



Agenda for Cabinet Wednesday, 27th November, 2019, 5.30 pm

Members of Cabinet

Councillors: B Ingham (Chairman), S Bond (Vice-Chairman),
M Armstrong, J Bailey, K Blakey, P Faithfull, G Jung, G Pook and
I Thomas

Venue: Council Chamber, Blackdown House, Honiton

Contact: Amanda Coombes, Democratic Services Officer;
01395 517543 or email acoombes@eastdevon.gov.uk
(or group number 01395 517546)
Tuesday, 19 November 2019

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- 1 Public speaking
Information on [public speaking](#) is available online
- 2 Minutes of the previous meeting (Pages 4 - 7)
- 3 Apologies
- 4 Declarations of interest
Guidance is available online to Councillors and co-opted members on making
[declarations of interest](#)
- 5 Matters of urgency
Information on [matters of urgency](#) is available online
- 6 Confidential/exempt item(s)
To agree any items to be dealt with after the public (including the Press) have
been excluded. There are two items which officers recommend should be dealt
with in this way.
- 7 Forward Plan (Pages 8 - 9)
- 8 Minutes of the Recycling and Waste Partnership Board held on 23 October 2019
(Pages 10 - 15)
- 9 Minutes of the Scrutiny Committee held on 24 October 2019 (Pages 16 - 18)
- 10 Minutes of Strategic Planning Committee held on 22 October 2019 (Pages 19 -
28)

Matters for Decision

11 Cranbrook Sports Pavilion (Pages 29 - 32)

To seek authority for the project management of the Cranbrook sports pavilion.

12 East Devon Traveller Forum (Pages 33 - 45)

This report explains why a Traveller Forum is needed in East Devon and how it should be established. It sets out the proposed membership and terms of reference.

13 Peer Review Report and associated Action Plan (Pages 46 - 48)

This report brings forward to 10 point action plan to address the key recommendations made by the Peer Review Team in September 2019.

14 Future Place programme and Delivery Models - Exemption to Standing Orders (Pages 49 - 54)

The purpose of this report is to seek an Exemption from Standing Orders to enable the appointment of Local Partnerships to undertake a review of delivery models across the Greater Exeter area. Local Partnerships is jointly owned by HM Treasury, the Local Government Association and the Welsh Government. Their main responsibility is to deliver expert support to the public sector that provides confidence, additional capacity and commercial capability, helping make best use of limited resources.

15 Our Towns Study: Understanding East Devon Towns (Pages 55 - 72)

The purpose of this report is to secure approval to commission a comprehensive analysis of our towns and to identify investment and funding opportunities, planning policy options, site specific improvements and feasible projects to help create better places.

16 Garden Communities and Delivery Vehicles (Pages 73 - 81)

This report considers what is needed to ensure the delivery of great places within the District alongside the local planning process. There is considerable learning from the current generation of strategic development sites. The report reflects on this learning, considers the current direction of government policy and contemplates the potential for the Council to adopt a more proactive approach going forward.

17 Membury Neighbourhood Plan (Pages 82 - 88)

This report explains that the Membury Neighbourhood Plan has been to Referendum and has been found to meet the basic conditions subject to some changes.

18 Request for additional Housing Officer for a fixed term period of 12 months (Pages 89 - 91)

Due to rising demand and increased workload within the Housing Options team,

the report sets out the reasoning behind the need to seek approval for an additional Housing Officer for a fixed term period of 12 months.

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

The Vice Chairman to move the following:

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

Part B Matters for Decision

20 Sailor's Rest (Pages 92 - 94)

This report seeks to update members on the purchase of 18A & 18B St Andrews Road, Exmouth.

21 Exeter Science Park Ltd - Request for Shareholders decision and to note implications of key proposals (Pages 95 - 102)

To progress further development and enabling activities for ESPL in concert with the other stakeholders: Devon County (DCC), Exeter City Council (ECC) and the University of Exeter (UoE). EDDC has a shareholding of 18.75% in Exeter Science Park Ltd (ESPL).

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 Cabinet held at Council Chamber, Blackdown House, Honiton on 30 October 2019

Attendance list at end of document

The meeting started at 5.32 pm and ended at 6.31 pm

74 Public speaking

There were no members of the public wishing to speak.

75 Minutes of the previous meeting

The minutes of Cabinet held on 2 October 2019 were confirmed and signed as a true record.

76 Declarations of interest

None

77 Matters of urgency

There were no matters of urgency.

78 Confidential/exempt item(s)

There were no items officers recommended should be dealt with in this way.

79 Forward Plan

Members agreed the content of the forward plan for key decisions for the period 1 December 2019 to 31 March 2020.

80 Minutes of Housing Review Board held on 19 September 2019

Members received and noted the Minutes of Housing Review Board held on 19 September 2019.

RESOLVED that the following recommendation be agreed:

Minute 37 HMO update and expenditure

1. the update provided,
2. further expenditure by the Strategic Lead for Housing, Health and Environment to ensure that the property recently acquired in Morton Road, Exmouth was fit for purpose using available budgets, and
3. the further expenditure be approved, subject to available budgets by the Service Lead for Housing.

81 Minutes of Strata Joint Executive Committee held on 24 September 2019

Members received and noted the Minutes of Strata Joint Executive Committee held on 24 September 2019.

82 **Minutes of Scrutiny Committee held on 3 October 2019**

Members received and noted the Minutes of Scrutiny Committee held on 3 October 2019.

83 **Minutes of the Budget Working Party held on 16 October 2019**

Members received and noted the Minutes of the Budget Working Party held on 16 October 2019.

RESOLVED that the following recommendations be agreed:

Note 6 Medium Term Financial Plan (MTFP) and Transformation Savings 2020 - 2029 update

to review and consider the current position of the Council's plans to prepare future balanced budgets.

84 **Council Plan 2020-2024**

The Portfolio Holder for Corporate Services presented the first draft of the new Council Plan for 2020-2024. The council plan set out the strategic direction of the council over the next few years. The plan looked at the priorities and actions to guide the effective use of all council resources.

The four priority areas contained in the plan are as follows:

- Outstanding place and environment
- Outstanding homes and communities
- Outstanding level of economic growth, productivity and prosperity
- Outstanding council and council services

The priorities and actions had been drawn up by all councillors within the Cabinet. These had had further oversight and input by the Strategic and Service Leads and specifically Overview and Scrutiny Committees.

The Portfolio Holder for Corporate Services identified changes to the wording in relation to poverty to address the resolution of Council on 23 October 2019. There were further discussions around changes to wording and more clarification to certain objectives within the Plan itself as well as some typographical changes which the Strategic Lead for Organisational Development took note of.

RESOLVED that

1. the draft of the new Council Plan 2019-2024 taking into account the feedback from Overview and Scrutiny Committee was considered and feedback and changes provided on the priorities and actions.
2. the commitments in the Plan would need to be assessed to determine financial and people resources required.

REASON

to assist with the ongoing development of the new Council Plan.

85 **Careful choices consultation**

The Portfolio Holder for Corporate Services outlined the proposed consultation to support the 'careful choices' the council would need to make in the coming years. She reminded Members that this helped to inform the council's decision-making process as well as raising awareness to the public of the financial constraints the council was facing. The council had a £2.7m budget deficit which needed to be dealt with over the next 2-3 years in order to be able to produce a balanced budget. The council's strategy includes developing a strategy for commercialisation, ensuring the council was 'fit for purpose' to deliver the Council Plan and additionally making 'careful choices' about the services it provided.

It was proposed that a consultation be sent to 3000 residents on a random basis, to Town and Parish Councils and placed on-line. This would provide a statistically reliable body of feedback which could then be extrapolated to be representative of the views of the district. Other feedback would also help support the findings.

RESOLVED that
the detail of the consultation be agreed with the consultation to commence on 12 January 2020.

REASON
to help engage residents and businesses in the financial issues facing the council.

86 **Sid Valley Neighbourhood Plan ('the Plan') to be formally made**

The Plan has now passed referendum and must be formally made by East Devon District Council in order to form part of the development plan.

RESOLVED that

1. the Plan was made so it forms part of the development plan, and
2. the Council congratulates the Neighbourhood Plan Steering Group on all their hard work and advise them that once made the Plan would carry full weight in the planning decision making process.

REASON
the Plan received a majority 'yes' vote in their referendum as required by the regulations and there was no substantive reason not to make the Plan.

Attendance List

Present:

Portfolio Holders

B Ingham	Leader
S Bond	Deputy Leader
M Armstrong	Portfolio Holder for Sustainable Homes and Communities
J Bailey	Portfolio Holder for Corporate Services
K Blakey	Portfolio Holder for Economy
P Faithfull	Deputy Portfolio Holder for Environment
G Jung	Portfolio Holder for Environment
G Pook	Portfolio Holder for Asset Management

I Thomas

Portfolio Holder for Finance

Cabinet apologies:

Also present (for some or all the meeting)

Councillor Paul Arnott
Councillor Bruce De Saram
Councillor Alan Dent
Councillor Dan Ledger
Councillor Andrew Moulding
Councillor Philip Skinner
Councillor Tom Wright

Also present:

Officers:

Richard Cohen, Deputy Chief Executive
Simon Davey, Strategic Lead Finance
John Golding, Strategic Lead Housing, Health and Environment
Henry Gordon Lennox, Strategic Lead Governance and Licensing
Karen Simpkin, Strategic Lead Organisational Development and Transformation
Amanda Coombes, Democratic Services Officer

Chairman

Date:

EAST DEVON DISTRICT COUNCIL

Forward Plan of Key Decisions - For the 4 month period: 1 January 2020 to 30 April 2020

This plan contains all the Key Decisions that the Council's Cabinet expects to make during the 4-month period referred to above. The plan is rolled forward every month.

Key Decisions are defined by law as "an executive decision which is likely:—

- (a) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the Council's area."

In accordance with section 9Q of the Local Government Act 2000, in determining the meaning of "significant" in (a) and (b) above regard shall be had to any guidance for the time being issued by the Secretary of State.

A public notice period of 28 clear days is required when a Key Decision is to be taken by the Council's Cabinet even if the meeting is wholly or partly to be in private.

The Cabinet may only take Key Decisions in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of the Constitution and the Local Authorities (Executive Arrangements) (Meetings and Access to information) (England) Regulations 2012. A minute of each Key Decision is published within 2 days of it having been made. This is available for public inspection on the Council's website <http://www.eastdevon.gov.uk>, and at the Council Offices, Blackdown House, Border Road, Heathpark Industrial Estate, Honiton. The law and the Council's constitution permit urgent Key Decisions to be made without 28 clear days' notice of the proposed decisions having been published provided certain procedures are followed. A decision notice will be published for these in exactly the same way.

This plan also identifies Key Decisions which are to be considered in the private part of the meeting (Part B) and the reason why. Any written representations that a particular decision should be moved to the public part of the meeting (Part A) should be sent to the Democratic Services Team (address as above) as soon as possible. **Members of the public have the opportunity to speak on the relevant decision at the meeting in accordance with the Council's public speaking rules.**

Obtaining documents

Committee reports in respect of Key Decisions include links to the relevant background documents. If a printed copy of all or part of any report or background document is required please contact Democratic Services (address as above) or by calling 01395 517546.

Key Decision	Portfolio & Lead Officer	Documents to be considered before Cabinet take decision	Whether other documents will be considered before decision taken [Y/N]	Other meetings where matter is to be debated / considered	Date of Cabinet meeting	Part A = Public meeting Part B = private meeting [with reasons]

Members of the public who wish to make any representations or comments concerning any of the Key Decisions referred to in this Forward Plan may do so by writing to the Leader of the Council c/o Democratic Services (as above).

December 2019

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Recycling and Waste Partnership Board held at Tale Room, Blackdown House, Honiton on 23 October 2019****Attendance list at end of document**

The meeting started at 10.00 am and ended at 12.30 pm

14 Minutes of the previous meeting

The minutes of the Recycling and Waste Partnership Board meeting held on 17 July 2019 were confirmed and signed as a true record, subject to minute number 12 Government Waste and Resources Strategy, first bullet point being amended to read 'HMRC – a tax on any packaging containing less than 30% recycled plastic'.

15 Declarations of interest

There were no declarations of interest.

16 Matters arising/questions

There were no questions raised at this point, but the SUEZ Contract Manager was congratulated on his new arrival.

The Recycling and Waste Contract Manager updated the Board on the Woodbury additional cardboard sack trial. He advised that crews were still collecting the cardboard sacks, but that these would soon be withdrawn now the trial had been managed. A carefully managed communication with residents was required to give information about why the sacks would no longer be collected, and also to thank them for taking part in the trial. It was suggested that this also be posted on the community Facebook page.

17 Contract & operational update report

The Recycling and Waste Contract Manager and the SUEZ Contract Manager gave the Board a joint report on a contract review and operational update. Overall operational performance levels had decreased during quarter two, due to a high staff turnover, for various reasons. Overall recycling performance, had been the highest ever. This was a reflection of the work the recycling team had been doing in communal bin stores, as well as an increase in property growth and green bin sales. Paper quality had been a difficult area, but work was being done on this and improvements were being seen. The main problem with paper quality appeared to be a segregation issue (kerbside separation) rather than a customer issue. A very small trial was being planned for this (separate sack for high value paper). It emphasised the importance of quality as well as quantity.

It was noted that the overall tonnages being collected were falling. East Devon was currently the second lowest authority in England for kilograms of waste produced per household per year. It was suggested the statistic used to monitor monthly operational performance be presented to the Board annually and that this information be brought to the next Board meeting. The statistics helped indicated movements and trends.

The SUEZ Contract Manager explained the 20% turnover of staff during the previous quarter. This was mainly due to the Driver Certificate of Professional Competence

(CPC) deadline at the start of September. There was a national shortage of drivers. The rate of pay for drivers was accelerating faster than inflation. In the contract base pay was linked to inflation so this needed to be reviewed. The Board discussed the recruitment and retention of drivers, which was a nationwide problem. SUEZ were doing all they could to recruit drivers from every pool available. Consultant's advice had been taken for specific wording in adverts to attract female drivers.

SUEZ staff shortages had led to some rounds not being deployed resulting in a rise in missed collections, and then having to do 'catch up Saturdays'. It was noted that the East Devon App push messaging system had been useful in notifying customers when some rounds could not be completed.

There had been a heavy reliance on agency staff, and a number of incidents involving SUEZ employees who had not behaved to the expected standards. SUEZ had now implemented an employee engagement programme and early signs showed a significant improvement in behaviours. Also, as part of SUEZ's continued succession planning three employees had been enrolled onto a level three supervisor/team leader apprenticeship.

The SUEZ Contract Manager outlined changes in the staffing structure, as detailed in the report and best wishes were given to Stuart Jellings, the previous Contract Manager.

Problems areas being addressed were:

- Paper separation.
- Flats/communal bin stores, where there was a lack of ownership and it was difficult to identify individuals who were not recycling correctly.
- Relationships with social landlords and developers were being improved upon so that bin stores could be commented on at planning application stage and installed correctly. EDDC had made improvements within its own housing stock.
- A disproportionate amount of time was being spent in Cranbrook, where recycling rates were lower than other areas.

It was noted that new residents to East Devon were provided with information on how to use their bins and the frequency of collections, but there was a cost issue if this message was to be provided more than once, after residents had first moved into their property.

The SUEZ Contract Manager reported that the partnership had sold 1453tonnes of material during quarter two, a reduction in 37tonnes from the previous quarter. However, material value had significantly improved and it had been the most successful financial performance in the resource recycling centre since the new equipment had been built. It was easy to show that the investment in the equipment was receiving payback in terms of material quality and price. The largest influence on this was the mixed plastics sales. However, the market was very volatile and Brexit would bring uncertainty. It was important to ensure the best quality in order to achieve the highest price.

The Board noted that the partnership had received around 30 visits and many enquiries from other local authorities and one of its strengths was resident engagement and getting people to behave as they wanted them to do. East Devon invested a lot in time and communications with the public (through its recycling officers). The Recycling and Waste Contract Manager would be running a series of workshops for other authorities who were interested in the partnership's model. It was noted that the partnership was not standing still, but was trialling things and continually improving performance. Officers were congratulated on all their hard work.

18 **Risk Register**

The Recycling and Waste Contract Manager advised that risk A3, lack of Strata design capacity to meet deadlines for communications materials, continued to be a risk. The service was very communications and design heavy and a green waste publicity deadline had been missed over the summer due to lack of capacity. Risk I4 indicated the volatility of markets and material price, which EDDC had little control of. Risk Q related to the Government's resources strategy, but this had not yet been scored as not enough information was known at present.

19 **Performance framework/penalty calculator**

The SUEZ Contract Manager reported that staffing issues had impacted on operational performance and an increase in missed collections. The performance framework was reviewed monthly and used to drive performance of the contract. It was noted that the performance management framework could be misleading, for example SUEZ had missed delivery targets for containers, however these containers had not been delivered to SUEZ in time in the first instance and they therefore did not have the containers to deliver to the customers.

20 **Green waste accounts**

The Recycling and Waste Contract Manager thanked the Accountant and Budget and Equipment Monitoring Officer for compiling the accounts and explained them to the Board, including that the depreciation of the new vehicles would be included in the figures as they would soon be in use. It was noted that the green waste service was only in its second year, with the first year being mobilisation. Missing the summer communication due to lack of design team support had not been helpful as in order to attract new customers the service needed to be continually advertised. Three or four bins a day on average were being sold but numbers were declining due to the change in season.

The shiny new green vehicles would help with advertising the service and it was proposed that a promotional sticker would be put on the green bins. The recycling team were receiving social media training.

The Recycling and Waste Contract Manager reported that whenever the service ran a campaign, all the information was provided to town and parish councils. A request was made for this information to also be sent to district councillors and that they be added to the communications distribution list. Officers were working with Cloud 9 on the East Devon app and its push functionality to improve direct communications with customers.

RESOLVED:

1. that the green waste service accounts be noted.
2. that district councillors be added the communications distribution list.

21 **Resources strategy update - SUEZ**

The SUEZ Director of Municipal Services reported that all the consultation responses were currently being considered. The main issues appeared to be:

- Deposit return scheme (DRS) – whether it would be implemented. If a DRS was implemented it would have a big impact on local authorities as plastic bottles were

currently the biggest revenue stream. A plastics recycling tax also linked in with this.

- Garden waste – whether a free fortnightly garden waste collection service would be implemented. This was originally proposed to encourage the packaging industry to use compostable packaging, but authorities responding were indicating the cost of this.
- Extended producer responsibility (EPR) – the Government was still pushing this hard, to decide on the complexity of packaging. The drive was on standardising packaging, which would change how people viewed packaging.

It was thought that the proposals were likely to come through in April 2020, with legislation being introduced and implemented in 2022/23. However, Brexit could affect this.

The SUEZ Director of Municipal Services felt that EDDC was ideally placed for where the legislation appeared to be going at the moment as it already had the optimum collection schedules and materials.

RESOLVED: that the resources strategy update be noted.

22 **Recycling end destinations, plastics and environmental sustainability**

The Board discussed the proposed Council motion and forthcoming Scrutiny agenda item:

In order to achieve greater transparency and responsibility for our waste and to be certain that 'recycled' waste is not 'dumped' in an unprocessed state in another country, we propose the following motion:

- a) that EDDC, in conjunction with Devon County Council and Suez, assess how it might, within the current legal framework, best secure transparency from recycling processors so as to facilitate clear reporting to our residents;
- b) that EDDC, in conjunction with Devon County Council and Suez assess how it might best report in weight terms as well as percentages, (with the intention of securing greater understanding as to whether the volume of general, food, plastics, metal, glass, textiles and electronic waste is decreasing, as well as percentages increasing);
- c) that EDDC assess how to encourage public behaviour change by promoting through EDDC's media presence the message 're-use, refill, reduce' rather than focusing on 'recycle';
- d) that a report be prepared on how EDDC can buy or commission products made from recycled materials whenever possible, (also joining with other councils where appropriate to reduce costs, for example for recycling sacks and bins) with a view to encouraging a closed loop circular economy system, the overall intention being to reduce and ultimately eliminate 'virgin' plastic entering the system.

The Service Lead for Street Scene Services advised that the data requested in part b of the motion already existed and was reported, simply in another form, but could be provided as requested. Much of the discussion during the meeting had already included

part c of motion. However, an increase in communications and engagement was a resourcing issue and had cost implications.

EDDC's website recycling hub already contained a huge amount of information, including a page on 'how my resources are used'. The Alexa skill would also enhance this. Additional information would require an extra layer of work in the back office.

The Service Lead for Street Scene Services demonstrated a fact sheet produced for Cornwall Council by SUEZ and suggested that this could be developed further to explain and provide more information about where products went. He had also asked Devon County Council (DCC) to provide information (as the waste disposal authority) on where some of the materials they traded went. This information had been provided but it was noted that once the materials had been sold into manufacture DCC no longer had visibility or ownership of the products.

SUEZ had a dedicated trading team, with a strict code dictating that products were traded in the UK through contractual requirements. SUEZ had stopped trading in Asia three years ago and did not send any of their products outside of the UK. A recent audit had been carried out on end destinations. Due to commercial sensitivity buyers would not always tell SUEZ where their materials went. A lot of effort was put into selling high value end products and it was stated that everything SUEZ sold from East Devon had a value. They were 99.9% confident that the materials they traded in the market were being reprocessed into something else. However, it was impossible to know exactly where everything that was recycled went. SUEZ and EDDC traded in the most ethical way possible and followed a due diligence process up until the point where they lost control (sold) the material.

It was hoped that the Government's resources strategy would help create a circular economy, and that EPR (extended producer responsibility) would be the biggest driver in this.

23 **LARAC award success and next steps**

The Recycling and Waste Contract Manager informed the Board that the partnership had received a national recycling award. It had won the 'best new idea' in the innovative category for its use of digital technology. The feedback from the award ceremony was very positive, showing where the sector should be going in the future.

This was due to the Alexa recycling skill and the East Devon App, developed with East Devon business partner Cloud 9 Technologies. The App had a very high level of usage but the aim was to fine tune the messaging function. At present it could send push notifications at round level, but the intention was to refine it to street level if possible.

Officers had worked hard on the Alexa recycling skill, with over 10000 items on it. Its strength was that it was integrated with the CORE integration system and gave a very quick response/answer. Tips had been added, along with an extra level of information, such as a reason why. It was possible to monitor how the skill was being used and to develop those aspects. There had been a soft launch of the Alexa skill so far, with extensive testing. It was publicly available and would now be made more widely known, with constant promotion to increase its usage. There would be a press release and the Alexa recycling skill would be advertised on the Christmas bin hangers. It was hoped that regional TV would also be interested in the news story.

The Recycling and Waste Contract Manager offered to demonstrate the Alexa recycling skill at the next Board meeting.

24 **Dates of future meetings**

Dates of future Board meetings were noted as:

29 January 2020

29 April 2020

Attendance List

Board Members:

Councillors present:

G Jung (Chairman)

D Bickley

P Faithfull

E Rylance

T Wright

Officers present:

G Bourton, Recycling and Waste Contract Manager

J Golding, Strategic Lead Housing, Health and Environment

A Hancock, Service Lead StreetScene

Suez present:

M Canning, Regional Manager

S Holgate, Director of Municipal Operations

H Mcleman, Contract Manager

Councillors also present (for some or all the meeting)

A Dent

Officers in attendance:

Steve Maclure, Waste Management Officer

Lorraine Toulman, Waste Management Officer

Jacob Sycamore, Waste Management Officer

Suez representatives in attendance:

N Browning, General Manager, Municipal Operations

R Boulton, Recycling Officer

Board Member apologies:

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Extraordinary Scrutiny Committee held at Council Chamber, Blackdown House, Honiton on 24 October 2019****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 6.30 pm

31 Public speaking

Liza McLean speaking as a resident and retailer in Sidmouth reiterated concerns that had been raised by James McLean at Cabinet on 2 October 2019 about turning the 11 remaining free car park spaces in Temple Street car park into a pay and display status and held up a petition of nearly 700 names opposing the changes. She raised concerns that visitors to the car park who rely on the free spaces would not pay for 'one off' errands, choosing to shop elsewhere, which would detrimentally affect businesses in Temple Street. In response the Chairman advised the Scrutiny Committee would be forming a Task and Finish Forum to look at the whole aspect of car parking regime and advised concerns raised would be taken into consideration.

32 Declarations of interest

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

Councillor Eleanor Rylance, Personal, Parish Councillor for Broadclyst Parish Council.

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

Councillor Jack Rowland, Personal, Town Councillor for Seaton Town Council.

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

The Chairman read out the Call-In of the Cabinet decision of 2 October 2019 and asked members to consider the Call-In to the first resolution, excluding resolutions 2 and 3.

The resolution for item 66 – Car Parking Tariff Review was:

1. The statutory advertisement and consultation procedures required to make changes to the East Devon District Council (Off-Street) Parking Places Order 2008 (as amended) be actioned with a view to changing the tariff in those high demand car parks identified in the report from £1 t £1.20 per hour;
2. A 12 month trial of free coach parking in Seaton Jurassic coach park starts with immediate effect;
3. A promotional tariff of £2 all day parking applies in Canaan Way and Brook Street car parks in Ottery St Mary with immediate effect.

The Principal Solicitor reminded members of the purpose for the Extraordinary meeting to either support the Cabinet decision or to send the decision that has been Called-In back to Cabinet.

Members welcomed the opportunity to discuss the Call-In and comments included:

- More factual information was needed to come to a final decision and a call was made for a Task and Finish Forum (TAFF) be set up to look in detail on a politically balanced basis of the decision made.
- Concerns raised for the need to look at this in a timely manner.
- Clarification sought on procedure. In response the Chairman advised the meeting was only to discuss the Call-In and not to discuss the set-up of the TAFF.
- Concerns raised by Exmouth Chamber of Commerce.
- The wider issues of the council's strategy for car parking needed to be looked at.
- Concerns raised that all the car parks had been assigned a purpose before going out to consultation and referred to towns or villages that only have one car park which served all purposes.
- Cabinet need to consider alternative ways with a full range of options.
- Members concurred that the Cabinet decision needed to be returned back to Cabinet.
- An investigation was needed for what each car park was used for, who uses it and the effects it might have if car park charges are increased.
- Concerns raised about the cost of running car parks.

RESOLVED:

To ask Cabinet not to proceed with the Consultation until the work of the Task and Finish Forum has been completed and a full report is submitted back to Cabinet

Attendance List

Councillors present:

A Dent (Chairman)
K Bloxham (Vice-Chairman)
K McLauchlan
V Ranger
J Rowland
E Rylance
M Chapman
I Chubb
B De Saram
C Gardner

Councillors also present (for some or all the meeting)

P Arnott
P Faithfull
S Gazzard
M Howe
P Millar
A Moulding
G Pook
E Wragg
T Wright
B Ingham

Officers in attendance:

Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)
Andrew Ennis, Service Lead Environmental Health and Car Parks
Henry Gordon Lennox, Strategic Lead Governance and Licensing

Wendy Harris, Democratic Services Officer

Councillor apologies:

T McCollum

J Whibley

P Jarvis

F King

Chairman

Date:

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

Strategic Planning Committee on 22 October 2019

Minute 25 Garden communities and delivery vehicles
RECOMMENDED by the Strategic Planning Committee:
that support for the Exeter and East Devon garden communities status be confirmed.

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Strategic Planning Committee held at Council Chamber Blackdown House on 22 October 2019

Attendance list at end of document

The meeting started at 10.00 am and ended at 2.40 pm (The Committee adjourned at 12.45 pm and reconvened at 1.18 pm)

18 Public speaking

Richard Brown spoke on minute 27 – Glover Review of Protected Landscapes in England as a member of the Dorset and East Devon National Park team and welcomed the report. He advised the National Park and National Park brand would attract investment, jobs, higher value economy, heritage and cultural year-round tourism and promote local produce and welcomed the opportunity to evolve the AONB into a National Park that would benefit the environment, communities and economy.

19 Minutes of the previous meeting

The minutes of the Strategic Planning Committee held on 20 August 2019 were confirmed as a true record.

20 Declarations of interest

Minute 23 – Minutes of Community Infrastructure Levy Working Party of 17 September 2019.

Councillor Nick Hookway, Personal, Exmouth Littleham ward had applied for Community Infrastructure Levy funding.

Minute 23 – Minutes of the Community Infrastructure Levy Working Party of 17 September 2019.

Councillor Philip Skinner, Personal, Ex pupil of Exmouth Community College.

Minute 27 - Glover Review of Protected Landscapes in England.

Mark Williams, Personal, Previously employed as a Solicitor for North Moors National Park and Deputy Solicitor for Yorkshire Dales National Park.

21 Matters of urgency

There were no matters of urgency discussed.

22 Confidential/exempt item(s)

There were no items that officers recommended should be dealt with requiring exclusion of the public or press.

23 Minutes of the Community Infrastructure Levy Working Party of 17 September 2019

The Committee was asked to consider the recommendations of the Community Infrastructure Levy Members Working Party held on 17 September 2019.

The Service Lead for Planning Strategy and Development Management briefly outlined the purpose of the Working party and presented the report outlining the two key projects that had been identified.

The recommendations of the Working Party were:

1. That a contribution of 44% of the total estimated cost of the project, up to a maximum of £1.5m to contributed to the expansion proposal at Exmouth Community College;
2. That a contribution of £400k be made to Devon County Council subject to a significant contribution from Exmouth Town Council.

Points raised during the discussion included:

- Funding for Exmouth Community College was needed desperately.
- The college played an important role for social wellbeing.
- Clarification sought on the nature of the expansion. It was advised it was for a block of 16 additional classrooms.
- The college was three times the average size of a school in England.
- Concerns raised about the need for a further secondary school in the East Devon area.
- Concerns raised about using CIL money for infrastructure that should be funded by central government which could set a precedent for the future. It was suggested an amendment to the recommendation be considered it reflect as a 'one off'. In response it was advised the Community Infrastructure Levy had been adopted specifically to support these types of developments and members were advised it would not be an issue for setting a precedent.
- Concerns raised about setting a precedent for future funding for any DCC Highways projects. In response the Chief Executive advised each application would be considered on its own merits and fell within the CIL Regulations.
- It was suggested the rules of CIL be circulated to the committee to help understand what CIL is for.

RESOLVED:

1. **that a contribution of 44% of the total estimated cost of the project, up to a maximum of £1.5m be contributed to the expansion proposal at Exmouth Community College;**
2. **that a contribution of £400k be made to Devon County Council subject to a significant contribution from Exmouth Town Council.**

Greater Exeter Strategic Plan - updated scope and timetable

The report presented to the committee sought members' agreement to the proposed scope and timetable for the production of the Greater Exeter Strategic Plan (GESP) to ensure that it proceeds in a way that meets the objectives of the four councils.

The Service Lead for Planning Strategy and Development Management outlined the revised timetable drawing Members attention to proposed milestones and different scopes considered. Members noted the Leadership Group supported scope 1.

Points raised during discussion

- Clarification sought on the legal implications if we go beyond the review date for the Local Plan review. It was advised problems would only occur if our policies

were out of date in terms of the National Planning Policy Framework so the need to progress the review as quickly as possible was important. Evidence does show we are progressing the review and have a plan for completing the work. The Chief Executive outlined 3 principle strategic risks which could affect the five year time requirement and suggested the Planning Inspectorate would give the benefit of the doubt because evidence shows we are progressing the review.

- Concerns raised about why members are bound to a timetable that has been set for us which members do not understand it fully. The Chairman of the CIL Working Party, Councillor Mike Howe briefly outlined the process of the GESP and advised members it was their choice to agree at Full Council.
- Concern raised about GESP debates being behind closed doors and the need to be made aware in advance of decisions made.
- Concerns raised about the weak Member Reference Forum which only met as and when needed and should be held on a more regular basis to feedback to members. In response the Service Lead for Planning Strategy and Development Management advised a programme of five meetings between now and June 2020 had been set up and agreed members had not been engaged as much as intended which would be addressed going forward by providing diarised dates in advance.
- Members noted an error in the recommendation which should read Appendix A.
- It was suggested a minor amendment be made in the recommendation to bring back to Strategic Planning Committee before finalised.

RESOLVED:

that the proposed scope and timetable for the Greater Exeter Strategic Plan as detailed in the report and summarised in Appendix A will include the wording “there will be an expectation that the Member Reference Panel make regular reports back after each meeting of the Reference Panel to Strategic Planning Committee” be agreed.

25

Garden communities and delivery vehicles

The Committee considered a report presented by the Projects Director summarising the importance of having effective delivery vehicles/mechanisms in place to ensure the delivery of high quality places within the District and to seek members support for Garden Communities status to demonstrate real leadership of place and to ensure the necessary tools and resources were in place. The Projects Director advised that a prospectus would be available shortly from MHCLG providing details of a proposed delivery and innovation fund.

Discussion covered:

- The lack of reference to build quality and minimum build standards. A lot of people were having problems with the quality of the build of houses. In response the Service Lead for Planning Strategy and Development Management advised there was a government Building Regulations review taking place to reform building control standards. The Chief Executive highlighted that the most recent Queen’s Speech included proposals to bring forward a New Homes Ombudsman.
- The need to consider housing design for all stages of life.
- Clarification sought on the delivery of circa 12,000 new homes within Clyst Villages. In response the Chief Executive advised the total requirement for new homes was the allocation from government. Exeter committed to 8,000 and 12,000 had been allocated to East Devon on the basis of projected number from

GESP of the Local Plan in the North West Quadrant Review of Local Plan going forward.

- Concerns raised about major building companies that make large profits by producing some of the smallest houses in Europe which compromise resident's health and wellbeing. The Service Lead for Planning Strategy and Development Management agreed this was an issue and advised it would be addressed in the Local Plan Review and is already being addressed at Cranbrook through the introduction of minimum space standards in the Cranbrook Plan.
- Clarification sought on the potential role of a New Town Development Corporations. The Chief Executive advised it was a response from the Government to look at practical issues of bringing forward and delivering larger scale allocations. It would be for the Council to work up a proposal that fits our circumstances and to take this forward.
- It was suggested to use East Devon Homes to set the standards in terms of producing high quality homes.

RESOLVED:

- 1. that the importance of having effective delivery vehicles/mechanisms in place at the earliest stage possible in order to support the development of high quality places be acknowledged;**
- 2. that the principle of submitting a bid to the forthcoming MHCLG Delivery and Innovation Fund and exploring the creation of a locally led development corporation and for details of these to be reported to Members as they are developed is endorsed.**

RECOMMENDED TO CABINET:

- 1. that support for the Exeter and East Devon garden communities status be confirmed.**

26

Climate Change Emergency - A planning response

The report presented to the Committee addressed the current policy position with regard to climate change emergency on the proper planning of the district and drew members' attention to the 6 areas of climate change risk identified by the UK's Committee on Climate Change.

The Service Lead Planning Strategy and Development Management summarised the main policies that would seek to address climate change and the potential implications of setting these policy requirements.

Discussion covered:

- Members welcomed measures to improve efficiency.
- The need to focus on durability of homes. Houses need to be sustainable. The Service Lead Planning Strategy and Development Management concurred with the comments and would include this in the response to the consultation on future homes standard.
- Eco credentials need to be at the highest level.
- Don't accept anything less than the very best.
- It should be a requirement for solar panels to be fitted on all new homes.
- The need for affordable houses with the maximum green credentials.
- Members concurred with Councillor Howe's suggestion to include an additional recommendation for the council to give added weight to all environmental policies

in the current local plan and future local plans because of the declared climate change emergency.

RESOLVED:

1. that the approach detailed in the report of addressing climate change through the review of the Local Plan using the standards set in the Cranbrook Plan as a starting point and setting new standards within the framework to be established through the Greater Exeter Strategic Plan (GESP) be endorsed;
2. that the proposed uplift in energy efficiency standards for new homes in the current government consultation on “The Future Homes Standard” be supported;
3. to canvass government to introduce even higher energy efficiency standards for new developments through the building regulations and to provide clearer guidance and reduce the onus on local authorities to evidence a need for climate change policies be considered;
4. that the Council works in partnership with landowners, conservation groups and other public and private sector bodies to deliver more tree planting projects in the district to assist with carbon off-setting and enable biodiversity enhancements be agreed;
5. that added weight be given to all environmental policies in the current local plan and future local plans because of the declared climate change emergency.

27 **Glover Review of Protected Landscapes in England**

Members debated and agreed to hear Councillor Arnott’s proposed motion to Full Council on 23 October 2019.

The motion read as follows:

“That the council writes to thank Julian Glover and his team for the Glover Review into National Parks and AONBs and advises him of its next steps, the letter to be copied to the Secretary of State for the Environment, Theresa Villiers MP, and to the Leader of Devon County Council, Cllr John Hart.

That the council welcomes the historic recommendation on page 121 of the Glover Review which states:

"We received submissions on the case for several other AONBs to become National Parks too. The two that stand out as leading candidates are the Cotswolds AONB and the combined Dorset and East Devon AONBs"

That the council supports the formation of a cross party working group of up to 12 members to make contact as soon as possible with representatives of the proposed Dorset section of an East Devon/Dorset National Park to arrange a meeting at Blackdown House no later than January 30th 2020 in order to engage with and understand the issues and opportunities which would arise from a new National Park. That this working group makes an initial report to the Overview Committee in March 2020."

In response Members voted to debate the item.

The Chief Executive outlined the reasons why the report had come before the Strategic Planning Committee and advised members about setting up a working party to look at the implications of going down the National Park route.

Discussion covered:

- Need to consider climate change – carbon capture.
- The need to fight for what we want and not to wait for others to decide.
- A National Park has purposes and duties.
- A National Park promotes tourism which is essential for economy.
- A National Park gives a landscape led local plan.
- A proposal was made to change the wording in the two recommendations.
 1. That members research all the recommendations of the Glover report on protected landscapes in England.
 2. Resolve to review the Governments response to the recommendations; and note that the Chilterns, the Cotswolds and the Dorset and East Devon AONBs are potential candidates for future designation as National Parks.
- More research is needed.
- Exmoor and Dartmoor National Parks are internationally recognised which needs to be encouraged.

RESOLVED:

1. **that members research all of the recommendations of the Glover Report on protected landscapes in England be resolved;**
2. **to review the Government's response to the recommendations; and note that the Chilterns, the Cotswolds and Dorset and East Devon AONBs are potential candidates for future designation as national parks be resolved;**
3. **that the Strategic Planning Committee hold a special meeting open to all members to consider and debate the issues regarding the possible creation of a National Park.**

28

Draft Affordable Housing Supplementary Planning document

The Service Lead Strategic Planning and Development Management presented the report drawing members' attention to the 22 responses received from the public. Members noted the comments had been taken into account in revising the Draft Supplementary Planning Document.

Discussion covered:

- Clarification sought on the 20% uplift. Does this mean affordable housing will become less affordable? In response the Service Lead Strategic Planning and Development Management advised it did raise a fundamental issue and that sites should be valued on policy requirements.
- Is the value of the land stopping landowners coming forward with their land for development? From experience and past viability appraisal work it is the landowners' expectations of land value that exceeds what the council considered reasonable.
- Concerns raised for the need to build more housing that is bungalow style.
- A mixture of occupancy houses was needed.
- Less than 10% of housing in East Devon is affordable.
- Affordable sheltered housing is vital for people that are disabled to live in.

- Smaller built social housing close to one another creates social problems. Pepper potting is better for social housing.
- Discussion on the SPD is premature until the housing needs workshop arranged for the 19 November with all members has been held so that this discussion can inform the final document.

RESOLVED:

that consideration of the Draft Affordable Housing Supplementary Planning Document report be deferred to the next Strategic Planning Committee on 17 December 2019.

29

Custom and self-build housing

The Committee received an invitation from Councillor Ledger to visit a high specification custom build house in his ward.

The Service Lead Planning Strategy and Development Management presented a report on previous work undertaken by the Housing delivery task and finish forum and asked Members to consider ways to encourage more custom and self builds in the district.

The Service Lead Planning Strategy and Development Management drew members' attention to the options for developing planning policies and additional planning related initiatives and options for a corporate approach.

The Committee were supportive of the custom and self-build housing report and points raised during discussion were:

- This is an opportunity to provide housing that will be of a high quality.
- Should parts of land in large developments sites be made available for self-builds so that so that local builders can purchase the land to build self-build housing for local people?
- Setting the plot passports to the highest standard.
- Concerns raised about funding being limited to £500,000. The need to be able to use money available to deliver a number of houses.
- The need to consider on a site by site basis.

RESOLVED:

1. **that consideration to the various options highlighted in sections 6 and 7 of the report exploring how the Council can support people wishing to build their own home in East Devon be given;**
2. **that a bid is made to the Capital Strategy and Allocation Group for £1m to be committed to the purchase of land and the delivery of serviced self-build plots for sale be agreed.**

30

Housing Monitoring update to year ending 31 March 2019

The Committee considered the Service Lead Planning Strategy and Development Management's report outlining the latest monitoring figures on housing completions and projections and setting out the five year land supply calculation to year end March 2019. Members noted houses delivered was up on the previous year, seeing 929 completed homes as opposed to 826 in the previous year and 724 the year before that, averaging 915 over the planning period so far.

Points raised during discussion covered:

- Concerns raised about what if developments don't come forward.
- Clarification sought on what was happening with the Housing Company. In response the Chief Executive advised the Housing Company was set up to purchase houses already built but was looking into amending the business plan to include the purchase of land.

RESOLVED:

1. **that the residential dwellings completion data and future projections for the district be noted;**
2. **that the confirmation of a Five Year Land Supply but also that the Five Year Land Supply figure has dropped since the last report be noted.**

Attendance List

Councillors present:

S Bond (Chairman)
N Hookway (Vice-Chairman)
M Allen
O Davey
S Hawkins
P Hayward
M Howe
F King
D Ledger
T McCollum
A Moulding
E Rylance
P Skinner

Councillors also present (for some or all the meeting)

P Arnott
P Faithfull
S Jackson
G Jung
H Parr
V Ranger
M Rixson

Officers in attendance:

Matthew Dickins, Planning Policy Manager
Ed Freeman, Service Lead Strategic Planning and Development Management
Alison Hayward, Senior Manager Regeneration & Economic Development
Shirley Shaw, Planning Barrister
Mark Williams, Chief Executive
Andrew Wood, East of Exeter Projects Director
Wendy Harris, Democratic Services Officer

Councillor apologies:

F Caygill
G Pratt

Chairman

Date:

Report to: Cabinet
Date of Meeting: 27 November 2019
Public Document: Yes
Exemption: None



Review date for release None

Subject: **Cranbrook Sports Pavilion**

Purpose of report: To seek authority for the project management of the Cranbrook sports pavilion

Recommendation:

That Cabinet agree to:

1. **East Devon District Council taking the transfer of a plot of serviced land at the Ingram's sports hub in Cranbrook and procuring and project managing the delivery of a sports pavilion at the sports hub (to a design to be agreed with Cranbrook Town Council) using identified Section 106 monies and external funding.**
2. **Delegated authority being given to the Deputy Chief Executive, in consultation with the Strategic Leads for Governance and Licensing and Finance, to carry out appropriate due diligence, agree satisfactory heads of terms with relevant parties, secure external funding and thereafter to progress the transfer of the land, delivery of the project and transfer of the completed sports pavilion to Cranbrook Town Council upon practical completion of the building.**

Reason for recommendation:

East Devon District Council is best placed to bring together a number of different funding streams and to coordinate and manage the final design, procurement and delivery of an important asset for the town of Cranbrook

To ensure that the asset is managed by and for the town, it needs to be subsequently transferred to the Town Council upon practical completion.

Whilst facilitating the delivery of the Pavilion, East Devon District Council do not wish to incur liabilities beyond the practical completion stage.

Officer:	James Brown Cranbrook New Community Manager jbrown@eastdevon.gov.uk 01395 517572
Financial implications:	Risks have been highlighted within the report along with mitigating actions and funding streams identified. Previous examples of transferring assets to Town Councils shows this can be complex and time consuming with no budget provision available.
Legal implications:	The approach of taking land, obtaining funding, procuring the construction of the sports pavilion and transferring the building to the Town Council upon completion is permissible legally. The project when broken down into constituent parts – conveying land, securing external funding and procuring construction and project management of the build - will have legal implications which cannot be addressed in this report. Each individual item will be subject to legal input to ensure a lawful approach to the various transactions / activities. However, there is a need to ensure that the Council's interests are appropriately protected through due diligence and agreements with other parties and the delegation to the Deputy Chief Executive facilitates this occurring and for the project to then progress
Equalities impact:	Low Impact To meet the FA, ECB and Sport England requirements adequate provision must be given to accessibility to the new building (and rooms inside) as well as in making suitable provision and separate changing and toilet facilities for both men and women, teams and officials.
Climate change:	Medium Impact While every effort will be made in the design and procurement of the building to ensure that it is efficiently designed, made from sustainable material, minimises water use and is energy efficient to run, these attributes will need to be balanced against the costs of procurement. There is a maximum budget within which the building must be delivered and therefore a balance will need to be struck between its sustainability and the size/specification of the building.
Risk:	Low Risk The delivery of the building is secured through Section 106 and external funding and as such there should be no financial burden placed on the Council, other than in Officer time Construction cost risks and overspend can be managed through the type of contract that is secured with a manufacturer/building company

The liability that the Council would hold, would be time limited to that period between receipt of land and the practical completion of the building.

In the event that the Town Council failed to take on responsibility for the building at the Practical Completion stage, initial assessments indicate that it is ultimately an asset which the District Council could, if necessary, retain and manage as a profitable proposition

Links to background information:

Link to Council Plan: Encouraging communities to be outstanding

Report in full

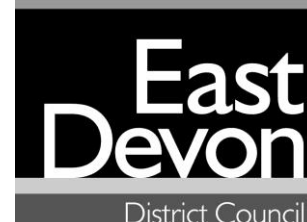
1.0 Background

- 1.1 The Sports hub at Cranbrook (known as Ingrams) was conceived in 2014 when an application was submitted to the District Council which brought together and co-located the new town's cricket and football requirements.
- 1.2 Since May 2019 the sports fields which were approved through that application have been in use at the hub. This has finally allowed the playing of football and other field related sports activities within the town and is an important milestone.
- 1.3 The cricket square which also forms part of the hub has also been laid and was available for use from this summer.
- 1.4 However as part of the 2014 application, a design and layout for a changing room building was also approved. This met the requirements of the previously signed Section 106 agreement which accompanies the outline planning permission at Cranbrook.
- 1.5 The developers are now in a position to deliver the changing room building in accordance with the 2014 permission which remains extant but the size and specification of that building, whilst meeting the historic obligations, is not appropriate for today's needs.
- 1.6 While measuring 22m x 11.6m and delivering 4 changing rooms the facility:
 - Fails to meet the England and Wales Cricket Board (ECB) requirements for changing room and pavilion requirements
 - Is inadequate for football failing to meet current minimum standards (although can be used for entry level leagues)
 - Would continue to be an asset drain for Cranbrook Town Council having little or no income generating potential.
- 1.7 As a result of the identified shortcomings, it places a significant burden on the Town Council were they to adopt the asset in its current form.

- 1.8 In recognising the deficiencies of the current plan, the consortium of developers have been working constructively with the Cranbrook planning team to explore an alternative design.
- 1.9 This work has now evidenced that a building measuring 32.2m x 16.4m would facilitate the delivery of up to 6 changing rooms, bar and club room, family room and spectator seating. Not only would such a facility address the needs of the sports clubs/teams which could operate at the hub but it would also provide a very valuable community meeting space which is something that Cranbrook is currently severely lacking. It also has the potential to provide a facility that has its own income stream from room lettings, bar receipts etc to enable its future maintenance.

2.0 Funding

- 2.1 The developers have quite reasonably indicated that while they would invest their original budget within the enhanced pavilion, they would not meet the additional costs.
- 2.2 The funding situation has now reached a position where a pot of monies (blending available Section 106 funds together with external funding) can be secured. While slightly short of the cost estimate provided by the Consortium of Developers for the enhanced provision, the pot is of a sufficient size as to allow the delivery of a meaningful building which addresses most if not all of the aspirations of the Town Council. However to do this requires further design work and minor revision to the proposed building to bring it within budget. The developer Consortium are not prepared to do this and therefore an alternative delivery mechanism is required.
- 2.3 The headlines which have been worked up with the Development Consortium and which will need to be secured through a Deed of Variation to the Section 106 propose:
- Consortium transfer of serviced land to East Devon District Council
 - Consortium provision of equivalent cash contributions to their current development obligations
 - Subject to the satisfactory legal transfer of land and access, East Devon District Council delivery of the sports and community pavilion on behalf of the local community
- 2.4 Risks are set out in the introduction to this report, but there are opportunities too – not least in the demonstration of commitment to the town of Cranbrook and the ability to help deliver a community asset which, through the design improvements and the control which can be exercised, would remain viable in the long term. Such an approach meets in full the Councils commitment to encourage outstanding communities.



Report to: **Cabinet**

Date of Meeting: 27 November 2019

Public Document: Yes

Exemption: None

Review date for release None

Subject: **East Devon Traveller Forum**

Purpose of report: This report explains why a Traveller Forum is needed in East Devon and how it should be established. It sets out the proposed membership and terms of reference.

Recommendation: **That Cabinet agree to;**

- 1. The establishment of an East Devon Traveller Forum which shall report to Cabinet.**
- 2. That the draft Terms of Reference be noted with the final Terms of Reference being left to the Forum to consider and agree upon (having regard to any advice from the Monitoring Officer))**
- 3. That the three Members nominated to attend the forum on a regular basis shall be the Portfolio Holder for Sustainable Homes & Communities, Lead Member for Cranbrook and Vice Chair of Development Management Committee.**

Reason for recommendation: To ensure that the needs of Travellers are adequately met in East Devon and that this under-represented group do not feel disenfranchised

Officer: Claire Rodway- Senior Planning Officer, crodway@eastdevon.gov.uk
01395 571543

Financial implications: No specific financial implications at this initial stage of forming the forum.

Legal implications: There are no legal implications other than as set out in the report

Equalities impact: High Impact

Travellers (a definition which includes Gypsies) are recognised by the Government as one of the most disadvantaged groups in the UK and are protected under Equalities legislation. The establishment of a Forum will positively impact upon them as it will provide an opportunity to liaise with the Council, and other bodies, and ensure that their needs are taken into account in decision making.

Climate change: Low Impact

Risk: Medium Risk

If a Forum is not established then Travellers will not have this opportunity to liaise with the Council and may feel disenfranchised. Travellers are underrepresented in conventional planning policy consultations and are unlikely to engage with the Council as part of general consultation.

Links to background information: .

Report in full

1 Introduction

1.1 This report proposes that a Traveller Forum be established by the District Council in order to ensure that Travellers views are fairly represented in decision making and enabling important information to be disseminated to them. This is particularly relevant as the Council is required to meet the outstanding need for new pitches (see Appendix 1) identified in the 2015 needs assessment and future occupants input would be invaluable in determining the location, layout of pitches and future management. This will enable the different Council Services to work together to offer timely and targeted support e.g. planning sites initially, delivery through the planning system, ongoing maintenance issues through the housing service, benefits clinics and advice.

1.2 Neighbouring authorities of Teignbridge, Mid-Devon and South Somerset all have Traveller forums and a similar format would allow consistency across boundaries (particularly important given the travelling nature of attendees).

1.3 The Forum, as proposed, would aim to meet the needs of those who pursue a Travelling lifestyle through heritage or choice but may also reduce the issue of those who would prefer to live in bricks and mortar dwellings but live in vehicles only as an alternative to being homeless. This is an increasing problem that can afflict people from all walks of life, e.g. following the breakdown of a relationship, illness or redundancy, especially where they are single and childless so qualify for minimal state assistance.

1.4 The Government definition of a 'Traveller' is broad, essentially persons of nomadic habit.

The Government, in "Planning policy for traveller sites"

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/457420/Final_planning_and_travellers_policy.pdf advise that for the purposes of planning policy "gypsies and travellers" means:

"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."

In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

a) whether they previously led a nomadic habit of life

b) the reasons for ceasing their nomadic habit of life

c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances."

2 Why is a Forum needed?

Public Sector Equality Duty

2.1 The Traveller community is a group with protected characteristics (predominantly their culture but, in some cases, other characteristics such as disability) so the Council has an equality duty to ensure that their needs inform any decisions which are taken. This means that sites cannot be located where residents would experience harm or discomfort to a greater degree than settled housing. This is a particular issue in noisy locations as caravans are less insulated and so have a lower tolerance.

2.2 The creation of a forum is justified in order to advance equality of opportunity for Travellers and provides an opportunity to promote good relations and advance efforts to eliminate discrimination. Statistics demonstrate the Gypsies and Travellers have the poorest life chances of any ethnic group today and experience particularly poor outcomes in terms of life expectancy, health, education and employment. Many of the challenges the community faces are exacerbated by a lack of suitable accommodation and experiencing discrimination in every aspect of their lives. Furthermore, there is evidence from elsewhere to show that site provision can lead to significant tensions with the settled community. Better communication can foster a greater understanding of the needs of different communities and enable more informed decision-making. The subject of this report cuts across several areas of the Council's activities including housing, planning, public health and licencing.

Inclusive Consultation

2.3 Planning policy consultations are always designed to be as inclusive as possible but traditional means of consultation – through the website, local press, parish councils, emails to those on our database- rarely receive any responses from Travellers (or homeless people). Previously, letters have been sent directly to Travellers, and the DCC Traveller Liaison Officer has visited them individually, but the former received almost no response and the latter is extremely labour intensive and can only be done when issues are directly relevant to a small number of Travellers e.g. enforcement action is being taken. There is also a fear of attending public meetings amongst many Travellers who are afraid that they will be subject to hostility from local residents, so they can't debate or put their perspective in public.

2.4 As part of the Cranbrook Plan consultation, a Policy Officer visited all the residents of the Broadclyst and Sowton DCC sites (with a DCC Officer) and discussed the proposals with them. This resulted in a comprehensive written response to the draft Plan and it was amended as a result. Of particular importance was the universal request that any transit provision be sited well away from the permanent pitches, so possible antisocial behaviour would not be associated with permanent residents; and suggestions around the laying out of sites and accommodation which would increase the likelihood of new residents staying permanently. As the Cranbrook Plan progresses, a Forum would enable site layouts and future management proposals to be agreed, reducing the likelihood of conflict and increasing the chance of the new sites successfully integrating.

2.5 A Forum would enable consultation to reach a wider group regarding Policy documents and other Council matters and would be less labour intensive than visiting individual Travellers in their homes. Consultation could be carried out through the Forum and the results would be truly representative and allow Travellers views to be heard without fear of retribution or hostility.

Unauthorised encampments

2.6 The number of unauthorised encampments in the District has increased over recent years. This is due to a loss of transit sites/stopping places elsewhere in the region and a sharp increase in the number of 'homeless' Travellers. These homeless Travellers include those Travellers without a permanent site from which to travel but also the increasing number of homeless people from the general population who have moved into vehicles for want of alternative housing. There are no accurate figures for this category of homeless people but it is the fastest growing housing sector according to charities such as the Joseph Rowntree Foundation, and, whilst they are covered by the definition of 'Traveller', most would rather be in bricks and mortar housing if it were available.

2.7 The Council has very limited interaction with these homeless people for whom living in vehicles is seen as a last resort. The Council may be able to offer them support, even if they do not qualify for local authority housing, but they are no longer part of the system. As proposed, the Forum would not directly include such homeless people, however Membership could be reviewed

after a year to consider widening its remit. Members might feel that they should be invited to join the Forum from its inception, as they meet the 'Traveller' definition, but they have not chosen this lifestyle and much of the Forum content - particularly where site provision and management are concerned - may not be relevant to them.

2.8 In East Devon, the unauthorised encampments of Travellers choosing such a lifestyle, are mainly concentrated around the old A30 and there have been several high profile encampments in the Broadclyst and Cranbrook areas as well as long-term tolerated use of the Daisymount layby. Police are able to act immediately where there are vacant transit pitches in the District to move Travellers onto, but a lack of pitches has led to protracted legal action in the recent cases.

2.9 In Teignbridge, where a Forum has been established for several years, the number of unauthorised encampments has decreased significantly. Officers put this down to having vacant transit pitches to direct unauthorised residents to, and greater liaison between Council sections and external organisations so that, for example, those who are homeless rather than Travellers can be found bricks and mortar housing.

2.10 There is also an issue in East Devon whereby some Traveller pitches are being occupied by non-Travellers, contrary to planning conditions. It is very difficult to police these as occupiers will not admit to being non-Travellers in case they lose their homes but it increases the shortage of pitches available to genuine Travellers and in some cases leads to anti-social behaviour and conflict between residents, and an increase in unauthorised encampments. A Forum would provide an opportunity for issues such as these to be discussed (or reported in confidence if necessary) with the organisations who can resolve them, and liaison between Travellers and bodies who they might ordinarily view negatively, such as the Police.

Benefits to the Settled Community

2.11 A Forum would provide a conduit between Travellers and the settled population. This can reduce the anxiety and tension of direct face-to-face discussion and provide an opportunity for matters to be raised in a neutral, non-confrontational way. A Forum would enable concerns to be raised (by Travellers or settled residents) with elected Members and Officers so that they can be debated directly with those responsible and the outcome may be fed back to the complainant. Concerns could relate to a variety of issues- including site management, anti-social behaviour, discrimination- which could be mediated through a Forum (although resolution may need to take place through other channels).

2.12 The settled community may be invited to attend Forum meetings where relevant issues are to be discussed (for example the local community and potential occupiers could debate the layout details of a new Traveller site to ensure the optimum position of facilities which could be shared e.g. playspace) and which may be resolved through direct debate.

3 Establishing a Liaison Forum

3.1 One of the common measures taken by local authorities who successfully integrate new Gypsy and Traveller sites into settled areas is the establishment of a liaison forum or panel to address concerns as they arise. Teignbridge run a Gypsy and Traveller Forum, attended by a range of Gypsies, Travellers, Officers, District and Parish Councillors and relevant organisations. Meetings are typically attended by 20 or so people and were initially held at 3 monthly intervals- now that most concerns have been addressed they tend to be six-monthly or annually. Using the Forum, Teignbridge has delivered a Traveller site of 15 pitches and unauthorised encampments have reduced significantly. Mid-Devon have recently established a similar Forum, using the Teignbridge model. At present attendance numbers in Mid-Devon are low, but are slowly rising. Terms of Reference (Appendix 2), based on the Teignbridge and Mid-Devon examples are

appended to this report, in draft. It is anticipated that they would be agreed and updated at the Forum meeting. These fora do not include homeless people, whether living in vehicles or not, even though they may be considered to meet the Government definition of 'Travellers'. This is because they have not chosen to pursue a travelling lifestyle.

3.2 The creation of a forum in East Devon will engender better understanding of the needs of the Traveller community and to work with the community over the design of sites and pitches to help facilitate delivery and ensure what is provided meets their needs. Greater engagement with the Traveller community via the forum could assist in unlocking the provision of pitches as part of wider strategic housing allocations.

3.3 The forum also provides opportunity for a waiting list to be set up to allow the Council to better understand the housing needs of the Traveller community and inform the production of the next Housing Needs Assessment- if this is produced 'in house' it will save the cost of consultants and is likely to be more accurate. There is an opportunity to work to strengthen collaborative working to prevent the homelessness of those occupying unauthorised sites and illegitimate spaces.

Membership

3.4 The forum could be made up of Travellers, Elected Members, Council Officers and other key stakeholders/partnership bodies. Other persons including experts and guest speakers would be permitted to attend by invitation. It is recommended that invitations to the inaugural meeting are extended to 3 East Devon Members, Devon County Council Traveller Liaison Service, EDDC planning, benefits, housing and environmental health officers (1 from each service) and Travellers living in the district. Attendance will be refined once the issues are narrowed down.

3.5 The forum should be open to be attended by all members of Travelling communities in East Devon: the Council's current understanding is that these travelling communities and ethnic groups are made up of New Travellers, Romany Gypsies and Travelling Showmen. Gypsies and Travellers living outside of East Devon could attend by advance request or invitation. Membership may be reconsidered after a year to assess whether it should be widened.

3.6 Whilst the forum will be open to all elected members, it is anticipated that a select group of members would attend regularly for consistency. It is suggested that 3 members be nominated to attend regularly.

3.7 The forum would not be open to the public.

Administration

3.8 In Teignbridge the Forum is organised by a Community Projects Officer at Teignbridge District Council, as it is seen as a community engagement role rather than a planning function. If the travelling community are to attend and speak openly it is important to make a clear distinction between the meeting facilitator and Officers who are involved in particular aspects of identifying and delivering a site (and potentially taking enforcement or eviction action). In the longer term, once sites are available, it is envisaged that the Forum would have a role in respect of site management, occupancy and addressing wider issues relating to Traveller integration and welfare. In East Devon, this is a role that would logically sit in the team responsible for operating sites and tenant welfare, albeit it is suggested that a Housing Association such as Elim might be engaged to operate sites on EDDC's behalf. The table below sets out the various roles and responsibilities that different sections of the Council will have and demonstrates why the Forum will need to be a cross-service initiative.

Key Task	Lead Service at EDDC	Lead External Service	Relevant legislation or Government Policy	Commentary and benefits of a forum
Calculating need for future traveller accommodation	<p><u>Planning Policy Team</u></p> <p>The planning Policy team has typically taken the lead in establishing need, though close liaison with housing services, in particular, would be standard practice.</p>	Housing needs assessment (for travellers and the settled community) can have cross-boundary considerations and therefore working with external bodies and neighbouring authorities is expected.	Planning legislation and the NPPF/Planning Practice Guidance require needs to be assessed and with respect to cross boundary working legal requirements under the Duty to Cooperate are central.	The last assessment of needs for traveller accommodation was completed in 2015 and it is now increasingly dated. To support production of a new local plan, and to help meet wider Council responsibilities, a new assessment is needed. Establishment of a forum should greatly assist needs assessment work and negate the need (and cost) of buying in external consultancy support.
Providing sites for traveller accommodation	<p><u>Planning policy Team</u></p> <p>The Policy team identify sites</p> <p><u>Housing Team</u></p> <p>Where sites are provided/owned/managed by the LPA the Housing Team are responsible (but may devolve this to external bodies)</p> <p><u>Environmental Health</u></p> <p>Issue licences to sites meeting at least minimum standards</p>	<p>Private Developers</p> <p>Housing association</p> <p>Travellers</p>	<p>NPPF and planning policy for traveller sites (2012 upd.2015)</p> <p>Part 6 of the Housing Act 1996</p>	<p>Sufficient, deliverable, sites must be allocated through the development plan. If the private sector does not deliver sufficient plots then the LPA should provide them. Currently most pitches need to be 'affordable' so the likelihood is that the Council will need to provide them.</p> <p>The Forum will help to identify locations and deliver sites</p> <p>Monitoring of site licences</p>
Managing traveller sites	<p><u>Housing Service</u></p> <p>Most authorities that directly operate traveller sites will do so through housing services; where sites</p>	Where a body external to the Council operates any site they would be a key partner. In	ODPM (Feb 2006) Local authorities and Gypsies and Travellers – Guide to	The Forum will enable the Housing service to directly liaise with site residents so that the site can be set up and run to meet both

	<p>are run by external bodies a housing service at a council would typically be the commissioning body.</p> <p>In East Devon, all Travellers in 'need', bar one family, require 'affordable' pitches, the provision of which will be the responsibility of EDDC and/or a Housing Association.</p>	<p>some parts of the UK housing associations are site managers or leaseholders from the Council.</p>	<p>responsibilities and powers</p>	<p>parties requirements and any issues can be resolved promptly.</p> <p>Sites which are managed in partnership with residents have less anti-social behaviour and are generally more successful than those without.</p> <p>On EDDC sites regular clinics can be held in a meeting room. The need for such clinics, and their advertisement, could be established through the Forum</p>
Meeting the needs of homeless people	<p><u>Housing Service</u></p> <p>Many homeless people fall under a definition of traveller and the housing service at the Council has responsibilities for finding appropriate accommodation.</p>	<p>There may be a need for intervention by external services, e.g. healthcare, social services especially where people are vulnerable</p>	<p>Part 7 of the Housing Act, 1996</p> <p>Homelessness Act 2002</p> <p>Homelessness Reduction Act 2017</p>	<p>A Forum may not directly assist homeless people as it is aimed at those who choose to pursue a travelling lifestyle (rather than having to, e.g. living in a car being preferable to sleeping rough) however some of the information may be useful and it will help to identify the scale of the problem.</p>
Enforcing Against Unauthorised Encampments	<p><u>Planning Enforcement Service</u></p> <p><u>Housing Service</u></p>	<p>There may be a need for intervention by external services, e.g. healthcare, social services, Police</p> <p>DCC Traveller Liaison Service</p>	<p>Town and Country Planning Act 1990 (S171A)</p> <p>Criminal Justice and Public Order Act 1994</p>	<p>Breaches of planning control are much less likely if there are sufficient authorised pitches available.</p> <p>The Forum will enable all Travellers to feel enfranchised so they are less likely to create unauthorised encampments, and will clarify the law.</p>
Health and Wellbeing of Travellers	<p><u>Environmental Health</u></p> <p>Local authorities have a public duty to</p>	<p>DCC Traveller Liaison Service</p> <p>NHS</p>	<p>Health and Social Care Bill (2013)</p>	<p>The Forum will enable liaison, facilitated by EH, between attendees</p>

	<p>promote the health of their population and Travellers are recognised in the Strategic Plan as having worse health, and shorter life expectancy, than the general population. Environmental Health are responsible for ensuring that robust plans are in place to protect the local population and in providing public health advice to NHS commissioners.</p>	Social Services	Race Relations (Amendment) Act 2000	<p>and the various health bodies so that Travellers are able to access the wide range of provision available to the general population. In particular, vaccination and routine screening, would reduce mortality rates but are often not available to Travellers (as they do not receive automatic notification by post) and cannot guarantee they can access their 'local' clinic if travelling</p>
Sites Meeting Health and Safety Standards	<p><u>Environmental Health</u></p> <p>Sites need to be licensed to ensure they are safe for residents and meet legislator requirements</p>	<p>There may be a need for intervention by external services, e.g. Fire Service, Police, DCC Traveller Liaison Service</p>	Caravan Sites and Control of Development Act 1960 (S5)	<p>The Forum will promote safe, healthy sites and ensure that attendees are informed about licensing requirements.</p>
Sites on Public Highways	<p><u>Planning Enforcement Service</u> <u>Housing Service</u></p> <p>There is an agreed protocol which is followed in respect of unauthorised encampments, agreed by DCC and EDDC. It ensures that residents are treated fairly and with respect and any special circumstances are accommodated. Generally Travellers are moved on from unauthorised sites as soon as possible however, if they are vulnerable and there are no authorised sites available locally, DCC</p>	<p>DCC On Highway Land DCC have a permissive policy where unauthorised encampment are not moved on provided they are safe and there are no alternative, authorised, sites</p> <p>Police Social services</p>		<p>The Forum will help to deliver and manage authorised sites so that roadside sites are no longer needed.</p>

	may 'tolerate' their presence.			
Other Services eg Benefits	<p><u>Revenues and Benefits</u></p> <p>Some residents will be entitled to benefits and support with their Council Tax and information about changes to the claims process would reduce the likelihood of mis-claiming or delays.</p>	<p>DCC Traveller Liaison Service</p> <p>Police Health Service</p> <p>Other bodies offering support</p>		<p>The Forum will act as an information point for attendees to gain up to date advice. This could relate to a range of issues but universal credit, the introduction of trespass as a criminal (rather than civil) matter and changes to the definition of 'Traveller' and the resultant legal implications are all current matters.</p> <p>Support and guidance through the Forum would lessen the likelihood of unknowingly breaking the law.</p>

3.9 In East Devon it is suggested that Officers would be responsible for the administration of the forum, for reporting back on any issues or actions raised and in coordinating the operation and running of the forum. It is likely that 'ownership' and organisation of the Forum will not rest with one Service, for example as sites are delivered the input from Planning would lessen. Issues raised and actions identified by the forum would be reasonably pursued by Officers as part of a commitment to work with the community to help identify and resolve issues but, it will be made clear that due to the resources available, the Council cannot guarantee that all issues and actions raised by the Forum will be addressed. It is not intended that the Forum be a decision making body.

3.10 There could be meetings with Officers, Members and other relevant persons between the forum dates to discuss and action progress. This would provide an opportunity to review the relevance of the work and terms of reference if necessary.

Format of the Forum

3.11 It is anticipated that the forum will meet two to four times per year although meeting dates and frequency may vary if particularly relevant issues/consultations need to be discussed and depending on attendees seasonal travelling patterns; appropriate timings are to be discussed and agreed with all members of the forum. Chairmanship would be agreed by forum members.

3.12 An agenda for each meeting will be agreed in advance and will seek to incorporate topics put forward by all members of the Forum. The agenda will be circulated with all members of the Forum and will be publically available.

3.13 Attendance at the forum by members of the travelling community will be on a voluntary and unpaid basis and rules will be established at the outset which everyone will agree to abide by. These terms of reference will be available on the EDDC website.

3.14 A Forum page will be set up on the East Devon website, specifically for Travellers and this will be used to share the agenda and minutes of each meeting and other relevant information of interest. Any confidential information discussed by the forum will not be shared publically or published on the Council website.

4 Member Representation

4.1 The draft Terms of Reference suggest that the Forum should be open to elected Members and, to ensure consistency, that 3 Members should attend regularly. Mid-Devon and Teignbridge have agreed to open their Forums to a small group of East Devon Members should they wish to see them in operation. Unfortunately both authorities held their meetings in October, so too early for this meeting, and the next ones won't be held until late Spring, however the minutes are available to view here: <https://www.teignbridge.gov.uk/community-and-people/people/gypsies-and-travellers/gypsy-and-traveller-forum/> and <https://www.middevon.gov.uk/residents/gypsies-and-travellers/gypsy-and-traveller-forum/>

Appendix 1

Need for Pitches

Based on the 2015 needs assessment, <https://eastdevon.gov.uk/media/1298707/devon-partnership-2015-gtaa-final-report.pdf> . The needs assessment forecasts need up to 2034, so the figures below have been adjusted to 2031 (to correlate to the Local Plan period). A small number of pitches have been provided but the current position with regard to need is:

- 28 new Gypsy and/or Traveller pitches are still needed between 2014-2031. Of these 28 pitches, 16 should have been provided in the first 5 years (up to 2019). There is little prospect of providing any of the 16 urgently needed pitches before 2020.
- Two sites, containing 4 pitches, have been purchased by non-Gypsies and are understood to no longer be available for Gypsies/Travellers. This is not reflected in the needs assessment figures above, but results in a net decrease in pitches available of 4.
- 4-5 emergency stopping places/transit sites, each comprising 4-5 pitches, are required across the Devon study area. No specific East Devon need has been identified.

A pitch is the space required to accommodate one household, and should consist of at least an amenity building, a large trailer and touring caravan (or two trailers), drying space for clothes, a lockable shed, parking space for two vehicles and a small garden. The methodology we have produced suggests that a minimum typical pitch size of 500 sqm is applied to new sites, although this may be varied where the Travellers lifestyle warrants it e.g. New Travellers living communally.

What is the current position regarding potential new pitches?

- New supplementary planning guidance on site design and layout has been adopted. This does not consider location of sites.
- Enforcement action has commenced on an unauthorised, but previously tolerated, site at Shute Woods for up to 4 pitches. We do not have anywhere to relocate them as yet but they will count towards the overall 'need' figure.
- A long-standing but unauthorised site for 5 pitches in Sidmouth is being investigated by planning and environmental health. The site may be available to purchase by EDDC but the cost of providing services and laying out the site will be high and existing (non-Gypsy) residents would need to be relocated.
- The Cranbrook Plan has been submitted for Examination. Land east and west of Cranbrook, which forms the expansion areas of the town identified in the Local Plan, is required to accommodate up to 30 pitches; as these pitches cannot be provided quickly enough to meet the immediate need, it is likely that 12 pitches will be provided, across two sites, to meet the need beyond 2016.
- Members agreed that a budget of £500k be allocated to the purchasing and laying out of a site/s if one became available. To date, formal offers have been made on 6 potential sites and around 20 landowners have been approached. To date no offers have been successful (3 sites were withdrawn from sale and three sold to other buyers) and few landowners have been interested (all sites have been investigated and discounted, mainly on access grounds).

APPENDIX 2

Traveller Forum Terms of Reference

(DRAFT) 27/11/19

Terms of reference to be agreed by the Forum (DATE)

Name of group: East Devon Traveller Forum

Purpose and role of the group: The forum will provide an opportunity to share information and develop relationships

The forum will be:

Friendly – it will provide an inviting place where all members of the travelling community will be welcome.

Trusting – it will provide an opportunity for members of the travelling community, Councillors, Council Officers and other partner organisations to meet together in a safe and friendly environment, to build a working relationship based on trust and respect.

Informative – it will allow everyone to join in an open and honest discussion about travelling lifestyles, the needs of households from all travelling backgrounds and how these needs can best be met. Everyone will have the right to have their say and be listened to.

Effective – it will not have any formal decision making powers, but will inform decisions made by the Council and other organisations.

Membership:

- The forum will be made up of Council Officers, Elected Members, Travellers and other key stakeholders/partnership bodies. Other persons/experts/guest speakers will be permitted to attend by invitation.
- The forum is open to all members of the Traveller communities in East Devon: the Council's current understanding that this is made up of New Travellers, Romany Gypsies and Travelling Showpeople. Should other Traveller communities be present in East Devon, for example Roma, Irish Travellers, Bargees, they will be welcome to attend. Travellers living outside of East Devon may attend by advanced written request or invitation. Membership will be reviewed after a year.
- The forum will be open to all elected members, however it is anticipated that a select group of 3 members will attend regularly for consistency.
- The forum will not be open to the public.

Accountability:

- Council Officers will be accountable to the forum, and will be responsible for reporting back on any issues/actions raised.
- All issues raised and actions identified by the forum will be reasonably pursued by Council Officers. Due to the resources available, the Council cannot guarantee that all issues and actions raised by the forum will be addressed.

Review:

- There will usually be six-weekly/bimonthly officer meetings between the forum dates to discuss and actions progress. This will provide an opportunity to review the relevance of the work and terms of reference if necessary.

Meetings:

- The forum will usually meet two to four times per year at times to suit the Traveller community although meeting dates and frequency may vary if particularly relevant issues/consultations need to be discussed; appropriate timings are to be discussed and agreed with all members of the forum. Due to seasonal travelling patterns frequency may need to be adjusted in consultation with all parties.
- Inaugural meeting – February 2020?
- Officers will usually meet bimonthly between forum meetings.
- The agenda for each meeting will be agreed in advance and will seek to incorporate topics put forward by all members of the forum. The agenda will be circulated with all members of the forum and attendees one week prior to the forum meeting.
- The forum will elect a chair person/s to facilitate the meetings; such a person will be elected by a majority vote. For the first year there will be an interim chair who will chair the meetings during the establishment period of the Forum. In future, it would be preferred if the chairs represent each of the Travelling communities in East Devon.
- The forum will agree a set of rules that all attendees must abide by, to include that: All attendees of the forum will be treated with respect and will be given the opportunity to speak should they wish to do so. The forum will not tolerate any discrimination.

Sharing of information and resources:

- The (draft) minutes of the forum meetings will be made available to all attendees via the East Devon website within one calendar month of the meeting.
- A page specifically for Travellers for the sharing of information will be set up on the East Devon website.
- The officer/s responsible for updating the website will be: TBC
- Confidential information: any confidential information discussed by the forum will not be shared publically or published on the Council website.
- The terms of reference and other documents shared with the forum will not use acronyms and will be in language that is easily understood by all.



Report to: **Cabinet**

Date of Meeting: 27 November 2019

Public Document: Yes

Exemption: None

Review date for release None

Subject: **Peer Review Report and associated Action Plan**

Purpose of report: This report brings forward to 10 point action plan to address the key recommendations made by the Peer Review Team in September 2019.

Recommendation: **That Cabinet agree the 10 Point Action Plan**

Reason for recommendation: To ensure we continually improve.

Officer: Karen Simpkin Strategic Lead Organisational Development and Transformation

Financial implications: There are no direct financial implication from the recommendations of this report.

Legal implications: There are no specific legal implications requiring comment.

Equalities impact: Low Impact

Climate change: Low Impact

Risk: Low Risk

Links to background information: .

Link to Council Plan: Continuously improving to be an outstanding council

Report in full

Our 10 point plan

This 10 point plan has been developed to address the key recommendations of the Peer Review Challenge. You can read the [full report here](#).

As Chief Executive, I am absolutely delighted with the overall tone of the report and with the specific observations of the peer team who have determined that our officers and members 'have a passion for the district – with a demonstrable commitment to the objective of keeping East Devon Outstanding'.

In particular, I am incredibly proud that the peer team have publicly recognised our 'strong track-record of successful delivery', 'strong financial management', 'high quality services' and our 'hard-working and committed workforce.'

The report looks forward with optimism and outlines that we 'have confidence that the council will continue to make progress. It has a strong foundation and track record for achievement'

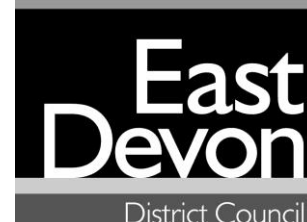
Thank you to each of you for your passion and commitment to the job you do and for making EDDC a very special place to work.

Mark Williams

Chief Executive

	Action	Owner	Timescale
1	Review formal engagement channels with our stakeholders across all key services. Produce recommendations to improve levels of stakeholder engagement in service design and delivery.	All SMT +/-Jamie Buckley	By end February 2020
2	Extend Knowing East Devon to include Knowing Our Towns to support evidence based prioritisation and decision making.	All SMT +/-Joanne Avery	By end April 2020
3	Develop and clearly articulate a Commercialisation Strategy and its key principles. This will be developed collaboratively with key officers, stakeholders and Members to ensure there is consensus and a shared understanding of the approach.	Simon Davey	By end April 2020
4	Introduce a routine management practice to assist organisational learning from experience. To be known as LFE Meetings!	All SMT +	Immediately
5	Carry out Highly Effective Team audits for all teams including SMT +, Cabinet and SMT+, Cabinet as well as teams across the Council.	All	By end January 2020 and repeated as appropriate

6	Review with Members the current Member Development Plan and develop actions as appropriate.	Karen Simpkin	By end January 2020
7	Produce a report regarding recommendations in relation to current governance arrangements for the council.	Members	Timetable to be determined by Members
8	All Service Leads will be responsible for ensuring that the appropriate skills, resources and professional disciplines from across the Council are involved appropriately in project work.	All SMT+	Immediately
9	Consider other opportunities for sharing services with neighbouring councils as part of the Service planning process.	All SMT+	November/December 2019 and during Service Planning for 20/21 and as an ongoing process.
10	Review and monitor our financial position through the prism of our three key strategies of Commercialisation, Fit for Purpose to deliver the Council Plan and Careful Choices.	Section 151 Officer and all SMT +	Ongoing



Report to: Cabinet
Date of Meeting: 27 November 2019
Public Document: Yes
Exemption: None
Review date for release None

Subject: Future Place programme and Delivery Models

Purpose of report: The purpose of this report is to seek an Exemption from Standing Orders to enable the appointment of Local Partnerships to undertake a review of delivery models across the Greater Exeter area. Local Partnerships is jointly owned by HM Treasury, the Local Government Association and the Welsh Government. Their main responsibility is to deliver expert support to the public sector that provides confidence, additional capacity and commercial capability, helping make best use of limited resources.

The commission will explore delivery vehicles and structures across the four Districts in the Greater Exeter area. This will highlight any issues arising which may impact delivery of the Greater Exeter Strategic Plan, together with any potential for future improvement, including how best to position Greater Exeter to access new funding opportunities. The approach will include sharing lessons and examples of similar range and scope from elsewhere. The attached form provides the full background and business reasons for the exemption.

Recommendation: It is recommended that Members note the use of an Exemption from Standing Orders to enable the appointment of Local Partnerships

Reason for recommendation: To enable the appointment of Local Partnerships in conjunction with support through the Future Place programme.

Officer: Andy Wood, Projects Director, email adwood@eastdevon.gov.uk, Tel 01395 571743

Financial implications: The costs involved have already been approved and budgeted for.

Legal implications: The contract value falls below the threshold set out in the Public Contracts Regulations 2015 and therefore the EU procurement procedure does not apply and an exemption can be validly used pursuant to the Council's Contract Standing Orders Rule 3.2. The reason for using the exemption in this case appears justified.

Equalities impact: Low

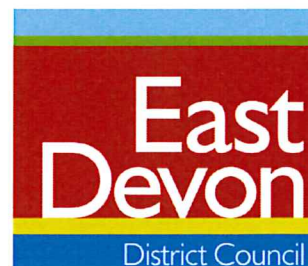
Climate change: Low Impact

Risk: Low Risk

Links to background information:

- [Future Place programme](#)

Link to Council Plan: Encouraging communities to be outstanding; Developing an outstanding economy; Delivering and promoting our outstanding environment; Continuously improving to be an outstanding Council



REQUEST FOR EXEMPTION TO CONTRACT STANDING ORDERS

Contract Standing Orders (CSOs) requires certain steps to be followed when carrying out procurement exercises. Exemptions to CSOs can be authorised by Council / Cabinet upon report and separately by officers with the approval of certain senior officers. An exemption can only be relied upon in certain circumstances (as detailed in CSOs Rules 3.1 – 3.5) but in any event cannot be used where the EU Procedure applies.

This form is intended to be used by officers to obtain an exemption to using CSOs.

Name: Andy Wood	Date: 22 nd October 2019
Service: Economy	Team: Growth Point
	Total contract value: £35,650

Background (including product and supplier details, costs etc:

The Future Place programme is a joint initiative of the Royal Institute of British Architects (RIBA), Chartered Institute of Housing (CIH), Local Government Association (LGA), Local Partnerships, Homes England (HE) and Royal Town Planning Institute (RTPI). It seeks to unlock placemaking potential at local level through quality in design, future thinking, and knowledge sharing. The programme, designed to promote best practice and the potential of innovative delivery, design and funding models, cross-sector collaborations capacity building, and knowledge sharing at a local level, was launched in December 2018.

The local authorities of East Devon, Exeter, Mid Devon and Teignbridge and Devon County Council ('the Greater Exeter Councils') were successful in an application for support under the programme. This was confirmed in March 2019 as one of five areas nationally. In order to deliver meaningful change which will enhance people's lives, improve community wellbeing and create sustainable environments each of the five areas selected have been working with the programme partners to identify where support is required to develop and advance innovative placemaking strategies.

Local Partnerships is an active partner within the programme and have offered up to five days' worth of free support to Greater Exeter. Through discussions and correspondence a proposal has been developed which focuses on the following areas;

- An audit of the existing housing delivery models which exist within the Greater Exeter area, via face to face consultation with the four Greater Exeter Councils to log any emerging vehicle ideas and requirements.
- An initial high level report back to the Greater Exeter Principals Group which sets out the current position, any potential issues arising, and initial thoughts on how best to explore issues such as collaboration and positioning for future funding opportunities.
- An assessment of the potential for various mechanisms for future joint working. This would include consideration of options including informal joint working, joint governance structures, joint programmes, or shared delivery vehicle options.
- An assessment of the potential to accelerate growth by bringing together new supply capacity that new arrangements or vehicle/s would deliver, with a schedule of sites, anticipated delivery timescales, facts on the ground, obvious constraints and other relevant considerations.
- An assessment for the potential of any available funding support from central government, and advice on how best Greater Exeter may position itself to access those opportunities. This would be based on consultation with Homes England and other Government Departments as appropriate.
- A set of recommendations advising the Greater Exeter Principals Group what they need to do to get themselves ready to make a single housing growth proposition to Government.

This proposal utilises the five days of free support available through the Future Place programme. A further twelve days is proposed to be funded through Local Partnerships' grant.

Business Reasons for an Exemption:

Although the following are justifiably accepted as valid reasons for an exemption to Contract Standing Orders, they are closely monitored and should be applied only in cases where a full procurement exercise is not a viable option. (Tick appropriate boxes)

	✓	Which CSO rule?
An Emergency		
Goods or Services to existing systems or kit		

Purchase or repair of patented or proprietary articles sold only at a fixed price		
Effective competition is prevented by government control		
Goods and/or Services recommended by a Central Government Department		
Extension to an existing contract for the purpose of achieving Best Value		
Purchase or Sale by Auction		
Where the Contract is with a Public Utility Company or other organisation which will assume liability for the works on completion e.g. sewer adoption		
Other Reasons (please provide details)	X	
To utilise the free support being made through the Futrue Place programme and the further grant being made available by Local Partnerships.		

Business Benefits for an Exemption:

The total cost of this assignment is expected to be £35,650 plus VAT and reasonable expenses. However, Local Partnerships is willing to dedicate a proportion of its annual grant support towards this work. They anticipate there will be valuable lessons learned that can be freely shared within the local government family. They propose to fund 17 days' worth of Local Partnerships time (including the first 5 days of work at Stage 1) from their grant, leaving £16,100 to be funded by the client.

What are the implications to the following:

Finance: None - the balance of the funding will come from the Garden Communities award which currently sits with the City Council

Human Resources: None

ICT: None

Asset Management: None

Strategic and/or Operational Objectives: The commission will explore delivery vehicles and structures across the four District areas highlighting any issues arising which may impact delivery of the Greater Exeter Strategic Plan, together with any potential for future improvement, including how best to position Greater Exeter to access new funding opportunities. The approach will include sharing lessons and examples of similar range and scope from elsewhere.

Risk Assessment:

Low

Detail risks here:

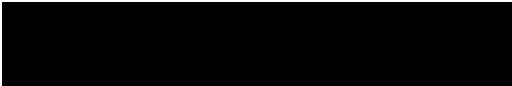
Local Partnerships are a Teckal exempt public body.

Or attach print from the RM system

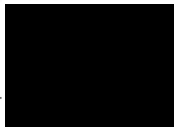
Signature of line manager/procurement lead



Supporting signature of Strategic Lead - Finance



Supporting signature of Strategic Lead – Governance and Licensing



23.10.19

PLEASE NOTE:

Where the Contract value is £20,001 or above then Rule 3.2 requires you to prepare a report for Cabinet to note their support for the action taken.

The Council is required to keep a Register of Exemptions. **Please ensure that a signed copy of this form is provided to the S.151 Officer.**



Report to: **Cabinet**

Date of Meeting: 27 November 2019

Public Document: Yes

Exemption: None

Review date for release None

Subject:

Our Towns Study: Understanding East Devon Towns

Purpose of report:

The purpose of this report is to secure approval to commission a comprehensive analysis of our towns and to identify investment and funding opportunities, planning policy options, site specific improvements and feasible projects to help create better places.

Recommendation:

- 1. To commission appropriate external expertise to carry out the Study and work with the council and local stakeholders to implement recommended actions.**
- 2. To allocate a sum of up to £50,000 to fund the study from the Business Rate Pool funds already accrued by the council and required to be used for economic purposes.**
- 3. To delegate authority to the Deputy Chief Executive to finalise the study specification and tender selection in consultation with the Portfolio Holder for Economy and two members of the Overview Committee nominated by the Chair of the Overview Committee and thereafter to carry out the project.**

Reason for recommendation:

The council lacks detailed and consistent intelligence concerning its towns, their centres and their importance to surrounding communities in our coastal and rural areas. This was an observation by the LGA's Peer Challenge Team and has been an issue when developing, often at short notice, bids for external funding.

Overview Committee and its proposed High Streets TAFF will work with, advise and be informed by the 'Our Towns' Study. The study will also include local stakeholder involvement to ensure that this is a shared rather than top down approach.

Informative findings and practical action recommendations will be key to the study. Individual reports for each town will be produced for council and local use. A series of evidence based recommendations for tailored town focused policies will be provided. The study will also result in a number of feasible and costed project proposals and

recommended interventions specifically designed to help support and improve our towns as distinct places and local economies.

Officer:

Richard Cohen
Deputy Chief Executive
01395 571552

Financial implications:

The is a request for an additional budget of £50k to be funded from monies gained through the 100% rate pilot scheme in 2018/19 where the Council still retains in a reserve £450k deemed for use on economic activity; through supporting new or protecting existing activity

Legal implications:

There are no legal implications requiring comment

Equalities impact:

Low Impact

Risk:

Low Risk

Links to background information:

There are a number of documents and links identified in this report. As well as East Devon and Greater Exeter studies for the purpose of town planning policy development, research and evidence on towns is also extensive outside East Devon and nationally.

Link to Council Plan:

This Study was identified as a priority for the council's Economy Service at the joint meeting of Overview and Scrutiny Committees on 5 Sep 2019.

The emerging Council Plan 2020-24 identifies key themes for delivery of place, economic growth, productivity and prosperity.

Furthermore the council is committed to advancing a carbon neutral agenda and the alleviation of poverty. Promoting more sustainable and prosperous communities is an important element of the council's commitments for the future.

Report in full

1. Background

- 1.1 East Devon's towns are rich, multi-faceted places made up of a physical environment and the communities that live within that. However, it is clear that we, the District Council, do not know enough in detail about how our towns function, especially how to predict and respond to the future challenges and opportunities that our towns will face. Even a basic town centre health check which is common place elsewhere, is not something that exists consistently across our towns. As a result, we have no meaningful baseline against which to judge change over time and the comparative wellbeing of our towns.
- 1.2 There are three key elements that we wish to explore for each of East Devon's towns within this study:
- High street and town centre wellbeing, threats and opportunities
 - Wider town functionality – a broader view that considers demography, resilience and self-sustainability,

- Relationship of each town to its surrounding hinterland and village communities

- 1.3 To determine the best outcomes in terms of local intelligence and prospects for successful interventions in each town, the project will not only need to employ external professional expertise (research and mapping, property and land value, local economic assessment, spatial and public realm design etc.) but also engage with local stakeholders including town councils, Neighbourhood Plan teams, voluntary groups and local business representatives.
- 1.4 An important part of the project will be to identify not only intelligence and opportunities for each of our towns but also an objective assessment of prioritisation between towns and the degree to which each town is in a position to effectively embrace and deliver improvements.
- 1.5 Some high street retailers have struggled to compete with increases in online retail and to attract strong levels of footfall outside of the peak season. Small retail representatives report worsening vacancy rates and are calling for transformative town centre regeneration. Mounting evidence suggests that the future of town centres is increasingly not retail driven. This study will capture key intelligence about the performance of the high streets and centres of the district's towns. The objective is to have a baseline of information against which to monitor future performance and identify practical interventions to enhance the success and value of different town centres to their communities, businesses and visitors. An outcome will also be stronger council policies and more informed and persuasive bidding for external funding.
- 1.6 An emerging priority for the council's new leadership is how to support our towns as a whole to become more self-sustaining. This needs a whole town approach that looks beyond the high street alone and considers the broader economy of our towns that exist away from the centre of town. At the forefront of this is a desire to see the generation of improved economic performance and the development of new local employment and business development capacity.
- 1.7 Our labour market is characterised by low levels of unemployment and good qualification levels though we still experience lower than average wages and low workforce productivity as well as a large flow of workers travelling out of the district to work in places such as Exeter, Mid Devon and South Somerset. Sustainability of our towns is a growing desire and reducing private vehicle usage and out-commuting are an ambition for our Council. The council would like to see towns that offer greater economic opportunities as well as a more diverse and resilient offer in each town so that our towns' residents and surrounding smaller communities can access locally available affordable homes, shopping, services and culture.
- 1.8 If the district council, partner organisations and town communities themselves are to be informed about how our towns function and how we might intervene and invest to make our towns better places with stronger local employment then the district council needs a level of understanding and evidence that it currently lacks.

2 Current Position – Existing Evidence

- 2.1 A number of previous town centre and retail studies have been commissioned to inform Local Plan policy development and most recently as part of the evidence base for the emerging Greater Exeter Strategic Plan (GESP). The following comprise the main

background documents to the initial Town Centre Health Check element of this work and include:

- East Devon Retail Needs Study and Town Centres Health Check (2007)
- East Devon Retail Study Update (2011)
- Exeter & West End of East Devon Retail & Leisure Study (Dec 2016)
- Greater Exeter Town Centre and Retail Study (Dec 2018)

Up to a point these are useful but they also follow a quite traditional format to meet planning policy requirements. However, increasingly the role of retail is diminishing in terms of its value and importance to town centres and the communities of our towns. Their centres need to be repurposed and reinvented in ways that recognise the persistent decline of retail trade and the increased role of 'experience' and community provision.

There is also a broad range of established national thinking and research into towns and the study will tap into this resource while identifying the particular aspects of each of our towns. Examples of wider study work include:

<https://placemanagement.org/research/multifunctional-centres/>

<http://www.vanishinghighstreet.com/wp-content/uploads/2018/07/GrimseyReview2.pdf>

https://www.local.gov.uk/sites/default/files/documents/5.33%20Town%20Centre_04_web.pdf

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/766844/The_High_Street_Report.pdf

<https://www.centreforcities.org/wp-content/uploads/2019/09/Whats-in-store.pdf>

The success and resilience of our towns into the future is less informed by traditional studies and classifications that currently exist to inform town planning processes. Our previous retail studies have served the purposes for which they were commissioned but did not go far beyond the agreed indicators advised for policy development. Retail is less important to the wellbeing and attraction of our commercial and social spaces.

Previous studies covering East Devon have been useful in identifying which towns have a stronger comparative retail sector presence but are limited in their capacity to identify and explore the causal factors behind the decline our high streets have experienced, and more so what our towns will look and perform like in the future. Furthermore, studies for the purpose of informing planning policy are not of themselves a mechanism for project delivery or development. The 'Our Towns' Study will explore the 'DNA' of East Devon towns, engage with those communities and propose practical actions and projects to support them.

3 Proposal

- 3.1. The project specification will reflect the detail advised in this report and the process that will be used to commission and progress the study. The council will use formal tender procedures to commission suitably qualified professional consultancy. Bids will be invited and responses received will be compared on a balance of price and quality. Selection will be carried out through the Project Steering Group.

- 3.2. In terms of a cost for the project we expect that the cost will be in the tens of thousands of pounds but this will need to be tested in the tendering process. The proposal is for a sum of up to £50,000 to be allocated. This is a significant piece of work and will involve time spent not just on research and analysis but also on local engagement and work with our own elected members as well. A priority of this project and its expenditure is to generate a better informed intelligence base and project pipeline with a view to attracting external and private funding that will be well in excess of the project cost itself.
- 3.3. The council has funds accumulated from its participation in the Devon-wide Business Rate Pool. This fund is restricted for use for economic purposes and this use of the funds is both appropriate and also an effective basis on which to make informed decisions about the investment of the remainder of the Business Rate Pool Fund as well as other council owned funding such as Commercial Investment Fund and applications for external funding.
- 3.4. Investment from the Fund into this study will also improve the council's chances of attracting third party investment on a multiplier basis into improving the prosperity and wellbeing of our towns.
- 3.5. Our towns matter and if the council is to effectively support them, it needs to use its resources in an informed and cost effective way. The council is proposing a detailed study to advise where, what and when our interventions might be. The robust evidence and feasible project and implementation plans following from this work will make for persuasive funding bids to third parties, encourage investors and increase the council's own confidence in making investment decisions.
- 3.6. As well as comparing the economic health and resilience of the district's main town centres (Honiton, Axminster, Seaton, Ottery St Mary, Exmouth, Sidmouth, Budleigh Salterton and Cranbrook), the work should demonstrate a clear understanding and a compelling picture of these places - how each town works as a place, it's people, demography and culture. From this we want to explore what specific changes and interventions might be pursued, be it by the council, through identified Government funding programmes and by the towns themselves.
- 3.7. We want the work to go beyond a focus on local business, jobs growth and planning to provide a blueprint for each town to take stronger ownership of their future, and testing the capacity and willingness of each place to embrace and participate in change.
- 3.8. The work will capture baseline performance indicators and advise on and identify practical policy and deliverable projects. This means the wider assessment will make specific recommendations for new, evidence based policy and will also identify feasible place-making and local economic improvement opportunities or interventions within each of our main towns.

4 Next Steps

- 4.1 Subject to Cabinet funding approval the project brief will be finalised by the Steering Group and then publicised to invite proposals from appropriate external expertise. The Project Steering Group will agree the final specification of the study and serve as a selection panel and be consulted regularly throughout the study period. The Portfolio Holder for Economy and two member nominees for by Chair of Overview Committee will form the Steering Group along with key officers. In addition, project progress will be

reported to Overview Committee not least to ensure that there is a synergy with the proposed High Streets TAFF.

- 4.2 We envisage that the 'Our Towns' Study will take some 4 months to complete with final reporting around April 2020 but will be able to confirm in agreement with the Steering Group the exact timing and other project detail as an outcome of the selection and commissioning process.



Report to: **Cabinet**

Date of Meeting: 27 November 2019

Public Document: Yes

Exemption: None

Review date for release None

Subject:

Garden Communities and Delivery Vehicles

Purpose of report:

This report considers what is needed to ensure the delivery of great places within the District alongside the local planning process. There is considerable learning from the current generation of strategic development sites. The report reflects on this learning, considers the current direction of government policy and contemplates the potential for the Council to adopt a more proactive approach going forward. The report assesses the different delivery options available to the Council and the type of delivery vehicle that could be established. .

The Strategic Planning Committee meeting of the 22nd October considered and endorsed the recommendations in this report. Subsequent to this the Ministry of Housing, Communities and Local Government published details of the proposed New Development Corporation Competition fund on the 25th October. The third recommendation and the background links have been updated accordingly.

The report seeks support for Garden Community status and for the principle of submitting a bid to MHCLG's New Development Corporation Competition.

Recommendation:**That Members;**

- 1) Acknowledge the importance of having effective delivery vehicles/mechanisms in place at the earliest stage possible in order to support the development of high quality places**
- 2) Confirm support for the Exeter and East Devon Garden Community status**
- 3) Endorse the principle of submitting a bid to MHCLG's New Development Corporation Competition**
- 4) Receive a further report on the options for constituting an effective delivery vehicle up to and including the establishment of a Locally Led New Town Development Corporation.**

Reason for recommendation:

To ensure that the Council has the necessary tools and resources in place to support the delivery of well designed, high quality and sustainable places.

Officer:

Andy Wood, Projects Director, email adwood@eastdevon.gov.uk, Tel 01395 571743

Financial implications:

There are no direct financial implications from the recommendations in this report, however there are many implications including financial that

	could flow but these will require specific reports and approvals through Council.
Legal implications:	Allocation and Development Strategies must go through the statutory Local Plan process for each Local Planning Authority, this will be for consideration through the GESP and/or East Devon District Council's Local Plan. At this stage there are no other legal implications than those set out in the report.
Equalities impact:	Low Impact
Climate change:	High Impact The form and location of development has a direct impact on its carbon footprint. There is a long standing ambition to achieve the delivery of zero carbon development in the West End of the District. It is reasonable to expect that future major development proposals should at least meet this standard. The ability to achieve sustainability objectives is also relevant to the consideration of different delivery options/vehicles.
Risk:	Low Risk
Links to background information:	<ul style="list-style-type: none"> • Principles For Accommodating The Future Growth Needs Of East Devon • Future Housing Needs and Requirements in East Devon (item 4) • Guidance on the New Towns Act 1981 (Local Authority Oversight) Regulations 2018 • Garden Communities Prospectus • Independent Review of Build Out: Final Report • MHCLG New Development Corporation Competition guidance
Link to Council Plan:	Encouraging communities to be outstanding; Developing an outstanding economy; Delivering and promoting our outstanding environment; Continuously improving to be an outstanding Council

1 Introduction

1.1 The District Council has a track record of bringing forward and delivering large scale development proposals. In particular the West End of the District is due to accommodate over 10,000 homes in the period 2011 to 2031 alongside strategic employment sites. Cranbrook alone will provide over 60% of the District's strategic housing requirement. This is part of a deliberate spatial strategy enshrined within the Local Plan which in turn is a product of the distinctive characteristics and qualities of the District, not least the fact that two thirds is within designated Areas of Outstanding Natural Beauty.

1.2 This paper makes no comment on the future level of housing to be accommodated in the District. Rather it considers the scenario that, if there is to be further large scale development, how this can best be delivered. There is considerable learning from the current generation of strategic sites in this respect. The paper outlines current Government policy and support and assesses how best the Council can move forward in terms of adopting a more proactive stance and, in turn, how this can ensure that key ambitions and policy objectives are realised on the ground.

2 Background

2.1 The Government has a target of delivering 300,000 homes per year. The title of the 2017 Housing White Paper *'Fixing our broken housing market'* is instructive of the challenges that are

faced in meeting this objective. Homes England's Strategic Plan includes an ambition to disrupt the housing market and to play a far more active role moving forward.

2.2 The Independent Review of Build Out led by Sir Oliver Letwin MP reported in October 2018. This advocated significant additional powers for local planning authorities in relation to large sites of over 1,500 units. This included giving local authorities clear statutory powers to purchase the land for such large sites compulsorily at prices which reflect the value of the those sites once they have planning permission and a masterplan that reflect new diversity requirements (in terms of the range of house types and tenures). Further powers to control the development of large sites through the involvement of Local Development or Infrastructure Development Companies were also advocated.

2.3 National planning policy and guidance makes it clear that the delivery of new homes is not just a quantitative exercise. Ministers have emphasised that good design and place making have a vital role to play in the delivery of the UK's housing. The Building Better, Building Beautiful Commission is advising government on how to promote and increase the use of high-quality design for new build homes and neighbourhoods. The Letwin Review also advocates the use of masterplans and design codes to achieve good design alongside rapid build out rates.

3 Garden Communities

3.1 There are a range of Government initiatives to support the delivery of new housing. Of particular note is the Garden Communities programme. A prospectus was launched in August 2018 which included the following text;

This prospectus sets out our vision and expectations for high-quality place-making across this country. It's a fresh opportunity to stimulate economic growth in new places, and a chance to aspire beyond identikit housing and town centres that look like anywhere and nowhere. It's a call to developers, investors, local authorities and local enterprise partnerships to build communities with local character, good employment opportunities, strong services, integrated and accessible transport, innovative uses of technology – and beautiful green spaces

3.2 The prospectus invited bids for ambitious, locally supported, proposals for new garden communities at scale. Proposals for new Garden Towns (more than 10,000 homes) would be prioritised but proposals for Garden Villages (1,500-10,000 homes) would also be considered. In return for tailored assistance to help design and deliver the vision for these places, the expectation of Government was for local areas to deliver significant housing and economic growth in locations where there is sufficient demand for housing.

3.3 The prospectus made it clear that government expected proposals to demonstrate how they will meet and embed the key qualities below;

a. **Clear identity** – a distinctive local identity as a new garden community, including at its heart an attractive and functioning centre and public realm.

b. **Sustainable scale** – built at a scale which supports the necessary infrastructure to allow the community to function self-sufficiently on a day to day basis, with the capacity for future growth to meet the evolving housing and economic needs of the local area.

c. **Well-designed places** – with vibrant mixed use communities that support a range of local employment types and premises, retail opportunities, recreational and community facilities.

d. **Great homes** – offer a wide range of high quality, distinctive homes. This includes affordable housing and a mix of tenures for all stages of life.

e. **Strong local vision and engagement** – designed and executed with the engagement and involvement of the existing local community, and future residents and businesses. This should

include consideration of how the natural and historic environment of the local area is reflected and respected.

f. **Transport** –integrated, forward looking and accessible transport options that support economic prosperity and wellbeing for residents. This should include promotion of public transport, walking, and cycling so that settlements are easy to navigate, and facilitate simple and sustainable access to jobs, education, and services.

g. **Healthy places** – designed to provide the choices and chances for all to live a healthy life, through taking a whole systems approach to key local health & wellbeing priorities and strategies.

h. **Green space** – generous, accessible, and good quality green and blue infrastructure that promotes health, wellbeing, and quality of life, and considers opportunities to deliver environmental gains such as biodiversity net gain and enhancements to natural capital.

i. **Legacy and stewardship arrangements** – should be in place for the care of community assets, infrastructure and public realm, for the benefit of the whole community.

j. **Future proofed** – designed to be resilient places that allow for changing demographics, future growth, and the impacts of climate change including flood risk and water availability, with durable landscape and building design planned for generations to come. This should include anticipation of the opportunities presented by technological change such as driverless cars and renewable energy measures.

4 Exeter and East Devon Garden Communities

4.1 The Strategic Planning Committee received a paper in September 2018 entitled '*Principles for Accommodating the Future Growth Needs of East Devon*'. This considered how future growth could be accommodated sustainably in the District in terms of the following four themes;

- Healthy and Prosperous Communities
- Environmental Protection and Enhancement
- Resource Consumption and Climate Change
- Economic Growth, Education and Employment

This was followed by a paper in November 2018 entitled '*Future housing needs and requirements in East Devon*'.

4.2 Together these papers introduced debate around potential thinking and approaches to accommodating future growth in the District. The September 2018 paper identified the north west quadrant of the district to the north of Exmouth and west of Ottery St Mary as the least constrained part of the district for accommodating growth. Three potential approaches for accommodating growth in this location, including the potential to establish a further new town, were outlined.

4.3 The opportunity to submit bids in response to the publication of the Garden Communities prospectus was considered in the context of the possibility of further large scale development proposals coming forward in the District. Officers of the Greater Exeter Councils, supported by the then Leaders, developed a number of draft schematic linked bids to the programme to join the existing Culm Garden Village in Mid Devon which was designated in 2017. The deadline for the submission of bids was the end of November 2018.

4.4 The largest of the bids was titled 'Exeter and East Devon Garden Communities'. This was a bid with Exeter City Council and Teignbridge District Council. This anticipated the delivery of circa 20,000 homes under garden community principles both within and outside of the City. In terms of development within the City this subsequently developed in to the Liveable Exeter vision which anticipates the delivery of circa 12,000 new homes on key brownfield sites and was launched in to the public domain in February of this year. The potential for strategic scale development in the North West Quadrant area of the District was also identified and the discussion

concept of a network of linked villages, referred to as Clyst Villages, was put forward in order to satisfy the requirements of the application process.

4.5 Government announced in May of this year that the Exeter and East Devon bid had been successful. This was accompanied by an award of £750k of capacity funding was provided for the first year which currently sits with the City Council as the lead applicant. The City Council's Executive meeting in July endorsed the establishment of a steering board and the recruitment of a project team to lead the delivery of the Liveable Exeter programme. Teignbridge District Council's Executive also confirmed support for the status in September. To be able to access this or potential future rounds of capacity funding requires the Council to confirm its support for this status as it relates to the District. This forms the basis of a specific recommendation of this paper. The allocation of the funding is related to the timing of housing delivery with the emphasis and priority in the first instance being on the brownfield sites within the City.

4.6 It is important to emphasise that the designation of a garden community does not in itself make any decisions about development. The legal position in relation to making decisions on development strategy and allocations is clear – this must be carried out through the preparation of local plans.

4.7 The specifics of which sites and growth areas are proposed and the overall scale and form of development will need to be considered through the passage of the Greater Exeter Strategic Plan and/or the Local Plan review. Therefore there is no pre-empting of that formal legal process. Rather it is an opportunity to engage with government and its agencies to identify investment priorities and other support needed to ensure that future growth and development is delivered to a set of high standard principles. Garden Communities status will help to support this process both directly through additional revenue funding and indirectly through greater government support referred to as 'brokerage') going forward. It is also an opportunity to engage with other local authorities in the programme to share experience and best practice.

5 Locally Led New Town Development Corporations

5.1 The Garden Communities prospectus makes it clear that delivering a new garden community requires long-term strategic thinking and robust delivery arrangements. There are many forms that this could take – from arrangements such as joint venture companies, to Development Corporations.

5.2 The prospectus commits government to working with successful proposals to help them work through the detail of the most appropriate delivery arrangements to ensure main partners can take key decisions effectively. Government has recently taken action to enable the creation of new locally accountable New Town Development Corporations. These vehicles can help to provide long-term certainty, resolve complex co-ordination challenges, invest directly in infrastructure that unlocks development, and use compulsory purchase powers to help lay out a new town. The single purpose nature of such development corporations is also a demonstrable and visible public sector commitment to achieving high quality development that can help to attract private investment and also harness expertise and leadership from this sector.

5.3 The first generation of New Towns owed much of their success to the ability of Development Corporations to acquire land at, or near to, existing use value and capture uplifts in land value from the infrastructure they developed and subsequent economic activity to reinvest in the local community. The Government accepts that the use of compulsory purchase can play an important role assembling land for new settlements. If land is acquired by a new town development corporation, compensation would be assessed in accordance with the 'no-scheme' principle as defined in the Land Compensation Act 1961. In practice, the value of compensation would depend on the location, character and planning status of the specific land being acquired.

5.4 The Guidance on the New Towns Act 1981 (Local Authority Oversight) Regulations were published in June 2018. In order to designate a new town and establish a locally led development corporation the Secretary of State must be satisfied that it is "expedient in the national interest"

that the area of land proposed be developed as a new town. For the Secretary of State to be able to judge this, government will want to test the evidence to ensure that a project of such scale and complexity rests on sound foundations. In doing so, a number of areas will need to be examined;

Evidence of community participation and consultation

The Secretary of State will need to be satisfied that there is a robust evidence base demonstrating the suitability of an area for a new town, and that appropriate local public participation and consultation has taken place.

Deliverability

Whilst recognising that the delivery of a new town is complex, the government will need to be satisfied that deliverability has been robustly assessed against a range of scenarios and assumptions. The government will need to see financial modelling covering the whole delivery lifecycle, including projected returns and debt profile, clearly showing peak debt requirements.

Best route

The Secretary of State will need to be satisfied that the new town designation and the creation of an LLNTDC represent the best route to securing expedited delivery of a high quality, sustainable new development with the necessary supporting physical and social infrastructure and a plan for the long term stewardship of assets.

Governance

The government will expect to see robust governance proposals relating to the LLNTDC.

Place making, community engagement, stewardship and future growth

The government will expect to see robust proposals for high quality place making, by, for example, adopting frameworks such as the Garden City Principles.

Strategic Environmental Assessment and Appropriate Assessment

Before seeking a new town designation, government expect local authority/authorities seeking to become oversight authorities to have considered carefully the environmental impacts of their proposals.

5.5 The Ministry of Housing and Local Government (MHCLG) launched a £10m New Development Corporation Competition on the 25th October. The eligibility criteria make it clear that applicants will need to;

- demonstrate that they can use the requested funding to progress work and generate proposals for innovative delivery models such as development corporations
- demonstrate that the delivery models being explored are intended to deliver a transformational housing or regeneration project
- endeavour to make key learnings from the funding available to other local areas and to central government in order that best practice and lessons learned can be disseminated, not including commercially sensitive information

The Government is looking for up to 10 transformational housing and economic growth opportunities. It is a recommendation of this paper that the support in principle is given to submitting a bid to this Fund, potentially in conjunction with our partner Greater Exeter authorities.

6 Assessment

6.1 There is considerable experience within the District of identifying and bringing forward major development proposals, particularly in the West End of the District. In terms of major housing developments these have exclusively been commercially led. In other words these have been promoted and delivered by commercial companies, such as house builders, with no public control of land. Designations, such as the Growth Point in 2007, alongside other programmes have helped to secure Government funding and enable investment including in terms of infrastructure improvements. But delivery arrangements have been informal and planning led with no additional statutory powers.

6.2 It is important to reflect on the experience of delivering the Cranbrook new community which began construction in 2011. The original vision for Cranbrook was as a sustainable, vibrant, attractive town which combines the rich urban fabric of a historic Devon service centre or market town whilst meeting the needs of 21st century lifestyles. Much has been delivered in the past 8 years to work towards the achievement of this vision. But challenges around design, sustainability and stewardship (all areas highlighted as key purposes of New Town Development Corporations) are recurring themes. In the town centre for example the lack of any publicly controlled land has frustrated the ability to bring forward more agile responses to the challenges facing the high street, such as modular space.

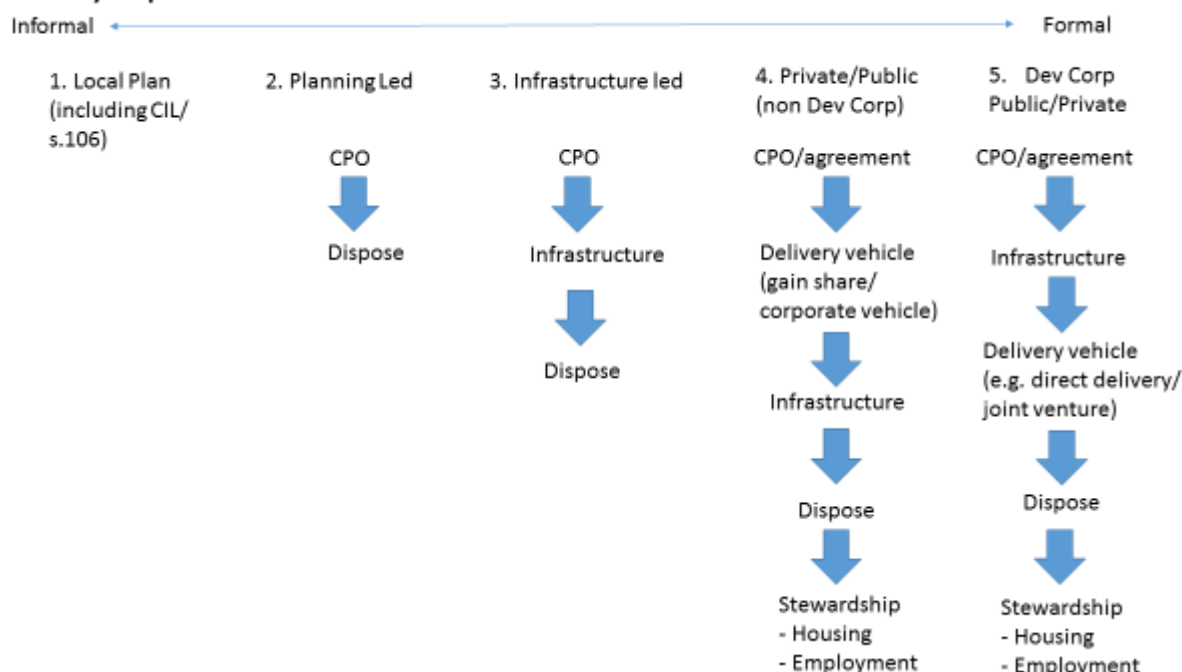
6.3 The issue remains of how we get the right delivery structures and vehicles in situ to ensure that we can create great places for people to live in, work and enjoy of which we can all be proud. It would be far too simplistic to suggest that this should be a purely public sector exercise. Despite the significant public sector investment in infrastructure in the West End, the level of private sector investment has comfortably outstripped this by a ratio of at least 10:1. But a model that is motivated solely by profit alone is not a solid foundation upon which to build a new town – we are working with house builders, not town builders as one colleague neatly summarised it.

7 Place making

7.1 There is significant learning spread throughout the Council on what it takes to deliver great places. It is important that we act on this knowledge in preparing for the next generation of strategic sites that will be identified through the Greater Exeter Strategic Plan and/or Local Plan review. There is also considerable synchronicity with the direction of Government policy including the legislation to enable locally led New Town Corporations to be created and the general tenor of the Letwin Review. Everything points to the Council needing to adopt a more proactive and assertive approach moving forward.

7.2 The full range of delivery options available to the Council will need to be carefully considered. A session was held recently with colleagues from North Essex Garden Communities. They are the most advanced nationally in terms of considering different options up to and including locally led development corporation status. The slide below sets out a spectrum of delivery options with increasing degrees of direct involvement and formality;

Delivery Options



7.3 Garden community status provides a platform to engage with Government and to undertake a full assessment of the options moving forward. Equally MHCLG's New Development

Corporation Competition provides an opportunity to undertake the type of detailed analysis that will be required to support the establishment of a locally led, powerful delivery vehicle going forward.

7.4 Critically this analysis needs to consider the existing generation of strategic sites alongside what might come forward in the next chapter. The development of Cranbrook is only around 25% complete in terms of the level of new homes that have been built and occupied. There are considerable challenges, not least in relation to the town centre, that still need to be resolved. Equally we have benefited from the majority of the land that is the subject of the current outline planning permission for 3,500 homes being under the control of a single development consortium. For the expansion areas of Cranbrook, as anticipated in the Cranbrook Development Plan Document, we will move to an un-consortiumised model with up to eight separate landowner/developer parties.

7.5 This will make the overall coordination and delivery of development far more complicated. We need to ensure that robust delivery mechanisms are in place that are capable of dealing with this scenario. One concept that has risen to the fore over recent years is that of the master developer. This is akin to the role that is performed by the Duchy at Poundbury in Dorchester. This provides an extra level of coordination, regulation and licensing over and above what the planning system in isolation is capable of achieving. This helps to realise the types of qualitative outcomes that we all seek and demand.

8 Alternative options

8.1 An alternative option would be not to support the Garden Community status and not to be part of this programme. It is perfectly possible for the Council to continue to plan for future development within the area without being part of this programme. However this would represent a 'no change' scenario despite the learning detailed above. The downside from this would also be that the platform from which to engage with Government would be removed. Whilst no definitive position can currently be established in relation to the ability to secure future government investment, for example for essential infrastructure improvements, it is likely that the lack of this status would also mean that the District is viewed as a lower priority. Homes England's Strategic Plan has a priority to support the delivery of garden communities for example.

9 Conclusion

9.1 We have significant experience of delivering major proposals in the District up to and including a new town. It is important to reflect on what we have learnt during this process and to ensure that robust delivery vehicles are in place to give us greater influence and better tools to achieve our quality and sustainability objectives and to support the creation of great places.

9.2 Our experience together with the direction of government policy points to the need to adopt a more proactive and assertive approach. Garden Community status will provide a platform from which to engage with government to explore future options in this respect. It is important to emphasise that this is not a planning designation, but the start of a conversation through the local plan process with our communities and with government about the infrastructure and other support available to the Council to ensure that future growth in the area is as high quality as possible.

9.3 Neither does Garden Community status commit the Council to pursuing a particularly delivery option or vehicle. Rather it presents the opportunity, alongside a bid to the Delivery and Innovation Fund, to carefully analyse and consider all options available to the Council. In turn this will need to be reported back to Cabinet.

9.4 Ultimately garden community status provides an opportunity for the Council to demonstrate real leadership of place and to ensure that we have the necessary tools and resources at our disposal to achieve our ambitions. Considering the options for dedicated delivery vehicles at the earliest opportunity is an essential ingredient of this.

9.5 Finally it is important to emphasise that the delivery of major strategic developments is a long term endeavour. Even when the development of individual homes has finished it is essential that there are robust and cost effective stewardship arrangements in place to ensure the ongoing

delivery of assets and services that continue to meet the needs of our new communities over time. Ensuring that such arrangement are in place is again one of the leading objectives for development corporation status.



Report to: Cabinet

Date of Meeting: 27 November 2019

Public Document: Yes

Exemption: None

Review date for release None

Subject: Membury Neighbourhood Plan

Purpose of report: This report explains that the Membury Neighbourhood Plan has been to Referendum and has been found to meet the basic conditions subject to some changes. The Parish Council have agreed with most of the changes but wish to reduce the number of houses to be allowed. As a result the relevant policy of the Plan needs to be subject to a further 6 weeks of consultation. If no substantive objections are received, it can proceed to Referendum.

Recommendation:

1. That Members endorse the Examiner's recommendations on the Membury Neighbourhood Plan (the Plan) but agree in principle to the reduction in the number of proposed houses in Membury village from 15 to 10 (Policy HP1).
2. That Members agree that a further 6 week consultation be undertaken in respect of Policy HP1 of the Plan.
3. If no substantive objections are received in response to Policy HP1, that Members agree that a 'referendum version' of the Plan (incorporating the Examiner's modifications and the amended Policy HP1 reduced to 10 houses) should proceed to referendum and a decision notice to this effect be published.

Reason for recommendation: The Plan is the product of extensive local consultation and has been recommended to proceed to referendum by the Examiner subject to modifications which, with one exception, are accepted by the Parish Council. This exception is that the Parish Council wish to reduce the number of new houses allowed in the village to reduce from the 15 recommended by the Examiner, to 10. This change would be acceptable in principle as it still meets the Basic Conditions (and is in broad conformity with the Local Plan) but would need to be subject to further consultation. If this change does not receive substantive objections and Members agree that it should proceed to Referendum, the legislation requires a decision notice to be produced.

Officer: Claire Rodway- Senior Planning Officer, crodney@eastdevon.gov.uk
01395 571543

Financial implications: Growth within the region provides the council with funding through government incentive schemes and increases our tax base. Although the reduction recommended is not a large number any reduction in growth will have a detrimental financial impact.

Legal implications: As set out within the report, it is a formal requirement for the Council to consider the Examiner's recommendations and satisfy itself that the proposed modified plan meets the prescribed 'Basic Conditions'. The purpose of this officer report is to satisfy this formal requirement and

advise that further amendments are required. The extra step for consultation in respect of the proposed amendments to Policy HP1 is required to be agreed. Following the outcome of the consultation the report also identifies that the District Council is responsible for organising the referendum and requires a resolution to progress this. At this stage there are no other legal observations arising.

Equalities impact:

Low Impact

The Neighbourhood Plan has gone through wide consultation with the community and has been advertised in a variety of formats to increase accessibility. Neighbourhood planning is designed to be inclusive and extensive consultation is a fundamental requirement. All electors are invited to vote in the referendum.

Climate change:

Low Impact

Risk:

Medium Risk

There is a risk that the Neighbourhood Plan could fail the referendum if a majority of the community vote against it.

Links to background information:

- [Localism Act 2011](#)
- [Neighbourhood Planning Regulations 2012](#)
- [Neighbourhood Planning Roadmap Guide](#)
- [Membury Neighbourhood Plan and Examiner's Report](#)
- [EDDC Local Plan 2013-2031](#)
-

Link to Council Plan:

Neighbourhood planning helps to deliver the priorities identified in the Council plan by: Encouraging communities to be outstanding;
Developing an outstanding local economy; Delivering and promoting our outstanding environment

Report in full

1.0 The Examination

- 1.1 The Membury Neighbourhood Plan was examined in March 2018 and, subject to modifications, it has been recommended that it proceed to referendum. The Examiner, Andrew Mead, was chosen by EDDC in consultation with Membury Parish Council.
- 1.2 The examination was undertaken on the basis of considering the written material which forms the Plan, its appendices and accompanying statements as well as any representations received in response to the formal consultations. The Examiner did not consider it necessary to hold a public meeting, however there were a number of written queries raised by the Examiner and the Parish Council responded to the Examiners Report after its publication. The Plan, the Examiner's report and the other written material are available to download on our website:

- 1.3 The legislation, reflected in the Council's Neighbourhood Planning Protocol (excerpt below), requires the Policy Team to notify Members of the findings and recommendations of the Examiner and how the Council proposes to respond to the recommendations. This response will then be published as a decision notice.

Task in Neighbourhood Plan Production, Commentary and Formal Processes	Role of the Policy Team at the Council	Role of Other Services at the Council
<p>12b – Consideration of and response to the Examiner's Report <i>(Paragraph 12 of Schedule 4B of TCPA 90)</i></p> <p>The legislation requires the Council to consider and respond to the Examiner's recommendations.</p> <p>In addition, and before moving on to the next stage, the Council must be satisfied that the draft plan;</p> <p>(1) meets the 'basic conditions' being,</p> <ul style="list-style-type: none"> -Complies with national policy and guidance from SoS -Contributes to sustainable development -General Conformity with the strategic policy of the Development Plan for the area or any part of that area -Doesn't breach and is otherwise compatible with EU obligations – this includes the Strategic Environmental Assessment Directive of 2001/42/EC -The making of the NP is not likely to have a significant effect on a European site (as defined in the Habitats Regulations or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats &c) regulations 2007 9(e) (either alone or in combination with other plans or projects)" <p>(2)is compatible with the Convention rights, and (3)complies with the other legal requirements set out in Sections 38A & 38B of the TCPA 90</p> <p>12c - Produce and publish a Decision Statement <i>(Regulation 18)</i></p>	<p>Consider each of the Examiner's recommendations and decide what action to take in response.</p> <p>This could be to accept the Examiner's recommendations to progress to a referendum or to refuse the proposal. It could be to accept recommendations to make modifications or make our own modifications, so as to make the NP meet the 'basic conditions', Convention rights or other legal requirements. It could also be to extend the area for the referendum. We could also decide we are not satisfied that the plan meets the minimum requirements notwithstanding the Examiner's view.</p> <p>We will need to consider if our proposed decision differs from the Examiner's recommendations and whether this is as a result of new evidence or new fact. If so, and prior to making the decision, we will notify the plan producers and those making representations on the NP and invite further representations. This may entail referring this matter back to the Examiner.</p> <p>A report will be taken to the Determining Committee notifying members of the findings and recommendations of the Examiner and how the Council proposes to respond to the recommendations. In the event of the Officers recommending refusal of the proposal it will not be necessary for the matter to be considered by the Determining Committee unless a Ward Member requests the committee consider the matter.</p>	<p>The Policy Team & Legal Services will assess each of the Examiner's recommendations and decide what action to take in response.</p> <p>Legal Services will advise whether they are satisfied that the draft plan meets the basic conditions, is compatible with the Convention rights and complies with the other legal requirements</p>

- 1.4 The Examiner has recommended nine textual modifications to the Plan. The Examiner's recommendations are as follows:

Proposed modification number (PM)	Page no./ other reference	Modification

PM1	Page 25: Statement of Principle	Delete the Statement of Principle.
PM2	Page 25: Definition of Infill	Delete the Definition of Infill.
PM3	Policy HP1	Delete policy HP1 and substitute: “Policy HP1 – Meeting new build within Membury Any proposals for new housing development must meet the requirements and standards of the Design Statement, not detract from the landscape and not increase flood risk to others and will be supported: 1) where they are of appropriate type, design, and scale to the village, and 2) providing the cumulative effect does not harm the heritage or character of the village, and 3) the cumulative new build within the whole parish over the plan period does not exceed 15 properties.”
PM4	Policy HP5	Delete point 5) and substitute: “5) are located within Membury village and meet the criteria of Policy HP1.”
PM5	Policy NE2	Change “... no adverse effect ...” in points 1) and 2) to: “... no significantly adverse effect...”
PM6	Policy BHE1	Include in point 2): “... historic assets and their settings in the parish...”
PM7	Policy BHE1	Delete point 1) from the policy. Delete point 3) from the policy.
PM8	Policy CFS3 2)	Delete “... at least two years ... ” and substitute: “... at least 12 months (and up to 2 years depending on market conditions) ...”
PM9	Policy F1 a) 2	Delete a) 2 from the policy.

- 1.5 Under para 12 of the Town and Country Planning Act it is for the Local Planning Authority (EDDC) to consider the recommendations made in the report and the reasons for them and decide what action to take in response to each recommendation.
- 1.6 The District Council must be satisfied that the Neighbourhood Plan meets the ‘Basic Conditions’, compatible with the convention rights and complies with the provisions under s 38A and 38B or that the draft Neighbourhood Plan would meet those conditions be compatible with those rights and comply with those provisions if modifications were made to the draft Neighbourhood Plan (whether or not recommended by the Examiner) before a referendum is held.

- 1.7 The regulations go on to state that if-
- a) the Local Planning Authority propose to make a decision which differs from that recommended by the Examiner, and
 - b) the reason for the difference is (wholly or partly) as a result of new evidence or a new fact or a different view taken by the authority as to a particular fact, the authority must notify prescribed persons of their proposed decision (and reason for it) and invite representations.
- 1.8 The legislation, which is reflected in our protocol, requires the Council to consider and respond to this report. The amendments suggested by the Examiner, mean that the Council can be satisfied that the Plan:
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contributes to the achievement of sustainable development;
 - is in general conformity with the strategic policies of the Development Plan for the area;
 - does not breach, and is compatible with European Union obligations and the European Convention of Human Rights and therefore meets the 'Basic Conditions'.

This is the case and the 'Basic Conditions' are met, however the Parish Council has raised a concern which is felt to be valid.

2.0 Amendment to the Examiner's Recommendations

- 2.1 The Neighbourhood Plan, as submitted to Examination, pursued an approach whereby new housing would be distributed amongst the hamlets as well as in the village itself. The District Council expressed concern at this approach, particularly as the hamlets offer no services and are accessible only by the private car, but the Parish Council were keen to avoid concentrating a comparatively large number of houses in the main village and decided to let the principle be tested at examination.
- 2.2 The Examiner considered the issues and states in his report:
- "4.16I have very strong reservations about the locational principles of the housing policies which seek to enable dwellings to be built in open countryside, albeit in four named hamlets. The EDLP indicates that in rural areas outside villages the policy approach is one of development constraint and countryside conservation, whilst recognising the needs of those who live or work there. There will be scope for small villages without BUABs to benefit from limited development specifically to meet a proven local need, for instance for affordable housing or local employment, but generally these settlements will be expected to look to the larger villages and towns to provide general housing, employment and facilities. I note that, prior to the adoption of the EDLP, Membury used to have a BUAB. However, this is no longer the case and Membury is not identified in the emerging Villages Local Plan as a village where a BUAB is being defined.*
- 4.17 Strategies 6 and 27 of the EDLP enable development to be proposed at settlements without a BUAB by the production of a Neighbourhood Plan. The definition of a settlement is not included in the EDLP but whereas, due its size and function, I accept that Membury is a settlement, I consider that Rock, Furley, Webble Green and Longbridge are hamlets and are locations in the open countryside where the EDLP would not normally seek to locate new houses. Therefore, in this regard, Policy HP1 is not in general conformity with strategic policies and I shall recommend the deletion of the named hamlets.*

4.18 I realise that a strong theme of the Plan is to disperse development away from Membury village and several reasons are given. The NP states that the EDLP restriction on “small scale (hamlet) development” will encourage an ageing population, but there is no evidence that this would be the case any more than building focussed on Membury. The higher than national average number of people working from home and the investment in broadband facilities are not sound reasons to encourage the building of new houses in the four small hamlets in the open countryside in the AONB. The dispersal of new houses to the hamlets outside Membury would encourage car usage to obtain services and facilities found in the village. There is no public transport and the interconnecting lanes are very narrow, mostly steep and lack safe paths. I agree that maintaining the primary school and the pre-school facilities are important. However, any children from Longbridge or Webble Green may well use educational facilities at Stockland rather than Membury...

4.21 Therefore, I consider that any new housing development as provided for in the Plan should only be located at Membury village...

4.24 Policy HP1 5) states that the cumulative “new build” within the whole parish over the Plan period should not exceed 10 to 15 new properties. Given that I am recommending that the focus of new housing should be at Membury village, I shall modify the policy accordingly. Furthermore, relating the new housing limitation to the whole parish would not take into account any dwellings permitted under EDLP Policy H4 for those employed in rural businesses. In order to be sufficiently clear, I shall place the housing limitation at 15 new dwellings permitted over the Plan period which would meet the aspirations of the NP for the parish and which would still be subject to criteria 1) and 2) of Policy HP1. I have recommended appropriate modifications to the policy to reflect my conclusions outlined above. (PM3)”

- 2.3 The Parish Council are concerned that their Plan originally proposed 10-15 houses throughout the Parish during the Plan period, but the Examiner has amended Policy HP1 to only focus new housing into the main village of Membury and has specified a maximum of 15 houses. They have reluctantly agreed to the village focus, but fear that the overall number is excessive, particularly if 15 houses are focussed on a single site, and have requested that the Examiners modification be changed, downwards, to allow a maximum of 10 dwellings during the Plan period.
- 2.4 The District Council had already expressed concern at the scale and location of the new housing, so whilst the village focus is welcomed, 10 houses are considered more appropriate than 15, especially as the post office/shop has closed since the Examination, making the village less sustainable in planning terms. Whilst 10 or 15 houses would meet the Basic Conditions the lower figure would conform more closely to Strategy 27 of the adopted East Devon Local Plan which restricts development in the countryside. Concerns remain among Officers that there is a lack of precision in the Examiners report regarding what constitutes Membury village (as there is no boundary or criteria defining it), however for Development Management purposes each application will be considered on its merits against the development plan and case law and it is not considered appropriate to attempt to redefine it at this late stage.
- 2.5 Under Para 13 (of the Town and Country Planning Act, 1990) the District Council are able to reach a different view to the Examiner but must “notify prescribed persons of their proposed decision (and the reason for it) and invite representations”, before deciding whether any responses are so substantive as to warrant a further examination.

- 2.6 Members are asked to agree that Policy HP1 should be amended to state 10 rather than 15 houses and that a six week consultation, undertaken by the Planning Policy Team, should commence as soon as possible. This will relate only to Policy HP1.
- 2.7 It should be noted that, since the Examination, the main facility in the Village- the Post Office/café/shop- has closed, although a regular community café now runs from the village hall. The Plan has been updated to reflect the change of venue but this is considered very minor, and factual, and does not warrant reconsultation in this respect.
- 2.8 A revised version of the Plan, incorporating the recommended changes and the reduced number of houses in HP1, will be available to view on the EDDC website during the consultation. If no substantive objections to HP1 are received, this Plan will be known as the 'Referendum Version' and will proceed to the next stage in the process. If substantive objections are received the matter will be returned to Cabinet for consideration.
- 2.9 Depending on the outcome of the consultation the District Council could consider that a further Examination is necessary. Given the relatively minor nature of the change to HP1, and the situation whereby the housing numbers are reduced and the Examiner has already considered the issues, this seems very unlikely but nevertheless cannot be ruled out until the consultation concludes.
- 2.10 Assuming the change to Policy HP1 is acceptable, the District Council will be responsible for arranging a referendum where all electors within the Parish of Membury will be invited to vote on whether the Neighbourhood Plan should be used to make planning decisions in the Parish. If more than 50% of those who vote say 'yes' the Neighbourhood Plan will be made and will form part of the Development Plan for East Devon.



Report to: **Cabinet**

Date of Meeting: 27 November 2019

Public Document: Yes

Exemption: None

Review date for release None

Subject: **Request for additional Housing Officer for a fixed term period of 12 months.**

Purpose of report: Due to rising demand and increased workload within the Housing Options team, the report sets out the reasoning behind the need to seek approval for an additional Housing Officer for a fixed term period of 12 months.

This is being requested as an immediate temporary measure that will allow us time to review the current structure of the team in order to ensure we are fit for purpose going forward.

Recommendation: **That Cabinet recommend to Council an additional spend of £8,221.00 in 2019/2020 and an additional amount of £25,155.00 for 2020/2021 to enable the appointment of a Fixed Term Housing Officer for 12 months.**

Reason for recommendation: To ensure day to day service delivery within the Housing Options team can be maintained and that we are meeting all legislative duties in relation to persons approaching the Council who are homeless or at risk of homelessness.

Officer: Housing Service Lead, Amy Gilbert-Jeans

Financial implications: The Financial implication are contained within the report. The current year cost if approved will be met from the General Fund Balance and next year's costs will be factored into the new budget.

Legal implications: There are no legal implications arising from the report.

Equalities impact: High Impact
Persons approaching the Housing Options team are often deemed vulnerable and needs can be high in relation to protected characteristics.

Climate change: Low Impact

Risk: High Risk
The Council has a Statutory duty to ensure we are meeting legislation in relation to the Homelessness Reduction Act 2014.
Not meeting these duties places vulnerable people at significant risk.

Links to background information: .

Link to Council Plan: Encouraging Communities to be outstanding

1. Due to increasing demand and workload within the team we are currently facing a situation where the Housing Options team are under resourced and an additional staff Member is required urgently to assist in stabilising the work-load of the team with immediate effect.
2. Our review of staffing levels show that, despite restructuring the team within existing budgets to better meet the anticipated increase in activity following the introduction of the Homelessness Reduction Act, the service is struggling to cope with the demands placed upon it through a greater than expected rise in approaches to the service and the increased complexity of the cases that are arising.
3. The positive benefits of the homelessness service provided by the Housing Options team have been identified in the EDDC Homelessness and Rough Sleeper Strategy 2018 and are also highlighted in the recent report "Poverty – A Local Picture", due to be presented to the Overview Committee on 14th November.
4. The lack of resources that the Options team are working with have been acknowledged, and existing resources are stretched by the following factors:
 - An increase in the number of homeless cases (see table 1 – number of approaches)
 - An increase in the levels of responsibility for each homeless case since the Homelessness Reduction Act was introduced, in April 2018, resulting in a huge rise in the time needed to deal with each case thoroughly
 - Existing resources being stretched by covering two full time drop-in services, a commitment that is not provided by any other local homelessness services. There is an advantage that meets our philosophy of making ourselves available so that the public can contact us at the earliest opportunity to give us the best chance of assisting them to prevent or relieve their homelessness.

Table 1 – Number of approaches:

1a: Pre HRA

1b: Post HRA

Year	Total
2014-2015	394
2015-2016	371
2016-2017	320
2017-2018	261

Year	Total
2018-2019	871
2019-2020*	555

*for the six month period from April 2019 to September 2019 inclusive

5. The Options team are currently in a difficult situation, with limited staffing resources available to take on the high volume of homeless approaches and the demanding consequences of those approaches. The figures in table 1 demonstrate the higher levels of demand clearly, not to mention the additional responsibilities tied to the Homelessness Reduction Act attached to the higher level of numbers approaching. This situation is compounded by the housing environment where higher levels of homelessness exist due to welfare reforms, poverty, affordability issues in the private sector and a reduction in the numbers of supported accommodation projects in existence. All factors contribute towards a rise in homelessness and subsequent approaches to the Options team, as potential alternative options are simply not available. The lack of suitable supported accommodation projects, and overall support for vulnerable people, has contributed towards an increase in customers approaching the Options service with a higher level of complex needs, most

notably with mental health issues. As a result these cases are more challenging to deal with and securing a suitable positive outcome is a more difficult objective.

6. Temporary additional resources aimed specifically at assisting rough sleepers have been added through external funding via the Rapid Rehousing Pathway and Rough Sleeper Initiative funding, this has helped us manage our outreach work but is not alleviating any demand that is currently being dealt with by the Housing Officers.
7. Officer caseloads are reaching an all-time high, with full time members of the team facing in excess of 40 cases each and part-time members of the team facing in excess of 20 cases each. Although there are no official guidelines for the appropriate numbers of cases that Housing Officers should or could manage at one time, 40 is widely considered a tipping point where positive preventative work cannot be achieved as all resources are taken up fire-fighting. This opinion was quantified in a recent conversation with the Ministry of Housing, Communities & Local Government. Each Housing Officer is currently over this limit.
8. The Housing Officers are currently having to work in a reactive manner, and not in a proactive preventative manner. The lack of time available to effectively case manage the individual needs of the customers is resulting in an increase in customers becoming homeless and requiring expensive emergency accommodation.
9. There is a need for another Housing Officer to be installed in the team in order to meet the sustained demand levels. This would contribute towards bringing existing numbers of caseloads per existing Housing Officers down and to be able to focus on a preventative, positive service for our customers in need of assistance, ultimately providing better outcomes for customers and reducing aspects of the budget including expenditure on temporary accommodation and the prevention fund.
10. It is proposed that a further piece of work is undertaken to review the recent restructure of the team to assess what is required going forward but that in order to alleviate the current pressure on the team an additional Housing Officer is recruited for a period of 12 months in order for us to undertake this piece of work.
11. The costings in the recommendation have been worked out on the basis of a split between the current financial year (2019/2020) and the next financial year (2020/2021). This has been divided to reflect 3 month's worth of expenditure coming from this year's budget and the remaining 9 coming from next years budget.

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