

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Cabinet held at Council Chamber, Blackdown House, Honiton on 2 October 2024

Attendance list at end of document

The meeting started at 6.03 pm and ended at 8.20 pm

56 Minutes of the previous meeting

The minutes of the previous meeting of Cabinet held on 4 September 2024 were agreed.

57 Declarations of interest

Cllr N Hookway; Minutes 65 and 67; Affects NRI: Member of Exmouth Town Council

Cllr D Ledger; Minute 67; Affects NRI: Member of Seaton Town Council

Cllr J Loudoun; Minute 65; Affects NRI: Member of Sidmouth Town Council

Cllr I Barlow; Minute 65; Affects NRI: Member of Sidmouth Town Council

Cllr S Gazzard; Minute 67; Affects NRI: Member of Exmouth Town Council

Cllr J Brown; Minute 59; Affects NRI: Member of Honiton Town Council

58 Public speaking

Yvette Turner, spoke on behalf of the Kilmington resident dog walking group, with 156 signatures from the residents of Kilmington who had signed a petition. She outlined that the PSPO restrictions that are placed upon Kilmington Playing Fields are unjust, as could be seen from the evidence she had provided to the Cabinet. She stated that residents had not been made aware that the PSPO had been applied for, and there was no public consultation undertaken by the trustees or others to bring this to attention of local residents. Residents were only informed in April 2023 which was too late to object to the PSPO. She outlined that the playing fields were the only location for elderly or those with limited mobility to exercise their dogs off the lead in the village. The playing field had also been gifted to the village by the Arthur Hitchcock charity for recreational use to improve the conditions of the local residents. Checks had been made by local residents, which had been collated for evidence, to prove that use by dog walkers did not adversely impact on the playing field. She also had a compromise use, similar to that used for the district's beaches in winter months, that she could provide.

Christopher Millar advised that there was more chance of being injured by a cricket ball than a dog on the playing field. He also set out the terms of the gifting of the field by the Arthur Hitchcock charity, including the conditions of use. He asked that the compromise drawn up as referred to by the previous speaker, be considered to be incorporated into the PSPO instead of the current restriction.

In response, Matthew Blythe, Assistant Director Environmental Health, outlined to the Cabinet that the report before them was not to make a decision on the PSPO at this stage, but to agree to a period of consultation to deal with necessary amendments to the order.

The Chair thanked the two public speakers for their contribution.

59 **Amendments to the Public Spaces Protection Order - Dog Control 2023**

Following the implementation of the Public Spaces Protection Order - Dog Control 2023, a few amendments were required. To do this, further public consultation must be carried out before a final recommendation was made to Cabinet. It was recommended that Cabinet approve a brief period of public consultation.

RESOLVED:

That consultation regarding variation of the Public Spaces Protection Order - Dog Control 2023 (PSPO) as required by the provisions within the Anti-Social Behaviour Crime and Policing Act 2014 be agreed.

REASON:

To ensure that the PSPO was accurate and enforceable.

60 **Financial Monitoring Report 2024/25 - Month 5 August**

The report gave a summary of the Council's overall financial position for 2024/25 at the end of month five (31 August 2024).

Current monitoring indicates that:

- The General Fund Balance was currently projected to be above the adopted level, no action was recommended for members consideration at this stage. Forecasts indicated a favourable position of £499k was predicted. The council continued to see a significant favourable position in treasury management interest.
- The Revised Housing Revenue Account (HRA) budget approved by Council (July 2024) agreed the use of the HRA Balance up to £1.750m in year, with the acceptance this would take the HRA Balance below its minimum adopted level of £2.1m to £1.350m, to be replenished in future years. Expenditure was being maintained within this perimeter but further analysis on future spending projections was ongoing to gain full assurance on this position to year-end.

RESOLVED:

The variances identified as part of the Revenue and Capital Monitoring process up to Month 5 be noted.

REASON:

The report updated Members on the overall financial position of the Authority at set periods and included recommendations where corrective action was required for the remainder of the financial year.

61 **Matters of urgency**

None.

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

There was one confidential report to be considered, listed under minute 71.

63 **Minutes of Strata Joint Executive Committee held on 3 September 2024**

Members agreed to note the Minutes of Strata Joint Executive Committee held on 3 September 2024.

64 **Minutes of Placemaking in Exmouth Town and Seafront Group held on 9 September 2024**

Members agreed to note the Minutes of Placemaking in Exmouth Town and Seafront Group held on 9 September 2024.

65 **New sites to the EDDC Civil Enforcement Off Street Parking Places Order**

The Parking Services Manager updated Members to the 3 council owned sites that would benefit from being included in the EDDC Civil Enforcement Off Street Parking Order. This allowed for the introduction of new parking regulations that would help resolve identified parking management issues at each location. The sites for consideration were,

- Land at Blackmore Drive, Sidmouth
- Land at Camperdown Terrace, Exmouth
- Sheltered housing land at Albion Court, Exmouth

Land at Blackmore Drive in Sidmouth was used as “back stage” parking during Folk Week and the Jazz Festival, currently without fee. A request was made by a local Member to retain that during those festivals in order to support those artistes. He also outlined the wider benefits that those festivals brought to the town. In response, the Parking Services Manager outlined that this issue had already been raised by the Town Council, and concessions for those periods could be put in place; ultimately for the remainder of the year, the intention was for the area to be used as a shopper’s car park.

RESOLVED that Cabinet:

1. Agree the addition of 3 new parking places to the EDDC Civil Enforcement Off-Street Parking Order and provide delegated authority to the Director of Finance in consultation with the Director of Governance to determine the parking terms and conditions for the land at Camperdown Terrace and Albion Court.
2. Approve the proposed charging schedule for the Car Park at Blackmore Drive, Sidmouth, to correlate with the existing pricing structure for the town.

REASON:

Each of the three sites had its own justification and rationale for it be included in the EDDC Civil Enforcement Off-Street Parking Places Order which were contained within the report.

66 **Feniton Flood Alleviation Scheme update**

The Portfolio Holder for Coast, Country and Environment updated Members on the programme for Feniton. He voiced his thanks to the Engineering Projects Manager and the contractors Kier for their work on this to date, as well as the funders behind the extensive project.

He requested authority to potentially increase the contract with Kier from £3.5m to £3.8m, noting no further funding from EDDC was required. The total project expenditure has increased.

RESOLVED that Cabinet:

1. Agree to increase the maximum contractor contract from £3.5m to £3.8m.
2. Approves the full scheme value for approval of £6.275m (No further EDDCs funds are required at this time, with additional project budget found from external sources).

REASON:

1. Additional works had been identified which could push the value up above £3.5m, however savings and risks not being realised may reduce this cost.
2. That the overall cost of works would rise above the previous approval, to £6.275m.

67 **Engineering Projects Contracts over £100k - Exmouth and Seaton**

The Portfolio Holder for Coast, Country and Environment outlined the report, which notified Members of contracts that would exceed £100k on the following projects.

- Exmouth Beach Management Scheme
- Exmouth Emergency Seawall Repairs Phase 2
- Seaton Hole Coast Protection Scheme

Members voiced their thanks for the work undertaken on the Exmouth Seawall repairs.

RESOLVED:

1. That expenditure with Aecom who were delivering the Exmouth BMP will likely exceed £100k be noted.
2. That expenditure on a contractor (not yet appointed) would be in excess of £100k for the Exmouth Emergency Seawall Repairs Phase 2 project be noted. Cabinet should also note the total project value had increased to £3.562m, with no further expenditure from EDDC.
3. That expenditure on a contractor (not yet appointed) would be in excess of £100k for the Seaton Hole Coast Protection Scheme be noted. Cabinet should also note the total project value had increased to £2m, with no further expenditure from EDDC be noted.

REASON:

It was a requirement for Cabinet to note.

- when a contract exceeds £100k.
- when a contract exceeds £100k and if the total project value increases.

68 **Procurement of CBRE to develop a masterplan for the second new community**

The report notified Members of a contract that would exceed £100k. This was the contact for consultant support to develop a masterplan for the second new community. This work included technical studies and undertaking consultation and engagement to inform the development of a masterplan.

In response to questions from outside Cabinet, the additional costs related to the development of a masterplan now that the location of the second new community had been selected.

RESOLVED:

That expenditure with CBRE to produce a masterplan for the second new community would exceed £100k be noted.

REASON:

It is a requirement for Cabinet to note when a contract exceeds £100k.

69 **Contract standing orders exemption - Production of Recycling & Waste future model business case**

RESOLVED to defer the report.

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

RESOLVED that Cabinet:

That under Section 100(A) (4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, of the description set out on the agenda, is likely to be disclosed and on balance the public interest is in discussing this item in private session (Part B).

71 **Review of Leisure Provision - Funding and Management Agreement with LED Community Leisure**

The Council was currently in the middle of a strategic review of its approach to leisure service delivery. This was being undertaken with the benefit of consultancy support from Strategic Leisure and had included undertaking a series of workshops to help understanding of current arrangements across leisure and to review potential options. A significant part of the work had focussed on contractual arrangements with the existing leisure operator (LED Community Leisure) which traced back to 2005/6.

A series of recommendations were agreed to help to complete the strategic review including recommending an additional budget to Council.

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
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 Economy and Assets
S Hawkins	Portfolio Holder Finance
T Olive	Portfolio Holder Strategic Planning

Also present (for some or all the meeting)

Councillor Aurora Bailey
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 Mike Goodman
Councillor Marcus Hartnell
Councillor Richard Jefferies

Also present:

Officers:

Richard Easthope, Parking Services Manager
Matthew Blythe, Assistant Director Environmental Health
Tim Child, Assistant Director Place, Assets & Commercialisation
Simon Davey, Director of Finance
Naomi Harnett, Corporate Lead (Interim) – Major Projects & Programmes
Tracy Hendren, Chief Executive
Debbie Meakin, Democratic Services Officer
Andrew Melhuish, Democratic Services Manager
John Symes, Finance Manager
Melanie Wellman, Director of Governance (Monitoring Officer)
Andrew Wood, Director of Place (interim)
Catrin Stark, Director of Housing and Health (interim)

Chair

Date: