

Date: 19 January 2010
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To: Members of the Overview and Scrutiny Co-ordinating Committee
(Councillors: 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; Ken Potter;
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, 27 January 2010 – 6.30pm
Council Chamber, Knowle, Sidmouth

Members of the public are welcome to attend this meeting.

- A period of 15 minutes has been provided at the beginning of the meeting to allow members of the public to raise questions.
- In addition, the public may speak on items listed on the agenda. After a report has been introduced, 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 the 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.

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
2. To confirm the minutes of the meeting of the Overview and Scrutiny Co-ordinating Committee held on 18 November 2009. 5 - 9
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. **Draft Service Plans for 2010/2013 and Budget for 2010/2010**
- The Leader and Chief Executive will give a brief verbal update on the budget and shared services.
- Recommendations from the Task and Finish Forum on proposed savings 10 - 11
 - Notes from the Task and Finish Forum To follow
 - Executive Board report of 6 January 2010 and financial appendices 12 – 26
9. **CAA Organisational Assessment** 27 – 34
- Members are asked to consider the assessment and discuss future topics for the Committee arising from the assessment.
10. **Ward Member role on Development Management Committee**
(Paul Diviani, Chairman of Development Management Committee, is invited to attend)
- Members to debate issues arising from the recently approved change to the delegation system for planning applications, approved by full Council on 9 December 2009.
- Report to the Development Management Committee on 17 November 2009 on the changes to the delegated scheme 35 – 39
 - Extract from the Constitution on Dealing with Planning Matters 40 – 42
 - Paper issued by the Standards Board entitled "Predisposition, Predetermination, or Bias, and the Code" 43 – 46
11. **Update from East and Mid Devon Crime and Disorder Scrutiny Panel** Verbal report
12. **Update from the Chairman of Economy Overview and Scrutiny Committee on meeting held on 21 January 2010.** Verbal report
13. **Update from the Chairman of Service Delivery and Performance Overview and Scrutiny Committee on meeting held on 13 January 2010.** Verbal report
14. **Update from the Chairman of Communities Overview and Scrutiny Committee on meeting held on 20 January 2010.** Verbal report

Members remember!

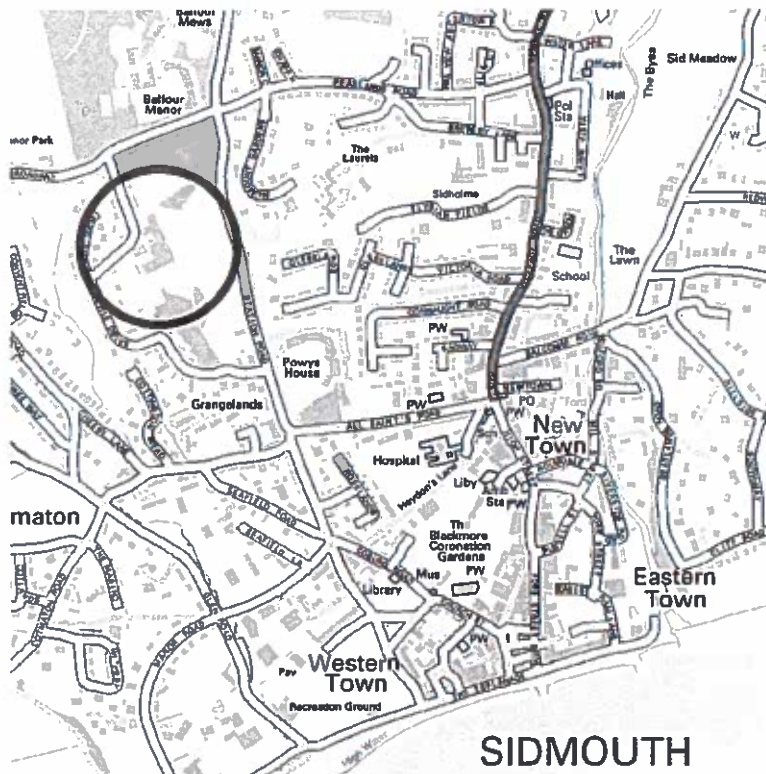
- You must declare the nature of any personal or prejudicial interests in an item whenever it becomes apparent that you have an interest in the business being considered.
- Where you have a personal interest because the business relates to or is likely to affect a body of which you are a member or manager as an EDDC nominee or appointee, then you need only disclose that interest when (and if) you speak on the item. The same rule applies if you have a personal interest in relation to a body exercising functions of a public nature.
- 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.

Suggestions for questioning during an Overview and Scrutiny meeting

Below are some prompts which may help you to form your own questions to ask at an Overview and Scrutiny meeting. Your questioning technique is crucial in creating an atmosphere conducive to open answers. Avoid excessive interrogation and treat those being questioned with courtesy and respect; however don't be afraid to ask supplementary questions if you feel that you haven't been given a clear answer.

- **IS IT REQUIRED?** (do we have this, does it make sense to tackle it, do we really need it).
- **IS IT SYSTEMS THINKING?** (is it evidence based and designed around the customer demands)
- **IS THE INTENTION CLEAR?** (what are we actually trying to achieve)
- **ANY REAL OUTCOMES?** (are we actually, and measurably, achieving things for our customers).
- **WHAT IS THE COST?** (both time and money)
- **DOES IT COMPLY?** (have we checked that it meets our obligations, the law, any formal guidance, and any Council policy or resolutions).
- **OTHERS DO WHAT?** (how do other organisations tackle this, best practice)
- **EFFECTIVE AND EFFICIENT?** (how do we know we're doing things well, in a timely fashion, and at "best value")
- **WHAT IS THE RISK?** (any areas of risk for the Council)
- **ANYONE LOSE OUT?** (are there sections of the community who might be disadvantaged by this approach, or be less able to take advantage, than others)
- **DOES IT LINK?** (have we linked this to other, similar, pieces of work within or outside the Council)

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 18 November 2009

Present:

Councillors:

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

David Atkins
Iain Chubb
Trevor Cope
Christine Drew
Chris Gibbings
Roger Giles
Graham Godbeer
Steve Hall

Stephanie Jones
David Key
Frances Newth
Marion Olive
Helen Parr
Graham Troman
Steve Wragg

Officers:

Donna Best - Principal Estates Surveyor
Karime Hassan – Corporate Director
Peter Jeffs – Corporate Director
Kate Little – Head of Planning and Countryside
Denise Lyon – Corporate Director
Diccon Pearse – Corporate Director
Debbie Meakin – Democratic Services Officer
Mark Williams – Chief Executive

Martin Green – CAA Lead, Audit Commission

Also Present

Councillors:

Vivienne Ash
Graham Brown
Geoff Chamberlain
David Cox
Andrew Dinnis
Paul Diviani

Jill Elson
Mike Green
Peter Halse
Ann Liverton
Phillip Skinner
Pauline Stott
Tim Wood

Apologies:

Jim Knight
Barry Nicholson
Eileen Wragg

Andrew Moulding

The meeting started at 6.30pm and ended at 8.55pm.

***18 Public question time**

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

***19 Minutes**

The minutes of the meeting of the Overview and Scrutiny Co-ordinating Committee on 23 September 2009 were confirmed as a true record.

***20 Comprehensive Area Assessment**

The Chairman welcomed Martin Green, CAA Lead from the Audit Commission.

Martin Green outlined the change from the previous Comprehensive Performance Assessment to the current Comprehensive Area Assessment (CAA). The assessment still covered the elements of the use of resources and managing performance, combined under the title of the organisational assessment. In addition, there was an area element, which examined the County as a whole, and how agencies and public bodies worked in partnership for the benefit of the communities they served.

The assessment for this year will be published online at "One Place", along with all other assessments carried out nationally, on 10 December 2009. The website would become a valuable source for examples of good practice.

In undertaking the assessment, the Audit Commission no longer required a large team of inspectors to visit the District Council in person. Mr Green advised that he had access to the published minutes of the Overview and Scrutiny Committees and therefore could gauge what action those Committees were taking. He advised the Members continue to have a pro-active role, using assessment results to drive their forward plan in both learning from positive aspects, as well as driving improvements for negative factors.

Members were advised to look particularly to:

- Improving provision of affordable housing
- Increasing the pace of the roll out of the new recycling and refuse service
- Look at the success of the Community Safety Partnership as good practice
- Focus on "hard to reach" residents of the District
- Consider, on each review, how it would improve the quality of life for local communities
- Keep value for money in mind, in light of the current economic climate and looking to save money by partnership working.

The organisational assessment was undertaken and reported on an annual basis. The area assessment would be reviewed more often, perhaps on a six monthly or even quarterly basis.

Members highlighted some points of good practice by the District Council, including the recent award of a Charter mark to the Licensing Service; the work of the Housing Review Board in pushing to retain housing subsidy; and the high satisfaction rate of housing tenants.

Future plans for service improvement would now be taken into account in the area assessment, but would not help towards a high score; merely prevent a bad score. There would be minimal consideration of the town and parish councils because of the resource required to look directly at their operations; however, the area assessment would consider all of the partnership working undertaken by the District council.

The Chairman thanked Martin Green for discussing the new assessment process with Members and looked forward to working with him as an ongoing process in striving for improvement.

21 Charging for Pre-application advice

Kate Little, Head of Planning and Countryside, reminded Members of the work undertaken with the systems thinking review of the Planning service. As a result of the review, capacity had been built to open up a pre-application advice service, which had since received a high number of requests. In order to maintain that provision, and further enhance the service, introducing a fee scheme for pre-application advice would fund the provision and free up other areas of the service, required for forthcoming major applications which were resource intensive.

Members were also informed of a recent meeting held with agents on the topic of charging for pre-application advice and the views of the agents at that meeting.

Members raised a number of concerns about the principle of charging for pre-application advice, including:

- Clarity to applicants and agents that the advice in no way prejudiced the decision on the application – this would be clear in written advice to the applicant;
- Whether there was a need for pre-application advice for large developers, who obtained services of agents and solicitors to work through what was required in an application – Mrs Little responded that experience of major applications submitted showed that errors did occur in around half of those submitted; and that although national policy was taken into account, local needs were not – therefore the service would provide local added value;
- The need to present clearly to the applicant what the expectation is on providing details of the application, and the expectation of what the quality of the advice would be – this would be clearly set out in the operational details of the scheme;
- Time was needed to publicise the scheme and therefore a start date should be aimed at February 2010;
- Members were keen to monitor how successful charging for applications categories 1 – 3 (large scale majors to small major) before considering if charging for categories 4 – 5 (minor and householder) was appropriate.

RECOMMENDED

1. that the Development Management Committee endorse the proposed charging regime for pre-application advice for “major” category (shown as 1 – 3 in the report) planning applications, with effect from early February 2010;
2. that the Overview and Scrutiny Co-ordinating Committee be consulted before implementation of a charging regime for pre-application advice for “minor” category (shown as 4 – 5 in the report) planning applications;
3. that the Development Management Committee agrees that the Chairman and Vice-Chairman of the Overview and Scrutiny Co-ordinating Committee comment on the draft operational details of the scheme, being offered at ‘pre-application’ stage, once drafted by the Head of Planning and Countryside. That the draft also be sent by e-mail to all Members of the committee. Members to have the option to bring it to the Overview and Scrutiny Co-ordinating Committee if they have serious concerns about the detail..

22 **Asset Management**

Donna Best, Principal Estates Surveyor, briefed Members on the Asset Management Plan and the role of the Asset Management Forum. Members were asked to consider what their role would be in monitoring the delivery of the plan and the line of reporting in relation to final decisions made by the Executive Board.

A booklet on asset management aimed at senior decision makers was circulated. Further background information on asset management can be found at <http://www.publicsectorassetmanagement.com/index.php>. Clarity was provided on the Asset Management Forum, which was not a decision making body and worked at a strategic level in terms of managing assets, rather than operational aspects.

Some members debated the merits of additional elected members on the Asset Management Forum to help towards more customer focus on the use of assets. Peter Halse, Portfolio Holder for Economy and member of the Asset Management Forum, reiterated to Members that the Forum acted at a strategic level and any decisions had to be made by the Executive Board.

RESOLVED

1. that on completion of a task as defined in the Asset Management Plan, the task is presented to the Overview and Scrutiny Co-ordinating Committee before going before the Executive Board;
2. that the Overview and Scrutiny Co-ordinating Committee will monitor the Asset management Plan on a regular basis.

RECOMMENDED

3. that the Executive Board considers appointment of a Member Champion for Asset Management.

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

The Chairman outlined to Members recent changes in legislation, which provides powers to the Overview and Scrutiny Co-ordinating Committee, as the designated Crime and Disorder Committee.

Guidance from the Home Office advised joint scrutiny arrangements for those authorities already operating a joint Community Safety Partnership. East Devon has been working with Mid Devon for some time, along with other statutory bodies, as the East and Mid Devon Community Safety Partnership.

The Chairman informed Members of a recent meeting with the Chairman of the Scrutiny Committee of Mid Devon District Council and other officers to discuss a joint working arrangement. A protocol for the operation of the new committee is being drafted.

Chris Gibbings, Member Champion for Community Safety, endorsed the recommendation of a joint committee to comply with the legislation. He also recommended that Members consider a recent publication entitled "CRIMEWATCH - effective scrutiny of police and crime", available at <http://www.lga.gov.uk/lga/aio/4484435>.

Several Members put themselves forward for this new committee and the Chairman agreed to resolve the final membership.

23 **Crime and Disorder (Overview and Scrutiny) Regulations 2009 (cont.)**

RESOLVED that localised issues requiring reviewing by the Overview and Scrutiny Co-ordinating Committee be presented to the Committee through regular reports from the Community Safety and Anti-Social Behaviour Co-ordinator; and by Ward Members as permitted under the Police and Justice Act 2006;

RECOMMENDED that two Overview and Scrutiny Co-ordinating Committee members sit, along with the Chairman, on the The East and Mid Devon Crime and Disorder Scrutiny Committee

*24 **Local Area Agreement**

The Chairman advised Members that this item is closely linked with the item on the Forward Plans of the four Overview and Scrutiny Committees. The Chairmen and Vice-Chairmen of the four Committees would be discussing a programme of work to scrutinise the LAA, along with other related work, at their next meeting on the 2 December 2009.

Peter Jeffs, Corporate Director, put into context the 14 LAA priorities for East Devon set out in the agenda, drawn from 34 priorities for Devon as a whole, which in turn were drawn from over 100 government priorities. The Council agreed to the 14 priorities in February 2008 as did the Local Strategic Partnership. Members were asked to consider the "in what way" column and creative suggestions were welcomed.

*25 **Update from the Chairman of Economy Overview and Scrutiny Committee**

Councillor Chubb informed Members of a presentation from Flybe at the last meeting; and of an extensive tour of the Business Centre. He confirmed that a programme of consulting with the Chambers of Commerce was being finalised.

*26 **Update from the Chairman of Service Delivery and Performance Overview and Scrutiny Committee**

Councillor Hall advised Members of increased Member engagement at the Committee; however there was still an issue of low attendance.

*27 **Update from the Chairman of Communities Overview and Scrutiny Committee**

Councillor Mrs Parr advised Members of her successful meeting centering on Mental Health. She did feel, however, further honing of scrutiny skills would be beneficial.

*28 **Overview and Scrutiny Committees Forward Plans**

The Chairman advised Members of the scheduled meeting of the Chairman and Vice-Chairman of the Overview and Scrutiny Committees on 2 December 2009 to discuss the future workload of the Committees in depth.

Chairman Date

Extract from Executive Board Report 6 January 2010 (Agenda Item 10) - Draft Revenue and Capital Estimates 2010/11 Appendix B
Presented in order of presentation to TAFF

Major Savings taken.

Cost			Appendix B		
Item	Manager	Centre Service	Service Implications	Potential Saving £	TaFF recommendation
Service: Street Scene - Mark Reilly					
1	MR	05001 Car park income	Increase in charges (10p increase).	172,430	Increase in 15 pence and agreement as per circulated variance in charges, giving an extra £60,000 to figure quoted
2	MR	05001 Car Parks - maintenance	Leaving only Health & Safety work remaining + £15k for tariff signage	50,000	Remove from budget
3	MR	28001 Parks & Pleasure Grounds	Reduction in seasonal staff (would still leave £70.5K for seasonal & overtime)	50,000	Remove from budget
4	MR	28001 Parks & Pleasure Grounds	Cease elements of bedding/planting mainly hanging baskets and special displays	82,210	Remove from budget
5	MR	29001 Play Equipment	Leave only Health & Safety work remaining (would still leave £26k in budget)	8,570	Remove from budget
6	MR	31001 Public Conveniences	Leave only Health & Safety work remaining (would still leave £18k in budget)	18,080	Keep in budget
7	MR	41001 Street Cleansing	Reduction in seasonal staff - REACT Team work would have to be retrenched - no enforcement/ad hoc (would still leave overtime budget of £63k)	81,940	Keep in budget
8	MR	43001 Street Nameplates	Total budget £14k	3,000	Remove from budget
Service: Environmental Health - John Collins/Simon Smale					
9	AE	33055 Out of hours noise complaints (overtime)	This is a well used service & removal would mean no response to night time noise.	48,140	Remove 50% of quoted figure from budget
Service: Other Services for Communities - Peter Jeffs					
10	PJ	10072 TRIP - contribution to running costs	Community Compact Conditions apply	4,390	Keep in budget
11	PJ	50009 Cont to Devon Racial Equality	Community Compact Conditions apply	1,640	Keep in budget
12	PJ	50060 Grant to EDVSA	Community Compact Conditions apply	23,030	Remove from budget
13	PJ	50060 Grant to Community Council of Devon	Community Compact Conditions apply	7,140	Keep in budget
14	IR	39020 Grant to Villages in Action	Over 20 small East Devon communities would lose an important part of community life	10,000	Keep in budget
15	IR	39020 Sand Sculpting competition	An event loved by community and visitors to East Devon	500	Keep in budget
16	IR	39020 Cont to Museums Officer	Post supports 9 volunteer run museums in the area (no East Devon Museums Officer)	1,500	Keep in budget
17	CP	36045 cont to Exmouth Exe Estuary Project	Project Officer would be made redundant - project would fold	10,300	Keep in budget subject to 10% reduction
18	PJ/SD	16073 Citizens Advice Bureau grant	Support for East Devon CAB - controversial during a recession	58,820	Keep in budget
Service: Economy and Development - Karime Hassan					
19	KH	19001 Climate Change	loss of funding for carbon management programme initiatives	10,000	Remove from budget
20	NH	23001 Economic Development Management	E D Business Centre Phase 1 Regional Development Agency Workspace Rental - scheme complete	6,780	Remove from budget

21	NH	23020	Tourist Information Centres Support	May cause some TICs to close. Reputation issue. (NH to provide info on rents)	24,070	Keep in budget. Portfolio Holder to offer an alternative saving to the same value.
22	NH	23062	Blackdown Hills AONB	Core funding to management of 'MIL' referred to above* - other funders pulled out	17,000	Remove from budget
23	NH	23063	East Devon Business forum	Practical support no longer available - reputation issue	5,000	Keep in budget
24	NH	23065	Exeter & Heart of Devon collaboration	Partnership working with Exeter CC. Damage to reputation, loss of cost sharing benefit	5,000	Remove from budget
Service: Reports direct to Chief Executive - Mark Williams						
25	PS	11010	Electoral Reg	Electronic update Elect Reg to all Cllrs. 35 reams of paper per annum	70	Remove from budget. Increase figure to include electronic update to townships/parishes
Service: Legal, Licensing and Democratic Services - Rachel Pocock						
26	DV	47002	Democracy Week	11 million takeover day & cont to schools	1,500	Remove from budget
27	DV	47070	Members Allowances	Members' Allowances increased by 2%	8,400	Remove from budget
Service: Organisational Development - Karen Jenkins						
28	BD/KJ	53091	Communications Imp Team - ED Talk	Cost of producing 3 ED talks as now. If cut budget this would mean a reduction in number of ED Talks produced a year. Reputation Issues	17,640	Remove from budget and replace with combined budget of £6,000
29	BD/KJ	53091	Communications Imp Team - ED Talk	Photography Linked to ED Talk & Internal Printing for 53091 (both above). Reputation issues	3,000	
30	BD/KJ	53091	Communications Imp Team	Internal Print - Would hamper the council's ability to produce PR packs such as the recent Flooding Alert news letters. Reputation Issues.	3,060	Remove from budget
31	BD/KJ	53091	Comm's Imp Team - Best Councils Survey	Staff engagement issue. Effect of not doing this could be felt in terms of staff morale and potential absence turnover issues.	8,000	Remove from budget
Service: Finance - Simon Davey						
32	RB	21401	Housing Benefits Section	Training Contract with Exeter CC & Mid Devon DC	9,630	Remove from budget
33	SD	16076	Community Fund	Community Council Devon support village halls. This grant helps secure additional funding from the CCD.	24,060	Keep in budget, but consider potential to reduce
34	SD	16100	Ring and Ride Grants	Support for 3 schemes Honiton, Exmouth, Lyme Regis. This is essential funding for the running of these schemes	14,130	Keep in budget, but consider potential to reduce
35	SD	49021	Local Enquiry Offices	Contribution to running costs. 5 Town Councils receive payment.	13,360	Keep in budget, but consider potential to reduce
36	SD	49020	Corporate Subscriptions	Local Government Assoc. £13k. South West Regional Board £7.5k Subs. Is this practicable?	22,000	Keep in budget, but consider potential to reduce
37	SD	06070	Cemetery grants	Cemeteries may be closed and passed to EDDC for maintenance	59,280	Keep in budget, but consider potential to reduce
					883,670	

Agenda Item

Executive Board

6 January 2010

SD



Draft Revenue and Capital Estimates 2010/11

Summary

This report presents the draft revenue and capital estimates for 2010/11 for adoption by the Executive Board before consideration by the Overview and Scrutiny Committee on 27 January.

To assist the Scrutiny and Overview Committee a Service Planning & Budget Task and Finish Forum will meet on the 18 January to review the draft plans and estimates. The Housing Review Board will undertake a similar exercise in respect of the Housing Revenue Account.

Recommendations from these meetings will be presented to the Executive Board on 10 February when members will finalise budget proposals and service plans and recommend to the Council the 2010/11 Council Tax requirement and Council House Rent level.

The Council's Financial Strategy outlined the financial difficulties facing the Council with service expenditure not being matched by available income mainly due to the effects of the recession which has resulted in a fall in income levels, particularly interest receipts. The preparation of these estimates has been difficult and options on reducing expenditure will need careful consideration and debate.

The estimates have been prepared based on business as usual and the continuation of East Devon District Council as a 'going concern'. The report does however reflect upon the recent announcement by the Boundary Committee and their recommendation for a Unitary Devon.

Recommendation

That the draft revenue and capital estimates are adopted before forwarding to the Overview and Scrutiny Committee for consideration.

a) Reasons for Recommendation

There is a requirement for 2010/11 to set balanced budgets, to levy a Council Tax and to set Council House Rents.

b) Alternative Options

Please see main body of report.

c) Risk Considerations

Risks have been considered in preparing the budgets and the financial implications have been assessed at the point of preparation. Various budget assumptions have been made including the treatment of inflation and interest rates; estimates on the level and timing of capital receipts; the treatment of demand led pressures; the treatment of planned efficiency savings/productivity gains; levels of income; financial risks inherent in any new arrangements; capital developments; the availability of funds to deal with major contingencies and the need for any provisions. In each of these areas the Council's

financial standing, management and track record has been considered in order to prepare robust budget proposals.

Particular areas to draw to members' attention are:

- The impact of the recession meant that the current year's budgets for many of the major income streams were significantly reduced, with a reduction in income of £1.125m. This reduction was in the areas of; Planning, Land Charges, Building Control, Car Parks and most significantly external interest.

In preparing the 2010/11 estimates we have maintained budgets at this reduced level as it is not anticipated that fee income or interest rates will return to pre-recession levels in 2010/11.

- Land charges income has been included at a realistic sum of £0.250m for next year and equates to a breakeven position for the service. There is concern over a risk that the majority of the information we currently charge for should be given free under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. This gives rights of public access to information held by public authorities. This issue is a significant concern to all local authorities and a matter being taken up by the Local Government Association who is seeking further legal guidance. Because of the magnitude of the impact this will have on local authority's finances it is assumed, at least for 2010/11, that along with other authorities East Devon will continue to be allowed to charge for the supply of this information.
- Consideration must be given to the powers available to the Government to 'cap' an authority's budget in the event of the Council setting a budget and council tax above the level considered appropriate by the Department for Communities and Local Government (DCLG). This 'capping' level in 2009/10 was above a 4% increase in budget requirement and more than a 5% increase in council tax. For 2010/11 the Government has issued an early warning with the advice that councils should limit their tax rise to a maximum of 3%.
- No provision has been made for salary inflation in 2010/11 on the assumption that pay will be frozen next year. In the event that pay is not frozen, then the effect of a 1% salary increase on the Council's General Fund would be in the order of £0.132m (Housing Revenue Account - £0.032m).
- Budgets have been prepared on the basis of business as usual. Even assuming that the Boundary Committee's recommendation for a Unitary Devon is accepted by the Secretary of State the new authority will not come into force until April 2011.

With the Medium Term Financial Plan (MTFP) predicting expenditure to be far in excess of income action must be considered to reduce that funding gap. Amongst other measures, the proposed budget includes a savings targeted to be achieved through shared services. Reductions are also proposed across the range of services delivered. The ability of the Council to deliver the former and the timing of the latter will, to a degree, be dependent upon the decision on future of local government in Devon. If a Unitary Authority is to be created for Devon then it could be considered appropriate to take no action now and to allow the new council to take decisions on the shape and scope of services. Under this scenario, the Council would need to use its reserves to fund the budget deficit.

d) Policy and Budgetary Considerations

The position is outlined in the report.

e) Date for Review of Decision

A joint Task and Finish Forum of the Overview and Scrutiny Committee will receive the draft service plans and associated estimates in a day long meeting on 18 January for consideration. An Overview and Scrutiny meeting on 27 January will then debate findings of this Forum. The Executive Board will review plans and estimates again on 10 February with recommendations to Council on 24 February.

1. Background

- 1.1 The Council's Financial Strategy, revenue budget and capital programme are soundly based and designed to deliver priorities set down in the Corporate Strategy and service plans.
- 1.2 The Constitution requires the Executive Board to approve the draft revenue and capital estimates prior to their detailed consideration by the Overview and Scrutiny Committee. This assessment by members is to be undertaken at the same time as they review service plans and set targets against which to measure service performance in the forthcoming year.
- 1.3 The Service Planning & Budget Task and Finish Forum will aid members of the Scrutiny and Corporate Overview Committee in their independent review of the detailed service plans and budgets. Any decisions taken at these meetings will be reported back to the Executive Board at its meeting on 10 February. At this meeting members will be required to recommend East Devon's Council Tax requirement for 2010/11 and Council House Rent levels.

2. Introduction

General Fund Budget

- 2.1 The Council's MTFP contained within the Council's Financial Strategy projected a significant deficit on the General Fund Budget for 2010/11 of just under £2m. This was no surprise based on previous financial plans and reports warning over the level of spending when compared to income available.
- 2.2 The Council has been hit like many others by the recession and balanced the current year's budget by taking £1.8m from reserves to meet the drop in our income receipts primarily from car parking, planning, building control, land charges and investment income. This was against the backdrop of the Local Government Review (LGR) and the uncertain future for the Council.
- 2.3 This reduced level of income is projected to continue into next year, 2010/11, and to make this situation worse the Council will not be able to call upon set aside interest receipts as it was able to in 2009/10. In the current year a sum of £0.673m, being the difference between budgeted and actual interest receipts received in 2008/09, was available to fund services. At £0.380m, the estimated income from interest is some £1.220m below that allowed for in the 2008/09 budget!
- 2.4 The future local government structure in Devon is still unclear; potentially the Council could be subsumed into a Unitary County in 2011 or be left to continue to deliver services in its own right. Without that knowledge, every effort has been made to set a balanced budget next year by freezing vacant posts, proposing reductions in areas of

discretionary spend, increasing income where possible and through anticipated efficiency savings. In addition, a savings target is included next year from shared services. Once there is a degree of certainty then further measures to reshape the management structure are to be anticipated.

Housing Revenue Account

- 2.5 The Housing Revenue Account budgets have been carefully constructed in line with previously adopted 30 year business plan designed to improve and maintain the standard of dwellings whilst keeping within the finances available.

Capital Programme

- 2.6 The Medium Term Plan projected a funding deficit for next year's capital programme and the need to use earmarked capital reserves to fund the gap. In line with the Financial Strategy prudential borrowing will be necessary to fund a proportion of the programme. A scoring methodology has been employed in order to prioritise schemes and account has been taken of external funding streams.

3. Draft Revenue and Capital Estimates 20010/11

It needs to be stressed that the following budget figures have yet to be reviewed by the Overview and Scrutiny Committee and will be finally determined by the Executive Board at the beginning of February.

General Fund Budget

- 3.1 The attached booklet details the draft revenue budgets for 2010/11.
- 3.2 The net budget, that is after allowing for inflation and service growth most notably for an enhanced recycling scheme, for 2010/11 of £17.120m is some £0.737m below that of 2009/10. This reduction has been achieved holding posts vacant, reducing or deleting budgets for training, subscriptions, professional conferences, non-essential equipment, materials etc as well as additional income. Some of the main areas of savings have been;

£0.150m has been included for pre-planning application charges, but off setting part of this is the inclusion of additional staffing costs/new post at £0.050m.

Posts which are vacant or becoming vacant have been excluded from next year's budget totalling £0.476m (17 posts).

£0.117m of savings have been made from the homeless budget.

£0.250m saving from training, equipment, book & publications, overtime, travelling, furniture, apprenticeships and other budget areas. A good proportion of this reduction has been achieved from the budgets of central support services.

Detailed explanations for service reductions are set out in the budget book

- 3.3 In addition to the above further savings of £0.893m are being proposed from next year's budget to reduce the amount that would be otherwise needed from balances. It is considered these reductions would have a more immediate impact on service provision or potentially effect the ability of grant receiving organisations to continue to deliver community services. These proposals are listed as Appendix B for consideration.
- 3.4 With the employment of a full time procurement officer, a target has been set to achieve cash savings in next years budget of £75,000. Potential areas for saving have been identified and work has already commenced to deliver budget reductions.
- 3.5 A £200,000 saving has been assumed for the shared service agenda with any set up costs being written off to the Transformation Reserve – currently standing at £2.517m. A saving of this magnitude could be achieved next year through sharing a Corporate Director with Exeter City for 9 months by sharing a Chief Executive and other senior manager posts with South Somerset District Council.
- 3.6 The Council Tax is assumed to increase by 2% from £118.24 to £120.60 a year (a 1% increase generates £0.067m).
- 3.7 Finally, the General Fund Balance has been utilised at this stage to cover the remaining budget deficit for 2010/11 of £0.646m, however if the proposed savings in Appendix B are not approved then the amount required will up to a maximum of £1.539m.
- 3.8 In addition to the draft budget a list of special item bids totalling £0.411m have been put forward for consideration. These are detailed in Appendix C and are currently not included in the draft 2010/11 budget. Given the requirement to utilise reserves to balance the 2010/11 budget it is unlikely that any of these items can be afforded.

Housing Revenue Account Budget

- 3.9 The attached booklet details the draft estimates for 2010/11. The HRA Business Plan has formed the basis of the preparation of the HRA budgets and the estimates proposed show a deficit of £0.004m, which will be taken from the HRA Balance. Council House rents have been increased in line with the government guideline of 3.1%. Garage rents have been increased by 10%.
- 3.10 In setting the budget sufficient financial provision is included to maintain council homes to a high standard with a comprehensive programme of planned improvements, adaptations and routine repairs. £2.682m is to be spent through the Major Repairs Account and a further £2.677m on other items of repairs and maintenance.
- 3.11 The proposed HRA budget will ensure that adequate funds are available to maintain Council houses to a high standard with staffing levels maintained to provide a responsive housing management service.
- 3.12 An early draft of the HRA budget has been reviewed by the Housing Review Board but a final draft will be presented on 14 January for their consideration.

Capital Programme

- 3.13 The attached booklet details the draft capital programme for 2010/11 to 2013/14.
- 3.14 The adopted capital appraisal process has been used to build a capital programme aimed at delivering the Council's stated priorities. As well as the traditional Portfolio presentation style the capital budget the programme has also been summarised as follows;

- **Priority schemes.**

Top priority schemes, which have scored over 30 through the appraisal process, are included in the capital programme. The schemes below this score, whilst not included, are listed for information.

- **ICT schemes.**

Bids totalling £0.475m have been received. Although these have been scored under the capital prioritisation process the bid forms received require more information and scrutiny by the ICT programme board. A marker budget for these schemes has currently been included of £0.300m, but scheme approval and the effects on the budget will be reported in the capital monitoring reports to the Executive Board through the year.

- **Generation of Capital Receipt ring fenced to linked schemes.**

These schemes require expenditure but will then generate receipts in order to deliver the scheme associated with the receipt. This covers schemes for Exmouth and Seaton regeneration. These bids have been included in the proposed capital programme.

- **Potential Capital Receipt.**

Officers estimate that expenditure in these areas will in time generate a capital receipt to the Council greater than the expenditure incurred. These schemes have been included in programme.

- 3.15 The draft capital budget for 2010/11, detailed in the attached booklet, shows a shortfall of £1.603m which is to be met from the Capital Reserve. This position is set out below:

	2010/11 £'m
Proposed Programme	6.223
Funds available:	
In Year Receipts	-2.387
Loans (housing new build & refuse/recycling equipment)	-1.959
HRA Contribution	-0.274
Shortfall met by capital reserve	-£1.603m

- 3.16 This shortfall of £1.603m is an assumed worse position and may reduce with the receipt of additional capital receipts or through scheme savings and slippage.

4 **Government Support in 2010/11**

General Fund Budget

The Revenue Support Grant from Central Government for 2010/11 is going to be in line with the three-year settlement under the 2007 Comprehensive Spending Review giving the Council a grant of £8.157m, an increase of £0.209m or 2.6%. With the Government facing difficult decision in its battle to manage the economy future grant settlements in the coming years are unlikely to be as generous.

Housing Revenue Account Budget

- 4.2 Housing Subsidy is the calculated difference between the notional income and expenditure of the Housing Revenue Account (HRA) for East Devon. For 2010/11 it is estimated the HRA will contribute £5.521m to the Government.

Capital Programme

- 4.3 Central support for capital expenditure is mainly through direct grants for specific schemes, such as coast protection and flood alleviation schemes. The Council also receives a Public Sector Renewal Grant to support housing in the private sector of £0.524m. Additional bids for specific schemes have been submitted but the outcome of these are yet unknown. These sums are recorded in the Capital Programme against the specific schemes to which they relate.

5. Interest Receipts from investments in 2009/10.

- 5.1 The Council's surplus cash resources are invested to produce an annual income, which is used to support revenue expenditure. Interest rates have significantly reduced and it is anticipated these low rates will continue into 2010/11. With the Council, spending more than it receives on both capital projects and revenue services, the level of cash available for investment has diminished. In turn this will result in a lower level of interest receipt.

- 5.2 The net position on interest receipts available to the General Fund in 2010/11 is estimated at £0.380m. This is after a proportion of the interest figure generated, equal to £0.018m, has been transferred to the HRA.

6. Balances available to support 2010/11 and future budgets.

General Fund

- 6.1 There are two reserves available to the General Fund:

- **The General Fund Balance**

The policy set by the Council previously was to maintain a General Fund Balance equal to 7.5% of the net budget. Due to the uncertainty of the impact of the recession, it was deemed sensible to increase the level held to twice that amount. With the net proposed budget being £17.120m, this means we should hold a General Fund Balance of £2.568m.

Having now reduced our income expectations, and on the assumption that these are not likely to fall further it is considered appropriate to reassess the amount held. On the basis of prudence it is proposed that the General Fund Balance for 2010/11 be 1.5 times the annual figure, that is £1.926m

The current estimate of the closing position on the General Fund balance at the end of 2009/10 is £2.864m, which is higher than the minimum sum now considered appropriate by £0.938m. This is partly due to budget savings made in the current year and a reduction in the minimum level deemed appropriate.

The draft budget requires the General Fund Balance to cover the budget deficit for 2010/11 of £0.646m, however if the proposed savings in Appendix B are achieved then this will increase the sum required up to a maximum of £1.539m.

- **Transformation Reserve**

The balance on this reserve is £2.517m. This sum was set aside to assist the Council's transformation programme by meeting up front costs necessarily incurred in order to produce savings in future years. This would include redundancy and pension strain costs incurred in reshaping the management structure.

One possible call on this reserve would be the costs associated with a shared Chief Executive and other senior staff in the event of posts being shared with South Somerset or any other council.

Housing Revenue Account

The policy set by the Council is to maintain a HRA Balance of £245 per property this currently equates to £1.050m. The current estimate of the closing position in the current year of the HRA Balance is £1.066m. The draft HRA budget for 2010/11 shows a small deficit of £0.004m thereby maintaining the projected balance at the end 2010/11 of £1.062m keeping it slightly above the adopted level.

Capital Reserves.

The Capital Reserve has a projected balance at the end of 2009/10 of £3.4m. With the proposed capital programme shortfall of £1.6m in 2010/11 this would leave a balance of £1.8m in the capital reserve to fund future years. The capital programme deficit in 2011/12 alone is currently £1.8m and would therefore leave no reserve from 2012/13 onwards.

If the Council is to maintain a capital programme close in value to that of previous years it will need to borrow money and create 'headroom' within its revenue budgets in order to accommodate associated debt charges.

Other Balances & Reserves available

The Council holds other earmarked reserves detailed below:

- **Local Authority Business Growth Incentive Scheme Reserve**

The purpose of this reserve is to promote and deliver economic development. The estimated balance at the end of 2009/10 is £0.702m with commitments against the reserve including £0.250m for the development of the proposed science park.

- **Planned Maintenance Reserve**

The balance at the beginning of the current financial year is £0.260m; it envisaged this will be used in full by the end of 2010/11.

- **Planning Delivery Grant Reserve**

The sum remaining in this reserve of £0.138m is set aside and waiting to help deliver the Local Development Framework.

- **Refuse & Recycling Equipment Reserve**

£0.403m was set aside at the beginning of the year to purchase equipment for the roll out of the recycling scheme across the District. It is estimated that this will be used in full in the current year.

- **Investment Shortfall Reserve**

A one off Reserve to offset the estimates shortfall in the 2009/10 budget. This will be used in the current year.

7. Robustness of estimates and adequacy of reserves.

7.1 This part of the report deals with the requirement of Section 25 (2) of the Local Government Act 2003 in that the Council's Chief Finance Officer (CFO) must report on the robustness of the estimates included in the budget and the adequacy of reserves for which the budget provides.

7.2 In terms of the robustness of the estimates all known factors have been considered and the financial implications have been assessed at the point of preparation. Various budget assumptions have been made including the treatment of inflation and interest rates, estimates on the level and timing of capital receipts, the treatment of demand led pressures, the treatment of planned efficiency savings/productivity gains and levels of income, financial risks inherent in any new arrangements and capital developments and the availability of funds to deal with major contingencies and the need for any provisions. In each of these areas the Council's financial standing, management and track record has been considered in order to prepare robust budget proposals.

7.3 The proposed draft budgets for 2010/11 maintain both the General Fund balance and the Housing Revenue Account Balance at the advisory level provided actual net expenditure is at, or below, the level forecast. Continuous monitoring and reports to the Executive Board will highlight and make recommendations on any necessary corrective action necessary to achieve during 2010/11.

8. Prudential Code

8.1 The Local Government Act 2003 also requires under regulation for local authorities to have regard to the Prudential Code for Capital Finance in Local Authorities, issued by the Chartered Institute of Public Finance and Accountancy (CIPFA) when setting and reviewing their affordable borrowing limit.

8.2 The key objective of the Code is to ensure, within a clear framework, that the capital investment plans of local authorities are affordable, prudent and sustainable. A further key objective is to ensure that treasury management decisions are taken in accordance with good professional practice and in a manner that supports prudence, affordability and sustainability.

8.3 To demonstrate that local authorities have fulfilled these objectives, the Prudential Code sets out the indicators that must be used and the factors that must be taken into account. These indicators will be presented to the next Executive Board meeting when a recommendation will be made on the budget for 2010/11, Council Tax levy and Council House Rents.

8.4 The capital programme does assume borrowing of £0.959m for the recycling and refuse equipment and £1m for the construction of 17 new council houses. The interest and repayment of these loans has been factored into the revenue estimates.

9 Future General Fund and Revenue Budgets

- 9.1 The Financial Strategy highlights an increasing problem of expenditure growing annually at a much faster rate than income, a position made significantly worse by reductions in income levels. This is a concern for both the revenue and capital programmes.
- 9.2 The use of reserves in 2010/11 and discretionary spending cuts do provide a temporary solution. However, this is not a sustainable strategy and the Council needs to make longer term plans whether that's through the reshaping of service delivery, the shared service agenda or whether it is taken out of the Councils hands through Local Government Review. Whichever the associated costs of present structures, methods of working and service delivery are no longer viable.
-

Legal Implications

Save for those matters specifically mentioned in the Report there are no apparent legal implications.

Financial Implications

As stated in the report

Consultation on Reports to the Executive

The details of this report have been discussed by the Strategic Management Team

Background Papers

- Internal estimate working papers, Local Government Finance Settlement
- CIPFA's Prudential Code , Local Government Act 2003
- Financial Strategy (2010 onwards) including Medium Term Financial Plan
- Corporate Strategy and Service Plans

Simon Davey
Head of Finance

Executive Board
6 January 2010

APPENDIX A

	2009/10		Revised £	2010/11 Budget £	Variation Revised 09/10 to 10/11	% change 10/11 to Rev 09/10
	Original £					
General Fund Revenue Budgets 2010/2011						
Portfolio Budget Submissions - Net Expenditure						
Communications	1,155,020		1,155,020	1,015,920	(139,100)	-12%
Community	2,007,560		2,048,560	1,940,610	(107,950)	-5%
Economy	2,502,730		2,502,730	2,323,280	(179,450)	-7%
Environment	1,431,870		1,431,870	1,397,520	(34,350)	-2%
StreetScene	6,700,500		6,700,500	7,042,320	341,820	5%
Strategic Planning and Regeneration	2,084,590		2,094,590	2,026,130	(68,460)	-3%
Resources	3,469,910		3,469,910	3,186,260	(283,650)	-8%
Portfolio Totals	19,362,180		19,403,180	18,932,040	(471,140)	
Reversal of Capital Charges (Depn Amortisation)	(1,548,830)		(1,548,830)	(1,812,380)	(265,550)	
Portfolio Total Net of Capital Charges	17,815,350		17,855,350	17,119,660	(735,690)	-4.1%
Interest Receipts		0		(380,000)	815,030	
Interest Payable	(1,195,030)	0	(1,195,030)	(111,660)	111,660	
Net Expenditure	16,620,320		16,661,320	16,881,320		
Potential savings per schedule Appendix B				(892,670)		
Procurement Efficiency Target				(75,000)		
Shared Services Savings (1)				(200,000)		
Use of Collection Fund Surplus	(109,700)		(109,700)	(22,000)	87,700	
Use of earmarked Revenue Reserves	(1,810,000)		(1,810,000)		1,810,000	
Extra to spend / (Deficit to be met)				(645,790)	(645,790)	
LGR Reserve	(40,000)		(40,000)		40,000	
Budget Requirement	14,660,620		14,701,620	15,015,880	314,240	
Formula Grant (Government)	(7,948,020)		(7,948,020)	(8,156,920)	(208,900)	
Council Tax Requirement (2)	6,712,600		6,753,600	6,858,940	105,340	

Notes:
 Cost incurred in setting up shared service arrangements e.g redundancy costs will be met from the Transformation Reserve
 2010/11 Council tax base has increased from 56,771 to 56,969. There is a Band D increase of 2% (£120.60).

Major Savings taken.

Appendix B

Item	Manager	Cost Centre	Service	Service Implications	Potential Saving £
1	MR	05001	Car park income	Increase in charges (10p increase).	172,430
2	SD	16076	Community Fund	Community Council Devon support village halls. This grant helps secure additional funding from the CCD.	24,060
3	SD	16100	Ring and Ride Grants	Support for 3 schemes Honiton, Exmouth, Lyme Regis. This is essential funding for the running of these schemes	14,130
4	NH	23001	Economic Development Management	E D Business Centre Phase 1 Regional Development Agency Workspace Rental - scheme complete	6,780
5	NH	23020	Tourist Information Centres Support	May cause some TICs to close. Reputation issue. (NH to provide info on rents)	24,070
6	NH	23062	Blackdown Hills AONB	Core funding to management of 'MIL' referred to above* - other funders pulled out	17,000
7	NH	23063	East Devon Business forum	Practical support no longer available - reputation issue	5,000
8	NH	23065	Exeter & Heart of Devon collaboration	Partnership working with Exeter CC. Damage to reputation, loss of cost sharing benefit	5,000
9	SD	49021	Local Enquiry Offices	Contribution to running costs. 5 Town Councils receive payment.	13,360
10	SD	49020	Corporate Subscriptions	Local Government Assoc. £13k, South West Regional Board £7.5k	22,000
11	PJ	10072	TRIP - contribution to running costs	Subs. Is this practicable? Community Compact Conditions apply	4,390
12	AE	33055	Out of hours noise complaints (overtime)	This is a well used service & removal would mean no response to night time noise.	48,140
13	IR	39020	Grant to Villages in Action	Over 20 small East Devon communities would lose an important part of community life	10,000
14	IR	39020	Sand Sculpting competition	An event loved by community and visitors to East Devon	500
15	IR	39020	Cont to Museums Officer	Post supports 9 volunteer run museums in the area (no East Devon Museums Officer)	1,500
16	PJ	50009	Cont to Devon Racial Equality	Community Compact Conditions apply	1,640
17	PJ	50060	Grant to EDVSA	Community Compact Conditions apply	32,030
18	PJ	50060	Grant to Community Council of Devon	Community Compact Conditions apply	7,140
19	BD/KJ	53091	Communications Imp Team - ED Talk	Cost of producing 3 ED talks as now. If cut budget this would mean a reduction in number of ED Talks produced a year. Reputation Issues	17,640
20	BD/KJ	53091	Communications Imp Team - ED Talk	Photography Linked to ED Talk & Internal Printing for 53091 (both above). Reputation issues	3,000
21	BD/KJ	53091	Communications Imp Team	Internal Print - Would hamper the council's ability to produce PR packs such as the recent Flooding Alert news letters. Reputation issues.	3,060
22	BD/KJ	53091	Comm's Imp Team - Best Councils Survey	Staff engagement issue. Effect of not doing this could be felt in terms of staff morale and potential absence turnover issues.	8,000
23	PS	11010	Electoral Reg	Electronic update Elect Reg to all Cllrs. 35 reams of paper per annum	70
24	RB	21401	Housing Benefits Section	Training Contract with Exeter CC & Mid Devon DC	9,630
25	DV	47002	Democracy Week	11 million takeover day & cont to schools	1,500
26	DV	47070	Members Allowances	Members' Allowances increased by 2%	8,400
27	MR	05001	Car Parks - maintenance	Leaving only Health & Safety work remaining + £15k for tariff signage	50,000
28	SD	06070	Cemetery grants	Cemeteries may be closed and passed to EDDC for maintenance	59,280
29	SD/PJ	16073	Citizens Advice Bureau grant	Support for East Devon CAB - controversial during a recession	58,620
30	KH	19001	Climate Change	loss of funding for carbon management programme initiatives	10,000
31	MR	28001	Parks & Pleasure Grounds	Reduction in seasonal staff (would still leave £70.5K for seasonal & overtime)	50,000
32	MR	28001	Parks & Pleasure Grounds	Cease elements of bedding/planting maily hanging baskets and special displays	82,210
33	MR	29001	Play Equipment	Leave only Health & Safety work remaining (would still leave £26k in budget)	8,570
34	MR	31001	Public Conveniences	Leave only Health & Safety work remaining (would still leave £18k in budget)	18,080
35	CP	36045	cont to Exmouth Exe Estuary Project	Project Officer would be made redundant - project would fold	10,300
36	MR	41001	Street Cleansing	Reduction in seasonal staff - REACT Team work would have to be retrenched - no enforcement/ad hoc (would still leave overtime budget of £63k)	81,940
37	MR	43001	Street Nameplates	Total budget £14k	3,000
					892,670

Special Items 2010/11:

Appendix C

Acct	Manage Cost Centre	Service	Item	£
LG	CF	53100	Customer Focus Group Speak now panel 8 people x £10 + £50 room hire x 4x per yr.	520
LG	CF	53100	Global Services Chartermark Contact Council. Already approved by DL/MW.	1,000
LG	DL	50014	Vanguard External Consultancy from Vanguard to cover more services	5,000
LG	CP	53030	ICT Van Lease for staff covering outside calls	4,910
MW	KS	06001	Cemeteries Resurfacing footpaths - Health & Safety issues	5,000
KB	SS	33411	Environmental Health Associated costs of grant application for providing gypsy sites (statutory duty)	20,000
KB	SS	33050	Environmental Protection Team Air quality management area (statutory duty)	5,000
LG	SD	42015	Council Tax Ebilling Module	11,400
LG	SD	42015	Rev's & Ben's customer service Improvements to reception	1,900
LG	SD	21401	Benefits BECs - Software which links the Housing Benefits System to a benefits calculator and electronic application form with instant update to main system. These will save significant manual processing time	41,000
LG	SD	21401	Benefits ETD - Electronic system of automating notification direct into Benefits System from DWP. This will save significant manual processing time	6,000
LG	SD	21402	Benefits Victor - Electronic system of automating notification from the rent officer direct into benefits system	4,000
				105,730

Appendix C1

PRIORITY LEVEL
 1) = Health, Safety, Legal / Property & Life
 2) = Potential Closure/Failure
 3) = Wait 12 months

Street Scene birds received

Officer	Town	Location	Scheme	Cost	Why We Are Doing This Work	If We Do Nothing	Priority
KIS	Various	Cliffs	Inspection & Repairs	£16,000.00	To safeguard and protect the public from falling rocks from the cliffs.	There will be an increased possibility that rocks will fall from the cliffs and a member of the public may get hurt	1
KIS	Beer	Annis Knob	Readings	£2,000.00	To monitor whether there is any movement in the cliff rock formation known as Annis Knob. If movement is detected it may give us warning if the rocks were to fall and act as a safeguard to the public	We would have no warning if the rocks were to fall down. This may result in injury or death to members of the public.	1
KIS	Various	Cliffs	Small Works	£16,000.00	To safeguard and protect the public from falling rocks from the cliffs.	There will be an increased possibility that rocks will fall from the cliffs and a member of the public may get hurt	1
AP JT/SR	Various	Water Safety Flooding	Lifesaving Rings, Buoys, Housings Purchase Flood barriers	£1,200.00 £10,000.00	Repair and update to new OSM. Divert water away from properties		1
KIS	Newton Pop	Otter Reach	Clear Out Ditch	£5,000.00	We have only recently been told EDDC is responsible for the ditch running south from Otter	If the trees, bushes and brambles are not cleared, then when we have heavy rain, this through public use and the elements	1
AP	Exmouth	Exmouth	Sand dune netting and re-planting	£16,600.00	To assist in the management of the sand dunes. Netting to allocate walk areas and no go areas. Possibly need another 20 rolls of net? Time for gardeners to remove small pieces of marram grass and replant in sparse areas.		1
KIS	Exmouth	Warrens View	Monitoring of Water Quality	£5,000.00	To monitor the quality of ground water seeping out into the channel, then the Estuary. This will enable us to prove to the EA that the work carried out at Warrens View Sports Ground to stop leachate spreading into the water course has been successful	We would have no data to argue if the EA were to ask us to carry out further work as they were unhappy with the quality of the water seeping into the channel	1
KISMP	Lympstone	Churchyard	Legal transfer of Lympstone Churchyard to EDDC	£10,000.00	To maintain this additional site. We have been approached re the transfer, but limescale has not		1
DC	Honiton	Roman Way	New Bridge	£16,000.00	Following inspections this year, the main beams & decking have rotted out, and are in need of replacement as they are past the point of repair	The bridge will have to be closed and pedestrian diversion signs put up	2
DC	Honiton	Oaklea	New Bridge	£18,000.00	Following inspections this year, the main beams & decking have rotted out, and are in need of	The bridge will have to be closed and pedestrian diversion signs put up	2
KIS	Various	Car Parks	Repairs	£18,000.00	Following the annual engineering inspection of all EDDC car parks maintained by Streetscene, a number of defects have been identified. These defects range from pot holes to broken barriers.	If this work is not carried out, the condition of these defects will get worse, and will result in a higher maintenance bill in the future, and the possibility of a claim against this authority.	2
MP	Sidmouth	The Byes	Maintenance of meadow/grassland area in The Byes - due to relinquishment of the lease	£2,800.00	Need money to fund the upkeep	Will become rundown and unkempt	2
KIS	Budleigh	Outfall	Cleaning of East & West Outfalls	£19,000.00	Part of agreement between EDDC and Clinton Devon Estates	Breach of agreement/contract	2
NSF	Seaton	Cemetery	Memorial Wall	£12,000.00	The memorial wall will be full of plaques in the next two years. If we are to keep supplying this service, then the wall has to be extended	The wall will be full in a couple of years and this service will stop.	3
KIS	Sidmouth	Esplanade	Paint esplanade railings	£16,000.00	To protect the railings from corrosion, sea water and shingle damage. To keep up the standard of Sidmouth Sea Front for the tourist trade.	The railings will have reduced protection. The sea front will appear tatty and run down to residents and tourists	3
KIS	Various	Car Parks	Surveys	£3,000.00	So we have up to date survey information on all our car parks	We have no record of our assets	3
NSF	Budleigh	Lime KIn CP	Access Ramp	£12,000.00	To give wheelchair users safe access from Lime KIn Car Park to the esplanade and Budleigh	Wheelchair users will be discouraged from using Lime KIn Car Park.	3

MP/SR	Sidford	Sports Ground	Create extra parking in the space behind the changing rooms between football & rugby grounds	£14,000.00	Loss of parking space due to the building of the cycle path through Sidford rugby ground is causing problems		3
MP	East Devon	Various	Replacement of floral containers	£5000 pa x 3 years	Replace ageing containers - which are now cracking due to age & metal fixings weakening	Possibility of claim from public from falling plant containers	3
KIS	Membury	Main Street	Re-sealing of concrete covers (flood drains)	£15,000.00	To reduce the noise made by the covers when vehicles drive over them	Increased public dis-satisfaction in the village	3
KIS	East Devon	Various	Resurface Cemetery footpaths	£5,000.00	Public safety	Risk of accident/claim	3
KIS	Sidmouth	Beach	Survey of shingle - to see if requires distribution	£1,000pa x 3 years	To see if shingle requires re-distribution	No pebbles/shingle left on beach	3
KIS	Exmouth	Phear Park	Footpath maintenance	£6,000.00	Public safety	Risk of accident/claim	3
KIS	Exmouth	Plantation Walk	Resurface footpaths	£10,000.00	Public safety	Risk of accident/claim	3
SR	Sidmouth	Manor Road Car	Redesign layout of carpark to reduce anti-social behaviour	£19,900.00	To install fencing & bollards to counteract anti-social behaviour		3
SR/MP	Seaton	Seaford Gardens	Redesign Gardens to deter anti-social behaviour	£10,000.00	Install raised flowerbeds, cobbles etc to deter cycling/skateboarding & anti-social behaviour.	Complaints from local residents will continue	3
KIS	Sidmouth	Connaught Gardens	Wall Repairs	£18,000.00	A section of wall and archway has become cracked and unsafe due to tree roots. The tree	The tree will continue to grow and eventually the wall will fall down. The tree is also putting	1) / 3)
MP/KIS	Sidmouth	Peak House	Repair driveway and replace fencing	£8,000pa x 3 years	AS per lease agreement - Derek Smith	Non-compliance with lease will leave EDDC in breach of conditions	2) / 3)
Total				£305,500.00			

East Devon District Council

Organisational Assessment

Dated 9 December 2009



oneplace

for an independent overview
of local public services

East Devon District Council

Overall, East Devon District Council performs adequately

Managing performance	2 out of 4
Use of resources	2 out of 4
Managing finances	2 out of 4
Governing the business	2 out of 4
Managing resources	2 out of 4

Description of scores:

1. An organisation that does not meet minimum requirements, Performs Poorly
2. An organisation that meets only minimum requirements, Performs Adequately
3. An organisation that exceeds minimum requirements, Performs Well
4. An organisation that significantly exceeds minimum requirements, Performs Excellently

Summary

East Devon District Council is performing adequately. The Council is tackling issues that local people recognise as priorities. These are reducing crime, making the area a clean place to live and bringing in jobs. It was less successful in delivering affordable homes and improving recycling. The Council sets low council tax and looks after its money carefully. Local people's satisfaction with the Council is higher than in most other areas. The Council recognises it can do more to provide services that are easy to use by everyone such as people in remote areas and gypsies and travellers.

The council scores 2 out of 4 for managing performance. Streets are clean and tidy, free from litter, graffiti and fly-tipping. The number of people who are homeless has fallen and council homes for local people are not empty for as long as they used to be. Satisfaction of people living in council homes in East Devon is among the best in the country (10th out of 355). Tenants believe they get good value for money. Waste going to landfill is reducing and recycling slowly improving. The Council is helping people, particularly youngsters to have healthy lifestyles. It is improving leisure centres and providing new play parks for children. The Council supported people financially after the Ottery St Mary flooding.

People who need to claim benefits receive a fair service from the Council. The council has improved its speed of paying claims and achieves good value for money. But it recognises it can improve how it meets customers' needs. The Council was well short of its targets for providing homes that are affordable to buy or rent for people on low incomes. But performance is set to improve this year. The Council has done well to keep the proposed housing development at Cranbrook on track. The Council recycles more waste than it did but its

performance is still below average.

The Council scores 2 out of 4 for value for money. Many, but not all, of the Council's services are better than average and low cost. The Council looks after its money carefully and has built up large reserves. It is beginning to explore opportunities to share services with other councils to save money. The Council does not routinely measure quality and costs of services together. This means it cannot be sure it gets value for money in all services.

The number of working days lost to staff sickness increased in 2008/09.

About East Devon District Council

East Devon is the largest district in Devon. It has a population of 132,300. The district's size means that people are spread thinly, mainly in rural areas. The main towns are Exmouth, Sidmouth, Seaton and Honiton. There are areas of outstanding natural beauty and the coastline is a world heritage site.

The proportion of older people is high and this is set to increase further by 2029. Unemployment is relatively low and although wages across the district are below average, house prices remain high. People's health is generally better than the average for England.

The Council is led by the Conservatives, and has seven priorities. These are:

1. Affordable homes
2. Thriving economy
3. Safe, clean and green environment
4. Recycling
5. Children and Young People
6. Excellent service for our customers
7. An inspirational Council

Organisational assessment

Affordable homes

Local people are concerned that house prices are not affordable. There are many second homes in the area which pushes house prices up. This means young people in particular often cannot afford to buy a house in their local area and have to leave. The Council understands this and works hard to help local developers build new homes that people can afford to buy or rent. The Council's focus, rightly, has been on keeping the new housing development at Cranbrook on track. This has been difficult in the recession. The Council has provided financial support to developers to keep the project going. As a result

1,000 new homes, 300 affordable, will be built by 2011. The complete scheme is for 7,500 new homes in five or six years time. Over 2000 of these will be affordable to buy or rent for people on low incomes. Last year the Council only helped deliver nine homes but is on the way to 160 in 2009/10

The Council has made good progress in helping homeless people in the District. The numbers of homeless people and the use of temporary accommodation during the last 12 months have fallen.

The time Council homes stand empty has fallen significantly over the last two years and there are good plans in place to cut this time further. Council house tenants are overwhelmingly satisfied with the service and value for money they get. The Council is the tenth best in the country for the results it received in the last national survey of council house tenants. The Council has spent money over the years to keep its houses in a good condition. All houses now meet government standards to be called decent.

Thriving economy

The Council continues to work hard in meeting its goal for creating a thriving economy. It has secured nearly £7million of government money to support the Cranbrook development. This money is for building a new railway station and for improvements to M5 Junction 29 - both in the Cranbrook area. The Council has been working hard with other agencies like Exeter and Devon Councils and government to make sure all key services such as roads, shops, health and water will be in place when houses at Cranbrook are built. This will be particularly important in bringing construction jobs into the area. It will also help in bringing forward the further developments of Skypark Business District, rail freight developments, expansion of Exeter International Airport and Exeter Science Park.

Safe, clean and green environment

The Council is better than most others at keeping its streets clean. It is in the best performing councils at removing litter and dealing with fly tipping, graffiti and abandoned vehicles. Satisfaction of local people with the area is good. The Council works well to provide services that meet local needs. The Council provides a REACT team (Respond Enforce and Clean Team). This service works with town and parish councils to keep areas clean and safe. It carries out sweeping, litter-picking, cleaning and undertakes minor repairs. In a few cases the Council has started to fine people for littering.

The Council works well in partnership with the police to keep the district safe and reduce crime. Crime continues to fall in the area and people feel safer. People now see rowdy and anti-social behaviour as less of a problem than two years ago. There is a good Crime Reduction and Disorder Partnership in place that addresses local issues and is cutting levels of crime, disorder and anti-social behaviour. There are also action groups tackling domestic violence, and drug and alcohol issues. But, Exmouth is a crime hot spot and extra CCTV is now available in the town centre.

The Council helped local people when flooding in Ottery St Mary damaged homes. It matched public donations with its own money to collect £25,000. It

then gave financial help to less well off people who were affected. It has worked with the Environment Agency to build flood defences to help prevent problems in the future.

The Council is working to reduce Carbon emissions that cause global warming in the district. It gives grants and advice to people to reduce energy in their own homes. It is investing money into energy efficient measures in council homes. The Council is working with developers and environment and government agencies to make the new houses at Cranbrook as energy efficient as possible. It hopes to create a "zero-carbon" development - so there would be no emissions damaging the environment from the 7500 houses.

Recycling

The recycling service has improved over the last 12 months but is still below what other councils achieve. The Council recycled 26 per cent of household waste in 2008/09. The Council has since introduced a new recycling and refuse service to Axminster, Seaton and Beer. Two fifths of the district now receives kerbside recycling collections and the recycling rate has risen to 31% so far this year. But the government's national recycling target for 2010 is 40 per cent and other councils in Devon manage more than 50 per cent. The Council needs to speed up the roll out of its kerbside recycling collection to the whole district.

The Council is providing extra support to people who need it to recycle. For example, it gives extra help to the elderly and disabled. It is also supplying a refuse collection and recycling service to some gypsies and travellers in the district.

Children and young people

The Council is improving services for young people. There is a dedicated support worker to help them and as a result the number of homeless young people is lower now than in the past.

The Council is improving play for children and has installed four multiuse games areas in rural communities throughout East Devon. It is improving its leisure services through investment in sport which will make sure there is equal access to leisure. There are good projects called 'off the Sofa dayz' which encourage children and young people to get out of their houses and play sports.

The Council is working in partnership to develop learning and skills of local people with the support of SWRDA and the Learning Skills Council. The aim is to help young people become more skilled and get better paying jobs. There is a new Employment and Skills Board for Exeter and East Devon which works to develop people's skills that employers need. Hopes for new jobs are linked to the major projects planned such as the Science Park and Flyby academy.

Excellent service for customers and inspirational council

East Devon District Council is improving the way it supports local people. Its Environmental Health Service has received the government's Customer Service Excellence award. To get this it had to show high levels of satisfaction from local people as well as a service that meets people's needs and makes a difference. Also the service gained the Noise Abatement Society Enterprise award for dealing with noise and anti-social behaviour.

The Council has made it easier for people to use its housing service. It has opened an office in Exmouth and started making home visits to people who cannot make their way to the council's offices. Staff from the service now provide housing related support to elderly tenants in sheltered housing. The planning service is reducing its backlog of applications and is processing applications more quickly. It now offers free pre-application advice.

The Council is supporting vulnerable people - such as less well off, ill, elderly or disabled people - in many ways. During the recession it has increased the advice and support for people who have concerns over their money. It is helping residents who have difficulty paying their council tax bills. It has also introduced a rent deposit scheme to help people who need a house but cannot afford a deposit and rent in advance. The Council is developing its website to improve access to information. More services are now available through the internet, which reduces the need for people to visit council offices. A panel of local people is reviewing the website regularly to make sure it is user-friendly.

The Council has a good understanding of what matters to local people and their needs. It also understands the impact that this has on costs and how well residents can get the services they need. It communicates well with local people. It has set up neighbourhood assessments which invite local people to comment on their services and what they think is important. It also invites residents to speak at some committee meetings. People in East Devon are more satisfied than most with the area as a place to live.

The Council has good managerial and councillor leadership. Staff training is good and links to the Council's priorities. This includes training on service excellence, management, people's well-being, domestic violence and equality and diversity. Managers and councillors have good training programmes and feel more confident to manage and carry out their roles for the benefit of the community.

The Council achieves adequate value for money. Many of its services are better than average and costs are generally lower than elsewhere. Managers and councillors receive good reports on performance and check these carefully. It carries out a programme of service reviews in which senior managers and councillors check quality and costs. They challenge officers to make sure services are good enough and meet local people's needs. As a result it has identified some less good services such as planning and housing benefits and improved these.

But the Council does not routinely consider performance and cost of all services and so cannot show that it achieves value for money consistently across all service areas. It is starting to address this. The Council is starting to

think about how it might share services such as housing benefits with other councils to save money. It has a shared equalities officer with Mid Devon District Council. The Council recognises that the quality of internal audit - the way the Council monitors its money and that rules are followed - is a concern. The Council knows that staff sickness levels are too high and now monitors this in more depth. The Council is working to identify and tackle common causes of absence. For example, the Council now offers free physiotherapy for staff with back and neck problems.

Councils will be able to save more money for the taxpayer in the future when they know what the final local government structure will be across Devon. They can then work even more closely together by sharing information, staff and services.

The Council also acknowledges that it does not have a complete understanding of the various sections of its community. For example it has not yet considered fully how it can make services easier to use by minority and vulnerable groups - such as migrant workers from Eastern Europe, black and minority ethnic groups or the disabled. It can also do more to help people in more remote parts of the District get in touch with the Council and its services.

CAA looks at how well local public services, working together, are meeting the needs of the people they serve. It's a joint assessment made by a group of independent watchdogs about the performance of local public services, and how likely they are to meet local priorities. From 9 December you will find the results of Comprehensive Area Assessment on the Oneplace website - <http://oneplace.direct.gov.uk/>

Alternative formats - If you require a copy of PDF documents in this site in large print, in Braille, on tape, or in a language other than English, please call: 0844 798 7070

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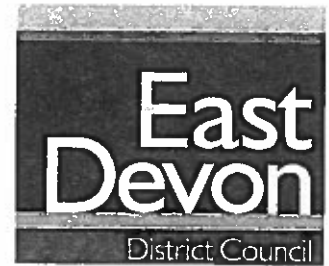
for an independent overview
of local public services

Agenda Item

Development Management

17 November 2009

SB



Planning scheme of delegation

Summary

The Systems Thinking review of the Development Control function suggested changes to the scheme of delegation. Following the original changes made to the scheme of delegation as agreed by the Chief Executive and leading Members in 2008 a Planning Delegations working party was set up to look at this further. The working party (later endorsed by Executive Board) made further changes to the scheme which are now set out below for Members consideration. Following such consideration the matter will need to be forwarded to Full Council for their final adoption.

Recommendation

That Members consider and agree the Planning Scheme of delegation and principles of use as set out in this report and that this is forwarded to Full Council for adoption.

a) Reasons for Recommendation

To ensure all applications and planning related work are dealt with in a timely and efficient manner in the best interests of the customer, whilst taking into account the views of all parties

b) Alternative Options

Without a scheme of delegation the Committee would be faced with unmanageable agendas and the consequent cost and delays would be unacceptable and contrary to government advice on the efficiency of Local Planning Authorities.

c) Risk Considerations

It is important to ensure any scheme is properly adopted to ensure that planning decisions are sound and not liable to legal challenge

d) Policy and Budgetary Considerations

The proposals build on earlier schemes of planning delegation previously agreed and take into account the Systems Thinking review and other government advice as contained in the recent Killian/Pretty review. An efficient delegation system is in line with local policy and government best practice. With regard to budgetary considerations the lack of an efficient delegation scheme would drive up costs of the service both in terms of time spent on preparing agendas,

printing costs and committee time to consider applications. Further preventable demand would also occur with agents and applicants chasing decisions.

e) Date for Review of Decision

Review should take place on receipt of further government guidance that requires changes to the agreed scheme, or at the discretion of the Head of Planning and Countryside in consultation with the Chairman of the Development Management Committee, triggered as may be by further internal review of working practices.

Members will recall a number of meetings previously held to discuss the scheme of delegation and the mechanics of how this would work in practice. This report sets out the various types of applications and how these would be dealt with. In addition it also sets out the principles to be applied in terms of officer/member working.

For ease of reference the earlier scheme of delegation that existed prior to the Systems Thinking review is appended for Members' information. In addition the various minutes of the Planning Delegation Working Party, DM minutes and Executive Board minutes are also appended.

Applications to be determined by Committee

In all cases the following exceptions will still apply where the application will need to be determined by Committee.

- Applicant is a District Councillor, or an Officer (of any department of the Council)
- Applicant is a close relative of a District Councillor or an Officer (of any department of the Council)
- Significant Departure application requiring reference to the Secretary of State.
- Application where the Head of Planning & Countryside Services is recommending against adopted policy.
- There are financial implications for the Council e.g. EDDC is the applicant/landowner.
- Any application referred by the Head of Planning & Countryside Services at her discretion.

Applications classified as 'Other' including the following -

- Householder (excludes flats) extensions or development within the curtilage of a dwelling,
- Changes of use (where no operational development is involved or such work is PD),
- Advertisement Consent (including those dealt with by Quality Councils),
- Listed Building Consent for internal and external alterations and demolition
- Conservation Area Consent,
- Notifications relating to Trees in Conservation Areas,
- Works to TPO trees,
- Agricultural notifications for new buildings and agricultural or forestry related works (but not dwellings),
- Certificates of lawful use for existing or proposed development
- Certificates of appropriate alternative development
- Notifications under the Hedgerow Regulations,
- Telecommunication notifications under the General Permitted Development Order
- Hazardous substances notifications

- Environmental Impact Assessment screening and scoping opinions
- Notifications under Circular 14/90 (overhead lines and electrical plant)
- Notifications by other statutory bodies for permitted development works

should not normally be referred to Development Management Committee notwithstanding any contrary views to Planning Officer/Arboricultural Officer recommendation, submitted by consultees, Parish Councils/Town Councils, neighbours, or Ward Members or other interested parties. Such applications to be determined by the Head of Planning and Countryside.

If a Ward Member does have a contrary view then it has been resolved that once the planning report and recommendation has been agreed by an appropriate senior officer, then a copy of the report shall be emailed to the Chairman of the Development Management Committee and the relevant Ward Member(s). The Members concerned can then discuss the issues raised, with the Chairman confirming to the appropriate planning team whether the application should be determined under delegated powers or by reference to the Development Management Committee. For this process to start the Ward Member must put forward a clear planning reason(s) based on material considerations setting out why the application should be determined by Committee. At the present time there is no time scale for a response back to the planning team. In order to avoid undue delay for the customer in receiving a decision (particularly a favourable one) it is requested that the turnaround time is as quick as possible.

Applications classified as ‘Minor’ including the following -

- 1 to 9 dwellings (or the number of dwellings is not specified in the application), for full or outline planning permission (where site area is less than 0.5 Ha.) or for approval of reserved matters for residential development of the same size,
- Approval of reserved matters for up to 9 dwellings as a phase of a larger development
- All types of office development of less than 1000 sq m floor area or less than 0.5 Ha,
- All types of industrial development – general, light, storage and warehousing, research and development of less than 1000 sq m floor area or less than 0.5 Ha
- All types of retail development of less than 1000 sq m or less than 0.5 Ha,
- Gypsy and traveller sites up to 9 pitches
- Small development such as stable blocks outside the curtilage of a dwelling
- Other minor developments

should not be referred to the Chairman/Vice Chairman delegation meeting if all parties (Ward Member, Parish Council and other consultees) are in agreement, or all object (and the recommendation is one of refusal), or make no comments. Such applications to be delegated to Head of Planning and Countryside.

If there is a contrary view from a Ward Member(s) then the following course of events shall take place.

The planning report will be completed and placed on the draft Committee agenda. Once the draft agenda is sent out a copy of the report shall be emailed to the Ward Member to allow them the opportunity to read the report and provide either additional comments in support of their view which can be written into the final agenda or to agree the Head of Planning's recommendation in which case the application can become delegated. To ensure this happens the Ward Member will need to provide the Development Manager or in his absence the Assistant DMs with their comments on the draft report prior to the Chairman's briefing session.

Only the Ward Member can trigger an application being referred to Committee. Again the Ward Member must provide clear planning reasons based on material considerations.

Applications classified as major including the following –

Applications for the following which exceed the size limitations set out under minor applications

- Residential development
- Offices, research and development
- All industrial development
- All retail and commercial development
- Gypsy and traveller sites
- Large scale leisure and recreation proposals
- Other major applications

Where no contrary view to the recommendation of the planning team has been expressed by any consultee and the application is either in accordance with the development plan or is considered contrary to adopted policies and should be refused - as a minimum all applications shall be referred to the Chairman's Delegation meeting. Both the Chairman and the Head of Planning and Countryside reserve the right to send any such application to Committee. Again Ward Members have the same powers of call in to Committee subject to the principles set out above.

Telecommunication notifications

Where all parties are in agreement these to be delegated to the Head of Planning and Countryside. If any contrary view has been submitted these notifications to be submitted to the Chairman's Delegation meeting.

Legal action

No formal consultation with Parish Councils.

Enforcement and related notices to be delegated to the Head of Planning and Countryside in consultation with the Head of Legal Services.

In the case of direct action and court injunctions this to be delegated to Head of Planning and Countryside subject to consultation with Head of Legal Services and Chairman/Vice Chairman.

Issuing of a Stop Notice to be delegated to the Head of Planning & Countryside Services in consultation with the Head of Legal & Democratic Services.

To confirm no further action to be delegated to Head of Planning and Countryside in consultation with Chairman/Vice Chairman

Parish Councils and Ward Members to be notified of any agreed action or where no action is to be taken.

County Matter applications

Where there are no objections raised by Planning Officers such applications to be delegated to the Head of Planning and Countryside. In the case of an objection by Planning Officers this to be subject to consultation with the Chairman/Vice Chairman and Ward Member(s).

Tree Preservation Orders

The making, confirmation/non-confirmation and revocation of Tree Preservation Orders to be delegated to the Head of Planning and Countryside where all parties are in agreement.

Where a contrary view is received this to be delegated to Head of Planning and Countryside in consultation with Chairman/Vice Chairman.

Legal Implications

The parameters of legal action available under the planning delegation scheme are explained in the report. No further legal observations.

Financial Implications

The financial implications are as set out in the report.

Background Papers

- Previous scheme of delegation as operational prior to Systems Thinking review
- Minutes and relevant papers from Planning Delegation Working Party, Development Management and Executive Board meetings

Stephen Belli
Development Manager (Extension 2782)

Development Management

Extract from the Constitution

5.3 CODE OF GOOD PRACTICE FOR COUNCILLORS AND OFFICERS DEALING WITH PLANNING MATTERS

3. FETTERING DISCRETION IN THE PLANNING PROCESS

□ **Don't** fetter your discretion and therefore your ability to participate in planning decision making at this Council by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group), on how you will vote on any planning matter prior to its formal consideration at the meeting of the planning authority and of your hearing the officer's presentation and evidence and arguments on both sides.

Fettering your discretion in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

□ **Do** be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)

□ **Do** also be aware that, whilst the Members' Code of Conduct provides for a presumption that you may regard yourself as not having a prejudicial interest in matters which relate to these organisations but you must exercise your discretion in deciding whether or not to participate in each case:

- (a) another relevant authority of which he/she is a member;
- (b) another public authority in which he/she holds a position of general control or management
- (c) a body to which he/she has been appointed or nominated by the Council as its representative;
- (d) the housing functions of the Council where the member holds a tenancy or lease with a relevant authority, provided that he/she does not have arrears of rent with that relevant authority of more than two months, and provided that those functions do not relate particularly to the member's tenancy or lease;
- (e) the functions of the Council in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where the member is in receipt of, or is entitled to the receipt of such pay from a relevant authority; and
- (f) the functions of the Council in respect of an allowance or payment made under sections 173 to 176 of the Local Government Act 1972 or section 18 of the Local Government and Housing Act 1989. You should still declare a personal interest even if you consider your interest is not prejudicial.

□ **Do** be aware that if:

- you have been significantly involved in the preparation, submission or advocacy of a planning proposal on behalf of:
- another local or public authority of which you are a member; or
- a body to which you have been appointed or nominated by the Council as its representative; or
- you are a trustee or company director of the body submitting the proposal and were appointed by the Council

You should always disclose a prejudicial as well as a personal interest and withdraw.

- **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the parish council, for example, or both a district and county councillor), provided:
 - the proposal does not substantially affect the well being or financial standing of the consultee body;
 - you make it clear to the consultee body that:
 - your views are expressed on the limited information before you only;
 - you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information; and
 - you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee; and
 - you disclose the personal interest regarding your membership or role when the Committee comes to consider the proposal.
- **Don't** speak and vote on a proposal where you have fettered your discretion. You do not also have to withdraw, but you may prefer to do so for the sake of appearances.
- **Do** explain that you do not intend to speak and vote because you have or you could reasonably be perceived as having judged (or reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes.
- **Do** take the opportunity to exercise your separate speaking rights as a Ward/Local Member where you have represented your views or those of local electors and fettered your discretion, but do not have a personal and prejudicial interest. Where you do:
 - advise the proper officer or Chairman that you wish to speak in this capacity before commencement of the item;
 - remove yourself from the member seating area for the duration of that item; and
 - ensure that your actions are recorded.

9. DECISION MAKING

- **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation, that your reasons are recorded and repeated in the report to the Committee.
- **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- **Do** comply with section 54A of the Town and Country Planning Act 1990 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse.
- **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.
- **Do** have recorded the reasons for Committee's decision to defer any proposal

□ Do make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

Predisposition, Predetermination or Bias, and the Code

Both predetermination and bias have proved to be difficult and controversial issues for many members and monitoring officers. Although they are judge-made, common law issues, and not part of the Code of Conduct, the Standards Board for England has agreed to publish this occasional paper to help clarify the issues.

Based on advice from leading treasury counsel Philip Sales QC, which can be found on our website, this paper aims to clarify the issues involved and includes examples of where members are predisposed, and so can take part in a debate and vote, and where they are predetermined and their participation in a decision would risk it being ruled as invalid.

Sir Anthony Holland
Chair, the Standards Board
for England

What is predisposition?

It is not a problem for councillors to be predisposed. Predisposition is where a councillor holds a view in favour of or against an issue, for example an application for planning permission, but they have an open mind to the merits of the argument before they make the final decision at the council meeting.

This includes having formed a preliminary view about how they will vote before they attend the meeting, and/or expressing that view publicly. They may even have been elected specifically because of their views on this particular issue.

What is predetermination or bias?

Predetermination or bias can lead to problems. It is where a councillor is closed to the merits of any arguments relating to a particular issue, such as an application for planning permission, and makes a decision on the issue without taking them into account.

Councillors must not even appear to have already decided how they will vote at the meeting, so that nothing will change their mind. This impression can be created in a number of different ways such as quotes given in the press, and what they have said at meetings or written in correspondence.

Rarely will membership of an organisation, such as a national charity, amount to predetermination or bias on its own unless it has a particular vested interest in the outcome of a specific decision that a councillor is involved in making.

Making the decision

There is an important difference between those councillors who are involved in making a decision and those councillors who are seeking to influence it. This is because councillors who are not involved with making a decision are generally free to speak about how they want that decision to go.

When considering whether there is an appearance of predetermination or bias, councillors who are responsible for making the decision should apply the following test: would a fair-minded and informed observer, having considered the facts, decide there is a real possibility that the councillor had predetermined the issue or was biased?

However, when applying this test, they should remember that it is legitimate for a councillor to be predisposed towards a particular outcome on the basis of their support of a general policy. This is as long as they are prepared to be open-minded and consider the arguments and points made about the specific issue under consideration.

How can predetermination or bias arise?

The following are some of the potential situations in which predetermination or bias could arise.

Connection with someone affected by a decision

This sort of bias particularly concerns administrative decision-making, where the authority must take a decision which involves balancing the interests of people with opposing views. It is based on the belief that the decision-making body cannot make an unbiased decision, or a decision which objectively looks impartial, if a councillor serving on it is closely connected with one of the parties involved.

example

a) A district councillor also belongs to a parish council that has complained about the conduct of an officer of the district council. As a result of the complaint the officer has been disciplined. The officer has appealed to a member panel and the councillor seeks to sit on the panel hearing the appeal. The councillor should not participate.

Contrast this with:

b) The complaint about the officer described above is made by the local office of a national charity of which the councillor is an **ordinary** member and has no involvement with the local office. The councillor should be able to participate in this situation **because the matter is not concerned with the promotion of the interests of the charity.**

Improper involvement of someone with an interest in the outcome

This sort of bias involves someone who has, or appears to have, inappropriate influence in the decision being made by someone else. It is inappropriate because they have a vested interest in the decision.

example

A local authority receives an application to modify the Definitive Map of public rights of way. A panel of members is given delegated authority to make the statutory Order. They have a private meeting with local representatives of a footpath organisation and other interest groups before deciding whether the Order should be made. However, they do not give the same opportunity to people with opposing interests.

Prior involvement

This sort of bias arises because someone is being asked to make a decision about an issue which they have previously been involved with. This may be a problem if the second decision is a formal appeal from the first decision, so that someone is hearing an appeal from their own decision. However, if it is just a case of the person in question being required to reconsider a matter in the light of new evidence or representations, it is unlikely to be unlawful for them to participate.

example

A councillor of a local highway authority who is also a member of a parish council that has been consulted about a road closure could take part in the discussion at both councils. The important thing is that the councillor must be prepared to reconsider the matter at county level in the light of the information and evidence presented there.

Commenting before a decision is made

Once a lobby group or advisory body has commented on a matter or application, it is likely that a councillor involved with that body will still be able to take part in making a decision about it. However, if the councillor has made comments which suggest that they have already made up their mind, they may not take part in the decision. If the councillor is merely seeking to lobby the meeting at which the decision is taking place, they are not prevented by the principles of predetermination or bias from doing so. There is no particular reason why the fact that councillors can do this, in the same way as the public, should lead to successful legal challenges.

example 1

A council appoints a barrister to hold a public inquiry into an application to register a village green. The barrister produces a report where he recommends that the application is rejected. A councillor attends a meeting in one of the affected wards and says publicly: "speaking for myself I am inclined to go along with the barrister's recommendation". He later participates in the council's decision to accept the barrister's recommendation. At the meeting the supporters of the application are given an opportunity to argue that the recommendation should not be accepted.

This is unlikely to give rise to a successful claim of predetermination or bias. The statement made by the councillor only suggests a predisposition to follow the recommendation of the barrister's report, and not that he has closed his mind to all possibilities. The subsequent conduct of the meeting, where supporters of the application could try and persuade councillors to disagree with the recommendation, would confirm this.

example 2

A developer has entered into negotiations to acquire some surplus local authority land for an incinerator. Planning permission for the incinerator has already been granted. Following local elections there is a change in the composition and political control of the council. After pressure from new members who have campaigned against the incinerator and a full debate, the council's executive decides to end the negotiations. This is on the grounds that the land is needed for housing and employment uses.

The council's decision is unlikely to be found to be biased, so long as the eventual decision was taken on proper grounds and after a full consideration of all the relevant issues.

Conclusion

Councillors are entitled to have and express their own views, as long as they are prepared to reconsider their position in the light of all the evidence and arguments. They must not give the impression that their mind is closed.

For more information on the issue of predetermination or bias, councillors should talk to their monitoring officers or their political group.

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Confidence in local democracy

Forward Plan for Overview and Scrutiny Committees

Overview and Scrutiny Co-ordinating Committee

Month	Topic	Lead
17 March 2010	<p>LSP and LAA</p> <ul style="list-style-type: none"> • Examining the relationship between the two • Anti-social behavior measures <p>Review of the Year Draft annual report of the Overview and Scrutiny Committees</p>	<p>Peter Jeffs</p> <p>Debbie Meakin</p>

Communities Overview and Scrutiny

Month	Topic	Lead
10 March 2010	<p>Children and Young People</p> <ul style="list-style-type: none"> • Presentation by Cllr Iain Chubb – Member Champion for Young People • Play Facilities for children and Young People across East Devon • Scene and Heard Youth Panel • Youth website <p>Invite Adam Ward, Member of Mid and East Devon Youth Parliament to join discussion.</p>	Peter Jeffs

Economy Overview and Scrutiny Committee

Month	Topic	Lead
25 February 2010	<ul style="list-style-type: none"> • Development of managed workspace 	Nigel Harrison

Service Delivery and Performance Overview and Scrutiny Committee

Month	Topic	Lead
17 February 2010	<ul style="list-style-type: none"> • Review of the remit of the Committee and progress achieved. • Quarterly Monitoring of Service Plans and Performance Indicators – 3rd Quarter 	Denise Lyon

(Exploration of local issues in Towns and Parishes on hold until outcome of Local Government Review known)

