

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Cabinet held at Council Chamber, Blackdown House, Honiton on 27 November 2024

Attendance list at end of document

The meeting started at 6.08 pm and ended at 8.28 pm

86 Minutes of the previous meeting

The minutes of the previous meeting of Cabinet held on 30 October 2024 were agreed.

87 Declarations of interest

Min 92. Minutes of Budget Setting and Capital Allocations Panel held on 11 November 2024.

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

Min 98. River Axe SAC Local Nutrient Mitigation Fund Round 2 award.

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

Min 98. River Axe SAC Local Nutrient Mitigation Fund Round 2 award.

Councillor Sarah Jackson, Affects Non-registerable Interest, the nature of which I am not required to disclose under section 32 of the Localism act 2011.

Min 99. Cranbox Modular Space Delivery in Cranbrook Town Centre.

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

Min 99. Cranbox Modular Space Delivery in Cranbrook Town Centre.

Councillor Paul Hayward, Affects Non-registerable Interest, has family members living in Cranbrook.

Min 99. Cranbox Modular Space Delivery in Cranbrook Town Centre.

Councillor Sam Hawkins, Other Registerable Interest, member of Cranbrook Town Council.

Min 102. UKSPF Programme amendment.

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

Min 102. UKSPF Programme amendment.

Councillor Sarah Jackson, Affects Non-registerable Interest, the nature of which I am not required to disclose under section 32 of the Localism act 2011.

Min 104. Government consultation on remote attendance and proxy voting at Council meetings.

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

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Councillor Sarah Jackson, Affects Non-registerable Interest, the nature of which I am not required to disclose under section 32 of the Localism act 2011.

88 **Public speaking**

Martin Huscroft representing Kilmington Cricket Club, spoke on Minute 103 Public Spaces Protection Order (PSPO) – Dog Control 2023. He stated that dog fouling on the field of play had got worse during the Covid pandemic and the lockdowns associated with them despite the provision of dog waste bins. Since the 2023 Dogs on leads PSPO the issue had got significantly less. This protection was important to the cricket club as it had expanded its youth provision to younger members. The club had a duty of care to its members, sporting opponents and the school who use the field, they took this responsibility seriously but could only deliver with the protection the authority provided them. Dog fouling was anti-social and a health and safety issue with serious health implications, this was the cricket club's top priority.

John Lavender representing Kilmington Playing Fields Committee spoke on Minute 103 Public Spaces Protection Order (PSPO) – Dog Control 2023. The PSPO had addressed safeguarding issues regarding the primary school that frequently use the field especially for children who were anxious around dogs. Access to the children's playground area required crossing the field with some parents stating they use the playground more now that they don't have to worry about the dog mess in the field they had to walk through. The Kilmington Playing Fields Committee had recognised the value that members of the community placed on being able to walk their dogs in the field. They considered the need to reduce the risk and take into account the health and safety and well-being for people using the field and believed this would be achieved through a Dogs on Leads Policy.

89 **Matters of urgency**

There was one late item to be dealt with in this way recorded at Minute 108 Review of Leisure Provision - Funding and Management Agreement with LED Community Leisure.

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

There were two items dealt with in this way which are recorded at Minutes 107 and 108.

91 **Minutes of Overview Committee held on 24 October 2024**

Members noted the Minutes and recommendations of Overview Committee held on 24 October 2024.

Minute 14 East Devon Trees, Hedgerow and Woodlands Strategy

- The adoption of the final draft of the East Devon Tree, Hedgerow and Woodland Strategy 2024 – 2034 which reflects the ambitions and opportunities to protect East Devon's treescape and create opportunities for tree planting working in partnership with key stakeholders.
- To appoint a part time Tree & Woodland Project Officer role to enable the delivery of the Strategy. The budget and costs for this role are already secured within the existing salary budget due to a vacant part time role within the Tree team.

- To note the Overview Committee's concerns about the reduction of the enforcement role within the Tree team and to consider continuing including this vacant post in the establishment, going forward.

92 **Minutes of Budget Setting and Capital Allocations Panel held on 11 November 2024**

Members noted the Minutes and recommendations of Budget Setting and Capital Allocations Panel held on 11 November 2024.

Minute 6 Listing of Capital bids proposed

1. that the following bids be included in the Capital Programme:
 - a. Exmouth SANG for £1,580k in 2025/26 as forward funding in advance of securing funding from CIL and proportionate funding from Teignbridge District Council and Exeter City Council through the Habitat Regulations Executive Committee;
 - b. Lighting upgrade for parks and gardens across the District for £75k;
 - c. HRA Higher Brook Meadow replacement of play provision for £120k subject to transfer to General Fund;
 - d. Phear Park play area for £200k for 2025/26;
 - e. Events Team electrical outlets upgrade for £30k for 2025/26;
 - f. Recycling and Refuse Fleet requirements for £290k for 2025/26;
 - g. Fluvial works for £320k for 2025/26;
 - h. Exmouth BMP Phase 2 risk budget for £300k for 2025/26;
 - i. Seawall investigations for £30k for 2025/26;
 - j. Beer beach huts decking replacement for £75k for 2025/26;
 - k. Cliff works for £150k for 2025/26;
 - l. Bin replacement in Exmouth (Maer) for £20k for 2025/26;
 - m. Recycling and Refuse Depot and Plant for £78k for 2025/26;
 - n. Exmouth Pavilion electrical works for £34,500 for 2025/26;
 - o. Ocean Building terrace floor works for £55,500 for 2025/26 subject to being liable for works with delegated authority to the PH Finance, Director of Finance and Assistant Director Place, Assets and Commercialisation to agree to action if required;
 - p. Flooring works OSM and Honiton Leisure Centres for £72,500 for 2025/26 subject to confirmation on dual-site contribution;
 - q. Play equipment replacement for £50k for 2025/26;
 - r. Internal decorations and repairs for various LED buildings for £33,500 for 2025/26 and £33,500 for 2026/27 subject to confirmation on dual-site contribution;
 - s. Manor Gardens drainage for £75k for 2025/26;
 - t. Home Safeguard alarms for £465,810 for 2025/26;
 - u. UV Filtering for Exmouth, Honiton and Sidmouth pools for £88,500 for 2025/26;
 - v. Manor Pavilion roofing works for £15k for 2025/26 and £161,500 for 2026/27;
 - w. Swim pool underwater works for Exmouth, Honiton & Sidmouth for £60k for 2025/26;
 - x. External decorations and repairs for various corporate buildings for £153,500 for 2025/26; £153,500 for 2026/27; and £153,500 for 2027/28;
 - y. Cranbrook flagship play provision for £150k for 2025/26.
2. That the following bids put forward for inclusion are not supported at this time:
 - a. Norman Lockyer structural repairs for £157,500 for 2025/26 and £7,500 for 2026/27. This was deferred to permit further discussions between the Council and the Norman Lockyer Observatory Society;
 - b. Exmouth Pavilion toilet works for £61,900 for 2025/26 and £67,600 for 2026/27. This was deferred for later consideration as part of the wider consideration of the Leisure Strategy;
 - c. Glen Goyle footpath for £30k for 2025/26. This was deferred with a request made for officers to explore discussion with local stakeholders on funding.

93 **Minutes of Leisure Strategy Forum held on 11 November 2024**

Members noted the Minutes and recommendations of Leisure Strategy Forum held on 11 November 2024.

Minute 17 Outcome of Leisure Workshops

To endorse the proposed timetable and decision stages.

94 Minutes of Recycling and Waste Partnership Board held on 12 November 2024

Members noted the Minutes and recommendations of Recycling and Waste Partnership Board held on 12 November 2024.

Minute 13 – Joint contract and operations report

1. that the Recycling and Waste team run a communications campaign to promote greater awareness amongst residents on the safe disposal of batteries.
2. that the Recycling and Waste team undertake proactive communications to promote the use of the first electric recycling collection vehicle.
3. that the joint Overview and Scrutiny Committee review the budget volatility of material prices during the budget setting process.

Minute 18 – Bulky household waste collection charges

that Cabinet approve the proposed increase in bulky household waste collection charges from 1 December 2024 to cover the additional operational costs introduced by POPs regulations.

95 Minutes of Housing Review Board held on 7 November 2024

Members noted the Minutes and recommendations of Housing Review Board held on 7 November 2024.

Minute 24 Financial monitoring report

1. that Cabinet acknowledges the variances identified as part of the Revenue and Capital monitoring process up to month six.
2. that Cabinet approves the recommendation contained within the report to fund all Right to Buy acquisitions with 100% Right to Buy capital receipts and the £0.975m of budgeted borrowing released by this be utilised to fund the urgently required electrical compliance work.

Minute 26 Housing Revenue Account position statement

that Cabinet note the Housing Revenue Account update report.

Minute 27 Acquisitions and disposal policy

1. that the Strategic Acquisitions & Disposals Policy be adopted subject to 2(i) of the policy objectives being amended to 'Enhance Housing Stock; acquire properties meet the needs of our community, including good quality, affordable and accessible housing needs'.
2. that delegated authority be granted to the Director of Housing, in agreement with the S.151 Officer and the Director of Governance & Licensing (the Monitoring Officer), to authorise the disposal of individual non contiguous HRA assets up to a maximum value of £500,000, in accordance with the adopted 'Acquisitions and Disposals Policy' and in consultation with the

Portfolio Holder for Sustainable Homes and Communities.

3. that all acquisitions and disposals within the HRA be reported to the Housing Review Board and Cabinet.

96 **Minutes of Arts and Culture Forum held on 6 November 2024**

Members noted the Minutes and recommendations of Arts and Culture Forum held on 6 November 2024.

Minute 15 Funding requests from Villages in Action and Screen Devon

that subject to further information being provided on KPIs, that Cabinet approves the following funding requests:

1. Villages in Action - an uplift of £5,000 to their annual contribution from EDDC (currently £10,000) to support the recruitment of a new Network Lead in East Devon.
2. Screen Devon - £10,000.

97 **Elections update**

The Returning Officer updated members that after an election it was best practice to carry out an evaluation of election processes seeking feedback from appropriate stakeholders. That exercise had been carried out and would inform the project plan and risk register for future elections. The report specifically updated on the printing issue that led to a significant number of residents not receiving their poll cards in a timely manner and the steps that had been taken to minimise the risk of this occurring again. She confirmed that the printers had taken this issue very seriously and felt that processes both internally and externally had been further improved.

The Portfolio Holder Communications and Democracy thanked the Returning Officer and the Elections Team for their quick response in notifying Members to this situation. She agreed the council was now in a stronger position going forward.

There was discussion around poor postal delivery and the need to communicate with personnel within the postal service before the next election. It was highlighted that postal votes now have significant markings on the envelopes that made them stand out and identifying them as a priority within sorting offices. It was commented that residents do not need a poll card to vote which in the long term was more environmentally friendly.

RESOLVED:

That the Elections update be noted.

REASON:

To ensure that members were updated regarding the printing issue that arose in relation to the Parliamentary elections and that the learning from that and other lessons learnt, helped to inform the project plan and risk register for future electoral events.

98 **River Axe SAC Local Nutrient Mitigation Fund Round 2 award**

The Assistant Director Countryside and Leisure with support of the Chair and Cabinet wished to congratulate and thank Will Dommett the District Ecologist for his tremendous efforts in getting this vast amount of funding from the Government's Local Nutrient Mitigation Fund.

The District Ecologist presented his report outlining that the water quality of the River Axe Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) had been a concern for a long time. The River Axe SAC was in unfavourable and declining status owing to nutrient enrichment and sediment pollution. East Devon District Council, as the Competent Authority under the Habitat Regulations 2017, was required to consider the implications of these matters on the River Axe SAC before permitting any further development which had the potential to result in additional phosphate loads entering the catchment.

An Expression of Interest (EOI) outlining a proposal for £4 million was made by EDDC as lead authority in collaboration with both Dorset and Somerset Councils (who had parts of the River Axe SAC catchment within their boundaries), in April 2024 to Round 2 of the Government's Local Nutrient Mitigation Fund. The recent Budget in October included a £4.09 million allocation to EDDC and the River Axe catchment as one of the seven successful EOIs that were made in England. EDDC was also awarded an additional £192,494 in capacity support funding along with a further £100,000 through the Nutrient Support Fund.

Not all developers had the practical capacity to mitigate phosphates on site or the means to negotiate off-site mitigations directly. To unlock this position, it was therefore necessary for the council to facilitate a scheme to fund schemes that create mitigation credits, which it could then allocate to facilitate development.

RESOLVED that Cabinet:

1. Welcome the outcome of the bid and approves the Council acting as the Accountable Body for the funds and entering into the accompanying Memorandum of Understanding and Grant Determination letter. Authority to agree terms being delegated to Director of Place in consultation with Director of Finance (S151 Officer) and Director of Governance (Monitoring Officer).
2. Endorses the establishment of a Programme Board to provide oversight and advise on the deployment of the funds to include representatives of Somerset and Dorset Councils.
3. Receives a further report setting out the Terms of Reference for the Programme Board and associated scheme of delegation necessary to operationalise the Mitigation Fund.
4. Endorses the recruitment of the Programme Manager, Project Manager and administration support roles be funded through the award and for to be hosted by the Council.

REASON:

To be able to deliver the River Axe SAC Local Nutrient Mitigation Fund scheme as detailed in the report and put in place the necessary legal, financial and reporting processes to enable the delivery of the £4.09 million that had been allocated by the Ministry of Housing, Communities & Local Government to the scheme programme.

Cranbox Modular Space Delivery in Cranbrook Town Centre

Cllr Kevin Blakey spoke on this item. He stated that Cranbrook Town Centre was finally becoming a benefit to the town especially with the opening of the new supermarket shortly. For the town to survive it need to thrive so had to be different not just good. The Cranbox project was not just about providing quick access to space but also gave

Cranbrook a unique selling point to draw business in. This project was 10 years in the making and action was required now. He stated he supported the recommendations.

Cllrs Kevin Blakey and Cllr Sam Hawkins spoke and then left the room during the debate and vote due to their being members of Cranbrook Town Council.

The Enterprise Zone Project Manager and Corporate Lead - Major Projects & Programmes (Interim) provided an update on the Cranbox project. The project delivered new commercial floorspace within Cranbrook Town Centre and had been developed by EDDC with the support of Cranbrook Town Council. The project had been awarded funding through the Devon & Torbay Net Zero Capital Programme, subject to Ministry of Housing, Communities and Local Government (MHCLG) sign off.

The Chair thanked the District and Town Councillors as well as the town clerk and all who had worked on the project for their hard efforts on getting this to this stage

RESOLVED that Cabinet:

1. That Studio 4 have been appointment through an NHS procurement framework to support the delivery of a planning application for the scheme, to the value of £25k from the Enterprise Zone programme budget be noted.
2. Accept the funding from the Devon & Torbay Net Zero Capital Programme, following MHCLG sign off 2. EDDC act as Accountable Body for the grant funding, with Cranbrook Town Council delivering the project.

REASON:

To support the delivery of Cranbrook Town Centre through the delivery of additional commercial floor space, using grant funding from the Devon & Torbay Net Zero Capital Programme be agreed.

100 Peer Challenge review update

The Portfolio Holder Council and Corporate Co-ordination presented the report that provided an overview of the Peer Challenge recommendations and the delivery plan to implement the recommendations. He thanked Jo Avery, Management Information Officer for her efforts in getting the report together.

RESOLVED that Cabinet:

Receive the Peer Challenge recommendations and delivery plan and note the progress of the actions to date.

REASON:

To ensure that the recommendations from the Peer Challenge are actioned and delivered appropriately.

101 Financial Monitoring Report 2024/25 - Month 6 September

The Finance Manager gave a summary of the Council's overall financial position for 2024/25 at the end of month six (30 September 2024).

Current monitoring indicated that:

- The General Fund Balance was currently projected to be above the adopted level, no action was recommended for members consideration at this stage. Forecasts indicated a favourable position of £968k was predicted. The council continued to see a significant favourable position in treasury management interest.
- The Revised Housing Revenue Account (HRA) budget approved by Council (July 2024) agreed the use of the HRA Balance up to £1.750m in year, with the acceptance this would take the HRA Balance below its minimum adopted level of £2.1m to £1.350m, to be replenished in future years. Expenditure was being maintained within this perimeter with ongoing analysis on future spending plans and projections to gain assurance on this position to financial year end.

RESOLVED that Cabinet:

1. Acknowledge the variances identified as part of the Revenue and Capital Monitoring process up to Month 6.
2. Agree to the recommendation discussed in section 3.1 to fund all Right to buy Acquisitions with 100% Right to Buy Capital Receipts and the £0.975m of budgeted borrowing released by this decision be utilised to fund urgently required electrical compliance work.

REASON:

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

102 **UKSPF Programme amendment**

The Director of Place presented the report that highlighted that MHCLG had recently updated the guidance on the UK Shared Prosperity Fund (UKSPF) and Rural England Prosperity Fund (REPF), stating that all funded activity, including that delivered by third parties, must conclude by the end of the current financial year. This updated guidance now threatened several of the council's planned projects which were forecasting end dates beyond March 2025.

To complete all spend and activity by the March deadline, officers had explored alternative projects which could be fully delivered within the timeframe and demonstrate alignment with the UKSPF guidance. Phase 1 of EDDC's Public Toilet Investment Programme (PTIP), along with our Carbon Action Programme (CAP), met both criteria. Both initiatives were due to be completed and fully spent by the end of the financial year and were compatible with the UKSPF interventions.

There was now an opportunity to utilise remaining UKSPF funding by part-funding PTIP and CAP schemes. In return, it was recommended that the EDDC funding saved through the utilisation of the UKSPF budget was to be committed for the delivery of the remaining UKSPF projects. This cost-neutral solution ensured successful delivery of the PTIP, CAP and the UKSPF projects and reduced the likelihood of any underspend being returned to MHCLG. It allowed the council to retain the benefits of the UKSPF allocation within the local community and continue the positive impacts into the 2025/26 financial year.

The Chair thanked the Deputy Leader for his work on this, who in turn wished to thank officers, panel and forums members that had worked together in order to use this funding.

RESOLVED that Cabinet:

1. Agrees to using EDDC's UKSPF and REPF allocation to part-fund up to £600,000 for the Public Toilet Investment Programme (PTIP) and up to £200,000 to part-fund the Carbon Action Programme (CAP).
2. Agrees to allocate and ringfence the internal funding saved through this measure to deliver all remaining UKSPF and REPF activity endorsed by Cabinet and/or the UKSPF Programme Management Panel. The amount of funding ringfenced will be equal to the total sum of UKSPF and REPF payments to part-fund the PTIP and CAP.
3. Agrees to give delegated authority to the Director of Place, in consultation with the S151 officer and the Monitoring Officer, to determine the total amount of UKSPF and REPF funding (up to £800,000) to be allocated to part-fund the PTIP and CAP and to authorise the relevant payments.
4. Agrees to delegate authority for the ringfenced funding to the UKSPF Programme Management Panel and the Director of Place, in consultation with the S151 officer and the Monitoring Officer, to allocate the funding, amend existing projects and approve new projects (up to £800,000).

REASON:

Cabinet approval was required to ensure that UKSPF and REPF activity could continue following the updated guidance issued by MHCLG. This would significantly reduce the risk of EDDC having to repay a significant amount of funding back to MHCLG.

103 **Amendments to the Public Spaces Protection Order - Dog Control 2023**

The Assistant Director Environmental Health presented the report. Following the implementation of the Public Spaces Protection Order – Dog Control 2023, there were required corrections relating to Kilmington and Allhallows Playing Fields. Due to the time since the introduction of the Public Spaces Protection Order – Dog Control 2023, a period of public consultation was undertaken regarding the proposed variations. The report outlined the responses and made recommendations to be approved by Cabinet before the Order could be varied.

The Chair thanked residents from both communities for their contribution to this matter.

RESOLVED that Cabinet:

Approve the following variations to the Public Spaces Protection Order – Dog Control 2023 made under the Anti-Social Behaviour Crime and Policing Act 2014.

- Change the requirement for dogs to be kept on leads at Kilmington play area to a dog on lead requirement at Kilmington Playing Field and a dog exclusion requirement at the children's play area.
- Change the dog exclusion requirement at Allhallows playing fields, Honiton to only apply to the sports pitches.

REASON:

To ensure that the Public Spaces Protection Order - Dog Control 2023 reflects public opinion and was enforceable by authorised officers.

104 **Government consultation on remote attendance and proxy voting at Council meetings**

The Director of Governance and Monitoring Officer updated members to the fact the Government was currently conducting an eight-week consultation on the detail and implications of allowing remote and hybrid attendance and proxy voting at local authority meetings in England.

Discussion included the following:

- Proxy voting was difficult to manage
- Proxy voting could be perceived as amounting to pre-determination.
- Proxy voting should not be an option
- This would enable councillors to attend more meetings
- Widens the demographic to becoming a councillor
- With the climate emergency this would help to reducing the carbon footprint
- Would be unfair if the technology was not available to do the job
- The need to move forward with current ways of working
- Promote the watching of meetings on council's YouTube channel
- The need for a mixture of in-person and remote meetings
- The choice of when and how you meet
- EDDC had been lobbying for this since lockdown
- Extra resilience when facing adverse weather conditions
- Helps the public to become more engaged

RESOLVED that Cabinet:

1. Agree the proposed response to the consultation and agree its submission to the Government.
2. That the Monitoring Officer share the response with all Town and Parish Councils in East Devon and encourage them to respond to the consultation by the 19 December 2024 deadline.

REASON:

To ensure that the Council had the opportunity to respond to the consultation.

105 Update on the Council Plan delivery plan

The report provided an overview of the progress made on the Council Plan delivery plan up to the second quarter of 2024/25.

RESOLVED that Cabinet:

1. Receive the progress report of the delivery plan and note the progress of the actions to date.
2. To note the update on the new Corporate Performance System.

REASON:

To ensure that the objectives from the Council Plan were being actioned and delivered appropriately.

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

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

107 Towards Zero Carbon Development in the West End:

Interconnector Project Part A

The recommendations as set out in the confidential report were agreed.

108 **Review of Leisure Provision - Funding and Management Agreement with LED Community Leisure**

The recommendations as set out in the confidential report were agreed.

Attendance List

Present:

Portfolio Holders

M Rixson	Portfolio Holder Climate Action & Emergency Response
G Jung	Portfolio Holder Coast, Country and Environment
D Ledger	Portfolio Holder Sustainable Homes & Communities
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 Economy and Assets
S Hawkins	Portfolio Holder Finance, Group Leader of Cranbrook Voice
T Olive	Portfolio Holder Strategic Planning

Also present (for some or all the meeting)

Councillor Bethany Collins
Councillor Roy Collins
Councillor Peter Faithfull
Councillor Paula Fernley
Councillor Steve Gazzard
Councillor Mike Goodman
Councillor Kevin Blakey

Also present:

Officers:

Matthew Blythe, Assistant Director Environmental Health
Tim Child, Assistant Director Place, Assets & Commercialisation
Amanda Coombes, Democratic Services Officer
Simon Davey, Director of Finance
Will Dommett, District Ecologist
Naomi Harnett, Corporate Lead (Interim) – Major Projects & Programmes
Tracy Hendren, Chief Executive
Charles Plowden, Assistant Director Countryside and Leisure
John Symes, Finance Manager
Melanie Wellman, Director of Governance (Monitoring Officer)
Andrew Wood, Director of Place
Mike O'Mahony, Senior Leisure Officer
Frances Wadsley, Project Manager, Planning, Growth, Development & Prosperity

Chair

Date: