

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Cabinet held at Council Chamber, Blackdown House, Honiton on 3 January 2024

Attendance list at end of document

The meeting started at 6.00 pm and ended at 8.05 pm

101 **Minutes of the previous meeting**

The minutes of the previous meeting of Cabinet held on 29 November 2023 were agreed.

102 **Declarations of interest**

Min 114. Project Boards set up for Feniton (flood) and Exmouth (beach).
Councillor Peter Faithfull, Affects Non-registerable Interest, is a Ottery St Mary Town Councillor.

Min 115. Entering Contract above £100k - Feniton Flood Alleviation Scheme.
Councillor Peter Faithfull, Affects Non-registerable Interest, is a Ottery St Mary Town Councillor.

Min 117. Public Toilets Review Project.
Councillor Brian Bailey, Affects Non-registerable Interest, is a Exmouth Town Councillor.

Min 117. Public Toilets Review Project.
Councillor Dan Ledger, Affects Non-registerable Interest, is a Seaton Town Councillor.

Min 117. Public Toilets Review Project.
Councillor Jenny Brown, Affects Non-registerable Interest, is a Honiton Town Councillor.

Min 117. Public Toilets Review Project.
Councillor John Loudoun, Affects Non-registerable Interest, is a Sidmouth Town Councillor.

Min 117. Public Toilets Review Project.
Councillor Matt Hall, Affects Non-registerable Interest, is a Exmouth Town Councillor.

Min 117. Public Toilets Review Project.
Councillor Mike Goodman, Affects Non-registerable Interest, is a Sidmouth Town Councillor.

Min 117. Public Toilets Review Project.
Councillor Nick Hookway, Affects Non-registerable Interest, is a Exmouth Town Councillor.

Min 117. Public Toilets Review Project.
Councillor Olly Davey, Affects Non-registerable Interest, is a Exmouth Town Councillor.

103 **Public speaking**

Kay Hilton a Sidmouth resident and employee of a Sidmouth based holiday lettings business, spoke on the agenda item Mill Street Reserved Permits. She stated she was a non-permit holder and understood the difficulties of owning a car without a parking

space. She stated there should be a minimal increase to pay and display prices to both Option 1 and 2 as set out in the report recommendations. Option 3 would cause issues for local businesses who require parking to operate and reduce revenue to the council. It also had the potential to reduce visitor numbers and footfall to outside Sidmouth visitors. There would also be little ability to fund subsidised permit spaces for Sidmouth residents who did not have a parking space. She concluded that Option 4 which was taking the car park back to permit holders only, was the most logical for many reasons. She stated that the revenue would be greater for the council, it would fulfil the ability for the provision of discounted spaces for residents centrally, with lower enforcement needed and administration costs. This would reduce or eliminate the threat to breach of contract for permit holders and would help to maintain visitor numbers.

Cllr Ben Ingham stated that although the Exmouth residential parking scheme was working for residents within the town, the introduction of the £2 per day parking charge in EDDC car parks had raised an unexpected issue for shoppers and those wishing to use the sports facility at Exmouth LED. With the introduction of residents parking within the town, commuters now used the parking available behind the train station, leaving residents wishing to use the station to get to Exeter unable to park their cars. The £2 fee at the short-term car park by the leisure centre has meant that this was full most of the day, but not by shoppers or gym users and annual permit holders could not use the car park which invalidates the reason for having one. The repercussions were that shoppers unable to park would shop elsewhere. Meanwhile the coach and lorry park remained mostly empty which could be turned into a permit holders car park. Could the short-stay car park remain a short-stay with a reduced fee so shoppers could get a space.

The Chair confirmed a further report on Car Parks would be brought to the next meeting of Cabinet on 31 January 2024.

104 **Matters of urgency**

There was one item dealt with in this way recorded at Minute 121.

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

There was one item dealt with in the way recorded at Minute 123.

106 **Minutes of Poverty Working Panel held on 13 November 2023**

Members agreed to note the Minutes of Poverty Working Panel held on 13 November 2023.

107 **Minutes of Asset Management Forum held on 4 December 2023**

Members agreed to note the Minutes of Asset Management Forum held on 4 December 2023.

108 **Minutes of Budget Setting and Capital Allocations Panel held on 7 December 2023**

Members agreed to note the Minutes and recommendations of the Budget Setting and Capital Allocations Panel held on 7 December 2023.

1. that the following bids be included in the Capital Programme:

- a) Car Park relining across the District for £20,000 in 2024/25
- b) Land of Canaan Car Park resurfacing for £60,000 in 2024/25
- c) Beer Cliff Top Car Park drainage works for £40,000 in 2024/25
- d) Phear Park anti-traveller measures for £30,000 in 2024/25
- e) Wall repairs across the District for £50,000 in 2024/25
- f) Public Open Space maintenance across the District for £150,000 in 2024/25
- g) Footpath Resurfacing works at Gunfield, Manor, Phear and Brixington for £170,000 in 2024/25
- h) Phear Park Parking extension for £70,000 for 2024/25
- i) Cemeteries maintenance across the District for £150,000 in 2024/25
- j) Carter Avenue Play Area for £150,000 in 2024/25
- k) Byron Way Play Area for £130,000 in 2024/25
- l) Allhallows Play Area for £150,000 in 2024/25
- m) Slewton Crescent Play Area for £100,000 in 2024/25
- n) Cheriswood Avenue Play Area for £75,000 in 2024/25
- o) Vandalism Play Equipment for £50,000 in 2024/25
- p) Feniton FAS Risk Budget for £250,000 in 2024/25
- q) Budleigh Salterton Beach Management Plan for £20,000 in 2024/25
- r) Recycling and Waste Vehicle Refurbishment Programme for £705,000 in 2024/25
- s) Recycling and Waste Drive Train Failure contingency fund for £50,000 in 2024/25
- t) Recycling and Waste MRF and Baler refurbishment site compliance for £145,000 in 2024/25
- u) Manor Pavilion Internal decorations and refurbishment for £5,000 in 2024/25 and £261,000 in 2025/26
- v) Thelma Hulbert internal decoration and refurbishment for £2,600 in 2024/25 and £65,400 in 2025/26
- w) Exmouth LC – Cold Water Storage Tank works for £36,500
- x) Various EDDC Swim Pools water quality monitoring for £26,000 in 2024/25
- y) Withycombe changing rooms decarbonisation works for £10,000 in 2024/25 and £99,200 in 2025/26 and £4,300 in 2026/27
- z) Seaton Seafields and Festival Garden depot site improvements for £56,500 for 2024/25.

2. That the following bids be supported in principle, and be referred to the LED Monitoring Forum for further consideration before recommending for inclusion in the Capital Programme:

- a) Exmouth Pavilion Flytower and Auditorium works for £335,100 in 2024/25 and £444,900 in 2025/26
- b) Exmouth Pavilion Roof Works for £5,000 in 2024/25 and £504,000 in 2025/26
- c) East Devon Tennis Centre Roof works for £791,095 in 2024/25 and £21,405 in 2025/26

3. That the following bids put forward for inclusion are not supported at this time:

- a) Cheriswood Avenue Play Area for £75,000 in 2024/25 for reason of a play area at Brixington Park being close by;
- b) Norman Lockyer Observatory repairs and conservation works for £147,400 in 2024/25 and £5,500 in 2025/26 for reason of further exploration as set out in recommendation 4.

4. That the bid for Norman Lockyer Observatory repairs and conservation work be referred to the Asset Management Plan working group tasked with work on the new Asset Management Plan; and delegated authority be given to the Assistant Director for Place, Assets & Commercialisation to enter into discussion with the tenants, working with the Finance Director (CFO/s151) & Interim Chief Executive and the Portfolio Holder for Finance.

Members agreed to note the Minutes and recommendations of the Strategic Planning Committee held on 5 December 2023.

Minute 49: Employment of agency staff in the Planning Policy Team

That funding of £55,000 be committed to appointing an agency planning officer on an interim basis to work in the Planning Policy Team to support the Local Plan production and cover the vacant Planning Officer post in the team.

110 **Carbon Action Programme**

The Economic Development team sought approval to procure a £207,000 package of decarbonisation support for businesses and community organisations from the business support and Green Team budgets. The package would include the provision of workshops, carbon surveys and carbon action plans for those who take up the offer.

RESOLVED:

1. That Cabinet endorse the development and delivery of the Carbon Action Programme for East Devon businesses and community organisations.
2. That Cabinet agree to the procurement of the £207,000 support package required to deliver the support element of the Carbon Action Programme, and delegate authority to the Assistant Director (Growth, Development and Prosperity) to award the support package contract.

REASON:

Cabinet approval was required to procure a service of this value.

111 **Blackdown Hills AONB and East Devon AONB Management Plan reviews**

Approval was sought from EDDC on the reported timetables and public consultation processes for the Blackdown Hills National Landscape and East Devon National Landscape draft statutory National Landscape Management Plans, that lie within the district. In future years, formal approval for the final draft of both National Landscape Management Plans would be required following the completion of a public consultation. This would then be sent to Defra/Natural England confirming that the Management Plans have met the legislative requirements of the Countryside and Rights of Way Act 2000.

Tim Youngs Blackdown Hills National Landscape Manager said they were in the process of undertaking a survey asking people what the priorities should be for the National Landscape. They had reviewed past strategies to see what needing changing. Both National Landscape plans would have to finally approved by March 2025.

Chris Woodruff East Devon National Landscape Manager said this delegated work had been in progress since 2004 and the rebranding was part of this continuing process, with the focus now on responsibility to conserve and enhance natural beauty.

The Portfolio Holder Coast, Country and Environment and Chair wished to thank Chris Woodruff for all this hard work as the East Devon National Landscape Manager, as he was now leaving the role.

RESOLVED:

That the proposed timetables and public consultation processes for the review of the Blackdown Hills National Landscape and East Devon National Landscape Management Plans, as required under Section IV of the Countryside and Rights of Way (CRoW) Act 2000 be agreed.

REASON:

This would provide the Council's approval for the two National Landscape Partnerships to begin the process of reviewing their Management Plans on behalf of East Devon District Council.

112 **Council Tax Base 2024/2025**

The report set out the tax base for 2024/2025 and included the breakdown for each parish, expressed in terms of Band D equivalent properties on which the council tax would be based. This was an important component in the Council's budget setting process for 2024/2025.

RESOLVED:

1. That the approval of the tax base for 2024/2025 at 62447 Band D equivalent properties be agreed.
2. That the amount for each parish as detailed under section 3 of the report be agreed.

REASON:

The calculation of the tax base was prescribed in regulations and was a legal requirement. The council tax base was defined as the number of Band D equivalent properties in a local authority's area. The tax base was necessary to calculate council tax for a given area.

113 **Council Tax Reduction Scheme 2024/25**

Members were asked to consider and approve the Council Tax Reduction (CTR) scheme for 2024/25 which was being recommended to remain unchanged from the current scheme. These were:

- Increased Band 1 support from 85% to 100%
- Introduced a 16 hour a week minimum income floor for the self-employed.
- Introduced a maximum of 12 months backdating for new claims.
- Increased the income band widths to allow for couples as well as allowing for increases due to inflation.
- Ability to disregard any income received via government initiatives such as local welfare provision following a national crisis.

Cllr Steve Gazzard wished to thank Libby Jarrett and her team for the support and help they offered to local residents.

RECOMMENDED to Council:

That the Council Tax Reduction Scheme for working age residents for 2024/25 be agreed.

REASON:

The Council was required by law to decide whether to revise or replace its CTR scheme each year. As significant number of changes to the scheme for 2023/24 there were no changes to the scheme for 24/25. There were also emergency measures that were put in place to help householders due to the cost-of-living crisis, such as the Council Tax Support Fund and the Energy Relief scheme. This resulted in householders receiving

extra financial support to help pay their Council Tax and as such this would mask any householder who would normally still have to pay a contribution, as due to the support received directly onto Council Tax accounts the amount of remaining charge was either reduced or removed.

The maximum support was raised from 85% to 100% meaning that a significant amount of householders were taken out of paying council tax altogether. The scheme therefore continued to support those households on the lowest incomes who would otherwise likely still struggle to pay due to the current costs of living as extra government support comes to an end.

114 Project Boards set up for Feniton (flood) and Exmouth (beach)

Feniton Flood alleviation Scheme (FAS) offering improved flood resilience to over 60 properties was due to start on site in 2024. To aid delivery of the project, the report outlined and proposes for the setting up of a project board.

Exmouth BMP was a project to study the physical beach and provide recommendations to best manage the beach into the future, to maintain sand levels and good amenity value. To aid delivery of the project, the report outlined and proposes for the setting up of a project board.

RESOLVED:

1. That the setting up of a Feniton FAS project board as outlined in the report to be able to make swift decisions to aid project completion, be agreed.
2. That the setting up of a Exmouth BMP project board as outlined in the report to be able to make swift decisions to aid project completion, be agreed.

REASON:

Currently as per the project management policy at EDDC, unless otherwise appointed, SLT act as the project board, responsible for making quick decisions to keep the respective project. SLT meet fortnightly and are not familiar with the project's details, so a bespoke group able to meet on demand who were familiar with the project's details would be beneficial for project progress and making swift decisions.

115 Entering Contract above £100k - Feniton Flood Alleviation Scheme

The report purpose was to gain agreement to enter a contract with Kier Integrated services of up to a value of £3million. It outlined the procurement process, framework agreement and compliance with contract standing orders.

RESOLVED:

That an agreement to enter contract with Kier Integrated services to enter a contract of a value of up to £3m to deliver the construction of Feniton Flood Alleviation Scheme, be agreed.

REASON:

That Kier Integrated Services had been procured correctly and to aid speedy contract award to get Feniton on site in Spring 2024.

116 South West Flood and Coastal shared service

To propose that EDDC join a shared Flood and Coastal Erosion Risk Management (FCERM) service with BCP (Bournemouth Christchurch Poole) Council. EDDC have been using BCP Council's FCERM service on an ad-hoc basis for service provision over the last 18 months. The vision for this service, through dialogue with the Environment Agency who undertake the 'Strategic Overview' of the national FCERM programme, was to broaden across the South-West region to improve the ability of Local Authorities to deliver against national targets and make communities more resilient to climate change.

The shared service would be for the funding of the service staffing and equipment, meaning each participating authority has access to the broad skills at their net cost. EDDC would remain in full control of what is delivered as well as all other related budgets such as maintenance and capital schemes. The shared service operates so that participating authorities could decide on their proportion, depending on needs. It was proposed that EDDC initially enters into the agreement with a £35k share per annum and monitor performance/progress.

The Chair thanked the Portfolio Holder Coast, Country and Environment for his contribution to this matter.

RESOLVED:

To enter into a shared service agreement with BCP (Bournemouth Christchurch Poole) Council for the provision of FCERM services. That delegated authority be provided to the Assistant Director StreetScene to sign off appropriate agreement and financial limit not exceeding EDDC service needs and budget; which will be reviewed annually, be agreed.

REASON:

EDDC had a current backlog and likely large future programme of flood and coastal works. It currently relied on stretched internal staffing to deliver projects, or ad-hoc consultant appointments, and looking to streamline project delivery. This shared service agreement would allow for increased work to be delivered and offer better value to the taxpayer and time efficiencies to projects, as opposed to procuring consultant services. Due to the depth of experience of the team available through the shared service agreement, there was opportunity to explore external funding potentially reducing EDDC's funding commitments to deliver future flood and coastal risk projects.

117 **Public Toilets Review Project**

A report was presented to Overview Committee on 9 November 2023 providing an update on the Public Toilets Review project. The report addressed both progress with Category A sites, being those sites where the Council was retaining and investing, but also the challenges encountered with Category B and C transfers and the limited interest particularly by Parish and Town Councils, but also more widely by others.

Overview Committee put two recommendations to Cabinet:

1. To extend the closing date and any necessary revenue budgets for Category B and C sites until 31 March 2025 to allow a further 12 months to enable an urgent revisiting of negotiations with town and parish councils to look at freehold disposals and other changes to the offer according to a specified timetable and including a renewed effort through Ward Members to engage town and parish councils, with the reality of reduced or removed public toilet provision at the sites should agreement not be reached.

2. For this Council to write to the Secretary of State to push for public toilets to become a statutory service, and to invite other Councils in Devon and Cornwall to also do so.

The recommendations were supported by Cabinet at its meeting of 29 November 2023.

The report presented focused on how to now move the project forward in respect of recommendation 1 above in terms of timetable and process, but also in respect of resourcing what would be a resource intensive piece of work.

The Portfolio Holder Finance and Assets stressed the importance to all Members to get involved with this project with their Town and Parish Councils as the absolute deadline was 31 March 2025.

RESOLVED:

1. Delegate to the Assistant Director – Place, Assets & Commercialisation, in consultation with Director Finance, Director Governance & Licensing and Finance & Assets Portfolio Holder, to review and as appropriate amend heads of terms templates for both transfers to Town and Parish Councils, but also to others.
2. Resolve to adopt the rigid timetable / gateway approach set out within this report.

RECOMMENDED to Council:

3. That £71,000 be made available from the Transformation Reserve to fund an Interim Estates Surveyor post through to 31 March 2025.

REASON:

To agree a way forward for transfer or disposal of Category B and C sites ensuring sites could close, with or without ongoing public toilet provision, as of 31 March 2025.

118 **Draft Revenue and Capital Budgets 2024/25**

The report presented the draft revenue and capital budgets for 2024/25 for adoption by the Cabinet before consideration by a joint meeting of the Overview and Scrutiny Committees and the Housing Review Board. Recommendations from these meetings would be presented back to Cabinet on 31 January 2024 when members would finalise budget proposals to recommend to Council.

The Portfolio Holder Finance and Assets thanked Simon Davey and his team for their commendable efforts in producing a balanced budget.

RESOLVED:

That the draft revenue and capital estimates are adopted before forwarding to a joint meeting of the Overview and Scrutiny Committees and Housing Review Board for consideration.

REASON:

There was a requirement to set a balanced budget and to levy a Council Tax for 2024/25.

119 **Mill Street Reserved Permits**

The report reviewed the reserved parking arrangements at Mill Street car park, Sidmouth.

RESOLVED:

1. That the redesign of Mill Street car park, including the creation of a dedicated “Reserved” Parking area, where permit holders are able to use any available bay, as opposed to having their own dedicated space, be agreed.
2. That the set a fee of £2000 for a space within the reserved section of the car park, be agreed.
3. That a concessionary discount of 25% of the permit price for main residence Council Tax paying residents, be agreed. This then broadly equates to the yearly amount achieved from a pay & display space within nearby Roxburgh Car Park.
4. That agreement to offer first refusal for a reserved space to all existing lease holders, be agreed.
5. That Cabinet commit to offering priority to main residence Council Tax paying residents for future permit sales.

REASON:

Mill Street – This car park served an important dual purpose, to help meet short-term parking need, and through the provision of reserved bays which were used by residents/holiday homeowners for a guaranteed long-term parking space. The planned separation of the two parking areas should negate the need for the installation and maintenance of costly bollards, as well as providing much more accessible short-term parking for visitors to the town.

A limited resident’s concessionary offer had the opportunity to make reserved parking more affordable for those who did not generate an income from their home, and the financial implications of such an offer were included within the report. The use of this car park had changed several times over recent years and had evolved from being a wholly reserved car park to the shared space that it was now.

Recognising and acknowledging the historical arrangements, local importance and the unique nature of the car park were important when planning how the car park was used in the future.

120 **Serious Violence Duty**

The Serious Violence Duty (the Duty) was introduced in the Police, Crime, Sentencing and Courts Act 2022. The Duty required specified authorities to work together and to prepare and implement a strategy for preventing and reducing serious violence in the area. The report detailed further background and proposes that the draft strategy was adopted by EDDC, in order to meet its legal obligations within the specified timescale.

RESOLVED:

1. To give delegated authority to the Interim Chief Executive & Director of Housing, Health and Environment to sign the final version of the Devon Safety Partnership’s Serious Violence Strategy on behalf of EDDC.
2. That this and other wider tasks and duties being given to EDDC from central government be referred to the Scrutiny Committee for further discussion and debate. As well as get the support of Team Devon on these matters.

REASON:

The draft Strategy must be approved by 30 January 2024 to meet timescales imposed by the Devon Safety Partnership/legal requirements.

121 **Gypsy and Traveller Site Provision at Cranbrook**

Members had previously resolved that they favoured securing gypsy and traveller pitches at Cranbrook through a free transfer of serviced land and a financial contribution from the

developers, to enable the Council to deliver the pitches itself and then operate them. Following further negotiations with developers' agreement cannot be reached on this approach as it failed to adequately give regard to the approach set out in the Council instructed viability appraisal that accompanied the Cranbrook Plan and therefore Members views on an alternative option were sought.

This approach would see developers undertake the on-site works to deliver pitches including day rooms etc. with the cost of this partially compensated through adjustments to financial contributions sought elsewhere in the associated Section 106 agreement. Although this funding would not affect contributions towards schools, open spaces and habitat regulations.

RESOLVED:

That the proposed approach to the delivery of gypsy and traveller pitches at Cranbrook and delegated authority be given to the Assistant Director, Planning Strategy and Development Management to agree the detailed wording of the S106 agreement in relation to this issue, in line with the heads of terms set out in this report be agreed.

REASON:

To ensure the timely delivery of gypsy and traveller pitches and the future operation of them by the Council for the benefit of the gypsy and traveller community.

122 **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

RESOLVED:

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).

123 **Heritage Lottery Fund Species Survival Fund Bid**

The Countryside Team was submitting an application to the Heritage Lottery Fund's (HLF) Species Survival Fund. The application process started with an expression of interest outlining the project scope and funding requirements. This had met with an initial approval by the HLF and they had requested that a full application was now submitted that will be considered and determined by February 2024.

RESOLVED:

That the funding application to the Heritage Lottery Fund's Species Survival Fund, be agreed.

REASON:

This would ensure that Cabinet understood the details of the funding application being proposed, the use of secured Council capital funds to act as match funding and the risks that are identified within the report.

Attendance List

**Present:
Portfolio Holders**

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

Cabinet apologies:

S Jackson	Portfolio Holder Communications and Democracy
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Also present (for some or all the meeting)

Councillor Brian Bailey
Councillor Kevin Blakey
Councillor Kim Bloxham
Councillor Colin Brown
Councillor Jenny Brown
Councillor Roy Collins
Councillor Peter Faithfull
Councillor Paula Fernley
Councillor Steve Gazzard
Councillor Mike Goodman
Councillor John Heath
Councillor Ben Ingham
Councillor Richard Jefferies
Councillor Todd Olive

Also present:

Officers:

Matthew Blythe, Assistant Director Environmental Health
Tim Child, Assistant Director Place, Assets & Commercialisation
James Chubb, Countryside Team Manager
Amanda Coombes, Democratic Services Officer
Simon Davey, Director of Finance
Richard Easthope, Parking Services Manager
Ed Freeman, Assistant Director Planning Strategy and Development Management
Tracy Hendren, Director of Housing, Health and Environment
Andrew Hopkins, Communications, Digital Services and Engagement Manager
Libby Jarrett, Assistant Director Revenues, Benefits, Corporate Customer Access, Fraud & Compliance
Robert Murray, Economic Development Manager
Charles Plowden, Assistant Director Countryside and Leisure
John Symes, Finance Manager
Melanie Wellman, Director of Governance & Licensing (Monitoring Officer)
Chris Woodruff, East Devon National Landscape Manager
Tim Youngs, Blackdown Hills National Landscape Manager
Andrew Wood, Assistant Director Growth Development and Prosperity

Chair

Date: