



Agenda for Cabinet Wednesday, 5th June, 2024, 6.00 pm

Members of Cabinet

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

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, 28 May 2024

East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ

DX 48808 HONITON

Tel: 01404 515616

www.eastdevon.gov.uk

This meeting is being recorded for subsequent publication on the Council's website and will be streamed live to the [East Devon District Council Youtube Channel](#)

- 1 Minutes of the previous meeting (Pages 3 - 9)
- 2 Apologies
- 3 Declarations of interest
Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)
- 4 Public speaking
Information on [public speaking is available online](#)
- 5 Matters of urgency
Information on [matters of urgency](#) is available online
- 6 Confidential/exempt item(s)
To agree any items to be dealt with after the public (including the Press) have been excluded. There are two items which officers recommend should be dealt with in this way.
- 7 Minutes of Recycling and Waste Partnership Board held on 24 April 2024 (Pages 10 - 14)
- 8 Minutes of South and East Devon Habitat Regulations Executive Committee held on 24 April 2024 (Pages 15 - 17)

Key Matters for Decision

- 9 **Preventing Homelessness & Rough Sleeping Strategy 2024-28** (Pages 18 - 35)
- 10 **Feniton Phase 4 Resolving risks to get to site** (Pages 36 - 43)
- 11 **Exmouth Sea Wall Emergency Repairs Update and Phase 2** (Pages 44 - 52)
- 12 **Household Support Fund 5** (Pages 53 - 58)

Matters for Decision

- 13 Live and Move Sport England Place Partner 2025 - 2028 (Pages 59 - 68)
- 14 Colyton Parish Neighbourhood Plan - minor modification (Pages 69 - 74)
- 15 Housing Ombudsman self-assessment and complaint procedure update (Pages 75 - 118)
- 16 Local Government (Access to Information) Act 1985 - Exclusion of Press and Public

The Vice Chair to move the following:

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

Part B Matters for Decision

- 17 Exeter Science Park - Deloitte Review (Pages 119 - 124)

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[Decision making and equalities](#)

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EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Cabinet held at Council Chamber, Blackdown House, Honiton on 1 May 2024

Attendance list at end of document

The meeting started at 6.02 pm and ended at 6.59 pm

179 Minutes of the previous meetings

The minutes of the previous meetings of Cabinet held on 27 March and 10 April 2024 were agreed.

180 Declarations of interest

Min 181. Public speaking.

Councillor Paul Arnott, Affects Non-registerable Interest, Colyton Parish Councillor and Ward Member for Colyford.

Min 190. New Communities in East Devon.

Councillor Kevin Blakey, Affects Non-registerable Interest, Cranbrook Town Councillor.

Min 190. New Communities in East Devon.

Councillor Kim Bloxham, Affects Non-registerable Interest, Cranbrook Town Councillor.

Mon 190. New Communities in East Devon.

Councillor Sam Hawkins, Affects Non-registerable Interest, Cranbrook Town Councillor.

Min 190. New Communities in East Devon.

Councillor Todd Olive, Affects Non-registerable Interest, Whimble Parish Councillor.

Min 194. Station Road Countryside Park - Delivery & Management Options.

Councillor Matt Hall, Disclosable Pecuniary Interest, Employee of Exeter City Planning Department.

181 Public speaking

The Chair handed this item over to the Vice Chair due to a conflict of interest.

Cllr Ian Priestley, Chair of Colyford Parish Council spoke with the full support the Parish Council who were present. He was concerned that the transfer of land and associated documents from Colyton Parish Council had not happened even though it had been reinforced by a Judicial Review in the High Court six months ago which was not subject to an appeal. He stated that last October he was promised the full support of Cabinet on this matter. The continued delay was causing additional expenses and time wasting for Colyford PC. He asked that he get a written response from the council's legal department to what was being done to force the reorganisation order by Friday 10 May 2024.

In response the Principal Solicitor confirmed that Colyford Parish Council would hear from EDDC by this date.

The Deputy Leader thanked Councillor Priestley for his attendance and addressing Cabinet on this matter.

182 **Matters of urgency**

There were none.

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

There was one item dealt with in this way which is recorded at Minute 194.

184 **Minutes of Housing Review Board held on 14 March 2024**

Members agreed to note the Minutes and recommendations of the Housing Review Board held on 14 March 2024.

Minute 58 Finance report

that Cabinet acknowledge the variances identified as part of the housing revenue account and housing capital finance up to month 10 2023/24.

Minute 60 Annual report of the Housing Review Board

that Cabinet and Council note the work that the Housing Review Board has undertaken during the 2023-24 civic year.

Cllr Steve Gazzard stated he had asked the Board that information on void breakdowns be recorded in district areas and noted this had not been done.

185 **Minutes of Poverty Working Panel held on 18 March 2024**

Members agreed to note the Minutes of the Poverty Working Panel held on 18 March 2024.

186 **Minutes of Overview Committee held on 21 March 2024**

Members agreed to note the Minutes and recommendations of the Overview Committee held on 21 March 2024.

Minute 44 Tree Strategy for East Devon District Council

1. The development of a Tree Strategy for East Devon District Council; and
2. To procure an external resource to draft the Strategy as agreed previously by Council.

Minute 46 East Devon Parking Strategy 2024-2031

1. To adopt the Car Parking Strategy 2024-2031, subject to appropriate amendments reflecting discussions
2. That public consultation on the Strategy is not undertaken, subject to appropriate consultation on any decisions resulting from its adoption; and
3. That a small, politically balanced Working Group or Portfolio Team be convened to deliver key elements of the Strategy, with relevant Ward Members and Portfolio Holders invited whenever appropriate.

187 **Minutes of Scrutiny Committee held on 4 April 2024**

Members agreed to note the Minutes of the Scrutiny Committee held on 4 April 2024.

188 **Minutes of Leisure Strategy Delivery Forum held on 9 April 2024**

Members agreed to note the Minutes and recommendations of the Leisure Strategy Delivery Forum held on 9 April 2024.

Minute 49 LED Service Management Fee 2024/25

1. The request from LED to provide a budget allocation of £1,603,162 for the 2024/25 management service fee which includes £53,350 for its outreach payment.
2. To consider the additional request for a further £25,000 to support the work of the outreach service.
3. To agree the new Service Level Agreement framework to be used for the 2025/26 and 2026/27 financial years subject to final agreement and sign off from the Director of Governance and Licensing and Monitoring Officer.

189 **Minutes of Extraordinary Scrutiny Committee held on 18 April 2024**

Members agreed to note the Minutes of the Extraordinary Scrutiny Committee held on 18 April 2024.

190 **New Communities in East Devon**

The Assistant Director – Growth, Development & Prosperity stated that the council had a track record of bringing forward major strategic developments, particularly in the West End of the District. Since the late 2000s these developments had been set up such that they included some form of enhanced local management regime, notably in the form of an Estate Management Company. Whilst the council had fulfilled its statutory obligations, it had not adopted public open space or other discretionary facilities. This had inevitably altered the mix and balance of public service delivery, in terms of the funding regime and the role that the District Council plays, relative to more established settlements.

The report sought to take stock of this approach. This was in the context of the District continuing to grow at a rapid pace and preparations beginning to be made for accommodating a second new community. This would ultimately lead to a scenario whereby around 20% of households in the District would be the subject of these alternative arrangements by 2040.

Cllr Kim Bloxham read out the following statement.

‘This report is very welcome, long overdue and presents a refreshing approach to how officers are recognising the wider impacts of strategic development in the West End. The old and new East Devon referred to in the report is welcome now, perhaps finally, it can benefit from the lessons learnt during the past 12 years or so of development at Cranbrook.

Just to dwell on management companies - the experience at Cranbrook was of an expensive and totally ineffective management company that left a legacy of poor maintenance and a great deal of remediation of open space once the Town Council managed to assume responsibility.

I agree with our officers, that management companies do not work when it comes to major development. It is true that the Town Council was successful in taking over responsibility for public open space and assets like play parks, but the Town was

fortunate in that it had the co-operation of the developer consortium. Since then, the Town Council has been approached by many towns and parishes for advice on how to move away from management companies in their areas. This includes areas within East Devon. Only one other Parish has managed this nationally. It is extremely difficult to wrest responsibility from a management company if there is resistance and this has proved to be the case across the Country. So, the message on management companies is - do not go there in the first place and find a way to manage open space locally.

In terms of the Cabinet recommendations, these are supported with the following comments:

Recommendation 1. The Planning Advisory Service report is welcomed and helpful and forms a strong basis to move forward particularly in how the Town and District can work together more effectively. This is particularly so with regards to the PAS recommendation 5 about both the Strategic Delivery Board and Partnership Board and PAS recommendation 8 about a re-set and improvement of relations with the Town Council.

Recommendation 2b. The Community Governance Review needs to be commenced as soon as possible if it is to avoid the difficulties with Management Companies. There does however remain some concern about whether the surrounding Parishes will support such a review and the consequences if they do not.'

The Chair wished to thank Councillors Bloxham, Blakey and Hawkins for their efforts and achievements in getting to this stage of the Cranbrook development.

RESOLVED that Cabinet:

1. Notes the findings of the Planning Advisory Service report and associated recommendations as set out at Appendix B
2. Requests that the incoming Chief Executive, and the Assistant Directors for Planning Strategy & Development Management and Growth, Development & Prosperity, in conjunction with the Strategic Planning Portfolio Holder urgently review this report and its recommendations, and to propose any additional recommendations to Cabinet, whilst Cabinet:
 - a) Endorses the proposed terms of reference for the Cranbrook Placemaking Group to take forward recommendation 5 from the Planning Advisory Service report.
 - b) Endorses the principle of re-activating the Community Governance Review for Cranbrook in consultation with ward members and local communities.
 - c) Endorses undertaking a strategic review of the Council's approach to the delivery of assets and services in major new developments to take forward recommendation 9 from the Planning Advisory Service report.

RECOMMENDED to Council:

- d) That a budget of up to £80k is made available from the general fund to ensure that capacity is in place to undertake both the Community Governance Review for Cranbrook and wider strategic review of asset and service delivery in major new developments.

REASON:

To ensure that new communities in the District continued to be supported by high quality community infrastructure and public services.

To ensure that there were effective governance arrangements in place, both currently and to support the continued expansion of Cranbrook.

191 **Response to the Clyst Honiton Neighbourhood Plan Submission**

The purpose of the report was to formally agree the response by the council to the submission consultation for the Clyst Honiton Neighbourhood Plan. Clyst Honiton Parish Council had formally submitted their Neighbourhood Plan to the District Council. The Neighbourhood Planning (General) Regulations 2012 (Regulation 16) required the District Council to formally consult on the Plan for a minimum of 6 weeks.

Cllr Peter Faithfull stated his concern that Clyst Honiton did not have a village hall and had to use other parishes facilities for their meetings. In an area of high employment per head of population he felt they should be better treated and thought the larger employers in the Parish could offer their support and contribute to this.

Cllr Olly Davey thanked officers for their contribution to this thorough Neighbourhood Plan.

RESOLVED that Cabinet:

1. Note the formal submission of the Clyst Honiton Neighbourhood Plan and congratulated the producers of the plan on their dedicated hard work and commitment throughout the process.
2. Recommend that the proposed representation set out at paragraph 1.21 in this report is made in response to the consultation.
3. Give delegated authority to the Assistant Director - Planning Strategy and Development Management in consultation with the Portfolio Holder – Strategic Planning to consider and make a decision on the examiner's findings and, if considered appropriate, to proceed to the next stage of the plan making process as set out in the Regulations, without further need to seek agreement from Cabinet, in line with paragraph 1.15 of this report.

REASON:

To ensure that the view of the District Council was formally recorded and informed the consideration of the Neighbourhood Plan by the independent Examiner, and to help ensure that after the examination, a decision could be made on the Examiner's findings within the 5-week timescale set out in the Regulations.

192 **Exemption to Contract Standing Orders - Strategic Flood Risk Assessment**

The report advised of an Exemption to Standing Orders of the appointment of consultants, to undertake a Level 2 Strategic Flood Risk Assessment to support the emerging Local Plan. The exemption had been formally signed by the Assistant Director for Planning Strategy and Development Management, Director of Finance and Director of Governance and Licensing.

RESOLVED that Cabinet:

That the Exemption to Standing Orders had been approved in accordance with the council's Contract Standing Orders Rule 3.2 in respect of the appointment of JBA Consulting to undertake a Level 2 Strategic Flood Risk Assessment be noted.

REASON:

To notify Cabinet that an Exemption to Contract Standing Orders had been granted.

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

RESOLVED:

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

194 **Station Road Countryside Park - Delivery & Management Options**

The report provided an update on the delivery and future management of a 10Ha Country Park at Station Road, Broadclyst which sits within the wider Clyst Valley Regional Park.

RESOLVED that Cabinet:

1. Approves the preferred option for the management and ownership of the Country Park and delegates authority to the Assistant Director - Countryside & Leisure, in consultation with the Director of Finance and the Director of Governance and Licensing, to develop arrangements for the future management of the site with engagement from local Ward Members and Broadclyst Parish Council and local communities.
2. Delegates authority to the Assistant Director – Countryside & Leisure in consultation with Director of Finance, Director of Governance & Licencing, and the Assistant Director Planning Strategy & Development Management, to finalise the arrangements for operational management and creation of an endowment fund for the in perpetuity management of the site.
3. Delegates authority to the Assistant Director – Countryside & Leisure in consultation with the Assistant Director Place Assets and Commercialisation, Director of Finance and Director of Governance & Licencing to finalise the acquisition of the additional land, subject to the completion of appropriate legal documentation.
4. Subject to CIL Member Working Party's decision, approves the increased budget for delivery.
5. Requests that the Assistant Director - Countryside & Leisure, in consultation with the Director of Finance and Director of Governance & Licencing, prepares a future report to Cabinet to set out the proposed arrangements for a Special Purpose Vehicle to enable East Devon District Council to maximise the biodiversity value of the site (and other future sites).

RECOMMENDED to Council:

6. The provision of a budget for the 2024/25 financial year to support deliver of the project.

REASON:

The retention of the site and management by Countryside Services will enable the biodiversity value of the site to be maximised, supporting East Devon's obligations in relation to the Environment Act and nature recovery. It will also enable Countryside Services to work with the Parish Council and local community to deliver additional social value benefits through volunteering, educational activities and community engagement and events in the western part of the district.

Attendance List

Present:

Portfolio Holders

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

Cabinet apologies:

D Ledger	Portfolio Holder Sustainable Homes & Communities
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Also present (for some or all the meeting)

Councillor Brian Bailey
Councillor Ian Barlow
Councillor Kevin Blakey
Councillor Kim Bloxham
Councillor Colin Brown
Councillor Jenny Brown
Councillor Roy Collins
Councillor Peter Faithfull
Councillor Steve Gazzard
Councillor Sam Hawkins
Councillor Todd Olive

Also present:

Officers:

James Chubb, Countryside Team Manager
Amanda Coombes, Democratic Services Officer
Simon Davey, Director of Finance
Ed Freeman, Assistant Director Planning Strategy and Development Management
Naomi Harnett, Delivery Manager
Tracy Hendren, Director of Housing, Health and Environment
Andrew Hopkins, Corporate Lead - Communications, Digital Services and Engagement
Paul Osborne, Green Infrastructure Project Officer
Charles Plowden, Assistant Director Countryside and Leisure
Anita Williams, Principal Solicitor (Deputy Monitoring Officer)
Andrew Wood, Assistant Director Growth Development and Prosperity

Chair

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Recycling and Waste Partnership Board held at online via zoom on 24 April 2024****Attendance list at end of document**

The meeting started at 10.00 am and ended at 11.14 am

32 Minutes of the previous meeting

The minutes of the meeting held on 31 January 2024 were agreed as a true record.

33 Declarations of interest

Declarations of interest.

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

34 Matters arising

There were no matters arising.

35 SUEZ management changes and introduction to Mike Wildman

The Chair welcomed Mike Wildman, Regional Manager, SUEZ to the Partnership Board. Mike introduced himself and explained his background and role with SUEZ. The Chair thanked Mike and looked forward to working with him.

36 Joint contract and operations report

The Recycling and Waste Operations and Projects Officer and the SUEZ Contract Manager gave the Board a joint contract and operational update for the fourth quarter of 2023/24, which had run smoothly. The green waste service was growing, creating capacity pressures on the four existing crews. Within the quarter the customer base increased by 500 properties and an additional crew had been implemented with use of a hire vehicle. A new RCV had been ordered and was due to arrive in September. The existing rounds would be re-balanced across the five crews, which would involve some changes for residents in terms of collection week (with residents getting an extra collection) during June.

Carol Arthur, Resource Futures recycling advisor had been working with the partnership, undertaking door knocking to promote various messages, which this year focussed mainly on food waste collections and the use of the EDDC app.

Performance continued to remain good, with Easter bank holiday collection changes unhindered. Complaints and missed collections remained below the thresholds of the performance framework. Data was presented to the Board in rolling year format, as requested at the previous meeting. A breakdown of types of injury was also provided and it was noted that there had been a serious injury this year, resulting in a broken leg, due to negligence of the driver. Most incidents were slips, trips or falls. There had been no RIDDORS to report in 2023/24.

Current levels of staffing were good, but were slightly down on contract staffing levels, with the spaces being filled by agency staff. The agency staff were on a temporary to permanent basis and it was intended to transfer them to SUEZ staff in the next few months. There had been a turnover of staff, mainly due to the team handling misconduct issues well and removing non performing staff out of the business. This included a focus on drug and alcohol testing and a heavy focus on sickness absence, particularly one-day absences, which had a big impact. It was noted that sickness levels had reduced dramatically due to the removal of some long-term sickness and were currently at around 5%. In relation to a question about the use of agency staff, the SUEZ Contract Manager agreed to include these statistics on the next Recycling and Waste Partnership Board agenda. The figure was currently around 8% of staff were agency, which was much less than some other contracts.

East Devon's recycling and waste team were continuing to share contamination issues within the collection service with residents. There was a particular focus on gas/NOx canisters in the green sacks, which posed a risk to the plant and site operatives. Site staff picked these items out by hand and stored them separately for safe disposal, which was costly both in terms of time and disposal. Gas/NOx canisters should be taken to the local recycling centre for safe collection in a caged area, rather than being placed in the green kerbside recycling sacks. It was suggested that this message should be pushed on the East Devon app, via social media, the residents weekly update and the councillors weekly newsletter, and possibly bin hangers/stickers. The Board agreed that EDDC should issue a press release on gas/NOx canister contamination.

The Board noted the price per tonne for recycled materials, which showed a rise in price for aluminium and plastic. Sales revenue remained steady, with peaks when the waste flow increased. Total waste flow had fallen slightly, but not the percentage of materials recycled.

37 **AHP project**

The Recycling and Waste Operations and Projects Officer updated the Board on the absorbent hygiene products (AHP)/nappy collection trial that was proposed to start in September/October 2024.

EDDC officers and councillors visited Nappicycle on 22 February, along with a principal waste manager from DCC. It was a positive visit with discussions on ways to collaborate going forward with support from Nappicycle.

The Recycling and Waste Operations and Projects Officer advised the Board that the current site permit did not allow for nappies on site, but work was underway to renew the permit. It was hoped that the Environment Agency would be flexible with a local agreement for conducting a short term trial, provided SUEZ and EDDC could satisfy them that mitigating factors would be put in place.

The trial would involve collecting nappies from around 200 properties, including a childcare setting and a residential home (to include adult AHP) around Cranbrook/Exeter as this area had a high percentage of young families. Different types of collection containers would also be trialled. It was reported that the trial itself had generated a lot of interest from outside bodies such as WRAP. The local partnerships consultancy that had been heavily involved in nappy recycling in Wales had been very helpful. A further update on the trial would be given to the Board at its next meeting in July. It was

suggested that local members and town/parish councils in the trial area should be informed to involve as many people as possible.

The Recycling and Waste Operations and Projects Officer was thanked for his update.

38 **Performance framework**

The Board noted the performance framework which showed performance across the contract. It allowed officers to look for areas of improvement and put plans in place to correct actions if necessary.

The Recycling and Waste Operations and Projects Officer stated that performance continued to be very good. Missed collections were overall below the threshold, although there had been a rise in missed assisted collections due to an experienced loader injury and the use of agency staff. Performance was expected to improve.

Container deliveries were very good and complaints were low. It was noted that the financial deduction summary figures changed significantly from September 2023. Officers explained this was due to the move to the cost-plus arrangement. The new contract allowed for a greater number of bin delivery drivers, with a good team and processes in place.

It was noted that although some customers chose not to renew their green waste subscriptions, the overall numbers were continually increasing.

39 **Draft Green waste accounts**

The Recycling and Waste Operations and Projects Officer presented the draft green waste accounts to the Board and thanked the accountant for producing them. It was noted that the year-end numbers were still being produced but the draft figures gave a good indication of the financial position.

A major milestone had been reached, with total income exceeding £1million, although the accruals position and expenses reduced this. The draft resulting profit for the service was £460,195, with £46,020 of the projected profit share figure (April to June) for SUEZ and £414,176 to be retained by EDDC.

40 **Schools and community engagement**

Jess Prosser, SUEZ Recycling Officer gave a presentation to the Board on school visits, community engagement and social value. 631 students had received a recycling workshop in 2023 and 654 students in 2024 and the Recycling Officer listed the East Devon schools visited in 2023 and 2024 (there were two outstanding visits for 2024). St Peter's primary school, which had an Eco Group, had also undertaken a litter pick and audit, meeting, assembly and earth day competition. The number of sessions and children involved in the workshops varied depending on the school. The Recycling Officer outlined the workshops, which included a presentation of the four Rs of recycling (Reduce, Reuse, Recycle and Recover), a game and re-use crafting.

The SUEZ Recycling Officer discussed the community engagement which was conducted by EDDC's housing team. This included:

- A Trumps Court focus group – five tenants attended this focus group with residents receiving a recycling bag for their flats and better recycling bags. A display board advertising where the recycling went was produced.
- Sidford community garden event – 48 people attended this event. A display board and information about green waste recycling was provided.
- Newton Poppleford – a display board and information was provided.

Between January and April 2024 SUEZ had contributed to social value through:

- Exeter Chiefs HITZ students – employment day.
- Mentoring year 9s through Empowering Girls.
- Hospiscare charity Christmas tree collection (40 trees collected).
- Moor trees – tree planting (2 members of staff took volunteer days to plant trees across Dartmoor and South Devon).
- Macmillan funding raising - £262 raised so far this year through activities such as cake sales and a sponsored walk.

DASWC (Devon Authorities Strategic Waste Committee) funding provided EDDC with 18 weeks per year (2 x 9-week blocks) under the resource futures contract for a recycling advisor (Carol Arthur). The Resources Future Recycling Advisor undertook door knocking and community engagement to promote key messages that EDDC set. These were:

- Use of the EDDC app.
- Food waste collections.
- Garden waste service.

1,824 doors had been knocked, with 950 residents spoken. The 52% rate of engagement was high and feedback was positive. Compared to neighbouring authorities the EDDC service received lots of praise.

The SUEZ Recycling Officer was thanked for her presentation and all the hard work being done with schools and towards community engagement.

Attendance List

Board Members:

Councillors present:

G Jung (Chair)

M Rixson

T Olive

Officers present:

Steve Maclure, Recycling & Waste - Operations and Projects Officer

Suez present:

M Wildman, Regional Manager

M Taylor, Regional Director

J Gatter, Contract Manager

Councillors also present (for some or all the meeting)

I Barlow

R Collins

C Fitzgerald

M Goodman

C Nicholas

Officers in attendance:

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

Suez representatives in attendance:

Jess Prosser, Recycling Officer

Board Member apologies:

Councillor Paula Fernley
Gareth Bourton, Recycling and Waste Contract Manager
Tracy Hendren, Director of Housing, Health and Environment
Andrew Hancock, Assistant Director - Streetscene
Councillor Steve Gazzard

Chair

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of South and East Devon Habitat Regulations Executive Committee held at Council Chamber, East Devon District Council, Blackdown House, Border Road, Heathpark Industrial Estate, Honiton EX14 1EJ on 24 April 2024****Attendance list at end of document**

The meeting started at 2.00 pm and ended at 2.32 pm

123 Minutes of the previous meeting

Under Rule 21.1 of the Agenda & Rules of Procedure, Rule 4.2 which states that the meeting should be held at the offices of the Chair, was suspended in order that this meeting could take place at the EDDC offices.

Minutes of the South East Devon Habitat Regulations Executive Committee meeting held on 27 April 2023 were agreed by the committee.

Officers were asked to report to the next meeting with an update on minute 117, specifically the development of the new Mitigation Strategy and how this Committee can be involved in its development.

124 Declarations of interest

Cllr Martin Wrigley: personal interest – his property overlooks the estuary and he is a member and Treasurer of Cockwood Boat Club.

125 Public speaking

There were no members of the public registered to speak.

126 Matters of urgency

There were no matters of urgency.

127 Confidential/exempt items

There were none.

128 Monitoring Petalwort at Dawlish Warren

The Economy and Delivery Manager introduced this report and associated Vegetation Survey and Assessment concerning Petalwort monitoring at Dawlish Warren National Nature Reserve in 2023.

Petalwort is a nationally scarce plant in the UK, and Dawlish Warren is one of seven sites in England where the plant is recorded and one of the special interest features for which Dawlish Warren Special Area of Conservation is designated. The Vegetation Survey and Assessment suggested that without management intervention, there is a high risk that Petalwort may disappear from Dawlish Warren entirely.

Comments from the Committee included:

- It was noted that whilst the Vegetation Survey and Assessment set out a number of recommendations, the current focus was the Petalwort translocation scheme as the preferred intervention, the evidence from which would inform the future decisions of this Committee.
- In the event that translocation is unsuccessful, then it would be appropriate to consider the interventions recommended in the Vegetation Survey and Assessment.

RESOLVED that the Executive Committee

1. Notes the vegetation survey and assessment report and the recommendations set out therein.
2. Receives an update from Teignbridge District Council at the next meeting regarding the status of the proposed Petalwort translocation scheme.
3. Subject to (2) above, considers funding the next survey on the conservation assessment of Petalwort in 2026.

129 **Dawlish Warren NNR - 2023 trampling and nutrient enrichment assessment**

The Economy and Delivery Manager introduced this report and associated Dawlish Warren National Nature Reserve Trampling and Nutrient Assessment 2023.

The Assessment had been commissioned in 2010 by Teignbridge District Council, to consider the impacts of recreation on Dawlish Warren and to identify the extent to which access was impacting the site. The Assessment suggested that the impact of trampling (people treading on plants) was somewhat nuanced, in some places contributing to maintaining the preferred habitat conditions, but in other places leading to significant erosion problems.

Comments from the Committee included:

- Concern was expressed that whilst informative, the reports do not set out what is being done to respond to the changes that are happening. Moreover, they do not consider the wider context including foreseeable changes such as rising sea levels, the impact of planned work by Network Rail, and the Environment Agency's intention to remove the geotube from the back of the Dawlish Warren, now planned for 2050.
- Whilst recognising the aforementioned concerns, it was not possible to know what changes will have occurred decades from now.

RESOLVED that the Executive Committee:

1. Notes the results of the trampling and nutrient enrichment assessment relating to impacts associated with human activity at Dawlish Warren NNR.
2. Receives an updated trampling and nutrient enrichment survey report as part of the ongoing monitoring programme in 2026.

130 **Branding update**

The Delivery Manager introduced this report which provided an update on branding for the work of South East Devon Wildlife, the public facing brand for the South East Devon Habitat Regulations Partnership and South East Devon Habitat Regulations Executive Committee, together with a revised Communications Protocol.

A recent review of how the organisation, partnership, project work and committee are referenced had shown that the use of plain English and standardisation of the name would reinforce and improve awareness, and it was therefore recommended that the

organisation be consistently referenced as South East Devon Wildlife across all communications.

Comments from the Committee included:

- Confusion could arise from referring to Habitat Mitigation Officers as Wildlife Wardens, given that other organisations have Wildlife Wardens too; however, it was argued that it was not important for the public to distinguish between the different roles, since they were doing similar work.
- Members sought to understand what changes had been made to the Communications Protocol, and the Delivery Manager stated that she would request a copy of the original Protocol to be shared with the Committee.

RESOLVED that the Executive Committee:

1. Notes the branding update for South East Devon Wildlife, South East Devon Habitat Regulations Partnership and South East Devon Habitat Regulations Executive Committee.
2. Approves the revised communications protocol for the partnership and Committee.

131 **Habitat mitigation team update**

Members noted this report which provided an update on the work of the Habitat Mitigation Delivery Team.

At Members' request, future update reports will set out where there has been a change in personnel.

The Chair thanked Members and Officers for their contribution to the meeting.

Attendance List

Councillors present:

P Bialyk (Chair), Exeter City Council
G Jung, East Devon District Council
M Wrigley, Teignbridge District Council

Officers in attendance:

Naomi Harnett, Delivery Manager, East Devon District Council
Rebecca Heal, Solicitor, East Devon District Council
Sarah James, Democratic Services Officer, East Devon District Council
Fergus Pate, Economy and Delivery Manager, Teignbridge District Council
Dale Cooper, Principal Projects Manager, Exeter City Council

Chair:

Date:



Report to: Cabinet

Date of Meeting 5 June 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Preventing Homelessness & Rough Sleeping Strategy 2024-28

Report summary:

To present the Preventing Homelessness and Rough Sleeping Strategy 2024-28 for approval and adoption as required by the Homelessness Act 2002.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That Cabinet recommend to Council to adopt the Homelessness and Rough Sleeping Strategy 2024 – 2028.

Reason for recommendation:

The Homelessness Act 2002 places a statutory obligation on local authorities to undertake a review of homelessness in their area and develop and publish a strategy to prevent homelessness based on the findings of the review.

Officer: Andrew Mitchell, Housing Solutions Manager amitchell@eastdevon.gov.uk

Portfolio(s) (check which apply):

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

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information [Cabinet report 29 November 2023](#) item 89

Link to [Council Plan](#)

Priorities (check which apply)

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

Report in full

1. Preventing Homelessness & Rough Sleeping Strategy 2024-28

- 1.1 The previous Homelessness & Rough Sleeper Strategy covered the financial year until 31st March 2024. A new strategy to cover the period from April 2024 to March 2029 has been composed following a comprehensive review of the current strategy and a period of consultation, all of which has helped to shape the new strategy and our approach to tackling homelessness over the next few years. We intend to publish the new strategy, subject to approval, in June 2024.
- 1.2 Throughout the period from July 2023 to September 2023 we ran a series of focus groups with former service users, councillors, staff members and partner agencies and organisations concentrating on tackling homelessness to address what works well, what barriers we face and where we could adapt our practices to do better. The feedback and results of these sessions contributed towards the draft strategy which was put out for public consultation between November 2023 and January 2024.
- 1.3 Feedback from the consultation exercise was reviewed and, in summary, there were some helpful comments and valid suggestions that will be added to our live action plan which includes specific actions aimed at achieving the objectives highlighted within the strategy.
- 1.4 Our Preventing Homelessness & Rough Sleeping Strategy 2024-28 is presented in full as Appendix 1. It explains why we have prepared this strategy, the strategic context and influences on homelessness locally and nationally, and our delivery plan.
- 1.5 Our key priorities are, as identified through consultation with focus groups:
 - Maximising prevention activity and supporting people to sustain existing tenancies.
 - Increasing the range of accommodation solutions available.
 - Ending rough sleeping.
- 1.6 Following adoption of the strategy we will:
 - Publish the strategy.
 - Continue to oversee implementation of the strategy through the Homelessness Strategy Review Group, made up of former service users, the Cabinet Member for Sustainable Homes & Communities, representatives from partner agencies and organisations and staff members. The group meet on a quarterly basis to review the ongoing, live homelessness action plan and progress in general.
 - Report progress to Cabinet against outcome and evaluation measurements.

Financial implications:

No financial implications have been included within the report. Currently the Renter's Reform Bill is being scrutinised by government once approved the changes made to the bill may have a financial implication for East Devon District Council but to date are unknown.

Legal implications:

Under the Homelessness Act 2002, all housing authorities must have in place a homelessness strategy based on a review of all forms of homelessness in their district. The strategy must be

renewed at least every 5 years. The social services authority must provide reasonable assistance. The strategy must set out the authority's plans for the prevention of homelessness and for securing that sufficient accommodation and support are or will be available for people who become homeless or who are at risk of becoming so in its authority area.

Preventing Homelessness and Rough Sleeping Strategy 2024–28

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eastdevon.gov.uk/homelessness



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Portfolio holder foreword



Councillor Dan Ledger
Sustainable Homes and Communities

I am really pleased to be introducing you to East Devon District Council's new Preventing Homelessness and Rough Sleeping Strategy 2024–28. The strategy outlines how we will be preventing and tackling homelessness including rough sleeping through our three key strategic priorities that have been updated since the last strategy to reflect the review carried out.

The three key strategic priorities for East Devon District Council are:

- Maximising prevention activities and supporting people to sustain existing tenancies
- Increasing the range of accommodation solutions available
- Ending rough sleeping

This strategy offers exciting opportunities for collaborative working across the statutory and voluntary sectors, to maximise the delivery of homelessness prevention and support services across the district.

We will also continue to prioritise the prevention of homelessness in these challenging times and provide a refuge for households fleeing domestic abuse, whilst taking a sensitive approach to making some homes available for Ukrainian and wider refugees fleeing war and persecution.

Additionally, the team are actively engaged in ending rough sleeping and ensuring a suitable pathway approach is available for those individuals who have been rough sleeping or at risk of rough sleeping on our streets.

The Homelessness Act 2002 places a statutory obligation on local authorities to undertake a review of homelessness in their area and to develop and publish a strategy to prevent homelessness based on the findings of the review.

Homelessness can affect individuals and families and there is no typical 'homeless person'. The legal definition states that somebody is homeless if there is no accommodation that they are entitled to occupy or if they have accommodation, but it is not reasonable for them to continue to occupy this accommodation. A person is also considered to be 'threatened with homelessness' if it is likely that they will become homeless within 56 days.

There is much focus on rough sleepers throughout this strategy although within East Devon rough sleepers form a relatively small proportion of the homelessness cases that we assist with. In East Devon the main causes of homelessness over the last five years have been the loss of accommodation in the private sector followed by family evictions.

As a local authority we acknowledge the need to work in partnership to ensure we reach those in need of support at the earliest possible stage. It is widely recognised that housing is not always the single solution and that services need to work together to achieve the best possible outcomes for households.

We will endeavour to not only work in partnership with agencies, but also expand on co-production opportunities, so that those with lived experience are given a voice and a place at the table to enable us to overcome local and national issues. There is no single reason why someone can end up without a home and we are committed to a person-centred approach with the right support to ensure positive outcomes.

Our starting point is prevention and early intervention, working to deliver the Council Plan commitment to providing better homes and communities for all. A key priority within our Housing Strategy is to provide a housing options service for all who are homeless or threatened with homelessness.

National and local challenges

The landscape we are working in has changed significantly in the last five years, with an increase in approaches for homelessness assistance. Our strategy will seek ways to address them to enable us to meet our priorities.



Help for people with support needs

There has been an increase in people presenting as homeless (or at risk of homelessness) who have complex needs that require additional support, from 13% in 2021/22 to 17% in 2023/24.

There is only one supported accommodation project based in East Devon. At any one time, this project provides a suitable accommodation option for 23 vulnerable residents with support needs and works to enable people to move on to more settled accommodation. This project does not cover all support needs, so we rely on access to other services in neighbouring districts as well.

Due to Devon County Council's funding position, all this provision is at risk. The strategy action plan will need to consider how the potential loss of supported accommodation provision would impact on our residents, and what alternative options may be available.



Cost of living crisis

The lack of affordable housing has been made worse by the cost-of-living crisis. This was triggered in part by the demand for fuel related to the ongoing conflict in Ukraine. Food prices have increased substantially. According to the Office of National Statistics, the overall price of food and non-alcoholic beverages rose by around 25% between January 2022 and January 2024.

In the previous ten years, overall prices rose by just 9%. This has left many households having to make difficult choices about how they prioritise food, housing and heating costs. This has led to rent arrears, evictions and then difficulties in finding alternative accommodation. As a social landlord, our strategy action plan needs to encompass our landlord responsibilities in addition to our statutory duties to prevent and relieve homelessness.



Housing affordability and availability

There is huge demand for all types of housing, but particularly in the private rented sector. Changes to rules and regulations for landlords proposed by the Rent Reform Bill, which include banning 'no fault' evictions and increased energy efficiency requirements, have prompted a number of landlords to leave the market.

As demand for private sector housing outweighs the supply, rental costs have continued to rise. Between 2017/18 and 2021/22 the median monthly private rental figures have increased by at least 8%, with one and two bed properties being over 10% more expensive. This has made the sector unaffordable for many of our residents. Furthermore, the disparity between social tenures impacts on affordability, with affordable rents at around 80% of market rents as opposed to the traditional social rent which sits around 60% of market rents.

The strategy action plan will need to consider what action can be taken to increase the availability of truly affordable housing, both through new developments and existing housing options.



Housing for refugees

East Devon District Council is committed to supporting the Home Office in the resettlement of refugees. This includes those from Ukraine and Afghanistan arriving through specific national schemes, but also refugees from other countries who may have arrived through alternative routes.

We have experienced an increase in homelessness applications from refugees owing to the closure of and eviction from bridging and asylum hotels. Whilst we continue to work with the government, our strategy action plan will need to consider this additional pressure on our housing supply and how best we can support vulnerable refugees.



73% 
owner-occupied homes

16% **private rented**
20% national
average

10% **social rented**
17% national
average

Population and area overview

In 2021 the mid-year population estimates put East Devon's population at 152,120. This is a rise of 19,663 (6%) from the last census figure in 2011. East Devon has an older age profile with the median age of its residents being 50.9 years (the national equivalent is 40.7 years).

Deprivation

Overall, the district is relatively well-off and is in the 40% least deprived districts nationally; it is also one of the lowest crime rate areas in Britain. However, there are pockets within the district where deprivation is high.

Salaries in East Devon

The average salary in East Devon in 2023 was £32,799 compared with £35,536.80 for England as a whole.²

Housing in East Devon

There is a shortage of rented accommodation in our district. The 2021 census figures show there were 66,786 dwellings listed in East Devon. 73% of these homes are owner-occupied, 10% are defined as social rented housing (17% national average), and 16% privately rented (20% nationally).

As at January 2024, East Devon District Council currently owns 4,172 properties. 2,825 of these are classified as general needs properties, and 1,347 are sheltered properties where residents have access to alarm and support services through Home Safeguard. Social housing is also provided by 11 housing associations with roughly 2,650 homes in East Devon.

East Devon District Council is signed up to Devon Home Choice, alongside several other councils and housing associations, to manage the allocation of social housing for local residents.

¹ Map data © Crown Copyright and database rights 2024 Ordnance Survey 100023746

² Office of National Statistics: annual survey of hours and earnings 2023

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How this strategy was formed

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This strategy has been produced in consultation with both internal and external partners. It sets out our broad strategic aims for preventing homelessness and rough sleeping. A live and evolving action plan will sit alongside this, providing more detail on how we intend to meet our objectives. This plan will be published on our website.

We have developed the strategy through consideration of national and local policy, analysing our local need, reviewing our previous priorities, recognising our achievements and bench marking our statistical data against other local authorities. We have also aligned the new strategy with wider East Devon District Council strategies and policies to ensure that our approach to tackling homelessness links to broader council objectives.

In preparation for the development of this strategy we held six focus groups. We talked with councillors, council staff, and our external partners and charities who work with people in homeless situations. We also spoke with former service users to gain a clear perspective of experiencing homelessness.

These focus groups discussed what currently works well, and where we could do better. They also addressed barriers to preventing homelessness and rough sleeping and how we could adapt our approach to overcome them.

We used the findings of these discussions to produce a draft strategy document which we published as part of our six week public consultation. Opinions were sought on the strategic priorities, challenges and overall content of the strategy. We were grateful for the constructive responses we received – the majority reinforced the approach we planned to adopt. Suggestions for specific actions we could take to meet our priorities were also provided. These will be considered as we develop our action plan to support the delivery of this strategy.

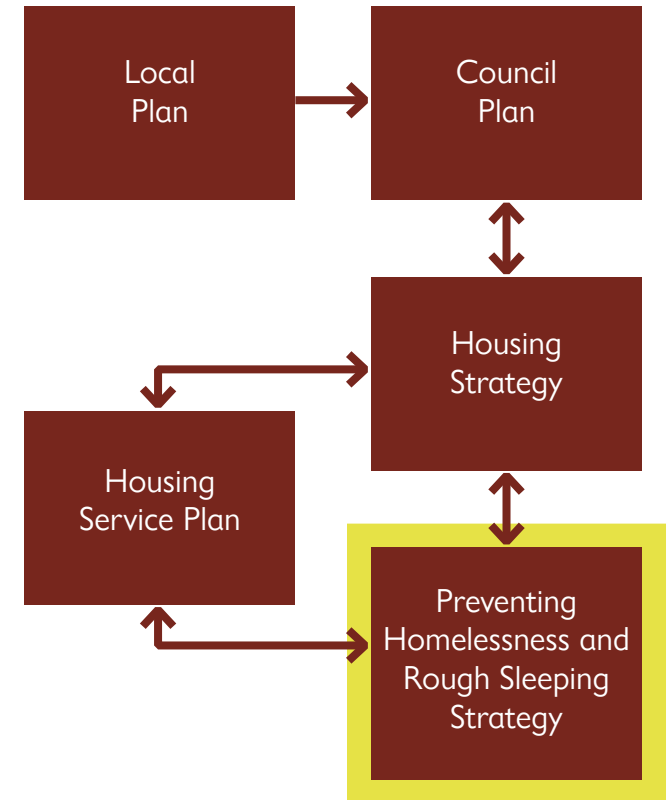
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Strategic context

This strategy will set out how the council and its partners will work to reduce homelessness, end rough sleeping, and contribute towards the over-riding vision of the Housing Strategy to 'provide a decent home for all residents of East Devon'. It has been shaped to consider and address the changes to the housing environment and we will set out what our key priorities will be in tackling homelessness over the next five years.

Within East Devon, there are a number of policies and strategies that link either directly or indirectly with the Preventing Homelessness and Rough Sleeping Strategy. It is important to map how the strategy feeds into overarching council strategies to ensure that the needs of people who are either homeless or at risk of becoming homeless are included and addressed.

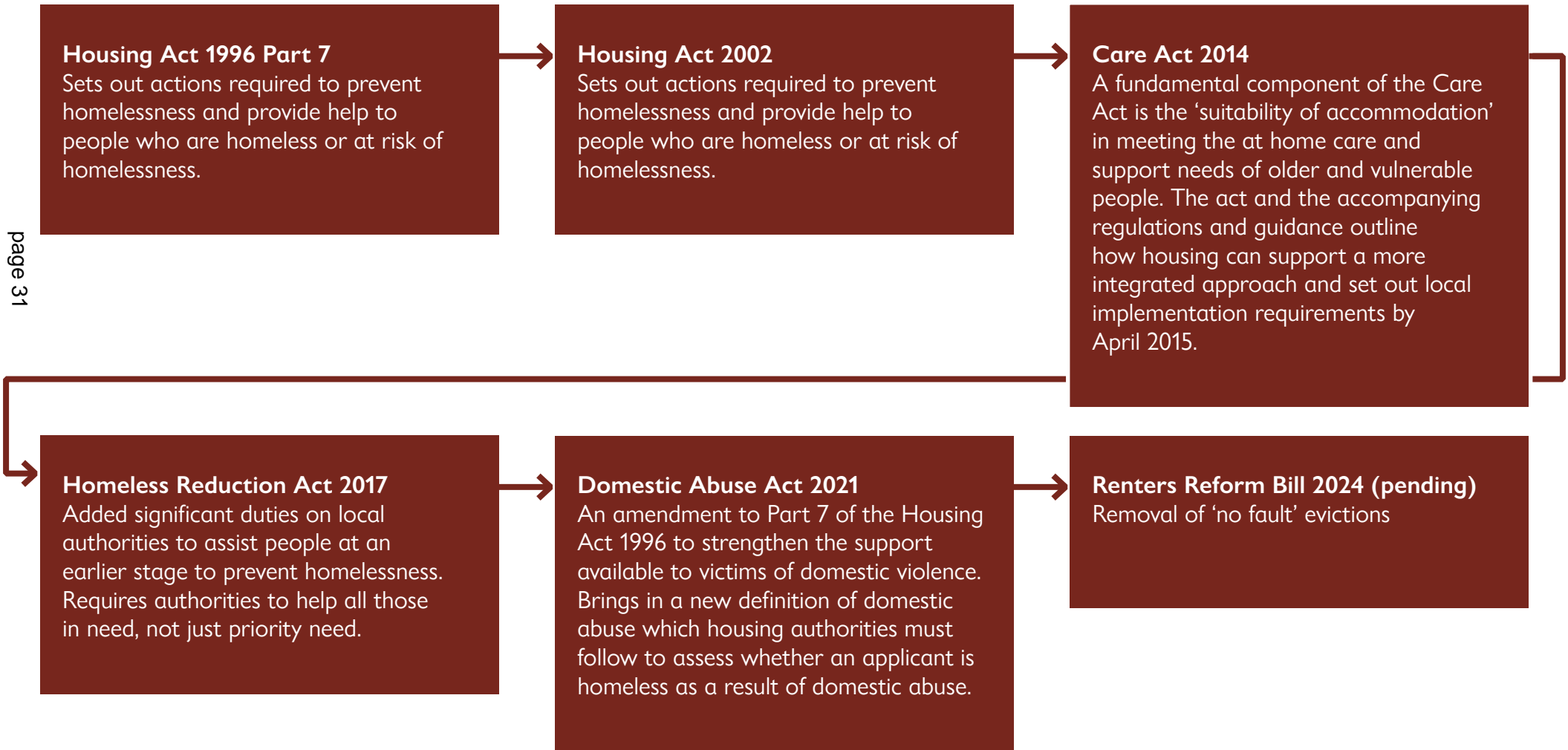
How our plans and strategies fit together:



National and local challenges

Key legislation

Our strategy is also bound by legislation that has developed over the last 30 years:



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Maximising prevention activity and supporting people to sustain tenancies

Preventing people from becoming homeless has always been a key priority for us and we have a successful record of accomplishment in this area. We work closely with our Financial Resilience team to help us give financial support to residents, as well as offering guidance through our Housing teams and signposting to other debt support agencies.

We have recruited Temporary Accommodation Officers who work with households to prepare them for their move into more stable accommodation options, and our Private Sector Liaison Officers not only help source housing in the private sector but also support both tenant and landlord to maintain tenancies. To build on this excellent work, we have increased our efforts to support households to sustain tenancies, in response to the increased demand for assistance and the pressure this places on existing services.

We will continue to jointly fund a Homelessness Prevention Worker who works specifically with young people at risk of homelessness, to either mediate with family or to help them into supported housing projects for young people. Internally, we will strengthen our protocols with the Housing Rental and Estate Management Teams to better support households in council homes to sustain their tenancies. In addition, we will bolster the initial support for council tenants when they begin their tenancies with us to set them up to succeed.



Increasing the range of accommodation solutions available

There is a lack of affordable housing in East Devon and so alternative types of accommodation, for both temporary and permanent use, need to be explored. Supported housing options also require further consideration to ensure a sustainable option for those who are unable to live independently, due to a range of support needs. Over the last five years we have put a full time Empty Homes officer in place to assist in bringing empty homes back into use.

A refreshed Empty Homes Strategy will prioritise problematic empty homes and those homes in areas and of types in high housing demand across East Devon. We have a good understanding of what housing is needed in our district and have, where possible, sought to acquire suitable properties.

We have purchased two Houses of Multiple Occupation (HMOs) to create temporary housing solutions for single households. We have introduced a Housing

First project which has provided a safe home for six rough sleepers, providing a platform from where intensive support can be provided by members of the team.

We have also successfully bid for government funding through the Local Authority Housing Fund which has provided six homes for a mix of general needs and refugee temporary accommodation. We will continue to explore opportunities to increase our permanent and temporary housing stock and seek funding to support this.

Over the next five years we will increase the number of council-owned properties set aside to be used as temporary accommodation as a cost-effective alternative to bed and breakfast and holiday accommodation. We will continue to bid for government funding to increase the amount of temporary accommodation in our district and meet our commitment to the national focus on refugee resettlement.



Ending rough sleeping

We have always sought to minimise rough sleeping in the district and have achieved success in this area. However, we are proposing to elevate our ambition to end rough sleeping in East Devon.

We have four Rough Sleeper Navigators in place who provide outreach and support to existing rough sleepers and those at risk of rough sleeping. Their work is supported by a Private Sector Liaison Officer who focuses on supporting single person households to obtain and maintain settled accommodation.

We will continue to bid for funding to continue and expand this resource to focus more on areas, including prison and hospital discharges, to prevent rough sleeping.

We have also sought to improve public awareness of what to do if they suspect that someone is sleeping rough and will work closely with partner agencies and other organisations who are actively working to support rough sleepers in the community.

This strategy has been developed in partnership, including with our service users, and sets out a five-year plan. We believe that each of the strategic themes will stand the test of time during the life of the strategy.

However, new priorities may emerge over the next five years. Whilst we can anticipate that key themes will remain relevant, the way we deliver them may need to change. The Preventing Homelessness and Rough Sleeping Strategy will remain under review to ensure it is up to date and a action plan will support us to evidence the progress against the priorities.

The action plan will be a live document which is continually updated and will be published on the council's website in spring each year. It will set out the achievements and the challenges of the preceding financial year, along with any significant recommended changes to the action plan that may arise from emerging demand, guidance, legislation, or policy.

The strategy and action plan will be monitored by the Homelessness Strategy Review Group. The group will act as a 'critical friend', partnering the council in the delivery of its strategic plans. The group is made up of former service users, parters, councillors and council staff.

The council's Housing Service will brief the Scrutiny Committee annually regarding the operations of the Housing Service, and this will include aspects of our work to prevent and relieve homelessness against the three priorities.

The strategy action plan will set out specific, measurable, achievable, and time-phased (SMART) actions that contribute to meeting the overarching aims.

The action plan will be developed around the key priorities and themes identified in the evidence base and through consultation.

What are SMART goals?

S	Specific	What do you want to do?
M	Measurable	How will you know when you've reached it?
A	Achievable	Is it in your power to accomplish?
R	Realistic	Can you realistically achieve it?
T	Timely	When exactly do you want to accomplish it?

eastdevon.gov.uk/homelessness



Report to: Cabinet



Date of Meeting 5 June 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Feniton Phase 4 Resolving risks to get to site

Report summary:

This report updates cabinet on the latest set of issues the project has faced prior to getting to site, and the reason for the delay in getting to site. It also highlights the remaining risks to the project and what is being done to mitigate risks and also updates the total project costing and asks for approval for additional total project spend

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

1. That cabinet approves the full scheme value for approval of £6.075m (No further EDDCs funds are required at this time, with additional project budget found from external sources)
2. That cabinet agrees to postpone commencing Phase 4 until the planning permission is granted.
3. That cabinet approves EDDC entering into a contract with Kier Construction to deliver Phase 4, to mobilise asap once the planning permission has been secured, noting that the current additional external funds not yet been formally approved.
4. Subject to recommendation 3, cabinet grants authority for EDDC to enter a contract for construction with Kier up to the value of £3.5m

Reason for recommendation:

1. To ensure project has authority to proceed.
2. To support the planning process and not risk starting a scheme with a planning objection,
3. To remove any further delay to starting on the project. As delay will likely raise costs, with more fundraising needed.
4. To enable a speedy contract signing to get to site soon.

Officer: Tom Buxton-Smith tbuxton-smith@eastdevon.gov.uk 01395 571630

Climate change High Impact

Risk: High Risk; There are financial and planning risks with this project outlined in the report

Links to background information N/A

Link to [Council Plan](#)

Priorities (check which apply)

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

Report in full

1. Background

1.1. Feniton Flood Alleviation Scheme (FAS) Background

Flooding in New Feniton has been an issue since the development was built in the late 1960s; with flooding occurring every year and internal flooding every 2 to 3 years.

The biggest well recorded event was in late October 2008 when there was serious flooding in the main estate. This event resulted in the internal flooding of 58 properties with flood depths of up to 1.0m.

A Scheme was designed in 2015 and updated to current design guidance in 2023. The scheme will provide protection to 72 properties at risk of flooding (this includes 63 properties which are currently considered at very significant risk) and peace of mind for the whole community of Feniton. The scheme has been split into 4 phases, consisting of

- Phase 1 – bypass channel downstream of the railway to take the increased flows from the new culvert.
- Phase 2 – property level resilience measures of downstream properties.
- Phase 3 – undertrack crossing (UTX) of the Exeter to Waterloo line.
- Phase 4 – completion of culvert linking the whole scheme together.

Phase 1 and Phase 2 were completed in 2016. Phase 3 was completed in Autumn 2022. Phase 4 is now hoped to start in August 2024

- 1.2. Feniton FAS has been progressing with Atkins redesigning Howicks Scheme. This has been in part to meet current regulations and guidance, but also to reflect landowner changes over time.
- 1.3. Atkins have designed a better performing scheme giving higher return period protection and increased performance, such as a larger trash screen.
- 1.4. The newer standards, plus construction cost inflation has meant that last year's scheme costs have increased.
- 1.5. Aside from costs, three further risks remain outstanding.

2. Risk 1 - Network Rail Risks

- 2.1. As part of our scheme, we have investigated what has been built under the railway, having yet to receive as built drawings.
- 2.2. There are 3 issues with the design that the designers for Network Rail have designed
 - 2.2.1. The upstream manhole chamber has been built at the wrong angle. It appears it's a clear drawing error by the designers for Network Rail as the plan shows it correct, but the detail shows the downstream chamber detail being used as the upstream chamber detail. This means the chamber needs to be replaced to fit our scheme.

- 2.2.2. There are question marks on the robustness of the chambers designed by the designers for Network Rail. EDDCs design consultant believe they are flimsy and will deflect/move under flood loading. This could lead to scheme/railway failure.
- 2.2.3. EDCC's design consultant are concerned about how the two pipes are joined under the railway, and that they could separate under load, which may cause the scheme and/or railway to fail.
- 2.3. The following has been suggested as fixes if required.
 - 2.3.1. The chamber will need to be replaced. This will cost £33k
 - 2.3.2. The downstream chamber will also need to be replaced. This will cost £33k
 - 2.3.3. The pipe may need to be lined and welded. This cost comes in at £61k if both are needed, or just £4k if welding is sufficient. This gives us a £130k risk that needs to be allowed for.
- 2.4. Although my contact at Network rail has been helpful, their design consultant has gone from being receptive, to ignoring our requests for meeting/update, and the Environment Agency has escalated this via their high level Network Rail contacts.
- 2.5. Our contract is with Network Rail, for them to deliver the scheme. Network Rail have a contract with the design consultants to design. Network Rail's contractor has built what has been drawn, so they are not liable.
- 2.6. We are keen to recoup all/some of the cost from design consultant as designers if they have designed something not up to standard and in error.
- 2.7. We hope that designers for Network Rail are able to provide assurance to both Network Rail and EDDC that their downstream culvert and the culvert under the railway is up to standard to deal with flood flows, so these do not need to be replaced, but until we have it confirmed, it is sensible to include their remedy cost within our project.
- 2.8. The upstream manhole chamber will need to be replaced even if the rest of the design is up to standard. As a drawing error, the designer for Network Rail should be liable for this cost.
- 2.9. All of the additional costs above are currently included in the new financial figure, so the project has ultimately removed this risk, by allocating sufficient funds to remedy without waiting for confirmation on design, and any financial reimbursement. However, we will seek reimbursement if due.

3. Risk 2 - Planning Permission Objection from Statutory Consultee

Due to the changes in the scheme we applied for a new planning application, however a few risks are still unresolved

- 3.1. The Environment Agency have objected to our application. This is based on the risk of ground water pollution in a source protection zone. This is because the scheme passes through a registered historic landfill site. This is the dismantled railway of the Sidmouth line.
- 3.2. We understand the site to be low risk both based on a previous report submitted with the Howicks application.
- 3.3. However due to the passage of time, this report cannot be reused. Therefore we are exploring both submitting an updated desk study, or if needed, committing to a new ground survey and testing.
- 3.4. Both approaches will not be ready in time for determination of the application on the 16th May, and potentially not ready by the likely target planning committee date of 18th June.
- 3.5. It would be unusual for the Planning Committee to approve an application with an objection from a statutory consultee, therefore it would be a large risk to start construction on a scheme with planning permission not granted.
- 3.6. However, if this objection is removed or altered the additional ground water report required could be a condition, thus not delaying the project starting.

- 3.7. We believe the ground water risk to be very low, having not encountered ground water in the borehole done 10 years ago, and in the recent nearby railway crossing.
- 3.8. Assuming the planning objection risk is removed or conditioned, should we find groundwater and/or contamination there are various construction techniques to mitigate the risk. One technique has already been allowed for by the contractor in their pricing, and others would be covered by the risk budget should they be needed.

4. Risk 3 - Financial Risks.

4.1. Please see below tables showing costs, income and savings

Costs

4.1.1. Spend and forecast spend

Spend	Spend up to 2023	2023 costs	2024 costs	23/25 Difference	Notes	Total costs (k)
A) EDDC salaries	87	10	10	0	Same	£ 97
B) Consultants / Design / Management / Surveys / environment mitigation	287	191	280	89	ECC PM added	£ 567
C) Land Matters (compensation and Land Agent fees)	87	181	100	-81	Reduced due to recent estimates	£ 187
D) Construction totals (not including Phase 3)	270	2481	3285.6	804.6	Large increase in costs	£ 3,556
E) Phase 4 Contingency	0	112	112	0	Same	£ 112
F) Other costs	1	1	1	0	Same	£ 2
G) Risk Allowance	1	256	256	0	Same	£ 257
H) Phase 3 costs	769	0	0	0	Same	£ 769
I) Additional collaborative highways flood alleviation works	0	50	50	0	Same	£ 50
J) Additional cost for design/construction change of culvert exit	0	50	0	-50	Absorbed in D) above	£ -
K) Addition Network rail cost			130	130	New cost	£ 130
L) Pre contract contractor costs			83	83	Added, but some would have sat in D) above	£ 83
M) Other fees			15	15	Added	£ 15
N) 2nd EDDC Risk Pot			250	250	Added, but additional funding	£ 250
Initial Project costs	£1,502	£3,332	4572.6	-1240.6	Total excluding maintenance	£ 6,075

4.1.2. Income to date

Annualised funding profile (£k)	Previous Spend	2023 agreed funding	2024 Agreed funding	Total (k)
Grant in Aid	2685	838		3523
Initial Local Levy Payment	301			301
Additional Local Levy to fund highways improvements		50		50
Existing Partnership funding	715			715
Future Partnership funding		195		195
Approved but as yet unclaimed FDGIA		50		50
EDDC Extra funding			250	250
Total	3701	1133	250	5084

4.1.3. Current budget deficit

Spend forecast	£6,075
Current budget	5084
Difference	-990.6

4.1.4. Potential savings and additional funding

Potential Savings / funding	Value (k)
Value engineering	Up to 250
Network Rail's designer paying for their error	130
Reducing risk pot to 10%	263.44
Potential Local Levy Bid	400
Potential PF further eligibility check	500-1000
Total	1960.44
Potential Funds over funding gap	969.84

- 4.2. Inclusive of EDDC taking on remedy costs for the issues regarding the railway cost errors, the scheme is £990k over budget.
- 4.3. The largest cost increase is construction. This is an increase of £805k, but also includes a portion of the £83k pre contract fees that have been incurred (which include compound service connections, hedge clearances etc)
- 4.4. The next largest cost at £130k is the issue with the railway crossing culvert
- 4.5. The next largest increase is designer/consultant costs. This is £89k to allow for external project management and further design costs.
- 4.6. There has been a saving on likely compensation of £81k due to updated estimates.

- 4.7. All of the above means the scheme is over approved total budget, therefore the budget needs to be raised and costs reduced to deliver the project.
- 4.8. Potential funding increase:
- 4.8.1. At the time of writing, it is believed that through the PF calculator, we are eligible for an additional £990k of FDGIA. (central government money) Although not required, further eligibility beyond £990k is also possible
 - 4.8.2. Any further FDGIA application will be subject to assurance by the EA, so not guaranteed, although given the national desire to deliver improved flood defences it will be forthcoming. It is hoped by cabinet, that this funding will have been approved.
 - 4.8.3. Local Levy funding has been approached with a suggestion of a further £400k been mooted.
 - 4.8.4. Local Levy is decided by the South West Flood and Coastal Committee, and is often used to get schemes over the line. It is hoped we will get confirmation of its approval by cabinet.
 - 4.8.5. The EA are keen this scheme progresses, as it's so near getting to site, it is a quick win for homes better protected (a government target). They may be able to fund outside the PF calculator allowance, but this is not normally possible (but has been done) – We are exploring this, but given 4.8.1. and 4.8.4. it should not be needed.
- 4.9. Potential Savings
- 1.4.1. Given the delay caused through risk 1 and risk 2, we are carrying out value engineering of the scheme. This was committed to prior to likely additional funds being found . This will likely create a saving of up to £250k. Half of this value is savings on switching to a uniform plastic pipe and reducing manhole chambers. The other half of which is found by being able to reuse the sub soil locally, rather than pay for disposal. We are also investigating if we can receive an income for the subsoil from a southwest reservoir project.
 - 1.4.2. Given the likely improved funding situation, we may not use all the value engineering opportunities, as in some instances moves us away from the optimal design.
 - 1.4.3. The railway culvert risk may not be fully realised, or indeed may be funded by the designer's design liability insurance, so there could be up to £130k savings. However, this risk is unlikely to be mitigated prior to cabinet. Therefore £130k has been allowed for it.
 - 1.4.4. The client held risk pot is currently £619k which is very healthy at 19% of construction cost. It's been suggested that this is reduced to 10% of construction cost given the stage we are at. This would give a £263k saving.
 - 1.4.5. However given the rocky path to scheme delivery since 2012 a larger than normal risk pot is sensible to maintain, and will be handed back to the relevant funders if not used.
- 4.10. Savings vs additional funding.
- 4.10.1. The most likely scenario is that we obtain one or both sets of additional funding, and reduce construction costs by up to £250k which would fill the project deficit.
 - 4.10.2. Clearly any savings from risks not being realised would be returned to the taxpayer. Initial local levy would be returned. If £250k of the risk budget is not used, this would be returned to EDDC. Any other savings/risk budget not used, would be returned to the Environment Agency.

4.10.3. It is worth noting that the construction contract is let under a target cost pain/gain contract which encourages the project to be brought in under budget, to offer more profit to the contractor, and savings to the client. Overspend is shared, discouraging the contractor to overspend. The current risk budget should cover any client owned overspend.

4.11. Delaying the works to tender the construction on the open market.

4.11.1. We have considered taking the design to the open market to see if there is a lower construction price outside the government framework.

4.11.2. Given our main funding source's preference for their framework for certainty of delivery, we are keen to proceed with the current contractor.

4.11.3. Furthermore, a tendering exercise will likely cause further delay, may not result in sufficient savings and take more EDDC staff time.

4.11.4. Therefore we have decided not to tender the construction outside the framework at this point, however it remains an option should the scheme remain underfunded.

5. Further risk and opportunities

5.1. The delay is going to mean more working through the winter months which will affect works in the ground more. One of the areas we are working in supports two horses, and there is a concern that we will incur expensive off site livery fees if too much of their field is taken and cannot recover.

5.2. To mitigate this, we are proposing to carry out channel widening works in the field outside our planning permission application (works covered by permitted development)

5.3. This will allow this section of the field to recover before the other section of the field is needed for the culvert work, keeping the horses on site.

5.4. As no flood flows will be put down the channel for some time (due to the main scheme delay) this will give the channel time to grass over, removing the need for erosion control mats, which should reduce costs.

5.5. Therefore we are planning a soft start on site soon for this element.

6. Way forward

6.1. Best case scenario is that all objections/issues are resolved prior to Planning Determination on 16th May. Therefore planning (subject to conditions) would be issued. We would then wait until the date of this cabinet report, and if agreed, would enter the contract to start construction soon after. This means we could be on site within 6 weeks of contract signing, and potentially prior to August

6.2. Most likely scenario is that the objections are not resolved prior to planning determination, therefore the application would go to committee. At the time of writing, it is assumed that this project will be at committee on 15th June. Assuming that planning is granted (even with conditions) we would seek to enter the construction contract soon after, with a six week lead in time for site start, giving us an August start.

6.3. Less likely scenario is that the application does not make it to June planning committee, but makes it to July committee. This would mean a September start date. Given losing a further month of likely good weather, the scheme may need to start in the new year, which risks costs increasing and further flooding risk for Feniton residents.

6.4. Worst Case Scenario is that planning is not granted and significant work is required which would delay us further. This would mean a 2025 start but leaving a risk of construction cost increase and further flood risk to Feniton,

6.5. We are currently content that the funding gap will be removed given our eligibility, so don't believe there is a risk of the scheme not progressing due to funding.

Financial implications:

The financial details are covered fully in the report.

Legal implications:

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



Report to: Cabinet

Date of Meeting 5 June 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Exmouth Sea Wall Emergency Repairs Update and Phase 2

Report summary:

Report to update emergency repairs to Exmouth Seawall phase 1. Report also explains various options for Phase 2 and sets out recommended alignment of phase 2. It also outlines the financial situation and gives an update on the Slipway repairs and cladding options.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

1. That cabinet approves the carrying out of further emergency (and permanent) repairs to Exmouth seafront in respect of phase 1, phase 2 and associated emergency works and grants delegated authority to the Director of Housing Health and Environment (initially and then to the new Director of Place) in respect of the project, in consultation with the Director of Finance and the Director of Governance and Licensing.
2. That cabinet approves total budget spend for the phase 1 and phase 2 works of £3.312m Note no additional budget from EDDC required over the £1.5m already approved. £1.812m obtained from external funding.
3. That cabinet supports the recommended option alignment and target start date for phase 2 seawall repairs. However due to ongoing investigations, the final alignment decision being with the delegated officers as per recommendation 1.
4. Given the emergency nature of the works, Cabinet notes the exemption to contract standing orders in respect of the design consultancy total spend for the sum of £300,000 has been approved by S151 Officer and Monitoring Officer as provided for in the Constitution. This is an increase from 6th March 2024
5. That cabinet notes the decisions made to date on repairing the slipway.
6. That cabinet notes the Outline Business Case submission to the Environment Agency for access to national funding.

Reason for recommendation:

Given the location of the failed and failing wall, it is not an option to do nothing and allow the sea to erode the seafront further. Therefore Phase 2 must start in September prior to the winter storms. Starting in September dictates the wall alignment. Further spend and costs have been incurred due to further storms in April.

Officer: Tom Buxton- Smith, Engineering Projects Manager. tbuxton-smith@eastdevon.gov.uk
01395 571630

Portfolio(s) (check which apply):

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

Equalities impact Medium Impact

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

Climate change High Impact

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

Links to background information [Queens Drive Sea Wall Exmouth OBC](#)

Link to [Council Plan](#)

Priorities (check which apply)

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

Report in full

1. Background

- 1.1. In late August 2023, EDDC engineers were made aware of cracks in the seawall in front of the sideshore development, and appointed Moffatt and Nichol to gain all the required permissions to carry out trial holes and carry out investigations.
- 1.2. However, a storm over the weekend of 28th/29th October 2023 significantly dropped beach levels and caused the wall to crack and slump, putting the wall at serious risk of collapse.
- 1.3. Emergency works were completed in the following days to shore up the wall through the next storm, with the wall surviving. Due to limited time, the works consisted of concrete blocks placed at the base of the wall, and lots of sand being placed on the wall. This kept the wall intact.
- 1.4. Following the storm, a large void opened out in the old lifeboat slipway and required fixing to enable access to the beach.
- 1.5. Further blocks and sand were placed prior to the next set of high tides.
- 1.6. Extra- Ordinary Full council on 6th March 2024 agreed to implement phase 1 and raised the budget to £1.5m
- 1.7. Phase 1 works started late March 2024
- 1.8. Early April 2024 a succession of late winter storms caused damage to the seawall in the phase 2 area and damaged the slipway.
- 1.9. The storm undercut the NCI training building adjacent to the slipway, rendering it a dangerous building, which was demolished soon after.
- 1.10. Further emergency works were done to shore up the phase 2 wall, and the slipway has been partially demolished to make safe.

- 1.11. Extensive damage was done to the Phase 2 area adjacent to Phase 1, and the phase 1 repairs have been extended to cover this.
- 1.12. Given the increased damage to areas in Phase 2, the required work must start in September before the winter storms to reduce risk to the highway and buildings from sea storm damage.

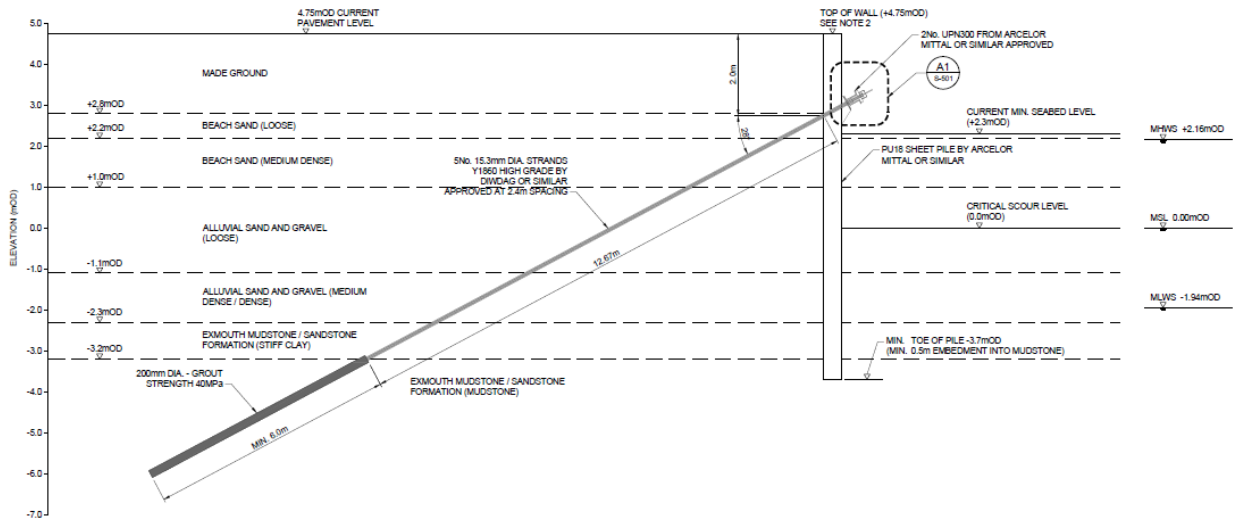


Image 1.12. Cross section of Phase 1 design.

- 1.13. As of 9th May 2024, all piling for Phase 1 has been completed, and the wall is generally complete with remaining proud piles to be cut to finish, and ties all completed.



Photo taken 9th May 2024

- 2. Phase 2 proposals.
 - 2.1. We are proposing to continue with the design of phase 1, throughout Phase 2, as it is the most cost effective, and will give a 100-year design lift, whilst allowing for future beach lowering. This is sheet piles finished flush with the promenade, with them tied back into the ground behind. This will leave an option to clad later.

- 2.2. At the time of writing, 2.1. is the preferred design, but we have recently discovered that sections of wall in phase 2 have been previously repaired. The extra thick concrete may change the wall alignment of the wall slightly.
- 2.3. Concession considerations:
- 2.3.1. For construction ease, and cost but also long-term viability, there is a logic in moving the concessions to a less vulnerable location.
 - 2.3.2. Both concessions have long lease agreements upon the land they sit (around 2040s)
 - 2.3.3. Although EDDC has no responsibility to protect the building from the sea, under the current lease, each building has a right to remain in current location.
 - 2.3.4. Although moving the concessions to less vulnerable positions would be the sensible approach, there are limited places the buildings could move, and EDDC would be liable for forcing concessions to move (demolition and rebuilding of buildings)
 - 2.3.5. If buildings were to be moved, planning permission for a new building in a new location would not be in place before September. This would be extremely risky for the concession to agree to be demolished but with no guarantee of being able to rebuild in a less vulnerable location.
 - 2.3.6. Both concessions rely on being beach side of the seawall, however given climate change, it may be challenging to gain planning permission for a new build in a similar location.
 - 2.3.7. One concession has been robustly built, and the other has less robust construction, which also reflects on their openness to move to another location (should one be suitable and have planning permission)
- 2.4. The main design choice on phase 2 is the full alignment of how we rebuild the seawall. They are outlined below.
- 2.4.1. Option A – The sheet pile wall will continue from phase 1 in the East to the slipway in the west, however it will stop short of each concession by 2m. Each concession will have improved sea defences such as rock armour locally. EDDC will have designs produced to allow us to complete the sheet piling to complete the seawall at a later date should the concessions move. The proposal will also include reinstating the plinth area of the former NCI training building with a sheet pile wall. This would allow building(s) to be replaced in this location, should that be wanted. Note, changing design around concessions, will cost EDDC more than a straight piled wall. This option will give a long standard of protection to the EDDC seawall, but not the 100 year design life of piles.



Red Dash – Proposed Pile Alignment

- 2.4.2. Option B – As A, however We would sheet pile around each concession, approximately 2m off each boundary. This would give EDDC long term protection to the seawall, but sets a precedent for keeping concessions in this location for the long term. There are serious concerns about the buildings being able to withstand localised sheet piling, which means EDDC would be liable to pick up repair bills. Note changing direction in piling will cost EDDC more, then a straight pile run. This option will give a design life of 100 years to EDDC’s defence, giving long term protection



Red Dash – Proposed Pile Alignment

- 2.4.3. Option C – The Eastern most concession is the most vulnerable to storms and has the less robust construction, so EDDC could insist this building is removed, to allow a straight pile wall construction through its location. The concession could move onto the rebuild concrete plinth area of the former NCI training building. However, this would require planning permission, which will not be granted before September. Negotiations would also need to be undertaken to decide who pays for what in the move. The westernmost concession has a more robust construction and would be expensive and difficult to move, so the sheet pile wall would need to stop/deviate around it.
- 2.4.4. Option D – Remove/Move both concessions. This would give EDDC the easiest construction and wall longevity. However, both concessions would not have planning permission in place to move anywhere and EDDC would be likely liable for demolition/rebuilding costs which would outweigh the wall construction cost savings.



Red Dash – Proposed Pile Alignment
 Red Area – Possible building removal to elsewhere

2.4.5. Option E – For completeness we have considered underpinning the phase 2 area, rather than sheet piles. This was a viable option prior to the April storms, however the further beach dropping encountered, and wall damage means this option is less suitable. It also will not give the 100-year design life to allow for future beach lowering, which also means it does not fulfil the central government funding requirements the outline business case is built on. Construction in poor weather is much more difficult than sheet piling, which as we plan to start in September, poor weather risk will only increase. It may still be an option in part, and we are not discounting however at the time of writing not favoured.

- 2.5. At the time of writing, officers are recommending a preference for option B, with option A also being viable. Further work is required on both options to see how best to protect the seawall long term and avoid expensive building repairs. Some explorations of the issues are below.
- 2.5.1. Both A and B would be outside MMO licencing area but would result in varying amount of biodiversity area loss. However, this may be balanced by the gain by the loss of the sloped revetment in Phase 1 and 2. However there is a risk if the loss is more than the gain, offsite credits may need to be purchased.
 - 2.5.2. Both concessions have had various means used to defend from the sea, which may make installing new defences difficult, so close to the buildings.
 - 2.5.3. EDDC would hold the risk of damaging the building or would be a large allowance in any contractor tender.
 - 2.5.4. Tie backs of piles will be trickier around the concessions, so EDDC may need to accept a lower design life, or more expensive solutions.
 - 2.5.5. Longer term – option B probably sets the precedent for keeping these buildings in a quite vulnerable position. Whilst extremes of sea level likely not an issue based on current sea level rise projections, beach lowering and sea level risk will increase wave overtopping, and this could get to levels which threaten the fabric of these buildings. Although EDDC would not be liable for damage to buildings from the sea, the concessions may surrender their leases/remove their buildings prior to the end of their leases. Therefore, EDDC would be left with two defended areas seaward side of the wall, which may take further funds to remove or turn into a suitable feature.
 - 2.5.6. Option A leaves a weak spot in two locations, as sheet piling of option B is the only technique to give 100-year design life. If the concessions are removed, EDDC would need to carry out works to close the gaps. This design would be pre

prepared so should it become an emergency, works can start as soon as possible.

- 2.5.7. Option B carries significant risk of concession building failure, which worst case would require both buildings to be rebuilt.
- 2.5.8. Both option A and B keep the status quo and do not have major implications for any future place making.
- 2.5.9. Options C and D have been dismissed due to the lack of time before September to gain planning permission for relocations and negotiations over what each party would pay for.
- 2.5.10. Option E is still a consideration as part of option A and B. But unlikely to proceed, unless further wall investigations prove favorable.

3. Slipway damage and proposed works.

- 3.1. The slipway was damaged during the same storms that caused Phase 1 wall damage but was temporarily fixed with filling known voids with stone and concrete.
- 3.2. The April 2024 storms further washed-out material from under the slipway, causing huge voiding, making the slipway unsafe to use.
- 3.3. We considered again filling the slipway void with concrete but given the low beach we decided this would not give confidence of any safe use and give no longevity.
- 3.4. Therefore, the slipway was demolished, with rubble left in place to allow for construction plant tracking only.
- 3.5. The slipway is one of the most used in Exmouth and is essential for access for RNLI lifeguarding. The RNLI use it to tow their rescue jet ski with a quad bike to their lifeguarding point. Many of the lifeguards do not have the correct licence to drive the quadbike to other slipways, which limits the staff which can legally drive their equipment to the life guarding area. The slipway also provides direct access to the sea for the rowing club. They are currently using Carlton Hill slipway, by walking their boats down the busy shared use path and highway, which is not ideal especially with increasing summer footfall/traffic.
- 3.6. On inspection, it appears the slipway was extended at a later date and this lower section appears to be in better condition than the upper section, which has opened up more opportunities for a quicker repair.
- 3.7. The slipway ultimately needs a complete rebuild, however the design and permissions required would not be in place by September, let alone the summer.
- 3.8. There is also not currently any budget approved for a full slipway rebuild.
- 3.9. The future rebuild of the slipway should be a well-designed, planned and consulted structure with sufficient funding in place, which should wait for a future year. There could also be an opportunity to tie this to a future placemaking development.
- 3.10. Therefore, we are repairing the slipway to a 5-year design life standard, subject to storms and beach not lowering significantly.
- 3.11. This will allow the slipway to open to the public as soon as possible and allow time to plan for the replacement.
- 3.12. There is an ongoing risk it is damaged in future storms before 5 years.
- 3.13. We will aim to put a capital bid together for the slipway project prior to this Autumn's BSCAP.

4. Planning permission

- 4.1. Although the project is planned for September, it is still an emergency. We have to start in September to allow enough construction time before ever-increasing risk of winter storms. Therefore, planning will need to be retrospective.

- 4.2. We are proposing to put in for retrospective planning permission for both phase 1 and 2 after phase 2 is complete. This will not include a proposal for cladding, or the full slipway rebuild to allow flexibility and time for consultation going forward.

5. Phase 1 and 2 costs.

- 5.1. Below is a summary of costs to date a budget future costs, as well as income.

Expenditure		
Emergency works	£ 185	k
Phase 1 and 2 design costs	£ 300	k
Phase 1 construction cost	£ 1,050	k
Phase 1 risk budget	£ 100	k
Temporary Slipway estimate	£ 50	k
Phase 2 construction estimate	£ 1,160	k
Phase 2 client held risk	£ 417	k
Planning/consultation/cladding development	£ 50	k
Total	£ 3,312	k

Income		
EDDC capital expenditure	£ 1,500	k
FDGIA investigation grant	£ 90	k
FDGIA capital scheme grant	£ 1,722	k
Total	£ 3,312	k

- 5.2. Note these figures differ from the OBC, as the OBC does not include emergency works, and the OBC has a lower EDDC budget, to allow for EDDC to put further funds towards risk and developing any future cladding.

6. Future Procurement.

- 6.1. All work to date has been directly awarded due to the emergency requirement.
- 6.2. Given the break before phase 2 starts, we will tender the phase 2 construction works.
- 6.3. The current design consultant has been involved in the phase 2 design to date and given the lack to time to get to site, it seems prudent to keep them in contract.
- 6.4. Therefore, we are asking cabinet to approve increasing their commission to £300k to deliver Phase 2 and develop cladding options.

7. Ongoing Risk

- 7.1. The main risk is that the wall falls completely before we start with the end solution. This will increase temporary costs, put people and infrastructure at risk and likely mean more cost for the long-term solution.
- 7.2. The current proposal will mean that for the full 255m wall, the sloped revetment will be removed, leaving a vertical steel sheet piled wall, either indefinitely or until 2025 at the earliest. A vertical steel face is a change from the current masonry sloped revetment, and the required planning application, may require us to rebuild the revetment for aesthetics, or clad the vertical sheet piles, perhaps with recycling the current revetment stone, or another material such as timber. This would add additional cost to the overall project in 2025 or beyond.

8. Impact of construction/Timetable

- 8.1. Marine construction requires large equipment and materials, which require a lot of space.
- 8.2. It is anticipated that a similar sized compound used on phase 1 will be needed on phase 2.
- 8.3. The frontage cycle/footway will need to be closed for the duration of the works with pedestrians and cyclists needing to use the road and adjacent pavement.
- 8.4. There will be minimal beach works, so low impact on the beach and its use.
- 8.5. There will need to be road closures to allow for the works.
- 8.6. Works likely to begin September 2024 (pending contractor availability)
- 8.7. Working in September avoids the summer holiday season, and some local concessions will close the year, however there will be impacts on the concessions local to the works.

Financial implications:

The financial position and implications are clearly identified within the report and no further funding is being requested in this report.

Legal implications:

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

Report to: Cabinet



Date of Meeting 5 June 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Household Support Fund 5 (HSF5)

Report summary:

This report provides details on the proposed policy of the Household Support Fund and funding available to support households for the period 01 April 2024 to 30 September 2024.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

1. That cabinet agree to the proposed policy for the Household Support Fund for the period 01 April 2024 to 30 September 2024.
2. That Cabinet agree for delegated authority to be given to the Assistant Director for Revenues, Benefits, Customer Services and Fraud and Compliance in consultation with the Portfolio Holder for Finance and the Portfolio Holder for Sustainable Homes and Communities, in the event subsequent changes need to be made to the policy including providing additional groups to receive a targeted payment. Any required changes will be based on funding, available data from our poverty dashboard, other relevant factors at the time a decision needs to be made including carrying out a new Equalities Impact Assessment.

Reason for recommendation:

The recommendation allows for the administration of the Household Support Fund to be targeted at those who require financial support with the cost of essentials. In addition, the proposed policy is in line with the Department for Work and Pensions guidance and with other Team Devon authorities who continue to work together to ensure a Devon wide framework in administering the fund.

Based on data gathered from those residents who request support from the Financial Resilience team we know that 59% of residents who are approaching us for help are those residents who have a member of the household who is disabled or is a carer. Given that this group of residents are vulnerable they may be less likely to know that they can access support from the Household Support Fund, therefore we are proposing that we target support at those households.

Our open application will still allow those with vulnerable residents in the household such as low-income households with children access to the fund.

The policy continues to support the Council's anti-poverty strategy.

Officer: Sharon Church. Benefits and Financial Resilience Manager

Portfolio(s) (check which apply):

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

Equalities impact High Impact

We continue to recognise that having the Household Support Fund to support residents who are financially struggling with the cost of living will have a high relevance on some of the groups with protected characteristics, these being age, disability, children and vulnerable adults. We do not consider that the policy will adversely impact these protected groups. The [equality impact assessment](#) confirms what will be in place for those groups not benefitting from a targeted award.

Climate change Low Impact

Risk: Low Risk; This is a low-risk area. The team continue to work closely with Private Sector Housing and Exeter Community Energy to ensure that residents receiving an award from direct applications have a referral for energy advice and help accessing funds to help with energy saving measures.

Links to background information [1 April 2024 to 30 September 2024: Household Support Fund guidance for county councils and unitary authorities in England - GOV.UK \(www.gov.uk\)](#)

Link to [Council Plan](#)

Priorities (check which apply)

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

1. Background

- 1.1 In the 6 March 2024 Spring statement, the government announced that the Household Support Fund (HSF) would be extended for a further 6 months, covering the period 01 April 2024 to 30 September 2024. The extension of the fund is intended to continue to provide crisis support to vulnerable households in most need with the cost of essentials.
- 1.2 This will be the fifth extension of the HSF that has been in place since 1 October 2021, and as with all previous HSF schemes this funding must be used in line with the Department for Work and Pensions (DWP) guidance.
- 1.3 Previous HSF schemes have been delivered under a Devon wide framework agreed by Devon County Council (DCC) and the other Devon district and city councils. This ensures that we are all approaching administering the scheme in the same way whilst allowing for local needs based on the demographics of each area.
- 1.4 The previous HSF schemes have had slightly different approaches such as direct applications for the first set of HSF and a combination of direct targeted awards for certain cohorts for HSF2, HSF3 and HSF4.

- 1.5 DWP guidance has confirmed that the fund for April 2024 to September 2024 should continue to be used to support households in the most need, particularly those who are in need and require crisis support.
- 1.6 Vulnerable households continue to struggle to afford the costs of essentials such as food and energy and this fund has been provided to help these residents, however the DWP is encouraging that authorities use the fund to provide support that has a long-term sustainable impact, such as providing items that will help reduce future bills.
- 1.7 Under previous schemes we have targeted support at cohorts who we have identified as needing extra financial support. This has included households with children, disabilities, and carers and this is an approach in line with the latest DWP guidance.
- 1.8 DCC has been allocated circa £5 million to distribute for the period 01 April to 30 September 2024.
- 1.9 As with previous schemes funding will be provided to other organisations such as Citizens Advice Devon for pre-payment meter energy relief scheme, free school means holiday lunch vouchers and Early Help.

2. Devon County Council's approach on allocation of the HSF

- 2.1 DCC has been awarded funding of £5,064,876 for HSF to cover the period 1 April 2024 to 30 September 2024.
- 2.2 The HSF must be spent or committed by 30 September 2024 and cannot be held over for future use. Funds should be available for the whole of this period.
- 2.3 As the fund is finite once the money has been spent the fund will close. This may mean the fund will close earlier than the 30 September 2024.
- 2.4 As part of the funding received Devon County Council are utilising part of these funds in the following ways.
 - As with previous HSF an amount of £15 per child per week of the school holidays will be allocated to those who qualify for free school meals by Devon County Council. Vouchers will be provided for 7 weeks of holiday throughout the period of the scheme.
 - Citizens Advice Devon Energy Relief scheme for pre-payment and credit meters will continue to run until 30 September 2024 or until funds are exhausted. This will allow those using pre-payment meters to apply for funds to top up meters.
 - Early Help will continue to provide financial support for food and other essential costs for eligible low income households. This will stay an open application process, verified by a professional working with the family.
- 2.5 Other districts and city councils within Devon are taking a mixed approach with some offering a mix of targeted support and open applications, others provided targeted support only and others providing an open application only.

3. East Devon's Funding Allocation

- 3.1 DCC has allocated us £284,944 for the period 1 April 2024 to 30 September 2024.
- 3.2 There will be 15% (£42,741) of the amount provided for administrative costs. This will help support the on-going costs of the Financial Resilience Officers.
- 3.3 The total grant allocated is £327,685.

4. Considerations/priorities

- 4.1 At this time the government have not announced that they will be making any further Cost of Living payments throughout 2024/25. As a result of this we have a much higher number of households to support than we had in previous HSF schemes.
- 4.2 We are aware that there are residents who would benefit from a payment or support available but do not engage with us or know that help is available. It is therefore important that we retain a proportion of the funding for the open application process. We will continue to work with partners as well as exploring other means of identifying and reaching these residents throughout the period that we are administering the HSF.
- 4.3 As the fund has only been announced for six months there is a possibility that funding will not be provided from 1 October 2024. We therefore need to consider the impact of this ending and how we are going to continue to support our residents beyond this date especially when they have become reliant on funding being available.
- 4.4 To address the possibility of no further funding being available after 1 October 2024 those residents receiving a payment from the HSF will be offered support from the Financial Resilience team when applying for their payment. This will ensure that we are able to start working with those residents who are experiencing financial difficulties and need help early. We will also continue working with DCC and Team Devon colleagues to explore how best to support residents across the County post Household Support Fund.
- 4.5 As part of our anti-poverty strategy we are already in discussion with our VCSE Devon Communities Together on how we can continue to understand and reach our residents across the district, taking a place based approach with key partners in building financial resilience in order to help reduce and/or remove dependency for emergency funding.

5. Proposed approach/policy

- 5.1 The Devon wide framework agreed upon for the HSF 1 April 2023 to 31 March 2024 will continue, with some minor additions. These additions are due to the DWP guidance requirements being updated. This approach is continuing because it allowed individual authorities to meet the needs of residents who may have different demographics depending on where in Devon they live, whilst also ensuring that there is common ground amongst neighbouring authorities.
- 5.2 Our proposed policy for HSF for April 2024 to September 2024 will be in two parts. Part one will be targeted support estimated at £190,100.00. Part two of the policy will be an open applications process. This is not only a requirement of the fund but is also essential to ensure that those we have been unable to identify as needing support or those we have not targeted to receive a payment can still access the funds.
- 5.3 For targeted support we will be providing a one-off payment of £100 to those residents who are in receipt of full Housing Benefit or full Council Tax Reduction, there is a disabled or carer resident in the household and the resident and/or any partner has less than £3,000 in capital.
- 5.4 As per DCC's approach (see policy, appendix one) a targeted payment of £100 will also be made to care leavers who are in receipt of Council Tax Relief, and other district benefits such as, Discretionary Housing Payment. As at 13 May 2024 there are 7 care leavers that fall within this group.

- 5.5 Per the HSF scheme for April 2023 to March 2024 those residents we identify as being eligible to receive a payment will need to complete a shortened form to receive their funds. This will ensure that we can pay funds to the resident in the way that they choose works best for them. Payment will be offered via bank account or post office voucher. Direct applications will continue to be paid via vouchers and payments direct to suppliers.
- 5.6 Giving £100 each to these 1901 households will total £190,100 leaving £94,844.00 for open applications.

6. Resources

- 6.1 The Financial Resilience team is already set up and will continue to administer this latest round of HSF as well as providing the Financial Resilience service we offer to our residents.
- 6.2 By targeting some of the funding in this way we can use the same processes already set up to administer the funds for previous HSF schemes. This will ensure that we can administer the majority of our funding in a timely manner whilst also allowing us to financially support those residents we are unable to identify through our available data sets.
- 6.3 The Financial Resilience team will continue to provide further financial support and work with partners to help lift residents out of poverty. They continue to build links with partners across external organisations and the voluntary sector to ensure we reach as many households as possible.

7. Summary

- 7.1 The aims of our proposed scheme will continue to strike the right balance between providing targeted support to those we identify as most in need whilst also retaining a proportion of the funding for open applications to those who fall outside of the targeted award criteria but nevertheless are struggling.
- 7.2 In the event that changes need to be made to the scheme we are recommending that delegated authority is given to the Assistant Director for Revenues, Benefits, Customer Services and Fraud and Compliance in consultation with the Portfolio Holder for Finance and the Portfolio Holder for Sustainable Homes and Communities. This will ensure that we can continue to administer the fund and have all funding spent before the scheme is closed on 30 September 2024.
- 7.3 [The draft policy for HSF5](#)
- 7.4 We will be presenting a paper for a future Poverty Panel meeting where we will provide further details on the support we have provided during 2023/24. We will also provide further details on the understanding of our data for those households where there are residents who are disabled and carers, as they still present as the highest group requesting extra financial support. We know that Members have raised concerns regarding these groups at previous meetings which is why we will be covering this at the Poverty Panel meeting.

Financial implications:

There are no direct financial implications arising from the report for the fully funded scheme.

Legal implications:

Members should have regard to the equalities impact assessment when considering the recommendations in this report.

Report to: Cabinet



Date of Meeting 5 June 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Live and Move Sport England Place Partner 2025 - 2028

Report summary:

This report seeks endorsement for a joint bid with Exeter City Council to extend the role of Cranbrook and Exeter as a Sport England Place Partner and apply for investment to 'deepen' the work of the Live and Move programme for a further three years (2025-2028).

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

It is recommended that Cabinet endorses the joint bid with Exeter City Council as set out at Appendix C of this report, to become a Sport England Place Partner for the period 2025-2028.

Reason for recommendation:

To ensure that residents of Cranbrook can continue to benefit from support to promote more active lifestyles and to help realise good health and wellbeing outcomes.

Officer: Thea Billeter, Cranbrook New Community Manager, tbilleter@eastdevon.gov.uk Andy Wood, Assistant Director – Growth, Development and Prosperity, adwood@eastdevon.gov.uk;

Portfolio(s) (check which apply):

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

Equalities impact High Impact

[Equality Impact Assessment](#)

Climate change Medium Impact

Risk: Medium Risk; There is a risk that the bid for Place Partner status will not be successful. This would leave the Wellbeing Cranbrook programme with no revenue funding for its continuation for 2025/26 onwards, once the current Council committed funding comes to an end. It would also

place risks upon the operation of the EX5 Alive community hub, although the Council does not presently financially contribute toward this facility.

A successful bid also comes with an amount of risk as it being made jointly with Exeter City Council, who have hosted the Live and Move programme to date. The Council will need to ensure that it is adequately represented and has clear corporate backing to ensure that benefits for Cranbrook, its residents and wider Council strategies are realised.

Links to background information [Agenda for Strategic Planning Committee on Tuesday, 13th February, 2024, 10.00 am - East Devon](#) – item 10, Cranbrook Town Centre Masterplan

[Agenda for Cabinet on Wednesday, 27th March, 2024, 5.00 pm - East Devon](#) – item 9, Delivering our leisure and playing pitches requirements

[Place partnerships | Sport England](#)

[Live and Move](#)

[EX5-Alive Annual Impact report- Appendix A](#)

[CTC Consultation report – Appendix B](#)

[Sport England Place Partnership submission – Appendix C](#)

Link to [Council Plan](#)

Priorities (check which apply)

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

Background and Context

1. The Live and Move Programme (Exeter and Cranbrook) is one of the twelve original Sport England Local Delivery Pilots. This designation has been in place since 2017 and is intended to help promote physical activity through engaging with communities to build trust and address barriers to being active. In turn this is intended to help reduce stubborn health inequalities. Due to the demographic structure of the town, for Cranbrook the focus has been upon families. The Live and Move Programme has been hosted by Exeter City Council with East Devon District Council represented on the Live and Move Sounding Board alongside a local Cranbrook Steering Group comprised of key partners.
2. Contrary to many previous Sport England funding programmes, the pilot has not been focussed on capital expenditure or upon the delivery of built sports facilities and has largely comprised of revenue funding for projects to help deliver systemic change. There has been a modest capital expenditure for the Cranbrook element of the pilot, but this is very much the exception.
3. Sport England are committing significant investment over the next 5 years to deepen and expand their approach for place based systemic change, which has evolved from the initial 12 Local Delivery Pilots. This report seeks approval to extend the Council's role as a Sport England Place Partner and apply for investment to deepen the work of the Live and Move Programme for a further three years (2025-2028).

Impact to date

4. A recently published impact summary shows that nationally, inactivity levels are reducing two and a half times faster in Local Delivery Pilot Areas compared to other places and as a result, achieved a social return on investment of £78.7m.

5. The Live and Move Everyday Strategy 2022, uses a Whole System Place-Based Approach to tackle health inequalities in 12 priority places across Exeter and Cranbrook, which data has shown to be the least active. The strategy focusses on three sustainable outcomes and three long term impacts as shown below:

Live and Move Everyday Active Strategy

Three Sustainable Outcomes

Live and Move is focused on delivering three sustainable, strategic outcomes, through our place-based, community led approach.

Increased physical activity and adoption of active and healthy lifestyles.

Increased walking and cycling levels supported by an active travel friendly environment and culture.

Increased community trust, inclusivity, and sense of belonging.

Exeter and Cranbrook, where everyone can have an active lifestyle, every day.

14

Live and Move Everyday Active Strategy

Live and Move's three sustainable outcomes set a course toward long-term change, with work continuing through Sport England's Uniting the Movement strategy.

Three Long Term Impacts

Live and Move and Uniting the Movement: increased physical activity and connectivity.

A narrowing of stubborn health inequalities and reduction in the life expectancy (at birth) gap between the most and least deprived populations.

Active Travel and low traffic neighbourhoods are the norm.

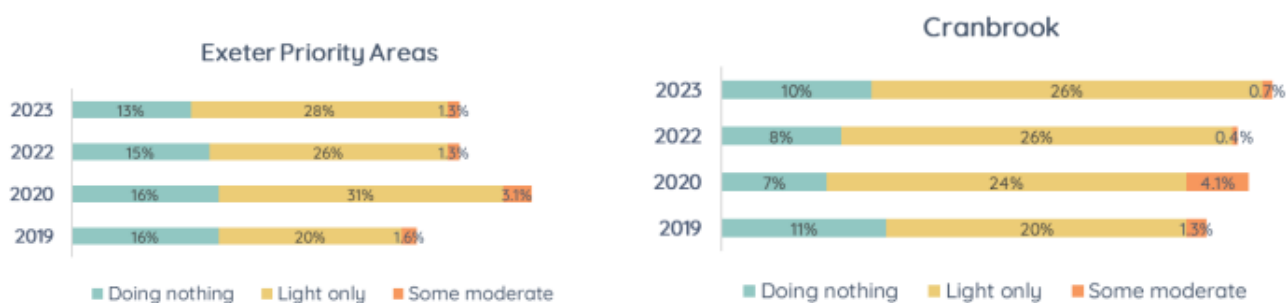
Empowered communities leading change, and 'owning' local spaces.

15

Source: Live and Move Everyday Strategy 2022

6. The Local Active Lives Survey produced each year, provides comprehensive and accurate data about activity levels at a post code or Lower Super Output Area. The data is invaluable for identifying trends and targeting support at those in greatest need and is also critical to measuring impact.

7. The table below shows the contrast between the trend in the Exeter priority areas, with a downward trend in terms of the proportion of people 'doing nothing', and Cranbrook which has experienced an increase between 2020 and 2023.



8. The reasons behind this, including the potential impact of the pandemic, need to be carefully understood. The 2024 Local Active Lives Survey is taking place during May and will give more up-to-date data, hopefully across a larger population sample. There is a recurring challenge to ensure that new facilities to enable Cranbrook residents to be more active are provided in step with the growing population. The local delivery pilot programme has played a role in helping to accelerate the delivery of new facilities such as the recently opened pump track. To date there has been £348,341 of direct investment into Cranbrook. This is set out below;

Move More Cranbrook Grants £60k, of which **£29,676** awarded in grants to support 13 grass-roots projects in Cranbrook with 2 more awards in the pipeline totalling £5,000

EX5 Alive Community Hub **£57,029**

Town Centre Community Engagement **£20,000**

Pump Track **£20,000**

Move More Cranbrook Events & Delivery Budget **£14,000**

BuddyBoost Campaigns **£6,500**

Routes for Roots Project **£5,000**

Cranbrook Town Council - Community Development **£20,269**

Cranbrook Education Campus Trampolining and Fitness **£15,280**

Programme Management **£66,476**

Wellbeing Cranbrook Community Builder and Community Connector **£79,603**

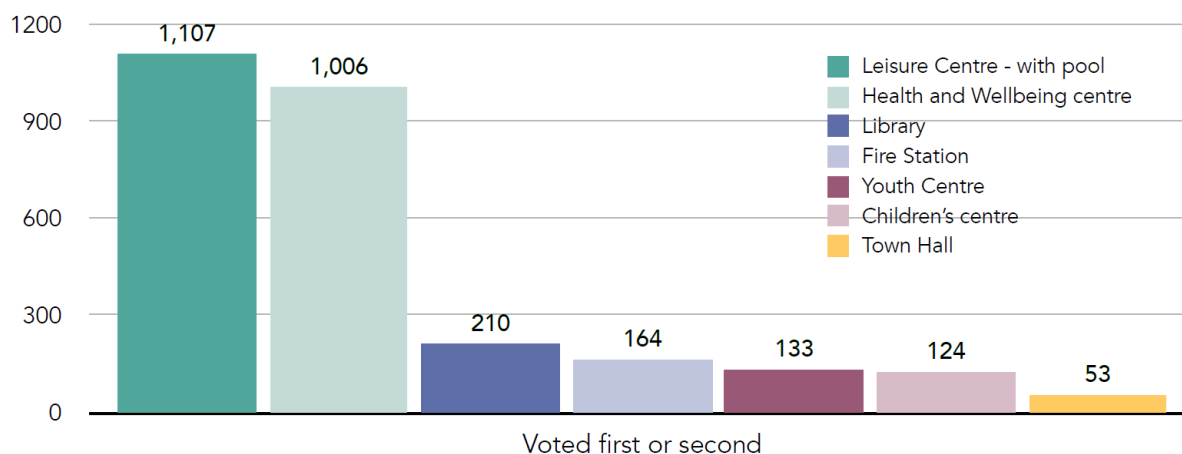
Opening Schools Facilities (Cranbrook Education Campus) **Year 1 £14,508** with a further £20,932 awarded for Year 2

9. Partnerships with stakeholders in Cranbrook are now well established and there is a collaborative approach to embedding active and healthy lifestyles locally through Wellbeing Cranbrook, Move More Cranbrook and the Cranbrook Steering Group. A particular aspect to the support relates to the work of the EX5 Alive hub which is located as part of the Cranbrook Education Campus as a meanwhile use of space at the school that isn't yet required as classrooms. The co-location with the school is particularly important given the very young demographic in Cranbrook and the Hub also provides a home for the Community Builder and Community Connector roles.

10. An impact report on the work of the Hub for the period September 2022 to February 2024 has recently been published and is contained at Appendix A to this report. This helps to demonstrate the critical work of the Hub in providing a space for those services and

interactions with the community that are so important for health and wellbeing. The report highlights that 423 people have been supported to engage in physical activity through attending the Hub, with the Community Builder supporting a total of 54 groups at Cranbrook. The Hub team estimate that the facility has resulted in a potential £1,000,000 worth of community led engagement of services, savings and preventions in their first 18 months of operation.

11. The programme has recently provided funding to help undertake public consultation and engagement in relation to the development of a masterplan for the town centre. The consultation comprised of surveys hosted on Commonplace, drop-in sessions for the public, interviews with key stakeholders, focus groups and workshop sessions. To publicise the consultation, a leaflet was delivered to all properties and social media was used to engage with people.
12. Testament to the strong community desire to see the town have extra services and facilities, engagement in the consultation was exceptionally good with residents demonstrating their enthusiasm to help shape the proposals. Three surveys were available for completion, the first short survey saw 1,397 responses, with 292 to the more detailed survey and 50 responses to a business survey. A copy of the final report from Ash Futures is included as Appendix B.
13. Within the first survey, residents were asked to rank the importance of the delivery of a number of public sector facilities. The chart below shows the number of respondents who ranked each facility either first or second. As can be seen, a leisure centre with pool came out as the top priority, followed closely by a health and wellbeing centre. In discussions at the face-to-face consultation events, most people understood that a swimming pool will be expensive to deliver but a leisure centre was considered a must have.



14. Of particular relevance to a leisure centre is the relationship with the delivery of a health and wellbeing centre as co-location could bring about tangible health benefits for residents as well as capital construction cost savings. Co-location also brings about challenges particularly with timing of delivery as neither facility is yet fully funded and also with governance and management once operational as there will be multiple users. It may be better to look at a campus approach, where the two are sited close to one another, in order to realise as many benefits as possible. This is currently being explored with stakeholders through the masterplan production.
15. Bringing forward the development of a leisure centre will drive increased footfall in the town centre and create the potential for linked trips. As such it is likely to act as a catalyst to accelerate the delivery of further facilities in the town centre. This aligns with the objectives of

the Enterprise Zone designation. More widely this also speaks to the wider challenges identified by the Active Lives survey, namely very high car dependency including single car occupancy within the town, which is thought to influence activity levels. Ensuring that new employment opportunities come forward alongside the new homes and that development is supported by additional community infrastructure including opportunities to promote and enable active travel is all part of a system level approach to ensuring more active lifestyles and ultimately, better health and wellbeing outcomes. The Cranbrook Plan includes the delivery of employment opportunities across the expansion of the town as well as within the town centre and provides the basis for this system level approach.

Sport England Place Partner 2025-2028

16. Sport England have announced a major expansion of investment into local communities, which builds on the data and insights drawn from the existing 12 Local Delivery Pilots and which evolves their approach to systemic place-based working. The new national investment fund, totalling £250m, consists of three parts:

- deepening, with investment of up to £35m available to strengthen the work with existing pilot areas;
- expansion, with investment of £190m available for between 80-100 additional places over the next five years; and
- a universal offer of up to £25m, to help tackle inactivity and the associated inequalities that stop people moving more.

17. Becoming a Place Partner would also open up opportunities for a capital funding bid toward the proposed leisure centre at a later date.

18. Cabinet approved funding support for the Community Builder and Community Connector roles for the current financial year at the 27th March meeting. To have a chance of continuing the programme and to build on the impact of Live and Move beyond this period, the Council alongside Exeter City Council needs to apply to become a Sport England Place Partner and secure further investment from the deepening fund. An application process has been set out by Sport England, and the indicative timetable is shown below:

Investment dates and cycles 23-24** Submission date	Assessment period	Peer review prep	Peer review	Write paper	Paper submission deadline	Inv Comm date (verbal update)	Board date
13 May	13-27 May	27-31 May	3 June	3-10 June	11 June	14 May	25 June
12 Aug	12-26 Aug	26-30 Aug	2 Sept	2-9 Sept	10 Sept	3 Sept	24 Sept
28 Oct	28 Oct-11 Nov	11-15 Nov	18 Nov	18-25 Nov	26 Nov	26 Nov	10 Dec

19. To align with the City Council a bid has developed to the first round to be considered by the Sport England Board on 25th June 2024. Irrespective of the outcome, this timeline will give operational stability in the interim and allow readiness to wind down the current programme and hopefully transition to Place Partner status.

20. In addition to applying for investment, as part of the bid to become a Place Partner, the Live and Move Programme will also champion Sport England’s expansion ambitions by:

- participating in a regional cluster to share best practice and learning;

- contributing to, and benefitting from, national evaluation learning and data; and
- playing a lead role in supporting other places starting their journey in this work.

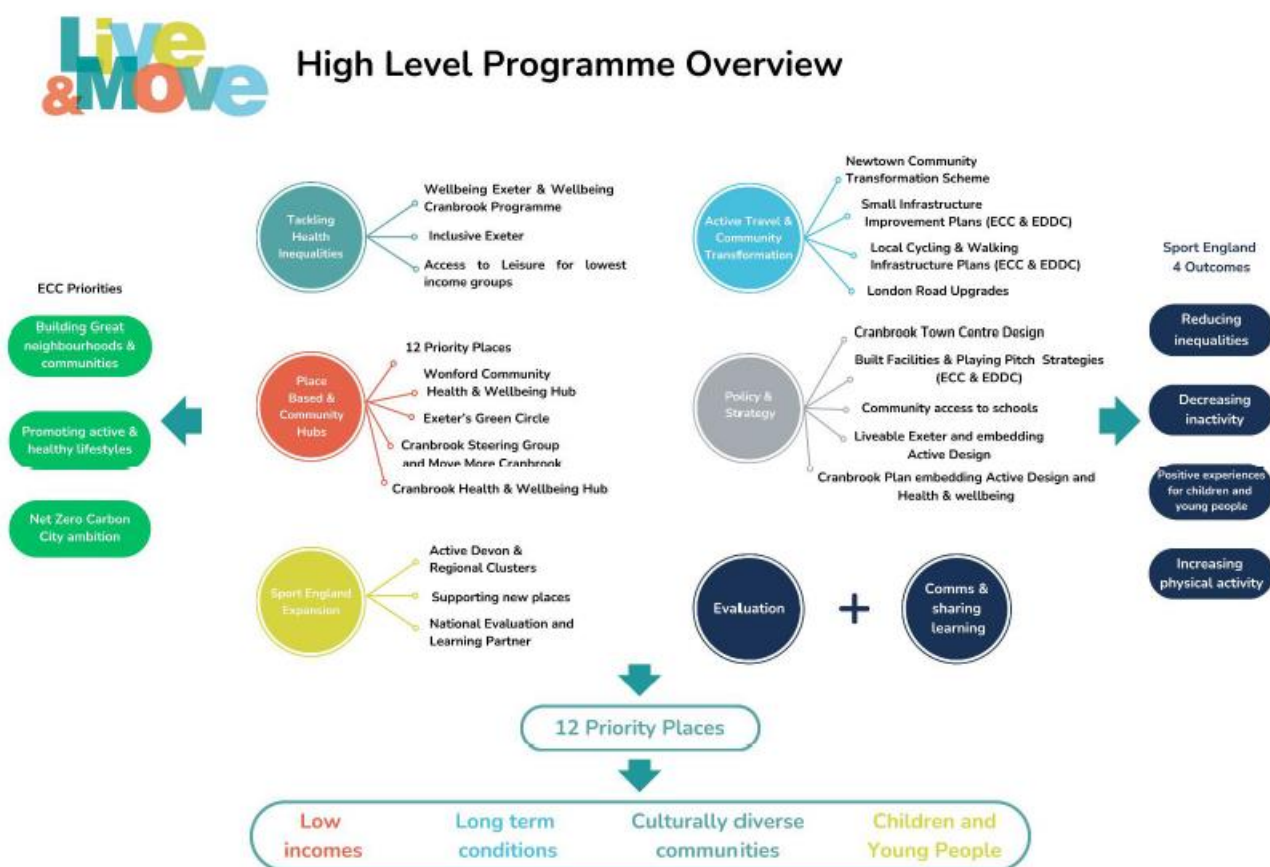
Sport England is focussing investment towards the following 4 outcomes:

- increasing physical activity;
- decreasing inactivity;
- reducing inequalities; and
- providing positive experiences for children and young people.

21. Based on the impact, data and learning collated to date and in line with Council priorities, the programme proposed for the next 3 years will strengthen and scale up that work which contributes most to these Sport England outcomes, with a particular focus on decreasing inactivity and reducing inequalities.

22. Delivery plans will be directed towards working with the 12 Live and Move priority places including Cranbrook, where needs are greatest and the impact and social return on investment could be the highest.

23. Detailed planning is underway, and the diagram below shows a high-level summary of the programme which will be developed further for the proposed bid, in collaboration with partners;



24. Priorities for Cranbrook are seen as follows;

- Cranbrook Leisure Centre for health and wellbeing to support getting to a fully funded and shovel ready project by the end of the Place Partner period (2028).
- Continuation of the Wellbeing Cranbrook programme, including the role that EX5 Alive plays within that, with a view that the Council may wish to consider opportunities and support for expanding the project to other priority areas within the District.
- Active travel at Cranbrook through the implementation of the forthcoming Clyst Valley and New Communities Local Cycling and Walking Infrastructure Plan, and in particular works to upgrade London Road (B3174) so that it prioritises people walking and cycling.

- Embedding active design through the expansion of the town.

25. Sport England's National Evaluation & Learning Partner (NELP) have developed a framework for describing and assessing place based systemic change and identified certain features or characteristics of a place which are necessary to tackle inequalities. It is known as a System Maturity Matrix. Using this framework to describe success, the aspiration is that within 10 years Exeter and Cranbrook would be places where:

- Sustained visible leadership and long-term commitment, in the local context, is needed for tackling physical activity inequalities.
- A groundswell of a diverse group of local people, including those who have lived experience of inactivity, are vital in the decision-making process to create the conditions for people to be physically active and influence those around them and strategic leaders and political decision makers.
- A unified strategy across policy areas and joint work that effectively addresses structural inequalities and resources need to be proportionately weighted towards people and communities experiencing greater disadvantages.
- A culturally inclusive social environment is needed to encourage and facilitate physical activity for everyone.
- That people generally experience the freedom and confidence to be active in ways that suit them and that they enjoy.
- The built environment, including working and housing environments, and local infrastructure (including amenities and travel) are best when designed for and managed to encourage everyday physical activity.
- Local natural environments and public open spaces are recognised and highly utilised as assets for engaging in community / voluntary led activities.
- Disadvantaged communities play a leading role in planning and design of largescale, long-term investment in regeneration /renewal programmes.

26. Programme Evaluation is designed and delivered in partnership with SERIO (University of Plymouth). In addition to managing the annual Local Active Lives Survey, SERIO work alongside the programme team to capture insights and data, as well as contributing to Sport England's National Evaluation and Learning Partnership. Programme Evaluation will remain an integral part of the work, subject to Sport England requirements as a funder and a future procurement process if the work extends beyond the current award period.

27. It is suggested that current Governance arrangements will continue, ensuring the Council is engaged in key financial and strategic programme decision making that will enable residents of Cranbrook to lead healthy, inclusive, and active lives. Opportunities to strengthen this role, including through more regular reporting to Cabinet and the new Cranbrook Placemaking Group, are currently being considered as it is imperative that the Council's voice is heard and we receive a fair share of available funding; this is an area where there have historically been some concerns.

Theory of Change

28. A workshop was held in Cranbrook with local partners on the 1st May to help establish the theory of change which in turn has been used to help shape and inform the overall proposal. A theory of change is a comprehensive description and illustration of how an intervention or set of interventions is expected to lead to a specific change in a particular context; for Cranbrook this theory of change will be developed more fully over the coming months.

29. Participants in the workshop were clear about the challenges and were keen to utilise their assets. There is a strong sense of community and lots of the pieces are already in place, such as the fantastic green space of the country park and the work of EX5 Alive. There is a view that a focus should be placed upon young people and healthy ageing.
30. The workshop highlighted the need to address specific challenges facing residents of Cranbrook:
- Structural** – there is support for healthy lifestyle and physical activity, but facilities are inadequate. Access to employment and transport to the right place is an issue, leading to too many cars and people driving rather than walking or cycling.
- People** – Cranbrook has a young population, dominated by families and children. There are higher than national average levels of inactivity, issues with unemployment and poor childcare options. There is a need for a more strategic and targeted approach to helping hard to reach groups.
- Health** – there are significant health inequalities to address. Mental health and childhood asthma are priority challenges.
31. There was wide support for a new strategy with an action plan starting with quick wins and including long term actions. This would articulate a multi-agency shared vision and joined up approach aiming to strengthen community spirit and involvement and focus on priorities. The strategy would centre the development of facilities and initiatives that promote activity as health protection and community development tools.

Assessment

32. The Cranbrook Plan makes it clear that good health and wellbeing will be the lead indicator of success in the growth of the town and the policies and proposals of the Plan are geared around delivery of these outcomes. Key objectives of the Plan include to ensure that health and wellbeing is designed and integrated into all parts of the town to reduce the development of long term health conditions and to achieve a balanced, active community which embraces active travel and enjoys the best health and wellbeing outcomes in the UK. It is vital that these policy ambitions are translated into practical delivery.
33. Cranbrook's status alongside Exeter as one of the 12 Sport England Local Delivery Pilots has created an important opportunity to help realise these ambitions and to reduce stubborn health inequalities. The opportunity to bid to become a place partner creates the potential to further strengthen this platform and to work towards the achievement of objectives which are in themselves aligned to the District wide Leisure and Built Facilities Strategy and the Council's Public Health Strategic Plan.
34. Clearly there can be no guarantee that the bid will be successful. There is also the option for Cabinet not to endorse the bid and to effectively withdraw Cranbrook from the programme. This is not the recommended option as this would be considered to be a retrograde step which would fail to build on the impact of the programme to date and to further work towards achieving good health and wellbeing outcomes for the residents of the town. This would also not respond to the challenge for the Council to demonstrate greater ownership of the programme and leadership within it.

Conclusion

35. The opportunity for Cranbrook to become a Sport England Place Partner alongside Exeter for the period 2025-2028 is very significant. Whilst there is no guarantee of success the potential benefits go to the heart of the ambitions set out in Cranbrook Plan. By embracing the opportunity the Council has the opportunity to help strengthen governance

arrangements and associated place leadership. A copy of the bid documentation is here as [appendix C](#).

Financial implications:

There are no direct financial implications arising from the report recommendation. As described, there is risk that an unsuccessful bid will leave the Wellbeing Cranbrook programme with no revenue funding for its continuation for 2025/26 onwards, once the current Council committed funding comes to an end.

Legal implications:

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

Report to: Cabinet



Date of Meeting 5 June 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Colyton Parish Neighbourhood Plan – minor modification

Report summary:

The “Colyton Parish Neighbourhood Plan” was made (adopted) by East Devon District Council on 10 January 2022. On 5th December 2022, following a community governance review, East Devon District Council agreed to create a new parish of Colyford, comprising part of the original Colyton parish area, and a new Parish Council for Colyford has since been established. The Colyton Designated Area and the area covered by the Colyton Parish Neighbourhood Plan therefore now covers the combined area of both the reduced Colyton parish and the new Colyford parish. Colyford Parish Council have asked if the name of the neighbourhood plan could be amended to reflect this for accuracy and for clarity in its use and implementation. Colyton Parish Council have indicated they have no objections to this request. The purpose of the report is therefore to formally agree to change to name of the made neighbourhood plan to the Colyton and Colyford Neighbourhood Plan, with the addition of short addendum to be inserted into the front of the Plan document to explain the change together with a map to show the Designated Neighbourhood Area and the new parish boundary arrangement.

Is the proposed decision in accordance with:

Budget Yes No Policy Framework Yes No

Recommendation:

- (1) That Cabinet agree to the proposed minor modification to the Colyton Parish Neighbourhood Plan to reflect the change in community governance to the Colyton and Colyford Neighbourhood Plan, and also to correct the error in page numbering in the index.
- (2) The Cabinet decide to update the name of the Colyton Designated Neighbourhood Area accordingly to the Colyton and Colyford Neighbourhood Area.

Reason for recommendation:

For clarity and accuracy and for the avoidance of doubt in the use and application of the neighbourhood plan and associated designated neighbourhood area for planning policy and development management purposes.

Officer: Angela King, Neighbourhood Planning Officer. Email: aking@eastdevon.gov.uk Phone: (01395) 571740

Portfolio(s) (check which apply):

 Climate Action and Emergency Response Coast, Country and Environment

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

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk; Potential risk that without changing the name of the Plan it's application in the newly created parish of Colyford could be missed and the full benefit of the Plan not realised as a result. Also, that the new Parish Council for Colyford may not feel fully supported in their new role.

Links to background information [Neighbourhood Planning Regulations](#); [Planning Policy Guidance – Neighbourhood Planning](#); [Neighbourhood Plan webpage for Colyton and Colyford](#); [Neighbourhood Plan \(as made\)](#); [Community Governance Review information](#).

Link to [Council Plan](#)

Priorities (check which apply)

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

1.0 Report in full

1.1 Background

1.1.1 Colyton Parish Council applied for the designation of the whole parish of Colyton in June 2015, which at the time, included the villages of both Colyton and Colyford, to be designated as a Neighbourhood Area. The District Council approved the designation in July 2017. The Parish Council then led the preparation and submission of the Colyton Parish Neighbourhood Plan, with representation on the Steering Group from a mix of parish councillors and local community volunteers, including from the Colyford Residents Association. Following a successful referendum, the Plan was 'made' (adopted) by East Devon District Council as part of the development plan for the area on 10 January 2022. The 'made' Plan is entitled the 'Colyton Parish Neighbourhood Plan', which was originally intended to make it clear to the reader that it covered the whole parish and particularly included Colyford, as well as Colyton.

1.1.2 Soon after the Plan was made, the District Council commenced a Community Governance Review to assess whether Colyford should have its own parish council rather than be part of Colyton Parish Council, following a request from Colyford residents. Following due process, including formal consultation, the District Council agreed on 5th December 2022 to create a new Parish of Colyford and for it to have its own Parish Council. The new Colyford Parish Council had its first meeting on 15 May 2023.

1.1.3 A request was received from the newly formed Colyford Parish Council on 20th July 2023 that, "Colyford be recognised in its own right and not as part of Colyton Parish in regards to the

East Devon Local Plan and any other planning issues". In the dialogue with Officers that followed it was confirmed that Colyton Parish Council have endorsed/adopted the made Neighbourhood Plan for their use but would wish to see it renamed to reflect the creation of the Colyton Parish. The request to rename the Plan was put on hold at the time as the parish boundary changes were the subject of request for judicial review, although the [EDDC neighbourhood planning webpages](#) was updated to make it clear the Plan covered both Colyton and Colyford. The application for judicial review was subsequently dismissed in April 2024 and so the proposal can now be brought before Members for their agreement.

1.2 Proposed Amendments to the Colyton Parish Neighbourhood Plan

1.2.1 Having reviewed the made Plan, it is Officer's view that to amend the document fully throughout to reflect the subdivision of the Colyton parish area into the 2 parishes of Colyton and Colyford would require a significant amount of editing, including to maps as well as plan text. However, importantly, none of the policies are affected in any way by the change. Officers therefore simply recommend a change to the name/title of the plan document itself (on the front cover, Index page and footer), from the Colyton Parish Neighbourhood Plan to the Colyton and Colyford Neighbourhood Plan, and an addendum to be inserted after the cover page to explain this change, without further changing any of the main text itself. It is also recommended that a new map be inserted as part of the addendum to show the relationship between the overall Designated Neighbourhood Area and the two constituent parishes, and that the Colyton Parish Council name and logo is added to the cover.

1.2.2 Colyton Parish Council have requested in writing that the addendum makes it clear that Colyton is now a separate parish and that they have adopted the plan. Colyton Parish Council have confirmed in writing that they are happy for the cover page to be altered to update the name, and for the first page to have a map of the boundary and a brief history/description of events. The proposed addendum wording and new map is appended.

1.2.3 At the same time, it is recommended that an error to page numbering in the index to ensure this aligns to the plan page numbers be agreed to be corrected at the same time.

1.3 Agreement of Colyton and Colyton Parish Councils

1.3.1 Officers can confirm that the proposed amendments have been agreed in principle by both Colyton Parish Council and Colyton Parish Council, and this has been confirmed in writing as an acceptable way forward. At a meeting on 8th April 2024, Colyton Parish Council, as the original 'Qualifying Body', confirmed they had no objection to the amendment, as long as there was no cost to the Parish Council involved. In addition, it should be noted that Colyton Parish Council have separately endorsed/adopted the made Neighbourhood Plan for their own use.

1.4 Minor Amendment Process

1.4.1 The provisions in law to be able to make modifications to a made Neighbourhood Plan were introduced to the Neighbourhood Planning Regulations in January 2018 via the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017. Related [Government Guidance](#), updated in May 2019, advises that there are 3 types of modification which can be made to a Neighbourhood Plan, depending on the degree of change involved. Officer's view is that this matter can be dealt with as a minor (non-material) modification to the Plan as it in no way changes the nature of the Plan.

1.4.2 The Guidance defines minor (non-material) modifications as those which "would not materially affect the policies in the plan or permission granted by the order. These may include

correcting errors, such as a reference to a supporting document, and would not require examination or a referendum." It goes on to confirm that, "A local planning authority may make such updates at any time, but only with the consent of the qualifying body. Consultation, examination and referendum are not required."

1.4.3 In view of the fact that the made Plan is a statutory document and has been made subject to a legally prescribed process, it is recommended that a formal Decision Notice confirming the changes be prepared and published. For clarity, when a minor amendment is agreed of this nature, there is no change to the date of making of the Plan. This therefore will remain as 10th January 2022.

Financial implications:

There are no direct financial implication resulting from the report.

Legal implications:

The legal issues are covered in the report.

Appendix 1 – Proposed Addendum and Accompanying Map

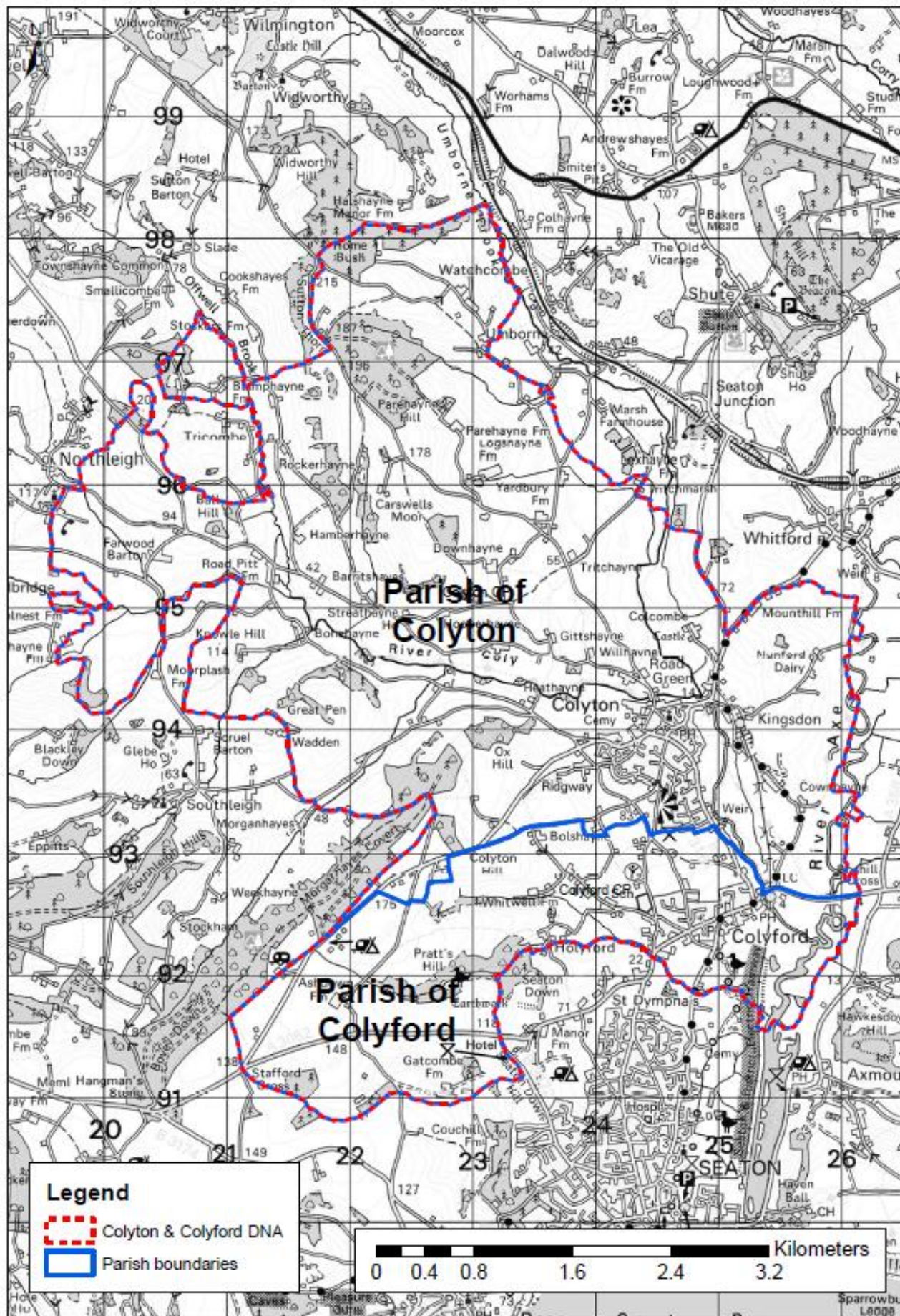
Addendum

This Plan was prepared and submitted by Colyton Parish Council for the whole of their parish and formally 'made' (adopted) by East Devon District Council on 10 January 2022. Since then, a new parish and parish council for Colyford has been established, following a community governance review in 2022/23. The effect of this has been to sub-divide the area covered by the Neighbourhood Plan (the original Colyton Parish) into two parishes (Colyton and Colyford), each with their own parish council (as shown on the map overleaf). The extent of the designated Neighbourhood Area to which the Plan relates is unchanged and its policies therefore apply in both parishes, as part of the statutory development plan for the area. Since its inauguration in May 2023, Colyford Parish Council has endorsed the 'made' neighbourhood plan.

Following liaison with both Colyton Parish Council and Colyford Parish Council, East Devon District Council agreed a minor (non-material) modification to the 'made' Plan at its Cabinet meeting on 5th June 2024 [*to be confirmed*] to amend the name and title of the Plan to the 'Colyton and Colyford Neighbourhood Plan' and add the Colyford Parish Council name and logo to the cover. It was also agreed to insert this addendum to explain the change, together with the insertion of the map overleaf to illustrate the updated situation, and to update the name of the Designated Neighbourhood Area accordingly. In addition, corrections have been made to errors in the numbering on the Index page for accuracy.

No other changes have been made to the original Plan as 'made' and, therefore, all references within the Plan (in text and regarding maps) which refer to 'Colyton parish', 'the parish of Colyton', 'the parish', or the Plan Area, should be read as referring to the area which is now comprised of both Colyton parish and Colyford parish together. There is no change in the geographical area covered by the Plan, only in how the area is governed and administered. There is also no change to the date the Plan was 'made' which remains as 10th January 2022.

Colyton and Colyford Neighbourhood Plan Area Map



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Report to: Cabinet

Date of Meeting 5 June 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Housing Ombudsman self-assessment and complaint procedure update

Report summary:

This report covers 2 key areas:

The Housing Service self-assessment against the Housing Ombudsman's complaint handling code, which became statutory on 1st April 2024

Updates to the corporate complaints policy and procedure to ensure compliance with the updated code and the code produced by the Local Government and Social Care Ombudsman

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

It is recommended that Cabinet

1. Note and agree the procedure updates and compliance with the Housing Ombudsman code of practice in complaint handling.
2. Approve the appointment of the Portfolio Holder for Sustainable Homes and Communities to the role of Member Responsible for Complaints (MRC) for Housing complaints.

Reason for recommendation:

The council, as social housing landlord, must demonstrate compliance with the Housing Ombudsman's code by 30 June 2024 and has made amendments to the corporate complaints procedure and policy to ensure that we are fully compliant.

Officers:

Melanie Wellman – Monitoring Officer mwellman@eastdevon.gov.uk

Amy Gilbert-Jeans –Housing Performance Lead agilbertjeans@eastdevon.gov.uk

Kate Symington – Information Governance Manager ksymington@eastdevon.gov.uk

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Communications and Democracy
- Economy
- Finance and Assets

- Strategic Planning
- Sustainable Homes and Communities
- Culture, Leisure, Sport and Tourism

Equalities impact Medium Impact

It is important that the council's complaints procedure is accessible to all so that no individual is prevented from being able to complain, should they need to. An Equality Impact Assessment has been carried out.

Climate change Low Impact

Risk: Medium Risk; The Housing Ombudsman complaint handling code is now referred to as part of changes that have come in since the introduction of the Social Housing (Regulation) Act. The Council is at risk of being non-compliant with Regulation if the code is not met.

Links to background information [The Complaint Handling Code | Housing Ombudsman Service \(housing-ombudsman.org.uk\)](https://housing-ombudsman.org.uk)

Link to [Council Plan](#)

Priorities (check which apply)

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

Report in full

1. The annual completion of the council's self-assessment against the Housing Ombudsman's complaint handling code has been carried out by the Information Governance Manager and the Housing Performance Lead. The opportunity has also been taken to update the complaints procedure and associated documents.
2. The update to the code is a significant one with the Social Housing (Regulation) Act 2023 now placing a duty on the Housing Ombudsman to monitor compliance with the statutory complaint handling code. This means that the Housing Ombudsman is required to ensure that all landlords meet the standards set out in the code for complaint handling.
3. With some minor revisions made to the complaints procedure and associated documents, the council is able to continue to demonstrate compliance with the requirements of the code but we recognise that there are still some areas where compliance with response timescales is challenging and this is an area that we are continuing to monitor and focus on in order to drive improvement.
4. As has been done in previous years, the council is required to submit its self-assessment of the code to the Housing Ombudsman, in addition for this year we also have to publish it on our website by 30 June 2024.
5. It should be noted that complaints which do not fall within the jurisdiction of the Housing Ombudsman (any non-housing complaints and also any complaints relating to allocations and housing priority) will be considered by the Local Government and Social Care Ombudsman who has recently published a complaint handling code which is similar in most respects to the Housing code. There is however currently no statutory requirement for us to demonstrate compliance with this code. Instead, authorities are encouraged to adopt the code into working practices. It is likely that this will become a statutory requirement from

April 2026. This is why it is felt appropriate to make broader changes to our procedures at this time so that we can ensure compliance from an early stage.

6. The Housing Ombudsman code of practice requires the council to appoint an elected Member responsible for Housing complaints and further guidance produced by the Housing Ombudsman states that this person should be the Councillor with oversight in the Cabinet for Housing. It is therefore considered appropriate for this to be the Portfolio Holder for Sustainable Homes and Communities.
7. We have identified a need for better staff training around the complaints procedure and in recognising a complaint and signposting complainants. We will be investigating how we can potentially include something within the mandatory suite of training for all staff and how we can enhance that with training directly from the Housing Ombudsman for key staff.
8. Our corporate complaints procedure has been amended to ensure compliance with the complaint handling codes of the Housing and Local Government Ombudsmen and identifies the key officers/members and committees responsible for ensuring ongoing compliance and improvement.
9. Our procedure for dealing with unreasonable customer behaviour has been updated to ensure it refers to equalities legislation and that this is built into our decision-making. The process also now specifically refers to the subject's right to a review of the initial decision. This policy takes into account updated guidance recently published by the Local Government Ombudsman. The term "customer" is used in the context of this policy to ensure that we encapsulate all service users who may wish to complain to the council as these may not always be residents.

Financial implications:

There may be financial implications arising from the more detailed guidance being produced in relation to complaint compensation. As part of our commitment to developing a positive complaint culture, it is important to be realistic and consistent compensation awards are made where service failure is identified

Legal implications:

None

Appendix A: Self-assessment form

This self-assessment form should be completed by the complaints officer, and it must be reviewed and approved by the landlord's governing body at least annually.

Once approved, landlords must publish the self-assessment as part of the annual complaints performance and service improvement report on their website. The governing body's response to the report must be published alongside this.

Landlords are required to complete the self-assessment in full and support all statements with evidence, with additional commentary as necessary.

We recognise that there may be a small number of circumstances where landlords are unable to meet the requirements, for example, if they do not have a website. In these circumstances, we expect landlords to deliver the intentions of the Code in an alternative way, for example by publishing information in a public area so that it is easily accessible.

Section 1: Definition of a complaint

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
1.2	<p>A complaint must be defined as:</p> <p><i>‘an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents.’</i></p>	YES	Complaints procedure para 3.1	<p>Complaints procedure definition:</p> <p><i>“An expression of dissatisfaction, however made, about the standard of service, actions or lack of actions by the authority, or those acting on our behalf, affecting an individual or a group of individuals.”</i></p>
1.3	<p>A resident does not have to use the word ‘complaint’ for it to be treated as such. Whenever a resident expresses dissatisfaction landlords must give them the choice to make complaint. A complaint that is submitted via a third party or representative must be handled in line with the landlord’s complaints policy.</p>	YES	Complaints procedure para 5.2	<p>A complaint can also be made by:</p> <ul style="list-style-type: none"> • A representative acting on behalf of someone who is unable to make the complaint themselves because of physical or mental incapacity. • A representative where they have been asked to act on behalf of a customer. • A representative acting on behalf of someone who has died. <p>For complaints made by a representative we have to comply</p>

				<p>with the following legal requirements:</p> <ul style="list-style-type: none"> • We must have written authority from the customer (or from their executor or administrator of their estate) to deal with the representative acting on their behalf (Data Protection requirements). • We will only deal with a complaint made by a representative of someone because of physical or mental incapacity if we are satisfied that it is being pursued in the best interest of the customer. • We will use the term mental incapacity as defined by the Mental Capacity Act 2005
1.4	Landlords must recognise the difference between a service request and a complaint. This must be set out in their complaints policy. A service request is a request from a resident to the landlord requiring action to be taken to put something	YES	Complaints procedure para 4.1	In many cases we can resolve an issue very quickly – by putting the problem right straight away. We consider these types of cases as service requests.

	right. Service requests are not complaints, but must be recorded, monitored and reviewed regularly.			<p>An example might be where a refuse team has not picked up a customer's bin, but once the team is made aware of this the bin is picked up on the same day.</p> <p>However, when a customer is unhappy about the way that a service issue or request was handled, this will be dealt with under the EDDC Complaints Procedure.</p>
1.5	A complaint must be raised when the resident expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. Landlords must not stop their efforts to address the service request if the resident complains.	YES	Complaints procedure para 4.1	A formal complaint will be triggered by resident dissatisfaction even if the handling of the service request remains ongoing
1.6	An expression of dissatisfaction with services made through a survey is not defined as a complaint, though wherever possible, the person completing the survey should be made aware of how they can pursue a complaint if they wish to. Where landlords ask for wider feedback about their services, they also must provide details of how residents can complain.	YES	Complaints procedure para 4.3	<p>Survey responses:</p> <p>An expression of dissatisfaction with services made through a survey is not defined as a complaint but, where possible, respondents will be made aware of how to pursue the matter through our complaints procedure</p>

Section 2: Exclusions

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
2.1	Landlords must accept a complaint unless there is a valid reason not to do so. If landlords decide not to accept a complaint, they must be able to evidence their reasoning. Each complaint must be considered on its own merits	YES	Complaints procedure para 4.1	Where we decide not to accept a complaint, we will provide an explanation setting out the reasons why this matter is not suitable for the complaints procedure and refer the complainant to the relevant ombudsman
2.2	<p>A complaints policy must set out the circumstances in which a matter will not be considered as a complaint or escalated, and these circumstances must be fair and reasonable to residents. Acceptable exclusions include:</p> <ul style="list-style-type: none"> • The issue giving rise to the complaint occurred over twelve months ago. • Legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court. • Matters that have previously been considered under the complaints policy. 	YES	Complaints procedure para 4.4 – 4.7	<p>An appeal is where a request is submitted to change a decision that has been made.</p> <p>For some services there are alternative statutory appeal or tribunal processes in place which must be used rather than the complaints procedure. These services include:</p> <ul style="list-style-type: none"> ▪ Appeals against the refusal of planning permission or planning enforcement. ▪ Appeals against statutory notices. ▪ Parking appeals. ▪ Housing benefit appeals. ▪ Homelessness decisions.

				<p>Where legal proceedings have started (a claim form or particulars of a claim have been filed at court), this matter will not be considered through our formal complaint procedure.</p> <p>Where the subject of a complaint is covered by specific regulatory procedures, it must be dealt with through those procedures. However, when a customer is unhappy about the way that an appeal or tribunal matter was handled, for example a delay in preparing the Council's submission to a tribunal or appeals panel, this should be dealt with under this complaints procedure. If the complaint is about the attitude of staff when handling an appeal or tribunal matter this falls under our East Devon District Council Complaints Procedure.</p> <p>A complaint will not normally be considered if the issue being complained about occurred more than twelve months ago and the council has not received contact about it during this time. We will also not consider complaints that have previously been considered under this procedure.</p>
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				<p>We will deal with anonymous complaints where they involve individual or public safety, alleged corruption, waste or other impropriety and where we have sufficient information to allow an investigation to proceed.</p> <p>The Council is very keen to make sure elected members uphold good standards of behaviour. If you believe that a Town, Parish or District councillor has done something they shouldn't and failed to comply with the Code of Conduct for elected councillors, there is information on our website about how you can pursue a complaint with the council's Monitoring Officer.</p> <p>In all cases, a complaint will be considered on merit and taking into account the specific circumstances of the case. The council will not take a blanket approach to excluding complaints</p>
2.3	Landlords must accept complaints referred to them within 12 months of the issue occurring or the resident becoming aware of the issue, unless they are excluded on other grounds. Landlords must consider whether to apply discretion to accept complaints made outside this time limit where there	YES	Complaints procedure para 4.7	<p>In all cases, a complaint will be considered on merit and taking into account the specific circumstances of the case. The council will not take a blanket approach to excluding complaints</p>

	are good reasons to do so.			
2.4	If a landlord decides not to accept a complaint, an explanation must be provided to the resident setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman. If the Ombudsman does not agree that the exclusion has been fairly applied, the Ombudsman may tell the landlord to take on the complaint.	YES	Complaints procedure para 4.7	
2.5	Landlords must not take a blanket approach to excluding complaints; they must consider the individual circumstances of each complaint.	YES	Complaints procedure para 4.7	In all cases, a complaint will be considered on merit and taking into account the specific circumstances of the case. The council will not take a blanket approach to excluding complaints

Section 3: Accessibility and Awareness

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
3.1	Landlords must make it easy for residents to complain by providing different channels through which they can make a complaint. Landlords must consider their duties under the Equality Act 2010 and anticipate the needs and reasonable adjustments of residents who may need to access the complaints process.	YES	Complaints procedure para 5.4 and 5.5	<p>Customers can make a complaint in a way that best suits them. We encourage any customer who has a concern about a particular service to make contact with us straight away. Early complaints give us the best opportunity to resolve an issue quickly.</p> <p>We encourage complaints to be made in written form as this ensures that we correctly understand the nature of the complaint and that all key areas are covered. However, where a complainant is unable to communicate with us in this form, we will accept a complaint over the phone or in person. Where we do so, we will confirm our understanding of the complaint in writing. We will consider our duties under the Equality Act 2010 and make reasonable adjustments for complainants in order to enable them to access our complaints process.</p> <p>All staff are aware of the council's complaints procedure and can take details of a complaint directly. They can then refer the matter to the council's complaints team who will progress the complaint.</p> <p>For complaints received via social media, we will ask the customer whether or not they would like to make an official complaint and</p>

				provide them with relevant links and information to do so.
3.2	Residents must be able to raise their complaints in any way and with any member of staff. All staff must be aware of the complaints process and be able to pass details of the complaint to the appropriate person within the landlord.	YES	Complaints procedure para 5.4	Staff will receive an email to bring their attention to the Housing Ombudsman self-assessment annually. We will also publish guidance for staff on our intranet and introduce mandatory training for frontline staff in recognising a complaint and sign-posting complainants
3.3	High volumes of complaints must not be seen as a negative, as they can be indicative of a well-publicised and accessible complaints process. Low complaint volumes are potentially a sign that residents are unable to complain.	YES	Complaints monitoring report Cabinet/HRB	Our reports demonstrate that our complaint numbers have risen significantly year on year, and we have a thorough recording process to ensure that all formal complaints and service requests are logged
3.4	Landlords must make their complaint policy available in a clear and accessible format for all residents. This will detail the two-stage process, what will happen at each stage, and the timeframes for responding. The policy must also be published on the landlord's website.	YES	Complaints procedure para 7	The procedure is available on our website and our correspondence with complainants refers to this and outlines the two-stage process
3.5	The policy must explain how the landlord will publicise details of the complaints policy, including information about the Ombudsman and this Code.	YES		
3.6	Landlords must give residents the opportunity to have a representative deal with their complaint on their behalf, and to be	YES	Complaints procedure para 5.2	A complaint can also be made by: <ul style="list-style-type: none"> ▪ A representative acting on

	<p>represented or accompanied at any meeting with the landlord.</p>			<p>behalf of someone who is unable to make the complaint themselves because of physical or mental incapacity.</p> <ul style="list-style-type: none"> ▪ A representative where they have been asked to act on behalf of a customer. ▪ A representative acting on behalf of someone who has died. <p>For complaints made by a representative we have to comply with the following legal requirements:</p> <p>We must have written authority from the customer (or from their executor or administrator of their estate) to deal with the representative acting on their behalf (Data Protection requirements).</p> <p>We will only deal with a complaint made by a representative of someone because of physical or mental incapacity if we are satisfied that it is being pursued in the best interest of the customer.</p> <p>We will use the term mental incapacity as defined by the Mental Capacity Act 2005</p>
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3.7	Landlords must provide residents with information on their right to access the Ombudsman service and how the individual can engage with the Ombudsman about their complaint.	YES	Complaints procedure para 10	Complaints about social housing (landlord/tenant issues) may be referred to the Housing Ombudsman if a complainant remains dissatisfied with the Council's response. A complainant may also choose to refer their complaint to an EDDC Councillor, their MP or to the council's Housing Support Complaint Panel
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Section 4: Complaint Handling Staff

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
4.1	Landlords must have a person or team assigned to take responsibility for complaint handling, including liaison with the Ombudsman and ensuring complaints are reported to the governing body (or equivalent). This Code will refer to that person or team as the 'complaints officer'. This role may be in addition to other duties.	YES	Information and Complaints Team Performance Lead (Housing)	Newly created Performance Team in Housing will oversee the details of complaints and will be highlighting learnings and improvements required. The Housing Performance Lead will work closely with the Housing Service Managers to ensure accountability and that learning from complaints is being implemented.
4.2	The complaints officer must have access to staff at all levels to facilitate the prompt resolution of complaints. They must also have the authority and autonomy to act to resolve disputes promptly and fairly.	YES	Information Governance Manager Performance Lead (Housing)	The Performance Lead (Housing) is directly accountable to the Director of Housing, Health and Environment and therefore has the autonomy to resolve issues promptly.
4.3	Landlords are expected to prioritise complaint handling and a culture of learning from complaints. All relevant staff must be suitably trained in the importance of complaint handling. It is important that complaints are seen as a core service and must be resourced to handle complaints effectively	YES		Guidance on complaints will form part of core training for staff

Section 5: The Complaint Handling Process

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
5.1	Landlords must have a single policy in place for dealing with complaints	YES	Complaints procedure	Our complaints procedure applies to all complainants, and

	covered by this Code. Residents must not be treated differently if they complain.			all are treated in the same way.
5.2	The early and local resolution of issues between landlords and residents is key to effective complaint handling. It is not appropriate to have extra named stages (such as 'stage 0' or 'informal complaint') as this causes unnecessary confusion.	YES	Complaints procedure paras 4.1 and 7	We have a clearly publicised two stage procedure and do not have an informal stage. We recognise the difference between a service request and a formal complaint
5.3	A process with more than two stages is not acceptable under any circumstances as this will make the complaint process unduly long and delay access to the Ombudsman.	YES	Complaints procedure para 7	We have a clearly publicised two stage procedure
5.4	Where a landlord's complaint response is handled by a third party (e.g. a contractor or independent adjudicator) at any stage, it must form part of the two stage complaints process set out in this Code. Residents must not be expected to go through two complaints processes.	YES	Complaints procedure	We would never refer a complainant to our contractor's complaints procedure directly. As landlord, we would not expect a resident to complain to the contractor direct
5.5	Landlords are responsible for ensuring that any third parties handle complaints in line with the Code.	N/A		Third parties do not handle complaints on the council's behalf
5.6	When a complaint is logged at Stage 1 or escalated to Stage 2, landlords must set out their understanding of the complaint and the outcomes the resident is seeking. The Code will refer to this as "the complaint definition". If any aspect of the complaint is unclear, the resident must be asked for clarification.	YES	Complaints procedure para 7	We clearly set out in our correspondence with complainants our understanding of their complaint

5.7	When a complaint is acknowledged at either stage, landlords must be clear which aspects of the complaint they are, and are not, responsible for and clarify any areas where this is not clear.	YES	Complaints procedure para 7 and template complaint response	Our template complaint response outlines that we will outline to residents what is being considered
5.8	At each stage of the complaints process, complaint handlers must: <ul style="list-style-type: none"> a. deal with complaints on their merits, act independently, and have an open mind; b. give the resident a fair chance to set out their position; c. take measures to address any actual or perceived conflict of interest; and d. consider all relevant information and evidence carefully. 	YES		
5.9	Where a response to a complaint will fall outside the timescales set out in this Code, the landlord must agree with the resident suitable intervals for keeping them informed about their complaint.	YES	Complaints procedure para 7	We routinely correspond with complainants where a deadline is not going to be met and explain the reasons for this and provide a more appropriate timescale for responding
5.10	Landlords must make reasonable adjustments for residents where appropriate under the Equality Act 2010. Landlords must keep a record of any reasonable adjustments agreed, as well as a record of any disabilities a resident has disclosed. Any agreed reasonable adjustments must be kept under active review.	YES	Complaints procedure para 13	We are committed to making our complaints procedure accessible to all. We will retain detail about reasonable adjustments and disability in line with our GDPR obligations, for as long as it is necessary to do so within our lawful basis for processing
5.11	Landlords must not refuse to escalate a complaint through all stages of the complaints procedure unless it has valid reasons	YES	Complaints procedure para 7	We will not prevent a complaint from progressing through the complaints procedure

	to do so. Landlords must clearly set out these reasons, and they must comply with the provisions set out in section 2 of this Code.			
5.12	A full record must be kept of the complaint, and the outcomes at each stage. This must include the original complaint and the date received, all correspondence with the resident, correspondence with other parties, and any relevant supporting documentation such as reports or surveys.	YES	Case management system	A comprehensive record of all complaints is maintained by our corporate complaints team
5.13	Landlords must have processes in place to ensure a complaint can be remedied at any stage of its complaints process. Landlords must ensure appropriate remedies can be provided at any stage of the complaints process without the need for escalation.	YES	Complaints procedure para 7 Compensation policy Stage 1 response template	We will consider fault at the first stage of the procedure and provide appropriate remedy at that stage and then this will be considered again at stage 2, if needed
5.14	Landlords must have policies and procedures in place for managing unacceptable behaviour from residents and/or their representatives. Landlords must be able to evidence reasons for putting any restrictions in place and must keep restrictions under regular review.	YES	Complaints procedure para 14 Unreasonable customer behaviour procedure	
5.15	Any restrictions placed on contact due to unacceptable behaviour must be proportionate and demonstrate regard for the provisions of the Equality Act 2010.	YES	Unreasonable customer behaviour procedure	We make sure that we meet the requirements of the Equality Act 2010 and the Public Sector Equality Duty . This includes making sure we consider adjustments for people with protected characteristics.

				<p>Some people may have difficulty expressing themselves or communicating clearly and/or appropriately. We will always consider the needs and circumstances that we have been made aware of, before deciding how best to manage the situation. This will include making reasonable adjustments. However, this does not mean we will tolerate abusive language, shouting, or other unacceptable behaviour or actions.</p> <p>If an individual with a protected characteristic becomes the subject of a restriction under this policy, we will consider whether the restriction may affect them more than someone without that characteristic. If this is the case, we may make different arrangements so they can still access the service.</p>
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Section 6: Complaints Stages

Stage 1

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
6.1	Landlords must have processes in place to consider which complaints can be responded to as early as possible, and which require further investigation. Landlords must consider factors such as the complexity of the complaint and whether the resident is vulnerable or at risk. Most stage 1 complaints can be resolved promptly, and an explanation, apology or resolution provided to the resident.	YES	Complaints procedure para 7	We will always consider the most effective way to resolve a complaint and will do so as early as possible in the procedure
6.2	Complaints must be acknowledged, defined and logged at stage 1 of the complaints procedure <u>within five working days of the complaint being received.</u>	YES	Complaints procedure para 7	
6.3	Landlords must issue a full response to stage 1 complaints <u>within 10 working days</u> of the complaint being acknowledged.	YES	Complaints procedure para 7	We recognise that a heavy caseload can mean that we cannot respond to all complaints as quickly as we would like to but always keep complainants advised and provide reasonable expectations in terms of timescales for responding
6.4	Landlords must decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the resident of the expected timescale for response. Any extension must be no more than 10 working days without good reason, and the reason(s)	YES	Complaints procedure para 7	

	must be clearly explained to the resident.			
6.5	When an organisation informs a resident about an extension to these timescales, they must be provided with the contact details of the Ombudsman.	YES	Complaints procedure para 7	
6.6	A complaint response must be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions must still be tracked and actioned promptly with appropriate updates provided to the resident.	YES	Complaint response template	We will outline any outstanding actions in our complaint response, with appropriate timescales. All actions will be tracked and monitored through to completion by the Housing Performance Team
6.7	Landlords must address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.	YES	Complaint response template	
6.8	Where residents raise additional complaints during the investigation, these must be incorporated into the stage 1 response if they are related and the stage 1 response has not been issued. Where the stage 1 response has been issued, the new issues are unrelated to the issues already being investigated or it would unreasonably delay the response, the new issues must be logged as a new complaint.	YES		
6.9	Landlords must confirm the following in writing to the resident at the completion of stage 1 in clear, plain language: a. the complaint stage; b. the complaint definition;	YES	Complaints procedure para 7 Complaint response template	The complaint will be acknowledged within 5 working days and we will explain the procedure and timescales for responding We will also outline any aspect

	<p>c. the decision on the complaint;</p> <p>d. the reasons for any decisions made;</p> <p>e. the details of any remedy offered to put things right;</p> <p>f. details of any outstanding actions; and</p> <p>g. details of how to escalate the matter to stage 2 if the individual is not satisfied with the response.</p>			<p>of the complaint which we cannot consider.</p> <p>The complaint will be investigated by an appropriate officer, usually the Assistant Director for the service, with input from other officers as required. A response will be prepared and sent to the complainant within 10 working days of acknowledgement, where this is practical, but where this is not possible due to the complexity of the matter to which the complaint relates or other exceptional or unforeseen circumstances, we will make this known to the complainant and provide an indicative timescale when a full response will be provided. This correspondence will include contact details for the relevant Ombudsman.</p> <p>The stage 1 response will include:</p> <ul style="list-style-type: none"> • A definition and description of the complaint • The decision on the complaint • The reasons for any decision made • Details or any remedy offered to put things right • Details and timescale for any outstanding actions
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				<ul style="list-style-type: none"> Details of how to escalate the complaint to stage 2 if the individual is not satisfied. This should be within one month
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Stage 2

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
6.10	If all or part of the complaint is not resolved to the resident's satisfaction at stage 1, it must be progressed to stage 2 of the landlord's procedure. Stage 2 is the landlord's final response.	YES	Complaints procedure para 7	
6.11	Requests for stage 2 must be acknowledged, defined and logged at stage 2 of the complaints procedure within five working days of the escalation request being received.	YES	Complaints procedure para 7	
6.12	Residents must not be required to explain their reasons for requesting a stage 2 consideration. Landlords are expected to make reasonable efforts to understand why a resident remains unhappy as part of its stage 2 response.	YES	Complaints procedure para 7	The complainant will be encouraged to detail the reasons why they believe their complaint has not been resolved in order that the stage 2 investigation can be focused on the specific outstanding elements of the complaint. However, we will not unreasonably refuse to progress a complaint if this information has not been provided and will take reasonable steps to understand why a complainant remains unhappy. We will not refuse to escalate a complaint unless we have valid reasons for doing so

				and will clearly explain these reasons.
6.13	The person considering the complaint at stage 2 must not be the same person that considered the complaint at stage 1.	YES	Complaints procedure para 7	Assistant Director – stage 1 Director – stage 2
6.14	Landlords must issue a final response to the stage 2 within 20 working days of the complaint being acknowledged.	YES	Complaints procedure para 7	
6.15	Landlords must decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the resident of the expected timescale for response. Any extension must be no more than 20 working days without good reason, and the reason(s) must be clearly explained to the resident.	YES	Complaints procedure para 7	A response will be prepared and sent to the complainant within 20 working days of acknowledgement, where this is practical, but where this is not possible due to the complexity of the matter to which the complaint relates or other exceptional or unforeseen circumstances, we will make this known to the complainant and provide an indicative timescale when a full response will be provided
6.16	When an organisation informs a resident about an extension to these timescales, they must be provided with the contact details of the Ombudsman.	YES		The above correspondence will include contact details for the relevant ombudsman
6.17	A complaint response must be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions must still be tracked and actioned promptly with appropriate updates provided to the resident.	YES		

6.18	Landlords must address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.	YES		
6.19	Landlords must confirm the following in writing to the resident at the completion of stage 2 in clear, plain language: a. the complaint stage; b. the complaint definition; c. the decision on the complaint; d. the reasons for any decisions made; e. the details of any remedy offered to put things right; f. details of any outstanding actions; and g. details of how to escalate the matter to the Ombudsman Service if the individual remains dissatisfied.	YES	Stage 2 template response	The stage 2 response will include: A definition and description of the matters considered The decision on the complaint The reasons for any decision made Details or any remedy offered to put things right Details and timescale for any outstanding actions Details of how to escalate the complaint to the appropriate Ombudsman if the individual is not satisfied.
6.20	Stage 2 is the landlord's final response and must involve all suitable staff members needed to issue such a response.	YES	Complaints procedure para 7	Response is provided by most senior housing officer (usually the Director for Housing)

Section 7: Putting things right

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
7.1	Where something has gone wrong a landlord must acknowledge this and set out the actions it has already taken, or intends to take, to put things right. These can include: <ul style="list-style-type: none"> Apologising; Acknowledging where things have gone wrong; Providing an explanation, assistance or reasons; Taking action if there has been delay; 	YES	Complaint template stage 1 Complaints procedure para 8	When a complaint is found to be justified the Council will set out the actions we have already taken and those we intend to take to put things right. These can include: Apologising Acknowledging where things have gone wrong

	<ul style="list-style-type: none"> • Reconsidering or changing a decision; • Amending a record or adding a correction or addendum; • Providing a financial remedy; • Changing policies, procedures or practices. 			<p>Providing an explanation, assistance or reasons</p> <p>Taking action if there has been a delay</p> <p>Reconsidering or changing a decision</p> <p>Providing a financial remedy</p> <p>Reviewing or changing policies/procedures or practices</p> <p>Apologise to the complainant(s) Explain what has been/will be done to put the mistake right. Explain how the error occurred and what has been done to prevent it happening again</p>
7.2	Any remedy offered must reflect the impact on the resident as a result of any fault identified.	YES	Compensation policy	Any remedy offered will reflect the impact on the complainant(s) of any fault identified and will be in accordance with our published Compensation Policy.
7.3	The remedy offer must clearly set out what will happen and by when, in agreement with the resident where appropriate. Any remedy proposed must be followed through to completion.	YES	Complaint template	
7.4	Landlords must take account of the guidance issued by the Ombudsman when deciding on appropriate remedies.	YES	Compensation policy	Our compensation policy is based on the guidance produced by the ombudsman

Section 8: Putting things right

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
8.1	<p>Landlords must produce an annual complaints performance and service improvement report for scrutiny and challenge, which must include:</p> <ul style="list-style-type: none"> a. the annual self-assessment against this Code to ensure their complaint handling policy remains in line with its requirements. b. a qualitative and quantitative analysis of the landlord's complaint handling performance. This must also include a summary of the types of complaints the landlord has refused to accept; c. any findings of non-compliance with this Code by the Ombudsman; d. the service improvements made as a result of the learning from complaints; e. any annual report about the landlord's performance from the Ombudsman; and f. any other relevant reports or publications produced by the Ombudsman in relation to the work of the landlord. 	YES	<p>Annual complaints monitoring report for Executive Leadership Team Cabinet Scrutiny Housing Review Board</p>	
8.2	<p>The annual complaints performance and service improvement report must be reported to the landlord's governing body (or equivalent) and published on the on the section of its website relating to complaints. The governing body's response to the report must be published alongside this.</p>			
8.3	<p>Landlords must also carry out a self-assessment following a significant</p>	YES		

	restructure, merger and/or change in procedures.			
8.4	Landlords may be asked to review and update the self-assessment following an Ombudsman investigation.	YES		The authority will comply with any request to do so
8.5	If a landlord is unable to comply with the Code due to exceptional circumstances, such as a cyber incident, they must inform the Ombudsman, provide information to residents who may be affected, and publish this on their website Landlords must provide a timescale for returning to compliance with the Code.	YES		The authority will make the ombudsman aware of any security incident which results in it being unable to comply with the code

Section 9: Scrutiny & oversight: continuous learning and improvement

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
9.1	Landlords must look beyond the circumstances of the individual complaint and consider whether service improvements can be made as a result of any learning from the complaint.	YES	Learning from complaints in performance monitoring report	Creation of the Housing Performance Team demonstrates the commitment being made to ensure we are continuously learning from complaints.
9.2	A positive complaint handling culture is integral to the effectiveness with which landlords resolve disputes. Landlords must use complaints as a source of intelligence to identify issues and introduce positive changes in service delivery.	YES	Complaints monitoring report	
9.3	Accountability and transparency are also integral to a positive complaint handling culture. Landlords must report back on wider learning and improvements from complaints to stakeholders, such as residents' panels, staff and relevant committees.	YES	Tenant panel Updates in newsletter Website	Tenant communications including 'you said, we did' type initiatives. Use of tenant Newsletter.
9.4	Landlords must appoint a suitably senior lead person as accountable for their complaint handling. This person must assess any themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision.	YES	Performance Lead - Housing	Performance Lead (Housing) who is part of Senior Leadership Team will have the autonomy to oversee this area and ensure risks are highlighted as required. Post-holder will work closely with Service Managers but at arm's length (and not responsible to) in order to ensure appropriate distance and a role as a critical friend.

9.5	In addition to this a member of the governing body (or equivalent) must be appointed to have lead responsibility for complaints to support a positive complaint handling culture. This person is referred to as the Member Responsible for Complaints ('the MRC').	YES	Portfolio Holder Sustainable Homes and Communities	
9.6	The MRC will be responsible for ensuring the governing body receives regular information on complaints that provides insight on the landlord's complaint handling performance. This person must have access to suitable information and staff to perform this role and report on their findings.	YES		Monthly Portfolio Holder briefings will be held to ensure regular updates on progress being made and numbers of complaints. All PH briefings will be documented. PH will have opportunity to contribute to Member update reports.
9.7	As a minimum, the MRC and the governing body (or equivalent) must receive: a. regular updates on the volume, categories and outcomes of complaints, alongside complaint handling performance; b. regular reviews of issues and trends arising from complaint handling; c. regular updates on the outcomes of the Ombudsman's investigations and progress made in complying with orders related to severe maladministration findings; and d. annual complaints performance and service improvement report.	YES		All to be covered in Member briefing. The categories will be agenda items for the updates.
9.8	Landlords must have a standard objective in relation to complaint handling for all relevant employees or third parties that reflects the need to: a. have a collaborative and co-operative approach towards resolving complaints, working with	YES	Complaints procedure	Our complaints procedure is a corporate document which applies to all service areas within the authority. The central complaints team ensure that there is joined up

	colleagues across teams and departments; b. take collective responsibility for any shortfalls identified through complaints, rather than blaming others; and c. act within the professional standards for engaging with complaints as set by any relevant professional body.			working with all service areas
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Appendix B: East Devon District Council Complaints Policy and Procedure

1. Policy Statement

1.1 We pride ourselves on delivering high quality, value for money services in East Devon and are committed to providing what you need, in the way you want and to the standard you expect.

We believe that dealing effectively with complaints is essential to providing good services.

2. Purpose

2.1 The purpose of this document is to:

- Define what a complaint is, and who can make a complaint.
- Explain how to make a complaint.
- Explain the process we will follow when dealing with a complaint so that everyone knows what they can expect.
- Set out how we will monitor complaints, use information to improve services and identify training needs.

2.2 Our guiding principles

- We will put the customer at the heart of the process, showing empathy and understanding for the issues they raise.
- We will treat all complaints seriously with an honest and open mind and do everything we can to deal with them efficiently and effectively
- We will be open minded and flexible in our approach while operating within our process.
- We will say sorry if we have made a mistake, or something has gone wrong, and we will put it right as soon as possible.
- We will aim to resolve complaints at the earliest opportunity.
- Our responses will be open and honest, based on the evidence available, address all elements of the complaint, and provide clear explanations for decisions made.
- We will ensure our procedure is equally accessible irrespective of age, disability, gender, sexual orientation, race, religion or belief.
- We will provide effective support, guidance and advice about advocacy, conciliation or mediation services.
- We will use complaints information in a positive way to identify training requirements, improve processes, and share learning to prevent similar occurrences in the future.

3. What is a complaint?

3.1 We define a complaint as:

An expression of dissatisfaction, however made, about the standard of service, actions or lack of actions by the authority, or those acting on our behalf, affecting an individual or a group of individuals.

3.2 A complaint could be in relation to any of the following examples:

- We have made a mistake in the way we have provided a service.
- There has been a delay in providing a service.
- We have failed to deliver a service – this could relate to quality, standard or service level.
- Our processes or policy have not been followed.
- Our legal or regulatory requirements have not been met.
- We have not delivered to a commitment or promise.
- Our staff have been rude and unhelpful or not conducted themselves correctly.

This is not an exhaustive list.

4. What is not a complaint?

4.1 Service requests:

In many cases we can resolve an issue very quickly – by putting the problem right straight away. We consider these types of cases as service requests.

An example might be where a refuse team has not picked up a customer's bin, but once the team is made aware of this the bin is picked up on the same day.

However, when a customer is unhappy about the way that a service issue or request was handled, this will be dealt with under the EDDC Complaints Procedure. A formal complaint will be triggered by resident dissatisfaction even if the handling of the service request remains ongoing,

Where we decide not to accept a complaint, we will provide an explanation setting out the reasons why this matter is not suitable for the complaints procedure and refer the complainant to the relevant ombudsman

4.2 Complaints about policies

Some complaints are expressions of dissatisfaction with government or local policies, as opposed to our failure to meet service standards.

We will do our best to explain the policy and the reasons for it. However, if the customer remains dissatisfied with the policy they may be directed to their MP and /or their local councillor for further discussions depending on whether this is national or local policy.

4.3 Survey responses:

An expression of dissatisfaction with services made through a survey is not defined as a complaint but, where possible, respondents will be made aware of how to pursue the matter through our complaints procedure.

4.4 Appeals or legal proceedings:

An appeal is where a request is submitted to change a decision that has been made.

For some services there are alternative statutory appeal or tribunal processes in place which must be used rather than the complaints procedure. These services include:

- Appeals against the refusal of planning permission or planning enforcement.
- Appeals against statutory notices.
- Parking appeals.
- Housing benefit appeals.
- Homelessness decisions.

Where legal proceedings have started (a claim form or particulars of a claim have been filed at court), this matter will not be considered through our formal complaint procedure.

Where the subject of a complaint is covered by specific regulatory procedures, it must be dealt with through those procedures. However, when a customer is unhappy about the way that an appeal or tribunal matter was handled, for example a delay in preparing the Council's submission to a tribunal or appeals panel, this should be dealt with under this complaints procedure. If the complaint is about the attitude of staff when handling an appeal or tribunal matter this falls under our East Devon District Council Complaints Procedure.

4.5 Previously considered or timed-out complaints:

A complaint will not normally be considered if the issue being complained about occurred more than twelve months ago and the council has not received contact about it during this time. We will also not consider complaints that have previously been considered under this procedure.

4.6 Anonymous complaints

Anonymous complaints will not be considered unless they relate to serious or significant matters affecting public safety. Any decision to consider an anonymous complaint will be at the discretion of the Monitoring Officer.

4.7 Complaints about Councillors

The Council is very keen to make sure elected members uphold good standards of behaviour. If you believe that a Town, Parish or District councillor has done something they shouldn't and failed to comply with the Code of Conduct for elected councillors, there is information on our website about how you can pursue a complaint with the council's Monitoring Officer.

In all cases, a complaint will be considered on merit and taking into account the specific circumstances of the case. The council will not take a blanket approach to excluding complaints.

5. Who can make a complaint?

5.1 Anyone who uses or is affected by our services can make a complaint:

5.2 A complaint can also be made by:

- A representative acting on behalf of someone who is unable to make the complaint themselves because of physical or mental incapacity.
- A representative where they have been asked to act on behalf of a customer.
- A representative acting on behalf of someone who has died.

For complaints made by a representative we have to comply with the following legal requirements:

- 1 We must have written authority from the customer (or from their executor or administrator of their estate) to deal with the representative acting on their behalf (Data Protection requirements).
- 2 We will only deal with a complaint made by a representative of someone because of physical or mental incapacity if we are satisfied that it is being pursued in the best interest of the customer.
- 3 We will use the term mental incapacity as defined by the Mental Capacity Act 2005.

5.3 Complaints received via Councillors or MPs

Where Councillors or MPs make a complaint on behalf of a constituent, we will deal with the complaint following our normal processes and keep the Councillor or MP informed of progress. Where appropriate, we will seek the complainant's consent to consider the referred complaint.

5.4 How can complaints be made?

Customers can make a complaint in a way that best suits them. We encourage any customer who has a concern about a particular service to make contact with us straight away. Early complaints give us the best opportunity to resolve an issue quickly.

Complaints can be made:

- Online [Make a complaint - East Devon](#)
- by email complaints@eastdevon.gov.uk

- in writing EDDC, Border Road, Heathpark Industrial Estate, Honiton EX14 1EJ

We encourage complaints to be made in written form as this ensures that we correctly understand the nature of the complaint and that all key areas are covered. However, where a complainant is unable to communicate with us in this form, we will accept a complaint over the phone or in person. Where we do so, we will confirm our understanding of the complaint in writing. We will consider our duties under the Equality Act 2010 and make reasonable adjustments for complainants in order to enable them to access our complaints process.

All staff are aware of the council's complaints procedure and can take details of a complaint directly. They can then refer the matter to the council's complaints team who will progress the complaint.

5.5 Complaints received on social media

We will ask the customer whether or not they would like to make an official complaint and provide them with relevant links and information to do so.

6. Roles and Responsibilities

Cabinet	Consider annual performance monitoring report and learning identified from upheld complaints
Scrutiny	Receive a copy of annual performance monitoring report and learning identified from upheld complaints
Executive Leadership Team ELT	Twice yearly updates on complaint performance including complaint numbers, outcomes and learning
Ombudsman Link Officer	The Information Governance Manager acts as the link between the authority and the Local Government and Social Care Ombudsman and the Housing Ombudsman
Information and Complaints Team	Team assigned with responsibility for complaint handling, including ombudsman link role
Employees	All employees should be aware of the complaints procedure and how to recognise a complaint and deal with it appropriately
Housing Complaints only	
Housing Review Board HRB	Receive copy of annual performance monitoring report, specific to Housing complaints, and learning identified from upheld complaints
Member responsible for complaints MRC	The Portfolio Holder for Housing will act as the Member responsible for complaints to champion a positive complaint handling culture
Housing performance lead	Works closely with service managers to track and monitor compliance with complaint outcomes

7. Complaint procedure

7.1 The Council has a two stage complaints procedure.

Our formal complaints procedure process begins where the customer is not satisfied with our immediate resolution, or where they specifically make a formal complaint.

7.2 Stage 1

The complaint will be acknowledged within 5 working days and we will explain the procedure and timescales for responding. We will also outline any aspect of the complaint which we cannot consider.

The complaint will be investigated by an appropriate officer, usually the Assistant Director for the service or the Service Lead where there is no Assistant Director, with input from other officers as required. A response will be prepared and sent to the complainant within 10 working days of acknowledgement, where this is practical, but where this is not possible due to the complexity of the matter to which the complaint relates or other exceptional or unforeseen circumstances, we will make this known to the complainant and provide an indicative timescale when a full response will be provided. This correspondence will include contact details for the relevant Ombudsman.

The stage 1 response will include:

- A definition and description of the complaint
- The decision on the complaint
- The reasons for any decision made
- Details or any remedy offered to put things right
- Details and timescale for any outstanding actions
- Details of how to escalate the complaint to stage 2 if the individual is not satisfied. This should be within one month

7.3 Stage 2

The complaint will be acknowledged at stage 2 by the council's complaints team within 5 working days.

The complainant will be encouraged to detail the reasons why they believe their complaint has not been resolved in order that the stage 2 investigation can be focused on the specific outstanding elements of the complaint. However, we will not unreasonably refuse to progress a complaint if this information has not been provided and will take reasonable steps to understand why a complainant remains unhappy. We will not refuse to escalate a complaint unless we have valid reasons for doing so and will clearly explain these reasons.

Complaints at this stage will be investigated by an appropriate officer, usually the Director responsible for the service area. A response will be prepared and sent to the complainant within 20 working days of acknowledgement, where this is practical, but where this is not possible due to the complexity of the matter to which the complaint relates or other exceptional or unforeseen circumstances, we will make this known to the complainant and provide an indicative timescale when a full response will be provided. This correspondence will include contact details for the relevant Ombudsman. When a response is provided, this will be the council's final response.

The stage 2 response will include:

- A definition and description of the matters considered
- The decision on the complaint
- The reasons for any decision made
- Details or any remedy offered to put things right
- Details and timescale for any outstanding actions
- Details of how to escalate the complaint to the appropriate Ombudsman if the individual is not satisfied.

8. What about when we get it wrong?

8.1 When a complaint is found to be justified the Council will set out the actions we have already taken and those we intend to take to put things right. These can include:

- Apologising
 - Acknowledging where things have gone wrong
 - Providing an explanation, assistance or reasons
 - Taking action if there has been a delay
 - Reconsidering or changing a decision
 - Providing a financial remedy
 - Reviewing or changing policies/procedures or practices
-
- Apologise to the complainant(s)
 - Explain what has been/will be done to put the mistake right.
 - Explain how the error occurred and what has been done to prevent it happening again.

8.2 Remedies

Any remedy offered will reflect the impact on the complainant(s) of any fault identified and will be in accordance with our published Compensation Policy.

9. Local Government Ombudsman

If a customer is not happy with the way in which we handled their complaint or with our response, they may ask the Local Government Ombudsman to look into their complaint. The Ombudsman will not normally look into a complaint if we have not had an opportunity to resolve it through our own complaints process first.

Enquiries from the Local Government Ombudsman will in most cases be co-ordinated by the Council's Complaints Officer working with the relevant service area.

In cases where the Ombudsman has recommended redress, we are committed to following the advice and timescales of the Ombudsman to the best of our ability.

10. Housing Ombudsman

Complaints about social housing (landlord/tenant issues) may be referred to the Housing Ombudsman if a complainant remains dissatisfied with the Council's response. A complainant may also choose to refer their complaint to an EDDC Councillor, their MP or to the council's Housing Support Complaint Panel

11. Confidentiality

We will maintain the confidentiality of all personal customer information, and not disclose it outside of the Council without the prior permission of the customer, unless legally obliged to do so.

12. Reporting and learning from complaints

12.1 We are committed to learning from complaints and using complaints information to drive efficiencies and service improvements.

We will keep records on each complaint received including:

- Type of complaint
- Complaint outcome and lessons learned
- Timescales agreed
- Whether timescales were met

We will produce an annual complaints performance and service improvement report for Executive Leadership Team, Housing Review Board (Housing complaints only) and Cabinet which will include:

- Our annual self-assessment against the Ombudsmen's complaint handling codes
- An analysis of our complaint handling performance
- Any findings by the Ombudsmen
- Service improvements identified as a result of the learning from complaints

13. Equality duty

We make sure that we meet the requirements of the [Equality Act 2010](#) and the [Public Sector Equality Duty](#). This includes making sure we consider adjustments for people with protected characteristics

14. Unreasonable customer behaviour

We will process complaints in line with our Complaints procedure and will make every effort to achieve a satisfactory outcome for each customer.

Unfortunately, in a minority of cases people pursue their complaints in a way that is unreasonable. In some instances, this can have a negative impact on the handling of their complaint. It can also have a significant impact on our resources and on our ability to provide services to our other customers. In these cases, consideration will be given to taking action under our Policy for dealing with unreasonable customer behaviour.

Procedure Review Date

April 2026

Appendix C: Policy for dealing with unreasonable customer behaviour

1. Purpose of policy

We are committed to providing what you need, in the way you want and to the standard you expect. We believe that dealing effectively with complaints and customer requests for information is essential to providing good services.

We will process complaints in line with our Complaints procedure and will make every effort to achieve a satisfactory outcome for each customer.

Unfortunately, in a minority of cases people pursue their complaints in a way that is unreasonable. In some instances, this can have a negative impact on the handling of their complaint. It can also have a significant impact on our resources and on our ability to provide services to our other customers.

2. Principles

We expect our employees to treat customers in a fair and reasonable way and for those accessing our services to be courteous and to engage with us in a way that enables us to carry out our work effectively and safely.

3. What is unreasonable behaviour?

Aggressive or abusive behaviour

This is behaviour or language (written or spoken) that could cause our staff to feel afraid, threatened or abused. This includes threatening emails, telephone calls, and comments on social media or elsewhere. It may take the form, of insulting language, threats of physical violence or comments relating to any personal characteristic such as disability, gender or religion.

Any behaviour which is considered to be racist, sexist, ageist or homophobic is unacceptable.

Unreasonable demands and vexatious complaints

'Unreasonable complainants are those who, because of the nature or frequency of their contacts with the council, negatively impact our ability to deal effectively with their or other people's complaints'.

Unreasonable behaviour may include one or two isolated incidents, as well as unreasonably persistent behaviour, which is usually an accumulation of incidents or behaviour over a longer period.

We differentiate between 'persistent' customers and 'unreasonably persistent' customers.

Customers making a complaint can be 'persistent' where they feel we have not dealt with their complaint properly and are not prepared to leave the matter there. For example, it is not unreasonable for a customer to criticise how their complaint is being handled when our published procedures are not followed.

However, some customers may have justified complaints or requests but may pursue them in inappropriate ways such as lengthy phone calls, emails expecting immediate responses, detailed letters or emails every few days. Others may pursue complaints or requests which have no substance, or which have already been considered and dealt with. Their contacts with us may be amicable but still place very heavy demands on staff. This contact may be considered to be unreasonable.

Examples of what we might consider to be unreasonable behaviour includes:

- refusing to specify the grounds of a complaint, despite offers of assistance
- changing the basis of the complaint/request as the matter proceeds
- denying or changing statements made at an earlier stage
- covertly recording meetings and conversations
- submitting falsified documents from themselves or others
- making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed letters every few days, and expecting immediate responses
- refusing to accept the decision or repeatedly arguing points with no new evidence
- persistently approaching the council through different routes about the same issue
- causing distress to staff - including use of hostile, abusive or offensive language, or an unreasonable fixation on an individual member of staff
- making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced

4. How we will respond to incidents of unacceptable behaviour

Communication restrictions

If customers continue to behave unacceptably, the matter will be referred to the council's Monitoring Officer who can put in place a temporary or permanent communication restriction on a customer. If we decide to do this, the Monitoring Officer will tell the customer that we are doing so setting out:

- why we consider their behaviour unacceptable
- what action we are taking and if there is a time limit on the restrictions

Communication restrictions may include:

- limiting contact to written form only
- restricting contact to a specific individual
- placing future correspondence on file without a further response if the issues raised in the correspondence has previously been considered
- limited in other ways which we consider appropriate in the circumstances, in line with this policy

In addition, we reserve the right to:

- restrict telephone contact
- restrict the issues on which we will correspond
- refuse to consider a complaint or any further contact in exceptional circumstances
- restrict or deny access to our premises
- take any other action which we consider necessary or appropriate to make this policy effective.

Where circumstances are serious enough to warrant further restrictions, we may take legal action to prevent further contact/poor behaviour.

5. Right of appeal

When a decision is made by the Monitoring Officer to take action to restrict an individual's contact with the council, they will be advised of their right to appeal against the decision. If they wish to appeal against the Monitoring Officer's decision, they must do so within 10 working days to the nominated contact in their decision letter. Any appeal will only consider arguments against the restriction not the nature or detail of any complaint or issue brought to us.

The appeal will generally be considered by one of the council's Directors.

Whilst the appeal is being considered, any contact restriction will remain in place.

6. Review

We will review any decision to restrict communications on a six-monthly basis and, at that point, we will inform the individual of the outcome of the review and outline any ongoing restrictions. We may make the decision to approve a review sooner than 6 monthly if it is considered that the individual has positively changed their behaviour. Contact and behaviour during the period of the restriction will be monitored.

We will inform an individual of action taken following a review

7. Our duties under the Equality Act 2010

We make sure that we meet the requirements of the [Equality Act 2010](#) and the [Public Sector Equality Duty](#). This includes making sure we consider adjustments for people with protected characteristics.

Some people may have difficulty expressing themselves or communicating clearly and/or appropriately. We will always consider the needs and circumstances that we have been made aware of, before deciding how best to manage the situation. This will include making reasonable adjustments. However, this does not mean we will tolerate abusive language, shouting, or other unacceptable behaviour or actions.

If an individual with a protected characteristic becomes the subject of a restriction under this policy, we will consider whether the restriction may affect them more than someone without that characteristic. If this is the case, we may make different arrangements so they can still access the service.

Appendix D: Guidance on Remedies

The aim of this procedure document is to provide guidance to complaint handlers and service managers around appropriate complaint remedies. This guidance should be read in conjunction with the council's formal complaints procedure, specifically around the council's approach to redress:

Redress

In some cases, an apology is all that is necessary and appropriate by way of a remedy.

We will offer redress where we believe that this will best serve the interests of the customer and customer service. For example, practical action will be considered as part or all of a remedy where a complaint is about failure to take some specific action such as carrying out repairs to a tenant's house.

Consideration will also be given to any practical action suggested by the complainant(s).

There will be circumstances where we are unable to put the customer back into the position they would have been in because of the amount of time lapsed or due to other events which may have occurred. In such circumstances, we may consider restorative or financial compensation. When considering any redress, we will be fair, consistent and mindful of the spending of public money.

Decisions about making compensation payments as a result of a formal complaint will be made by the investigating officer and depending on which stage the complaint is at.

Key questions when considering remedies

What has gone wrong?

Can it be put right – can the complainant be put back into the position they would have been in if fault had not occurred?

What would the complainant like to happen?

How has the complainant been adversely affected?

Is there an actual quantifiable loss?

What other impact has there been? Distress, time and trouble, inconvenience

Did the complainant's actions contribute to the problem complained of?

What remedy would be proportionate and reasonable in the circumstances?

Types of remedy

It may often be the case that a combination of the different types of remedy may be appropriate – these are not exclusive.

Apology

In some circumstances an apology is all that is required. An apology can be made in writing or in person to the complainant. The responsibility for making an apology is a corporate one, and is made by the council as a body, rather than an identified member of staff. Usually, an apology will be made by an Assistant Director (or service equivalent) or Director as part of the formal complaint response.

An apology should:

- acknowledge service failure
- accept responsibility for it
- explain clearly why it happened

- provide assurances of remedial action taken

Specific Action

We always consider whether there is some practical action which would provide all or part of a suitable remedy. Action identified will include specific timescales and compliance with these timescales will be monitored by the information and complaints team, in conjunction with the relevant service area. It may also be appropriate for us to make a non-financial offer of assistance to a complainant as a goodwill gesture.

Review of policy and procedure

If relevant policy and procedure has not been followed, we will recommend appropriate reminders and training for staff.

It may be that a complaint will identify inadequacies in our policy and procedure, and this will be reviewed if this is the case

Financial Compensation

Broadly this falls into three categories

Mandatory payments

Where we are required by law to compensate, such payments will be made in line with statutory requirements such as a statutory home loss payment, disturbance allowance or payments made under the Right to Repair scheme for Housing.

Actual quantifiable financial loss

Costs which have been reasonably incurred by a complainant, which would not have been necessary if the service failure or maladministration the Ombudsman found had not occurred or when due payment has not been made.

Other financial redress

We may decide that financial compensation is appropriate to recognise avoidable inconvenience, distress or any unfair impact of service failure. A compensatory payment may also be made to remedy the time and trouble a complainant has gone to in pursuing their complaint and may recognise any delay by the council in responding.

Ombudsman decisions

The council will comply with any Ombudsman determination to pay compensation for identified maladministration or service failure

Guidance on the level of financial compensation which is appropriate:

Decisions on the awarding of financial compensation will be made by an Assistant Director (or service equivalent) or by the Director, depending at which stage the complaint is being considered.

Awards of up to £300

Remedies in the range of these amounts may be used for instances of service failure resulting in some impact on the complainant. We recognise that there has been service failure which had an impact on the complainant but was of short duration and may not have significantly affected the overall outcome for the complainant.

Examples could include, a delay in responding to correspondence or a failure to meet service standards which does not result in a significant impact

Financial recompense to recognise the time and trouble a complainant has gone to in pursuing their complaint or to recognise delays in complaint handling, will usually be in the region of £50 - £100

Awards of £300 to £500

Remedies in the range of these amounts may be for cases where considerable service failure or fault has been identified.

Examples could include giving contradictory, inadequate or incorrect information about a complainant's rights, repeated failure to meaningfully engage with the substance of the complaint, or failing to address all relevant aspects of complaint, leading to considerable delay in resolving a complaint or significant failures to follow our complaints procedure.

Awards above £500

Where fault is identified which results in significant harm to the complainant over a prolonged period, we may consider an award above £500

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted