

Agenda for Cabinet

Wednesday, 4 June 2014; 5.30pm



[Members of the Cabinet](#)

Venue: Council Chamber, Knowle, Sidmouth, EX10 8HL

[View directions](#)

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- 1 [Public speaking](#)
- 2 Minutes of 7 May 2014 (pages 4-12)
- 3 Apologies
- 4 [Declarations of interest](#)
- 5 [Matters of urgency](#)
- 6 Confidential/exempt items – there is 1 item which Officers recommend should be dealt with in this way.
- 7 Forward Plan for Key Decisions for the period 1 June to 30 September 2014 (pages 13-15)
- 8 Matters referred to Cabinet by the Overview and Scrutiny Committee for re-consideration in accordance with the Overview/Scrutiny procedure or budget and Policy Framework Procedure Rules under Part 4 of the Constitution – no items have been identified
- 9 Minutes of the Overview and Scrutiny Committee meeting of 15 May 2014 (pages 16-21)
- 10 Minutes of the Independent Remuneration Panel meeting of 13 May 2014 – the recommendations to be considered and referred to Council for decision. (pages 22-25)
- 11 Minutes of the Recycling and Refuse Partnership Board meeting of 23 April 2014 (pages 26-32)
- 12 The Leader to invite Wendy Barratt, County Waste Manager to give a presentation on Exeter Energy from Waste (EFW) – this plant has started taking East Devon's waste.
- 13 To note the Leader's annual report of the executive decisions which were agreed as urgent (cases of special urgency) where less than 5 days' notice could be given. (pages 33-34)

Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations.

Mark Williams, Chief Executive
Denise Lyon, Deputy Chief Executive and Monitoring Officer
Richard Cohen, Deputy Chief Executive

Part A Matters for Decision – Key Decisions

- 14 **Revenue and Capital Outturn report 2013/14** (pages 35-40)
Report of the Head of Finance
- 15 **Annual Treasury Management report 2013/14** (pages 41-45)
Report of the Head of Finance
- 16 **Honiton Community Centre** (pages 46-52)
Report of the Deputy Chief Executive (Development, Regeneration and Partnerships) on Beehive and its support for Honiton residents

Part A Matters for Decision

- 17 **Relocation – update** (pages 53-57)
Report of the Deputy Chief Executive (Development, Regeneration and Partnerships) giving an update on the office relocation project and revised timeline.
- 18 **Achieving the vision for Cranbrook** (pages 58-69)
To consider the New Community Projects Officer's update on progress
- 19 **Affordable Housing – restricted staircasing in DPAs** (pages 70-74)
Report of the Housing Development and Enabling Officer on restricting staircasing for non-grant funded shared ownership units in Designated Protected Areas (DPAs)
- 20 **Community Land Trust – start up loans** (pages 75-76)
Report of the Housing Development and Enabling Officer on start up loans for affordable housing
- 21 **Yarcombe, Newton Poppleford and Monkton Neighbourhood Areas** (pages 77-82)
The Senior Planning Officer's report on proposed Neighbourhood Area designations.
- 22 **Complaints Monitoring** (pages 83-85)
Report of the Corporate Organisational Development Manager
- 23 **Freedom of Information monitoring** (pages 86-88)
Report of the Corporate Organisational Development Manager
- 24 **Performance monitoring report until April 2014** (pages 89-91)
The month tracking appendix (A) for April is attached – other appendices summarising performance are provided as links under Background Papers in the report.
- 25 **Thelma Hulbert Gallery – Trust status** (pages 92-93)
Report of the Deputy Chief Executive and Monitoring Officer on the possible opportunity to transfer the Gallery to LED Leisure Trust

Private meeting: Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012: Notice is given of intention to hold this part of the meeting in private as required by the Regulations. The statements of reasons for meeting to be held in private, details of any representations received why the meeting should be open to the public in response to the '28 clear days notice' already posted on the Council's website, and the Council's response to the representations, are set out against each agenda item below. Where it has been impracticable to comply with the private meeting notice procedures, the required agreement has been obtained from the relevant chairman or vice chairman that the meeting is urgent and cannot reasonably be deferred. Notice of this agreement, if relevant to this meeting, may be viewed on the council's website. [View statutory exclusion information here.](#)

26 The Vice Chairman to move the following:

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

Part B Matters for Decision – Key Decisions

27 Budget constraints and impact on organisational design & structure (pages 94-102)

Reason for consideration in Part B:

- 1) Para 3 Schedule 12A Information relating to the finance or business affairs of any particular person
- 2) The report includes details of proposed changes to senior management posts which allows identification of individual officers.

Report of the Chief Executive including Appendices:

- Appendix 1 – current management structure
- Appendix 2 – proposed management structure
- Appendix 3 – confidential minutes of the meeting of the Budget Working Party held on 19 May 2014.

[Decision making and equalities](#)

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

Apologies**Cabinet member**

Phil Twiss

Non-Cabinet membersPeter Burrows
Derek Button
Geoff Chamberlain
Jim Knight

The meeting started at 5.30 pm and ended at 7.15 pm.

In compliance with The Local Authorities (Executive Arrangements) Meetings and Access to Information) (England) Regulations 2012, during consideration of items on the agenda, alternative options were considered by Members when making decisions.

***230 Public speaking time**

There were no public questions/statements.

***231 Minutes**

The minutes of the meeting of the Cabinet held on 2 April 2014 were confirmed and signed as a true record.

***232 Declarations of interest**

Councillor/ Officer	Minute number	Type of interest	Nature of interest
Cllr Paul Diviani	241	Personal	EDDC appointee on Blackdown Hills AONB Joint Advisory Committee and the Devon County Council appointee on the East Devon AONB Partnership

***233 Exclusion of the public**

RESOLVED: that the classification given to the documents to be submitted to the Cabinet be confirmed; there were three items which officers recommended should be dealt with in Part B.

***234 Forward plan**

Members noted the contents of the forward plan for decisions for the period 1 May to 31 August 2014.

***235 Matters referred to the Cabinet**

There were no matters referred to the Cabinet by the Overview and Scrutiny Committee or the Council.

***236 Overview and Scrutiny Committee – 27 March 2014**

Members received and noted the minutes of the meeting of the Overview and Scrutiny Committee held on 27 March 2014.

In response to a request to give parish and town councils time to plan for any transfer of responsibility for the maintenance of play areas from the district council to local councils, the Cabinet was assured that any such transfers would be carried out appropriately through negotiation at local level. The issues were understood and the need for flexibility and awareness of local circumstances were acknowledged.

*236 **Overview and Scrutiny Committee – 27 March 2014 (continued)**

RESOLVED 1 that the following recommendations be approved

Minute 75

that concern be expressed regarding the Chancellor's Autumn statement and the suggestion that the New Homes Bonus be withheld from local authorities who had opposed a planning application for a development that was granted on appeal because local authority development decisions should be based solely on planning grounds and not on financial considerations.

Minute 77

(in respect of the recommendations from the interim report of the Budget Scrutiny Task and Finish Forum)

- (1) that the Street Scene service proactively approaches parishes where appropriate to offer their grounds maintenance service for parks/gardens/amenity areas;
- (2) that the Asset Management Forum review the current leases with markets and assess the viability of continuing to run them;
- (3) that the Asset Management Forum review all assets under the budget heading of Public Halls, Pavilions and Cinemas and, in particular, pursue the possibility of transferring some assets to the relevant town council;
- (4) that the Council prioritise and encourage opportunities to provide further industrial sites for small and new starter businesses to develop;
- (5) that the method of provision of theatrical and related activities at the Exmouth Pavilion and the Manor Pavilion be further reviewed;
- (6) that serious consideration and negotiation take place in an endeavour to transfer the responsibility for the maintenance of play areas to the relevant town and parish councils. In addition where new play areas and equipment is provided via S106 agreements, agreement should be reached with the relevant parish or town council so that they then provide the funding for maintenance;
- (7) that the legal agreement to maintain the private drive of Peak House be reviewed again to consider contesting it, in light of the significant budget spend of public money on private property.

***236 Overview and Scrutiny Committee – 27 March 2014 (continued)**

RESOLVED 2 that the following recommendations be taken into account

Minute 76 (in respect of the Local Enterprise Partnership (LEP)'s Strategic Economic Plan to 2030 which is currently being prepared)

- (1) Endorse the issues already identified by Cabinet for promotion to the LEP in its strategic economic planning to 2030;
- (2) Strengthen in particular the importance of item 7 skills and access to jobs for young people, item 9 recognition of tourism and economic development, and item 10 intentions towards farming, agriculture and land management;
- (3) Emphasize the growth hubs and business support delivery spokes for the whole of the District.

***237 Proposal for underwriting of Seaton Jurassic Project – key decision**

Members considered the report of the Principal Regeneration Project Manager seeking approval for £165,000 to underwrite the Seaton Jurassic Project. This would meet the identified shortfall in budget for the total project costs for delivering Seaton Jurassic and demonstrate to the Heritage Lottery Fund that the project had all funding in place. Members were advised that the shortfall was anticipated to be temporary as the Devon Wildlife Trust was seeking to secure funding from other Charitable Trusts. However Members were made aware of the risks associated with underwriting the project. The report set out progress made, costs and funding in place.

The Portfolio Holder – Economy praised the efforts of the teams involved in the project and referred to the competence and dedication of the Devon Wildlife Trust. The Member Champion for Seaton added her appreciation of the work being carried out and the efforts being made to realise the vision for the area.

RESOLVED that the underwriting of the capital cost of the Seaton Jurassic project for the sum of £165,000 be approved.

REASON There is a shortfall of £165,000 in the budget for the total project costs for delivering Seaton Jurassic. It is anticipated that, on the basis of their successful track record, Devon Wildlife Trust (DWT) will secure this funding through applications to other Charitable Trusts. However, in order to maximize the Council's chances of success in securing the £621,000 bid to Heritage Lottery Fund, it is beneficial for the Project to be able to advise the Heritage Lottery Fund (HLF) when they visit Seaton and meet with the Project Team on 12 May that the entire remaining budget is in place. All funding will have to be in place for the HLF to release the funds to the Project at the time of start on site in July.

238 **Constitution – annual update**

The Council's Constitution is updated regularly to reflect legislative changes and to assist organisational effectiveness. Members considered the proposed amendments to the Constitution set out in the report of the Deputy Monitoring Officer. Cabinet's recommendations would be referred to the annual meeting of the Council on 14 May 2014.

The Deputy Monitoring Officer identified the key proposed amendments as:

- The Term of Leader – Changes in legislation meant that there was no longer a requirement for the Leader to be offered a term of four years following the District Council elections.
- Changes to the Officer scheme of delegations – set out in the appendix to the report. The aim was to facilitate day to day decision making with a clear audit trail within the context of the Council's policy framework and Portfolio Holder scheme of delegations.
- Motions on notice to Council - Chief Executive to be able to seek clarification of their purpose and recommend amendment to the wording to ensure that they comply with the law. The proposed amendment also gave the opportunity for motions to be referred to an appropriate committee for initial consideration in instances where the subject/issue was not immediately relevant to the current business of the Council.
- Approval of statement of accounts to be delegated to the Audit and Governance Committee.

- RECOMMENDED**
- (1) that the proposed amendments to the Constitution set out in the report, including the updated scheme of delegations, be recommended for approval by Council;
 - (2) that the Monitoring Officer be given delegated authority to amend the Constitution accordingly, and also to keep the Constitution updated to comply with statutory requirements.

REASON The Constitution states it should be regularly reviewed and updated. It is obviously a significant part of the Council's governance framework.

*239 **Axminster car parks promotional offer**

Members considered the report of the Environmental Health and Parking Services Manager in respect of a request from the Axminster Chamber of Commerce to introduce a special promotional car parking tariff for 2014. The proposal was to cap the maximum daily charge in all Council car parks in Axminster at £2 (the offer starting from 10am), with the intention of helping to support the economy of the town.

The proposal was similar to the special Christmas car parking arrangements in the town which had received positive feedback.

The report addressed potential loss of income to the Council and whether the promotional offer would prompt other towns to seek similar arrangements.

***239 Axminster car parks promotional offer (continued)**

Debate on the proposal included the following points:

- The trial was welcomed and feedback would be used when considering similar proposals for other towns.
- Axminster was close to the Somerset border – Chard parking charges were lower than in East Devon.
- Similar arrangements in other towns could block car park spaces and reduce turnover.
- The Council would remain open to requests for further reviews and the possibility of special offers in other locations – each approach would be considered on its own merits.
- Giving the fourth hour free in the London car park (Exmouth) had resulted in a significant proportion of spaces being taken up by part time workers rather than visitors to the town.
- Being able to use a day ticket in various locations within a town was welcomed.
- The proposal would be a departure from the Council's previous intention to standardise car parking charges across the district.
- Currently there was unified pricing of £1per hour, the special offer tariffs and trials were to achieve best balance between meeting the requirements of the towns and protecting the Council's revenue stream.

RESOLVED that for a trial period commencing 8 May 2014 until 31 October 2014 and subject to an option for EDDC to withdraw the offer without prior notice, to introduce a special promotional offer car parking tariff of £2 maximum charge for parking after 10am for the rest of that day in any of EDDC's pay and display car parks in Axminster.

REASON To implement a car parks pricing initiative at the request of Axminster Chamber of Commerce designed to better serve the needs of the town.

***240 Flood Resilience scheme**

The Head of Housing presented this report which explained the Government schemes to be administered locally to assist flooded households and businesses in protecting their property from future flood risk. The report set out the proposed local scheme based on Government guidelines and local circumstances. Details of the scheme would be uploaded onto the Council's website.

The Council's Flood Alleviation Member Champion welcomed the scheme but recognised some of the concerns raised by the Association of British Insurers. He hoped that the scheme would help to alleviate the stress and disruption to people who had already experienced recent flooding of their property.

RESOLVED that the draft Flood Resilience Scheme be approved with delegated authority being given to the Chief Executive to administer the scheme.

*240 **Flood Resilience scheme (continued)**

REASON The scheme will help owners affected by recent flooding to protect their residential/ business properties from future flood events.

241 **Adoption of the revised Blackdown Hills AONB Management Plan 2014-2019**

The Blackdown Hills Area of Outstanding Natural Beauty (AONB) Manager, Linda Bennett, presented the review of the Management Plan as was required under Part IV, Section 89 of the Countryside and Rights of Way Act 2000.

The review followed a similar formula and process as in the past although this time there had been more focus on the special qualities/characteristics within the AONB which the Plan would help to conserve and enhance. There had been public consultation on the reviewed document and feedback had been taken into account. The statutory consultee, Natural England, had approved the revised Plan which was now presented for adoption by EDDC. Members were advised that the Plan had already been adopted by Devon County Council and South Somerset District Council.

The AONB Manager extended thanks to EDDC for its funding contribution and for Member and Officer support. In turn EDDC's Countryside and Leisure Manager thanked Linda for the huge difference made by the work and efforts of her team.

The Sustainable Homes and Communities Portfolio Holder raised the issue of sustainable farming (including solar panel farms) and the importance of allowing villages to grow and evolve so that they remained viable.

The Deputy Environment Portfolio Holder welcomed the catchment sensitivity policy which would help protect rivers and beaches from agricultural pollution.

In reply to concerns about the apparent increased incidents of fly tipping since the reduction in the opening hours of DCC recycling centres, the Portfolio Holder – Finance said that this had been raised as a concern by the recycling and refuse service. The Portfolio Holder – Environment said that he would initiate research and if relevant would present the findings and evidence to the County Council for recompense.

RECOMMENDED that the Blackdown Hills AONB Management Plan 2014-2019 be formally adopted.

REASON Under Part IV, Section 89 of the Countryside and Rights of Way (CRoW) Act 2000 Devon and Somerset County Councils, East Devon, Mid Devon and South Somerset District Councils and Taunton Deane Borough Council were required to produce a Management Plan for the Blackdown Hills AONB by 1 April 2004 and review it at intervals of not more than five years.

The local authorities covering the Blackdown Hills AONB area authorised the Blackdown Hills AONB Partnership to review the Blackdown Hills AONB Management Plan (2009-2014) on their behalf.

***242 Performance management report March 2014**

The Cabinet considered the report of the Corporate Organisational Development Manager setting out performance information for the 2013/14 financial year for March 2014.

The following indicators showed excellent performance.

- percentage of planning appeal decisions where the planning inspector has agreed with the Council's decision
- days taken to process Housing Benefit/Council Tax Benefit new claims and change events
- percentage of invoices paid within 30 days
- a reduction in working days lost due to sickness absence

No Performance Indicators showed concern.

The Portfolio Holder – Corporate Business suggested that the 'snapshot' information should include examples of joint working through the Villages Together initiative.

RESOLVED that the progress and proposed improvement action for performance measures for the 2013/14 financial year for March 2014 be noted.

REASON The performance monitoring report highlights progress using a monthly snapshot report; SPAR reports on monthly indicators and systems thinking measures in key service areas including Streetscene, Housing, Development Management and Revenues and Benefits.

***243 Exclusion of the public**

RESOLVED that under Section 100(A) (4) of the Local Government Act 1972 and in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public (including the press) be excluded from the meeting as exempt and private information (as set out against each Part B agenda item), is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B).

***244 Redevelopment of Exmouth Rugby Club for Supermarket use – key decision**

Members considered the report regarding the relocation of Exmouth Rugby Club to an alternative site. The Principal Regeneration Project Manager advised that negotiations were continuing with interested parties and updated Cabinet on the current position. The Cabinet appreciated the commercial sensitivity of the negotiations. The aim was to redevelop the current Rugby Club site for supermarket use as a means of implementing the Exmouth Masterplan. The report set out options for relocation following discussion with the Rugby Club and how this could be achieved. The report also included interest from supermarket operators in respect of the Rugby Club's current site and next steps needed to facilitate the relocation.

***244 Redevelopment of Exmouth Rugby Club for Supermarket use – key decision (continued)**

The Cabinet was asked for approval to continue with the negotiations regarding the relocation of the Exmouth Rugby Club.

The Leader encouraged Cabinet and Exmouth members to comment on the current position and to raise any concerns.

- RESOLVED**
- (1) that the Deputy Chief Executive – Development, Regeneration and Partnerships be given delegated authority to enter into further negotiations and appropriate legal agreements with interested parties subject to further valuation and legal advice as required;
 - (2) that it be noted that the relocation of the Rugby Club and subsequent redevelopment of the Club’s current site would be conditional upon securing detailed planning permission;
 - (3) that, if appropriate to the negotiations, the Council pays a non-refundable sum (specified in the confidential report), payable in instalments to be agreed, for the duration of the proposed Option Agreement.

REASON Council Officers have been working with Exmouth Rugby Club and professional advisors to identify an alternative location for the Rugby Club facilities.

***245 Exmouth Regeneration Programme Board**

Members of the Cabinet noted the action points from a meeting of the Exmouth Regeneration Programme Board which had been held on 27 March 2014.

Members noted the good progress being made with various regeneration projects within Exmouth. Issues raised by those present would be taken to future meetings of the Board or to the Overview and Scrutiny Committee where an item on use of Section 106 funding was already included in its forward plan.

***246 Seaton Regeneration Programme Board**

Members of the Cabinet noted the action points from a meeting of the Seaton Regeneration Programme Board which had been held on 27 February 2014.

Again good progress was noted, particularly in respect of the Jurassic Centre.

Chairman Date

EAST DEVON DISTRICT COUNCIL

Forward Plan of Key Decisions - For the 4 month period 1 June 2014 to 30 Sept 2014

[In addition Key Decisions and other decisions which are proposed to be taken in a private meeting are identified to comply with the Local Authorities (Executive Arrangements)(Meetings and Access to information)(England) Regulations 2012).

A public notice period of 28 clear days is required when a decision making body is to hold a meeting wholly or partly in private This document includes notice of those matters the Council intends, at this stage, should be considered in the private part of the meeting and the reason why. Any written representations that a particular decision should be moved to the public part of the meeting should be sent to the Democratic Services Team [address at the end] as soon as possible.

Key Decision		List of documents to be submitted to Cabinet [so far as known at present]. Other documents may be submitted to the Cabinet in addition.	Lead Member	Lead/reporting Officer	Proposed Consultation and meeting dates (Committees, principal groups and organisations) Members of the public are given the opportunity to speak at meetings unless shown in italics.	Operative Date for decision (if no call-in)	Part A = Public meeting Part B [private meeting] (and reasons)
1	Honiton Community Centre		Economy Portfolio Holder	Deputy Chief Executive (RC)	Cabinet 4 June 2014 Council 23 July 2014	24 July 2014	Part A
2	Future financial savings for 2015/16		Portfolio Holder - Finance	Chief Executive	Cabinet 4 June 2014 Council 23 July 2014	24 July 2014	Part B
3	Information Management Strategy		Corporate Services Portfolio Holder	Corporate ICT Manager	Information Management Group Cabinet 9 July 2014 Council 23 July 2014	24 July 2014	Part A

4	Shared IT Services		Corporate Services Portfolio Holder	Corporate ICT Manager	Information Management Group Cabinet 9 July 2014 Council 23 July 2014	24 July 2014	Part B – commercially sensitive information.
5	Office Accommodation		Council Leader	Deputy Chief Executive (RC)	Cabinet 9 July 2014 Council 23 July 2014	24 July 2014	Part B – commercially sensitive information
	Other decisions to be taken in Part B	Exmouth Regeneration Action Notes following regular meetings	Portfolio Holder Strategic Development and Partnership	Deputy Chief Executive (RC)	Cabinet meetings following production of Action Notes		Part B [if commercially sensitive]
		Seaton Regeneration Action Notes following regular meetings	Portfolio Holder Economy	Deputy Chief Executive (RC)	Cabinet meetings following production of Action Notes		Part B [if commercially sensitive]

Table showing potential future key decisions which are yet to be included in the current Forward Plan

Future Key Decision		Lead Member	Lead Officer	Consultation and meeting dates (Committees, principal groups and organisations) To be confirmed	Operative Date for decision To be confirmed
1	Integrated waste Strategy for Devon	Environment Portfolio Holder	Head of Environment	Report produced by Eunomia in December 2013 after which the Member Board decided more work was required to move forward. A cluster arrangement between East Devon, Exeter and Teignbridge now seems the most likely option and a report on this was presented to an Integrated Devon Member Board in March. Our Cabinet had given delegated authority to commit East Devon in principle to an integrated approach prior to this. At the March meeting there was a paper which considers how funds could be made available to allow improvements to service delivery. It is now intended that there be more Officer meetings to draw up further details and costings to provide detailed information to an Integrated Devon Member Board later in the year for a way forward.	

Future Key Decision		Lead Member	Lead Officer	Consultation and meeting dates (Committees, principal groups and organisations) To be confirmed	Operative Date for decision To be confirmed
2	Specific CIL Governance Issues	Strategic Development and Partnership Portfolio Holder	Deputy Chief Executive (RC)		

This plan contains all the key decisions that the Council's Cabinet expects to make during the 4-month period referred to above. The plan is rolled forward every month. Key decisions are defined by law as "an executive decision which is likely :-

- (a) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the Council's area

In accordance with section 38 of the Local Government Act 2000, up-dated by the Local Authorities (Executive Arrangements)(Meetings and access to Information)(England) Regulations 2012 in determining the meaning of "significant" in (a) and (b) above regard shall be had to any guidance for the time being issued by the Secretary of State in accordance with Section 9Q of the 2000 Act (guidance).. The Cabinet may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of the Constitution and the Regulations. A minute of each key decision is published within 2 days of it having been made.

This is available for public inspection on the Council's website <http://www.eastdevon.gov.uk>, and at the Council Offices, Knowle, Sidmouth, Devon. The law and the Council's constitution provide for urgent key decisions to be made without 28 clear days notice of the proposed decisions having been published. A decision notice will be published for these in exactly the same way.

Obtaining documents

Committee reports made available on the Council's website including those in respect of Key Decisions include links to the relevant background documents. If a printed copy of all or part of any report or document included with the report or background document is required please contact Democratic Services.

The members of the Cabinet are as follows: Cllr Paul Diviani (Leader of the Council and Chairman of the Cabinet), Cllr Andrew Moulding (Strategic Development and Partnerships Portfolio Holder), Cllr Ray Bloxham (Corporate Business Portfolio Holder) Cllr Phil Twiss(Corporate Services Portfolio Holder) Cllr Ian Thomas (Economy Portfolio Holder), Cllr Iain Chubb (Environment Portfolio Holder) Cllr David Cox (Finance Portfolio Holder), Cllr Jill Elson (Sustainable Homes and Communities Portfolio Holder), and Deputy Portfolio Holders – Cllr Stephanie Jones (Deputy – Sustainable Homes and Communities) and Cllr Tom Wright (Deputy – Environment) Members of the public who wish to make any representations or comments concerning any of the key decisions referred to in this Forward Plan may do so by writing to the identified Lead Member of the Cabinet (Leader of the Council) c/o the Democratic Services Team, Council Offices, Knowle, Sidmouth, Devon, EX10 8HL. Telephone 01395 517546.

15 May 2014

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the
Overview and Scrutiny Committee held
at Knowle, Sidmouth on 15 May 2014

Present:

Tim Wood (Chairman)
Graham Troman (Vice Chairman)

Peter Bowden
David Chapman
Deborah Custance Baker
Roger Giles
Tony Howard
John Humphreys
David Key

Sheila Kerridge
Frances Newth
Brenda Taylor
Eileen Wragg
Steve Wragg
Claire Wright

Officers:

Henry Gordon Lennox, Principal Solicitor
Debbie Meakin, Democratic Services Officer
Giles Salter, Solicitor

Also Present

Councillors:

Ray Bloxham
Susie Bond
Roger Boote
Iain Chubb
David Cox
Christine Drew

Jill Elson
Helen Parr
Pauline Stott
Peter Sullivan
Tom Wright

Apologies:

Committee Members

Derek Button
Maddy Chapman
Vivien Duval Steer
Peter Halse
Chris Wale

Non-Committee Members

Graham Godbeer
Stephanie Jones
Andrew Moulding
Mark Williamson

The meeting started at 6.30pm and ended at 8.42pm.

*1

Public Speaking

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

*2

Minutes

The minutes of the Overview and Scrutiny Committee meeting held on 27 March 2014 were confirmed and signed as a true record.

3 **Section 106 Open Space Spend**

The Chairman welcomed Sulina Tallack, Section 106 Officer, to the meeting. The report before the Committee outlined the spend process of open space contributions secured by section 106 agreements. She reminded the Committee of the role of section 106 agreements to mitigate the impact of a development on an area. From 2003, these agreement included reference to items such as play areas; following a policy change, implemented in May 2013, new agreements included reference to open space, allowing the opportunity to combine receipts in an area to spend on a parish or town.

Members debated issues related to the legal agreements, including:

- The need for all weather sports pitches in many areas in the District. Should future policies cover a specific need for more of these types of pitches as opposed to traditional grass pitches? In response, the officer outlined the high cost of such pitches but commented that some requests had already come forward for 3G pitches;
- Specific cases were raised by one member relating to negotiations for a reduction in s106 funding. It was stated that the matters were not brought to the attention of the local ward member until a very late stage. In response, the Committee was advised that caution should be exercised before involving a ward member in legal negotiations. However, when s106 funding had been secured, the overall process of member involvement and local community consultation was praised by many members for its effectiveness and helpfulness;
- The impact on maintenance budgets from the increasing number of play areas. It was stated that new agreements under the new policy sought to include maintenance;
- The lack of clarity of the role and responsibility of either Devon County Council (DCC) or the Council when requesting sports pitches for expanding educational facilities. In response, the s106 officer outlined that the open space strategy identifies educational need for such provision, which DCC can use. Currently sports pitch provision is requested by DCC for new schools.

RECOMMENDED: that, recognising the restrictions on funding available to district councils, and the difficulty in finding and providing open space provision, efforts are made to maximise opportunities for acquiring appropriate funding from developers, and as part of this process Ward Members should be kept informed at an early stage regarding s106 agreements, once legal negotiations are completed.

Members praised the s106 officer for her dedicated work in the delivery of many projects, and the Chairman thanked her for helpful contributions to the meeting.

4 **Development Management Committee public speaking arrangements and future agenda and meeting management**

Council agreed on the 9 April 2014 that the Committee should consider and debate the arrangements for members of the public wishing to speak, agenda, and meeting management of the Development Management Committee (DMC).

A covering report set out the work carried out to date on reviewing the current arrangements of the DMC and suggested recommendations. The recommendations discussed at Council on 9 April 2014 (as set out in Minute 69 of the Development

Management Committee minutes of 1 April 2014) had minor amendments as presented to the Committee. These were:

- Recommendation 1 b) “Thresholds for the number of speakers on applications are” was amended to “We will welcome speakers but, due to time constraints, the number of speakers is to be limited to”;
- Recommendation 1 b) “Registered speakers will be advised that their contact details will be posted on the Council’s website to allow others, who may have wished to speak, to contact them” was amended to “Registered speakers will be advised that their contact details, unless they tell Democratic Services otherwise, will be posted on the Council’s website to allow others, who may have wished to speak, to contact them”.

Debate by the Committee included:

- Differing opinion as to the impact reducing of reducing the number of members of the public invited to speak would have on the overall length of planning meetings. Many Members voiced concern about members of the Development Management Committee being repetitive during debate. It was, however, pointed out that while measures leading to shorter planning meeting discussion should be considered it was necessary to ensure that there was sufficient debate to ensure that it was appropriately balanced and full when considering an application;
- The role of the Chairman of Development Management Committee (DMC) was one of the most demanding roles within the Council;
- Providing speaking opportunities for members of the public who had been absent for other reasons but still wished to speak. This was debated for both recommendation 1a) speaking to planning applications, and 1e) speaking to non-planning applications. It was pointed out that the DMC Chairman has, as has always been the case, discretion on permitting an individual to speak if exceptional circumstances had arisen;
- In response to a question, Members were reminded that the only legal right for members of the public was to be able to comment on an application during the consultation period. Anything offered beyond that, including speaking at a DMC meeting, was a concession;
- Suggested rewording of “requested to register” instead of “required to register” in recommendation 1a) was discussed, but advice given to the Committee highlighted the possibility of disenfranchising some members of the public who may have assumed, if they had not complied with the request, that they would still be able to speak;
- Concern that the system was set up in favour of the developer;
- Comment that the requirement to have already commented on an application during the consultation period, before being permitted to register to speak, as set out in recommendation 1a) was unacceptable. The reason given for this was the possibility of a resident being unable to comment during the consultation period due to holiday or sickness;
- Suggestion that recommendation 1a) be amended from “3 working days before the meeting” to “3 or more working days before the meeting” to make clear that registration could begin earlier;
- Suggestion that recommendation 1b) include “up to” prior to the number of objectors and supporters;
- Recognition that registration helped facilitate better meeting management in ordering the agenda items to cover applications where member of the public had indicating their wish to speak first, leaving those with no speakers until last. This would be a departure from the traditional alphabetical (or reverse alphabetical) order used;

- In response to comment that officer advice took too long at DMC, it was pointed out to the Committee that officer guidance was important to ensure that the DMC members had all necessary information before reaching a decision. The Chairman of DMC outlined to the Committee the importance of the decision being reached fairly and with all information available, not only for the benefit of the public, the local community relating to the application, and the applicant, but also to prevent a decision being open to judicial review. She reminded the Committee that the public expected an **informed** debate before a decision was reached;
- Additional training for the DMC was suggested to help improve meeting management of repetition by members but no specific recommendation was proposed.

A proposal was put to delete any reference to a requirement to have previously submitted written comment on an application for registration, and to amend the word “required” to “requested” in recommendation 1a). This amendment was put to the vote and lost.

A proposal was put for recommendation 1f) to delete the wording “if there is time and subject to the Chairman’s discretion”. This amendment was put to the vote and lost.

An additional recommendation was proposed of “Where appropriate, planning officers should introduce the application by stating that they have nothing to add to the report”. The additional recommendation was put to the vote and carried.

An additional recommendation was proposed of “When it is clear that all Members of the Committee (DMC) are in agreement on an application, the Chairman moves to a vote”. The additional recommendation was put to the vote and lost.

The recommendations are set out with amendments agreed at the Committee to those on the printed agenda highlighted in bold for ease of reference.

RECOMMENDATION

- 1 that Council considers the following changes to the arrangements for speaking by the public for Development Management Committee and Planning Inspections Committee to be introduced following **next Council**, trialed for one year:
 - a) Introduction of pre-registration of all public wishing to speak at Development Management Committee on planning applications so that the public (meaning those who have submitted written comment on an application prior to agenda publication) are required to register, with Democratic Services, their wish to speak on an item 3 **or more** working days before the meeting.

- b) We will welcome speakers but, due to time constraints the number of speakers is to be limited to:
- Parish/Town Council representative, **up to 2** objectors, **up to 2** supporters, applicant or agent, Ward Member(s) on minor applications
 - Parish/Town Council representative **up to 5** objectors, **up to 5** supporters, applicant or agent, Ward Member(s) on major applications

Speakers will be registered on a first come, first served basis. Registered speakers will be advised that their contact details, unless they tell Democratic Services otherwise, will be posted on the Council's website to allow others, who may have wished to speak, to contact them. Speaking by the public to remain limited to 3 minutes per contribution and 5 minutes for Ward Member(s).

- c) Planning applications to be numerically ordered on the published agenda, with a revised order to be published by 12 noon the day before the meeting prioritising applications on which people have registered to speak (all items where there are registered speakers to be taken before items where there are no registered public wishing to speak. Where there are registered speakers for major applications these be taken first.)
- d) Non-committee members be allowed to speak on Part A non-planning applications, limited to 3 minutes per contribution.
- e) A maximum of two speakers from the public (to register 3 **or more** working days in advance of the meeting) to be permitted on non-planning application items on which DMC is making a decision (this does not include items where a recommendation will be made to Council, items for information or items responding to government guidance). To be made clear on the agenda the items on which the public can register to speak.
- f) In respect of planning applications, to hear from adjacent Ward Members or other non-committee members if there is time and subject to Chairman's discretion.

Development Management Committee (special meetings for non-planning application items)

- g) Speaking arrangements appropriate to the meeting continue to be put in place for special meetings at the discretion of the Chairman in consultation with Democratic Services, Legal Services and the Development Manager.

RECOMMENDATION:

- 2** that the following changes be made to future Development Management Committee agendas and meeting management:
- a) No meeting on one day should exceed 2 sessions each of up to 3 hours in length. Where more time is likely to be needed, the business to be split into two meetings.
 - b) Meetings to be timetabled to include breaks and to list items as 'not before' a set time/ scheduled break to avoid unnecessary waiting for members of the public.
 - c) A new timing clock be sourced which allows changeable time limits and a bell/buzzer to sound at the end of the allotted time to alert the speaker that their time is up.
 - d) Guidance on speaking arrangements for members of the public, including an overview of planning considerations which can and cannot be taken into account by the Committee to be shown on the projector screen 20 minutes before the meeting starts.
 - e) The guidance on speaking by the public be included on agendas with a list of the key planning considerations that can be taken into account by the Committee together with those that cannot.
 - f) Where appropriate, planning officers should introduce the application by stating that they have nothing to add to the report.**
 - g) The guide to the Development Management and Planning Inspections Committees and the relevant web-site pages to be updated to reflect the recommendations, if agreed, above.

***5 Overview and Scrutiny Forward Plan**

An update was given outlining future meetings. There was also an update on the Cranbrook surgery issue, raised at the January meeting of the committee during the GP Commissioning update. Details of the press release by NHS England on the surgery would be circulated to the committee, as requested.

A request was also made to invite back the New Devon CCG following news on community hospitals under the New Devon CCG consultation on community services.

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Independent Remuneration Panel held at Knowle, Sidmouth on Tuesday 13 May 2014

Present: Bob Wiltshire
Derek Hunt
Nancy Mitchard
Bill Nicholls

Also in attendance: Councillor Andrew Moulding
Councillor Ray Bloxham
Councillor Ken Potter

Diana Vernon – Democratic Services Manager
Terry Wilson – Senior Payroll & Benefits Officer
Chris Lane - Democratic Services Officer

Apologies: Monica Vickery

The meeting started at 2.00pm and finished at 4.15pm.

*1 **Election of Chairman**

Bob Wiltshire was elected Chairman of the Panel for the meeting.

*2 **Welcome and Introductions**

The Chairman welcomed all members present and particularly the new members, Nancy Mitchard and Bill Nicholls.

*3 **Minutes**

The minutes of the meeting of the Independent Remuneration Panel held on 8 May 2013 were confirmed and signed as a true record.

4 **Recommendations of the Panel in 2013/14**

Members of the Panel noted that the recommendations of the Panel agreed at the meeting on 8 May 2013 had been accepted by Council.

5 **The Council Committee Structure 2014/15**

The Deputy Leader of the Council, Councillor Andrew Moulding had been invited to the meeting of the Panel to provide an update on any possible changes to the Council's Committee structure for the new Council Year.

Councillor Moulding reported that the Leader's recommendation to the Annual Council on 14 May 2014 would be that no change be made to the Council Committee Structure in 2014/15; the status quo would be maintained.

5 **The Council Committee Structure 2014/15 (Cont)**

Members discussed the increased use of new technologies by Councillors and were concerned to ensure that those people who had disabilities which prevented them from using devices such as tablets should not be discriminated against becoming Councillors. Councilor Andrew Moulding assured the Panel that the equalities agenda applied and the Council would make sure that it did not discriminate against anyone unable to use electronic devices.

During the discussions the following points were noted:

- Councillors were encouraged to attend courses and conferences where it was felt that their attendance would benefit the Council and their own development. Where this involved an overnight stay they were encouraged to achieve value for money;
- There were a number of IT upgrades which were in process at EDDC;
- The “buddying” system had gone well for the new intake of Councillors in 2011 and they had all found their feet in the last 3 years;
- The role of the Member Champion had been first suggested 8 years ago and had proved useful for Portfolio Holders to be able to call on the expertise of Member Champions and for the champions to help the Council achieve its priorities;
- Experience gained through the Member Champion role could be used as a “stepping stone” to become a Portfolio Holder or Cabinet member;
- Dealing with complaints had been very costly for EDDC in the last year. Many of these complaints were related to planning issues. Freedom of Information enquiries had also take up significant Officer time;

The Chairman thanked Councillor Andrew Moulding for his attendance.

RESOLVED that the proposed maintenance of the status quo for the Council’s Committee Structure on 2014/15 be noted.

RECOMMENDED that that no change be made to Member Basic Allowance for 2014/15.

6 **Continued planned reductions to printing costs and the members’ paper light project**

Members of the Panel welcomed Councillor Ray Bloxham, Corporate Business Portfolio Holder who discussed EDDC’s plans to continue to reduce print costs and progress the members’ paper light project. Councillor Bloxham reported that currently up to half of the Council’s members were using tablets or similar devices at meetings using cloud based technology. Councillors were allowed to develop skills in the use of electronic agendas and reports at their own pace and a “buddying system” was in place. A application for the iPad known as i-Annotate could be used to add notes and highlights to agendas and reports.

The Panel noted that Councillors had originally used a CITRIX based system, but Government Code of Connection “CoCo” rules had meant that this had to be

6 **Continued planned reductions to printing costs and the members' paper light project**(Cont)

withdrawn and members now used Office 365 which was being run alongside the paperlight project. Office 365 was separate from the Council's network and therefore did not risk the Council's data and complied with "CoCo".

This was a whole new way of working for Councillors. The timescale was that after the next election in 2015 to have a paperless system for Councillors. A few longstanding Councillors who had indicated that this would be their last term - that they would not be seeking re-election in May 2015 and until then were not using the new technology.

Changes had been made to agendas and reports to make them more user friendly. Progress had slowly been made towards reducing paper through actions such as not printing the minute book. There was the need to improve technology so that officers would be "paperlight" at meetings. The move to modern purpose built offices was key to this as digital technology at Knowle was inadequate.

A new website was being designed to improve public to interaction with the Council. The office move would include arrangements for local 'hubs' across the district to make sure that residents had access to local council support and information. At present there were surgeries for Council Tax and Housing Benefit in towns such as Exmouth.

Members of the Panel asked whether the success of the paperlight and associated projects had been widely publicised and Councillor Ray Bloxham reported that there had currently only been one report in the press.

The Document Management project which had been reported at the last meeting was also proving to be successful in reducing paper storage at Knowle. The digital scanning of documents had progressed well and had greatly reduced the need for paper document storage at Knowle.

RESOLVED that the planned reductions to printing costs and other proposed IT innovations at EDDC be noted and supported.

7 **Role of the Member Champions and the successes of the role in the last 12 months**

The Chairman welcomed Councillor Ken Potter, Member Champion Rural Communities (including Post Offices) who reported on his work as Member Champion and the positive outcomes he had achieved in this role on behalf of the Council. Councillor Potter reported that he had been Member Champion for Post Offices for the last 7 years, chosen because of his experience as a Post Master for 35 years. He felt that the Post Office had been badly managed for many years; the problems had stemmed from the sale of the National Girobank which had affected the Post Offices profitability. Post Offices needed business meaningful to the communities which they served.

Councillor Ken Potter confirmed that he was keen to promote the role of Member Champion. Member Champions did not receive an allowance for the work that they undertook.

8 **Recommendation of Council to freeze Member Allowances for 2013/14**

Members of the Panel noted proposed action of the Council at its meeting on 26 February 2014 (Minute *60 refers) to freeze Members' Allowances for a further year.

9 **Any other business**

Members noted that a Councillor had asked if a claim for mileage allowances could back from over a year. At present there was no specific time limit for Councillors making mileage claims (unlike the officer regulations) although they were reminded to submit their claims each month. The Chairman would raise this issue at the annual meeting of Independent Remuneration Panel Chairs and Adviser's in Taunton on 3 June, and ask other authorities what arrangements in respect of time limits they had in place.

Members of the Panel noted that the minutes of the meeting would be presented to the Cabinet on 4 June 2014.

Current arrangements in place for staff claims for business mileage are as follows:
(Extract from Employment Handbook)

How much can I claim for business mileage and how do I claim it?

5.1_ You should normally make your mileage claims electronically via your HR self service access. This is available via the intranet under 'Systems'. Claims are normally for a calendar month submitted in the first week of the following month. Any claim submitted more than 6 months after the due date must be passed to your Head of Service/Corporate Manager who will consider why the delay has occurred. **East Devon District Council reserves the right not to pay claims older than 3 months**

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the East Devon Recycling and Refuse Partnership Board, held at Knowle, Sidmouth, on 29 April 2014

Present: Councillors:
Ian Chubb – Portfolio Holder, Environment (Chairman)
Tom Wright – Deputy Portfolio Holder, Environment (Vice Chairman)
Geoff Pook

SITA: Rick Aldridge – Senior Contract Manager
Darren Lockett – Regional Manager
Steve Ostler – Head of Development
Peta Johnson – Municipal Development Manager

Officers Steve Joyce – Waste Management Officer
Paul Deakin – Waste and Recycling Manager
Paul McHenry – Recycling and Waste Contract Manager
Andrew Hancock – Street Scene Manager
Stephanie Lewis – Assistant Democratic Services Officer

Also present Councillor:
Phil Twiss – Corporate Services Portfolio Folder

Apologies: Councillor David Cox – Portfolio Holder, Finance
Councillor Steve Gazzard
Cherise Foster – Customer Service Manager

The meeting started at 2.00pm and finished at 3.45pm.

***37 Minutes**

The minutes of the Recycling and Refuse Partnership Board meeting held on 22 January 2014 were agreed and signed as a true record.

***38 Matters arising**

Waste electrical and electronic equipment (WEE)

The Waste and Recycling Manager reported that the publicity leaflets for the waste electrical and electronic equipment project were now available and waiting to be distributed. The roll out of this service may be delayed if the possible cardboard collection goes ahead

***39 Statistical Information**

The Board considered a report presented by the Waste and Recycling Manager, setting out statistical and operational data on missed collections, finance and SITA key performance indicators.

The Waste and Recycling Manager drew the Board's attention to an increase in the number of missed landfill collections from 50 in February to 80 in March. There had also been a significant increase in the number of missed assisted collections

***39 Statistical Information (cont'd)**

from 2 in February to 17 in March. The Senior Contract Manager advised that he would look into these figures and report back at the next meeting.

The number of logged calls to CSC had decreased in March. However the number of replaced food caddies and recycling boxes was high in January and February largely due to the bad weather experienced at the beginning of the year. Stocks of containers had fallen low as a result of the number replaced; however a large order had now been made to hopefully cover the next 12 months.

In response to a question from a member of the board regarding a significant drop in the recorded kilometres travelled by vehicles, the Senior Contract Manager explained that this could be a result of changes in the way the statistics are reported, and would look into this further to report back at the next meeting.

RESOLVED that the Senior Contract Manager present the reasons into the increased number of missed collections and the drop in the amount of kilometres travelled by SITA vehicles at the next meeting.

40 Integrated Devon waste service

At the last meeting the Board was informed that the initial work on the Devon waste partnership project had been carried out by officers, after which funding was received from DAWRRC (Devon Authorities Waste Reduction and Recycling Committee) to employ Eunomia research and consultation to develop an outline business case for either a fully integrated service or one based on clusters. This was presented to the Devon Partnership Member Board in March.

The Waste and Recycling Manager provided an update and informed the Board that the only option which at this time was actively being considered was a 'cluster' arrangement with Exeter City, Teignbridge DC, Devon County Council (DCC) and East Devon DC. This proposal was different from that which had originally been drawn up and modeled, so in order to take it forward it was felt a revised study was required together with a much more focussed business case. Devon County Council had approached Eunomia to carry out this work as they held the majority of the information. The price received from Eunomia was £29,000 and DCC asked if the districts would make a contribution to this to partly cover the cost but also show commitment to the project. It was noted that Exeter City Council had agreed to put forward a £5000 contribution and the Waste and Recycling Manager asked if the Board were minded to do the same. At present there had been no information from Teignbridge District Council as to whether they would make a similar contribution.

In terms of timescale, it was noted that the SITA contract would need to be extended to 2017 to allow for the start of the cluster arrangement in the Devon Waste project. The Board noted that it would be easier for Exeter and Teignbridge district councils to switch to a new Devon Wide project as their waste was provided by an internal contract. At the last meeting it was noted that a clause under EU procurement rules allowed for this, although confirmation would need to be obtained from the legal department.

40 Integrated Devon waste service (Cont'd)

The Recycling and Waste Contract Manager advised the Board that it would be beneficial to look at different councils and companies and the models available for the Devon Waste project. He noted that it should be made clear how the profit/saving share would be divided between the different councils involved in the project.

RECOMMENDED that the Recycling and Refuse Partnership Board recommend that a contribution of £5,000 be given to Devon County Council toward the cost of research and a business plan into the Devon Integrated Waste project, with a caveat that this be withdrawn if other district councils do not offer the same contribution.

41 Cardboard Recycling Options

The Waste and Recycling Manager advised the Board that they had considered the option of recycling cardboard in 2012 when they received a proposal from SITA to expand the recycling collections to include cardboard and mixed plastics (pots, tubs and cartons) at a cost in excess of £300,000. Due to pressure on budgets and Government reducing the Rate Support Grant funds, this was not deemed financially viable.

In January 2014 Tesco's made a decision to remove the recycling facilities at their store in Honiton due to overflowing banks, in particular a misuse of the mixed paper banks and the probability of traders leaving cardboard at the recycling facilities. Following this action it was agreed that options should be considered to try and provide facilities to recycle cardboard.

The Waste and Recycling Manager informed the Board that research had been conducted to look at different providers available who could offer a recycling service to householders. The Board discussed the different contractors available, as set out in the report, including Bottleman based in Beer, Advantagevanman based in Exeter, Peninsular Recycling based in North Tawton, Coastal Waste, and SITA.

The Board received a presentation from Peta Johnson, Municipal Development Manager at SITA, who outlined the options for cardboard collection. Points raised during the presentation and discussion included:

- The current SITA vehicles had the capacity to add one more container for kerbside cardboard collection
- Cardboard yield was estimated at 0.6kg per week or 1,966 tonnes per annum
- The limited time left of the current contract made modifications to the collection vehicles an expensive option. This would involve extending the length of the current vehicles
- New vehicles would be double decked with a high capacity yield
- Reallocated vehicles from within SITA would be available and ready to redeploy in July 2014
- The frequency of collections could be changed to collecting plastic bottles one week and cardboard the following week; alternate weekly collections.
- Paper yield was decreasing nationally whilst card yield was increasing year on year.

41 Cardboard Recycling Options (Cont'd)

The Board discussed the finance options available. It was noted that modifications to the current vehicles would be the most expensive option whilst new vehicles would cost £120,000 per year. The Board concluded that additional vehicles reallocated from another SITA contract (option 2 as set out in the report) was the most cost effective option.

The Committee also discussed the reduction in cost to Devon County Council (DCC) if less cardboard was taken to recycling centres but collected by EDDC. The Waste and Recycling Manager advised the Board there could be the possibility of additional funding from DCC toward the cost of collecting card as part of the kerbside collection and to help enhance the current rate of recycling.

The Board agreed that the Council had a commitment to look at finding a solution to card collections as this was the most contentious issue the Council faced which affected everyone in the district. Public feedback had previously been high on this matter with most saying they would greatly value card collections. It was noted that introducing card collections could also encourage the public to recycle more of other materials as well.

The Street Scene Manager raised the need for a long term solution to this issue which would need to be in line with future contracts. This was unlikely to happen in the next financial year as the budget had already been set for 2014/15 and was therefore likely to fall in the next budget year 2015/16. However the Board questioned whether there was a short term solution which could be implemented in the interim, such as card banks. The Committee agreed that installing card banks would create similar problems faced by Tesco, where they were abused and often overflowing, which would create additional cost to the Council.

- RECOMMENDED**
- a) that a report be taken to Cabinet detailing the options available for card collections
 - b) that the Waste and Recycling Manager discuss with Devon County Council grants available to help fund card collections and increase recycling rates in the district.

***42 Report on EU Legislation relating to collection of recyclables**

The Board considered a report presented by the Waste and Recycling Manager which outlined the changes to EU Legislation and a requirement to set up separate collections of "at least the following: paper, metal, plastic and glass", from the household waste stream, by 2015.

- RESOLVED** that the Waste and Recycling Manager's report be noted.

43 Christmas collections 2014

At the last meeting the SITA Contract Manager asked the Board to consider a request from the workforce to have no collections on the first Saturday after Christmas 2014 (27 December). This would enable crews to have a four day Christmas break from Thursday (Christmas day) through to Monday 29 December 2014. The first Saturday catch up collection would be on 3 January 2015 and the rounds would be caught up again by the third week in January. It was noted that if the proposal was not agreed there was the possibility that issues could arise with crew members calling in with 'sickness' or the inability to drive.

43 Christmas collections 2014 (Cont'd)

The Board considered the report which showed the dates that Christmas collections would be carried out and the additional days that householders would have to retain their waste over and above the normal 2 week period.

Existing	Replacement	Delay in collection
25 Dec 2014	29 Dec 2014	4 extra days
26 Dec	30 Dec	4 extra days
29 Dec	3 rd Dec	2 extra days
30 Dec	2 Jan 2015	3 extra days
31 Dec	3 Jan	3 extra days
1 Jan 2015	5 Jan	4 extra days
2 Jan	6 Jan	4 extra days
5 Jan	7 Jan	2 extra days
6 Jan	8 Jan	2 extra days
7 Jan	9 Jan	2 extra days
8 Jan	10 Jan	2 extra days
9 Jan	12 Jan	3 extra days
12 Jan	13 Jan	1 extra day
13 Jan	14 Jan	1 extra day
14 Jan	15 Jan	1 extra day
15 Jan	16 Jan	1 extra day
16 Jan	17 Jan	Up to date

The Board considered a number of potential issues which included:

- the length of time between collections
- confusion to householders
- increased calls to the Customer Service Centre
- Increased publicity via local press, social media and the East Devon app with an approximate cost of £3,000.
- Collection of side waste and whether it should be communicated to householders that there would be a one off collection
- Increased street cleansing in areas where there was a weekly bin collection and a need to arrange for these to be collected rather than left for elongated periods. The Street Scene Manager advised the Board that there would be a skeleton staff structure over the Christmas period and could be difficult to provide extra street cleansing cover during this time.

RECOMMENDED that it be agreed that waste and recycling collections do not take place on 27 December and that the conclusion of the 'catch up' period be completed on 17 January 2015 and that SITA make every effort to ensure that any overtime cost are kept to acceptable levels.

***44 East Devon Waste Strategy**

The Waste and Recycling Manager presented a report to the Board which detailed how East Devon District Council planned to meet the statutory recycling and composting targets, and comply with new legislation which included the Household Waste Recycling Act 2003, the EU Landfill Directive and any other relevant legislation.

***44 East Devon Waste Strategy (Cont'd)**

The refuse and recycling contracts were renewed in April 2006, and therefore this report would act as a guide for the formation of the contract documentation for the next contract, which was due to be commenced in April 2016. The Board discussed how a new contract in 2016 could be further improved to:

- Expand the range of materials collected to include cardboard and mixed plastics (pots, tubs and cartons)
- With our partner organisation Otter Rotters further expand the garden waste collection service
- Through education and communication carry out campaigns to encourage householders to participate in waste minimisation and recycling.
- Maintain the monitoring of side waste and multiple bins and if necessary backup with enforcement

RESOLVED that the Waste and Recycling Manager's report be noted.

***45 SITA Contract Manager's report**

SITA's Contract Manager presented his report to the Board which raised concerns about the high turnover of staff, approximately 10% since the start of the year. It was noted that this figure could get worse due to a new qualification which must be taken by all drivers. SITA have tried to overcome this problem by putting drivers through the HGV qualification course on the basis that they work for SITA for the next 2 years.

The SITA Contract Manager outlined discussions which had taken place in respect of pay negotiations and what the present position was and the Board considered options and gave the Contract Manager a view on what would be acceptable.

***46 Communications update**

The need to further promote the citizen app was raised and it was noted that so far 1,000 users had downloaded the app. Almost all of the users had signed up to receive bin collection reminders (about 700 notifications per week) and the app had been rated as a 4 or 5 out of 5 by all respondents.

A member of the Board noted that the app is not promoted on the bottom of Council emails and this could be a way to further promote and encourage people to download the app. The Street Scene Manager informed the Board that posters would also be put on the side of its vehicles to help promote the app around the district. The SITA Contract Manager suggested that the citizen app could also be advertised on the side of SITA vehicles if they are given all the information.

- RESOLVED**
- a) that the Waste and Recycling Manager speak to the Communications team to suggest that staff could promote the citizen app on the bottom of Council emails
 - b) that the Street Scene Manager provide posters and information to the SITA Contract Manager to help promote the citizen app on the side of SITA vehicles.

***47 Any other business**

No further business was discussed.

***48 Next meeting**

RESOLVED that the next meeting of the Recycling and Refuse Partnership Board be held on Thursday 24 July 2014, at 10am in the Committee Room.

Chairman

Date

Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England)Regulations.

Under Regulation 19, there is a requirement to submit an annual report containing details of each executive decision which was agreed as urgent under Regulation 11 (Cases of special urgency) where less than 5 days' notice could be given.

12 June 2013	Woodbury Neighbourhood Area	An urgent decision was required to enable the Council to apply for the next round of grant funding
Decision Minute *4	1	that Woodbury Parish be designated as a Neighbourhood Area,
	2	that the District Council apply to the Department for Communities and Local Government for £5,000 grant funding by 1 July 2013.
REASON		The proposal met the Council's corporate priorities. The designation would enable the Council to apply for grant funding from the DCLG. The funding would be used to meet the District Council's administration costs associated with the designation and £2,000 of this funding would be granted to Woodbury Parish Council to assist with their production costs.
27 Nov 2013	Local Enterprise Partnership (LEP)	The LEP was in the process of forming a Community Interest Company (CIC); an urgent decision was required to indicate the Council's positive support and to avoid delaying the formation of the CIC.
Decision Minute *115		that the Chief Executive be given delegated authority to take all necessary steps to progress Councillor Paul Diviani's membership on the Board of the Local Enterprise Partnership Community Interest Company.
REASON		The Local Enterprise Partnership was in the process of finalising the Articles of Association as part of the formation of a Community Interest Company. Delegated authority to the Chief Executive to take the necessary steps for Councillor Paul Diviani to be a member of the Board would help take this arrangement forward.
8 Jan 2014	Council tax base 2014/15	The Council was required by regulation to set its council tax base by 31 January 2014
Decision Minute *142	1	that the tax base for 2014/15 be confirmed at 54,047 Band D equivalent properties;
	2	that the amount shown against each parish as the parish tax base for 2014/15 (set out under section 3 of the report) be confirmed.

REASON	<p>The calculation of the tax base is prescribed under Local Authorities (Calculation of Council Tax Base) Regulations 2012 which came into force on 30 November 2012. This was made under powers of the Local Government Finance Act 1992.</p> <p>See also Local Government Finance Act 1992 (as amended) and the Council Tax (Prescribed Classes of Dwellings)(England) Regulations 2003 (as amended)</p> <p>The council tax base is defined as the number of Band D equivalent properties in a local authority's area. The tax base is necessary to calculate council tax for a given area.</p>	
2 April 2014	Housing Review Board minutes	Urgent consideration was required as the minutes included recommendations in respect of void standards and the development of properties at Normandy Close which needed to be progressed.
Decision Minute *216	that the recommendations of the Housing Review Board be approved.	

All notices in respect of these urgent matters were signed off by the Chairman of Overview and Scrutiny and published on the Council's website in advance of the relevant Cabinet meeting.

Report to: Cabinet
Date of Meeting: 4 June 2014
Public Document: Yes
Exemption: None



Agenda item: 14

Subject: Revenue and Capital Outturn Report 2013/14 – Key Decision

Purpose of report: During 2013/14 monthly budget monitoring reports have informed members of budget variations and the anticipated year end financial position. This report contains the final position for the year and compares this outturn position against the budgets set.

The report outlines the implications of these results on the Council's reserves.

Recommendation:

1. The Cabinet agree the outturn position for 2013/14.
2. To agree with the level of Reserves detailed in the report and the transfers recommended; namely
 - The transfer of £0.397m from the General Fund into the Transformation Reserve.
 - The Transfer of £1.190m from the Housing Revenue Account into the Debt Repayment Volatility Reserve (HRA Reserve).
 - The Transfers to other earmarked reserves for specific projects where funding contributions have been made in advance of spend and monies are held at year end to fund this work in future years. The Outturn Book contains full details of these transfers in 2013/14.

Reason for recommendation:

To report the Outturn position for the Council's approved budgets for the General Fund, Housing Revenue Account and Capital Expenditure. This final position will flow through to the Council's Statement of Accounts.

Members are asked to note the variations from the budgets identified within the report and consider the final position.

It is appropriate at this stage to reflect on the reserves and balances held by the Council and determine if these are the right reserves at the right levels going forward.

Officer: Simon Davey, Head of Finance

sdavey@eastdevon.gov.uk

01395 517490

Financial implications:

The financial details are outlined in the report

Legal implications: On the assumption this report reflects local authority financial requirements/available discretions; no specific legal comment is required.

Equalities impact: Low Impact
No decisions are required which effect service/customer provision

Risk: Low Risk

Financial monitoring reports have kept members informed during the year of budget variations and the projected outturn position of the Council's finances. No areas of concern were raised with the Council maintaining its net spending within overall approved budget levels. All predetermined Balance and Reserve levels were maintained comfortably above the adopted minimum levels. This position has now proven correct in the final outturn position presented in this report.

The report also looks at the monies the Council holds in balances/reserves and considers these in the light of the current economic situation and future Government funding cuts. Consideration is given to the Council's financial track record, internal and external audit reports on financial controls and is reflective of occurrences from external factors which affect the Council's finances.

Links to background information: -

Link to Council Plan: Funding this Outstanding Place

1. Introduction

- 1.1 This report compares the outturn position (actual amount spent or income received for the year) against budgets set for the financial year 2013/14 for the General Fund, Housing Revenue Account (HRA) and the Capital Programme.
- 1.2 A summary position is contained in this report for each of these areas with an accompanying 'Outturn Book' giving detailed information on actual spend against the budget set by members. The Book gives an explanation of any significant variations of spend or income against budget and highlights other matters to be drawn to Members' attention.
- 1.3 The report looks at the effect the outturn figures have on the Council's balances and reserves and considers future policy for holding these sums.

2. General Fund position

- 2.1 The 2013/14 budget was set as a balanced budget with the exception of requiring £0.210m from the General Fund Balance in order to meet one off items of expenditure. During the course of the year Members agreed to add £0.148m additional expenditure to the budget through supplementary estimates; thereby requiring in total £0.358m to be met from the General Fund Balance.
- 2.2 The outturn position gives an overall saving of £0.807m against the budget resulting in £0.449m being available to transfer into the General Fund Balance, rather than requiring £0.358m to be taken from the Balance.
- 2.3 Variations against budget have been reported to Cabinet during the year as part of the monitoring process, below is a summary of the main variations at outturn stage leading to the overall savings figures. Further comprehensive details are contained in the Outturn Book.

General Fund 2013/14 – Outturn variations against budget	Variation £000
Savings on Refuse & Recycling Contract and increased prices received for recycling materials.	(260)
When the budget was set it was unclear how the new business rate retention scheme would deal with discretionary rate relief expenditure previously charged to the Council's General Fund. These costs were amalgamated into the final scheme not requiring a budget at the level previously held.	(111)
Planning Income through increased applications	(44)
Homesafeguard income due to increased in customers	(46)
Net salary savings due to vacancies across a number of areas including senior management team	(194)
Car Park income below budget projections, budget did not reflect a late Easter	130
Savings obtained on car park cash collection contract arrangements	(35)
ICT savings on contract negotiations and hardware purchases	(75)
Legal services increased recovery of costs	(47)
StreetScene Cleansing & Grounds Maintenance savings due to extended equipment life and transport savings	(109)

The areas above have been considered and were reflected when setting the 2014/15 budget.

- 2.4 Allowing for the £0.449m transfer into the General Fund Balance as a result of the 2013/14 outturn position and taking an additional £0.063m to be transferred into the Balance from previously set aside earmarked reserves no longer fully required gives a year end balance of £4.322m.
- 2.5 The 2014/15 budget has a contribution going to the General Fund Balance of £0.075m, however it was also agreed to make a contribution from the General Fund Balance in 2014/15 to the New Homes Bonus Volatility Fund of £0.400m, therefore giving an uncommitted General Fund Balance currently standing at £3.997m (£4.322m + £0.075m - £0.400m = £3.997m).

- 2.6 Taking the General Fund Balance at £3.997m this is £0.397m above the adopted range previously determined by Council, this being between £2.8m and £3.6m. This range is still considered the appropriate level as there has been no key change to the factors used in its determination. It is therefore recommended that £0.397m (the amount above the upper limit) is transferred into the Council's Transformation Reserve in order to assist the Council to meet one off costs/investments required to meet the challenges required in balancing future year budgets.

3. Housing Revenue Account (HRA)

- 3.1 The 2013/14 budget was set to achieve a surplus of £1.696m, during the course of the year Members agreed to £0.050m expenditure through a supplementary estimate; thereby giving a revised budgeted surplus for the year of £1.646m to be paid into the HRA Balance.
- 3.2 The outturn position gives an overall saving of £0.293m against the budget resulting in £1.939m being available to pay into the HRA Balance.
- 3.3 Below is a summary of the main variations at outturn stage giving the overall savings, again further comprehensive details are contained in the Outturn Book.

HRA 2013/14 – Outturn variations against Budget	Variation £000
Rent income higher due to reduced void times & excellent collection rates	(265)
Day to day repairs – increase in demand, settlement sum of £60k to Lovell in respect of Connaught, storm damage costs	637
Programmed maintenance – includes additional works identified as a result of solid fuel & gas servicing	101
Catch up Repairs – this budget as spent across other budget heads associated with the actual spend.	(500)
Supervision & Management – maternity cover, higher insurance premiums, IT hardware & software purchases	68
Mobile Support Officers – supporting people income from DCC & self funding tenants	(87)
Major Repairs	485
Revenue contribution to capital lower than anticipated due to lower costs than budgeted and use of capital receipts to fund capital expenditure	(749)

- 3.4 The HRA balance at the beginning of 2013/14 was £2.970m with the recommended adopted minimal level being £2.148m. Taking the surplus in 2013/14 of £1.939m this has raised the 2013/14 year end balance to £4.909m; £2.761m above the minimum level.
- 3.5 A Debt Repayment Volatility Reserve was created in 2012/13 to provide a cushion for repaying the self financing loans should adverse fluctuations in spending and/or rent income occur. The balance in the reserve is currently £1.710m. It is suggested that a further £1.190m is transferred into this Reserve from the HRA giving a total sum of £2.9m.

A £2.9m Reserve is considered prudent as this amount is equivalent to the maximum debt repayment in any one year within the next 10 years, thereby giving the HRA at least one years cushion to restructure its budgets.

- 3.6 In considering the appropriate level of balances/reserves to be held for the HRA there are two key factors; ensuring the Balance held at any point over the 30 year business plan does not drop below the adopted minimum level of £2.148m and that there is a sufficient sum above this level to meet debt repayments when required as part of the Plan.

4 Capital Budget

- 4.1 The revised Capital budget for 2013/14 was £21.1m net expenditure; the outturn position is significantly lower at £12.6m (£8.5m variation). The majority of this underspend is from scheme slippage with expenditure now moved into 2014/15. The main variations against the revised budget are given below with further details contained in the Outturn Book.

Capital 2013/14 – Outturn variations against Budget	Variation £000
Seaton Jurassic (Visitor Centre) – main scheme expenditure now to be in 2014/15.	1,729
Exeter Science Park Loan – request for funding not received, expected in 2014/15	1,000
Beer Community Land Trust Loan – delay in agreeing loan security details, £305k paid out to date against land value.	695
Combined Heat & Power Plant, Cranbrook – delay by Eon in submitting final claim	2,300
Axe Wetlands Development – delay because of planning issues	204
Purchase of ICT Housing System – costs now slipped into 2014/15	263
Purchase of multiple occupation house- slipped into 2014/15	203
Cranbrook community Play area – delayed until 2014/15	161
Pollution prevention Imperial Recreation – snagging works outstanding final payment to be in 2014/15	163

- 4.2 The Capital Reserve at the end of 2013/14 is £2.510m; the use of the Reserve in 2013/14 was £0.085m. The table below shows the position on the Capital Reserve going forward based on the capital programme approvals at this stage, as time progresses further scheme bids for approval will come forwarding affecting this picture.

Capital Reserve Position	2013/14 Outturn £000	2014/15 Budget £000	2015/16 Budget £000	2016/17 Budget £000
Opening Balance	(2,595)	(2,510)	(2,045)	(7,090)
Funding of Revenue Schemes *	85	-	-	-
Use/(contribution) to capital reserve**	0	465	(5,045)	4,131
Closing Balance**	(2,510)	(2,045)	(7,090)	(2,959)

* Schemes approved in the Capital Budget but required reclassification to Revenue projects, Capital Reserve funding transferred to support schemes in revenue.

** Includes capital receipts, technically held in separate reserve

5 Other Main Reserves and Balances Available – year end position

Transformation Reserve

Balance as at 31/3/14 £0.842m. This sum is set aside to assist the Council's transformation programme by meeting upfront costs necessarily incurred in order to produce savings/efficiencies in future years. Of this sum the Council has committed a further £0.194m leaving an uncommitted balance of £0.648m.

This report recommends a transfer into this Reserve from the General Fund of £0.397m, which would then increase the uncommitted balance on the reserve to £1.045m

Local Authority Business Growth Incentive Scheme Reserve

The purpose of this reserve is to promote and deliver economic development. The balance on this reserve is currently £0.244m. Of this sum the Council has committed a further £0.010m leaving an uncommitted balance of £0.234m.

Asset Maintenance Reserve

This reserve is used to support the Council's General Fund Assets and planned maintenance backlog/essential work/asset failure (created from one off VAT refunds obtained).

The year end balance is £1.181m. This Reserve is currently used at a rate of around £0.2m annually, although the call upon the Reserve in 2013/14 was only £0.062m. Details of spend are presented to the Asset Management Forum.

Asset Management Plan

Members agreed a budget of £0.218m in 2011/12 to help with resources to progress the Asset Management Plan work. At the end of 2013/14 a balance remains of £0.088m.

Business Rates Volatility Fund

The setting of this Fund was agreed as part of the 2013/14 budget approval. This represents East Devon's additional income above the Start up Funding Level determined by Government under the Business Rate Retention Scheme. The figure that was estimated as the additional sum was £0.325m; the actual sum to be transferred at outturn stage is £0.334m. £0.325m has been used in 2014/15 as part of the budgeted income from Business Rates and the same process will happen in 2014/15 for 2015/16. As the sum to be received is volatile using the monies a year in arrears helps smooth out the unpredictability.

New Homes Bonus Volatility Fund

It has been agreed that New Homes Bonus income should be utilised to support General Fund service expenditure in part, the risk of using such income was acknowledged and the principle of setting up a Fund to mitigate the risk and protect the Authority was agreed.

The balance at the end of 2013/14 is £0.273m with a further £0.893m being transferred into the Reserve in 2014/15 (£0.4m from the General Fund balance and £0.493m from the NHB monies being received in 2014/15) giving a total of £1.166m being held as the agreed level.

Other Earmarked Reserves

There are other earmarked reserves for specific projects where funding or contributions have been made in advance of spend and monies are held at year end to fund this work in future years. The Outturn Book contains details of these transfers being made in 2013/14 at outturn stage with a complete list of all Reserves held.

Report to: Cabinet
Date of Meeting: 4 June 2014
Public Document: Yes
Exemption: None



Agenda item: 15 – Key Decision

Subject: 13/14 Annual Treasury Management Review

Purpose of report: This report details the overall performance of the Councils Treasury Management Strategy during 2013/14.
The highlights of which are:

- £218,778 of income from investment activities was generated for the General Fund. This was under budget by £19,501 however our investments did perform well against our benchmark rate of 0.36%, achieving an average return of 0.49%.
- The Housing Revenue Account (HRA) earned £26,952 in income and paid out £2,569,194 on its loans, giving a net spend of £2,542,242. This is over budget by £9,261 due to the proportion of investment income due to the HRA not being as high as budgeted.

Recommendation: Cabinet is requested to note the investment return for 2013/14.

Reason for recommendation: The Council is required by regulations issued under the Local Government Act 2003 and the Code of Practice on Treasury Management in Public Services published by the Chartered Institute of Public Finance & Accounting (CIPFA) to produce an annual review of its treasury management activities and performance.

Officer: Claire Read, Accountant x2691 CRead@eastdevon.gov.uk

Financial implications: These are contained in the report

Legal implications: It is understood that the Finance team carries out Treasury Management within the specific legislative framework applicable to local authorities. No further legal comment is required.

Equalities impact: Low Impact

Risk: Low Risk
Any depositing of surplus funds exposes the Council to a certain degree of risk relating to the security of deposits and investment return. However, through the Council's treasury management strategy and the external fund investment mandate the level of risk is proactively managed to an acceptable level.

Links to background information: •

Link to Council Plan: Funding this Outstanding Place

Report in full

1. Introduction

- 1.1 This report provides details of the outturn provision for treasury management activities for the period 1 April 2013 to 31 March 2014.
- 1.2 The average 7-day rate for this period is the London Interbank Bid (LIBID) rate. This rate was 0.35% for the period and is used as a benchmark for comparison purposes.

2. Overview

- 2.1 The 2013/14 budget estimated a net return on all General Fund investment & borrowing activities of £238,280. The actual return for 2013/14 is £218,778.

General Fund (GF)	Actual 2012/13 £000	Budget 2013/14 £000	Actual 2013/14 £000	Variance 2013/14 £000
Internal Investments				
Interest on Market Investments	(55)	(47)	(38)	9
Other Investment interest*	11	34	26	(8)
Return on Internal Investments	(44)	(13)	(12)	1
Externally Managed Funds				
Interest Received net of fees	(217)	(298)	(281)	17
Fair Value (Gains)/Losses**	(79)	0	0	0
Return on External Investments	(296)	(298)	(281)	17
Total Return on Investments				
	(340)	(311)	(293)	18
Borrowing				
Temporary Borrowing	0	1	1	0
Long Term borrowing – PWLB***	72	72	73	1
Total Payable on Borrowings	72	73	74	1
Net Return on Treasury Activities				
	(268)	(238)	(219)	19

* Net of transfer of interest to Housing Revenue Account (HRA)

**This is the gain or loss in value from selling an investment before maturity

*** The £1,000 variance will be recovered from Beer Community Land Trust

- 2.2 The 2013/14 budget estimated a net charge on Housing Revenue Account (HRA) for investment & borrowing activities of £2,532,980. The actual charge for 2013/14 is £2,542,241.

Housing Revenue Account (HRA)	Actual for 2012/13 £'000	Budget for 2013/14 £'000	Actual for 2013/14 £'000	Variance 2013/14 £'000
Interest Receivable				
Investment interest	(21)	(36)	(27)	9
Return on Investments	(21)	(36)	(27)	9
Long Term Debt				
PWLB	39	39	39	0
PWLB Self Financing Loans	2,530	2,530	2,530	0
Payable on Borrowings	3,569	2,569	2,569	0
Net Return on Treasury Activities				
	2,548	2,533	2,542	9

2.3 Below is a table showing the Councils gross rate of return for the main treasury items expressed as a percentage.

Gross Rate of Return	2012/13 %	2013/14 %	7 Day LIBID %	Difference %
External Investment Funds	0.82	1.05	0.36	0.69
Total Internal	0.53	0.45	0.36	0.09
Market Investments	0.48	0.38	0.36	0.02
Bank of Scotland	0.75	0.71	0.36	0.35
Money Market Funds	0.48	0.44	0.36	0.08

2.4 Economy & Interest Rate Review

Sector our treasury advisors have provided the following review of the economy & interest rates in 2013/14:

The original expectation for 2013/14 was that Bank Rate would not rise during the year and for it only to start gently rising from quarter 1 2015. This forecast rise has now been pushed back to a start in quarter 3 2015. Economic growth (GDP) in the UK was virtually flat during 2012/13 but surged strongly during the year. Consequently there was no additional quantitative easing during 2013/14 and Bank Rate ended the year unchanged at 0.5% for the fifth successive year.

While CPI inflation had remained stubbornly high and substantially above the 2% target during 2012, by January 2014 it had, at last, fallen below the target rate to 1.9% and then fell further to 1.7% in February. It is also expected to remain slightly below the target rate for most of the two years ahead.

Gilt yields were on a sharply rising trend during 2013 but volatility returned in the first quarter of 2014 fears around emerging markets, various vulnerabilities in the Chinese economy, the increasing danger for the Eurozone to drop into a deflationary spiral, and the situation in the Ukraine, caused rates to dip down, reflecting a flight to quality into UK gilts.

The Funding for Lending Scheme, announced in July 2012, resulted in a flood of cheap credit being made available to banks which then resulted in money market investment rates falling drastically in the second half of that year and continuing into 2013/14. That part of

the Scheme which supported the provision of credit for mortgages was terminated in the first quarter of 2014 as concerns rose over resurging house prices.

The UK coalition Government maintained its tight fiscal policy stance but recent strong economic growth has led to a cumulative, (in the Autumn Statement and the March Budget), reduction in the forecasts for total borrowing, of £97bn over the next five years, culminating in a £5bn surplus in 2018-19.

The EU sovereign debt crisis subsided during the year and confidence in the ability of the Eurozone to remain intact increased substantially. Perceptions of counterparty risk improved after the ECB statement in July 2012 that it would do “whatever it takes” to support struggling Eurozone countries; this led to a return of confidence in its banking system which has continued into 2013/14 and led to a move away from only very short term investing. However, this is not to say that the problems of the Eurozone, or its banks, have ended as the zone faces the likelihood of weak growth over the next few years at a time when the total size of government debt for some nations is likely to continue rising. Upcoming stress tests of Eurozone banks could also reveal some areas of concern.

3. External Investments

3.1 During 2013/14 the Council earned £280,543 (net of management fees) on its external investment fund, resulting in a gross return on investments of 1.05%, which was 0.69% higher than the 7 day LIBID rate.

3.2 The return per fund is as follows:

	Gross Return %	Management Fee £	Net Return %
Payden & Rygel	1.08%	28,922	0.89%
RLAM	1.02%	15,389	0.92%
Total	1.05%	44,311	0.91%

3.3 Our external funds of £30.9 million are split between Payden & Rygel and Royal London Asset Management (RLAM) with each managing 50%

The balances in the funds as at the 31st March 2014 are as follows:

	Historic Cost (£)	Market Value (£)
Payden & Rygel	15,459,359	15,402,250
RLAM	15,459,359	15,457,841
Total	30,918,718	30,860,091

The Market Value is the amount we would have received for our investments if we had sold them on 31 March 2014. This is based on the valuation of the assets held by each fund.

These assets as with other financial assets can and do vary in value on a daily basis. This is part of the normal market process and a loss of less than 0.02% does not give cause for concern.

4. Internal Investments

4.1 A total of 124 investments were made in 2013/14, ranging from £0.05m to £3m. During this time we exceeded our agreed counterparty limit with the Bank of Scotland on one occasion, for no longer than a week, as agreed with the Portfolio Holder – Finance and the Section 151 Officer.

4.2 These investments generated interest totalling £38,420. The repayment terms varied from call (instantly repayable), to fixed periods of up to 59 days. The interest rate on these investments averaged 0.45%, which is 0.095% above the 7 day LIBID rate.

- 4.3 From market investments, in fixed term deposits with building societies on our counterparty list, we achieved an average return of 0.38%, from deposits with durations from 7-59 days. This is 0.024% above the 7 Day LIBID rate.
- 4.4 From our Money Market Fund (MMF) the council has achieved an average return of 0.44% exceeding the performance of market investments by 0.06% and 0.083% above the 7 Day LIBID rate.
- 4.5 From deposits in our Bank of Scotland account we have achieved a return of 0.71%. This is down from 0.75% in 2012/13 as the deposit rate was cut to 0.50% in December 2013 making it equal to the Bank of England base rate.

5. Borrowing

5.1 Temporary Borrowing

Due to the timing of payments and receipts the council did not have to borrow for cash flow purposes, only needing to make use of its bank overdraft facilities.

5.2 Long Term Borrowing

5.2.1 General Fund

The council took out a loan for £305,000 on a maturity basis during 2013/14. This loan was for financing a loan to Beer Community Land trust, in support of their affordable housing development.

Also still outstanding is £441,258 of the Refuse & Recycling capital loan taken out in

This leaves the General Fund with two loans with a total value outstanding of £746,258 at 31 March.

5.2.2 Housing Revenue Account

No principle repayments were made on the HRA self financing maturity loans, so the balance remains at £84.376m. The first loan is repayable in March 2015.

The HRA also has one annuity loan still outstanding at £630,587 for affordable housing.

5.2.3 Current Plans

There are plans for the Council to borrow £3.975m to fund its capital programme in 2014/15. This is made up as follows:

- £ 755,000 Balance of Beer Community Land Trust Loan Facility
- £ 770,000 Seaton Workshops
- £1,000,000 Exeter Science Park
- £1,450,000 LED

The need to borrow for these projects will be kept under review during the year.

Report to: Cabinet
Date of Meeting: 4 June 2014
Public Document: Yes
Exemption: None



Agenda item: 16 – Key Decision

Subject: Honiton Beehive Centre

Purpose of report: To update Cabinet on the use of EDDC's investment in the Beehive Centre in Honiton.

Recommendation:

1. **Note the progress of the project to completion and operation**
2. **Acknowledge the hard work of District and Town in the delivery of the project**
3. **Seek updates from Honiton Town Council in future regarding the effective use, operation and management of the Centre**
4. **Secure the surrender of lease on the former Honiton Town Council offices in New Street and note that officers will be considering the future of the premises.**

Reason for recommendation: To confirm that EDDC funds have been appropriately spend, reflect on the successful completion of the Beehive Centre development and monitor its usage and operation into the future.

Officer: Richard Cohen
Deputy Chief Executive
X1552

Financial implications: The remaining contribution from EDDC for the Beehive Centre is in the capital programme. Any dilapidation costs for the New Street premises have not been budgeted for.

Legal implications: The in house legal team continues to provide advice on a range of issues connected with this project. No further comment is needed at this stage.

Equalities impact: Medium Impact

The Beehive is a modern, accessible centre offering additional space and opportunity for a mix of uses for Honiton people including community activities such as childcare, leisure and learning.

Its development has been the subject of local consultation with a variety of different groups and demographic of Honiton.

The Town Council's departure from its previous premises on New Street will have required users that the Town Council allowed at that location to find alternative premises to continue.

Risk: Low Risk

The development and construction of the Beehive carried a range of risk associated with build projects. Overall the project cost approximately £2m. Project management largely resolved any issues within budget. A

matter of site drainage and flood risk mitigation needed to be addressed during the project. This was resolved through the additional support of EDDC of £117,000 to introduce necessary infrastructure.

Remaining risk revolves around the effective management and operation of the Beehive through arrangements instituted by Honiton Council.

EDDC is also negotiating with the Town Council around return of our New Street premises and associated dilapidation works.

Links to background information:

- Attached are a series of images of the Centre in development.

Link to Council Plan:

The Beehive Centre is an important element in this Council's commitment to the lives and leisure of our communities in and around Honiton in particular and across East Devon generally. Investment by EDDC of funds and land is helping to empower Honiton's communities to deliver good services and facilities for themselves.

Report in full

In January 2013, EDDC resolved that the freehold of the Dowell Street site be transferred to Honiton Town Council (HTC) for the purposes of building a multi-purpose community centre. to provide a range of activities for local communities as well as a facility for the Town Council and means of generating income from tenants and users.

The total project value is in the region of £2,000,000. It comprises HTC borrowing from Public Works Loan Board of £975K, Section 106 of £500K, EDDC Capital of £450K (including £117K additional for drainage as agreed by Cabinet in September 2013), and community donations for the remainder. EDDC's contribution also includes the remaining site car parking as well which represents a contribution in terms of lost parking revenues.

EDDC has provided advice into the project delivery process and the project development team consisted of Bailey Partnership Construction Consultants of Exeter as designer and project manager, Sands Civil & Structural Engineers of Exeter as sub-consultant structural and drainage designers, and Midas Construction as Main Contractor.

The project began on site in March 2013 and was completed a year later. Alongside the physical development of the Beehive Centre development EDDC and HTC also agreed the deed of transfer for the Dowell Street site and a surrender agreement for New Street completed in October 2013. HTC have 3 months from practical completion to vacate New Street, therefore, by 12th June 2014 and are now in occupation to the Beehive. EDDC is in discussion with HTC regarding the dilapidations required as part of the return of the New Street premises to EDDC.

Now that the Beehive is open, the following facilities are available:

The Joanna Leach Hall

The Joanna Leach Hall on the ground floor, is a flexible space built to full acoustic standard and with an integrated audio system, making it ideal for meetings or conferences. A large screen is also available. The room will accommodate 300 theatre style or 200 cabaret style and has an optional stage available if required.

Liz Tirard Function Room

The Liz Tirard Room is on the first floor, accessible by stairs or lift, and is very light and airy with proportions that make it ideal for a number of set up styles, with a maximum capacity of 60. It is ideal for formal meetings, training sessions or as a break out room.

Café Room

The ground floor Café Room sits adjacent to The Beehive's café area. It is ideal for a training room, a break out room or as a meeting room. A very flexible room with a maximum capacity of 30.

Training / Meeting Room

This room on the first floor is accessible by stairs or lift, and is a multi-purpose room ideal for smaller meetings, a training room or a break out room for a maximum of 12 people.

Overall, the Beehive is fully Disabled Access compliant. The Joanna Leach Hall, Liz Tirard Room and Lobby are equipped with an induction loop hearing system.

The centre is offering discounts for community groups, registered charities and those who hire space on a regular basis. In terms of usage since the recent opening both the Auditorium, Liz Tirard function room and Café room are already being booked both by regular users at least 3 – 4 times every week along with approximately 1 a week on an ad-hoc basis.

In terms of other space there is the Beehive Café and 6 offices upstairs, 3 that are occupied by the Town Council. A further room (17 sq m) has been let Monday – Friday 9 - 5pm and is available for hire evenings and weekends. There are 2 further large rooms each approximately 20sq m. Discussions are taking place for long term hire.

There will be a public short stay car park for approximately 30 cars and 3 – 4 Coaches. There will also be the ability to buy long stay permits which will allow long term users the ability to park all day.









Report to: Cabinet
Date of Meeting: 4 June 2014
Public Document: Yes
Exemption: None



Agenda item: 19

Subject: Relocation Update

Purpose of report: The update Cabinet on progress on the EDDC Relocation Project.

Recommendation:

- 1. To note progress since Feb 2014 Cabinet and Council meetings including extended timeframe of future decision making**
- 2. To delegate authority to the Deputy Chief Executive in consultation with the Relocation Executive Group to**
 - I. Formally commission Savills as agent and take forward marketing of Knowle and Manstone Depots as soon as advisable**
 - II. Commission specialist expertise as required to advise on the detail of appropriate procurement, value for money and legal matters in relation to Skypark**
- 3. Note that exchange of conditional contracts for the sale of the Heathpark site is expected very shortly**
- 4. To approve next phase of project funding. A further £203,882 is projected to be required for the remainder of 2014/15 bringing total project development cost to £705,568**
- 5. To report back to Cabinet later in the year seeking approval of any final decisions regarding Skypark move.**

Reason for recommendation: To continue progress on key elements of delivering the Council's relocation plans.

Officer: Richard Cohen
Deputy Chief Executive – Development, Regeneration and Partnership
X1552 rcohen@eastdevon.gov.uk

Financial implications: A request is being made for an additional budget of £203,882 it is recommended this is met from the Council's Transformation Reserve where all such upfront costs have been met to date. The total costs that have been committed on the project, including the new request, amounts to £705,568 as identified in the report. The costs incurred have been factored into the overall project costs and are part of the calculation to ensure all costs are recoverable by an associated capital receipt.

Legal implications: The legal team will continue to spend significant amounts of time on this key project. Legal issues have been incorporated in the body of the report.

Equalities impact:	<p>Low Impact</p> <p>Of itself, this report has no significant impact on equalities. The relocation project as a whole is paying significant attention to its implications for equalities and mitigations that may be required. An Equalities Impact Assessment was presented as part of the Feb 2014 Cabinet report papers and endorsed by Cabinet.</p>
Risk:	<p>Low Risk</p> <p>Of itself, this report has a low risk. The overall relocation project is subject to a detailed risk register that addresses a number of risks the range and varying importance of which are normal to a development project of this nature and complexity. Risks are considered in terms of likelihood and severity. This is reviewed and updated as the project progresses.</p>
Links to background information:	<ul style="list-style-type: none"> • N/A
Link to Council Plan:	<p>Relocation meets a range of priorities in the Council Plan. It will provide future resilience and improved working for the council to continue to design and deliver services that suit our residents, businesses and visitors' needs. EDDC is also committed to making the best use of its assets including the longer term certainty and efficiency that new offices will provide alongside more mobile working across the district.</p>

Progress

This progress report is in lieu of previously proposed reports to Cabinet and Council planned for July 2014 as well as a preceding report requested by Overview and Scrutiny. This report explains current relocation project progress and the reasons for extending the timeline for the next stage of decision making.

Cabinet members should be aware that whilst significant activity toward relocation is ongoing, delay to the previously proposed Cabinet and Council decision timeline has occurred because of the impact of a Town and Village Green application (see below), organised by local objectors in an attempt to stop, stall and/or limit redevelopment of parts of the Knowle.

New Office

Feb 2014 Cabinet and Council reports – These agreed a series of recommendations in relation to HQ relocation. The principal decision was that the Council's preferred site, having considered the process and site options described in the report, for relocation was Skypark and instructed officers to pursue that option in anticipation of returning to Cabinet and Council in July 2014 for formal approval to proceed.

The Feb 2014 report made clear that there were outstanding matters to be resolved. These included negotiation with the Skypark developer, St Modwen, as well as the conduct of a marketing exercise for Knowle and Manstone Depot to ascertain the range and financial values of market interest in developing the sites.

Skypark

Negotiations are ongoing with the Skypark developer, St Modwen, on a variety of matters including site acquisition and timeline. These detailed discussions and their outcomes will be subject to future Cabinet and Council consideration.

Procurement

The Council is being advised by external legal expertise on the most appropriate legal structure options for the project as approved by Cabinet, which includes key risks for the Council and proposals for mitigating legal, procurement and other associated risks.

Marketing of Knowle/Manstone

It was our aim to carry out a marketing exercise in time to report to July 2014 Cabinet and Council on developer interest. Land agents have been interviewed and, in discussion with the Relocation Executive Group, it is recommended the Council employs Savills, an experienced property agency, to manage a marketing exercise for Knowle and Manstone. The tendering exercise for the selection of consultants has been completed, and marketing could commence.

However, whilst all agents regard the sites as an attractive development proposition of significant value, their advice has been to hold off commencing marketing until there is clarity regarding the outstanding Town and Village Green application for parts of the Knowle.

Town and Village Green (TVG)

Using the vehicle of a TVG application, a group of objectors, under the banner of Knowle Residents Association (KRA), are attempting to inhibit EDDC's ability to develop part of the areas of Knowle designated within the draft Local Plan for residential use.

A TVG application was made after the rejection of the Knowle outline planning application in 2013. Should the application be wholly successful it would prevent development of Knowle outside the immediate boundary of the current offices. Evidence was submitted by both parties to Devon County Council as the determining authority and EDDC has been pressing for a resolution since the autumn. A one day inquiry was held in the Council Chamber on 10 April 2014 for a barrister appointed by Devon County Council to hear legal argument. .

Whilst prospective developers can accommodate a degree of risk when calculating a value to offer for a development (Judicial Review for example) a TVG is a potentially draconian restriction. The Knowle Residents' Association original application included Knowle car parks, depot and the external space around the offices including the terrace: sites identified by EDDC for residential development in the Draft Local Plan.

The KRA has subsequently retreated from trying to designate the Knowle Depot site but continues through the remainder of its TVG application to try and prevent development of the upper car parks and immediate surrounds of the office buildings.

At the time of writing this report, we await the inspector's report to County on his view of the TVG application. Pending clarity on the next steps we have paused the marketing exercise for Knowle and Manstone. The TVG application has added time and cost to the Council's relocation planning.

Rights of Way

Another approach to attempt to restrict the Council's development plans for parts of the Knowle has been Right of Way (RoW) applications. These applications were originally rejected by Devon County Council but on appeal against that decision the Inspector directed the County to make Orders in respect of two routes (one of which itself splits into two routes). The County made the Orders in March and the Council (and others) have lodged objections to the Order. The Planning Inspectorate will now deal with the matter. It is anticipated that the appeals will be heard (method yet to be decided) in the Autumn. The Council may well choose to withdraw its objections, which

may shorten the process slightly, but it will still be determined by the Inspectorate due to other objections (unless they too are withdrawn). It is probable that a final outcome (so either a dismissed appeal or confirmed Order) is likely to take until early winter.

As was made clear in the Feb 2014 Cabinet report there are a number of ways that objections may be mounted toward the Council's relocation plans. Project costings have reflected the potential impact of delay and the costs that such objections may result in for the Council.

Heathpark

Supermarket Development - Feb 2014 Cabinet and Council reports agreed the selection of Terrace Hill as preferred developer for EDDC's former SITA depot site on Honiton Heathpark and authorised officers to enter into a conditional contract with Terrace Hill. Officers have been in further negotiation with the developer involving the Project manager and Council Legal team. Following agreement of Heads of Terms, we are now agreeing t contract terms. This will enable the developer to begin the process of preparing their planning application for a supermarket development. We anticipate that an application will be made later this calendar year.

Business Space Review - As part of the redevelopment of the Council's Heathpark site, the East Devon Business Centre will be vacated. In preparation for this, Cabinet agreed in April to review its approach to the provision of business space and support across the district. EDDC currently provides business units across the district comprising office and workshop space in a variety of locations.

The question of succession to EDBC has given us the opportunity to look again at how we can help meet the needs of business into the future in a world of enterprise and entrepreneurship very different to that when the Heathpark Business Centre first opened its doors.

Lead members for business and officers have carried out a tender exercise and interviewed four different consultancies. The chosen company, Carter Jonas, will begin their work shortly, gathering evidence over the next few months and report back their findings and recommendations by September 2014 at the latest.

Transforming the council

Relocation is a central part of our plans to transform this Council into an organisation that meets the needs of its residents and businesses in an accessible, cost effective and joined up way. So that we can keep abreast of customer demand and rising customer expectations, East Devon is working hard to transform and modernise the way staff go about their work and the ways in which customers can do business with the council.

Key to these new ways of working are a number of projects which include the following:

- Mobile device policy rollout – this will ensure that officers will have the right IT equipment to allow them to work from home, flexibly (between home and office) or in a mobile way. Creating a fully ICT equipped mobile workforce will help us improve efficiency and customer service.
- Open for business – web channel – this project will see us totally revamp our website using the principles already established by the successful gov.uk website. As well as fresh content which is easier to find, this project will deliver 230 additional on-line services for our customers. We know from the feedback in from our Viewpoint Survey that 72% of our customers are satisfied with our services but we want to improve this figure by offering our services where and when our customers want them.

- In addition to this East Devon is currently reviewing facilities across the district to understand what existing space we can use for mobile officers to ‘touch down’ across the district so that they will not need to make unnecessary journeys back to the office.
- We are also drawing up proposals to firm up what service provision will be available for customers across the district following relocation.

Public and stakeholder engagement and consultation

We will be carrying out consultation with our equality partners and from a Best Value perspective to help us understand what service provision customers, key stakeholders and partners would like to see around the district following relocation.

Communication

We continue to update staff on progress and following this report further staff sessions will be arranged. Additionally, we continue to communicate externally and our communications strategy is constantly under review. The stakeholder meetings, East Devon Extras and engagement with all media channels regarding office accommodation have been helpful in getting our messages out there. These will continue.

Budget

All sums for project management and development to date and going forward have been factored into the overall project cost and included in costs set against capital receipt.

To date the project budget has been approved to a total of £501,686 of which £398,409 has been expended leaving a remainder of £103,277. A further £203,882 is projected to be required for the remainder of 2014/15 bringing total project development cost to £705,568. Key elements within the overall budget include:

Planning and Survey/valuation costs £175k

Project Management and direct costs incurred £273K

Allowance for commercial and marketing costs £38k

Allowance for Legal advice including TVG, property, contract and procurement £70k

Spend is monitored by the Project Manager and via reporting to the Officer Relocation Group and Relocation Executive Group.

Next Steps

Following on from this Cabinet meeting a number of actions will continue/commence. We will be finalising contract for sale of EDDC’s Heathpark site and implementing the agreed review of workspace provision across the district. As per the report recommendations we will be commissioning external expertise to assist in marketing Knowle and Manstone and advising on appropriate procurement, value for money and legal matters in relation to Skypark. A report from the inspector on the TVG application is expected shortly and will clarify the next stage. This will influence the timing of the marketing exercise for Knowle and Manstone. Any impact will be factored into relocation project planning in cost and timing terms. Further relocation reports will be presented later in the year.

Report to: Cabinet
Date of Meeting: 4 June 2014
Public Document: Yes
Exemption: None



Agenda item: 18

Subject: **Achieving the vision for Cranbrook**

Purpose of report:

This report follows a review of progress at Cranbrook and the Council's corporate approach to the project. It focuses on how the vision for the new community can best be achieved including rooting this in a modern interpretation of Garden City principles. It proposes a new partnership group to act as the guardian of this vision and to provide strategic direction. Options are presented for how resources can be realigned to support the delivery of the vision. Finally with a major application for the expansion of Cranbrook beyond 3,500 homes expected later this year approval is sought for a master planning exercise focusing on the town centre and expansion areas.

Recommendation :

- 1. To hold workshops to revise the Cranbrook Vision, in light of government promotion of Garden Cities principles.**
- 2. To support the preparation of a Development Brief for the remainder of the outline permission, and an Area Action Plan covering all future phases of Cranbrook, including the extension areas, informed by an Enquiry by Design master planning process based around the reviewed vision.**
- 3. To organise and manage internal resources to support the achievement of the vision along with any budgetary considerations.**
- 4. To endorse the establishment of a new partnership group specifically responsible for achieving the vision for Cranbrook, delegating the responsibility for finalising the detail of this to the Deputy Chief Executive.**
- 5. To agree the assessment of a number of mechanisms to support the delivery of the vision for Cranbrook, which could include direct investment and will be the subject of a future report to Cabinet.**
- 6. That Cabinet refers this report and its recommendations to the Development Management Committee for consideration.**
- 7. To discuss this report and its recommendations with the East Devon New Community Partners and agree next steps.**

Reason for recommendation:
Officer:

To support the delivery of the vision for Cranbrook.

Darren Summerfield

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Financial implications:

All current staff resources are included in the budget for 2014/15, including external funding where applicable. EDDC funded posts are part of the permanent establishment but external/S106 funding for the other posts is cash or time limited. Funding would have to be identified for any additional staff.

£77,000 is available for masterplanning work/consultancy

Legal implications: To be completed by Legal. As the report notes, the vision partnership group will be advisory to the Council and other partners. Similar advisory arrangements already operate for Seaton and Exmouth regeneration programme boards.

Equalities impact: Low Impact
The timely delivery of homes, employment opportunities, services, facilities and infrastructure are all key elements of a new town that will support the existing and emerging community, helping to address existing and avoid future inequalities. The recommendations within this report will support the Council as it works with its partners to deliver these elements of the project.

Risk: High Risk
There are various risks associated with individual projects, timelines and asset acquisitions for Cranbrook. Achieving the vision for Cranbrook is a high corporate priority and due to its significance the risk associated with it must be considered high. The recommendations within this report will enable the Council to better assess and manage these.

Links to background information:

- Locally-led Garden Cities (DCLG)
<https://www.gov.uk/government/publications/locally-led-garden-cities-prospectus>
- Garden City Principles (TPCA)
http://www.tcpa.org.uk/data/files/TPCA_Garden_City_Principles_Note_2014041_1.pdf
- Cranbrook Strategic Design Guidance (EDDC)
http://www.eastdevon.gov.uk/plg_cbdesign.pdf

Link to Council Plan: Living in an outstanding place
Working in an outstanding place
Enjoying this outstanding place
Outstanding Council

Report in full

1. Introduction

1.1 The concept for Cranbrook traces back to the early 1990s. The vision for how the new community would develop was published in 2006 as part of the Cranbrook Supplementary Planning Guidance. The key principles of that vision were given more detail in the Cranbrook Strategic Design Guidance and can be summarised as follows;

- Cranbrook will take its place in the natural hierarchy of Devon towns and adopt the function of a local service centre
- Cranbrook will be 'of Devon'
- Cranbrook will embrace the principles of sustainable development
- Cranbrook will be set firmly within its local landscape and ecological setting
- Cranbrook will be a vibrant town with a thriving heart
- Cranbrook will be a high quality built environment, a contemporary Devon response
- Cranbrook will be a dynamic, growing town
- Cranbrook will deliver an inclusive town

- 1.2 Development commenced in the summer of 2011 and progress has been rapid ever since. Today there have been starts on over 900 homes and in the region of 600 of these are now completed and occupied. This represents one of the highest rates of house building of any development in the country, if not the highest. To put this in to context, the Poundbury development commenced in 1994 and yet by the end of this year it is expected that there will be more homes completed at Cranbrook.
- 1.3 The vision for Cranbrook clearly anticipates that it will be much more than a housing estate with it being seen instead as a “new East Devon ‘market town’” with a “fully functional town centre” that is “ideally placed to perform a role in serving tourism in East Devon”¹. Notable steps so far have included;
- The opening of St Martin’s Primary School, with the school roll increasing from 35 in September 2012 to circa 260 pupils now;
 - The Housing Minister visiting Cranbrook in December 2012 to announcing a £20m loan to bring forward phase 2 of Cranbrook including the first secondary school which is now under construction and scheduled to open September 2015;
 - The Younghayes Centre hosting its first community event, a pumpkin parade in October 2013;
 - The construction of a purpose built surgery with the commissioning of a GP service by NHS England underway;
 - The commencement of the process to create the Cranbrook Town Council;
 - The commissioning of the E.On energy centre, the hub of the largest district heating network on a Greenfield site in the UK;
 - The start of the bus service serving Cranbrook and the commencement of the works to create the new rail station;
 - Community Questionnaire at the end of 2013 revealing that 94% of residents feel Cranbrook is a good place to live.
- 1.4 With works now underway to open up phase 2 of the new community, including bringing forward the town centre, it is timely to review progress towards the achievement of vision and to consider whether further steps and measures are required to achieve this in terms of the Council’s corporate approach. A recent internal officer workshop led by the new Cranbrook Projects and Urban Design officers has helped to commence this process and this paper puts forward some initial recommendations for discussion.

Garden Cities

- 1.5 The Prime Minister, Housing Minister and the National Planning Policy Framework (NPPF) have all made clear references to the need for new large scale developments to follow the tradition of Garden Cities. Paragraph 52 of the NPPF states that ‘*The supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extension to existing villages and towns that follow the principles of Garden Cities. Working with the support of their communities, local planning authorities should consider whether such opportunities provide the best way of achieving sustainable development*’. Cranbrook is an established opportunity in this respect.
- 1.6 The Garden City movement traces back over 100 years to the first origins of the Town and Country Planning system. They were intended to be planned, self-contained communities surrounded by greenspace, containing proportionate areas of residences, industry and agriculture. The Garden Cities Association (later known as the Town and Country Planning Association or TCPA) was founded to create the first garden city of Letchworth in

¹ Cranbrook Strategic Design Guide 2010

Hertfordshire. The idea of the garden city has been influential across the globe with towns in the Americas, Australia and South Africa following their principles.

- 1.7 Part of the review of the Cranbrook Vision can consider how the development is performing in terms of the Garden City Principles and how they might be achieved within the context of Cranbrook's particular constraints and opportunities. An updated interpretation of these principles is provided over two pages by the TCPA in their document 'The TCPA Garden Cities Principles' (TCPA 2014) available on their website². The following extract from the TCPA website lists the Garden City Principles which notably include a strong vision.

At the heart of the Garden City ideals is the development of holistically planned new settlements which enhance the natural environment and provide high-quality affordable housing and locally accessible jobs in beautiful, healthy and sociable communities. The Garden Cities were among the first manifestations of sustainable developments. Key Garden City principles include:

- *land value capture for the benefit of the community;*
- *strong vision, leadership and community engagement;*
- *community ownership of land and long-term stewardship of assets;*
- *mixed-tenure homes and housing types that are affordable for ordinary people;*
- *a strong local jobs offer in the Garden City itself, with a variety of employment opportunities within easy commuting distance of homes;*
- *Beautifully and imaginatively designed homes with gardens, combining the very best of town and country living to create healthy homes in vibrant communities;*
- *generous green space linked to the wider natural environment, including a surrounding belt of countryside to prevent sprawl, well connected and biodiversity rich public parks, and a mix of public and private networks of well managed, high-quality gardens, tree-lined streets and open spaces;*
- *opportunities for residents to grow their own food, including generous allotments;*
- *strong local cultural, recreational and shopping facilities in walkable neighbourhoods; and*
- *integrated and accessible transport systems – with a series of settlements linked by rapid transport providing a full range of employment opportunities (as set out in Howard's vision of the 'Social City').*

- 1.8 These principles support the vision for Cranbrook and their adoption could aid its delivery. The adoption of Garden City Principles will need the support of all partners including the New Community Partners (NCP), the community and the Council and, subject to Cabinet support, one of the actions following from this report will be to discuss this in greater detail with them to gain their support and involvement. It is recommended that a facilitated workshop is held to explore fully how Cranbrook could incorporate these principles and will be key to gaining the necessary support from the partners.

- 1.9 It should be noted Government is not fixed on a particular interpretation of these principles or a specific model for the delivery of them. It has been made clear in the Locally-led Garden Cities prospectus that there is support and encouragement of innovation in approaches to delivering new settlements.

2. Masterplan

- 2.1 Garden City principles are best achieved through a process that includes a masterplan and also carries weight within the Planning process. The experience of Exeter City Council is that developers will not have regard to requests to improve design or adhere to standards without there being strong planning policy to back this up. However, a consensual approach

² (TCPA, 2014)

is significantly more likely to provide the partnership working that will result in a successful development that meets the challenges of building a sustainable town. This makes it important that the developer partners and community are invited to take part at the earliest opportunity. Concerns about masterplanning centre on the time needed to complete it and that it carry enough weight to have meaning and influence. To counter issues of time and weight a two stage process led by Enquiry By Design could be used to first deliver a Development Brief, potentially within 6 months, that covers the remaining areas within the outline permission and then an overall Area Action Plan (AAP) that covers all future phases of development, including the extension areas, with that being complete within 12-18 months.

- 2.2 Whilst the first 1700 homes at Cranbrook now have detailed planning permission, the design of key further phases, not least the town centre, still need to be agreed. The urgent need for a masterplan was emphasised recently with verbal confirmation that a planning application for the expansion of Cranbrook beyond 3,500 homes will be forthcoming by the end of this year.
- 2.3 Concerns about masterplanning centre on the time needed to complete it and that it carry enough weight to have meaning and influence. To counter these issues a two stage process starting with an Enquiry By Design, or something similar, could be used to first inform a Development Brief, potentially to be adopted within 6 months, that covers the remaining areas within the outline permission and then an overall Area Action Plan (AAP) that covers all future phases of development, including the extension areas, with that being complete within 12-18 months.
- 2.4 The benefits of an AAP is that the process itself carries weight and that it can also incorporate the Enquiry by Design, masterplan and Development Brief within it. An AAP provides a well defined framework within which to develop a way forward for Cranbrook including the necessary evidence. By building on the vision the AAP can attract significant external investment by providing long-term certainty and belief in the vision for Cranbrook within a well respected and robust vehicle.
- 2.5 Concerns have already been articulated by councillors and community about the timely delivery of social and economic infrastructure alongside concerns about architectural design and the pattern of development. A primary aim of the AAP process will be to ensure that Cranbrook is designed to enable and encourage innovation and entrepreneurial activity at all levels within the community to help the new town define its leading role within East Devon and the wider region. That this innovation and ambition should be reflected in the built environment is a given.
- 2.6 By directing future planning submissions a masterplan and AAP will help them meet the design ambitions and aims articulated within the vision and Local Plan, and also help ensure the provision of necessary types and levels of infrastructure in the right places. By ensuring the short, medium and long term success of the town this will maintain the attractiveness of Cranbrook and ensure that it continues to be a profitable development with reduced risks for the consortium over the 10-15 year build period.
- 2.7 By defining key elements within the town the AAP will provide greater assurance that social, economic and environmental infrastructure will be delivered at levels that create an attractive, vibrant and sustainable town projected to be the third largest in East Devon. It will also seek to address the Council's recognition that town needs greater mixed use development to prevent it becoming a housing estate with shops in the middle.
- 2.8 Both Council and Consortium will gain clarity within which to develop and judge submissions once the AAP process is started and certainly once it is in place. With this clarity the risks to the consortium again diminish while the uncertainties faced by the Council and community

over concerns about delivery of infrastructure and good design should be greatly reduced making the application process less onerous for all parties and therefore more rapid.

- 2.9 The scale of the sub-phases by which Cranbrook is being delivered makes them well suited to becoming coherent units of townscape with their own design identity and where a mix of small-scale uses could provide for employment and other needs, addressing the councillor wish to see a more mixed development which avoids an over prescription of land specifically allocated to employment.

3. Masterplan process

- 3.1 Any masterplan will need a well considered brief, new or revised evidence and the agreement and involvement of Council, Consortium and Community. Some of the documents for Cranbrook are either outdated simply through their age or by being overtaken by events. Others do not yet exist. These will need to be commissioned or updated to inform the masterplan. The AAP process provides a clear framework setting out the need for this evidence.
- 3.2 Enquiry by Design is an intensive participatory design-led exercise that brings in independent expertise to inform, facilitate and lead workshops that involve all key stakeholders. Enquiry by Design was used to inform the Sherford development helping develop the vision and design principles around which subsequent planning documents were drafted. A recommendation of this paper seeks endorsement for pursuing this Enquiry by Design led approach, or a suitable alternative such the CABA endorsed Voicebox, at Cranbrook for the development of a Development Brief and Area Action Plan for further phases of the new community. The approach would remain within the wording of the original S106 agreement and Outline Planning Permission but would represent a more pro-active approach by the Council.
- 3.3 Support for, and active engagement with, the Development Brief and AAP process from both community and NCDP would help to ensure that all main stakeholders can see their interests and concerns considered, understood and incorporated into the masterplan process. With all partners having a clear understanding of the intent and background to the document and involvement in its drafting, subsequent planning applications will be more likely to accord with it thereby reducing friction within the development management process.
- 3.4 As the community grows within Cranbrook it is expected to have an increasingly more active role in the way in which their town develops. Funding to explore ways in which this can happen, making the community a pro-active and productive partner in the delivery of Cranbrook, is being applied for.

4. Partnership working

- 4.1 When considering the planning application for an additional 587 homes at Cranbrook the Development Management Committee highlighted concerns that the delivery of social and economic infrastructure was out of step with the delivery of new homes, although the infrastructure to be delivered at this stage within the S106 agreement was largely in place. This implied that some of the infrastructure that is critical to the delivery of a successful town, including elements enabling formal and informal social and economic activity, may not be best delivered simply using a standard S106 agreement.
- 4.2 Also, experience to date, including the efforts to secure a GP practice at the Younghayes Centre, has illustrated that provisions negotiated some time ago within the S106 agreement can be difficult to secure in practice due to changing organisational structures and the impacts of reducing budgets. Nonetheless these remain critical ingredients to the development of a sustainable community. In contrast to Poundbury, Cranbrook is being delivered via a commercial delivery model, albeit with significant public sector input. The core business of the main house builders delivering Cranbrook is, understandably, to build

and sell homes rather than to build a town. This raises a legitimate question about the wider stewardship of the new community, akin to the role that the Duchy plays at Poundbury, which has enabled the delivery of significant amounts of social and commercial infrastructure within the housing mix. However, it is unrealistic to expect the Council or other single entity to take this on in the same way while it is worth remembering that Poundbury has taken 20 years to deliver 784 homes.

- 4.3 At Cranbrook this stewardship role will, to an extent, be performed by the forthcoming Town Council, though there is a vital and ongoing role for the District Council. However, the delivery of Cranbrook and realisation of its vision rests on the support and cooperation of a very wide range of stakeholders that is best secured through a partnership. In particular, a strong partnership between the three main stakeholders (Community, Council, NCDP) may do better in identifying many of the needs of a sustainable town and deriving the means to deliver them together.
- 4.4 A key challenge is how to integrate Garden City principles into the commercial delivery model. Cranbrook needs to incorporate all the services and facilities that one would expect in a town of circa 15,000 population which implies a fine grain and mixed use pattern of development both within the town centre and the wider housing areas. Where some of this infrastructure carries additional risks and uncertainty this may require direct support and intervention from the Council, for example to deliver workspace for small businesses.
- 4.5 Achieving the vision for Cranbrook will necessarily extend beyond the realm of making decisions on the associated planning applications. An initial conclusion from the review is that a number of changes need to be made in order to ensure that the Council is in a position to work effectively with the New Community Partners (NCP) and other stakeholders, including the community, to deliver the vision for the town. These changes are set out below and relate to partnership working, organisation of Council resources, masterplanning the town centre and expansion areas and mechanisms to support delivery.
- 4.6 As a first step it is proposed that a new Vision Partnership Group is constituted. This will act as the guardian of the vision and the associated principles. In terms of membership it could comprise, say, 10 members and operate at a high level with representation from the Deputy Leader of the Council and Deputy Chief Executive alongside key agencies (e.g. Registered Providers and Devon County Council), community leaders, and the NCP. The primary purpose of the group would be the delivery of the vision and it will provide essential leadership and direction for the project. The group would not focus solely on the planning and construction elements of the project and would also need to consider issues such as community development, longer term stewardship and health and wellbeing. The precise terms of reference would need to be agreed and the recommendations include a proposal for a further workshop which will help to refine this.

5. Resources

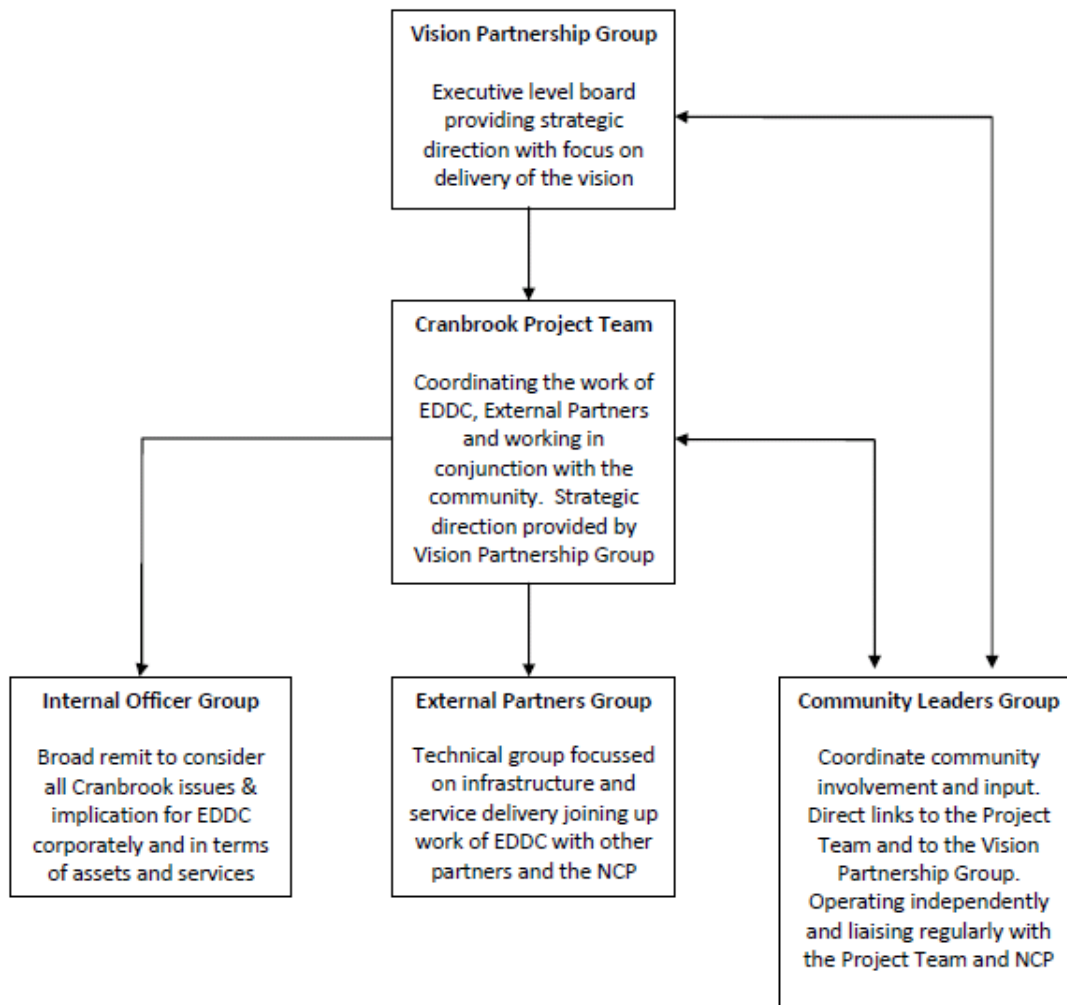
- 5.1 The Council has a number of posts that are specifically dedicated to Cranbrook. The table below sets out each of these, identifying which department each post works within and how it is funded. In addition to this sits the Community Development Worker (EDVSA employee funded with s.106 monies) and staff resources from the Growth Point team (funded jointly with Exeter City Council).

Post	Host service	Funding source	Funded until
New Community Officer	Development Management	S106	March 2017
Senior Planning Officer (0.5 FTE)	Development Management	EDDC	Permanent
Urban Designer	Development Management	DCLG	January 2016
Projects Officer	Estates	DCLG	January 2016
Countryside Park Ranger	Countryside	S106	March 2019
Support Staff (0.33 FTE)	Development Management	EDDC	Permanent
s106 Monitoring Officer (0.15 FTE)	Development Management	EDDC	Permanent

- 5.2 The recent appointment of the two posts funded through the DCLG capacity funding has increased dedicated capacity to manage the delivery of Cranbrook. However, this is currently dispersed between a number of different departments and there is a working assumption that additional capacity is necessary to carry out the additional tasks and to support the effective delivery of existing workload. Determining capacity needs will form part of the review process. Whilst there is regular communication and joint working between officers, it is considered that improvements can be made to the current arrangements to better determine the Council's position and coordinate the delivery of the vision.
- 5.3 In addition to the posts above a number of other Council officers also have involvement with Cranbrook, for example those responsible for estates, property services, affordable housing, street scene and environmental health. Groups are in place to coordinate resources both internally (e.g. the Cranbrook Assets and Services Group) and with external partners at Monthly Project Meetings, Health Practitioners Monthly Meeting and Senior Officers Meeting which is attended by representatives of the surrounding Parish Councils. Officers also regularly attend other meetings such as those of the Cranbrook Community Forum, Parish Council meetings and the recently established Community Leaders Meeting. Whilst existing arrangements are in place to coordinate and organise the input of these services and partners into the project, it is considered that improvements can be made to how this is organised and managed.
- 5.4 In terms of the Council's resources there are broadly three options for how Council these can be organised:
- A. No change
 - B. Restructure to create a stand alone Cranbrook Team
 - C. Establish a Cranbrook Project Team with resources remain distributed across the different services but coordination would be formalised
- 5.5 In order to coordinate the efforts of the officers in posts that are dedicated to Cranbrook it is proposed that the Cabinet agrees to option C to create a Cranbrook Project Team. At this stage it is suggested that the officers identified in the table above are dedicated to the project, but remain integrated within existing departments. This arrangement will facilitate the coordination of workloads for a single team that meets on a regular basis and works to an agreed project plan for Cranbrook.

- 5.6 To support the formation of the proposed team it will be necessary to formalise its management and leadership. The Deputy Chief Executive is the senior officer responsible, but there is a need for a post reporting to him that is dedicated to the function of managing and organising the project. It is proposed to expand the role of the New Community Projects Officer to include responsibility for this. The workload associated with this, alongside the other responsibilities of the post will need to be kept under review as there may be a need to support the role with additional resources.
- 5.7 The table above makes it clear that the majority of resources in place to support the delivery of Cranbrook are temporary. There will be an ongoing need that the project is adequately resourced and it is recommended that the existing resources dedicated to the project are the subject to a review, with consideration given to the longevity and capacity of these arrangements. The outcomes of this review can inform future budget discussions and consideration of resource allocation and/or the investigation of potential for accessing additional sources of funding. Notwithstanding the outcomes of that review it is proposed to submit an expression of interest for a bid to the next round of the Capacity Funding scheme. This needs to be submitted by the end of May 2014 and an update will be provided at the Cabinet meeting. Initial thoughts are that this could include an additional 12 months of funding for the Urban Designer and New Community Projects Officer posts, funding for an additional posts within the planning service to support the work outlined in sections 2 and 3 above, along with finance to support the proposed masterplanning exercise.
- 5.8 Alongside the Project Team it is proposed that an Internal Officer Group is established. This will take on the remit of the Cranbrook Assets and Services Group and widen this to consider and coordinate all things Cranbrook related. This will ensure a higher degree of involvement from across the Council and support the planning for service provision and deliver on an ongoing basis. It is envisaged that this group will meet on a bi-monthly basis.
- 5.9 As already noted the need for engagement with a wide range of external stakeholders is a crucial element of the project. This includes service and infrastructure providers such as Devon County Council and NHS England and other organisations and practitioners including Registered Providers, health service providers and emergency services. Communication between these stakeholders has already been helpful in ensuring that a high level of awareness is maintained by all parties and that service delivery efforts are coordinated.
- 5.10 It is recommended that the current monthly project meeting is refreshed to include all external partners and takes on a more defined role as an External Partners Group that is focussed on the delivery and planning for services, facilities and infrastructure. The frequency of meetings should be changed from monthly to bi-monthly. The involvement of the NCP in the work of this group will be necessary as a means of facilitating effective communication between all delivery partners.
- 5.11 The local community and the neighbouring areas have and continue to be key to the successful delivery of Cranbrook. Whilst the Vision Partnership Group set out above would include community representation, there is considered to be a need for further representation and involvement, with the potential for the community to take a more active role leading the town's development. This is already happening to a degree through various, but its effectiveness could be improved with some re-organisation.

- 5.12 In addition to the Cranbrook Community Forum, there are other community groups, along with individuals who are playing an active part in the community. This has been recognised by the Community Development Worker who has responded by setting up and coordinating a Community Leaders Group. It is proposed to work with the Community Development Worker to support the development of this group, this may require funded secretarial support and could possibly benefit from the appointment of an independent chair. The group can act as a conduit for information from the Council, NCP and other partners, a mechanism for the communication of community issues and view, a source of comments on formal matters such as planning applications or pre-application discussion and a mechanism for coordinating community led delivery of projects. As well as being supported at arms length the group would need to be recognised by the NCP. In order to be effective the group would need to benefit from regular contact with both the Cranbrook Project Team and the NCP. A direct link to Vision Partnership Group would also be required. The role of the group, along with details such as who will be represented on it, how often it will meet and how it will be organised will need to be determined in conjunction with the community.
- 5.13 The establishment of Cranbrook Town Council is still around 12 months away and it naturally going to take some time for the Council to get up and running once it has been established. The Community Leaders Group offers a mechanism during the interim period to ensure that the community input into the project is better coordinated. It will be a matter for the community to decide, but the Town Council's involvement in the project once established may possibly replace the need for this group at a later date.
- 5.14 Alongside the proposals above it is anticipated that the need for additional community based and other issue specific groups will remain. For example the Community Development Worker is currently preparing a bid for funding to support the preparation of a community lead plan to support local economic development. This project will need its own project board and this will sit outside of the Community Leaders Group. It is also envisaged that groups such as the Health Care Practitioners will continue to meet as they have a particular function in bringing together all those with an interest in the delivery of services within the community. The proposed arrangements will help to coordinate the efforts of these other groups and will offer a clear route for the channelling of information and two-way communication.
- 5.15 The responsibility for decision making for planning applications will remain with the Council's Development Management Committee. Whilst staff from the Development Management service would be part of the Cranbrook Project Team, the formal decision making function of the Council could not pass to Project Team or Vision Partnership Group.
- 5.16 The work of these four groups will need to be coordinated and dovetailed with that of the Vision Partnership Group. Responsibility for this will lie with the Cranbrook Project Team. The diagram below illustrates how the groups would relate to one another. The proposed re-organisation will offer greater clarity and improved coordination. It will ensure that officer resources are focussed and that duplication of work and multiple-attendance at meetings is significantly reduced.



6. Mechanisms for delivery

- 6.1 The challenges of delivering an entire new town were recognised within the Strategic Design Guidance and working in partnership to do so should be recognised by all participants as vital for any hope of success. For Cranbrook to be successfully delivered this will mean unlocking the strengths of each participant (public sector, private sector and community) for mutual benefit to deliver the things that other participants may not be able to take on. Risks associated with providing the different forms of infrastructure identified within the masterplan need to be profiled so that they can be reduced and allocated to the partner most able to bear that risk.
- 6.2 For instance, providing small scale social and business infrastructure does not carry a risk profile that can be borne comfortably by a commercial developer, but this could be taken on by a public sector organisation that could commission and lease out suitable units. This may involve the Council performing a variety of roles. For example, direct intervention and investment may be required as has happened elsewhere in the District. Bids for funding to external sources, for example to the Heritage Lottery Fund to support the re-use of the Till House farm complex, may also be required.

- 6.3 The Council could also consider taking the landowner and developer role for the direct delivery of new homes and/or self-build units.
- 6.4 In addition the Council can help set up mechanisms for enabling the community to be active participants and investors in the town. The process for creating the Cranbrook Town Council is now underway. One of the issues that will need to be determined is the size of the precept that is required. This will determine the role that the Town Council can play in investing the delivery of critical facilities for example. Possibilities also exist for the establishment of a Community Interest Company for the delivery of specific services or an entity such as a Cranbrook Corporation that could manage and finance assets within the town with share ownership offered to members of the community.

7. Next steps

- 7.1 Subject to Cabinet approval of the report recommendations, officers will work in conjunction with others to finalise the details and establish the Vision Partnership Group and the Cranbrook Project Team. Once these are in place steps can be taken to realign the existing groups to set up the Internal Officers Group, External Partners Group and work with the Community Development Worker and community leaders to define the role and format of the Community Leaders Group.

Report to: Cabinet
Date of Meeting: 4 June 2014
Public Document: Yes
Exemption: None



Agenda item: 19

Subject: Affordable Housing - Restricted Staircasing for Non – Grant Funded Shared Ownership Units In Designated Protected Areas.

Purpose of report: This report seeks Cabinet approval to lift the Designated Protected Area (DPA) status on a number of developments in the West of the District on land that is being developed for housing. We have been requested to seek this change because DPA status has the effect of restricting 'staircasing' on shared ownership properties and preventing their outright sale. We are advised that only two lenders are prepared to provide mortgage funding with the DPA restriction in place.

Recommendation: **Cabinet is Recommended to:**

- a) Approve the lifting of DPA status (for non grant funded schemes) that currently exists on the identified development sites in the West of the District, but that the S106 agreement secures that any staircasing receipts be recycled for the provision of affordable housing in the District.
- b) Give delegated authority to the Head of Housing (in consultation with Portfolio Holder) to approve the lifting of the DPA status (for non grant funded shared ownership unit schemes) elsewhere in the District where it can be shown (through Housing Needs evidence) that there is a surplus of shared ownership units, or that they can be easily replaced provided that in any case where a waiver is given the S106 agreement secures that any staircasing receipts be recycled for the provision of affordable housing in the District.

Reason for recommendation: Helps to ensure that purchasers are found for all the shared ownership homes and lenders will offer mortgages on such affordable housing.

Officer: Paul Lowe Housing Development and Enabling Officer
pjlowe@eastdevon.gov.uk Ext 2379

Financial implications: The financial implications, in the form of S106 receipts, are included in the report.

Legal implications: The purpose behind Designated Protected Areas is to ensure that affordable housing (principally shared ownership housing) is retained in perpetuity. This is achieved by restricting the ability to own outright a shared ownership property or, where that has happened, by requiring Housing Providers to buy it back. The restrictions are not mandatory and can be waived by the HCA (where the scheme is grant funded) or by the local authority (where not grant funded). Given the current financial climate and lack of funding from the HCA, requests to the Council to waive this requirement are likely to become more prevalent. The HCA has advised that where it would have waived the requirement had an application been made to it (so in accordance with the guidance within the DPA Guidance document) then it advises local authorities to do the same.

As set out in the report the HCA suggest that in the case of New Towns or where there is a surplus of shared ownership properties and / or those properties can be easily replaced then a waiver ought to be granted.

Accordingly the recommendation seeks authority to act in accordance with the HCA guidance. A number of identified sites including Cranbrook (but limited to the area covered by the planning permissions) would be released. Any future request for relaxation would need to demonstrate that there was sufficient shared ownership or that it would be easily be replaced for any relaxation to be given. Crucially, and in order to further safeguard affordable housing provision, any money made by the Housing Provider from the relaxation of these requirements must be recycled within the District for the provision of affordable housing.

Given the HCA guidance, evidence based assessment and safeguarding mechanism to be required, it is considered that the Recommendations are appropriate and reasonable.

The Council is under a duty to consider the impact of its decision from an Equalities Act duties point of view. Given that this will make providing and, therefore, accessing affordable housing easier it would seem that there can only be a beneficial impact in that sense.

Equalities impact: Low Impact

Click here to enter text on impact level relating to your report. Link to an equalities impact assessment form if necessary.

Risk: Medium Risk

Links to background information:

- [DPA Guidance for Local Authorities](#)
- [Cabinet Report April 2012](#)
- [DPA letter from Sovereign](#)

Link to Council Plan: Living in this Outstanding Place.

Report in full

1. Background Information

- 1.1 The Housing and Regeneration Act 2008, which came into effect on the 7th September 2009, enabled the Secretary of State to designate 'Protected Areas', ensuring that shared ownership properties can be retained in rural locations where they would be difficult to replace if any stock is lost through purchasers being able to purchase up to 100% of the equity in the property (known as staircasing).
- 1.2 The Designated Protected Area Order was designed to prevent occupiers of shared ownership homes within a protected area from buying 100% of the property. Instead ownership is restricted to a maximum of 80% (or if 100% staircasing is allowed that the Housing Provider be required to buy the property back). This safeguards the shared ownership property in perpetuity.
- 1.3 Most of East Devon is generally covered by Designated Protected Areas save for areas within the towns of Axminster, Budleigh Salterton, Exmouth, Honiton, Ottery St Mary, Sidmouth and a very small part of Broadclyst abutting Exeter.
- 1.4 Cabinet will recall a similar report to this requesting that the Council endorse the DPA status at Cranbrook (first phase affordable units) being lifted. That report was put to, and supported by Cabinet on the 4 April 2010. In that case though because the affordable housing to be provided was grant funded by the HCA the application for the waiver had to be made to the Homes and Community Agency.
- 1.5 Unlike the Cranbrook Cabinet report on the 4 April 2010, this report seeks support to lift the DPA status on a number of non Homes and Communities Agency (HCA) Grant funded developments within the West of the District. Whereas the Cranbrook report just sought Members approval to request from the Homes and Communities Agency a waiver of the DPA status. This was due to the significant amount of HCA grant funding for the first phase of 300 affordable homes. It did not include the remaining affordable homes planned for Cranbrook. According to the current and 2015 -18 HCA Affordable Housing Programme it is understood that grant funding will not be available for Section 106 developments, this includes the current Cranbrook application for 587 homes.
- 1.6 As a formal request from the Local Authority to the HCA to waive the DPA status is not required on HCA non- grant funded sites, the decision whether to apply an 80% ownership restriction on shared ownership property (or if 100% staircasing is allowed to require the Housing Provider to buy back the property) lies with the Local Authority. The HCA suggests that if the local authority decides to impose an 80% restriction (or the buy back clause) it carefully consider the implications of such a restriction.
- 1.7 If the DPA status is lifted on non- grant funded shared ownership properties, the council will include within a Section 106 Agreement a requirement that any receipts from the sale or increased ownership percentage of the shared ownership units are re - invested in the provision of affordable housing in East Devon.
- 1.8 Although there are signs of an improving economy, it remains a very restricted picture in terms of grant and mortgage availability. Registered Providers are experiencing continued difficulty in securing the necessary funds to enable them to deliver affordable housing, in particular rural schemes. This difficulty has been further compounded by most mortgage lenders not being prepared to lend on rural affordable housing within a Designated Protected Area.
- 1.9 Several of our Registered Provider partners have approached us with a request to lift the DPA in a number of areas and have provided evidence of restricted mortgage lending practice.

- 1.10 The mortgage market still remains constricted since the banking crisis and recession of 2008. Lenders remain reluctant to offer mortgages for shared ownership properties in a DPA. This results in a number of problems, some of which are listed below:
- The mortgage market has effectively been reduced to one or two lenders in DPA's.
 - The lender will want to limit the number of mortgages it offers on any one site.
 - Those wanting to purchase shared ownership leases have very limited choice of lenders.
 - There is almost no choice in terms of mortgage products with those mortgages being offered requiring the payment of high deposits up to 20%.
 - The recent Mortgage Market Review may mean that obtaining a mortgage could become even harder as financial advisers and lenders are much more accountable for the advice they offer, and must now assess the long term impact and probability of possible changes to an applicant's circumstances. This also includes closer scrutiny of an individual's total expenditure.
- 1.11 In March 2011 the Government, through the HCA produced a DPA policy update with guidance for Local Authorities. The update acknowledged restrictions of DPAs and the policy of retaining shared ownership property in perpetuity. The HCA state that:
- "it is evident that for some of the areas which are now covered by the DPA status, the policy aim of retention of shared ownership stock is not an issue. These include planned urban extensions, new towns and many suburban sites where levels of existing or proposed development indicate that shared ownership homes would not be hard to replace".....
- 1.12 The Identified Development Sites (as set out below) meet the above statement because either they are part of a new town (Cranbrook) or because there is a surplus of shared ownership stock which, in addition, would not be hard to replace.
- 1.13 By lifting the designation it would allow individuals who could afford to purchase further shares in their home, to ultimately own it outright by staircasing out. In such a case it means that the affordable home will be lost to the open housing market. While the Council will require any money received by the staircasing out to be re-invested, this is in any event a low risk matter as evidence shows that only a small proportion of owners 'staircase out' of shared ownership to full ownership of their home.
- 1.14 If the DPA status is not lifted on non- grant funded developments there is a risk that a large proportion of the shared ownership properties will remain empty for longer than is necessary and may never be occupied as affordable housing. The ownership restriction has in the past been a way of ensuring rural shared ownership schemes remain affordable, but regrettably this is of little value if the banks and building society lending policies mean they will not lend to potential purchasers.

2. Identified Development Sites

- 2.1 The following development sites have been identified as being within a DPA and as a consequence are subject to an 80% restriction:
- Cranbrook – 13/1753/MFUL Full – 587 units, 25% affordable, comprising 103 affordable rent, and 44 shared ownership.
- Pinn Court Farm – 13/2447/MOUT – 430 units, 40% affordable, comprising 120 affordable rent, and 52 shared ownership.
- Phase 2 Old Park Farm – 13/0001/MOUT – 350 units, 40% affordable, comprising 98 affordable rent, and 42 shared ownership.
- 2.2 The lifting of the DPA on these non- granted funded sites applies only to the red line plan submitted as part of the applicant's planning application.

3. Future waiving of DPA restriction

- 3.1 As indicated above, there will be some rural areas where the purpose behind the DPA restriction is no longer relevant. In short, this will be where there is a surplus of shared ownership stock to meet the identified need or where such units would not be hard to replace.
- 3.2 In order to avoid having to bring reports to Cabinet each time either or both of these circumstances are met, it is considered appropriate that Cabinet delegate powers to officers (in consultation with Portfolio Holder and Member Champion for Affordable Housing) to be able to grant the waiver.

Proposal

- 3.1 To seek support from Cabinet to have the DPA restriction lifted from the Identified Development Sites.
- 3.2 That Cabinet approve delegated authority to waive the DPA restriction (for non granted funded schemes) for other developments within the District, where it can be demonstrated (with evidence) that there is a surplus of shared ownership units or that the units could be easily replaced.
- 3.3 In both cases, if supported, suitable wording should be included within the Section 106 Agreement(s) to ensure that any staircasing receipts (being money received from buying equity shares up to 100%) are re invested in affordable housing in East Devon.

4. Conclusions

- 4.1 We request that the Cabinet agree with the recommendations in this report so that the DPA restriction in the identified development sites, and others as and when it is appropriate to do so, be lifted, thus ensuring that the shared ownership affordable housing can be sold to individuals who meet the various affordable housing tests but that the money received is re-invested in providing affordable housing.

Report to: Cabinet
Date of Meeting: 4 June 2014
Public Document: Yes
Exemption: None



Agenda item: 20

Subject: **Community Land Trust start up loans for affordable housing**

Purpose of report: This report outlines a proposal to provide a 'start up' loan facility for newly forming or established Community Land Trusts (CLTs) wanting to provide affordable housing in East Devon. A loan of up to £5,000 per CLT can be made available from the council to qualifying CLTs to cover the initial start up costs such as legal fees, surveys and other related costs incurred by new CLTs, or further in depth site investigations, employing architects or preparing offers for established CLTs.

Recommendation:

- a. That the Community Land Trust start up loan application form be agreed.
- b. That the Head of Housing is given authority to approve individual loans once they have been assessed as suitable by the Housing Development and Enabling Officer.
- c. That the Head of Finance is given authority, at his discretion, to 'write off' any loans, where the CLT fails to deliver the affordable housing for whatever reason

Reason for recommendation: To encourage local groups to come together to form a Community Land Trust and deliver affordable housing.

Officer: Paul Lowe Housing Development and Enabling Officer
pjlowe@eastdevon.gov.uk Ext 2379

Financial implications: Technically there are no budgetary implications as the loans are to be repaid. However the Council does carry the risk of non-repayment. The funding of any realised risk is not budgeted for. The Council's cash flow will also be affected, but the amounts are not material.

Legal implications: The Council has legal power to offer assistance.

The general consents under section 25 of the Local Government Act 1988 (Local Authority assistance for privately let housing) 2010 enable a local authority to provide any person with any financial assistance by way of grant or loan for the purposes of or in connection with the acquisition or construction of property which is intended to be privately let. 'Privately let' accommodation means the landlord must not be a local authority.

To the extent that a community interest company may be intending to dispose of freeholds, then the Council may rely on the general power of competence in providing loan assistance.

Advice had already been given at Strategic Management Team on suggested amendments to the loan application form.

Equalities impact: Low Impact

Click here to enter text on impact level relating to your report. Link to an equalities impact assessment form if necessary.

Risk: Medium Risk

Links to background information: • [CLT application form](#)

Link to Council Plan: Living in and working in an outstanding place

Report in full

1 Background

- 1.1 A proposal was submitted to the Capital Strategy and Allocation Group on the 5 December 2012 seeking £250,000 to provide a 'start up' fund for emerging and established Community Land Trusts. It was agreed that £50,000 be made available to be used as a 'revolving loan pot'.
- 1.2 An extract of the minutes from the 5 December meeting are as follows –
(2) that the following new Capital bid for 2013/14 be amended as:
Affordable Housing £50K (this would be a 'revolving pot' for loans of £5K for each parish applying to become a Community Land Trust. The opportunity to submit bids for specific schemes would be considered separately on a case by case basis with priority being given to schemes that were community led).
- 1.3 This proposal was put before Cabinet on the 9 January 2013 and supported.
- 1.4 A report was also submitted and supported by Strategic Management Team on the 29th January 2014.
- 1.4 It is envisaged that emerging or established CLTs can approach the Council seeking a loan of up to £5,000. For an emerging CLT this would help with set up costs, including formally registering as a CLT and other related works, such as site surveys etc; for established CLTs the loan may help to undertake further in depth site investigations, employ architects, prepare offers etc.
- 1.5 A copy of the proposed application form is linked to this report. [CLT Application Form](#).
- 1.6 It is proposed that the completed application form is first assessed by the Housing Development and Enabling Officer, and then approved by the Head of Housing. The Housing Development and Enabling Officer will undertake a number of checks, including establishing the CLT's intentions, whether they own land, have planning permission, and have sought Parish Council and Local community support for the project etc. The criteria within the application form will form the basis of these checks.
- 1.7 The loan is expected to be repaid to the Council without interest within two years of the affordable housing being completed. In exceptional circumstances this period of time may be extended at the discretion of the Head of Finance.
- 1.8 If the CLT fails to deliver the affordable housing, decides to cease operating as a CLT, or is unable to secure either planning permission or funding etc then the loan may be 'written off', at the Head of Finances discretion.

2 Conclusion

- 2.1 If Cabinet agree to support the proposed mechanism to facilitate the CLT start up loan fund, and approved by Full Council, we will promote the loan to all Parish Councils in the hope that it encourages the local community to come together to try and provide more affordable homes for local people.

Report to: Cabinet
Date of Meeting: 4 June 2014
Public Document: Yes
Exemption: None



Agenda item: 21

Subject: Proposed designation of Yarcombe, Newton Poppleford and Monkton Neighbourhood Areas

Purpose of report: Proposals have been received to designate Yarcombe, Newton Poppleford and Monkton Parishes as Neighbourhood Areas. These have all been subject to the requisite six week consultation period District Council and have received no objections.

It is proposed that all three designations are approved.

Recommendation: **It is recommended that:**
1. Yarcombe Parish is designated a Neighbourhood Area.
2. Newton Poppleford Parish is designated a Neighbourhood Area.
3. Monkton Parish is designated a Neighbourhood Area.

Reason for recommendation: Refer to the report.

Officer: Claire Rodway, Senior Planning Officer (01395 571543)
crodway@eastdevon.gov.uk

Financial implications: The financial implications are stated in the report.

Legal implications: This report is being brought before Cabinet due to current constitutional arrangements and the legislative framework in respect of Neighbourhood planning.

By way of background, once a Neighbourhood Area is designated the District Council are legally required to provide advice and assistance to the subsequent production of the Neighbourhood Plan (including the costs of organising the independent examination – although a grant from DCLG towards the costs can be sought). Once the Neighbourhood Plan is adopted then it carries weight as part of the Development Plan and moreover entitles the Neighbourhood to 25% of CIL receipts from development within its area to be used towards the provision of local infrastructure.

In this instance it is the responsibility of the Committee to determine the suitability / extent of the Neighbourhood Area to designate, although in the absence of any objection and no strategic sites to protect it is difficult to see how a smaller area than that applied for can be designated. If an alternative area is designated then justified and robust reasons will need to be given.

Having noted the above advice there are no further legal implications arising from this report.

Equalities impact: Low Impact
The Neighbourhood Area applications have been advertised in a variety of formats to increase accessibility. Neighbourhood Planning is designed to be inclusive and extensive consultation is a fundamental requirement. All electors are invited to vote in the referendum.

Risk: Low Risk

The Council must provide sound reasons for approving a reduced Neighbourhood Area. There is a risk that the decision will be subject to legal challenge and that the Parish Council will feel disenfranchised and that their right to produce a Neighbourhood Plan under the Localism Act has been prevented.

Links to background information:

- [East Devon Local Plan Submission document August 2013](#)
- The Localism Act: <http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>
- Plain English Guide to the Localism Act:
<http://www.communities.gov.uk/publications/localgovernment/localismpainenglishupdate>
- National Planning Policy Framework:
<http://www.communities.gov.uk/publications/planningandbuilding/draftframework>
- Neighbourhood Planning Regulations:
<http://www.communities.gov.uk/publications/planningandbuilding/planningregulationsconsultation>

Link to Council Plan: Living in, working in, enjoying this outstanding place

Report in full

1.0 Yarcombe, Newton Poppleford and Monkton Neighbourhood Area Applications

1.1 The District Council has received applications from three Parish Councils (Yarcombe, Newton Poppleford and Monkton) for the designation of each Parish as a Neighbourhood Area. Once designated, the Parish Councils intend to produce a Neighbourhood Plan for their area. Although this report addresses both proposed designations it should be noted that they are separately made by the individual Parish Councils.

1.2 There are two main considerations in this report

- The legal requirements concerning whether the applications for designation as Neighbourhood Areas have been properly made and advertised
- Whether the areas applied for are appropriate

Does the application meet the requirements of the regulations?

1.3 The requirements for an application for designation of a Neighbourhood Area are set out in regulation 5 of the regulations and in section 61G of the 1990 Act (which was amended to incorporate parts of the Localism Act 2012).

1.4 Regulation 8 states that an application to the Council for designation of a Neighbourhood Area “must” include:

- a. A map which identifies the area to which the application relates;
- b. A statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and
- c. A statement that the organisation is the relevant body for the purposes of section 61G of the 1990 Act.

1.5 All applications meet the requirements. They each include a map of their whole Parish and a statement confirming that the Parish Council is a qualifying body. They also include the reason for requesting that the whole Parish be designated.

Are the areas applied for appropriate?

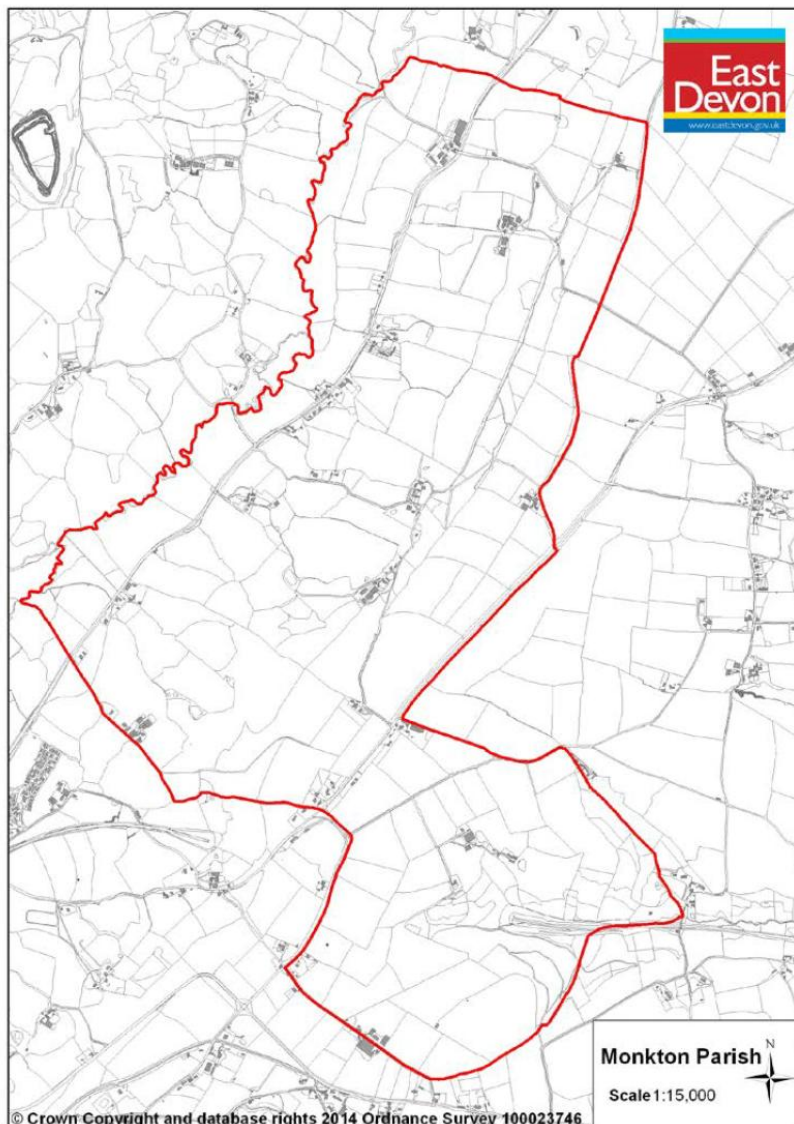
- 1.6 The applications have been publicised for the 6 weeks required by the regulations on the District and Parish Council websites, in local newsletters and on the Parish noticeboards. The proposals have been discussed at Parish meetings and the Environment Agency, English Heritage and Natural England, neighbouring Councils and the County Council have been consulted. In this way it is considered to have been brought to the attention of those living, working and carrying out business in the area. The publicity notices are attached for Members information. No objections have been received and English Heritage and Natural England have responded in general terms offering general advice only. No reason to amend the area applied for has been put forward and the areas are appropriate in terms of planning Policy, therefore it is recommended that the Neighbourhood Areas be approved as per the applications. Any comments received between the writing of this report and the meeting, will be reported verbally to the meeting.

2 Next stages

- 2.1 Once Neighbourhood Areas are designated for Yarcombe, Newton Poppleford and Monkton, this must be advertised on the EDDC website and locally. The Parish Councils can then commence production of their Neighbourhood Plans. All three Parishes are within the Blackdown Hills and it is likely that they will share resources and information with other Neighbourhood Plan groups in the AONB to ensure consistent policies and approach.
- 2.2 Upon designation EDDC can apply for £5,000 grant funding from DCLG per Neighbourhood Area. Upon receipt of this money £2,000 is usually granted on to the Parish Council to assist with their costs, whilst the remaining £3,000 is retained towards District Council costs. Further stages of Neighbourhood Plan making will qualify for an additional £25,000 from DCLG to help EDDC meet referendum and examination costs, however this is not guaranteed beyond 2014/15 (although the obligation for EDDC to meet these costs will remain).

Application for Designation of a Neighbourhood Area

We have received an application from Monkton Parish Council for the designation of the Parish of Monkton as a Neighbourhood Area.



You can view the proposal on our website at: www.eastdevon.gov.uk/planning-neighbourhood_plans

or by appointment with Monkton Parish Council

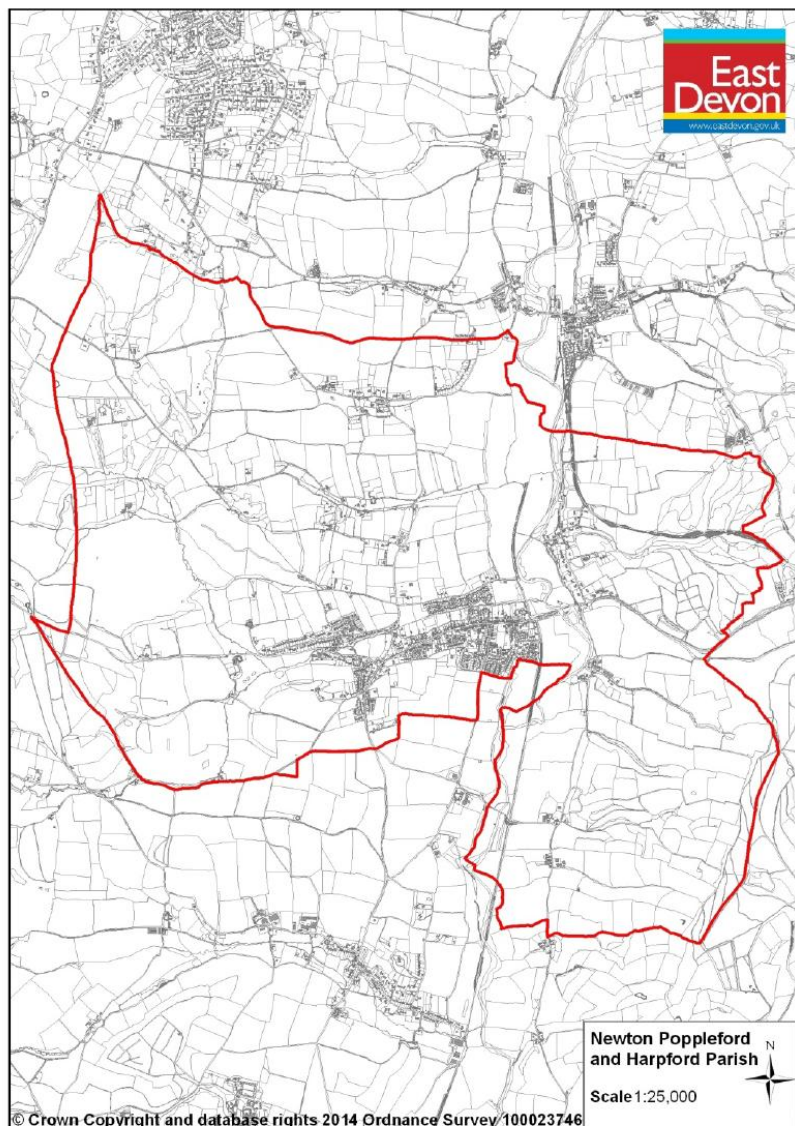
You can also view or make comments on this proposal by writing to us at Planning Policy, East Devon District Council, Knowle, Station Road, Sidmouth, Devon, EX10 8HL (8.30-5pm Mon-Fri). If you write to us your comments will be kept on a public file and they may be reproduced in writing or placed on our website.

THE CLOSING DATE FOR COMMENTS IS 16th May 2014

Application for Designation of a Neighbourhood Area



We have received an application from Newton Poppleford & Harpford Parish Council for the designation of the Parish of Newton Poppleford and Harpford as a Neighbourhood Area.



You can view the proposal on our website at: www.eastdevon.gov.uk/planning-neighbourhood_plans

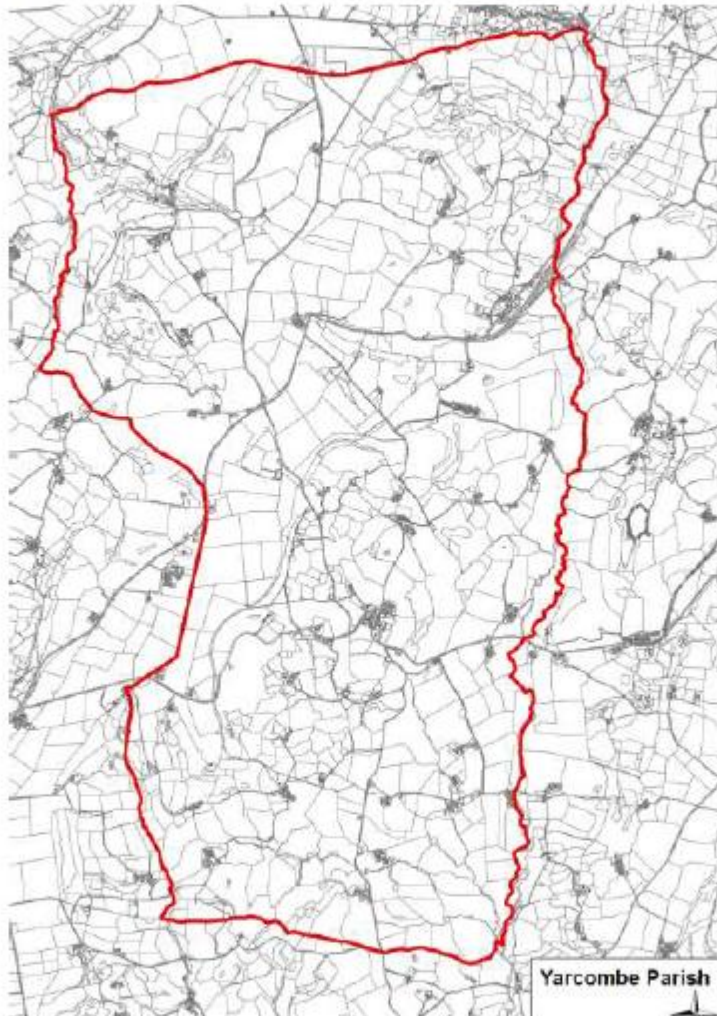
or by appointment with Newton Poppleford and Harpford Parish Council

You can also view or make comments on this proposal by writing to us at Planning Policy, East Devon District Council, Knowle, Station Road, Sidmouth, Devon, EX10 8HL (8.30-5pm Mon-Fri). If you write to us your comments will be kept on a public file and they may be reproduced in writing or on our website.

THE CLOSING DATE FOR COMMENTS IS 16th May 2014

Application for Designation of a Neighbourhood Area

We have received an application from Yarcombe Parish Council for the designation of the Parish of Yarcombe as a Neighbourhood Area.



You can view the proposal on our website at: www.eastdevon.gov.uk/planning-neighbourhood_plans

or by appointment with Yarcombe Parish Council

You can also view or make comments on this proposal by writing to us at Planning Policy, East Devon District Council, Knowle, Station Road, Sidmouth, Devon, EX10 8HL (8.30-5pm Mon-Fri). If you write to us your comments will be kept on a public file and they may be reproduced in writing or on our website.

THE CLOSING DATE FOR COMMENTS IS 12th May 2014

Report to: Cabinet
Date of Meeting: 4 June 2014
Public Document: Yes
Exemption: None



Agenda item: 22

Subject: Monitoring of formal complaints 2013/14

Purpose of report: This report provides information on formal complaints dealt with during 2013/14. It also considers complaints referred to the Council by the Local Government Ombudsman during that time.

Recommendation : That Cabinet considers the nature of complaints dealt with and learning points arising

Reason for recommendation: To continue to improve the way we handle complaints and to learn from them

Officer: Kate Symington, Information and Complaints Officer, Ext 2617

Financial implications: There is no financial information contained within the report.

Legal implications: Legal advice is given on individual complaints as required.

Equalities impact: Low Impact

Risk: Low Risk

Potential criticism, deterioration of reputation and failure to improve. Lack of Credibility in the complaints procedure.

Links to background information:

- Complaints procedure http://www.eastdevon.gov.uk/eddc_complaints_procedure_jan_2014_a4.pdf
- http://www.eastdevon.gov.uk/unreasonably_persistent_complainants_procedure.pdf

Link to Council Plan: Living/Working/Enjoying

Report in full

1 Background

1.1 The Information and Complaints Officer considers the Council's responses to complaints which reach stage 2 of our formal complaints procedure and prepares responses for consideration with the Monitoring Officer so that a response can be given. In most cases, a complaint which reaches stage 2 indicates that the complainant has already received a response from the service manager and remains dissatisfied.

1.2 If a complainant is still dissatisfied after the stage 2 consideration, they can refer their complaint to the Local Government Ombudsman.

- 1.3 Complaints about Housing matters (excluding complaints about the housing register and allocations) may now be referred to our Designated tenant complaint panel and then to the Housing Ombudsman if a complainant remains dissatisfied.
- 1.4 Complaints and compliments are regularly considered by Cabinet and appropriate action taken, including learning from mistakes.

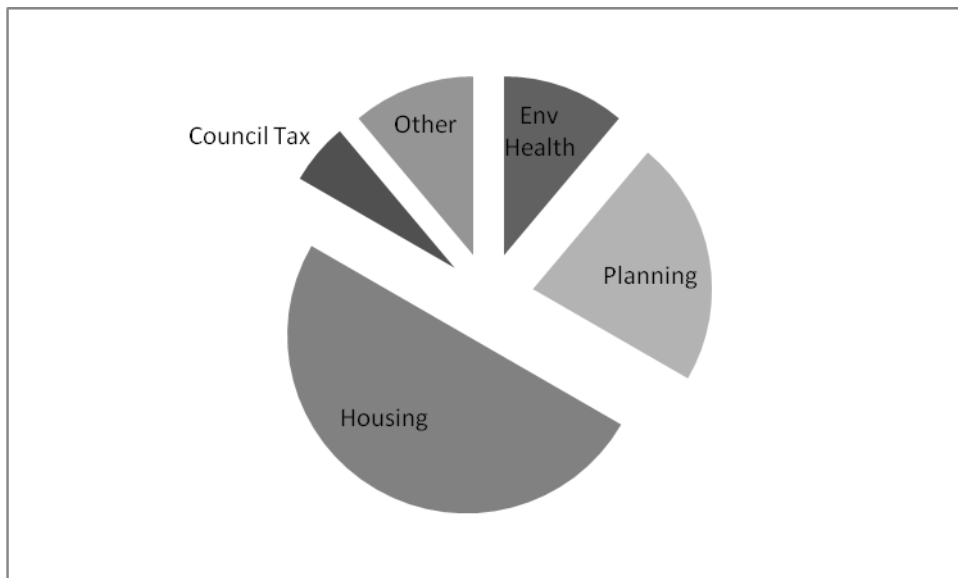
2 Summary of formal complaints received and learning points

2.1 Between 1 April 2013 and 31st March 2014, 54 formal complaints were received as follows:

- Housing: 26
- Planning: 17
- Revs and Bens: 4
- StreetScene and Env Health: 7

2.2 During the same time period 18 complaints were dealt with at stage 2.

2.2.1 These 18 can be broken down as below. The “other” category includes complaints about Legal/Licensing and Community Safety.



	2013/2014
No. of complaints dealt with at stage 2	18
Complaint Type:	
Service Failure	8
Staff conduct	3
Policy/decision making	7

2.3 On one occasion during the year we have taken action under our unreasonably persistent complainant policy. In this case we restricted a complainant's contact with the offices to one named individual. This was because contact from the complainant was becoming inappropriate and personally targeted towards a particular officer.

2.4 During the year we reviewed our procedure for dealing with unreasonably persistent complainants and the updated policy can be accessed here http://www.eastdevon.gov.uk/unreasonably_persistent_complainants_procedure.pdf

3 Local Government Ombudsman complaints received

3.1 The Ombudsman made enquiries in connection with 15 new complaints during this time, many of which did not proceed to investigation for various reasons including that they were out of time; the complainant had a right of appeal elsewhere; or there was an insufficient level of injustice alleged to warrant the expense of an investigation.

4 Local Government Ombudsman complaints decided

4.1 14 complaints were closed during this time period.

4.2 There were 2 complaints resulting in findings of fault against the Council.

4.3 In one complaint, the Ombudsman found that the Council should have taken enforcement action sooner to deal with a noise nuisance being caused to a neighbouring property by a cafe.

4.4 This matter has now been dealt with and the Ombudsman investigator has put on record how impressed he was with the Council's keenness to learn lessons and to improve the service as a result of the complaint.

4.5 In another complaint, the Ombudsman noted that the Council was at fault in allowing a developer to construct at a higher ground level than the approved plans allowed. However, the Council had already identified this error through its own procedures and was already in the process of providing an appropriate remedy. The complainant did not feel happy with the proposed remedy (a valuation by the District Valuer together with the provision of partial screening to the neighbouring property) but the Ombudsman has confirmed that this remedy is in line with its own guidelines.

5 Comments and Compliments

5.1 The online feedback form enables customers to provide us with informal feedback about problems they may have identified or to feedback a compliment for good service.

5.2 During the year, 92 compliments were logged. In the main, these were to thank the Customer Service Centre and SITA for excellent service delivering/replacing damaged bins. A significant proportion of the compliments received were also for StreetScene for clearing up problem areas reported to us. Compliments were also logged for Housing, Benefits, Environmental Health (Dog Warden), CEOs and Countryside.

Report to: Cabinet
Date of Meeting: June 2014
Public Document: Yes
Exemption: None



Agenda item: 23

Subject: Freedom of Information Act requests 2013/14

Purpose of report: This report provides information on requests received under the Freedom of Information Act (and Environmental Information Regulations) between 1 April 2013 and 31 March 2014. It also looks at the subject matter and origin of requests.

Recommendation : That Cabinet considers the number and type of requests received under the Freedom of Information Act

Reason for recommendation: To continue to improve the way we deal with requests for information

Officer: Kate Symington, Information and Complaints Office
ksymington@eastdevon.gov.uk

Financial implications: There is no financial information contained within the report

Legal implications: Freedom of Information requests are absorbing increasing amounts of lawyer time; this is part of an emerging national picture in local government for all staff who undertake this work, as can be demonstrated by this report. The Local Government Association is currently reviewing the use of the FOI process by researchers and campaigners who benefit from the Freedom of Information process without having to contribute to the cost.

Equalities impact: Low Impact

Risk: Low Risk
Potential criticism, deterioration of reputation and failure to improve. Lack of credibility in the process for handling requests

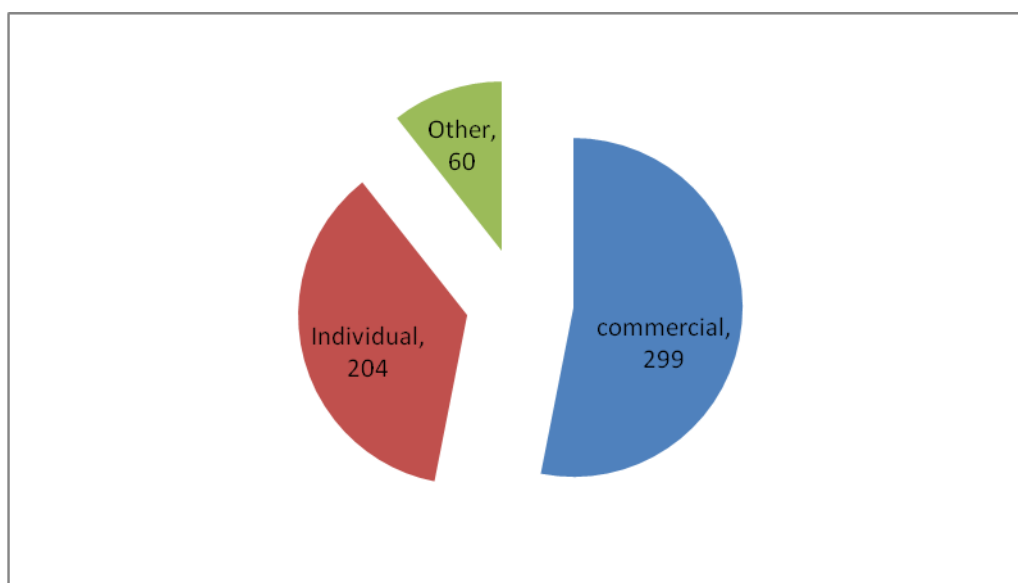
Links to background information: Freedom of Information Policy
http://www.eastdevon.gov.uk/freedom_of_information_policy-2.pdf
Unreasonably persistent complainant policy
http://www.eastdevon.gov.uk/unreasonably_persistent_complainants_procedure.pdf

Link to Council Plan: Living/Working/Enjoying/Funding

Report in full

1 Summary of requests received

- 1.1 563 requests have been dealt with under the Freedom of Information Act (Environmental Information Regulations) during the year 2013/14.
- 1.2 This figure has risen from 342 in 2012/13 with the information most frequently being requested from Planning, Environmental Health and Council Tax/Business Rates.
- 1.3 There is a growing trend for requests originating from commercial organisations asking questions relating to Council contracts ; information pertaining to businesses and their payment of business rates; and so-called “heir hunter” organisations seeking information on public assistance burials and individuals who die with no known next of kin. There has also been a steady rise in the numbers of local search companies requesting data in connection with house-sales through the Environmental Information Regulations.
- 1.4 As can be seen from the pie-chart below, the commercial sector accounts for more than half of all requests received. The “other” category includes MPs, academic institutions and requests received through public archive sites.



- 1.5 Other factors in the increase in number of requests include the recent changes to the benefits system, in particular, the impact of the introduction of the so-called “bedroom tax.”

2 Complaints

- 2.1 If a requestor feels dissatisfied with the way we have responded to a request for information, they have the right to complain to the Information Commissioner (ICO).
- 2.2 Five cases were considered by the ICO during the year.

- 2.3 One complainant requested copies of meeting minutes and progress reports on the subject of relocation. The Council withheld the information on the grounds that they constitute internal communications under regulation 12(4)(e) of the Environmental Information Regulations. The ICO found that this exception did apply and upheld the Council's position. However, he did not consider the exception is engaged in relation to the project reports and he therefore required these reports to be disclosed. This matter is currently the subject of an appeal to the First Tier Tribunal and no detail has yet been disclosed.
- 2.4 Another complainant requested correspondence between the council and a developer regarding pre-planning advice which was requested. The council applied Regulation 12(5)(f) to the information. The Commissioner's decision was that the Council correctly applied the exception in Regulation 12(5)(f). His decision was also that the public interest in the exception being maintained does outweigh the public interest in the information being disclosed. The Commissioner did not require the council to take any steps
- 2.5 In two complaints, the ICO found that the Council had not responded to a request within the statutory 20 working days. These two complaints were received from one individual and the Council cited confusion caused by the volume of correspondence being dealt with by this individual at the time of the requests. The ICO acknowledges that available information had been provided and did not require the Council to take any action.
- 2.6 One complainant requested the price offered by the commercial agents who quoted for their professional services in respect of the marketing and sale of a site for development. The Council withheld the information citing the section 43 exemption (commercial interests). The Commissioner investigated and found that the information was correctly withheld. He required no steps to be taken

3 Moving forward

- 3.1 It is difficult to accurately measure the quantity or cost of time spent dealing with requests under the Freedom of Information Act. There has clearly been an increase in the number of requests, and indeed, in the complexity of requests in some cases which implies that a greater amount of officer time has been needed both in terms of the Information and Complaints Officer who responds directly to requests and also in terms of officers within the services which are the subject of the requests.
- 3.2 A disclosure log of requests which are likely to be of interest to the public is now published on our website.

Report to: Cabinet
Date of Meeting: 4 June 2014
Public Document: Yes
Exemption: None



Agenda item: 24

Subject: Monthly Performance Report April 2014

Purpose of report: Performance information for the 2014/15 financial year for April 2014 is supplied to allow the Cabinet to monitor progress with selected performance measures and identify any service areas where improvement is necessary.

Recommendation: That the Cabinet considers the progress and proposed improvement action for performance measures for the 2014/15 financial year for April 2014.

Reason for recommendation: This performance report highlights progress using a monthly snapshot report; SPAR report on monthly performance indicators and system thinking measures in key service areas including Streetscene, Housing, Development Management and Revenues and Benefits.

Officer: Karen Jenkins, Corporate Organisational Development Manager
kjenkins@eastdevon.gov.uk
ext 2762

Financial implications: There are no direct financial implications.

Legal implications: There are none arising from the recommendations in this report.

Equalities impact: Low Impact

Risk: Low Risk

A failure to monitor performance may result in customer complaints, poor service delivery and may compromise the Council's reputation.

Links to background information:

- [Appendix A – Monthly performance snapshot for April 2014](#)
- [Appendix B - The Performance Indicator monitoring report for the 2013/14 financial year for April 2014](#)
- [Appendix C – System Thinking Reports for Housing, Streetscene, Planning and Revenues and Benefits](#)
- [Appendix E - Explanations and definitions.](#)

Link to Council Plan: Living, working, enjoying and outstanding Council

Report in full

1. Performance information is provided on a monthly basis. In summary most of the measures are showing acceptable performance.
2. There are 5 indicators that are showing excellent performance
 - Percentage of planning appeal decisions where the planning inspector has agreed with the Council's decision
 - Percentage of Council Tax collected
 - Days taken to process Housing Benefit / Council Tax Benefit new claims and change events.
 - % of invoices paid within 30 days
 - % of invoices paid within 10 working days (new indicator for 2014/15)
3. There is one Performance Indicator showing as concern:
Working days/shifts lost to the local authority due to sickness absence - After the 3rd lowest absence rate last year this 1st quarter has declined due to the usual issues of flu and long term sickness absence. We have raised this with managers and will continue to focus on these issues.
4. A monthly Performance Snapshot is attached for information in Appendix A.
5. A full report showing more detail for all the performance indicators mentioned above appears in Appendix B.
6. Rolling reports/charts for Housing, StreetScene, Planning and Revenues and Benefits appear in Appendix C.
7. An explanation and definitions of these measures can be found in Appendix D.

Monthly Performance Snapshot – April 2014



This monthly performance snapshot shows our performance over the last month:

- **99.85%** of rent due on council owned homes collected
- **6 days** to process your Housing or Council Tax Benefit claims
- **94%** of invoices received by us are paid within 10 days
- **48.21%** of all waste collected was recycled in April

Latest headlines:

- Our Environmental Health service has been the subject of repeated audits by the Food Standards Agency but we are now delighted to announce that following some extremely hard work by the Commercial Premises team, the Agency has now given a clean bill of health to all aspects of the Council's food safety enforcement service.
- Our Environmental Health team responded to around 250 requests for advice, information, investigation and enforcement in April, they also dealt with 25 reported occurrences of infectious diseases in the district, 8 workplace accident reports, 50 routine food inspections and provided advice in respect of 42 applications for licensing and planning consents
- Through April the Countryside Team ran some very successful events including Reptile Rambles at two of our Local Nature Reserves, a Dawn Chorus Walk at the Wetlands and a Woodland Adventure Day all of which proved very popular. Approximately 100 people came along to the Easter Egg Challenge at the Axe Estuary Wetlands on 17 April, which was a great success. In an appreciative letter to the paper, one member of the public described the event as 'a well-attended morning enjoyed by everyone and a great opportunity to learn a little about the wildlife we have surrounding us.'
- Our countryside volunteers put in 549 hours of work for the Countryside team during April – thanks to all of them for their help
- After a 13 year reign of anti social behaviour a flat in Cheshire Road, Exmouth, was repossessed, to the relief of staff and neighbours.
- A special 'benefits awareness' session was run in Exmouth for tenants from across the district.
- Housing's own Twitter account was launched this month – follow us on @EastDevonHomes

Did you know?

- The top three industries employing the highest proportion of the population in East Devon is Wholesale and retail at 16.3% (9,766), health and social work at 13.7% (8,228) and education at 9.4% (5,613). (Census 2011)

Report to: Cabinet
Date of Meeting: 4 June 2014
Public Document: Yes
Exemption: None



Agenda item: 25

Subject: **Thelma Hulbert Gallery Trust status**

Summary March 2014 Cabinet agreed to set in train a move to Trust status for the Gallery in order to allow it to apply for funding available to charities (but not to local authority controlled services). In commencing the work on this, talks with the existing LED Leisure Trust have revealed potential synergies which would benefit both organisations. As a result, I am bringing this report to Cabinet in tandem with the LED Leisure Trust Chief Executive taking a similar report to his Board.

Recommendation: **That Cabinet agree in principle to a transfer of the Thelma Hulbert Gallery to the LED Leisure Trust, and that the transfer takes place subject to**

- (i) successful grant applications which mean the Gallery can still function with a reduced financial support package from the Council.**
- (ii) satisfactory detailed transfer arrangements being agreed between the Council and LED, with delegated authority being given to the Chief Executive, in conjunction with the relevant portfolio holder to approve them, and subject to further legal, financial and valuation advice as required.**

Reason for recommendation: At its March 2014 meeting, the Cabinet agreed that Trust status was appropriate for the Thelma Hulbert Gallery. Since then, I have been in conversation with the LED Leisure Trust am encouraged by the potential synergies between the Gallery and the Leisure Trust. There is a good strategic fit for the Gallery with the Trust's ambition to support and embrace the local wider cultural offer in addition to the traditional pay and play services. Trusts elsewhere in the country are very successful at this, and I have felt confident that the strategic vision for the Trust, together with the combined skills of the Trustees and the Chief Executive, will enable similar success in our area.

Officer: Denise Lyon - Deputy Chief Executive and Monitoring Officer

Financial implications: To be completed by Finance.

Legal implications: Further legal advice will be given as required.

Equalities impact: Low Impact

Previous reports have highlighted the important community work the Gallery does and particularly the educational work which engages hard to reach sections of the community. Transfer to a Trust is designed to protect and enhance those services.

Risk:

Low Risk

Transfer into an existing Trust is the lowest risk (and financial cost) of available options for continued support to the Gallery. The March 2014 report explored the issues and these are still relevant. A stand alone Trust is still an option but would be more expensive and time consuming.

Links to background information:

- -

Link to Council Plan:

The Gallery helps achieve the priorities under Enjoying this Outstanding Place in the Council Plan as well as supporting the economic objectives of the Council.