

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Cabinet held at Council Chamber, Blackdown House, Honiton on 12 July 2023**

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

The meeting started at 6.00 pm and ended at 9.15 pm

#### **12 Public speaking**

Aynsley Jones, Cranbrook Community Hub Manager spoke on the item Home Office Asylum Hotel, Hampton by Hilton, Exeter Airport. She was connected to the school mentioned in the report. The school was a multi-agency school with 48 students on its roll seeking asylum. Safeguarding was paramount and everyone's responsibility within the community. They had weekly meetings with families at the hotel and had gathered substantial evidence albeit from talking to the children. Food was considered substandard, the menu didn't change and there was no consideration given to cultural differences. 30% of the children do not eat the food provided at the hotel, with 2 cases of malnutrition. There were no individual cooking facilities or fridges, which impacted the storage of medication and baby milk. Snacks were provided on a first come first served basis, if issued at all. 18% of the students had severe trauma and through the lack of funds could not be adequately supported and 21% had potential undiagnosed SEND. Untrained hotel staff were still triaging medical appointments resulting in residents suffering and not getting the medical attention they required.

Multiple hotel management changes resulted in misinformation or fear. There was no shuttle bus to Exeter or Pinhoe surgery and no provision of over the counter medication. The taxi company used was ineffective with an average waiting time of 4 hours. There was no chaperone on the school bus even with some children being as young as 4 years old. There was no transport for residents to leave the hotel. There was no clear complaints procedure. Each organisation was working independently of each other which resulted in action being slow and issues surrounding accountability and coordination; which the Home office should be doing. There needed to be an independent body to coordinate the wellbeing of the hotel residents. She commended the work being done by Refugee Support Devon, but one welfare officer was just not enough. She wished to see a 40-strong volunteer buddy scheme supported by the Pickwell Foundation with financial support from EDDC and others. This would ensure residents were supported and integrated into the community alongside having health and wellbeing advice.

#### **13 Minutes of the previous meeting**

The minutes of the previous meeting of Cabinet held on 7 June 2023 were agreed.

#### **14 Declarations of interest**

Min 17. Home Office Asylum Hotel - Hampton by Hilton, Exeter Airport.  
Councillor Jess Bailey, Affects Non-registerable Interest, Devon County Councillor.

Min 17. Home Office Asylum Hotel - Hampton by Hilton, Exeter Airport.  
Councillor Nick Hookway, Affects Non-registerable Interest, Retired member of the National Education Union.

Min 17. Home Office Asylum Hotel - Hampton by Hilton, Exeter Airport.  
Councillor Peter Faithfull, Affects Non-registerable Interest, Member of the Ottery Refugee Response Group.

Min 18. Minutes of Placemaking in Exmouth Town and Seafront Group held on 30 May 2023.

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

Min 18. Minutes of Placemaking in Exmouth Town and Seafront Group held on 30 May 2023.

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

Min 25. Place & Prosperity Team Resourcing.

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

Min 26. Broadclyst Neighbourhood Plan ('the Plan') to be formally 'made'.

Councillor Eleanor Rylance, Affects Non-registerable Interest, Parish Councillor for Broadclyst and was a member of the Neighbourhood Planning Group.

Min 30. Zed Pods Housing Development.

Councillor Tony McCollum, Affects Non-registerable Interest, Lives in the proposed area referred to in the report - (he left the meeting at this point).

## 15 **Matters of urgency**

There were none.

## 16 **Confidential/exempt item(s)**

There is one item which officers recommend should be dealt with in this way Zed Pods Housing Development recorded at Minute 30.

## 17 **Home Office Asylum Hotel - Hampton by Hilton, Exeter Airport**

The Director Housing, Health & Environment provided a position statement on the background and current issues being experienced by asylum seekers placed in hotel accommodation in the district by the Home Office. The Multi-Agency Coordination Group had been very effective in securing services for asylum seekers under partners control, however, a number of issues outside of EDDC's and partners control had persisted from mobilisation of the hotel. Despite the council's best efforts these concerns centred mainly around the adequacy of food and robust safeguarding arrangements remained issues. The report advocated continuing to work with local partners to ensure that the Home Office responded positively to the issues being raised with them. The report proposed extending the welfare support being provided by Refugee Support Devon to go some way towards improving the situation.

Councillor Kevin Blakey read out a statement that had been approved by all 3 Cranbrook ward members, this is summarised below:

'The recommendation is that Cabinet endorse measures being taken to ensure the Home Office are accountable for providing adequate feeding and safeguarding of the asylum seekers. This is fine so far as it goes but it does not address the real and urgent matter of the provision of inadequate food for the disparate groups of people occupying the hotel.

I have been to the hotel, along with Cllr Kim Bloxham and Cllr Jess Bailey, to observe the foodservice operation. While the residents say that matters have improved with the availability of fresh fruit such as oranges and bananas over the last few weeks; since the local school raised its concerns with us, the main meals remain woefully unappetising to many. There was a lack variety and no provision of fresh vegetables or salads to ensure a healthy and balanced diet. On the occasion we visited, people were taking platefuls of only rice or potatoes, much of which was then thrown away, particularly potatoes that had not had eyes removed before cooking and were pale in colour even though they purported to be roast potatoes.

Meat is an issue. The small amount served sat in bland sauce that some of the residents disliked, the remaining residents could not eat it because their faiths do not permit the consumption of red meats. They will not eat the chicken because, according to all those that we spoke to the meat stinks and they do not believe it is safe or good to eat. Whilst there are certainly cultural issues with food at the hotel, we understand that the children are eating all types of foods at the Cranbrook Education Campus which seems to confirm the problem with the quality of the food being shipped in by the current contractor at the hotel.

Simon Jupp MP has been in touch with the service provider, who told him that they had received no complaints about the food and that all special dietary needs were being met. All the residents we spoke to complained about the food and 2 people who are diabetic have never been offered food appropriate to their medical needs. Perhaps these complaints have never been expressed to the service provider.

Some of those we spoke to reported increasing illness and weight loss. In short, many are suffering from malnutrition. This is not about quantity, it is about the quality, nutritional balance and cultural acceptability of what is offered. Remember that a significant proportion of the residents are children who need suitably balanced food to grow. The monotonous and unappetising offering currently provided is not working.

This is not about providing a restaurant experience for the residents. We are not forgetting that all the residents are waiting for their asylum or residency applications to be determined by the Home Office, who will decide whether they have valid reasons to be in the UK. Whatever the outcomes of their applications, it is clear to us that while they wait for the Home Office decisions, they should be treated humanely and with respect. The rights and wrongs of how the asylum seekers got here is not a matter for us, but in the 21st century the UK has no excuse for treating anybody in such a careless and inappropriate manner. East Devon surely cannot permit poor treatment of our guests, whether they are welcome or not.

The report shows that a grant of £217,500 is available to meet local needs. £31,000 has already been earmarked for transport (actually extending welfare support provision), leaving around £186,000 for other support. First and foremost we believe that the Home Office should cancel the current food supply contract. Sending bulk cooked food over long distances makes no sense financially, environmentally or qualitatively. We suggest that the food should be prepared locally, particularly as this will enable council officers and members to have close contact.

The food does not need to be more expensive than that which is currently provided so we are not suggesting that the Home Office increase the budget, just spend it better. Indeed many of the foods wanted by the residents are cheap to make, particularly meat-free meals with an emphasis on pulses and fresh vegetables. We ask that this council writes to the Home Office urgently to robustly ask for this.

We also note that local schools, particularly the Cranbrook Education Campus, are providing food and even school uniforms with no additional funding. This is clearly unsustainable, and government should provide additional funding for the extra costs incurred by the schools.

Transport is another issue. The fact that the hotel is in an isolated location with no facilities within a walkable distance means that the residents are reliant on buses or taxis to get to schools or doctors. In the case of school transport, some children as young as 4 years are travelling without a chaperone, clearly unacceptable. We suggest that some of the available budget be used to pay for a coordinator to manage all residents' needs, including transport, health and food requirements so that children can get to and from school with appropriate safeguarding and that transport to doctors can be effectively arranged.

In conclusion, EDDC must press the Home Office to make the changes we have suggested. This is a highly emotive matter but I believe the decisions made by Cabinet today should be guided by the humanitarian needs that are pressing here and now. We feel sure you will make the right choices.'

Further discussions included the following:

- Why was the Home Office not providing bus passes and additional support to medical facilities?
- Call on Simon Jupp MP to put pressure on the Home Office to terminate the food contract particularly as the school summer holidays were coming up, so the children would not have access to food from the schools
- Set up a mobile kitchen on site to alleviate the lack of access to kitchen facilities
- Give temporary working permits to those residents that could work
- The need for a Safeguarding Lead to protect young people and vulnerable adults
- The hotel management lacks capability
- The urgency to act and step-up now as the Home Office was not
- The need to hold the Home Office to account
- The need for rapid action – there were residents in the hotel more than capable of cooking for large numbers
- This was shameful and embarrassing – less talk more action
- There were plenty of capable and willing local providers
- Should a Task and Finish Forum be set up to get things done?
- The need for clear communications with the Home Office to what the issues are and to keep up the pressure on issues we cannot control or deliver
- There has been limited sight of the self-audit report from the Home Office

#### **RESOLVED:**

1. To delegate authority to the Director of Finance, Director of Housing, Health & Environment in consultation with the Portfolio Holder Finance (Assets) and Portfolio Holder Sustainable Homes and Communities as well Cllrs Bailey, Bloxham and Blakey to spend up to £217k. The spend is to be used for welfare support, transport, kitchens, food contract, healthcare & medication, fridges, hotel management, safeguarding, insurance concerning the use of kitchens and infant food.
2. To send a further letter to the Home Office expressing the council's ongoing concerns, while still putting pressure on the local MP Simon Jupp to take further action with the Home Office

3. To explore the issues of an off-site meeting and the hiring of a co-ordinator type role.

**REASON:**

To maintain pressure on the Home Office to ensure that asylum seekers in the district are properly fed and safeguarded whilst in their care.

18 **Minutes of Placemaking in Exmouth Town and Seafront Group held on 30 May 2023**

Members agreed to note the Minutes of Placemaking in Exmouth Town and Seafront Group held on 30 May 2023.

19 **Minutes of Housing Review Board held on 15 June 2023**

Members agreed to note the Minutes and recommendations of Housing Review Board held on 15 June 2023.

**Cabinet RESOLVED the following:**

**Minute 10 Results of tenant satisfaction survey**

1. The facilitation of a series of focus groups to be held with tenants who have offered to provide further insight and information on their experiences with the housing services. Officers would then review and use these findings to further inform future improvements.
2. The further surveying of tenants over the coming months in order to monitor satisfaction levels more closely and more frequently and as a way of assessing whether levels of satisfaction were improving.

**Minute 12 Consumer Standards – self assessment**

A joint workshop is undertaken with officers and tenants on receipt of the revised Consumer Standards from the regulator.

**Minute 14 Finance report**

The Housing Revenue Account and Housing Capital Finance 2022/23 year end outturn report, and approve the reserve recommendations.

**Minute 15 Chartered Institute of Housing Qualifications**

The approach set out in the report and support the drive towards ensuring officers had or worked towards achieving a relevant professional housing qualification, which would improve the ability to deliver a service that met the needs of the tenants and the standards required by the Social Housing Regulator in a sustainable and timely way.

**Minute 16 Subscription for Advantage South West**

1. To continue paying the annual subscription to maintain the membership to Advantage South West.
2. In future the decision to continue paying the annual subscription for housing frameworks be delegated to the Assistant Director Housing.

**Minute 20 Interim Housing Operations Manager**

The recently created Housing Operations Manager position be filled on an interim basis using the individual put forward by a recruitment agency with the additional costs to be financed through the Housing Revenue Account.

20 **Minutes of Asset Management Forum held on 19 June 2023**

Members agreed to note the Minutes of Asset Management Forum held on 19 June 2023.

21 **Minutes of Poverty Working Panel held on 26 June 2023**

Members agreed to note the Minutes of Poverty Working Panel held on 26 June 2023.

22 **Water Safety & Drowning Prevention Policy**

The Beach Safety Officer explained that the MCA code of practice Managing Beach Safety 2019, required that every council with coastal water had a specific policy detailing how they manage coastal risk. Further the National Water Safety Forum's Drowning Prevention Strategy asked all councils to have strategic plans in place to prevent drowning at their beaches and open water sites. As EDDC currently does not have either policy, the policy sought to address these issues.

**RESOLVED:**

That the EDDC Water Safety and Drowning Prevention Policy be adopted.

**REASON:**

The MCA code of practice Managing Beach Safety 2019, required that every council with coastal water had a specific policy detailing how they manage coastal risk.

23 **Decarbonising our housing stock and providing affordable warmth for tenants**

The Assistant Director Housing Task Force updated Members on the work with local business Remit Zero who were based at Exeter Science Park. The work was on a proposal to install their 'cylo' product in ten council homes as a way of decarbonising council homes and providing tenants with affordable warmth. Cylo was a ground-breaking technology that provided zero emission affordable heating and hot water. Cylo had the potential to support the decarbonisation of most UK homes and was particularly well suited to homes occupied by those on lower incomes, given its ability to store electrical energy as heat during low-cost periods from the grid and/or generated by local renewables such as solar PV.

**RESOLVED:**

1. That Support for the Innovate UK funding bid and the council's role as a collaboration partner be agreed.
2. That Funding of the Council's contribution to the bid of up to £108,540 plus recoverable VAT as outlined in the above mentioned bid be agreed.
3. That Regardless of the outcome of the Innovate UK application, commit to funding the project, £475,862 (excluding recoverable VAT) from the HRA, initially authorising the issuing of an order to Remit Zero in the sum of £285,056.7 + VAT to enable the timely delivery of this project ahead of autumn 2023, be agreed.
4. To grant a waiver of Contract Standing Orders for the reasons outlined in the report be agreed.
5. That delegated authority be granted to the Director of Housing, Health & Environment to agree the terms of the contractual arrangements with Remit Zero in consultation with the S151 and Monitoring Officer, be agreed.

6. That delegated authority be granted to the Assistant Director Housing Task Force and Director of Finance in consultation with Portfolio Holder Finance (Assets) and Portfolio Holder Sustainable Homes and Communities to investigate the issue of battery storage, and that members are given to opportunity to view the technology in action to inform members and alleviate any misconceptions.

**REASON:**

The project would advance the commitment to decarbonise the council's housing stock and provide tenants with affordable warmth.

24 **Revenue and Capital Outturn Report 2022-2023**

The Finance Manager presented his report which set out the revenue budget and capital outturn positions at the end of the financial year. The 2022/23 outturn position of the General Fund was a positive one with a surplus balance for reallocation of £1.367m.

**RECOMMENDED to Council:**

1. The outturn position for 2022/23 including the implications and proposals relating to the Balances and Reserves held by the Council.
2. The proposed reserve transfers contained within the report and give delegated authority to the Director Finance in consultation with the Finance Portfolio for any amendments to these transfers as additional year end data becomes available.

**REASON:**

To accord with the Council's financial regulations, the report presents the outturn position for the Council's approved budgets for the General Fund, Housing Revenue Account and Capital Expenditure. The financial position would align to the Council's Statement of Accounts but the position in the report was presented in a style that accorded 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.

25 **Place & Prosperity Team Resourcing**

The Assistant Director Place, Assets & Commercialisation explained to members that the work of the Place & Prosperity Team within the Place, Assets & Commercialisation Team had significantly increased in recent years with many significant and high profile current and pipeline projects insufficiently resourced.

**RECOMMENDED to Council:**

that additional revenue budget is secured to;

- a) make the 2 year fixed term Project Manager – Exmouth post permanent at Grade 6. Revenue cost including on-costs of an additional £74,000 per annum from 2024/25 with a pro-rata allowance for latter 3 months of 2023/24, and
- b) make the Project Officer post full time. Additional revenue cost including on-costs would be £21,000 per annum from 2024/25 with a pro-rata allowance for latter 6 months of 2023/24.

**REASON:**

To provide an appropriate level of resource to fulfil Service Plan objectives, Council, business,

residents and others expectations in Placemaking.

## 26 **Broadclyst Neighbourhood Plan ('the Plan') to be formally 'made'**

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

### **RESOLVED:**

1. That the Broadclyst Neighbourhood Plan be formally 'made'.
2. Noted 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 Broadclyst).
3. That Broadclyst Parish Council and their Neighbourhood Plan Steering Group be congratulated on all their hard work in developing the Plan.

### **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 Broadclyst Parish Council and dedicated volunteers to prepare the Plan.

## 27 **Delivering Environment Act 2021 new duties**

The report informed Members that the Environment Act 2021 new duty for Biodiversity Net Gain becomes 'live' in November 2023. This would have a significant impact on the workload and ability of the Development Management team and District Ecologist to meet the demand generated by this new process. It was both a complex and technically specialised area of work, which required an additional Ecology Officer and further support, working alongside Development Management to provide advice on the requirements and application of the new regime.

The Portfolio Holder Coast, Country and Environment thanked officers for this report which he really welcomed and totally support its recommendations. He read out the following statement:

'We are required to start delivering the Biodiversity Net Gain duties this November, but we do not have the required experience in the field of Ecology or the knowledge amongst our work force to ensure this is carried out effectively and diligently, as we only have one officer at present to oversee everything. The alternative will be to bring in consultants to consider every application initially over 10 dwellings to check they are compliant and to train our planning team into the very technical aspects of this new ground breaking initiative. To hire consultants will be more costly in the long term, and probably cause delays in approving planning applications.

Why do we need more Ecology expertise?

We actually have 2 major emergencies, our dwindling Nature and our changing Climate. We have declared a Climate Emergency but we have not declared a Nature Emergency. Yet we know that without reversing the dramatic decline in Nature we have little chance in achieving zero carbon any time in the future. Enhancing and reversing the declining trend to Nature goes hand in hand with Climate Change.

Our ecological work already assists on current planning applications plus involved in the multi-agency, multi county River Axe catchment area where at present no building work

can proceed due to nutrient neutrality, plus supporting our already nature recovery work, plus working on a new Devon wide Tree Policy, and shortly our emerging East Devon's Local Nature Recovery Plan. We have talked to Councils who have already been engaged on Biodiversity Net Gain trials and their valued experience says we need more staff. We are only a few months away from the specified launch day and therefore this proposal is most urgent.

This proposal includes an Ecology Graduate Apprenticeship which fits neatly into our desire to "grow our own" quality knowledgeable staff for our future needs. I propose the recommendation but would like to add a further recommendation. That we write to our MPs and ministers saying we totally support the Biodiversity Net Gain policies within the Environment Act 2021, but are concerned on the cost implications associated in administering it. Therefore, can an urgent review and implementation of raising the fees for planning applications be carried out, to cover these extra costs, rather than the council looking at service reduction, or increased rate demands?'

Cllr Matt Hall did not take part in the debate and vote due to his planning work outside the district.

**RECOMMENDED to Council:**

1. The appointment of an Ecology Officer and an Ecology Graduate Apprenticeship role to help enable the Council to meet its new duty for Biodiversity Net Gain;
2. To provide funding for an Ecology Officer role and an Ecology Graduate Apprenticeship role to enable the delivery of the new Environment Act 2021 duties for Biodiversity Net Gain, at a budget of £47,049 per annum for the Ecology officer role and £27,344 for the Graduate Apprenticeship role. To be funded initially from the Government's new burdens payments and the Council's General Fund Revenue budget, whilst this new burdens payment is made available and thereafter by the Council's General Fund Revenue;
3. That a letter is written to our MPs and ministers saying EDDC totally support the Biodiversity Net Gain policies within the Environment Act 2021, but are concerned on the cost implications associated in administering it. Therefore, can an urgent review and implementation of raising the fees for planning applications be carried out, to cover these extra costs, rather than the council looking at service reduction, or increased rate demands?

**REASON:**

To be able to meet the Environment Act 2021 duty to deliver Biodiversity Net Gain from November 2023.

28 **New Council Plan Process**

The Chief Executive's report was provided to get agreement on the process for developing a new council plan. It included a draft timetable for that process.

**RESOLVED:**

1. That the suggested approach to the development of the new council plan including the member workshops with support from external consultants, be agreed.
2. To agree the timetable for the development of the new council plan.
3. That the continuation of the three council priorities with the inclusion of a fourth covering central services, be agreed.

**RECOMMENDED to Council:**

4. A budget of £10,000 for this work.

**REASON:**

To progress the development of the new council plan with member inclusion and SMT+ support.

29 **Local Government (Access to Information) Act 1985 - 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).

30 **Zed Pods Housing Development**

The report sought approval to enter into a fully compliant Pre-Construction Services Agreement with Zed Pods Ltd. This would be procured via the South West Procurement Alliance Framework.

The Chair of Council, Cabinet, members and officers applauded and thanked Jo Garfoot for her dedicated hard work in introducing this brilliant project. The Leader also wished to thank Jo and officers as well as the Portfolio Holder Sustainable Homes and Communities for getting this project to this stage.

**RESOLVED:**

1. Subject to legal and financial due diligence, that the compliant Direct Award of a contract to Zed Pods Ltd (via the South West Procurement Alliance (SWPA) Framework to deliver the full Pre-Construction Service Agreement (PCSA) works on our behalf, be agreed.
2. That the fully resolved scheme and final ratified costs to be brought back to Cabinet for final approval and budget allocation upon completion of the PCSA works, be agreed.
3. EDDC writes to the Government requesting the revision of legislation regarding the issue of Right to Buy.

**RECOMMENDED to Council:**

4. To approve a capital budget of £302k (to be funded from HRA) for the PCSA and the 'indicative' scheme costs to support the delivery of this scheme.

**REASON:**

To meet the council's aspiration to build new, carbon neutral homes and increase its housing portfolio, following its district wide depletion due to extensive Right to Buy purchases. There had also been a change in Right to Buy legislation which now requires Local Authorities to build new homes with their receipts rather than acquire homes from the open market, as the council had historically done.

**Attendance List**

**Present:**

**Portfolio Holders**

M Rixson  
G Jung

D Ledger  
M Hall  
O Davey  
S Jackson  
N Hookway  
P Arnott  
P Hayward

**Cabinet apologies:**

J Loudoun

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

Councillor Jess Bailey  
Councillor Ian Barlow  
Councillor Kevin Blakey  
Councillor Kim Bloxham  
Councillor Roy Collins  
Councillor Peter Faithfull  
Councillor Tony McCollum  
Councillor Todd Olive  
Councillor Eleanor Rylance

**Also present:**

**Officers:**

Peter Blyth, Beach Safety Officer  
Tim Child, Assistant Director Place, Assets & Commercialisation  
Amanda Coombes, Democratic Services Officer  
Simon Davey, Director of Finance  
Will Dommett, District Ecologist  
Jo Garfoot, Assistant Director Housing Task Force  
John Golding, Director of Housing, Health and Environment  
Andrew Hopkins, Communications Consultant  
John Symes, Finance Manager  
Melanie Wellman, Director of Governance & Licensing (Monitoring Officer)

Chair .....

Date: .....