

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the consultative meeting of Cabinet held at Online via the Zoom app. on 13 July 2022**

#### **Attendance list at end of document**

The meeting started at 6.02 pm and ended at 9.45 pm

#### **22 Public speaking**

Ian Priestley Chair of the Colyford Residents' Association spoke on Minute 38 Colyford Community Governance Review. He thanked Henry Gordon Lennox and his team for the enormous amount of work that had gone on so far on this project. He thanked Colyford Steering Group for their hard work. He stated that many residents had completed the EDDC consultation form and it was clear how the village wished to move forward. The Residents' Association had a clear vision and solid plan and would set up various working groups; engaging the skills base of residents. He was looking forward to working with EDDC and stated that the steering group were happy with the proposed boundary.

Andrew Parr Chair of Colyton Parish Council spoke on Minute 38 Colyford Community Governance Review. He stated that Colyton Parish Council were against the proposal of separating the two parishes of Colyton and Colyford. He was concerned about how finance for this would impact on Colyton. The boundary was also a concern and if a boundary was to be drawn there must be clearer consultation with all parties including the parish council. He asked members not to accept this proposal.

Mike Goodman had submitted questions on the Car Park Strategy, EV points and the LED Strategy. The Chair read out Mr Goodman's questions as well as the answers given by officers. Mr Goodman asked two supplementary questions;

1. as the demand for EV points was increasing would EDDC look going forward to putting in fast and rapid chargers?
2. He thanked Simon Davey for emailing him regarding the Grant Thornton report. This document measured expenditure and quality of all services across the council that enables them to compare themselves to other councils. Could Cabinet confirm that they had accepted the high costs of leisure and investigated why the costs were so high compared with other councils?

#### **23 Minutes of the previous meetings held on 8 June and 29 June 2022**

The minutes of the consultative meetings of Cabinet held on 8 June and 29 June 2022 were agreed.

#### **24 Declarations of interest**

Min 28. Minutes of LED Monitoring Forum held on 7 June 2022.

Councillor Paul Arnott, Affects and prejudicial Non-registerable Interest, Represents the Coly Valley ward and his wife is a member of LED Community Leisure and user of Colyton Leisure Centre. Cllr Arnott absented himself from the meeting for this item.

Min 31. Minutes of Asset Management Forum held on 21 June 2022.

Councillor Paul Hayward, Affects Non-registerable Interest, Clerk for Axminster Town Council.

Min 31. Minutes of Asset Management Forum held on 21 June 2022.

Councillor Sarah Jackson, Affects Non-registerable Interest, Sensitive interest.

Min 32. Minutes of Arts and Culture Forum held on 15 June 2022.

Councillor Vicky Johns, Affects Non-registerable Interest, Works at SW Academy of Applied & Fine Arts and was Ottery St Mary Town Council representative at the meeting.

Min 33. EDDC Leisure and Built Facilities Strategy 2021-2031.

Councillor Andrew Moulding, Directly relates Non-registerable Interest, President of Cloakham Lawns Sports Centre.

Min 33. EDDC Leisure and Built Facilities Strategy 2021-2031.

Councillor Andrew Moulding, Affects Non-registerable Interest, Trustee of Axminster Skate Park.

Min 33. EDDC Leisure and Built Facilities Strategy 2021-2031.

Councillor Ian Hall, Affects Non-registerable Interest, Trustee of Axminster Skate Park.

Min 38. Colyford Community Governance Review.

Councillor Dan Ledger, Affects Non-registerable Interest, Lives next to the boundary.

Min 38. Colyford Community Governance Review.

Councillor Paul Arnott, Affects and prejudicial Non-registerable Interest, Is a Colyton Parish Councillor. Cllr Arnott absented himself from the meeting for this item.

Min 38. Colyford Community Governance Review.

Councillor Sarah Jackson, Affects Non-registerable Interest, As Portfolio Holder Democracy, Transparency and Communications had been involved with discussions on this matter.

## 25 **Matters of urgency - UK Shared Prosperity Fund Investment Plan**

The Economic Development Manager and Economic Development Officer updated members on the report to the 4 May 2022 Cabinet that provided an overview of the published UK Shared Prosperity Fund (SPF) Prospectus and highlighted the need to work in partnership with local stakeholders to develop and submit an Investment Plan by the 1 August 2022. This follow up report sought endorsement for the proposed Investment Plan now developed. Subject to receiving final sign off, the District's allocation of £1,796,363 would enable a series of projects to be delivered over the next three years. These projects addressed the three SPF investment priorities: Community and Place; Supporting Local Business; and People and Skills.

The Portfolio Holder Economy and Assets thanked Rob Murray, Tom Winters and their team for the huge effort to get this plan submitted in such a short period of time. He thanked the members of the panel for their help in giving maximum benefit for a vast number of people.

### **RECOMMENDED that;**

Senior Officers

- Endorse the proposed Investment Plan contained at Appendix A
- Give delegated authority to the Service Lead for Growth, Development & Prosperity in consultation with the Strategic Lead for Finance and the Portfolio Holder for Economy and Assets to make any final changes to the Investment Plan and to submit this by the 1st August deadline.

**REASON:**

To ensure that the Council submits a suitable Investment Plan to unlock our UK Shared Prosperity Fund allocation and ensure delivery of the included interventions and subsequent projects over the next three years.

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

None

27 **Forward Plan**

Members agreed to recommend the contents of the Forward Plan for key decision for the period 1 August 2022 to 30 November 2022 for approval.

28 **Minutes of LED Monitoring Forum held on 7 June 2022**

The Deputy Leader took over as Acting-Chair for this item.

Members agreed to note and recommend the Minutes of LED Monitoring Forum held on 7 June 2022.

**Minute 6 Draft Leisure & Built Facilities Strategy**

To approve the principle of the draft Leisure Strategy.

**Minute 11 Colyton Leisure Centre - Proposals to restructure operating arrangements with the school**

1. To delegate authority to the Service Lead – Place, Assets & Commercialisation in consultation with the Strategic Lead – Finance and the Portfolio Holder for Economy & Assets to agree heads of terms for a new lease and management agreement to achieve the outcomes within this report and to enter new agreements with Colyton Grammar School.
2. That Cabinet recommend to Council to provide a capital budget of up to £140,000 to contribute to the School's capital investment works to the all-weather pitch and by doing so securing improved future community use.

29 **Minutes of Scrutiny Committee held on 9 June 2022**

Members to recommend the Minutes of the Scrutiny Committee held on 9 June 2022 be referred to the Overview Committee in the New Year to look into making further progress on this subject.

**Minute 7 Car parking petitions**

- To consider a petition platform within the Council's website.
  - To publicise the council's petition scheme via the Council's weekly press release.
- Cabinet agreed a further recommendation.

30 **Minutes of Housing Review Board held on 16 June 2022**

Members agreed to note and recommend the Minutes of Housing Review Board held on 16 June 2022.

**Minute 10 Integrated Asset Management Contract**

1. notes the update on the delivery of the Integrated Asset Management Contract; and
2. recommends to Cabinet that the updated action plan is adopted, as set out in the report, to address ongoing performance concerns that relate to the Integrated Asset Management Contract.

### **Minute 12 Finance report**

that the Housing Review Board note the Housing Revenue Account and Housing Capital Finance 2021/22 year end outturn report is noted, and the recommend that the reserve recommendations are approved by Cabinet.

### **Minute 15 Additional Post – Data Officer (Property & Asset)**

1. that the Housing Review Board recommends to Cabinet the creation of the additional post of Housing Data Analyst to provide accurate validated data in relation to a variety of work undertaken by the Property and Asset team;
2. that the Housing Review Board recommends to Cabinet to recommend to Council the additional budget of £40,000 to provide the post of Housing Data Analyst for the Property and Asset team.

### **Minute 16 Use of external consultants**

that the Housing Review Board recommends to Cabinet the use of existing budget to employ external consultants to support the Property and Asset Team to deliver planned works as required to ensure our housing stock remains safe, compliant and that our tenants can feel safe in their homes.

## **31 Minutes of Asset Management Forum held on 21 June 2022**

Members agreed to note and recommend the Minutes of Asset Management Forum held on 21 June 2022.

### **Minute 6 Asset Management Plan for General Fund Assets**

That Officers in consultation with the Portfolio Holder for Economy & Assets along with SMT:

- a) Develop the 3 protocols:
  - Investment / Capital programme Protocol
  - Disposal & Acquisition Protocol
  - Property Commercialism 'Let Property' Protocol
- b) Develop the Action Plan to sit within and be the core part of the Asset Management Plan.

Before then bringing a draft Asset Management Plan to the Asset Management Forum seeking a recommendation for adoption to Cabinet.

### **Minute 7 Land to the South of Redgates, Salterton Road, Exmouth**

- a) To delegate authority to the Service Lead Place, Assets & Commercialisation in consultation with Portfolio Holder for Economy & Assets, Strategic Lead Governance and Licencing and the Strategic Lead Finance to consider the opportunity for East Devon District Council to accept the transfer at 'nil consideration' of the freehold of the land (with the potential to develop 4 no. commercial units) as part of the Developer's Planning obligation by Unilateral Undertaking under section 106 of the Town and Country Planning Act 1990 relating to Land to the South of Redgates, Salterton Road, Exmouth.
- b) To delegate authority to the Service Lead Place, Assets & Commercialisation in consultation with Portfolio Holder for Economy & Assets, Strategic Lead Governance and

Licencing and Strategic Lead Finance to complete the acquisition if a decision is made to progress.

- c) If acquired, to lease these units out on a commercial basis.
- d) A further report to Cabinet with onward recommendation to Council to approve a fit out budget for the units to enable their letting.

### **Minute 8 Update on Community Asset Transfer Procedure**

That Cabinet adopts the Policy.

## **32 Minutes of Arts and Culture Forum held on 15 June 2022**

Members discussed this item at Minute 35 Culture Strategy and Action Plan for East Devon 2022-2031.

### **Minute 2 Appointment of Vice Chair**

that the recommendation that Councillor Nick Hookway be appointed Vice Chair of the Board for the remainder of the civic year be passed for approval.

### **Minute 5 East Devon Culture 2022-2031**

1. Notes the significance of culture to the District and the importance of supporting recovery from the impact of the pandemic.
2. Endorses the Culture Strategy 2022-31 to reflect the new ambitions and opportunities to expand the arts and cultural offer of East Devon with a view that it supersedes the Culture Strategy 2017-21.

### **Minute 7 Resourcing the Culture Strategy**

endorses the Culture Strategy's proposal to provide additional resources to support the delivery of the Strategy's Action Plan and that Cabinet recommend to Council the funding for a Cultural Producer role.

## **33 EDDC Leisure and Built Facilities Strategy 2021-2031**

The Service Lead Countryside & Leisure's report outlined the process for the issuing of a Leisure & Built Facilities Strategy and Action Plan for East Devon District Council. The development of the Leisure & Built Facilities Strategy for the Council had followed Sport England's guidance having completed a Strategic Outcomes Planning Guidance Diagnostic report and undertaken a comprehensive consultation process with sports clubs, schools and Sports Governing Bodies.

The Strategy and Action Plan had identified the need for additional resource with the creation of a Leisure Strategy enabler role to take forward the Action Plan's priorities. Without this additional capacity the ability to deliver the Strategy would be severely compromised.

The Portfolio Holder Tourism, Sport, Leisure and Culture wished to thank members, officers, the board of staff of LED and the consultant on strategic leisure for their hard work in allowing this council to keep its leisure facilities open in the future.

The Leader thanked the Chair and Vice Chair of the LED Monitoring Forum for the work put into this over time to get to this stage of producing this strategy. He acknowledged the forum had allowed for a better deal of understanding from all sides. This had been strong cross-party team work across the council and with all parties involved and he regarded this as an historic moment in implementing a new vision over the next ten years.

**RECOMMENDED that;**

Senior Officers approve the Leisure and Built Facilities Strategy and Action Plan 2021-2031.

**RECOMMENDED to Council that;**

a budget of £38,000 per annum for a Leisure Strategy enabler role; to be funded initially (3 years) from the Transformation Fund.

**REASON:**

To enable East Devon District Council to adopt a 10 year Strategy for managing all its leisure facilities and provide a framework for action to make key decisions on its capital programme of improvements to the leisure assets. To consider the future of the dual use sites and negotiate the management fee with its leisure operator LED.

34 **Revenue and Capital Outturn Report 2021-2022**

The Finance Manager presented his report which set out the revenue budget and capital outturn positions at the end of the financial year. In what had again been a challenging year due to the ongoing impact of Covid-19 on council services and operations, some areas had continued to face increases in demand and drops in planned income. There had been a significant issue with recruitment and retention.

Central Government had provided additional funding, in many different tranches with numerous conditions attached, and at different times of the year, to help support local businesses and communities through the pandemic. This welcomed funding had however created demand in its administration and management and understanding the financial impact of Covid-19 on the council's costs and income had continued to make it a difficult financial environment to predict.

**RECOMMENDED to Council that;**

1. Considers and recommends the outturn position for 2021/22 including the implications and proposals relating to the Balances and Reserves held by the Council.
2. The increase in the adopted range of the general fund, the proposed reserve transfers contained within the report and give delegated authority to the Strategic Lead Finance in consultation with the Finance Portfolio for any amendments to these transfers as additional year end data becomes available.

**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.

35 **Culture Strategy and Action Plan for East Devon 2022-2031**

The Service Lead Countryside & Leisure provided the Culture Strategy and Action Plan for East Devon for the future development and enhancement of the Council's ambitions for cultural development. The Culture Strategy was a ten year statement of intent that

sought to build on the existing work of the Council focussed mainly around the THG, as a cultural hub and the Arts & Culture Forum through a more cohesive and strategic approach to arts and culture and also seeking to add capacity and resource into meeting these ambitions.

The Culture Strategy presented an opportunity to place culture at the heart of the Council's recovery planning (both economically and socially) and along with the planned Leisure and Tourism Strategies provided the strategic decision making framework for these areas in the Council Plan.

The Portfolio Holder Tourism, Sport, Leisure and Culture wished to thank all who had taken part and shared their views in the development of the strategy.

**RECOMMENDED to Council that Council;**

- Approve the adoption of the Culture Strategy 2022-31 to reflect the new ambitions and opportunities to expand the arts and cultural offer of East Devon.
- Endorse the Culture Strategy's proposal to provide funding for a Cultural Producer role to enable the delivery of the Culture Strategy and Action Plan 2022-2031. A request was made to Council for a budget of £38,000 per annum; to be funded initially (3 years) from the Transformation Fund.

**REASON:**

To be able to deliver the corporate ambitions identified within the Council Plan to develop and enhance the arts and cultural offer as an essential part of the Council's recovery planning work post COVID-19, that would enable a social and economic recovery in the district's communities. The Culture Strategy and Action Plan provides the strategic framework to support East Devon's arts and cultural sector and to help support the Council's ambitions for a scaling up of its cultural activities that support and synergise with the planned Tourism Strategy and Leisure Strategy. The Culture Strategy seeks to act on East Devon DC's climate change emergency response targets, recognises the value of the district's outstanding natural environment and supporting the district-wide cultural network (ACED) to engage with East Devon's creative arts sector.

The Minutes of the Arts and Culture Forum held on 15 June 2022 were recommended for approval to include the following;

**Minute 2 Appointment of Vice Chair**

**RECOMMENDED to Council**

that the recommendation that Councillor Nick Hookway be appointed Vice Chair of the Board for the remainder of the civic year be passed for approval.

36 **Devon, Plymouth and Torbay Devolution Deal - update**

The Service Lead Growth, Development & Prosperity and Phill Adams, Programme Director from DCC updated members on the proposed County Deal for the Devon, Plymouth and Torbay area. Following the publication of the Levelling Up White Paper in February, work had been undertaken on formulating and agreeing a devolution deal for the area. They provided an update on the progress on the deal over recent months, and likely next steps and timings. Two particular areas of note for East Devon were highlighted around ongoing work in terms of the governance arrangements for a future Combined Authority in light of the provisions within the Levelling Up and Regeneration Bill published in May and the likely timetable for integration of the Shared Prosperity Fund.

Having received the report members reviewed and noted the following;

- the ongoing work around the Devon, Torbay and Plymouth Devolution Deal
- acknowledged the importance of influencing the development of the Deal for the Devon, Plymouth and Torbay area
- the interim discussions around the Levelling Up Bill and supports ongoing efforts to influence Government's position on the role of District Authorities within Devolution.

### 37 **Broadhembury Parish Council - Corporate Governance Review**

Members were reminded that at its meeting on 5 January 2022 Cabinet recommended that having considered the representations received, proposals be published recommending that the number of parish councillors for Broadhembury be increased from 9 to 12, such increase would come into effect for the May 2023 elections. The recommendation was confirmed by Council at its meeting on 21 January 2022. The report confirmed that no comments were received to the proposals during the three month period of consultation and therefore the recommendation was for the appropriate order to now be made.

#### **RECOMMENDED to Council;**

That having regard to the relevant statutory criteria the number of councillors for the parish of Broadhembury be increased from 9 to 12 and that this recommendation was duly published, and the appropriate Order be made with delegated authority to the Chief Executive to incorporate all necessary provisions into the Order.

That it be noted the new arrangements would come into formal legal effect on the 1<sup>st</sup> April 2023 for the next set of scheduled elections to be held in May 2023.

#### **REASON:**

To take forward the strong community support for these proposals.

### 38 **Colyford Community Governance Review**

The Deputy Leader took over as Acting-Chair for this item.

The Strategic Lead Governance & Licensing reminded members that at its meeting in November 2021, Cabinet agreed that a Community Governance Review be undertaken following a request from the Colyford Village Residents Association. Following publication of the Terms of Reference and the first phase of consultation a decision was now required on whether to proceed to the second stage of the Community Governance Review. The report appended a summary of the various views that were received and recommends the formal publication of draft proposals.

#### **RECOMMENDED that;**

Senior Officers approve

1. Having regard to the relevant statutory criteria and the results of the first phase of consultation that a new Parish Council be established for the area known as 'Colyford' and that this proposal be formally published with a 3 month period for representations.
2. That the proposed boundary be as set out in Appendix 3 (reflecting comments made by local residents in the consultation).
3. That the new Parish Council be known as 'Colyford Parish Council' with a membership of 7 councillors and that no warding provisions were incorporated.
4. The membership of Colyton Parish Council be reduced from 13 to 11 councillors.



**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.

39 **Kilmington Neighbourhood Plan Examiner's Report**

The Chief Executive explained that the report provided feedback and set out proposed changes following the examination of the Kilmington Neighbourhood Plan. The independent examination of the Plan had now concluded and the final Examiner's report received. In accordance with the relevant legislation, the District Council must now consider its response to the Examiner's recommendations and also satisfy itself that the Plan meets the necessary 'basic conditions'.

**RECOMMENDED that;**

Senior Officers approve

1. that the Examiner's recommendations on the Kilmington Neighbourhood Plan (the Plan) were endorsed.
2. approval of a 'referendum version' of the Plan (incorporating the Examiner's modifications) to proceed to referendum and that a decision notice to this effect be published.
3. That the Neighbourhood Plan Steering Group be congratulated 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.

**DECISION:**

The recommendation(s) was/were approved by a Senior Officer. The Senior Officer Decision Notice is listed above under Additional Documents.

40 **Apprenticeship Levy Transfer Policy**

The HR Manager presented her report that sought to agree the Council's policy with regard to the transfer of Apprenticeship Levy funds to other local employers to support a resilient economy.

**RECOMMENDED that;**

Senior Officers agree that the Council utilise the Government's Apprenticeship Levy Transfer arrangements, allowing the Council to fund apprenticeships for other local employers to support economic prosperity and growth, in line with the eligibility criteria set out in this paper, and that individual decisions about Levy Transfer were delegated to the Head of Paid Service.

**REASON:**

To clarify the Council's approach to Apprenticeship Levy Transfer and ensure it was aligned to Council Plan priorities.

41 **Revised policy on the release of lanterns, balloons and fireworks on Council land**

The Beach Safety Officer explained that there was an urgent need for clarity on the council's position on these items, which was held up by the much more complex policy on drones.

**RECOMMENDED to Council;**

1. to approve the separation of Helium Balloons, Fire Lanterns and Fireworks from the Drones Policy, and to approve the separate policy as detailed in the report.
2. To ask officers to consider how such policies could be applied to the council's tenanted commercial and HRA properties.

**REASON:**

There was an urgent need for clarity on these items.

**Attendance List**

**Present:**

**Portfolio Holders**

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 Sustainable Homes and Communities
M Rixson	Portfolio Holder Climate Action and Emergency Response
J Rowland	Portfolio Holder Finance
S Jackson	Portfolio Holder Democracy, Transparency and Communications;
N Hookway	Portfolio Holder Tourism, Sport, Leisure and Culture

**Cabinet apologies:**

J Loudoun	Portfolio Holder Council and Corporate Co-ordination
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**Also present (for some or all the meeting)**

Councillor Mike Allen  
Councillor Megan Armstrong  
Councillor Kevin Blakey  
Councillor Kim Bloxham  
Councillor Jake Bonetta  
Councillor Colin Brown  
Councillor Fred Caygill  
Councillor Maddy Chapman  
Councillor Bruce De Saram  
Councillor Peter Faithfull  
Councillor Steve Gazzard  
Councillor Ian Hall  
Councillor Marcus Hartnell  
Councillor Ben Ingham  
Councillor Vicky Johns  
Councillor Jamie Kemp  
Councillor Richard Lawrence  
Councillor Andrew Moulding  
Councillor Eleanor Rylance  
Councillor Philip Skinner

Councillor Brenda Taylor  
Councillor Joe Whibley  
Councillor Eileen Wragg

**Also present:**

**Officers:**

Peter Blyth, Beach Safety Officer  
Amanda Coombes, Democratic Services Officer  
Simon Davey, Strategic Lead Finance  
Joanna Fellows, Corporate HR Manager  
John Golding, Strategic Lead Housing, Health and Environment  
Henry Gordon Lennox, Strategic Lead Governance and Licensing (and Monitoring Officer)  
Robert Murray, Economic Development Manager  
Charles Plowden, Service Lead Countryside and Leisure  
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)  
Mark Williams, Chief Executive  
Tom Winters, Economic Development Officer  
Andrew Wood, Service Lead - Growth Development and Prosperity  
John Symes, Finance Manager  
Phill Adams – Programme Director DCC

Chair .....

Date: .....