

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Cabinet held at Council Chamber, Blackdown House, Honiton on 1 May 2024**

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

The meeting started at 6.02 pm and ended at 6.59 pm

#### **179 Minutes of the previous meetings**

The minutes of the previous meetings of Cabinet held on 27 March and 10 April 2024 were agreed.

#### **180 Declarations of interest**

Min 181. Public speaking.

Councillor Paul Arnott, Affects Non-registerable Interest, Colyton Parish Councillor and Ward Member for Colyford.

Min 190. New Communities in East Devon.

Councillor Kevin Blakey, Affects Non-registerable Interest, Cranbrook Town Councillor.

Min 190. New Communities in East Devon.

Councillor Kim Bloxham, Affects Non-registerable Interest, Cranbrook Town Councillor.

Mon 190. New Communities in East Devon.

Councillor Sam Hawkins, Affects Non-registerable Interest, Cranbrook Town Councillor.

Min 190. New Communities in East Devon.

Councillor Todd Olive, Affects Non-registerable Interest, Whimble Parish Councillor.

Min 194. Station Road Countryside Park - Delivery & Management Options.

Councillor Matt Hall, Disclosable Pecuniary Interest, Employee of Exeter City Planning Department.

#### **181 Public speaking**

The Chair handed this item over to the Vice Chair due to a conflict of interest.

Cllr Ian Priestley, Chair of Colyford Parish Council spoke with the full support the Parish Council who were present. He was concerned that the transfer of land and associated documents from Colyton Parish Council had not happened even though it had been reinforced by a Judicial Review in the High Court six months ago which was not subject to an appeal. He stated that last October he was promised the full support of Cabinet on this matter. The continued delay was causing additional expenses and time wasting for Colyford PC. He asked that he get a written response from the council's legal department to what was being done to force the reorganisation order by Friday 10 May 2024.

In response the Principal Solicitor confirmed that Colyford Parish Council would hear from EDDC by this date.

The Deputy Leader thanked Councillor Priestley for his attendance and addressing Cabinet on this matter.

182 **Matters of urgency**

There were none.

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

There was one item dealt with in this way which is recorded at Minute 194.

184 **Minutes of Housing Review Board held on 14 March 2024**

Members agreed to note the Minutes and recommendations of the Housing Review Board held on 14 March 2024.

**Minute 58 Finance report**

that Cabinet acknowledge the variances identified as part of the housing revenue account and housing capital finance up to month 10 2023/24.

**Minute 60 Annual report of the Housing Review Board**

that Cabinet and Council note the work that the Housing Review Board has undertaken during the 2023-24 civic year.

Cllr Steve Gazzard stated he had asked the Board that information on void breakdowns be recorded in district areas and noted this had not been done.

185 **Minutes of Poverty Working Panel held on 18 March 2024**

Members agreed to note the Minutes of the Poverty Working Panel held on 18 March 2024.

186 **Minutes of Overview Committee held on 21 March 2024**

Members agreed to note the Minutes and recommendations of the Overview Committee held on 21 March 2024.

**Minute 44 Tree Strategy for East Devon District Council**

1. The development of a Tree Strategy for East Devon District Council; and
2. To procure an external resource to draft the Strategy as agreed previously by Council.

**Minute 46 East Devon Parking Strategy 2024-2031**

1. To adopt the Car Parking Strategy 2024-2031, subject to appropriate amendments reflecting discussions
2. That public consultation on the Strategy is not undertaken, subject to appropriate consultation on any decisions resulting from its adoption; and
3. That a small, politically balanced Working Group or Portfolio Team be convened to deliver key elements of the Strategy, with relevant Ward Members and Portfolio Holders invited whenever appropriate.

187 **Minutes of Scrutiny Committee held on 4 April 2024**

Members agreed to note the Minutes of the Scrutiny Committee held on 4 April 2024.

188 **Minutes of Leisure Strategy Delivery Forum held on 9 April 2024**

Members agreed to note the Minutes and recommendations of the Leisure Strategy Delivery Forum held on 9 April 2024.

**Minute 49 LED Service Management Fee 2024/25**

1. The request from LED to provide a budget allocation of £1,603,162 for the 2024/25 management service fee which includes £53,350 for its outreach payment.
2. To consider the additional request for a further £25,000 to support the work of the outreach service.
3. To agree the new Service Level Agreement framework to be used for the 2025/26 and 2026/27 financial years subject to final agreement and sign off from the Director of Governance and Licensing and Monitoring Officer.

189 **Minutes of Extraordinary Scrutiny Committee held on 18 April 2024**

Members agreed to note the Minutes of the Extraordinary Scrutiny Committee held on 18 April 2024.

190 **New Communities in East Devon**

The Assistant Director – Growth, Development & Prosperity stated that the council had a track record of bringing forward major strategic developments, particularly in the West End of the District. Since the late 2000s these developments had been set up such that they included some form of enhanced local management regime, notably in the form of an Estate Management Company. Whilst the council had fulfilled its statutory obligations, it had not adopted public open space or other discretionary facilities. This had inevitably altered the mix and balance of public service delivery, in terms of the funding regime and the role that the District Council plays, relative to more established settlements.

The report sought to take stock of this approach. This was in the context of the District continuing to grow at a rapid pace and preparations beginning to be made for accommodating a second new community. This would ultimately lead to a scenario whereby around 20% of households in the District would be the subject of these alternative arrangements by 2040.

Cllr Kim Bloxham read out the following statement.

‘This report is very welcome, long overdue and presents a refreshing approach to how officers are recognising the wider impacts of strategic development in the West End. The old and new East Devon referred to in the report is welcome now, perhaps finally, it can benefit from the lessons learnt during the past 12 years or so of development at Cranbrook.

Just to dwell on management companies - the experience at Cranbrook was of an expensive and totally ineffective management company that left a legacy of poor maintenance and a great deal of remediation of open space once the Town Council managed to assume responsibility.

I agree with our officers, that management companies do not work when it comes to major development. It is true that the Town Council was successful in taking over responsibility for public open space and assets like play parks, but the Town was

fortunate in that it had the co-operation of the developer consortium. Since then, the Town Council has been approached by many towns and parishes for advice on how to move away from management companies in their areas. This includes areas within East Devon. Only one other Parish has managed this nationally. It is extremely difficult to wrest responsibility from a management company if there is resistance and this has proved to be the case across the Country. So, the message on management companies is - do not go there in the first place and find a way to manage open space locally.

In terms of the Cabinet recommendations, these are supported with the following comments:

Recommendation 1. The Planning Advisory Service report is welcomed and helpful and forms a strong basis to move forward particularly in how the Town and District can work together more effectively. This is particularly so with regards to the PAS recommendation 5 about both the Strategic Delivery Board and Partnership Board and PAS recommendation 8 about a re-set and improvement of relations with the Town Council.

Recommendation 2b. The Community Governance Review needs to be commenced as soon as possible if it is to avoid the difficulties with Management Companies. There does however remain some concern about whether the surrounding Parishes will support such a review and the consequences if they do not.'

The Chair wished to thank Councillors Bloxham, Blakey and Hawkins for their efforts and achievements in getting to this stage of the Cranbrook development.

**RESOLVED that Cabinet:**

1. Notes the findings of the Planning Advisory Service report and associated recommendations as set out at Appendix B
2. Requests that the incoming Chief Executive, and the Assistant Directors for Planning Strategy & Development Management and Growth, Development & Prosperity, in conjunction with the Strategic Planning Portfolio Holder urgently review this report and its recommendations, and to propose any additional recommendations to Cabinet, whilst Cabinet:
  - a) Endorses the proposed terms of reference for the Cranbrook Placemaking Group to take forward recommendation 5 from the Planning Advisory Service report.
  - b) Endorses the principle of re-activating the Community Governance Review for Cranbrook in consultation with ward members and local communities.
  - c) Endorses undertaking a strategic review of the Council's approach to the delivery of assets and services in major new developments to take forward recommendation 9 from the Planning Advisory Service report.

**RECOMMENDED to Council:**

- d) That a budget of up to £80k is made available from the general fund to ensure that capacity is in place to undertake both the Community Governance Review for Cranbrook and wider strategic review of asset and service delivery in major new developments.

**REASON:**

To ensure that new communities in the District continued to be supported by high quality community infrastructure and public services.

To ensure that there were effective governance arrangements in place, both currently and to support the continued expansion of Cranbrook.

**191 Response to the Clyst Honiton Neighbourhood Plan Submission**

The purpose of the report was to formally agree the response by the council to the submission consultation for the Clyst Honiton Neighbourhood Plan. Clyst Honiton Parish Council had formally submitted their Neighbourhood Plan to the District Council. The Neighbourhood Planning (General) Regulations 2012 (Regulation 16) required the District Council to formally consult on the Plan for a minimum of 6 weeks.

Cllr Peter Faithfull stated his concern that Clyst Honiton did not have a village hall and had to use other parishes facilities for their meetings. In an area of high employment per head of population he felt they should be better treated and thought the larger employers in the Parish could offer their support and contribute to this.

Cllr Olly Davey thanked officers for their contribution to this thorough Neighbourhood Plan.

**RESOLVED that Cabinet:**

1. Note the formal submission of the Clyst Honiton Neighbourhood Plan and congratulated the producers of the plan on their dedicated hard work and commitment throughout the process.
2. Recommend that the proposed representation set out at paragraph 1.21 in this report is made in response to the consultation.
3. Give delegated authority to the Assistant Director - Planning Strategy and Development Management in consultation with the Portfolio Holder – Strategic Planning to consider and make a decision on the examiner's findings and, if considered appropriate, to proceed to the next stage of the plan making process as set out in the Regulations, without further need to seek agreement from Cabinet, in line with paragraph 1.15 of this report.

**REASON:**

To ensure that the view of the District Council was formally recorded and informed the consideration of the Neighbourhood Plan by the independent Examiner, and to help ensure that after the examination, a decision could be made on the Examiner's findings within the 5-week timescale set out in the Regulations.

**192 Exemption to Contract Standing Orders - Strategic Flood Risk Assessment**

The report advised of an Exemption to Standing Orders of the appointment of consultants, to undertake a Level 2 Strategic Flood Risk Assessment to support the emerging Local Plan. The exemption had been formally signed by the Assistant Director for Planning Strategy and Development Management, Director of Finance and Director of Governance and Licensing.

**RESOLVED that Cabinet:**

That the Exemption to Standing Orders had been approved in accordance with the council's Contract Standing Orders Rule 3.2 in respect of the appointment of JBA Consulting to undertake a Level 2 Strategic Flood Risk Assessment be noted.

**REASON:**

To notify Cabinet that an Exemption to Contract Standing Orders had been granted.

193 **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).

194 **Station Road Countryside Park - Delivery & Management Options**

The report provided an update on the delivery and future management of a 10Ha Country Park at Station Road, Broadclyst which sits within the wider Clyst Valley Regional Park.

**RESOLVED that Cabinet:**

1. Approves the preferred option for the management and ownership of the Country Park and delegates authority to the Assistant Director - Countryside & Leisure, in consultation with the Director of Finance and the Director of Governance and Licensing, to develop arrangements for the future management of the site with engagement from local Ward Members and Broadclyst Parish Council and local communities.
2. Delegates authority to the Assistant Director – Countryside & Leisure in consultation with Director of Finance, Director of Governance & Licencing, and the Assistant Director Planning Strategy & Development Management, to finalise the arrangements for operational management and creation of an endowment fund for the in perpetuity management of the site.
3. Delegates authority to the Assistant Director – Countryside & Leisure in consultation with the Assistant Director Place Assets and Commercialisation, Director of Finance and Director of Governance & Licencing to finalise the acquisition of the additional land, subject to the completion of appropriate legal documentation.
4. Subject to CIL Member Working Party's decision, approves the increased budget for delivery.
5. Requests that the Assistant Director - Countryside & Leisure, in consultation with the Director of Finance and Director of Governance & Licencing, prepares a future report to Cabinet to set out the proposed arrangements for a Special Purpose Vehicle to enable East Devon District Council to maximise the biodiversity value of the site (and other future sites).

**RECOMMENDED to Council:**

6. The provision of a budget for the 2024/25 financial year to support deliver of the project.

**REASON:**

The retention of the site and management by Countryside Services will enable the biodiversity value of the site to be maximised, supporting East Devon's obligations in relation to the Environment Act and nature recovery. It will also enable Countryside Services to work with the Parish Council and local community to deliver additional social value benefits through volunteering, educational activities and community engagement and events in the western part of the district.

**Attendance List**

**Present:**

**Portfolio Holders**

M Rixson	Portfolio Holder Climate Action & Emergency Response
G Jung	Portfolio Holder Coast, Country and Environment
M Hall	Portfolio Holder Economy
O Davey	Portfolio Holder Strategic Planning
S Jackson	Portfolio Holder Communications and Democracy
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:**

D Ledger	Portfolio Holder Sustainable Homes & Communities
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**Also present (for some or all the meeting)**

Councillor Brian Bailey  
Councillor Ian Barlow  
Councillor Kevin Blakey  
Councillor Kim Bloxham  
Councillor Colin Brown  
Councillor Jenny Brown  
Councillor Roy Collins  
Councillor Peter Faithfull  
Councillor Steve Gazzard  
Councillor Sam Hawkins  
Councillor Todd Olive

**Also present:**

**Officers:**

James Chubb, Countryside Team Manager  
Amanda Coombes, Democratic Services Officer  
Simon Davey, Director of Finance  
Ed Freeman, Assistant Director Planning Strategy and Development Management  
Naomi Harnett, Delivery Manager  
Tracy Hendren, Director of Housing, Health and Environment  
Andrew Hopkins, Corporate Lead - Communications, Digital Services and Engagement  
Paul Osborne, Green Infrastructure Project Officer  
Charles Plowden, Assistant Director Countryside and Leisure  
Anita Williams, Principal Solicitor (Deputy Monitoring Officer)  
Andrew Wood, Assistant Director Growth Development and Prosperity

Chair .....

Date: .....