

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the consultative meeting of Cabinet held at Online via the Zoom app. on 5 October 2022**

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

The meeting started at 6.00 pm and ended at 9.35 pm

#### **64 Public speaking**

There were no public speakers.

#### **65 Minutes of the previous meeting**

The minutes of the consultative meeting of Cabinet held on 7 September 2022 were agreed with the understanding that Minute 50 - Former Councillor and Honorary Alderman J. Humphreys, be revised to a full/verbatim minute.

Councillor Jess Bailey asked that Minute 50 explain the point that the Chief Executive's report did not recommend an investigation as the meeting on 20 April 2022 was virtual and therefore advisory only.

#### **66 Declarations of interest**

Min 76. Axe Valley Project Levelling Up Fund application - Next Steps.  
Councillor Jack Rowland, Affects Non-registerable Interest, Resident and ward member for Seaton.

Min 78. Seaton Jurassic.  
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Min 78. Seaton Jurassic.  
Councillor Marcus Hartnell, Affects Non-registerable Interest, Has a business in Seaton.

#### **67 Matters of urgency**

The Chair announced that from 10 November 2022 Councillor Dan Ledger would be the Portfolio Holder Strategic Planning.

The Chair agreed for Councillor Denise Bickley to read a statement to support an environmental motion she wished to submit.

'Our natural environment has to be at the forefront of public policy, to enable humans and our planet to thrive. Under the EU, environmental protection legislation was well thought-out and far-reaching, with 3 priority areas for action:

- To protect, conserve and enhance the Union's natural capital
- To turn the Union in to a resource-efficient, green, and competitive low-carbon economy
- To safeguard the Union's citizens from environment-related pressures and risks to health and wellbeing.

All very sensible, it would seem.

In the UK we have a 25 Year Environment Plan, which was intended to deliver a 'Green Brexit'. This is a legally binding document, allegedly. It is again all very sensible, and was well received.

In 2018, a document still available on the Government's website pledges that 'A new Environmental Principles and Governance Bill will ensure environmental protections will not be weakened as we leave the EU.'

The then Environment Secretary Michael Gove developed the idea for the Environment Land Management Schemes (ELMS) that we have been counting on and planning towards. This encourages farmers to create space for vulnerable species as well as absorbing carbon to help the country reach its net zero targets. Pilot schemes have been hugely successful.

Fast forward to today – we have Jacob Rees-Mogg as Business Secretary, intent on cutting through 'red-tape' with his Brexit Freedoms Bill. This will result in all EU-derived laws being removed at the end of 2023 including 570 environmental regulations. No plans have been set out to retain or amend any of the regulations.

The ELMS plans also look like being scrapped and DEFRA are considering paying landowners a yearly set sum for each acre of land they own – a catastrophic mistake.

This is the biggest opportunity to fix our broken farming support system, to support nature, climate, and farmers who have invested so much already in improving their systems. Riverford farm for example, has invested money, time, and resources into this system, and it is working. They say 'This shift in agricultural land management could create a farming landscape that is part of the solution, not part of the problem, and in doing so enable farmers to become justifiably respected and appreciated not only as producers of great British food, but also as custodians of our countryside for future generations. They can't do this without a policy framework that supports this change.'

Michael Gove's policy clearly states that we are 30-40 years away from the eradication of soil fertility. We can see this on our own doorstep; ask Cllr Kemp, with the exploitation of areas that are grown for maize, to feed anaerobic digestors. These areas are seeing total topsoil plunder, dustbowl effect, and serious flooding. The Chancellor's recent 'Mini Budget' saw the launch of a new 'Growth Plan' confirming a new Planning and Infrastructure Bill which will 'reduce unnecessary burdens' to speed up the delivery of infrastructure. This includes 'the burden of environmental assessments and reforming habitats and species regulations.'

Any halt or stalling to the progress of positive environmental protection must be immediately cancelled. Every major environmental charity and experts in their field have publicly criticised this and demanded that these plans be urgently reviewed, and environmental protection is put back at the heart of public policy.'

East Devon District Council should strongly disagree with the current government's relaxing of environmental protection laws and adds our strong support to the requests from concerned groups and individuals that the environment, including protection of our biodiversity, marine and land ecosystems, farming and food security and our own health, is put at the heart of public policy.

It is requested that (under the urgent circumstances we find ourselves in):

1. EDDC's Leader, with the agreement of Cabinet, issues a public statement denouncing plans to
  - a) Remove any EU environmental protection laws and stating that we support every environmental directive from the EU being written firmly into UK law urgently.

- b) Discontinue the ELMS policy, stating that we fully support it and wish it to become enshrined in UK law and activated as soon as possible.
2. EDDC's Leader, with the agreement of Cabinet, writes to DEFRA to add our support to:
  - a) adopting the 570 pieces of EU-derived law which they have the power to retain and adopt into our law
  - b) continuing with the ELMS policy that we wholeheartedly wish to see enshrined in UK law and activated as soon as possible.
3. EDDC's Leader, with the agreement of Cabinet, contacts our MPs to strongly request they join us and back these sentiments and insist on proper debate and scrutiny to ensure that environment protection is at the heart of planning, growth and resource security, and reports back to Cabinet with their responses.

The Portfolio Holder Coast, Country and Environment agreed with Cllr Bickley's proposal. In a statement he said;

'The Environment, Biodiversity, in fact the whole green agenda in the last few weeks seems to have been wrapped up in this new slogan from our new Prime minister as the Great Anti-growth Coalition. This council is run by a Coalition, the Democratic Alliance, a coalition of councillors that want to see East Devon thrive and economy grow! But not to the detriment of losing our wonderful countryside. I can assure you, none of us are anti-growth. In fact, just look at what we have achieved in the last 4 years, we have achieved house building at record levels to comply to the Government required quota of over 950 a year, we have started work on Cranbrook's long awaited town centre, shed blood sweat and tears on developing a new local plan, that will provide even more houses and employment, plus successes at the Science Park and employment sites at the West end. In fact, we are growing more than any other area in the South West.

This administration is also delivering on green issues too. Working with partners such as Clinton Devon on the Lower Otter or the Woodland Trust at Coombe Farm or the National Trust at Killerton new tree plantations and our award winning Clyst Valley Regional Park masterplan. We are also working on a project to provide the whole of Cranbrook with Green Energy. We are leading the way, with these fabulous green initiatives.

A lot of our new enterprises and businesses are in the green economy sector, the biggest growth area, which we support and nurture. Yes, we heavily support growth, but we put in the same amount of effort into protecting our environment, reducing our emissions, reducing our carbon footprint. Yes, you can be both green and support growth; we are already doing it here in East Devon.

I totally agree with the environmental lobby who are against the Government's proposals to turn its back on protecting this fragile landscape and diminishing biodiversity, we can grow our economy, build the housing, look after our landscape and hit our climate Change Target all at the same time.'

Cabinet unanimously supported a letter be sent to the appropriate people supporting this request which the Chief Executive would do under delegated authority.

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

There was one confidential item recorded at Minute 78 Seaton Jurassic.

69 **Minutes of Community Grant Panel held on 31 August 2022**

Members agreed to note the Minutes of Community Grant Panel held on 31 August 2022.

70 **Minutes of Scrutiny Committee held on 8 September 2022**

Members agreed to note the Minutes of Scrutiny Committee held on 8 September 2022.

71 **Financial Plan 2023 - 2033**

The Strategic Lead Finance presented the draft Financial Plan 2023 – 2033 for consideration. Details have been considered by the Council's Senior Management Team and the Budget Setting and Capital Allocations Panel which had helped shape the Plan now being presented to Members for recommendation to Council for adoption. He explained that the document was in a revised style to previous years with some new thinking over the approach going forward, the Plan comprised of two parts, the Medium Term Financial Plan Model and Financial Sustainability Model.

The Portfolio Holder Finance thanked Simon Davey and his team for the amount of work undertaken in getting to this position.

**RECOMMENDED to Council;**

1. To adopt the draft Financial Plan 2023 – 2033.
2. That as part of the Financial Plan a budget of £604,000 to be met from the Transformation Fund, to meet costs associated with the Financial Stability Model outlined in the report, Worksmart implications and the roll out of Microsoft Office 365.

**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.

72 **Procurement Strategy 2022 - 2027**

The Strategic Lead Finance updated Members that the council use Devon Procurement Services for its Corporate Procurement advice and support. They provided guidance, documentation and templates for EDDC's own procurement processes and also supported directly with personnel appointed to a number of larger more complex procurement exercises.

The style and substance of the Procurement Strategy for consideration was very similar to DCC own recently adopted Strategy as it met national and local priorities and was well constructed. This had been tailored to EDDC's circumstances and fitted to its own objectives and Council Plan which were similar to both organisations. By aligning these strategies would help the Procurement Service support the council more effectively.

**RECOMMENDED that;**

Senior Officers adopt the attached Procurement Strategy 2022-2027.

**REASON:**

The Council should have an up to date Procurement Strategy in place.

### 73 **Cost of Living Crisis - EDDC Winter Pressures Plan**

The Strategic Lead Housing, Health & Environment presented his report which considered the cost of living crisis in the context of our Poverty Strategy and alongside EDDC's commitments to support vulnerable residents through what would be challenging financial times, with the cost of many essential items exceeding household incomes. A Winter Pressures Plan accompanied the report.

Discussions included the following;

- The need to get essential communications on available support out early
- The Action on Poverty grants need to drop the match funding requirement
- The importance of the Damp and Mould Policy to improve residents' homes and health
- The need to tackle the root causes of poverty
- Must target support to our most vulnerable residents
- Concerns of the possible increase of loan sharks directed at financially struggling residents
- The provision of Warm Places for residents to use to include the council's communities centres with other buildings being looked at for this purpose

The Portfolio Holder Finance thanked John Golding and his team for their fantastic work in getting this report to Cabinet.

#### **RECOMMENDED that;**

Senior Officers approve

1. Adoption of the Winter Pressures Plan set out in the report and implement the actions designed to mitigate some of the factors impacting on vulnerable households and avoid them going into poverty.
2. Referral of the Plan to the Poverty Working Panel to oversee the implementation of the Plan.

#### **REASON:**

To mitigate the worst effects of the increasing cost of living crisis and ensure that at risk households could access affordable food, housing, warmth and meet other basic needs.

### 74 **The Kilmington Neighbourhood Plan ('the Plan') to be formally 'made'**

The Kilmington Neighbourhood Plan had now successfully passed referendum and must be formally 'made' (adopted) by EDDC in order to form part of the development plan.

#### **RECOMMENDED that;**

Senior Officers approve

1. That the Kilmington Neighbourhood Plan be 'made'.
2. Note that once made the Plan will carry full weight in the planning decision making process as part of the statutory development plan for this Neighbourhood Plan Area (the parish of Kilmington).
3. That the Neighbourhood Plan Steering Group and all involved in developing the Plan be congratulated on all their hard work.

#### **REASON:**

The Plan received a majority 'yes' vote in the neighbourhood area referendum, as required by the Regulations, and there was no substantive reason not to make the Plan. In addition, to recognise the significant work over a number of years by Kilmington Parish Council and dedicated volunteers to prepare the Plan.

## 75 **Luppitt Neighbourhood Plan Examiner's Report**

The report provided feedback and set out proposed changes following the examination of the Luppitt 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 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. Endorsing the Examiner's recommendations on the Luppitt Neighbourhood Plan (the Plan).
2. A 'referendum version' of the Plan (incorporating the Examiner's modifications) proceeding to referendum and that a decision notice to this effect be published.
3. Noting 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 following consideration by Officers, who had liaised with the Neighbourhood Plan steering group, were considered acceptable.

## 76 **Axe Valley Project Levelling Up Fund application - Next Steps**

A Levelling Up Fund (LUF) application, consisting of a package of projects in the Axe Valley, was submitted in August. There was no fixed date for the announcement of successful bids; it was expected sometime during Autumn 2022.

### **RECOMMENDED that;**

Senior Officers approve

1. The allocation of £50,000 for project feasibility work that was approved by cabinet in November 2021 for the Cloakham Lawns project is re-allocated and used to acquire project management expertise to support the wider LUF projects in advance of the notification by Government regarding the outcome of the council's LUF funding bid.
2. That delegated authority is given to the Service Lead for Place, Assets and Commercialisation to procure the services of a project manager to advise on the next stages and delivery aspects of the LUF projects and to commence the procurement of other professional advisors that will be required for project delivery.
3. That delegated authority is given to the Service Lead for Place, Assets and Commercialisation to act upon the advice of the project manager in commencing procurement of external professional advisors and to commence progress with delivery without delay should the council be successful in the LUF bid.
4. That in the event that the council is unsuccessful with the LUF bid, a report will be submitted to cabinet setting out the options available for progressing with delivery or otherwise of the package of projects.

### **REASON:**

To enable the council to make progress with the next stages of delivery for the LUF projects in advance of the outcome of the LUF funding bid so that if successful, the council does not lose further time between the decision and the end of March next year in progressing with the project spend that is required as part of the funding agreement. This allows time for procurement processes to be progressed for the various professional advisors so that key appointments can be made in a timely manner. Should the LUF bid

be unsuccessful, the project team will be able to pause appointments to reduce the financial commitment of the council and allow time for members to consider how it wishes to move forward.

77 **Proposals to vary and discharge the Public Spaces Protection Orders 2023**

The existing Public Space Protection Orders were due for review as had reach three years in operation. Approval was sought to the 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 and Sidmouth.

**RECOMMENDED that;**

Senior Officers 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:**

In order to clarify and simplify the current PSPO's and allow a targeted approach to dog control and anti-social behaviour within the district.

78 **Seaton Jurassic**

The Service Lead Place, Asset and Commercialisation updated Members on the work undertaken in 2021 and included recommendations to move the project forward.

**RECOMMENDED that;**

Senior Officers agree

1. Progressing the Heads of Terms with Seaton Tramway for the building but retaining the garden space.
2. That delegated authority be given to Service Lead – Place, Assets and Commercialisation in consultation with Strategic Lead – Finance, Strategic Lead – Governance and Licensing and Portfolio Holder for Economy & Assets, to finalise Heads of Terms and enter into all relevant documentation including legal documentation associated with the granting of a new lease and Licence to Alter for Seaton Jurassic, as well as the relevant Deeds of Variation with the Funders, agreements relating to the reinstatement and dilapidations with DWT and any Charity who wish to repurpose the exhibits they paid for as part of the original project.

**RECOMMENDED to Council that;**

3. A revenue budget of £30,000 to meet the costs of completing a lease and other associated agreements for Seaton Tramway to occupy the property is agreed.
4. A revenue budget of £50,000 to provide for the cost of the necessary removal of fittings and exhibits not required by a new operator is agreed.

**REASON:**

To progress a way forward to ensure occupation of the site.

## **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
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

### **Cabinet apologies:**

#### **Also present (for some or all the meeting)**

Councillor Mike Allen  
Councillor Megan Armstrong  
Councillor Jess Bailey  
Councillor Denise Bickley  
Councillor Fred Caygill  
Councillor Maddy Chapman  
Councillor Peter Faithfull  
Councillor Steve Gazzard  
Councillor Marcus Hartnell  
Councillor Ben Ingham  
Councillor Jamie Kemp  
Councillor Richard Lawrence  
Councillor Paul Millar  
Councillor Andrew Moulding  
Councillor Geoff Pratt  
Councillor Eleanor Rylance  
Councillor Philip Skinner  
Councillor Brenda Taylor  
Councillor Joe Whibley

#### **Also present:**

##### **Officers:**

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)  
Alison Hayward, Project Manager Place & Prosperity  
Andrew Hopkins, Communications Consultant  
David Whelan, Anti-Social Behaviour & Community Safety Co-Ordinator  
Mark Williams, Chief Executive  
Sally Webster, Principal Environmental Health Officer  
Jayne Souter, Place & Prosperity Surveyor



Chair .....

Date: .....