

Date: 27 February 2012  
Contact name: Diana Vernon  
Contact number: 01395 517541 (or Group number 517546)  
E-mail: [dvernon@eastdevon.gov.uk](mailto:dvernon@eastdevon.gov.uk)



To: The Chairman and Members of the Cabinet  
Other Members of the Council for information  
Chief Executive  
Deputy Chief Executives  
Heads of Service  
Corporate Managers

East Devon District Council  
Knowle  
Sidmouth  
Devon  
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507

[www.eastdevon.gov.uk](http://www.eastdevon.gov.uk)

Cabinet  
Wednesday 7 March 2012  
5.30 pm  
Council Chamber, Knowle Sidmouth

Members of the Council who do not sit on the Cabinet are welcome to attend as observers.

Members of the public are welcome to attend this meeting.

- There is a period of 15 minutes at the beginning of the meeting to allow members of the public to ask questions.
- In addition, the public may speak on items listed on the agenda. After a report has been introduced, the Chairman (Leader of the Council) will ask if any member of the public wishes to speak and/or ask questions.
- All individual contributions will be limited to a period of 3 minutes – where there is an interest group of objectors or supporters, a spokesperson should be appointed to speak on behalf of the group.
- The Chairman has the right and discretion to control questions to avoid disruption, repetition and to make best use of the meeting time.

### **A hearing loop system will be in operation in the Council Chamber.**

Councillors and members of the public are reminded to switch off mobile phones during the meeting. If this is not practical due to particular circumstances, please advise the Chairman in advance of the meeting.

## AGENDA

### Part A

- 1 **Public question time** – standard agenda item (15 minutes)  
Members of the public are invited to put questions to the Cabinet through the Chairman (Leader of the Council).

Councillors also have the opportunity to ask questions of the Leader and/or Portfolio Holders during this time slot whilst giving priority at this part of the agenda to members of the public.

|   |  |       |
|---|--|-------|
| 2 | To confirm the minutes of the meeting of the Cabinet held on 1 February 2012 as a true record.   | 6-18  |
| 3 | To receive any apologies for absence.  |       |
| 4 | To receive any declarations of interest relating to items on the agenda.   |       |
| 5 | To consider any items, which, in the opinion of the Chairman, should be dealt with as matters of urgency because of special circumstances.<br>(Note: Such circumstances need to be identified in the minutes. If you wish to raise a matter under this item, please do so in advance of the meeting by notifying the Chief Executive who will then consult with the Chairman). |       |
| 6 | To agree any items to be dealt with after the public (including the press) have been excluded. There are 7 items which Officers recommend should be dealt with in this way.  |       |
| 7 | To note the contents of the Forward Plan for the period 1 March 2012 to 30 June 2012.  | 19-23 |
| 8 | Matters referred to the 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 put forward.  |       |
| 9 | To note or take appropriate action in respect of the minutes of the Recycling and Refuse Partnership Board held on 15 February 2012  | 24-30 |

#### Part A Matters for Decision – Key decisions

|    |   |   |       |
|----|---|---|-------|
| 10 | Draft Council Plan<br>Appendix A Council Plan<br><br>Appendix B1 Economy Strategy<br>Appendix B2 Environment Strategy<br>Appendix B3 Financial Strategy<br>Appendix B4 Home & Communities Strategy<br>Appendix C Feedback analysis<br>Appendix D Feedback | Denise Lyon, Deputy Chief Executive<br><br><b>Appendices B1-D are available on line with this agenda.</b> | 31-65 |
| 11 | Exmouth Regeneration – Orcombe Point<br><br>Plus Appendices 1 and 2   | Richard Cohen, Deputy Chief Executive   | 66-72 |
| 12 | Exmouth Master Plan Projects<br><b>Appendix – example of project initiation document available on line with this agenda.</b>  | Richard Cohen, Deputy Chief Executive   | 73-79 |

#### Part A Matters for Decision

|    |   |  |       |
|----|---|--|-------|
| 13 | Financial monitoring report 2011/12 – Month 10 – January 2012 | Financial Services Manager/<br>Senior Accountant | 80-86 |
|----|---|--|-------|

|    |   |  |   |         |
|----|---|--|---|---------|
| 14 | Asset Management – tenanted non-residential property review – Industrial Estates Asset cluster  |  | Head of Economy                                 | 87-91   |
| 15 | Corporate Debt policy<br>Plus Appendix<br><b>The Equality Impact Assessment and related Ombudsman report are available on line with this agenda.</b>  |  | Revenue and Benefits Manager                    | 92-114  |
| 16 | Implementation of Localism Act  |  | Corporate Legal and Democratic Services Manager | 115-124 |
| 17 | Planning Policy – Annual monitoring report 2010/11  |  | Head of Economy                                 | 125-127 |
| 18 | Honiton – the Beehive Community Centre<br>Plus Appendix - Business Plan appraisal and recommendations<br><b>The Business Plan is available on line with this agenda</b>   |  | Richard Cohen, Deputy Chief Executive           | 128-147 |
| 19 | Office relocation – up-date including a request for exemption from Standing Orders  |  | Richard Cohen, Deputy Chief Executive           | 148-150 |
| 20 | Personal water craft – use in Exmouth and River Exe   |  | Beach Safety Officer                            | 151-163 |
| 21 | Performance Monitoring Report until December 2011<br><b>(Appendices A B &amp; C re performance details are available on the Council website with this agenda)</b>   |  | Denise Lyon, Deputy Chief Executive             | 164-165 |
| 22 | <b>The Vice Chairman to move the following:-</b><br>“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).”<br><br>PART B – Matters for Decision |  |   |         |
| 23 | Office Relocation Working Party – Action Points from a meeting held on 31 January 2012  | Para 3 Schedule 12A Information relating to the financial or business affairs of any particular person (including the authority holding that information). | Richard Cohen, Deputy Chief Executive           | 166-170 |
| 24 | Asset Management – up-date<br>Plus Appendix 1 & 2   | As above   | Head of Economy                                 | 171-178 |

|    |  |          |                                      |         |
|----|--|----------|--------------------------------------|---------|
| 25 | Affordable Housing – Grove Road, Whimple Plus Appendix - Plan  | As above | Housing Enabling Officer             | 179-184 |
| 26 | Priority disposal – York Street car park Plus Appendix - plan  | As above | Head of Economy                      | 185-187 |
| 27 | Agreement for Sale of Land at Sidford Plus Appendices – plan & photographs   | As above | Head of Economy/<br>Estates Surveyor | 188-191 |
| 28 | Sale of former toilets, Littleham, Exmouth Plus Appendices – plan and photographs                                  | As above | Head of Economy                      | 192-195 |
| 29 | Agreement of letting terms – Littleham Industrial Estate, Exmouth Plus Appendix – plan and photo – Pankhurst Close | As above | Head of Economy                      | 196-202 |

#### Members remember!

- ❑ You must declare the nature of any personal or prejudicial interests in an item whenever it becomes apparent that you have an interest in the business being considered.
- ❑ Where you have a personal interest because the business relates to or is likely to affect a body of which you are a member or manager as an EDDC nominee or appointee, then you need only disclose that interest when (and if) you speak on the item. The same rule applies if you have a personal interest in relation to a body exercising functions of a public nature.
- ❑ Make sure you say the reason for your interest as this has to be included in the minutes.
- ❑ If your interest is prejudicial you must leave the room unless you have obtained a dispensation from the Council's Standards Committee or where Para 12(2) of the Code can be applied. Para 12(2) allows a Member with a prejudicial interest to stay for the purpose of making representations, answering questions or giving evidence relating to the business but only at meetings where the public are also allowed to make representations. If you do remain, you must not exercise decision-making functions or seek to improperly influence the decision; you must leave the meeting room once you have made your representation.

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



© Crown Copyright. All Rights Reserved. 100023746.2010

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

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

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

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

The following buses all terminate at the Triangle in Sidmouth. From the Triangle, walk up Station Road until you reach the Council Offices (approximately ½ mile).

**From Exeter – 52A, 52B**

**From Honiton – 52B**

**From Seaton – 52A**

**From Ottery St Mary – 379, 387**

Please check your local timetable for times.

EAST DEVON DISTRICT COUNCIL  
Minutes of a Meeting of the Cabinet  
held in the Council Chamber, Knowle, Sidmouth  
on Wednesday, 1 February 2012

Present:

**Councillors:**

Paul Diviani (Leader/Chairman)  
Andrew Moulding (Vice Chairman)  
Ray Bloxham  
Iain Chubb  
David Cox  
Jill Elson  
Graham Godbeer  
Stephanie Jones  
Ian Thomas  
Chris Wale

Also  
Present:

**Councillors:**

David Atkins  
Trevor Cope  
Christine Drew  
Martin Gammell  
Steve Gazzard  
Steve Hall  
Tony Howard  
Stuart Hughes  
Douglas Hull  
John Humphreys  
Jim Knight

Frances Newth  
John O'Leary  
Helen Parr  
Geoff Pook  
Pauline Stott  
Peter Sullivan  
Graham Troman  
Phil Twiss  
Tim Wood  
Tom Wright

Also  
present:

**Officers:**

Mark Williams, Chief Executive  
Richard Cohen, Deputy Chief Executive  
Denise Lyon, Deputy Chief Executive  
Simon Davey, Head of Finance  
John Golding, Head of Housing  
Kate Little, Head of Economy  
Karen Jenkins, Corporate Organisational Development Manager  
Rachel Pocock, Corporate Legal & Democratic Services Manager  
Laurelie Gifford, Financial Services Manager  
Claire Reed, Accountant  
Andy Wood, East of Exeter Projects Director  
Diana Vernon, Democratic Services Manager

Apologies -  
Non-Cabinet  
Members:

**Councillors:**

Roger Boote  
Geoff Chamberlain  
David Chapman  
Maddy Chapman

Alan Dent  
Vivien Duval-Steer  
Peter Halse  
Mark Williamson

The meeting started at 5.30 pm and ended at 7.23 pm.

**\*160 Public Questions**

The Chairman welcomed Councillors and members of the public present at the meeting – no questions were raised at this part of the agenda.

**\*161 Minutes**

The minutes of the meeting of the Cabinet held on 11 January 2012 were confirmed and signed as a true record subject.

**\*162 Declarations of interest**

| <b>Councillor/<br/>Officer</b> | <b>Minute<br/>number</b> | <b>Type of<br/>interest</b> | <b>Nature of interest</b>   |
|--------------------------------|--------------------------|-----------------------------|---|
| Cllr Jill Elson                | 168                      | Personal                    | Exmouth Ring and Ride – Charity Founder and Chairman                  |
| Cllr Trevor Cope               | 168                      | Personal                    | Exmouth Ring and Ride – Trustee                                       |
| Cllr Stuart Hughes             | 169                      | Personal                    | Devon County Council Portfolio Holder for Highways and Transportation |
| Graham Godbeer                 | 177                      | Personal                    | Board Member – Exeter Science Park                                    |

**\*163 Exclusion of the Public**

**RESOLVED:** that the classification given to the documents to be submitted to the Cabinet, be confirmed, and that the reports relating to exempt information, be dealt with under Part B.

**\*164 Forward Plan**

Members noted the contents of the Forward Plan for the period 1 February to 31 May 2012.

**\*165 Matters referred to the Cabinet**

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

**\*166 Minutes of the Overview and Scrutiny Committee meetings of 5 and 18 January 2012 (Special Meeting – Budget and Service Planning)**

The Cabinet considered the minutes of the meetings of the Overview and Scrutiny Committee held on 5 and 18 January 2012.

The Overview and Scrutiny recommendations from its Special Budget and Service Planning meeting on 18 January 2012 would be taken into account at agenda item 11 - Revenue and Capital Estimates 2012/13.

- \*166 Minutes of the Overview and Scrutiny Committee meetings of 5 and 18 January 2012 (cont)..

**RESOLVED:** that the following decisions be noted:

**Minute 62** the Committee's response to the Northern Devon Healthcare NHS proposals on behalf of the Council;

**Minute 64** the Overview and Scrutiny Committee Forward Plan. This included the setting up of a Task and Finish Forum to 'health check' town centres and progress High Street regeneration.

**Minute 66** the Committee's support of the Cabinet recommendation to use the Transformation Reserve to progress the electronic documentation management initiative (Cabinet minute 154 refers).

**RESOLVED:** that the Committee's recommendations in respect of the draft Revenue and Capital Estimates 2012/13 be taken into account when this Key Decision item was being discussed later on the agenda.

- \*167 Minutes of the meetings of the Housing Review Board held on 1 December 2011 and 12 January 2012

Members noted the minutes of the meetings of the Board held on 1 December 2011 and 12 January 2012.

Councillor Pauline Stott, Chairman of the Housing Review Board highlighted the key issues discussed at the meetings.

**RESOLVED:** (1) **that the following decisions be noted:**

**Minute 31** The Board's recognition of the achievements of Housing Community Development (Youth) and continuation of funding support for community development work in 2012/13.

**Minute 34** The adoption of the revised approach to achieving value for money in delivering housing services.

**Minute 35** Preparation of the Tenancy Strategy for consideration and approval by the Board at a future meeting.

**Minute 36** Board approval of the alternative funding approach for the continuation of the Council's Own Build Programme.

**Minute 38** The half year financial position statement on the Housing Revenue Account.

**Minute 46** (1) Approval of the recommendations of the Task and Finish Forum on Car Parking in Council housing areas;

(2) Agreement of the suggested priority of the car parking improvement schemes as set out in the report.

\*167 Minutes of the meetings of the Housing Review Board held on 1 December 2011 and 12 January 2012 (cont)..

- Minute 47**
- (1) Setting up a Task and Finish Forum to carry out a review of the Council's garages and their management;
  - (2) The membership of the Garage Task and Finish Forum to be the same as that of the Car Parking TaFF.

**Minute 48** Approval of the proposals set out in Section 3 of the Systems Thinking report on Housing Repairs.

**Minute 50** The new tenants' telephone survey.

**RESOLVED:** (2) **that the following recommendations be approved:**

- Minute 30**
- (1) The Board's support of the implementation of a standardised tenant and resident satisfaction survey by setting a financial budget and identifying staff resources available to undertake the survey;
  - (2) The Head of Housing being delegated to agree the wording of the survey in conjunction with the Chairman and Vice Chairman of the Board if funding is available earlier.

**Minute 31** the My Pocket and First Light Production films about SWITCH projects in Exmouth and Axminster being presented to Council.

**Minute 32 and 42** The Board's Forward Plan.

**Minute 33** The Head of Housing to work up the concept of East Devon Homes with the Portfolio Holders for Sustainable Homes and Communities, the Chairman of the Housing Review Board and selected tenants, in preparation for the launch in April 2012.

**Minute 34** The adoption of the revised approach to achieving value for money in delivering housing services.

- Minute 37**
- (1) The Board's approval of an annual budget of £700,000 over the next ten years to replace all external wooden elements of properties with plastic options under the painting programme, with an on-going budget of £200,000 per annum for cement render repair and painting;
  - (2) The Board's approval of the proposed changes to the programmed works, length of contracts (as set out in the report to the Board) in order to secure better value for money;
  - (3) The priorities for investment in programmed works for the next five years.

\*167 Minutes of the meetings of the Housing Review Board held on 1 December 2011 and 12 January 2012 (cont)..

(2) that the following recommendations be approved cont..

**Minute 43** Approval of the Business Plan assumptions and the outline borrowing strategy.

**Minute 44** The report on the 2012/13 Housing Revenue Account being recommended to the Cabinet subject to 'loft conversions' being added to the capital budget heading 'major improvements/extensions.

**Minute 45** (1) Approval of the Fire Assessment as outlined in the report to the Board;

(2) Approval of an annual budget of £50,000 to carry out the identified additional fire safety works required.

**Minute 49** The progress made by the Tenant Scrutiny Panel and the work being carried out for their first scrutiny project.

168 Revenue and Capital Estimates 2012/13 – Key Decision

Simon Davey, Head of Finance presented the Revenue and Capital Estimates for 2012/13. The Cabinet had adopted the draft 2012/13 Estimates at its last meeting. These had now been considered in detail by the Overview and Scrutiny Committee and Housing Review Board. The draft budget proposals had also been presented to the East Devon Business Forum at its meeting on 4 January 2012 for comment from the business community.

Members were asked to recommend the Revenue and Capital Estimates for 2012/13 and to reaffirm the decisions identified in the body of the report. Members spoke in support of the proposal to freeze the Council Tax for a further year to help local tax payers who were already feeling the impact of the global recession and rising costs. The report also included clarification of the New Homes Bonus.

The Estimates presented to the Overview and Scrutiny Committee did not include Special Items. The Committee had considered the list of Special Items in detail and recommended a number for inclusion - these additions being partly off-set with recommended increases in the savings budget. The Committee Chairman, Councillor Stuart Hughes said that the new approach adopted by his Committee in scrutinising the draft budgets had been useful and effective.

Concern was raised in respect of some Special Items as not all listed were 'one-off costs', some had on-going revenue implications and others would require capital funding in future years. It was also seen as a false economy to put off undertaking maintenance work.

In response to a specific question about committing funds to the renewal of Axminster, Honiton and Sidmouth town centres, Richard Cohen, Deputy Chief Executive advised that he was aware of resource implications but there was a need to consider the on-going health of towns in addition to the regeneration of Seaton and Exmouth. A Task and Finish Forum was being set up to discuss the implications of the current economic climate on the district's town centres and options for strategic growth.

## 168 Revenue and Capital Estimates 2012/13 – Key Decision

The Council was required to set prudential indicators as part of its budget setting process (Prudential Code for Capital Finance in Local Authorities). These indicators helped to show the overall effect of various financing and borrowing strategies that the Council planned to adopt over the next three financial years. The Government had made changes to the level of borrowing in respect of the Council House Self Financing scheme since the agenda had been published. An up-dated set of papers in respect of prudential indicators was circulated at the meeting to show the resultant recalculations. This reported change would not make any significant difference to the Estimates presented and a report on confirmed levels of interest would be referred to Cabinet after 28 March 2012 when the Council took over the Self-Financing Housing debt.

The Medium Term Financial Plan predicted future deficits for the General Fund with the on-going reduction in Government funding. Members recognised the pressures on future budgets and the challenges that the Council would need to meet. It was important to start preparing plans early for 2013/14 and beyond.

Members thanked the Head of Finance and his Team for presenting the Estimates in a clear and helpful way and for the effective work carried out during the year.

- RECOMMENDED**
- (1) that the Special Item bids totalling £0.229m as proposed by the Overview and Scrutiny Committee (Minute 66 refers) be agreed subject to these being reviewed by the Leader prior to the Estimates being presented for determination at the meeting of the Council on 22 February 2012;
  - (2) that the Net Revenue General Fund Estimates of £13.430m be approved;
  - (3) that the Capital Budget totalling £6.646m be approved;
  - (4) that the Housing Review Account Estimates with a net surplus of £1.734m be approved;
  - (5) that a Council Tax requirement be set for 2012/13 at £7.015m with a resulting Council Tax Band 'D' of £121.78 (2011/12 £121.78),
  - (6) that Council House Rents be increased from April 2012 in line with the Government Social Rent Reform guidelines with the general increase being given at 6.1% increase;
  - (7) that Council garage rents be increased from April 2012 by 3%;
  - (8) that the Prudential indicators detailed in Appendix A of the report to Cabinet be adopted.

**REASON**

The Council is required to set a balanced budget for both the General Fund and Housing Revenue Account and to levy a Council Tax for 2012/13.

\*169 Flooding risk to Sidmouth through the effects of Coastal erosion at Pennington Point/Salcombe Hill Cliff

The Chairman invited Paul Griew to speak on behalf of the Cliff Road Action Group. Mr Griew advised of the campaign to reduce the current unnatural rate of erosion which was putting homes at risk, causing potential danger to users of the beach, risking flooding of the east of Sidmouth and loss of the cliff footpath. He advised that the campaign was supported by the Chamber of Commerce, Hoteliers, the Town Council and the Sid Vale Association. He said that the rate of erosion had increased unnaturally since the rock islands had been created, causing the loss of shingle at the base of the cliff and leaving it vulnerable. The application to protect the cliff with rock revetment had been withdrawn to await the recommendations of the working party.

The Head of Economy explained that a working party had been set up to address flooding and coastal erosion issues in Sidmouth. The working party included representatives from the Environment Agency, Natural England, the National Trust, Devon County Council, local EDDC members, Town Councillors, SAFE, VISION, local residents and the Chamber of Commerce. It had assessed the current situation at Pennington Point/Salcombe Hill Cliff and sought an agreed way forward to tackle the cliff erosion and flooding risk. The key recommendation was for a Beach Management Plan to be put in place as soon as possible. This would give a clear assessment of the issues involved, the options necessary to protect the beach and the town and could be used to support Defra funding bids.

The Plan would give an analysis of the beach including management, definition of the areas included in the scope and its relationship with other relevant plans including the Shoreline Management Plan 2. It would give a 100 year outlook for the beach and a 10 year programme of maintenance work and possible new works to the sea walls, shingle beach and surrounding structures.

The Cabinet was asked to consider a proposal for £27,000 (remainder from the emergency works carried out in 2009) currently held in the capital budget to be used towards the £80k Beach Management Plan. Members were advised that match funding from Devon County Council and Sidmouth Town Council had been sought but in both cases the request had been turned down at the present time. If agreed the £27,000 would be used as a match funding bid for Defra funding.

Councillor Andrew Moulding, Portfolio Holder – Strategic Development and Partnership who had chaired the meeting of the working party said that it was his intention to call another meeting of the working party as soon as possible as he was anxious to find a solution to the problem and explore viable options to protect properties, Sidmouth, Alma Bridge and the public footpath. He regretted the delay in commissioning the Plan and asked that Devon County Council and Sidmouth Town Council re-consider their decision not to contribute. Councillor Moulding agreed that the working party would be mindful of the impact of possible action on other parts of the coastline.

- RESOLVED**
- (1) that the £27,000 in the Capital Budget be made available for use towards the Beach Management Plan;
  - (2) that a further meeting of the working party be arranged as soon as possible to discuss options and action.

**REASON** To progress the working party's recommendation that a Beach Management Plan be put in place as soon as possible.

**\*170** Financial monitoring report 2011/12 – Month 9 December 2011

Members considered the financial monitoring report which gave a summary of the Council's overall financial position for 2011/12 at the end of month 9 (31 December 2011). Current monitoring indicated that:

- The General Fund Balance was being maintained at or above the adopted level.
- The Housing Revenue Account Balance would be maintained at or above the adopted level. The service had identified savings that could be made within the budget to bring the HRA balance back in line with the adopted level;
- There was sufficient Capital Reserve to balance this year's Capital Programme. However it was estimated that there would only be £1.874M available in the Reserve to support the programme from 2012/13 onwards.
- The counter party limit had been exceeded for 4 days due to the timing of receipts and payments. This was agreed with the Section 151 Officer and the Finance Portfolio Holder.

**RESOLVED**

- (1) that the variances identified as part of the Revenue and Capital Monitoring process up to Month 9 be noted;
- (2) that the counter party limit being exceeded for 4 days be noted.

**REASON**

To keep the Council's finances under review, including considering whether any corrective actions were required for the remainder of the financial year.

**171** 2012/13 Treasury Management Strategy

The Head of Finance presented the report setting out the proposed annual Treasury Management Strategy which the Council was required to produce and be formally adopted by the Cabinet. There was also a requirement to set prudential indicators relating to all treasury activities that the authority would undertake in the forthcoming financial year – 2012/13 – to minimise risks whilst maximising returns. A new emphasis was on securing the return of investment and as a result investments had been re-categorised and amendments made to investment controls and to restrictions in respect of the counterparty list for investment to reduce risk.

The Council currently had long term borrowings to cover capital Recycling and Refuse and Affordable Housing schemes. The Council would also be taking on £84.376m debt (amended figure) under the Government's self financing regime. The Council would borrow the money through the Public Works Loan Board as the most prudent option.

Councillor David Cox, Portfolio Holder – Finance supported the careful choices being made to protect the Council's finances and reminded the Board that based on an earlier decision by the Cabinet, the Council was going out to tender in respect of management of its external investment fund.

## 171 2012/13 Treasury Management Strategy (cont)..

- RECOMMENDED** (1) that the Treasury Management Strategy for 2012/13 be adopted;
- (2) that the amended Authorised Limit & Operational Boundaries for Debt for 2011/12, to allow Prudential Borrowing for the HRA Self Financing be adopted.

**REASON** The Council was required to formally adopt a Treasury Management Strategy before the beginning of the financial year.

The amended Authorised Limit and Operational Boundaries for Debt would allow the Council to undertake borrowing, for the express purpose of funding the £84.376m of HRA debt under the self financing regime.

## 172 Discretionary Housing Payment (DHP) Policy

Councillor Jill Elson, Portfolio Holder - Sustainable Homes and Communities introduced the report of the Revenue and Benefits Manager. She raised concerns in respect of a number of cuts currently being made under the Welfare Reform Bill in the way Housing and Council Tax Benefit was calculated. The Government had increased the amount of funding given under DHP and published new guidance. The new arrangements replaced the 2008 Discretionary Housing Payments Best Practice and reflected local authorities' role in assisting customers affected by Housing Benefit reforms from April 2012. It was expected that more customers would start to apply for DHP as the cuts started to take effect and therefore the Council needed a DHP policy in place to ensure that the scheme was managed fairly, reasonably and consistently.

**RECOMMENDED** that the Discretionary Housing Payment (DHP) Policy be adopted.

**REASON** To ensure that the Council dealt with customers fairly, reasonably and consistently.

## 173 Statutory Pay Policy

The Corporate Organisational Development Manager presented her report setting out the Statutory Pay Policy as legally required by Section 38(1) of the Localism Act 2011. The Council was required to prepare and approve pay policy statements to cover its chief officers and deputies on an annual basis. The Policy outlined the process and accountability for setting chief officer pay as a multiple of lowest paid staff. The Policy was required to be approved by full Council by 31 March for the financial year that followed.

**RECOMMENDED** that the Statutory Pay Policy for 2012/13 be adopted;

**REASON** As required by legislation.

**\*174** Performance monitoring report until December 2011

Denise Lyon, Deputy Chief Executive, presented the performance information for the 2011/12 financial year until December 2011. Performance reports were now available on line.

The Deputy Chief Executive advised that performance overall was positive. She highlighted details of performance and how the trends analysis was helpful in identifying areas where performance was still acceptable but falling. Analysis had been able to pinpoint reasons for performance slippage and where action was needed to reverse the trend.

Examples given were in respect of processing new and change of circumstance benefit claims which were taking longer due to a significant increase in the number of checks being undertaken, an increase in the instances of fly-tipping and delays between keys being issued to new tenants and first payment made. Reasons were identified and action being taken. However Members were concerned that the proposed changes to benefit payments (Universal Credits), would result in hardship particularly in respect of vulnerable people.

**RESOLVED** that the progress and proposed remedial action for performance measures for the 2011/12 financial year until December 2011 be noted.

**REASON** To enable the Cabinet to continue to monitor the Council's progress in achieving excellent customer service using relevant performance measures.

**\*175** Initial proposal for shared ICT service in Devon.

Councillor Ian Thomas presented the report of the Corporate ICT Manager setting out a proposal for a single ICT service for all local authorities within Devon as a way of reducing costs through smart use of IT solutions. The proposal had been presented to Council Leaders and Chief Executives at the Devon Districts' Forum and the Devon Local Government Steering Group. The proposed business model was to set up a mutual company which would operate as a Board reporting back to Member authorities. The Forum and Steering Group supported further investigation of the proposals to gain better knowledge of the likely cost savings, benefits, risks and issues. The investigation would require an external resource and all district councils had agreed to contribute £2000 each towards this with the County and Unitary Authorities contributing a higher amount. The investigation would be led by East Devon and Councillor Thomas praised Chris Powell, Corporate ICT Manager, for his work and initiative.

**RESOLVED** (1) that the details of the proposal for a single ICT service for all local authorities within Devon be noted;

(2) that EDDC's contribution of £2000 towards the cost of an external resource for the next phase of the investigation be agreed.

**REASON** To help progress a combined ICT service in Devon to help cut costs and maintain robust ICT services.

- \*176 Exemption from Standing Orders – extension to an existing contract for the purpose of achieving Best Value – Waste and Recycling

Members considered the report of the Interim Waste and Recycling Manager seeking Cabinet approval for an exemption from Standing Orders to extend the 3 year contract with RSM Tenon for forensic accounting and value for money survey of the Waste Partnership and Sita.

**RESOLVED** that exemption from Standing Order 1.13 be agreed to enable the contract for forensic accounting and value for money survey carried out by RSM Tenon to be extended by 3 years.

**REASON** For the purpose of achieving Best Value.

- \*177 Exemption from Standing Orders – appointment of consultants to undertake a study on the development of a Local Revolving Infrastructure Fund

Members considered the report presented by the East of Exeter Projects Director seeking Cabinet approval for an exemption from Standing Orders to appoint consultants to undertake a study to help inform the development of a Local Revolving Infrastructure Fund. The proposed appointees were already undertaking financial appraisals of projects in the West End including the Science Park and investments from the Regional Infrastructure Fund. Costs would be met from the Growth Point budget. Future work would be needed and Councillor Graham Godbeer, Portfolio Holder Economy recommended that the maximum cost be increased to £20,000.

**RESOLVED** that exemption from Standing Order 1.11 be agreed to enable the appointment of Cooper Simms to complete the work referred to in the report; the work to be managed by the Projects Director of the Exeter and East Devon Growth Point Team to a maximum cost of £20,000.

**REASON** To ensure that the best qualified consultancy support is appointed expeditiously. Also to ensure that there is robust evidence on how a local revolving infrastructure fund could function including harnessing both existing investments and new funding mechanisms.

178 Programme of meetings (Council, Cabinet and Committees).

Members considered the draft meetings programme for 2012/13 including the proposed date of the Annual Council meeting of 23 May 2012. The draft programme, which will be referred to the Annual Council meeting, follows a similar pattern of meetings to that of the current year.

**RECOMMENDED** that the Council be recommended:

- (1) To hold the 2012 Annual Meeting of the Council on Wednesday, 23 May, commencing at 6.30 pm,
- (2) To approve the draft programme of meetings, for submission to the 2012 Annual Meeting.

**REASON** To meet the legal requirement to hold an Annual Meeting and also such other meetings as are necessary for the conduct of the Council's business in accordance with its Constitution.

\*179 Exclusion of the Public

**RESOLVED** 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, is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B).

\*180 Priority disposal programme – Littleham Trading Estate, Pankhurst Close, Exmouth

The Head of Economy presented the report on the remainder of the Council's freehold interest in land owned at the Littleham Trading Estate and the proposal to only dispose of part of the site for reasons given in the report.

Members discussed the value of the site, its state of repair, 'claw back' arrangements and current lease.

- RESOLVED**
- (1) that the sale of Site One only be authorised, subject to an agreed reserve, with the remainder of the Council's land interest at Littleham Industrial Estate being retained as an investment;
  - (2) that the grant of a long lease to use part of site 2b for car parking be authorised.

**REASON** To achieve the best returns for the site.

- \*181 Waiver of Contract Standing Orders – appointment of external legal advisors for priority disposal programme (electricity substation sites)

Members considered the report of the Senior Solicitor requesting waiver of Contract Standing Orders to select an established Bristol law firm based on their track record. Following appointment they would be able to provide good quality property advice prior to auction under the priority disposal programme.

**RESOLVED** that Contract Standing Orders be waived to ratify the appointment of Veale Wasborough Vizards to act for the Council in preparation for auction of electricity substation sites without the requirement for three quotations.

**REASON** To quickly arrange legal work in preparation for auction of the Council owned sites.

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

EAST DEVON DISTRICT COUNCIL

FORWARD PLAN

For the 4 month period 1 March 2012 to 30 June 2012

| Key Decision |   | Lead Member  | Lead Officer<br><br>(Strategic Officer: DL or RC indicated in bold) | Proposed Consultation and meeting dates<br>(Committees, principal groups and organisations)<br>Members of the public are given the opportunity to speak at meetings unless shown in italics. | Operative Date for decision (if no call-in) |
|--------------|---|--|---|--|---|
| 1            | Housing Revenue Account Business Plan                               | Sustainable Home and Communities Portfolio Holder and Chairman of Housing Review Board | Head of Housing<br><br><b>(RC)</b>                                  | Council (11 April 2012)  | 19 April 2012                               |
| 2            | Multi purpose building – transfer arrangements and Forward planning | Strategic Development and Partnership Portfolio Holder                                 | Head of Economy<br><br><b>(RC)</b>                                  | Cabinet (7 March 2012)   | 15 March 2012                               |
| 3            | CIL New Growth Point Charging Schedule – interim report             | Strategic Development and Partnership Portfolio Holder                                 | Head of Economy/<br>New Growth Point Manager<br><br><b>(RC)</b>     | Cabinet (7 March 2012)   | 15 March 2012                               |
| 4            | Exmouth Regeneration/ Master Plan – key projects action planning    | Strategic Development and Partnership Portfolio Holder                                 | Principal Estates Manager<br><br><b>(RC)</b>                        | Regeneration Programme Board (1 Mar 2012)<br>Cabinet (7 March 2012)  | 15 March 2012                               |
| 5            | Recycling and Refuse – possible extension of scheme                 | Portfolio Holder – Environment   | Head of Environment<br><br><b>(RC)</b>                              | <i>Recycling and Refuse Partnership Board (December 2011)</i><br>Cabinet (7 March 2012)<br>Council (11 April 2012)   | 19 April 2012                               |
| 6            | Customer Strategy   | Corporate Business Portfolio Holder  | Denise Lyon, Deputy Chief Executive                                 | Cabinet (7 March 2012)<br>Council (11 April 2012)  | 19 April 2012                               |

| Key Decision |   | Lead Member  | Lead Officer<br>(Strategic Officer: DL or RC indicated in bold) | Proposed Consultation and meeting dates<br>(Committees, principal groups and organisations)<br>Members of the public are given the opportunity to speak at meetings unless shown in italics. | Operative Date for decision (if no call-in) |
|--------------|---|--|---|--|---|
| 7            | LDF/Local plan annual monitoring plan                   | Strategic Development & Partnerships Portfolio Holder                              | Head of Economy<br><b>(RC)</b>                                  | Cabinet (7 March 2012)   | 15 March 2012                               |
| 8            | Asset Management – car parks review                     | Finance Portfolio Holder   | Head of Environment<br><b>(RC)</b>                              | Cabinet (7 March 2012)   | 15 March 2012                               |
| 9            | Honiton Community Centre – up-date                      | Strategic Development and Partnership Portfolio Holder                             | Richard Cohen, Deputy Chief Executive                           | Cabinet (7 March 2012)<br>Council (11 April 2012)  | 19 April 2012                               |
| 10           | Planning fees Schedule                                  | Environment Portfolio Holder   | Head of Economy<br><b>(DL)</b>                                  | Development Management Committee (6 March 2012)<br>Council (11 April 2012)<br>(awaiting regulations)   | 19 April 2012                               |
| 11           | Seaton Visitor Centre marketing testing process         | Economy Portfolio Holder   | Principal Estates Management<br><b>(RC)</b>                     | Cabinet (7 March 2012)<br>Council (11 April 2012)  | 19 April 2012                               |
| 12           | Report on Council Plan and suite of x3 Theme Strategies | Portfolio Holders:<br>Sustainable Home and Communities .<br>Economy<br>Environment | DL + RC<br>HoS  | <i>Sustainable Homes and Communities, Economy and Environment Think Tanks</i><br><i>Scrutiny (1 March 2012)</i><br>Cabinet (7 March 2012)<br>Council (11 April 2012))                        | 19 April 2012                               |
| 13           | Procurement Strategy - update                           | Procurement Champion   | Head of Finance<br><b>(RC)</b>                                  | Cabinet (7 March 2012)<br>Council (11 April 2012)  | 19 April 2012                               |

| Key Decision |  | Lead Member  | Lead Officer<br>(Strategic Officer: DL or RC indicated in bold) | Proposed Consultation and meeting dates<br>(Committees, principal groups and organisations)<br>Members of the public are given the opportunity to speak at meetings unless shown in italics. | Operative Date for decision (if no call-in) |
|--------------|--|--|---|--|---|
| 14           | Colyford Depot Disposal                            | Economy Portfolio Holder                               | Head of Economy<br><b>(RC)</b>                                  | Cabinet (7 March 2012)   | 15 March 2012                               |
| 15           | Asset Management – community asset transfer policy | Finance Portfolio Holder                               | Head of Economy<br><b>(RC)</b>                                  | Cabinet (7 March 2012)   | 15 March 2012                               |
| 16           | Drainage Act                                       | Portfolio Holder – Environment                         | Head of Economy<br><b>(RC)</b>                                  | Cabinet (7 March 2012)   | 15 March 2012                               |
| 17           | ICT Strategy                                       | Corporate Services Portfolio Holder                    | Corporate ICT Manager<br><b>(DL)</b>                            | <i>Corporate Services Think Tank</i><br>Cabinet (7 March 2012)<br>Council (11 April 2012)  | 19 April 2012                               |
| 18           | Investor in People Reassessment                    | Corporate Business Portfolio Holder                    | Corporate Organisational Development Manager<br><b>(RC)</b>     | Cabinet (7 March 2012)<br>Council (11 April 2012)  | 19 April 2012                               |
| 19           | Risk Management Strategy                           | Finance Portfolio Holder                               | Head of Finance<br><b>(DL)</b>                                  | Audit and Governance Committee (8 March 2012)<br>Council (11 April 2012)   | 19 April 2012                               |
| 20           | Corporate Equality Objectives                      | Corporate Business Portfolio Holder                    | Corporate Organisational Development Manager<br><b>(DL)</b>     | Cabinet (4 April 2012)<br>Council (11 April 2012)  | 19 April 2012                               |
| 21           | Localism Act                                       | Strategic Development and Partnership Portfolio Holder | Head of Economy<br><b>(RC)</b>                                  | Cabinet (4 April 2012)<br>Council (11 April 2012)  | 19 April 2012                               |

| Key Decision |  | Lead Member  | Lead Officer<br>(Strategic Officer: DL or RC indicated in bold) | Proposed Consultation and meeting dates<br>(Committees, principal groups and organisations)<br>Members of the public are given the opportunity to speak at meetings unless shown in italics. | Operative Date for decision (if no call-in) |
|--------------|--|--|---|--|---|
| 22           | Information Management Strategy        | Corporate Services Portfolio Holder                    | Corporate ICT Manager<br><b>(DL)</b>                            | Information Management Group<br>Cabinet (4 April 2012)<br>Council (11 April 2012)  | 19 April 2012                               |
| 23           | EDDC Relocation Progress Report        | Council Leader   | RC  | Member Working Group (30 Jan 2012)<br>Cabinet (4 April 2012)   | 12 April 2012                               |
| 24           | Revised Partnership Policy and Compact | Strategic Development and Partnership Portfolio Holder | RC  | SD+P Think Tank (TBA)<br>Cabinet (4 April 2012)  | 12 April 2012                               |
| 25           | Local Investment Plan                  | Strategic Development and Partnership Portfolio Holder | RC  | Cabinet (4 April 2012)<br>Council (11 April 2012)  | 12 April 2012                               |
| 26           | Review of Car Parks                    | Environment Portfolio Holder                           | Head of Environment<br><b>(RC)</b>                              | Asset Management Forum January 2012<br>Overview and Scrutiny (29.03.12)<br>Cabinet (2 May 2012)<br>Council (25 July 2012)  | 26 July 2012                                |
| 27           | Private Sector Renewal Strategy        | Sustainable Home and Communities Portfolio Holder      | Head of Housing<br><b>(RC)</b>                                  | <i>Sustainable Homes and Communities Think Tank</i><br><i>Housing Strategic Partnership</i><br>Cabinet (2 May 2012)<br>Council (25 July 2012)  | 26 July 2012                                |
| 28           | Seaton Town Football Club site         | Economy Portfolio Holder                               | Head of Economy   | Cabinet (2 May 2012)<br>Council (25 July 2012)   | 26 July 2012                                |

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, in determining the meaning of "significant" regard shall be had to any guidance for the time being issued by the Secretary of State. The Secretary of State will be working with local authorities and the Local Government Association to identify best practice in determining what is a key decision. 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. 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 general exception and urgent key decisions to be made. A decision notice will be published for these in exactly the same way.

A list of background documents is available for each item on the Forward Plan from the originating Officer.

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 Ian Thomas (Corporate Services Portfolio Holder) Cllr Graham Godbeer (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 Chris Wale (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 Section, Council Offices, Knowle, Sidmouth, Devon, EX10 8HL.

16 February 2012

## EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the East Devon Recycling and Refuse Partnership Board, held at Knowle, Sidmouth on 15 February 2012

|               |  |
|---------------|--|
| Present:      | Councillors:<br>Iain Chubb – Portfolio Holder, Environment (Chairman)<br>David Cox – Portfolio Holder, Finance<br>Geoff Pook<br>Honorary Alderman Ron Mudge                            |
| Also present: | Councillors:<br>Roger Giles – Recycling Member Champion  |
| SITA:         | Rick Aldridge – Senior Contract Manager  |
| Officers      | Kaz Arnett – Waste Management Officer<br>Paul Deakin – Waste and Recycling Manager<br>Andrew Hancock - StreetsScene Manager<br>Hannah Whitfield – Assistant Democratic Service Officer |
| Apologies:    | Councillor Chris Wale<br>Denise Lyon – Deputy Chief Executive<br>Simon Smale – Head of Environment<br>Dave Swire – Regional Manager  |

The meeting started 10.00 am and finished at 12.18 am.

### \*43 Minutes

The minutes of the Recycling and Refuse Partnership Board meeting held on 15 December 2011 were agreed and signed as a true record, subject to Minute 34 being amended to read that crews had been asked to ring the Depot if they could not access bins at a property on the assisted collection list. The Depot would then pass this information onto the Customer Service Centre so that it could be logged accordingly.

### 44 £250m Weekly Collection Support Scheme

The Waste Manager advised the Board of a £250m weekly collection support scheme announced by Government to encourage local authorities to introduce and retain weekly refuse collections, which must be supplemented by fortnightly recycling collections. This money was being made available through a bidding process – local authorities needed to submit their expressions of interest by March 2012. Successful bidders would need to retain weekly refuse collections for at least 5 years.

The Board had a lengthy discussion about the weekly collection scheme and the importance of a decision being based on evidence. The general feeling of the Council was that it should continue with the current fortnightly refuse collection and weekly recycling and food wastes collection scheme – which not only was cost saving but was also increasing the District's recycling rates. There was concern that re-introducing weekly refuse collections would have a huge cost impact and could see recycling rates decrease. WRAP considered the Council's current

44 £250m Weekly Collection Support Scheme cont...

collection scheme to be best practice and the most effective method for dealing with household waste.

The Waste Management Team was very proactive with Waste Management Reviews which helped to educate residents on how to reduce the amount of waste sent to landfill. Very few complaints were received from residents regarding smell due to the weekly food collections – between 5000 and 6000 tonnes of food waste was collected per year. Families with young children using nappies were provided with larger bins if requested and encouraged to double wrap the nappies to reduce smell. The Board noted that there had been virtually no requests from residents asking to the Council to return to the weekly collection scheme.

EDDC was thirteenth in the country for combined figures for recycling and refuse waste collected. The Board felt it was important that this information was fed back to the residents through a press release.

**RECOMMENDED:** that the Council does not put in a bid to the Government's £250m Weekly Collection Support Scheme and continues to operate a fortnightly refuse collection and weekly recycling and food waste collection.

**RESOLVED:** that the Council issues a press release to highlight that the Council is thirteenth in the Country for its combined refuse and recycling figures.

\*45 Cardboard and mixed plastics collections update

At the last meeting the Board had considered a report setting out future options for introducing cardboard and mixed plastics collections. The Senior Contract Manager had advised the Board of a possible further option that might be available and would advise if confirmed.

The Senior Contract Manager advised the Board that as a result of SITA winning a contract to manage the Devon Household Waste and Recycling Centres a facility was being installed at the Greendale depot which would enable materials to be combined on collection and then separated through 'combing' - this would address some of the capacity issues that had been raised previously. The Board was advised that this facility would not be available until at least the end of April 2012. Work would now begin using the information gathered from the Beer trial to look at costings for the whole of the District and the types of materials that could be combined in order to establish the viability of introducing cardboard and mixed plastic collections to kerbside collections; if proved to be viable an implementation plan would be drawn up.

The Board discussed the market prices for the materials currently collected and budget considerations for the year.

As a possible interim solution the Waste and Recycling Manager reported that he was awaiting an answer from DS Smith, having carried out site visits, about the siting of mixed paper (cardboard) banks into the main East Devon towns car parks – they would not be removed if mixed plastics and cardboard kerbside collections

\*45 Cardboard and mixed plastics collections update cont...

were introduced. DS Smith had previously indicated – when the exercise had been previously considered in 2011 – that there would be no charge to the Council for the banks as they would retain the value of the recycled material – but EDDC would however gain some recycling credits. Villages, unless they specifically requested in which case the possibility would be investigated, would not receive banks due to the space they would take up in village car parks and difficulties in the vehicles used accessing them. There was also concern regarding flytipping and commercial companies using the banks. The Board considered siting a bank in the large car park at Beer, as having taken part in the mixed plastic and cardboard collection trial were keen to continue to recycling those materials. In response to a concern raised that not all the towns required banks, the Board was advised that Town Councils had previously been consulted.

**RESOLVED:**

1. that the Waste and Recycling Manager continue negotiations with DS Smith Recycling regarding the siting of mixed paper banks in each of the East Devon towns (if required) and at Beer and present a report to the Board next meeting;
2. that the Waste and Recycling Manager and Senior Contract Manager present a report at the next Board meeting on the viability, including costings and indicative timetable for introducing mixed plastics and cardboard to kerbside collections.

\*46 Results of the Beer survey

At the previous meeting the Board had been advised that a survey would be sent, in the New Year, to all residents within Beer to gather feedback on the trial of mixed plastics and cardboard collections. The closing date for surveys to be returned had now passed and 341 surveys had been submitted (almost half the number of properties within the trial area). An initial look at the results, which were circulated to the Board, showed a very positive and encouraging overall response to the trial.

**RESOLVED:**

1. that a detailed report on the results of the mixed plastics and cardboard kerbside collection trial in Beer be presented at the next Board meeting;
2. that the Communications Officer write a press article on the mixed plastics and cardboard trial in Beer using the information gathered from the survey results.

\*47 Side waste update

The Waste and Recycling Manager reported that as of 6 February side waste was no longer being collected from properties - residents had been informed through press releases, adverts in newspapers and on the radio. SITA were sending daily reports through to the Waste Management Team with details of properties where side waste had been left and as a result bins had been stickered. In 6 days 375 letters had been sent out to residents advising why their side waste had not been collected, along with a useful leaflet, 'Can you make a difference?', containing information on recycling and making the most of the landfill container. The Board noted that landfill waste contained within a non EDDC landfill bin was also classed as side waste – this could be due to a previous resident taking their EDDC bins

\*47 Side waste update cont...

when they moved, in which case new bins would be supplied, or residents using their own bin because it was larger.

The Waste Management Team had also been out and about on collection days offering assistance where necessary. The Team had 17 waste management cases where they would be working with residents to address capacity issues. One off capacity issues, such as if a resident had visitors, could be dealt with through the resident contacting the Customer Service Centre.

There had been an increase in the number of calls received by the Customer Service Centre since side waste collections had stopped, however the number of complaints received were relatively low.

**RESOLVED:** that the 'Can you make a difference?' leaflets be sent to Recycling Champions.

\*48 Government consultation on the powers of Local Government regarding the presentation of household waste for collection

The Board considered a report setting out details of a Government consultation outlining proposed changes to the level of fines which could be levied on households for not dealing with their waste correctly. Under the current system there was an option that households could be fined up to £1000 for an offence and was also deemed to be a criminal offence. The Government wanted to change this current policy by removing the criminality from the offence and also reduce the amount of any fixed penalty notice - in order to impose a fixed penalty notice the Council would have to prove a household was causing 'harm to the local amenity'. The Government was proposing to change the amount for a fixed penalty notice from £75 - £110 to between £60 - £80, with reductions available for early payment.

Two options were being consulted on with the key difference being that there was no underpinning criminal offence in the second option.

The Council was asked to respond to the consultation, by 9 March, by answering a number of set questions on the options presented and the appeals procedure.

The Board discussed the options presented, favouring the second option with no underpinning criminal offence. The StreetScene Manager explained that the Council's enforcement procedures for dealing with residents who did not deal with their waste correctly was already moving towards fixed penalty notices and enforcement letters had already been future proofed by taking out references to a criminal offence.

**RESOLVED:** that the Waste and Recycling Manager, in consultation with the Portfolio Holder for Environment, respond to the Government's consultation on the powers of Local Government regarding the presentation of household waste for collection behalf of the Board supporting the second option.

49 Review of Joint Waste Management Strategy for Devon

The Board considered a report setting out a programme to review the Joint Waste Management Strategy for Devon; there was an obligation for the Strategy, published by Devon County Council in partnership with the District Councils of Devon, Environment Agency and Unitary Councils of Plymouth and Torbay, to be updated at least every 5 years. The review would refresh the current strategy for dealing with municipal waste management in Devon to include changes in waste treatment and integrated working.

**RECOMMENDATION:** that the Board note and comply with the programme for reviewing the Joint Waste Management Strategy for Devon to enable the Council to consider approving the draft Strategy prior to public consultation.

\*50 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 National and SITA key performance indicators.

The Board noted that the recycling rate for the first 3 quarter of 2011/12 in East Devon was 48.7%. The recycling rate had expected to drop a small amount in the third quarter due to less garden waste at that time of year. The amount of waste collected per head continued to decrease – the current financial climate was thought be contributing to this reduction due to people generally buying less. In East Devon there had been an 11% drop in the amount of waste collected in the first 3 quarter, compared to 9% nationally.

\*51 Systems Thinking in Waste Management

The Waste Management Officer explained the purpose for undertaking Systems Thinking in Waste Management, which was primarily to improve the service for its internal and external customers. Systems Thinking had been carried out in a number of departments throughout the Council and had achieved very positive results. The Team was currently in the 'check' phase of the process assessing value and preventable demand in order to identify problem areas. Areas for focus would include waste management reviews, larger bin requests, assisted collections and missed bins. The Board would be kept updated as the process progressed.

\*52 Update on actions in respect of StreetScene – Waste Collection and Recycling Audit

The Board noted the action progress report on recommendations resulting from the Audit Waste Management Service. The Waste and Recycling Manager explained that some of the recommendations had been easily resolved through discussions with SITA and others were still in progress.

In response to a question, the StreetScene Manager advised that installing recycling bins in town centres was detailed in the StreetScene Service Plan for the upcoming year.

- \*52 Update on actions in respect of StreetScene – Waste Collection and Recycling Audit cont...

**RESOLVED:** that a progress report on the actions plan from the internal audit of the Waste Management Service be included on future Board agendas.

- \*53 Update from SITA

The Board considered the Senior Contract Manager's report covering the period January – December 2011. The report outlined key performance indicators and issues for consideration; these were service performance and fleet, personnel, and new and on-going issues. The Board was asked to advise if there was any information that had not been included that they would wish to see in future reports.

The Board noted the following:

- Total tonnages of recyclable and refuse collections for the year – 17,655 tonnes of recycling and 18,885 tonnes of refuse;
- Revenues for materials had generally been steady throughout the year – mixed cans increased from March 2011 due to selling material through SITA trading to achieve better prices;
- Accident related costs – SITA would like to see these decrease further;
- Fuel costs were slightly higher than 2010 representing an increase of 3.1% over the year, however fuel prices had increased by 6%. Costs presented did not include the cost of the additive (Ab blue) added to fuel.
- The use of agency staff had been eliminated since January 2011, however there had been a high turnover staff during the year – staff levels maintained at 114;
- Sickness levels continue to be address and have reduced significantly since the previous year;
- The CMS management system tracked vehicles, monitored driving habits and measured fuel consumption. After a period of monitoring, training was given to all drivers on efficient driving techniques. SITA was working on producing a meaningful report to show the impact of fuel usage using the system.

In response to a question the Waste and Recycling Manager explained SITA and EDDC's cost plus Contract.

**RESOLVED:** that the Senior Contract Manager's report for January – December 2011 be noted.

- \*54 Communications update and call details

This item had already been covered earlier in the meeting.

\*55 Any other business

Waste and Recycling Champions

The Recycling Member Champion enquired about arrangements for the next Recycling Champion meeting.

The Waste and Recycling Manager confirmed that Waste Management Officers would be attending the 'Waste not, want not' event being held in Honiton on 25 Feb.

**RESOLVED:** that the Waste and Recycling Manager arrange a date for the next Recycling Champions meeting,

'Back to the Floor' days

The Waste Management Officer encouraged Waste and Recycling Champions and Councillors to take part in 'back to the floor' days with the Waste Management Teams to better understand the work of the Service and SITA crews.

**RESOLVED:** that 'back to the floor' days with the Waste Management Team be raised at the next Recycling Champions meeting.

\*56 Next meeting

**RESOLVED** that the next meeting of the Recycling and Refuse Partnership Board be held on 28 March 2012, 10am, in the Committee Room.

Chairman .....

Date .....

## Agenda Item 10

Cabinet

7 March 2012

DL



### Proposed Council Plan 2012 – 2016 and supporting frontline strategies

#### Summary

In December 2011 and January 2012, the Council consulted the public, its partners and its own officers and members on its major plans and priorities for the future of the District. This report brings the results of the consultation feedback on the Council Plan and its four main underpinning strategies (Economy, Environment, Homes and Communities and Finance). The Head of Economy will be reporting separately later in the year on the results of the consultation on the Local Plan which determines housing development, employment land sites and Council support for jobs, skills and businesses in the District.

#### Recommendation

**Members discuss the Council Plan and underpinning strategies and decide whether to recommend them to Council.**

#### a) Reasons for Recommendation

The Council wishes to have clearly laid out plans and priorities for the future.

#### b) Alternative Options

Cabinet has previously agreed the priorities and funding available for the public services provided by East Devon District Council. Some of the detail has been refined in light of the consultation feedback and there is one suggested change to the values. Members can decide whether they wish to adopt these in the final version.

#### c) Risk Considerations

We want the Council's strategies to be relevant, affordable and to deliver what communities have told us is important. To this end, we have engaged in widespread consultation with:

- the public
- various committees and Councillor Bloxham's Think Tank to engage as many members as possible
- a meeting with representatives from the voluntary sector and Town and Parish councils to explain our priorities and listen to their opinions and thoughts
- staff sessions to invite comment and interest

#### d) Policy and Budgetary Considerations

In line with the budget.

## **Positive Impact Overall**

Affordable Homes.  
Thriving Economy.  
Safe Environment.  
Clean Environment.  
Green Environment.  
Recycling.  
Young People.  
Excellent Customer Service.  
Inspirational Council.  
Meeting our crime and disorder duties.  
Meeting our Diversity and Equality duties.  
Providing more service at less cost.  
Create Cashable Savings

### **e) Date for Review of Decision**

Once adopted, the Council Plan and main strategies will be reviewed annually.

#### **1 Main Body of the Report**

1.1 At its October meeting, the Cabinet agreed the Council's purpose, its priorities and its values, together with a structure, design and layout for the Council Plan.

1.2 The Corporate Business Think Tank discussed and recommended a consultation process for the Plan and its three underpinning Strategies. The result of this was a coordinated consultation process involving:

- partner authorities and organisations across Devon
- discussion sessions with our own staff
- a wider consultation exercise with the public using a summary and question format for the Council Plan and the three underpinning strategies.

1.3 Consultation ended on 13 January 2012 and the results summary is available on the website. This response is a snapshot rather than a representative sample (154 people responded and 70% of those were over 60), so it is important to consider the responses as an indication, rather than give too much weight to them.

1.4 Following close of consultation on 13 January 2012, Cllr Bloxham met with officers responsible for the strategies and agreed some amendments, the main ones being:

- a) a reflection in the Council Plan of the Council's intention to widen its economic focus beyond the West End, Seaton and Exmouth.
- b) a clearer explanation of our intention around affordable housing and links with the Local Plan.
- c) a change in one of the values from 'approachable' to 'accountable'.

1.5 Appendix A: the proposed Council Plan, Appendix B: the text of the proposed underpinning strategies and Appendix C: the consultation results analysis are all available online. Appendix D, the feedback document we will be sending to people who participated in the consultation exercise is attached with the papers.

## Legal Implications

The Council Plan forms part of the policy framework which requires full Council approval before implementation and the recommendations reflect this.

## Financial Implications

The Council Plan has been prepared in conjunction with the Council's Financial Strategy. If there any cost implications involved in delivering the Plan not already approved in existing budgets, these will be presented to members for consideration through the budget process.

## Consultation on Reports to the Cabinet

Scrutiny Committee and SMT have both had the opportunity to debate this report. The Plan and Strategies themselves have also been subject to widespread consultation which is detailed in this and the previous report on the subject. In addition, each Strategy is in the process of having an equality analysis completed.

## Background Papers

None

---

Denise Lyon and Richard Cohen - Deputy Chief Executives  
Heads of Service:  
John Golding, Kate Little, Simon Davey and Simon Smale

Cabinet  
7 March 2012



# Council Plan

## 2012–16

This document has been produced by East Devon District Council.  
All information is correct at time of printing.

For the most recent version of this document, please visit  
[www.eastdevon.gov.uk/shapingourfuture](http://www.eastdevon.gov.uk/shapingourfuture) or call 01395 516551.

If you have any questions about our Council Plan or would like any  
further information, please see our contact details on page 28.



To request this information in an alternative  
format or language please call 01395 516551  
or email [csc@eastdevon.gov.uk](mailto:csc@eastdevon.gov.uk).

We consider requests on an individual basis.

## Inside this document

---

Foreword: working for this outstanding place Page 3

---

1 Introduction 5

---

2 About our Council Plan 8

---

3 Our district 10



12

### 4 Living in an outstanding place

We want to encourage young people who grew up in East Devon to stay here and to raise their own families. That means ensuring a supply of homes that people can afford.



16

### 5 Working in an outstanding place

People living in East Devon also need jobs, so we must ensure that a strong economy with well-paid employment is high on our agenda – not just jobs, but the right jobs in the right places.



18

### 6 Enjoying this outstanding place

We must recognise the importance of leisure time and somewhere to enjoy it. We need to ensure that East Devon has the right mix of open space and indoor facilities for a twenty-first-century economy.



21

### 7 Funding this outstanding place

Our Finance Team manage all aspects of funding within the Council, serving our customers and also keeping a close watch on income and outgoings.

---

8 An outstanding Council 25

---

9 How to find out more 28



# Working for this outstanding place



Foreword by PAUL DIVIANI, *Leader of the Council* and  
RAY BLOXHAM, *Corporate Business Portfolio Holder*

Thank you for entrusting us with the care of East Devon, which we all know and love. From the spectacular Jurassic Coast, through the vast heathlands and steep wooded combes of the East Devon AONB, to the beautiful Blackdown Hills, we are truly blessed with wonderful surroundings. This is a neighbourhood that is not just about the way it looks, but the way it works.

We will deliver a sustainable working legacy to our future generations and this is how we shall do it:

- So that we can share the coast and countryside we enjoy with our visitors, we will conserve and enhance our finest assets, without detriment to those living and working there.
- So that young people and families can live here, we will ensure enough affordable homes are built.
- So that we have jobs that enable our working population to be part of a diverse, balanced, and thriving economy, we will ensure employment land is available in the right place.
- You want us to retain the character and distinctiveness of our neighbourhoods, so we will do so whilst ensuring they remain an outstanding place to live, work, and play.
- We will design and deliver our services in a way that suits your needs.

Our efforts in creating Cranbrook as a self-sufficient, low carbon new town – the first stand-alone settlement in Devon since the Middle Ages – have won national acclaim. A sustainable community located close to real employment opportunities – among them a significant number of highly-skilled jobs – will be an exemplar for green travel. Other major initiatives that we are tackling include the expansive regeneration of the coastal resorts of Exmouth and Seaton.

This is the way out of the current economic gloom and forward to a brighter future.



# Introduction

*Our ambition is to keep East Devon an outstanding place*

## The Council's ambition

The Council is ambitious for the district and its residents. We live in a beautiful part of the world, with much of the district being in an Area of Outstanding Natural Beauty – the designation given by Natural England to the UK's finest landscapes. Our appreciation of this runs through the culture of the Council and is reflected in our ambition to keep East Devon an outstanding place. At the same time, we must look after our residents' needs for jobs and homes and will continue to plan for a sustainable future.

## The Council's purpose

To achieve our ambition and to meet the expectations of residents, businesses, and visitors, we have agreed two clear purposes that underpin all the work of our services and councillors: *delivering outstanding service and planning for the future of our district.*

We run outstanding services that deliver directly to customers – providing homes and benefits for people, making decisions about applications for planning permission requests, and designing and maintaining beautiful parks, gardens, and nature reserves. These frontline services have been completely redesigned to cut out waste and tailor service delivery to what matters to each person. We call this 'systems thinking'.

This focus on the customer has led to better customer satisfaction, more efficient services, and happy staff who know that they now compare with the best in the country. (Please see our performance

East Devon boasts some of the most beautiful coastal and rural scenery in the land, which appeals to residents and visitors alike



*Our purpose is to deliver outstanding service and to plan for the future of our district*

reports to Scrutiny Committee and Cabinet on our website for more information.)

We plan for the future of the district – pulling in private and public sector money to make sure there are the jobs, homes and quality places for a balanced population, healthy local economy and outstanding environment. We support our town centres and are investing in the new community at Cranbrook, and are supporting infrastructure to put jobs close to the people. We have also invested in Local Nature Reserves, in our countryside and coast, to enhance people’s enjoyment of our wonderful natural assets. So what’s next?



We take pride in our beautiful countryside



Sidmouth is a tourist hotspot with many independent businesses

*Our drive, focus, and ambition will be towards delivering our priorities to create an outstanding place to live, work, and enjoy life*

### **The Council's priorities**

We are in challenging financial times and in such an uncertain world we need to deliver the right cost effective services and look forward with realistic and resilient plans.

To meet this purpose and help us to achieve our ambition, we have listened to the public and reflected your wishes in the priority work and projects set out in this Plan. We believe that a good quality of daily life, a vibrant local economy with a variety of job opportunities, a beautiful environment, and a highly efficient Council delivering what matters to residents and customers are key priority areas. Our drive, focus, and ambition will be towards delivering these priorities to create an outstanding place to live, work and enjoy life.

Our Plan only includes work and projects that are achievable and funded. Any plans we have for beyond 2013 are likely to be firmed up over the next year or two, as Government budgets are announced and legislation is passed. Once we are sure we understand the implications, we will add new ideas and projects to the Plan.

### **The Council's values**

Our values must reflect the fact that we are an organisation that exists to serve its communities. We have consulted widely on what people think our values should be and have agreed the following:

- Accountable
- Open
- Listening
- Caring
- Looking forwards



Opening of new social housing in Upton

## About our Council Plan

Running a successful business and delivering services to thousands of customers every day is a challenge for any organisation. Doing so within the public sector, especially with ever-tightening constraints on funding, requires a dedicated team of professionals who are well-managed, well-informed and highly motivated.

East Devon District Council is just such an organisation and is constantly making adjustments to ensure it is run in the most businesslike way and is best prepared to deliver value for money services at the highest possible level of efficiency and effectiveness. The Council is proud to have Investors in People status and that several of its services have been recognised with certification for high levels of customer satisfaction. These are proof that we have the framework, the people, the skills and the culture to deliver our promises and meet new challenges.

A strong management team made up of Members who set policy and Officers who deliver on the ground is not enough. These people also need to have a clear view of the road ahead, know what their destination is and how they are going to get there.

On the facing page is a diagram showing how each element of the Council's organisation plays its part in a joined-up approach to service delivery, from the Local Plan setting out our aims to individual performance reviews to confirm that everyone is doing their bit. In this way, we can be confident that our Annual Report will be able to look back on a year of successful service delivery and improvements to our outstanding district.

## How does our Council Plan fit in with our organisation?

Broad focus with a strategic purpose

Specific focus with an operational purpose

### Local Plan

Sets out the development framework for the district

#### THIS DOCUMENT

### Council Plan

Sets out East Devon District Council's purpose and priorities

### Service Reviews

Making sure service design delivers what customers need in the best, most efficient, way

### Service Plans

Sets out the operational priorities of all our services

### Performance Excellence Reviews

Set out individual actions to achieve the priorities in the Council Plan and Service Plans

### Economy Plan

### Environment Plan

### Homes and Communities Plan

### Finance Plan

### Annual Report

Sets out what the Council has achieved

# Our district

East Devon is a beautiful part of the UK. It's not just that East Devon feels like a nice place to live – it officially is! Not only did our residents tell us this in a national survey run by the Government, we are also blessed with the fact that two-thirds of the district lies in Areas of Outstanding Natural Beauty – what's more, the Jurassic coastline of East Devon makes up part of the only World Heritage Site in England that is recognised for its environmental importance.



**Developments in Exmouth**  
 In partnership with schools and Britain in Bloom volunteers, we are proud of our colourful Manor Gardens, a regular Green Flag Award winner.



**Exeter Airport** The new Flybe academy, providing jobs and training, is just one of several major West End projects.



**New community at Cranbrook** A visual of how some of the new homes at Cranbrook could look.



**Axminster** Opening of the Millway Play Area, Axminster – a project where the community was involved right from the start.



**Honiton** East Devon District Council's recently refurbished Thelma Hulbert Gallery is a hit with adults and children alike.



**Ottery St Mary** In a scheme jointly funded by East Devon District Council, Devon County Council and others, Ottery St Mary has a super new bridge so pedestrians and cyclists can cross the River Otter.



**Budleigh Salterton** Britain in Bloom award-winning town where the countryside and river meets the sea beneath East Devon's iconic red cliffs.



**Sidmouth** The Connaught Gardens are a regular Green Flag Award winner. The town also boasts an improved play area at The Ham and a new community centre at Stowford.



**Seaton** Visitors who enjoy Seaton's pebble beach can also enjoy the popular Axe Estuary Wetlands nature reserve which is improving year on year, with further developments planned.

## Living in an outstanding place

*Balanced communities are key to a sustainable future*

You have told us that by far the most important issue you want us to tackle is to help with affordable housing so that young families and people with low incomes can still afford to live here. Our Housing Market Assessment gives us a guide to what ‘affordable’ means – it is where housing costs are no more than 25 per cent of the household’s gross income. Balanced communities are key to a sustainable future, which is why we are investing in this area. We recognise that to meet the needs of young people in the district, we need to provide sites for affordable housing and improve job opportunities.

You have also asked us to invest in our main towns to make sure they remain attractive places to live and visit, to retain our excellent council housing service, and to continue the good work we do in keeping the place beautiful, safe, clean and tidy.

So we will still run our day-to-day services that help make our residents’ lives better, including:

- collecting your landfill rubbish and your recycling (thank you for helping us reduce the former and increase enormously the latter!)
- inspecting all food places to encourage high standards of hygiene
- preventing homelessness wherever possible and finding accommodation for those who do become homeless

New council homes with sustainable Features in Waggs Plot, All Saints



Opening of the education centre at Seaton Marshes





New seating in the Strand at Exmouth is part of a £3 million enhancement scheme with Devon County Council and Exmouth Town Council

- managing council homes that offer excellent quality and value for money
- funding home adaptations so elderly and disabled residents can stay in their own home
- improving the energy efficiency of homes through investing in insulation and energy saving technologies
- making the process as easy as possible for you when you apply for permission for an extension on your house
- looking after the parks, gardens, and beaches, and funding the countryside education rangers and activities
- promoting and improving our town centres to encourage community identity, local services, more trade, and stronger businesses.

---

### **What else are we planning?**

- By 2012
- Finalise the blueprint for the future of Exmouth reflecting the views of both residents and local businesses.
  - Sign off the deal with Tesco in Seaton securing significant regeneration funding.
  - Have all the infrastructure in place (over £50 million invested) or underway so that we can build the new and modern market town of Cranbrook, where a significant proportion of the homes will be affordable to those on low incomes.
  - Have the redeveloped Strand in Exmouth completed through our partnership with Devon County Council and Exmouth Town Council.
  - Deliver on our housing promise by building at least 100 affordable new homes and ensuring that people can live in some of the empty homes in the District.

- Hold talks with the Town and Parish Councils to secure the budget for our teams who keep the district clean, beautiful, and safe by agreeing priorities and funds with partner organisations, and have agreement on where future regeneration priorities in the district lie and in particular, explore further with Axminster and Honiton the potential for making the most of development opportunities.
- Hold talks with the community in Seaton to agree how to spend community money from the Tesco development.
- Agree a plan for best use of the Council's portfolio of assets so that communities are best served by buildings and land in public ownership. Part of this work involves a review of our car parks and to make sure we best use the land and have an appropriate ticket pricing policy.
- Reflect in the Housing Business Plan the landmark changes, announced by Government in 2011, to how we will finance the Council's landlord services.
- Operate the CosyDevon scheme to improve the thermal efficiency of homes in the district.
- Be in the top ten areas in the country for producing the lowest amount of waste that has to go to landfill and run a trial to extend the range of recyclables that we collect.

Computer-generated visual of how the new town of Cranbrook could look

TAYLOR WIMPEY



StreetScene staff keep parks, gardens, and roadsides looking good



By 2013 ■ Have an agreed way of working with community health, faith, and voluntary organisations who wish to develop the Government's Localism agenda in East Devon.

■ Invest in supporting communities to plan out their future by helping them create neighbourhood plans and by continuing to develop our neighbourhood initiatives.

■ Have an Adopted Local Plan and Community Infrastructure Levy Charging Schedule in place to manage, and draw benefit from, new housing and commercial development over the next fifteen years.

■ Require sustainable design and construction methods for all new development.

■ See the nucleus of the new Cranbrook community, with a primary school and community building (incorporating a library) starting to emerge.

The bustling fishing village of Beer is a magnet for tourists



## Working in an outstanding place

*The Council is here to accommodate, guide, and work with the local business community*

We know how important it is to have a thriving, competitive local economy. East Devon has 445 registered businesses and around one in ten people in East Devon run their own business. Through our Business Centre and business parks, our planning role, and our projects and services, the Council is here to accommodate, guide, and work with the local business community across the district.

The delivery of the West End developments is a vital part of our Local Plan strategy to help create investment and well-paid jobs. For the last few years, we have also concentrated resources, time, and effort on helping Exmouth and Seaton maximise their potential.

We will still run our day-to-day services:

- Working with employers and training providers to give our workers and young people a competitive edge in going for local jobs and volunteering opportunities – bringing and retaining more money into the district, keeping skilled workers here, and giving young people more reason to stay here, work, and raise families.
- Supporting the visitor economy and increasing the number and variety of job opportunities by using the natural assets of the district – this will strengthen and widen our tourism base throughout the year without damaging the outstanding beauty of the East Devon environment.
- Providing business support, innovation ideas, networking opportunities, and training for small and medium size businesses and lobbying on their behalf for important infrastructure and funding.
- Making sure that the family farms and estates of the district are supported.



Local traders at the Exmouth Festival, which attracts tourists and visitors alike

Artists' impression of the E.ON energy building that will provide heating and energy for Cranbrook and Skypark



ST. MODWEN – THE UK'S LEADING REGENERATION SPECIALIST

- Lobbying for better and comprehensive broadband coverage to support the rural community and home working.

---

### What else are we planning?

- By 2012
- Agree a budget to start work with our other main towns – Honiton, Sidmouth, and Axminster – to make sure they also maximise their potential.
  - Work with partners using funds raised from major developments to pursue comprehensive and professional marketing campaigns to support the tourism industry and attract businesses and visitors to the area.
  - Find ways to promote new inward investment.
  - Promote a green industry agenda for the district and its potential to secure a sustainable future for the East Devon community.
  - Extend the SWITCH project providing employment skills for young people outside Exmouth and promoting apprenticeships in association with Bicton College and other educational institutions.
  - Work with the new Local Enterprise Partnership to help deliver economic growth.
  - See the E.ON combined heat and power plant completed to service Cranbrook, Skypark, and the Intermodal Freight Terminal.
  - We are partners to the roll-out of super-fast broadband Internet connections and will work with Devon County Council to make sure East Devon gets the benefit.
- By 2013
- Have secured funds to maintain a Revolving Infrastructure Fund to support incoming housing and commercial development in the district.

# 6

## Enjoying this outstanding place

We are are lucky to be able to live in such a naturally beautiful part of the country but we must work hard to keep that quality in a changing climate. The Council's role is to help residents and businesses make best use of this outstanding environment and to bring in investment that enhances our natural assets.

We also want to encourage cultural and leisure activities that cater for different age ranges and interests. Our Towns and Parishes, as well as local community schools and voluntary organisations, are all partners in helping deliver community events and celebrations that promote East Devon at its best.

We fund teams that work in our communities to promote a great range of activities and natural assets for residents and visitors to enjoy including:

- a partnership arrangement with Leisure East Devon Charitable Trust whom we fund by over £1 million each year to run our sports centres and swimming pools around the district
- a Countryside Team engaging children and young people in events all year round on our nature reserves and our beaches
- support to the Areas of Outstanding Natural Beauty and Jurassic Coast partnerships to realise the environmental assets of our district.

*We help residents and businesses make best use of this outstanding environment and to bring in investment which enhances our natural assets*

---

### What else are we planning?

- By 2012
- Complete the first stage development of new facilities on the Axe Estuary Wetlands nature reserve, which will deliver local economic benefits, increased educational and volunteering opportunities.

Enjoy a leisurely tram ride through the stunning Axe Wetlands wildlife reserve



East Devon District Council's Countryside Team are passionate about protecting, enhancing, and studying the natural environment for the benefit of all generations



- Deliver our strategy of creating opportunities for a healthy lifestyle by providing sport and play facilities, wide open public spaces with easy access, a network of cycle, bridle, and footpaths, and clean and safe bathing beaches.
- Develop an Environmental Strategy that will deliver ways to enhance East Devon's environment and tackle future challenges.
- Support a tourism and marketing campaign to promote East Devon's outstanding coast and countryside in order to help increase visitor numbers.
- Develop a Local Nature Reserves Strategy that will provide a framework for the future management, promotion and engagement of local people in Local Nature Reserves.
- Agree a Strategy for increasing the diversity of the flora and fauna of both the natural and built environments by creating or enhancing their habitats.
- Provide activities and opportunities for young people to support and complement Devon County Council's Youth Service.
- Put resource into the South West Coast Path to maintain National Trail quality standards and provide a high quality visitor destination, as well as benefits for the local economy.
- Prepare a Green Space Strategy to manage, provide and enhance our green infrastructure.
- Promote the Axe Estuary Wetlands as a regionally important wildlife destination through partnership working and joint marketing ventures that delivers the target of 60,000 new visitors to the site and an additional £750,000 into the local economy.



Messing about on the beach appeals to children of all ages

- Establish an East Devon Environment and Wildlife Volunteer Network to consolidate volunteer support and provide opportunities for working on our Local Nature Reserves.
- Establish in partnership with Exeter University a student work placement arrangement to provide undergraduates with the opportunity to develop work experience in all aspects of countryside management.
- Secure the future of the Thelma Hulbert Gallery by achieving trust status.
- Engage with the Health and Wellbeing Board at Devon County Council and develop an approach to improving the health of our residents.

By 2014 ■ Review and update the East Devon and Blackdown Hills Areas of Outstanding Natural Beauty management plans.

The beautiful and peaceful Axe Wetlands is a magnet for wildlife, birds, and birdwatchers



## Funding this outstanding place

Our Financial Plan is a separate comprehensive document, available for anyone who wishes to find out more. Like our other service plans, it is available online or by contacting us. This part of our Council Plan highlights the key issues taken into account by councillors and officers when they are planning how to deliver services this year, next year, and into the future.

### **What are the principles we base our strategy on?**

Underpinning the plan, these fundamental principles have been adopted by the Council:

- Annually a balanced revenue budget will be set with expenditure to be limited by the amount of available resources.
- The General Fund balance will be maintained at the adopted level.
- Resources will be redirected from low to high priority services to meet objectives set out in the Council Plan.
- Council Tax increases will be kept within annually announced Government guidelines

In considering the capital budget, the Council will continue to follow the methodology of scheme scoring and prioritisation. The Council will also seek to maximise the use of its assets.

### **What are the issues that will impact our budget?**

One of the most significant impacts on the Council's finances has come from the Comprehensive Spending Review 2010 in which the Government cut local authorities funding as part of their programme of tackling the national debt problem.

This Council has had a £1.068 m reduction in formula grant for 2011/12, with a further reduction announced for 2012/13 of £0.731 m. Over the two years this equates to a 26 per cent reduction in funding. Further reductions are expected in the remaining two years of the spending review (2013/14 and 2014/15).

Other factors that have had a negative effect on the Council's finances include:

- low interest rates (which reduces the income on savings which are used to keep Council Tax as low as possible)
- the effect on funding in the removal of the responsibility for the free bus travel scheme
- increased running cost of services.

Together these factors required the Council to make tough decisions in order to find £2.4 m savings to set a balanced budget for 2011/12.

Going forward, the Council will continue to find it difficult to afford its spending plans against further government spending cuts, the added pressure of increases in costs due to inflation, continued low investment income, an increasing call on services and the Council wishing to keep to moderate or no increases in Council Tax and other fees and charges.

Through its financial planning the Council has completed the difficult task of balancing its current year budget and has also considered future year challenges with the inclusion of initiatives to reduce costs going forward. It has monies available in reserves to bring about changes as necessary in order to drive down costs or increase receipts to help meet the continued pressure of balancing its budgets.

In looking to the future, we have considered areas where the Government is introducing, or has introduced, changes which will affect the financial position of the Council.

### **What considerations need to be made for the future?**

**THE LOCAL GOVERNMENT FINANCE REVIEW** This is underway with the first stage relating to the issue of a recent consultation paper, to be followed by eight technical papers, on the retention of business rates. This proposes significant change to the formula grant methodology and the relationship with business rates.

The scheme being consulted on will, it appears, result in winners or losers based on business growth in the area. The implications are difficult to assess without the full details which are still to be released and knowing what the final scheme will be. With the business developments planned in the East Devon area, it would be reasonable to assume the Council could benefit from the new proposals in the medium term.

**WELFARE REFORM BILL** With the introduction of the Welfare Reform Bill, the Government plans that local authorities will no longer, from April 2013, be responsible for the administration of Housing Benefit payments. Benefits payments will in future form part of the Universal Credit proposals amalgamating a number of welfare payments into one system administered directly by the Department of Works and Pensions (DWP).

This brings with it uncertainties for customers, council staff and financial uncertainty in understanding clearly the role the Council will play in the future and during the long transitional arrangements that are proposed past 2013.

The current administration of the scheme in theory is cost neutral when taking direct grant and formula grant together, although as always with formula grant, individual service grant is not identifiable. There is a risk in the calculations to be used by Government to reduce funding to reflect the stopping of this responsibility that the Council could be disadvantaged.

**NEW HOMES BONUS (NHB) SCHEME** The introduction of this scheme addresses an anomaly in the current formula grant calculation whereby additional housing growth is counted as additional income to the authority in its council tax base and deducted from grant payable as assumed income raised locally.

The introduction in April 2011 of the NHB rewards housing growth with a six-year payment of an average Council Tax per additional property. With the housing development planned in the East Devon area, the Council should see additional monies under this proposal but a significant risk to the financial position of this scheme is that funding comes from top slicing the formula grant to those categories of councils that benefit from the scheme. There is a risk that payments received under the scheme are not greater for a council than the reduction in formula grant.

**LOCALISING SUPPORT FOR COUNCIL TAX** As part of the Welfare Reform and linked with the Local Government Finance review, the Government has issued a consultation paper on Localising Support for Council Tax. The proposals are that the Council will become responsible for assisting those on low incomes to help meet their Council Tax liability, not only in terms of administration a scheme but actually setting the scheme details locally.

Financial risks associated with this relate to how the Council will be financially reimbursed for the payments made under the scheme and the cost of administration. Under the current system of Council Tax Benefit payments made are reimbursed to the Council based on actual cost, proposals suggest this will change to an annual allocation not tied to actual costs thereby giving significant risk to local authorities on potential costs incurred.

An East Devon District Council finance officer at an exhibition highlighting the service



The Government's financial target of introducing this change is to reduce overall expenditure by 10 per cent, thereby putting local authorities into a difficult position of having to reduce benefits/ discounts to those on low incomes compared with the current scheme or fund costs locally.

**LEGISLATION CHANGES** Legislation is imminent on changes to how local authorities charge for planning applications to a basis of cost recovery. This should be beneficial to the Council as the service is currently subsidised (£1.2 m). Realistically it would be sensible to assume the new regime will not be in place until April 2012, although it may be possible to implement at an earlier stage, this will be dependent on how quickly the legislation is passed after the summer recess.

### **How have we made the savings to balance the budget?**

The Council has taken some tough decisions in balancing the books. There is overwhelming support to protect for as long as possible the frontline services that you tell us are important to you. So far, we have been able to do this, although it has been difficult. We have been reducing the number of staff we employ for several years and taken a robust approach to moving the budget to clearly agreed priorities which have been openly debated.

In the last year, we restructured to slim down our management structure and staffing costs. We also share two posts – including the Chief Executive – with South Somerset District Council to save money. In total, these measures mean annual savings amounting to £982,741.

*The savings we made last year amounted to £982,741.*

Our Financial Plan outlines the other ways we are exploring to reduce overheads, such as:

- shared support services
- relocation of the Council offices to a more efficient building
- mobile working
- improvements to our website to encourage more people to contact us in this way
- continued redesign of remaining services using systems thinking principles
- making sure we are using council assets in the most effective and efficient way.

## An outstanding Council

*We have achieved unprecedented improvement in our ability to deliver what you told us was important to you*

We were judged a 'good' Council by the Audit Commission under the previous Government and have continued to improve services. Our aim has been to design both our service delivery and forward strategy around what matters to our residents and customers.

Decisions are evidence-based and the measures we use tell us whether we've achieved what you said was important. We have achieved unprecedented improvement in our ability to deliver what you told us was important and, as a result, customer satisfaction with our frontline services is at the highest it has ever been. At the same time, we have become highly efficient and managed to substantially reduce costs.

Thanks to our 'systems thinking' approach, we have been in a strong position to cope with major reductions in the Government's funding of public services. The period of 2011 to 2013 will see a 26 per cent reduction in grant, equating to a cash reduction of £1.8 million, despite still having to fund our plans to achieve what is right for the future of the district. Our Financial Strategy is designed to continue to achieve best value for money and protect as far as possible our frontline services and the high standards our residents rightly expect.

In this Plan, we also outline our intention to make the most of technology so that we can put services online for those customers who choose this method of contacting us and make it easier for our staff to access our computer systems while they are around the district delivering services.

East Devon District Council involves parents and children in deciding the design of play areas funded by new builds



We are proud that, despite these very challenging economic times, we can still offer:

- the lowest Council Tax in Devon and be in the top 25 per cent of councils nationally for collection rates
- the fastest decision-making time in Devon for people who contact us to apply for Housing and Council Tax Benefit (and third nationally out of 379 councils)
- a super-efficient planning service that ‘says “yes” to good development’ in the majority of cases and has satisfaction levels running at over 90 per cent
- a leap to the top 25 per cent of districts nationally in residents’ recycling levels
- top ten position in Decent Homes standard of repair and maintenance of our council-owned properties.

---

**What plans do we have in place to make sure we don’t have to stop running the services you want to continue, and maintain these high standards?**

- By 2012
- Complete the restructure of the Council’s services to be certain that services are fit for purpose and as cost-effective as possible.
  - Operate Tenant Scrutiny of the Council’s landlord services.
  - Completely revamp the Council website so that it works the way our customers told us they wanted it.
  - Complete the redesign of all our services so that we are sure they are delivering what people want at the lowest possible cost.
  - Develop a better understanding of why communities feel they are not able to influence the Council and act on this information.

The Council has completed the introduction of a new waste collection service that is boosting recycling and cutting landfill





East Devon District Council staff work with partners in the Police and other councils to carry out neighbourhood assessments so residents can feedback on any issues of concern

- Exploit technology so that our officers can access computer systems with their mobile phones or laptops wherever they may be.
- Explore the potential for Devon councils to work together as a mutual organisation to deliver computer services.
- Explore the potential for sharing or outsourcing our support services.
- Agree a standards framework for the Council to reassure the public that councillors properly uphold their duties and responsibilities.
- Complete an assessment of the Council's approach to equalities to make sure we are a fully inclusive council.
- Decide how we may make the most of any opportunities offered by the Localism legislation.
- Assess whether there is a business case to move the Council's premises to a more efficient building and deliver more effective and accessible ways of working.

An East Devon District Council Housing officer visits a tenant in her home



## How to find out more

### Viewing our plans

The most recent version of this document and our service plans are available at [www.eastdevon.gov.uk/shapingourfuture](http://www.eastdevon.gov.uk/shapingourfuture), where you can also find supporting information.



This barcode contains a link to our Council Plan on our website, which can be read by a mobile phone with a barcode-reading application.

If you would like to view our plans in another format, please contact us.

### How to contact us

If you have any questions or feedback on our Council Plan or if you would like any further information, please contact us.

Telephone 01395 516551

Visit or write East Devon District Council  
Knowle  
Sidmouth  
EX10 8HL

Offices open Mon–Fri, 8.30 am–5 pm

Email [csc@eastdevon.gov.uk](mailto:csc@eastdevon.gov.uk)



[www.eastdevon.gov.uk](http://www.eastdevon.gov.uk)



Printed on paper from  
sustainable sources

65



Please  
recycle

# Agenda Item 11

Cabinet

07 March 2012

12/1214



## Exmouth Regeneration – Orcombe Point

### Summary

Devon County Council is implementing a scheme to improve the western gateway to the Jurassic Coast at Orcombe Point and at the Geoneedle site with enhanced public realm, street furniture and interpretation. The project has been in development for some time and was adopted as an opportunity within the Exmouth Regeneration Masterplan. County Officer reports on the project are considered at the Exmouth Regeneration Board.

The enhancement has both local strategic value and implications for the Council's own land interests and this report sets out details of those implications, as well as seeking authority for Council officers to facilitate the delivery of the project. It is also important that the District and County clarify the land interests involved and that we work closely with County to ensure the successful completion of the project.

### Recommendation

- i) **To note the status of the scheme to improve the Jurassic Interpretation at the Western Gateway to the Jurassic Coast**
- ii) **To note that the scheme will have implications for the Council's own land interests and grant authority to the Deputy Chief Executive – Development, Regeneration and Partnership to work with Devon County Council and other partners to facilitate the scheme**
- iii) **To agree that delegated authority be given to the Principal Estates Surveyor to negotiate the surrender of the lease detailed in the report and to any other arrangements necessary for implementation of the scheme.**

### a) Reasons for Recommendation

The reasons for the recommendations are to assist the facilitation of a scheme that will enhance the area, primarily with improved interpretation, and support the Exmouth Regeneration agenda in general and ambitions for a series of seafront improvements in particular. The Exmouth Regeneration Programme Board is an enthusiastic supporter of improvements to Orcombe Point.

### b) Alternative Options

To not facilitate the scheme

### c) Risk Considerations

There are no significant risk issues to this project. It will add value to the regeneration ambitions within the Exmouth Masterplan and the wider Council Regeneration priority. A container used by a local watersports business will need to be moved and the Council will keep the proprietor informed and, if possible, seek to help the business relocate.

#### **d) Policy and Budgetary Considerations**

The facilitation of the scheme supports the Council's regeneration policy for the town. There is no capital budget consideration but some officer time, particularly from Streetscene, will be required to assist in removing and relocating existing street furniture. There will be an initial loss in rental revenue income of £7,550.

#### **e) Date for Review of Decision**

April 2012

---

### 1 Main Body of the Report

#### **1.0 Background**

- 1.1 Exmouth has a really important role in it's location as the western gateway to the World Heritage Site and the start of the geological "Walk Through Time" exploring 185 million years of Earth's history. It has been seen in the World Heritage Site (WHS) Interpretation Strategy as essential to provide quality facilities within the town fitting for its world heritage status. There have been various ambitious schemes in the past to provide a visitor centre in the town but there is now no viable scheme and little prospect of a realistic proposal likely to come forward.
- 1.2 The Geoneedle was erected on the cliff top at Orcombe in 2002 to celebrate the designation of the WHS but there has been little other investment at this gateway location to inform visitors about the Jurassic Coast. Thus DCC working in partnership with East Devon District and Exmouth Town Councils, the landowners, the National Trust and Clinton Devon Estates, and in liaison with the Jurassic Coast and South West Coast Path Teams, is now providing interpretation and visitor facilities at this gateway as a welcome for visitors to the Orcombe area.
- 1.3 Bright 3D, a specialist interpretation consultancy, was appointed last year to develop and implement an interpretation and enhancement plan for this area. The draft Plan showed the three key phases of work covering:
  - i) signage with interpretation between Foxholes Car Park right through to Devon Cliffs and including the zig-zag path to promote a number of circular trails,
  - ii) improvements to the Geoneedle area at Orcombe involving re-profiling the land to create a retaining wall with integrated seating, an orientation point with stone pavers and re-surfacing which will include interpretative stones; and
  - iii) simple pedestrianisation at the far end of Queens Drive and creation of a WHS interpretative seating area. This area will be known as Orcombe Gate.
- 1.4 The budget for these three phases is £400,000 from DCC's capital programme and Invest in Devon. A presentation and public exhibition was held in April to inform local residents. The planning application was approved in September with a non-material amendment and the conditions discharged by mid-November. All the interpretation graphics have now been agreed and are currently being manufactured.
- 1.5 DCC's contractors Bridge Civil Engineering Ltd started on site on 29 November to undertake the first two phases over the next ten weeks (with a two week break for Christmas.)
- 1.6 The third phase on Queens Drive itself will follow in the spring once the highway/traffic orders are in place following their advertisement. Further details, including the plans approved for planning permission, are available at [www.devon.gov.uk/appref?id=3923&date=2011-07](http://www.devon.gov.uk/appref?id=3923&date=2011-07)

## 2.0 Implications for the Council's Land Interests

2.1 **Orcombe Point:** The Council owns parts of the site on which the new scheme for Orcombe Point will be developed. The work undertaken by 3D Bright included consultation with a range of stakeholders their findings were that *"the turning circle is the easternmost point on Queens Drive and provides pedestrian access to the Geoneedle. The turning area is not welcoming at all or indeed pedestrian friendly; it is overly urban in design and noisy. There is no sense of arrival or sense of place and the watersports container, burger van and municipal style shelter and path do little to entice you... One of the central objectives is to return a sense of place to the end of Queens Drive and create a fitting introduction to the WHS."*

Subsequently, part of the scheme will include the creation of pedestrianised area of public realm below the zig-zag path and bringing the turning circle westwards. At present, a licence exists to support the siting of a container used to store a rescue boat and lifesaving equipment in connection with the Licensee's concession to operate a windsurfing school. To enable the proposed development of Orcombe Point to proceed, notice will now need to be served on the Licensee to remove this container. Similarly, it will not be possible to continue the mobile catering licence granted in previous years, for the moment. Officers will look to see if they can assist the affected businesses to find alternative locations to operate from. Once the works are completed, Members may wish officers to explore the possibility of re-provisioning this facility in a more sympathetic way to the area. A proposal has been mooted to establish a restaurant adjacent to the site.

2.2 **The Zig-Zag path:** There is one wooden bench, one recycled black bench and one picnic table currently on this site. The initial works would include removing the overhang platform and pillars, replacing the fencing and providing an interpretation totem (a 2.5m x 1.5m corten steel information panel). DCC have requested that the existing street furniture is removed.

2.3 Similarly one of the wooden benches at the top of the zig-zag path will need to be removed, along with the dog and litter bins currently in situ. The dogbins will be relocated and new finger posts provided around this location.

2.4 The Council also leases a small area of land shown cross hatched on the plan at Appendix 1 from Clinton Devon Estates. This is a 99 year lease from the 29 September 1964 and was originally put in place to facilitate a small cafe/ice cream kiosk. Authority is sought to enter into negotiations to with CDE to surrender this lease and, subject to suitable terms being agreed, to proceed with this surrender in consultation with the Portfolio Holder Economy. This surrender would be subject to facilitating the development of a building to incorporate a restaurant/cafe and other facilities.

2.5 **Foxholes Car Park:** It is proposed that a double-sided totem within new paving is placed outside an amended chained area at the far end of the land the Council lease to the café which is opposite the Lifeboat Station. It is understood that the tenant is not opposed to the proposal and if necessary, the lease will be amended accordingly. A single-sided totem will also be sited within the car park, again set within new paving at the start of the cliff path. A wayfinding and interpretation site plan is attached at Appendix 2.

### 3.0 Thought for the future

3.1 An Exmouth based private sector investor, working with the Exmouth Visitor Centre Trust, has drawn up tentative proposals to provide a restaurant/café with public toilets and an interpretation facility on the site of the former kiosk. Initial proposals have been put forward and initial discussions taken place with the landowner, Clinton Devon, the National Trust and Jurassic Coast Team but to date no firm plans have been drawn up or pre-application discussions undertaken with the Planning Team.

3.2 There were also further small-scale ideas for additional and complementary WHS work related to signing and interpretation in the Exmouth area put forward in the Bright report. These are opportunities for other partners such as Town Management or the Exmouth Regeneration Programme Board to take forward if and when funding is available:

- 1.1 An 'Exmouth: Exe Estuary to Orcombe Point' leaflet and website / microsite drawing together all the key attractions in Exmouth
- 1.2 Exmouth to be included on the Jurassic Coast App
- 1.3 Welcome and Orientation Point at key Exmouth entry points including Exeter Services and the Airport.
- 1.4 Enhanced WHS display by the TIC
- 1.5 Enhanced signage to Foxholes Hill disabled car parking
- 1.6 Devon Cliffs welcome and orientation point
- 1.7 Interpretation for the 95 Sandy Bay to Exmouth bus route
- 1.8 A walks and events programme for the Exe Estuary to WHS.
- 1.9 Set up Orcombe Ambassadors

### 4.0 Ward Member Consultation

4.1 Ward Members have been consulted and are in agreement with the recommendations. All Members particularly endorsed the proposal that officers work with the affected tenant to assess relocation options.

---

#### Legal Implications

Approval required by Principal Estates Surveyor to negotiate the surrender of the lease detailed in the report and to any other arrangements necessary for the implementation of the scheme. The full terms of any documentation to be agreed upon between the legal and surveying teams. No further comments of a legal nature to be made as a result of the report.

#### Financial Implications

The income of £7,550 is currently included in the 2012/13 budget.

#### Consultation on Reports to the Executive

#### Appendices

- Appendix One – Site Plan
- Appendix Two – Foxholes Car Park – Wayfinding and Interpretation Site Plan

---

Richard Cohen  
Deputy Chief Executive



# Exmouth Town Centre and Seafront Masterplan

## HAVE YOUR SAY ON THE FUTURE OF EXMOUTH!



The Masterplan is based on the following key principles:

- 1. Transforming the estuaryside** to create a stunning arrival into Exmouth town centre and an environment that makes the most of the town's estuaryside location.
- 2. Regenerating the London Inn/Post Office Depot area** to create a busy town centre shopping streets and a place to shop, explore, browse and relax.
- 3. Establishing a stronger pedestrian link between the town centre and Estuary.**
- 4. Regeneration of Camperdown Creek** as Exmouth's focal point for creative, marine, engineering and leisure-based industries.
- 5. Establishing the 'Blue Ribbon'** - a consistent footpath/cycleway around the estuary and seafront.
- 6. Introducing 'Waterfront Gems' strung out along this route** - small, beautiful buildings and artworks to encourage activity, exploration and to help promote Exmouth, create a cultural shift and attract new people to the town.
- 7. Reinforce the area between Elizabeth Hall and the Maer** as an exciting new focus for leisure, recreation and entertainment that will help to put Exmouth on the map as a destination, and improve connection back to the town centre.
- 8. Creating a series of focal points or 'places'** - areas of activity along key routes, well connected to one another.
- 9. Improving and bringing greater activity to the pedestrian links** between the town centre and all waterside assets.



The exhibition material and draft Masterplan documents can be seen at:

[www.exmouthmasterplan.co.uk](http://www.exmouthmasterplan.co.uk)

You can comment on the proposals on the website, fill out the questionnaire at the exhibition or post or hand in your questionnaire or letters to 'Exmouth Masterplan', The Town Hall, St Andrews Road, Exmouth, EX8 1AW by 12th September 2011.

LDĀ DESIGN



The Exmouth Town Centre and Seafront Masterplan aims to help Exmouth look to the future and make decisions that will create a more sustainable, active and balanced community with a strong economy.

The Vision for Exmouth and the draft Masterplan have been prepared through consultation with the community and with key stakeholders.

This 10 week public consultation seeks your thoughts and feedback on the vision and proposals for the town centre and seafront that will help in finalising the Masterplan for Exmouth.

### The Aims for Exmouth are:

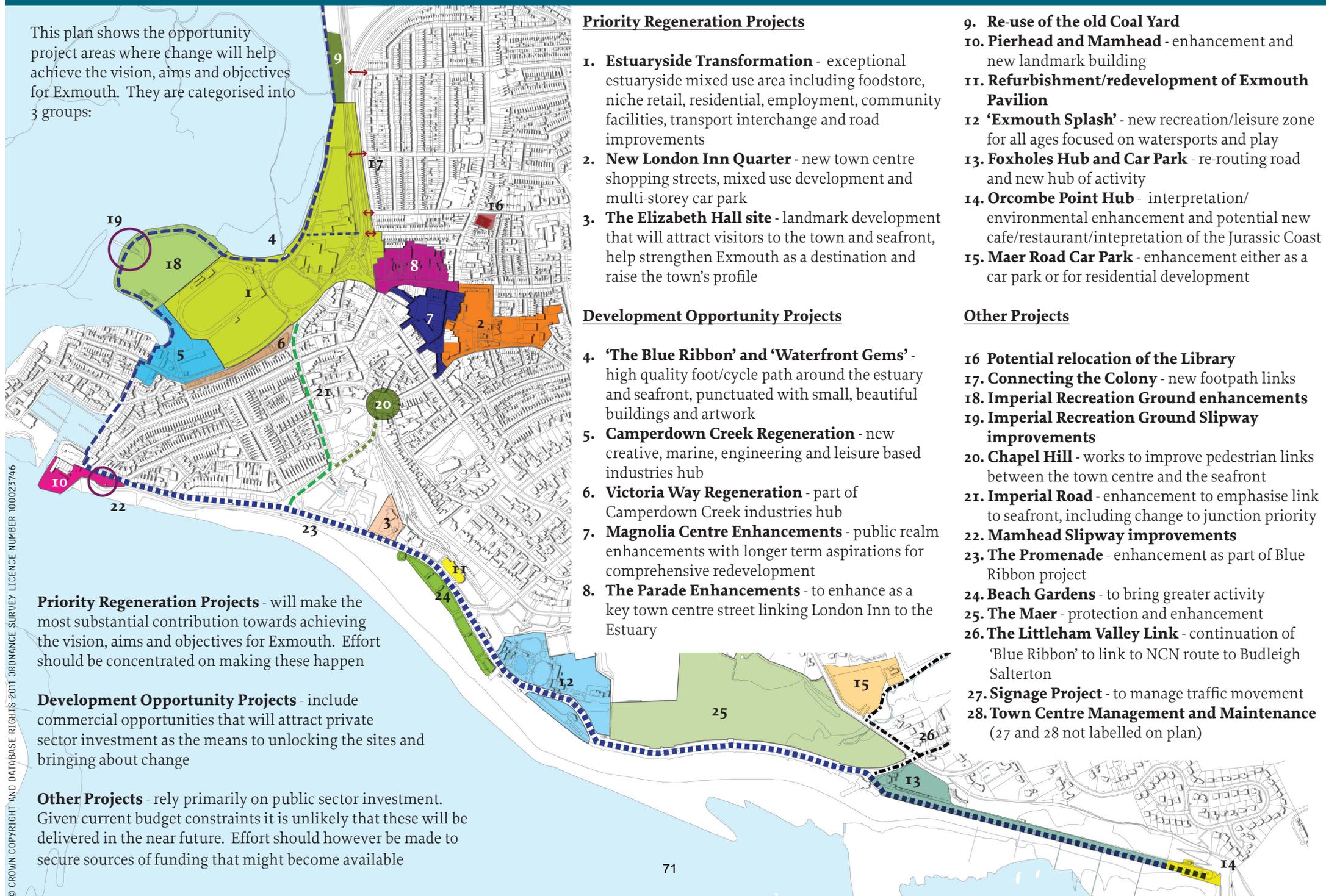
- 1** We want to protect and maximise benefit from the natural setting
- 2** We want to strengthen the local economy
- 3** We want to enhance and capitalise on the qualities of the built environment
- 4** We want to ensure quality of life for the local community
- 5** We want to promote low carbon, sustainable living
- 6** We want to broaden Exmouth's appeal to visitors and investors



Exmouth has a number of distinctive assets: the town centre, estuary, harbour/marina and the seafront. However, not enough is made of these assets and they are poorly connected to one another so that they fail to work together in a way that will bring real economic advantage to Exmouth. The key overarching strategy for change within Exmouth therefore needs to:

- 1.** Strengthen and make more of the assets the town already has; and
- 2.** Create clear, direct and animated links between them so that they support and reinforce each other – creating a whole that is more than the sum of its parts.

This plan shows the opportunity project areas where change will help achieve the vision, aims and objectives for Exmouth. They are categorised into 3 groups:



**Priority Regeneration Projects** - will make the most substantial contribution towards achieving the vision, aims and objectives for Exmouth. Effort should be concentrated on making these happen

**Development Opportunity Projects** - include commercial opportunities that will attract private sector investment as the means to unlocking the sites and bringing about change

**Other Projects** - rely primarily on public sector investment. Given current budget constraints it is unlikely that these will be delivered in the near future. Effort should however be made to secure sources of funding that might become available

**Priority Regeneration Projects**

- 1. **Estuarieside Transformation** - exceptional estuarieside mixed use area including foodstore, niche retail, residential, employment, community facilities, transport interchange and road improvements
- 2. **New London Inn Quarter** - new town centre shopping streets, mixed use development and multi-storey car park
- 3. **The Elizabeth Hall site** - landmark development that will attract visitors to the town and seafront, help strengthen Exmouth as a destination and raise the town's profile

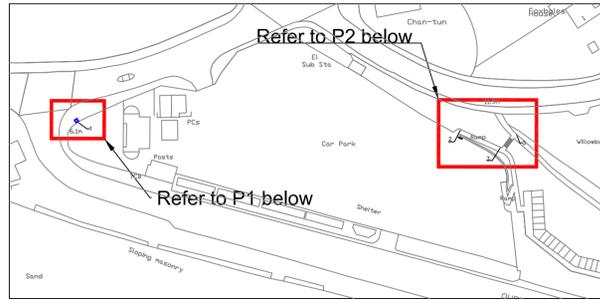
**Development Opportunity Projects**

- 4. **'The Blue Ribbon' and 'Waterfront Gems'** - high quality foot/cycle path around the estuary and seafront, punctuated with small, beautiful buildings and artwork
- 5. **Camperdown Creek Regeneration** - new creative, marine, engineering and leisure based industries hub
- 6. **Victoria Way Regeneration** - part of Camperdown Creek industries hub
- 7. **Magnolia Centre Enhancements** - public realm enhancements with longer term aspirations for comprehensive redevelopment
- 8. **The Parade Enhancements** - to enhance as a key town centre street linking London Inn to the Estuary

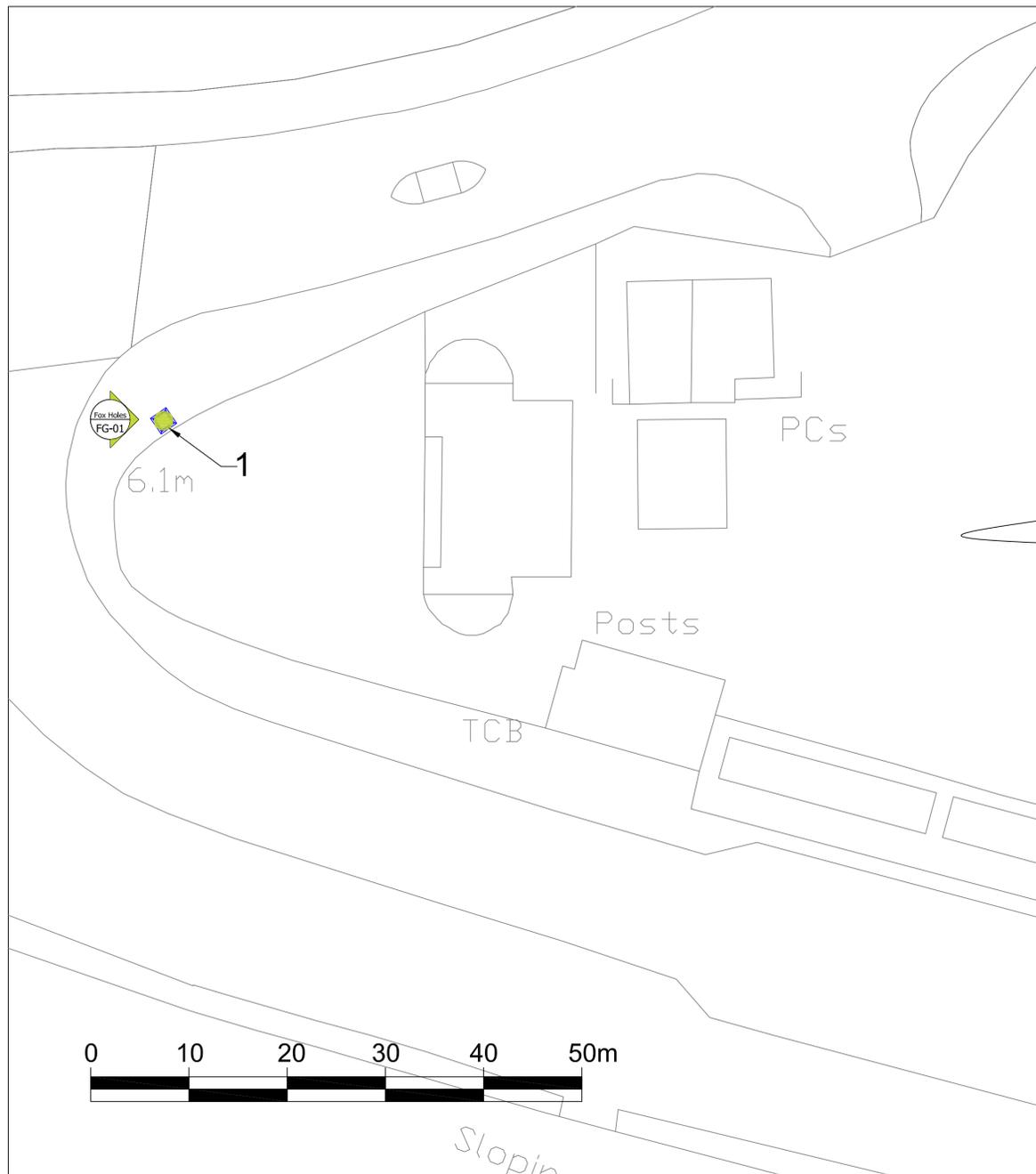
- 9. **Re-use of the old Coal Yard**
- 10. **Pierhead and Mamhead** - enhancement and new landmark building
- 11. **Refurbishment/redevelopment of Exmouth Pavilion**
- 12. **'Exmouth Splash'** - new recreation/leisure zone for all ages focused on watersports and play
- 13. **Foxholes Hub and Car Park** - re-routing road and new hub of activity
- 14. **Orcombe Point Hub** - interpretation/environmental enhancement and potential new cafe/restaurant/intepretation of the Jurassic Coast
- 15. **Maer Road Car Park** - enhancement either as a car park or for residential development

**Other Projects**

- 16. **Potential relocation of the Library**
- 17. **Connecting the Colony** - new footpath links
- 18. **Imperial Recreation Ground enhancements**
- 19. **Imperial Recreation Ground Slipway improvements**
- 20. **Chapel Hill** - works to improve pedestrian links between the town centre and the seafront
- 21. **Imperial Road** - enhancement to emphasise link to seafront, including change to junction priority
- 22. **Mamhead Slipway improvements**
- 23. **The Promenade** - enhancement as part of Blue Ribbon project
- 24. **Beach Gardens** - to bring greater activity
- 25. **The Maer** - protection and enhancement
- 26. **The Littleham Valley Link** - continuation of 'Blue Ribbon' to link to NCN route to Budleigh Salterton
- 27. **Signage Project** - to manage traffic movement
- 28. **Town Centre Management and Maintenance** (27 and 28 not labelled on plan)

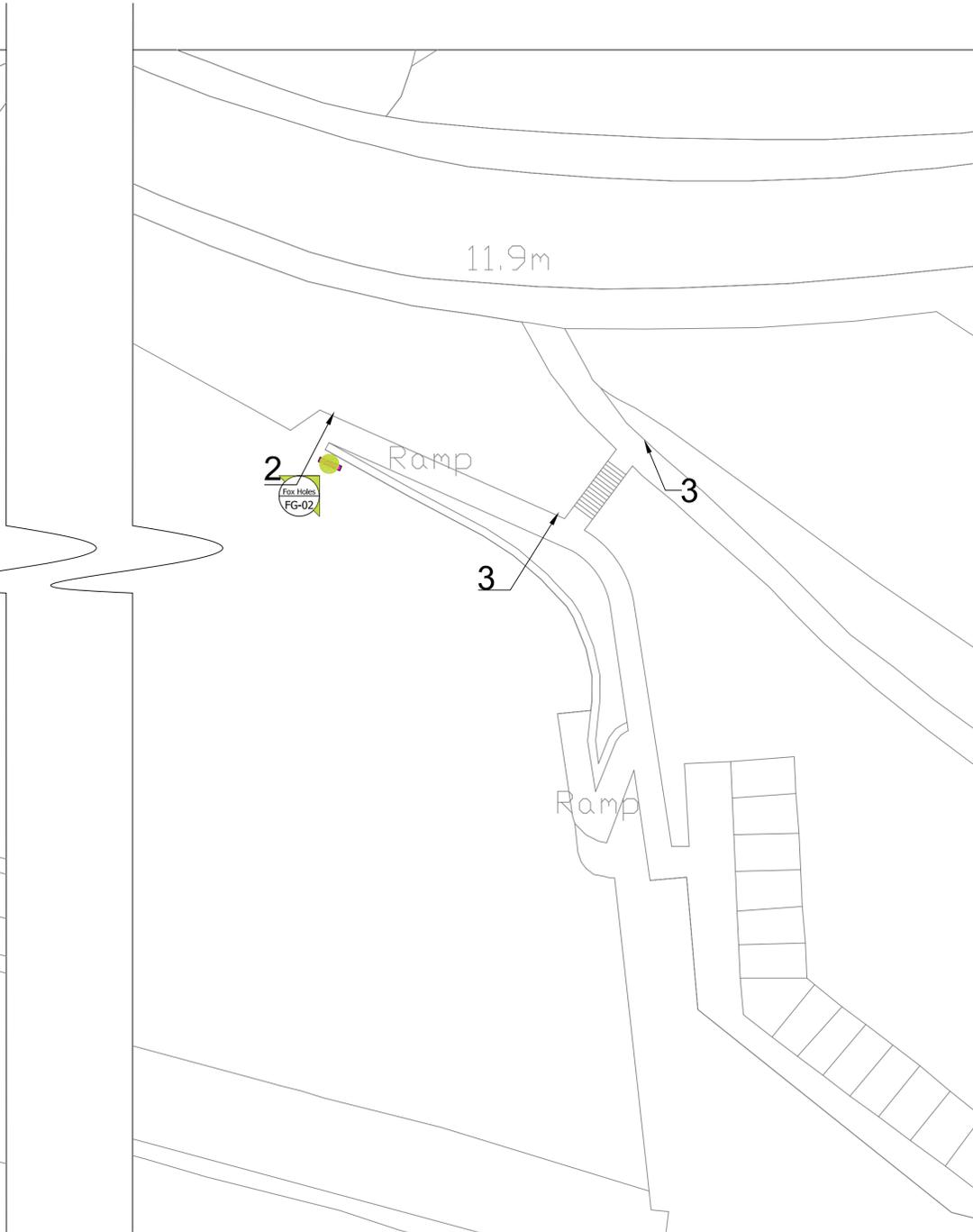


**LP** Location Plan  
Scale: 1:1250

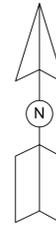


**P1** Plan  
Scale: 1:200

| Project Name    | Jurassic Coast    |                      |          | Revision                               | Initial              | Notes    |
|-----------------|-------------------|----------------------|----------|--|----------------------|----------|
| Project Number  | 1439              |                      |          | Revision Note                          |                      |          |
| Issue Date/By   | 015.06.2011 - PAB |                      |          | Revision Date/By                       |                      |          |
| Drawing Number  | 1439-PL03         |                      |          | Revision Date/By                       |                      |          |
| Drawing Number  | Graphic Reference | Text/Graphic Content | Quantity | Material Specification/Description     | Dimension (HxW) (mm) | Comments |
| <b>FOXHOLES</b> |                   |                      |          |  |                      |          |
| 1439-PL03       | FG-01             | TBC                  | 1        | Fox Holes car park - Orientation point | TBC                  |          |
| 1439-PL03       | FG-02             | TBC                  | 1        | Fox Holes car park - Primary Signage   | TBC                  |          |



**P2** Plan  
Scale: 1:200



All proprietary goods and materials are to be fitted in accordance with manufacturers instructions and relevant Codes Of Practice.  
All work to comply with British Standards and relevant parts of "The Building Standards Regulations 1990" or equivalent national regulations.  
Notwithstanding all of the above, all electrical work must comply with current I.E.E. regulations or equivalent.  
The contractor will be held responsible for the structural integrity of all fittings and fixtures supplied.  
Dimensions must be checked by contractors and setting out drawings based on site dimensions must be approved by Bright 3D Ltd prior to construction.  
Any variations between stated dimensions and site dimensions should be reported to the designer prior to work being executed.  
Samples of all finishes must be provided by contractors for approval by Bright 3D Ltd prior to construction.

**Notes**

1. New orientation point with Digital High Pressure Laminate interpretation panel.
2. Corten totem way finding and signage.
3. Green oak post - directional and information signage.

**Drawing References**

Refer to schedule 1439-XS001 for Graphics  
Refer to drawings 1439-PL02 for Location Plans  
Refer to drawings 1439-PL11 for Sign Types  
Refer to drawings 1439-PL12 for Interpretation

- Denotes indicative location of wayfinding and interpretation points
- Denotes geographic location and reference of wayfinding and interpretation points

| Revision | Description | Date |
|----------|-------------|------|
|----------|-------------|------|

Drawing Status

**Preliminary Design**

**BRIGHT**

Bright 3D Environments  
The Sugarbond  
2 Anderson Place  
Edinburgh EH6 5NP  
Tel: 0131 553 0920  
Fax: 0131 555 6762  
Company No. 261439

Client

**DEVON COUNTY COUNCIL**

Job

**JURASSIC COAST**

Description

**Foxholes Car Park  
Wayfinding/Interpretation Site Plan**

|           |          |               |
|-----------|----------|---------------|
| Scale     | Date     | Drawn/Checked |
| 1:200@A1  | 15.06.11 | PAB/EM        |
| 1:1250@A1 |          |               |

|             |                  |           |
|-------------|------------------|-----------|
| Project No. | Drawing No.      | Revisions |
|             | <b>1439 PL03</b> |           |

This drawing is the property of Bright 3D Ltd.  
Copyright is reserved by them and the drawing is issued on the condition that it is not copied, reproduced, retained or disclosed to any unauthorised person, either wholly or in part without the consent in writing of Bright 3D Ltd.

## Agenda Item 12

Cabinet

07 March 2012

12/1220



### Exmouth Regeneration: Masterplan Projects Exemption from Standing Orders

#### Summary

This report seeks authority to commence detailed pre-development tasks on the priority Exmouth Regeneration projects as determined by the Members at the Cabinet Meeting held on 30 November 2011. The projects in question have also been endorsed by Exmouth District Councillors and the Exmouth Regeneration Board. The proposed governance for the management of these projects is set out together with the budgetary implications covering a four year period.

#### Recommendation

- 1. To provide the Deputy Chief Executive delegated authority on expenditure of up to £700,000 over the next four years in consultation with the Portfolio Holder for Strategic Developments and Partnerships via a robust framework of governance.**
- 2. To agree the request for an exemption under Standing Order 1.13 to enable the appointment of sub-contractors to complete the work that was begun during the drafting of the Exmouth Town Centre & Seafront Masterplan.**

#### a) Reasons for Recommendation

To secure funding that will enable the implementation of the Exmouth Masterplan commencement of individual project development to which the Council's Cabinet committed on 30 November 2011.

Exemption under standing orders will be occasionally needed where appropriate to retain particular professional services if continuity makes sense in cost, time and acquired knowledge.

#### b) Alternative Options

To not agree recommendation funding allocation to take forward priority projects. In the event of no budget allocation the Council will:

1. Not meet Exmouth expectations that the Masterplan will be implemented
2. Not take forward identified regeneration and development projects
3. Not secure or reinvest return on released assets

**c) Risk Considerations**

As was made clear in the November 2011 Cabinet report, there are risks in terms of reputation and finance. The projects will require full backing and support from Council Members, in particular Exmouth Members and their determination to be seen through to delivery. Whilst there has been strong local support that the town could be made better in a variety of ways, there has been by no means a consensus on what those changes should be and in certain cases, a scepticism and opposition to some development propositions. Undoubtedly, we will be challenged along the way. Overall, however, the responses to the consultation exercise support development including on the Estuary and seafront where our priority projects are located. Even on a controversial development proposal where a foodstore is specifically mentioned as part of Estuaryside development, 57% of respondents supported the proposition.

In terms of reputation we will be subject to criticism. Development plans will be subject to scrutiny and mixed opinions. Also, there is a view that the Council will not be able to deliver and past history has been cited by a number of consultation respondents.

In terms of financial risk, this report specifically asks the Council to invest significant resource to clarify, design and promote sites in the expectation of developer engagement and a capital receipt. Development projects will be complex and require the sort of individual risk and project management structures that we plan to put in place to minimise the possibility of problems such as delay or cost overrun.

Risk will be mitigated through a robust project management structure that reports to the Regeneration Board and onward to Cabinet. In addition, South West Audit Partnership (SWAP) will be commissioned to advise and monitor the processes and structures introduced by the Council.

**d) Policy and Budgetary Considerations**

These projects form part of the Council's Regeneration commitment to Exmouth and the delivery of the aims and objectives set out in the Exmouth Town and Seafront Masterplan. £700,000 has already been identified under the Council's budget 2012/13 – 2015/16 of which £377,000 was already allocated in the Capital Programme for Exmouth regeneration projects. It may be that elements of the funding required can be secured from other sources including remaining allocation to the Strand building if this does not go ahead as currently approved (as seems highly likely). Similarly, discussions are underway to gauge the commitment of Devon County Council to joint project funding where they have a land or highways interest in particular.

**e) Date for Review of Decision**

N/A

1 Main Body of the Report  
Background

- 1.1** Exmouth Regeneration continues to be a Corporate Plan Priority. The Exmouth sites have been the subject of considerable public interest and officers have been in discussions with different commercial

developers, DCC and other agencies for many years. Having worked closely with the local community to develop a masterplan, there is an expectation that the Council will now turn the vision into reality.

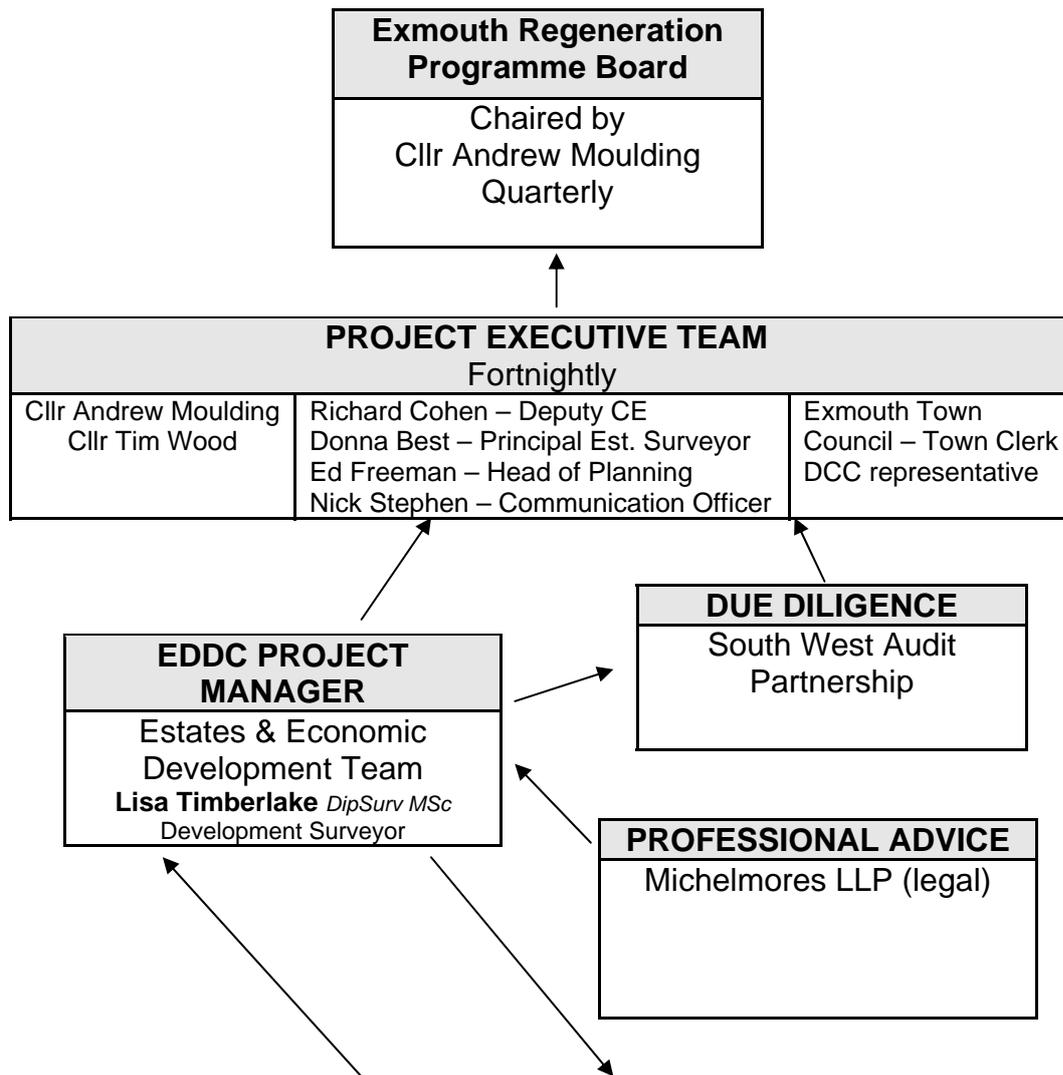
**1.2** Exmouth is by far the Districts biggest town and the biggest in the county. It faces economic and social challenges in the future on a number of fronts:

- A significantly ageing population
- Decrease in economically active population
- Outward migration of young people
- 2001 census intelligence identifies low household incomes compared to district and national averages
- Lack of higher wage/higher skilled jobs in the town
- Outward commuting
- Lack of business space
- Low quality retail and leisure offer with knock on to higher end residential demand

**1.3** The consultation exercise round the Exmouth Masterplan was completed at the end of 2011. The priority projects arising from the Exmouth Masterplan and outlined to Cabinet 30 November 2011 have the potential to offer a great opportunity to deliver exciting developments that will help to achieve the Vision for Exmouth as identified in the Exmouth Town Centre and Seafront Masterplan. The initial projects to be implemented are the Estuaryside Transformation, Camperdown Creek Regeneration, the Elizabeth Hall Site and Queen's Drive - Exmouth Splash.

**1.4** The Estates and Economic Development team will work to the Deputy Chief Executive to provide in-house Project Management services and will oversee the specialist consultants that are required to provide the necessary reports for the commencement of the regeneration projects. The structure showing the governance of these projects and how the financial aspects will be managed is shown below;

**Structure Diagram:**



| TEAM MEMBER | TEAM MEMBER  | TEAM MEMBER                           | TEAM MEMBER                                 | TEAM MEMBER | TEAM MEMBER              | TEAM MEMBER                        |
|-------------|--------------|---------------------------------------|---|-------------|--------------------------|------------------------------------|
| PLANNING    | ESTATES      | LEGAL & PROCUREMENT                   | COMMUNICATIONS, PUBLIC RELATIONS, MARKETING | ARCHITECT   | CONSULTANTS (Planner/QS) | DEVON COUNTY                       |
| TBC         | Rob Harrison | Michelmores Sally Rice & Jason Phelps | TBC   | TBC         | TBC                      | Transport Planning & Environmental |

**1.5 Cabinet** will continue to be provided with notes from the Programme Board Meetings along with specific progress reports at key milestones. An annual review report on Exmouth will be provided to the Cabinet.

**Highlight reports** will be provided to the Project Executive Team by the Project Manager at monthly intervals.



**End of Stage Report** will be provided to the Exmouth Regeneration Programme Board at the end of the stages agreed with the Project Executive Team and identified in the Project Timeline. Reports will be produced to inform the Cabinet at important stages of the project.

**Exception reports** will be issued to the Portfolio Holder for Strategic Developments and Partnerships and Chairman of the Programme Board if urgent issue(s) arise that require immediate action or there is a deviation from the project. Regular updates and exchange of information will take place between the Estates & Economic Development Team and all other interested parties, primarily through the Fortnightly held Exmouth Regeneration Project Team Meetings. These will be referenced within the highlight report to the Principal Estates Surveyor. Ad-hoc meetings will be required should issues presenting a risk arise.

**Timeline Reporting** – The Project Manager will maintain live reporting of individual project and overall programme progress against agreed timelines and targets.

**1.4** The reports needed for the process together with the estimated costs are set out below;

| <b>2012/13</b>                  | <b>'Splash'</b> | <b>Elizabeth Hall</b> | <b>Estuaryside</b> | <b>others</b> |                 |
|---------------------------------|-----------------|-----------------------|--------------------|---------------|-----------------|
| <b>Reports/<br/>Consultants</b> | <b>£</b>        | <b>£</b>              | <b>£</b>           | <b>£</b>      | <b>TOTAL</b>    |
| Project Mgmt                    | 10,000          | 17,000                | 13,000             |               | 40,000          |
| Architect                       | 20,000          |                       | 10,000             |               | 30,000          |
| Communications                  | 5,000           | 3,000                 | 5,000              |               | 13,000          |
| Planning                        | 15,000          |                       | 10,000             |               | 25,000          |
| Environmental studies           | 20,000          |                       | 25,000             |               | 45,000          |
| Flood Risk Assessments          | 11,000          |                       | 11,000             |               | 22,000          |
| Commercial Agents               |                 | 10,000                | 25,000             |               | 35,000          |
| Legal Fees                      | 8,000           | 8,000                 | 18,000             |               | 34,000          |
| Contingency                     |                 |                       |                    | 81,000        | 81,000          |
| <b>Subtotal</b>                 | <b>89,000</b>   | <b>38,000</b>         | <b>117,000</b>     | <b>81,000</b> | <b>£325,000</b> |
| <b>2013/14</b>                  | <b>'Splash'</b> | <b>Elizabeth Hall</b> | <b>Estuaryside</b> | <b>others</b> |                 |
| Project Mgmt                    | 10,000          | 7,000                 | 13,000             |               | 30,000          |
| Architect                       |                 |                       | 10,000             | 10,000        | 20,000          |
| Communications                  | 5,000           | 3,000                 | 5,000              | 3,000         | 16,000          |
| Planning                        |                 |                       | 6,000              |               | 6,000           |
| Environmental studies           |                 |                       | 10,000             | 25,000        | 35,000          |
| Commercial Agents               |                 | 5,000                 | 30,000             |               | 35,000          |
| Legal Fees                      | 10,000          | 10,000                | 20,000             |               | 40,000          |

|                                     |               |               |               |               |                 |
|-------------------------------------|---------------|---------------|---------------|---------------|-----------------|
| Contingency                         |               |               |               | 39,000        | 39,000          |
| <b>Subtotal</b>                     | <b>25,000</b> | <b>25,000</b> | <b>94,000</b> | <b>77,000</b> | <b>£221,000</b> |
| <b>2014/15</b>                      |               |               |               | <b>others</b> |                 |
| Unknown at this stage               |               |               |               | 82,000        | <b>£82,000</b>  |
| <b>2015/16</b>                      |               |               |               | <b>others</b> |                 |
| Unknown at this stage               |               |               |               | 72,000        | <b>£72,000</b>  |
| <b>TOTAL Estimated over 4 Years</b> |               |               |               |               | <b>£700,000</b> |

- 1.5** The above list allows for the acquisition of specialist reports required to support planning applications and marketing. These include Traffic Impact Assessment, Environmental Impact Assessment, Flood Risk Assessments, Appropriate Assessment – Habitat Regulations 2010 and the drafting of Development Briefs with input from Architects and Planning Consultants. There are also certain overarching costs that have been apportioned across the projects including communications and marketing. It is important that we are able to promote development opportunities not only to potential developers but also to the resident and business community of the town to ensure that people are fully and fairly informed of the changes going on around them.
- 1.6** Detailed Project Initiation Plans will be produced to enable the efficient management of the individual projects and these documents will be the basis of reporting to the Exmouth Regeneration Programme Board. An example Plan is in Appendix 1.
- 1.7** Legal advice will be required at a number of stages throughout this project: planning/s106/Community Infrastructure Levy implications, as appropriate. The procurement of consultants will need to comply with any E.U. requirements and Contract Standing Orders. The Council is currently using Michelmores Solicitors to provide legal services in relation to projects under the Exmouth Regeneration agenda, following a procurement selection process as an informal body [rather than a sub-committee]. The Project Executive Team will not have formal decision making powers but can implement and monitor in line with Exmouth Regeneration Programme Board decisions. In addition, the constitution provides for some officer and portfolio holder delegated decision making, within policy.
- 1.8** The estimated cost of the specialist reports needed to procure Development Briefs, Environmental Reports, undertake public and tenant consultation over the course of a four year period is £700,000

---

## Legal Implications

Legal advice has already been given and incorporated within the report. No further comments of a legal nature arise as a result of the report.

## Financial Implications

The £700k referred to in the report is already earmarked for this scheme via the capital programme budget and will need to be allocated to specific elements as it develops. The future revenue

consequences will also need to be considered as the scheme progresses.

Consultation on Reports to the Executive

N/A

Background Papers

- Further information relating to the Masterplan work, including a copy of the consultation draft, may be found at [www.exmouthmasterplan.co.uk](http://www.exmouthmasterplan.co.uk)

Appendix –on line

Example of a Project Initiation Document.

---

Richard Cohen  
Deputy Chief Executive

## Agenda Item 13

Cabinet

7 March 2012

LG/MW



### Financial Monitoring Report 2011/12 – Month 10 January

#### Summary

This report gives a summary of the Council's overall financial position for 2011/12 at the end of month ten (31st January 2012).

Current monitoring indicates that:

- The General Fund Balance is being maintained at or above the adopted level.
- The Housing Revenue Account Balance will be maintained at or above the adopted level.
- There is a sufficient Capital Reserve to balance this year's capital programme. However, it is estimated that only £1.950m will be available in the Reserve to support the programme from 2012/13 onwards.

#### Recommendation

- 1. The variances identified as part of the Revenue and Capital Monitoring process up to month ten be acknowledged.**
- 2. To note the government's HRA subsidy 2011-12 draft special determination in respect of payment of interest incurred prior to 1 April on the self-financing debt settlement.**

#### a) Reasons for Recommendation

The report updates Members on the overall financial position of the Authority following the end of each month and includes recommendations where corrective action is required for the remainder of the financial year.

#### b) Alternative Options

To disagree with the recommended actions proposed.

#### c) Risk Considerations

Current monitoring indicates that the Council's balances and reserves are being maintained at or above the adopted levels.

In compiling this report we have looked at all large, high risk and volatile budget areas. Predicted spending patterns have been linked to operational activity and all material

budgets have been subject to thorough risk assessments by operational managers and finance staff. Any continuing variances in spending patterns will then be considered as part of the medium term financial strategy.

**d) Policy and Budgetary Considerations**

This report highlights all budgetary variances and then comments on the level and adequacy of Reserves.

**e) Date for Review of Decision**

Updated positions are to be presented at future meetings of the Cabinet.

**Financial Monitoring Report 2011/12 – To Month Ten January**

**1. Introduction**

1.1 The purpose of this monitoring report is to update members of the Cabinet on the overall financial position of the Authority following the end of month ten and to report on areas that may require corrective action during the remainder of the financial year.

**2. General Fund Position as at Month Ten.**

2.1 The following table shows the position on investments:

| <b>Investments</b>   | <b>Annual Budget<br/>£000</b> | <b>Variation at<br/>Month 10<br/>£000</b> | <b>Predicted<br/>Outturn Variation<br/>£000</b> |
|----------------------|-------------------------------|---|---|
| External Investments | (397)                         | (102)                                     | (81)  |
| Internal investments | (48)                          | 7   | 2   |

The positive variation on external investment is due to gains of over £169k in trading of investments to date. The estimated year end surplus reduces to £81k due to lower than budgeted interest receipts. The internal investment receipts deficit of £7k at Month 10 is due to low interest rates.

2.2 The following table shows the original budget set for the year and a total of the variations identified which are likely to affect the budget to give a predicted budget figure for the year.

|   | <b>£</b>          |
|---|-------------------|
| <b>Budget Requirement (set 09/02/11)</b>              | <b>12,914,180</b> |
| Add:<br>Month 10 predicted net underspend to Year End | (568,000)         |
| <b>Predicted Budget Requirement</b>                   | <b>12,346,180</b> |

A summary of the predicted over and under spends to the year end are shown below:

| <b>Predicted over / (under) spends to Year End</b>                 | <b>Variation at Month 10<br/>£000</b> | <b>Predicted<br/>Outturn<br/>Variation<br/>£000</b> |
|--|---------------------------------------|---|
| <b>Core Services Portfolio</b>                                     |                                       |   |
| Legal Services staffing costs due to vacancies                     | (30)                                  | (30)  |
| Licensing staffing costs due to vacancy                            | (10)                                  | (10)  |
| <b>Economy Portfolio</b>   |                                       |   |
| Manor Pavillon – increase on ticket sales                          | (15)                                  | (15)  |
| <b>Streetscene Portfolio:</b>                                      |                                       |   |
| Car parks increased income reducing £140k reported prior months    | 55                                    | (20)  |
| Recycling income glass, cans, plastic - price and volume increases | (284)                                 | (250)   |
| Recycling third party income                                       | (47)                                  | (30)  |
| Grounds maintenance contractors                                    | (33)                                  | (25)  |
| <b>Strategic Planning &amp; Regeneration Portfolio</b>             |                                       |   |
| Planning fees income   | (100)                                 | (100)   |
| <b>Finance Portfolio:</b>  |                                       |   |
| *Housing and Council tax benefits                                  | 1,670                                 | 1,694   |
| *Housing and Council tax benefits subsidy                          | (1,249)                               | (1,694)   |
| Interest revised outturn   | 30                                    | 30  |
| Outturn Variations reported as at Month 9                          |                                       | (118)   |
| <b>Predicted Outturn Total Variations</b>                          |                                       | <b>(568)</b>  |

\*Benefit payments have increased, but this should be met by additional subsidy. However, a variation of only 0.01% on the Housing Benefit Subsidy claim compared with our estimate, would result in £37k under recovery of subsidy.

2.3 These variations will have the following overall effect on the Council's General Fund Balance.

|  | £         | £                  |
|--|-----------|--------------------|
| <b>Available General Fund Balance 01/04/11</b>                 |           | <b>(4,388,124)</b> |
| Less:  |           |                    |
| Planned use of general fund balance in setting the budget      | 0         |                    |
| Items identified in paragraph 2.2 above (predicted variations) | (568,000) |                    |
| Supplementary Estimate (purchase of NNDR IT system)            | 72,400    |                    |
| Supplementary Estimate (purchase of snow equipment)            | 10,836    |                    |
| Supplementary Estimate (Devon shared IT services)              | 2,000     |                    |
|  |           | (482,764)          |
| <b>Predicted General Fund Balance 31/03/12</b>                 |           | <b>(4,870,888)</b> |

This predicted balance of £4.871m is £3.352m above the Council's adopted level for the General Fund Balance (£1.519m). The Council has agreed to maintain a higher balance than the adopted level at this present time because of the many financial uncertainties and risks facing the Council.

2.4 An analysis of the main income streams is shown below:

|                       | <b>Annual Budget<br/>£000</b> | <b>Variation at<br/>Month 10<br/>£000</b> | <b>Predicted<br/>Outturn Variation<br/>£000</b> |
|-----------------------|-------------------------------|---|---|
| Car Park charges      | (2,629)                       | 118                                       | 120   |
| Planning fees         | (804)                         | (177)                                     | (200)   |
| Building Control fees | (497)                         | (1)                                       | 0   |
| Local Land Charges    | (200)                         | (29)                                      | 0   |

2.5 Summary of Other Reserves:

|                          | <b>Balance<br/>B/f<br/>£000</b> | <b>Spend<br/>to date<br/>£000</b> | <b>Income<br/>to date<br/>£000</b> | <b>Estimated<br/>additional<br/>Spend/(Income)<br/>£000</b> | <b>Predicted<br/>Balance<br/>C/f<br/>£000</b> |
|--------------------------|---------------------------------|-----------------------------------|------------------------------------|---|---|
| Transformation Reserve   | (1,608)                         | 154                               |                                    | 300   | (1,154)                                       |
| Asset Management Reserve | (1,306)                         | 226                               | (195)                              | 80  | (1,195)                                       |
| Capital Reserve          | (5,303)                         |                                   |                                    | 3,353   | (1,950)                                       |

### 3. **Housing Revenue Account Position up to Month 10.**

3.1 The following table shows the original budget set for the year and a total of variations identified which are likely to affect the budget to give a predicted budget requirement for the year.

|   |           |                   |
|---|-----------|-------------------|
| <b>Budget surplus (set 09/02/11)</b>          |           | <b>(39,710)</b>   |
| Month 10 predicted net underspend to year end | (504,000) | (504,000)         |
| <b>Predicted Budget Requirement</b>           |           | <b>(£543,710)</b> |

A summary of the predicted over and under spends to the year end is shown below:

|  | <b>Variation at Month 10 £000</b> | <b>Predicted Outturn Variation £000</b> |
|--|-----------------------------------|---|
| Previously reported savings on painting programme not achieved due to additional costs of render repairs                                 | 41                                | 110                                     |
| Change of Tenancy – cost of electrical works & upgrading improvements (this is in addition to the previously reported variance of £200k) | 359                               | 200                                     |
| Programmed maintenance – communal Areas – corrective action taken to offset previously reported overspend                                | (3)                               | (40)                                    |
| Vacancies within the Landlord Services and Housing Needs & Strategy teams  | (32)                              | (31)                                    |
| Income, mainly from housing rents, higher than expected due to improved void times   | (85)                              | (90)                                    |
| Variations from Month 9  |                                   | (653)                                   |
| <b>Total</b>   |                                   | <b>(504)</b>                            |

- 3.2 These variations will have the following effect on the Housing Revenue Account Balance:

|   | <b>£</b> | <b>£</b>            |
|---|----------|---------------------|
| <b>Housing Revenue Account Balance (01/04/11)</b> |          | <b>(511,201)</b>    |
| Predicted budget requirement as above             |          | (543,710)           |
| <b>Predicted HRA Balance (31/03/12)</b>           |          | <b>(£1,054,911)</b> |

The recommended level for the HRA balance, at £245 per dwelling, is currently £1.054m. The predicted balance is now at the recommended level.

- 3.3 The self-financing payment in respect of HRA debt is due to be made on 28 March 2012 and will mean the HRA incurs an interest charge for 4 days in 2011/12. The government has issued a draft special determination to adjust the council's final HRA subsidy entitlement for 2011/12 to take account of this additional interest charge. The interest has been calculated using the PWLB fixed loan rate for new maturity loans as at 3 February 2012 (4.16%) which has then been reduced by 88 basis points; the reduction that is available to local authorities borrowing from the PWLB to make the settlement payment. The interest adjustment has been calculated by applying the resultant figure (3.28%) to the authority's settlement payment for four days – for East Devon the figure is £30,246. This sum will be paid in advance on 15 March and is unlikely to match precisely the actual interest incurred between the 28 and 31

March but this approach has been agreed by the Self-financing Implementation Working Group, which includes representation from local authorities, as preferable to a precise adjustment paid retrospectively. This is a draft determination at this stage but is unlikely to change.

#### **4. Capital Programme Position up to Month 10.**

4.1 The following table currently estimates the total required from the Capital Reserve as £3.353m.

4.1.1 This will reduce the Capital Reserve balance from £5.303m to £1.950m.

|  |                           |                    |
|--|---------------------------|--------------------|
| <b>Net Capital Programme Budget (Exec Board 09/02/11)</b><br>2010/11 scheme costs slipped into 2011/12 (as agreed by Cabinet in the Outturn report in June 2011) | £<br>1,685,178            | £<br>5,257,180     |
| <b>Revised 2011/12 budget</b><br>Month 1- 9 Variations already reported<br>Month 10 Programme Variations (a)   | <br>(635,248)<br>(22,100) | <br>6,942,358      |
| <b>Predicted Budget Requirement</b>  |                           | <b>6,285,010</b>   |
| <b>Financed by:</b>  |                           |                    |
| In Year Usable Capital Receipts  | (2,130,154)               |                    |
| HRA Contribution   | (282,000)                 |                    |
| Transformation reserve   | (95,000)                  |                    |
| General Fund contribution  | (65,000)                  |                    |
| CEDAR 3.4 upgrade  | (900)                     |                    |
| Asset maintenance reserve – Exmouth boiler   | (76,000)                  |                    |
| Environment Agency b/f Rockbeare flood prevention  | (28,980)                  |                    |
| Use of New Homes Bonus for Seaton rockery  | (1,000)                   |                    |
| S.106 Contribution for Ham play equipment  | (21,030)                  |                    |
| S.106 balance of Ottery Cycle path b/f   | (223,370)                 |                    |
| Planning Delivery Grant - capital  | (8,983)                   |                    |
| Predicted Capital Reserve requirement  | (3,352,593)               |                    |
| <b>Total Funding</b>   |                           | <b>(6,285,010)</b> |

| <b>Note (a) Month 10 Programme Variations</b>  | <b>£</b>        |
|--|-----------------|
| CEDAR 3.4 upgrade funded from Accountancy underspend                                 | 900             |
| Additional Disabled Facility Grant funding   | (82,343)        |
| Additional Disabled Facility Grants to become self funding                           | 31,343          |
| Honiton Community Centre design fees pulled back from 2012/13                        | 4,000           |
| Flood alleviation Feniton new village - overspend due to more complex specifications | 24,000          |
| <b>Total Month 10 Programme Variations</b>   | <b>(22,100)</b> |

| <b>Note (b) Month 10 Capital Receipts Variations</b>  | <b>£</b>           |
|---|--------------------|
| Capital receipts as at month 9                        | (386,153)          |
| Seaton Tesco capital receipt reclassified from S.106. | (1,700,000)        |
| Land at Sidmouth Road                                 | (15,000)           |
| <b>Total capital receipts Month 10</b>                | <b>(2,129,910)</b> |

| <b>Capital Reserve</b>                    | <b>£</b>           |
|---|--------------------|
| Brought forward balance 1 April 2011      | (5,302,604)        |
| Estimated use of reserve in 2011/12       | 3,352,593          |
| <b>Balance carried forward to 2012/13</b> | <b>(1,950,011)</b> |

---

#### Legal Implications

No legal implications have been identified

#### Financial Implications

Details are contained within the report.

Consultation on Reports to the Cabinet

Not applicable

Background Papers

- Accountancy working papers

Laurelie Gifford (Financial Services Manager) Ext 2613

Mandy White (HRA Accountant) Ext 2357

7 March 2012

# Agenda Item 14

Cabinet

7 March 2012

12/1209



## Asset Management: Tenanted Non-Residential Property Review Industrial Estates Asset Cluster

### Summary

As part of its work on the Asset Management Plan objectives, the Asset Management Forum (AMF) has been reviewing the management of the Council's Industrial Estates Asset cluster. A CIPFA report was commissioned to assess the management of the portfolio and to make recommendations on the future of each individual asset. Visits were made to assess the potential of each and a set of principles for both the general management of the portfolio and the specifics of a revised lettings policy have been drawn up.

### Recommendation

- 1. CIPFA general recommendations on the management of the Council's Industrial Estate are accepted.**
- 2. The decision on whether to retain or dispose of specific industrial assets is delegated to the Head of Economy in consultation with AMF, the Economy Portfolio Holder and the relevant Ward Member(s).**
- 3. The General and Strategic Asset Management principles form the adopted practice of this Council for the Industrial Estate.**
- 4. The Property management principles be adopted.**

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

The recommendations will allow the Council to improve the management efficiency of the estate and pursue identified redevelopment opportunities which will result in increased revenue income or a capital receipt.

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

The retained estate can continue to be managed as it has been to date.

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

The value of the retained estate will deteriorate – see below.

#### d) **Policy and Budgetary Considerations**

There are considerable implications relating to the management of the Councils budget as a consequence of these recommendations.

## **Positive Impact Overall**

Thriving Economy.  
Green Environment.  
Excellent Customer Service.  
Inspirational Council.  
Create Cashable Savings

### **e) Date for Review of Decision**

Part of Asset Management Forum's work programme.

### **1.0 Background**

1.1 The Council owns 13 separate industrial sites which provide the Council with a gross income of £208,190 for the financial year 2012/13, but a net value of £85,640 – expenditure is estimated at £122,550 of which the maintenance budget has set aside £44,760 for both planned and ad hoc maintenance of the estate. The residual difference is principally the staff costs of the Estates team. The capital bid was made, but for drainage infrastructure only - £77,000.

1.2 The CIPFA report reviewed the following elements of the management of the Industrial cluster:

- Current yield (rental return) as measured by the Estates team
- Physical condition as measured by the most recent condition surveys
- Quality of the covenant of the tenants
- Void rates
- Maintenance and liabilities falling to EDDC
- Intensity of the Estates team's management requirements
- Potential opportunities for extracting value – either from existing or alternative uses.

1.3 CIPFA's recommendations were as follows:

- EDDC should consider a review of its lettings policy including consideration of the costs and benefits of moving to medium or long term leases with rent reviews rather than short term leases.
- EDDC should review all repairing covenants in leases to ensure that:
  1. The extent of EDDC's current repair liability is clarified and future costs planned for.
  2. There is consistency in policy and drafting of lease clauses in the future.
  3. Tenant covenants are reinforced.
- EDDC should assess its actual estate management costs for each estate
- EDDC should refresh its IRR (internal rate of return) valuations to reflect actual estate management costs and repair liabilities. This will provide a more accurate assessment of the return on investment.

- EDDC to review the supply and demand for industrial units generally across the District and within each principal town.

1.4 Recommendations were also made in respect of each estate as to whether the best course of action was to retain as a strategic site or an investment or, be used as a redevelopment opportunity. The individual cases will be discussed at Asset Management Forum and it is recommended that Cabinet delegates to the Head of Economy, in consultation with the Economy Portfolio Holder and relevant ward member(s), the authority to market the property as appropriate.

## **2.0 Proposed Asset Management Principles – General**

- 2.1 **Purpose:** to manage the Council's industrial land and buildings cluster in such a way as to maximise the benefits to new and emerging local businesses, whilst improving the value and income of the retained estate.
- 2.2 A set of accounts for each cluster of industrial premises will be produced annually (April/May) on a profit and loss basis, and including what capital sums have been allocated to/spent on each during the year to establish cost income ratios.
- 2.3 All of the commercial and/or income earning assets to be the primary responsibility of the Economy Portfolio Holder – although day to day management of property's will remain with current Portfolio Holders.
- 2.4 There is a presumption that all capital receipts from the disposal of any non-residential assets shall be re-invested in the retained estate. The re-investment preference will be to secure either an increase in the value of the estate or improve its revenue potential. This to be set out in a business plan for the retained Estate. The secured funds to be held separately from the priority list for capital bids.
- 2.5 However, the retention of surplus income from the estate has clear implications for the management of the Council's budget. At present any surplus in any of the various budget lines is used to balance the budget. It is essential that significant funds are invested in the asset base to maintain or increase the income.
- 2.6 However, it has to be borne in mind that there are a number of statutory services that the Council must deliver that have no direct form of income to support them e.g. Environmental Health.
- 2.7 Nevertheless, without the retained income from asset disposals over the years, the estate has started to deteriorate and certainly has not secured the construction of any new start-up units. Rental income will also be affected in the longer term. This trend needs to be reversed or the estate will be unable to meet the principles set out below.

### **Strategic Asset Management Principles:**

1. Focus on the early needs of start up/incubation/micro units, small and medium size businesses (SMEs) by:
  - Small and medium size unit provision
  - Easy in and out tenancies
  - Encouraging and supporting growing businesses to become independent of the Council so as to

maximise availability of Council premises for new start-ups.

2. In looking for (re) development opportunities geographical need is to be assessed:
  - Where is the market providing premises and where are there gaps in the market?
  - Review historic demand patterns
  - Where do we want to create demand as part of regeneration packages?
3. Look to improve the value of the retained estate:
  - Use of Compulsory Purchase Powers to acquire land/premises which improve the delivery of premises for SMEs and/or improve the value of the estate
  - Development partnerships
  - Explore other funding sources
  - Providing serviced business units
  - Consider sale for reinvestment opportunities
4. Create disposal criteria:
  - Cost income ratio falls below specified level.
  - Achieving internal rate of return – to be established
  - Overall value of the estate improved
  - Would the capital be better invested somewhere else? Finance return to the Council and value of the asset to the local economy and community.

#### **Property Management Principles:**

1. Standard leases to normally be 6 years (tenancies of 7 years and over require registering with Land Registry with upward only rent reviews at 3 years on the retained estate.
2. Consider disposal to tenants who wish to buy after 1 renewal of lease.
3. At rent reviews do an inspection to assess internal condition. Include clause in the lease that unit must be redecorated on termination of the lease.
4. Internal repairs to be responsibility of the tenant. External repairs are the landlord's responsibility.
5. Leases to include a service charge – be included in the rental agreement. This cost to be reviewed at rent review stage, against actual expenditure. Service charge cost to be internally identified in accounting terms and to be allocated to maintenance budget.
6. Keep up to date planned maintenance lists for each estate cluster.
7. Reflect management costs in Internal rate of return (IRR) valuations using industry standard percentages and reviewed annually.

8. A tenant's welcome pack to be prepared providing useful information including key contact points at the Council.
- 

#### Legal Implications

Caution to be exercised in use of compulsory purchase powers. Is each lease to be 6 years or should flexibility be included to allow leases of other durations? The full terms of all documentation to be agreed upon between the legal and surveying teams. There are no further comments of a legal nature as a result of the report

#### Financial Implications

Any reserving of capital receipts for enhancement or replacement of a particular asset type will have implications for funding the capital programme as a whole. Similarly with any net revenue income streams being earmarked for future maintenance of an asset type, there may be revenue funding implications

#### Consultation on Reports to the Cabinet

Reports to the Cabinet re the budget/policy framework must detail the nature, extent and outcome of consultation with stakeholders and relevant Overview Committees. Reports about other matters must give details and outcome of consultation as appropriate

#### Background Papers

- CIPFA reports on the Industrial Estate Cluster
- Budget Book
- Asset Management Plan

---

Kate Little  
Head of Economy

Cabinet  
7 March 2012

## Agenda Item 15

Cabinet

07 March 2012



### Corporate Debt Recovery Policy

#### Summary

The purpose of a Corporate Debt Recovery Policy is to establish clear guidelines for the recovery of all debt outstanding to the Council and to set out the way we will collect them. The policy is to ensure that collection is both fair and cost effective, and that our approach across the different recovery teams will be proportional, consistent and transparent.

#### Recommendation

To adopt this draft policy

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

To ensure that we treat customers fairly and consistently.

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

Not to have a formal policy

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

By not having a policy we are at risk of being challenged that our recovery practices have not been formally set out.

#### d) **Policy and Budgetary Considerations**

##### **Positive Impact Overall**

Excellent Customer Service.

Meeting our Diversity and Equality duties.

#### e) **Date for Review of Decision**

See draft policy

---

### 1 Main Body of the Report

1.1 All teams dealing with the recovery of debts already have their own guidelines in place, which have not previously been set out in a Corporate Debt Policy. This policy not only brings together these guidelines, but also reinforces the Council's aim of ensuring that collection is both fair and cost effective and our approach is professional and uniform. It also reflects the Council's commitment to debt prevention through

encouraging a culture of payment and early contact whilst recognising the difference between debtors who cannot pay and those who will not pay.

- 1.2 The Corporate Debt Policy also takes account of recommendations set out in the Local Government Ombudsman Focus report issued in October 2011. The report was issued following a number of cases where the Ombudsman found maladministration against Local Authorities in the way they had used Bankruptcy. The report has been issued to help Local Authorities avoid maladministration when using their powers and to enable support agencies that advise on debt to identify cases that should be referred to the Ombudsman. See appendix A.

---

### Legal Implications

The policy reflects Government guidance and the best practise guidelines of the Local Government Ombudsman. There are no legal issues requiring comment at the present time.

### Financial Implications

No direct financial implications although effective recovery processes are essential to retain the Council's income.

### Consultation on Reports to the Cabinet

We have consulted with Citizens Advice Bureau East Devon, Westcountry Housing & Carrgomm.

As a result of the consultation exercise we have made a number of changes which have been incorporated within the draft Policy.

### Background Papers

- ❑ Consultation responses
- ❑ Local Government Ombudsman Focus Report, issued October 2011, appendix A – available on line with this report.
- ❑ Equality Impact Assessment, appendix B – available on line with this report.

---

Libby Jarrett  
Revenues & Benefits Manager

Cabinet  
07 March 2012

# East Devon District Council

## Corporate Debt Policy

### Reviewed

New policy

### Policy Approval

### Reasons for introducing the Policy

The purpose of this Policy is to establish guidelines for the recovery of all debts outstanding to the Council and to set out the way we will collect them.

### Policy Statement

While we have a legal duty to recover sums due to the Council, our policy aims to ensure that collection is both fair and cost effective, and that our approach across the different recovery teams will be professional, uniform and timely.

We recognise that preventing debt is essential and therefore we will always:

- have skilled and trained staff at first point of contact to ensure customers have immediate access to high quality advice.
- aim to distinguish effectively between debtors who **cannot** pay and those who **will not** pay.
- develop a culture of payment by encouraging anyone in financial difficulty to contact us promptly to discuss their circumstances.

### Terms Explained

None

### KEY PRINCIPLES

We will recognise the following **key principles** common to all types of debt:

1. The difference between priority and non priority debts (see appendix 1).
2. To promote a professional, consistent and timely approach to recovery action.
3. To maximise income by using the most appropriate and effective methods of debt recovery.
4. To work with customers at the earliest stage to encourage debt prevention.
5. To aim to clear annual charges within the year they are raised.
6. To ensure that debts are recovered in accordance with legislation.

7. To treat individuals fairly and consistently, in accordance with Human Rights, Data protection and equalities legislation.

## **HOW WILL WE GO ABOUT IT**

Our approach will be proportional, consistent and transparent.

**Proportional** means that we will strike a balance between potential loss of income to the Council and the costs of recovery action.

**Consistent** means taking a similar approach in similar circumstances in respect of the advice we give and the use we make of our recovery powers and procedures. It does not simply mean uniformity, since we will also take into account the social circumstances of the customer, their payment history and ability to pay.

**Transparent** means helping customers to understand what is expected of them and what they should expect from the Council.

With this approach in mind, we will apply the following as standard:

**Billing** - We will ensure that all bills/invoices clearly show:

- what the bill is for
- issue date
- who is liable for the debt
- the amount of the debt and the date it is due to be paid
- benefit, discounts or other type of relief that are available
- a contact point for all enquiries

**Correspondence** - In our correspondence we will:

- write in plain English avoiding the use of jargon
- set out clearly both the terms of any agreement to pay and the potential consequences of not paying.
- produce documents in different formats to help support customers so that they are not at a disadvantage when using our services. For example; sending a large print document for someone who is visually impaired.

**Payment and arrangements** - We will:

- encourage customers to pay promptly and regularly
- provide a range of payment options (see appendix 5)
- promote Direct Debit as this is a proven method for ensuring payments are made on time.
- agree to alternative payment arrangements when appropriate
- when making an arrangement we will get as much detail as possible about a customer's circumstances in order to make an accurate assessment of their ability to pay. This may require the customer to complete an income and expenditure form.
- monitor arrangements and take action if they fall behind as maintaining regular repayments is an important part of effective debt collection

## **Contact and Advice**

We will provide and publicise all our contact methods and encourage early contact, these are:

- telephone
- email
- in person at the Council's main reception
- letter

Where appropriate we will:

- check whether customers are entitled to any reduction
- raise awareness to maximise housing and council tax benefit take-up
- train staff who deal with debt matters to signpost customers on to other income-related benefits such as: Job Seekers' Allowance, Working Families Tax Credit, Pension Credits and Disability Working Allowance.
- visit a customer in their own home therefore recognising the different needs of our customers.
- signpost customers about where they can get free independent financial advice, such as CAB, the National Debtline, the Community Legal Service Direct, Carr-Gomm and Christians Against Poverty.
- With the agreement of the customer we will also refer rent and council tax arrears cases to appointed welfare agencies who can give much wider support. This is to not only deal with rent and/or council tax arrears but is also to help deal with any social issues, paper work, managing budgets, etc.
- Signpost businesses to Business Improvement Point (BIP) where they can get free independent support and advice.

## **Debt advice agencies**

We will only sign post to accredited specialist debt advice agencies.

## **Multiple debts**

When we become aware that a customer has multiple debts to EDDC and is having difficulty in paying them, consideration will be given to priority debts (see appendix 1)

## **Bailiffs**

Any enforcement agencies we use will be appointed under a service level agreement or contract with the Council. This will specify the terms in which they will operate, including:

- Bailiffs to always act in a professional, responsible and courteous manner and within current legislation.
- Maintaining accurate records of all visits made including details of where they consider a customer to be vulnerable. On these occasions they must contact the appropriate Team Leader / Assistant Team Leader for further guidance on action to be taken. This must be recorded by both the Bailiff and the Council, on the customer's file.

- Authority is required for the removal of goods from any of the following; Revenues & Benefits Manager, Head of Finance, Deputy Chief Executive's or Chief Executive.
- Equality and Diversity Policy
- Communications Strategy
- Customer Service Strategy
- The Data Protection Act 1998
- Civil Enforcement Association (CIVEA)

### **Charging Order, Bankruptcy or Committal to Prison**

We will only take this action after seeking approval from the Chief Executive or an Officer with delegated powers in accordance with the Council's Constitution.

We will consider using Charging Orders before bankruptcy or committal to prison action providing there is sufficient equity in the property to secure the debt.

Before deciding whether any of this action is appropriate the following should be taken into account and documented as part of the submission for approval.

- Reasonable efforts have been made to contact the debtor in person, including visiting them in their home, if appropriate.
- Reviewing an accurate history of the debt and attempts made to recover it
- Gathering sufficient evidence about the customers circumstances.
- Assessing that there is no realistic prospect of recovering the debt by other means within a reasonable timescale.
- Proper enquiries have taken place into the individual's personal circumstances, for example; whether there are any none mental health issues or vulnerable dependants.
- Considering information about the past, present, disputed or outstanding benefit or discount/exemption claims
- Considering whether the customer's personal circumstances warrant them being protected from the consequence of this recovery action
- Considering the consequences in terms of the possible loss of their home, loss of job and the additional financial costs they will incur in addition to what is owed to the Council (forcing sale on a charging order or Bankruptcy).
- Considering the consequences in terms of the possible loss of a person's liberty if they are committed to prison and impact this will have (Committal to Prison).

We will always send a letter warning the customer of our proposed action at least 28 days before applying to the Court. The letter must include information:

- Warning of the serious consequences of either a charging order, bankruptcy, or committal to prison and their continued failure to pay the debt, and
- Urging them to seek independent advice and include details of where they can get local free advice.

(This information must be retained in accordance with the Council's Document Retention Policy)

### **Vulnerability**

It is important that we recognise customers who may be vulnerable and to ensure that our actions are appropriate.

Where a customer is incapable of understanding or defending themselves properly we will always weigh up the appropriateness of certain recovery action having considered the individual's circumstances.

### **Write offs**

Write off is good practice when a debt is irrecoverable or inappropriate to recover.

Irrecoverable – These are debts where the Council has no discretion over writing off as they are enforced by legislation:

- Insolvency (bankrupt, liquidation, debt relief orders, etc)
- Remitted by the Courts
- Time barred

Inappropriate – These are debts where designated officers will have approval to write off under the Council's constitution:

- the customer is vulnerable which makes enforcement action inappropriate
- the customer cannot be traced
- it would not be cost effective to pursue because the debt is too small
- when the likelihood of payment is balanced against the cost of proceeding
- the customer has died and there are no, or insufficient, funds in the estate

### **Credits**

We will make reasonable efforts to refund customers where they are in credit unless the customer has another debt with the Council. In these instances, we will transfer the credit to reduce the debt, subject to the agreement of the customer if the transfer is to a different section of the Council.

### **Specific Policy Areas**

Debts covered by the policy are:

1. Council Tax (see appendix 2 for recovery procedures)
2. National Non-Domestic Rates (Business Rates) (see appendix 3 for recovery procedures)
3. Housing Rents (see appendix 4 for recovery procedures)
4. Housing Benefit Overpayments
5. Parking Fines

## 6. Sundry Debts

- 1 **Council Tax** - Recovery procedures are laid down in statute in The Council Tax (Administration and Enforcement) Regulations 1992 and subsequent amendments.
  - 1.1 Our aim is to collect the council tax promptly and efficiently in order to prevent debt and recovery action escalating.
  - 1.2 The administration, collection and recovery rests with the Head of Finance.
  - 1.3 The Council believes that preventing arrears from building up is essential and the additional measures we take are as follows:
    - We offer 3 dates for Direct Debit as we recognise that this is a proven method for ensuring payments are made on time.
    - We offer a wide choice of payment options that we advertise on all our bills and recovery documents.
    - We will make arrangements to encourage and support customers in getting back on track with their payments
    - We issue reminders promptly to avoid debts escalating.
    - We provide up to date advice on our website and in our leaflets.
    - We will work closely with housing benefits to identify entitlement and make sure any awards in payment are up to date.
    - We will not refuse any payment which reduces the debt. However, if it is less than the requested amount recovery action may continue.
  - 1.4 We will apply to the Magistrates' Court for Liability Orders, when necessary in order to recover the debt. This gives additional recover powers, including:
    - attachments of earnings
    - attachment of benefits
    - distress, through the use of contracted bailiffs
    - charging orders where liability order exceeds £1000.00 (see page 4)
    - bankruptcy action where liability order debt exceeds £750.00 (see page 4)
    - committal to prison (see page 4) is taken when other appropriate remedies have been attempted. Magistrates will hold a means enquiry in which they will establish whether the failure to pay has been the result of 'wilful refusal' or 'culpable neglect'. They may decide to fix a term of imprisonment and postpone the warrant on certain conditions, normally relating to the payment of the debt over a period of time. The Magistrates also have the power to remit all, or part, of the debt. The maximum sentence is three months.
  - 1.5 See appendix 2 for the full recovery details.
- 2 **National Non- Domestic Rates**– recovery procedures are laid down by statute in The Local Government Finance Act 1988 and subsequent regulations and amendments.

- 2.1 The administration, collection and recovery rests with the Head of Finance.
- 2.2 National Non- Domestic Rates, commonly known as business rates, are levied on a national basis but the local authority is responsible for billing and collection including appropriate recovery measures.
- 2.3 The Council believes that preventing arrears from building up is essential and the additional measures we take are as follows:
- We offer 2 dates for Direct Debit as we recognise that this is a proven method for ensuring payments are made on time.
  - We offer a wide choice of payment options that we advertise on all our bills and recovery documents.
  - We issue reminders promptly to avoid debts escalating.
  - We provide up to date advice on our website and in our leaflets.
  - We will not refuse any payment which reduces the debt. However, if it is less than the requested amount recovery action may continue.
  - We will make arrangements taking into consideration the fluctuations in income, common to seasonal businesses, and place the emphasis for repayment on times of likely maximum business activity.
- 2.4 We will apply to the Magistrates' Court for Liability Orders, when necessary, to recover the debt. We will use all appropriate methods of enforcement available through Liability Orders including:
- distress, through the use of contracted bailiffs
  - insolvency proceedings (see page 4)
  - committal to prison (see page 4) is taken when other appropriate remedies have been attempted. Magistrates will hold a means enquiry in which they will establish whether the failure to pay has been the result of 'wilful refusal' or 'culpable neglect'. They may decide to fix a term of imprisonment and postpone the warrant on certain conditions, normally relating to the payment of the debt over a period of time. The Magistrates also have the power to remit all, or part, of the debt. The maximum sentence is three months
- 2.6 See appendix 3 for full details of the recovery process.
- 3 Council House and Garage Rents** - the Council's primary concern is to recover the rent debt rather than to regain possession. We will consider eviction only as a last resort if all other action has failed.
- 3.1 The administration, collection and recovery rests with the Head of Housing and Social Inclusion.
- 3.2 The Council believes that preventing rent arrears from building up is the preferred option. The measures that we will take to support this are:
- Adopting tenancy start-up procedures which include providing the new tenant with a housing benefit form, welfare benefits checks, a Welcome Pack and rental advice at accompanied lettings stage.

- Advising tenants to submit their housing benefit claim form straight away to maximise benefit and help prevent unnecessary delays.
- Providing readily accessible information to tenants, particularly those with specific needs such as lack of numeracy and literacy skills.
- Providing advice on the various payment options.
- Making sure that tenants know who their Rental Team Officer is so that they can discuss tenancy issues at an early stage.

- 3.3 The Council will act promptly in contacting tenants if rent arrears begin to accrue and will adopt the following procedure:
- We will send reminder letters and may also carry out a home visit.
  - If the reminders are ignored we may serve a Notice of Seeking Possession to secure tenants, or a Notice to Quit to non secure tenants. This is the first step of the legal process to obtain possession of the dwelling. The Notice gives a period of at least 28 days to clear the debt in full or to make an arrangement to pay in instalments.
  - If the debt continues to increase, we will apply to the County Court for a hearing to seek a Possession Order on the property.
  - At the hearing, the District Judge will normally grant a Suspended Possession Order requiring the debtor to pay the rent as it falls due plus a fixed sum each week towards the arrears of rent. At the Hearing, we will also seek an order for costs, which will be added to any rent arrears on the rent account. Please see appendix 4 for details of costs.
  - If the debtor fails to keep to the terms ordered in the County Court we will inform the Court of the default and request the issue of a Possession Warrant, which the County Court Bailiff will serve and execute to take possession of the property.

The Council will do everything possible to prevent evictions but, as a last resort, we will evict tenants if they do not pay their rent.

- 3.4 If a Council tenancy has been terminated leaving rent arrears, the Council will:
- apply to the County Court to set repayment terms
  - if employment details are known, apply to the County Court for an Attachment of Earnings Order. The Court will order an employer to make deductions from the debtor's earnings to pay the outstanding rent debt.
  - apply to the County Court for a County Court Judgement (CCJ). A CCJ will affect the debtor's credit rating and they will find it difficult to obtain credit, loans, credit cards etc.

Subsequent applications for housing with any Local Authority or other Registered Social Landlord (Housing Association) may be affected by any rent outstanding from a previous tenancy.

- 3.5 Garage rents are recognised as non-essential expenditure therefore, failure to pay will result in proceedings to terminate the licence.

- Once garage rent of 4 weeks is owed we will serve a Notice to Quit and, at the end of that period of notice (minimum of 28 days), we will change the locks and repossess the garage.
- 3.6 See appendix 4 for full details of the recovery process.
- 4 Housing and Council Tax Benefit Overpayments** - are recovered in accordance with Housing Benefit Regulations 2006 and Council Tax Benefit Regulations 2006.
- 4.1 The administration, collection and recovery rests with the Head of Finance.
- 4.2 Council tax benefit overpayments are always added back to the council tax account and are therefore recovered in accordance with council tax regulations. Housing Benefit overpayments are recovered as detailed in 4.4
- 4.3 Overpayments occur because a customer has been paid too much benefit and so the Council's aim is to try and prevent this from happening. We have the following measures in place:
- Customers being supported through the application process to ensure they are paid the right amount of benefit.
  - The use of leaflets, website & letters to reinforce customers responsibility to notify us immediately of any changes in circumstances which are then dealt with promptly.
- 4.4 Once a Housing Benefit overpayment has been created the Council will normally collect from on-going housing benefit where it is in payment. Recovery rates are set by Department for Work and Pensions (DWP) and, initially, we will always apply the maximum recovery rate permissible. Staff have the discretion to reduce the recovery rate or suspend deductions if the customer can show that this would cause unreasonable hardship, for instance, where a customer is unable to pay their rent or is on a Suspended Possession order.
- 4.5 Where there is no on-going housing benefit we will issue an invoice for payment. A customer has one month to pay before further recovery action. To prevent recovery action we:
- Offer a wide choice of payment options
  - Encourage and support customers to make an arrangement
  - Provide up to date advice on our website and in our leaflets
  - Do not refuse any payments which reduces the debt. However, if it less than the requested amount recovery action may continue.
- 4.6 If after one month the invoice remains unpaid and no arrangement has been agreed then a first reminder will be sent giving 7 days to pay. If no payment or contact is made within 14 days then a second reminder is sent giving a further 7days to pay. If the debt still remains unpaid we will consider taking the following actions:

- Deduction from certain DWP benefits
  - By applying to another local authority for them to deduct from the customer's on-going housing benefit
  - Recovery from their landlord where the landlord is now being paid for a current tenant
  - Applying to the County Court
  - Use debt collection agencies to recover on our behalf
- 4.7 Overpayments that have occurred because of fraud are excluded from bankruptcy and recovery will continue once bankruptcy has been discharged.
- 4.8 Some benefit overpayments are not recoverable. These arise if we or the DWP, make an error where the customer to whom the benefit was paid, cannot reasonably have been expected to know they were receiving benefit to which they were not entitled.
- 5 Parking fines** – are recovered in accordance with the requirements of the Traffic Management Act 2004.
- 5.1 The administration, collection and recovery rests with the Head of Environment.
- 5.2 The fine is discounted by 50% for the first 14 days after the Penalty Charge Notice is served (14 days is counted as not later than the last day of a 14 day period starting from the date the Penalty Charge Notice is served). If the debtor fails to pay the discounted rate and does not successfully challenge the Notice, the full charge will be due.
- 5.3 After 28 days from the serving of the Notice, if the full amount of the fine remains unpaid (or has not been successfully challenged) the Council will send a 'Notice to Owner' to the registered keeper of the vehicle. This gives the following options:
- 28 days to pay in full
  - Make an appeal against the serving of the Notice to Owner to the Traffic Penalty Tribunal. If the appeal is successful, we will withdraw the Penalty Charge Notice and return in full any payment that has been made to us.
- 5.4 If the debtor does neither of the above, we will send a 'Charge Certificate' and the fine will increase by 50%. There is no right of appeal at this stage and the increased charge (the original fine plus 50%) must now be paid by 14 days from the service of the Charge Certificate.
- 5.5 If the full charge remains unpaid after 14 days, we will send a Pre Notice of Registration of Debt letter to the registered keeper of the vehicle informing them that we will register the debt in the County Court of the Traffic Enforcement Centre, Northampton. The letter also gives the debtor another chance to pay the full charge due within 14 days.
- 5.6 If the charge remains unpaid after the 14 day period, we will register the debt in the County Court. A court fee will be added and the debtor will be sent an 'Order of Recovery'.

- 5.7 On receipt of the Order of Recovery, the debtor is required:
- to pay the full charge within 21 days from the service of the Order, or
  - fill out a 'Witness Statement' (enclosed with the Order of Recovery). This gives the debtor the opportunity to sign a 'Statement of Truth' as regards four specific claims:
    - The debtor did not receive the Notice to Owner (parking contravention) document.
    - The debtor appealed to the Parking/Traffic adjudicator against the Council's decision to reject their representation, within 28 days of service of the rejection notice, but had no response to their appeal.
    - The debtor made representations about the penalty charge to the enforcing authority concerned within 28 days of the service of the Notice to Owner, but did not receive a rejection notice.
    - The penalty charge had been paid in full.
- 5.8 If the debtor does nothing, the Court will issue a Warrant of Execution' authorising bailiffs to recover the debt. The debtor will then become liable for bailiffs' charges in addition to the original fines and costs.
- 5.9 In some circumstances, the Parking Services Manager can authorise the bailiffs to wheel clamp the vehicle until the debt has been paid. The Parking Services Manager must be satisfied that the debtor is classified as a '**can pay, but won't pay**' debtor. Other debts to the Council must also be considered to determine if any are priority debts, see appendix 1. Authorisation to use wheel clamps will be refused if the person is:
- on a low income ( unable to pay)
  - registered disabled ( continued access to the vehicle is an essential part of their life)
  - infirm
  - vulnerable.
- 6 Sundry debts** – these are civil debts which are recoverable through the County Court. Debts that will be recovered in this way include abandoned vehicles, rent deposits and rents from commercial lets.
- 6.1 The collection and recovery of sundry debts rests with the Head of Finance.
- 6.2 When the Council has failed to recover the debt through the usual invoicing process, we will initially send reminder letters which specify the period within which payment must be made.
- 6.3 Twenty eight days after the issue of a second reminder, we may transfer the outstanding debt to collection agents (bailiffs).
- 6.4 Larger debts may be passed to the Council's Legal Department so that an application for a County Court Judgement (CCJ) can be made. A letter before

action will be sent giving 14 days to pay before an application to the County Court is made.

- 6.5 On receipt of a Notice of Issue (NI), the debtor has 15 days in which to reply to the Court or the Council. The Council may agree to a suitable payment arrangement with the debtor at this stage.
- 6.6 If there is no response to the NI, we will make an application to the Court for a judgement in default.
- 6.7 If the debtor contests the claim, the Legal Department will prepare a case to present to the Court.
- 6.8 A County Court Judgement gives the date for the first payment from the debtor.
- 6.9 If no payments are received, and the debtor's employment details are known, an Attachment of Earnings Order may be made unless the Council already has one in place.
- 6.10 If an Attachment of Earnings or a Court Order is not successful the debt may be passed to the Council's bailiffs. Where there is going to be a recurring invoice the service area will also be informed in order to prevent further debts from building. This may result in the service being removed until the invoice is paid, for example: rental of beach hut, car park space, etc.

### **Who is responsible for delivery?**

Ownership of the policy rests with each service head as shown under the service areas.

### **Outcomes and Performance Monitoring**

We will monitor the effectiveness of the policy through the complaints procedures and by taking into account the following indicators:

- rate of collection
- benchmarking against other councils.
- the level of arrears reaching each recovery stage
- the number of cases with arrears outstanding at year end
- the amount of the arrears outstanding at year end
- the number of complaints received about our failure to follow the policy
- internal control reviews
- the results of regular equality impact assessments

### **Policy Consultation**

Debt advice agencies - CAB, Westcountry Housing & Carr-Gomm

## **Policy Review**

The Council will review the Corporate Debt Policy periodically and update or amend it in the light of legislative changes, feedback from our monitoring of the policy, other factors such as equalities input and the economic climate both nationally and locally and changes to the Council's Corporate Strategy.

The Council will also review in line with the Council's Financial Operating Procedures to ensure compliance.

This Policy will be managed by the Revenues and Benefits Manager and will be reviewed no later than April 2015.

## **Related Policies and Strategies**

Council Plan 2011-15

Equality and Diversity Policy

Customer Service Strategy

Communications Strategy

Document Retention Policy

The Data Protection Act 1998

Civil Enforcement Association Code of Conduct

Local Government Ombudsman Focus report issued October 2011

Anti-Fraud, Theft and Corruption Policy

### Priority debts

Priority debts are those that can result in the loss of a home, loss of essential services or in imprisonment. Customers need to be encouraged to recognise the importance of paying these first or agreeing acceptable terms:

- Mortgage / secured loan\*
- Rent on your home\*
- Council tax and business rates
- Gas, electricity and water
- Court fines
- Maintenance/CSA payments
- Income tax, National Insurance and VAT
- Hire purchase agreements (for essential items only)

\*Non payment of these debts could result in loss of the home. If other debts have been given priority instead, the Council may not have a duty to help re-house the debtor.

### Non-priority debts

Non-priority debts may not result in customers losing their home or imprisonment but it can lead to county court action and being ordered to pay what they owe. These debts still have to be paid but customers need to be aware that they should not be given higher importance than paying priority debts.

Examples of non-priority debts include:

- Housing benefit overpayments
- Civil debts
- Overdrafts, loans (unsecured), hire purchase agreements
- Credit cards
- Parking penalties
- Catalogue debts
- Money borrowed from family and friends

### **Council tax**

#### **Recovery process and procedures**

(In accordance with Council Tax (Administration & Enforcement) Regulations 1992 and subsequent Regulations & Amendments)

**When a person liable for council tax has not made the due payments, the Council will take the following action:**

**Reminders** – if a statutory instalment is not paid, we send a reminder notice giving 7 days to bring the instalments up to date

If the correct amount on the reminder is paid, within the time limit, but instalments fall behind a second time, we send a second reminder. We may issue a maximum of two reminders on an account in any financial year. Therefore, if a person misses an instalment for a third time in the financial year, or if they do not pay the full amount shown on the first or second reminders within the time limit given, we send a final notice.

**Final notices** - if a council tax account is in arrears and the right to pay by instalments has been lost, we send a final notice giving 7 days to pay in full

**Summons** - if the final notice remains unpaid, a minimum of 14 days after it has been issued, a summons will be sent which will include additional costs (an amount agreed by North & East Devon Magistrates' Court, which is equal to the costs reasonably incurred, currently £40.00). Any increase in costs has to be authorised through Central Devon Magistrates Court.

At the hearing, the Council makes an application for a Liability Order to be granted.

**Liability Order** - Magistrates grant a Liability Order if they are satisfied that council tax is overdue for payment. The Order gives the Council the power to take further action if the account remains unpaid.

Up to summons stage, all staff can exercise their discretion by allowing a short period for payments to be brought up to date without progressing to the next stage of recovery. Alternatively, they may re-schedule a payment plan to start or finish later. We may place a short-term hold on the account whilst queries regarding discounts, exemptions or benefits are resolved. Staff will, in most cases, agree ongoing interim payments with the customer during the suspension of recovery.

Unless the Council has made a mistake in issuing the summons, proceedings will only be stopped if the debt and costs are paid in full prior to the court date. At this stage, we will still consider arrangements to pay, but this does not stop the application to the court for a Liability Order. Wherever possible, we will encourage people in arrears to make part payments in order to reduce the debt. We also try to obtain employment or benefit details so that when we have a Liability Order, we are able to consider an attachment of earnings or benefit.

The Magistrates can issue a Liability Order whether or not the debtor attends the hearing. We encourage people to contact us as soon as possible before the hearing if they do not agree that they are liable for the debt or dispute the amount shown on the summons.

A Liability Order gives the Council additional powers to recover the unpaid council tax and to demand certain information from debtors that they are legally required to give. The extra powers that we may use include:

1. Attachment of Earnings Order (AOFE) - this lets us collect the money owed directly from a person's wages.
2. Deductions from benefit (AOFB) - this lets us collect the money owed directly from certain benefits that a person may be in receipt of.
3. Bailiff action - we instruct bailiffs to collect the debt - this process is known as the levy of distress.
4. Charging Orders – if the debtor owns the property where the debt occurred, and if there is sufficient equity in it, we will consider applying for a Charging Order, providing the Liability Order debts are at least £1000.00 and we have fully undertaken the steps as detailed on page 4.
5. Bankruptcy - providing the Liability Order debts are at least £750.00 this action will only be pursued in accordance with page 4.
6. Committal to prison – where bailiff action has been unsuccessful the Council will consider issuing a committal summons for the debtor to be committed to prison for non-payment. This action would only be taken in accordance with page 4.

We do not need the debtor's agreement before taking any of the above courses of action.

Once a Liability Order has been obtained in court, the Council will use the methods of recovery appropriate to the individual case having considered the debtor's circumstances and offer to pay.

We will send a **Notice of Liability Order/Bailiff Notice** requesting information about the debtor's employment and income, unless this information is already held. If there is no response to the request for information within 14 days, the matter may be passed to the bailiffs. A list of the bailiffs' fees is enclosed with the Notice.

Prior to cases being referred to the bailiff, we will try to make contact by telephone with the customer to sort out payment of the arrears. We recognise this as a valuable process in getting the customer to engage with us in order for them to avoid bailiff charges.

Charging Orders, bankruptcy and committal to prison are all dealt with on an individual basis and potential cases are considered by the Revenues & Benefits Manager before being referred to an authorised officer for approval.

### **National Non-Domestic Rates (Business Rates)**

#### **Recovery process and procedures**

(In accordance with the Local Government Finance Act 1988 and subsequent regulations & amendments)

When a ratepayer liable for Non-Domestic Rates has not made the due payments, the Council will take the following action:

#### **Reminder**

When a statutory instalment has not been paid, we send a reminder notice which shows the full amount required and the date it must be paid by (i.e. within 7 days). The notice also warns that failure to comply, or if any further instalments are missed, the right to pay by instalments in the current financial year will be lost.

#### **Final Notice**

If the liable person, partnership or organisation fails to pay in response to the reminder notice, after another 7 days (beginning with the day of the failure), the full unpaid balance for the year becomes due. We then send a final notice showing the full amount due and the date by which it must be paid (i.e. within 7 days from the date of the final notice).

#### **Summons**

When there has been no satisfactory response to either of the above notices, and if the full amount shown on the final notice remains unpaid after the due date, the Council may apply for a summons. The cost of the summons (an amount agreed by North & East Devon Magistrates' Court, which is equal to the costs reasonably incurred, currently £40.00) are added to the debt.

Unless the Council has made a mistake in issuing the summons, proceedings will only be stopped if the debt and costs are paid in full prior to the court date. At this stage, we still make arrangements to pay but this does not stop the application to the Court for a Liability Order. We will not refuse part payments in order to reduce the debt.

#### **Liability Order**

Once the Council has obtained a Liability Order to back the debt, we may initiate a range of remedies to recover unpaid rates including:

- **Bailiff action** – if the debtor has failed to make and maintain an agreed payment plan, we can instruct certified bailiffs to recover the debt. In a process known as distress, bailiffs may seize and sell goods to the value of the outstanding debt, plus their fees. The additional charges involved are quite considerable and the debtor is held liable for them.
- **Insolvency action** – we may petition for bankruptcy or for the winding up of a company, depending on whether the debtor is an individual or a company.

Although the Insolvency Act 1986 does not stipulate that a Liability Order must be obtained before taking insolvency action, the Council will endeavour to do so. This action will only be pursued in accordance with page 4.

- **Committal to prison (individuals only)** - where bailiff action has been unsuccessful the Council will consider issuing a committal summons for the debtor to be committed to prison for non-payment. This action would only be taken in accordance with page 4..

Staff can exercise their discretion by allowing time for payments to be brought up to date without enforcement progressing to the next stage. Alternatively, they may re-schedule a payment plan to start or finish at a slightly later date, provided the Council's position is not adversely affected and past payment performance indicates that the outcome is likely to be successful.

We always make it clear to ratepayers that recovery action will not be suspended pending any appeal they may have made to the Valuation Office Agency.

Insolvency and committal to prison are all dealt with on an individual basis and potential cases are considered by the Revenues & Benefits Manager before being referred to an authorised officer for approval.

### Recovery of rent arrears

All tenancy agreements state that rent payments are due in advance. Rent is charged weekly to rent accounts and tenants can pay, in advance, at any frequency from weekly to monthly. Where rent is not paid when due the Council will take the following action:

**Reminders** – if rent has not been paid a reminder letter will be sent requesting that payments are brought up to date.

If the full amount is not paid an arrangement can be made to pay the debt by instalments. If the debt is not settled or an instalment is missed a final reminder will be sent.

**Final Reminders** – if the debt remains unpaid or is not reducing a final reminder is sent warning of further action. Accompanying this letter are details of housing benefit surgeries, CAB contact details and a debt advice leaflet giving contact details of a number of debt advice agencies that give free and independent advice.

**Notice of Seeking Possession & Notice to Quit** – if the debt reaches a level of £250 a Notice will be served on tenants. For non-secure tenancies a Notice to Quit will be served and for secure tenancies a Notice of Seeking Possession is served. These Notices give a minimum period of twenty eight days for the debt to be paid or for a repayment programme to be agreed and maintained. After the period of notice and for a further period of 52 weeks the Council can commence steps to recover possession of the dwelling by making an application to the County Court.

**County Court Hearing** – at the hearing the Council will seek possession of the property, but this will normally be suspended or adjourned on terms depending on the size of the debt and the history of payment. The terms granted will be a reasonable amount in addition to the rent as it falls due. The Council will also be entitled to an order for costs, currently £169.50 and these costs will be awarded on the same terms as the repayment of rent arrears.

If the rent arrears are paid in full or at a low level the matter in Court can be adjourned generally or to the next available date or the proceedings withdrawn, but an order for costs will still be sought.

If rent arrears are substantial and the payment record is poor an outright order for possession can be sought.

If a tenant breaches the terms of an adjourned order an application will be made to the Court for the matter to be restore for hearing.

**Warrant for Possession of Property** – if a tenant breaches the terms of a suspended possession order a letter is sent advising of the amount of that breach, giving 7 days for the sum to be paid and requesting that future payments are paid when due. If the letter is ignored a further warning is given before a possession warrant is applied for. An application for a possession warrant will be made and this will incur a cost of £110 which, will be added to the tenant's rent account. The County Court bailiff will then

issue a date to the tenants when the warrant will be executed and their home repossessed. The tenant has the right to apply to have the warrant set aside and on receipt of such an application the Court will set a hearing date to hear the application. The District Judge will hear both parties and can decide to make a further suspended order on terms and give another opportunity for the tenant/s to remain in their home and pay the debt or the application can be dismissed, the warrant enforced and the tenant/s being evicted.

### **Principles of court action**

- Possession Action should not be taken if tenants have made and successfully maintained repayment arrangements, including direct deductions from the appropriate state benefit.
- If housing benefit issues are outstanding, court action should be delayed.
- Court action should be the last resort when all other action has failed to result in repayment of arrears.
- Rental Team Officers should encourage tenants to seek advice, before they go to court, from advice agencies like the Citizens' Advice Bureau and floating support agencies. They should also encourage tenants to attend the court hearing in person so they can discuss their financial situation.
- Personal contact should always be maintained through the legal process. Providing effective advice and support will help to ensure tenants are able to remain in their homes.
- The Court will provide tenants with information on how to apply to the Court to vary the terms of a suspended order or how to apply to set aside a repossession warrant.
- In cases of eviction, close liaison with the Housing Needs Team is necessary where children or vulnerable people are involved.

### Payment Options

- Direct Debit** The Council offers paperless Direct Debits for the collection of council tax, business rates, sundry debts and rent. Direct Debit is our preferred option because it is easy to collect, cost effective and environmentally friendly. We offer a choice of three collection dates for council tax and two for business rates.
- On-line** Payments can be made using the East Devon District Council's website or via the customer's own bank.
- Telephone** Payments can be made using a debit or credit card via the automated telephone line which is available 24 hours a day, 7 days a week.
- Post Office** Payments can be made at any Post Office free of charge when using a recognised barcode (printed on bills and recovery documents).
- In person** Payments can be made at the council offices in Sidmouth which are open Monday to Friday 8.30 am to 5.00 pm.
- By post** Customers can send cheques or postal orders to the council offices by post, but we strongly advise them not to send cash this way.
- Bank** Customers can pay at their own bank, or the Council's bank, free of charge, when using a giro slip.
- Home visit** In certain circumstances, we can arrange to collect housing rent, council tax, business rates and benefit overpayments from the customer's home or business.

# Agenda Item 16

Cabinet

7 March 2012

RP



## Implementation of the Localism Act

### Summary

Now that the Act is in place, officers are working on an implementation programme. This places new obligations on Local Authorities some of which will require extra resources, which we may be able to reclaim through the New Burdens mechanism.

There are widespread implications across the Council in terms of assessing how the Council can best comply with the new duties and use its discretion within the context of the tightest public sector financial constraints for a generation.

### Recommendation

**1. That members consider the report**

**2. That further reports are received as the detail of supporting regulations, guidance and policy are known.**

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

To prepare to implement the Act.

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

Identified within the report

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

Financial constraints

#### d) **Policy and Budgetary Considerations**

Although some additional funding may come from government there will be additional costs in implementing this legislation. Resource issues have been highlighted in the report.

#### **Positive Impact Overall**

Affordable Homes.

Thriving Economy.

Safe Environment.

Inspirational Council.

#### **Potential Negative Impact**

Excellent Customer Service.

#### e) **Date for Review of Decision**

Reports will be brought to Cabinet as the detail of significant regulations and guidance is known.

The main elements of the Act are shown below:

### **1. General power of competence for local authorities**

We will have the legal capacity to do anything that an individual may do that is not specifically prohibited by other laws.

- Not expected to make much difference to the way we work as this closely resembles the existing 'well-being' power.
- The government does not intend to issue further guidance.

### **2. Abolition of the Standards Board and changes to the Code of Conduct**

Authorities will have a duty to promote and maintain high standards of conduct

- Establish a voluntary code of conduct for East Devon, based on existing principles by July 2012. From that date all complaints will have to be dealt with under the new rules.
- It is hoped to agree a common Code for County, Districts and parishes across Devon.
- Details of the requirements have been discussed at Standards Committee and recommendations will be made to full Council in due course.
- Regulations awaited on the detail.
- Seminar to be run for members outlining the changes.

### **3. Clarifying the rules on predetermination**

Councillors to play a more active part in local discussions of planning applications without necessarily being liable to legal challenges

- Guidance has been issued to members on this. Essentially members must still retain an open mind when considering planning applications but a previous statement of view will no longer amount to predetermining the application. However, having a 'closed mind' and refusing to consider the options at committee is still not advisable and likely to result in legal challenges.
- The government does not intend to issue further guidance.

Contact Corporate Legal and Democratic Services Manager (Rachel Pocock) or Monitoring Officer (Denise Lyon) for further details.

### **4. Local Government pay and remuneration**

Publish senior pay levels and policy statement in prescribed format

- Set and approve policy at full Council in February 2012.
- Publish list on Council website.

Contact Corporate Organisational Development Manager (Karen Jenkins) for further details.



## 5. Greater local control over business rates

Councils will be able to retain some of the income generated from business rates if they “grow” their business rate base. Central Government will still set the rateable values for businesses and the rates charged. This has been proposed to encourage local authorities to attract firms, investments and jobs. It is unknown at this stage as to the element of any extra revenue raised that will be retained locally but the sum will be shared 80/20 between the District and County Council respectively.

However, it also adds further risks to Councils as a drop in the business rate base will reduce the income the authority receives. The full burden of losses will sit with each Council until a prescribed safety net is reached. As this income is part of the funding for core services, it will be important to ensure as much stability as possible in providing key services to our residents. More information will be available during the year as we prepare for the changes in April 2013.

Contact Head of Finance [Simon Davey] for further details.

## 6. Community right to challenge

Voluntary & community groups (including parish councils and employees) to have right to express an interest in taking over the running of a local service. The Council must evaluate whether the challenge would promote social, economic or environmental wellbeing. If accepted then it must enter into a procurement exercise.

- Awaiting detailed regulations on how expressions are to be assessed and further guidance [expected April].
- Secretary of State has powers to assist community groups, parish councils in this bid process.
- EDDC preparing to respond to groups expressing an interest in taking over the running of a service.
- Develop a clear process for groups to express an interest; and for SSDC to evaluate their proposal.
- Set up process for staff wishing to establish ‘mutuals’.
- No change required to existing procurement practice - any community group would need to satisfy the council that it met with all the needs of the pre-qualification process, financial ability, insurance, sustainability considerations, Equalities Act etc. If a competitive tender process was enacted the group would need to comply with the agreed criteria.

Contact Deputy Chief Executive [Denise Lyon] for further details.

## 7. Community right to bid

Local authorities to maintain a list of “Assets of Community Value” submitted by the community, which includes both public sector and privately owned assets. When listed assets come up for sale or change of ownership, community groups will have 6 months to develop a bid on the open market with others for the asset when it comes onto the market. Owners must abide by the moratorium but have no obligation to sell and may sell to whom they choose.

- Provisions already in place; Secretary of State to make regulations/orders; system very bureaucratic

- Nothing to stop the Council disposing of its own assets on a voluntary basis now, where appropriate
- Develop, maintain and publish a list of Assets of Community Value from April 2012. List - will include privately owned assets e.g. shops, post offices, pubs as well as Council assets. We must respond to nominations, and liaise with owner(s)
- Identify additional resources required for development and operation of listing and review procedures and information/support for community groups wishing to take over assets, secure funding etc. Current.
- Develop a clear process for groups to express an interest and process applications (underway).
- Budget for compensation provisions in the legislation which the council would be responsible for.

Contact Deputy Chief Executive [Richard Cohen or Head of Economy [Kate Little] for further details.

## **8. Right to veto excessive Council Tax rises**

There will be an agreed “ceiling” for Council Tax rises. If a local authority proposes to raise taxes faster than this rate, local people will have the right to approve or to veto the rise in a referendum. Ministers have determined that the following increases constitute an excessive tax rise.

- Police and Fire Authorities more than 4%.
- Other Authorities more than 3.5%.

Contact Simon Davey for further details..

## **9. Abolition of Regional Spatial Strategies**

This has been replaced with a duty on Local Authorities to cooperate with each other in planning for sustainable development.

- Our existing process allows communities to comment on strategic growth as well as location.
- Implication in New Growth Point area for accommodating housing and employment sites for Exeter.

Contact Richard Cohen or Kate Little for further details.

## **10. Neighbourhood Development Planning (NDP)**

Right for communities to draw up a “neighbourhood development plan” through the parish council or a Neighbourhood Forum & say where new houses, businesses, etc. should go. Must conform to Council’s overall growth plans and National Planning Framework. NDPs that pass these tests and get majority support via a referendum are adopted as a statutory planning document. Local Planning Authorities are required to provide technical advice & support. The Government has funded some independent sources of help & advice for communities; ‘Frontrunners’ [pilots] of Neighbourhood Planning have been resourced by Government at £20,000 each.



- National guidance and regulations expected at the same time as publication of the National Planning Policy Framework [NPPF].
- Evaluate lessons from 'Frontrunner' pilots.
- Local Development Framework has enabled Parishes to respond with their needs for growth.
- Identify available resources within planning teams to support communities doing NDPs and communicate this to parishes before 1 April 2012; unclear whether smaller parish councils will want neighbourhood plans.
- Guidance on Parish Plans to be updated ready for April 1 2012.
- Cost of Neighbourhood Plan examination and referendum.
- Head of Service has identified need for Neighbourhood Plan officer.

Contact Kate Little for further details.

### **11. Community right to build**

As part of Neighbourhood Planning community organisations will be given the ability to bring forward small developments, which might include a new village hall, homes & businesses. This must be supported by a referendum, which will remove the requirement for a planning application to the Planning Authority. Any benefits (for example: profit from lettings) will stay in the community providing they meet minimum criteria.

- Awaiting further clarification.

Contact Kate Little for further details.

### **12. Requirement to consult communities before submitting certain large planning applications**

Developers to consult local communities before submitting planning applications for certain developments, giving local people a chance to comment where there is genuine scope to make changes to the proposals.

- This strengthens the current requirement for developer to prepare a Statement of Community Involvement.

Please contact Kate Little for further details.

### **13. Strengthening enforcement rules**

Strengthen planning authorities' powers to tackle abuses of the planning system.

- power to decline to determine retrospective applications.
- time limits for concealed breaches.
- planning enforcement orders.
- planning officers' time limits and penalties.
- Awaiting details, guidance to be updated.

Contact Kate Little for further details.

#### **14. Reforming planning obligations - the Community Infrastructure Levy (CIL)**

Changes and enhancement to the contributions (paid by developers), which currently is obtained, via Section 106 planning agreements, to support new infrastructure such as roads, leisure facilities and schools, so that the money raised can be spent on maintaining infrastructure as well as building new infrastructure. This gives Local Authorities (LAs) greater freedom to set different rates by area. Requires LAs to allocate a “meaningful” proportion of the levy back to the community where the development occurs.

- CIL Charging Schedule done for New Growth Point area. Due to commence in rest of District shortly. Upfront revolving infrastructure fund necessary.
- Head of service has identified need for CIL officer.
- Report to Cabinet and Full Council to recommend to adopt CIL approach and run concurrently with Core Strategy adoption process.
- Identify ‘Critical’, ‘Essential’ and ‘Desirable’ Infrastructure, costs and funding sources.
- Determine funding gap and policy for determining distribution of funds, whether funds are to come from CIL, S106 or other sources.
- Set up monitoring and management mechanism for collecting funds and transparent mechanism for distribution of funds in accordance with Infrastructure Delivery Plan (IDP).
- Consult twice with developers on level of CIL to be set.
- Formally adopt CIL after Local Development Framework (LDF) public enquiry where CIL rates will be set.

Contact Richard Cohen or Kate Little for further details.

#### **15. Reform the way local plans are made**

Limit the discretion of planning inspectors to insert their own wording into local plans; will ensure that Local Authorities focus on reporting plans’ progress to local communities rather than central government.

- Noted for development of Core Strategy.
- Preferred Option document reviewed by Local Plan Panel [Formerly Local development Framework Panel] and out for public review 1<sup>st</sup> Dec 2011.

Contact Kate Little for further details.

#### **16. Duty to Cooperate**

Local authorities and other public bodies should work together on planning issues in ways that reflect genuine shared interests & opportunities to make common cause.

Contact Kate Little for further details.

#### **17. Nationally significant infrastructure projects**

Abolish the Infrastructure Planning Commission and restore its responsibility for taking decisions to Government Ministers. This will ensure the National Policy Statements, which will be used to guide decisions by Ministers, can be voted on by parliament.

Contact Deputy Chief Executive [Richard Cohen] for further details.



## **18. Reform of social housing finance**

Following several consultation stages the final phase of the plans for reform of social housing finance will be in place for April 2012. The self-financing debt settlement has been confirmed as £84,376,000, which is the amount we have to pay to the Treasury at the end of March.

A full analysis with financial modelling has been reported to the Housing Review Board in January 2012 and earlier reports track progress of the initiative.

The Housing Review Board will be considering an updated 30 year Housing Revenue Account Business Plan in March which sets the reforms in the context of our known income assumptions and expenditure needs.

Final calculations will be dependant upon the interest rate at the time we borrow the money and the structure of the loan portfolio.

## **19. Social housing tenure and flexible rent reform**

More flexible arrangements for people entering social housing in the future. Social landlords will be able to grant tenancies for a fixed length of time (minimum length 2 years, no upper limit) allowing them to manage their social homes more effectively & fairly.

- Rent levels no longer set nationally.
- Tenant Services Authority abolished and Homes and Communities Agency to focus on economic regulation where there is serious risk of failure.
- A change to length of tenure requires a new strategy. This is being developed through Housing Review Board/Cabinet. The Housing Review Board received a report in January on the changes in the legislation and a report is going to the March meeting proposing a modification of our existing policy.
- Devon Strategic Housing Group is producing a Devon wide framework which can be adapted for local circumstances.
- Partners (other Registered Providers) will need to sign up to our approach.

## **20. Social housing allocations reform**

Local Authorities given greater freedom to set their own policies about who should qualify to go on the waiting list. Option to prevent those who have no need of social housing or little realistic expectation of getting it from joining the waiting list. LAs will continue to be obliged to ensure that social homes go to the most vulnerable in society and those who need it most.

- Our Devon Home Choice system is a shared register which will do the job.
- Option to reduce Waiting List for social housing.
- Reforms to welfare benefits will prompt some social housing tenants to move, for example those living in properties too large for their needs.
- Deadline for publication of tenancy strategy to be 15 January 2013 [assumes prior publication of allocations strategy and homelessness strategy].

## **21. Reform of homelessness legislation**

Lets Local Authorities meet their homelessness duty by providing good quality private rented homes, which could provide an appropriate solution for people experiencing a homelessness crisis, at the same time as freeing up social homes for people in real need on the waiting list.

- No changes are required here as we already place people in private sector properties but will no longer need to document their consent.

## **22. National Home Swap Scheme**

Enables people who would like to swap their social home to access details of all other tenants who may be a suitable match, allowing them to exercise greater control over their lives.

Contact Head of Housing [John Golding] for further details on all housing issues.

## **23. Power to require local councils to contribute to European Union fines**

The Act will allow the Secretary of State to require local authorities to contribute to any EU financial sanction imposed under Article 260 of the Treaty on the Functioning of the European Union when the acts of the authority have caused or contributed to the infraction of EU law for which the financial sanction is made.

- Consultation has now begun on the policy government policy to deal with the process of making councils responsible for bearing part of the fine; a report is planned for April Cabinet on this issue.

Contact Rachel Pocock for more information.

## **24. Transfer of local public functions and delegation of functions of Ministers**

The Act makes provision for the transfer of local public functions from a public authority to a "permitted authority"[which includes EDDC]. It also makes provision for the delegation of functions by Ministers to permitted authorities.

- Enables, for example, district councils to ask for functions like universal credit and also continue to administer housing benefit.
- County councils may also view this legislation as an opportunity.
- Devolution could relate to regeneration, transport, for example [see Liverpool as an example].
- Risk management and governance would be critical.
- Could be linked with the potential for raising funds through Tax Increment Financing in the current Finance Bill.

Contact Mark Williams for further information.

---

### Legal Implications

Main issues incorporated within the report. A close eye is being kept on the commencement dates for the different sections of the Act and the various legal options available for implementation. Up to 142 sets of regulations could be made. Additional legal resources will be required for the implementation work; currently we have two

solicitor posts vacant and efforts are being made to fill them as soon as possible and to use interim staff where needed. A significant rewrite will be needed to the Council's constitution.

#### Financial Implications

There are significant financial implications contained in the areas highlighted in the report. Members would have had specific details as reports have, and continue to be made, on these areas.

#### Consultation on Reports to the Cabinet

It is recommended that Overview and Scrutiny also consider this report. Many of the issues covered in the report are already subject to detailed voluntary or statutory consultation processes.

---

Rachel Pocock Ext 2601  
Corporate Legal and Democratic Services Manager

Cabinet  
7 March 2012

Strategic Management Team

## Agenda Item 17

Cabinet

3 March 2012

MD



### Planning Policy: Annual Monitoring Report – 2010/11

#### Summary

This report sets out summary details of the Planning Policy Annual Monitoring Report (AMR) for the 1 April 2010 to 31 March 2011 period. The AMR advises on:

- 1. Levels of development.**
- 2. Planning Policy document production.**

#### Recommendation

**That the Annual Monitoring Report is endorsed as a record of planning policy activity and development for the 2010/11 period.**

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

There is a requirement to report on an annual basis on planning policy activity and achievements.

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

Not applicable.

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

Failure to produce a report would place the Council in breach of legislative requirements.

#### d) **Policy and Budgetary Considerations**

The AMR has been produced by the Planning Policy Team from existing budgets/staff resources.

#### **Positive Impact Overall**

Affordable Homes.

Thriving Economy.

Green Environment.

#### e) **Date for Review of Decision**

The AMR will be produced on an annual basis and details/finding within it will inform policy document production. We will, however, review appropriate dates for AMR production and format/content in the future.

## 1. Overview of Planning Policy Making

- 1.1 The Localism Act will result in changes to the plan making system and in response the policy documents that we produce will need to change. One significant impact has been that we are no longer producing a plan called a Core Strategy but instead have amended policy document title and content in order for it to form new style Local Plan.
- 1.2 In the light of changing legislation and changing Government policy and guidance it will be appropriate to review the format and style of AMRs in the future. For the 2010 to 11 period the AMR refers to housing and employment issues and advises on future policy making. The AMR document will be available on the Council web site on the planning policy pages at: <http://www.eastdevon.gov.uk/annualmonitoringreport>

## 2. Housing and Employment Development

- 2.1 AMR reports that 554 new dwellings were recorded as built in the 2010 to 2011 period across East Devon. This represents an increase on past years. However data collection methods for recording completions have changed and reliance is now placed on Council Tax banding records rather than survey work, Building Control records and other information sources. The 554 figure is likely to be a slight over-estimate of actual completions in 2010-11 as some dwellings were banded in previous years. What this does mean is that past completion records were under-estimating dwellings built. The overall 2006 to 2011 completion total remains unaffected.
- 2.2 A consequence of more completions and a clear emerging picture of high projected house building rates at Cranbrook and commitments in the emerging Local Plan is that the Five year land supply position in East Devon is now far more healthy. In simplified terms the five year assessment is concerned the issue of whether sufficient homes are expected to be built in the next five years in order to meet strategic requirements for that five year period (in our case as set out in the Devon Structure Plan). Where the Council achieves or exceeds a five year figure it means that we exceed the five year requirement and where we fall below it means we do not have a five year figure.
- 2.3 In East Devon we undertake separate assessments for:
  - a. The PUA area or West End; and
  - b. The Rest of East Devon.

In the PUA area we have around 2.1 year's provision, and therefore we are falling short. But in the rest of East Devon we now have a figure of around 18.5 years provision. On a District wide basis the figure is around 4 years. These supply figures are healthier (higher) than past assessments on account of a range of factors including clear evidence and expectations of development at Cranbrook and resilient housing supply in the rest of East Devon. In the Rest of East Devon housing supply has consistently exceeded Structure Plan requirements so the need to provide housing to meet Structure Plan requirements year on year, has become increasingly modest but actual build rates have remained comparatively high.

- 2.4 Whilst there have been relatively high house building levels the development of employment land has been low. Around 2



hectare of land has been developed for job generating purposes in the last year, the only significant site being the FlyBe academy..

### 3. Local Development Scheme

3.1 The second key part of the Annual Monitoring report advises on timescales for preparation of Local Development Documents; these are the various plans that will make up the Local Plan.

3.2 We will need to rewrite and review the Local Development Scheme and a new scheme with associated timetables for work will be presented to Cabinet in the near future. The new LDS will advise that we plan to produce two key documents:

a. **The first stage of the Local Plan** – addressing:

- Strategic policies including strategic allocations.
- Development Management Policies but not small scale (non-strategic) sites/allocations/boundaries in villages.
- Neighbourhood Planning

b. **The second stage of the Local Plan** – addressing:

- Small scale (non-strategic) land allocations in villages.

3.3 The intention is that the first plan will be produced as quickly as possible with second to follow afterwards. A fuller report to Cabinet in the near future will provide more detail on these plans.

### 4. Annual Monitoring Report – Report Availability

4.1 A full copy of the Annual Monitoring Report will be put on the Council web site one week ahead of the Cabinet meeting.

---

#### Legal Implications

Section 35 of the Planning and Compulsory Purchase Act 2004 requires every local planning authority to publish an Annual Monitoring Report (AMR). The AMR must set out information on the progress in adopting new development plan documents as set out in the Local Development

Scheme (LDS) and the extent to which policy objectives and indicators are being achieved.

#### Financial Implications

There are no financial implications contained within the report

#### Background Papers

None

---

Kate Little  
Head of Economy

Cabinet  
7 March 2012



## Agenda Item 18

Cabinet

7 March 2012

RC



### Honiton Community Centre

#### Summary

Following a report in October 2011 to Cabinet concerning a potential additional cost to the Honiton Community Complex build programme, Members agreed to:

- a. Continue to make available but not increase the existing District contribution to the development project and;
- b. Ask Honiton Town Council with the support of the District's Deputy Chief Executive to review the business plan to test whether the project remained viable in both build and operation.

Honiton Town Council has now reviewed its business plan for the Community Complex and is seeking the continued support of the District Council in terms of approved funding and the continued availability of the Dowell Street car park site.

The previous report in Oct 2011 allowed for the Chief Executive to have delegated authority to progress the project. However, the Project Steering Group and Town Council asked that the issue come back to Cabinet so that District members were informed of progress and able to give their views.

#### Recommendation

On the basis that the revised Community Complex Business Plan has been endorsed by independent scrutiny from the Business Information Point Team (BIP) – see Appendix 1 - Members are asked to continue to make the existing approved funding and land available to the project subject to the following conditions:

1. That the District continues to provide project management support through construction and fit out
2. That District participates in the project steering group through to initial operation of the centre or as long as it sees fit
3. That through delegated authority the Deputy Chief Executive determines that suitable contract conditions are in place that allow for the District to review its spending commitment if the project delivery gives sufficient cause
4. Once the project has planning approval the District will set a 2 year time limit during which time works must commence or the District will review its funding commitment
5. That the District contribution to the project is restricted to a front end capital sum in the confident expectation that the Community Complex will, in accordance with its business plan, maintain income over expenditure.

**a) Reasons for Recommendation**

The revised business plan, independently reviewed, offers a strong indication that the community complex can be delivered in budget (including provision for 'soft spots') and will offer a mix of facilities and services that will generate income/rental and meet a range of community needs.

**b) Alternative Options**

Not to contribute funding or land to the project. In Oct 2011 Cabinet remained committed to making funding available to the project as long as it was satisfied that the project was robust.

**c) Risk Considerations**

On a project of this nature there will be various competing risks involved, both financial and reputational. A condition of funding should be that the District continues to provide project management expertise on the build and fit out process. Honiton Town Council should also consider retaining the services of BIP to occasionally work with the Centre Manager and others as required to support the operation of the centre.

**d) Policy and Budgetary Considerations**

EDDC agreed a capital budget of £333,000 as a contribution toward a community centre for the town. Of this sum to date £57,000 has been advanced to the Town Council to help with preliminary work leaving a balance of £276,000 as a remaining sum in the Council's Capital Programme. Honiton Town Council has a further £500,000 in S106 to invest in the project and plans to borrow a further £975,000 toward the project. In addition the Dowell Street car park site generates £11,800 income per annum which would be lost to the District and would in future partially accrue to the Town Council and would be used to partially meet revenue funding costs. The debt will be serviced by the Town Council rather than carried by the Community Complex and will not of itself involve any increase in the precept.

**e) Date for Review of Decision**

The Town Council currently has a two year time limit set by the District in terms of its funding availability. Within this timeline the project needs to commence works on site. The two year 'clock' has been stopped pending this review process. Now that it appears that the project is going ahead the 'clock' restarts at the point where planning permission is given. A progress report will be made to Cabinet in 12 months and at the two year point to review progress. Other reports may also be submitted if Cabinet awareness, guidance and/or decision are needed at other times during the project's progress.

---

1 Background

A new community centre for Honiton is planned to be constructed on the Dowell Street car park site. Site survey work revealed 'soft spots' on the site for which remedial engineering works would cost £140,000. EDDC agreed to its participation in the project on the basis of build and fit out costs of £1,812,000 (May 2011).

This cost is met from a combination of Section 106 money; EDDC Capital grant; Honiton Town Council reserves; fundraising and Honiton Town Council loan from the Public Works Loan Board. As follows:

The community centre project has EDDC support on the basis of a budget of:

|  |            |
|--|------------|
| • 106 development in Honiton           | £500,000   |
| • EDDC Grant                           | £333,000   |
| • Public Works Loan Board Loan to HTC  | £975,000   |
| • Honiton Town Council reserves        | £114,742   |
| • Honiton Community Centre Association | £4,000     |
| • Fundraising                          | £106,258   |
| TOTAL                                  | £2,033,000 |

The latest build cost breakdown remains at £2m with some variations within the budget including increased use of reserves of £3K and a reduced fundraising expectation by £35K. Public Works Loan Board borrowing increases by £25K. In addition EDDC has foregone a land value of £101,000 and parking revenues from 39 long stay spaces.

Between October 2011 and February 2012, Honiton Town Council has been pursuing several actions to address concerns raised both by the District Council and some of the Town's community to take a fresh and robust look at the Community Complex plan, its build and operation issues. The business plan has been revised and independently scrutinised (Appendix 2, Section 10 gives the key recommendations of the appraisal).

The revised and tested business plan is judged to have taken a realistic assessment of operational opportunities, levels of usage and income against expenditure. The presence of the Town Council itself, the Registration Service and the Robert Owen Communities charity gives a strong income stream to underpin the wider activities of the Centre.

At the same time the Town Council has carried out consultation with residents and community organisations to evidence support and likely usage of a new Community Complex. The Town Council has held open meetings for the local community to air their views and plan what uses they might want to have for the centre. The Town Council has also been in touch with a variety of local organisations to gauge their interest in using a new centre and, crucially, their willingness to pay.

There have been some voices of opposition to the centre expressing in particular an understandable concern about:

- a. The debt that the Town Council is taking on via the Public Works Loan Board. HTC is confident that it can repay its borrowing and without increasing the precept and;
- b. There has also been doubt expressed as to the need for a new centre when the town has other facilities. Section 6 of the Business Plan addresses the question of availability of other locations and activities in the vicinity and concludes that there is need and demand for a modern multi-use community facility. The assessment from BIP would seem to validate this view.

The town council has confirmed to residents that there will not be an increase in the precept associated with the project which will go some way to address concerns in the town regarding the impact of borrowing. The fact that the District Council has asked for a review of the business plan and an independent assessment of the proposition has been regarded as a positive and reassuring contribution to the process.

## Conclusion

On the basis that the resulting revised business plan has been independently and professionally scrutinised and endorsed, the District Council can be satisfied that the project looks financially viable and will deliver significant benefits to the Town. Honiton Town Council has looked closely at the business plan for the centre with the help of BIP and factored in the uncertainty that arose around the likely additional cost of unforeseen site problems ('soft spots') with an estimated additional cost of £140,000. Absorbing this likely additional cost may extend the fit out period for the Centre which could have an impact on centre usage and income. The Business Plan has developed a realistic projection on income, expenditure and cash flow during start up and full operation.

Plans for the new community centre have been submitted for planning approval in anticipation of this report's approval.

## Legal Implications

The background is that on 22 November 2005 EDDC entered into a contractual arrangement with Honiton Town Council which committed this Council to contributing a capital sum, by way of grant, of £333,333 towards the cost of constructing the community centre (to include up to £106,000 in architects and other professional fees).

Minute 119 (2) of the Executive Board meeting of 27 November 2002 stated that the £333,333 building grant was to be made in addition to the transfer of the land.

At Executive Board in February 2011 members agreed that that the Dowell Street car park be made available as the District Council's preferred location for the proposed Honiton Community Centre, subject to a contract for the building being let within 2 years of this resolution; the terms and conditions of transfer to be agreed by the Principal Estates Surveyor in consultation with the Head of Legal, Licensing and Democratic Services.

It was also agreed that, subject to the granting of planning permission and the letting of a building contract, the 0.351 *Ha* (0.868 acre) site of the Dowell Street car park be transferred on a long lease to Honiton Town Council at less than 'Best Value' that might reasonably be obtainable in the open market. The resolutions of Cabinet on 6 October 2011 are reflected at the top of the report.

## Financial Implications

The Council agreed to Capital budget provision of £333,000 for a new community centre in Honiton. Of this sum to date £57,000 has been advanced to the Town Council to help with preliminary work, this leaves £276,000 as a remaining grant sum in the Council's Capital programme.

## Consultation on Reports to the Cabinet

The community centre proposition itself has been the subject of extensive consultation within the Honiton community led by the Town Council and with the District Council since 1992. Consultation has included issues of location, function, cost and design.

## Appendices

1. Honiton Community Complex Business Plan (Final – Version 6) – available on line
2. Business Plan Appraisal, Recommendations and Conclusions – BIP



**The Beehive Community Centre**

**Business Plan Appraisal, Recommendations and  
Conclusions**

**Completed By:**

Stewart Horne

Business Information Point  
Okehampton Business Centre  
Unit 10  
Higher Stockley Mead  
Okehampton  
Devon  
EX20 1FJ

01837 659059  
[team@bipwestdevon.biz](mailto:team@bipwestdevon.biz)  
[www.bipwestdevon.biz](http://www.bipwestdevon.biz)



INVESTORS IN PEOPLE

## **Contents**

- 1.The Brief
- 2.Methodology
- 3.Background to "the Beehive"
- 4.Assessment of the Business Plan
- 5.Comparison of the Beehive with Sturminster Newton
- 6.Financial Summary
- 7.Options Analysis
- 8.Discussion with Honiton Town Council
9. Revised Budgets
- 10.Recommendations
- 11.Conclusion
- 12.Appendix 1 Cash flow
- 13.Appendix 2 Sensitivity Analysis

## **1. The Brief**

To undertake an appraisal of the Beehive business plan, examining in particular the assumptions behind the financial projections to assess the centre's viability.

## **2. Methodology**

The Beehive Business Plan (V5) was examined initially but due to changes in the plan a new version (V6) was received in late December 2011 which superseded all previous versions.

To compare the assumptions against a similar facility BIP obtained the latest accounts from Sturminster Newton Community Centre from Companies House.

A sensitivity analysis was undertaken using the figures in version 6 of the business plan to determine at what level of reduced turnover would bring the centre into a loss making situation.

An analysis of the confirmed income versus the fixed costs of the centre was undertaken to access the worst case scenario.

Following the above activities a number of observations were recorded which formed the basis of a meeting on 13.01.2012 with the Honiton Town Council Clerk and Vernon Whitlock.

Subsequently the financial elements of the plan were amended in light of those discussions.

This report was written following the activities described above.

## **3. Background to the "Beehive"**

Honiton is a thriving, strategically placed market town in East Devon with a population of 12,000 and a total catchment area population in excess of 20,000. For many years the Town Council and the Honiton Community Centre Association (HCCA) have sought to promote the benefits of a modern, purpose-built centre for cultural, business and social events in the town

The HCCA is a registered charity and was set up "to establish, or secure the establishment of, a community centre and to maintain and manage the same (whether alone or in co-operation with any local authority or other person or body)".

The delivery of this project will not only create a recreational and cultural focal point for the town but will also serve to sustain the vibrancy of Honiton, encourage business development and attract more residents and visitors to the town centre.

The development comprises a two storey building offering a modern purpose-built venue adjacent to one of the gateways into the town, a public car park and within close walking distance of the town centre. All facilities have been designed to be multi-purpose as follows;

- A central hall with a seating capacity of 300 plus a (non-fixed) stage area

to be used for local organisation activities, theatre, cinema, concerts, dance, business conferences and training, wedding receptions and other celebrations. The main hall will be built to incorporate good acoustics.

- Adjacent rooms to be used as changing rooms/green room for visiting performers and also as small meeting room/breakout rooms.
- A café/bar area that will be able to support performances and may also be used for community events.
- An internet café area
- An information point and booking office linked to the nearby Tourist Information Centre.
- An upstairs function room to be used as meeting room/break out room as well as a Council Chamber and Marriage Ceremony. This room will include technology to enable it also to be used as a training room.
- Offices to cater for the Centre Manager and staff together with staff from the Town Council, the Robert Owen Communities (ROC) and Registration Service. The offices for the Town Council and Registrar staff on the first floor will be of sufficient size to enable small meetings to be conducted, ensuring no unnecessary use of public facilities.
- A small meeting room

The cost of the building and associated fees is estimated at £1,812,000 and this together with the fitting out will be met by

- Section 106 Agreement
- Honiton Town Council Reserves
- Honiton Community Centre Association Funding
- Grants and other Fundraising
- A loan to be taken out by Honiton Town Council with the Public Works Loan Board

## **4. Assessment of Business Plan**

Version 5 of the business plan was a well written plan, covering all aspects of the buildings activities. Assessments of elements within the plan are as follows.

### **4.1 Building Specification**

The architects have produced a multi use building that caters for the key needs of a community facility. The addition of offices on the first floor for rent will provide a level of rental income that will provide the foundations of a viable project. The kitchen area may need some redesigning to cater for the two users, Robert Owen Communities and the complex.

## **4.2 Identification of Need**

### Community Users

The promoters of the complex have undertaken a number of consultation exercises and research into the need for the facility. Most recently in December 2011 34 local organisations were consulted, of these 28 indicated they may use the centre, 12 were considered definite users. It is considered the number of organisations using the centre would grow following the centre opening.

### Recreational / Performance

This could include Theatre, Cinema and Musical activities, it was suggested this could provide significant income from the outset. We would recommend this activity will start from a low base and grow over time, it carries significant costs and therefore until audience demand is evidenced would be considered a risk.

### Other Proposed Activities

Exhibitions, Conferences and Training are all highlighted as potential uses. We would agree and suggest that this provides a significant opportunity to draw business from beyond the town itself. The success of Sandy Park at Junction 29 as a venue evidences demand, Honiton is well located close to the A30, A35 and a main line train station is accessible from a wide area.

## **4.3 Provision for Honiton Tax Payers**

Local Users and community organisations from Honiton will have discounts on both tickets and hire charges, this is to be encouraged. Should the centre operate with a significant surplus the operators should look at increasing discounts.

## **4.4 Marketing**

The business plan proposes significant marketing activities; it is recommended that a comprehensive marketing plan be drawn up to include the website development, social media and conventional techniques. The key to the complex's success will be marketing. Marketing, sales and people skills should be a key consideration when appointing the centre manager

## **4.5 Risks**

A comprehensive risk assessment has taken place, most of the risks identified are before and during the build, however risks during the operation of the centre are equally important. It is advised to undertake a new risk assessment when the complex's manager is appointed that focus on the operational risks, this will assist the manager in their day to day work.

## **4.6 Partnership**

The partners involved in the project are wide ranging and with 3 partners committed to contributing to a financial contribution for 5 years this is an excellent starting position. During the pre build, build and early trading stages the promoters should continue to identify other potential partners who could use the complex as a base, should any of those confirmed so far fail to sign contracts.

## **4.7 Staffing**

The original plan was to have two part time managers, one a technical person and a complex manager. These would be supported by a part time booking/admin post, financial support and volunteers. This amounted to significant staff costs which would be a fixed cost. Following our discussions with HTC the business plan was amended to combine the two managers post, increasing the hours to full time. As the activities in the complex grow and turnover increases consideration to increasing the staff levels can be examined.

## **4.8 Finances**

The financial projections were comprehensive and based on reasonable assumptions but some elements carried a level of financial risk which it was felt should be avoided. Some were around the staffing levels discussed previously. More importantly there were assumptions around lettings and productions that were ambitious in the first year. The current economic climate is reducing peoples discretionary spend which could impact negatively on the items mentioned, it is recommended to be cautious in these areas.

## 5. Comparison with Sturminster Newton

|                    | Sturminster Newton | Beehive       |
|--------------------|--------------------|---------------|
| <b>Expenditure</b> |                    |               |
| Advertising        | 10439              | 10000         |
| Printing and post  | 6152               | 5500          |
| Heat light & power | 12706              | 6000          |
| Insurance          | 1713               | 8000          |
| Repairs            | 10860              | 1000          |
| Cleaning           | 9110               | 9500          |
| Telephone          | 2640               | 3500          |
| Rates & water      | 4658               | 8500          |
| Book keeping       | 7296               | 5000          |
| Legal & Prof       | 2887               | 500           |
| Bank Charges       | 2128               | 0             |
| Consumables        | 18345              | 12000         |
| Hire costs         | 3774               | 30000         |
| Other              | 6942               | 7500          |
| Salaries           | 47724              | 45000         |
|                    | <b>147374</b>      | <b>152000</b> |
| <b>Income</b>      |                    |               |
| Rents received     | 0                  | 69500         |
| Room Hire/Booking  | 58993              | 10000         |
| Bar/refreshments   | 55184              | 34000         |
| Ticket sales       | 19600              | 45000         |
| Other              | 3530               |               |
| Grants             | 6000               |               |
|                    | <b>143307</b>      | <b>158500</b> |
| <b>Surplus</b>     | <b>-4067</b>       | 5500          |

This comparison highlighted a big difference in some areas particularly insurance costs, heat light and power, business rates and repairs. Most of these were put down to differences between the centres and were valid. The business rates were an estimate, the town council were advised to contact the valuation office for a more accurate assessment. The repairs were increased in version 6 of the plans, heat, light and power will be lower at the Beehive due to the renewable technologies being installed.

## 6. Financial Summary

The following table is the proposed budget from v5/6 of the business plan.

| <b>INCOME</b>                                       |  | <b>Year 1</b>  | <b>Year 2</b>  | <b>Year 3</b>  |
|---|--|----------------|----------------|----------------|
| Transfer of running costs already precepted         | Honiton Town Council                                     | 20,000         | 20,000         | 20,000         |
| Rent  | Registrar  | 25,000         | 25,000         | 25,000         |
|   | ROC  | 17,500         | 17,500         | 17,500         |
| Car Park Net Income                                 | EDDC 2010/11 figures reduced for lost spaces             | 7,000          | 7,000          | 7,000          |
| Facility Lettings                                   | Estimate 90 lettings at average of £100 + equipment hire | 10,000         | 12,500         | 15,000         |
| Cinema  | 60 people @ £5 x 50 showings                             | 15,000         | 18,750         | 22,500         |
| Music/Theatre productions by Complex                | 100 people @ £12 x 25 showings                           | 30,000         | 37,500         | 45,000         |
| Bar/Cafe Sales (including support for performances) | 80 people @ £4 x 75 events                               | 24,000         | 25,000         | 26,000         |
| Vending Machines                                    |  | 10,000         | 10,000         | 10,000         |
|   |  |                |                |                |
| <b>TOTAL</b>  |  | <b>158,500</b> | <b>173,250</b> | <b>188,000</b> |

### ESTIMATED EXPENDITURE

|                     |   | <b>Year 1</b> | <b>Year 2</b> | <b>Year 3</b> |
|---------------------|---|---------------|---------------|---------------|
| <b>Centre Staff</b> | Manager (pt time 25 hrs @ £27K) – includes employer on costs      | 20,000        | 22,000        | 24,400        |
|                     | Ops/Tech Mgr (pt time 25 hrs @ £20K) – includes employer on costs | 15,000        | 16,500        | 18,150        |
|                     | Caretaking/Cleaning   | 9,500         | 10,000        | 10,500        |
|                     | Marketing/Bookings (increase current hours)                       | 5,000         | 5,500         | 6,000         |
|                     | Community Hub Café/Bar (4 hrs @ £7 x 2 x 75 events)               | 5,000         | 5,250         | 5,500         |
|                     | <b>Sub Total</b>  | <b>54,500</b> | <b>59,250</b> | <b>64,550</b> |
| <b>Other Costs</b>  | Advertising/Marketing   | 10,000        | 7,500         | 7,500         |
|                     | Cost of Events/Activities (film hire, performers etc)             | 30,000        | 35,000        | 40,000        |
|                     | Cost of Stock Bar/Cafe (50%)                                      | 12,000        | 12,500        | 13,000        |
|                     | Licensing and Other Fees  | 500           | 200           | 200           |
|                     | Equipment Depreciation  | 0             | 2,000         | 2,000         |

|  |                            |                |                |                |
|--|----------------------------|----------------|----------------|----------------|
|  | Fire & Alarm Maintenance   | 2,000          | 2,000          | 2,000          |
|  | Rates                      | 6,000          | 6,200          | 6,500          |
|  | Water Rates                | 2,500          | 2,750          | 3,000          |
|  | Training                   | 1,500          | 1,500          | 1,500          |
|  | Heat, Light, Power         | 6,000          | 6,500          | 7,000          |
|  | Telephones                 | 3,500          | 3,750          | 4,000          |
|  | Postage                    | 2,000          | 2,500          | 2,750          |
|  | Printing & Stationery      | 2,500          | 2,500          | 2,500          |
|  | Recruitment                | 500            | 500            | 500            |
|  | Insurance                  | 8,000          | 8,500          | 9,000          |
|  | Repairs & Maintenance      | 1,000          | 2,000          | 3,000          |
|  | External Financial Support | 5,000          | 5,500          | 6,000          |
|  | IT Support                 | 1,500          | 1,500          | 1,500          |
|  | Website                    | 1,500          | 1,500          | 1,500          |
|  | Refuse Collection          | 1,000          | 1,000          | 1,000          |
|  | Miscellaneous              | 500            | 1,000          | 1,000          |
|  | <b>Sub Total</b>           | <b>97500</b>   | <b>106,400</b> | <b>115,450</b> |
|  | <b>TOTAL</b>               | <b>152,000</b> | <b>165,650</b> | <b>180,000</b> |
|  | <b>Surplus</b>             | <b>6,500</b>   | <b>7,600</b>   | <b>8,000</b>   |

Using the above figures a cash flow forecast was prepared to assess the ability of the complex to support its own cash requirements.

Attached as appendix 1

The cash flow constructed took into account seasonal fluctuations that would be expected with an operation of this sort. The analysis demonstrated that there would be a peak borrowing requirement of £5000 in the month of August.

A sensitivity analysis was undertaken using the figures in v6 of the plan and this demonstrated that a shortfall in income of 10% would place the complex in a loss making situation, this is clearly unacceptable to both the Town Council and the community of Honiton.

Attached as appendix 2

The analysis identified areas within the forecasts that were at best marginal and at worst high risk, in particular productions by the complex. Staffing levels were also questioned.

## 7.Options Analysis

The Beehive has a clear advantage over many similar operations in that almost uniquely it has 3 lines of income from rents and the ROC franchise that can be depended upon for a minimum of 5 years. This provides a solid base on which to build the finances of the complex.

A budget using just those elements would be as follows;

| Item               | Source                   | Annual        |
|--------------------|--------------------------|---------------|
| Rent etc           | Honiton Town Council     | 20,000        |
| Rent               | Registrar                | 25,000        |
| Rent               | ROC                      | 17,500        |
| Car Park           | Parking Charges          | 7,000         |
| Total Income       |                          | 69,500        |
| <b>Expenditure</b> | Caretaking/Cleaning      | 3000          |
|                    | Fire & Alarm Maintenance | 2,000         |
|                    | Rates                    | 4,000         |
|                    | Water Rates              | 2,500         |
|                    | Heat, Light, Power       | 6,000         |
|                    | Telephones               | 2,500         |
|                    | Insurance                | 8,000         |
|                    | Repairs & Maintenance    | 1,000         |
|                    | Refuse Collection        | 1,000         |
|                    | Miscellaneous            | 500           |
|                    | <b>TOTAL</b>             | <b>28,500</b> |
|                    |                          |               |
|                    | Profit                   | <b>41,000</b> |

This worst case scenario would provide a surplus of £41,000 for the town council. This of course is not the aim, as this would not be providing any facilities for the community which is the primary aim of the project. It does however provide a solid financial base from which to work.

## 8.Discussions with Honiton Town Council

The following areas were discussed at a meeting between Stewart Horne, the Town Clerk and Vernon Whitlock.

### Finances

1. Fall back budget demonstrates that the Centre can be economically viable. This should be the starting point on which to build.

2. Facility lettings- if local organisations only they are optimistic, breakdown figures.

3. Hire of facilities to organisations beyond Honiton could be a significant market, the website will need to reflect this to attract enquiries.

## **Facilities**

1. Cafe/Bar control /management needs clarifying between the centre and ROC. Significant difficulties could occur if not dealt with now.

2. Staffing

Staffing costs are high on predicted turnover; benchmark figure would be around 25% of turnover (£39,625) currently 35%.

3. Roles of two managers needs addressing, could 1 full time @ £27,000 (inc NI), whose main role and experience is marketing, be sufficient at start? Technical support could be via trained volunteer? Volunteers (also see Community below)- play an important part in successful operations of community centres- the job specification of the manager needs to highlight this.

4. Complex productions.

On the costs provided these look marginal at best and of high risk financially. Will they be competing with other community organisations if so will alienate the community.

## **Community Engagement**

1. Lettings to community organisations

The survey of organisations revealed 11 organisations that will definitely use the centre out of 34 consulted. Several said they would consider but these are "not in the bag"! Looks a moderate income stream.

2. Cinema- relationship between complex and current operation needs clarifying.

3. Volunteers- very important area to get going for a number of reasons, engagement with community, spreading the word and to reduce staffing costs.

Following this meeting in light of the above, a revised budget was produced.

## 9. Revised Budgets

| <b>Income</b>                                       |   | <b>Year 1</b>  | <b>Year 2</b>  | <b>Year 3</b>  |
|---|---|----------------|----------------|----------------|
| Rent etc  | Honiton Town Council  | 20,000         | 20,000         | 20,000         |
| Rent  | Registrar   | 25,000         | 25,000         | 25,000         |
| Rent  | ROC   | 17,500         | 17,500         | 17,500         |
| Car Park Net Income                                 | EDDC 2010/11 figures reduced for lost spaces                                | 7,000          | 7,000          | 7,000          |
| Facility lettings to community                      | Estimate 250 lettings (i.e. one per day/ evening Mon-Fri) at average of £30 | 7,500          | 15,500         | 16,000         |
| Facility Lettings to charities                      | Estimate 30 lettings at average of £60                                      | 1,800          | 2,300          | 2,800          |
| Facility Lettings to business                       | Estimate 20 lettings at average of £150                                     | 3,000          | 3,500          | 4,000          |
| Equipment hire                                      |   | 1,000          | 2,200          | 2,400          |
| Cinema  | 60 people @ £5 x 50 showings  | 15,000         | 18,750         | 22,500         |
| Music/Theatre productions by Complex                | 60 people @ £12 x 6 showings  | 4320           | 15,000         | 15,500         |
| Bar/Cafe Sales (including support for performances) | 60 people @ £3 x 56 events  | 10080          | 22,000         | 25,000         |
| Vending Machines                                    |   | 5,000          | 10,000         | 10,000         |
|   |   |                |                |                |
| <b>TOTAL</b>  |   | <b>120,200</b> | <b>158,750</b> | <b>167,700</b> |

| EXPENDITURE  | Year 1         | Year 2         | Year 3         |
|--|----------------|----------------|----------------|
| <b>Centre Staff</b>  |                |                |                |
| Manager (ft time 37 hrs @ £27K) – includes employer on costs | 27,000         | 29,000         | 31,000         |
| Caretaking/Cleaning  | 9,500          | 10,000         | 10,500         |
| Marketing/Bookings (increase current hours)                  | 5,000          | 5,500          | 6,000          |
| Community Hub Café/Bar (4 hrs @ £7 x 2 x 56 events)          | 3136           | 5,250          | 5,500          |
| <b>Sub Total</b>   | <b>44636</b>   | <b>49,750</b>  | <b>53,000</b>  |
| <b>Other Costs</b>   |                |                |                |
| Advertising/Marketing  | 10,000         | 7,500          | 7,500          |
| Cost of Events/Activities (film hire, performers etc)        | 5,000          | 15,500         | 16,000         |
| Cost of Stock Bar/Cafe (50%)                                 | 5040           | 11,000         | 12,500         |
| Cost of vending machines (50%)                               | 2,500          | 5,000          | 5,000          |
| Licensing and Other Fees                                     | 2,000          | 2,000          | 2,000          |
| Equipment Depreciation                                       | 0              | 2,000          | 2,000          |
| Fire & Alarm Maintenance                                     | 2,000          | 2,000          | 2,000          |
| Rates  | 4,000          | 4,200          | 4,500          |
| Water Rates  | 2,500          | 2,750          | 3,000          |
| Training   | 1,500          | 1,500          | 1,500          |
| Heat, Light, Power   | 8,000          | 10,500         | 11,000         |
| Telephones   | 3,500          | 3,750          | 4,000          |
| Postage  | 1,500          | 2,500          | 2,750          |
| Printing & Stationery  | 1,500          | 2,500          | 2,500          |
| Recruitment  | 500            | 500            | 500            |
| Insurance  | 6,500          | 7,000          | 7,500          |
| Repairs & Maintenance  | 1,000          | 2,000          | 3,000          |
| External Financial Support                                   | 5,000          | 5,500          | 6,000          |
| IT Support   | 1,500          | 1,500          | 1,500          |
| Website  | 1,500          | 1,500          | 1,500          |
| Refuse Collection  | 1,000          | 1,000          | 1,000          |
| Miscellaneous  | 500            | 1,000          | 1,000          |
| <b>Sub Total</b>   | <b>66540</b>   | <b>92,700</b>  | <b>98,250</b>  |
| <b>TOTAL</b>   | <b>111,176</b> | <b>142,450</b> | <b>151,250</b> |
| <b>Surplus</b>   | <b>9024</b>    | <b>16300</b>   | <b>16450</b>   |

Figures based on overall projections of 30% occupancy year one; 50% occupancy year two; 60% occupancy year three.

## **10. Recommendations**

1. The Town Council adopt the revised budget in version 6 of the business plan. This purposely accepts that income generation from lettings and events will take time to build during the first 12-18 months of operation.
2. A Service Level Agreement is drawn up with Robert Owen Communities with regard to the use of the cafe/ kitchen facilities.
3. During the pre build and build phase of the complex the Town Council are advised to seek other partners who have the potential to become users/supporters of the building and its community.
4. The key role of the complex manager is to engage with the community, to source volunteers and market the complex.
5. Activities that the complex undertakes should be monitored closely to ensure they are not a drain on the finances.
6. Ongoing fundraising, subsequent to the build commencing should be undertaken by experienced fundraisers. Probably not the role of the manager (can be time consuming).

## **11. Conclusion**

There is no reason that the complex cannot be an asset to the community of Honiton. It will provide a home for many community based organisations; it will provide a trading operation for Robert Owen Communities and its beneficiaries as well as acting as a catalyst for new activities that will benefit the community. The partnerships emerging before the centre is built can only get stronger as the project reaches its physical form.

Honiton's location close to the A30, A35 junctions and the mainline train station, provides an opportunity to sell the facilities to organisations throughout East Devon and beyond, for conferences, meetings and events. This has the potential to bring significant income to the complex, as well as raising the profile of the town.

Financially the centre will be self sustaining; given good management and with significant income already identified, surplus funds can be generated to support future maintenance needs.

# 12. Appendix 2 Beehive Cash Flow Business Plan v5

## The Beehive

STATUS: Limited Liability Partnen VAT REG: No  
 START DATE:

### CASH FLOW FORECAST

|                             | Jan-13 | Feb-13 | Mar-13 | Apr-13 | May-13 | Jun-13 | Jul-13 | Aug-13 | Sep-13 | Oct-13 | Nov-13 | Dec-13 | TOTAL   |
|-----------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|---------|
| <b>INCOME</b>               |        |        |        |        |        |        |        |        |        |        |        |        |         |
| Sales Income (Received)     | 15,058 | 13,650 | 11,858 | 11,659 | 11,908 | 12,008 | 12,058 | 11,359 | 14,258 | 16,359 | 14,408 | 13,912 | 158,000 |
| VAT (Output)                |        |        |        |        |        |        |        |        |        |        |        |        |         |
| Principals Investments      |        |        |        |        |        |        |        |        |        |        |        |        |         |
| Grants                      |        |        |        |        |        |        |        |        |        |        |        |        |         |
| Loans & Hire Purchases      |        |        |        |        |        |        |        |        |        |        |        |        |         |
| Other Income                |        |        |        |        |        |        |        |        |        |        |        |        |         |
| <b>TOTAL INCOME</b>         | 15,058 | 13,650 | 11,858 | 11,659 | 11,908 | 12,008 | 12,058 | 11,359 | 14,258 | 16,359 | 14,408 | 13,912 | 158,000 |
| <b>EXPENDITURE</b>          |        |        |        |        |        |        |        |        |        |        |        |        |         |
| Material Purchases          | 3,500  | 3,500  | 3,500  | 3,500  | 3,500  | 3,500  | 3,500  | 3,500  | 3,500  | 3,500  | 3,500  | 3,500  | 42,000  |
| Other Direct Costs          | 3,906  | 5,082  | 5,082  | 5,082  | 5,082  | 5,082  | 5,082  | 5,082  | 5,082  | 5,082  | 5,082  | 5,088  | 59,112  |
| Direct Employment Costs     | 666    | 666    | 666    | 666    | 666    | 666    | 666    | 666    | 666    | 666    | 666    | 674    | 8,000   |
| Insurance Employment Costs  | 708    | 708    | 708    | 708    | 708    | 708    | 708    | 708    | 708    | 708    | 708    | 712    | 8,500   |
| Rent & Rates                | 500    | 500    | 500    | 500    | 500    | 500    | 500    | 500    | 500    | 500    | 500    | 500    | 6,000   |
| Heat & Light                | 250    | 250    | 250    | 250    | 250    | 250    | 250    | 250    | 250    | 250    | 250    | 250    | 3,000   |
| Repairs & Maintenance       | 375    | 375    | 375    | 375    | 375    | 375    | 375    | 375    | 375    | 375    | 375    | 375    | 4,500   |
| Postage & Stationery        | 833    | 833    | 833    | 833    | 833    | 833    | 833    | 833    | 833    | 833    | 833    | 833    | 10,000  |
| Advertising & Promotion     | 292    | 292    | 292    | 292    | 292    | 292    | 292    | 292    | 292    | 292    | 292    | 288    | 3,500   |
| Telephones                  |        |        |        |        |        |        |        |        |        |        |        |        |         |
| Micro Expenses              |        |        |        |        |        |        |        |        |        |        |        |        |         |
| Travel & Subsistence        | 500    |        |        |        |        |        |        |        |        |        |        |        | 500     |
| Professional Fees           |        |        |        |        |        |        |        |        |        |        |        |        |         |
| Leasing Charges             |        |        |        |        |        |        |        |        |        |        |        |        |         |
| Interest - Overdraft        |        |        |        |        |        | 17     | 25     | 39     | 31     | 8      |        |        | 128     |
| Interest - Loan/HP          |        |        |        |        |        |        |        |        |        |        |        |        |         |
| Other Finance Charges       |        |        |        |        |        |        |        |        |        |        |        |        |         |
| Repayments - Loans/HP       |        |        |        |        |        |        |        |        |        |        |        |        |         |
| Fixed Assets                |        |        |        |        |        |        |        |        |        |        |        |        |         |
| Intangible Assets           |        |        |        |        |        |        |        |        |        |        |        |        |         |
| Personal Drawings           | 10     | 10     | 10     | 10     | 10     | 10     | 10     | 10     | 10     | 10     | 10     | 10     | 130     |
| Class 2 NI Contributions    | 958    | 958    | 958    | 958    | 958    | 958    | 958    | 958    | 958    | 958    | 958    | 962    | 11,500  |
| Other Expenditure           |        |        |        |        |        |        |        |        |        |        |        |        |         |
| Income Tax Provision        |        |        |        |        |        |        |        |        |        |        |        |        |         |
| VAT Payments (Receipts)     |        |        |        |        |        |        |        |        |        |        |        |        |         |
| <b>TOTAL EXPENDITURE</b>    | 12,496 | 15,174 | 13,176 | 13,174 | 13,182 | 13,193 | 13,203 | 13,213 | 13,207 | 13,181 | 13,174 | 13,195 | 157,669 |
| <b>OPENING BANK BALANCE</b> | 2,560  | 3,004  | 3,004  | 2,726  | 2,10   | 1,603  | 2,248  | 3,393  | 5,246  | 6,089  | 6,021  | 213    | 331     |
| <b>MOVEMENT</b>             | 2,560  | 466    | 1,318  | 1,274  | 1,695  | 1,445  | 1,855  | 1,893  | 1,031  | 3,177  | 2,824  | 7,017  | 931     |
| <b>CLOSING BANK BALANCE</b> | 5,120  | 3,470  | 4,322  | 4,000  | 3,705  | 3,098  | 2,248  | 5,286  | 6,277  | 9,266  | 8,845  | 15,210 | 1,262   |



# Agenda Item 19

Cabinet

7 March 2012



## East Devon District Council Office - Relocation Update including Exemption from Standing Orders

### Summary

This report updates members on actions undertaken to take forward the Council Office Relocation project and seeks approval to extend the consultancy support contract pending commencement of a selected Relocation Management resource.

### Recommendation

Members are asked to:

1. Note the progress on relocation activity and receive a verbal update on Relocation Management recruitment.
2. Agree an exemption under standing orders for an extension of the contract for Kensington Taylor to continue to support the relocation project pending handover to new Relocation Management. A further sum of up to £20,000 to be allocated from within the existing approved budget for initial relocation management costs of £200,000

### a) Reasons for Recommendations

1. To keep members informed of progress on relocation
2. To extend the contract of Kensington Taylor to reflect additional tasks required of them in the initial preparatory phase of the relocation project, maintain continuity and to support the Deputy Chief Executive and Working Parties pending arrival of a dedicated Relocation Manager.

### b) Alternative Options

Not to extend the consultancy contract which means that work would cease immediately from Kensington Taylor.

### c) Risk Considerations

As the project has developed officers and members have already been adapting their thinking on the development options as new opportunities and variations have quickly arisen in the project. It has been necessary to direct Kensington Taylor toward tasks not originally envisaged in their work specification eg negotiating without prejudice with agents and landowners, conducting a sequential assessment of multiple sites in Honiton, supporting a twin track approach to Relocation management recruitment etc

#### d) Policy and Budgetary Considerations

Cabinet on 30 Nov 2012 approved budget of up to £200,000 to fund immediate requirements of the Council Relocation project. This funding is secured through the Transformation Budget.

#### e) Date for Review of Decision

This is a three year project. Its progress is regularly reviewed through the Member Working Party and Cabinet. Independent audit is also being introduced.

#### Progress

Since the report to Cabinet in Nov 2011 the following key activities have been progressed:

1. **Market testing** - Various discussion, soft market testing and without prejudice negotiation with potential developers for the Knowle, developer representatives/agents and neighbouring landowners for Honiton Heathpark
2. **Site options** - Initial assessments of alternative sites around Honiton in terms of size. More detailed sequential assessment to follow
3. **Site surveys** – 9 site surveys identified for Knowle to investigate a variety of requirements and inform outline planning, local consultation and future development interest. Contractors identified and priced with preferred providers identified.
4. **Recruitment** – Twin track approach to Relocation Management recruitment using South West Contractor Framework and industry publication advertising. Preparation of invitation papers, assessment of returned applications and expression of interest and selection process conduct.
5. **Comparison Exercise** – Member visits to other relocated organisations to consider pros and cons of other offices and the relocation process itself. Survey of members to seek their views on what they would like the member area of new offices to contain and how it should function.
6. **Due Diligence** – South West Audit Partnership have submitted a proposal to provide independent due diligence on the project offering formal assessment as well as advice and guidance.
7. **Knowle costing** - Evaluation of running cost, environmental impact and predicted future capital outlay of the Knowle offices. Comparison to a new build alternative.
8. **Storage** – Evaluation of current storage practices and scale in Knowle. Project planning to address paper storage issues and preparation for a new information management regime at a new HQ building.
9. **Staff** – Various meetings with staff to continue to raise profile, inform, reassure and update on relocation matters. Further, more detailed work with staff will depend on confirming a specific site in Honiton.

#### Ongoing and Future Tasks

The following are some of the ongoing and future tasks of importance. Some of these continue to be resourced in the short term by our consultants and then handed on to the Relocation Manager once in post:

1. **Site surveys** – Commence priority site surveys to include Topography, Ecology and Economic Impact.
2. **Outline planning application** – Preparation and progress of outline planning application involving Sidmouth local consultation.
3. **Communications** – implementation of external communication strategy with particular focus on Sidmouth Town Council, stakeholder, business and resident engagement and press relations. Marketing of Knowle development opportunities.
4. **Relocation Management Recruitment** – Recruitment process underway and selection decision anticipated before March Cabinet meeting. Possible further

negotiation with preferred provider/candidate and formal feedback to framework participants required.

5. **Honiton Site review** – Increased detail for sequential testing of alternative Honiton sites with a view to deciding on priority options worth further investigation and negotiation.
6. **Exmouth Options** – further explore opportunities in Exmouth to deliver commitment to a continued significant presence in the town.
7. **Handover** – Ensure smooth passage of information and tasks from lead officers and consultants to newly appointed Relocation Manager.
8. **Member and Officer Engagement** - Working Party Arrangements and other activities including preparation of papers, presentations, site visits etc
9. **Staff communication** - Further information meetings with staff and space planning with departments to improve specification of new build parameters. Clarification of member space requirements, public area and other spaces alongside office uses.
10. **Information storage and ICT project** – Funding is approved for this project to underpin the efficient and cost effective operation of the Council in a new build HQ.

Current and future tasks detailed above are being delivered by our consultants and specific officers. The role of the consultant's will largely be taken on by the Relocation Manager in a short transition process that avoids the new postholder having to reinvent or duplicate tasks. Kensington Taylor has proved a flexible and professionally supportive resource in the interim before appointing relocation management. We originally commissioned them for a period up to the end of 2011 but have needed to retain their services to tackle additional tasks that have emerged during the initial phase of this project and to provide a mix of support activity pending a relocation Manager in place.

The contract with Kensington Taylor will cease once a short handover to the Relocation Manager is complete and we move onto the next key tasks of carrying out site surveys, preparing outline planning application, local consultation and bringing the Knowle to the market to satisfy ourselves of the value in this site.

### **Legal Implications**

The case for a waiver of the usual requirement for three written quotations has been set out in the report.

### **Financial Implications**

The funds will be drawn from the existing approved budget for initial relocation management costs of £200,000.

### **Background Papers**

None

Richard Cohen

Deputy Chief Executive

Cabinet

7 March 2012

## Agenda Item 20

Cabinet

7 March 2012

AP



### Personal Water Craft (PWC) use in Exmouth and the River Exe

#### Summary

The report outlines several options for the Council to assist with the user conflict at Shelly Beach, Belsher's Slipway and the use of Personal Water Crafts (Jet Skis).

The recommendations aim to form part of a strategy to help reduce poor behaviour but still maintain the number of people who visit Exmouth to use the water. This report forms the first stage of this strategy; by reducing the number of users at Belsher's Slipway during peak times, agreeing a common sense Code of Conduct for users to follow, supporting ways to enforce the Beach and Estuary byelaws, and investigating the use of Harbour View Slipway as a temporary alternative launching site while a long term solution is sought.

#### Recommendations

**That a structured trial use of 'Harbour View Slipway' in Exmouth for use by Personal Water Craft (Jet Ski) users be carried out and parking in the vicinity of the slipway be investigated. Findings to be reported back to Cabinet.**

**The Beach Safety Officer and key stakeholders investigate how launching could be improved from the Harbour View Slipway to encourage uptake by PWC users and to investigate ways of monitoring, registering and policing PWC users and slipway usage.**

**The 'Code of Conduct' be publicised and dispersed to local tourist information offices, holiday parks, water sports shops/chandleries and various publications including tide tables.**

**The Personal Water Craft area currently located off the beach near Orcombe Point, be moved to an area South East (seaward side) of Pole Sands to improve safety of other beach users and improve the uptake of use of the PWC area.**

**The Harbour Patrol Boat be supported through partnership working with Exeter City Council. Other options for its continuation be investigated and costed.**

**Further assistance, through officer time, be given to help set up a Personal Water Craft club, to add peer pressure to ski users and aid in dissemination of the Code of Conduct.**

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

Over the last fifteen years, PWC use along the district's coastline has increased, especially within the River Exe. With the increased use has come an increase in tensions between local residents and PWC users. Anti-social behaviour has also increased through misuse of the water by ski and boat users. The main area for tension is Shelly Beach and Belsher's Slipway.

The only realistic and practical way forward is to guide and educate users (including enforcement) to act correctly. This is achievable, as is demonstrated on many other local rivers. Without positive management of the current situation and alternative launch sites outright bans could prove difficult to enforce, may come up against legal challenges, and would not encourage visitors to Exmouth.

### **b) Alternative Options**

1. Not to support any of the recommendations and maintain the status quo.  
This option will probably lead to an increase in the number of incidents of anti-social behaviour and tension between beach / water users and residents as the number of users increase.
2. Agree the Code of Conduct only.  
This option would not encourage the uptake of the code of conduct because of the lack of interaction with users and enforcement options. The ski users would have little in the way of alternative launch sites, and so the high level of use at Belsher's would continue.
3. Agree to all recommendations but refuse the use of "Harbour View Slipway". This option would require better overall management and signage of Belsher's Slipway and Shelly Beach. This would also require financial input for signage and Officer time for monitoring and require all other recommendations to be implemented. However it would allow time for investigation into permanent solutions for launching.

### **c) Risk Considerations**

Local residents might not support the recommendations.  
The code of conduct and actions could prove inadequate in reducing the poor behaviour and anti social behaviour.  
The Council could be seen as discriminating against certain water sports groups.

### **d) Policy and Budgetary Considerations**

The cost of signage and other educational material can be found within existing budgets, and Officer time can be reallocated. No budget provision has been made for temporary or semi permanent matting at Harbour View slipway, nor for any maintenance, should this ultimately be approved. Alternative funding sources will be explored in the event of that proceeding. The cost of the trial temporary matting is minimal and can be found from existing budgets.

## **Positive Impact Overall**

Thriving Economy.  
Safe Environment.  
Excellent Customer Service.  
Inspirational Council.  
Meeting our crime and disorder duties.  
Providing more service at same cost.

### **e) Date for Review of Decision**

One year from the implementation of the decision

---

## 1 Main Body of the Report

### **1. Background**

- 1.1 All boat related activity has been on the increase across the District over the last fifteen years, with people having relatively easy access to a wide variety of water going craft.
- 1.2 An increase in the use of Shelly beach by boat and Personal Water Craft (PWC), (generally known as jet skis), users has started to cause conflict with other user groups and residents. This mainly stems from water users (especially PWC users) disobeying local byelaws and operating without consideration to others.
- 1.3 The slipways at Belsher's and the Imperial Recreation ground provide good access to the beach for launching both small and larger craft. They enable access into deep water without the safety issues that may affect launching from other slipways in the area, such as a strong currents or waves. Access via Belsher's slipway has been made more difficult for some users by recent works by the developer. This in turn has increased use of the Imperial Recreation Ground slipway to enable beach access to Belsher's and Shelly Beach.
- 1.4 Note: *that restricting the width of the slipway will not reduce the PWC use, as the craft are often the same width as a small boat or sailing dinghy and could increase the use by the smaller stand up type of PWC.*
- 1.5 After initial complaints from residents to the Council and the Exe Estuary Partnership, a meeting was held with the Exe Estuary Partnership, EDDC Beach Safety Officer, Exmouth Town Clerk and Exeter City Council River and Canal Officer to discuss a code of conduct. A second meeting took place, this time to allow local PWC users an opportunity to help shape the Code of Conduct. The code was then developed with the assistance of one local PWC user and using the Personal Water Craft Partnership (PWP) generic Code of Conduct as a starting point.

- 1.6 The code aims to provide key rules and guidance in operating a PWC safely, correctly and to assist in minimising the potential for public nuisance. See Appendix A.

The acceptance and application of this code would be helped by the formation of a PWC users club. It is proposed that some officer time be dedicated to help form such a club.

- 1.7 There are other potentially practical measures which may help to promote an interim solution. They should be seen as linked with the Code of Conduct and will give the best result when used together.

## 2. Alternative slipways

- 2.1 An alternative slipway would relieve saturation at Belsher's during peak times. The 'Harbour View Slipway' may not during certain wind and wave conditions be suitable, but during times of good sunny weather and little wind could be used by the majority of PWC users given safe and easy access. This would suit other users and residents, as it would be expected that peak times and good weather would normally see an increase in the numbers on site at Shelly Beach. It would provide a temporary alternative slipway while a more permanent long term solution was investigated.

- 2.2 The Harbour View Slipway has parking nearby which would make it easier for users when launching and recovering, however the sand is very soft in front of the slipway and waters edge. Some form of temporary or semi permanent matting would allow easier access to the water. This would also assist the Exmouth Rowing Club and RNLI lifeguards in gaining access to the foreshore with their vehicles and craft.

Whilst this form of matting would extremely useful in assisting launching of smaller craft from the slipway, the ongoing maintenance, through damage and repair, would need to be investigated, as would the longevity of any matting. Tidal movement, the strong current at that location and sand coverage would all have an influence on the matting maintenance costs. A rough estimate of the installation of a semi permanent modular matting would be around £10,000 plus around £8,100 annual maintenance. It is intended that if this solution provided viable, that alternative sources of funding and help with maintenance be sought

- 2.3 Before any decision is made on semi permanent solution is made a trial should be held with lighter weight rubber matting which may be sourced with minimal (if any) outlay. This would assist in giving an understanding of the forces at work and the requirements for maintenance.

### 3 Enforcement of Byelaws

- 3.1 Currently, East Devon District Council does not financially support the Exeter City Harbour Patrol Boat which enforces byelaws in the estuary and off the main beach. It does however give a day a month in expertise and time commitment from the Council's Beach Safety Officer. The Patrol Boat operates mainly at weekends and some evenings but has a voluntary crew.
- 3.2 It also supports the work of 'Fisheries Protection' and Natural England through information and intelligence gathering.
- 3.3 Consideration could be given to an increased level of partnership working with Exeter City Council, concerning the management of the River Exe. The District Council's Beach Safety Officer currently runs the Operational side of the Harbour Patrol Boat, using volunteers from local sailing and powerboat clubs. With a joined up approach the management and control of the water and launching points could be made easier and more importantly more effective.
- 3.4 It is suggested that a joined up approach to managing the Exe should be investigated and costed by the Beach Safety Officer. A report would then be submitted to the Cabinet with the findings of the investigation.

### 4 Moving PWC operational area

- 4.1 Currently there is a PWC launching and operational area towards the Eastern end of Exmouth Beach. Over the last ten years the PWC area has become dangerous because of sand movement with rocks having appeared in most of the launching area. Launching a PWC over soft sand across the beach also makes this area difficult, due to the new heavier generation of four stroke PWCs.
- 4.2 Moving the area away from the main beach would assist in several ways:
- Move fast moving craft away from swimmers (patrolling lifeguards have difficulty moving swimmers from the area)
  - Remove noise from the beach
  - Give a larger area for PWC users to utilise
  - Easier for Authorities to enforce and maintain

The main disadvantage would be the maintenance of the ski area buoys and potential for loss or damage in rougher conditions found further from shore and over the sand bank. Reviewing the number of buoys and increasing the size and weights would reduce the likelihood of increased loss during the summer season. The Beach Safety Officer should be tasked with looking at acceptable options for ski users within current budgetary limitations.

## Legal Implications

There are no legal implications requiring comment at the present time however Legal Services will provide advice should there be a decision to enforce new byelaws and/or a permit scheme for PW craft.

## Financial Implications

The financial implications are indicated in the report. As stated, there is no current budget available for the purchase and maintenance of matting which, if external funding couldn't be identified, would have to be met from the General Fund balance or savings from other budgets.

## Consultation on Reports to the Cabinet

-

## Background Papers

-

---

Andy Phillips Ext 2373  
Beach Safety Officer

Cabinet  
7 March 2012

## **PWC Code of Conduct**

*Stay Safe, Ride Responsibly*



### **DO**

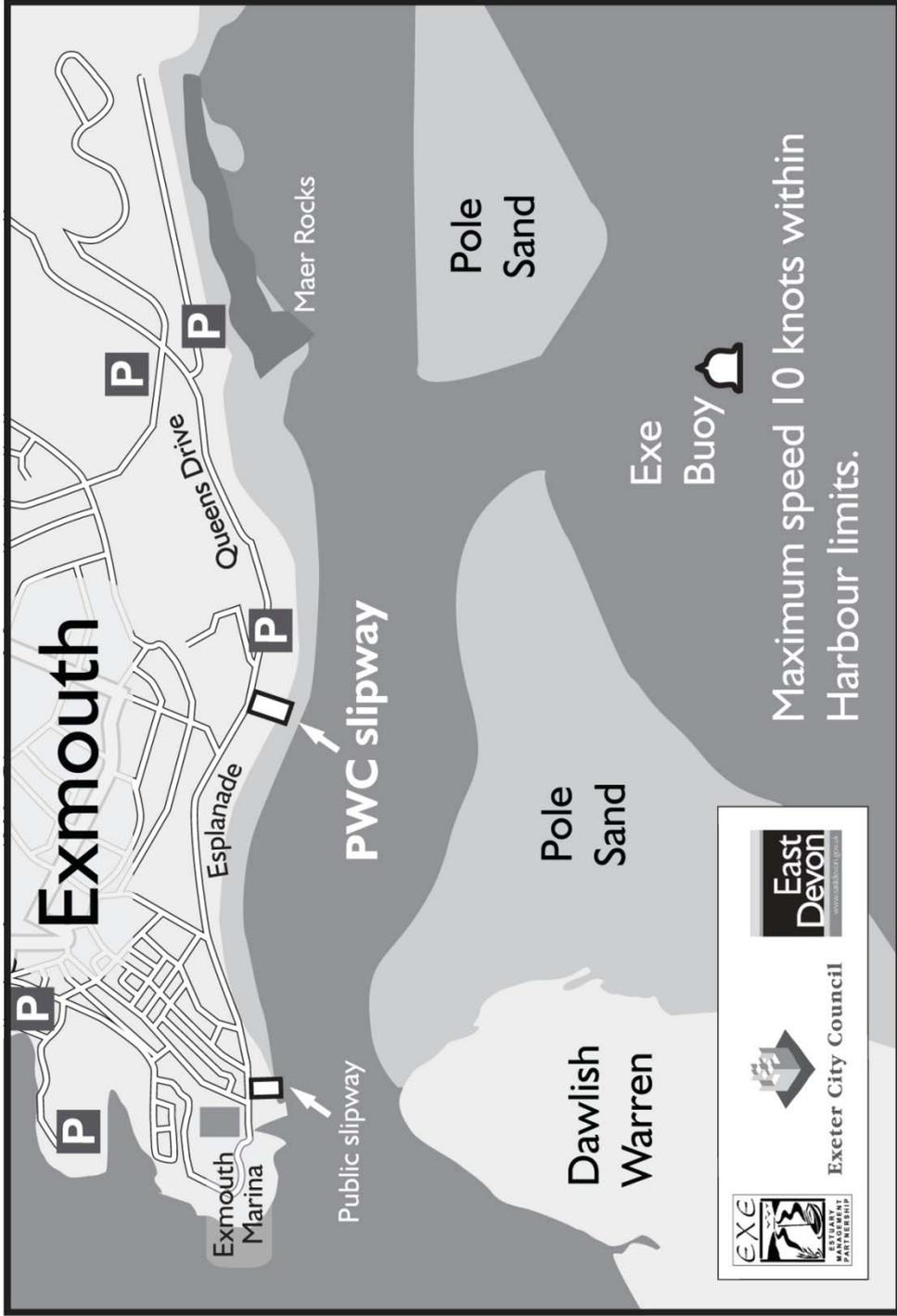
- Find out about the local byelaws
- Keep below 10 knots within the harbour limits (see map)
- Use the PWC area or go out to sea
- Only launch in designated areas (see map)
- Read and observe rules posted
- If in doubt about whether you can launch or ride in a particular area seek official advice before setting off
- Stay well away from bathing areas
- Stay away from the beach and only come ashore when recovering or within the PWC area
- Display your DATATAG ID number on your craft
- Carry the correct safety equipment on board
- Carry proof of third party insurance
- Stay away from areas where you may cause disturbance to wildlife, beach users or residents
- Get trained!

### **DON'T**

- Leave your vehicles on the beach
- Run your engine when out of the water
- Operate amongst the moorings
- Go up river from your launch point

**East Devon District Council**  
Tel: 01395 516551  
[www.eastdevon.gov.uk](http://www.eastdevon.gov.uk)





## Other Harbour Authorities Solutions



POOLE HARBOUR

### Personal Watercraft (PW's)

More commonly known as jet skis or water bikes, PWs are permitted to use the harbour waters with some restrictions. A PW permit - which is the equivalent of harbour dues for other recreational vessels, signifies the Harbour Master's written permission to operate within the harbour.

Application forms are available from the Harbour Office or can be downloaded [here](#). Daily, Weekly and Annual Charges apply.

Before a permit is issued, the applicant must undertake:

- that his craft is data tagged and the number is clearly visible
- not to let any person under 16 years of age ride his PW unless he is under the direct supervision of the permit holder, or holds the RYA Certificate of Proficiency for PWs
- to abide by the Harbour Master's directions.

There is a designated area for PWs to the north of Brownsea Island where they are exempt from the speed limit. They are prohibited from using the quiet area to the south of Brownsea Island. In all other areas of the harbour they are subject to the speed limit of 10 knots, which is strictly enforced.

PWs must not linger in the harbour entrance or the main shipping channels, and are not to "play the wake" of larger vessels. The recommended area for launching is Baiter Public Slipway where permits can be obtained. Permits may also be obtained from the Harbour Office and Poole Quay Boat Haven.

PWs are strongly advised to have proper insurance. If launching at Baiter Public Slipway, third party liability cover is a mandatory requirement of the Borough of Poole Council.

It is a byelaw offence to operate without a permit or without a registration number on display. Follow the Code of Safe Practice for PWs which is issued free with every permit.

Please note that the car park is locked at midnight.



**APPLICATION FORM**  
**PERMIT TO USE A PERSONAL WATERCRAFT (PW)**  
**IN POOLE HARBOUR**

**NAME:** \_\_\_\_\_ (Required)

**ADDRESS:** \_\_\_\_\_ (Required)

**TELEPHONE:** \_\_\_\_\_ (Required)

I apply for an ANNUAL (£90) permit to use my PW in Poole Harbour  Please tick one box

I apply for a WEEKLY (£25) permit to use my PW in Poole Harbour.

I apply for a DAILY (£7) permit to use my PW in Poole Harbour.

I have Third Party Insurance.  Please tick box (Required)

The Make and Model of my PW is: \_\_\_\_\_ (Required)

The registration number of my PW is: \_\_\_\_\_ (Required)

This number will be displayed clearly at all times. My AA, AB, AC, AD, AE etc. No. will be displayed on either side of my PW above the gunwale in at least 6cm letters, as supplied with my data tag kit.

I will not permit any person less than 16 years of age to use my craft unless that person is under my personal supervision or he/she is in possession of a recognised and appropriate RYA certificate.

I understand the Harbour Master's directions set out on the attached sheet and agree to abide by them.

I enclose my remittance of: £ \_\_\_\_\_  
(Cheques payable to Poole Harbour Commissioners)

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

*Please return the completed form to:*

Harbour Master  
Poole Harbour Commissioners  
Harbour Office, 20 New Quay Road, Poole, Dorset, BH15 4AF

Issued Permit No: \_\_\_\_\_

Receipt No: \_\_\_\_\_



RPW #

OWNER REF:

MARINE SERVICES – TORQUAY / PAIGNTON / BRIXHAM

PERSONAL WATERCRAFT REGISTRATION (PWC)

OWNER DETAILS (Must be over 18)

Name, Address, Postcode, Telephone, Mobile

PERSONAL WATERCRAFT DETAILS

Make, Model, Colour(s), Hull #, Data Tag #, Engine Size, Length

Personal Watercraft Registration Fee: (inc. VAT) £15.00
Cheque/Cash/Credit Card

Third Party Liability Insurance Cover: current cover
£.....

Declaration:

I agree to abide by the directions of the Harbour Master and to comply with the Tor Bay Harbour bye-laws.
I understand that my PWC falls under the definition of "Vessel" as categorised within the Tor Bay Harbour bye-laws.
I declare that I have taken out adequate Public Liability insurance cover for my PWC and I will ensure that such cover remains valid whenever my craft operates in Tor Bay Harbour.
I will not permit any person under the age of 18 to drive my PWC at any time whilst in Tor Bay Harbour limits including enclosed harbours, irrespective of any PWC/RYA certification.
My Torbay Council PWC registration plaque is not subject to transfer and I will promptly notify the Harbour Authority of any change of ownership.

Signature ..... Date .....

Harbour Masters Directions ~ All Personal Watercraft :-

- must be registered prior to operating in any enclosed harbour or anywhere within Tor Bay Harbour limits.
- must not be used within Water-Ski lanes unless engaging in Water Skiing and with compulsory spotter.
- are prohibited from entering Brixham Harbour other than:
- in an emergency or
- launching/recovering from a mother vessel berthed in Brixham Marina; or the Breakwater Slipway.
- must not linger in or operate across any Harbour entrance.
- are only permitted to launch from the authorised sites at Paignton, Brixham and Torquay Harbours.

The above rules are mandatory and transgression will result in further action and this may result in withdrawal of your launching consent and could lead to prosecution. The Harbour Authority wishes for all recreational users of the water to be able to operate their craft safely and to enjoy the waters of Tor Bay.



# TORQUAY

---

Tor Bay is one of the most popular venues in the UK for Personal Watercraft enthusiasts with its 22 miles of coastline to explore and easy striking distance to the three enclosed harbours of Torquay, Paignton and Brixham.

With the Teign Estuary and River Dart close to hand, Tor Bay's reputation as a Personal Watercraft 'friendly' resort must be spreading because numbers are significantly up on previous seasons.

The only official launch sites for Personal Watercraft within Tor Bay are the main slipways at Torquay Harbour, Paignton Harbour and Brixham Harbour. Please contact the relevant Harbour Office for specific instructions.

## Jet Ski Registration

To be able to use your PWC within Tor Bay Harbour you must first register it with the Harbour Authority, completing a simple form and signing acceptance of the Harbour Masters directions and declaration of adequate third party insurance. Complete and return to one of the three Harbour Offices. In return you will receive free safety advice and a safety pack, telling you where you can and can not ski in Tor Bay. You will also receive a registration sticker of which you will be required to put on your PWC somewhere visible. The sticker is also a means of recognising the PWC as the Police often contact us if they find the sticker on a PWC that has been stolen. We are then able to trace who the PWC belongs to.

Please note that within the confines of Tor Bay harbour (that's all 16 square miles) under 18's are strictly prohibited from 'driving' a personal watercraft, irrespective of qualifications.

## Harbour Masters Directions - All Personal Watercraft

- must be registered prior to operating in any enclosed harbour or anywhere within the Tor Bay Harbour limits.
- must have adequate public liability insurance.
- no under 18's to drive any PWC within Tor Bay Harbour.
- Must not be used within water ski lanes unless engaging in water skiing and with compulsory spotter.
- are prohibited from entering Brixham Harbour other than:
  - in an emergency or
  - launching/recovering from another vessel berthed in Brixham Marina; or the Breakwater Slipway.
- must not linger in or operate across any Harbour entrance.
- are only permitted to launch from the authorised sites at Paignton, Brixham and Torquay Harbours.
- to act safely and responsibly at all times.

## Registration

To register a personal watercraft please print and fill in the registration form below. This must then be handed personally to the relevant Harbour Office with proof of your RYA qualification if you intend to register for reduced PWC fees. All Personal Water Craft must be fully insured.

# Teignmouth:

---

## **Personal Watercraft & Water-Skiing**

**Be aware of the following restrictions that apply in the estuary:-**

- **Personal watercraft (jet-ski's) are prohibited in the estuary but may proceed from the public slipways of Gales Hill and Polly Steps directly to the sea between sunrise and sunset, subject to first obtaining a permit from either the Harbour Office, Dive Centre or Seasports (cost £10 per annum). A sample of the registration form and further detail can be found on the Information Directory.**
- **Water-skiing is prohibited in the estuary except in the designated area near Coombe Cellars which is subject to membership of the South Devon Watersports Club**

## Agenda Item 21

Cabinet

22 February 2012

Performance Information until January 2012



### Performance Monitoring Report until January 2012

#### Summary

Performance information for the 2011/12 financial year until January 2011 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 remedial action for performance measures for the 2011/12 financial year until January 2012.**

#### a) Reasons for Recommendation

This report demonstrates our progress in achieving targets set for relevant performance measures and highlights any areas of concern.

#### b) Alternative Options

None.

#### c) Risk Considerations

A failure to make satisfactory progress in addressing the areas of concern may lead to the Council being criticised by its customers, by inspectors in a future inspection and could also compromise the Council's reputation and budgets.

#### d) Policy and Budgetary Considerations

One of our corporate goals is 'Excellent services for our customers' and these performance reports help members understand whether we are improving services from our customers' point of view. Quarterly and monthly performance monitoring conforms with existing Council policy and the Council's current budget. However, any consequent improvement action could have policy and financial implications.

#### **Positive Impact Overall**

Excellent Customer Service.

Inspirational Council.

Providing more service at same cost.

#### e) Date for Review of Decision

Performance information is provided on a monthly basis.

## 1 Main Body of the Report

---

1. In summary all measures are showing satisfactory performance.
  2. A full report showing more detail for all the performance indicators mentioned above appears in Appendix A.
  3. Rolling reports/charts for Housing, Planning, StreetScene, Benefits and ICT appear in Appendix B.
  4. An explanation and definitions of these measures can be found in Appendix C.
- 

### Legal Implications

There are none arising from the recommendations in this report.

### Financial Implications

There are no direct financial implications.

### Consultation on Reports to the Cabinet

Relevant Heads and officers have contributed to the appendices.

### Background Papers

- Appendix A - The Performance Indicator monitoring report for the 2011/12 financial year until January 2011.
  - Appendix B - Rolling reports for Planning, Housing, StreetScene, Benefits and ICT
  - Appendix C - Explanations and definitions.
- 

Joanne Avery Ext 2332  
Management Information Officer

Cabinet  
15 February 2012

### **Exclusion of the Public**

The Vice-Chairman of the Committee 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(s) 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).”

