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To: Members of the Overview and Scrutiny Co-ordinating Committee  
(Councillors: David Atkins; Ray Bloxham; Peter Bowden; Iain Chubb;  
Trevor Cope; Christine Drew; Chris Gibbings; Roger Giles;  
Graham Godbeer; Steve Hall; Stephanie Jones; David Key;  
Jim Knight; Frances Newth; Barry Nicholson; Marion Olive; Helen Parr  
Bob Peachey; Graham Troman; Eileen Wragg; Steve Wragg)

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Portfolio Holders  
Other Members of the Council for Information  
Chief Executive  
Corporate Directors

## **Meeting of the Overview and Scrutiny Co-ordinating Committee**

**Wednesday, 18 November 2009 – 6.30pm**

**Council Chamber, Knowle, Sidmouth**

Members of the public are welcome to attend this meeting.

- A period of 15 minutes has been provided to allow members of the public to raise questions.
- In addition, after a report has been introduced by the relevant Portfolio Holder and/or officer, the Chairman of the Committee will ask if any member of the public would like to speak in respect of the matter and/or ask questions.
- All individual contributions will be limited to a period of 3 minutes – where there is an interest group of objectors or supporters, a spokesperson should be appointed to speak on behalf of group.
- The public is advised that the Chairman has the right and discretion to control questions to avoid disruption, repetition and to make best use of the meeting time.

### **AGENDA**

Page/s

1. **Public question time – standard agenda item (15 minutes)**  
Members of the public are invited to put questions to the Committee through the Chairman.
  - Each individual questioner exercising the right to speak during this public question time is restricted to speaking for a total of 3 minutes.
  - Councillors also have the opportunity to ask questions of the Leader and/or Portfolio Holders during this time slot whilst giving priority at this part of the agenda to members of the public.
  - The Chairman has the right and discretion to control question time to avoid disruption, repetition, and to make best use of the meeting time.
2. To confirm the minutes of the meeting of the Overview and Scrutiny Co-ordinating Committee held on 23 September 2009. 5 - 10
3. To receive any apologies for absence

4. To receive any declarations of interest relating to items on the agenda.
5. To consider any items which, in the opinion of the Chairman, should be dealt with as matters of urgency because of special circumstances.

(Note: such circumstances need to be clearly identified in the minutes; Councillors please notify the Chief Executive in advance of the meeting if you wish to raise a matter under this item. The Chief Executive will then consult with the Chairman).

6. To agree any items to be dealt with after the public (including the press) have been excluded. There are **no** items that the officers recommend should be dealt with in this way.
7. Decisions made by the Executive Board called in by Members for scrutiny in accordance with the Overview Procedure Rules under Part 4.5 of the Constitution. There are **no** items which have been identified.

8. **Comprehensive Area Assessment**  
(Martin Green, CAA Lead is invited to attend)

Members to discuss the CAA process in general, looking at how the Overview and Scrutiny Committees can assist in the process of providing evidence to the assessment and driving improvement year on year.

9. **Charging for Pre-application advice** 11 - 14  
(Councillor Paul Diviani, Chairman of Development Management Committee, is invited to attend)

A report on the charging mechanism for pre-application advice on planning applications.

10. **Asset Management** 15 - 29  
(Councillor Andrew Moulding, Portfolio Holder for Resources, is invited to attend)

Members are asked to consider how to monitor the delivery of the Asset Management Plan. Pages 15 - 26 relating to the seven priorities, and pages 27 - 29 relating to scrutinising the plan, are reproduced in this agenda.

A full copy of the Asset Management Plan can be viewed on the Council's website at [http://www.eastdevon.gov.uk/asset\\_management\\_plan](http://www.eastdevon.gov.uk/asset_management_plan)

11. **Crime and Disorder (Overview and Scrutiny) Regulations 2009** 30 - 33  
(Councillor Chris Gibbings, Member Champion for Community Safety, is invited to attend)

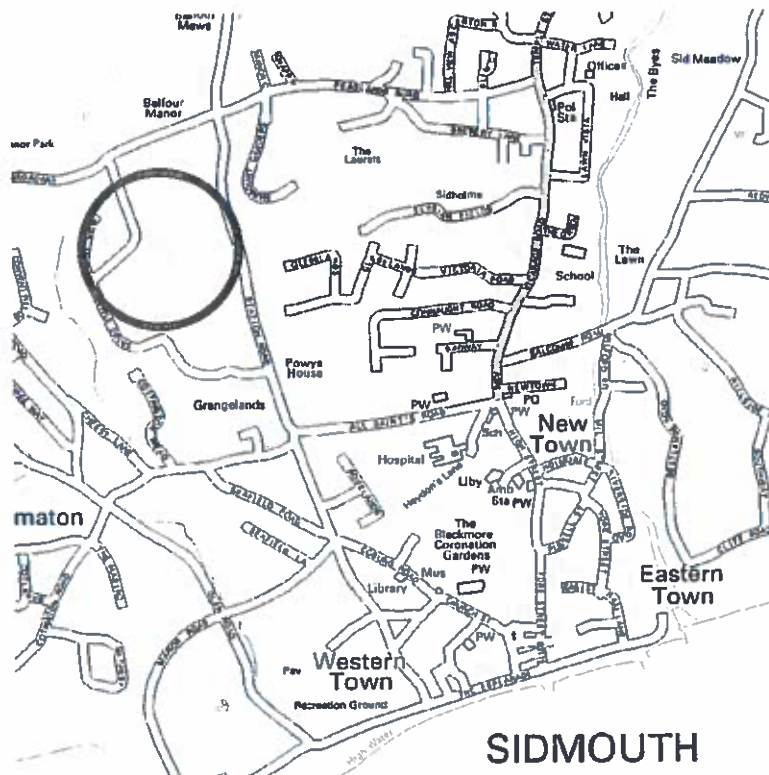
An updated report following recent discussions with representatives from Mid Devon District Council on a proposed joint Scrutiny group specifically for community safety issues.

- |     |  |               |
|-----|--|---------------|
| 12. | <b>Local Area Agreement</b><br>(Councillor Jill Elson, Chairman of the Local Strategic Partnership, is invited to attend)  | 34            |
|     | A brief summary of the Local Area Agreement priorities for East Devon is attached for information. Members are asked to consider the priorities with a view to improving outcomes with future assessments under Comprehensive Area Assessment. |               |
| 13. | <b>Update from the Chairman of Economy Overview and Scrutiny Committee on meeting held on 8 October 2009.</b>  | Verbal report |
| 14. | <b>Update from the Chairman of Service Delivery and Performance Overview and Scrutiny Committee on meeting held on 21 October 2009.</b>  | Verbal report |
| 15. | <b>Update from the Chairman of Communities Overview and Scrutiny Committee on meeting held on 28 October 2009.</b>   | Verbal report |
| 16. | <b>Overview and Scrutiny Committees Forward Plans</b>  | 35 - 38       |
|     | Paper covering the current work identified and allocated time on individual forward plans; and suggestions for topics for allocation to all forward plans taken from the Corporate Strategy and Audit Commission highlighted issues.           |               |

## Members remember!

- You must declare any personal or prejudicial interests in an item whenever it becomes apparent that you have an interest in the business being considered.
- Make sure you say the reason for your interest as this has to be included in the minutes.
- If your interest is prejudicial you must leave the room unless you have obtained a dispensation from the Council's Standards Committee or where Para 12(2) of the Code can be applied. Para 12(2) allows a Member with a prejudicial interest to stay for the purpose of making representations, answering questions or giving evidence relating to the business but only at meetings where the public are also allowed to make representations. If you do remain, you must not exercise decision-making functions or seek to improperly influence the decision; you must leave the meeting room once you have made your representation.
- You also need to declare when you are subject to the party whip before the matter is discussed.

## Getting to the Meeting – for the benefit of visitors



The entrance to the Council Offices is located on Station Road, Sidmouth. **Parking** is limited during normal working hours but normally easily available for evening meetings.

The following bus service stops outside the Council Offices on Station Road:  
**From Exmouth, Budleigh, Otterton and Newton Poppleford – 157**

The following buses all terminate at the Triangle in Sidmouth. From the Triangle, walk up Station Road until you reach the Council Offices (approximately ½ mile).  
**From Exeter – 52A, 52B**  
**From Honiton – 52B**  
**From Seaton – 52A**  
**From Ottery St Mary – 379, 387**

Please check your local timetable for times.

The Committee Suite has a separate entrance to the main building, located at the end of the visitor and Councillor car park. The rooms are at ground level and easily accessible; there is also a toilet for disabled users.

Visitors please note that the doors to the civic suite (meeting rooms) will be opened ¼ hour before the start time of the meeting. Councillors are reminded to bring their key fobs if they wish to access the area prior to that time.

**For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546**

# EAST DEVON DISTRICT COUNCIL

## Minutes of a Meeting of the Overview and Scrutiny Co-ordinating Committee held at Knowle, Sidmouth on 23 September 2009

### Present:

Councillors:

Ray Bloxham (Chairman)  
Bob Peachey (Vice-Chairman)

Iain Chubb  
Trevor Cope  
Christine Drew  
Roger Giles  
Graham Godbeer  
Steve Hall

Jim Knight  
Frances Newth  
Marion Olive  
Helen Parr  
Graham Troman  
Steve Wragg

Officers:

Peter Jeffs – Corporate Director  
Diccon Pearse – Corporate Director  
Debbie Meakin – Democratic Services Officer

### Also Present

Councillors:

Vivienne Ash  
Graham Brown  
David Cox  
Paul Diviani  
Stuart Hughes

Ann Liverton  
Andrew Moulding  
Ken Potter  
Phillip Skinner  
Pauline Stott

### Apologies:

David Atkins  
Chris Gibbings  
David Key  
Eileen Wragg  
Stephanie Jones  
Jill Elson

The meeting started at 6.30pm and ended at 8.20pm.

### \*9 Public question time

There were no questions from the public raised at this point of the meeting.

### \*10 Minutes

The minutes of the meeting of the Overview and Scrutiny Co-ordinating Committee on 1 July 2009 were confirmed as a true record.

### \*11 Town and Parish website and e-mail addresses

The Chairman brought this item forward, in order to prevent detaining Mark Snell from ICT and Cllr Philip Skinner during the other items on the agenda that would need considerable debate.

\*11

**Town and Parish website and e-mail addresses (continued)**

A paper was tabled containing statistics about the current e-mail capability in relation to broadband speed and the different addresses used. The issue had been raised by the Communications Think Tank as an area of concern, in particular relating to the use of electronic communications for emergency purposes.

As Rural Champion, Councillor Skinner had commissioned some research into the current e-mail capability of the towns and parishes, and the costs of changing over to a uniform ".gov.uk" suffix. He sought, on behalf of the Communications Think Tank, the approval of the Committee of the principle of uniform addresses before approaching the towns and parishes for their thoughts.

The proposal was to achieve a published e-mail address that could be easily predicted with the .gov.uk suffix. Such addresses could only be registered by bodies associated with local and national government in the UK, and would cost around £43 per annum per domain. The benefits included a professional look, as opposed to the often personal computer e-mail addresses that varied widely; and a higher level of security, a point endorsed by the Member Champion for Data Quality, Councillor Troman. The Chairman also shared with the Committee comments from the Member Champion for Community Safety, Councillor Gibbings. He raised the issue of contacting clerks via e-mail by the emergency services in the event of an incident, which would be easier to undertake with a uniform address.

Members discussed the concept of uniform e-mail and website addresses, raising a number of concerns that needed to clarification before approaching the towns and parishes for their views:

- £43 per annum per domain name would be too high a cost for many of the smaller, rural parishes where budget was very limited; the parishes may feel the money was better spent on other resources for the parish.
- Many of the Towns and some of the parishes had established suitable addresses with the .gov.uk suffix. Members were concerned that the proposal asked for changes in existing addresses that did not meet the suggested first part of the e-mail address, and the implications of changing letter heads and re-registering new domain names.
- Political associations with the .gov.uk suffix could mean that some parishes, who considered themselves non-political, would object to any such association.
- Increased security was important as many current clerk e-mail addresses were relating to their family e-mail accounts.

In answer to questions from Members, Mark Snell confirmed that it was possible to register two domains, one for towns and one for parishes, which could each have multiple e-mail addresses. This would reduce the cost per annum considerably; however there were strict rules in using the .gov.uk suffix.

Mark also confirmed that such e-mail addresses could be set up to automatically forward, or "point" to any existing address set up; this would mean that existing addresses would not need to be scrapped or changed, and any changes of clerk could be easily dealt with in switching the pointer to the new clerk's own address.

Members were in agreement with the principle of uniform e-mail addresses and websites, provided that the costs and technical concerns of forwarding were clearly explained to the Towns and Parishes; with the final decision resting with the Town or Parish itself.

**\*11 Town and Parish website and e-mail addresses (continued)**

**RESOLVED**

1. that the Rural Areas Champion, working with Mark Snell of ICT, produce display boards and give a presentation to the forthcoming Annual Meetings of the Towns and Parishes to ask for their views; taking into account options of costs and technical explanation of forwarding;
2. that the paper circulated on the proposal be amended as per debated, and circulated to the Towns and Parishes prior to the Annual Meetings.

**\*12 Comprehensive Area Assessment**

The Chairman outlined to Members unsuccessful efforts to get Martin Green, CAA Lead from the Audit Commission, to be present at the Committee to answer questions. As an alternative, a meeting had been arranged to meet with the Chairman and Vice-Chairman and officers; which later became an arranged conference call at Mr Green's request. However, this call did not materialise with no explanation given.

The Chairman expressed his strong disappointment at lack of assistance from the CAA Lead. The purpose of meeting with Mr Green was to establish what exactly the Council needed to undertake in order to be prepared for CAA, including what the role of the Overview and Scrutiny Committees had to play in providing evidence for the assessment.

The Chairman also shared with Members an extract of the first part of a CAA report that highlighted the very low level of affordable housing built in the District in the past year.

Councillor Potter, Chairman of the Audit and Governance Committee, also spoke on his disappointment with the service provided by the Audit Commission, including their role in appointing an auditor, imposing a code of practice and setting the audit fees, which in the current year would be £133,000.00.

Councillor Mrs Parr highlighted some of her research where a press release by the Local Government Association and Councillor comments published elsewhere in the country had expressed their dissatisfaction with the Audit Commission, some even questioning the longevity of CAA.

Diccon Pearse, Corporate Director, recounted to Members recent difficulties in obtaining an accurate scoring for a Benefits Inspection by the Commission; he also updated Members on a recent draft assessment that bore no reflection of the current Council position. Although Martin Green had agreed to discuss the report further with officers, he had made it clear that he still intended to publish the report on 19 October 2009 with a score. This published report would come before the Committee, and Members would need to debate what next steps to take based on that scoring.

Councillor Moulding, Portfolio Holder for Resources, welcomed the resolve of the Committee to look into the requirements of the CAA process, as he too had found the documentation published by the Audit Commission vague and lacking precise detail of what evidence was required.

**RESOLVED**

1. that the Chairman, with advice from officers, write to the Audit Commission expressing the disappointment of the Committee at the lack of advice which had repeatedly been sought;
2. that if no response is received from the Audit Commission, the Chairman to consider wider publication of the lack of advice.



13 **Health and Health Equality Policy**

The Chairman outlined a number of local and national considerations relating to Health, including the current review by the Devon PCT which would be scrutinised by the Health Scrutiny Committee at Devon County Council; the Rural Health Strategy; the Rural Services Network Manifesto; and recent government proposals to axe GP boundaries. The topic of health was one that could not be covered in one meeting by the Committee, and therefore he proposed that the policy represented by Peter Jeffs, Corporate Director, was the first step in answering the question: How far does the Council want to be involved in providing health care with its partners?

Peter Jeffs outlined the purpose of the policy, stressing that the Council had a huge impact, both directly and indirectly, on the health and well-being of the District, through setting the social, environmental and economic context of the area. Members had a role, as community leaders, to hold health agencies to account; this policy also looked to how best to compliment the service provided by those agencies, for the benefit of the community.

The policy also had strong links with the Comprehensive Area Assessment, in evaluating how well the Council worked with its partners to benefit the community.

Members felt that the policy was an excellent step towards clarifying their position with health issues. Many Members expressed how important the well-being of the community was, that self worth went a long way to keeping a community healthy.

Cllr Mrs Drew, as the East Devon representative on the County Council Health Scrutiny Committee, outlined her work on that Committee in assessing the recent PCT review, which, when concluded, she would report to the Co-ordinating Committee. She thanked Peter Jeffs for his clear policy, which was a positive step for the Council to take.

Members outlined in debate:

- the need to recognise the benefits from leisure and cultural activities for the well being of the community;
- the importance of considering the well-being of the elected member;
- setting in planning policy the need to take into account its impact on the health of the community and the ability of the health agencies to provide care to increasing communities;
- costs of leisure activities being prohibitive to low income families;
- relaxed policy on the use of communal land for council tenants, which enabled some to use that land for horticultural purposes.

Members felt that the statistical information set out in Appendix 2 of the report did not reflect the true picture of the District; some minor changes to the wording of the policy were also discussed.

**RECOMMENDED**

1. that the specific policy areas set out below, as per the Health and Health Equality Policy, be agreed in principle:
  - 1.1 Work with health partners in delivering the locally relevant parts of the Local Area Agreement;
  - 1.2 Maintain links with PCT, GP consortia and other health groups providing Council representation on these groups when requested and appropriate;
  - 1.3 Advocate for East Devon's local health issues to other partners and agencies



13 **Health and Health Equality Policy (continued)**

**RECOMMENDED**

- 1.4 Advocate for the health needs of rural populations (especially access issues) with partners and other agencies;
- 1.5 Scrutinise the changing local and national health needs, and the priorities and activities of other health providers (including changes to the level of service). Develop the Health Equalities aspect of the Environmental Health & Health Equalities Service and maintain regional and national links through their Corporate Director
- 1.6 Promote social and environmental health issues to local communities and continue Council actions to do this. Use our in-house publicity to assist in information provision;
- 1.7 Promote positive mental health both within the Council and in our communities;
- 1.8 Exercise our range of regulatory functions for public health;
- 1.9 Make direct provision for health, and healthy activity, when this complements (but does not duplicate or override) the role of other agencies, and where it is permitted by budgets and priorities;
- 1.10 Assess the health impact of major new developments, and ensure that the wider aspects of health are recognised in the development framework and policy;
- 1.11 Assist in consultation (with other agencies) to establish the wider health priorities of our local communities and (working alongside our Equalities and Diversity activity) seek to better ensure Health Equalities across all parts of our community.

1. that the Health and Health Equality Policy, subject to minor amendments, be approved.

\*14 **Minutes from the Economy Overview and Scrutiny Committee**

Councillor Chubb outlined the extensive work undertaken from the Business Tenants Survey, including his own personal research into the units based at Axminster. Councillor Cope recommended the survey to all Councillors to consider.

**RESOLVED** that the minutes of the Economy Overview and Scrutiny Committee be noted.

\*15 **Minutes from the Service Delivery and Performance Overview and Scrutiny Committee**

The Service Delivery and Performance Committee meeting was scheduled for the following evening, 24 September 2009. Councillor Steve Hall thanked the Chairman for permitting the change of date of meeting and reported that there was a very full agenda to be considered. The minutes from that meeting would be circulated to the Members of the Co-ordinating Committee in due course.

**\*16 Minutes from the Communities Overview and Scrutiny Committee**

Councillor Mrs Parr advised Members of the proposed departure policy to facilitate much needed affordable housing. The Development Management Committee had received the recommendations of the Communities Overview and Scrutiny Committee, agreeing to a consultation period on the policy before further debate took place. The draft policy had also been presented to the recent Housing Summit held at the Council Offices, which had been well attended.

Cllr Mrs Newth, Member Champion for Sustainability, reported that the recent work by her working party would be reported to a future meeting of the Communities Committee.

Cllr Diviani, Chairman of Development Management Committee, reported that the Former Gas Works site in Exmouth, was coming forward as a viable site following some changes to the legal agreement.

**RESOLVED** that the minutes of the Communities Overview and Scrutiny Committee be noted.

**\*17 Overview and Scrutiny Co-ordinating Committee Forward Plan**

The Chairman informed Members of the scheduled meeting of the Chairman and Vice-Chairman of the Overview and Scrutiny Committees on 25 September 2009 to discuss the future workload of the Committees. This would influence the current forward plan.

**RESOLVED** that the Forward Plan be noted.

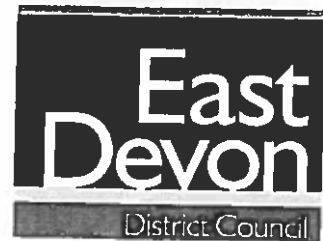
Chairman ..... Date .....

## Agenda Item 9

Overview & Scrutiny Committee Co-ordinating Committee

18 November 2009

KAL



### Charging for Pre-application advice

#### Summary

Following a previous report to the Executive Board Committee which established the principle of charging for pre-application advice, this report proposes a charging mechanism which, if successfully applied, will enhance the service.

#### Recommendation

1. That the Committee endorses the proposed charging regime for pre-application advice for 'major' and 'minor' category planning applications, with effect from 1 December 2009.
2. The Head of Planning and Countryside Services be delegated to draw up the operational details of the scheme which is to be given the necessary wide publicity.

#### a) Reasons for Recommendation

A recent assessment of the anticipated number of large scale planning applications which currently, or will require a significant commitment, in terms of providing pre-application advice and for processing the applications themselves has resulted in concerns about the capacity of the Development Management Team to service all the demands that will be placed upon it, over and above the current workload. The number of large scale planning applications is also likely to be increased by the evolving Local Development Framework (LDF) Core Strategy – major allocations work on hand at present.

A consequent need for a major projects officer has been identified and in order to fund this, charging for pre-application advice is proposed.

#### b) Alternative Options

The present regime of not charging for pre-application advice is maintained. The usefulness of pre-application advice to both the applicant and the Planning Authority cannot be underestimated and it has consequent benefits in helping to secure better quality planning application submission – a clear objective of the Systems Review of Development Management.

#### c) Risk Considerations

- (i) a charging scheme for pre-application advice may put applicants off seeking upfront information with the result that planning applications are less well prepared and thus take longer to deal with (missing data/information or generating the need to negotiate a better solution).
- (ii) without an income stream to support an additional officer skilled in project managing major schemes, the effect upon the existing staff to cope with the workload will be severely comprised and this will affect performance.

#### d) Policy and Budgetary Considerations

No policy implications.

The income generation potential to support an experienced planning officer would need to be in the order of £45,000 per annum (salary plus on-costs).

**e) Date for Review of Decision**

N/A

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**1.0 Background**

- 1.1 The Systems Review of Development Management and the subsequent re-organisation of practices and team working resulted in capacity being created to undertake pre-application advice for major and minor category planning applications in a way not possible under the former target driven approach. It helps to improve the quality of information submitted, reduces waste activity such as having to go back to the applicant once the application is submitted to seek more or better information or to attempt to negotiate a better scheme and, improves end to end times on those applications. It has been a generally well received improvement to the service.
- 1.2 It is also a very well used service and we have had 897 of written pre-application requests over the last twelve months, that is since the Systems approach was rolled in across the whole Development Management service.
- 1.3 In addition the following incoming workload issues have been identified:
- 30 of major or large scale minor applications have just been submitted or are being foreshadowed by landowners/developers as requiring a project managed pre-application exercise. These include large scale housing developments, supermarkets and a potentially controversial renewable energy generation scheme.
  - As a consequence of the work of the LDF Panel of Members large scale site finding exercise, we are receiving requests for pre-application advice on large scale 'departure' applications. These sites have yet to be tested against the Core Strategy criteria for first phase site allocation, for their site specific issues, or for their infrastructure needs and Section 106/community infrastructure levy requirements. Consequently they will involve a long term commitment to our major project protocol approach involving infrastructure providers and other relevant officers.
  - Capacity problems in the New Growth Point Team have led to a major scheme in the west end having to be dealt with unexpectedly by the in-house team and another by a consultant.
  - The pressure to deliver affordable homes and the proposed time limited interim affordable housing policy may result in a sudden rush of applications which whilst desirable will have an impact on workload in the service.

**2.0 Proposed pre-application charging scheme**

- 2.1 Whilst it is important not to put any barrier to encouraging people to use the Council's pre-application service the implications of the future incoming workload have necessitated a reconsideration of the agreement in principle of this Committee to charge for pre-application advice given before the Systems Thinking approach was introduced. Unless funds can be found to employ an officer with the relevant skills and experience to cope with project managing large scale, complex and potentially controversial applications which necessitates close working with infrastructure providers and other partners together with drawing up the necessary legal agreements to both deal with the infrastructure requirements and to meet the community benefits, the impact on the performance of the Development Management team will be severely compromised. The scale of the anticipated workload on top of the normal day to day application submissions has the potential to reduce end to end time performance to the detriment of the customer, reduce the value of any community input to the process and the

possibility of issuing permissions which are vulnerable to judicial review. This of course has an impact on both the Council's reputation and its finances.

2.2 It is proposed therefore to set up the following charging regime with effect from 1 December 2009 to apply to both all new pre-application enquires and to those already under way for any future work undertaken. It is not possible at this stage to estimate what the value of the income stream would be from pre-application charging but in order to support the cost of a sufficiently skilled and experienced planning officer together with the relevant on-costs necessities drawing down approximately £45,000 per annum. It must be emphasised that the need to charge for pre-application advice is not simply to create a new income stream for the Council but has a direct relationship with the need to service those requests and to provide quality advice on the complex large scale applications we are expecting shortly. The proposed scheme is based on one currently operating in another Devon District although the actual figures proposed are slightly different.

3.0 **Charging Scheme for Pre-application advice:**

Category	Scale of application	Description	Charge per meeting (excluding VAT)
1	Large scale Majors	Large scale major schemes including residential developments of more than 200 houses or non-residential floor space of more than 10,000sqm or site area of more than 4ha.	£750
2	Medium major	Residential schemes of between 31 – 199 houses or sites of between 2-4ha non-residential floor space of 1,000 – 9,999qm or 1hac.	£625
3	Small major	Residential schemes between 10 – 30 houses or sites of up to 2ha or non-residential floor space or 500 – 1000sqm or 2ha.	£500
4	Minor	Residential proposals (including holiday units) involving the erection of or change of use to between 2 – 9 residential units. All minor non-residential schemes for new buildings or change of use.	To be agreed
5		All residential schemes for the replacement or erection of a single dwelling or conversion of a building to one residential unit.	To be agreed

- (i) A Members pre-application panel will constitute 1 meeting.
- (ii) The fees for a lawyer present at a meeting to deal with Section 106 requirements will be the subject of separate payment previously negotiated.
- (iii) Any meeting charged for will be overseen by a Senior Planning Officer or above and will include a range of other disciplines and representatives of infrastructure providers as appropriate.

- (iv) Advice will be provided in writing following the meeting.
- (v) All advice will be provided on a without prejudice basis.
- (vi) The written advice will lay out clearly the issues which would be raised by the development and specify what improvements can be made to the scheme to make it acceptable or if the principle of the development is unacceptable what the grounds for refusal will be.
- (vii) Written advice will identify what level of community consultation will be expected in order to meet the requirements of the Council's Statement of Community Involvement.
- (viii) Advice will be given on the nature and quality on information required including a comprehensive list of supporting documents.
- (ix) Where the application is in the major category a timetable will be established for project managing the application to decision.
- (x) Advice will be given on the relevant heads of terms that would be included in any Section 106 Agreement as necessary.
- (xi) The fee includes a site visit being undertaken by a planning officer if necessary and any research work undertaken prior to any meetings.
- (xii) 100% affordable housing schemes will be exempt from any charge for pre-application advice.
- (xiii) Any other category of planning application which has an exemption/reduced fees will also be exempt from charge for any pre-application advice.

3.1 Operational details of the scheme should be delegated to the Head of Planning and Countryside Services to be published on the Council's website and the subject of a press release.

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### **Legal Implications**

The report is compatible with the Government's response to Recommendation 4 of the Killian Pretty Review, namely, that local government and other key stakeholders should work together to develop best practice and to encourage a more consistent and proportionate approach to charging for pre-application discussions: the structure for fees set out in the report supports such an approach. It will also help assimilate data for use in the suggested new performance framework as a measure of the availability and quality of pre-application advice (KP Review, Recommendation 15 – Revised approach to targets).

### **Financial Implications**

The financial implications are included in the report. The income generated must be enough to finance the new post

### **Consultation on Reports to the Executive**

None.

### **Background Papers**

Executive Board report – 6 June 2007: Charges for Major pre-application advice, Tree advice and Member involvement in pre-app activity

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Kate Little - 2981  
Head of Planning & Countryside Services

Overview and Scrutiny Co-ordinating Committee  
18 November 2009



## 7 How do our land and building assets support the priorities of the Corporate Strategy and how will this support be maintained and improved?

Set out below each priority heading is an illustration of how property assets support the Council's priorities and the actions required to improve the performance of the portfolio in relation to the delivery of Corporate and Service Strategies. Given that a large part of asset management is about improving efficiency, the majority of actions to yet be undertaken, shown with a timescale indication under the date column, fall under Priorities 6 and 7.



### Priority one: Affordable homes

The Housing Strategy<sup>1</sup> sets out in detail how the Council is providing affordable housing and how further provision of new homes will be delivered in the future.

In support of the Council's priority to deliver a significant increase in affordable homes in the District, the following projects are currently being undertaken in respect of the Council's own property assets:

Action/support of priority	Date	Budget	Assigned to
1 Form a development partnership with Devon & Cornwall Housing Association to deliver a high proportion of affordable housing scheme at Stowford Rise, Sidmouth	On going	Capital Programme	Housing
2 Audit of potential open sites on or adjacent to existing council housing estates that could be used to deliver affordable housing	On going	HRA revenue budget	Housing
3 Holmdale, Sidmouth: Joint venture scheme at pre-application stage	On going	Capital Programme	Housing

The Council's existing policy in relation to its own land is to contribute land at nil value cost in order to keep the cost of development down and reduce the requirement for capital funding. The merits of

transferring land at nil value are considered against the viability of the individual scheme and any other public subsidy.

<sup>1</sup> [www.eastdevon.gov.uk/housing\\_policies\\_and\\_strategies.htm](http://www.eastdevon.gov.uk/housing_policies_and_strategies.htm)



## Priority two: Thriving economy

A thriving economy is about good jobs, economic growth and revitalising communities to improve their local facilities and services for our residents.

The Council holds assets which can assist in meeting this priority and work continues to explore opportunities where our assets can be used to attract investment into the district.

East Devon District Council has established the regeneration of Exmouth and Seaton as a key priority with a focus on redevelopment opportunities and the social/community aspirations of the Towns. Regeneration is a set of activities that reverse economic, social and physical decline in areas where market forces will not do this without support from the public sector. In this case, the Council recognises that it has a key role to play in moving forward the regeneration agenda through the use of its asset base to secure private sector investment.


Action/support of priority	Date	Budget	Assigned to
1 Exmouth Regeneration – The East Devon Local Plan identifies redevelopment opportunities for Exmouth such as Elizabeth Hall, the Seafront, London Inn and land at Royal Avenue, all of which are owned by the Council. The Council will work with our partners to bring forward proposals for attracting investment into Exmouth.	On going	Planning Development Grant & LABGI	Economy & Devt.
2 Seaton Regeneration – The Council, as land owner, will work with developers to bring about private sector investment into Seaton	On going	Planning Development Grant & LABGI	Economy & Devt.
3 Industrial workshops, compounds and offices: The Council will continue to provide employment premises to rent on terms suitable for small and start-up businesses	On going	Revenue Budget	Economy & Devt.
4 East Devon Business Centre <sup>1</sup> – provision of 19 serviced office units and conference hire facilities will continue to support local business and in particular, small start-up businesses.	On going	Revenue Budget	Economy & Devt.

<sup>1</sup> [www.eastdevon.gov.uk/east\\_devon\\_business\\_centre](http://www.eastdevon.gov.uk/east_devon_business_centre)



## Priority three: Safe, clean and green environment

Action/support of priority	Date	Budget	Assigned to
<b>A safe environment</b>			
1 The Council will continue to implement and maintain flood alleviation, coastal protection and land remediation schemes	On going	Capital Programme	Street Scene
2 The Council will continue to monitor Council land and buildings for Health & Safety	On going	Revenue Budget	Street Scene
<b>A clean environment</b>			
1 The Council will continue to maintain and enhance the Council's parks and gardens and public open space to a high standard	On going	Revenue Budget	Street Scene
2 Public Conveniences: The Council's most recent strategy has been to rationalise the provision of public toilets and close unattended facilities. Partnering arrangements have been put in place with some Parish Councils and the private sector. An active programme of modernisation for remaining facilities is now in place through an approved capital programme.	2009/10	Capital Programme	SMT (AMF) / Street Scene

Continued 

<b>A green environment</b>			
<p><b>1</b> The Council has adopted a Climate Change Strategy<sup>1</sup> under which the Council's own Estate and Operational activities are addressed and where specific recommendations will be pursued by the Council as part of its Asset Management Strategy.</p> <p>The Council has set a target of reducing its use of carbon by 45% over the next five years. This is a significant and challenging target which will require the Council to seriously consider the assets it currently uses to deliver services.</p> <p>This will include a review of the main administrative centre at the Knowle (See Appendix 5 &amp; 6). An energy survey of the building has been carried out and Display Energy Certificate obtained.</p>			
<b>2</b> Management of the Axe Estuary Wetland Nature Reserve project	On going	Revenue Budget	Planning & Countryside
<p><b>3</b> Management of other areas of land by Countryside and owned by EDDC include the following:</p> <ul style="list-style-type: none"> <li>• Exmouth Local Nature Reserve (LNR)</li> <li>• The Maer LNR, Exmouth</li> <li>• Holyford Woods LNR</li> <li>• Seaton Marshes LNR</li> <li>• Colyford Common LNR</li> <li>• Trinity Hill LNR, near Uplyme</li> <li>• The Knapp, Sidmouth</li> <li>• Honiton Bottom Community Nature Reserve (off Battishorne Way)</li> <li>• Otter Estuary (section close to Lime Kiln car park)</li> </ul>	On going	Revenue Budget	Planning & Countryside

<sup>1</sup> www.eastdevon.gov.uk/200308item7.pdf



## Priority four: Recycling

Action/support of priority	Date	Budget	Assigned to
<p><b>1</b> Continued improvement in the availability of recycling facilities on Council premises.</p> <p>EDDC's Waste and Recycling policy is currently rolled out in the east of the district and due completion over the whole district by 2010.</p>	On going	Revenue Budget	
<p><b>2</b> Where suitable locations on the Council's land are identified, the Council will continue to install recycling stations<sup>1</sup>.</p>	On going	Capital Budget	Street Scene
<p><b>3</b> Site at Colyton Road, Seaton will continue to be let to Devon County Council at a diminutive rent to provide for a weekend recycling facility</p>	On going	Revenue Budget	Economy & Devt.

<sup>1</sup> [www.eastdevon.gov.uk/recycling\\_banks](http://www.eastdevon.gov.uk/recycling_banks)



## Priority five: Children and young people

Action/support of priority	Date	Budget	Assigned to
1 The Council will continue to maintain and enhance 66 play area sites through the district. In addition, the Council has now built five skate parks.	On going	Capital, Revenue	Street Scene
2 Some of the Council's tenanted non residential property is leased to youth organisations (and sporting organisations) at a peppercorn rent or subsidised rent.	TNRP Review 2009/2010	Revenue Budget	Economy & Devt.
3 Playing Fields and sports pitches continue to be maintained for public use.	On going	Revenue Budget	Street Scene
4 Leisure Opportunities offered to children from the Council's Sports and Leisure Centres include a variety of sporting activities. Leisure Buildings let to LED at peppercorn rent and maintained by EDDC.	On going	LED/ Revenue Budget	LED
5 The Thelma Hulbert Gallery, Honiton, supports a Youth Arts Group and carries out creative and educational work with children and young people.	On going	Revenue Budget	Arts Development
6 The theatres of Exmouth Pavilion and the Manor Pavilion at Sidmouth provide a showcase for the artistic talents of young people, supporting social and confidence building characteristics.	On going	LED/ Revenue Budget	LED





## Priority six: Excellent service for our customers

Asset Management has a key role to play in ensuring that the Council meets its aspirations under this priority.

The Council is currently undergoing a systems thinking review in conjunction with Vanguard consultants. This is an approach which puts the customer at the heart of service delivery and ensures that the way in which the work is organised cuts out time wasting processes.

An operational property base is integral to the delivery of most Council services and this process cannot be carried out in isolation of ensuring that this review includes the use of buildings.

In addition, the future provision of corporate core services is currently being challenged and reshaped through the National Shared Services initiative which is driving the Council to consider both joint service delivery with community partners and the benefits of sharing core services and delivery.

Action/support of priority	Date	Budget	Assigned to
<p>I Knowle Office Review: Consultants have been instructed to carry out a review of the Council's main administrative centre at the Knowle and to assess possible alternative locations. (This study will be linked to the Accommodation Review (see below) and the systems thinking project).</p> <p>This study will also include consideration of alternative use and valuation of the existing site. (For further information see Appendix 4)</p>	2009/10	Capital Programme	Economy & Devt

Continued 

## Corporate Property Asset Management Plan 2009—2012

Action/support of priority	Date	Budget	Assigned to
<p><b>2 Accommodation Review:</b> Service asset plans will feed into the AMP processes to provide an assessment of:</p> <ul style="list-style-type: none"> <li><b>i</b> the use, suitability, condition and occupation of property supporting the service.</li> <li><b>ii</b> a projection of future trends and the strategic direction of the service and implications for property use</li> </ul> <p>This will allow the preparation of an accommodation strategy that translates the medium term revenue budget and workforce development plan, into future requirement for property.</p> <p>Please see Appendix 5 for further information.</p>	2009/10 and ongoing	Revenue Budget	SMT (AMF)
<p><b>3 Depot Review:</b> As part of the property review a full review of the Council's depots and storage sites is being undertaken with the aim of identifying the optimum provision in terms of size and location. This will result in improvements and investment at certain locations and the possible disposal of others.</p>	2009/10	Revenue Budget	SMT (AMF) Economy & Development/ Street Scene
<p><b>4 Car Park Review:</b> The car parks owned and managed by the Council provide a significant contribution to the revenue budget (£2.9m 2007/08). The car parks are to be reviewed in terms of their on-going revenue provision, maintenance, purchase of additional car parks and potential to otherwise support regeneration projects through disposal.</p>	2009/10	Revenue Budget	SMT (AMF) Economy & Development/ Street Scene

Continued 

## Corporate Property Asset Management Plan 2009—2012

Action/support of priority	Date	Budget	Assigned to
<b>5</b> Public Open Space: Review of acquisition, disposal and management of public open space to ensure clear guidelines are put in place.	2009/10	Revenue Budget	SMT (AMF) Policy & Development/ Street Scene
<b>6</b> Community Asset Transfer: Establishment of clear procedural policies including option appraisal. (Appendix 6.)	2009/10	Revenue Budget	SMT (AMF)
<b>7</b> Building user and accessibility satisfaction: Consultation through user Surveys	2010/11	Revenue Budget	SMT (AMF)
<b>8</b> One stop shops: Changing public access needs, combined with an expressed vision with the systems thinking review to bring service delivery even closer to our customers has led to the identification of a need for satellite 'one stop shops' in our main towns. A pilot scheme is currently being considered in Exmouth.  A Part B report was submitted to the Executive Board 6 August 2008 <sup>1</sup> .	2009/10	2010/11	Existing Staff SMT (AMF)

<sup>1</sup> www.eastdevon.gov.uk/eb\_mins\_060808.pdf



## Priority seven: An inspirational Council: Great value for our customers

Only by implementing a strategic approach to the management of the Council's assets can this priority be ensured.

Action/support of priority	Date	Budget	Assigned to
<b>I Performance and condition of the existing Estate</b>			
<b>i Running Costs:</b> Alignment of operating costs with a property code to enable analysis. Data will then inform and shape the corporate office and property reviews.	2009/10	Revenue Budget	Finance
<b>ii Condition Surveys:</b> Carried out on non-housing stock 2007. (Appendix 7) Planned maintenance programme now in place.	On going	Revenue Budget	Street Scene
<b>iii Statutory compliance:</b> Buildings open to the public have been audited for DDA compliance (Disability access to Council operated buildings BPVI 83%). Legionella and Fire Safety assessments complete.	On going	Dedicated budget for DDA monitoring	Street Scene
<b>iv Suitability:</b> To be assessed through service asset planning process. (First phase questionnaires on Knowle accommodation implemented)	2009/10	Revenue Budget	SMT (AMF)
<b>v Review of capital projects completed in last year:</b> Assessment methodology to be developed to measure success of completed capital projects	2010/11	Revenue Budget	SMT (AMF)

Continued

## Corporate Property Asset Management Plan 2009—2012

Action/support of priority	Date	Budget	Assigned to
<p><b>2 Tenanted non residential property (TNRP) Review (Appendix 8):</b> The Council will challenge and review asset ownership through an assessment of efficiency, effectiveness, and affordability.</p>	2009/10	Revenue Budget	Economy & Development
<p><b>3 Data Management:</b> Comprehensive property database to be procured to combine property, financial and management information. (Appendix 9)</p>	2009/10	Capital Programme	ICT
<p><b>4 Performance Management:</b></p> <p>i Audit Commission Assessment (Appendix 10)</p> <p>ii Development of performance measures in relation to assets that evaluate asset use in relation to corporate objectives</p>	<p>On going</p> <p>2009/10</p>	<p>Revenue Budget</p> <p>Revenue Budget</p>	<p>Economy &amp; Devt/ Finance</p> <p>Revenue Budget</p>
<p><b>5 Financial Management:</b></p> <p>i Development of Capital Programme links to AMP and capital monitoring</p> <p>ii Implement Whole Life Appraisal – a systematic assessment of all relevant expenses, income and performance associated with the acquisition, procurement, ownership, refurbishment and potential disposal of an asset over its life.</p>	<p>2008/09</p> <p>2009/10</p>	<p>Revenue Budget</p> <p>Revenue Budget</p>	<p>Economy &amp; Devt/ Finance</p> <p>Economy &amp; Devt/ Finance</p>

Continued 

**Corporate Property Asset Management Plan 2009—2012**

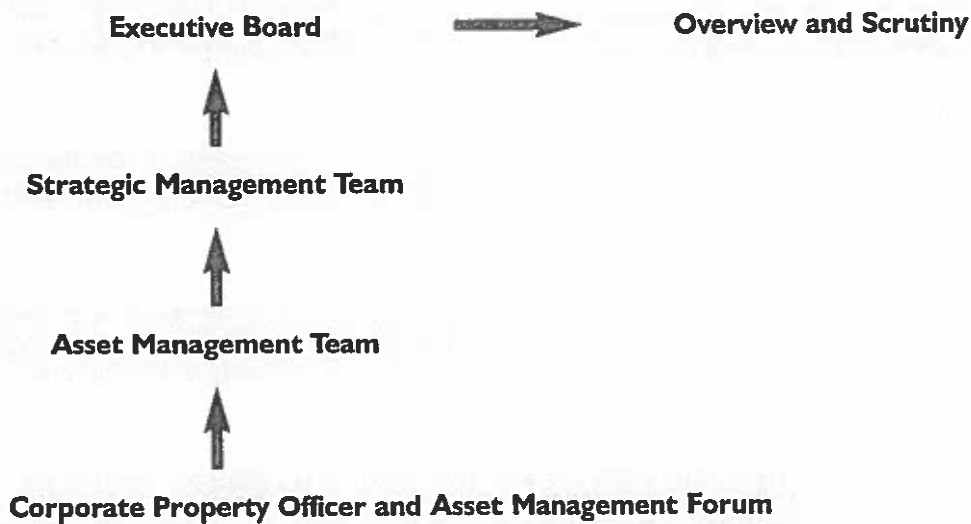
Action/support of priority	Date	Budget	Assigned to
<p><b>6 Section 106 Agreements and Budget:</b></p> <p><b>i</b> Expenditure proposals affecting the 106 budget held by the Council are considered by SMT and reported to AMF on a quarterly basis or as required.</p> <p><b>ii</b> The Council's policy relating to the disposal and acquisition of public open space is to be reviewed. In the meantime, all land acquisition via the 106 process, is presented to the AMF before any legal agreement is signed.</p>	<p>On going</p> <p>2009/10</p>	<p>Revenue Budget</p> <p>Revenue Budget</p>	<p>Planning Services</p> <p>SMT (AMF)</p>
<p><b>7 Benchmarking:</b> Formation of Devon Group of Corporate Property Officers to establish effective performance measures against other local authorities</p>	<p>2009/10</p>	<p>Revenue Budget</p>	<p>SMT (AMF)</p>



**2.6** The Audit and Governance Committee<sup>1</sup> approves the work of internal audit, reviews the Annual Statement of Accounts and considers external audit and inspection reports.

**2.7** The Housing Review Board<sup>2</sup> acts as an overview committee and considers matters relating to the Council's landlord and housing management functions. The Board consists of five councillors, five tenants and/or leaseholders and two independent community representatives.

Diagram 2: Asset Management Organisational Framework



### 3 Organisational Framework for Asset Management

**3.1** Asset management issues apply to all Service areas and therefore the Scrutiny Committee is involved in considering asset management proposals coming out of Service and asset reviews in their particular areas.

The overall monitoring of the AMP and corporate asset management initiatives is the responsibility of the Scrutiny Committee. The Scrutiny Committee considers the Council's AMP. In so doing it looks to ensure that good practice criteria are addressed. These are set out overleaf.

<sup>1</sup> [www.eastdevon.gov.uk/index/your\\_council/councillors\\_and\\_meetings/committees/audit\\_and\\_corporate\\_governance.htm](http://www.eastdevon.gov.uk/index/your_council/councillors_and_meetings/committees/audit_and_corporate_governance.htm)

<sup>2</sup> [www.eastdevon.gov.uk/housing\\_review\\_board](http://www.eastdevon.gov.uk/housing_review_board)

- i Links between corporate objectives and property priorities.
- ii Full involvement of all key Service areas – the key service areas are Integrally involved in asset management either through service/asset reviews or at an appropriately senior level in the Asset Management Forum.
- iii Clear distinction between strategic and operational decision making - the AMP does not look to address detailed issues concerning Individual assets. It serves to provide a framework within which those types of issues can be considered.
- iv Identification of key drivers amongst officers and Members - the key officer drivers of the capital strategy and asset management process are represented on the AMF. This ensures that a corporate, strategic approach to capital expenditure and asset use is championed.
- v Clear reporting lines to a strong corporate centre - the AMF provides this corporate centre, providing a strong lead and then monitors implementation of asset reviews.
- vi Integration of the Capital Strategy and the AMP - the engagement of both estates and finance officers in the Asset Management Team ensures the integration of the development and Implementation of the Capital Strategy and AMP.

**3.2 Corporate Property Officer (CPO)**  
Responsibility for corporate management of the Authority's property assets rests with the Corporate Director (E&D) who is a member of the Strategic Management Team and thence to the Executive Board.

**3.3** This responsibility is in turn designated to the Corporate Property Officer (CPO), the Principal Estates Surveyor. The CPO has authority to undertake all required developments in asset management. Her roles and responsibilities are clearly defined, explicit and have been communicated to all concerned in the management and use of property throughout the Authority. The CPO also contributes to the Capital Strategy thus ensuring the closest linkage between the two plans.

**3.4 Asset Management Team**

A small dedicated corporate team supports the Council's corporate asset management planning processes having the following relevant responsibilities:

- Developing a corporate strategic long term vision for the management of the Authority's property estate.
- Preparing a corporate asset management plan and subsequently implementing asset management planning including individual service property planning across the Council's services.
- Responsible for the development and management of property information systems.

**3.5** This team is made up of the Portfolio Holder for Economy, Portfolio Holder for Resources, CPO, Head of Finance and the Corporate Director responsible for the Economy & Development service. It reports to the Scrutiny Committee (via SMT) and meets every three months or as required.

### 3.6 The Asset Management Forum

The Council has set up a cross-directorate Asset Management Forum to perform the function of a Corporate Property Officer as set out in the ODPM guidance. It is established to promote the effective management of the Council's land and buildings and to oversee the preparation and implementation of the Council's Asset Management Plan. The Forum comprises a senior officer representative(s) of each Council service. It is chaired by the Portfolio Holder Resources and its membership also includes the Economy Portfolio Holder. The Principal Estates Surveyor acts as an internal project manager in respect of the preparation and monitoring of the Asset Management Plan.

3.7 Due to the relatively small size of the asset base, the Council considered it appropriate that both strategic and operational asset management is undertaken by the same team. Any proposal likely to impact upon the Council's land and buildings is brought to the Asset Management Forum for consideration before the matter is the subject of any external discussion or negotiation with third parties.

3.8 The Group meets on a monthly basis. The minutes of each meeting are reported to the Strategic Management Team and the Resources Portfolio Holder who will determine whether further consideration can be given items raised without first being reported to the Executive Board, Scrutiny Committee or relevant Portfolio Holder.

3.9 Service Departments in areas affected by Asset Management Reviews are consulted on these Reviews and any resultant actions are reported back to the Asset Management Forum.

3.10 The Asset Management Forum have the following terms of reference:

- To support the preparation and review of a corporate Asset Management Plan that details existing asset management arrangements and action to improve corporate asset use on an annual basis.
- To promote service asset management planning and a wide understanding of corporate ownership of assets; seeking wherever possible to promote and develop cross service use of assets.
- To support the adoption of performance measures and benchmarking to describe and evaluate how the Council's asset base contributes to the achievement of corporate and service objectives and improvement priorities.
- To ensure that the Council makes investment and disposal decisions informed by thorough option appraisal and the evaluation of robust whole life costing.
- To assess stakeholder satisfaction and recommend changes in asset use as a result of stakeholder consultation.
- To co-ordinate cross service aspects of corporate property assets, providing liaison between Service users and to enhance corporate service delivery.
- To support the development and monitoring of the capital programme and the Council medium-term financial strategy.

The Forum will provide linkage to the Council's capital strategy by monitoring the current year's capital programme and developing the programme for future years, through the Capital Programme Monitoring Group that reports directly to the Forum.

# Agenda Item 11

**Overview and Scrutiny Co-ordinating Committee**

**18 November 2009**

**DSO/DM**



## **Crime and Disorder (Overview and Scrutiny) Regulations 2009**

### **Summary**

The Overview and Scrutiny Co-ordinating Committee is the Council's designated Crime and Disorder Committee for the purposes of section 19 of the Police and Justice Act 2006. The provisions of sections 19, 20 and 21 of the Police and Justice Act 2006 came into force on 30 April 2009.

The Scrutiny Committee recommended in May 2009 that that a regular report from the Community Safety and Anti-Social Behaviour Co-ordinator for East Devon be made to the Overview and Scrutiny Coordinating Committee, to inform that Committee of the work undertaken and to consider any areas for further review or scrutiny.

Community Safety is overseen by the East and Mid Devon Community Safety Partnership, with a joint plan covering both Districts and Local Action Groups to undertake actions at a local level.

This report covers the implications of the new Regulations in terms of the powers of scrutinising Community Safety issues, and how East and Mid Devon propose to work together with a joint scrutiny process to avoid duplication and enhance the existing partnership between the two authorities.

### **Recommendation**

1. That localised issues requiring review by the Overview and Scrutiny Co-ordinating Committee continue to be presented to that Committee through regular report from the Community Safety and Anti-Social Behaviour Co-ordinator; and by Ward Members as permitted under the Police and Justice Act 2006;
2. That the Overview and Scrutiny Co-ordinating Committee propose to Council two non-Executive members to sit, along with the Chairman, on a joint East and Mid Devon Scrutiny on Community Safety Group.

#### **a) Reasons for Recommendation**

The legislative requirements set out the need for a designated Committee to act as the "Crime and Disorder Committee"; the recommendation set out will achieve this in practical terms in conjunction with the existing East and Mid Devon Community Safety Partnership.

#### **b) Alternative Options**

Matters related to crime and disorder could be reported on an ad-hoc basis but this would not give a clear basis for the Committee to operate as the "Crime and Disorder Committee".

#### **c) Risk Considerations**

If no mechanism of joint working is in place between the Scrutiny functions of East and Mid Devon, recommendations made by the Committee may impact on Mid Devon District Council

as part of the East and Mid Devon Community Safety Partnership, or duplication of work may occur.

**d) Policy and Budgetary Considerations**

None.

**e) Date for Review of Decision**

November 2010

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## **1 Background**

### **1.1 The Crime and Disorder Act 1998**

The Crime and Disorder Act 1998 states that local authorities and bodies are required “to work together to reduce crime, disorder and fear of crime locally, in order to improve the quality of life and to create a safer living and working environment”.

Crime and Disorder Partnerships, consisting of representatives from local authorities, the Police and Police Authority, Fire and Rescue, Probation Service and Heath Trusts, were set up across the country when the Act came into force. For East Devon, the East and Mid Devon Community Safety Partnership is now in operation, which includes statutory and voluntary organisations, and representation from the business sector.

Members of the Partnership Steering Group include:

- Chief Executive of East Devon District Council.
- Director of Community Services, Mid Devon District Council.
- Police Commander for East and Mid Devon.
- Devon County Council's Partnership Officer for East and Mid Devon.
- Head of Health Improvement, Exeter, East & Mid Devon Area, Devon Primary Care Trust.

Each main town in East & Mid Devon has a geographically based Local Action Group (LAG). These were set up some years ago to tackle crime, disorder and anti-social behaviour. The LAGs are also responsible for the rural areas surrounding each town. In addition, there are thematic Action Groups tackling Domestic Violence, Drug & Alcohol and Diversity issues.

### **1.2 Police and Justice Act 2006**

Sections 19, 20 and 21 of the Police and Justice Act 2006 set out the requirement for local authority scrutiny of crime and disorder matters, summarised as follows:

- The “Crime and Disorder Committee” is to be an overview and/or scrutiny committee of the authority;
- It has power to make recommendations to the Executive Board in respect of Crime and Disorder matters;
- The “Crime and Disorder Committee” can review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions;
- Where a report or recommendation results from the review, a copy must be sent to the responsible authorities and other persons or bodies deemed appropriate. The recipients of the report or recommendations must give consideration, respond to the committee indicating what (if any) action it proposes to take, and have regard to the report or recommendations in exercising its functions.
- Arrangements made to enable a Member who is not a member of the “Crime and Disorder Committee” to refer a local crime and disorder matter to the committee. Local crime and disorder matters are those affecting the Members' Ward including anti-social behaviour and alcohol and substance misuse;

- If the committee decides not to make a report or recommendations in relation to a matter raised by a Ward Member, the committee must make clear the reasons why.

## **2 New Legislation**

### **2.1 Crime and Disorder (Overview and Scrutiny) Regulations 2009**

The Crime and Disorder (Overview and Scrutiny) Regulations 2009 set out when the sections of the Police and Justice Act 2006 come into force along with some clarification on how the "Crime and Disorder Committee" will operate, such as:

- The choice of co-opting additional members from those persons and bodies who are responsible authorities under the Crime and Disorder Act 1998; who may have voting rights on crime and disorder matters if the Committee decides this. The Committee may co-opt either employees or non-executive members of a responsible authority;
- Minimum of one meeting per calendar year on crime and disorder;
- Responsible authorities must provide information requested of them by the Crime and Disorder Committee. The Committee may require an officer of a responsible authority or a co-operating body to attend a meeting, on reasonable notice;
- Responses to any reports or recommendations made must be in writing within one month from the date of the report/recommendation, or, if this is not reasonably possible, as soon as possible, back to the Crime and Disorder Committee;
- The Committee shall review such responses and monitor the action (if any) taken.

Home Office guidance has been issued on how this could be carried out, but no specific guidance has been issued on how to scrutinise issues where a joint Community Safety Partnership exists, although it is acknowledged that such partnerships are in operation and arrangements should be made.

## **3. Practical application**

The East and Mid Devon Community Safety Partnership, formerly the East Devon Community Safety Partnership, has been in operation for some time, working closely with its local action groups to find local solutions to local problems, as well as looking at wider issues like domestic violence and diversity awareness. There is a danger that work could be duplicated; handled both by the Community Safety Partnership (which is a requirement under the Crime and Disorder Act 1998) and by issues being brought directly to the Committee by Ward Members using their right under section 19 of the Police and Justice Act 2006.

A practical means of meeting the requirements of sections 19, 20 and 21 of the Police and Justice Act 2006 is suggested below:

- Regular reporting from the Community Safety and Anti-Social Behaviour Co-Ordinator for East Devon, which can provide detail on the work carried out by the Community Safety Partnership and points of interest from the local action groups;
- From these regular reports, the Committee can decide which matters may require further review or scrutiny and invite representatives from the Community Safety Partnership to help undertake such a review;
- Ward Members with local crime and disorder issues may prefer to contact the Community Safety and Anti-Social Behaviour Co-Ordinator in the first instance, so that the appropriate steps can be evaluated for the most expedient outcome.

### **Wider Issues**

To avoid duplication of scrutiny work, and to ensure no negative impact on Mid Devon District Council, the Chairmen of the respective Scrutiny Committees and officers met on 28 October 2009 to discuss practical means of scrutinising as a joint operation across East and Mid Devon:



- Minutes from the East and Mid Devon Community Safety Partnership are sent to each Chairman for information, allowing a watching brief on issues being discussed;
- Regular contact between the Chairmen on Community Safety issues;
- A joint East and Mid Devon Scrutiny on Community Safety Group, comprising of the Chairman of Overview and Scrutiny Co-ordinating Committee, with two other Members from that Committee, along with the Chairman of Mid Devon District Council Scrutiny Committee and two other Members from that Committee.
- A protocol to be agreed at the first meeting of that group, which would be likely to contain:
  - Meeting twice a year to coincide with the meetings of the East and Mid Devon Community Safety Partnership;
  - Invitation to expand the Group with representatives of other agencies when reviewing an issue;
  - Bringing back recommendations to the respective Scrutiny Committees for approval and processing back through each Councils decision procedure;
  - Shared resource in arranging, hosting and minuting Group meetings.

If adopted, these means can be regularly reviewed to ensure that the Committee is satisfied that it is meeting the legal requirements, as well as providing a transparent and accountable review where necessary.

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### **Legal Implications**

Under the Police and Justice Act 2006, a local authority must—

(a) ensure that its crime and disorder committee has power to make a report or recommendations to the local authority with respect to any matter which is a local crime and disorder matter in relation to a member of the authority, and

(b) make arrangements which enable any member of the authority who is not a member of the crime and disorder committee to refer any local crime and disorder matter to the committee.

(a) is carried out by the Co-ordinating Committee reporting to the Executive and/or Council as necessary, and (b) by enabling councillors not on the Co-ordinating Committee to refer matters to it.

These requirements are set out in the Council's Constitution.

### **Financial Implications**

None.

### **Consultation on Reports to the Executive**

Not applicable

### **Background Papers**

- The Constitution updated May 2009
- The Crime and Disorder Act 1998
- Police and Justice Act 2006
- Crime and Disorder (Overview and Scrutiny) Regulations 2009

Debbie Meakin  
Democratic Services Officer

Overview and Scrutiny Co-ordinating Committee  
18 November 2009

**LAA Priorities for East Devon**

	<b>Priority</b>	<b>In what way</b>	<b>Measures</b>
LAA1	Reduce quantities of municipal waste arising and landfilled.	Increasing opportunity for household recycling/kitchen waste composting.	Household recycling rate
LAA2	Improve the quality of public spaces and accessibility of green (including play and leisure) infrastructure as part of new developments.	Play, public space and nature reserve initiatives. Planning gain. Green infrastructure strategy	Delivery of projects
LAA5	Reduce carbon dioxide emissions.	Carbon Trust review of EDDC.	Level of CO <sub>2</sub> emissions from EDDC activities.
LAA8	Targeted conservation and enhancement of Devon's biodiversity and geology	Axe Wetlands, Jurassic Coast, and Exe Estuary initiatives.	Delivery of projects
LAA9	Improve access to services and facilities through co-ordination of transport services and access to information technology, whilst ensuring dignity and respect for all.	Transport services for Cranbrook. IT linkages between EDDC and local communities.	Delivery of projects.
LAA13	Maintain and increase levels of physical activity and sport	LED contract, Play initiatives, Active East Devon. (NB to have regard to mental well being as well)	Numbers participating?
LAA16	Promote active, empowered and influential communities	Consultation, Town and Parish Council support, asset transfer, Planning obligations.	Number of initiatives
LAA19	Develop an innovation strategy and delivery network across Devon to achieve an economic uplift and increased GVA.	Partnership work on Science Park.	Delivery of Science Park units to innovation industries.
LAA22	Ensure that Devon has an appropriate range of employment space	Seaton and Exmouth regeneration schemes and West End of district development.	Square metres of employment space
LAA23	Increasing housing delivery at strategically significant cities, and towns, and their associated new communities	Cranbrook housing delivery.	Units delivered NI 154
LAA26	Increase the delivery of affordable housing	Stimulating building and land release through Planning Policy.	Units delivered NI 155
LAA27	Improve housing options for the homeless and vulnerable clients	Foyer scheme, sanctuary scheme, mediation for people excluded from home, special housing support exceed government's target for temporary accommodation and other items in Council's Homelessness Strategy.	Government's PIE return N156
LAA33	Improve the energy performance of the housing stock and reduce fuel poverty	Warm zones initiatives, Council homes insulation.	Reduced CO <sub>2</sub> NI 187
LAA34	Reduce antisocial behaviour	Proactive work using REACT team, community wardens and new powers, intergenerational work.	Number of complaints resolved.

NB this is the list of LAA priorities selected as these are where East Devon will especially contribute. We may be able to assist in some ways to the other targets also.

## Forward Plans for Overview & Scrutiny Committees

Current plans cover:

**Economy** – review the ED Business Centre Business Plan around April 2010.

**Communities** – currently main focus on Affordable Housing; Mental Health

Service Planning & Delivery – Continued quarterly monitoring of all performance indicators; Housing Review Performance Measures Report; Housing Benefits Performance Measures report; exploring Towns and Parishes relationships.

**Co-ordinating** – Prepared for CAA; Service plans and budgets meeting current economic climate.

All committees will over time cover the role of the Portfolio Holders and the Member Champions.

### Audit Commission Inspection Letter highlights

Annual Audit & Inspection Letter of audit 2007/2008 (issued March 2009) gave three main areas for the Council to focus on – diversify approach to affordable housing; improvement focus on planning and housing benefits; and preparing for revised use of resources assessment in 2009. Members may wish to keep these main points in mind when considering prioritising work for their forward plans.

### Corporate Strategy

Work already carried out by the Overview and Scrutiny Committees has tackled some of the areas within the current Corporate Strategy. The table below breaks down the strategy into the main priorities with what has been covered by the Committees to date, and proposing what could be added to the forward plans for each one.

#### 1. Affordable Homes

a. Significant increases in the supply of affordable homes	<p><b>Communities have already considered an exception policy, currently on consultation with Development Management Committee.</b></p> <p><b>Communities could examine this topic further to consider other approaches to increasing affordable housing including feeding into the LDF process.</b></p>
b. Improvements in the management of the Council's Housing Stock	<p>Service Delivery &amp; Performance O/S monitor implementation of the recommendations from the Audit Commission inspection of Housing - planned for next meeting 13 January due for completion by March 2010</p> <p>Service Delivery &amp; Performance continue monitoring of performance indicators as part of quarterly monitoring process.</p>

## 2. Thriving Economy

<p>a. Economic Growth in the West of the District</p>	<p>Economy have already considered the draft Devon Employment Land Strategy which identified land for employment use in the West of the District.</p> <p>Economy could monitor this in future to see if land identified is delivered.</p>
<p>b. Regeneration of Exmouth and Seaton</p>	<p>Economy could request an update from the Chairman of each Regeneration Board to discuss any outstanding issues or barriers that the Boards face</p>
<p>c. Delivery of economic growth throughout the District</p>	<p>Monitoring the delivery of agreed promotion of training providers to local businesses</p> <p>Recommendation made for a future report proposing ways of addressing the inadequate provision of small and medium sized business units in East Devon with the report including the need for the Local Development Framework to identify this gap in provision which would enable the Council to work proactively, for example though partnership working</p> <p>Monitoring the delivery of the Economy and Development Service Plan 2009/10</p> <p>Reviewing the Business Plan of the East Devon Business Centre</p>

## 3. Safe, green and clean environment

<p>a. a safe environment</p>	<p>Communities have already received an update on the Neighbourhood Assessments</p> <p>O/S Co-ordinating establishing stronger scrutiny links with the East &amp; Mid Devon Community Safety Partnership along with Members from Mid Devon District Council.</p> <p>O/S Co-ordinating could consider what the future role of the East Devon Flood Recovery Group should be, to continue good agency links and strong local emergency plans.</p>
<p>b. a clean environment</p>	<p>Continued monitoring by Service Delivery &amp; Performance O/S to monitor the development of the REACT Team</p>
<p>c. a green environment</p>	<p>Co-ordinating O/S to monitor progress against the Carbon Strategy</p> <p>Communities O/S to monitor reduction in fuel poverty in households</p>

#### 4. Recycling

<p>a. a rise in recycling and composting and fall in the disposal of other waste</p>	<p>Service Delivery &amp; Performance O/S have reviewed preventable demand in calls in respect of phases 1 and 2 of the refuse and recycling scheme.</p> <p>Continued monitoring of delivery of Phase 3 and subsequent phases to keep delivery of service at a high quality and monitor targets for increased recycling and composting.</p>
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#### 5. Young People

<p>a. Consulting with children and young people</p>	<p>Communities could evaluate the current setup of the "Scene and Heard" Youth Panel</p> <p>Economy O/S could review the current promotion levels of local democracy offered to schools</p>
<p>b. Rewarding and recognising the efforts and achievements of children and young people</p>	<p>Member Champion for Young People to present to Communities O/S</p>
<p>c. Providing services for young people</p>	
<p>d. Protecting children and young people</p>	

#### 6. Excellent service for our customers

<p>a. Consistently satisfied customers</p>	<p>Service Delivery &amp; Performance have already considered the draft Performance Management Strategy and can continue to monitor the delivery of it</p> <p>Continued monitoring on quarterly basis of performance indicators and delivery of service plans</p> <p>Following the Audit Commission inspection of the Benefits Service, monitor the implementation of the recommendations made.</p> <p>Service Delivery &amp; Performance O/S has already indentified the need to review how to provide excellent service to Towns and Parishes regarding their relationship with the District Council.</p> <p>Communities O/S have received a presentation from the Equalities Member Champion and will continue to receive updates on progress to Level 2 of the Local Government Equalities Standard</p>
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## 7. Inspirational Council

<p>a. Great value for our customers</p>	<p>Co-ordinating Committee could review progress on implementation of the East Devon Sustainable Community Plan</p> <p>Co-ordinating Committee to monitor progress against the Asset Management Plan</p> <p>SD&amp;P O/S could receive a presentation from the Data Quality Member Champion to discuss implementation of the Data Quality Strategy and action plan</p>
<p>b. A "partner of choice"</p>	<p>Co-ordinating Committee could review the East Devon Sustainable Community Plan and the evidence of partnership working for CAA</p>
<p>c. an "employer of choice"</p>	<p>Co-ordinating Committee may wish to consider how budget levels may affect recruitment and retaining expertise.</p>





