ahead of every topic then there is a need to avoid public perception of predetermination;
- Clarification sought about what is disconnected in the vision. In response the Assistant Director -
- A workshop would bring the new committee members up to speed;
- It was suggested there was a need to find out what other councils have done in terms of their vision.
- Clarification sought on the meaning of disconnect

The Assistant Director thanked Members for their comments and noted that Members wanted to see a PowerPoint introduction from officers about good practice in terms of the

vision, what makes a good vision, what should be included and also set some context for discussions. The workshop session would then focus on what Members would want the vision to be and say. This would then be followed by a report to this committee to make a decision on the vision.

Clarification was sought on what happens to the current draft local plan if Members wanted to relook and radically change the vision. Would this make a mockery of the consultation as the local plan starts at the vision, then develops a draft local plan and then goes out for consultation? The Assistant Director – Planning Strategy and Development Management did not have any concerns about unpicking the overall plan but he did have concerns about the slight disconnect between the vision and the plan which needed to be married up. The current vision was too generic and needed to be geographically specific. He reminded Members that the current local plan was now out of date and there was a need to work on the draft local plan quickly to keep within the deadline as the council did not have a five year land supply.

RESOLVED:

1. That members noted the draft Local Plan consultation feedback report and agreed to bring a further report to a future Strategic Planning Committee which incorporates the Commonplace quantitative data for their consideration.
2. As regards paragraph 5.3 of the Report, that members agreed to work through the comments and the Local Plan in sections, chapters or topic areas so that the work can be brought to the committee in parts over a number of meetings to be reconciled at the end of the process with a further iteration of the Local Plan produced for oversight of how each section fits into the Local Plan as a whole starting with a workshop to consider the Local Plan Vision and set out a direction of travel/work stream as to how members would like to work through the remainder of the Local Plan.
3. As regards paragraph 5.4 and 5.5 of the Report, that officers continue to work on all aspects of the draft Local Plan including the sites and preferred allocations without waiting for the Government to deliver the update to the National Planning Policy Framework (NPPF).

Attendance List

Councillors present:

B Bailey
J Bailey
K Blakey
B Collins
O Davey (Chair)
P Fernley
C Fitzgerald
M Hartnell
M Howe (Vice-Chair)
B Ingham
Y Levine
T Olive
H Parr

Councillors also present (for some or all the meeting)

I Barlow
M Rixson

Officers in attendance:

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

Councillor apologies:

P Hayward
D Ledger

Chairman

Date:

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

The meeting started at 10.00 am and ended at 3.51 pm. The Chair adjourned the meeting for lunch at 12:50 pm and reconvened at 1.35 pm. Brief adjournments also took place at 11.30 am to 11.50 am and 2.45 pm to 2.55 pm.

14 Minutes of the previous meeting

The minutes of the Strategic Planning Committee held on 21 July 2023 were confirmed as a true record.

15 Declarations of interest

Minute 19. Housing Numbers in the East Devon Local Plan.

Councillor Paul Hayward, Affects Non-registerable Interest, Employed as Clerk to Axminster Town Council.

Minute 20. East Devon Local Plan - Future Work Planning.

Councillor Paul Hayward, Affects Non-registerable Interest, Employed as Clerk to Axminster Town Council.

Minute 21. Achieving Nutrient Neutral Development in the River Axe Catchment.

Councillor Paul Hayward, Affects Non-registerable Interest, Employed as Clerk to Axminster Town Council.

Minute 22. Gypsy and Traveller Site Provision.

Councillor Marcus Hartnell, Other Registerable Interest, as a Devon County Councillor left the chamber for this item and did not take part in discussions or vote on this item.

Minute 22. Gypsy and Traveller Site Provision.

Councillor Mike Howe, Affects Non-registerable Interest, as Ward Member have wards referred to in the report.

Minute 22. Gypsy and Traveller Site Provision.

Councillor Paula Fernley, Affects Non-registerable Interest, as Ward Member have wards referred to in the report.

Minute 22. Gypsy and Traveller Site Provision.

Councillor Todd Olive, Affects Non-registerable Interest, as Ward Member have wards referred to in the report.

Minute 23. Duty to Co-operate Update.

Councillor Paul Hayward, Affects Non-registerable Interest, Employed as Clerk to Axminster Town Council.

Minute 24. Section 106 and CIL Resources and Processes.

Councillor Paul Hayward, Affects Non-registerable Interest, Employed as Clerk to Axminster Town Council.

Minute 24. Section 106 and CIL Resources and Processes.

Councillor Mike Howe asked for it to be noted that although it was not a declaration he was Chair of the Community Infrastructure Levy Working Party which referred to his ward in the report.

16 **Public speaking**

There were no members of the public wishing to speak.

17 **Matters of urgency**

There were no matters of urgency.

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

There were no confidential/exempt items.

19 **Housing Numbers in the East Devon Local Plan**

The Assistant Director – Planning Strategy and Development Management presented the report which addressed matters raised by Strategic Planning Members at the meeting on 9 June specifically addressing the housing need matters with constraints in East Devon to accommodate housing growth.

The report focused on two key aspects which related to the unconstrained housing need figure calculated on the Government's standard method for calculating housing numbers and the housing requirement which takes into the constraints. The current housing need figure under the Government's standard method stands at 910 homes per year which Members noted was not unusual for Southern England.

The Assistant Director – Planning Strategy and Development Management highlighted the following planning constraints which the report addressed but concluded could not be taken into account as these were not classed as exceptional circumstances:

- Areas of Outstanding Natural Beauty
- Green Belts
- Duty to co-operate
- Growth on protected habitats

He also addressed the wider concerns for not accommodating the standard method housing need numbers and emphasised that current evidence had demonstrated East Devon did not have any exceptional circumstances to justify using an alternative approach to the standard method for calculating the Local Housing Need.

The Assistant Director – Planning Strategy and Development Management advised it was important to note that the proposed levels of growth could be accommodated with suitable mitigation in place and that it would be kept under review should Government policy changes.

Members thanked the Assistant Director – Planning Strategy and Development Management for the excellent detailed report which gave a compelling argument to the recommendations proposed and raised the following comments and questions:

- There is a need to challenge the housing numbers through political channels rather than through the local plan process.
- Concern was raised about the duty to co-operate and neighbouring authorities not meeting their housing numbers. It was advised there was a need to wait and see and then push for evidence to back up their case. Torbay was the only neighbouring authority at this stage that had indicated that they would not be able to meet their housing numbers and evidence had been requested to confirm this.
- There was a need to find ways to mitigate existing challenges and focus on issues such as waste water and working with NHS.
- There was a need to work closely with town and parish councils to ensure they get the right housing that they believe is needed.
- Clarification was sought on the affordability ratio and the comments detailed in paragraph 5.30. The Assistant Director – Planning Strategy and Development Management agreed questioning the evidence about whether this would bring house prices down.
- Clarification was sought on the infrastructure issues detailed in paragraph 5.24 and whether this could be considered a constraint if Government was failing to carry out the engineering solutions. In response the Assistant Director – Planning Strategy and Development Management advised it would not be a constraint to levels of growth in planning terms as development could be phased to allow for the infrastructure to put in place, but it could be raised at a political level.
- Concern was raised about the proposal for a new town when DCC were not happy with their infrastructure and roads in Exeter.
- There is a need to separate the site allocations from worst to good and put the worst sites on a reserve which if needed can be appealed when the local plan goes for inspection.
- The reason why East Devon suffers so badly with house prices and availability is due to inward migration.

In line with comments received from Members about the need to challenge the housing numbers through a political process Councillor Kevin Blakey proposed the following additional recommendation which was seconded by Councillor Ben Ingham.

‘That EDDC should write to our local MPs to press for a policy change as referred to in recommendation 2 to take into account the real local need excluding the influence of demand for housing created by inward voluntary migration.’

Further comments included:

- Do not agree that we do not have exceptional circumstances. There is a duty to our residents to push back and not accept figures from an algorithm.
- Concern raised that the local plan was not moving forward since the consultation and the need to stop going around in circles.
- It was suggested to a slight amendment of the wording in recommendation 2 as there was a need to keep other neighbouring authorities under constant review with their housing numbers.
- Dissatisfaction was expressed about the delivery of housing sprawling out into the countryside onto our green fields. Discussions have never taken place in committee about how this can be avoided.
- In response to the additional recommendation proposed by Councillor Blakey it was suggested there was a need for a continuous commitment to look at political avenues to challenge the housing numbers.
- There is a need to push to maximise the number of affordable homes.

- A member expressed support for a letter to be sent to local MPs to try and get the housing numbers down but could not support a letter that could not support the voluntary inward migration as this would stop people coming into the district that were highly skilled. In response Councillor Blakey advised the point he was trying to make was that local housing need should be made more affordable and that house prices were driven by people coming into the area.
- The current housing target was completely unreasonable and that continued conversations were needed with our local MPs to keep the pressure on Government.
- It was suggested to have a bullet pointed letter to the local MPs listing all the constraints.
- It was suggested to use the previous letter sent to Michael Gove should be used as a base point.

The following suggestions were made by Members to include in the letter to Michael Gove:

- A member suggested circulating the letter to the Strategic Planning Committee Members as several Members who had commented earlier were not present.
- It was suggested there was a need to send the letter out as a press release and to also put the letter on all the council's social media platforms, so residents know that they are supported.
- There was a need to include the following constraints:
 - the impacts on roads and infrastructure.
 - the effects on water and sewerage and its infrastructure
 - the increased pressures on doctors' surgeries and the NHS in general.
 - the efficacy of the affordability uplift in the standard method.
 - the ability for councils to build homes and not just developers to maintain a mixed market.

RESOLVED:

1. That active local plan preparation reconvene and work on the basis, for the time being, of providing sufficient housing to meet the Government standard method.
2. That should the Government policy change and provide sufficient flexibility for a differing housing level, an insurmountable infrastructure constraint, or a finding at a local plan examination elsewhere then matters should be reviewed for an alternative approach is applicable, appropriate and desirable and can be successfully achieved in the East Devon local plan.
3. That EDDC should write an open letter to our local MPs to press for policy change as referred to in recommendation 2. Delegated authority to be given to the Assistant Director – Planning Strategy and Development Management in consultation with the Chair and Vice Chair to agree the content of the letter in line with the previous letter written and points raised.

20

East Devon Local Plan - Future Work Planning

The Assistant Director – Planning Strategy and Development Management provided the Committee with an interim update on the work programme for the new local plan to address the immediate issues to the local plan making system due to the proposed Levelling-up and Regeneration Bill. He advised that it was critical for Members to be aware that absolute deadline to submit the draft local plan was June 2025 and adopted by June 2026.

The Assistant Director – Planning Strategy and Development Management drew Members attention to key areas that had been identified as not having been effectively progressed and would need further consultation through a further Regulation 18 stage. Members noted that a detailed report would be brought to Committee next Spring.

These included:

- Site allocations and master planning for the new town
- Employment allocations
- Further housing sites
- Clyst Valley Regional Park Boundary
- Green Wedges
- Coastal Preservation Areas
- Designated Neighbourhood Area Housing Requirements

Members attention was drawn to the detailed table that summarised the further work, evidence and committee considerations that may be needed to support the local plan which would be brought to Members in bite size chunks, chapter by chapter to work through and agree any changes.

Questions from Members included:

- Clarification was sought on whether there was a Jurassic Coast Protection Area to cover the inland areas and whether this was an overlap of the coastal preservation areas. The Assistant Director was not aware of this and advised he would look into this with the World Heritage Site Team.
- There was a need to consider food and water security and look at ways of protecting the grade 1 and 2 lands on further developments and clarification was sought on whether there would be policies in the local plan to protect these types of land. It was advised there would be policies in the plan to protect the best agricultural land and could look to accommodate water security which could be picked up when the Water Cycle Study was completed.
- Concern raised that there nothing in the local plan about our rural communities and clarification was sought about helping farmers. It was advised current policies were open to rural development and rural diversification.
- Several Members raised concerns about the Green Wedges advising they were very important, and the review should not propose to reduce them or be encroached on. The Assistant Director – Planning Strategy and Development Management advised there the Green Wedge Policy along with the other outdated policies must be reviewed to make sure the new local plan has up-to-date evidence and justification for it to be adopted. In response there was a request to have it noted in the minutes that whilst the committee recognises there was more work to be done that as a matter of principle the Green Wedges were a priority and preventing the coalescence of settlements was absolutely vital.
- Clarification was sought on the strategic development at Whimble and Feniton. In response it was advised this would be picked up at a later date when considering the site allocations.
- It was suggested that the Chair and Vice Chair be kept regularly up to date on the GANT chart and on any other relevant information relating to progress. The Assistant Director – Planning Strategy and Development Management confirmed he was happy to sit down with the Chair and Vice Chair and review the work programme at any time.
- Clarification was sought on whether a policy could be introduced to prevent developers trying to get out of providing affordable housing after the planning application has been approved. In response it was advised that if current

government legislation changed this could be possible but at present this would not be possible.

RESOLVED:

1. That local plan production continues under the current existing plan making system though with future periodic reviews to assess possible potential and desirability to work under the proposed new system.
2. Working on and refining the existing draft local plan notwithstanding that scope exists to alter the plan strategy and add to, delete or amend draft policies in the future be endorsed.

21 **Achieving Nutrient Neutral Development in the River Axe Catchment**

Prior to the Assistant Director – Planning Strategy and Development Management presented his report the Portfolio Holder Coast, Country and Environment read out the following statement.

‘I was alarmed last week to read the Government proposed changes to Nutrient Neutrality for their National Policy

It is proposed that within the Levelling-up and Regeneration Bill to make Natural England’s nutrient neutrality rules advisory rather than mandatory. This will effectively enable this council to resume processing planning applications again in the Axe catchment which we have been unable to do since early 2022. On the face of it, its good news for local housing building, but is it good for the environment?

It still remains vital to clean up the Axe Catchment and will the change in policy with the lifting planning restrictions and the announced alleged new funding tackle the root causes of nutrient pollution in rivers and estuaries.

It is reported that additional funding will be provided to the NE Nutrient Mitigation Scheme to tackle pollution and restore habitats, with the promise that developers will contribute to funding mitigation in the future.

It was also announced the Government will also provide:

- Legislation requiring investment from water companies to improve infrastructure to the highest standard by 2030. But this has already been announced so not new money.
- £200m grants to improve slurry infrastructure and fertilising equipment on farms, with an increase in inspections to ensure that farmers are minimising water pollution. But Liz Truss, who when in charge at the DEFRA between 2014 and 2016, oversaw “efficiency” plans set out in the 2015 spending review reduced Environment Agency funding by £235m. This included a £24m cut from a government grant for environmental protection, including surveillance of water companies, between 2014-15 and 2016-17. So, this new grant is simply replacing what was cut 9 years ago!
- Additional £25m to invest in innovative land and soil management techniques. But these 2 new funding announcements are less than what was cut in 2014! So, what about inflation?
- Consultation later this year to consider requirements for sustainable drainage solutions to protect homes and waterways. Surely wasn’t this part of the NPPF proposed changes that were to be concluded last spring?

I therefore question this “new” funding for environmental mitigations will deliver what is needed throughout the country!

Although I never understood the stopping of planning permission for the Axe catchment in 2022, as the greatest amount of pollution was estimated as Agricultural at over 70%. (To me it seemed that the wrong player was sent off!!)

Now the Government are suggesting removing this requirement, but I feel we need to know the full consequence of their proposals within the Axe catchment area before we react to what seems a retrograde step from the Nature Recovery Policy which we are now introducing.

It would seem that funding is simply returning but at yesterday's prices in another form!

Up to now the Axe catchment work has been through Strategic Planning, as it effects new homes, but I now wonder if we need to include this within our Nature Recovery, rather than it being only being a planning matter.

I therefore suggest that we review this suggested change in Government policy and plan any changes required in our strategy to the Axe catchment and feedback our thoughts appropriately to Government and our MPs.

What we don't want is to lose the valued work already achieved that has been done to improve the Axe water quality, but to use that work and build on it to return this catchment to its former high-quality status as soon as possible.

Just because government is suggesting the lifting of the NE requirement to a building ban, we don't want to waste the work we have achieved so far.'

Members considered the Assistant Director – Planning Strategy and Development Management's report which sought agreement into delivering suitable mitigation measures in the River Axe catchment.

The Assistant Director – Planning Strategy and Development Management drew the Committees' attention to the letter received in April 2022 from Natural England advising that because of the sensitivity of the River Axe it had been placed in a Special Area of Conservation and that new planning permissions for new homes and other developments providing overnight accommodation should not be granted unless it can be shown to be 'nutrient neutral'.

The Assistant Director – Planning Strategy and Development Management advised there were key mitigation options for Members to consider:

1. To set up a trading platform which would allow landowners to bring forward projects to allow mitigation of phosphate discharge.
2. To agree a £3k payment towards initial set up costs. This would be taken from the £100k funding monies that had already been provided by Government to address these issues;
3. To pursue potential water efficiency measures to the Council's housing stock, and
4. To investigate the council housing stock within the River Axe catchment that is not connected to mains drainage and whether upgrading drainage systems could reduce the discharge of phosphates.
5. To adopt the guidance from Natural England.

Members were made aware of a recent ministerial statement that the Government was intending to propose changes through the Levelling-up Bill to address the issues highlighted in the report and clarified from a letter received from the Department of Levelling-up Housing and Communities that these measures were subject to Parliamentary scrutiny and effect from Royal approval which implied it was still a long way off and planning decisions would still need to be taken in line with the current planning framework.

The Assistant Director Planning Strategy and Development Management recommended a caveat to Recommendation 1 to read:

‘Agree to provide financial support to the Environment Agency and West Country Rivers Trust Nutrient Trading Platform in the form of a £3k payment towards initial set up costs and £10k for this financial year and defer payments for future years until there is greater clarity.’

Comments and questions raised from Members included:

- Reassurance was sought on whether the private credit trading platform would achieve better outcomes. In response the Assistant Director – Planning Strategy and Development Management advised it would not be for profit and can have reasonable assurance it would deliver its intended outcomes. Further details had been requested which if Members wanted could be brought back to Committee at a later date.
- Clarification was sought on how many of our council houses were not on mains drains in the catchment area. Although an exact figure could not be provided the Assistant Director – Planning Strategy and Development Management advised it was not very many and advised this would be investigated further.
- Clarification sought on what was the least and most effective on mitigation measures. It was advised that a wetland would be far more effective than water efficiency measures but purchasing land for a wetland would be extremely difficult.
- Clarification sought on the efficiency measures referred to in paragraph 5.7
- Reference was made to paragraph 5.8 and whether increasing the concentration of phosphates in discharge would have the desired effect.
- Clarification sought on how many houses would be affected by the River Axe catchment area in the emerging local plan. It was advised there were about 700 homes proposed in the catchment area which included all the first and second choice sites and about 150 homes currently delayed through the planning application process directly as a result of these issues.

Councillor Mike Howe proposed the recommendations which included the Assistant Director – Planning Strategy and Development Management’s caveat to Recommendation 1 which was seconded by Councillor Helen Parr.

RESOLVED:

1. That financial support to the Environment Agency and West Country Rivers Trust Nutrient Trading Platform in the form of £3k payment towards initial set up costs for this year be agreed and delegated authority be granted to Assistant Director – Planning Strategy and Development Management in consultation with the Monitoring Officer and Section 151 Officer to agree an Service Level Agreement between the Environment Agency, West Country Rivers and East Devon District Council reflecting the issues raised by Members concerns.
2. To pursue potential water efficiency measures to the Council’s housing stock within the River Axe catchment be agreed and that a detailed proposal be brought to Members for consideration at a future meeting.

3. To investigate council housing stock within the River Axe catchment that is not connected to mains drainage and consider whether upgrading drainage systems could reduce the discharge of phosphates be agreed.
4. That the guidance on thresholds for the significance of projects impacting on nutrient neutrality issues as agreed with Natural England be adopted by the Council and published on the Council's website.

22 **Gypsy and Traveller Site Provision**

The Assistant Director – Planning Strategy and Development Management updated Members on work that was on-going to develop a strategy for delivering necessary sites to meet the needs for gypsy and travellers.

It was advised a number of attempts had been made to acquire suitable sites however it had become an ongoing challenge to find these suitable sites due to the lack of willingness from landowners to sell.

A couple of opportunities had now been presented. These options were:

Elbury Close, Broadclyst.

This site was currently leased from the National Trust to DCC. It is in poor condition and in need of urgent repairs. DCC would like EDDC to take on the lease arrangements which would provide an opportunity to explore expanding the site to provide additional pitches.

Cranbrook

The adopted Cranbrook Plan DPD allocated land for a total of 15 permanent pitches across 2 sites.

Members views were sought on the following 3 options for delivery:

1. The developers market the pitches as serviced sites having first laid out the site as per the agreed and costed specification.
2. The developers market the pitches without services and without first laying them out.
3. The Council agrees to take the free transfer of all the pitches (as serviced land) and a financial contribution from the developers to enable their delivery.

The Assistant Director – Planning Strategy and Development Management also sought Members views on Baxters Farm, Musbury which is owned by DCC and had been identified as potential land for a gypsy and travellers site. This was identified in a draft development brief but DCC would not want to accommodate provision on the site and have been looking at alternatives. Members were advised that DCC were also mindful that there is an unauthorised encampment of travellers on DCC land within Shute Woods which is subject to an enforcement notice to remove the travellers from that site. As a result there is some pressure on DCC to find a suitable site in the district.

RESOLVED:

1. That the historic issues associated with gypsy and traveller site provision in the district be noted and the current position be noted.
2. That the 3 options for the delivery of gypsy and traveller pitches as part of the Cranbrook expansion areas as set out at paragraph 3.11 be considered.
3. That the emerging opportunity to work with Devon County Council to deliver a gypsy and traveller site in the east of the district in-lieu of provision of Baxters

Farm, Musbury and to address the long running unauthorised encampment at Shute Woods be noted.

RECOMMENDED TO CABINET:

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.

23 **Duty to Co-operate Update**

The report presented by the Assistant Director – Planning Strategy and Development Management updated Members on matters related to the duty to co-operate and was advised that as the council had a duty to co-operate with neighbouring local authorities and stakeholders if the local plan was not prepared in a way that met the duty to co-operate it would not be found sound and would not be adopted.

The bodies considered to be bound by the duty to co-operate included:

- Environment Agency
- Natural England
- NHS
- Highways England
- South West Water

Members attention was drawn to the appended report. Appendix 1 provided Members with a summary of the relevant bodies, comments received and key actions and appendix 2 summarised the strategic cross boundary issues and key actions.

The Assistant Director – Planning Strategy and Development Management emphasised there was a lot of work still to be done and that there could still be a lot of issues to resolve and officers were working to reassure Members that the duty to co-operate can be met.

RESOLVED:

1. That the representations received on the draft local plan from ‘duty to co-operate bodies’ as set out in Appendix 1 to this report be noted.
2. That work undertaken on strategic cross boundaries issues and proposals for examining the issues identified as set out in Appendix 2 to this report be noted.
3. That the table set out in Appendix 2 be circulated to other duty to co-operate bodies for comments as set out in paragraph 4 of this report.

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

The Assistant Director – Planning Strategy and Development Management presented a report updating Members of the current position with regard to the Section 106 and Community Infrastructure Levy (CIL) processes.

It was noted that the proposed measures to address a number of issues highlighted by the SWAP audit was to include a new staffing structure within the planning obligations team to incorporate alongside the existing CIL and Section 106 Officer posts a new Planning Obligations Manager, an additional CIL Officer and Planning Obligations Support Officer. This would in turn provide the much needed additional resource to assist the town and parish councils to help deliver projects in their areas with the Section 106 monies.

The Assistant Director – Planning Strategy and Development Management advised to help reduce the financial burden on the council it was proposed to increase the monitoring fees as detailed in appendix 1 of the report.

The Chair on behalf of the Members thanked the Assistant Director – Planning Strategy and Development Management for the welcomed report which addressed not only the historical issues but a proposed solution and how it would be funded and looked forward to seeing the improvements.

RECOMMENDED TO CABINET:

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.

RECOMMENDED TO COUNCIL:

1. That these charges be applied with effect to Section 106 agreements associated with planning applications received once the new charges have been published on the Council's website.
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.

Attendance List

Councillors present:

B Bailey
J Bailey
K Blakey
O Davey (Chair)
P Fernley
C Fitzgerald
M Hartnell
P Hayward
M Howe (Vice-Chair)

B Ingham
Y Levine
T Olive
H Parr

Councillors also present (for some or all the meeting)

R Collins
G Jung
M Rixson

Officers in attendance:

Ed Freeman, Assistant Director Planning Strategy and Development Management
Anita Williams, Principal Solicitor (Deputy Monitoring Officer)
Wendy Harris, Democratic Services Officer

Councillor apologies:

B Collins
D Ledger

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Planning Committee held at Council Chamber, Blackdown House, Honiton on 20 June 2023****Attendance list at end of document**

The meeting started at 10.10 am and ended at 12.31 pm. The meeting was briefly adjourned at 11.28 am and reconvened at 11.42 am.

13 Declarations of interest

Minute 14. 19/0554/MFUL (Major) CRANBROOK.

Councillor Henry Riddell, Affects and prejudicial Non-registerable Interest, Employer owns land that forms part of one of the other Cranbrook expansion areas that has previously received a resolution to grant planning permission..

Minute 14. 19/0554/MFUL (Major) CRANBROOK.

Councillor Kevin Blakey, Other Registerable Interest, Cranbrook Town Councillor.

Minute 14. 19/0554/MFUL (Major) CRANBROOK

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the constitution Councillors Eileen Wragg, Brian Bailey, Ian Barlow, Colin Brown, Steve Gazzard, Anne Hall, John Heath, Mike Howe, Simon Smith advised of lobbying in respect of this application.

Minute 15. 19/0620/MOUT (Major) CRANBROOK.

Councillor Henry Riddell, Affects and prejudicial Non-registerable Interest, Employer owns land that forms part of one of the other Cranbrook expansion areas that has previously received a resolution to grant planning permission..

Minute 15. 19/0620/MOUT (Major) CRANBROOK.

Councillor Kevin Blakey, Other Registerable Interest, Cranbrook Town Councillor.

Minute 15. 19/0620/MOUT (Major) CRANBROOK.

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the constitution Councillors Eileen Wragg, Brian Bailey, Ian Barlow, Colin Brown, Steve Gazzard, Anne Hall, John Heath, Mike Howe, Simon Smith advised of lobbying in respect of this application.

Minute 16. 22/2720/FUL (Minor) EXMOUTH BRIXINGTON.

Councillors Brian Bailey and Steve Gazzard, Affects Non-registerable Interest, Exmouth Town Councillor.

14 19/0554/MFUL (Major) CRANBROOK**Applicant:**

Hallam Land Management Ltd., Taylor Wimpey UK Ltd.

Location:

Land at Elbury Meadows (North of Cranbrook Country Park), Broadclyst.

Proposal:

Change of use of existing agricultural land to Suitable Alternative Natural Greenspace (SANG) with associated infrastructure for use and access.

RESOLVED:

1. The appropriate assessment set out in Appendix A be adopted.
2. Approved as per officer recommendation subject to conditions and Section 106 (S106) Legal Agreement which captures the head of terms set out in the report with the final wording to be delegated to the Development Manager.

15 **19/0620/MOUT (Major) CRANBROOK**

Applicant:

Hallam Land Management Ltd., Taylor Wimpey UK Ltd.

Location:

Cranbrook Expansion Zone West Large Site, Station Road, Broadclyst.

Proposal:

Outline planning application with all matters reserved except access to the existing highway network for the expansion of Cranbrook comprising up to 870 residential dwellings; C2 residential institutions; one primary school (Use Class F1) with early years provision (Class F1/E); mixed use area including Use Classes C3 (Residential), E (Commercial Business and Service Uses), F1 (Learning and Non-residential Institutions), F2 (Local Community Uses) and Sui Generis (hot food takeaways, pubs/bars) (Class E and Sui Generis uses to comprise up to 1,500 sq metres gross); recreation facilities and children's play; green infrastructure (including open space and Suitable Alternative Natural Greenspace (SANG)); access from former A30, Station Road and Burrough Fields and crossings; landscaping; allotments; engineering (including ground modelling and drainage) works; demolition; associated infrastructure; and car parking for all uses.

RESOLVED:

1. The appropriate assessment set out in Appendix C be adopted.
2. Approved as per officer recommendation subject to conditions and Section 106 (S106) Legal Agreement which captures the heads of terms set out in the report with the final wording to be delegated to the Development Manager.

16 **22/2720/FUL (Minor) EXMOUTH BRIXINGTON**

Applicant:

Mr Chris Wood.

Location:

80 Birchwood Road, Exmouth, EX8 4LS.

Proposal:

Proposed terraced two storey three bedroom dwelling on adjoining garden to 80 Birchwood Road, Exmouth with associated off-street parking.

RESOLVED:

Approved with conditions as per officer's recommendation.

17 **23/0235/FUL (Minor) BUDLEIGH & RALEIGH**

Applicant:

Naomi & Katie Crocker.

Location:

Land East of East Budleigh Road, Budleigh Salterton, EX9 6HE.

Proposal:

Construction of two dwellings and associated access.

RESOLVED:

Deferred for a site inspection to consider the scale and bulk of the buildings.

Attendance List

Councillors present (for some or all the meeting)

B Bailey

I Barlow

C Brown

S Gazzard

A Hall

J Heath

M Howe

H Riddell (left the meeting before application 19/0554/MFUL and gave his apologies for the remainder of the meeting)

S Smith

E Wragg (Chair)

Councillors also present (for some or all the meeting)

K Blakey (spoke on applications 19/0554/MFUL & 19/0620/MOUT as ward member but left the chamber during discussions and vote)

P Faithfull

P Fernley

G Jung

Officers in attendance:

Wendy Ormsby, Development Manager

Thea Billeter, Cranbrook New Community Manager

Damian Hunter, Planning Solicitor

Wendy Harris, Democratic Services Officer

Councillor apologies:

A Bruce

F Caygill

S Chamberlain

Y Levine

E Rylance

D Wilson

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Planning Committee held at Council Chamber, Blackdown House, Honiton on 18 July 2023****Attendance list at end of document**

The meeting started at 10.02 am and ended at 4.50 pm. The meeting was adjourned at 1.35 pm and reconvened at 2.15 pm.

In the absence of the Chair, Councillor Eileen Wragg, the Committee agreed to Councillor Sarah Chamberlain being the Chair and to Councillor Mike Howe being Vice Chair for this meeting.

18 Minutes of the previous meeting

The minutes of the Planning Committee held on 13 June and 20 June 2023 were confirmed as true records.

19 Declarations of interest

Minute 23. 19/1798/MOUT (Major) WHIMPLE & ROCKBEARE.

Councillor Henry Riddell, Affects and prejudicial Non-registerable Interest, Employer owns land that forms part of one of the other Cranbrook expansion areas that has previously received a resolution to grant planning permission.

Minute 26. 23/1124/MFUL (Major) YARTY.

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the constitution Councillors Ian Barlow, Steve Gazzard, Anne Hall, John Heath, Henry Riddell, Simon Smith advised of lobbying in respect of this application.

Minute 27. 22/2410/RES (Minor) WOODBURY & LYMPSTONE.

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the constitution Councillors Ian Barlow, Steve Gazzard, Anne Hall, John Heath, Henry Riddell, Simon Smith advised of lobbying in respect of this application.

20 Planning appeal statistics

The Committee noted the planning appeals report setting out the appeals lodged, decided and in progress.

The Development Manager updated Members on two appeals that were currently in progress as public inquiries. The first appeal related to application 22/2216/MFUL – Pound Road BESS, land north east of Axminster National Grid Substation, Pound Road, Hawkchurch and the second related to application 22/0990/MFUL – land at Marsh Green Farm, Marsh Green. The Development Manager also updated Members on a further potential public inquiry that had been lodged by Churchill Retirement Living (reference 22/2120/MFUL – Jewson Ltd., Fore Street, Exmouth). Members noted that the council was currently awaiting a decision from the Planning Inspectorate as to whether this appeal would be dealt with by way of Public Inquiry.

Finally, the Development Manager drew Members attention to an appeal decision in respect of planning application 22/1138/OUT and asked them to bear in mind the Inspector's decision to dismiss the appeal on the basis that the proposal was not in a sustainable location as it was away from services and was not safe for walking pedestrians when considering applications in the future.

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

There was one confidential item recorded at minute 23.

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

that under Section 100(A)(4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt and private information (as set out against the 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).

23 **Verbal update regarding Planning Appeals to Members**

The Planning Solicitor provided Members with legal advice in respect to the Pound Road BESS and Marsh Green planning appeals.

24 **23/0235/FUL (Minor) BUDLEIGH & RALEIGH**

Applicant:

Naomi & Katie Crocker.

Location:

Land east of East Budleigh Road, Budleigh Salterton, EX9 6HE.

Proposal:

Construction of two dwellings and associated access.

RESOLVED:

Approved contrary to officer recommendation.

Members considered that the bulk and scale of the roofscape of each dwelling would not be detrimental to the character and appearance to the street scene and surrounding area.

25 **19/1798/MOUT (Major) WHIMPLE & ROCKBEARE**

Applicant:

Mr T Stuart.

Location:

Land west of Gribble Lane, Rockbeare.

Proposal:

Outline application for the construction of up to 180 dwellings and associated infrastructure, with all matters reserved apart from access.

RESOLVED:

1. The appropriate assessment as set out in appendix 2 of the report be adopted.
2. Approved subject to a Section 106 Agreement with conditions as per officer's recommendation with an addition to Condition 6 regarding the volume of replacement ponds and an additional condition in relation to the use of domestic garages to be provided on the site.

26 **23/0400/FUL (Minor) DUNKESWELL & OTTERHEAD**

Applicant:

Exdon Limited.

Location:

Land south of Pump Field Close, Dunkeswell, EX14 4XX.

Proposal:

Construction of two dwellings.

RESOLVED:

Approved subject to conditions as per officer's recommendation.

27 **22/2582/FUL (Minor) SEATON**

Applicant:

Mr Justin Werb.

Location:

Barnards (land adjoining) Harepath Hill, Seaton, EX12 2TF.

Proposal:

Erection of one dwelling and associated works.

RESOLVED:

1. The appropriate assessment be adopted.
2. Refused as per officer's recommendation.

28 **23/1124/MFUL (Major) YARTY**

Applicant:

c/o Agent.

Location:

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

Proposal:

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

RESOLVED:

Deferred for further information to be requested from the Fire Authority about the fire safety measures.

29 **22/2410/RES (Minor) WOODBURY & LYMPSTONE**

Applicant:

Mr & Mrs C Fayers.

Location:

Land south of Underhill Close, Lympstone.

Proposal:

Application for approval of reserved matters (appearance, landscaping, layout and scale) for the construction of a predominantly single storey dwelling following outline application 20/0933/OUT (pursuant to the grant of outline planning permission appeal reference APP/U1105/W/21/3282445).

RESOLVED:

Approved subject to conditions as per officer's recommendation.

30 **23/0310/FUL (Minor) WOODBURY & LYMPSTONE**

Applicant:

Mr Nalin Chouhan.

Location:

The Post Office, Broadway, Woodbury, EX5 1NY.

Proposal:

Erection of attached dwelling.

RESOLVED:

Approved subject to conditions as per officer's recommendation.

Attendance List

Councillors present (for some of all the meeting)

B Bailey

I Barlow

C Brown

A Bruce (left the meeting after application 19/1798/MOUT)

S Chamberlain (Vice-Chair)

S Gazzard

A Hall

J Heath

M Howe

Y Levine

H Riddell

S Smith

Councillors also present (for some or all the meeting)

D Mackinder

T Olive

Officers in attendance:

Wendy Ormsby, Development Manager
Damian Hunter, Planning Solicitor
Wendy Harris, Democratic Services Officer
Thea Billeter, Cranbrook New Community Manager
Jeremy Ebdon, Principal Planning Officer (East)

Councillor apologies:

F Caygill
E Rylance
D Wilson
E Wragg

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Planning Committee held at Otter Room & Clyst Room on 28 July 2023****Attendance list at end of document**

The meeting started at 10.05 am and ended at 1.30 pm. The meeting was adjourned at 12.00 pm and reconvened at 12.16 pm.

31 Elect a Chair and Vice Chair for the meeting

Following apologies received from the usual Chair, Councillor Eileen Wragg and Vice Chair, Councillor Sarah Chamberlain the Committee agreed that Councillor Mike Howe be Chair and Councillor Colin Brown be Vice Chair for this meeting.

32 Declarations of interest

Minute 38. 23/0459/CPE (Minor) COLY VALLEY.
Councillor Colin Brown, Directly relates Non-registerable Interest, Relative of the applicant.

33 Confidential/exempt item(s)

There was one confidential item recorded at minute 41.

34 22/2533/MOUT (Major) WEST HILL & AYLESBEARE**Applicant:**

Morrish Homes & Messrs Compton, Stephenson, Olliff & Sanders.

Location:

Land north of Oak Road, West Hill, EX11 1SJ.

Proposal:

Outline application for the erection of 23 dwellings with all matters reserved save for formation of vehicular and pedestrian access.

RESOLVED:

1. The Appropriate Assessment to adopted.
2. That the Secretary of State be advised that had the planning authority been able to determine the planning application then this would have resulted in a refusal for the reasons stated within the report.
3. That officers notify the Secretary of State that there is a preference for the appeal to be dealt with by way of a public hearing rather than by way of written representations.

35 23/0116/FUL (Major) YARTY**Applicant:**

Mrs Ann Bartlett.

Location:

Land at Parricks Lane, Hawkchurch, EX13 5XB.

Proposal:

Change of use of agricultural land and buildings to private equestrian use, construction of a menage and construction of a replacement for building 2 (retrospective). Building 1 to be used as a feed store and shelter for visiting vets, farriers etc. Building 2 to be used as a hay barn and building 3 to be used as a field shelter.

RESOLVED:

Approved with conditions as per officer's recommendation subject to conditions outlined in the officer's report and two additional conditions to remove the menage if it is no longer needed for equestrian purposes and to detail how manure should be dealt with on the site.

36 **23/0624/FUL (Minor) NEWTON POPPLEFORD & HARPFORD**

Applicant:

Mr D Welch.

Location:

Luscombes, Back Lane, Newton Poppleford, EX10 0EZ.

Proposal:

Replacement of five outbuildings associated to one dwelling, with three new outbuildings for workshop/store and stables.

RESOLVED:

Deferred for a site inspection to consider the impact on the AONB.

37 **23/0890/FUL (Minor) SEATON**

Applicant:

Mr Daniel Ledger & Ms Abigail Down.

Location:

29 Poplar Tree Drive, Seaton, EX12 2TW.

Proposal:

Raising of roof, conversion of roof space to habitable space including front and rear dormers and balcony.

RESOLVED:

Refused with revised reason for refusal (first sentence deleted) so that the reason for refusal relates only to the rear of the property.

Members considered the design and appearance of the front dormer and extension was acceptable.

38 **23/0459/CPE (Minor) COLY VALLEY**

Applicant:

Patricia Warrick.

Location:

Gibbons Farm, Wilmington, EX14 9JQ.

Proposal:

Application for a lawful development certificate (CLUED) to establish the lawful use of existing vehicular access and adjacent building for domestic garage and parking of cars.

RESOLVED:

That a certificate of lawful use and development be granted as per officer's recommendation.

39 **23/1124/MFUL (Major) YARTY**

Applicant:

C/O Agent.

Location:

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

Proposal:

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

The Chair advised that the application would be deferred for consideration to the Planning Committee on 22 August 2023. This was primarily because the consultation response received from the Fire Authority raised some issues that required further clarity and the relevant Fire Officer was not available until next week.

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

That under Section 100(A)(4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt and private information (as set out against the 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).

41 **Verbal update to Members regarding appeal in respect of planning application 22/2216 - Pound Road BESS, land north of Axminster National Grid Substation, Pound Road, Hawkchurch**

The Planning Solicitor provided Members with a verbal update in respect to the Pound Road BESS appeal against the Committee's decision to refuse to grant planning application 22/2216/MFUL.

Attendance List

Councillors present:

B Bailey

I Barlow

C Brown (left the room for application 23/0459/CPE and did not take part in discussions or vote)

M Howe
Y Levine
D Wilson

Councillors also present (for some or all the meeting)

J Bailey
C Burhop
D Mackinder

Officers in attendance:

Wendy Ormsby, Development Manager
Damian Hunter, Planning Solicitor
Wendy Harris, Democratic Services Officer

Councillor apologies:

A Bruce
F Caygill
S Chamberlain
S Gazzard
A Hall
J Heath
H Riddell
E Rylance
S Smith
E Wragg

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Planning Committee held at Council Chamber, Blackdown House, Honiton on 22 August 2023****Attendance list at end of document**

The meeting started at 9.35 am and ended at 4.08 pm. The meeting was adjourned at 1.03 pm and reconvened at 2 pm.

In the absence of the Vice Chair, Councillor Sarah Chamberlain, the Committee agreed to Councillor Anne Hall being the Vice Chair for this meeting.

42 Minutes of the previous meeting

The minutes of the Planning Committee held on 18 July and 28 July 2023 were confirmed as true records.

43 Declarations of interest

Minute 47. 23/0538/FUL (Minor) EXMOUTH LITTLEHAM.

Councillor Anne Hall advised that although she had made a comment on this application as a Ward Member her views were not predetermined and that she remained open minded and would listen to all the relevant arguments for and against the application before voting.

Minute 48. 23/0078/FUL (Minor) EXMOUTH LITTLEHAM.

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the constitution the Chair on behalf of Councillors Brian Bailey, Ian Barlow, Colin Brown, Anne Hall, John Heath, Yuhudi Levine, Henry Riddell and Simon Smith advised lobbying in respect of this application.

Minute 52. 22/0975/MFUL (Major) BROADCLYST.

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the constitution the Chair on behalf of Councillors Brian Bailey, Ian Barlow, Colin Brown, Anne Hall, John Heath, Yuhudi Levine, Henry Riddell and Simon Smith advised lobbying in respect of this application.

44 Planning appeal statistics

The Committee noted the planning appeals report setting out the appeals lodged, decided and in progress.

The Development Manager updated Members on an appeal lodged for application 23/0401/OUT – Exton Lodge, Mill Lane, Exton advising that it would be dealt with by written representations.

The Development Manager advised that there had only been one appeal decided which related to application 22/0481/FUL – Marwood House, Offwell. The Inspector had dismissed the appeal on grounds relating to the location within the countryside and landscape impact.

Finally, the Development Manager updated Members on a further public inquiry scheduled for November 2023 for application 22/2120/MFUL – Jewson Ltd., Fore Street, Exmouth.

45 **23/1124/MFUL (Major) YARTY**

Applicant:

c/o Agent.

Location:

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

Proposal:

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

RESOLVED:

Refused contrary to officer's recommendation.

Members considered that:

1. The proposal was not considered to be a renewable or low carbon energy project as there is no evidence that it would be used to store energy from low carbon sources and therefore represents inappropriate development in the countryside. Furthermore it would have a harmful impact on the landscape character and quality of the area when considered in combination with other installations in the locality and would therefore be contrary to Strategy 7 (Development in the Countryside), Strategy 39 (Renewable and Low Carbon Energy Projects) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan 2013 - 2031.
2. It would lead to a loss of best and most versatile agricultural land and if so whether there is an overriding need for the development, sufficient land of a lower grade is available that could accommodate the development or the benefits of the development justify the loss of the high grade agricultural land. As a result the development is considered to be contrary to policy EN13 (Development on High Quality Agricultural Land) of the East Devon Local Plan 2013 - 2031.
3. There was insufficient information on the health and safety measures that would be put in place to control battery leakages and fire that could arise in the event of a failure at the site and as a result it is considered that the development could lead to a significant health and safety risk to residents that would be contrary to policy EN14 (Control of Pollution) of the East Devon Local Plan 2013 -2031.

46 **23/0624/FUL (Minor) NEWTON POPPLEFORD & HARPFORD**

Applicant:

Mr D Welch.

Location:

Luscombes, Back Lane, Newton Poppleford, EX10 0EZ.

Proposal:

Replacement of five outbuildings associated to one dwelling, with three new outbuildings for workshop/store and stables.

RESOLVED:

Approved with conditions as per officer's recommendation subject to an additional condition for the porous hardstanding to be agreed by the Local Planning Authority and a requirement for the tree planting to include heavy standards.

47 **23/0538/FUL (Minor) EXMOUTH LITTLEHAM**

Applicant:

Mr David Crocker.

Location:

Chestnuts, 65 Salterton Road, Exmouth, EX8 2EJ.

Proposal:

Construction of ground floor and first floor extensions to create an additional ten HMO bedrooms, creation of new vehicular access onto Salterton Road and provision of parking to the front of the site.

RESOLVED:

Approved with conditions as per officer's recommendation with an amendment to Condition 4 requiring the new hardstanding to be porous.

48 **23/0078/FUL (Minor) EXMOUTH LITTLEHAM**

Applicant:

Iain McNeill.

Location:

2 Turner Avenue, Exmouth, EX8 2LF.

Proposal:

Construction of new attached dwelling in garden of existing house.

RESOLVED:

Approved with conditions as per officer's recommendation with additional condition regarding hours of construction.

49 **23/0092/FUL (Minor) OTTERY ST MARY**

Applicant:

Mrs Kerry Kennell.

Location:

Changing Rooms, Strawberry Lane, Salston, Ottery St Mary, EX11 1RG.

Proposal:

Construction of a multi-use games area (MUGA) with pavilion extension, additional parking and landscaping.

RESOLVED:

Approved with conditions as per officer's recommendation.

50 **23/1115/FUL (Minor) HONITON ST MICHAELS**

Applicant:
Antony Paul.

Location:
24 Cherry Close, Honiton, EX14 2XT.

Proposal:
Construction of a new dwelling.

RESOLVED:
Refused as per officer's recommendation.

51 **23/1102/LDO Revised boundary for the adopted Local Development Order for District Heating Networks**

The report presented by the Project Manager Simplified Planning outlined the need to revise the boundary for the Local Development Order (LDO) for District Heating Networks in East Devon's West End.

The Project Manager Simplified Planning outlined the purpose of the LDO which would give permitted development rights to developers to extend underground pipes and cables and some minor above ground works without the need to apply for planning permission. Members noted that if the LDO was endorsed it would not affect landowners rights or give rights to developers to undertake such work without the landowners consent.

The boundary proposed would extend down south of the A30 to the Hill Barton Industrial Estate where pipes would be installed from the existing energy centre to Hill Barton to support the roll out of decentralised heating systems in East Devon.

Members noted the following imposed conditions:

- No above ground development over 1m in height or 2.5 sq.m.
- No above ground pipe over 2m in length.
- No development on listed buildings, locally listed structures or scheduled ancient monuments.
- No above ground development within flood zones 2 & 3.
- Development in or within 5m of landfill areas will require a remediation strategy to be implemented.

RESOLVED:
The revised boundary for the District Heating Local Development Order be adopted.

52 **22/0975/MFUL (Major) BROADCLYST**

Applicant:
Eagle One MMIII Limited.

Location:
Land adjacent Old Tithebarn Lane, Clyst Honiton.

Proposal:

Construction of four commercial, business and service units (Class E) and nine dwellings with associated access, parking and infrastructure.

RESOLVED:

1. The Appropriate Assessment as set out in Appendix A be adopted.
2. Refused as per officer's recommendation with the reason for refusal regarding drainage omitted.

53 **23/0976/VAR (Major) BROADCLYST**

Applicant:

Eagle One MMill Limited.

Location:

Land to the east of Anning Road/Tithebarn Way, Redhayes, Exeter.

Proposal:

Variation of Condition 22 (requiring the development to connect to the Decentralised Energy Network) of planning permission 21/3148/MOUT (up to 6,000 sq.m of office development) to allow flexibility for alternative heating options to be considered.

RESOLVED:

Refused as per officer's recommendation.

54 **23/1079/OUT (Minor) WOODBURY & LYMPSTONE**

Applicant:

The Trustees (Strawberry Hill Holdings).

Location:

Land north east of Grange Close, Lypstone, EX8 5LD.

Proposal:

Outline application with all matters reserved for proposed new dwelling (matters of access, appearance, layout, scale and landscaping reserved for future consideration).

RESOLVED:

Approved with conditions as per officer's recommendation subject to amended condition 5 that a detailed scheme for surface water drainage be submitted and approved by the Local Authority in consultation with the Lead Local Flood Risk Authority.

55 **23/0446/FUL (Minor) WOODBURY & LYMPSTONE**

Applicant:

Mr Pete Clutton-Brock.

Location:

Coombe Park Farm, Woodbury Salterton, EX5 1PZ.

Proposal:

Proposed erection of a glamping pod.

RESOLVED:

Approved with conditions as per officer's recommendation.

Attendance List

Councillors present (for some or all the meeting)

B Bailey
I Barlow
C Brown
A Bruce
S Gazzard
A Hall
J Heath
Y Levine
H Riddell
S Smith
D Wilson
E Wragg (Chair)

Councillors also present (for some or all the meeting)

C Burhop
P Faithfull
N Hookway
B Ingham
D Mackinder

Officers in attendance:

Wendy Ormsby, Development Manager
Anita Williams, Principal Solicitor (Deputy Monitoring Officer)
Wendy Harris, Democratic Services Officer
Frances Wadsley, Project Manager, Planning, Growth, Development & Prosperity
Ed Freeman, Assistant Director Planning Strategy and Development Management
Liam Fisher, Senior Planning Officer

Councillor apologies:

S Chamberlain
M Howe
E Rylance

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Licensing and Enforcement Committee held at Council Chamber, Blackdown House, Honiton on 19 July 2023****Attendance list at end of document**

The meeting started at 9.30 am and ended at 10.08 am

1 Public Speaking

There were no members of the public registered to speak at the meeting.

2 Minutes of the previous meeting

The minutes of the meeting held on 15 March 2023 were agreed and signed as a true and accurate record.

3 Declarations of interest

There were no declarations of interest.

4 Matters of urgency

There were no matters of urgency.

5 Confidential/exempt item(s)

There were no confidential or exempt items.

6 Licensing Act 2003, Gambling Act 2005, Taxis & General Licensing update

The Interim Licensing Manager presented the report which provided an update on the activities of the Licensing Service under the Licensing Act 2003, Gambling Act 2005, Taxi legislation and General Licensing including Street Trading and Pavement Licences. The following points were highlighted:

- The Licensing Service have received a very high number of applications for Temporary Event Notices (TENs) for festivals and events in East Devon.
- The volume of sub-committee hearings during the period containing elections and subsequent Member training has placed significant pressure on officers and members. The Licensing Team expressed thanks for the support received during this period.
- The Government published its White Paper 'Gambling Reform for the Digital Age' in April 2023. The majority of proposed reforms relate to online gambling, including amendment to the maximum stakes for online gaming, potential changes to age-limits and controls, and increased checks on possible problem gamers. There were also a number of proposals of particular relevance to Local Authority Licensing Teams, set out in the update report. The Gambling Commission are debating the white paper and are expected to put out consultations over the summer.
- Taxi numbers are stable and officers are now using the NR3 Register of Revocations, Refusals and Suspensions to check all new applications and applications for renewal.

Discussion and clarification included the following points:

- The Portfolio Holder for Culture, Leisure, Sport and Tourism was pleased to note the number of applications for festivals and events since this ties in with the Leisure and Tourism Strategies and impacts positively on the economy of the district. He recognised the challenges involved in administering this number of applications and thanked the Licensing Service for their work in this area.
- Whilst the administration of TENs is time intensive for the Licensing Service, at £21, the cost of the TEN does not incentivise applicants to progress to a full Premises Licence; however, TENs are restricted to 26 days per year and this is a significant constraining factor for event organisers.
- The increased workload is putting a strain on staffing resources and a report will be going to SMT about resource levels and the possibility of implementing changes. Some Licensing staff have been working additional hours and this has been appreciated.
- A lot of work goes on behind the scenes by officers with a lot of pre-application advice offered at no cost to the applicant, to ensure that the number of licensing applications going to hearing is reduced.
- It was noted that this authority administers licences for approximately 80 different types of activities.
- Members expressed concern about some of the proposed gambling reforms set out in the government's white paper and it is intended that this Committee will make a consultation response. The Interim Licensing Manager stated that he would inform Members when the consultation is live.

The update report was noted.

7 **Taxi and Private Hire Licensing Policy**

The Interim Licensing Manager introduced this report the purpose of which was to seek Members' approval to recommend to Council adoption of an amended Taxi and Private Hire Licensing Policy.

There were no changes to the Policy other than those required to align with the Department for Transport Statutory Taxi and Private Hire Vehicle Standards which the government had been clear councils should follow, unless there were compelling local reasons to not do so.

In discussion, it was agreed that whilst not relevant for the current changes being put forward, the Licensing team would seek feedback from the trade on the following points potentially for inclusion in a future iteration of the Policy:

- That taxis should have signage on the side of their vehicles identifying which company they are.
- That customers should be offered a choice of paying by either cash or card.

In a vote of all Members present, the recommendations set out in the report were approved.

RESOLVED:

1. That the Licensing and Enforcement Committee notes the content of the Department for Transport Statutory Taxi and Private Hire Vehicle Standards (DFT Standards).
2. That the Licensing and Enforcement Committee considers the following proposed changes to the Hackney Carriage and Private Hire Policy:-
 - a. Appendix D is amended to align the Hackney Carriage and Private Hire Licensing Criminal Convictions Policy with the 'Institute of licensing – Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades';

- a. That applications are reviewed against the National Register of Revocations and Refusals (Part 1 Para 10.9);
- b. Referral to the barred list where the individual is thought to present a risk of harm to a child or vulnerable adult (Part 1 Para 10.11);
- c. Amendment of the notification period for Licence Holders/Applicants to notify the Licensing Authority of arrest/conviction/caution etc from 5 days to 48 hours;
- d. Introduction of a requirement for vehicle proprietors to provide a basic DBS certificate as part of the application process (Part 2 Para 26.1);
- e. Introduction of a mandatory requirement to display a "How to Complain" sticker within Licensed vehicles (Part 2 para 28.4);
- f. Introduction of a requirement from 1st April 2024 for private hire operators to obtain a basic DBS disclosure certificate for all controllers (call handling and dispatching staff), and have a written policy on employing ex-offenders (Part 2 Paras 41.6-41.7);
- g. Introduction of additional record keeping requirements for private hire operators from 1st April 2024 (Part 2 para 48.1).

RECOMMENDED to Council:

1. That the draft Hackney Carriage and Private Hire Policy, as amended, is adopted at the meeting on 18th October 2023.

Reason for recommendation:

The legislation does not require the Council to have a policy relating to the licensing of hackney carriages, private hire vehicles, their drivers and private hire operators, however it is regarded as good practice to have a policy to indicate the Authority's approach to taxi licensing within its area.

Attendance List

Councillors present:

K Bloxham (Vice-Chair)
V Bonetta
M Chapman
O Davey
T Dumper
S Gazzard
N Hookway
C Nicholas
J Whibley (Chair)

Councillors also present (for some or all the meeting)

Officers in attendance:

Sarah James, Democratic Services Officer
Giles Salter, Solicitor
Lee Staples, Interim Licensing Manager
Emily Westlake, Licensing Officer

Councillor apologies:

B Bailey

S Hawkins
J O'Leary

Chair:

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Licensing and Enforcement Sub Committee held at Council Chamber, Blackdown House, Honiton on 21 June 2023****Attendance list at end of document**

The meeting started at 9.35 am and ended at 12.20 pm

1 Minutes of the previous meeting

The minutes of the previous meeting held on 22 May 2023 were agreed and signed as a true record.

2 Declarations of interest

Minute 6. Determination of an application for the grant of a premises licence to allow live music (indoors and outdoors), recorded music (indoors and outdoors), the sale of alcohol for consumption ON and OFF the premises at Budleigh Salterton Cricket Club, The Holt, East Budleigh Road, Budleigh Salterton, EX9 7BA.
Councillor Tim Dumper, Affects Non-registerable Interest, The Member knows two of the interested parties, Doris Couper and Margaret Yerrell. The Member confirmed that this would not affect his ability to consider the application impartially.

3 Matters of urgency

There were no matters of urgency.

4 Confidential/exempt items

There were no confidential / exempt items.

5 Determination of an application for the variation of an existing premises licence PLWA0275 at Kilmington Cross Service Station, A35 Gammons Hill, Kilmington, Axminster EX13 7RB

The meeting was a hearing under the Licensing Act 2003.

The Chair introduced the members of the Sub Committee and the officers present.

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

The Sub Committee considered the application for the variation of an existing premises licence PLWA0275 at Kilmington Cross Service Station, A35 Gammons Hill, Kilmington, Axminster EX13 7RB.

The applicant, present and entitled to make representations, was Paul Jones, Regional Manager, of Motor Fuel Limited, and Robert Botkai, Winckworth Sherwood, legal representative for Motor Fuel Limited.

Also present, and entitled to make representations, was Cllr Peter Ball, Chair of Kilmington Parish Council.

The Licensing Officer, Lesley Barber, advised that there were no updates to the report as published. The application covered three main areas: extension to the existing hours; provision of late night refreshment; amend the current conditions of the licence which had been in place since 2005.

Seven representations had been received which were shown at Appendix D, including the agreed position with the Police. The Police sought to tighten various conditions including the robust policy of challenging underage sales of alcohol.

The Licensing Officer also advised that the applicant had offered an undertaking to Kilmington Parish Council to reduce trading hours for the first six months, from between 05:00 to 24:00, rather than the full 24 hours, should the variation to the licence be granted.

The Sub Committee noted that only the permitted hours, as shown on the licence, would be enforceable and any other agreement would be between the applicant and Kilmington Parish Council.

In response to a question from a member, the Licensing Officer advised that it was best practice to keep an incident book.

Mr Botkai noted that the applicant's offer of the voluntary measure could be placed on record in order to provide comfort to the Parish Council.

In response to a question from the interested party, the Licensing Officer advised that every licensed premises is required to have a Designated Premises Supervisor (DPS) who can delegate in their absence. The applicant confirmed that the DPS is always the Manager of the Motor Fuel Ltd service station, who would also ensure that all staff are suitably trained.

The applicant's legal representative, Mr Botkai, made the case for the application and highlighted the following points:

- The current conditions date back to 2005 and needed updating.
- The Police were in support of the application, based on agreed additional conditions.
- There was no intention for the Greggs outlet on the site to operate at night.
- The current licence permitted the sale of alcohol until 22:00.
- Motorfuel Group Limited is a very experienced operator with multiple 24 hour premises.
- Local residents' concerns and objections were understood, however, it was not the operator's experience that customers would come from far and wide, and at all hours, to buy alcohol. The operator is not anticipating a large increase in trade should the licence be granted.
- Should issues such as anti-social behaviour occur, the operator would suspend sales and conduct a review.
- After 23:00 a night pay window is in operation.
- All cashiers are trained with regard to Challenge 25 and in recording refusals of sales of alcohol and tobacco.
- The application is within all relevant regulations and legislation.

In response to questions from members, the applicant made the following points:

- The application to extend the opening hours was for operational reasons as it was more difficult to manage the whole premises with cut off times for sales.
- A single member of staff would be present during the night, as is usual for petrol stations. Support for staff is available 24 hours a day from the Manager and local Contract Manager, with an escalation chain always in place should any issues arise.

The interested party, Cllr Peter Ball, Chair of Kilmington Parish Council, made his case and highlighted the following points:

- The service station, with a small café attached, had previously been quiet and had recently been purchased by Motor Fuel Limited, an operator with a large number of outlets which generated 30% of its profits from non-fuel sales.
- Although the operator aimed for consistency across its sites, individual applications should be considered on their own merits. The Parish Council requested that the Sub Committee consider the fact that the parish lies within an Area of Outstanding Natural Beauty and is a small, quiet village.
- The Parish Council had been advised by a national highways officer that the Greggs outlet made the service station a “go-to” venue. Should the variation to the licence be granted, the Parish Council was concerned that a 24 hour off licence would increase the number of people driving to the venue for reasons other than to purchase fuel.
- It was noted that the Police are not close by and that the operator has a duty to demonstrate that measures are in place to ensure that there is no harm to the amenity of local residents, who have a right to the peaceful enjoyment of their homes.
- One member of staff, alone at night, would not be sufficient to deal with any issues on the forecourt.
- The Parish Council requested that the closing time be restricted to 10pm.

In response to questions from members, Cllr Ball clarified that there were no serious issues at the present time, but that problems of a significant nature were more likely to arise after 10pm.

The legal advisor, Giles Salter, advised that the Licensing Act is a permissive Act but that there are provisions for review if issues do arise in the future. The Sub Committee could not make decisions based on supposition.

Cllr Ball advised that the fact that Greggs is now considered a “go-to” outlet resulted in an increase in traffic. Although Greggs currently closes at 6pm, it may be decided to open for longer, adding to the traffic coming to Kilmington as a destination. The Parish Council thanked the applicant for their offer of a trial period of reduced hours, but would prefer no increase in operating hours.

In his closing statement for the applicant, Mr Botkai noted that customers stop at petrol stations for a variety of reasons, and in this case, the site also offered a Londis shop which sells a wide variety of goods. In the current economic climate, service stations only survive if they have a good offer in addition to fuel. The night staff are able to lock the premises for their own safety and it was a misconception that having more than one member of staff would lead to any reduction of incidents as staff were trained to seek help, rather than confront the public. There was no evidence of any public nuisance or crime and disorder and the operator was of the view that the proposed extension to the opening hours would not make any difference. The Parish Council was encouraged to contact Motor Fuel Limited should there be any issues. The applicant re-iterated the offer of reduced opening hours during the first six months should the variation to the licence be granted.

The Chair thanked everyone for attending and advised that the decision would be notified in writing within five working days.

This item finished at 10:37am and the meeting was then adjourned until 11:00am.

The applicant, Mr Jones and Mr Botkai, the interested party, Cllr Peter Ball, and the Licensing Officer left the meeting.

6 **Determination of an application for the grant of a premises licence to allow live music (indoors and outdoors), recorded music (indoors and outdoors), the sale of alcohol for consumption ON and OFF the premises at Budleigh Salterton Cricket Club, The Holt, East Budleigh Road, Budleigh Salterton, EX9 7BA**

On the resumption of the meeting, the Chair introduced the members of the Sub Committee to those present.

The Sub Committee considered an application for a premises licence to allow live music (indoors and outdoors), recorded music (indoors and outdoors), the sale of alcohol for consumption ON and OFF the premises at Budleigh Salterton Cricket Club, The Holt, East Budleigh Road, Budleigh Salterton, EX9 7BA.

The applicant, present and entitled to make representations, was Budleigh Salterton Cricket Club, represented by Emma Cooling, Carolyn Roper and Joel Murphy.

Also present, and entitled to make representations were Robbie Sillars, Kate Sillars, Pat Coulter, Margaret Yerrell, Doris Couper, Mike Sheehan (also representing Simon King and Rosie King) and Yvonne Mills (representing Andrew Mills).

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

The Licensing Officer, Phillippa Norsworthy, summarised the application and noted that the applicant had come to an agreed position with the Police.

Responses to the Notice of Hearing which had been received after the publication of the report had been sent to members of the Sub Committee. The Environmental Health Officer had met the applicant at the site and the applicants had then submitted changes to the proposed operating schedule which had also been sent to members. The Licensing Officer read out information from the Environmental Health Officer relating to the premises noise management plan. The Sub Committee was advised that the applicant proposed to amend the hours sought so that no live music would be played outdoors after 23:00pm.

There were no questions from members or from the applicant for the Licensing Officer.

In response to questions from the interested parties, the Licensing Officer clarified the following points:

- With regard to the sale of alcohol, the Police had requested 30 minutes drinking up time which amended the proposed opening hours to 22:30 Sunday to Thursday and 23:30 Friday and Saturday.
- Regarding the live music, it had been agreed that there would be no live music outside after 23:00pm. After 23:00pm live music would be inside only.

An interested party advised that the venue has bi-fold doors which could remain open while live music was being played indoors. The legal advisor noted that the applicant could offer mitigation measures, or the Sub Committee could choose to impose a condition to mitigate such a situation.

The applicant, represented by Carolyn Roper and Emma Cooling, made the case for the application and highlighted the following points:

- The Cricket Club had been forced to relocate in 2002 and moved to the current new site. A lot of thought had gone into the design of the building to ensure that it was sustainable and welcoming for the whole community. The club house had been designed to contain noise and would face away from the town. It was also fully accessible. The Cricket Club was well run and respected, and wished to work with the whole town and community.
- It was very important to the Club to maintain a good relationship with neighbouring residents. The design of the club house incorporated glazing which offers a high level of protection from noise. Should live music be played after 23:00pm, windows and doors would be shut. The Cricket Club offered reassurance that it is not intending to be an outside music venue, however, it did need to be able to hold events in order to generate funds. There was a need to keep the membership fee low so as to make cricket available to the whole community at a grass roots level.
- Local residents would be provided with a contact phone number in the event of any issues with noise arising from events.
- The design of the club house had been amended to provide for a maximum of 80 people seated for an event.

In response to a question from the Sub Committee, the applicant advised that live music outside up to 23:00pm was sought to allow flexibility when organising events.

The interested parties put questions to the applicant, who provided the following responses:

- Regarding concerns about car parking and the effect of parking and traffic on Granary Lane, the applicant advised that the car parking provision was not yet at full capacity.
- With regard to the previous licence held by the Cricket Club, it was confirmed that late openings had been restricted to 6 events per year, with a 2 week rest period between events.
- The new club house will not be air conditioned and the intention would be to close doors and windows after 23:00pm when live music is played.
- It is very unlikely that there will be events every Saturday night and the Cricket Club is also receiving expressions of interest for eg. yoga sessions, art events and wakes.
- Regarding installing a noise limiter, the applicant noted that the cabling would be in place for a noise limiter, but that they had been advised that music equipment brought in by an external performer would override it.

The Chair noted that the playing of live music appears to be the main point of contention. The Legal Advisor suggested that all parties involved hold a trial session to ascertain noise levels at various distances, with the Environmental Health Officer also present if possible. The Legal Advisor emphasised that the Licensing Act is permissive, but that there are also draconian measures in place to hold a review, to impose conditions or to close a licensed premises.

The applicant confirmed that they would be happy to hold a test and have worked with all relevant authorities at every stage of the application.

The interested parties made their case and highlighted the following points:

- There is concern regarding how noise levels will be restricted and the interested parties would wish to see a noise limiter in place.
- There is also concern regarding the noise when people are leaving the Cricket Club and the situation is bad enough currently before the club house is fully operational.
- Whilst the interested parties would welcome a noise limiter, this is only one part of the problem and the various smaller issues of concern have a cumulative effect to the detriment of local residents.
- There appear to be 2 agendas for the Cricket Club: the club is an excellent facility for children and people with disabilities; the club is also being marketed as an events facility. The interested parties would wish to have an assurance that the club house will only be

operated by members, rather than bringing in an outside operator in order to generate income.

- The interested parties would also wish to see a noise management plan in place.
- This is not a normal licensing application as the building is exceptional, stands alone in green fields and is located in a quiet residential area of Budleigh. The club house is in close proximity to homes and a nature reserve. Licensing policy recognises the need to assess potential nuisance. Most visitors arrive by car which results in light and noise nuisance. The late introduction of noise mitigation measures is subjective, selective and unworkable. It would also be impossible to select unbiased parties for a trial session.
- The application appears to present the vision of the Cricket Club as a destination facility independent of cricket.

In their closing statement, the applicant highlighted that they want to work together with the local community. The Cricket Club is for cricket and will not become a festival venue. The club is run by volunteers and the aim is to keep costs low so as to not increase the membership fee. As the expert in noise matters, the Environmental Health Officer is content with the application.

The Chair thanked everyone for attending and advised that the decision would be notified in writing within five working days.

Attendance List

Councillors present:

O Davey
T Dumper
J Whibley (Chair)

Councillors also present (for some or all the meeting)

I Barlow
N Hookway

Officers in attendance:

Lesley Barber, Licensing Officer (left the meeting at 10:37am)
Sarah Jenkins, Democratic Services Officer
Phillippa Norsworthy, Licensing Officer (joined the meeting at 11:00am)
Giles Salter, Solicitor

Councillor apologies:

Chair

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Licensing and Enforcement Sub Committee held at Tale Room, Blackdown House, Honiton on 12 July 2023****Attendance list at end of document**

The meeting started at 9.30 am and ended at 11.20 am

7 Minutes of the previous meeting

The minutes of the previous meeting held on 21 June 2023 were agreed as a correct record.

8 Declarations of interest

There were no interests declared.

9 Matters of urgency

There were no matters of urgency.

10 Confidential/exempt items

There were no confidential / exempt items.

11 Determination of an application to license a private hire vehicle which does not comply with the Council's vehicle age policy

The Sub Committee considered an application to license a private hire vehicle which does not comply with the Council's vehicle age policy.

The Chair introduced the members of the Sub Committee and the officers present.

The applicant, Mr Jason Vincent of Axminster Private Hire, was present.

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

The Licensing Officer, Mrs Emily Westlake, presented the report and made the following points:

- It was the district council's policy that on initial licensing as a private hire vehicle, a vehicle should not be more than 5 years old from the date of first registration as shown on the vehicle registration document.
- The application to licence a private hire vehicle was for a 9 seater (including the driver) MPV which was 5 years and 3.5 months old, and therefore did not meet the policy and was to be determined by the Licensing and Enforcement Sub Committee.
- Where exceptional circumstances may apply to licence vehicles that were more than five years old from the date of first registration as shown in the vehicle registration document would be considered on a case by case basis.
- Each application would be considered on its own merits.
- Factors such as the condition of the vehicle and the mileage would be relevant.
- The Council would expect the vehicle to have a full service history and a certification that the recorded mileage was correct.

- When considering to licence an older vehicle Members would expect to be provided with an AA 'Comprehensive' test report or a RAC 'Essential Plus' report to indicate the condition of the vehicle. An AA test report had been provided by the applicant and was included at Appendix H of the report.
- The date of the MOT and advisories to monitor and repair were noted. The applicant had provided an invoice to document repairs carried out to the vehicle following the MOT, in addition to another invoice for further repairs.
- The applicant had provided an approved compliance test report which indicated that the vehicle had passed all of the required tests. The tester had certified that they had found the vehicle to be safe, comfortable and in sound mechanical condition.
- The MOT indicated that on 11 April 2023 the vehicle's mileage was shown as 249,087 miles.

The vehicle was presented by the applicant at the Council offices on the day of the hearing to allow Members the opportunity to inspect the vehicle. The Licensing and Enforcement Sub Committee was asked to consider the application and determine whether to refuse the application or make an exception to the Council's vehicle age policy and agree to grant the application and licence the vehicle.

The applicant informed Members that he had purchased the vehicle as he required an additional MPV to transport school children as part of his contract with Devon County Council. He already owned an electric 7 seater MPV but this was not suitable for the school runs and was used for private hire. He advised the Committee that 9 seater vehicles were very expensive and he had purchased the vehicle four months ago in the hope that a licence would be granted. The vehicle represented good value for money.

In response to questions from members, the applicant confirmed that:

- The vehicle had not been used much since its purchase so the mileage remained much the same as at MOT. The high mileage did not concern him as the vehicle would not be used by the general public for private hire and therefore not accumulate large mileage.
- The vehicle had a very comprehensive service history and all of the required works had been completed.
- The seats were fixed forwards and could not be rotated.
- The vehicle would be used to transport children, with three school runs a day, as part of a Devon County Council (DCC) contract.
- DCC provided the necessary car seats for the children, where applicable. DCC also specified where the children could sit within the vehicle.
- There were bodywork repairs required on the vehicle. The applicant was reluctant to carry out cosmetic repairs until a licence was agreed.

The Chair thanked everyone for attending and advised that the decision would be notified within five working days.

This item finished at 10:10am and the meeting was adjourned until 11:00am.

The applicant, Cllr Brian Bailey, and the Licensing Officers left the meeting.

12 **Determination of an application for the grant of a premises licence to allow the sale of alcohol to be consumed ON and OFF the premises at Combe Farm Shop, Hayne Farm, Gittisham, Honiton, EX14 3PD.**

On resumption of the meeting, the Chair introduced the members of the Sub Committee and the officers to those present.

The meeting was a hearing under the Licensing Act 2003.

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

The Sub Committee considered the application for the grant of a premises licence to allow the sale of alcohol to be consumed ON and OFF the premises at Combe Farm Shop, Hayne Farm, Gittisham, Honiton EX14 3PD.

The applicant, present and entitled to make representations, was represented by Justin Lascelles, Estate Manager, Combe Estate.

A representation had been received from Gittisham Parish Council. The Parish Council had given notice that it would not attend or be represented at the meeting.

The Licensing Officer, Phillippa Norsworthy, presented the report which covered the following points:

- The applicant had applied for the sale of alcohol to be consumed on and off the premises, with sales to be limited to the café and the courtyard area.
- The premises was located in Gittisham, on the outskirts of Honiton and was a family run business.
- The farm shop currently held a premises licence for off sales only, Monday to Saturday 9am to 6pm and Sunday 9am to 12 midday.
- The applicant advertised the application at the premises and in the local newspaper in accordance with the Licensing Act 2003. During consultation the application received one representation from Gittisham Parish Council with concerns relating to possible public nuisance and to public safety towards persons leaving the premises at night after consuming alcohol.
- A representation was received from the Devon and Cornwall Police Service to which the applicant came to an agreed position.
- Since publication of the agenda an email was received on 7 July from the clerk of Gittisham Parish Council advising that after their Parish Council meeting on 6 July the parish council maintained its objection to the proposed extended hours for off sales but did not object to the extended hours for on sales.

There were no questions from members or from the applicant for the Licensing Officer.

The applicant, represented by Justin Lascelles (Combe Estate Manager) made the case for the application and highlighted the following points:

- Combe Farm Shop and Café had been trading in its current form since 2020.
- The shop was successful, but marginal and they were always trying to refresh the offer by doing everything possible to make the business more successful.
- 'Dine in' evening events had been well received and successful. The aim was to hold these two or three times a month, with up to 25 people at a time, providing seasonal offers. This had previously occurred under a temporary event licence.
- The current licence application was customer demand led. The events had been and would be food led, not alcohol led. It would allow flexibility.
- An agreed position had been agreed with the Police whereby there would be a 30 minute drinking up period, with no alcohol being served prior to closure.
- The farm shop was already well used and no additional on-site activity was anticipated during standard hours as a result of the application.
- The applicant believed that the parish council's 'off sales' objection was unfounded. They would like the ability to sell alcohol to customers who had attended the onsite events.
- Combe Farm Shop and Café employed four full time and three full time members of staff and offered a local shopping experience.

- To date there had been no complaints/issues and the business was responding to customer feedback.
- There was CCTV cover in place.

In response to questions from the Sub Committee the applicant stated that:

- It was not envisaged that the 'dine in' events would be expanded to other events such as birthday parties. The events were primarily designed to showcase the food produce on offer from the shop, rather than promoting the premises as a venue for hire.
- The licence application was in response to events where people expected to be able to have alcohol with their meal, as the events were primarily held to showcase the products available in the shop.
- The events would be pre-booked (maximum seating capacity was 25 in the café, with additional seating in the courtyard) in order to plan and make the events viable.
- Depending on demand, it was anticipated that two or three events would be held per month.
- Opening hours would only be extended when events were being held.
- It was not viable to open full time as a restaurant and a pub was not envisaged.
- The licensing application would give flexibility rather than having to keep applying for temporary event licenses.

In his closing statement the applicant highlighted that he did not feel that Gittisham Parish Council's concerns about 'off sales' were realistic. The range of alcohol on offer was limited and the price point was likely to be higher than other local establishments.

The Chair thanked everyone for attending and advised that the decision would be notified within five working days.

Attendance List

Councillors present:

K Bloxham (Chair)
O Davey
S Gazzard

Councillors also present (for some or all the meeting)

B Bailey
C Nicholas

Officers in attendance:

Phillippa Norsworthy, Licensing Officer
Giles Salter, Solicitor
Alethea Thompson, Democratic Services Officer
Emily Westlake, Licensing Officer

Councillor apologies:

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Licensing and Enforcement Sub Committee held at Council Chamber, Blackdown House, Honiton on 19 July 2023****Attendance list at end of document**

The meeting started at 11.00 am and ended at 11.22 am

13 Declarations of interest

There were no declarations of interest.

14 Matters of urgency

There were no matters of urgency.

15 Confidential/exempt items

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

16 Exclusion of the Press and Public

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

17 Hackney Carriage driver - fit and proper

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

The driver was not present at the meeting.

The Licensing Officer presented the report.

In response to Members' questions, the Licensing Officer and the Interim Licensing Manager clarified the options open to the Sub Committee to either suspend or revoke the driver's hackney carriage licence, or to take no action, and outlined the implications for the driver of these decisions.

The Sub Committee Members retired to make their decision.

Attendance List**Councillors present:**

T Dumper (Vice-Chair)

N Hookway

J Whibley (Chair)

Officers in attendance:

Sarah James, Democratic Services Officer

Giles Salter, Solicitor

Emily Westlake, Licensing Officer

Lee Staples, Interim Licensing Manager

Chair:

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Licensing and Enforcement Sub Committee held at Tale Room, Blackdown House, Honiton on 23 August 2023****Attendance list at end of document**

The meeting started at 9.45 am and ended at 10.31 am

18 Minutes of the previous meetings held on 12 July 2023 and 19 July 2023

The minutes of the previous meetings held on 12 July 2023 and 19 July 2023 were agreed and signed as a true record.

19 Declarations of interest

There were no declarations of interest.

20 Matters of urgency

There were no matters of urgency.

21 Confidential/exempt items

There were no confidential / exempt items.

22 Determination of an application for the grant of a premises licence to permit the sale of alcohol for consumption ON and OFF the premises at Azura Tapas & Cocktails, 11 – 12 Milton's Yard, West Street, Axminster EX13 5FE

The meeting was a hearing under the Licensing Act 2003.

The Chair introduced the members of the Sub Committee and the Officers present.

The Sub Committee's Legal Advisor, Giles Salter, outlined the procedure for the meeting.

The Sub Committee considered the application for the grant of a new premises licence to permit the sale of alcohol for consumption on and off the premises at Azura Tapas & Cocktails, 11 – 12 Milton's Yard, West Street, Axminster EX13 5FE.

The applicant, present and entitled to make representations, was Ana Isabel Campos de Carvalho, supported by Benjamin Barbosa.

Also present, and entitled to make representations, were Sarah McClymont and Michael Rocks.

The Legal Advisor advised that a member of the Sub Committee had been delayed, but that the hearing could proceed with two Councillors sitting.

The Licensing Officer summarised the application and drew the following points to the Sub Committee's attention:

- The external seating area, shown on the plan at Appendix B of the report, was included in the application for the licensable area.
- The three entrance points, designated as A, B and C, were shown on the plan at Appendix B and the photographs at Appendix C. The representations focussed on concerns regarding the access points.
- Two of the access points, A and B, were through Milton's Yard via a lockable gate. The other access point, referred to as C, was located on the Belle Vue public right of way.
- It was not known from the application which of the access points was intended to be the main access point for customers.
- Some of the representations referred to the application for off-sales. The applicant had offered to remove off-sales from the application. The outside seating area would, therefore, be for on-sales only.

The Licensing Officer drew the Sub Committee's attention to sections 6.1 and 6.2 of the report regarding public nuisance and representations as set out in the guidance issued under section 182 of the Licensing Act 2003 (revised July 2023).

In response to a question from the Legal Advisor, the Licensing Officer clarified that alcohol must be consumed on the premises if the application is granted for on-sales only. Customers would not be permitted to take alcohol off the premises.

In response to questions from the Sub Committee, the following points were advised:

- The external seating area, shown to the left of the plan, could be covered and heated.
- The gate to Milton's Yard was normally only open between 8am and 5pm when it would then be locked.
- Residents and some local businesses have a key to the gate.

The applicant made the case for the application and highlighted the following points:

- The preferred access for the premises was via the entrance at C on the plan.
- It was likely that the gate to Milton's Yard would be closed as much as possible as the applicant did not want patrons to use this route to access the premises.
- The applicant wanted patrons to use the access via the public right of way.
- The applicant was waiting for the decision of the Sub Committee before installing signage to cover points regarding patrons leaving the premises quietly.
- The intention was for the premises to have the ambience of a wine bar with soft music and all patrons seated at tables.

The Legal Advisor emphasised that it was important that wine be sold by the glass as unfinished bottles of wine would not be allowed to be taken off the premises should off-sales not be included in the licence.

In response to questions, the applicant advised the following:

- The intention was not to open the premises seven days a week. Currently the applicant was working longer hours in order to gauge demand and work out the best offer in terms of opening hours.
- Groups of patrons would be encouraged to sit inside.
- The outside seating area was not currently operational, and CCTV would be installed.

The interested parties put their case and advised that their main concern had been with the access through Milton's Yard and associated safety concerns and noise from patrons using this private area located to the rear of the application premises. As the applicant's intention was to use the access on Belle Vue as the main access point, this alleviated

most of the concerns. The interested parties wanted the area to thrive and to be a pleasant location.

The Legal Advisor advised that it was important for local residents and businesses to communicate clearly as they live and work in the same area.

It was noted that some local residents had noticed an improvement since the premises had opened, as groups of young people were no longer gathering outside the entrance on the Belle Vue walkway.

The Chair thanked everyone for attending and advised that the decision would be notified in writing within five working days.

Attendance List

Councillors present:

O Davey
J Whibley (Chair)

Officers in attendance:

Lesley Barber, Licensing Officer
Sarah Jenkins, Democratic Services Officer
Giles Salter, Solicitor

Councillor apologies:

P Faithfull (received after the meeting)

Chair

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Audit and Governance Committee held at Axe and Tale Room, Blackdown House on 27 July 2023****Attendance list at end of document**

The meeting started at 2.30 pm and ended at 3.30 pm

1 Public speaking

There were no public speakers.

2 Minutes of the previous meeting

The minutes of the Audit and Governance Committee held on 23 March 2023 were confirmed as a true record.

3 Declarations on interest

None.

4 Matters of urgency

None.

5 Confidential/exempt item(s)

There are no items which officers recommend should be dealt with in this way.

6 Internal Audit Progress report - SWAP

Lisa Fryer, Assistant Director, SWAP provided an update on the 2022/23 Internal Audit Plan on the 2022/23.

RESOLVED:

That the progress made in delivery of the 2022/23 Internal Audit Plan and findings be noted.

7 Housing - Property & Asset Compliance Position Statement

The Compliance & Cyclical Servicing Manager presented the report which had been requested at the previous Committee. The report provided assurance to the position with compliance for the council's housing stock which was managed by the Property & Asset team.

RESOLVED:

That the current position with compliance for the council's housing stock be noted.

8 Internal Audit Annual Opinion Report 2022/23 - SWAP

Lisa Fryer, Assistant Director, SWAP explained to members how the Internal Audit function played a central role in corporate governance, by providing assurance to the

Committee, looking over financial controls and checking on the probity of the organisation.

The 2022-23 Annual Audit Plan provided independent and objective assurance on EDDC Internal Control Environment. This work supported the Annual Governance Statement.

RESOLVED:

That the Internal Audit Annual Opinion on the effectiveness of governance, risk and control in the delivery of EDDC Objectives be noted.

9 **Revenue and Capital Outturn Report 2022-2023**

The Director of Finance presented the report which had been debated at Cabinet on 12 July 2023. He informed the Committee of the financial outturn position for 2022/23 and to note the recommendations to Council.

RESOLVED:

That the Revenue and Capital Outturn position for 2022/23 and the recommendations to Cabinet on 12 July 2023 be noted.

10 **South West Mutual Regional Bank**

The Director of Finance provided a committee requested update on the South West Regional Bank proposal in which the council; along with a number of other South West Local Authorities, provided investment funding in order to set up a regional bank.

RESOLVED:

That the position on the update of South West Regional Bank be noted.

11 **Risk Management Review**

Risk information for the 2023/24 financial year was supplied to allow the committee to monitor the risk status of Strategic and Operational Risks. This followed the full review of risks by responsible officers during May/June 2023. Most of the reviews were completed by the responsible officers with the Management Information Officer.

During discussions the Committee asked that items on the risk register be presented starting from the high-risk scores following on to lower scores. It was important to understand any risks and how these impacted the council and that actions taken to lower any risk scores were reported back to the Committee. The Management Information Officer said she would present future risks scores in a 'now and then' format in order for this information to be useful to Members. She said she would ask the Responsible Officers to provide further information on the reasons for the scores provided. She acknowledged that this information would be useful feedback to SMT with more detail and scrutiny of risks and would look into getting the Risk Register documents onto a system that Members could access.

RESOLVED:

That the current status of risks following the full risk review undertaken in May/June 2023 be noted.

12 **Request from Council - Review of record keeping**

Following on from an Extraordinary Council meeting on 11th July 2023 to consider a report commissioned by Council into the actions of East Devon District Council following allegations and then criminal charges against former Councillor John Humphreys. The draft minutes of that meeting referred to the Audit and Governance Committee to instigate a requirement for a review of record keeping by the Council.

The Director of Finance stated it was appropriate that the Audit & Governance Committee request SWAP to undertake an audit on its behalf into this topic.

RESOLVED:

1. That SWAP is requested to undertake an audit into the Council's recording keeping and to make any necessary recommendations for improvements, this to be scheduled for the 3rd quarter of the 2023/24 audit plan.
2. That taking into account the views of the Committee, the Chair and Vice Chair agree the final audit scope following discussions with SWAP, the Director of Finance and the Director of Governance & Licensing (Monitoring Officer).

13 **Audit and Governance Forward Plan**

Items to be considered at the 21 September 2023 committee included:

- Audit Committee Update
- Auditor's Annual Report 2021-22
- Internal Audit Activity – Quarter 2 2022/23
- Internal Audit Plan - October 2023 to March 2024
- Strata Annual Internal Audit report
- Statement of Accounts

Attendance List

Councillors present:

K Bloxham
C Burhop (Vice-Chair)
C Fitzgerald
M Goodman
S Hawkins (Chair)
Y Levine
C Nicholas
T Olive

Councillors also present (for some or all the meeting)

I Barlow

Officers in attendance:

Amanda Coombes, Democratic Services Officer
Jo Avery, Management Information Officer
Michelle Davidson, Compliance and Cyclical Servicing Manager
Graham Baker, Property and Asset Manager
Beth AC Bowers, Grant Thornton
Simon Davey, Director of Finance
Lisa Fryer, SWAP

Amy Gilbert-Jeans, Assistant Director Housing

Councillor apologies:

S Gazzard
D Haggerty

Chair

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Audit and Governance Committee held at Council Chamber, Blackdown House on 21 September 2023****Attendance list at end of document**

The meeting started at 2.32 pm and ended at 3.16 pm

14 Minutes of the previous meeting

The minutes of the Audit and Governance Committee held on 27 July 2023 were confirmed as a true record.

15 Declarations on interest

None

16 Public speaking

There were no members of the public present.

17 Matters of urgency

None

18 Confidential/exempt item(s)

None

19 Internal Audit Plan 2023-24 - SWAP

The Assistant Director, SWAP presented the Internal Audit Plan 1 October 2023 to 31 March 2024.

During discussion it was suggested that the management of void properties in the council's housing stock be added to the risk score.

RESOLVED:

That the Internal Audit Plan for 1 October 2023 to 31 March 2024 be approved.

20 Internal Audit Activity Progress report - SWAP

The Assistant Director, SWAP presented the Internal Audit Progress report.

RESOLVED:

That the progress made in delivery of the 2023/24 internal audit plan as at the start of September 2023 and the findings reported be noted.

21 Audit Progress report and Sector update - Grant Thornton

Jackson Murray from Grant Thornton provided an update on the progress in delivering their responsibilities as the council's external auditors, with a summary of emerging national issues and developments that may be relevant to the council.

RESOLVED:

that the External Audit Progress report and sector update be noted.

22 **Financial Monitoring report 2023/24 - Month 4 July 2023**

The Finance Manager's report was presented to Cabinet on 6 September 2023. The report was presented to the Committee to inform Members of the financial position for month 4, July 2023.

RESOLVED:

that the Financial Monitoring month 4, July 2023, position and the recommendations to Cabinet on 6 September 2023 be noted.

23 **Audit and Governance Forward Plan**

Items to be considered at the 23 November 2023 committee included:

- Internal Audit Plan Progress (2023/24)
- EDDC Annual Audit Plan 2021/22
- Partnership Review 2023
- Strata Annual Internal Audit report
- Statement of Accounts

Attendance List

Councillors present:

M Goodman
S Hawkins (Chair)
Y Levine
T Olive

Councillors also present (for some or all the meeting)

I Barlow

Officers in attendance:

Amanda Coombes, Democratic Services Officer
Simon Davey, Director of Finance
Lisa Fryer, SWAP
Jackson Murray, Grant Thornton
John Symes, Finance Manager

Councillor apologies:

K Bloxham
C Burhop
C Fitzgerald
S Gazzard
D Haggerty
C Nicholas

Chair

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Overview Committee held at Council Chamber, Blackdown House, Honiton on 20 July 2023****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 7.33 pm

1 Public Speaking

There were no members of the public registered to speak.

2 Minutes of the previous meeting held on 21 July 2022

The minutes of the previous meeting held on 21 July 2022 were signed as a true and accurate record.

3 Declarations of interest

Cllr J Brown – Minute 14; Affects Non-Registerable Interest: Member of Honiton Town Council.

4 Matters of urgency

There were no matters of urgency.

5 Confidential/exempt item(s)

There were no confidential or exempt items.

6 Proposals for a Place and Prosperity Framework for East Devon District Council

The Project Manager – Place and Prosperity (Exmouth) presented this report which provided Members with an update on progress with developing a new Place and Prosperity Framework.

The Framework sets out the mechanism where Place and Prosperity investment proposals will be screened against the borrowing requirements of the Public Works Loans Board (PWLB) in a standardised way, and sets out a revised governance process for agile and robust decision making.

In presentation, the following points were highlighted:

- The aim is to provide a fund through the PWLB which will allow the Council to borrow money for three key purposes; i) service delivery; ii) economic regeneration; and iii) preventative action.
- The proposed Place and Prosperity Framework addresses the opportunity to have a single fund of circa £20M investing as a first tranche borrowed from the PWLB.
- It is envisaged that the fund will be used only where, in the assessment process, it is considered that all other sources of government funding are exhausted.
- In the event of a feasible investment opportunity, a Place and Prosperity Investment Assessment Group of Officers (with the support of consultants, if necessary) will prepare

a recommendation to be considered by a Place and Prosperity Investment Assessment Board (the Board).

- It is proposed that the Board is a sub-committee of Cabinet comprising the Leader, the Portfolio Holder for Finance and the Portfolio Holder for Economy. The Board will be supported by senior officers.
- Where it is deemed necessary, consultation will take place at the full appraisal stage with members who represent the ward where the proposed investment is to be located, and with relevant Portfolio Holders.
- The Board will have authority to make decisions up to and including £5,000,000. In making a decision, the Board should be fully agreed; a decision that is not unanimous cannot proceed,
- For investment opportunities in excess of £5,000,000, the Board will need to recommend the investment to Cabinet or Council, as appropriate.

Members were asked to consider the proposed draft of the Place and Prosperity Framework and recommend any changes for consideration by Cabinet.

Discussion included the following points:

- The proposed Place and Prosperity Framework is assessed as low impact for climate change and equalities but the wider impact of any specific projects will be assessed in detail if or when those projects are developed. In assessing impacts, specialist advice will be sought where appropriate.
- The PWLB is considered a fund of last resort and attempts will always be made to first identify if grant funding is available. It was noted however that the Council might need to move swiftly in transactions, and grant funding can take some considerable time to access.
- Borrowing from the PWLB can be for up to 50 years at either index-linked or fixed rates or interest. Sensitivity analysis takes place as part of the appraisal process to assess the financial impact of repayment terms and changes in interest rates. To comply with the Prudential Code, the Council is required to put in a 'Minimum Revenue Position'; an investment vehicle such as an annuity, to safeguard for the eventuality that the Council cannot make a repayment or there is a sudden interest rate rise.
- A mechanism is in place which enables officers to carry out a quick initial assessment on whether a project is feasible, before significant time or resource is invested in taking it forward.
- There is a requirement to comply with the Prudential Code but it is for Members to decide the financial limit that the Board can approve up to. It was noted that at £5M, the proposed cap is significantly less than many other local authorities who are more versed in working in this way and delivering these types of projects. Local authorities often have to move quickly; decision making therefore needs to be agile yet robust, and officers expressed confidence that this is achieved through the proposal.
- It is for Members to decide the size and composition of the Board. Members were keen to ensure appropriate Member involvement in the decision-making process balanced against the need for strict confidentiality on the Board, so as not to compromise the Council's position in sensitive negotiations. It was noted that in one similar situation, two Members were appointed at the Leader's discretion to be non-executive observers at the Board meeting. It is understood that this worked well and whilst the non-executive members did not always agree with the Board's decision, they were always content with the robustness of the process.

RECOMMENDED to Cabinet:

- The Committee recommends the amendment of the Place and Prosperity Framework to reflect the addition of an additional non-executive member and recommends that the Framework proceeds to Council.

Members were of the view that the additional non-executive member to the Board should be able to enter into debate as part of the decision making process, but should not have voting rights.

7 **Minutes of Scrutiny Committee held on 9 March 2023**

The following recommendations from the Scrutiny Committee meeting held on 9 March 2023 were received and noted:

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

8 **Work Programme 2023-2024**

The Chair asked the Committee to consider items for addition to the Overview Committee's work programme.

The first item for consideration was a proposal form submitted by Cllr Anne Hall regarding grass cutting in urban areas with the management of rewilding areas. It was noted that the Scrutiny Committee would be looking at this issue at its September meeting to ascertain the current position, and could refer its research to the Overview Committee. In discussion at length, Members agreed that the item should be added to the Overview Committee's work programme for scoping, with an officer's report to be expected for its November meeting.

Members also reported that there was some public misconception around the council's rationale for allowing grass to grow and it was felt that the council could better communicate with the public about the good work that it is doing.

A second item for consideration was an item referred from Council on 19 July 2023 concerning car parking payments and a preventative motion to consider not going to cashless machines. The Committee agreed to add this item to its work programme and the Parking Manager is expected to bring an initial report to the Committee's September meeting.

A third item for consideration was concerning a referral from Cabinet in July 2022 for Overview Committee to look into online petitions, and it was expected that the Monitoring Officer will bring a view on this to the Overview Committee's next meeting. At that point, the Committee will make a decision on whether to add this item to its work programme.

Finally, Members had received the Cabinet Forward Plan and were asked to consider if the Overview Committee should receive a report on key decisions prior to Cabinet. The Committee asked for a report on the StreetScene Public Bin Review and it was agreed to add this to the Committee's work programme.

The following points were noted in further discussion:

- Cllr Martin was expected to submit a proposal form concerning snares and glue traps.
- Members were keen to ensure that the issue of housing voids is being scrutinised at the appropriate committee. It was noted that scrutiny of this issue is taking place at Housing Review Board.

Attendance List

Councillors present:

J Brown
P Fernley
A Hall (Chair)
J Heath
Y Levine
T Olive
D Wilson (Vice-Chair)

Councillors also present (for some or all the meeting)

P Arnott
I Barlow
C Brown
M Goodman
M Hartnell
N Hookway

Officers in attendance:

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

Councillor apologies:

B Bailey
T Dumper
M Martin
C Nicholas
H Riddell

Chair:

Date: