

EAST DEVON DISTRICT COUNCIL

Minutes of the consultative meeting of Cabinet held at Online via the Zoom app. on 3 November 2021

Attendance list at end of document

The meeting started at 6.00 pm and ended at 8.46 pm

94 **Public speaking**

Cllr Ray Bloxham from Cranbrook Town Council spoke on minute 104 Cranbrook Town Council - Community Governance Review. He wanted to correct the assertions in the responses to the review that the Town Council, in its submission, included Broadclyst Station in its request for a change of boundary. The Town Council had never sought to include Broadclyst Station nor any of the homes in Station Road, Broadclyst within the parish of Cranbrook. He stated that the Town Council had always supported the desire of the surrounding settlements to retain their separate independence and integrity.

Ian Priestley Chair of Colyford Residents Association spoke on minute 105 Colyford - Community Governance Review. He stated that Colyford was the largest settlement in East Devon without a parish council. It had its own sense of identity with different issues, aims and demographic to that of Colyton. By creating a new council this would reduce the current council's workload as well as addressing Colyford's own unique needs. A third of residents had signed a petition for a community governance review. Residents' questions such as the right to be buried in the cemetery, the use of footpaths and playground and would this be financially viable were answered through two open meetings, with the answers being yes. Colyford had a steering group on standby to help EDDC with the next stage of the community governance review.

Cllr Jess Bailey spoke of the subject of sewage discharge in the River Otter and its threat to the beavers that had recently been reintroduced to the river. She asked the Portfolio Holder for Coast, Country and Environment if he agreed that the discharge of untreated sewage by SW Water into East Devon rivers was unacceptable. She asked that SW Water be invited to explain to how it was going to improve its infrastructure so these discharges no longer happen.

The Portfolio Holder for Coast, Country and Environment thanked Cllr Bailey for her question. He agreed it was a good idea for SW Water to attend a meeting and subject to the chair of the scrutiny committee thought that would seem the most appropriate committee. He explained that the problem was the older combined drains systems where surface water was combined with sewage. In a storm event the treatment plants could not cope and the polluted storm water was discharged into rivers and sea. Through talks with both Teignbridge and Exeter councillors on this very subject they were all similarly minded. Therefore a combined approach from all 3 councils on the subject could prove to be worthwhile as all its sewage ended up in the same area of sea. He hoped a solution could be agreed and set in place very quickly.

95 **Minutes of the previous meeting**

The minutes of the consultative meeting of Cabinet held on 6 October 2021 were agreed.

96 **Declarations of interest**

Min 104. Cranbrook Town Council - Community Governance Review.
Councillor Megan Armstrong, Personal, Family members living in Cranbrook.

Min 104. Cranbrook Town Council - Community Governance Review.
Councillor Paul Hayward, Personal, Family members living in Cranbrook.

Min 105. Colyford - Community Governance Review.
Councillor Paul Arnott, Personal, Member of Colyton Parish Council.

Min 106. Community Housing Fund.
Councillor Paul Arnott, Personal, Director for Colyton and Colyford Community Land Trust.

Min 110. Sidmouth and East Beach BMP: Direction for OBC development and submission.
Councillor John Loudoun, Personal, Member of Advisory Group, Ward Member and Sidmouth town councillor.

Min 110. Sidmouth and East Beach BMP: Direction for OBC development and submission.
Councillor Marianne Rixson, Personal, Sidmouth town councillor.

Min 111. Cloakham Lawns Employment Land, Axminster.
Councillor Paul Hayward, Personal, Member of staff at Axminster Town Council and resident of Cloakham Lawns.

Min 111. Cloakham Lawns Employment Land, Axminster.
Councillor Sarah Jackson, Personal, Sits on Axminster Neighbourhood Plan Steering Group.

Min 112. Honiton - Community Governance Review.
Councillor Jake Bonetta, Personal, Member of Honiton Town Council and Honiton Forward.

Min 113. Dowell Street Car Park.
Councillor Jake Bonetta, Personal, Member of Honiton Town Council.

Min 113. Dowell Street Car Park.
Councillor Paul Hayward, Personal, Had corresponded with Honiton Town Council and received lobbying emails from residents.

97 **Matters of urgency**

None

98 **Confidential/Exempt item(s)**

None

99 **Forward Plan**

Members agreed to recommend the contents of the Forward Plan for key decision for the period 1 December 2021 to 31 March 2022 for approval.

100 **Minutes of joint meeting of Overview and Scrutiny Committees held on 16 September 2021**

Members agreed to note the minutes of the joint meeting of Overview and Scrutiny Committees held on 16 September 2021.

101 **Minutes of Poverty Working Panel held on 20 September 2021**

Members agreed to note the minutes of the Poverty Working Panel held on 20 September 2021.

102 **Minutes of Scrutiny Committee held on 7 October 2021**

Members agreed to note the minutes of Scrutiny Committee held on 7 October 2021.

103 **Minutes of Recycling and Waste Partnership Board held on 13 October 2021**

Members agreed to note and recommend the minutes and recommendations of Recycling and Waste Partnership Board held on 13 October 2021 to officers for decision.

Minute 20 Crew behaviour training phase 2

1. that members note the excellent crew behaviour training being delivered by SUEZ, including the five golden rules of crew behaviour:

1. Never litter
2. Always return bins neatly
3. Always behave responsibly
4. Drive with care
5. Use social media responsibly

2. that the training video be included on the EDDC website and that all councillors be encouraged to watch it.

Minute 21 Flats recycling project

- that district councillors share with residents associations in their area the flats recycling project and video, in order to encourage residents of flats to recycle.
- that an improvement project be established and reported back to future meeting of the Recycling and Waste Partnership Board.

104 **Cranbrook Town Council - Community Governance Review**

The Chief Executive updated members on the responses received to the phase 1 consultation and to recommend that the Community Governance Review (CGR) not be further proceeded with.

Discussions included;

- How often could a CGR be applied for? Surrounding local villages needed assurance that they would not have to go through the worry of this regularly.
- Disappointed the responses were uninformed and that any future CGR made it very clear to where proposed boundaries were to be placed, so everyone understood what was being proposed so could therefore comment accordingly.

Clarity to surrounding parishes that it would not be a take-over by Cranbrook TC but the solution to the governance and management of the expanding town.

Clarity needed as the Cranbrook Plan did include Broadclyst Station causing more confusion.

RECOMMENDED to Council;

that having regard to the representations received and the likely timescale for receiving the report of the Inspector into the Cranbrook Plan, the Review be discontinued and that Cranbrook Town Council be invited to reapply for a Review when the Inspector's report was received and the implications of the report had been fully assessed.

REASON:

To take account of representations received and the delay in receiving the Inspector's report.

105 **Colyford - Community Governance Review**

The Deputy Leader took over the Chair as the Leader was a district councillor for Colyford.

The Strategic Lead Governance & Licensing stated that a request had been received from Colyford Village Residents Association 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 would be to assess whether or not Colyford should have its own parish council rather than being part of Colyton Parish Council.

RECOMMENDED to Council;

1. That the Council undertake a Community Governance Review of the current Colyton Parish Council area with a view to establishing whether Colyford should have its own parish council and approve a budget of £5,000 for carrying out the review.
2. That the Terms of Reference be agreed, including the timetable and arrangements for public consultation.
3. That further reports would be brought to Cabinet in order that decisions may be made in respect of draft proposals and final recommendations of the Review.

REASON:

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.

106 **Community Housing Fund**

The Strategic Lead Housing, Health and Environment outlined the purpose of the report was to provide an update on the spending of the Community Housing Fund to date and to seek authority to increase the scope of the scheme to enable both capital and revenue grant.

RECOMMENDED that;

Senior Officers approve

- 1) To approve the use of the Community Housing Fund for capital grant going forward with approval of individual grant applications delegated to the Strategic Lead for Housing,

Health & Environment in consultation with the Portfolio Holder for Homes and Communities and the Portfolio Holder for Strategic Planning.

2) To increase the amount of grant for revenue funding from £40,000 to £50,000.

REASON:

To ensure community led affordable housing schemes could be delivered.

107 **Discretionary Housing Payments Policy**

The Service Lead Revenues, Benefits, Customer Services & Corporate Fraud presented her report which advised of necessary changes made to the Discretionary Housing Payment (DHP) Policy. The report detailed the changes made in order for DHPs to be used to meet the aims of the Poverty strategy and Poverty Action plan.

Following the motion to Council on 20 October 2021 (regarding the impact the £20 cut in Universal Credit (UC) would have), Members were asked to better understand what financial support was available for low income households who were struggling to afford day to day essentials. DHP's was one of a number of different funds the Council had available in order to provide extra financial support for low income households.

The Portfolio Holder Finance and Portfolio Holder Sustainable Homes and Communities thanked Libby for bring this report to Cabinet.

RECOMMENDED that;

Senior Officers approve the updated Discretionary Housing Payment policy.

REASON:

The report set out the reasons for the updates made to the DHP policy. The policy changes made take into account the Council's Poverty Strategy and Poverty action plan. The changes also took into account the work being carried out by the Financial Resilience team and the wider work with partner agencies, including those in the voluntary sector.

108 **Annual Treasury Management Review 2020/21 - 1 April 2020 to 31 March 2021**

The report detailed the overall position and performance of the Council's Treasury Management Strategy during 2020/21.

Having received the report members reviewed and noted the investment values and performance for the year to 31 March 2021 and that no further recommendations were required.

109 **Financial Monitoring Report 2021/22 - Month 6 September 2021**

The report gave a summary of the Council's overall financial position for 2021/22 at the end of month six (30 September 2021).

Current monitoring indicated that:

The General Fund Balance was being maintained within the adopted levels.

The first six months of the financial year had seen a return to more stable financial performance however, service demand remains high in many service areas.

Income levels continued to recover, for example car parking income, as services reopen.

Specific cost pressures had been identified and importantly funded from additional Government grant.

The Housing Revenue Account Balance was being maintained at or above the adopted level.

Having received the report members acknowledged the variances identified as part of the Revenue and Capital Monitoring process up to Month 6 and that no further recommendations were required.

110 **Sidmouth and East Beach BMP: Direction for OBC development and submission**

The Engineering Projects Manager stated that Sidmouth and East Beach BMP had been progressing for the last 6 months, whilst officers and a Sub-Group investigated alternative ideas given the increased funding eligibility. Six months had now elapsed and although no single complete option had come out of the additional study process, it left three directions that the project can move in. These were;

- A. continue with the preferred option,
- B. switch to the alternative option (developed during the additional study period, or
- C. make no decision at this time (further study/fundraising)

Members were asked to decide on which direction to take the project forward with option B being recommended.

The Engineering Projects Manager informed members of 3 amendments to the report.
Item 4. (B) Alternative Option should read (B) Alternative Preferred Option
Item 4.1.3 the word 'Allowance' replaced with 'Expectation'
Item 4.1.5 to include the importance of quicker and easier launching of the lifeboats.

RECOMMENDED that;

Senior Officers approve the direction that Sidmouth and East Beach BMP should take, with option B - Alternative preferred option (Preferred option but with an additional offshore breakwater or breakwaters on Town Beach) - being the recommendation.

REASON:

The Sidmouth and East Beach advisory group recommended that option B was recommended as the direction for the Outline Business Case (OBC) to take, with the inclusion of further check stages by the advisory group, including review of a new draft OBC and prior to the submission of a planning application to ensure that project risks were being managed.

EDDC officers believed option B, the alternative option to be the best way forward as it was best on both technical and economic grounds.

111 **Cloakham Lawns Employment Land, Axminster**

The Service Lead Place, Assets & Commercialisation provided an update on the opportunity for an employment site to come forward in Axminster. This included;

- Vistry Homes Limited taking the lease of the compound; (previously known as Bovis but Bovis still use Bovis as one of their trading name, plus Linden Homes which they acquired. It is one and the same Group)
- Vistry Homes Limited transferring the employment land (as registered proprietor of the land concerned).

RECOMMENDED that;

Senior Officers approve

1. delegated authority being granted to the Service Lead for Place, Assets & Commercialisation in consultation with the Portfolio Holder for Economy & Assets, to approve the Heads of Terms and complete the lease with Vistry Homes Limited for a short term lease. This would be entered into with them for the temporary use of this site as a compound whilst the feasibility study was undertaken with due consultation and prior to development.

Recommend the following to Council;

2. the allocation of up to £59,400 from the Business Rates Reserve Pool for a feasibility study and masterplan on future uses and for legal costs and stamp duty land tax in the acquisition.

REASON:

A budget of £9,400 was required so that the transfer of the employment land can complete as HMRC Stamp Duty Land Tax needs to be paid on the transfer for which EDDC are liable. A budget of up to £50,000 was required so that a feasibility study and master planning exercise can be undertaken in order to identify the development options and possible returns from the site.

Bovis (trading name for Vistry Homes Limited) wished to use the compound for the next three years and until their housing development had completed and would require a short term lease in order to use this site for this purpose. This transaction would generate an income stream for EDDC and would significantly reduce holding costs until EDDC were ready to take over the site.

112 **Honiton - Community Governance Review**

The Strategic Lead Governance & Licensing stated that following a petition request for a community governance review, Counsel's advice had confirmed that it would not be appropriate to progress a review on the basis of the recommendations sought and in any event the petition organisers were now advocating that the petition be withdrawn. Members were asked to consider this but also whether a review may nonetheless be appropriate due to some boundary anomalies and recent developments to the east end of Honiton.

Discussions included:

- Boundaries needed looking into especially interior ward boundaries
- The Boundary Commission could only review district boundaries. EDDC could only review parish boundaries
- Direct the debate towards the town and Gittisham
- Preferable for Honiton Town Council and Gittisham Parish Council to be supportive of any process.

RECOMMENDED to Council;

1. That, subject to receiving the views of Honiton Town Council and Gittisham Town Council, the Council undertake a Community Governance Review of the Gittisham Parish / Honiton Town Council boundaries and approve a budget of £5,000 for carrying out the review.
2. That the Terms of Reference be agreed, including the timetable and arrangements for public consultation.
3. That further reports will be brought to Cabinet in order that decisions may be made in respect of draft proposals and final recommendations of the Review.

REASON:

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. It was for Members to determine the appropriate approach in relation to a Honiton Community Governance Review.

113 **Dowell Street Car Park**

The Strategic Lead Governance and Licensing updated members of the consultation and advertising of the proposed variation in the East Devon Off-street Parking Places Order had been completed and Cabinet affirmed the previous decision at its meeting in January 2020. A draft lease and management agreement was now ready for signature by the parties but at the request of the Portfolio Holder, Cabinet was being asked to review the position and determine whether it wished to make any alternative recommendation to Council.

RECOMMENDED that;

Senior Officers approve the request to Honiton Town Council that they reconsider and confirm that they wish EDDC to manage the Dowell Street car park in accordance with the draft management agreement that had been shared between the organisations.

REASON:

To consider further the decision made by this Council on 2 January 2019 which was affirmed by Cabinet on 8 January 2020.

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
S Jackson	Portfolio Holder Democracy, Transparency and Communications
N Hookway	Portfolio Holder Tourism, Sport, Leisure and Culture

Also present (for some or all the meeting)

Councillor Kevin Blakey
Councillor Kim Bloxham
Councillor Jake Bonetta
Councillor Colin Brown
Councillor Bruce De Saram
Councillor Peter Faithfull
Councillor Marcus Hartnell
Councillor Vicky Johns
Councillor Richard Lawrence
Councillor Paul Millar
Councillor Andrew Moulding
Councillor Helen Parr
Councillor Christopher Pepper
Councillor Geoff Pook
Councillor Val Ranger
Councillor Eleanor Rylance
Councillor Brenda Taylor

Also present:

Officers:

Tom Buxton-Smith, Engineering Projects Manager
Tim Child, Service Lead - Place, Assets & Commercialisation
Amanda Coombes, Democratic Services Officer
Simon Davey, Strategic Lead Finance
John Golding, Strategic Lead Housing, Health and Environment
Henry Gordon Lennox, Strategic Lead Governance and Licensing (and Monitoring Officer)
Andrew Hopkins, Communications Consultant
Libby Jarrett, Service Lead Revenues and Benefits
Debbie Meakin, Democratic Services Officer
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)
Mark Williams, Chief Executive

Chair _____

Date: _____