

Agenda for Council
Wednesday, 4th December, 2024, 6.00 pm

To: All elected Members of the Council; Honorary Aldermen

Venue: Council Chamber, Blackdown House, Honiton

Contact: Andrew Melhuish, Democratic Services Manager;

(or group number 01395 517546)
Issued Monday, 25 November 2024



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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](#)

Dear Sir/Madam

Meeting of the Council of the District of East Devon on
Wednesday, 4th December, 2024 at 6.00 pm

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

Yours faithfully

A handwritten signature in black ink that reads "T. Hendren".

Tracy Hendren
Chief Executive

1 Apologies

2 Declarations of interest

Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)

3 Minutes of the previous meeting (Pages 6 - 14)

4 Public speaking

Information on [public speaking](#) is available online

5 Matters of urgency

Information on [matters of urgency](#) is available online

6 Announcements from the Chair of Council and the Leader of Council

7 Confidential/exempt item(s)

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

8 To answer questions asked by Members of the Council pursuant to Procedure Rules No. 9.2 and 9.5 (Pages 15 - 19)

9 Reports from the Cabinet and the Council's Committees and questions on those reports (Pages 20 - 82)

10 Recommendation from Cabinet - 30 October 2024: Council Financial Plan 2025/2035 (Pages 83 - 110)

11 Recommendation from Licensing & Enforcement Committee - Statement of Gambling Policy (Pages 111 - 169)

12 Recommendation from Strategic Planning Committee - Local Development Framework (Pages 170 - 185)

13 Motion on Notice - Inheritance Tax (Agricultural Property Relief) (Pages 186 - 188)

Motion on Notice – Inheritance Tax (Agricultural Property Relief)

Proposer: Cllr Colin Brown

Seconded: Cllr Alasdair Bruce.

The motion has been supported by Councillors Aurora Bailey, Brian Bailey, Jenny Brown, Iain Chubb, Mike Goodman, Stuart Hughes and Ben Ingham.

This Council notes with concern the proposed changes to inheritance tax announced by the Government in the recent Autumn budget, which would scrap Agricultural Property Relief (ARP).

ARP has been instrumental in allowing British family farms to remain intact across generations, supporting food security, sustaining rural communities, and aiding environmental stewardship.

This tax is estimated to impact over 70,000 farming families with an inheritance tax bill of at least £240,000, which will force many to sell portions of their land or close entirely, paving the way for corporate ownership over family ownership.

The Council believes that this tax will have severe impacts:

1. Food Security: Selling off land and closing farms will put our national food independence at risk, at a time when global stability is already fragile. British family farms are critical to ensuring a steady supply of homegrown food.
2. Rural Community Stability: Family farms are the foundation of rural Britain, contributing to local jobs, schools and local services. The Government proposed tax, risks destabilising communities, eroding the rural way of life, and causing a negative ripple effect across the countryside.
3. Environmental Stewardship: Farms cover 70% of the UK's land, with family farms playing a leading role in nature recovery, biodiversity, and sustainable land management. The sale and fragmentation of these lands would hinder conservation efforts and undermine environmental initiatives.

This Council resolves to: Oppose the government's changes to inheritance tax affecting family farms.

Advocate for the exemption of family farms to preserve the UK's food security, rural communities, environmental initiatives.

Request all opposition parties oppose this budget inheritance tax on this basis.

This Council urges all Councillors to stand with Britain's family farmers, to support our rural communities, and that the CEO sends a letter to the Chancellor of the Exchequer and the Minister of State for Food Security and Rural Affairs Daniel Zeichner signed by all group leaders formally rejecting this proposed 'family farm tax'.

14 Motion on Notice - Housing (Pages 189 - 191)

Proposer: Councillor Henry Riddell

Seconded: Councillor Dan Ledger

The motion has been supported by Councillors Aurora Bailey, Brian Bailey, Colin Brown, Jenny Brown and Mike Goodman

Motion Received: 20 November 2024

Housing

“Damp and mould has serious impacts on residents' lives and can cause negative health implications which can be life changing.

The council's stock condition survey has identified a number of properties with damp and mould and work is already underway to scrutinise the data received, understand works completed since the surveys took place and organise works outstanding. 33% of properties surveyed had some damp (40% benchmark at similar authority)- this could be condensation through to major damp. All Cat 1 & 2 damp and mould cases (9.81% of surveyed stock) were referred to the Council at the point of identification in order for works to be completed urgently.

Under Awaab's law the council has to investigate each complaint about damp and mould in social housing and this will be extended to the private rented sector next year. If they do not, residents will be able to hold their landlords to account by taking legal action through the courts for a breach of contract. The Council are awaiting further guidance from the Housing Ombudsman on Awaab's Law and other new standards. Once this guidance has been received a robust policy and procedure will be produced. for the Housing review board to consider.

In light of the above, the Council resolves to:

- Rectify the outstanding Cat 1 & 2 damp and mould issues at the relevant properties as a matter of urgency, creating schedules of works to eradicate damp and mould. That these plans are put in place before the end of the financial year for these properties.
- A full communications plan being established for all residents, whether owner occupier, social, affordable or privately rented, on how to identify, report, remove and reduce damp and mould in their property.
- Create robust policy and procedures before the next financial year to ensure the council is well placed to deal with the impacts of new legislation and regulations coming forward to the social housing sector. This will have particular focus on Awaab's law once guidance has been released.”

15 **Appointment of Co Opted Tenant Members to the Housing Review Board**
(Pages 192 - 193)

16 **Poverty Working Group - To appoint a councillor**
To appoint a councillor to the Poverty Working Group.

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

Exclusion of the Press and Public

To consider passing a resolution having been duly proposed and seconded under Schedule 12A of the Local Government Act 1972 to exclude the press and public from the meeting, on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, within the meaning of Schedule 12A to the Local Government Act 1972.

Reason: Para 5 Schedule 12A Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

18 Recommendation from Cabinet - 30 October 2024: Beer Cliffs Contribution (Pages 194 - 199)

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

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

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

[Decision making and equalities](#)

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

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Council held at Council Chamber, Blackdown House, Honiton on 16 October 2024

Attendance list at end of document

The meeting started at 6.00 pm and ended at 8.35 pm

19 Apologies

Apologies received from Cllrs Aurora Bailey, Sarah Chamberlain, Maddy Chapman, Iain Chubb, Charlotte Fitzgerald, Marcus Hartnell, Sam Hawkins, Stuart Hughes, Jamie Kemp, John Loudoun, Cherry Nicholas, Helen Parr, Sophie Richards, Marianne Rixson, Simon Smith, Daniel Wilson and Eileen Wragg.

20 Declarations of interest

21 Minutes of the previous meeting

The minutes of the Council meeting held on 17 July 2024 were confirmed as a correct record.

22 Public speaking

Agenda Item 15 Motion on Notice – Motion 1: Winter Fuel Payment

A statement from the Exmouth Community Association was read out to Council. The statement supported the motion on notice and called on the Council to support it.

23 Matters of urgency

None.

24 Announcements from the Chairman and Leader

25 Confidential/exempt item(s)

The Chair confirmed that there were four items of confidential business referred to under Agenda Items 20 – 23.

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

The Chair confirmed that there were eight questions on notice submitted and the responses to the questions was set out in the agenda pack.

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

The minutes from the meetings of the Cabinet and the Council's committee for the period from 2 July 2024 to 10 October 2024 were presented.

RESOLVED: That Council notes the minutes of the following meetings:

Cabinet – 10 July 2024, 4 September 2024 and 2 October 2024

Scrutiny Committee – 11 July 2024

Housing Review Board – 1 August 2024

Planning Committee – 16 July 2024, 20 August 2024 and 24 September 2024

Strategic Planning Committee – 15 July 2024, 6 August 2024, 3 September 2024, 11 September 2024, 20 September 2024, 23 September 2024 and 1 October 2024

Licensing & Enforcement Committee – 17 July 2024

Audit & Governance Committee – 25 July 2024 and 19 September 2024

Placemaking Exmouth Town & Seafront Group – 31 July 2024 and 9 September 2024

Cranbrook Placemaking Group – 16 September 2024

28 **Recommendation from Housing Review Board - 1 August 2024**

Terms of Reference

The Council received a report setting out the recommendation from the Housing Review Board on 1 August 2024, proposing a change to membership of the Board in its Terms of Reference.

Members noted that the Board was proposing to increase the number of councillors to 7 to add capacity to the Housing Review Board pending a full review of the Terms of Reference as set out in the Scrutiny Improvement Plan.

Cllr Sarah Jackson proposed the recommendation which was duly seconded by Cllr Ian Barlow and having been put to the vote was unanimously carried.

RESOLVED: That Council approve that the Housing Review Board Terms of Reference in the Council's Constitution are amended as follows:

2.4 Housing Review Board (Housing Overview and Scrutiny Committee)

2.4.1 Membership: 7 Councillors (subject to the rules relating to political balance/proportionality); 5 tenant and leaseholder representatives; and 2 independent community representatives. The non-councillor members will be co-opted members and shall have the right to vote. Council shall appoint the Chair. The Board will elect its own Vice Chair.

29 **Recommendation from Cabinet - 4 September 2024: Placemaking in Exmouth Town and Seafront Group**

The Council received a recommendation from Cabinet on 4 September 2024 arising from their consideration of a report from the Placemaking in Exmouth Town and Seafront Group.

Members noted that the recommendation was seeking a budget of £40,000 to be made available to appoint WSP to complete the work necessary for adopting the Placemaking Plan, with the budget taken from a General Fund Supplementary Budget.

Members welcomed the recommendation in the report which would help to progress a final draft of the Placemaking Plan and to move forward a delivery phase for the project.

Cllr Dan Ledger proposed the recommendation and having been seconded by Cllr Bethany Collins was put to the vote and carried by a majority show of hands.

RESOLVED: That Council approve a budget of £40,000 to be made available to appoint WSP to complete the work necessary for adopting the Placemaking Plan, with the budget taken from a General Fund Supplementary Budget.

30 **Recommendation from Cabinet - 4 September 2024: Annual Treasury Management Review**

The Council received a report setting out the recommendations from the Cabinet on 4 September 2024 following consideration of the Annual Treasury Management Review for 2023/2024 by Audit & Governance Committee.

Cllr Alasdair Bruce proposed the recommendations which having been seconded by Cllr Ian Barlow were unanimously carried.

RESOLVED:

1. That Council approves the actual 2023/2024 prudential and treasury indicators in the report.
2. That Council notes the annual treasury management report for 2023/2024.

31 **Recommendation from Audit & Governance Committee - 19 September 2024: Audit letter on the application of the local authority backstop**

The Section 151 Officer presented an update from the Audit and Governance Committee on the application of the local authority backstop.

Members noted that the audit regime for local authority accounts has broken with only 1% of local authority bodies having published audited accounts on time last year, with a backlog of over 1,000 unaudited accounts.

In response Government had laid legislation to set a statutory backstop of 13 December 2024 for the publication of audited accounts for all financial years up to and including 2022/2023; on the understanding this would not be possible for most cases, and these being then deemed disclaimed and not audited.

Members were advised that the Council had published accounts for 2021/2022 and 2022/2023 but had not yet been audited. A letter from auditors Grant Thornton stated that they consider there is insufficient time to conclude their work for these years before 13 December 2024. The expectation by Grant Thornton is that they would apply a backstop for 2021/2022 and 2022/2023 giving a disclaimer on these accounts in that they had been unable to gain assurance necessary to issue an audit opinion by the backstop date.

Members were pleased to note that accounts for 2023/2024 have been through the public inspection period and it was envisaged that these accounts would be audited by the required backstop date of 28 February 2025 with the audit already in full progress and bringing the Council up to date without the need to rely on any future backstops.

Councillor Ian Barlow proposed the recommendation which having been seconded by Cllr Chris Burhop were unanimously carried.

RESOLVED: That Council note the position of backstops being applied to the Council's accounts for 2021/2022 and 2022/2023.

32 **Appointment of new Director of Housing and Health and a new Director of Place**

The Council received a report from the Interviewing Sub-Committee to appoint a new Director of Housing and Health and a new Director of Place following a recent recruitment process.

Members welcomed the appointments and Cllr Paul Arnott proposed the recommendation which was seconded by Cllr Dan Ledger and having been put to the vote was unanimously carried.

RESOLVED:

1. That Council appoints Catrin Stark as Director of Housing and Health at East Devon District Council.
2. That Council appoints Andrew Wood as Director of Place at East Devon District Council.

33 **Motion on Notice - Motion 1: Winter Fuel Allowance**

Councillor Mike Goodman proposed that Council resolves that they:-

Ask that the Chief Executive jointly with the Leader of the Council write to the Chancellor of the Exchequer calling for the policy on linking Winter Fuel Payments to Pension Credit receipts be paused and introduce a new threshold to determine eligibility for Winter Fuel Payments. That they also find a solution to protect vulnerable pensioners who will be subject to energy increases.

That the Council continues with their awareness campaign in East Devon to maximise the uptake of pension credits, this would include the use of Council notice boards, social media, promotion in local press, and the East Devon Residents app to those who may be eligible.

In speaking to the motion Councillor Goodman confirmed that the Labour government is withdrawing the winter fuel allowance for all Pensioners' unless they are on pension credit and there would be a 10% increase in the energy cap.

These two measures will affect and cause hardship to many pensioners in East Devon and plunge many pensioners into deep anxiety, a serious risk of ill health and a threat to life.

The 2021 census showed East Devon had over 45,000 people of pensionable age. Although this might have changed since the pensionable age being changed to 66 years. It still represents around 30% of the population.

East Devon was a leader in tackling poverty and helping residents, this was acknowledged during the 2024 peer review process.

Many residents have contacted members with their concerns about these Labour measures which have been well published locally and nationally.

It is important that East Devon council and its members do all they can to support our pensioners.

Councillor Colin Brown seconded the motion on notice.

The Leader of Council confirmed that along with the Chief Executive a letter should be sent to the Chancellor of the Exchequer as outlined in the motion and drawing attention to those residents who were fractionally over the pension credit threshold and who were impacted by the loss of the winter fuel allowance.

The motion having been proposed and seconded was put to the vote and unanimously carried.

RESOLVED:

1. That the Chief Executive jointly with the Leader of the Council write to the Chancellor of the Exchequer calling for the policy on linking Winter Fuel Payments to Pension Credit receipts be paused and introduce a new threshold to determine eligibility for Winter Fuel Payments. That they also find a solution to protect vulnerable pensioners who will be subject to energy increases.
2. That the council continues with their awareness campaign in East Devon to maximise the uptake of pension credits, this would include the use of Council notice boards, social media, promotion in local press, and the East Devon Residents app to those who may be eligible.

34 Motion on Notice - Motion 2: Housing Concerns

Councillor Henry Riddell proposed that Motion 2 was adjourned to the Council meeting on 4 December 2024 to allow officers, councillors and the Portfolio Holder to give further consideration to this matter.

RESOLVED: That the motion was deferred until 4 December 2024.

35 Motion on Notice - Motion 3: Ecological Crisis

Councillor Jess Bailey proposed the motion in support of the installation of bas and bird boxes and further nature and environmental improvements at the Blackdown House site.

Councillor Jess Bailey confirmed that the shocking depletion of nature in our country has resulted in an ecological crisis. The UK is within the bottom 10% of countries globally for biodiversity and is the worst G7 nation for biodiversity loss.

EDDC must take action to help stem the decline of nature on its own doorstep.

Councillor Melanie Martin seconded the motion.

Having been proposed and seconded the motion was put to the vote and unanimously carried.

RESOLVED:

That as a matter of urgency this Council will

1. Install bat boxes and bird boxes as required in its 2016 planning permission when Blackdown House was built
2. Install boxes specifically for swifts at Blackdown House, noting the excellent work elsewhere in Honiton to support swifts
3. Identify and implement further nature supporting initiatives for the Blackdown House site.

36 Appointment of Member Champion - Member Champion for Arts & Culture

The Council received a nomination to appoint Cllr Olly Davey to the role of Member Champion for Arts and Culture following the resignation of Cllr Joe Whibley.

Cllr Nick Hookway proposed the recommendation which was seconded by Cllr Tim Dumper and having been put to the vote was unanimously carried.

RESOLVED: That Council approve the appointment of Cllr Olly Davey to the role of Member Champion for Arts and Culture.

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

The Chair proposed that the Press and Public be excluded from the meeting, on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, within the meaning of Schedule 12A to the Local Government Act 1972.

The motion having been put by the Chair was unanimously carried.

RESOLVED: That Council approve that the Press and Public are excluded from the meeting, on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, within the meaning of Schedule 12A to the Local Government Act 1972.

The Council meeting was adjourned until 8.10pm.

38 Record of Urgent Decision Outside the budget or policy framework - Acquisition of Land at Seaton Marshes (known as Salt & Church Plots)

The Council received a report setting out details of an urgent decision that was taken outside of the budgetary framework.

Members noted that the decision was made in accordance with the provisions for urgent decisions as set out in the Council's Constitution on 14 August 2024 to enable the completion of the purchase of a key piece of land in accordance with the Cabinet Report dated 10 July 2024.

Members were advised that as the next Full Council meeting was not until 16 October 2024 delaying approval until such time could lead to the Council failing to secure the land which supported the enhancement of Seaton Wetlands.

RESOLVED: That Council notes the urgent decision taken and the reasons for its urgency.

39 **Recommendation from Cabinet - 4 September 2024: Recycling & Waste Future Services Model**

The Council received a recommendation from the Cabinet on 4 September 2024 to establish a budget with a sum as set out in the exempt report being approved from the transformation reserve to support the development of project set out in the exempt report.

The Council welcomed the approach set out in the report and Councillor Steve Gazzard proposed the recommendation which having been seconded by Councillor Alasdair Bruce was unanimously carried.

RESOLVED: That Council approve that sufficient project management resources and budget be established as set out in the exempt report being approved from the transformation reserve to support the development of the project set out in the exempt report.

40 **Recommendation from Cabinet - 4 September 2024: Home Safeguarding Digital Platform Procurement**

The Council received a report setting out the recommendation from Cabinet on 4 September 2024 in respect of the Home Safeguard Digital Platform procurement.

Members requested that they received a briefing on the new digital platform including the digital switchover and impacts on residents from BT.

Councillor Paul Hayward proposed the recommendation which was seconded by Councillor Vicky Johns and having been put to the vote was unanimously carried.

RESOLVED: That Council approve a budget for the amount set out in the exempt report being funded from the Transformation Fund.

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

The Council received a recommendation from Cabinet on 4 September 2024 to support the completion of the strategic review as set out in the exempt report.

Members requested an update on the progress with the review.

Councillor Dan Ledger proposed the recommendation which having been seconded by Councillor Todd Olive was put to the vote and carried by a majority show of hands.

RESOLVED: That Council approve a budget up to the amount set out in the exempt report from the Transformation Fund to support the completion of the strategic review as set out in the exempt report.

Attendance List
Councillors present:

P Arnott	P Faithfull	G Jung
B Bailey	P Fernley	D Ledger
J Bailey	S Gazzard	Y Levine
I Barlow	M Goodman	D Mackinder
K Blakey	D Haggerty	M Martin
K Bloxham	A Hall	T McCollum
V Bonetta	M Hall	J O'Leary
C Brown	P Hayward	T Olive
J Brown	J Heath	H Riddell
A Bruce	N Hookway	E Rylance
C Burhop	M Howe	A Toye
B Collins	B Ingham	S Westerman
R Collins	S Jackson	J Whibley
O Davey	R Jefferies	
T Dumper	V Johns	

Officers in attendance:

Simon Davey, Director of Finance
Tracy Hendren, Chief Executive
Andrew Melhuish, Democratic Services Manager
Melanie Wellman, Director of Governance (Monitoring Officer)

Councillor apologies:

A Bailey
S Chamberlain
M Chapman
I Chubb
C Fitzgerald
M Hartnell
S Hawkins
S Hughes
J Kemp
J Loudoun

C Nicholas
H Parr
S Richards
M Rixson
S Smith
D Wilson
E Wragg

Chair

Date:

Report to: Council

Date of Meeting 4 December 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Questions on Notice

Report summary:

The constitution provides that members of Council may ask: the Chair, the Leader or a Portfolio Holder Member of the Cabinet; or the Chair of any Committee or Sub Committee a question on any matter in relation to which the Council has powers or duties or which affects the district.

A member may only ask a question if either: (a) they have given at least 3 working days' notice in writing of the question to the Chief Executive; or (b) the question relates to urgent matters, they have the consent of the Chair to whom the question is to be put and the content of the question is given to the Chief Executive by noon on the day of the meeting.

In response to a question on notice an answer may take the form of:

- (a) A direct oral answer;
- (b) Where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) Where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

In accordance with the Constitution six questions on notice have been received and they are set out in the report with the responses.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

To note the responses to the questions on notice.

Reason for recommendation:

In accordance with the Council's Constitution Rules Part 4, 9.2 Questions on notice at full Council; 9.3 Notice of questions.

Officer: Andrew Melhuish, Democratic Services Manager (andrew.melhuish@eastdevon.gov.uk)

Question	Question from	Question	Response
1	Cllr Peter Faithfull	In your reply to me at the last full council meeting you stated that, in the last General Election, 'none of your election literature, published in your name, commended a target number.' Would you be willing to retract that statement?	Leader of Council to give an oral response.
2	Cllr Mike Goodman	In 2022/23 it was reported by Grant Thornton that the EDDC housing department were amongst the worse in the country for maladministration complaints at 87% as reported by the Ombudsman which focused on inspections and timeliness within damp and mould complaints. Can Councillor Dan Ledger explain why the Ombudsman's report 2023/24 shows there has been no improvement and what actions have been taken to improve the performance.	PFH Sustainable Homes & Communities response: In 2023/24, EDDC's maladministration rate was 89%. It should be noted, however, that this is relating to 89% of cases referred to the Housing Ombudsman for determination, not 89% of EDDC's total complaints. In 2023/24, 9 complaints were taken on by the Housing Ombudsman for determination, and 8 of those cases had a maladministration finding. Only one of these cases related to damp and mould. In the 2023/24 Landlord Performance Report for East Devon, published by the Housing Ombudsman, they state "The Landlord performed similarly when compared to similar landlords by size and type".
3	Cllr Mike Goodman	Could Councillor Jackson explain what progress has been made to develop an East Devon online petition as most councils have this in place and is valuable to our residents.	PFH Communications & Democracy response: The Overview Committee have requested a paper to set out the options for introducing an online petition for residents. The report is due to be reported to the committee on 23 January 2025.
4	Cllr Mike Goodman	Members were confidentially received the important long-awaited Stock condition survey, when is this report going to be made public.	PFH Sustainable Homes & Communities response: On November 7 th 2024, all members were invited to attend a briefing session held by Currie and Brown to hear the initial headline data from the stock condition survey,

			<p>not the full stock condition survey data. Aside from one preparatory meeting, this was also heard by Officers at the same time.</p> <p>This approach was taken to demonstrate the desire of Officers to work collaboratively and transparently with Members on the basis that further work would be needed to validate the data and complete internal quality assurance processes before moving forward.</p> <p>As has been explained, this validation and scrutiny will take time and the first stage of this is already underway and will be due to complete by the end of January. Until we are certain that the information we have been issued is a true reflection of our position and adopt it as such, we will not be able to publish a public report.</p>
5	Cllr Mike Goodman	The Grant Thornton internal report 2023/24 identifies a weakness in the Councils financial sustainability arrangements to fund the Housing stock. Can Councillor Hawkins outline what arrangements are being put in place.	<p>PFH Finance response:</p> <p>Council will be aware that a revised Housing Revenue Account (HRA) budget was approved for 2024/25 (July 2024), close monitoring is in place with weekly meetings between Finance and the Service to ensure the budget is not exceeded. Members of Cabinet, Housing Review Board and the Audit & Governance Committee have received regular and timely financial monitoring reports giving the assurance of this position. In agreeing to the revised budget a sustainability plan was presented and approved, this outlined the implications for the 2025/26 budget and the longer term work required</p>

			<p>linked to the stock condition survey. To update and provide progress against this programme a HRA position statement was presented to the Housing Review Board on 7th November which covered the current financial position, the stock condition survey, CIPFA Health check, the HRA Sustainability Plan, the Business Plan and Options Appraisal work, the Asset management Strategy, and the Housing Investment & Delivery Plan.</p> <p>It is acknowledged that the financial sustainability of the HRA is a risk, but the Council has put in place the right mitigations as evidenced. I look forward to this being reflected in the 2024/25 outturn report.</p>
6	Cllr Mike Goodman	Having a place to call home is important to our residents could Councillor Ledger, confirm how many people are on the housing waiting list for each year from 2020 please.	<p>PFH Sustainable Homes & Communities response:</p> <p>At EDDC we hold a housing waiting list, this includes any persons who wish to register for social housing, not just those who have a housing need.</p> <p>It is important to note the key difference between an applicant assessed as being in housing need and those that are on a housing waiting list.</p>

Question 6:

As at	Total Housing Need	Housing Waiting List	Total	Housing Need %	No Housing Need %
1st April 2020	2214	2494	4708	47%	53%
1st April 2021	2652	2254	4906	54%	46%
1st April 2022	2221	2326	4547	49%	51%
1st April 2023	2588	2786	5374	48%	52%

1st April 2024	3065	3140	6205	49%	51%
1 st Nov 2024	2881	2884	5765	50%	50%

Report to: **Council**

Date of Meeting 4 December 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



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

Report summary:

To receive reports from the Cabinet and the Council's Committees and receive any questions on those reports from meetings between 16 October and 25 November 2024.

Recommendations from Cabinet and the Council's Committees are set out as separate agenda items and contained in the agenda pack.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

To note the reports from Cabinet and the Council's Committees and the responses to any questions raised.

Reason for recommendation:

In accordance with the Council's Constitution.

Officer: Andrew Melhuish (Corporate Lead Democratic and Scrutiny) –
andrew.melhuish@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

Report in full

The minutes from the following meetings are included:
page 20

Cabinet – 30 October 2024

Scrutiny Committee – 7 November 2024

Housing Review Board – 7 November 2024

Overview Committee – 24 October 2024

Planning Committee 22 October and 19 November 2024

Strategic Planning Committee – 29 October, 1 November and 5 November 2024

South & East Devon Habitats – 24 October 2024

Arts and Culture Forum – 6 November 2024

Leisure Strategy Delivery – 11 November 2024

Financial implications:

None.

Legal implications:

None.

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Cabinet held at Council Chamber, Blackdown House, Honiton on 30 October 2024

Attendance list at end of document

The meeting started at 6.01 pm and ended at 7.30 pm

72 Minutes of the previous meeting

The minutes of the previous meeting of Cabinet held on 2 October 2024 were agreed.

73 Declarations of interest

None given.

74 Public speaking

There were no members of the public wishing to speak.

75 Matters of urgency

There was one item dealt with in this way which is recorded at Minute 85.

76 Confidential/exempt item(s)

There were two items dealt with in this way which are recorded at Minutes 84 and 85.

77 Minutes of Strata Joint Scrutiny Committee held on 17 September 2024

Members noted the Minutes of the Strata Joint Scrutiny Committee held on 17 September 2024.

78 Household Support Fund 6

The Assistant Director for Revenues, Benefits, Customer Access and Fraud and Compliance presented the report which provided details on the proposed policy of the Household Support Fund 6, and the funding available to support low-income households for the period 1 October 2024 to 31 March 2025.

In answer to a question Libby Jarrett informed members that each proposed policy needed to take into account the latest Government guidelines and that it was right the Cabinet reviewed each policy to ensure it was targeting support in the most effective way.

RESOLVED that Cabinet:

1. Agree to the proposed policy for the Household Support Fund for the period 1 October 2024 to 31 March 2025.
2. Agree that delegated authority be given to the Assistant Director for Revenues, Benefits, Customer Services in consultation with the Portfolio Holder for Finance and the Portfolio Holder for Sustainable Homes and Communities, when deciding the cohort and amount

of funding to be allocated through targeted support, together with an equalities impact assessment.

3. Agree that delegated authority 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 and/or funding amount to receive a targeted payment. Any required changes would be based on funding available and would consider available data from EDDC's social resilience dashboard, and any other relevant factors at the time a decision needs to be made. Any changes would include a new Equalities Impact Assessment being carried out.

REASON:

The recommendations allow for the Council to progress at pace to put in place a policy to ensure EDDC could start providing support to its residents under the open application scheme whilst awaiting funding levels and model the data to best understand the cohorts and levels of funding for targeted support.

79 Financial Plan 2025 - 2035

The Director of Finance presented the annual formulation of the Financial Plan and approval process that helped the Council plan to maintain balance budgets. There was a discussion concerning the day's Budget and the implications to business rates relief.

RECOMMENDED to Council:

Cabinet considered the draft Financial Plan 2025 – 2035 and recommended to Council its adoption and direction outlined in balancing future budgets.

REASON:

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

80 PSPO Consultation request 2026

The report sought approval to go out to public consultation on proposals to vary and discharge three Public Spaces Protection Orders: Dog Control, Seashores & Promenades and Control of Anti-Social Behaviour & the Consumption of Intoxicating Substances in Exmouth. During discussion it was asked that a proposal for dogs to remain on leads on pebble beaches for the sake of environmental health due to the difficulty in clearing up dog mess be consulted on.

RESOLVED that Cabinet:

Agree to public consultation of the proposed variations to go out to public consultation, to approve the variation of and to discharge the Public Spaces Protection Orders 2023 as required by the provisions within the Anti-Social Behaviour Crime and Policing Act 2014.

REASON:

To enable public consultation of proposed changes to clarify the current PSPO's and allow a targeted approach to dog control and anti-social behaviour within the district.

81 Clyst Honiton Neighbourhood Plan Examiner's report

The Portfolio Holder Strategic Planning presented the report that provided feedback and set out proposed changes following the independent examination of the Clyst Honiton Neighbourhood Plan. The examination of the Plan had concluded, and the Examiner's final report had been received. The Examiner had found that, with proposed modifications, the Plan met the necessary 'basic conditions' and recommends to the Council that it can go forward to referendum. In accordance with the relevant legislation, the District Council must now consider its response to the Examiner's recommendations and satisfy itself that the Plan meets the necessary 'basic conditions'.

RESOLVED that Cabinet:

1. Agree to endorse the Examiner's recommendations on the Clyst Honiton Neighbourhood Plan (the Plan).
2. Agree a 'referendum version' of the Plan be produced (incorporating the Examiner's modifications as set out in this report, together with consequential and other minor corrections for accuracy) and proceed to referendum and that a decision notice to this effect be published.
3. Congratulate Clyst Honiton Parish Council and the Neighbourhood Plan Steering Group on their hard work.

REASON:

The legislation required a decision notice to be produced at this stage in the process. The Plan was the product of significant local consultation and had been recommended to proceed to referendum by the Examiner subject to modifications which were accepted by the Parish Council.

82 **Forward Plan quarterly review**

Members agreed the contents of the forward plan for key decisions for the period 1 November 2024 to 28 February 2025.

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

RESOLVED that Cabinet:

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).

84 **Beer Cliffs urgent work in collaboration with Clinton Devon Estates**

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

85 **Disposal of asset in Sidmouth**

The amended recommendation as set out in the confidential report was 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
J Loudoun	Portfolio Holder Council and Corporate Co-ordination
N Hookway	Portfolio Holder Culture, Leisure, Sport and Tourism
P Arnott	Leader of the Council
S Hawkins	Portfolio Holder Finance, Group Leader of Cranbrook Voice
T Olive	Portfolio Holder Strategic Planning

Cabinet apologies:

S Jackson	Portfolio Holder Communications and Democracy
P Hayward	Deputy Leader and Portfolio Holder Economy and Assets

Also present (for some or all the meeting)

Councillor Ian Barlow
Councillor Colin Brown
Councillor Steve Gazzard
Councillor Mike Goodman
Councillor John Heath
Councillor Richard Jefferies

Also present:

Officers:

Matthew Blythe, Assistant Director Environmental Health
Amanda Coombes, Democratic Services Officer
Simon Davey, Director of Finance
Tracy Hendren, Chief Executive
Libby Jarrett, Assistant Director Revenues, Benefits, Corporate Customer Access, Fraud & Compliance
Catrin Stark, Director of Housing and Health
Melanie Wellman, Director of Governance (Monitoring Officer)
Andrew Wood, Director of Place

Chair

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Scrutiny Committee held at Council Chamber, Blackdown House, Honiton on 7 November 2024

Attendance list at end of document

The meeting started at 6.00 pm and ended at 7.44 pm

19 Minutes of the previous meeting

The minutes of the previous meeting held on 11 July 2024 were agreed and signed as a true record.

20 Apologies

Cllr Joe Whibley had sent apologies for the meeting and had requested a short statement to be read out on his behalf. The Democratic Services Officer read the statement which expressed Cllr Whibley's concern at the inappropriateness of asking 15 Members of the Committee, plus Officers, to drive across the District to attend a meeting to discuss climate change targets. Cllr Whibley considered that a virtual meeting would have been more appropriate to reduce impact on the environment.

21 Declarations of interest

There were no declarations of interest.

22 Public speaking

A member of the public, Mrs Anne Membery, had registered to speak but was unable to attend in person. Mrs Membery had submitted a statement which was read out by the Democratic Services Officer.

The statement questioned whether the fees paid to the consultants, WSP, to produce the 10 year strategic plan for Exmouth were justified. Mrs Membery considered that the strategic plan contained suggestions for Exmouth which were not feasible. Mrs Membery had also made a statement at the meeting of the Placemaking in Exmouth Town and Seafront Group on 9 September 2024 and had been advised that the matter has gone to consultation.

Mrs Membery requested that the online consultation be scrutinised as it was difficult to complete and asked how many people had completed the consultation, and when the results would be made known.

A response had been provided by the Corporate Lead, Major Projects and Programmes and was read out by the Democratic Services Officer.

The response advised that the Exmouth Placemaking Plan was currently being reviewed internally and that this would include the deliverability and consideration of the funding for each of the projects. This work would be considered by the Placemaking in Exmouth Town and Seafront Group in the next 3 to 4 months.

The consultants, WSP, were engaged following a formal procurement exercise, as the Council does not have the necessary in-house expertise for the extensive technical work involved. Costs are carefully monitored to ensure value for money.

With regards to the consultation, Officers work with communications colleagues to ensure that consultations are accessible and Officer support is available for respondents who are finding it difficult to engage.

23 Matters of urgency

There were no matters of urgency.

24 Confidential/exempt item(s)

There were no confidential / exempt items.

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

There were no decisions made by Cabinet called in by Members for scrutiny.

26 Climate change report

The Portfolio Holder, Climate Action, was unable to attend the meeting but had submitted a written statement which was read out by the Democratic Services Officer.

The statement included the following points:

- 2024 is the final year of the original Climate Change Strategy,
- The Climate Change Team had been reviewing the strategy for 2025 onwards to ensure that the related Action Plan would deliver the required carbon reductions,
- The Carbon Descent Plan [attached to the report] had been produced in partnership with the South West Energy and Environment Group (SWEEDG) and provides a theoretical road map to reduce carbon emissions by 2040,
- SWEEDG met with all EDDC services in 2024 and this work is integral to the on-going review of both the Strategy and the Action Plan,
- 79% of EDDC emissions relate to 2 areas: the Council's housing stock and procurement,
- Comparisons with other authorities can be misleading: some councils fail to include scope 3 emissions in their calculations. The report noted that removing scope 3 emissions would show an approximate reduction of 20% from 2018 – 2024, however, the result would be disingenuous and, therefore, this approach had not been adopted by EDDC,
- Table 1 of the report summarises delivery to date and the Portfolio Holder was pleased to note that 67% had either been completed, or was on-going. No actions had been assessed as not achieved and 10% were no longer relevant,
- Section 4 of the report highlighted significant achievements during the plan period and the Climate Change Officer and services were thanked for their work in delivering such a wide range of results,
- The recruitment of a Climate Change Manager was welcome as all services continue to implement the changes needed to move towards the Council's net zero goal.

The Assistant Director, Environmental Health, introduced the report which provided a review of the Climate Change Action Plan 2020 – 2040 and looked at actions achieved and impact on carbon emissions. Key points covered in the presentation included:

- The current position with regard to carbon emissions between the years 2020/21 and 2023/24, showing an increase in emissions arising from procurement. It was noted that carbon emissions are allocated to procurement solely based on cost,
- Carbon footprint excluding social housing and scope 3 emissions,
- A review of the 82 actions in the Action Plan,
- An explanation of the Carbon Descent Plan carried out with SWEEG at the end of 2023, which is the basis of the new draft strategy and will underpin the next Action Plan,
- The findings of and actions arising from the Carbon Descent Plan,
- The theoretical carbon descent, should all the measures in the Carbon Descent Plan be implemented,
- Key achievements across the Council's services,
- Lessons learnt including the fact that carbon reduction has been inconsistent despite the Action Plan being followed and, most notably, that SMART targets had not previously been set,
- Moving forward SMART targets would be set alongside annual reporting to the Scrutiny Committee.

In response to a question from a Councillor unable to attend, the Assistant Director, Environmental Health, confirmed that, going forwards, Members could be involved directly in working with SWEEG.

Responses to Members' questions, and discussion, included the following points:

- Regarding establishing the carbon footprint of the Council's housing stock, the Council does not collect data from residents, but uses industry standard data, accessed by SWEEG, on which to base assumptions as to energy usage,
- It was noted that the calculation of carbon footprint for procurement is based on cost and that this is a blunt measurement tool, however, the calculations are adjusted for inflation,
- Setting up a scheme to sell credits is expensive and complex and it takes a long time before credits have any value. This could be considered again at a future date,
- Properties were chosen for decarbonisation based on the least efficient and costly properties to be dealt with first. A mix of measures was used including air source heat pumps, solar panels, replacement doors and windows,
- The private sector housing team carries out extensive outreach work to provide advice to residents, advice is also available on the website and through Exeter Community Energy,
- It will be important to provide accurate year on year comparisons going forward as measurement of emissions, such as through procurement, becomes more sophisticated and accurate,
- Additional EV chargers are to be installed at Blackdown House and on-street for those residents who do not have a driveway,
- Concern was expressed as to the need to spend money in the best way to decarbonise Council housing stock,
- There was a request for a Portfolio team to fully discuss and consider climate change issues in greater depth outside of formal Committee meetings,
- Members would welcome greater involvement with SWEEG,
- It would not be possible legally to insist that Council tenants source their energy from green suppliers,
- Council tenants could be encouraged to provide information as to the benefits they are experiencing following decarbonisation of their properties and information and advice could be shared with tenants regarding green energy suppliers and any cost savings available,
- It was noted that it is difficult to quantify the impact on carbon reduction by planting more trees due to the many variables involved, however, the Climate Change Officer would speak to SWEEG with regard to the data available,
- It is important to know the size of the tree canopy rather than the number of new trees planted in order to know whether green spaces are being properly protected and maintained and this is being addressed in the new Tree Strategy,
- Concern was expressed that easy to achieve measures are not being implemented,

- Installation of smart meters in Council properties would assist the resident and the Council at no cost to EDDC, although it was noted that smart meters can prove to be contentious, in part due to misinformation,
- Concern was expressed that trees planted on new developments are not properly protected and so are less likely to survive,
- It was noted that the calculation of carbon counting is very complex where 3rd party suppliers or contractors are involved,
- Enforcement of rain water harvesting could be considered as part of the Local Plan process,
- There was concern that reports to Cabinet do not quantify climate change impacts and only state whether the risk is medium or high, but without detailing the risk,

Members were requested to email any further questions or ideas to the Assistant Director, Environmental Health.

It was agreed:

1. That the Scrutiny Committee note the progress made in achieving the actions specified in the Climate Change Action Plan 2020 – 2040.
2. That the Scrutiny Committee note the lessons learnt and how these can be applied to the development of the next Climate Change Action Plan.
3. To request that all Members be included in the development of the Climate Change Strategy going forward and that SWEEG be brought in to provide technical information and expertise to assist Members.

RECOMMENDED TO CABINET:

1. That Cabinet note the progress made in achieving the actions specified in the Climate Change Action Plan 2020 – 2040.
2. That Cabinet consider the lessons learnt and how these can be applied to the development of the next Climate Change Action Plan.
3. That all Members be included in the development of the Climate Change Strategy going forward and that SWEEG be brought in to provide technical information and expertise to assist Members.

27 Verbal update on progress with Scrutiny Action Plan and member training

The Democratic Services Officer read out the update from the Democratic Services Manager on progress with the Scrutiny Action Plan and member training.

The following points in the Action Plan were highlighted:

- The Chairs and Vice-Chairs of the three scrutiny function Committees had met to discuss the Terms of Reference. The preferred option is to meet four times per year with other scrutiny work carried out through Task and Finish Forums and briefings. It is proposed to align the membership of the Overview Committee and Scrutiny Committee to 13 members. Revised Terms of Reference would be considered by the Constitution Working Group as part of its work programme,
- With regard to resources, a draft job description had been prepared for a Scrutiny Officer role, which was subject to the job evaluation process,
- Senior Officer support for the three scrutiny Committees was now in place,
- Scrutiny training for Members would be provided by the Centre for Governance & Scrutiny on 28th November,
- Chairs and Vice-Chairs to meet quarterly to review the work programmes for each Committee, including increasing links with the Audit and Governance Committee,
- Cross party pre-meeting briefings would be arranged as and when required,
- Training for officers on scrutiny processes would be provided in January 2025,

- A new performance management system had now been procured which would assist with tracking outcomes and regular updates on Overview and Scrutiny Committee work would be included in the Councillor Newsletter.

The update would be circulated to Members following the meeting.

28 **Work programme**

The Chair noted that not enough items for scrutiny were being submitted to add to the work programme. Members were requested to complete a scrutiny proposal form so that the Committee could consider whether to add items to its work programme.

It was noted that a scoping report is still required for consideration of the Exmouth sea wall item, and further information is required as to whether a South West Water Sewage TaFF is still appropriate, given the Devon wide involvement in this matter.

Attendance List

Councillors present:

I Barlow
K Bloxham
M Chapman
O Davey
M Goodman (Chair)
A Hall
M Hall
M Hartnell
V Johns
Y Levine
D Mackinder (Vice-Chair)
A Toye

Councillors also present (for some or all the meeting)

R Collins
P Faithfull
N Hookway

Officers in attendance:

Matthew Blythe, Assistant Director Environmental Health
Catherine Causley, Climate Change Officer
Sarah Jenkins, Democratic Services Officer
Catrin Stark, Director of Housing and Health
Anita Williams, Principal Solicitor (Deputy Monitoring Officer)

Councillor apologies:

J Brown
J Heath
J Whibley

Chairman

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Housing Review Board held at Council Chamber, Blackdown House, Honiton, EX14 1EJ on 7 November 2024

Attendance list at end of document

The meeting started at 10.15 am and ended at 12.55 pm

17 Minutes of the previous meeting

The minutes of the meeting held on 1 August 2024 were agreed.

At the start of the meeting the Chair welcomed new tenant representative members Rachel Browne and Rosie Dale to the meeting. Subject to formal co-option by Full Council on 4 December 2024 they would become new tenant members on the Housing Review Board. She also welcomed newly appointed district councillor Jenny Brown onto the Board. There remained another district councillor vacancy which would be filled shortly.

Members questioned when pre-briefings for Board members (minute 8, 1 August 2024 refers) would take place. The Director for Health and Housing responded that the earlier presentation from Currie and Brown was an example of this and that the Scrutiny Improvement Plan was in the process of being delivered. All member briefings across the Council were also about to commence, which were likely to cover housing related matters at times.

A request was made for 'matters arising' to be added to future Housing Review Board agendas.

18 Declarations of interest

Declarations of interest.

Councillor Aurora Bailey, Affects Non-registerable Interest, Tenant of East Devon District Council.

Declarations of interest.

Councillor Brian Bailey, Affects Non-registerable Interest, Tenant of East Devon District Council.

Declarations of interest.

Councillor Jenny Brown, Affects Non-registerable Interest, Member of Honiton Town Council.

Declarations of interest.

Councillor Sarah Chamberlain, Affects Non-registerable Interest, Employed by Exeter City Council in the housing department.

Declarations of interest.

Councillor Steve Gazzard, Affects Non-registerable Interest, Tenant of East Devon District Council.

Declarations of interest.

Rob Robinson, Affects Non-registerable Interest, Tenant of East Devon District Council.

19 **Public speaking**

There were no members of the public registered to speak.

20 **Matters of urgency**

There were none.

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

There were none.

22 **Housing Review Board forward plan**

The Director – Housing and Health presented the forward plan and advised members that the forward plan acted as a reminder of agenda items to come forward to future meetings. The forward plan had been derived from previous meetings and requests, as well as the housing service plan. Service managers were currently reviewing realistic timeframes against each topic. Members were reminded that they could add further reports and topics for discussion to the next forward plan by either informing herself or the Democratic Services Officer.

The Director for Health and Housing asked the Board if the forward plan was demonstrating the type of work plan that they would like to see. She also asked for suggestions from the Board about how additional briefing sessions could be phased into the forward plan and asked for guidance from Members on how they would like officers to do this. It was suggested that an online session be arranged for the Board within the next few weeks to discuss the Housing Review Board forward plan and programming of briefings.

Other items discussed and added to the forward plan:

- An update on the stock condition survey – it was noted that the initial data that had just been received required scrutiny and cross referencing before it was brought back to the Board, but that this would be added to the forward plan. The information would be used to inform the Housing Asset Management Strategy which was on the forward plan to be reported to the Board in April 2025.
- An updated timetable for the output from the stock condition survey to give a forward view of what was happening with the report and what the next dates would be to be presented at the January HRB meeting.
- Housing Revenue Account financial monitoring reports to be included on every HRB agenda.

It was noted that extraordinary meetings could be called if necessary.

23 **Staffing update**

The Interim Assistant Director for Housing (Regulated Services) gave a brief update on staffing changes in the Housing Service. He reported that Susie Williams, Responsive Repairs and Voids Service Manager, had left the organisation at the end of August and he wished her the best of luck in her new role. Recruitment for the role was currently underway. The Interim Assistant Director for Housing (Regulated Services) announced

that his old role of Interim Tenancy Services Manager (Regulated Services) had successfully been backfilled by Darren Hicks. Liam Reading had been appointed as Assistant Director for Housing Programmes, Investment and Development. He also introduced Les Joint, Housing Maintenance Surveyor to the Board. The Interim Assistant Director for Housing (Regulated Services) advised that a formal housing staff structure would be produced with a brief description of the housing roles.

A request was made for an organisational structure chart detailing 'who's who'. In response to a question about staffing levels the Director for Housing and Health replied that she was confident that the right people were in the right posts and that the service was adequately staffed. A reduction in staffing costs had been seen due to a number of agency staff becoming permanent. The number of staff across the teams had remained similar, with the changes in staffing being at higher level. It was noted that the property and asset team was currently understaffed at management level.

24 **Financial monitoring report**

The Finance Manager's report gave a summary of the Council's Housing Revenue Account (HRA) and associated capital programme's overall financial position for 2024/25 at the end of month six (30 September 2024).

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

Current monitoring indicated that:

- The revised HRA budget approved by Council (July 2024) agreed the use of the HRA balance up to £1.750m in year, with the acceptance that 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 but further analysis on future spending projections was ongoing to maintain full assurance on this position to year end.

The Finance Manager's report summarised increased flexibilities for financial years 2024/25 and 2025/26 on Right to Buy Receipts, which were announced by the Ministry of Housing, Communities and Local Government on 30 July 2024. By deciding to fund all Right to Buy acquisitions with 100% capital receipts would enable the Council to utilise this limited window of opportunity and also provide the funding required to immediately address an area of significant risk to both the Council and tenants (electrical compliance) without impacting the previously agreed and budgeted borrowing needs.

It was noted that both garage income and lost rent due to voids were greater than expected and this would need to be addressed during the forthcoming budget setting process. The Board also noted the revenue expenditure by categories and the notable variations in expenditure in disrepair and complaints and within supervision and management. Officers explained that there was now greater oversight and scrutiny of the budget and careful monitoring ensured that there was more control on the level of spend due to better knowledge of what was coming forward. The stock condition survey would inform the budget setting process.

The Finance Manager's report also detailed the funding and predicted borrowing requirement. He explained that the potential forecasting available was £7.4m versus a forecast capital expenditure of £13.3m. This left a residual borrowing requirement of £8m rather than the £9.2m originally budgeted for.

RECOMMENDED:

1. that Cabinet acknowledge the variances identified as part of the Revenue and Capital monitoring process up to month six.
2. that Cabinet approve 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.

25 Performance update

The Housing Review Board were presented with the key performance indicator (KPI) dashboard and the compliance dashboard for quarters one and two 2024/25. The performance report encapsulated complaints data as well as tenant satisfaction measures. The Interim Assistant Director (Regulatory Services) gave a presentation which summarised the performance and actions being taken to improve performance where targets were not being achieved. Targets were set annually and figures were benchmarked against the previous financial years' performance and HouseMark was used to benchmark performance and set targets for the KPIs against performance of other social housing landlords.

Discussion and clarification included the following points:

- Income collection – rent arrears as a percentage of the annual rent that the Council should be receiving. Performance in this area was strong, with the Council above its own target and within the top quartile of landlords nationally.
- Income lost through void properties – although void loss was significantly higher than the top quartile of landlords nationally the housing service was improving its performance, with void loss figures continuing in the right direction.
- Properties vacant and not available to let – the management of the turnover of vacant stock to ensure a reduced number of vacant properties were held at any one time. Performance was below target but continuing to improve in this area.
- Average days to relet homes – there had been an improvement of 55.71 days in this area since the end of 2023/24. Over the last 12 months officers had worked through a backlog of vacant properties whilst balancing this with the void budgets and projected rent loss. There continued to be a positive downward trend.
- Routine repairs completed in target and emergency repairs completed in target – work was being undertaken with the contractors to reconcile outstanding jobs and completion dates, and ensure robust and accurate reporting. Data validation was needed as the systems were recording different target completions. Performance so far was around 5% higher than the previous year. 8,736 routine and emergency repair jobs had been completed across both contractors so far this year.
- Compliance – this area had presented the biggest challenge so far this year, particularly in relation to electrical checks. There had been a huge improvement in performance following a change of contractor.

The Housing Performance Lead reported that good progress had been made on reducing complaints, mainly due to staffing changes and implementing dedicated resources. Communication was a key driver in the complaints system and measures were in place to improve this. There had been an excellent improvement in the response times for stage one complaints from quarter one to quarter two. However, there was a significant backlog of stage two complaint investigations and responses during quarter two. This was largely due to the departure of the Property and Assets Service Manager at the end of August. A task force of senior managers had now been put in place to clear outstanding complaint responses over the next couple of weeks. Officers recognised the need to continuously improve in complaints handling and meet the requirements of the Housing Ombudsman Complaint Handling Code.

Tenant satisfaction had been moved from annual to quarterly surveying in order to review and analyse tenants' satisfaction levels on a more regular basis and be more responsive to any trends. Although it was acknowledged that there was still much room for improvement in the tenant satisfaction measures, improvement had already been achieved since the survey at the end of 2023/24. It was noted that more negative feedback tended to be received during the winter months.

Officers were thanked for the comprehensive report which demonstrated the positive efforts being made to improve performance across all areas. Restaffing of the housing service with the right people in the right posts would continue to support the service to make good progress.

A request was made for a breakdown of void properties into ward areas to be made available for councillors.

RESOLVED: that the Housing Review Board note performance at the end of quarter two, 2024/25.

26 **Housing Revenue Account position statement**

The Housing Strategy, Enabling and Project Manager's report provided the Board with an update on the key plans, strategies and work streams relating to the Housing Revenue Account (HRA). It covered the current financial position, the stock condition survey, the Chartered Institute of Public Finance and Accountability (CIPFA) healthcheck, the HRA sustainability plan, the business plan and options appraisal work, the asset management strategy and the housing investment and delivery plan. These elements collectively formed the strategic plan and framework to establish the financial and operational sustainability of the HRA and this was explained within the report.

The Housing Strategy, Enabling and Project Manager highlighted that the issues facing EDDC's HRA were reflective of national issues and pressures, which included:

- Funding.
- Rent restrictions.
- Ageing housing stock.
- Rising costs.
- Borrowing limits.
- Employment market.

There was an increasing call from local authorities and other interested organisations to review the financial relationship between stock holding authorities and central

government. Despite this EDDC was planning and undertaking significant work to respond to the challenges outlined in the report, with the overall objective of ensuring that EDDC provided the best possible services to its existing tenants and future residents.

The Housing Strategy, Enabling and Project Manager's report provided an update on a series of interlinked plans, workstreams and strategies which aimed to answer 'can the current business model and financial position of the HRA effectively respond to the challenges arising from the stock condition survey and deliver safe, warm, affordable and regulatory compliant homes for our tenants; and does the HRA have capacity to go further and improve our communities and meet the increasing demand for additional affordable homes for residents in East Devon?'. Included as an appendix to the report was a HRA roadmap outlining a projected timeline.

The Board acknowledged that the Council needed to provide good, safe, decent homes, but this needed to be balanced against income.

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

27 **Acquisitions and disposals policy**

The Housing Strategy, Enabling and Project Manager's report sought approval for the adoption of a Strategic Acquisitions and Disposals Policy for the Council's Housing Revenue Account (HRA) property portfolio. The introduction of the policy would enable the efficient and effective management of the Council's housing stock and other assets. The policy would form part of a comprehensive asset management strategy for the HRA and was being introduced at this stage to provide a framework for any acquisitions or disposals that might be required in advance of the adoption of a comprehensive asset management strategy, to assist in the effective management of the Council's housing stock in the interim period. The strategic acquisitions and disposals policy aimed to align with the broader housing strategy and Council's priorities of addressing the housing needs of residents whilst ensuring sustainable financial management of the HRA. The report outlined the rationale, key objectives and principles behind the acquisitions and disposals policy framework.

The proposed strategic acquisitions and disposals policy offered a proactive approach to managing EDDC's housing stock. By setting clear criteria and objectives for acquisitions and disposals, the Council could ensure it continued to meet the needs of its residents, optimise the use of resources and contribute to wider strategic goals such as reducing homelessness and providing warm, safe and well maintained homes for its tenants.

Concern was expressed over the disposal of properties and officers responded by explaining that disposal of stock might be necessary where properties no longer met strategic or operational objectives. Disposals would be progressed in order to support the efficient and effective financial management of the HRA and to ensure that the Council provided affordable, safe, warm and well maintained homes for its existing tenants. Disposals would be subject to a thorough evaluation process, including independent valuations, stakeholder consultation and assessment of alternative options. Where possible the Council would aim to retain properties for affordable housing.

RECOMMENDED: that Cabinet approve:

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.

28 **Review and replacement of Home Safeguard equipment**

The Director for Health and Housing updated the Board on the review and replacement of Home Safeguard equipment within housing stock. This was included on the forward plan for April 2025. It was noted that work was progressing towards purchasing a platform and that the Interim Assistant Director for Housing (Regulated Services) would be presenting a report explaining this, along with a timeline.

Attendance List

Board members present:

Councillor Aurora Bailey
 Councillor Christopher Burhop
 Councillor Sarah Chamberlain (Chair)
 Councillor Melanie Martin
 Councillor Simon Smith (Vice-Chair)
 Sara Clarke, Independent Community Representative
 Rob Robinson, Tenant
 Councillor Jenny Brown

Councillors also present (for some or all the meeting)

B Bailey
 I Barlow
 C Brown
 R Collins
 S Gazzard
 M Goodman
 D Ledger
 J Loudoun

Officers in attendance:

Sarah James, Democratic Services Officer
 Alethea Thompson, Democratic Services Officer
 Tracy Hendren, Chief Executive
 Andrew King, Interim Assistant Director for Housing (Regulated Services)
 Andrew Mitchell, Housing Solutions Service Manager
 Giles Salter, Solicitor
 Catrin Stark, Director of Housing and Health
 John Symes, Finance Manager
 Darren Hicks, Interim Tenancy Services Manager (Regulated Services)

Les Joint, Housing Maintenance Surveyor
Liam Reading, Assistant Director - Housing Programmes, Investment and Development

Rosie Dale, Tenant
Rachel Browne, Tenant

Chair

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Overview Committee held at Council Chamber, Blackdown House, Honiton on 24 October 2024

Attendance list at end of document

The meeting started at 6.00 pm and ended at 7.32 pm

9 Minutes of the previous meeting held on 30 May 2024

The minutes of the previous meeting held on 30 May 2024 were approved as a true and accurate record.

10 Declarations of interest

Minute 14, East Devon Trees, Hedgerow and Woodlands Strategy
Cllr Tim Dumper, Affects Non-Registerable Interest, Member of Exmouth Town Council (ETC) and working on ETC's Tree Forum.

11 Public Speaking

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

12 Matters of urgency

There were no matters of urgency.

13 Confidential/exempt item(s)

There were no confidential/exempt items.

14 East Devon Trees, Hedgerow and Woodlands Strategy

The District Ecologist introduced this item and welcomed Ben Coles of Treeconomics Ltd to the meeting. Treeconomics Ltd had been appointed in July 2024 to start the process of leading the consultation and shaping of the East Devon Trees, Hedgerow & Woodland Strategy (THaWS).

The THaWS is a ten-year strategy which aligns with the Devon Tree and Woodland Strategy, Climate Change Strategy, Local Plan review and Nature Recovery Plan.

Mr Coles and the District Ecologist delivered a presentation to members which provided an overview of the THaWS, its key themes and aims, its development and timeline and a summary of the results from public consultation. The Strategy is expected to be finalised in December 2024.

Members were asked to consider the THaWS and make recommendations, before it is presented to Cabinet for approval in January 2025.

Discussion and clarification included the following points:

- The strategy sets out a high level aspiration of 30% canopy cover for the district, partly through tree planting but mainly through maintenance and enhancement of existing trees.

Canopy cover can be easily measured using satellite imagery or other technology and progress can be tracked by replicating the exercise at 5 or 10 year intervals.

- Some members were concerned that the strategy does not set a target for the number of trees and felt that canopy cover is less meaningful to residents than numbers. The District Ecologist responded that it is not possible or viable to monitor numbers of trees or to track progress, without access to private land. He added that canopy cover targets better reflect the varying methods of tree establishment and added that, as a district, natural regeneration is the favoured approach.
- In response to a member's question, it was confirmed that a policy is not currently in place concerning replacement of trees on Council owned land. Consideration is being given to whether planting trees is best, or if the focus should be on natural regeneration and maintenance of nearby existing trees.
- The THaWS is a high level strategy document intended to be holistic in its approach and as accessible as possible. Some members expressed concern that the document is not easy for the lay person to understand and engage with. It was felt however that it will be understood by people who activate members of the public and one member outlined the Tiny Forest project in Exmouth, as an initiative in which local residents had become actively involved.
- 6% of consultees had responded that a benefit of trees was noise reduction, and the District Ecologist would ensure this is added the Trees Benefits section of the strategy.
- The actions set out in the strategy are currently in draft format and decisions will need to be taken on where to channel the council's limited resources. Community engagement has been identified as high priority due to the cumulative returns.
- Members recognised the importance of hedgerows in the strategy and were keen to engage the farming community in the planting and protection of hedgerows. It was acknowledged that the council has no direct influence in this respect, but the East Devon National Landscape Team are engaged with farmers on the ground, and management of hedgerows and natural regeneration is covered in the Farming in Protected Landscapes (FiPL) programme.
- Members commented on the importance of protecting existing trees and asked if the policy on enforcement of Tree Preservation Orders could be tightened up. In response, it was noted that East Devon has one of the highest levels of TPOs amounting to more than the whole of Cornwall. To increase the number of TPOs would have significant cost and resource implications arising from the associated administration. The public are asked to contact the Council without delay if they see a tree being cut down.
- Members raised concern that mature trees are being felled on the insistence of insurance companies where it is suggested the trees are undermining the walls of houses. Mr Coles explained that he is currently writing an insurance claims best practice appendix including a subsidence mitigation protocol, which will give more power to the Council's Countryside team in contesting subsidence claims.
- The Local Plan is the mechanism through which the Council can best influence the planting of trees and hedgerows in the district, and the Council's requirements will be set out in detail in an associated Supplementary Plan Document.
- Members were concerned that the proposed Tree & Woodland Project Officer post will be at the expense of a part time Tree Warden, with implications for enforcement and the protection of existing trees. In response, the District Ecologist highlighted the cumulative gains that the Project Officer's role will bring from delivering the Tree Strategy and engaging the community, and stated that this can be as important as direct enforcement for looking after the treescape.

RECOMMENDED to Cabinet:

- 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 to continue to include this vacant post in the establishment, going forward.

15 **Work Programme 2024 - 2025**

The Committee considered the Cabinet Forward Plan and noted the Work Programme for 2024-2025.

Cllr Del Haggerty provided an update on the progress of the Coach Tourism in East Devon Task and Finish Forum and thanked officers for their ongoing support.

The Chair reminded members that a joint meeting of the Scrutiny Committee and the Overview Committee is scheduled for December 2024 to review the Directorate Plans, followed by a Joint Budget Meeting in January 2025.

Attendance List

Councillors present:

O Davey
T Dumper (Vice-Chair)
D Haggerty
A Hall (Chair)
J Heath
Y Levine
M Martin

Councillors also present (for some or all the meeting)

I Barlow
R Collins
M Goodman
G Jung

Officers in attendance:

Simon Davey, Director of Finance
Sarah James, Democratic Services Officer
Anita Williams, Principal Solicitor (Deputy Monitoring Officer)
Chris Hariades, Landscape Architect, Development Management
Sarah Jenkins, Democratic Services Officer
Andrew Wood, Director of Place
Will Dommatt, District Ecologist

Also in attendance:

Ben Coles, Treeconomics Ltd

Councillor apologies:

A Bailey
B Bailey
P Fernley
V Johns
H Riddell

K Blakey

Chair:

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Planning Committee held at Council Chamber, Blackdown House, Honiton on 22 October 2024

Attendance list at end of document

The meeting started at 10.10 am and ended at 4.45 pm. The Committee adjourned for lunch at 1.20 pm and recommenced at 1.50 pm.

210 Minutes of the previous meeting

The minutes of the Planning Committee held on 24 September 2024 were confirmed as a true record.

211 Declarations of interest

Minute 218. 23/2749/MFUL (Major) WOODBURY & LYMPSTONE

In accordance with the Code of Good Practice for Councillors and Officers dealing with planning matters as set out in the constitution, the Chair, Councillor Olly Davey, on behalf of Committee Members, advised lobbying in respect of this application.

212 Matters of urgency

There were none.

213 Confidential/exempt item(s)

There were none.

214 Planning appeal statistics

The Committee noted the appeals statistics report.

Members' attention was drawn to an appeal allowed for the site of Spillers Cottage, Shute – reference 22/1377/FUL for the construction of a dwelling for occupation while the dwelling permitted under reference 21/0535/VAR was constructed. The Inspector allowed the appeal determining that as the dwelling had already been approved the temporary dwelling would not increase in occupancy.

215 23/0727/MOUT (Major) WEST HILL & AYLESBEARE

Applicant:

Blue Cedar Homes.

Location:

Land north of Eastfield, West Hill.

Proposal:

Erection of up to 30 dwellings with all matters reserved apart from means of access.

RESOLVED:

1. The Appropriate Assessment be adopted.

2. Approved with conditions in accordance with officer recommendation subject to a Section 106 Agreement and an amendment to Condition 14 requiring the landscaping to be maintained for a period of 10 years.

216 **23/1143/MFUL (Major) WEST HILL & AYLESBEARE**

Applicant:

Mr Bill Richardson (Strongvox Ltd).

Location:

Land south of Windmill Lane, West Hill.

Proposal:

Erection of 34 dwellings (35% of which will be provided as affordable housing), formation of access, open space and associated infrastructure on land to the south of Windmill Lane, West Hill.

RESOLVED:

Deferred by Committee to allow the applicant the opportunity to reduce the site density and to prepare a scheme that is more in keeping with the character of the area.

217 **24/1154/VAR (Major) BROADCLYST**

Applicant:

Mr Stevenson (Persimmon Homes Ltd).

Location:

Mosshayne, land north of Tithebarn Lane, Clyst Honiton.

Proposal:

Variation of Condition 13 (Construction and Environment Management Plan) of planning permission reference 17/1019/MOUT for the demolition of existing buildings and development of the site to provide up to 900 dwellings and a primary school with car and cycle park, public and private open space, together with landscaping and associated servicing (all matters reserved) which was accompanied by an Environmental Statement Amendment to construction hours on Saturdays.

RESOLVED:

Approved with conditions subject to a Section 106 Deed of Variation in accordance with officer recommendation including revisions to two further conditions to reflect recently discharged conditions.

218 **23/2749/MFUL (Major) WOODBURY & LYMPSTONE**

Councillor Kim Bloxham and Councillor Sarah Chamberlain advised that as they did not attend the site visit they would not take place in the discussion or vote for this application.

Applicant:

Mr Paul James.

Location:

NHS Vaccination Centre, Greendale Business Park, Woodbury Salterton.

Proposal:

Permanent use of the building and car park for use Class E(e) medical and health facility and ancillary parking.

RESOLVED:

Approved contrary to officer recommendation with powers delegated to the Development Manager to agree conditions which will include restricting the use of the building to Class E(e) medical and health only, in consultation with the Chair, Vice Chair and Ward Members.

Members determined that their previous concerns regarding flooding had been addressed and that the landscape impact was not substantial and that the public benefit of retaining the building for use as a NHS Covid Surge Centre if a pandemic reoccurred demonstrated exceptional circumstances to depart from the Local Plan.

219 **24/0674/FUL (Minor) WOODBURY & LYMPSTONE**

Applicant:

C & E Wintrell.

Location:

Land at 22 Underhill Crescent, Lympstone.

Proposal:

Construction of two dwellings.

RESOLVED:

Approved with conditions in accordance with officer recommendation.

Attendance List

Councillors present:

B Bailey
I Barlow
K Bloxham
C Brown
J Brown
S Chamberlain
M Chapman
O Davey (Chair)
P Faithfull
S Gazzard
D Haggerty
A Hall
M Hall (Vice-Chair)

Councillors also present (for some or all the meeting)

B Ingham
G Jung
R Collins

Officers in attendance:

Wendy Harris, Democratic Services Officer
Gareth Stephenson, Principal Planning Officer
Liam Fisher, Senior Planning Officer
Lynne Shwenn, Senior Development Control Officer
Paul Golding, Senior Planning Officer

Councillor apologies:

M Howe
S Smith
E Wragg

Chairman

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Planning Committee held at Council Chamber, Blackdown House, Honiton on 19 November 2024

Attendance list at end of document

The meeting started at 10.01 am and ended at 4.55 pm

220 Minutes of the previous meeting

The minutes of the Planning Committee held on 22 October 2024 were confirmed as a true record.

221 Declarations of interest

Minute 229: 23/2166/MOUT (Major) WOODBURY & LYMPSTONE

In accordance with the Code of Good Practice for Councillors and Officers dealing with planning matters as set out in the constitution, the Chair, Councillor Olly Davey, on behalf of Committee Members advised lobbying in respect of this application.

222 Matters of urgency

There were none.

223 Confidential/exempt item(s)

There were none.

224 Planning appeal statistics

The Committee noted the appeals statistics report.

225 24/0721/FUL (Minor) WOODBURY & LYMPSTONE

Applicant:

Mr I White

Location:

Land North East of Grange Close Lympstone EX8 5LD

Proposal:

The erection of two detached dwellings with integral double garages, to include associated hard and soft landscaping.

RESOLVED:

Refused contrary to officer recommendation.

226 24/1278/FUL (Minor) OTTERY ST MARY

Applicant:

Tim and Libby Read

Location:

Land Adjacent Upper Spilsby, Exeter Road, Ottery St Mary

Proposal:

Construction of a new dwelling and associated landscaping

RESOLVED:

Refused contrary to officer recommendation.

227 **24/1491/FUL (Minor) BUDLEIGH & RALEIGH**

Applicant:

Mr & Mrs Wastenage

Location:

Site of Penny Park Kersbrook Lane, Kersbrook

Proposal:

Demolition of existing dwelling and replace with 1no new dwelling, extension of domestic amenity space, creation of a new driveway off an existing access to the highway, and associated landscaping and parking

RESOLVED:

Approved contrary to officer recommendation.

228 **24/0632/FUL (Minor) BEER & BRANSCOMBE**

Applicant:

Mr Leighton Chumbley

Location:

Sea Chimneys Southdown Road Beer Devon EX12 3AE

Proposal:

Demolition and replacement dwelling and garage with associated landscaping.

RESOLVED:

Approval with conditions

229 **23/2166/MOUT (Major) WOODBURY & LYMPSTONE**

Applicant: Mr Nick Yeo (3West Group, BE Giles, DJC Dyball & CGS Dybal)

Location:

Land South of Gilbrook House Woodbury

Proposal:

Outline application for the construction of up to 60 dwellings including affordable housing seeking approval for new vehicular access and pedestrian access, with matters of layout, scale, appearance and landscaping reserved for future consideration.

RESOLVED:

1. ADOPT the Appropriate Assessment.

2. APPROVE the application subject to a S106 legal agreement and conditions

230 **24/0301/MOUT (Major) WOODBURY & LYMPSTONE**

Applicant:

Mr Nick Yeo

Location:

Land South of Meeting Lane Lymptone

Proposal:

Outline application (with all matters reserved apart from access) for the erection of up to 42 dwellings, affordable housing and associated infrastructure

RESOLVED:

1. Adopt the appropriate assessment forming part of the report
2. Approve subject to a legal agreement and conditions

Attendance List

Councillors present:

B Bailey
I Barlow
K Bloxham
C Brown
J Brown
M Chapman
O Davey (Chair)
P Faithfull
D Haggerty
A Hall
M Hall (Vice-Chair)
M Howe
S Smith
E Wragg

Councillors also present (for some or all the meeting)

A Bailey
B Ingham
V Johns
G Jung

Officers in attendance:

Liam Fisher, Senior Planning Officer
Jill Himsworth, Planning Officer
Damian Hunter, Planning Solicitor
Debbie Meakin, Democratic Services Officer
Wendy Ormsby, Development Manager
Jamie Quinton, Senior Planning Officer
Amanda Coombes, Democratic Services Officer
Lynne Shwenn, Senior Development Control Officer

Councillor apologies:

S Chamberlain

S Gazzard

Chair

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Strategic Planning Committee held at Council Chamber, Blackdown House, Honiton on 29 November 2024

Attendance list at end of document

The meeting started at 10.00 am and ended at 11.00 am

240 Declarations of interest

Minute 242. River Axe Special Area of Conservation (SAC) Local Nutrient Mitigation Fund Round 2 Award.

Councillor Jessica Bailey, Affects Non-registerable Interest, Employee of Dorset Council with effect from Monday, 2 December 2024.

Minute 244. Infrastructure Funding Statement.

Councillor Jessica Bailey, Affects Non-registerable Interest, Aware as a Devon County Councillor that Devon County Council has made at least one bid in relation to Tipton St John School.

241 New Planning Policy - Local Development Scheme and Local Plan Regulation 19 Consultation

Before moving into the agenda the Chair invited Councillor Chris Burhop to speak following a request to address the Committee about a decision that had been made by Committee on 22 November 2024.

Councillor Chris Burhop, Ward Member for Newton Poppleford & Harpford referred to the East Devon Local Plan – Defining Settlement Boundaries report and drew particular attention to the additional recommendation for Newton Poppleford as detailed below:

Recommendation 3.

f. Newton Poppleford - that the Settlement Boundary be drawn as including Stage 2 plus area adjacent to Exmouth Road, with the exact boundary be drawn by officers for delegated approval by the Assistant Director and the Chair of Strategic Planning Committee.

Councillor Burhop referred to the settlement boundary map explaining that as Newton Poppleford was a linear village it was important to determine where the centre of Newton Poppleford was referring to several planning appeals that had been dismissed due to their poor location away from the centre and away from services. He also referred to site allocations Newt_04 and Newt_05 and asked Members to consider what would happen to these sites if the footpath proposed were not put in place.

The Committee considered the Local Development Scheme (LDS) report that set out a programme and timetable for production of future planning policy documents. The report introduced the proposed new LDS, which summarises key content and provides more information on plan production considerations, including:

- Development plan documents
- Timetable update for local plan production
- Regulation 19 consultation
- Consultation strategy for the Publication consultation

- Supplementary planning documents and other strategy and policy documents
- Implications for Neighbourhood Planning

The Assistant Director – Planning Strategy and Development Management advised Committee that the Regulation 19 consultation would be done in two phases, the first phase to start mid-January 2025 (assuming the new NPPF is not published more than one month before this date) and the second phase would start in the Spring (May 2025) to focus on the masterplan for the new community and transport study followed by submission for examination in the Autumn.

Discussion on the report included:

- Clarification was sought about whether other councils had followed this process. The Assistant Director – Planning Strategy and Development Management gave reassurance that it was acceptable to have more than one consultation and there were other councils that were in similar situations.
- Clarification was sought about whether the public would be able to comment on sites that had been amended. The Assistant Director – Planning Strategy and Development Management advised that members of the public will have an opportunity to comment on the Regulation 19 version of the Local Plan through the CommonPlace software.
- Clarification was about the potential risk if Government decided to publish the new NPPF earlier than January with the suggestion that the consultation should start earlier than January. The Assistant Director – Planning Strategy and Development Management acknowledged this as an option but explained it would be challenging as it would not give officers time to refine everything and set up the consultation.

RESOLVED:

1. The proposal for two rounds of Regulation 19 consultation as set out and proposed in the committee report be endorsed.
2. The proposed communications strategy appended to the report as Appendix 2 be endorsed.

RECOMMENDATION TO COUNCIL:

That the proposed new Local Development Scheme, as appended to the report as Appendix 1, be endorsed and to take effect immediately following approval.

242 **River Axe Special Area of Conservation (SAC) Local Nutrient Mitigation Fund Round 2 Award**

The report set out that the water quality of the River Axe Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) has been a concern for a long time. The River Axe SAC is in unfavourable and declining status owing to nutrient enrichment and sediment pollution. A condition assessment and evidence report by Natural England in June 2024 on the River Axe SAC stated that “recent water quality measurements for the River Axe within the SAC show phosphorous concentrations to be exceeding the targets for all units.”

The Council, as the Competent Authority under the Habitat Regulations 2017, is required to consider the implications of these matters on the River Axe SAC before permitting any further development which has 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 the Council as lead authority in collaboration with both Dorset and Somerset Councils (who have 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 on the 30 October 2024 unexpectedly announced and included £4.09 million allocated to East Devon District Council and the River Axe catchment as one of the seven successful EOIs that were made in England. Also awarded was an additional £192,494 in capacity support funding along with a further £100,000 through the Nutrient Support Fund.

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

The proposed approach set out in the report was focussed on three mitigation categories:

1. Nature Based Solutions such as constructed wetlands;
2. Upgrading of packaged treatment works and septic tanks;
3. Water saving measures on council house stock connected to permitted Waste water Treatment Works (470 units).

The programme would be delivered in partnership with Dorset Council, Somerset Council and the Westcountry Rivers Trust.

The Assistant Director – Planning Strategy and Development Management referred to the recommendations and advised that as Cabinet had already endorsed the recommendations at its meeting on 27 November 2024 the report was for noting.

RESOLVED:

That Strategic Planning Committee welcome the outcome of the bid and note the report.

243 Housing Monitoring update to year ending 31 March 2024

The report provided a summary of house building monitoring information to the year ending 31 March 2024. The report confirms that, looking forward, the authority has a 4.15 years Housing Land Supply as detailed in table 3 in the report and emphasised the need to bolster our housing land supply to reach a 5 year housing land supply at the point of the Local Plan adoption.

Discussion included:

- A concern was raised about the future projections for the district and how could the council improve on this. The Assistant Director – Planning Strategy and Development Management advised the housing land supply figure could only be improved by granting consents of planning applications. In response to a follow up question about how many planning applications were currently outstanding and how long do the applications take. Committee were advised that there were not many outstanding applications for major new housing developments with an explanation to various reasons why some applications were delayed including Section 106 Agreements and legal issues.
- It was suggested that a shorter time limit than 3 years for permissions should be implemented to encourage housing to come forward quicker. In response the

Committee were advised that although the council did have the freedom under legislation to do this, there was a need to weigh up the incentive against the consequences of running out of time. The Assistant Director – Planning Strategy and Development Management advised this could be considered on an application by application basis but that it might be better to get the developers commitment of their intended trajectory for the delivery of sites.

The Chair moved the two recommendations as written and included an additional recommendation that would read as follows:

3. That Planning Committee have sight of this report and are reminded of the importance of granting consents to help achieve the Council's five-year housing land supply at the point of the adoption of the Local Plan.

The Chair advised that the reason for the third recommendation was that he had concerns after watching some Planning Committee meetings that they had lost sight of the significance of achieving a five-year housing land supply.

RESOLVED:

1. That the residential dwellings completion data, future projections for the district and the 5 year housing land supply position that results be noted;
2. That the Housing Monitoring Update be agreed and published on the Council's website and used to inform decision making.
3. That Planning Committee have sight of the Housing Monitoring Update to year ending 31 March 2024 report to remind Committee of the importance of granting consents to help achieve the Council's five-year housing land supply at the point of the adoption of the Local Plan.

244 **Infrastructure Funding Statement**

The report provided a factual summary of the Community Infrastructure Levy (CIL) receipts and spend and Section 106 receipts and spend for 2023/24 which were required by law to be published on the Council's website by the end of this year.

Comments from Committee included:

- Reference was made to the vague headings detailed in paragraph 3.2 and the need to expand on these headings.
- The use of red in the Annual Infrastructure Funding Statement document was not supported as it was suggested this could be referred to as a warning sign.

The Chair on behalf of the Committee thanked the Communications Team and the Planning Obligations Team for all their hard work in providing the statement in a better format that was easier to read.

RESOLVED:

1. That the contents of the report and the requirement to provide an annual Infrastructure Funding Statement be noted.
2. That the submission to government be noted and the publication on our website of the 2023/24 Annual Infrastructure Funding Statement based on the information detailed in this report be noted.

Attendance List

Councillors present:

J Bailey
K Blakey
P Fernley
M Howe (Vice-Chair)
G Jung
Y Levine
T Olive (Chair)

Councillors also present (for some or all the meeting)

R Collins
P Faithfull

Officers in attendance:

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

Councillor apologies:

B Bailey
C Brown
B Collins
O Davey
P Hayward
B Ingham
H Parr

Chairman

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of CommitteeName held at MeetingLocation on MeetingDate

Attendance list at end of document

The meeting started at MeetingActualStartTime and ended at MeetingActualFinishTime

Attendance List

Councillors present:

MembersUsrTyp(C)PresentAttendcommentShortRolesRows

Councillors also present (for some or all the meeting)

GuestInattendanceAttendCommentShortRows

Officers in attendance:

OfficerInattendanceAttendcommentTitle Rows

Councillor apologies:

MembersUsrTyp(C)ApologiesAttendcommentShortRows

Chairman

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Strategic Planning Committee held at Council Chamber, Blackdown House, Honiton on 5 November 2024

Attendance list at end of document

The meeting started at 10.00 am and ended at 1.04 pm

57 Minutes of the previous meeting

The minutes of the meeting held on 23 October 2024 were confirmed as a correct record.

58 Declarations of interest

None.

59 Public speaking

A statement was read out on behalf of Clem Davies, from the Lypstone Water Quality Group. The Lypstone Water Quality Group, which is coordinating a catchment-based project to assess, protect, and improve the water quality in the Wotton Brook and adjacent Exe Estuary. The statement set out the need for a strategy which embeds water quality into all stages of the planning process, along with flood risk and biodiversity. The lack of any real attention to water quality throughout the Local Plan, including Chapter 7, was concerning considering the following:

1. The fundamental importance of water quality to biodiversity, human health, and the local economy;
2. The widely reported range of pollutants in our natural watercourses from sewage systems, agriculture, roads, and urban developments;
3. The impact of climate change – increasing surface water runoff which carries pollutants and causes flooding;
4. Wide public concern.

Neither the Sustainability Appraisal or the Site Selection Methodology adequately address water quality issues - and the draft Habitats Regulations Assessment has little clarity on this issue. Fundamentally, it needs to ensure that:

1. Water quality is considered early in the planning process - at the site selection, project concept, and design stages.
2. Consideration is given to catchment-based risks and the capacity of the sewage system.
3. Every planning application is supported by a water quality risk assessment.
4. Risk management controls are incorporated into the design, e.g., an effective surface water treatment system to prevent pollution.
5. The controls are maintained in perpetuity.
6. A temporary surface water treatment system is developed before construction work commences to prevent pollution (e.g., from sediment and oil).

Dr Karen Goaman, a Hawkchurch resident, addressed the committee on the lithium ion battery energy storage, covered under Chapter 7 being considered at the meeting. The risk of thermal runaway leading to a fire and explosion in a lithium ion battery energy storage system (BESS) cannot be eliminated. Suppression systems cannot stop an exothermic reaction. She outlined the extensive requirements needed to manage such a risk. No farming or biodiversity is possible on a BESS. She outlined changes needed to

policy C03, including not permitting farming on a BESS site; and that developers should provide robust evidence including insurance cover for loss of life and livelihood; any decommissioning costs should also be met by the developer. She also made reference to substations and requested help to prevent developers taking advantage of rural land, not to industrialise it.

Mr Mo Dobson, representing the parish of Hawkchurch, also outlined the risks with lithium battery energy storage. He welcomed the improvements to the policy but asked for further enhancement by including a clear indication that the Environment Agency would be engaged with any proposals for containment in the event of an incident. He also asked for clear mapping of ground water source protection zones so that developers and officers were aware and clear on their location in relation to any BESS proposals, to avoid significant risks to private residents. Decommissioning guarantees were also needed, and he encouraged the use of storage functions – next to where generated and/or next to use such as high use sites like hospitals – for the energy generated.

60 **Matters of urgency**

None.

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

None.

62 **East Devon Local Plan - redrafting of local plan chapters**

The report set out redrafted chapters of the local plan for proposed inclusion in the Regulation 19 draft of the plan. It was highlighted that at this stage the wording provided is not regarded as necessarily being the final wording that should be included, but it is intended to give a very clear steer on the policies that officers would advise for inclusion in the plan and a draft of wording that should apply.

The chapters considered were:

- Chapter 3 – the spatial strategy
- Chapter 5 – future growth and development on the western side of East Devon
- Chapter 7A – responding to the climate emergency
- Chapter 7B – adaptation and resilience to climate change
- Chapter 13 – protecting and enhancing our outstanding biodiversity and geodiversity

An element of renumbering of chapters would come forward in the proposed Regulation 19 draft plan.

Chapter 3 The Spatial Strategy

Redrafting included:

- Brief explanation of the terms “significant development” at Principal/Main Centres and “local needs” at Local Centres and Service Villages added in the supporting text to Strategic Policy 1, with minor amendments to the policy itself;
- Deleted Strategic Policy 2 – ‘Housing Distribution’ as it is a description of where houses will be built, based upon allocations already in policy elsewhere, rather

than adding any 'new' policy content. The figures in the table would also date very quickly, as the housing monitoring is updated annually;

- The policy on 'Levels of future housing development' (Strategic Policy 3 in the Reg. 18 Draft Local Plan, now SP 02) had been simplified;
- For clarity, the Designated Neighbourhood Area Housing Requirement had been separated into a standalone dedicated strategic policy. This is policy SP 03: Housing Requirement by Designated Neighbourhood Area. This makes it clear that the figures are minimums and what the net (residual) requirement is, if any, to be met by future Neighbourhood Plans. The supporting text explained how this will be monitored and applied, including where there is any shortfall;
- The former Policy 4, now SP04, had been simplified and clarified to establish the approach to supporting economic development of office, industrial, and storage/distribution job sectors across the District, and the allocations that are expected to deliver these uses. The justification now refers to the EDNA assessed level of minimum need and to the Council's Economic Development Strategy as sources of evidence;
- Deleted Strategic Policy 5 – 'Mixed use developments incorporating housing, employment and community facilities' based on concerns of economic viability, whether it would work in practice and whether there is real demand for what may be delivered. Instead, the Local Plan allocates a number of larger developments site as mixed use – to incorporate both housing and employment uses;
- Policy on 'Development inside settlement boundaries' and 'Development beyond settlement boundaries' had minor re-drafting;
- A new strategic policy (SP 07) has been added on the delivery of infrastructure.

Discussion included:

- The optional standard on minimum space/size of homes was raised as an example of where we should not avoid duplicating national policy, however it was highlighted that this was an optional standard hence the need for policy coverage.;
- Site allocation data had only recently been completed and therefore would be added to the plan in due course;
- A co-ordinated approach was still in place with neighbouring authorities to bring about synergy between this and their Local Plans;
- Elements of the Economic Development Strategy were included to show the aspirations to reach the targets in that strategy, appreciating the challenges to deliver that in parts of the District where road, rail and other connections were not as strong as in the west of the District;
- Policies SP05 and SP06 debate on built up area boundaries should be deferred until the next scheduled meeting of the Committee to deal with the issue as a whole;
- Include clarity on SP01 as to what the area referred to as the western side of the district actually refers to;
- Need to examine the wording used to differentiate between Exmouth and the other main centres;
- Reminder to Members that there was help available from officers to local communities wanting to develop their own Neighbourhood Plans;
- Monitoring energy efficiency fell to Building Regulations, not to detail in this policy.

Actions for revisions to wording were recorded to feed back into the proposed Regulation 19 draft of the Local Plan.

Chapter 5 – Future growth and development on the western side of East Devon

The redraft included:

- The new town policy was amended to refer to accommodation of 'meanwhile' uses whilst other more permanent developments come forward, this draws on experience at Cranbrook in promoting such uses;
- Land north of the Science Park, new policy WS04, was allocated for a mixed use development;
- The former policy 12, which allocated employment land north of Sowton village had been deleted, in accordance with past committee determination;
- The former policy 13, now WS05, was redrafted to clarify the development of land matters relate to areas with airport operational boundaries;
- The former policy 14, now WS06 was redrafted to clarify that it applies to newly allocated land (separate from Power Park) that is to accommodate employment generating uses in accordance with an overarching Masterplan;
- New policies were added to the plan allocating additional employment sites for development adjoining Treasbeare (WS07) and at Wares Farm (WS08);
- The Clyst Valley Regional Park policy had been refined to be more specific about provision requirements in association with development, and to refer to the allocation of additional park land, to be defined on the Policies Map (noting some minor changes will be made to the boundary that featured in the draft plan consultation);
- Policy was redrafted in respect of the development north of Topsham. Redrafting includes needs for a Masterplan and coordinated joint working with Exeter City Council;
- Gypsy site allocation was retained in this chapter;
- The chapter concludes with a series of new employment allocation policies.

Discussion on this chapter included:

- Amendment to wording relating to new town employment;
- Explaining the balance between requiring a certain level of residential development to support the development of a town centre;
- Detail on specific elements in the new town would fall to masterplanning, rather than be required to set out in policy.

Actions for revisions to wording were recorded to feed back into the proposed Regulation 19 draft of the Local Plan.

Chapter 7A – Responding to the climate emergency

The redraft included:

- Clarification on the intent to use building regulation Future Homes Standard (FHS) 2025, rather than seeking to set our own bespoke higher/more demanding standards;
- Policies for renewable energy generating schemes had been reviewed to provide greater clarity over what is acceptable and how development proposals will be considered. Three former policies had been combined into a single new policy;

- Energy storage policy has been refined and updated, and specifically refers to fire risk considerations.

Discussion points included:

- Review of CC04 in relation to the explanation of adjacent storage and grid capacity issues. In principle the location is considered on the basis of the least sensitive option and how sustainable that would be;
- Some discussion on requested elements crossed over into other legislation and other consultees, with a level of detail that was too explicit for policy but better suited to planning guidance;
- Topography of much of the district did not lend itself to effective for hydro power; the drafted CC03 did not exclude any other renewable energy options that may come online during the life of the plan;
- Grade of farmland was covered under another section of the plan and therefore not duplicated in this chapter;
- CC04 wording amendments;
- CC05 wording amendments to cover equivalent carbon saving technologies.

Actions for revisions to wording were recorded to feed back into the proposed Regulation 19 draft of the Local Plan.

Chapter 7B – Adaptation and resilience to climate change

The revised chapter included:

- A reworded flooding policy to take account of the Strategic Flood Risk Assessment and consultation responses, particularly from the Environment Agency. The previous policy had been included on an ‘interim’ basis while the evidence work was undertaken;
- The inclusion of a water efficiency policy to require new dwellings to achieve the higher building regulations standard;
- The wording of the policies relating to coastal change were largely unchanged, but there was a significant difference to the area included in the proposed Coastal Change Management Area (CCMA) for Sidmouth. This reflected the work undertaken on the Beach Management Plan so that the area concerned is much smaller to the east of the River Sid and the proposed boundary will largely follow along Cliff Road in line with the 20 – 100 year coastal erosion line shown for the Beach Management Plan (BMP).

Discussion on this chapter included:

- CC02 covered the issue of new homes being able to cope in extreme heat events but was not prescriptive as to how;
- Wording amendments to AR03;
- Design guides would cover any desire for the inclusion of trees into street/road developments for the purpose of reducing radiating heat; should discussions start with Devon County Highways on how this could be made acceptable to them due to potential costs and risks.

Actions for revisions to wording were recorded to feed back into the proposed Regulation 19 draft of the Local Plan.

Chapter 13 – Protecting and enhancing our outstanding biodiversity and geodiversity

The revisions included:

- The former Policy 84 had been split into two in recognition of the difference between international/national designated sites (that sit at the top of the hierarchy (now becoming Policy PB01) and locally important sites (now covered by Policy PB02);
- What was Policy 85 was strengthened and clarified to provide overarching introductory text in respect of the critical importance of protecting irreplaceable habitats and important features (noting that more detail on trees is covered later on in the chapter);
- The role of Habitat Regulation Assessment was strengthened in what now becomes Policy PB04. Specific legal requirements and approach applied in East Devon is set out in the policy. Reference is made to specific strategies for mitigation, noting we highlight, as a new factor, detrimental impacts of vehicle emissions on the Pebblebed Heaths;
- Under what is now Policy PB05 was set out that 20% biodiversity net gain for all major developments – the NPPF defines major as – “For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m² or more, or a site of 1 hectare or more ...” Under policy 10% applies for schemes under this threshold where delivery can be more challenging and such initiatives as urban infilling may be of great importance. Policy wording has also been extended by providing greater clarity on application and use of policy;
- Removal of two policies, formerly 89 and 90, dealing with Policy – ‘Ecological Impact Assessment’ and ‘Due consideration of protected and notable species’ as these were deemed to be repeating but not adding to national guidance and practice.
- Inclusion of more demanding standards for trees in development, with former Policy 92 now redrafted as PB08 setting out more detail on requirements for tree protection and planting;
- A new policy, PB09, setting out requirements for monitoring of new tree planting;
- Minor refinement of policies around geology and geodiversity.

Discussion on this chapter included:

- A definition exists for “unconfirmed wildlife site”; a request was made to include this to avoid the term being misused;
- Aside from existing Tree Preservation Orders, regard had to be made to biodiversity net gain for planning applications as a means of helping to protect the retention of trees on site, or gaining additional landscaping;
- PB08 made reference to street trees and had previously been picked up for discussion in the previous chapter.

RESOLVED

1. Policies SP05 and SP06 debate on built up area boundaries be deferred until the next scheduled meeting of the Committee to deal with the issue as a whole;
2. that the proposed draft revised chapters in the local plan be endorsed, noting that they will need to be refined in readiness for the proposed Regulation 19 draft of the plan.

Attendance List

Councillors present:

B Bailey
J Bailey
C Brown
B Collins
O Davey
M Howe (Vice-Chair)
B Ingham
G Jung
Y Levine
T Olive (Chair)
H Parr

Councillors also present (for some or all the meeting)

P Arnott
R Collins
P Faithfull
D Mackinder

Officers in attendance:

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

Councillor apologies:

P Fernley

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, Border Road, Heathpark Industrial Estate, Honiton EX14 1EJ on 24 October 2024

Attendance list at end of document

The meeting started at 2.00 pm and ended at 2.40 pm

1 Suspension of rule 4.2 as permitted by rule 21.1 of the Terms of reference and rules of procedure of the Executive Committee

Members agreed to the suspension.

2 Minutes of the previous meeting held on 24 April 2024

Minutes of the South East Devon Habitat Regulations Executive Committee meeting held on the 24th April 2024 were confirmed as a correct record.

3 Declarations of interest

None.

4 Public speaking

None.

5 Matters of urgency

None.

6 Confidential/exempt items

None.

7 2023-24 Annual Business Plan - Annual Report

The 2023/24 annual business plan had been debated and endorsed by the Officer Working Group. The plan outlined the delivery of ongoing measures established in previous plans, as well as a range of additional measures. In total, the plan released funding for new projects estimated at £36,000.

Projects included the continued funding of keystone mitigation measures such as the Delivery Manager, Wildlife Wardens and Project Officer (Devon Loves Dogs).

New measures approved as part of the plan included the redesign and rebuilding of the Devon Loves Dogs website, a footbridge crossing point to safeguard southern damselfly habitat, development of educational resources for GCSE/A level students, and Nightjar productivity modelling on the East Devon Pebblebed Heaths. At Dawlish Warren, funding for improvements/repairs to fencing along the front and at the distal end was identified.

Ongoing mitigation measures previously approved by the Executive Committee were also listed in the report with progress to date. These will be carried over to the 2024/25 plan considered later in the meeting.

In response to a question about the regular newsletter, Members were informed that diminished staff resources had impacted on the publication; now that staff were back in place, the publication would become more regular.

RESOLVED that the Executive Committee

1. Notes the progress made in delivering the 2023/24 annual business plan;
2. Notes the status of mitigation measures from each of the plans, as well as explanations given for measures subject to delay and revised completion dates.

8 **Financial report**

The report set out the overall financial position of developer contributions received by the partner authorities as mitigation payments towards measures identified in the South East Devon European Site Mitigation Strategy. This included anticipated income from contributions where planning permission has been granted but the contribution has not yet been paid.

Rather than forecasting receipt of these amounts in the immediate future, the approach adopted recognises that the period between planning permission and commencement varies and assumes a steady but cautious rate of delivery over the five years of the plan. There remains the risk that some approved applications in this category will be withdrawn or expire. However, all authorities agreed that once permission is commenced, it can remain live and active, with no timeframe on reaching contribution trigger dates. It is therefore deemed more prudent to assume a more phased approach, with ongoing reviews of older applications.

Expenditure is an amalgamation of East Devon District Council financial download figures and Teignbridge information (in relation to SANGS and other relatively minor items such as accountancy and monitoring support).

Figures in the report reflected the long term nature of the projects, and Members discussed how this could be reported to reflect to the public why a large balance on paper was showing. The issue would be discussed with the finance team on how to clarify the financial data to reflect the short and longer term financial requirements.

RESOLVED that the Executive Committee

1. Notes the update on the overall financial position including contributions received, expenditure and anticipated contributions (from signed s106 and CIL).
2. Notes the expenditure against budget for the 2023-24 Annual Business Plan and reasons given for any variance.

9 **Risk Register report**

The report included a detailed risk register, used to take account of the various categories of risk that exist or emerge in all elements of the South-east Devon European Site Mitigation Strategy. This updated members of the Executive Committee on the status of the risk management register and the status of risk management across the partner authorities at this time, including “inactive” risks which have either expired or are no longer considered a risk to the delivery of the Strategy.

The mitigation measures for Dawlish Warren were raised, shown with an amber warning on the report. The Committee were advised that the new mitigation strategy for that area had to go before each respective authority in the partnership for formal adoption before further progression could be made through transition arrangements.

RESOLVED that the Executive Committee:

1. Notes the identification, categorisation and prioritisation of risks as recorded in the accompanying Risk Register, associated with delivery of the South-East Devon European Site Mitigation Strategy.
2. Notes the control measures in place to mitigate the risks identified.
3. Receives an updated Risk Register report in 12 months.

10 **Communications report**

The report set out an update on work undertaken by the Communications team in relation to South East Devon Wildlife (SEDW), the public facing brand for the South East Devon Habitat Regulations Partnership.

Key performance indicators (KPIs) used had been recently amended to reflect software changes. These have been amended to:

1. Website visitors (previously website page views).
2. Website sessions (previously time spent on site).
3. Website average engagement time (previously average number of pages/session).
4. Website top referral channel (unchanged).
5. Top website content (previously website referrals).
6. Number of people signing up to newsletters

In addition, social media engagement is being monitored:

7. Social media followers and reach – facebook, twitter, Instagram

This data is reviewed with the team on a bi-monthly basis to understand how project delivery, stakeholder engagement and communications are impacting on overall goals and to steer improvement. Communications are delivered through the communications officer role as well as the Wildlife Wardens, so this work can be limited during busy summer months when direct engagement with visitors is underway. When resources permit, a campaigns approach, for more targeted messaging and QR codes for tracking and measurement, has been undertaken.

Due to a change in a staff members' circumstances, SEDW has benefitted from an uplift in communications resource. Warden Imo Salmon has been partially confined to desk based activities since July 2024. This has seen a raft of newsletter articles supplied to nature and other publications, work on the wildlife refuge public awareness campaign and increased scope and breadth of our social media approach. This re-emphasises the case for an increase in comms resource, as previously reported. A move to annual communications reporting would also free up resource.

Members were in agreement with how impressive the scale of communications was in relation to the time available.

RESOLVED that the Executive Committee:

1. Notes the results of the communications report for the period March 2023 – August 2024.
2. Receives an annual communications update within the annual progress report for future meetings, rather than as a separate report.

11 **2024-25 Annual Business Plan and 5Yr Delivery Plan**

The report outlined key projects recommended for delivery over the next 12 months by the Habitat Regulations Delivery Manager, agreed by the Officer Working Group. The Annual Business Plan (ABP) is part of an updated 5-year delivery plan, which provides a budget and project timeline for the short and medium term.

Some measures in the 5-year plan, especially those for 2025-29, depend on the success of existing projects, such as the Exe Estuary wildlife refuges, and should be viewed as an indicative guide.

An updated mitigation strategy is nearly complete as part of Local Plan reviews and anticipated for presenting to the partner authorities for agreement in Spring 2025. While the 5-year plan anticipates some new measures, further adjustments will be needed once the new strategy is approved by the partner authorities.

Projects are allocated based on available budget, logical progression, and recommended timelines from the mitigation strategy, using funds from planning permissions.

The "Balance less expenditure" reflects the potential carry-forward of income after projected revenue and expenditure, ensuring funding for mitigation projects over their 80-year lifespan.

The 2024/25 ABP elements were set out to the Committee.

Questions included seeking a timeline for the updated mitigation strategy, including reference to mitigation for Dawlish Warren. The Committee were reminded of the work of the Environment Agency modelling and comparison with the reality of the changes to the area, appreciating the challenges of mitigation for the site whilst balancing the use of the site for recreational purposes. A proposal was made to include annual reporting to the recommendation on Dawlish Warren.

RESOLVED that the Executive Committee:

1. Approves the 2024-25 Annual Business Plan and the commitments and actions set out therein.
2. Notes the updated 5 Year Delivery Plan.
3. Approves that the projects detailed within the report at Dawlish Warren are discontinued and funding is reallocated to future mitigation strategy projects there, in areas less at risk from wave and storm erosion, subject to annual reporting.

Attendance List

Councillors present:

G Jung

Councillors also present (for some or all the meeting)

Officers in attendance:

James Chubb, Countryside Team Manager
Naomi Harnett, Corporate Lead (Interim) – Major Projects & Programmes
Debbie Meakin, Democratic Services Officer
Paul Osborne, Green Infrastructure Project Officer
Matthew Diamond
Rebecca Heal, Solicitor

Councillor apologies:

Chairman

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Arts and Culture Forum held at Online via the Zoom app on 6 November 2024

Attendance list at end of document

The meeting started at 10.05 am and ended at 1.10 pm

10 Public speaking

There were no members of the public registered to speak.

11 Minutes of the previous meeting

The minutes of the meeting held on 12 June 2024 were agreed.

12 Declarations of interest

9. Exmouth Festival - decarbonisation pilot.

Councillor Nick Hookway, Affects Non-registerable Interest, Exmouth Town Councillor.

9. Exmouth Festival - decarbonisation pilot.

Councillor Olly Davey, Affects Non-registerable Interest, Exmouth Town Councillor.

10. UK Shared Prosperity Fund Year 2 Cultural Programme.

Councillor Ian Barlow, Affects and prejudicial Non-registerable Interest, Director of Sidmouth School of Art who had a UK SPF grant.

13 Villages in Action

Mair George, Creative Director, Villages in Action explained that Villages in Action (VIA) had been in existence for over 30 years. It was an arts charity working across rural Devon. There was a small team of four part time workers – the Creative Director, two producers and a finance manager. Since 2021 VIA had embarked on a new journey to shift the way that rural touring in Devon was thought about, with a network of volunteer promoters and co-curators, re-imagining how and why towns and villages engaged with culture, and opening up the way that rural communities enjoyed and grew new creative opportunities. The aim was to strengthen the voice of towns and villages in both hosting and creating work that reflected changing communities in the wider world. This was done by growing a network of locally rooted co-curators who imagined and shaped new creative projects with VIA, inspired by what their community wanted and needed. The aim was that over time this culturally driven action network would grow meaningful. Agriculture was a way of thinking about rural touring differently.

The Creative Director highlighted four main points of VIA work between June to October 2024 and the positive audience and promoter feedback received:

- Love Riot, by Miracle Theatre at Goran Farm, near Stockland, 28 June 2024.
- Those in Glass Houses, by Matt Pang and Owen Reynolds at the Strand, Exmouth, 16 August 2024.
- The Goat Show, by Running Dog Theatre at Farway Village Hall, 6 July 2024.
- Blind Spot, by Alright Mate? At Awliscombe, Axminster and Exmouth during June 2024.

VIA were most known for their community touring. Box office income in East Devon had increased, along with the number of performances and attendees. Overall there was a range of work for all ages across a number of different community spaces with positive feedback received.

The VIA Creative Director explained that a proposal had been submitted to EDDC for an uplift of £5,000 to support the recruitment of a (Agri) Culture Network Lead (current EDDC funding was £10,000). The aim was to galvanise the East Devon network - to act as a local support for new promoters and members of the network, offering on the ground support for first-time events, risk assessment and other event management training. The Network Lead would represent Villages in Action at co-creation meetings with partners, wider networking events, meeting representatives from other organisations to better collaborate, plan and co-design shared projects with a focus on community-based asset development. It would offer paid employment opportunities, and a chance to grow the team in line with the longer-term ambitions to grow the East Devon hub of Villages in Action.

Members of the Forum questioned the Creative Director over whether there would be key performance indicators (KPIs) in place to measure the difference made within the East Devon specifically for the role of a (Agri) Culture Network Lead. A request was made for more specific details on what value would be added to East Devon from the investment. The Forum acknowledged the need to measure risk against the impact of health and well being. The Creative Director replied that she would investigate metrics around audience attendance and who was going to the events, and that she would present annually to the Arts and Culture Forum.

The Creative Director was thanked for an interesting presentation and the great work that was being carried out.

14 **Screen Devon**

David Salas, Screen Devon delivered a presentation on the advantages of establishing a regional screen agency for Devon. Screen Devon emerged out of a two year research project at Exeter University to promote the region's capabilities and develop the local screen industry. It's goals were to improve Devon's prosperity potential, raise the profile of Devon's talent, culture and landscapes, and to ensure that growth was equitably distributed and fair. Screen agencies were ordinarily governmental organisations, but this was difficult in Devon due to the number of local authorities in the region and the scale that a screen agency needed to work to. Screen Devon was independent and able to work easily across boundaries to the benefit of all.

Discussion points included:

- The estimated market capture of UK productions.
- The South West was the largest English region but only had one film and TV studio, located in Bristol.
- Public service broadcasters were required to base more TV productions in the regions.
- East Devon would benefit from productions based in other Devon local authorities and vice versa, based on the average travel time radius of an hour, which is what was looked at for locations to shoot around a base.
- There was a lot of talent in film making in Devon.
- Eight areas of action:
 - Profile building.
 - Economy.
 - Jobs.

- Education.
- Champion screen culture.
- Sustainability and equality.
- Research.
- Future facing.
- Potential income streams.
- Initial funding would be from other Devon district councils, Devon County Council, Exeter Culture, Plymouth Culture and the University of Exeter.

A request was made for £10,000 contribution from EDDC towards £72,000 core funding for 2025/26. Screen Devon was a five to ten year project that would take time to build capacity, profile and reputation. It would help to make sure that East Devon benefitted from the national growth of the film and TV sector. It was reported that medium budget feature film would spend £66,000 per day in a local region. The Forum noted that Screen Cornwall figures revealed that film and TV production was worth £5m to the local economy.

The Forum agreed that Screen Devon was an excellent idea and a fantastic opportunity for the area. It would help to keep creative people in Devon. Tourism in the area would also benefit as well as local employment and arts education.

Members asked at what point money invested from EDDC would start returning, what the value for money was, what success looked like and how success would be measured. Initially the funding was being put in place to hire staff in order to be able to achieve outcomes. Any additional 'in kind' benefits would also be welcomed.

David Salas was thanked for his comprehensive report and all the opportunities that it presented.

15 **Funding requests from Villages in Action and Screen Devon**

The Arts and Culture Forum were asked to consider two grant requests from Villages in Action and Screen Devon. Villages in Action were seeking 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. Screen Devon were seeking £10,000 from EDDC. The current year's £10,000 had been contributed via the UK Shared Prosperity Fund (SPF) Cultural Programme budget and the Sustainable Tourism budget. Presentations from Villages in Action and Screen Devon had been received earlier in the meeting. The report outlined eight ways in which the two organisations would help EDDC reach its Cultural Strategy goals.

The Forum acknowledged the need to ensure the monitoring of outcomes from any funding granted and discussed how key performance indicators (KPIs) would be put in place with the two organisations requesting funding. It was agreed that Villages in Action and Screen Devon needed to work with EDDC officers to define the details of the data and the proposal, and that officers would monitor these and report back to the Forum on how success would be measured. The Cultural Producer reassured the Forum that the initial funding had specific SPF metrics in place. Where future funding was coming from was a key decision and the specific metrics involved.

RECOMMENDED: that subject to further information being provided on KPIs, that Cabinet approve 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.

16 **South West Museum Development**

Jo Cairns, Museum Development Officer for Museum Development South West (MDSW) gave the Forum some background to MDSW. They were a team of museum and heritage development specialists working with the museum and heritage sector in the South West to effect positive, lasting change and deliver public value. MDSW was an Arts Council England funded Investment Principles Support Organisation and was one of five museum development providers across England supporting accredited museums.

In the South West 78% of museums were independent charities, compared to 65% nationally. 47% of museums were 'micro', with fewer than 10,000 visitors annually. Visitor numbers were down by 2% in the South West in 2023/24 on 2019/20. 39% of the museums in the South West were wholly volunteer run, with 7 volunteers to every one paid member of staff in the South West (compared to five volunteers to one paid member of staff nationally). 32% of South West museums reported an annual turnover of less than £25,000 in 2022/23 (national average was 28%). These regional statistics highlighted the need for professional support from MDSW.

The key services of MDSW were:

- Local, place based Museum Development Officers.
- Small grants programmes and funding support.
- Skills and training networks.
- Specialist support in collections and volunteering.
- Organisational development and technical accreditation.
- Communications, advocacy and resources.
- Secure funding for projects.

MDSW worked in partnership with EDDC with funding provided through the Shared Prosperity Fund. There were four accredited museums receiving support (Allhallows Museum, Sidmouth Museum, Fairlynch Museum and Arts Centre, Axminster Heritage Centre) and there were five others not yet accredited, but still receiving support due to funding from EDDC (Exmouth Museum, Seaton Museum, Ottery St Mary Heritage Museum, Whimble Heritage Centre, South West Airfield Heritage Trust). Projects delivered in 2024/25 included:

- Photographic collections project.
- Caring for and displaying costume training session.
- Accreditation training session.
- Development support for the National Lottery project grant application for the Our Wild and Changing Estuaries Project.

The Museum Development Officer explained that in 2023/24 EDDC received a 300% return on its investment from MDSW. It received:

- £4,685 in Museum Development Officer support.
- Technical accreditation support to two museums.
- Accreditation advice to submit eligibility for Whimble Heritage, Exmouth Museum and Seaton Museum.
- £1,264 specialist officer support in collections and digital.
- One participant in Volunteering Fit for the Future at £1,400 (Exmouth Museum – dedicated volunteer management consultancy).
- 18 training attendances at 13 training sessions from 3 museums at £986.

- One On Display! grant awarded at £1,000 (Axminster Heritage Centre – Thomas Whitty Rug) which enabled a total project valued at £5,735.

During the first two quarters of 2024/25 EDDC had invested £1,500 and generated £2,342 in Museum Development Officer support and £330 in museum skills.

It was noted that Arts Council funding was received by MDSW for accredited museums. The accreditation scheme run by Arts Council England ensured that museums were adhering to a certain standard. A return had to be submitted every five years to the Arts Council to demonstrate the museum was still adhering to the particular criteria. Being accredited showed that a museum was working to a particular standard and opened up opportunities for grants as a lot of funding was only open to accredited museums.

On behalf of the Forum the Chair thanked the Museum Development Officer for her presentation.

17 **Exmouth Festival - decarbonisation pilot**

Jess Magill and Zoey Cooper gave the Forum a presentation on the 2024 Exmouth Festival decarbonisation pilot.

The actions were to:

- reduce travel carbon by booking local acts and infrastructure,
- promote sustainable travel to the event,
- programme acts and activities that reflected the ethos of the event,
- reduce waste through use of reusable cups and no single-use plastics,
- buy new bin toppers & recycled food,
- bring in compost loos,
- encourage traders to take action on carbon, waste reduction & plant-based foods.

The presentation outlined engagement before and during the festival, which included:

- Pre-event participation.
- Volunteers – Green Team!
- Coordinated stalls and activities to engage people in the sustainability messages and opportunities.
- Involving people in environmental themes in participatory performances.
- Multiple activities around earth and marine science and protecting the natural world. Arts and crafts with recycled materials or messaging.

A sustainability message was incorporated through all press releases and PR so that it became a consistent thread in the event. Communications included:

- Customised graphics for sharing on social media, with general messages 'tread lightly at Exmouth Festival' and specific messages 'travel green', 'bring a water bottle'.
- The app and the website contained information on what was being done to make the festival greener and a section on what participants could do.
- Press release to local media.
- Newsletter emails used to communicate actions.

The approach to messaging was:

- To work with traders in advance of the event to produce a checklist to display on their stall, detailing what carbon-reduction actions they are taking.
- To work with artists to consider their travel footprint, record and send the data, and the chance to offset it.
- To encourage both of these groups to share the results on their social media to amplify the message.

- Put notices in each of the compost loos about why they were better for the environment.
- Wrote announcements for the compere about actions and activities around sustainability.

Surveys were commissioned to gather data on audiences and what they experienced. Travel, energy and waste data were recorded in a spreadsheet to calculate the event's carbon footprint and as a way of monitoring improvement. Feedback from the festival was that 42% of those asked said that they had experienced an 'environment of sustainability'. Overall travel footprint reduced from 14.7 to 13.1 tCO₂. Overall carbon footprint was reduced by 5% from 2023 to 2024. During the 2024 festival car use went up and walking down, but seven times more people travelled by train.

The festival organisers outlined the toolkit during their presentation. The toolkit was an excellent resource for event planning and contained:

- Exmouth festival case-study.
- Carbon calculator spreadsheet.
- Sample survey.
- Event planning document; pre, during and post event actions.
- Templates for signage and bin toppers.
- Examples of sustainability messaging.
- Resources and links.

On behalf of the Forum the festival organisers were congratulated on a fantastic piece of work. Their work on sustainability was inspirational and provided a good example of how data driven things needed to be. It was critical to create awareness of decarbonisation and to be mindful of carbon footprints.

18 **UK Shared Prosperity Fund Year 2 Cultural Programme**

The Cultural Producer's report provided a summary of the second year of outputs of the UK Shared Prosperity Fund (UK SPF) cultural programme, from April 2023 – April 2024. This was a three year funded programme which helped to both support the delivery of East Devon's Cultural Strategy 2022-2031 as well as deliver funding into the district's diverse and distinctive creative communities and help to support their activities and events. The three year Cultural Programme was due to be complete in March 2025.

In year two the Cultural Programme predominately focussed on two activities:

- The continued development of the Arts and Culture East Devon (ACED) network, including increased membership, training and the launch of an ACED website.
- The launch of the Creative East Devon Fund (CEDF) grant scheme (£25,000) – to provide small grants of up to £3,000 to cultural projects and events that aligned with the EDDC Cultural Strategy. The launch of the CEDF provided a formal framework through which to consider future requests and ensure parity and transparency in the decision-making process and has created a robust mechanism to process funding requests from cultural organisations, with involvement from elected members.

The outputs and outcomes in year two were contained in the report and it was noted that all but two had been exceeded. Overall, the CEDF grants had a hugely positive impact that was widespread in both the aims achieved and the location and types of beneficiaries reached. It proved an effective and low-cost way of supporting cultural organisations and delivering on both UKSPF outputs and outcomes and the themes of the Cultural Strategy. This funding had acted as crucial seed funding for organisations to submit larger bids using CEDF as match funding.

On behalf of the Forum the Assistant Director – Countryside and Leisure thanked the Cultural Producer for all the work that she had undertaken.

RESOLVED: that the Arts and Culture Form endorse the report and the successful delivery of the year two outputs of the UK Shared Prosperity Fund culture programme.

19 **Thelma Hulbert Gallery**

Gemma Girvan, Thelma Hulbert Gallery Manager and Curator updated the Forum on some of the activities happening at the Thelma Hulbert Gallery (THG).

The Create our Space (COS) Arts Council funded project encouraged young people between the ages of seven and 25 into gallery spaces and to engage with visual arts. Some of the highlights of the project were:

- Employed the first Student Intern.
- Delivered over 30 school's workshops engaging more than 1000 young people.
- Reached over 5000 people directly engaging in the project and over 10,000 more widely.
- Welcomed Visitors to THG from 26 of the 33 EX postcodes.
- Delivered over 75 workshops, events and festival events.
- Successfully hosted 2 Summer Art Weeks.

Further Arts Council funding (£29,000) had been secured to continue the positives from the COS project and continue working with young people. The highlights of the extensive Arts Council application for the new COS project were:

- Continue to work with young people to build our Youth Network.
- Establish student intern opportunity.
- Work with community groups to build a long-term relationship, including East Devon Tenant's and Youth Groups.
- Continue to take artists into secondary schools to build community confidence in the gallery and creative arts.
- Find a more portable solution to the Creative Cabin. 'The Creative Cabinet'.
- Build awareness of hidden disabilities through programming and training.

The following exhibitions had successfully been delivered:

- Seam - an visible thread. Textile collective that received Arts Council funding to exhibit a touring exhibition.
- Philippa Lawrence – a space between.
- Anne Jackson – the Witchcraft series.

The next exhibition was Telling our Stories Finding our Roots, from 23 November – 21 December 2024, celebrating Devon's multicultural history. Funded by the National Lottery Heritage Fund the project continued on from similar projects in Exeter, Tiverton, Bideford and Okehampton. Further funding from the Creative East Devon Fund had enabled the commission of British-Mexican artist Ione Maria Rojas, to create an artist commission and engage children from a local primary school to contribute artwork to the exhibition. The annual Christmas selling exhibition Present Makers would also be held.

The Gallery Manager and Curator Thelma Hulbert Gallery outlined the 2025 programme, which had the theme Community and Place. The aim was to strengthen ties with both local and artistic communities through the following initiatives:

- Encouraging emerging artists: Providing opportunities and support for new talent.

- Collaborating with local artists and photographers: Showcasing the unique perspectives of the community's creative voices.
- Bringing renowned artists to a rural setting: Creating a platform for the local audience to engage with established artists.
- Continuing climate-focused exhibitions: Highlighting the interconnectedness of climate and racial justice through impactful programming.
- Embedding Equity, Diversity, and Inclusion (EDI) and accessibility into programming and delivery.

The programme included:

- Ashish Ghadiali
- James Ravilious
- THG Open 2025
- CAMP

Members of the Forum thanked the THG Manager and Curator and the Cultural Producer for the excellent work being undertaken. The ability to secure the highly competitive Arts Council funding was a real testament to the work of the THG team. On behalf of the Forum the Chair thanked the THG Manager and Curator for her presentation.

20 **Local Visitor Economy Partnership**

The Senior Economic Development Officer gave a presentation to the Forum on the Local Visitor Economy Partnership (LVEP). She explained that an LVEP was a strategic, high performing organisation representing the destination at local and national levels, working with VisitEngland and the Government on a set of growth ambitions and visitor economy policy and strategy. It involved leading, marketing and managing the destinations in its geography, working in partnership with other destination organisations, local government and businesses.

The benefits of the LVEP were:

- Synergy and co-ordination.
- Greater profile positioning.
- A strategic partner.
- Increased productivity.
- Devon on the world stage.

The priorities of the LVEP were:

- Advocacy and leadership.
- Better data.
- Higher quality.
- Position and profile.
- Boosting skills.
- Sustainable tourism.
- Transport solutions.

The vision of the LVEP was creating prosperity for people and places with a high quality, high spend and productive visitor economy. The mission was helping its partners on their path to making a better Devon. The objectives of the LVEP were:

- Grow visitor spend.
- Spread the benefits.
- Create a year-round economic driver.

The Senior Economic Development Officer explained the structure of the LVEP and that EDDC were part of the wider representation on the Devon and Partners LVEP Advisory Board. She was the EDDC representative on the LVEP Advisory Board and regularly updated the Portfolio Holder for Culture, Leisure, Sport and Tourism. There was no financial commitment from EDDC, other than officer time. Devon was one of the last areas in the country to form an LVEP. The current focus for the Devon and Partners LVEP was:

- Growth plan.
- South West visitor economy hub.
- AccessAble project.
- Promotional activities with VisitEngland.
- Feeding into national priorities and opportunities.

The vision and mission of the LVEP and the work of the Advisory Board linked closely with the tourism priorities outlined in EDDC's Council Plan, Economic Development Strategy, Tourism Strategy and Cultural Strategy.

The Senior Economic Development Officer was thanked for her helpful presentation. Members were pleased to see the clear link between culture, the economy and tourism.

Attendance List

EDDC Councillors present:

O Davey
P Fernley
N Hookway
P Faithfull

Town Representatives

I Barlow, Sidmouth Town Council
R Doorbar, Budleigh Salterton Town Council

Officers in attendance:

Charles Plowden, Assistant Director Countryside and Leisure
Gemma Girvan, Gallery Manager and Curator
Sarah James, Democratic Services Officer
Alethea Thompson, Democratic Services Officer
Caitlin Davey, Events Officer
Sarah Elghady, Cultural Producer
Tracy Hendren, Chief Executive
Geri Panteva, Senior Economic Development Officer
Andrew Wood, Director of Place

Also Present

Jo Cairns, South West Museum Development
Mair George, Villages in Action
Zoey Cooper, Exmouth Festival
Jess Magill, Exmouth Festival
David Salas, University of Exeter

Apologies:

J Bull, Axminster Town Council

V Johns
J Whibley
J Brown, Honiton Town Coucil
C Buchan, Cranbrook Town Council
A Singh, Seaton Town Council

Chair

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Leisure Strategy Delivery Forum (formerly LED Monitoring Forum) held at Council Chamber, Blackdown House, Honiton on 11 November 2024

Attendance list at end of document

The meeting started at 5.30 pm and ended at 8.18 pm

8 Minutes of the previous meeting held on 25 June 2024

The minutes of the previous meeting held on 25 June 2024 were noted as a true and accurate record.

9 Declarations of interest

There were none.

10 Public Speaking

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

11 Matters of urgency

There were no matters of urgency.

12 Confidential/exempt item(s)

There was one confidential/exempt item (minute 17 refers).

13 LED Facilities and Activities report August - October 2024

The Forum received and noted this report which provided an update on the activities of LED including operational delivery, customer engagement, facilities projects, health and safety, and community projects.

14 LED School Reflection report 2023-2024

The LED Director of Delivery introduced this report which highlighted the activities carried out by LED with schools during the 23/24 academic year, as part of their community outreach work.

Discussion and clarification included the following points:

- Much of the work with schools is through legacy projects, and some is related to a specific funding stream becoming available for a certain area which enables the community outreach team to engage with a particular school. Schools are often keen to continue engaging, once they have seen what the team can deliver.
- There is the possibility of engaging with further schools, subject to capacity in the team.
- It was suggested that if additional capacity becomes available, LED could consider a plan to reach out to schools more generally across the district and across age ranges. One member suggested LED could promote the outreach work at headteachers meetings.

- A member asked what the charges are to schools taking part in the LED Schools Project; it was agreed for LED to bring a report to the next Forum meeting setting out this information.

15 **LED KPI Dashboard August-September 2024**

The Forum received and noted key details of the performance of LED Community Leisure for August – September 2024.

16 **Property and FM Team Update on activity at LED occupied sites along with proposals for 2025/26 capital bids**

The Assistant Director – Place, Assets and Commercialisation presented this report which summarised the Property and FM Team activities since last report, and future activities at LED occupied sites.

The report also included an update on approved capital projects and listed the capital project proposals submitted to the Executive Leadership Team (ELT) and to the Budget Setting and Capital Allocation Panel (BSCAP) for the 2025/26 budget allocation.

Discussion and clarification included the following points:

- Referring to a pie chart at section 3.4 of the report which details the distribution of reactive work by property, a member sought to understand what the expected distributions would be relative to the number of users at each site and asked that this detail is set out in future reports to the Forum.
- The percentages set out in the aforementioned pie chart relate to the number of jobs.
- The work to replace the roof at East Devon Tennis Centre is now complete; the maintenance spend set out for 2023/24 relates to reactive work.

The Forum noted the contents of the report and the 2025/26 capital bid proposals submitted to ELT and BSCAP.

The meeting went into private session.

17 **Outcome of Leisure Workshops**

The Assistant Director – Place, Assets and Commercialisation delivered a presentation which detailed the content and outcome of a series of Leisure Workshops between May and October 2024 led by leisure consultants, Strategic Leisure.

Forum members were asked to consider a proposed timetable for next steps and decisions, for recommendation to Cabinet.

Members discussed relevant considerations and asked direct questions.

RECOMMENDED to Cabinet to endorse the proposed timetable and decision stages.

Attendance List
Councillors present:
P Arnott

K Bloxham
M Goodman
S Hawkins (Chair)
N Hookway
J Loudoun

Councillors also present (for some or all the meeting)

I Barlow
C Brown
J Brown
R Jefferies
M Rixson

Representatives of LED Community Leisure in attendance:

Olly Swayne, LED CEO
Matt Wright, LED Director of Delivery

Representatives of Strategic Leisure in attendance:

Liz Taylor

Officers in attendance:

Tim Child, Assistant Director Place, Assets & Commercialisation
Andrew Wood, Director of Place
Mike O'Mahony, Senior Leisure Officer
Sarah James, Democratic Services Officer

Councillor apologies:

S Smith
A Toye
J Whibley

Chair:

Date:

Report to: Council

Date of Meeting 4 December 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Financial Plan 2025 - 2035

Report summary:

This report sets out the Cabinet recommendation to Council arising from their consideration of a report on the Financial Plan covering the period from 2025 to 2035 on 30 October 2024.

Note: The references in this report to Paper A relate to the relevant report considered by the Cabinet with recommendations for Full Council to consider and are appended to this report for reference.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

That Council adopt the Financial Plan 2025 – 2035 and its direction outlined in balancing future budgets.

Reason for recommendation:

It is essential the Council considers its financial resources in advance to allow time to make necessary amendments in its service provision to ensure balance budgets are maintained.

Officer: Andrew Melhuish, Democratic Services Manager (andrew.melhuish@eastdevon.gov.uk)

Date of Meeting 30 October 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Financial Plan 2025 - 2035

Report summary:

The annual formulation of the Financial Plan and approval process helps the Council plan to maintain balance budgets.

Attached is the draft Financial Plan 2025 – 2035 for recommendation to Council.

The Financial Plan comprises of two parts.

Part A - The Medium Term Financial Plan Model (MTFP) - (page 3 of the Plan)

This is an essential part of the budget setting process. The MTFP provides a financial model and forecast of the cost of providing services over a rolling ten year-period, together with an estimate of the financial resources that are likely to be available to the Council. The process is designed to provide an early warning of any potential deficit in the required level of resources.

As well as considering the General Fund, the MTFP also reviews the affordability of the Council's capital investment programme, matching forecast funding against planned capital spending over a five-year horizon. The capital programme is easier to control as individual schemes can be approved or not by Council to match resources available. Clearly this has its own implications in meeting the Council Plan objectives but does not have the same degree of organisation complexity as the General Fund involving significant staff numbers, team interaction and service delivery.

The focus of analysis and emphasis is therefore placed on the General Fund, a summary position if given below.

Summary of the MTFP Model – Annual budget shortfall assuming previous year's shortfall was found - (page 12 of the Plan)

General Fund	2025/26 £000	2026/27 £000	2027/28 £000	2028/29 £000	2029/30 £000	2030/31 £000	2031/32 £000	2032/33 £000	2033/34 £000	2034/35 £000
Budget Shortfall/(Surplus)	225	3,970	1,249	563	487	485	484	482	370	587



The reason for significant changes between years is that 2026/27 as explained is when rebasing of business rates is expected, creating a significant funding shortfall.

Part B – Financial Sustainability Model (FSM) - (page 14 of the Plan)

Addressing the funding gap comes in two parts linked to the uncertainty of Government funding for local authorities.

- The funding gap for 2025/26 is considered manageable exploring what savings/increased income can be achieved working with services and with member support.
- The budget gap currently identified for 2026/27 can in part be addressed through a revised and refreshed FSM but it is likely to require service reduction based on member priorities. The scale of this task and timing is still unclear until certainty is given by the new Government.

➤ **2025/26 budget gap**

Broadly of the £225k shortfall in 2025/26 it is considered this can be bridged subject to member approval and further work that will be presented in the detail budget.

Savings and income generation will be worked through with the Senior Leadership Team, including how to mitigate service pressure costs not currently allowed for in the MTFP. Material areas being targeted for savings/increased income through this Plan are:

- Asset management it is believed could release savings in the order of £65k. Further details will be presented to members for consideration.
- Further work with LED is ongoing on next year's subsidy level, a £200k reduction has been agreed at this stage over the current year and built into the MTFP.
- Executive Leadership Team consideration of non-replacement of vacant posts in a managed way based on organisational need and priority, new posts maybe considered but to be kept within the necessary budget level - the current budget has 464 FTE budgeted, a reduction of 4 vacant posts could generate in the order of £170k saving.
- If necessary to bring forward some service reductions for members to consider.

The refreshed FSM process is described in the Plan, reviews are required to ensure we are delivering VFM, drive efficiencies to see what savings can be achieved and to form an evidence base that we have done what we can.

- **2026/27 budget gap** - If the funding gap estimated in 2026/27 of £4m materialises, which is dependent on Government direction, then efficiencies and income generation are unlikely to drive the level of savings required and we will need to propose service reductions. Importantly this action comes at a point when we are clearer on how much we need to find and by when before radical service decisions are made. As stated in the Plan, we have a MTFP Risk Reserve in place to protect us against any immediate changes should Government carry out reforms without good notice.

This gap cannot be ignored, and actions and scenarios need to be formulated to allow members to consider options, to be ready to implement when required, to the scale required. This modelling and member discussions can happen over the next 12 months.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

To consider the draft Financial Plan 2025 – 2035 and to recommend to Council its adoption and direction outlined in balancing future budgets.

Reason for recommendation:

It is essential the Council considers its financial resources in advance to allow time to make necessary amendments in its service provision to ensure balance budgets are maintained.

Officer: Simon Davey – Director Finance (CFO/S151) sdavey@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

No decisions on service delivery are being made at this stage.

Climate change Low Impact

Risk: Medium Risk; These are identified within the Plan.

Links to background information

Link to [Council Plan](#)

Priorities (check which apply)

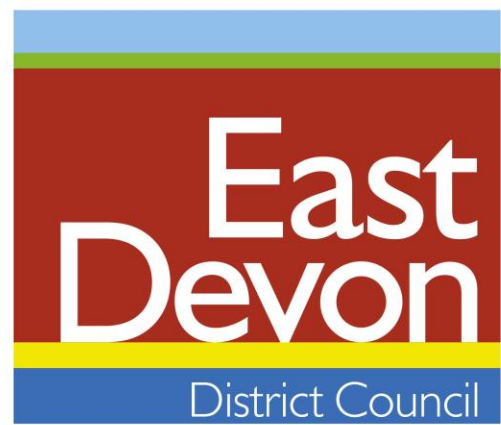
- ☐ A supported and engaged community
- ☐ Carbon neutrality and ecological recovery
- ☐ Resilient economy that supports local business
- ☒ Financially secure and improving quality of services

Financial implications:

The financial details are covered in the report

Legal implications:

The Local Government Finance Act 1992 and Local Government Act 2003 set out the legal requirements in relation to Council budgets. Approval of the MTFP is a decision for Full Council.



Financial Plan (2025 -2035)

1. About this Plan

Our Financial Plan considers the General Fund ¹ position and the Capital Programme ², the third area of the Council's finances the Housing Revenue Account ³ is reviewed and monitored separately within its own business plan which is currently under review.

The purpose of this Plan is to define how the Council will structure and manage its finances over the next ten years to deliver services to residents and support the objectives detailed within the Council Plan. The future projections are based on the current recently adopted Council Plan.

The Financial Plan also links with other key plans and documents of the Council including Service Plans, Digital Strategy, Procurement Strategy, and the Treasury Management Strategy.

The Financial Plan comprises of two parts.

➤ **Part A - The Medium Term Financial Plan Model (MTFP)** *(page 3)*

This is an essential part of the budget setting process. The MTFP provides a financial model and forecast of the cost of providing services over a rolling ten year period, together with an estimate of the financial resources that are likely to be available to the Council. The process is designed to provide an early warning of any potential deficit in the required level of resources.

As well as considering the General Fund, the MTFP also reviews the affordability of the Council's capital investment programme, matching forecast funding against planned capital spending over a five-year horizon. The capital programme is easier to control as individual schemes can be approved or not by Council to match resources available. Clearly this has its own implications in meeting the Council Plan objectives but does not have the same degree of organisation complexity as the General Fund involving significant staff numbers, team interaction and service delivery.

➤ **Part B – Financial Sustainability Model (FSM)** *(page 14)*

This part of the Financial Plan considers how the Council will balance its finances over the coming years to continue to provide service for its residents and customers. It ensures we are achieving Value for Money throughout the Council within each service; it evidences this and seeks improvement and savings where possible. Key enablers are identified to aid us in this process.

Depending on the outcome of this work and savings achieved, consideration will then need to be given to service reductions to balance the books to achieve financial sustainability.

Definition Note:

1. The General Fund records day to day spending and income on the delivery of Council services.
2. Capital programme spending relates to purchases or enhancements of assets, expenditure that has benefit greater than a year and is over £20k.
3. Housing Revenue Account records day to day spending and income on Council owned housing and its landlord function.

➤ **Part A - The Medium Term Financial Plan Model (MTFP)**

2. Introduction

The development of a ten-year financial model is based upon a number of assumptions and perceived risks which clearly become more difficult to predict as the period covered lengthens. In recent years we have been subject to one year only financial settlements from Government, there have been fundamental funding reviews proposed, delayed, and then cancelled on a number of occasions making even short-term planning difficult.

We are expecting under the new Government a one year settlement for 2025/26, this is expected to be a rollover of the current year settlement with little changes in the principles of allocation. Government Department spending targets which will allocate funding to Local Authorities as a total sum will be announced in the 30th October budget. This will not give our individual authority numbers this will come in the Finance Settlement probably the beginning of December. Then in Spring 2025 a multi-year spending review is to take place effecting 2026/27 onwards.

As a broad principle the model has been developed on the basis of 'reasonable and prudent' forecasts and assumptions in accordance with sound accounting practice. The Council subscribes to LGFutures who provide their assessments of future local government funding to ensure we capture the full picture in our own modelling.

3. Fundamental principles

Underpinning this plan, the following fundamental principles have been adopted:

- To secure the financial stability of the Council.
- Annually, a balanced revenue budget will be set with expenditure to be limited by the amount of available resources.
- The General Fund balance will be maintained at the agreed adopted level.
- If required to balance the budget resources will be redirected from low to high priority services to meet objectives set out in the Council Plan and maintain statutory functions.
- Council Tax increases will be kept within annually announced government guidelines to ensure a local referendum is not triggered.

In considering the capital budget, the Council will continue to follow the methodology of scheme scoring and prioritisation. The Council will also seek to maximise the use of its assets.

4. Financial background

Since 2010 this Council along with other authorities have seen significant cuts in general Government funding to support core service delivery, a reduction in funding of 50p in the pound since that point.

Funding for local authorities is historically low with an increasing number of Councils issuing or threatening to issue s114 notices – emergency measures where they are close to bankrupt and prevents all but essential spending to protect core services.

There are significant financial pressures to consider with recent high inflation, driven by high energy and food costs, fears of a possible recession or at best extremely low growth predicted. Consequently, recent high national pay awards and other direct cost implications mainly associated with contractor and partner costs, although we are seeing a return to the Treasury's target 2% inflation rate. There has been an upturn in investment income through interest rate rises used to curb inflation with these expected to lower in the coming year and there is an ever increasing call on our services with the associated costs.

Understandably members' have ambitions to enhance and improve services through investment and the Council is committed to a carbon reduction programme. This all brings significant financial challenges.

These factors have shaped the finances of the Council over recent years and placed it in a continuous difficult position of setting balanced budgets.

The Council has an excellent track record of delivering balanced budgets, meeting its spending plans and Council Plan outcomes through careful financial management and planning, the Council set a balanced budget for 2024/25 and current monitoring shows we are on track to deliver this.

The Council has facilitated and encouraged business and housing growth in the district to deliver its ambitions and benefited significantly in additional government funding through New Homes Bonus, although decreasing as the scheme ends, and significantly from extra Business Rate income which to date has put the Council in a stronger financial position when compared with other councils. This has enabled continued significant investment in non-statutory services to benefit the district.

5. Medium Term Financial Plan

The base for the MTFP is the 2024/25 approved budget and the current cost of ongoing services, adjusted to take account of a range of unavoidable costs such as pay increases, inflationary pressures, the implementation of any approved changes to the budget and any costs arising from new legislation and associated regulations or changes in resident demand. The MTFP takes account of any forecast variations in the level of both investment and fee income.

The Plan also considers and makes reasonable assumptions about the likely incomes from council tax and central government funding.

The MTFP is designed to model scenarios and to aggregate the sum of all potential financial inputs, to determine whether the Council will have sufficient resources to achieve its objectives, or indeed whether action is required to bridge a funding gap.

In formulating these calculations, a number of assumptions have been made and a range of external influences considered. The various risks and pressures are detailed at the end of the Plan with commentary on their potential impact.

Appendix A to the Financial Plan contains the summary page of the MTFP including an analysis of costs and inflation rates applied.

A similar exercise has been undertaken in respect of future capital expenditure, detailing the anticipated level of resources required, together with potential funding sources available to the Council to support its planned programme of works and where there are revenue implications these have been acknowledged within the Plan.

6. MTFP – Revenue Position

The position on General Fund services is extracted in the table below and shows the current year 2024/25 for comparison and forms the basis from which future assessments have been made. The 2024/25 position is the set budget, the implications effecting this budget are considered going forward.

Some key areas to note in this calculation:

Service Budgets - This position is calculated based on current service provision adjusted where there are known resident demand changes, contract agreements or legislative requirements. This position does not include any growth in service or staffing to the Council's current service level, with the exception of items below, and other areas to highlight:

- **Possible New Town** - The current budget includes £250k as part of a total £1m to be phased over 4 years for resource implications on delivering a possible new town in the district. The cost then comes out of the Plan after 4 years. Expenditure has been reprofiled in this current Plan to reflect the likely spend pattern. We will seek external funding where possible but at this stage this has not been assumed. The phasing of the spend is now; £250k in 2024/25, £400k in 2025/26 and £250k in 2026/27.
- **Recycling and Waste Contract** – The contract was extended in 2024/25 with a change in the risk balance on the contract with a switch to a cost plus 5% basis payment to the contractor. The sums assumed in the base budget are currently being monitored and inflation has been assumed.

The implications of the Extended Producer Responsibility (EPR) and other Government proposals have been delayed and until full details are known the implications have not been assessed in this Plan.

- **Extra staffing capacity agreed in year** - Additional staffing capacity has been agreed by Council within the current financial year; a new post for Leisure and Playing pitches enabler role and an HR Operations Manager. The net cost associated with these posts are £134k and have been reflected in the MTFP. In addition new Ecologist posts were approved which it assumed are met from burden funding.
- **Carbon reduction actions** - Work is still ongoing on determining the implications of the Council's commitment to a carbon neutrality by 2040 and the programme of actions required. The MTFP assumes a commitment ongoing of £323k per annum which although significant and beyond most Councils financial commitment it is still far short of the full requirement. Without government or other external support, the Council does not have the financial ability to meet the full programme, but we will work to consider how the full agenda can be actioned.
- **Pay and general inflation** - The 2024/25 budget for staff salaries was based on an assumed 4% increase. At the time of developing the MTFP the stated final employer offer is £1,290 for pay points 2 to 43 inclusive (giving 5.77% increase for the lowest grade up to 2.5% for the highest) and 2.5% on all pay above. At this level this can be met within the current budget levels, but this position has not been accepted by the Unions. 3% increase has been assumed in 2025/26 which is above the targeted inflation rate of 2% assumed on most other areas in the MTFP except for energy and fuel costs where higher sums have been allowed.

There has been recent discussion in leading up to the October budget of a possible increase in employers national insurance contribution and possibly additional tax on pensions. No details have been confirmed, differing assumption and effects of increases are shown in the Appendix to this Plan.

- **LED** - Additional funding has been agreed for the last few years to support our leisure facilities through additional sums paid to LED to deal with the result of the pandemic and high energy costs. The level of the Service Level Agreement has been included in the MTFP at £1.4m, a reduction of £200k based on the current year figure, further work with LED is required to substantiate that sum.

- **Strata** - Each of the 3 owners of Strata are requiring additional support to meet the various work demands and transformation objectives requiring IT support and development. This led to an increase in cost in last year's budget. A business plan is being drafted for presentation to the Joint Executive Committee of Strata, at this stage the base budget has not been amended other than for pay and software contract inflation and we are expecting a similar level of payment in 2025/26. There is also likely to be implications within the Council's capital programme.
- **Planning Fees/Income** - We have seen a reduction in planning income in the current year as result of reduction in applications which is in line with the national picture. For prudence the MTFP has reflected a reduction in income of £470k going forward. Inflation rise has been assumed in fee charged based legislation in place, although recent government consultation includes details of further increases to recover local authority costs the position will be monitored but at this stage this has not been reflected in the MTFP.
- **Council Tax 2nd home additional charges** –The ability to allow Councils to charge double council tax for 2nd homes is to be introduced 2025/26. This Council has approved the policy for the additional charge equating to additional income to the Council currently estimated at £331k.

The Council agreed to the principle that the additional funds should be ring fenced across Devon to address housing challenges, but this ring fence was subject to all preceptors agreeing. This did not proceed as the main preceptor Devon County Council did not agree to this proposal and is using the funds to meet budget challenges and other priorities in its own budget. The net cost of homelessness alone for EDDC in the current year is estimated at £1.019m, this additional income will assist the Council to meet these housing challenges within its budget.

- **Review of the Housing Revenue Account (HRA)**– Currently a review is underway with the HRA to make it financial sustainable going forward. This is likely to have an impact on the General Fund if less services are required which are currently provided by staff within the General Fund, or review of recharges requires adjustments to be made. This is unknown at this stage and cannot be quantified but it is a risk that needs acknowledging.

- **Staff resources; Service Area pressures and capacity and skill gaps**– The StreetScene area have highlighted particular service pressures initially for next years budget with additional resources required in the Engineers area at an estimated additional cost of £92k and operations at £143k. Other service areas are under pressure with the implications of a growing district and the Executive Leadership Team have identified organisational capacity and skill gaps such as project management, transformation capacity, and other corporate functions. This has not been included as an additional cost as the MTFP is already showing a significant deficit without additional new posts being added to the equation. These areas will have to be worked through in the detail budget preparation within the existing resource envelope.
- At the time of the last car park fee increase it was agreed charges should be increased in line with inflation going forward, however hourly rates work best in 10p increases. The last increase was April 2022, cumulative inflation has been 11.5% thereby giving us a 10p rise. This gives a revised hourly charge of £2.10 from April 2025, with the same percentage being applied to permits raising a single town from £120 a year to £132 a year. This income has been included in the MTFP at £350k. Further consideration will also be given to the winter charges in 2025/26 but no financial assumptions have made in the MTFP for this.
- There are areas that the MTFP process has highlighted as future costs (beyond 2025/26) which at this stage have not been factored into the Plan as details are still under consideration. It is however sensible to list these for awareness:
 - Future investment depot facilities for the recycling and waste service and other services of the Council.
 - Recycling and Waste fleet renewal.
 - General demand pressures with a growing district and possible second new town.
 - Implications of the culture strategy and investment around Exmouth Pavilion.

The Council's [2024/25 Budget Book](#) is a useful reference as it details significant information about the service provision currently provided; costs and income received, staffing resources involved in each area, the assets utilised and number of service users.

Government Funding General - The 2024/25 Local Government Finance Settlement was the final year of a two-year spending round. This put-on hold, again, planned reforms; changes to both the local government funding formula and the re-basing and implementation of a new business rate retention scheme.

We now have a new Government who have indicated no major changes are proposed for 2025/26 because of practical timing implications and it is being headlined as a roll over year with a spending review to take place in Spring 2025, this will then set the direction for 2026/27 onwards.

Understanding this funding position and the implication on other core funding mechanisms (Business Rate Growth and New Homes Bonus) is critical to determining the MTFP position but there is uncertainty.

The MTFP now assumes the significant fall in funding through local government funding reforms will be from 2026/27; taking away growth in business rates by 50% which now seems to be a prudent assumption being made by other councils as the cliff edge reduction of 100% would be an impossible situation for many councils – scenario modelling at the end of this document does consider a position of 100% loss for awareness. As a reminder in 2024/25 the budget for business rate growth above baseline is £5m, with a similar level assumed in 2025/26. Also, it is assumed a fall in New Homes Bonus to £56k per annum (budgeted currently at £1.148m and £1.087m in 2025/26). In terms of the possible reductions as stated the timing is unclear.

The basis of the devolution deal in Devon as known at this stage has no implications identified in the Plan.

5. Business Rate income

This has been assumed under the existing arrangements; the 50% rate retention scheme. With a significant rebasing of growth income being applied in 2026/27.

The MTFP assumes in 2025/26 the Council will be £5m above the baseline funding level (retained growth). This is considered reasonable based on current levels of income and projected growth and is in accordance with LGFutures modelling. The Council does maintain a bad debt provision and a business rate reserve to mitigate annual fluctuations in rating assessments.

The greater, more fundamental risk is Government changing the regime and us losing the business rate growth. Because the timing and degree of risk is unknown the Council currently holds a MTFP Risk Reserve of £3m, this will be used to continue to meet key service costs in the budget in the short term if the worst case scenario happened. This being the Government announce in the December Settlement that all growth income from business rates will be lost in the following year – highly unlikely as the indication is a rollover budget and no consultation has taken place but this reserve is available to

give time to cut costs in an orderly manner to best protect the residents of East Devon should the worst happen.

6. Council Tax

The Government has for a number of years determined rural district councils can increase their council tax by £5 a year or up to recently 3% whichever is the greatest before triggering a local referendum. This is the level of income the Government assess is available to the Council and the MTFP applies this increase annually. There is no indication at the current time that the new Government is likely to radically change this position in the short term but this will be kept under review.

7. New Homes Bonus (NHB)

The scheme is ending in its current form with the annual amount reducing; this gives £1.087m estimated to be available in 2025/26 which is then assumed to fall to virtually zero when reforms take place. The sum remaining in the Model at £56k from 2026/27 represents this stream of local government funding filtering back to general funding allocations. Under this scenario we do see an increase in our Minimum Funding Guarantee Grant in the order of £1m, assuming this still exists in its current form.

A replacement for NHB was consulted on over four years ago with the Government wishing to sharpen the incentivising of housing growth in the most effective way, no announcement of a replacement scheme has been made so it is assumed the scheme will continue in its reduced form with just an annual sum paid based on one year's growth. At the height of the scheme the Council was paid the annual growth sum for 5 years, with the next year added on and paid similarly for 5 years – in 2017/18 the Council received £4.584m (the most received in one year).

8. MTFP numbers

An extract from the MTFP is given below, to be able include in the main body of the report only the next 3 years are shown, the full 10 year position is contained in the appendices:

This column gives the current year budget (2024/25) which is balanced, this is the base year to which adjusts are then made going forward.



EAST DEVON DISTRICT COUNCIL - MTFP summary Page										
GENERAL FUND REVENUE BUDGET FORECAST										
Note	BASE				2025/26			2026/27		
	2024/25	Addition	Reduction	Total	Addition	Reduction	Total	Addition	Reduction	Total
BUDGET SET	24,652,240			24,652,240			25,238,637			25,867,854
AMENDMENTS TO BUDGET INCLUDING BUDGET VARIATIONS										
1	One off items of expenditure from Earmarked Reserves		865,410	(865,410)						
2	EDDC Elections (budget 2023 + inflation)							182,800		
3	Staffing & Resourcing of possible new town, £250k in base.	150,000		150,000		150,000	(150,000)		250,000	(250,000)
4	LED contract above budget sum agreed 2024/25 less £200k reduction agreed 25/26	217,588	200,000	17,588						
5	Post agreed after budget set:			0						
6	Ecologist 12 Jul23 (burden funding)	73,000	73,000	0						
7	Leisure & Playing pitches enabler role	58,000		58,000						
8	HR Operations Manager	76,000		76,000						
9	Risk on Planning Income projected £470k down in 24/25	470,000		470,000						
10	Risk with Immediate request for StreetScene resources - future years to be modelled with efficiencies			0			0			
11	Risk on HRA recharge review	0		0						
12	Carpark Inflation increase from 1/4/25		350,000	(350,000)						
	0	1,044,588	1,488,410	(443,822)	0	150,000	(150,000)	182,800	250,000	(250,000)
INFLATION										
12 a	Employee Pay Award	512,367		512,367	351,825		351,825	358,862		358,862
b	Employees Other Costs	11,692		11,692	11,926		11,926	12,165		12,165
c	Superannuation	107,497		107,497	73,815		73,815	75,291		75,291
d	National Insurance	50,786		50,786	34,873		34,873	35,570		35,570
13	Inflation Summary - expenditure	671,738		671,738	630,406		630,406	647,211		647,211
14	Inflation Summary - fees, charges & contributions	(323,862)		(323,862)	(323,628)		(323,628)	(329,786)		(329,786)
TOTAL INESCAPABLE BUDGET CHANGES	0	1,030,219	0	1,030,219	779,217	0	779,217	799,313	0	799,313
SERVICE PLAN COMMITMENTS NOT INCLUDED IN BASE BUDGET										
15	None identified			0	0		0	0		0
TOTAL "UNAVOIDABLE" CHANGES TO BUDGET	0	2,074,807	1,488,410	586,397	779,217	150,000	629,217	982,113	250,000	549,313
PREDICTED BUDGET REQUIREMENT										
	24,652,240			25,238,637			25,867,854			26,417,166
FINANCED BY:										
	Government Grant - Business Rates Gov't baseline	3,733,000		3,807,660			3,883,813			3,961,489
	Revenue Support Grant	278,000		278,000			278,000			278,000
	Rural Services Delivery Grant	265,000		265,000			265,000			265,000
	Minimum Funding Guarantee Grant	1,714,000		1,714,000			2,714,000			2,714,000
	Service Grant	58,000		58,000			58,000			58,000
	Business Rates Uplift - Amount above Baseline (LGFutures to be received) - Rebase assume protection 50% on resources Yr1, 25% yr 2	5,077,240		4,829,000			2,414,500			1,407,250
	Business Rates Pooling Gain	428,000		453,000						
	Council Tax 2024/25 = £171.78 - Growth in base 500 each year, Assume + £5 per annum increase or 2.99% which is ever greater	10,414,910		10,813,036			11,224,804			11,651,528
	Council Tax 2nd Home Premium 2,747 properties assume 70% income	0		330,797			340,688			350,874
	Interest Income (currently £1m over budget through base rate change) assume similar interest rates in 24/25 but a reduction in cash balances. Then marginal base rate fall 25/26	1,581,690		2,200,000			1,650,000			1,650,000
	Interest & Loan Repayment - assume Loan Debt increase of £6m allowance (MRP + 4% interest)	(506,710)		(896,710)			(1,286,710)			(1,676,710)
	Council Tax Collection Fund Surplus	96,000		75,000			75,000			75,000
	Earmarked Reserve - one off items of expenditure (including Transformation Fund)	865,410		0			0			0
	New Homes Bonus to revenue (Gov't ended current scheme)	1,147,700		1,087,000			56,000			56,000
	General Fund Balance - District Elections			0			0			182,800
	GENERAL FUND BALANCE	(500,000)		0			0			0
TOTAL	24,652,240			25,013,782			21,673,094			20,973,232
(Abbreviations used - NHB = New Homes Bonus, N.I = National Insurance, N.NDR = National Non Domestic Rates)										
ANNUAL (SURPLUS)/DEFICIT	0			224,854			4,194,759			5,443,935
IN YEAR ADDITION TO ANNUAL (SURPLUS)/DEFICIT				224,854			3,969,905			1,249,175

This line shows the annual projected deficit in our budget if no action is taken then the annual deficit grows. Annual Deficit in 2025/26 £425 Annual Deficit in 2026/27 grows to £4.195m when the assumed finance reforms hit.

This line shows the annual projected deficit in our budget on the bases that we cannot set an unbalanced budget, so assumes the annual deficit is found each year in our budget preparation. Thereby showing us how much we need to save in setting that annual budget. Those savings need to be an increase in income and/or reduction in expenditure that continues to be achieved in our base budget annually. In 2025/26 this is £225k, then assuming we met the deficit the previous year with the Annual Deficit in 2026/27 alone of £3.970m.

The table below shows annual budget position over the 10 year period.

Table: MTFP Model – Annual budget shortfall assuming previous year's shortfall was found.

General Fund	2025/26 £000	2026/27 £000	2027/28 £000	2028/29 £000	2029/30 £000	2030/31 £000	2031/32 £000	2032/33 £000	2033/34 £000	2034/35 £000
Budget Shortfall/(Surplus)	225	3,970	1,249	563	487	485	484	482	370	587



The reason for significant changes between years is that 2026/27 as explained is when rebasing of business rates is expected creating a significant funding shortfall.

The Model identifies the pressures and influences on the Council's revenue budgets and highlights a shortfall between the Council's spending requirements and the amount of finance available. Actions will need to be taken to meet these shortfalls and the need to keep finding savings year on year is not to be underestimated.

9. MTFP Revenue - The Way Forward

The Financial Sustainability Model (FSM) has been in place for a few years with the principles followed to help balance the budget. There is a need to update the model reflecting a new Executive Leadership Team in place with new ideas, but the main principles are unlikely to change. Notable progress has been made in some key areas of review; leisure services, particular around the high costs the Council incurs compared with other authorities, the future shape of recycling and waste service, asset costs and the continuation of the public convenience programme of the right toilet in the right place. Investment has been made in the Home Safeguard IT system which should generate additional income, a new phone system is starting to be a catalyst into dealing with customer demand more efficiently and working with Strata our IT partners a number of action are in train.

Addressing the funding gap comes in two parts linked to the uncertainty of Government funding for local authorities.

- The funding gap for 2025/26 is considered manageable exploring what savings/increased income can be achieved working with services and with member support.
- The budget gap currently identified for 2026/27 can in part be addressed through a revised and refreshed FSM but it is likely to require service reduction based on member priorities. The scale of this task and timing is still unclear until certainty is given by the new Government.

➤ **2025/26 budget gap**

Broadly of the £225k shortfall in 2025/26 it is considered this can be bridged subject to member approval and further work that will be presented in the detail budget.

Savings and income generation will be worked through with the Senior Leadership Team, including how to mitigate service pressure costs not currently allowed for in the MTFP. Material areas being targeted for savings/increased income through this Plan are:

- Asset management it is believed can release savings in the order of £65k. Further details will be presented to members for consideration.
- Further work with LED is ongoing on next year's subsidy level, a £200k reduction has been agreed at this stage over the current year and built into the MTFP.
- Executive Leadership Team consideration of non-replacement of vacant posts in a managed way based on organisational need and priority, new posts maybe considered but to be kept within the necessary budget level - the current budget has 464 FTE budgeted, a reduction of 4 vacant posts could generate in the order of £170k saving.
- If necessary to bring forward some service reductions for members to consider.

The FSM process is described below, reviews are required to ensure we are delivering VFM, drive efficiencies to see what savings can be achieved and to form an evidence base that we have done what we can.

- **2026/27 budget gap** - If the funding gap estimated in 2026/27 of £4m materialises, which is dependent on Government direction, then efficiencies and income generation are unlikely to drive the level of savings required and we will need to propose significant service reductions. Importantly this action comes at a point when we are clearer on how much we need to find and by when before radical service decisions are made. As stated, we have a MTFP Risk Reserve in place to protect us against any immediate changes should Government carry out reforms without good notice.

This gap cannot be ignored, and actions and scenarios need to be formulated to allow members to consider options, to be ready to implement when required, to the scale required. This modelling and member discussions can happen over the next 12 months.

10. Capital

The Council maintains a programme of capital expenditure designed to improve a wide range of community facilities and local infrastructure. The forward funding projections below only include rolling items and projects identified early by managers; **there will be proposals missing from this list** that will need to be considered for funding. There will be slippage in the programme that is not reflected below which shows the approved programme, actual spend history against programme has been considered and factored into the funding implications to give a more accurate picture on General Fund Revenue implications.

There will be a disparity between the Council's capital spending aspirations being greater than the amount of finance available. In producing these figures agreed principles have/will be applied:

- Capital works associated with the Housing Revenue Account are self-funded; these costs have been factored into in the HRA budgets. Any capital receipts generated from the HRA are used to finance HRA expenditure.
- A capital bid process is in place whereby appraisal forms are completed for each scheme and a scoring methodology applied to prioritise expenditure within resources available. This prioritisation is overseen by the Member Budget Setting & Capital Allocation Panel (BSCAP).

MTFP Model – Capital Expenditure and Funding Position

	2024/25 £000	2025/26 £000	2026/27 £000	2027/28 £000	2028/29 £000
GF - Net Capital Expenditure	11,224	7,769	4,806	6,305	239
GF - General Capital Receipts	(200)	(200)	(200)	(200)	(200)
New Homes Bonus	-	-	-	-	-
Enterprise Zone & other self-funded schemes	(3,744)	(25)	(18)	-	-
Capital Reserve	-	-	-	-	-
Net Internal/ External Borrowing	(7,280)	(7,544)	(4,588)	(6,105)	(39)

The Programme expenditure includes only those schemes already approved by Council and rolling items such as the provision of statutory disabled facility grants, the public toilet renovation programme, equipment replacement for street scene services etc. **Bids will come through the annual budget process giving a different picture to that given above and there will be choices to make to keep expenditure within resources available.**

The above has been produced using the latest budget monitoring position.

The position on internal/external borrowing over the period requires net funding of £25.556m. This position has been factored into the revenue model in terms of costs of borrowing/lost external interest with additional borrowing of £6m a year for new scheme

approval. A modest sum has been included for the capital receipts line, active asset management should be able to generate greater sums than has been assumed.

Key issues to consider for this Plan in terms of capital are:

- Only rolling items, or early request for items, have been included in the MTFP. No amount is included for future coast protection or flood prevention schemes. If any schemes do come forward, it is assumed they will attract Government funding if of high enough priority.
- Any scheme inclusion in the Programme over and above this core annual expenditure needs to be considered carefully for inclusion in future programmes on a case by case basis to determine if they meet corporate objectives and, if they can be self funded, evidenced in a business case or delivered in conjunction with other agencies/partners. Some schemes will come with no funding but may still be required to be funded due to their nature.

The Way Forward – Capital programme

- There is a clear necessity for the continuation of the member Panel to consider the allocating of capital resources against competing capital scheme bids.
- The programme needs to be populated with realistic expenditure estimates into the future; further work has been undertaken on Council assets costs and the Asset Management Plan.
- The Project Management Guidelines will continue to be used to inform the capital bid process through detailed capital appraisal forms and Initial Project Proposal Document (IPPD). With the continued monitoring of progress on key projects through the Council's Strategic Leadership Team and member Panel.

11. Aim of the FSM

This part of the Finance Plan considers how the Council will balance its finances over the coming years to continue to provide service for its residents and customers. We will ensure we are achieving Value for Money throughout the Council within each service; we will evidence this and seek improvements and savings where possible. We have key enablers to aid us in this process and available reserves (Transformation Fund) at the discretion of Council to make investments to achieve savings or increased income.

12. Service Reviews/Support

Service reviews are required utilising the enablers as shown in the diagram and described more fully below. These enablers are linked and cross over each other. We are likely to still require service reduction to achieve financial sustainability but from a position of ensuring efficiency should be explored first.



1. Service Reviews Principles.

To undertake service reviews using a standard approach across the Council challenging ourselves as to how can we do things better, reduce costs and or increase income. Can our services “wash their own face” or better.

Details need to be worked up but to take a step back and looking at how we work to meet customer demand, being sure of our purpose and checking we are meeting that purpose in the simplest way, and most cost-effective way. It's ensuring effort and resource is focussed on value demand – what we are here to do for the customer, and

not spent on failure demand – dealing with lots of queries, adding rework into our system and being focused on the wrong performance measurers.

These reviews will consider how best we can utilise the other enablers below to help us deliver savings and/or increase income.

Consideration is currently being given to the resources required to drive these reviews, a number of Council's including our partner authorities in Strata have an officer responsible for Transformation, which this work could be described as, along with a team to support the necessary changes. Strata are delivering in part, and we have some elements of the required resources in place but the Council needs to resource its side of the equation fully.

2. Digital Transformation

We have a Digital Strategy and we are now working with Strata and our other partner authorities to ensure the outcomes can defined and delivered. The Strategy is built around six themes:

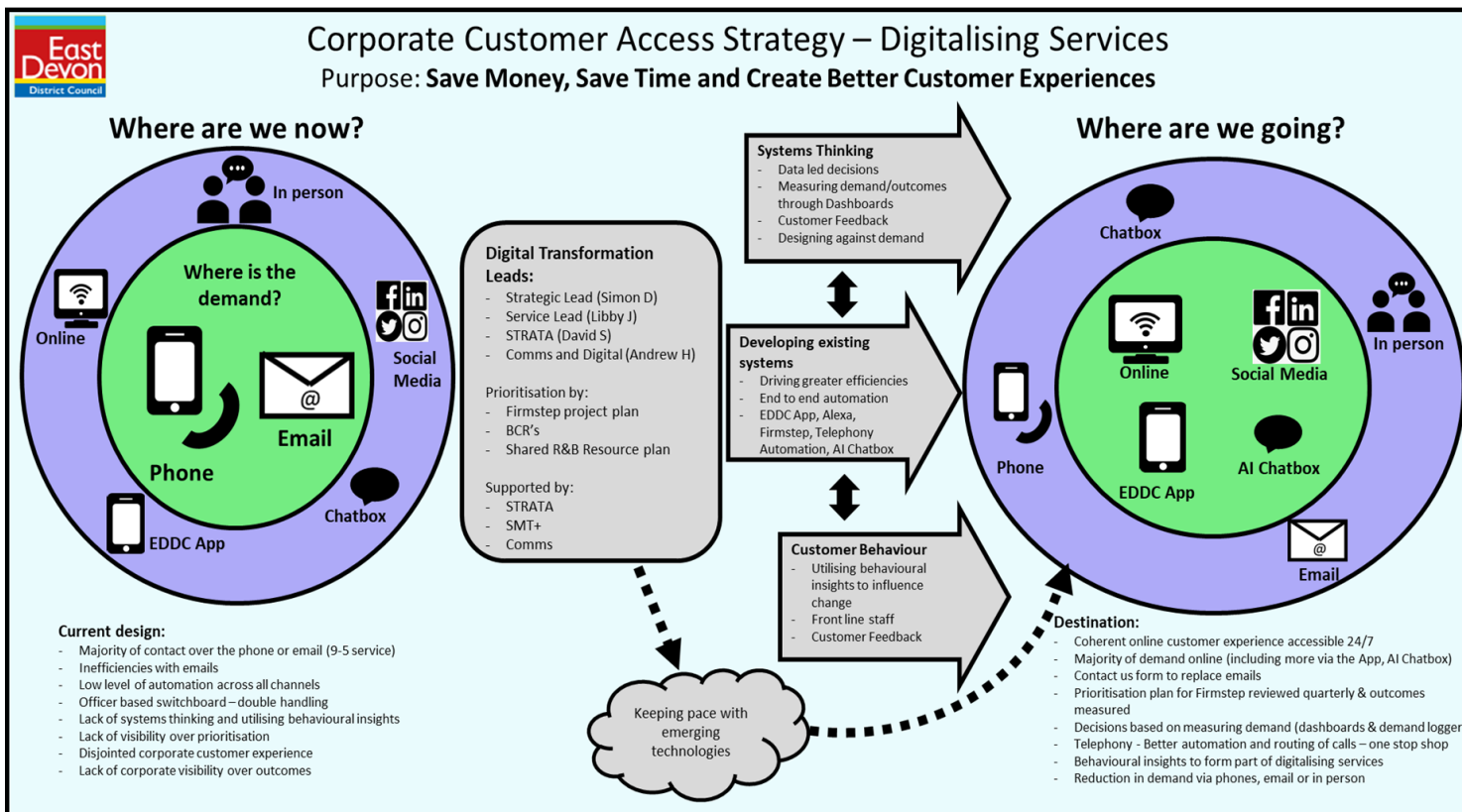
1. Customer access and service
2. Digital and mobile work force
3. Digital democracy
4. High-quality, accessible data
5. Digital and Net Zero
6. Responsive, resilient and secure infrastructure and systems

Most of these themes support the key enablers of our Financial Sustainability Model. Through our reviews we should only be doing value work, at that stage we determine can digital processes make it more efficient for us. There is no point using limited IT resources to digitalise a process that is moving unnecessary work from a manual process to a digital process.

Moving value work into a digital process, or a more effective digital process, will deliver financial savings.

3. Customer Access

As part of approving the Digital Strategy the aim of the 'customer access and service theme' within that Strategy was described in an info diagram to explain where we consider we are now with customer access and through various initiatives where we are aiming to move to - giving customers better access and for us save costs. This is replicated below.



4. Measuring ourselves - Performance/Cost Data comparisons and timely management information driving our business decisions.

To understand cost, performance and activities of services and undertake appropriate comparisons to be clear where we are providing Value for Money and where we are not. Help identify where improvements are needed or to determine we are comfortable and understand the variances.

It is crucial we use relevant data to inform our business decisions. Performance data needs to be readily available and used by managers and members to drive decisions and be clear where action is needed/not needed and how we are performing for our residence, identifying and resolving issues quickly.

The Council has invested in a Performance Management System with an aggressive implementation plan. This will move us forward in the current year against this enabler.

5. Asset Management: Enabler Lead

In reviewing our services there are some services where asset management is relevant and areas it is not. There are key elements to be considered by services;

- Understanding the financial and non-financial performance of assets and using this to drive asset management decisions.
- Proactive asset management – Maximising the returns from assets and disposing of assets that have a poor financial / non-financial return.
- Investing in assets only where there's a strong business case.
- Supporting wider objectives – Being clear where and how asset management is supporting wider objectives, such as benefitting the community, shaping the built landscape, supporting the Council in its service delivery and proactively supporting our commitment to tackling climate change.

- e) Encouraging asset transfer where appropriate.

There can be a quick analysis within each service to determine scope of opportunities which will form part of the service reviews.

6. Income Maximisation

It is viewed that members are supportive of ensuring where fees and charges are made that these set at appropriate rates and reviewed regular to keep pace with costs. It is also considered there is support to develop existing services areas where there is opportunity and customer demand for additional or enhanced services to be offered that can generate surpluses for the Council.

Again the opportunities here need to be explored in service reviews.

EXTERNAL INFLUENCES AND KEY ASSUMPTIONS WITHIN THE REVENUE MTFP MODEL

• Inflation

Inflation rates used are identified in Appendix A of the MTFP attached. Although the financial model is based upon what are believed to be a series of prudent assumptions, there is inevitably a risk that some or all factors applied could be inaccurate. The table below summarises the impact of any such inaccuracies that would have a detrimental effect upon the financial plan. Inflation rates have been high but now falling with September 2024 recorded at 1.7% (CPI). The biggest impact on the MTFP will be future pay settlements.

Financial impact of changes in inflation assumptions 2025/26.

Factor	MTFP Predicted Inflation Costs £000	Worse by 1% £'000	Worse by 2% £'000
Pay, N.I & Pension & other employee costs + other costs	682	230	460
Extracting N.I alone as speculation of an increase	51	17	34

• Investment Returns

The approach adopted, of budgeting for investment income remains prudent. Investment return is based on a marginal reduction in base rate for 2025/26 and a reduction in cash to invest has been factored in.

• Council Tax Income

The MTFP follows recent Government practice of allowing a £5 a year increase or 3% whichever is the greatest.

Financial impact of changes in council tax levels (2025/26).

Level of council Tax increase	Predicted council tax income £000	Loss of income in MTFP 2025/26 £'000
Council tax yield at £5 (3.00%) increase	(11,144)	Nil
Yield at 2.0%	(11,036)	108
Yield at 1.0%	(10,928)	216
Yield at 0.0%	(10,820)	324

This calculation shows a one year effect, this reduction would be lost each year going forward plus the opportunity to increase the level in future on a higher base.

- **New Homes Bonus**

Details are covered in the main Strategy the risk in income being below the projections are unlikely as they are based in the main on current known taxbase numbers. The Plan assumes going forward a significant reduction in income from previous years. We await Government intention on a revised scheme which could have positive implication on the MTFP both revenue and capital but no projections can be made on this until Government outline any replacement scheme. The introduction of the Minimum Funding Guarantee Grant will mitigate any reductions but there is no guarantee this will continue.

- **Business Rate Income**

The risks associated with Business Rate income has been covered in the Strategy, including the Government's intention of business rates rebasing. A £5m additional benefit has been budgeted in 2025/26 for additional rates above the Council's baseline, this is the sum that will be budgeted and if the actual amount is less through a reduction in assessments or collection of income drops than the difference will be met from the Business Rates Volatility Fund which has a current balance of £0.639m.

Should the Government suddenly rebase for 2025/26 (very unlikely but a risk that needs to be considered) then the Council has a MTFP Risk Reserve of £3m will be used to mitigate this for the year.

EAST DEVON DISTRICT COUNCIL - MTFP summary Page GENERAL FUND REVENUE BUDGET FORECAST																									APPENDIX A (i)								
Note	BASE			2025/26			2026/27			2027/28			2028/29			2029/30			2030/31			2031/32			2032/33			2033/34			2034/35		
	Total	Addition	Reduction	Total	Addition	Reduction	Total	Addition	Reduction	Total	Addition	Reduction	Total	Addition	Reduction	Total	Addition	Reduction	Total	Addition	Reduction	Total	Addition	Reduction	Total	Addition	Reduction	Total	Addition	Reduction	Total		
BUDGET SET	24,652,240			24,652,240			25,238,637			25,867,854			26,417,166			26,964,185			27,710,697			28,474,306			29,452,828			30,054,489			30,871,929		
AMENDMENTS TO BUDGET INCLUDING BUDGET VARIATIONS																																	
1 One off Items of expenditure from Earmarked Reserves			865,410	(865,410)				182,800		(182,800)		182,800	(182,800)	0		0			0		0		0		0		0		0		0		
2 EDDC Elections (budget 2023 + inflation)																				197,400		197,400		197,400	(197,400)	0	0	0	0	0			
3 Staffing & Resourcing of possible new town, £250k in base.		150,000		150,000		150,000	(150,000)							0	0	0		0		0		0		0		0		0	0	0			
4 LED contract above budget sum agreed 2024/25 less £200k reduction agreed 25/26		217,588	200,000	17,588																0		0		0		0		0	0	0			
5 Post agreed after budget set:				0																													
6 Ecologist 12 Jul23 (burden funding)		73,000	73,000	0																													
7 Leisure & Playing pitches enabler role		58,000		58,000																													
8 HR Operations Manager		76,000		76,000																													
9 Risk on Planning Income projected £470k down in 24/25		470,000		470,000																													
10 Risk with Immediate request for StreetScene resources - future years to be modelled with efficiencies				0			0																										
11 Risk on HRA recharge review		0		0			0																										
12 Carpark Inflation increase from 1/4/25			350,000	(350,000)																													
	0	1,044,588	1,488,410	(443,822)	0	150,000	(150,000)	182,800	250,000	(250,000)	0	182,800	(182,800)	0	0	0	0	0	0	197,400	0	197,400	0	197,400	(197,400)	0	0	0	0	0			
INFLATION																																	
12 a Employee Pay Award		512,367		512,367	351,825		351,825	358,862		358,862	366,039		366,039	373,360		373,360	380,827		380,827	388,444		388,444	396,212		396,212	404,137		404,137	412,219		412,219		
b Employees Other Costs		11,692		11,692	12,165		12,165	12,408		12,408	12,656		12,656	12,909		12,909	13,167		13,167	13,431		13,431	13,699		13,699	13,973		13,973	14,246		14,246		
c Superannuation		107,497		107,497	73,815		73,815	75,291		75,291	76,797		76,797	78,333		78,333	79,899		79,899	81,497		81,497	83,127		83,127	84,790		84,790	86,486		86,486		
d National Insurance		50,786		50,786	34,873		34,873	35,570		35,570	36,282		36,282	37,007		37,007	37,747		37,747	38,502		38,502	39,272		39,272	40,058		40,058	40,859		40,859		
13 Inflation Summary - expenditure		671,738		671,738	630,406		630,406	647,211		647,211	574,358		574,358	587,621		587,621	601,217		601,217	615,155		615,155	629,446		629,446	644,098		644,098	659,123		659,123		
14 Inflation Summary - fees, charges & contributions		(323,862)		(323,862)	(323,628)		(323,628)	(329,786)		(329,786)	(336,065)		(336,065)	(342,466)		(342,466)	(348,991)		(348,991)	(355,644)		(355,644)	(362,427)		(362,427)	(369,342)		(369,342)	(376,392)		(376,392)		
TOTAL INESCAPABLE BUDGET CHANGES	0	1,030,219	0	1,030,219	779,217	0	779,217	799,313	0	799,313	729,819	0	729,819	746,512	0	746,512	763,609	0	763,609	781,122	0	781,122	799,061	0	799,061	817,439	0	817,439	836,268	0	836,268		
SERVICE PLAN COMMITMENTS NOT INCLUDED IN BASE BUDGET																																	
15 None identified				0	0		0	0		0	0		0	0		0	0		0	0		0	0		0	0		0	0		0		
TOTAL "UNAVOIDABLE" CHANGES TO BUDGET	0	2,074,807	1,488,410	586,397	779,217	150,000	629,217	982,113	250,000	549,313	729,819	182,800	547,019	746,512	0	746,512	763,609	0	763,609	978,522	0	978,522	799,061	197,400	601,661	817,439	0	817,439	836,268	0	836,268		
PREDICTED BUDGET REQUIREMENT	24,652,240			25,238,637			25,867,854			26,417,166			26,964,185			27,710,697			28,474,306			29,452,828			30,054,489			30,871,929			31,708,196		
FINANCED BY:																																	
Government Grant - Business Rates Gov't baseline	3,733,000			3,807,660			3,883,813			3,961,489			4,040,719			4,121,534			4,203,964			4,288,044			4,373,804			4,461,281			4,550,506		
Revenue Support Grant	278,000			278,000			278,000			278,000			278,000			278,000			278,000			278,000			278,000			278,000			278,000		
Rural Services Delivery Grant	265,000			265,000			265,000			265,000			265,000			265,000			265,000			265,000			265,000			265,000			265,000		
Minimum Funding Guarantee Grant	1,714,000			1,714,000			2,714,000			2,714,000			2,714,000			2,714,000			2,714,000			2,714,000			2,714,000			2,714,000			2,714,000		
Service Grant	58,000			58,000			58,000			58,000			58,000			58,000			58,000			58,000			58,000			58,000			58,000		
Business Rates Uplift - Amount above Baseline (LGFutures to be received) - Rebase assume protection 50% on resources Yr1, 25% yr 2	5,077,240			4,829,000			2,414,500			1,407,250			1,507,250			1,607,250			1,707,250			1,807,250			1,907,250			2,007,250			2,107,250		
Business Rates Pooling Gain	428,000			453,000																													
Council Tax 2024/25 = £171.78 - Growth in base 500 each year, Assume + £5 per annum increase or 2.99% which is ever greater	10,414,910			10,813,036			11,224,804			11,651,528			12,093,736			12,551,971			13,026,797			13,518,795			14,028,569			14,556,742			15,103,958		
Council Tax 2nd Home Premium 2,747 properties assume 70% income	0			330,797			340,688			350,874			361,365			372,170			383,298			394,759			406,562			418,718			431,238		
Interest Income (currently £1m over budget through base rate change) assume similar interest rates in 24/25 but a reduction in cash balances. Then marginal base rate fall 25/26	1,581,690			2,200,000			1,650,000			1,650,000			1,650,000			1,650,000			1,650,000			1,650,000			1,650,000			1,650,000			1,650,000		
Interest & Loan Repayment - assume Loan Debt increase of £6m allowance (MRP + 4% interest)	(506,710)			(896,710)			(1,286,710)			(1,676,710)			(2,066,710)			(2,456,710)			(2,846,710)			(3,236,710)			(3,626,710)			(4,016,710)			(4,406,710)		
Council Tax Collection Fund Surplus	96,000			75,000			75,000			75,000			75,000			75,000			75,000			75,000			75,000			75,000			75,000		
Earmarked Reserve - one off items of expenditure (including Transformation Fund)	865,410			0			0			0			0			0			0			0			0			0			0		
New Homes Bonus to revenue (Gov't ended current scheme)	1,147,700			1,087,000			56,000			56,000			56,000			56,000			56,000			56,000			56,000			56,000			56,000		
General Fund Balance - District Elections	0			0			0			0			0			0			0			0			0			0			0		
GENERAL FUND BALANCE	(500,000)			0			0			0			0			0			0			0			0			0			0		
TOTAL	24,652,240			25,013,782			21,673,094			20,973,232			20,957,360			21,217,215			21,495,599			21,990,537			22,110,476			22,558,281			22,807,242		
ANNUAL (SURPLUS)/DEFICIT	0			224,854			4,194,759			5,443,935			6,006,825			6,493,482			6,978,707			7,462,290			7,944,013			8,313,648			8,900,955		
IN YEAR ADDITION TO ANNUAL (SURPLUS)/DEFICIT				224,854			3,969,905			1,249,175			562,890			486,657			485,225			483,583			481,723			369,635			587,307		

INESCAPABLE BUDGET CHANGES			2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35
Note	£	BASE	£	£	£	£	£	£	£	£	£	£	£
Employee Costs													
Inflation - Employees Pay													
Base Pay Budget (Salary/Wages/Overtime)			17,078,900	17,078,900	17,591,267	17,943,092	18,301,954	18,667,993	19,041,353	19,422,180	19,810,624	20,206,836	20,610,973
24/25 assumed 4% overall, still awaiting outcome				3.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Assumed Pay Award (inline with inflation)				512,367	351,825	358,862	366,039	373,360	380,827	388,444	396,212	404,137	412,219
Total Pay													
Inflation - Employees Other - Inline with General Inflation													
Base Pay Budget			584,610	584,610	596,302	608,228	620,393	632,801	645,457	658,366	671,533	684,964	698,663
Assumed Inflation Level				2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Total Pay Inflation				11,692	11,926	12,165	12,408	12,656	12,909	13,167	13,431	13,699	13,973
Pension- Triannual review 23/24 - 25/26 (20% Primary rate all years, 2nd Rate minor increase)			3,583,240	3,583,240	3,690,737	3,764,552	3,839,843	3,916,640	3,994,973	4,074,872	4,156,370	4,239,497	4,324,287
No adjustment on track				3.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Inflation				107,497	73,815	75,291	76,797	78,333	79,899	81,497	83,127	84,790	86,486
National Insurance			1,692,850	1,692,850	1,743,636	1,778,508	1,814,078	1,850,360	1,887,367	1,925,114	1,963,617	2,002,889	2,042,947
No adjustment on track				3.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Inflation				50,786	34,873	35,570	36,282	37,007	37,747	38,502	39,272	40,058	40,859
OTHER													
Inflation - Premises General			1,325,121	1,325,121	1,351,623	1,378,656	1,406,229	1,434,354	1,463,041	1,492,301	1,522,148	1,552,590	1,583,642
Inflation Rate				2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Increased Sum				26,502	27,032	27,573	28,125	28,687	29,261	29,846	30,443	31,052	31,673
Inflation - Premises Energy			414,240	414,240	434,952	456,700	479,535	503,511	528,687	555,121	582,877	612,021	642,622
Inflation Rate				5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%
Increased Sum				20,712	21,748	22,835	23,977	25,176	26,434	27,756	29,144	30,601	32,131
Inflation - Premises Rates			856,890	856,890	874,028	891,508	909,339	927,525	946,076	964,997	984,297	1,003,983	1,024,063
Inflation Rate				2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Increased Sum				17,138	17,481	17,830	18,187	18,551	18,922	19,300	19,686	20,080	20,481
Inflation - Transport General			831,220	831,220	847,844	864,801	882,097	899,739	917,734	936,089	954,811	973,907	993,385
Inflation Rate				2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Increased Sum				16,624	16,957	17,296	17,642	17,995	18,355	18,722	19,096	19,478	19,868
Inflation - Transport Fuel related			204,760	204,760	214,998	219,298	223,684	228,158	232,721	237,375	242,123	246,965	251,904
Inflation Rate				5.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Increased Sum				10,238	4,300	4,386	4,474	4,563	4,654	4,748	4,842	4,939	5,038
Inflation - Supplies & Services			7,369,530	7,369,530	7,516,921	7,667,259	7,820,604	7,977,016	8,136,557	8,299,288	8,465,273	8,634,579	8,807,271
Inflation Rate				2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Increased Sum				147,391	150,338	153,345	156,412	159,540	162,731	165,986	169,305	172,692	176,145
Inflation - Members General			31,160	31,160	31,783	32,419	33,067	33,729	34,403	35,091	35,793	36,509	37,239
Inflation Rate				2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Increased Sum				623	636	648	661	675	688	702	716	730	745
Inflation - Members Allowances			453,130	453,130	462,193	471,436	480,865	490,482	500,292	510,298	520,504	530,914	541,532
Inflation Rate				2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Increased Sum				9,063	9,244	9,429	9,617	9,810	10,006	10,206	10,410	10,618	10,831
Inflation - Refuse & Recycling			8,169,140	8,169,140	8,495,906	8,750,783	9,013,306	9,193,572	9,377,444	9,564,993	9,756,293	9,951,418	10,150,447
Assume on track with new contract arrangement, but sum based on fuel & staff costs so higher overall inflation increase				4.00%	3.00%	3.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
				326,766	254,877	262,523	180,266	183,871	187,549	191,300	195,126	199,028	203,009
Inflation - LED SLA			1,410,574	1,410,574	1,410,574	1,438,785	1,467,561	1,496,912	1,526,851	1,557,388	1,588,535	1,620,306	1,652,712
Extra £218k paid (full sum £1,628,162) - agreed 25/26 £200k reduction and no inflation rise				17,588	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
				0	28,211	28,776	29,351	29,938	30,537	31,148	31,771	32,406	33,054
Inflation - Strata			3,222,720	3,222,720	3,319,402	3,418,984	3,521,553	3,627,200	3,736,016	3,848,096	3,963,539	4,082,445	4,204,919
Contract (payment based on inflation - salary + software %)				3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%
Increased Sum				96,682	99,582	102,570	105,647	108,816	112,080	115,443	118,906	122,473	126,148
Summary of inflation				671,738	630,406	647,211	574,358	587,621	601,217	615,155	629,446	644,098	659,123
Inflation - HB payments (includes £550,000 overpayment income)			19,600,870	19,600,870	19,600,870	19,600,870	19,600,870	19,600,870	19,600,870	19,600,870	19,600,870	19,600,870	19,600,870
				0	0	0	0	0	0	0	0	0	0
Elections (Parliamentary & Police)			489,380										
Sub Total			67,318,335										
Inflation - HB Admin			-414,460.00	-414,460	-422,749	-431,204	-439,828	-448,625	-457,597	-466,749	-476,084	-485,606	-495,318
No assumption of change in 2025/26, but roll out of Unvirsal credit for pensioners needs to be considered in future years				2.00%									

Report to: Council



Date of Meeting 4 December 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Statement of Gambling Policy 2025- 2028

Report summary:

This report sets out the Cabinet recommendation to Council arising from their consideration of a report on the draft Statement of Gambling Policy 2025 – 2028.

Note: The references in this report to Paper A relate to the relevant report considered by the Cabinet with recommendations for Full Council to consider and are appended to this report for reference.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

That the draft Statement of Licensing policy 2025-2028 is adopted.

Reason for recommendation:

East Devon District Council's current Statement of Licensing policy was written in 2021 and came into effect in January 2022. There is a legal requirement to review such policy statements every three years. The current policy must be reviewed by 31 January 2025. The draft policy attached to this report has been updated to reflect changes in national guidance, and feedback from the Gambling Commission to date, but more substantive changes to the Guidance to Local Authorities are expected from the Gambling Commission in the near future, and it is anticipated that this will require a more substantive review of the Policy outside of the standard 3-year review window for the gambling Statement of Licensing policy.

Officer: Andrew Melhuish, Democratic Services Manager (andrew.melhuish@eastdevon.gov.uk)

Date of Meeting 13 November 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Draft Statement of Gambling Policy 2025- 2028

Report summary:

East Devon District Council's current Statement of Licensing policy was written in 2021 and came into effect in January 2022. There is a legal requirement to review such policy statements every three years. The current policy must be reviewed by 31 January 2025. The draft policy attached to this report has been reviewed and updated to reflect changes in national guidance, and feedback from the Gambling Commission, but a further, more in depth review of the Policy is proposed to be undertaken once the Gambling Commission has completed updating its guidance to Local Authorities.

At the meeting of 17th July 2024, a statutory consultation on the draft Statement of Licensing policy 2025-2028 was approved, and this report summarises the responses to that consultation.

This Policy will ensure that the Council carries out its Gambling Licensing responsibilities in a fair, equitable and consistent manner.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

That the Licensing and Enforcement Committee recommends to Council that the draft Statement of Licensing policy 2025-2028, as amended, is adopted at the meeting on 4th December 2024.

Reason for recommendation:

East Devon District Council's current Statement of Licensing policy was written in 2021 and came into effect in January 2022. There is a legal requirement to review such policy statements every three years. The current policy must be reviewed by 31 January 2025. The draft policy attached to this report has been updated to reflect changes in national guidance, and feedback from the Gambling Commission to date, but more substantive changes to the Guidance to Local Authorities are expected from the Gambling Commission in the near future, and it is anticipated that this will require a more substantive review of the Policy outside of the standard 3-year review window for the gambling Statement of Licensing policy.

Officer: Phillippa Norsworthy, Licensing Manager, licensing@eastdevon.gov.uk

Portfolio(s) (check which apply):

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

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk; [Click here to enter text on risk considerations relating to your 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

APPENDICES

APPENDIX A –Gambling Act 2005 Statement of Licensing Policy

APPENDIX B – Public Health Devon Consultation Response

Report in full

1 Background

1.1.1 Over the Summer of 2023, the Gambling Commission and HM Government launched a series of public consultations on a significant number of proposed amendments to gambling regulation across the UK. The Licensing Committee directed Officers to draft responses to the consultations and approved the responses put forward. Several of the proposed amendments addressed by the public consultations have the potential to significantly impact on Local Authority gambling regulation, but the Gambling Commission have confirmed that it is still considering the responses received and will not be in a position to amend Statutory Guidance to Local Authorities prior to the deadline for review of the Statement of Gambling Policy. The Gambling Commission have publicised this position as follows:

1.2.1 'As required by the Gambling Act 2005 each Licensing Authority is required to renew their Statement every 3 years. The renewal date in this current cycle is January 2025. The Commission is advising that you should make plans as to how to conduct this renewal process.

Given the ongoing consultations regarding the Gambling Act it is very unlikely that we will be able to amend the Guidance to Licensing Authorities document in sufficient time for you to incorporate changes within your own Statement.

Whilst it is a matter for local determination, we suggest that the Statement is refreshed in line with the requirements of the Act so as to be enforceable from January 2025.

Thereafter we will publish a revised GLA which you can include in a refreshed Statement. You are permitted to revise your Statement within the 3-year timescale.' (Source: Institute of Licensing News 15/04/2024).

1.2.2 The above approach was recommended by Officers to the Licensing and Enforcement Committee on 8th May 2024. A review of the Statement of Licensing Policy was therefore undertaken and a draft policy incorporating minor amendments only, was put before the Licensing and Enforcement Committee on 17th July 2024 and approved for consultation with statutory consultees (as required by Section 349 (3) of The Gambling Act 2005).

1.2.3 This report summarises the responses received from that statutory consultation process.

2 Legal

2.1.1 The Licensing Authority must determine and publish a statement of Licensing Policy under Section 349 (1) of the Gambling Act 2005 ('the Act'). The Licensing Authority is under a duty under Section 349 (2) of the Act to keep its policy under review and make such revisions as it considers appropriate during each three-year period.

2.1.2 Before determining such a policy, Section 349(3) of the Act places a statutory duty on the Licensing Authority to consult with the listed interested parties. Where revisions are made the Licensing Authority must publish a statement of the revisions or the revised licensing statement.

2.1.3 Any significant responses to the sharing of the draft policy with the statutory consultees which lead to amendment of the draft policy would therefore need to be brought back to a subsequent Licensing and Enforcement Committee for them to consider any amendments or variations that may have been suggested during the consultation.

3. Consultation Responses

3.1 Notice of the consultation was sent to some 31 statutory consultees and interested parties comprising the following:

- ☐ Environmental Health Authority for the district
- ☐ Devon and Cornwall Police
- ☐ Devon County Council Children and Young Peoples Services
- ☐ Devon and Somerset Fire and Rescue Service
- ☐ East and Mid Devon Community Safety Partnership
- ☐ Planning Authority for the district
- ☐ Gamblers Anonymous
- ☐ Gambling Commission
- ☐ Gamcare
- ☐ HM Commissioners of Custom and Excise

❑ Representatives & Association of British Bookmakers

3.2 The consultation was undertaken between 30th July and 1st October 2024 and during that period the Licensing Team received two responses.

3.3 Only one of the two responses was substantive, that being the response from Public Health Devon which is attached in full at Appendix B. The response provides useful information to note in relation to the terminology used around gambling, at risk groups, and useful signposts for gambling related harm support services and mental health support services. Officers have carefully considered the response from Public Health Devon and have concluded that the draft Statement of Licensing policy sufficiently covers the elements raised in the consultation response, but will look to include a dedicated section in the policy signposting support services in the next policy revision in 2025.

3.4 The other response received was from Environmental Health who confirmed that they had no comments to make in relation to the consultation.

4. Proposed Timeline

4.1 Proposed timeline for implementation of amended statement of Licensing Policy:

- 4th December: Full Council;
- 31st January 2025: proposed amended policy comes into effect;

Financial implications:

“Consultation costs and officer time will be met in full from Gambling Act 2005 applications and renewal fees income.

Legal implications:

“The statutory framework is set out within the report and requires no further comment”



EAST DEVON DISTRICT COUNCIL

Statement of Licensing Policy

GAMBLING ACT 2005

For the period 31 January 2025 to 31 January 2028

Contents

PART A – Gambling Statement of Principles

1. Licensing objectives	Page 2
2. Introduction	Page 2
3. The Geographical area profile	Page 4
4. Review of Statement of Principles	Page 5
5. Declaration	Page 6
6. The Overriding Principle	Page 6
7. Responsible authorities	Page 7
8. Interested parties	Page 7
9. Exchange of information	Page 9
10. Enforcement	Page 9
11. Licensing Authority Functions	Page 10
12. The Gambling Commission	Page 10
13. Local Risk Assessment	Page 11
14. The Licensing Process	Page 13

PART B – Premises Licences – Consideration of Applications

1. General principles	Page 14
1.4. Definition of premises	Page 14
1.7. Access provisions	Page 15
1.8. Premises ready for gambling	Page 16
1.11. Location	Page 16
1.12. Planning	Page 17
1.13. Duplication with other regulatory schemes	Page 17
1.20. Conditions	Page 19
1.26. Door Supervisors	Page 20
2. Adult Gaming Centres	Page 21
3. (Licensed) Family Entertainment Centres	Page 21
4. Casinos	Page 22
5. Bingo	Page 22
6. Betting premises	Page 23
7. Tracks	Page 23
8. Travelling Fairs	Page 25
9. Provisional Statements	Page 25
10. Reviews	Page 27

PART C – Permits/Temporary and Occasional Use Notices

1. Unlicensed Family Entertainment Centre Gaming Machine Permits	Page 28
2. (Alcohol) Licensed Premises Gaming Machine Permits	Page 32
3. Prize Gaming Permits	Page 33
4. Club Gaming & Club Machine Permits	Page 37
5. Temporary Use Notices	Page 40
6. Occasional Use Notices	Page 40
7. Small Society Lotteries	Page 40
8. Vessels	Page 41

APPENDIX A – Relevant Authorities’ Contact Details	Page 42
APPENDIX B – Glossary of Terms	Page 44
APPENDIX C – Summary of Entitlements	Page 47
APPENDIX D – Safeguarding and Child Sexual Exploitation	Page 48

Part A

1 The Licensing Objectives

- 1.1 The Licensing Authority has a duty under the Gambling Act 2005 to carry out its licensing functions in a manner which is consistent with three licensing objectives. The relevant licensing objectives are:
- ☐ preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
 - ☐ ensuring that gambling is conducted in a fair and open way, and
 - ☐ protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.2 This Licensing Authority particularly notes the Gambling Commission’s Guidance (5.34) to local authorities that:
- “In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be, met. Licensing authorities should be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences. This is because such objections do not relate to the licensing objectives. An authority’s decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers).”
- 1.3 This licensing authority is aware that, in making decisions about premises licenses and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it:
- ☐ in accordance with any relevant code of practice issued by the Gambling Commission
 - ☐ in accordance with any relevant guidance issued by the Gambling Commission
 - ☐ reasonably consistent with the licensing objectives and
 - ☐ in accordance with the authority’s statement of licensing policy

2 Introduction

- 2.1 The Gambling Act 2005 (the “Act”) requires this Licensing Authority to draft, consult and publish a Statement of Licensing Policy in relation to its responsibilities under the Act. Once published, this Policy Statement, called the Statement of Gambling Policy will be kept under constant review and, in any case, will be re-published after every three years. Before any revision of the Statement of Gambling Policy is published this Authority will carry out a full consultation exercise on the relevant sections. This version of the Statement of Gambling Policy has been revised following the fourth 3 year review and is for the period 2025 – 2028.

- 2.2 This Statement of Principles (Licensing Policy) is written to conform to the provisions of the Gambling Act 2005 and regulations and Guidance issued under s.25 of the Act by the Gambling Commission. It outlines the way the licensing Authority will deal with applications for a range of premises licences, permits and enforcement of the Act.
- 2.3 Section 25 of the Gambling Act 'Guidance to local authorities' states that the Commission shall from time to time issue guidance as to:
- (a) The manner in which local authorities are to exercise their functions under this Act, and
 - (b) In particular, the principles to be applied by local authorities in exercising functions under this Act."
- 2.4 The aim of this Guidance is to ensure that every licensing authority has the information it needs to make effective decisions but does not seek to impose a 'one size fits all' model across all licensing authorities. The commission recognises that every licensing authority is different and will have different views about how it wishes to manage gambling locally. Indeed, the Act establishes a high degree of local accountability for gambling regulation'. The Gambling Act 2005 can be accessed on this link:
<http://www.legislation.gov.uk/ukpga/2005/19/contents>
- 2.5 Between 2024 and 2025 numerous widespread public consultations were launched on the future of gambling regulation. The Gambling Commission advised in April 2024 that 'Given the ongoing consultations regarding the Gambling Act it is very unlikely that we will be able to amend the Guidance to Licensing Authorities document in sufficient time for you to incorporate changes within your own Statement'. The Gambling Commission therefore recommended that statements of gambling policy be refreshed in line with the requirements of the Act so as to be enforceable from January 2025, but thereafter be further revised to reflect forthcoming changes to the Guidance to Local Authorities. The changes outlined in this document therefore reflect this proposed approach.
- 2.5 **The Statement takes effect on 31 January 2025.**

3 The Geographical Profile of East Devon

- 3.1 East Devon is one of eight Devon districts and, in population terms, it is the largest in the County. The District has a dispersed and mainly rural population. The rural nature of the area is emphasised by the low population density of 175 per square km (the England and Wales average is 427). Of our 30 wards 21 of the have a population density below the England average. Areas of Outstanding Natural Beauty and the World Heritage Coast cover a high proportion of the District.
- 3.2 The District is fully parished with 63 Town and Parish Councils. Comprising of 30 wards, 21 have a population density below the England average with a mix of market and costal town areas with much higher population densities including towns such as Exmouth, Seaton and Honiton. The main settlements comprise the coastal resorts of Exmouth (Devon's largest town – population 48,613), Budleigh Salterton, Sidmouth and Seaton. In the mainly rural inland area the settlements comprise Honiton, Ottery St Mary, and Axminster. There are numerous villages and hamlets. Cranbrook is the fastest-growing town in the South West with a young population with four times the England average of 0-4 year olds and a high proportion in the 25-39 age group. It is estimated that Cranbrook will house up to 28,000 residents by 2031 with the community infrastructure expanding since the first building works began in 2011. As one of the ten NHS Healthy New Towns, the programme is helping to create an environment that promotes healthy lifestyles using innovative approaches to create a healthy, vibrant, attractive and sustainable town. The population of East Devon has an older age profile with the average age of its residents being 50.7 years (national average is 40.1 years). East Devon has a highest age profile of all of the districts in Devon with the largest percentage of those aged 65+ at 30.06%, this equates to 42,758 people. The overall population is expected to increase by 14,300 people between 2017 and 2027, a rise of 10%.
- 3.3 The natural environment also makes East Devon a popular place to visit with tourism bringing significant employment and business opportunities. The population increases during summer periods when larger holiday parks in coastal towns see full capacity taken up by holidaymakers. The district has the second highest amount of holiday homes of the Devon districts. The tourist economy brings with it a number of gambling activities, for example Adult Gaming Centres (4) and Unlicensed Family Entertainment Centre Permits (11) requiring a permit rather than a premises licence.
- 3.4 The towns of Exmouth, Sidmouth, Seaton and Honiton have a number of betting shops, for which there are 7 across the district. East Devon currently has 636 licensed premises and clubs under the Licensing Act 2003, of which 114 have notified the licensing authority of having gaming machines. Additionally there are 11 Club Machine Permits across the district (figures correct at June 2024).
- 3.5 Predominantly, residents are from a white British background, with just 1.59 per cent of the district's population coming from an ethnic background. The migration of population into East Devon from other parts of the UK show that there were 2620 more people moving into the area than out. The largest age group moving in to the district was the 25-44 age group and the largest group moving out being the 16-24 age group.
- 3.6 Whilst not a requirement, in line with developing a more local focus for this statement, it is the desire of the Council to develop a Local Area Profile. The creation of such a profile will entail a process of gathering and presenting information about the East Devon area and any particular areas of concern within the locality.

Data Sources

1 2019 Knowing East Devon report EDDC

*Figures correct at the time of publication



4 Review of Statement of Principles

- 4.1 Licensing authorities are required by the Act to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published. The policy statement forms the licensing authority’s mandate for managing local gambling provision and sets out how the licensing authority views the local risk environment and therefore its expectations in relation to operators with premises in the locality.
- 4.2 The Gambling Act requires that the following parties be consulted by Licensing Authorities:
- ☐ The Chief Officer of Police;
 - ☐ One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area;
 - ☐ One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005.
- 4.3 Before adopting this policy statement the Licensing Authority therefore made the draft policy available to the following for comment:
- ☒ All responsible authorities
 - ☒ Gambling premises licence and permit holders
 - ☒ British Beer & Pub Association
 - ☒ Chambers of Commerce within East Devon area
 - ☐ Citizen’s Advice Bureau

- ☐ Environmental Health Authority for the district
- ☐ Devon and Cornwall Police
- ☐ Devon County Council Children and Young Peoples Services
- ☐ Devon and Somerset Fire and Rescue Service
- ☐ East and Mid Devon Community Safety Partnership
- ☐ Planning Authority for the district
- ☐ Gamblers Anonymous
- ☐ Gambling Commission
- ☐ Gamcare
- ☐ HM Commissioners of Custom and Excise
- ☒ ~~Local businesses and their representatives~~
- ☒ ~~Local residents and their representatives~~
- ☒ ~~Mencap~~
- ☒ ~~NSPCC~~
- ☒ ~~Primary Care Trust~~
- ☐ Representatives & Association of British Bookmakers
- ☒ ~~Town and Parish Councils within East Devon~~
- ☒ ~~Voluntary & Community organisations working with children & young people~~

- 4.4 Proper weight has been given to the views of all those who have made comment on the draft Statement of Principles. Comments on the proposed draft policy were invited between 22 July 2024 and 14 October 2024 and we followed the Cabinet Office guidance on public consultations
- 4.5 The Statement of Principles was approved at a meeting of the Full Council on 13 November 2024 and is published on the Council's website. Copies are available for viewing at the offices of East Devon District Council, Blackdown House, Border Road, Heathpark Industrial Estate, Honiton, EX14 1EJ
- 4.6 Should you have comments regarding this Statement of Licensing Principles please write to the above address or email licensing@eastdevon.gov.uk
- 4.7 It should be noted that this statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

5 Declaration

- 5.1 In producing the Licensing Policy Statement, the licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the current Guidance to Licensing Authorities issued by the Gambling Commission (GLA) and any relevant responses from those consulted on the policy statement.
- 5.2 Where updates are necessary due to changes in national legislation, statutory guidance or regarding contact details and web links, the council reserves right to make those amendments to the policy without consultation to ensure those changes are reflected.
- 5.3 This licensing authority will have due regard to the Human Rights Act 1998 and in particular:
- Article 1, Protocol 1 – peaceful enjoyment of possessions. A licence is considered a possession in law and people should not be deprived of their possessions except in the public interest

- Article 6 – right to a fair hearing
- Article 8 – respect for private and family life. In particular, removal or restriction of a licence may affect a person's private life
- Article 10 – right to freedom of expression.

6 The Overriding Principle

- 6.1 In exercising its functions under the Act, this Licensing Authority will aim to permit the use of premises for gambling in so far as it thinks fit:
- ☐ in accordance with the relevant codes of practice issued by the Gambling Commission including the Licence Conditions and Codes of Practice LCCP s;
 - ☐ in accordance with any relevant guidance issued by the Gambling Commission;
 - ☐ as is reasonably consistent with the licensing objectives; and
 - ☐ in accordance with the authority's Statement of Licensing Policy under Section 349,
 - ☐ in accordance with the Gambling Commission's Guidance to Local Authorities (GLA) [Guidance to licensing authorities - Gambling Commission](#)
- 6.2 Each case will be considered on its merits.
- 6.3 In deciding whether or not to grant a licence, this authority does not have regard to the expected demand for the facilities that are the subject of the application.
- 6.4 The overriding principle does not, however, apply to the consideration of an application for a casino licence if this Authority resolves not to issue casino premises licences.

7 Responsible Authorities

- 7.1 Responsible authorities are those public bodies, as specified by the Gambling Act, which must be notified of applications for premises licence. Such bodies are entitled to make representations to the licensing authority in relation to the applications. The Responsible Authorities are detailed in Appendix A and available via the Council's website at <http://eastdevon.gov.uk/licensing/gambling/>.
- 7.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- ☐ the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
 - ☐ the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 7.3 In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Area Child Protection Committee and Local Safeguarding Children Board.

8 Interested Parties

- 8.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as: "For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person -
- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,

- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)”

8.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

- (a) Each case will be decided upon its merits. This licensing authority will not apply a rigid rule to its decision-making. It will consider the examples of considerations provided in the Guidance at 8.9 to 8.17. The authority will also consider the Gambling Commission’s Guidance that “business interests” should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- (b) Interested parties can be persons who are democratically elected such as councillors and MP’s. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these, however, this licensing authority will generally require written evidence that a person/body (e.g. an advocate / relative) ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation may normally be sufficient.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing and Enforcement Committee or Sub Committee dealing with the licence application. If there are any doubts then please contact the Licensing Service: East Devon District Council, Blackdown House, Border Road, Heathpark Industrial Estate, Honiton, EX14 1EJ or email:- licensing@eastdevon.gov.uk

9 Exchange of Information

- 9.1 The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the General Data Protection Regulation Data Protection Act 2018 will not be contravened. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005. The Licensing Authority will have regard to the principles of Better Regulation.
- 9.2 Should any protocols be established regarding information exchange with other bodies then they will be made available.
Licensing authorities are required to include in their Statement the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

10 Enforcement

- 10.1 This licensing authority's principles are that it will be guided by the Gambling Commission's Guidance for local authorities and in line with the Regulators Code.
- 10.2 This licensing authority's principles endeavour to ensure its enforcement should be:
- ☐ Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
 - ☐ Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
 - ☐ Consistent: rules and standards must be joined up and implemented fairly;
 - ☐ Transparent: regulators should be open, and keep regulations simple and user friendly; and
 - ☐ Targeted: regulation should be focused on the problem, and minimise side effects.
 - ☐ In line with the council's policy for regulatory and enforcement work with a graduated approach involving advice, guidance and support. Our approach is to engage with individuals and businesses to educate and to enable compliance.
- 10.3 In line with the Gambling Commission's Guidance for local authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 10.4 This licensing authority has adopted and implemented a risk-based inspection programme, based on:
- ☐ The licensing objectives
 - ☐ Relevant codes of practice
 - ☐ Guidance issued by the Gambling Commission, in particular at Part 36
 - ☐ The principles set out in this statement of licensing policy

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions which it authorises. The Gambling Commission is the enforcement body for operating and personal licences, and also the regulation of online gambling activity. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by this licensing authority but should be notified to the Gambling Commission.

This licensing authority will also keep itself informed of developments regarding the work of the Office for Product Safety and Standards in its consideration of the regulatory functions of local authorities, in particular the Primary Authority regime.

Bearing in mind the principle of transparency, this Council's [Regulatory Enforcement and Prosecution Policy - Principles of Enforcement - Policy - East Devon](#) available via the Council's website

11 Licensing Authority functions

11.1 Licensing Authorities are required under the Gambling Act 2005 to:

- ☐ Be responsible for the licensing of premises where gambling activities are to take place by issuing **Premises Licences**
- ☐ Issue **Provisional Statements**
- ☐ Regulate **members' clubs and miners' welfare institutes** who wish to undertake certain gaming activities by issuing Club Gaming Permits and/or Club Machine Permits
- ☐ Issue **Club Machine Permits to Commercial Clubs**
- ☐ Grant permits for the use of certain lower stake gaming machines at **unlicensed Family Entertainment Centres**
- ☐ Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- ☐ Issue **Licensed Premises Gaming Machine Permits** for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- ☐ Register **small society lotteries** below prescribed thresholds
- ☐ Issue **Prize Gaming Permits**
- ☐ Receive and Endorse **Temporary Use Notices**
- ☐ Receive **Occasional Use Notices**
- ☐ Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- ☐ Maintain registers of the permits and licences that are issued under these functions

11.2 Local Licensing Authorities are not involved in licensing or authorising:

- Remote (online) Gambling that is dealt with by the Gambling Commission,
- Help and guidance in relation to [Safer Gambling - Gambling Commission](#)
- Spread betting is regulated by the Financial Services Authority; and
- The National Lottery (regulated by the Gambling Commission).

12 The Gambling Commission

12.1 The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling; by ensuring that gambling is conducted in a fair and open way; and by protecting children and vulnerable people. The Commission provides independent advice to the Government about the matter in which gambling is carried out, the effects of gambling and the regulations of gambling generally.

12.2 The Commission has issued guidance under Section 25 of the Act about the manner in which licensing authorities exercise their licensing functions under the Act and, in particular, the principles to be applied.

12.3 The Commission has also issued Codes of Practice under Section 24 about the way in which facilities for gambling is provided, which may also include provisions about the advertising of gambling facilities.

12.4 The Gambling Commission can be contacted at:

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Website: [Contact us - Gambling Commission](#)

13 Local Risk assessments

13.1 The Gambling Commission's Social Responsibility Code requires licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, licensees should take into account any relevant matters identified in this Statement of Principles

13.2 Licensees are required to undertake a local risk assessment when applying for a new or transfer of a premises licence. Their risk assessment must be also be updated:

- ☐ When applying for a variation of a premises licence
- ☐ To take account of significant changes in local circumstances, including those identified in this policy statement
- ☐ Where there are significant changes at a licensee's premises that may affect their mitigation of local risks, to include any changes to the interior layout of the premises, for example erection of privacy screens sited around gaming machines
- ☐ To require that local risk assessments will be kept available at a licensee's premises and being readily available for inspection by licensing authorities.

13.3 The Licensing Authority will require that the licensee share a copy of its own risk assessment which will set out the measures the licensee has in place to address specific concerns.

13.4 This Authority will pay particular attention to applications for the new grant of, or variations to existing, premises licenses where those premises lie within areas with a concentration of schools, Anti Social Behaviour (ASB) hotspots and hostels or homes for vulnerable people.

13.5 Applicants will be expected to tailor their application, and have policies, procedures and control measures to mitigate any risks. They should have the appropriate numbers of trained staff, and propose licence conditions to cater for the local area in which they propose to run their business.

13.6 As regards the term "vulnerable persons" it is noted that the Gambling Commission is not seeking to offer a definition but states that '*... it does, for regulatory purposes, assume that this group includes people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs.*'

- 13.7 This Licensing Authority will consider the licensing objective of protecting children and other vulnerable persons on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision. This Authority will also make itself aware of the Codes of Practice which the Gambling Commission issues in relation to this.
- 13.8 This Licensing Authority will expect compliance by operators and licence holders with anti-money laundering conditions by having measures in place to identify and report suspicious financial activity.
- 13.9 The code requires the Licensing Authority to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and this Licensing Authority would recommend that the following matters are considered by operators when making their risk assessment.
- Information held by the licensee regarding self-exclusions and incidences of underage gambling,
 - Arrangement for localised exchange of information regarding self-exclusions and gaming trends,
 - Gaming trends that may mirror days for financial payments such as pay days or benefit payments,
 - Appropriate staffing to adapt to difference in times of day and seasonal periods,
 - Proximity to schools, commercial environment or other factors affecting footfall
 - Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities
 - Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.
 - Potential for money laundering
- Matters relating to children and young persons, including;
- Institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues
 - Any premises where children congregate including bus stops, café's, shops, and any other place where children are attracted,
 - Areas that are prone to issues of youths participating in anti social behaviour, including such activities as graffiti/tagging, underage drinking, etc.
 - Recorded incidents of attempted underage gambling
 - Areas where there is a presence of children and young persons on a seasonal basis (e.g. school holidays) such as holiday resorts, visitor attractions, etc.
 - How matters relating to safeguarding issues and child sexual exploitation have been considered and details of any training that has been provided to employees
- Matters relating to vulnerable adults, including;
- Information held by the licensee regarding self-exclusions
 - Gaming trends that may mirror days for financial payments such as pay days or benefit payments,
 - Arrangement for localised exchange of information regarding self-exclusions and gaming trends,
 - Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate.
 - What measures have been put in place in relation to supporting vulnerable adults and any training that has been provided to employees

Other issues that may be considered could include:

- Proximity of premises which may be frequented by large numbers of people including sports stadiums, leisure centres, places of worship.

This list is not exhaustive. Other factors not in this list that are identified must be taken into consideration.

- 13.10 This Licensing Authority will expect that Risk Assessment must be kept on the premises to which it relates and available for inspection by an authorised officer of the licensing authority or Gambling Commission

14 The Licensing Process

- 14.1 A Licensing Committee (Licensing and Enforcement Committee), a Sub-Committee, or an officer acting under delegated authority may carry out the powers of the authority under the Gambling Act 2005.
- 14.2 Many of the licensing procedures are largely administrative in nature. In the interests of efficiency, non-contentious procedures are carried out by licensing officers.
- 14.3 The Licensing Authority ensures that all Licensing Officers and Members of the Licensing and Enforcement Committee have received adequate training for their role under the Gambling Act 2005.
- 14.4 Where admissible and relevant representations are received in relation to an application for a premises licence, or in relation to the review of a premises licence, a Sub-Committee is delegated to hear the matter.
- 14.5 Applicants for premises licences are required to copy their applications in full to the responsible authorities as listed in Appendix A.

Part B - Premises Licences: Consideration of Applications

1 General Principles

- 1.1 Premises Licences are subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.
- 1.2 This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:
- ☐ in accordance with any relevant code of practice issued by the Gambling Commission
 - ☐ in accordance with any relevant guidance issued by the Gambling Commission
 - ☐ reasonably consistent with the licensing objectives and
 - ☐ in accordance with the authority's Statement of Principles.
- 1.3 It is appreciated that in line with the Gambling Commission's Guidance to licensing authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos later) and also that unmet demand is not a criterion for a licensing authority.
- 1.4 **Definition of "premises"** - In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about subdivisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.
- 1.5 The Gambling Commission states in its Guidance that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.
- 1.6 Any premises granted multiple licences prior to clarification of guidance issued by the Gambling Commission in 2009, may be reviewed from time to time having regard to the amended guidance including more recent amendments; the decision making process taken at that time; the separation control measures put in place; any material changes noted since the granting of the application and the relevance of all these factors having regard to the promotion of the licensing objectives. In particular to the protection of children and vulnerable persons from being harmed or exploited by gambling.
- 1.7 This licensing authority takes particular note of the Gambling Commission's Guidance

to licensing authorities which states that: Licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- ☐ The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- ☐ Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- ☐ Customers should be able to participate in the activity named on the premises licence.
- ☐ Suitable and adequate separation by means of screening, walls, specific signage or similar
- ☐ There should not be any direct access to a premises (Adult Gaming Centre) from an area where a permit has been granted (for example an adjoining UFEC)

The Guidance also provides a list of factors which this licensing authority should consider and includes:

- ☐ Do the premises have a separate registration for business rates?
- ☐ Is the premises’ neighbouring premises owned by the same person or someone else?
- ☐ Can each of the premises be accessed from the street or a public passageway?
- ☐ Can the premises only be accessed from any other gambling premises?
- ☐ This licensing authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

The Gambling Commission’s relevant access provisions for each premises type are reproduced below from the Guidance,-7.23:

Casinos

- ☐ The principal access entrance to the premises must be from a street (as defined at 7.21 of the Guidance)
- ☐ No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- ☐ No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

Adult Gaming Centre

- ☐ No customer must be able to access the premises directly from any other licensed gambling premises

Betting Shops

- ☐ Access must be from a street (as defined at paragraph 7.22 of the Guidance to Licensing Authorities) or from another premises with a betting premises licence
- ☐ No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

- ☐ No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

Bingo Premises

- ☐ No customer must be able to access the premise directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Family Entertainment Centre

- ☐ No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - betting premises, other than a track

Part 7 of the Guidance contains further guidance on this issue, which this licensing authority will also take into account in its decision-making.

1.8 Premises “ready for gambling”

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that this licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this licensing authority will determine applications on their merits, applying a two stage consideration process:-

- ☐ First, whether the premises ought to be permitted to be used for gambling
- ☐ Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

1.9 Applicants should note that this licensing authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

1.10 More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.58 – 7.65 of the Guidance.

1.11 **Location** - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision making. In line with the Gambling Commission’s Guidance to licensing authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. –It should be noted that any such policy does not preclude any application being made and each application will be

decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

1.12 Planning:

The Guidance states:

Paragraph 7.58 – In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

This licensing authority will not take into account irrelevant matters in line with the above guidance. In addition this licensing authority notes the following excerpt from the Guidance:

Paragraph 7.65 - When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

- 1.13 Duplication with other regulatory regimes** - This licensing authority seeks to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will, though, listen to, and consider carefully, any concerns about conditions which cannot be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, this licensing authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

- 1.14 Licensing objectives** - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to licensing authorities and further comment on the objectives is made below.

- 1.15 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** - This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime including prevention of money laundering. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it), so as to make that distinction.

1.16 **Ensuring that gambling is conducted in a fair and open way** - This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however more of a role with regarding to tracks which is explained in more detail in the tracks section later.

1.17 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This licensing authority has noted the Gambling Commission's Guidance to licensing authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). This licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc. The need to ensure safeguarding of children and other vulnerable adults is an expectation of the licensing authority. The Licence Conditions and Codes of Practice (LCCP) prescribe how operators must prevent children from using age restricted gaming or gambling activities, particularly where gaming machines are present. In particular operators are expected to ensure:

- all staff are trained,
- that all customers are supervised when on gambling premises,
- procedures for identifying customers who are at risk of gambling related harm are in place.

The Council will expect all operators to have policies and procedures in place as required by the LCCP codes on social responsibility. These should cover all aspects including in particular staff training records and self-exclusion records.

Further provisions with regard to self-exclusion and marketing are included in the social responsibility code. The council will take all conditions and codes into account when considering applications or performing enforcement activities.

Appendix D provides information for licence holders and their employees regarding safeguarding and the safety of children and vulnerable persons, particularly to child sexual exploitation and trafficking.

1.18 This licensing authority is also aware of the Gambling Commission's Codes of Practice regarding this licensing objective, in relation to specific premises.

1.19 It is noted that the Gambling Commission is not seeking to offer a definition of the term "vulnerable persons" but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs."

The Local Government Association report titled "Tackling Gambling Related Harm – A whole council approach" references research supporting the suggestion that certain groups of people are more vulnerable. This is set out in page 7 of that report and is acknowledged by this licensing authority.

This licensing authority will consider the licensing objective on a case-by-case basis.

- 1.20 **Conditions** - Any conditions attached to licences will be proportionate and will be:
- ☐ relevant to the need to make the proposed building suitable as a gambling facility;
 - ☐ directly related to the premises and the type of licence applied for;
 - ☐ fairly and reasonably related to the scale and type of premises;
 - ☐ reasonable in all other respects; and
 - ☐ enforceable
- 1.21 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions on the way in which the licensing objectives can be met effectively when making their application.
- 1.22 This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.
- 1.23 This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:
- ☐ all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
 - ☐ only adults are admitted to the area where these machines are located;
 - ☐ access to the area where the machines are located is supervised;
 - ☐ the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
 - ☐ at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- These considerations will apply to premises including buildings where multiple premises licences are applicable.
- 1.24 This licensing authority is aware that tracks may be subject to more than one premises licence, provided each licence relates to a specified area of the track. In line with the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 1.25 It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:
- ☐ any condition on the premises licence which makes it impossible to comply with an operating licence condition;
 - ☐ conditions relating to gaming machine categories, numbers, or method of operation;
 - ☐ conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
 - ☐ conditions in relation to stakes, fees, winnings or prizes.
- 1.26 **Door Supervisors** - The Gambling Commission advises in its Guidance that if a licensing authority is concerned that a premises may attract disorder or be subject to

attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence condition to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (in line with the Guidance, Part 33).

- 1.27 In deciding whether door staff are needed and the level of training required the licensing authority will take into account the particular circumstances of the premises and the Gambling Commissions guidance.

2 Adult Gaming Centres

- 2.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate licence conditions may cover the following issues:

- ☐ CCTV
- ☐ Door supervisors
- ☐ Location of entry
- ☐ Notices/signage
- ☐ Physical separation of areas (an expectation for barriers to be tangible and evident)
- ☐ Proof of age schemes
- ☐ Provision information leaflets helpline numbers for organisations such as GamCare.
- ☐ Self-exclusion schemes
- ☐ Specific opening hours
- ☐ Supervision of entrances/machine areas

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- 2.2 The question of sub-division of such premises has been the subject of further Gambling Commission Guidance. This Licensing Authority will have regard to any relevant additional guidance that may be issued by the Gambling Commission in respect to such applications any decision-making.

- 2.3 This Authority accepts that there must be no direct entry from one adult gaming centre into another and will have regard to any relevant guidance issued by the Gambling Commission in respect to such applications.

3 (Licensed) Family Entertainment Centres

- 3.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

- 3.2 This licensing authority may consider measures to meet the licensing objectives including those relating to:

- ☐ CCTV
- ☐ Door supervisors
- ☐ Location of entry
- ☐ Measures/training for staff on how to deal with suspected truant school children on the premises
- ☐ Notice/signage
- ☐ Physical separation of areas
- ☐ Proof of age schemes
- ☐ Provision of information leaflets/helpline numbers for organisations such as GamCare.
- ☐ Self-exclusion schemes
- ☐ Specific opening hours
- ☐ Supervision of entrances / machine areas

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- 3.3 This licensing authority will, in line with the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences

covering the way in which the area containing the category C machines should be delineated.

4 Casinos

East Devon District Council passed a 'no casino' resolution in this district under Section 166 of the Gambling Act 2005. The 'no casino' effect came into effect on 31st January 2022. The 'no casino' decision was made by the Full Council on 8 December 2021. The Council will generally review this resolution at least every three years, but in this instance this review will be put on-hold pending the forthcoming updated guidance from the Gambling Commission and subsequent full update of this Policy.

This means that East Devon District Council will presently not consider any applications for a premises licence for a casino. We will return any applications, should it be received, with a notice that a 'no casino' resolution is in place. The Council is currently not enabled by the Secretary of State (in accordance with regulations made under Section 175 of the Act) to grant a premises licence for a casino.

5 Bingo premises

5.1 This licensing authority notes that the Gambling Commission's Guidance states:

Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas. In consideration before issuing additional bingo premises licences, the licensing authority will need to consider whether bingo can be played at each of those new premises.

This licensing authority also notes the Guidance at paragraph 18.9 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible for all of the gaming machines to which each of the licence brings an entitlement to be grouped together within one of the licensed premises. In these cases this Licensing Authority will have particular regard to the Gambling Commission Guidance on the 'meaning of premises' (7.5-7.11) and how it relates to the primary gambling activity.

Children and young people are allowed into bingo premises, however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

6 Betting premises

Betting machines

This Licensing Authority will consider whether it is appropriate to restrict the number of betting machines, their nature and the circumstances in which they are made available by way of licence condition for betting or casino premises licence (where betting is permitted in the casino). When considering whether to impose a condition to restrict the number of betting machines in a particular premises, this Licensing Authority, amongst other things, will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable persons.”

The Licensing Authority recognises that the design and layout of betting premises (or any other premises including tracks) will vary so will have particular regard to the sighting of age restricted gaming machines within each individual premises to ensure, so far as is reasonably practicable, that staff properly monitor the use of these machines by children and young persons. This Licensing Authority reserve the right to request that gaming machines are re-positioned where circumstances demonstrate that it is appropriate to do so. Where a substantial or significant variation to a premises occurs, to include sighting or placement of screens and/or booths, it will be the expectation of the licensing authority for an application to vary the licence along with a revised plan of the premises to be submitted.

Factors to be taken into consideration will include the following:

- ☐ CCTV
- ☐ Re-location of the machines
- ☐ Door buzzers
- ☐ Remote cut off switches
- ☐ Training provision
- ☐ Any other factor considered relevant

7 Tracks

- 7.1 This licensing authority is aware that tracks may be subject to more than one premises licence, provided each licence relates to a specified area of the track. In line with the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (that is the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 7.2 This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 7.3 This licensing authority may consider measures to meet the licensing objectives including those relating to:
- ☐ CCTV
 - ☐ Location of entry

- ☐ Notices/signage
- ☐ Physical separation of areas
- ☐ Proof of age schemes
- ☐ Provision of information leaflets/helpline numbers for organisations such as GamCare
- ☐ Self-exclusion schemes
- ☐ Specific opening hours
- ☐ Supervision of entrances / machine areas

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

7.4 **Gaming Machines**

Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

Applicants are advised to consult the Gambling Commission's Guidance on where gaming machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. This Licensing Authority will take note of this guidance. This Licensing Authority will also, in line with the Gambling Commission's Guidance, consider the location of gaming machines at tracks.

7.5 **Betting Machines**

This licensing authority will, in line with part 6 of the Gambling Commission Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

On tracks where the potential space for such machines may be considerable, bringing with it significant problems in relation to the proliferation of such machines, the ability of track staff to supervise them if they are scattered around the track and the ability of the track operator to comply with the law and prevent children betting on the machines, this Licensing Authority will generally consider restricting the number and location of betting machines, in the light of the circumstances of each application for a track betting premises licence.

7.6 **Applications and plans**

Section 151 of the Gambling Act 2005 requires applicants to submit plans of the premises with their application, in order to ensure that this licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for this licensing authority to plan future premises inspection activity.

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or

racers. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

This licensing authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this licensing authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan. (See Guidance to Licensing Authorities, paragraph 20.46).

8 Travelling Fairs

- 8.1 Where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs it will be this Licensing Authority’s responsibility to decide whether the statutory requirement is met, that the facilities for gambling amounts to no more than an ancillary amusement at the fair.
- 8.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 8.3 It is been noted that the 27 day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land, which crosses our boundaries, is monitored so that the statutory limits are not exceeded.

9 Provisional Statements

- 9.1 Developers may wish to apply to this licensing authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 9.2 Section 204 of the Act provides for a person to make an application to this licensing authority for a provisional statement in respect of premises that he or she:
 - ☐ expects to be constructed;
 - ☐ expects to be altered; or
 - ☐ expects to acquire a right to occupy.
- 9.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 9.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

- 9.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. This licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:
- ☐ they concern matters which could not have been addressed at the provisional statement stage, or
 - ☐ they reflect a change in the applicant's circumstances.

In addition, this licensing authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- ☐ which could not have been raised by objectors at the provisional statement stage;
- ☐ which in this licensing authority's opinion reflect a change in the operator's circumstances; or
- ☐ where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

10 Reviews

- 10.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below.
- ☐ in accordance with any relevant code of practice issued by the Gambling Commission;
 - ☐ in accordance with any relevant guidance issued by the Gambling Commission;
 - ☐ reasonably consistent with the licensing objectives;
 - ☐ in accordance with the authority's Gambling Licensing Policy
- 10.2 The Licensing Authority will also consider whether the request is frivolous, vexatious, whether the request will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether the request is substantially the same as previous representations or requests for review;
- 10.3 The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises on the basis of any reason which it thinks is appropriate.
- 10.4 Once a valid application for a review has been received by this licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by this licensing authority, who will publish notice of the application within 7 days of receipt.
- 10.5 This licensing authority must carry out the review as soon as possible after the 28-day period for making representations has passed.
- 10.6 The purpose of the review will be to determine whether this licensing authority should take any action in relation to the licence. If action is justified, the options open to this licensing authority are:-
- (a) add, remove or amend a licence condition imposed by this licensing authority;
 - (b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
 - (c) suspend the premises licence for a period not exceeding three months; and
 - (d) revoke the premises licence.
- 10.7 In determining what action, if any, should be taken following a review, this licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 10.8 In particular, this licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 10.9 Once the review has been completed, this licensing authority must, as soon as possible, notify its decision to:
- (i) the licence holder
 - (ii) the applicant for review (if any)
 - (iii) the Commission
 - (iv) any person who made representations
 - (v) the chief officer of police or chief constable; and
 - (vi) Her Majesty's Commissioners for Revenue and Customs

PART C

Permits / Temporary & Occasional Use Notice

1 Unlicensed Family Entertainment Centre - Gaming Machine Permits Statement of Principles – (Schedule 10 Paragraph 7)

- 1.1 Where an establishment does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 1.2 The Gambling Act 2005 states that a licensing authority may prepare a **statement of principles** that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance for local authorities also states: "In their three year Statement of Principles (Licensing Policy), licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits, licensing authorities will want to give weight to child protection issues." (Guidance Paragraph 24.8)
- 1.3 Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centre, and if the chief officer of police has been consulted on the application . . ." This Licensing Authority will require the applicant to demonstrate:
- ☐ a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centres;
 - ☐ that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
 - ☐ that staff are trained to have a full understanding of the maximum stakes and prizes. (Guidance Paragraph 24.9)
 - ☐ an expectation for gaming machines to be properly marked and identified according to category
- 1.4 It should be noted that a licensing authority cannot attach conditions to this type of permit.

1.5 Statement of Principles

- 1.5.1 This licensing authority has adopted a Statement of Principles in accordance with Paragraph 7 of Schedule 10 of the Act and they are for the purposes of clarifying the measures that the council will expect applicants to demonstrate when applying for a permit for an unlicensed family entertainment centre. This will allow the council to better determine the suitability of the applicant and the premises for a permit.
- 1.5.2 Within this process the council will aim to grant the permit where the applicant is able to demonstrate that:
- ☐ they are a fit and proper person to hold the permit
 - ☐ they have considered and are proposing suitable measures to promote the licensing objectives, and
 - ☐ they have a legal right to occupy the premises to which the permit is sought.

- 1.5.3 The measures suggested in this document should be read as guidance only and the council will be happy for applicants to suggest measures above and beyond those listed in the document and or to substitute measures as appropriate.

1.6 Unlicensed family entertainment centres

- 1.6.1 The term ‘unlicensed family entertainment centre’ is one defined in the Act and refers to a premises which provides category D gaming machines along with various other amusements such as computer games and penny-pushers. The premises is ‘unlicensed’ in that it does not require a premises licence but does require a permit to be able to provide its category D gaming machines. It should not be confused with a ‘licensed family entertainment centre, which does require a premises licence because it contains both category C and D gaming machines.
- 1.6.2 Unlicensed family entertainment centres (uFECs) will be most commonly located at seaside resorts, in airports and at motorway style service centres, and will cater for families, including unaccompanied children and young persons.
- 1.6.3 The council will only grant an uFEC gaming machine permit where it is satisfied that the premises will be operated as a bonafide unlicensed family entertainment centre.
- 1.6.4 In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in this “Statement of Principles” have been addressed through the application.

1.7 Supporting documents

- 1.7.1 The council will require the following supporting documents to be served with all uFEC gaming machine permit applications:

- ☐ proof of age (a certified copy or sight of an original birth certificate, a photo style driving licence, or passport – all applicants for these permits must be aged 18 or over)
- ☐ proof that the applicant has the right to occupy the premises. Acceptable evidence would be a copy of any lease, a copy of the property’s deeds or a similar document the result of a criminal records disclosure checking (the disclosure must have been issued within the previous 3 months). This will be used to check that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act.) – Disclosures can be obtained from the Disclosure and Barring Service (DBS). For further details visit their website: <https://www.gov.uk/request-copy-criminal-record>
 - Where an applicant provides evidence that they have an Operating Licence and as a result have undergone rigorous checks by the Gambling Commission, then a criminal record disclosure check will not be required.
 - Where an applicant is a company or organisation and does not hold an Operating Licence, then the proposed Manager responsible for the day to day running of the premises will be required to produce a criminal record disclosure check dated within one calendar month of the date of the application being submitted to the Licensing Authority.
 - When a permit holder appoints a new manager responsible for the day to day running of the premises, that person will be required to produce a criminal record disclosure check dated within one calendar month of the appointment date.
- ☐ In the case of applications for an uFEC gaming machine permit evidence that the machines to be provided are or were supplied by a legitimate gambling machine

supplier or manufacturer who holds a valid gaming machine technical operating licence issued by the Gambling Commission

- ❑ A plan of the premises for which the permit is sought showing the following items:
 - (i) the boundary of the building with any external or internal walls, entrances and exits to the building and any internal doorways
 - (ii) where any category D gaming machines are positioned and the particular type of machines to be provided (for example slot machines, penny-falls, cranes)
 - (iii) the positioning and types of any other amusement machines on the premises
 - (iv) the location of any fixed or semi-fixed counters, booths or offices on the premises whereby staff monitor the customer floor area
 - (v) the location of any ATM/cash machines or change machines
 - (vi) the location of any fixed or temporary structures such as columns or pillars
 - (vii) the location and height of any stages in the premises; any steps, stairs, elevators, balconies or lifts in the premises
 - (viii) the location of any public toilets in the building

Unless otherwise agreed with the council, the plan should be drawn to a standard scale with a key showing the items mentioned above. The standard scale is 1:100. In any circumstance where the premises is bordering or separated to an Adult Gaming Centre the licensing authority will expect submission of a Local Risk Assessment for both premises.

1.8 Protection of Children

1.8.1 The council will expect the applicant to show that there are policies and procedures in place to protect children from harm and to meet requirements for safeguarding. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The council will assess these policies and procedures on their merits, and they should (depending on the particular permit being applied for) include appropriate measures / training for staff relating to the following:

- ❑ maintain contact details for any local schools and or the education authority so that any truant children can be reported
- ❑ employ policies to address the problems associated with truant children who may attempt to gain access to the premises and gamble when they should be at school
- ❑ employ policies to address any problems that may arise during seasonal periods where children may frequent the premises in greater numbers, such as half terms and summer holidays
- ❑ maintain information at the premises of the term times of any local schools in the vicinity of the premises and also consider policies to ensure sufficient staffing levels during these times
- ❑ display posters displaying the 'Child Line' phone number in discreet locations on the premises
- ❑ maintain an incident register of any problems that arise on the premises related to children such as children gambling excessively, truant children, children being unruly or young unaccompanied children entering the premises. (The register should be used to detect any trends that require attention by the management of the premises.)
- ❑ ensure all young children are accompanied by a responsible adult.
- ❑ Maintain policies to deal with any young children who enter the premises unaccompanied and for staff to report suspicious activities or incidents
- ❑ The provision of satisfactory basic disclosure checks (criminal records checks) for all staff who will be working closely with children.

NB: Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application. The Licensing Authority encourages applicants for UFEC Permits to consider adopting BACTA's voluntary Code of Practice for Amusement with Prizes Machines in Family Entertainment Centres. This Code of Practice promotes awareness of social responsibility, and acknowledges that proactive specific and appropriate commitment will be given to educating children and young persons, thereby minimising the potential for harm.

1.9 Protection of Vulnerable Persons Issues

- 1.9.1 The council will expect the applicant to show that there are policies and procedures in place to protect vulnerable persons. Applicants should refer to the section in the council's 'Statement of Licensing Policy under the Gambling Act 2005' to familiarise themselves with who the council considers vulnerable. The council will assess these policies and procedures on their merits, however, they may (depending on the particular permit being applied for) include appropriate measures / training for staff relating to the following:

- ☐ display Gamcare helpline stickers on all gaming machines
- ☐ display Gamcare posters in prominent locations on the premises
- ☐ training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable
- ☐ consider appropriate positioning of ATM and change machines. (including the display of Gamcare stickers on any such machines.)

NB: Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.

1.10 Other miscellaneous issues

- 1.10.1 The applicant should also be mindful of the following possible control measures (depending on the particular permit being applied for) to minimise crime and disorder and the possibility of public nuisance:

- ☐ maintain an effective CCTV system to monitor the interior and exterior of the premises
- ☐ keep the exterior of the premises clean and tidy
- ☐ ensure that external lighting is suitably positioned and operated so as not to cause nuisance to neighbouring or adjoining premises
- ☐ consider the design and layout of the outside of the premises to deter the congregation of children and youths.

NB: Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.

2 Alcohol Licensed Premises Gaming Machine Permits – (Schedule 13 Paragraph 4(1))

2.1 Automatic Entitlement for two machines

There is provision in the Act for a premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any premises if:

- ☐ provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- ☐ gaming has taken place on the premises and that breaches a condition of section 282 of the Gambling Act has occurred (for example that written notice has not been provided to the licensing authority, that a fee has not been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has not been complied with);
- ☐ the premises are mainly used for gaming; or
- ☐ an offence under the Gambling Act has been committed on the premises

The Licensing Authority will use its discretion to remove permits where appropriate taking into account individual circumstances considering a Code of Practice.

The premises must comply with the Code of Practice for gaming machines in clubs and premises with an alcohol licence issued by the Gambling Commission.

All gaming machines situated on the premises must be located in a place within the premises so that their use can be supervised, either by staff whose duties include such supervision (including bar or floor staff) or by other means.

2.2 Permit - three or more machines

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “other such matters as the Authority think relevant.” This licensing authority considers that “such matters” will be decided on a case-by-case basis. However generally there will be regard to the size of the premises in comparison to the number of machines sought and to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

2.3 It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

2.4 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

- 2.5 It should also be noted that the holder of a permit to must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

Applicants should be aware that only those premises which have a 'bar' (servery) at which alcohol is sold for consumption on the premises will be eligible for gambling machines in the bar area of the premises. This means that premises such as restaurants which do not have a bar for serving drinks or can only sell alcoholic drinks as an ancillary to food cannot automatically qualify for two machines.

3 Prize Gaming Permits – Statement of Principles on Permits - (Schedule 14 Para 8 (3))

- 3.1 The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit”.

3.2 Statement of Principles

- 3.2.1 This licensing authority has adopted a Statement of Principles in accordance with paragraph 8 of Schedule 14 of the Act and they are for the purposes of clarifying the measures that the council will expect applicants to demonstrate when applying for a prize gaming permit. This will allow the council to better determine the suitability of the applicant and the premises for a permit.

- 3.2.2 Within this process the council will aim to grant the permit where the applicant is able to demonstrate that:

- ☐ they are a fit and proper person to hold the permit
- ☐ they have considered and are proposing suitable measures to promote
- ☐ the licensing objectives, and
- ☐ they have a legal right to occupy the premises to which the permit is sought.

- 3.2.3 This licensing authority will expect the applicant to set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- ☐ that they understand the limits to stakes and prizes that are set out in Regulations;
- ☐ and that the gaming offered is within the law.
- ☐ clear policies that outline steps to be taken to protection children from harm.

- 3.2.4 In making its decision on an application for a prize gaming permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3)).

- 3.2.5 The measures suggested in this document should be read as guidance only and the council will be happy for applicants to suggest measures above and beyond those listed in the document and or to substitute measures as appropriate.

3.3 Prize gaming permits

- 3.3.1 Section 288 defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The operator will determine the prizes before play commences. Prize gaming

can often be seen at seaside resorts in amusement arcades where a form of bingo is offered and the prizes are displayed.

3.3.2 A prize gaming permit is a permit issued by the council to authorise the provision of facilities for gaming with prizes on specified premises.

3.3.3 Applicants should be aware of the conditions in the Gambling Act 2005 with which prize gaming permit holders must comply. The conditions in the Act are:

- ☐ the limits on participation fees, as set out in regulations, must be complied with;
- ☐ all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- ☐ the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- ☐ participation in the gaming must not entitle the player to take part in any other gambling.

3.3.4 In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in this “Statement of Principles” have been addressed through the application.

3.4 Supporting documents

3.4.1 The council will require the following supporting documents to be served with all prize gaming permit applications:

- ☐ proof of age (a certified copy or sight of an original birth certificate, photo style driving licence, or passport – all applicants for these permits must be aged 18 or over)
- ☐ proof that the applicant has the right to occupy the premises. Acceptable evidence would be a copy of any lease, a copy of the property’s deeds or a similar document
- ☐ the result of a criminal records basic disclosure [criminal conviction certificate] (the disclosure must have been issued within the previous 3 months). This will be used to check that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act.) – Disclosures can be obtained from the Disclosure and Barring Service (DBS). For further details visit their website: <https://www.gov.uk/request-copy-criminal-record>
- ☐ A plan of the premises for which the permit is sought showing the following items:
 - (i) the boundary of the building with any external or internal walls, entrances and exits to the building and any internal doorways
 - (iii) The location where any prize gaming will take place (including any seating and tables) and the area where any prizes will be displayed
 - (iv) the positioning and types of any other amusement machines on the premises
 - (v) the location of any fixed or semi-fixed counters, booths or offices on the premises whereby staff monitor the customer floor area
 - (vi) the location of any ATM/cash machines or change machines
 - (vii) the location of any fixed or temporary structures such as columns or pillars
 - (viii) the location and height of any stages in the premises; any steps, stairs, elevators, balconies or lifts in the premises
 - (ix) the location of any public toilets in the building

Unless otherwise agreed with the council, the plan should be drawn to a standard scale with a key showing the items mentioned above. The standard scale is 1:100.

3.5 Safeguarding and Protection of Children

3.5.1 The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The council will assess these policies and procedures on their merits, and they should (depending on the particular permit being applied for) include appropriate measures / training for staff relating to the following:

- ☐ maintain contact details for any local schools and or the education authority so that any truant children can be reported
- ☐ employ policies to address the problems associated with truant children who may attempt to gain access to the premises and gamble when they should be at school
- ☐ employ policies to address any problems that may arise during seasonal periods where children may frequent the premises in greater numbers, such as half terms and summer holidays
- ☐ maintain information at the premises of the term times of any local schools in the vicinity of the premises and also consider policies to ensure sufficient staffing levels during these times
- ☐ display posters displaying the 'Child Line' phone number in discreet locations on the premises e.g. toilets
- ☐ maintain an incident register of any problems that arise on the premises related to children such as children gambling excessively, truant children, children being unruly or young unaccompanied children entering the premises. (The register should be used to detect any trends which require attention by the management of the premises.)
- ☐ ensure all young children are accompanied by a responsible adult.
- ☐ Maintain policies to deal with any young children who enter the premises unaccompanied
- ☐ The provision of satisfactory basic disclosure checks (criminal records checks) for all staff that will be working closely with children.

NB: Any supporting evidence of the above measures – for example training manuals or other similar documents/written statements should be attached to the application.

3.5.2 East Devon District Council has a legal duty to work together with other statutory bodies and voluntary agencies to safeguard and promote the welfare of children.

3.6 Protection of Vulnerable Persons

3.6.1 The council will expect the applicant to show that there are policies and procedures in place to protect vulnerable persons. Applicants should refer to the section in the council's 'Statement of Licensing Policy under the Gambling Act 2005' to familiarise themselves with who the council considers vulnerable. The council will assess these policies and procedures on their merits, however, they may (depending on the particular permit being applied for) include appropriate measures / training for staff relating to the following:

- ☐ display Gamcare helpline stickers on all gaming machines
- ☐ display Gamcare posters in prominent locations on the premises
- ☐ training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (for example how long) customers are gambling, as part of measures to detect persons who may be vulnerable
- ☐ consider appropriate positioning of ATM and change machines. (including the display of Gamcare stickers on any such machines.)

NB: Any supporting evidence of the above measures – for example training manuals or other similar documents/written statements should be attached to the application.

3.7 Other miscellaneous issues

3.7.1 The applicant should also be mindful of the following possible control measures (depending on the particular permit being applied for) to minimise crime and disorder and the possibility of public nuisance:

- ☐ maintain an effective CCTV system to monitor the interior and exterior of the premises
- ☐ keep the exterior of the premises clean and tidy
- ☐ ensure that external lighting is suitably positioned and operated so as not to cause nuisance to neighbouring or adjoining premises
- ☐ consider the design and layout of the outside of the premises to deter the congregation of children and youths.

NB: Any supporting evidence of the above measures – for example training manuals or other similar documents/written statements should be attached to the application.

4 Club Gaming and Club Gaming Machine Permits

- 4.1 Members' clubs may apply for a Club Gaming Permit or a Club Gaming Machine Permit. The **Club Gaming Permit** will enable the premises to provide gaming machines (3 machines of categories B3A or B4, C or D), equal chance gaming and games of chance as prescribed in regulations, namely pontoon and chemin de fer. This is in addition to the exempt gaming authorised under section 269 of the Act. Alternatively, a member's club (but not commercial clubs) can apply for a **Club Gaming Machine Permit** which will only enable the premises to provide gaming machines (3 machines of categories B3A or B4, C or D).
- 4.2 Commercial clubs are not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Act) which means that they should only apply for a Club Gaming Machine Permit. However, they are not able to site category B3A gaming machines offering lottery games in their club.
- 4.3 Clubs which hold a club premises certificate under section 72 of the Licensing Act 2003 are exempt from the stricter vetting process that apply for the normal application for Club Gaming and Club Machine Permits. Under this fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the police, and the grounds upon which an authority can refuse a permit are reduced. This is because the club or institute will already have been through a licensing process in relation to its club premises certificate under the 2003 Act, and it is therefore unnecessary to impose the full requirements of Schedule 12. Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure.
- 4.4 With the exception of clubs that hold club premises certificates under section 72 of the Licensing Act 2003 the Licensing Authority will need to satisfy itself that the club meets the requirements of the Gambling Act 2005 to hold a club gaming permit or a club gaming machine permit. In order to do this, it will require proof of additional information from the operator, for example:
- ☐ Is there a list of committee members and evidence of their election by club members?
 - ☐ Are there minutes of previous meetings (where appropriate)?
 - ☐ Is the primary activity of the club something other than gaming?
 - ☐ Are the club's profits retained solely for the benefit of the club's members?
 - ☐ Are there 25 or more members?
 - ☐ Are the addresses of members of the club genuine domestic addresses and do most members live reasonably locally to the club?
 - ☐ Do members participate in the activities of the club via the internet?
 - ☐ Do guest arrangements link each guest to a member?
 - ☐ Is the 48 hour rule being applied for membership and being granted admission being adhered to (the 48 hour rule not being applicable for commercial clubs)?
 - ☐ Are there annual club accounts available for more than one year?
 - ☐ How is the club advertised and listed in directories and on the internet?
 - ☐ Are children permitted in the club?
 - ☐ Does the club have a constitution and can it provide evidence that the constitution was approved by members of the club at an annual or special general meeting?
- 4.5 When examining the club's constitution, the Licensing Authority would expect to see evidence of the following:
- ☐ Who makes commercial decisions on behalf of the club?
 - ☐ Are the aims of the club set out in the constitution?

- ☐ Are there shareholders or members? Shareholders indicate a business venture rather than a non-profit making club.
- ☐ Is the club permanently established? (Clubs cannot be temporary).
- ☐ Are there suitable rules as to the election and admission to the club of new members?
- ☐ What is the usual duration of membership?
- ☐ Can people join with a temporary membership? What is the usual duration of membership?
- ☐ Are there long term club membership benefits?
- ☐ Is there a provision for annual general meetings?
- ☐ Is there a provision for the election of officers?

4.6 Aside from bridge and whist clubs, clubs may not be established wholly or mainly for the purposes of gaming. The Licensing Authority will consider such factors as:

- ☐ How many nights a week gaming is provided;
- ☐ How the gaming is advertised;
- ☐ What stakes and prizes are offered;
- ☐ Whether there is evidence of leagues with weekly, monthly or annual winners;
- ☐ Whether there is evidence of members who do not participate in gaming;
- ☐ Whether there are teaching sessions to promote gaming such as poker;
- ☐ Where there is a tie-in with other clubs offering gaming through tournaments and leagues;
- ☐ Whether there is sponsorship by gaming organisations;
- ☐ Whether participation fees are within limits.

4.7 Supporting documents

4.7.1 In order for the Licensing Authority to satisfy itself that the club meets the requirements of the Gambling Act 2005 as described in paragraphs 4.4 to 4.6 to hold a club gaming permit or a club gaming machine permit the applicant/club will be expected to supply documentation that includes evidence that the club has elected officers, minutes of meetings and particularly those of annual general meetings. The documentation will include where appropriate:

- ☐ A copy of the club's constitution and a copy of the general/annual meeting that agreed the constitution.
- ☐ In the case of a club formed within the past two years a copy of the minutes of the inauguration meeting and minutes of any subsequent general or annual general meetings.
- ☐ Where the club has existed for more than two years a copy of the minutes of the last two annual general meetings and general meetings held during the previous two years.
- ☐ A full copy of the club's list of members including their addresses.
- ☐ A list of committee members and their positions within the club.
- ☐ A copy of the club's accounts for the last two years. Where a club is unable to provide this information because it has only recently been formed the Licensing Authority will expect an appropriate set of accounts for the time the club has been in operation.

4.7.2 The Licensing Authority will require a plan of the premises for which the permit is sought to be served with all club gaming and club gaming machine permit applications. The plan should show the following items:

- (i) the boundary of the building with any external or internal walls, entrances and exits to the building and any internal doorways

- (ii) where any gaming machines are positioned and the particular type of machines to be provided
- (iii) the positioning and types of any other amusement machines on the premises
- (iv) the location of any ATM/cash machines or change machines
- (v) the location of any fixed or temporary structures such as columns, pillars or serveries
- (vi) the location and height of any stages in the premises; any steps, stairs, elevators, balconies or lifts in the premises
- (vii) the location of any public toilets in the building

Unless otherwise agreed with the council, the plan should be drawn to a standard scale with a key showing the items mentioned above. The standard scale is 1:100.

- 4.8 Many applications are dealt with by delegated authority to officers however should it be necessary for an application for a permit to be determined by a Sub Committee of the Licensing and Enforcement Committee members will expect to be able to speak to and or question the club on aspects of its operation. To that end it will be expected that an officer of the club would attend and be prepared to answer questions at any meeting arranged to determine the application.
- 4.9 Licensing authorities may only refuse an application on the grounds that:
- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
 - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - (d) a permit held by the applicant has been cancelled in the previous ten years; or
 - (e) an objection has been lodged by the Commission or the police.
- 4.10 In the case of the 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10 and paragraph 25.41 of the GC Guidance) there is no opportunity for objections to be made by the Gambling Commission or the police, and the ground upon which an authority can refuse a permit are reduced to the following:
- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
 - (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."
- 4.11 The Licensing Authority will expect the holders of club gaming or club gaming machine permits when applying to vary them to comply with all the relevant requirements set out in this section as if the application was for a new permit.
- 4.12 There are statutory conditions on club gaming permits that no child uses a category B3A or B4 or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

5 Temporary Use Notices

- 5.1 Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.
- 5.2 This licensing authority can only grant a temporary use notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.
- 5.3 The Secretary of State has the power to determine what form of gambling can be authorised by temporary use notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Act (Temporary Use Notices) Regulations 2007) state that temporary use notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.
- 5.4 There are a number of statutory limits as regards temporary use notices. "The meaning of "premises" in part 8 of the Act is discussed in Part 7 of the Gambling Commissions Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".
- 5.5 In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.
- 5.6 This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

6 Occasional Use Notices

- 6.1 Occasional use notices enable betting on a track for up to eight days a year without a premises licence
- 6.2 The licensing authority has very little discretion regarding these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will consider the definition of a 'track' and whether the applicant is permitted to serve the notice.
- 6.3 Further advice is available from the Gambling Commission's website at [Occasional Use Notices \(OUNs\) \(gamblingcommission.gov.uk\)](https://www.gamblingcommission.gov.uk/occasional-use-notices)

7 Small Society Lotteries

- 7.1 Under the Act, a lottery is unlawful unless it runs with an operating licence or is an exempt lottery. The Licensing Authority will register and administer small society lotteries (as defined). Promoting or facilitating a lottery will fall within 2 categories:
- ☐ licensed lotteries (requiring an operating licence from the Gambling Commission);
 - and

- ☐ exempt lotteries (including small society lotteries registered by the Licensing Authority)
- 7.2 Exempt lotteries are lotteries permitted to run without a licence from the Gambling Commission and these are:
- ☐ small society lotteries;
 - ☐ incidental non-commercial lotteries;
 - ☐ private lotteries;
 - ☐ private society lotteries;
 - ☐ work lotteries;
 - ☐ residents' lotteries;
 - ☐ customer lotteries;
- 7.3 East Devon District Council will register and administer small society lotteries as defined under the Act. Advice regarding small society lotteries and the definitions of the above exempt lotteries is available from the Gambling Commission website: [Society lotteries \(gamblingcommission.gov.uk\)](http://Society%20lotteries%20(gamblingcommission.gov.uk))
- 7.4 This licensing authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:
- ☐ submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held);
 - ☐ submission of incomplete or incorrect returns;
 - ☐ breaches of the limits for small society lotteries.

8 Vessels

- 8.1 The licensing authority when considering applications for premises licences in respect of vessels normally berthed in East Devon will give particular weight to the views of the Maritime and Coastguard Agency in respect of promoting the licensing objectives. Where in the opinion of the licensing authority any of the three objectives are undermined, and this cannot be resolved through the imposition of conditions, the application will be refused.

Relevant Authorities' Contact Details

Responsible Authority Contacts -

The list of Responsible Authorities and their contact details may change where additional responsible authorities are designated by regulations from the Secretary of State or existing Responsible Authorities change their address (last updated 09.2015).

An up to date list of Responsible Authorities relating to East Devon with their contact details can be obtained by accessing the East Devon District Council's Licensing pages on the Council's website or by request to the Council's Licensing Office by emailing licensing@eastdevon.gov.uk

East Devon Licensing Authority
The Licensing Manager
East Devon District Council
Council Offices
Blackdown House, Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ

The Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Devon & Cornwall Police
Licensing Department
Devon & Cornwall Constabulary
Launceston Police Station
Moorland Road
Launceston
PL15 7HY

Devon and Somerset Fire & Rescue Service
East Devon Group Business Safety
Middlemoor Fire Station
Sidmouth Road
EXETER
EX2 7AP

Devon Safeguarding Children Partnership CP Checks
MASH
PO BOX 723
Exeter
EX1 9QS

Environmental Health (Environmental Health and Parking Services Manager)
(Nuisance, Public Health & Health & Safety)
Environmental Health Service

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

Head of Planning
Planning & Countryside Service
East Devon District Council
Council Offices
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ

HM Customs and Excise
HM Revenue and Customs
Excise Processing Teams
BX9 1GL

Additional Responsible Authority Contacts for vessels –
Maritime and Coastguard Agency
(For attention of Mr Tony Heslop)
Plymouth Marine Office
Western Region
New Fish Market,
Fish Quay
PLYMOUTH
PL4 0LH

Appendix B

Glossary of Terms

DCMS - Department for Digital, Culture, Media, and Sport

An Interested Party – is a person, in the opinion of the Licensing Authority who:

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b).

Responsible Authority –

- (i) The Licensing Authority
- (ii) The Gambling Commissioner
- (iii) Devon & Cornwall Police
- (iv) The Devon and Somerset Fire & Rescue Service
- (v) The local planning authority within the meaning given by the Town and Country Planning act 1990 (c.8) for any area in which the premises are wholly or partly situated
- (vi) The local authority by which statutory functions are exercisable in any area in which the premises are wholly or partly situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health
- (vi) A body which is designated in writing for the purpose of this paragraph, by the licensing authority for an area in which the premises are wholly or partly situated, as competent to advise the authority about the protection of children from harm:
- (vii) And any other person prescribed by regulations by the Secretary of State.

The following comprises a glossary of terminology used within the statement of licensing principles. Terms defined within the statement itself, or at length in the Gambling Act 2005, have not been included.

Adult Gaming Centre

A premises where the provision of Category B, C and D gaming machine facilities for adult customers is authorised by the Licensing Authority.

(Alcohol) Licensed Premises Gaming Machine Permit

Permit issued by Licensing Authority allowing more than two Category C or D gaming machines to be used on Alcohol-licensed premises

Betting Machine

A machine that accepts bets on live events, such as horse racing, as a substitute for placing bets over the counter.

Betting Premises

Premises where the provision of betting facilities is authorised by the Licensing Authority.

Bingo Premises

Premises authorised by the Licensing Authority where bingo, either cash or prize bingo, may take place.

Casino Premises

Premises authorised by the Licensing Authority where persons are given an opportunity to participate in casino games i.e. games of chance, which are not equal chance gaming.

Children

Means individuals who are less than 16 years old. Most gambling is illegal for anyone under 18.

Club Gaming Permit

Permit issued by the Licensing Authority that authorises the provision of games of chance and gaming machines on premises from which a members club operates.

Club Machine Permit

Permit issued by the Licensing Authority which authorises a club to have up to three gaming machines on the premises.

Family Entertainment Centre

Premises where the provision of Category C and D gaming machines is authorised by the Licensing Authority.

Gambling Commission

The body which regulate all commercial gambling in Great Britain.

Gaming Machine

A machine that is designed or adapted for use by people to gamble. Such machines are classified in 4 categories, A, B, C and D. Category D has the lowest level of charge and prizes, whilst the other categories increase in value up to Category A, which has no limits to charges or prizes.

Gaming Machine Permit

Permit issued by the Licensing Authority regulating the operation of gambling machines.

Licensing and Enforcement Committee

The committee that has been established by the Licensing Authority to discharge its licensing functions under the Gambling Act 2005.

Licensing Manager

The Officer appointed by the Licensing Authority to carry out functions and duties delegated by the Licensing Authority.

Operator

The holder of a licence issued by the Gambling Commission or a Licensing Authority, being an individual or company which provides facilities for certain types of gambling.

Personal Licence

A licence issued to an individual by the Gambling Commission, authorising the holder to perform a specified management office or specified operational function in connection with the provision of facilities for gambling.

Premises Licence

A licence issued by the Licensing Authority that authorises the provision of gambling facilities on specified premises.

Prize Gaming

Gaming is prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming.

Prize Gaming Permit

A permit issued by the Licensing Authority to authorise the provision of facilities for gaming with prizes on specified premises.

Provisional Statement

An authorisation issued by the Licensing Authority where the applicant expects premises to be constructed or altered in accordance with plans submitted, or expects to acquire a right to occupy the premises.

Regulators Code

Code of practice issued by the Government to ensure that regulatory best practice is adopted and carried out by regulators.

Relevant Representation

A representation received from a responsible authority or an interested party that relates to the licensing objectives, or that raises issues under this statement, the Gambling Commission's Guidance or codes of practice.

Remote Gambling

Defined by the Gambling Act 2005 as gambling in which persons participate by the use of remote communication including the internet, telephone, television, radio or any other kind of electronic or other technology for facilitating communication.

Remote Operating Licence

Issued by the Gambling Commission to individuals or companies running a gambling service through remote communication (including online gambling) and any part of your remote equipment is based in Great Britain or where remote equipment is based outside Great Britain and you advertise remote gambling to consumers in Britain through a British-facing business.

Review

The process by which a Licensing Authority may, either of its own volition or on the request of a third party, determine whether any action should be taken in relation to the operation of a premises licence.

Temporary Use Notice

A notice which permits the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.

Track

Sites (such as a horse racecourse or dog track) where races or other sporting events take place.

Young Person

Means individuals who are aged less than 18 years old and 16 years and over

APPENDIX C

GAMING MACHINES – CATEGORIES AND ENTITLEMENT

The summary of gaming machine categories and entitlements can be found on the Gambling Commission's website online at [Appendix B: Summary of gaming machine categories and entitlements - Gambling Commission](#)

Category of machine	Maximum stake (from April 2019)	Maximum prize (from Jan 2014)
A	Unlimited – No category A gaming machines are currently permitted	
B1	£5	£10,000*
B2	£2	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D – non-money prize	30p	£8
D – non-money prize (crane grab machines only)	£1	£50
D – money prize	10p	£5
D – combined money and non-money prize	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machines only)	20p	£20 (of which no more than £10 may be a money prize)

* With option of max £20,000 linked progressive jackpot on premises basis only

APPENDIX D

SAFEGUARDING CHILDREN AND VULNERABLE ADULTS

East Devon District Council along with other districts across Devon have produced and adopted a joint safeguarding policy designed to protect children and vulnerable adults. Safeguarding is a statutory responsibility placed on this and all councils. This council is committed to tackle child sexual exploitation and trafficking by working together with key partners.

It is important to ensure that functions are discharged with regard to safeguarding and promoting the welfare of children. The joint safeguarding policy states in relation to councils that it is our responsibility under the Children Act 2004, which places a duty on public bodies, including district councils to ensure that our functions are discharged with regard to the need to safeguard and promote the welfare of children.

Devon District Councils believe that all children, young people and adults have the right to be safe, happy and healthy and deserve protection from abuse. The councils are committed to safeguarding from harm all children, young people and adults with care and support needs using any council services and involved in any of their activities, and to treat them with respect during their dealings with the councils, our partners and contractors.

How gambling premises licence, permit holders and their employees can support Safeguarding

Gambling establishment licence and permit holders and their employees are in a good position to help identify those subject of or at risk of sexual exploitation because, through the operation of certain gambling activities, licence and permit holders and their employees regularly come into contact with children, young and vulnerable people. This means that licence and permit holders and their employees are in an ideal position to help protect young and vulnerable people.

Operators, licence and permit holders and their employees should consider and have regard safeguarding measures particularly when encountering young and vulnerable people in gambling premises by establishing:

- ☐ Do any customers appear to be under 18 years old?
- ☐ Are they with a much older person and appear to be in a relationship?
- ☐ Do they appear to be under the influence of alcohol or drugs?
- ☐ Are children/young people being brought regularly to your premises by older people? If so, ask yourself why?

The provision of staff training, awareness or development opportunities should be a consideration to improve their knowledge of skills in this area.

Operators, licence and permit holders and their employees with any reason to suspect a person is being abused or at risk of abuse now has a responsibility to report those concerns.

Information may be shared in confidence with Devon and Cornwall Police (by telephone: 101 or email: 101@dc.police.uk) and Devon Safeguarding Children Partnership (by telephone: 0345 155 1071 or emergency out of hours 0345 600 0388).

Gambling Statement of Licensing Policy Public Health Devon Statement

Purpose

This Public Health Devon statement, which includes some key points from the Local Government Association, will be provided to all District Council Licensing teams when Public Health Devon are approached as part of the consultation process on Gambling Statement of Licensing Principles and Policies. Public Health Devon continue to appreciate communication and collaboration with colleagues in these matters.

Public Health Devon would advocate for District Council Licensing teams, updating their respective Gambling Statement of Licensing Principles and Policies, to consider the Local Government Association publication '[Tackling gambling related harm: A whole council approach](#)' and continue to seek opportunities for application of highlighted good practice in the local context.

Context

There is increasing awareness about the harms that can be caused by gambling and its impact on families and local communities, as well as the individuals directly affected by it.

The Gambling Act 2005 underpins the legislative approach to betting and gambling in the UK. The Act changed the underlying approach to gambling from permitting but not encouraging it, to increasing the opportunities for adults to gamble, and treating it as a leisure activity.

These changes, coupled with technological advances, have led to significant increases in gambling participation and gambling related harms.

Language and terminology

Public Health Devon would welcome licensing statements that reflect appropriate non-stigmatising language and terminology.

'Harmful gambling' is an umbrella term to describe any frequency of gambling that results in people experiencing harm.

Harmful gambling can impact on an individual's physical and mental health, relationships, housing and finances, and affect a wide range of people, such as families, colleagues, employers and wider local communities.

It is important to note that anyone can be negatively affected by gambling.

Narratives which suggest the individual experiencing harm is a 'problem', contributes to stigma and often leads to gambling harms being hidden.

Avoid using stigmatising language, which can include terms like 'problem gambler' and 'gambling addict.'

Individualising gambling harm does not recognise the impact of the gambling industry, addictive and harmful products and practices, and the wider environment in which gambling takes place.

At risk groups

Whilst anyone can be negatively affected by gambling related harms, harms are not distributed equally.

It is acknowledged that the [Gambling Commission 'Statement of Principles'](#) does not offer an exhaustive list of 'vulnerable persons' but states that:

"With regard to 'vulnerable persons', whilst the following list is not exhaustive, the Commission considers that this group will include:

- people who spend more money and/or time gambling than they want to
- people who gamble beyond their means
- people who may not be able to make informed or balanced decisions about gambling, for example because of health problems, learning disability, or substance misuse relating to alcohol or drugs."

(section 5.26)

However, research cited in the LGA publication identifies the following groups or factors that could be considered vulnerable to, or at higher risk of, gambling harms:

- Young people
- unemployed and constrained economic circumstance
- area deprivation
- homeless
- mental ill health
- substance abuse/misuse
- personality traits/cognitive distortions
- people experiencing gambling harms who are seeking treatment

It would be useful to consider this in relation to applications for new or changed licenses, and the proximity of those premises to nearby services which may be frequented by groups considered to be at increased vulnerability to gambling harms. A Local Area Profile would assist in identifying different parts of the local area where there may be greater or specific risks of gambling related harm.

Suicide risk

The LGA publication makes reference to the relationship between gambling and suicides or suicidality, acknowledging that suicide is generally multi-faceted and influenced by various factors, while also stating that it is evident gambling can be a prominent contributor.

The [National Suicide Prevention Strategy for England \(2023-2028\)](#) has been published since the LGA report was last updated, and harmful gambling is identified as a specific risk factor in that strategy.

Staff training

The typical recommendation for staff training seen in policies of “building an employee’s ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect people who may be vulnerable” focuses only on the duration of gambling as harmful.

Where possible, in recognition of the at risk groups and risk factor complexities individuals may be experiencing, the training recommended for staff could be broadened to encompass building employee’s ability to identify and provide support to vulnerable people.

Examples of opportunities for training are included in the LGA Guidance.

Support & signposting

Public Health Devon encourage consistent availability and sharing of information on support for those experiencing gambling related harm. Details are listed below, further information is [available on the NHS website](#)

Gambling support

South West NHS Gambling Service

Each region in England now has a specialist NHS gambling treatment service. The [South West Gambling Service](#) provides free confidential support including recovery courses, cognitive behaviour therapy, and support for affected family members.

People can self-refer to the Gambling Service by phoning 0330 022 3175 Monday to Friday, 9am-7pm.

National Gambling Helpline – GamCare

[GamCare](#) provides information, advice and support for anyone affected by gambling harms. Contact the National Gambling Helpline - 0808 8020 133

Gamble Aware

[Gamble Aware](#) raise awareness and identify support available for people affected by harmful gambling including guidance for self-exclusion.

Ara Gambling Support

[Ara offer services](#) in Wales & the South West. Confidential advice for people affected by harmful gambling, and their friends and family. Call 0330 1340 286

Gamblers Anonymous

[Gamblers Anonymous](#) local peer support groups to stop gambling

GAMSTOP

[Free service](#) to bar yourself from online gambling sites in the UK

Mental Health and Suicide

Samaritans

Call 116 123 if you or someone you know is struggling with thoughts of suicide, or [visit their web site](#) for other ways to get help

SHOUT

[Free 24/7 mental health support](#) by text message – text ‘SHOUT’ to 85258

First Response Service

[Devon Partnership NHS Trust](#) 24/7 crisis mental health support (18+) in Devon - call 111.

Talkworks

Devon Partnership NHS Trust [Talking Therapies Service](#). A free, confidential service (18+) in Devon. Tools and techniques to improve mental wellbeing

Every Mind Matters

Search [Every Mind Matters](#) for free, NHS approved advice and simple tips to help you look after your mental wellbeing

Drug & Alcohol Support

Together

[Together drug and alcohol services](#) (18+) for Devon, recovery support including 1-to-1 support and group work

Y-Smart

[Y-Smart drug and alcohol services for under 18's](#), support and advice for young people, parents, families and professionals

Money/Debt Support

MoneyHelper

[Free, impartial guidance](#) about money and pensions, including information on money troubles, and signposting to further, trusted support

National Debt Line

[Free support for anyone struggling with debt](#) - includes impartial, expert, easy-to-read information, and contact by phone or web chat for support

Public Health Devon – harmful gambling

Public Health Devon undertook a [Spotlight Review in 2019](#) on harmful gambling, there are no further updates planned at this time.

In the Devon [Suicide Prevention Strategy & Action Plan \(2024 – 2027\)](#), led by Public Health Devon on behalf of Devon County Council, harmful gambling is identified as a priority risk factor.

As such, connections have been made from the DCC Suicide Prevention Implementation Group (SPIG) with the South West NHS Gambling Service, and information/promotional materials about the service is shared through SPIG, and other related networks and contacts.

In addition, suicide prevention training is promoted to all people, communities and workforces supporting those at risk of/experiencing any of the DCC Suicide Prevention Strategy priority risk factors - including harmful gambling. Information is available via the link above to the strategy and action plan.

This statement is provided in response to District Council consultation processes on Gambling Statement of Licensing Principles and Policies. The content of the statement may change and be updated in response to any new local or national policy and guidance.

Feedback on the content of the statement, and its' usefulness, is welcomed.

For all queries, please contact publichealth-mailbox@devon.gov.uk

Report to: Council

Date of Meeting 4 December 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



New Planning Policy – Local Development Scheme and Local Plan Regulation 19 Consultation

Report summary:

This report sets out the Strategic Planning Committees recommendation to Council arising from their consideration of a report on the Local Development Scheme and Local Plan Regulation 19 Consultation.

Note: The references in this report to Paper A relate to the relevant report considered by the Strategic Planning Committee with recommendations for Full Council to consider and are appended to this report for reference.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

That the proposed new Local Development Scheme, as appended to this report as Appendix 1, should be endorsed and take effect immediately following approval.

Reason for recommendation:

To ensure the Council has an up-to-date Local Development Scheme.

Officer: Andrew Melhuish, Democratic Services Manager (andrew.melhuish@eastdevon.gov.uk)

Date of Meeting: 22 November 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

New planning policy – Local Development Scheme and local plan Regulation 19 consultation

Report summary:

The Local Development Scheme (LDS) sets out a programme and timetable for production of future planning policy documents. The previous LDS dates from 2023 and requires an update. This report introduces the proposed new LDS, summarises key content and provides more information on plan production considerations.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

That Strategic Planning Committee:

- 1 Recommend to Council that the proposed new Local Development Scheme, as appended to this report as Appendix 1, should be endorsed and take effect immediately following approval.
- 2 Endorse the proposal for two rounds of Regulation 19 consultation as set out and proposed in this committee report.
- 3 Endorse the proposed communications strategy appended to this report as Appendix 2.

Reason for recommendation:

To ensure the Council has an up-to-date Local Development Scheme.

Officer: Ed Freeman – Assistant Director, Planning Strategy and Development Management,
e-mail – efreeman@eastdevon.gov.uk, Tel 01395 517519

Portfolio(s) (check which apply):

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

- ☐ Finance
- ☒ Strategic Planning
- ☐ Sustainable Homes and Communities
- ☐ Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk; The direct risk is low. But a new LDS related to the issue of local plan production for which there are wider substantive risks.

Links to background information

Links to background documents are contained in the body of this report.

Link to Council Plan

Priorities (check which apply)

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

1. Introduction

- 1.1 There is a requirement for planning authorities to have an up-to-date Local Development Scheme (LDS). The LDS is a planning document setting out timetables for plan making work.
- 1.2 The new proposed LDS forms a future work programme for the Planning Policy team at the Council and is appended to this committee report. The new LDS lists key policy documents that are proposed to be produced by the Planning Policy team or in which the policy team is partnering in production. The LDS also provides an overview of and advises on relevant planning policy work undertaken by outside partners, to include Devon County Council, in respect of waste and minerals plans and local communities in respect of Neighbourhood Plan making.

2 Development Plan Documents

- 2.1 The appended LDS advises of and sets out more detail on production of one Development Plan Documents (DPD). This is: A new East Devon Local Plan – and is planned to be an overarching new plan covering all policy matters that typically come up for consideration in determination of planning applications by East Devon District Council. It will sit and work alongside the Cranbrook Plan.
- 2.2 The new local plan will supersede, on adoption, the existing local plan and also the existing villages plan. The new local plan and the Cranbrook Plan, along with made Neighbourhood Plans and adopted waste and minerals plans (produced by Devon County Council to whom responsibility falls) will constitute the ‘Development Plan’ for East Devon.

3 Timetable update for local plan production

- 3.1 The current LDS ([lds-december-2023.pdf \(eastdevon.gov.uk\)](#)) advises of the Regulation 19 stage of local plan consultation starting in December 2024 and Submission being in Spring (taken to be May) 2025. The spring date was defined in order to meet a then Government deadline, from around a year ago, for plans to be submitted for Examination before the end of June 2025, after this date plans would need to have gone into (according to the previous Government) a new plan making regime.
- 3.2 The Government elected in July 2024, however, advised of changes to plan making requirements and deadlines. Though it only did so in consultation draft material, specifically including a draft NPPF. In the consultation, under transitional arrangements, the Government advised that plans would need to be at the Regulation 19 stage of plan making (i.e. for us at the next stage of consultation) within one month of the publication date of the new/next NPPF. We do not know when the NPPF will be published, though some informed commentators have suggested towards the end of December (perhaps Friday 20 December 2024).
- 3.3 Working on the basis of a mid or late December publication, and assuming the one month 'window' remains, it is proposed that consultation on the plan is pushed to the other side of Christmas/new year and the consultation starts in January 2025. It is generally seen as good practice to avoid running consultation over the festive period and so a January start makes good sense. It also gives scope for more time for minor tidying up of the plan and other preparation work following the Committees consideration of the plan in December and before consultation starts.
- 3.4 We would though wish to keep the consultation start date under review depending on when and if national guidance is issued and what it may say. Should it allow a longer than one month window, or set a definitive deadline, there may be a good case for reviewing the Regulation 19 consultation arrangements. As things stand, according to the Government consultation, submission of the plan for Examination would need to be by the end of 2025, i.e. six months later than the previous Governments deadline.

4 Regulation 19 consultation

- 4.1 Because of complexities in planning for the new town it is proposed that we run two stages of Regulation 19 consultation. Work on a masterplan and business case for an appropriate delivery vehicle for the new town are underway but will not be prepared in time to meet the deadlines anticipated in the new NPPF. Further evidence is also being prepared particularly a transport study that will also not be completed in time. Work is also underway in terms of understanding how proposals can align with the Governments emerging new towns programme which has an expectation of proposals reaching a minimum size threshold of 10,000 new homes. Under this programme there is the potential for substantial support in planning work, financial and other, so being part of it could be very desirable.

- 4.2 The first proposed Regulation 19 consultation would focus on the Local Plan itself. It would cover all content of the plan with the exception of detailed Master planning work (and hence final end policy wording) for the new community and also detailed transport work and modelling that will also inform policy.
- 4.3 The extra new community work streams are underway but will not be completed until Spring 2025 and they are seen as essential to inform final local plan policy coverage for the new town. For this reason the second round of Regulation 19 consultation is seen as essential. We would not plan for other aspects of the plan to be subject to further consultation unless the first round generates issues or concerns that warrant plan changes and these changes are appropriate for consultation before plan Submission. The second round does, therefore, introduce some possible further additional flexibility.
- 4.4 We would highlight that we will keep timing matters under review and if, for example, the one month to get to Regulation 19 stage is amended and becomes say six months from date of publication of the new NPPF we may consider it to be desirable to defer the initial Regulation 19 consultation to a later date, for example to coincide with when the second stage might have otherwise been expected to start. Under this scenario there would be just a single combined consultation.
- 4.5 It is important to note that the Regulation 19 consultation stage is markedly different from previous stages of Local Plan consultation carried out under Regulation 18. At Regulation 18 stage we were presenting options and draft proposals and actively seeking feedback to inform decision making and final plan production. The Regulation 19 plan is essentially a final draft and should be presented as the councils intended local plan for examination and subsequent adoption. The presentation is therefore of the completed plan and communications should therefore focus on explaining the work that has fed into the plans production including how the evidence and previous consultation responses have been considered and informed its production. It would then be for respondents to formally object to the plan, if they wish, so that their concerns can be formally considered through the examination process.

5 A consultation strategy for the Publication consultation

- 5.1 On assumption that we move swiftly to the Regulation 19 consultation the Communications team of the Council have produced a Communications Strategy to inform how plan engagement and specifically the 'journey to get this far' has progressed, what the next stages are and how people can make representations on the plan to be considered by the appointed planning inspector at the Examination of the plan.

The communications plan is appended to this committee report and members feedback on the proposed approach is welcomed.

6 Supplementary Planning Documents and other strategy and policy documents

- 6.1 In addition to DPD production the intent is that the Planning Policy team will produce, or partner in production of, a series of additional Supplementary Planning

Documents (or superseding documents in title if amended under Government planning reforms) and other strategy and policy documents. Those proposed for production are set out in the appended LDS report. However, it should be noted with a specific focus on local plan work the scope to undertake other tasks is significantly reduced at the present time.

7 Implications for Neighbourhood Planning

- 7.1 Many communities are waiting until greater certainty about plan of the local plan or until it's adoption to trigger the production or review of a neighbourhood plan, and those that are progressing an emerging plan in this transitional period are dealing with an extra layer of complexity, needing to both demonstrate conformity with the adopted Local Plan whilst considering the relationship with the new emerging one. Maintaining and publishing an up-to-date timetable for the new LP is therefore critical for our neighbourhood planning communities

Financial implications:

There are no specific financial implications impacting the council in this report.

Legal implications:

There are no legal implications other than as set out in this report (002533/22 November 2024/DH).

East Devon Local Development Scheme – December 2024

The work programme for planning policy production in East Devon



East Devon – an outstanding place

Contact details

Planning Policy Team
East Devon District Council
Blackdown House, Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ

Phone: 01395 516551

Email: planningpolicy@eastdevon.gov.uk

<http://eastdevon.gov.uk/planning/planning-policy/>

To request this information in an
alternative format or language
please phone 01395 516551 or
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Contents

1 Introduction.....4

2 The stages in Development Plan Document preparation4

3 The adopted East Devon Local Plan, the Villages Plan and the Cranbrook Plan5

4 Future Development Plan Documents in East Devon5

5 Other policy documents identified for production7

6 Community Infrastructure Levy - Charging Schedule7

7 Neighbourhood Plans7

8 Waste and minerals planning and Devon County Council work8

1 Introduction

- 1.1 This East Devon District Council Local Development Scheme (LDS) sets out a programme and timetable for production of future planning policy documents by the Council.
- 1.2 East Devon District Council has resolved that this new LDS should take effect from **date to be inserted once confirmed**. This LDS covers the time period from December 2024 through to the end of 2026, it is envisaged however that it will be revised and superseded before this end date.

2 The stages in Development Plan Document preparation

- 2.1 Development Plan Documents (DPDs) sit at the top of the hierarchy of District Council planning policy documents, on adoption they form part of what is defined as the Development Plan. The term 'local plan' is often used interchangeably with DPD and the Council has an adopted plan (which is a DPD) called the 'East Devon Local Plan'.
- 2.2 DPDs are of fundamental importance in respect of informing prospective developers of the types of development and locations for development that are likely to be appropriate and they are the key policy documents used in determining planning applications. DPDs also inform communities, infrastructure and service providers and other council and wider service providers of development proposals. There are specific legally defined procedural steps that need to be complied with by the Council in order to produce a DPD, some of these are referred to in this LDS, however for a more complete picture see: The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), noting that future changes may be made: <http://www.legislation.gov.uk/uksi/2012/767/contents>
- 2.3 In this LDS we set out dates for undertaking key stages in production of DPD. The stages we report on are summarised below:
- Issues Consultation – this is the starting point where comments on general issues and plan scope are sought. At this stage of plan making potential options and alternatives for development may be identified.
 - Draft plan – this is where a draft version of the plan or some other consultation document or documents are produced and feedback is sought.
 - Publication – this is the plan that the Council intend to submit for examination. The plan is made available and formal objections and other responses are sought from at this stage. Anyone can comment.

- Submission – the publication plan, the evidence supporting the plan and the formal responses to the plan are submitted to the government who appoint an independent inspector to consider the soundness of the plan. The examination of a plan, carried out by a Planning Inspector, starts at plan submission.
- Inspector's Hearings – as part of the examination process there will typically be hearing sessions at which the Inspector will lead discussion on the contents of the plan, this helps the Inspector prepare their report.
- Adoption – the Council receive a report from the inspector and can then, assuming earlier tasks do not need to be revisited, adopt the plan.

2.4 It is stressed that the above stages are a much-simplified version of what happens in plan making, however they give an overview of plan preparation timelines. Government plan making regulations and legislation (and other guidance) should be reviewed for a complete picture of legislative processes that have to be followed.

3 The adopted East Devon Local Plan, the Villages Plan and the Cranbrook Plan

3.1 There are three existing current East Devon District Council adopted DPDs:

- The existing East Devon Local Plan, covering most policy matters across the district, was adopted on the 28 January 2016.
- An East Devon Villages Plan, adopted on 26 July 2018, has a much more narrowly defined remit of defining Built-up Area Boundaries around selected village settlements and it defines retail policy for Beer and Colyton.
- The Cranbrook Plan covers development matters at the new town and was adopted on 19 October 2022.

3.2 It should be noted that policies in local plans should be reviewed at least every five years to assess whether they need updating, and the reasons for decision should be published. A formal review of the adopted East Devon Local Plan was undertaken in 2020.

4 Future Development Plan Documents in East Devon

4.1 This LDS sets out that, from 2023 to 2026, there will be one further DPD that will be produced by the Council, summary details with dates set against key stages, are set out below. It should be noted that the dates (year and months or season/part of year) provided are based on what we currently know or best estimates, changes over time are, however, possible.

- 4.2 Future East Devon Local Plan – the expectation is that this plan will address all Development Plan matters, other than at Cranbrook, that fall to the responsibility of East Devon District Council. The following forms the timetable for production:
- Issues Consultation – completed in January 2021.
 - Draft plan – the first consultation was completed in January 2023 and there was further consultation in summer 2024.
 - Publication – Regulation 19 consultation:
 - First round - projected to start January 2025.
 - Second round – projected to start in Spring 2025.
 - Submission – Autumn 2025.
 - Inspector’s Hearings – 2025/2026.
 - Adoption – Late 2026.
- 4.3 The above timetable sets out two stages of Publication consultation. The first will be for the full local plan, all content, bar selected elements applicable to the development of and policy for the new town proposals (a second new town over and above Cranbrook). There is, in late 2024, and going into 2025, ongoing master planning work for the new town and there is also a cross-local authority transport study that is being carried out, this is focussed on assessment of transport impacts and mitigation options at and around Exeter and its hinterland. These two streams of evidence will be instrumental in informing and justifying local plan policy at and for the new town. Though as they will not be concluded until Spring 2025 it is deemed appropriate to run a second round of Publication consultation in Spring 2025, specifically and majoring on new town matters.
- 4.4 The overall plan making timetable will be kept under review in the light of possible changes that may be made by Government to plan rules. These are expected to include transitional arrangements to allow existing plans to progress under existing arrangements and the timetable set out above is written in response to Government consultation proposals (but final Government regulations are yet to be determined (they may appear in late 2024 or potential 2025). Timetabling matters will be kept under review in response to potential changes from Government and particular timing and deadline rules they set out.
- 4.5 It should be noted that the intent is that the new local plan will supersede and replace in its entirety the existing local plan and also the villages Plan. The Cranbrook Plan will remain part of the Development Plan though some parts, a limited number of policies within it, will be superseded by new local plan policies.

5 Other policy documents identified for production

- 5.1 In addition to DPDs the Council also produce a number of additional policy documents. Of greatest importance in respect of determining planning applications are Supplementary Planning Documents (SPDs). SPDs (or documents of a similar nature that under reforms to the plan making regime that may come into existence) are intended to provide more detail on the use and implementation on policies in DPDs. Procedures for producing SPDs are set out in legislation and regulations and the Council has a protocol for SPD production, see: <https://eastdevon.gov.uk/media/2443645/spd-protocol-adopted-by-spc-20-march-18.pdf>
- 5.2 SPDs need to go through two stages of consultation but they are not subject to examination and therefore their preparation is shorter and simpler than DPDs; but they do not carry the same weight in decision making.
- 5.3 The Planning Policy team of the Council may also produce further guidance and advice to support and promote development and promote wider social and environmental objectives. Such guidance will not have the formal status of an SPD but we will often look to follow similar processes in production.

6 Community Infrastructure Levy - Charging Schedule

- 6.1 In East Devon a financial charge, called a Community Infrastructure Levy (CIL), is placed on certain types of new development (most notably new housing) and monies raised are used to help pay for infrastructure that is needed to support development.
- 6.2 In order to be able to charge CIL the Council had to produce a charging schedule that is supported by financial viability assessment evidence, undertake consultation and take the work to Examination by an independent examiner. In this respect production of the CIL charging schedule follows a similar path to that for DPDs (but under separate legislation). The current charging schedule was approved in 2020 and applied from 1 February 2021. A timetable for production of a new CIL charging regime is to be established. Work is projected to start in 2025.

7 Neighbourhood Plans

- 7.1 Neighbourhood Plan are produced by local communities and in East Devon they are typically produced at the parish level. Neighbourhood Plans set out policies and proposal for development and in this respect they are similar to DPDs and they follow reasonably similar stages in production (but under separate legislation). Once adopted (the technical term is that they are made) they also form part of the Development Plan for the District and are used

alongside DPDs, SPDs and other policy documents in the determination of planning applications.

- 7.2 For more information on Neighbourhood Plans see:

<https://eastdevon.gov.uk/planning/planning-policy/neighbourhood-and-community-plans/>

8 Waste and minerals planning and Devon County Council work

- 8.1 The responsibility for waste planning and minerals planning in East Devon rests with Devon County Council; they have legal responsibility for producing plans and determining planning applications for these two matters. The County Council adopted a new Devon waste plan in 2014 and adopted a new minerals plan in 2017. For more information see:

<https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy>

- 8.2 The adopted waste plan and adopted minerals plan are also part of the Development Plan for East Devon.

Strategic Communications Plan:

Local Plan Reg 19a consultation

Project Name	Local Plan Reg19a consultation
Objective(s) of project	<ul style="list-style-type: none"> Engage residents and stakeholders with this stage of Local Plan Explain how the Local Plan has evolved – the process Explain this Local Plan is reaching final stages - the last chance for you to review it before xx date Explain how allocations were considered and accepted or rejected
Project Lead (name & title)	Ed Freeman / Matt Dickins
Comms lead	Anne Mountjoy/Beth Sharp/Patrick Lowe
Date	7.11.24

Project Background

Background

The evolution of the Local Plan has been taking place since 2020. As this work reaches its final stage, residents and local stakeholders are given an opportunity to challenge or comment on the latest proposals in the Local Plan. This builds on the series of Strategic Planning Committee meetings focussing on each town/parish allocations, where residents were invited to participate.

Subject to new Government guidance and timeframes on National Planning Policy Framework, the timeline for the Regulation 19 consultation of the Local Plan is as follows:

3 Dec 24 - reports for Strategic Planning Committee to be published, including Local Plan
 11 Dec 24 - Strategic Planning Committee reviews Local Plan proposals
 Jan 25 - Reg 19a consultation begins
 Feb/March 25 - Reg 19a consultation closes
 May – June 25 - Reg 19b (new town) consultation

Campaign/Project Objectives and Strategy

Overall project/campaign objectives

- Engage as many residents and businesses as possible using appropriate comms channels to reach a wide demographic
- Create a 'theme-based' campaign plan, highlighting different aspects of the Local Plan. The campaign plan will create an 'action plan' for comms using a wide range of channels, eg newsletters, press releases, social media, video, imagery
- Ensure understanding about the 'final stage' is clearly communicated

- Use plain English to achieve maximum understanding

Key messages

1. The Local Plan helps guide and inform decisions on where new housing and employment development will take place in East Devon and how we will protect our outstanding coast, countryside and heritage assets.
2. The need for new housing is greater than ever, so the need to ensure the right sort of homes are built in the right places is equally great.
3. Housing numbers are set by central government and there is little we can do about them – but we can decide where these new houses will be.
4. New development can bring many benefits, including:
 - Affordable housing;
 - Community facilities and amenities;
 - More and better paid jobs;
 - Creating vibrant and active communities.
5. We understand the impact that new development has on infrastructure and the need for this to be addressed. An Infrastructure Delivery Plan will support the new Local Plan to help ensure development occurs in a co-ordinated manner and happens in the right places at the right time.
6. We have:
 - Identified land for development for a broad range of uses;
 - Identified areas that should be conserved or enhanced – and where future development should be carefully managed;
 - Set out clear policies that guide decisions on planning applications;
 - Indicated how the plan will be delivered and how progress will be monitored.
7. Over the last couple of years, we've asked for your views on the next plan – which covers the period up until 2042 – over two consultations. These consultations were at what is known as 'Regulation 18', which is the *preparation* stage of the plan. We received thousands of responses – whether in person at one of our engagement events, by email, online through our Commonplace web site or in the post.
8. We've listened to what you've had to say and adjusted our policies accordingly. We are now at 'Regulation 19' – or the *publication* stage. The Regulation 19 stage is not a repeat of earlier consultations that have helped to shape the Local Plan but a final opportunity for you to say what you think.
9. This is the last chance to have your say before the plan is submitted, along with any comments you or anyone else makes, for examination. This will be conducted by a government appointed Planning Inspector or inspectors. So, have your say and help shape East Devon's future! Visit www.eastdevon.gov.uk/local-plan

Report to: **Council**



Date of Meeting 4 December 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Motion on Notice - Inheritance Tax (Agricultural Property Relief)

Report summary:

The constitution provides that members of Council may submit written notice of motions for debate at Council. A motion must be signed by the proposer and seconder and at least 3 members and submitted not later than 10 clear days before the date of the meeting.

Motions must be about matters for which the council has a responsibility, or which affect East Devon District Council and will be listed on the agenda in the order in which notice received.

Motions for which notice has been given will be listed on the agenda in the order in which notice was received unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

That the Motion on Notice – Inheritance Tax (Agricultural Property Relief) is debated and determined by Council.

Reason for recommendation:

The constitution makes provision for motions on notice to be debated and decided by Council.

Officer: Andrew Melhuish, Democratic Services Manager (andrew.melhuish@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

The impact is low as this report is dealing with the submission of motions on notice. Any work undertaken following the consideration of the motions on notice would be subject to an equalities impact assessment being undertaken.

Climate change Low Impact

Risk: Low Risk; A risk assessment would need to be completed on any works or further investigations resulting from the motions of notice.

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

Motion 1: Inheritance Tax (Agricultural Property Relief)

Motion on Notice – Inheritance Tax (Agricultural Property Relief)

Proposer: Cllr Colin Brown

Seconder: Cllr Alasdair Bruce.

The motion has been supported by Councillors Aurora Bailey, Brian Bailey, Jenny Brown, Iain Chubb, Mike Goodman, Stuart Hughes and Ben Ingham.

Motion Received: 4 November 2024

This Council notes with concern the proposed changes to inheritance tax announced by the Government in the recent Autumn budget, which would scrap Agricultural Property Relief (ARP).

ARP has been instrumental in allowing British family farms to remain intact across generations, supporting food security, sustaining rural communities, and aiding environmental stewardship.

This tax is estimated to impact over 70,000 farming families with an inheritance tax bill of at least £240,000, which will force many to sell portions of their land or close entirely, paving the way for corporate ownership over family ownership.

The Council believes that this tax will have severe impacts:

1. Food Security: Selling off land and closing farms will put our national food independence at risk, at a time when global stability is already fragile. British family farms are critical to ensuring a steady supply of homegrown food.
2. Rural Community Stability: Family farms are the foundation of rural Britain, contributing to local jobs, schools and local services. The Government proposed tax, risks destabilising communities, eroding the rural way of life, and causing a negative ripple effect across the countryside.
3. Environmental Stewardship: Farms cover 70% of the UK's land, with family farms playing a leading role in nature recovery, biodiversity, and sustainable land management. The sale and

fragmentation of these lands would hinder conservation efforts and undermine environmental initiatives.

This Council resolves to: Oppose the government's changes to inheritance tax affecting family farms.

Advocate for the exemption of family farms to preserve the UK's food security, rural communities, environmental initiatives.

Request all opposition parties oppose this budget inheritance tax on this basis.

This Council urges all Councillors to stand with Britain's family farmers, to support our rural communities, and that the CEO sends a letter to the Chancellor of the Exchequer and the Minister of State for Food Security and Rural Affairs Daniel Zeichner signed by all group leaders formally rejecting this proposed 'family farm tax'.

Financial implications:

To be confirmed.

Legal implications:

The motions on notice have been submitted in accordance with the Part 4 of the Council's Constitution – Rules of Procedure 10.1 Notice: Except for motions which can be moved without notice under Rule 11, written notice of every motion, signed by at least 5 members, must be delivered to the Chief Executive not later than 10 clear days before the date of the meeting.

Report to: Council



Date of Meeting 4 December 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Motion on Notice – Housing

Report summary:

The constitution provides that members of Council may submit written notice of motions for debate at Council. A motion must be signed by the proposer and seconder and at least 3 members and submitted not later than 10 clear days before the date of the meeting.

Motions must be about matters for which the council has a responsibility, or which affect East Devon District Council and will be listed on the agenda in the order in which notice received.

Motions for which notice has been given will be listed on the agenda in the order in which notice was received unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

That the Motion on Notice – Hosuing is debated and determined by Council.

Reason for recommendation:

The constitution makes provision for motions on notice to be debated and decided by Council.

Officer: Andrew Melhuish, Democratic Services Manager (andrew.melhuish@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

The impact is low as this report is dealing with the submission of motions on notice. Any work undertaken following the consideration of the motions on notice would be subject to an equalities impact assessment being undertaken.

Climate change Low Impact

Risk: Low Risk; A risk assessment would need to be completed on any works or further investigations resulting from the motions of notice.

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

Motion 2:

Motion on Notice – Housing

Proposer: Cllr Henry Riddell

Seconded: Cllr.

The motion has been supported by Councillors Aurora Bailey, Brian Bailey, Colin Brown, Jenny Brown, Mike Goodman,

Motion Received: 20 November 2024

Housing

“Damp and mould has serious impacts on residents' lives and can cause negative health implications which can be life changing.

The council's stock condition survey has identified a number of properties with damp and mould and work is already underway to scrutinise the data received, understand works completed since the surveys took place and organise works outstanding. 33% of properties surveyed had some damp (40% benchmark at similar authority)- this could be condensation through to major damp. All Cat 1 & 2 damp and mould cases (9.81% of surveyed stock) were referred to the Council at the point of identification in order for works to be completed urgently.

Under Awaab's law the council has to investigate each complaint about damp and mould in social housing and this will be extended to the private rented sector next year. If they do not, residents will be able to hold their landlords to account by taking legal action through the courts for a breach of contract. The Council are awaiting further guidance from the Housing Ombudsman on Awaab's Law and other new standards. Once this guidance has been received a robust policy and procedure will be produced. for the Housing review board to consider.

In light of the above, the Council resolves to:

- Rectify the outstanding Cat 1 & 2 damp and mould issues at the relevant properties as a matter of urgency, creating schedules of works to eradicate damp and mould. That these plans are put in place before the end of the financial year for these properties.

- A full communications plan being established for all residents, whether owner occupier, social, affordable or privately rented, on how to identify, report, remove and reduce damp and mould in their property.
 - Create robust policy and procedures before the next financial year to ensure the council is well placed to deal with the impacts of new legislation and regulations coming forward to the social housing sector. This will have particular focus on Awaab's law once guidance has been released.”
-

Financial implications:

To be confirmed.

Legal implications:

The motions on notice have been submitted in accordance with the Part 4 of the Council's Constitution – Rules of Procedure 10.1 Notice: Except for motions which can be moved without notice under Rule 11, written notice of every motion, signed by at least 5 members, must be delivered to the Chief Executive not later than 10 clear days before the date of the meeting.

Full Council

Report to: Full Council

Date 4 December 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Appointment of Tenant Representatives to serve on the Housing Review Board

Report summary:

This report sets out details of the recruitment process for the appointment of two tenant representatives to serve on the Housing Review Board. The appointments aim to ensure that the voices of tenants are heard and considered in the board's decision-making processes.

Recommendation:

That the Council appoints Rachel Browne and Rosie Dale to serve as co-opted Tenant Representatives on the Housing Review Board.

Reason for recommendation:

To meet the requirements of the Council's Constitution for the appointment of representatives on the Housing Review Board.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Consultation carried out:

Recruitment process

Officer: Andrew Melhuish (Democratic Services Manager) andrew.melhuish@eastdevon.gov.uk

Financial implications:

An allowance is payable to each tenant representative and can be met from within existing budgets.

Legal implications:

The legal issues are dealt with in the body of the report. The proposals set out in this report comply with the Council's Constitution (Legal/2482/ALW)

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk; .

Links to background information None.

Link to [Council Plan](#)

Priorities (check which apply)

- ☒ A supported and engaged community
- ☐ Carbon neutrality and ecological recovery
- ☐ Resilient economy that supports local business
- ☒ Financially secure and improving quality of services

1. Background

- 1.1 The Housing Review Board is one of the Overview and Scrutiny Committees and will consider matters relating to the Council's landlord and housing management functions. The Board will advise the Council's Cabinet on housing policy and operational practice, where this affects the Council's tenants and leaseholders. The Board will keep under review the housing stock options appraisal and monitor the conditions which will influence the future arrangements for the ownership and management of the Council's housing stock.
- 1.2 The tenant representatives on the board play a crucial role in maintaining a balanced perspective and ensuring that the needs and concerns of tenants are adequately represented.
- 1.3 All tenant appointments are subject to Council approval and non-councillor Board members will serve for a maximum of eight years, subject to annual reappointment by the Council, with the objective that every four years one quarter of the non-councillor members will stand down.
- 1.4 A recruitment process for the selection of tenant representatives was conducted, including tenant events and the tenant newsletter to encourage applications from interested individuals.
- 1.5 Applications were reviewed by the Chair of the Housing Review Board and officers and a shortlist of candidates was created.
- 1.6 Following interviews of the shortlisted candidates by the Chair of the Board, Assistant Director for Housing (Regulated Services), Communities Team Manager and Democratic Services Officer two candidates were selected for their suitability to serve on the Housing Review Board.

2. Conclusion

- 2.1 The interview panel is recommending that Rachel Browne and Rosie Dale are appointed as co-opted tenant representatives to serve on the Housing Review Board.

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted