

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Cabinet held at Council Chamber, Blackdown House and online via the Zoom app. on 14 July 2021

Attendance list at end of document

The meeting started at 6.01 pm and ended at 10.00 pm

19 Public speaking

Robert Kathro a resident of Exmouth, spoke on Minute 34 Consideration of the Variance of the Exmouth ASB Public Spaces Protection Order 2020 – 2023. He recognised the challenges faced in managing behaviours in public spaces in East Devon and Exmouth but was unhappy at the increase of anti-social behaviour and the methods of trying to control it. He referred to the lack of control of campervans, dogs and dog fouling, anti-social driving (boy racers) along the promenade as well as the sea with jet skis and drug use. He looked forward to the meeting next week with EDDC, the police and other residents to gain constructive ideas to plan for solutions to these issues.

20 Minutes of the previous meeting

The Minutes of Cabinet held on 9 June 2021 were confirmed as a true record.

21 Declarations of interest

Min 28. Response to the Colyton Neighbourhood Plan Submission.
Councillor Paul Arnott, Personal, is a Colyton Parish Councillor.

Min 34. Consideration of the Variance of the Exmouth ASB Public Spaces Protection Order 2020 - 2023.

Councillor Nick Hookway, Personal, is an Exmouth ward member and Chair of Exmouth Queen's Drive Delivery Group.

Min 35. Additional Restrictions Grant.

Councillor Paul Hayward, Personal, Chair of Additional Restrictions Grant Panel.

Min 37. Former Millwey Rise football pitches, Axminster.

Councillor Andrew Moulding, Personal, President of Cloakham Lawns Sports Association and Trustee of Axminster Skate Park.

Min 37. Former Millwey Rise football pitches, Axminster.

Councillor Paul Hayward, Personal, Been involved in discussions on this matter.

Min 41. Seaton Jurassic.

Councillor Jack Rowland, Personal, is a Seaton ward member.

22 Matters of urgency

There was one late report, the minutes of LED Monitoring Forum held on 6 July 2021 recorded at Minute 27.

23 Confidential/exempt item(s)

There was one item in which officers recommend should be dealt with in this way. This is recorded at the end of the minutes.

24 **Forward Plan**

Members agreed the contents of the Forward Plan for key decisions for the period 1 August to 30 November 2021.

25 **Minutes of Budget Setting and Capital Allocations Panel held on 18 June 2021**

Members received and noted the Minutes of Budget Setting and Capital Allocations Panel held on 18 June 2021.

26 **Minutes of Strategic Planning Committee held on 22 June 2021**

Members received and noted the Minutes of Strategic Planning Committee held on 22 June 2021.

RESOLVED (1) the following recommendation be agreed when discussed at Minute 31:

Minute 6: Joint Strategy for East Devon, Exeter, Mid Devon and Teignbridge

1. Option 5 as set out in the report,
2. the scope, resourcing, timetable and governance arrangements set out in this report for preparing a non-statutory Joint Strategy for East Devon, Exeter, Mid Devon and Teignbridge Councils and agrees that as part of engaging the consultant and their brief each authority will consume its own housing numbers.

27 **Minutes of LED Monitoring Forum held on 6 July 2021**

Members received and noted the Minutes of LED Monitoring Forum held on 6 July 2021.

RESOLVED (1) the following recommendations be agreed:

Minute 62 Leisure Strategy

that Cabinet recommend to Council for the approval of a maximum budget of £25,000 towards the production of a Leisure Strategy for the Council which may be part funded from a Sports England Grant with the balance met from the Transformation Fund.

Minute 66 Cloakham Lawns update

a confidential consultation meeting on the proposal to move health and leisure offer to Cloakham Lawns Sports Club be set up, with the stakeholder membership agreed by the Chair of the LED Monitoring Forum; and that no press statements were released by the Council until such discussions are complete.

28 **Response to the Colyton Neighbourhood Plan Submission**

The purpose of the report was to formally agree the response by the Council to the submission consultation for the Colyton Neighbourhood Plan. Colyton Parish Council had formally submitted their Neighbourhood Plan to the District Council. The Neighbourhood

Planning (General) Regulations 2012 (Regulation 16) require the District Council to formally consult on the Plan for a minimum of 6 weeks. As part of this consultation the District Council had the opportunity to comment on the Neighbourhood Plan.

Councillor Helen Parr wished to thank officers for their help and support in the production of this plan.

RESOLVED:

1. That the formal submission of the Colyton Neighbourhood Plan with congratulations to the producers of the plan and members of the public for their dedicated hard work and commitment in producing the document, be noted.
2. That the proposed representation set out at paragraph 1.19 in the report in response to the consultation, be made.

REASON:

To ensure that the view of the District Council was formally recorded and informed the consideration of the Neighbourhood Plan by the independent Examiner.

29

Response to the Dalwood Neighbourhood Plan Submission

The purpose of the report was to formally agree the response by the Council to the submission consultation for the Dalwood Neighbourhood Plan. Dalwood Parish Council had formally submitted their Neighbourhood Plan to the District Council. The Neighbourhood Planning (General) Regulations 2012 (Regulation 16) require the District Council to formally consult on the Plan for a minimum of 6 weeks. As part of this consultation the District Council had the opportunity to comment on the Neighbourhood Plan.

RESOLVED:

1. That the formal submission of the Dalwood Neighbourhood Plan with congratulations to the producers of the plan and members of the public for their dedicated hard work and commitment in producing the document, be noted.
2. That the proposed representation set out at paragraph 1.19 in the report in response to the consultation, be made.

REASON:

To ensure that the view of the District Council was formally recorded and informed the consideration of the Neighbourhood Plan by the independent Examiner.

30

Broadhembury Parish Council - Community Governance Review

The Chief Executive explained that a request had been received from Broadhembury Parish Council requesting that the Council undertake a community governance review under section 80 of the Local Government and Public Involvement in Health Act 2007. The purpose of the review was to assess whether the approved number of parish councillors for the parish should increase from nine to twelve. The report asked for the authorisation of Council to carry out the review

RESOLVED:

1. That the Council undertake a Community Governance Review of Broadhembury Parish Council with a view to establishing whether there should be an increase in the number of parish councillors from 9 to 12.

2. That the Terms of Reference be agreed, including the timetable and arrangements for public consultation.
3. That further reports be brought to Cabinet in order that decisions may be made in respect of draft proposals and final recommendations of the Review.

REASON:

a) In accordance with the provisions of Part 4 of the Local Government and Public Involvement in Health Act 2007; the principal legal framework within which councils must undertake these reviews.

b) Alternative Options

To not take any action and continue with the current membership

c) Risk Considerations

That objections are raised to the principle of increasing the number of parish councillors

d) Policy and Budgetary Considerations

To be dealt with within current budgets.

e) Date for Review of Decision

N/A.

31 **Joint Strategy for East Devon, Exeter, Mid-Devon and Teignbridge**

The Service Lead Planning Strategy and Development Management report sought formal agreement of the scope, resourcing, timetable and governance arrangements for preparing a non-statutory Joint Strategy for East Devon, Exeter, Mid Devon and Teignbridge Councils.

RECOMMENDED that Cabinet recommends to Council to;

1. Approve the scope of the joint strategy for East Devon, Exeter, Mid Devon and Teignbridge as set out in section 2 of the report;
2. Approve the proposed resourcing of the plan as per option 5 in the report;
3. Approve the timetable for production of the plan as detailed in paragraph 4.1 of the report and;
4. Approve the proposed governance arrangements set out in appendix b of the report.
5. Endorses the principal that each authority meets its own housing need.

REASON:

Following the change of approach to joint plan making with the authorities within the Greater Exeter area a non-statutory Joint Strategy covering strategy and infrastructure matters was considered to be the most appropriate way of ensuring a collaborative and co-ordinated approach to meeting development needs across the sub-region. The scope, resourcing, timetable and governance arrangements proposed in the report were considered to offer the most appropriate way to deliver a Joint Strategy in a timely manner.

32 **Revenue and Capital Outturn Report 2020-2021**

The Finance Manager presented the report which set out the revenue budget and capital outturn positions at the end of the financial year. In what has been a very challenging year with the Covid-19 pandemic having a significant impact on all aspects of the council

and its operations. Concerns over the council's finances were originally reported to members at the start of the pandemic but through Government support, tight financial controls and robust budget monitoring the position being reported of the Council remaining financial on track has proven correct with a favourable revenue outturn of £0.333m for the year ending 31 March 2021.

The report outlined the implications of these results on the Council's reserves and made recommendations on any reserve transfers. Central Government had provided financial support direct to the Council and for the Council to administer to support others in dealing with Covid-19.

The Portfolio Holder Finance and Chair congratulated the finance team for their hard work in getting to this position in what had been a difficult and challenging time.

RECOMMENDED that Cabinet recommends to Council;

1. the outturn position for 2020/21 including the implications and proposals relating to the Balances and Reserves held by the Council.
2. that £0.806m was transferred from the General Fund Balance to the Medium Term Financial Plan Risk Reserve and the General Fund Balance was then retained at £3.8m (allowing for £122k to be used in 2021/22 in line with the approved budget), this being the upper end of the adopted range, as detailed in 3.2 of the report.

REASON:

To report the outturn position for the Council's approved budgets for the General Fund, Housing Revenue Account and Capital Expenditure. This financial position would align to the Council's Statement of Accounts but the position in the report was presented in a style that accords to the budget setting and monitoring reports that members receive. Members were asked to note the variations from the budgets identified within the report and consider the final position. It was appropriate at this stage to reflect on the reserves and balances held by the Council and determine if these were the right reserves at the right levels going forward.

33 **Funding of interim Place & Prosperity surveyor through the General Fund asset maintenance reserve**

The Service Lead Place, Assets & Commercialisation reported that there was a particular resourcing pressure within the Place & Prosperity Team because of a number of large projects needing to be delivered over the next 12 months, these being the types of projects that in recent years have not needed to be taken forward and certainly not in this volume. There was an interim resource currently employed by the Council for the past few months to help with the issue but the funding for this finished in early August.

The more significant projects to be delivered would result in a direct reduction in maintenance costs to the portfolio and hence being appropriate to use this Asset Maintenance Reserve.

The projects which would be delivered and would otherwise be un-resourced include amongst others:

1. **Seaton Jurassic** – exercise of the break, return of the property in September and the due diligence needed in respect of handover, preparing options paper for October Cabinet and then necessary marketing and handover to new tenant.

2. **Beer Pilot** – Finalising heads of terms for asset transfers and ensuring pre-requisites of transfer are in place.
3. **Public Conveniences disposals / transfers** – Preparing heads of terms for consultation at end of July and will be lead Surveyor until disposals / transfers conclude.
4. **Hayne Lane employment land, Honiton** – To support in tendering master planning work and being the main liaison with stakeholders throughout.

There were about 20 similar type projects within a Team comprising of just one Surveyor and one Project Officer and therefore without the interim resource, the projects above and others would not be able to be delivered within the required timescale with reputational and / or cost implications on EDDC.

RECOMMENDED that Cabinet recommends to Council;

a sum of up to £58,000 be made available from the General Fund Asset Maintenance Reserve to fund the post.

REASON:

To enable the Place & Prosperity Team to be adequately resourced to deliver required projects.

34 **Consideration of the Variance of the Exmouth ASB Public Spaces Protection Order 2020 - 2023**

The Community Safety Coordinator presented his report which sought approval to vary the existing Public Spaces Protection Orders (PSPO) for the control of ASB & consumption of Intoxicating substances in Exmouth, as required by the Anti-Social Behaviour Crime and Policing Act 2014. The order already included a restriction on the consumption of intoxicating substances in certain designated streets of Exmouth and Sidmouth. The varied order would include addition of beach areas in Exmouth and certain locations identified as anticipated displacement. Local Partners including Exmouth Town Council had been consulted and were all supportive. A public consultation period had been conducted and the report outlined the supportive results and proposals for the area of coverage of the PSPO. The council had the ability to further review the order during the next 2 years. He also updated members that additional funding secured through the Police and Crime Commissioner's Office was now available to employ day-time marshalls to assist in minimising anti-social behaviour.

Discussions included the following:

- Exmouth Town Council had improved the CCTV in order to improve the town's safety
- Extension to the ASB order was welcomed however further police resourcing was needed. Funding for investment sports and youth clubs act as preventive measures giving young people something to be part off in their community.
- Education was better than prosecution

RECOMMENDED that Cabinet recommend to Council;

1. the variation of the Exmouth ASB Public Spaces Protection Order 2020 -2023 to cover the area of land shown on the plans in paragraph 18 of the report (which included the two additional areas of land identified in paragraph 16 of the report) to be effective for this summer with a future review date for May 2023, be agreed

RESOLVED:

2. in light of the verbal reports provided to this meeting Cabinet agreed to ensure that continuing engagement with the PCC and others to secure maximum required funding was undertaken at both officer and Member level.

REASON:

The urgent implementation of the variance of the change would allow for the order if agreed, to be in place for the summer period 2021. This was a period where an increase in related anti-social behaviour problems could be anticipated due to the likelihood of summer staycations.

35

Additional Restrictions Grant

Members had received a series of reports on the deployment of Additional Restrictions Grant (ARG) monies, most recently on the 5 May 2021. The report sought a variation to enable up to £100k of top-up funds to be made available for applications that had come through the latest application round which ended on 11 June 2021.

The Chair thanked the Portfolio Holder Economy and Assets for chairing the ARG committees as well as the valuable input from officers.

RESOLVED:

that the making up to £100k be available from the top-up ARG award to fund applications received through the latest application round, be agreed.

REASON:

To ensure that the Additional Restriction Grant funds could be deployed to best effect across the District in accordance with government guidance.

36

Taking Forward the Council's Communications Ambitions

The Chief Executive presented his report stating that the emerging Council Plan contained a number of ambitions which would require a robust and sustainable communications function to support the achievement of these ambitions. In this respect the communications function included the Council's website and its ability to facilitate an increased number of self-service transactions and increased functionality.

The Portfolio Holder Democracy, Transparency and Communications thanked the communications team for their outstanding work over the last 18 months and extended her thanks to the Chief Executive for getting the team back to its full capacity.

RECOMMENDED that Cabinet recommends to Council;
the proposals set out in the report.

REASON:

The Council currently lacked adequate capacity to deliver a fully functioning communications function and customer access/open for business strategy

37

Former Millwey Rise football pitches, Axminster

The Strategic Lead Housing, Health & Environment's report considered interest in land in the Housing portfolio and likely development opportunities for social and/or affordable housing. As the last significant piece of housing land he suggested resisting alternative

development proposals and retaining the land for affordable/social housing development at some point in the future.

The report in the form of a discussion document highlighted the importance of an adjacent community centre and allotments to the community, and a series of planning constraints that would need to be overcome prior to any development. It was suggested that a development brief and feasibility study be undertaken showing options for development that included considerations relating to adjacent community facilities.

RESOLVED:

That the housing land at Millwey Rise was reserved for affordable/social housing development and associated community facilities, subject to planning permission.

REASON:

To identify housing development opportunities on former sports pitch land in the Housing portfolio.

38 **Safeguarding Policy refresh**

The Strategic Lead Housing, Health & Environment stated that districts across Devon had produced and adopted a joint safeguarding policy designed to protect children and vulnerable adults. In raising safeguarding standards it could be seen that they were all working towards the same outcomes and that a consistent policy approach had proven useful. The policy covers children and adults in one high level statement, and also incorporated modern slavery and counter terrorism. It was intended to update and replace the existing safeguarding policy.

RESOLVED:

To adopt and implement the Joint Safeguarding Policy.

REASON:

To ensure that EDDC had a 'fit for purpose' safeguarding policy in place for the organisation.

39 **Mobile Homes Fit and Proper Person fee charge and policies**

The Principal Environmental Health Officer stated that the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 ("the Regulations") introduced a Fit and Proper Person test for mobile home site owners or the person appointed to manage the site, unless exempted by the Regulations. The Regulations applied to all relevant protected sites other than non-commercial family-occupied sites. These included both "residential parks", which were used exclusively residentially, and "mixed use parks", which were used for both residential and holiday purposes. From 1 July 2021 until 1 October 2021 protected sites, operated on a commercial basis, must be shown to be being managed by a fit and proper person.

RECOMMENDED that Cabinet recommends to Council to;

In order to meet The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 ("the Regulations")

Adopt

- The Fit and Proper Person Test and Fee Policy
- The Fit and Proper Person Determination Policy Agree

Agree

- The Fit and Proper Person Test Fee

REASON:

The fee for the Fit and Proper Person test had been calculated in consideration of the Regulations and to the best knowledge of the officers to ensure that the fee was transparent and reasonable to only cover the cost of the application and determination for the Fit and Proper Person test. The fee was cost neutral for the Council and would be reviewed as necessary. The fee policy documents ensure that the fee was transparent and reasonable for the site owners. The fee policy outlined the initial fee and the basis on which an annual fee could be calculated. The Fit and Proper Person Test Policy was consistent with other Council's in England and ensured that the determination and enforcement was transparent and reasonable for the site owner.

40

Developing Member and staff relationships

The Chief Executive updated members following on from the statement made by the Portfolio Holder for Council & Corporate Co-ordination at the Cabinet meeting of 9 June 2021, in which it was stated that a report would be brought forward to identify proposals to address Member and staff relationships. The report provided more background information together with a number of steps considered appropriate to take to deal with the identified issues. He emphasised that this was an ongoing conversation with a further staff survey being undertaken in the autumn to see if there were any improvements or new issues to address. Whilst there was a good understanding of the issues, progress would require consistent attention from all political parties. In response to a question the Chief Executive said he perceived some improvement but staff morale was fragile and that the issue was how committed councillors were to the code of conduct and sincere in what they said. He confirmed that he welcomed the statement issued by the Democratic Alliance as the current administration.

The Portfolio for Council & Corporate Co-ordination stated all councillors, political groups and each group leader were responsible for the high standards, behaviour and conduct expected and going forward wished for respect and dignity to be restored. He thanked the Chief Executive, Monitoring Officer and Chair of the Council for their input, advice and engagement in this matter as well as their support.

RESOLVED that Cabinet;

1. Invite all group leaders to reflect upon how they and their Members interact with staff and respond positively to the Chief Executive to reassure him that their Members had reiterated that they will treat all staff with respect and apologise for any instances where any of their Members have acted inappropriately towards staff.
2. Note that the Standards Working Group was reviewing the Council's Members' Code of Conduct and request that the Group give specific consideration to the content of the report when conducting their review.
3. Ask the Chief Executive / Monitoring Officer to draft a process to enable a group leader (or alternative representative) to be advised of any alleged inappropriate behaviour of any of their group's Members' to be incorporated into the Protocol for relationships between Members and Officers.

4. Request that the Standards Working Group also considered reviewing the Protocol for relationships between Members and Officers as part of its work with the intention of reporting revised arrangements to the Standards Committee to recommend to Council to adopt.

5. Agree that the Leader of the Council and / or Monitoring Officer should invite all group leaders to a meeting, together with the Monitoring Officer, to discuss and seek agreement on how all members can engage in more respectful conduct at Council and Council Committee meetings, as well as within their use of the Council's email and social media.

6. Request that the Monitoring Officer provide and / or procure further training on the Council's Members' Code of Conduct and Protocol for relationships between Members and Officers and specifically on how members should engage with staff on matters related to their Ward and/or residents, as well as on how to engage with all staff, taking account of the need to recognise that they were part of the employing authority and working to, and within, the Council Constitution.

7. Ask the Chair of the Personnel Committee to keep staff morale and related staff surveys within that Committee's ongoing work plan.

REASON:

To seek to address concerns over the relationships between Members and staff.

41

Seaton Jurassic

The Service Lead Place, Assets & Commercialisation report sets out the current position in relation to Seaton Jurassic Visitor Centre and Devon Wildlife Trust's (DWT) proposed exit of the building on 17 September 2021. This followed the report to Cabinet on 12 May 2021 setting out the next steps. It detailed a request for capital budget to appoint external consultants to support delivery of necessary remedial works in respect of building defects. A full options report on future uses of the building was intended to be presented to Cabinet in October and officers would work with Ward Members and relevant Cabinet Members over the coming months to inform this.

The consultancy works in respect of the remedial works if approved would take at least 15 weeks to undertake so proposed remedial works would then be reported to Cabinet in December with contractors appointed thereafter if Council at that time were to approve a further budget.

RESOLVED:

that the update contained within the report be noted.

RECOMMENDED that Cabinet recommends to Council;

the sum of £75,000 be made available from the Asset Maintenance Reserve to undertake the necessary investigatory works to the building to put right the defects – identifying what was needed and determining liability. The approval of additional budget to undertake the required works identified would be subject to a separate report and recommendation.

REASON:

To update Cabinet on progress and enable the necessary building consultancy works investigating the building defects to commence through providing sufficient budget.

42 **Exclusion of Press and Public**

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

43 **SS Recruitment and Retention**

The report set out a proposal to provide a 'quick fix' to the recruitment and retention difficulties faced in StreetScene Operations by making changes to the salary grading structure at the bottom end of the pay scales.

RECOMMENDED that Cabinet recommends to Council;

that Cabinet endorsed the revisions to the pay bandings for spinal column points 1 to 15 to re-distribute these more equitably across grades 1 to 5 for the reasons set out in the report and recommend the revised salary scale and the use of £174k of the Covid additional costs budget to cover the immediate expense.

REASON:

To assist with the recruitment and retention of essential frontline staff who maintain the council's outstanding environment, including streets, parks & gardens, public toilets, open spaces and ensure that waste is collected to enable residents and visitors to enjoy litter free public places.

Attendance List

Present:

Portfolio Holders

M Armstrong	Portfolio Holder Sustainable Homes and Communities
P Arnott	Leader
P Hayward	Deputy Leader and Portfolio Holder Economy and Assets
G Jung	Portfolio Holder Coast, Country and Environment
D Ledger	Portfolio Holder Strategic Planning
M Rixson	Portfolio Holder Climate Action and Emergency Response
J Rowland	Portfolio Holder Finance
J Loudoun	Portfolio Holder Council and Corporate Co-ordination
N Hookway	Portfolio Holder Tourism, Sport, Leisure and Culture

Also present (for some or all the meeting)

Councillor Sarah Jackson
 Councillor Jess Bailey
 Councillor Denise Bickley
 Councillor Kevin Blakey
 Councillor Jake Bonetta
 Councillor Colin Brown
 Councillor Fred Caygill

Councillor Maddy Chapman
Councillor Bruce De Saram
Councillor Alan Dent
Councillor Peter Faithfull
Councillor Steve Gazzard
Councillor Marcus Hartnell
Councillor Vicky Johns
Councillor Dawn Manley
Councillor Paul Millar
Councillor Andrew Moulding
Councillor Helen Parr
Councillor Val Ranger
Councillor Tom Wright

Also present:

Officers:

Tim Child, Service Lead - Place, Assets & Commercialisation
Amanda Coombes, Democratic Services Officer
Simon Davey, Strategic Lead Finance
Ed Freeman, Service Lead Planning Strategy and Development Management
John Golding, Strategic Lead Housing, Health and Environment
Henry Gordon Lennox, Strategic Lead Governance and Licensing (and Monitoring Officer)
Andrew Hopkins, Communications and Events Consultant
Debbie Meakin, Democratic Services Officer
Robert Murray, Economic Development Manager
John Symes, Finance Manager
David Whelan, Anti-Social Behaviour & Community Safety Co-Ordinator
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)
Mark Williams, Chief Executive
Jody Harding, Principal Environmental Health Officer

Chair

Date: