

Date: 19 November 2013  
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To: The Chairman and Members of the Cabinet  
(Councillors Paul Diviani -Leader, Andrew Moulding-  
Deputy Leader, Ray Bloxham, Iain Chubb, David Cox,  
Jill Elson, Stephanie Jones, Ian Thomas, Phil Twiss  
and Tom Wright.)  
Other Members of the Council for information  
Chief Executive  
Deputy Chief Executives  
Heads of Service  
Corporate Managers

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## **Cabinet - Wednesday 27 November 2013 - 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.
- The Chairman has the right and discretion to control questions to avoid disruption, repetition and to make best use of the meeting time. The Chairman is entitled to interrupt the speaker to ask for their question to be put.
- In addition, the public may speak on items listed on the agenda. After a report has been introduced, the Chairman will ask if any member of the public wishes to speak and/or ask questions.
- All individual contributions will be limited to a maximum 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.

Should anyone have any special needs or require any reasonable adjustments to assist them in making individual contributions, please contact Diana Vernon (contact details at top of page).

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

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

This meeting is being recorded for subsequent publication on the Council's website. Audio recording is permitted by press representatives and members of the public from the public area, subject to their notification to the Chairman prior to the start of the meeting of a wish to record all or part of that meeting. If you are exercising your right to speak during Public Question Time, but do not wish to be recorded, please inform the Chairman who will instruct those taking a recording to cease while you speak.

## 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.

### Pages

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| 2  | To confirm the minutes of the meeting of the Cabinet held on 30 October 2013 as a true record.  | 7-20  |
| 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. <ul style="list-style-type: none"><li>➤ 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; and</li><li>➤ If the matter is a key decision, and it has been impracticable to publicise it 28 clear days in advance [in the Forward Plan or otherwise] the Chairman of Overview and Scrutiny has been notified, with the reasons for the urgency being set out on the Council's website ; or</li><li>➤ If the matter is a key decision and a case of special urgency and cannot reasonably be deferred, the Chairman of Overview and Scrutiny has agreed that the item be considered [or if unable to act, the Chairman of the Council] with the reasons for urgency being set out on the Council's website.</li></ul> |       |
| 6  | To agree any items to be dealt with after the public (including the press) have been excluded. There are 4 items which Officers recommend should be dealt with in this way.   |       |
| 7  | To note the contents of the Forward Plan for Key Decisions for the period 1 December 2013 to 31 March 2014.   | 21-24 |
| 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 meeting of the Overview and Scrutiny Committee held on 24 October 2013  | 25-28 |
| 10 | To note or take appropriate action in respect of the minutes of the meeting of the Housing Review Board held on 7 November 2013   | 29-37 |

11	To note or take appropriate action in respect of the minutes of the meeting of the Recycling and Refuse Partnership Board held on 23 October 2013.		38-42
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**Part A Matters for Decision – Key Decisions**

12	Cranbrook – Community Governance Review Appendix A – feedback from public consultation Appendix A1 – letter from Rockbeare Parish Council Appendix A2 – letter from National Trust Appendix B – map showing proposed boundary Appendix C – timetable for review	Chief Executive	43-55
13	Members’ ‘paperlight’ project (considered by Budget Working Party)	Councillor Ray Bloxham	56-62
14	Car park management review	Environmental Health and Parking Manager	63-76

**Part A Matters for Decision**

15	Treasury Management 2013-14 – Half Year Performance Review	Head of Finance	77-82
16	Fees and Charges Task and Finish Forum -- Final report	Councillor Tim Wood	83-96
17	Local Welfare Support Scheme – progress	Housing Needs and Strategy Manager	97-100
18	Council Tax Discretionary Discount policy Appendix A – policy Appendix B – Equalities Impact Assessment	Revenues and Benefits Manager	101-110
19	Mamhead Slipway – Feasibility Funding	Principal Regeneration and Projects Manager	111-113
20	World Heritage Site Management Plan	Countryside and Leisure Manager	114-117
21	Complaints procedure and unreasonable customer behaviour policies  Appendix 1 – Complaints procedure Appendix 2 – procedure for unreasonable customer behaviour and vexatious requests	Corporate Organisational Development Manager	118-136
22	Public speaking at Committee meetings	Monitoring and Deputy Monitoring Officers/Democratic Services	137-141

23	Performance Monitoring Report until October 2013 <b>The Month tracking appendix for October is attached – other appendices summarising performance are provided as links under Background Papers in the reports</b>	Corporate Organisational Development Manager	142-144
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**Background Papers** – listed within Part A reports with links to the documents on-line.

**Private meeting: Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.**

Notice is given of intention to hold this part of the meeting in private as required by the Regulations. The statements of reasons for meeting to be held in private, details of any representations received why the meeting should be open to the public in response to the '28 clear days notice' already posted on the Council's website, and the Council's response to the representations, are set out against each agenda item below. Where it has been impracticable to comply with the private meeting notice procedures, the required agreement has been obtained from the relevant chairman or vice chairman that the meeting is urgent and cannot reasonably be deferred. Notice of this agreement, if relevant to this meeting, may be viewed on the council's website. The proper officer has excluded from public inspection the reports listed below because in his opinion they relates only to matters during which the meeting is likely to be a private meeting. The Local Government Act 1972 sets out the circumstances in which reports may be considered in private.

**The Vice Chairman to move the following:-**

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

**Part B Matter for Decision – Key Decision**

24	Dog Warden Service and Car Parks Cash Collection Service	<b>Reasons for consideration in Part B:</b>  1. Para 3 Schedule 12A) - information relating to the finance or business affairs of any particular person  2. The report includes details of costs, budget, and an assessment of both the external service provider option and the delivery using an in-house alternative.	Environmental Health and Parking Manager	145-152
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25	ICT Shared Services	<p>1. Para 3 Schedule 12A) - information relating to the finance or business affairs of any particular person</p> <p>2. The report includes details of possible options, and negotiations with potential business partners</p>	Corporate ICT Manager	153-161
26	Office accommodation – general progress report	<p>1. Para 3 Schedule 12A) - information relating to the finance or business affairs of any particular person</p> <p>2. The report includes details of the financial viability of a number of options and possible market interest in one of the listed options.</p>	Deputy Chief Executive – Strategic Development and Partnerships	162-167

**Part B Matter for Decision**

27	<p>Workshop Provision – Seaton</p> <p>Apps provided electronically: Appendix 1- TNRP review – Industrial Appendix 2a – Development Appraisal Appendix 2b– cash flow</p>	<p><b>Reasons for consideration in Part B:</b></p> <p>1. Para 3 Schedule 12A) - information relating to the finance or business affairs of any particular person</p> <p>2. The report includes details of development proposals and negotiation.</p>	Economic Development Manager	168-176
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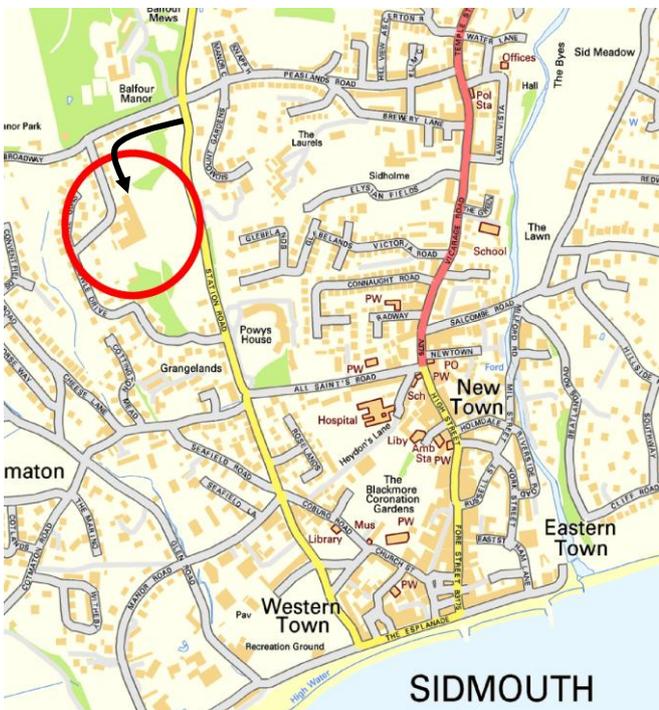
**Decision making and equality duties**

The Council will give due regard under the Equality Act 2010 to the equality impact of its decisions. An appropriate level of analysis of equality issues, assessment of equalities impact and any mitigation and/or monitoring of impact will be addressed in committee reports. Consultation on major policy changes will take place in line with any legal requirements and with what is appropriate and fair for the decisions being taken. Where there is a high or medium equalities impact, Members will be expected to give reasons for decisions which demonstrate they have addressed equality issues.

## Members and co-opted members remember!

- ❑ You must declare the nature of any disclosable pecuniary interests. [Under the Localism Act 2011, this means the interests of your spouse, or civil partner, a person with whom you are living with as husband and wife or a person with whom you are living as if you are civil partners]. You must also disclose any personal interest.
- ❑ You must disclose your interest in an item whenever it becomes apparent that you have an interest in the business being considered.  
Make sure you say what your interest is as this has to be included in the minutes. [For example, 'I have a disclosable pecuniary interest because this planning application is made by my husband's employer'.]
- ❑ If your interest is a disclosable pecuniary interest you cannot participate in the discussion, cannot vote and must leave the room unless you have obtained a dispensation from the Council's Monitoring Officer or Standards Committee.

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



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

**From Exeter – 52A, 52B**

**From Honiton – 52B**

**From Seaton – 52A**

**From Ottery St Mary – 379, 387**

Please check your local timetable for times.

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

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

**EAST DEVON DISTRICT COUNCIL**  
**Minutes of a Meeting of the Cabinet**  
**held in the Council Chamber, Knowle, Sidmouth**  
**on Wednesday, 30 October 2013**

**Present:**

**Councillors:**

Paul Diviani (Leader/Chairman)  
Ray Bloxham  
Iain Chubb  
David Cox  
Stephanie Jones  
Ian Thomas  
Phil Twiss  
Tom Wright

**Also**

**Present:**

**Councillors:**

David Atkins  
Peter Bowden  
Peter Burrows  
Geoff Chamberlain  
Maddy Chapman  
Deborah Custance Baker  
Christine Drew  
Martin Gammell  
Steve Gazzard  
Pat Graham

Tony Howard  
Douglas Hull  
Sheila Kerridge  
Frances Newth  
John O'Leary  
Helen Parr  
Geoff Pook  
Pauline Stott  
Brenda Taylor  
Tim Wood

**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  
Karen Jenkins, Corporate Organisational Development Manager  
Carol Austin, Communications and Promotions Officer  
Angela Blackwell, Gallery Curator  
Libby Jarrett, Revenues and Benefits Manager  
Charlie Plowden, Countryside & Leisure Manager  
Deborah Smith, Gallery and Shop Officer  
Lisa Timberlake, Development Surveyor  
Diana Vernon, Democratic Services Manager  
Hannah Whitfield, Democratic Services Officer

**Apologies**

**Cabinet: Councillor**

Iain Chubb  
Jill Elson  
Andrew Moulding (Vice Chair)

**Non Cabinet Members**

Mike Allen  
Bob Buxton  
Alan Dent  
Graham Godbeer

Steve Hall  
Peter Halse  
John Jeffery  
Mark Williamson  
Eileen Wragg  
Steve Wragg

The meeting started at 5.30 pm and ended at 7.20 pm.

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

The audio recording of the meeting failed for technical reasons.

**\*90 Public Questions**

The Leader welcomed Councillors and members of the public to the meeting.

A member of the public indicated his wish to speak at agenda item 16 – Rent Subsidy proposal for organisations within Regeneration Project Areas. The Leader, with the agreement of the Cabinet, advised that this item would be brought forward for consideration earlier in the agenda.

Councillor Cox gave Members a positive update on Science Park progress – project sign up had now taken place and build was due to start next year.

**\*91 Minutes**

The minutes of the meeting of the Cabinet held on 2 October 2013 were confirmed and signed as a true record.

**\*92 Declarations of interest**

Councillor/ Officer	Minute number	Type of interest	Nature of interest
Cllr Pat Graham	97	Personal	Councillor's husband was president of the Sea Cadets.

**\*93 Exclusion of the Public**

**RESOLVED:** that the classification given to the documents to be submitted to the Cabinet be confirmed there were 5 items which Officers recommended should be dealt with in Part B.

**\*94 Forward Plan**

Members noted the contents of the Forward Plan for Decisions for the period 1 November 2013 to 28 February 2014.

**\*95 Matters referred to the Cabinet**

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

**\*96 Overview and Scrutiny Committee - 26 September 2013**

Members received and noted the minutes of the meeting of the Overview and Scrutiny Committee held on 26 September 2013.

The recommendations of the Fees and Charges Task and Finish Forum (Overview and Scrutiny Minute 77) had been considered by the Cabinet at its last meeting. The recommendations would be taken into account during the budget setting process.

**RESOLVED 1 that the resolutions were noted**

**Minute 30** that the outcome of the Information Commissioner's investigation be awaited before the issue of pre-application advice was revisited.

**RESOLVED 2 that the following recommendation be approved**

**Minute 28** that consultation to establish what services are most important to the public be considered once existing research data has been analysed, and the value of discretionary services has been debated by the Budget Scrutiny TaFF and the Overview and Scrutiny Committee.

**\*97 Rent subsidy proposal for organisations within Regeneration Project areas**

Mr Peter Todd spoke on behalf of the Exmouth Rowing Club and the proposed move to the vacated RLNI building. The grant from Sport England to the Club, subject to conditions, would be used to refurbish the building. He said that the Club was run by volunteers and that it had just become a registered charity. He advised that the Club could afford to pay £2000 per annum but would not be able to commit to the lease if it was required to pay Market Rent in 5 years' time. He said that the Council would benefit from the Club's lease of the premises as it was a full repairing lease - the building was in need of refurbishment. He advised that the Club was not a commercial business but a not-for-profit organisation which served the community. He asked the Council to consider continuing with its rent subsidy beyond the first 5 years of the lease and link any increases with cost of living rises. Given this assurance, the Club would be able to enter into a lease agreement and make plans for its future.

Councillor Jill Elson had given her apologies for non-attendance but asked for her comments on this item to be read out. She wrote that the Exmouth Rowing Club had expressed its concerns in respect of the proposed rent increases from £2000 in year 1 to a possible £4000 in year 5 or the market rent as agreed by the District Valuer. She reminded Cabinet that the Rowing Club was a small club that was in need of improved facilities - a bid for funding from Sport England had been successful. Councillor Elson said that very gradual increases in rent each year for 5 years and beyond, subject to negotiated levels based on audited accounts, was a preferred way forward. She added that small local charities were struggling to survive in the present economic climate. She referred to the Club's involvement with the community and local schools.

The Leader advised that Councillor Moulding (Chairman of the Exmouth Regeneration Board), who was also absent from the meeting had expressed similar comments to those of Councillor Elson.

\*97 **Rent subsidy proposal for organisations within Regeneration Project areas (continued)**

During the subsequent discussion the following points were raised:

- The Club and its facilities were a community benefit
- The requirement to pay Market Rent after 5 years would put the Club's future at risk and the benefit to the wider community could be lost
- Consideration of rent levels should be considered by the Asset Management Forum with community benefits taken into account. The Forum could help create a clear and rational policy to reflect how the final rent and any subsidy (and the basis for this) had been calculated.
- The principle of market rent should be clearly understood by Members on those occasions where a subsidy was being sought – in order for Members to be able to make an informed decision. Market rent should be the default with a separate fund established by the Council to provide subsidies if deemed appropriate.
- The Exmouth Regeneration project had forced the Club's relocation but similar issues in respect of local clubs were district-wide and not limited to the regeneration areas.
- There was a degree of urgency to finalise the lease arrangements to enable the Club to apply for grants and funding.

- RESOLVED**
- (1) that compensation be agreed where a negative impact may occur due to relocation caused by the regeneration projects - a subsidy be considered to affected organisations to help pay the assessed Market Rent.
  - (2) that where a rental for new premises is greater than previous then a period of time not exceeding 5 years will be considered for a rental subsidy;
  - (3) that the Asset Management Forum be tasked to consider the wider issue of rental subsidies on EDDC premises within the Asset Management Strategy Review and return to Cabinet with a report and recommendations;
  - (4) that the Deputy Chief Executive - Development, Regeneration and Partnerships be authorised to negotiate an agreed rent subsidy arrangement in such circumstances, including the Exmouth Rowing Club's case, that does not exceed 5 years, at which point such arrangements will be reviewed.

**REASON**

The Council has a priority policy and practical commitment to invest resources in the regeneration of particular locations across the District for the wellbeing and economic benefit of residents, businesses and organisations. In certain instances these interventions will involve the displacement of businesses and organisations. In these instances rent subsidies to those affected tenants can be considered. The Council is not and should not be obliged to necessarily offer subsidies.

98

**Business Continuity – key decision**

Denise Lyon, Deputy Chief Executive, advised that the Council had agreed the wider Emergency Plan in April 2013. Members were now asked to approve the Council's approach to business continuity in the event of a major incident affecting the Council either directly or indirectly. The hierarchy of plans at Appendix A to the report explained the various roles, inter-dependencies and responsibilities across the organisation in the event of an emergency impacting on the Council's ability to deliver its services. Members' attention was drawn to the objectives within the Plan and to the continuity plans of specific key services – IT, Property Services and Home Safeguard.

**RECOMMENDED** that the Council's Business Continuity Plan be adopted and added to the Policy Register for review in two year's time.

**REASON** The Civil Contingencies Act 2004 gives councils the duty to continue to provide services whilst dealing with a major incident affecting the Council either directly or indirectly. The Council needs to have an up-to-date and risk based approach to Business Continuity Planning.

\*99

**Banking Arrangements – key decision**

The Head of Finance presented his report on the review of the Council's current banking arrangements. This report had already been considered and supported by the Budget Working Party. The report identified potential areas for cost savings/raising charges, notably in respect of counter payments (Girobank) and Edit (internet/phone payments). Payments by credit card were a significant cost to the Council for which it did not currently levy a charge. Members were advised that the majority of other Devon Authorities charged their customers (with exceptions) between 1% and 2% for payment by credit card.

The report also reviewed the provision of the Council's general banking facilities as the contract with Lloyds Bank was due for renewal. Independent benchmarking of this contract had been carried out by Focus on Banking and had proved that the current contract offered best value. Members were asked to agree to an exemption to contract standing orders so that the existing contract with Lloyds Bank could be extended for a further 3 years.

**RESOLVED**

- (1) that the Council's provider for counter payment services be changed to Procurement for Housing (PFH) under the framework agreement;
- (2) that a charge on credit card payments be levied at least equal to 1.5% of the amount paid, subject to the exceptions set out in the report;
- (3) that exemption from contract standing orders be agreed to enable the Council to continue with Lloyds Bank as its bankers for the next three years, for the reasons set out in the report.

**REASON** To achieve best value in provision of the Council's payment and banking facilities.

\*100 **Council Tax Reduction Scheme – update on Welfare Reform and Technical changes to Council Tax – key decision**

Members considered the report of the Revenues and Benefits Manager which complied with the requirement for the Council to consider whether to revise or replace its Council Tax Reduction Scheme. The report set out the proactive and effective work of the service which had supported working age customers affected by the Welfare Reforms. The impact of the Council Tax Reduction Scheme was being closely monitored and was evidenced in the equality impact assessment. This did not highlight any disproportionate impact on any groups within the protected characteristics and therefore rather than change the scheme following the remaining 6 months of the first year of its operation, Members were recommended to continue with the existing scheme for a further year.

The report also provided an update on:

- size restriction for social rented tenants, Benefit Cap and other welfare changes and
- technical changes to Council Tax.

The Head of Finance drew Members' attention to the Council Tax Support Grant which was passed to parish and town councils. It was anticipated that the level of this grant would be cut and the Head of Finance recommended levels of this grant made to parish and town councils should be reduced accordingly. The Council would advise local councils in writing of this anticipated reduction.

Councillor Tom Wright said that the acceptance of change to Council Tax arrangements by the public reflected well on the Revenues and Benefits Team and the proactive work that they had carried out to reduce the impact of the scheme; this was no small achievement.

- RESOLVED**
- (1) that the update on the impact of the Council Tax Reduction Scheme and other welfare changes be noted;
  - (2) that the Council Tax Support Scheme Policy (including the Exceptional Hardship Policy) be approved for 2014/15 – this was in line with the Council's existing scheme – with delegated authority being given to the Head of Finance in consultation with the Finance Portfolio Holder to make amendments to the policy document to take account of any typographical issues and any further changes in law, government guidance and/or policy;
  - (3) that the current level of discounts following the technical changes to council tax that have previously been approved by Council remain at the same level as outlined in the report;
  - (4) that the Council Tax Support Grant passed to parish and Town Councils be reduced in 2014/15 in line with this Council's Government Finance Settlement.

\*100 **Council Tax Reduction Scheme – update on Welfare Reform and Technical changes to Council Tax – key decision**

**REASON** The Council is required to consider the Council Tax Reduction Scheme by 31 January for the following year. On the basis that we are only half way through the first year of operation, it is still too early to measure the full customer and financial impact and therefore it was felt to be appropriate to continue with the existing scheme.

This was in line with other Devon Authorities.

\*101 **Revenues and Benefits e-Services**

The Head of Finance presented the business case for the purchase and implementation of e-Services software modules for the Council's existing Revenues and Benefits System.

The benefits of the software for the Council and its customers were set out in the report. These included providing greater choice and flexibility to customers and achieving costs and efficiency savings for the Council.

Costs involved would be repaid in just over 2 years through savings obtained in staff costs. The report and its recommendations had been considered and supported by the Budget Working Party.

- RESOLVED**
- (1) that the purchase and implementation of the e-Services software modules of the existing Revenues and Benefits IT System be approved – the capital budget requirement of £80,524 to be met from the Transformation Fund;
  - (2) that an exemption from Contract Standing Orders be agreed, for the reasons set out in the report, in order to purchase software modules from the existing Academy Revenues and Benefits software suppliers.

- REASONS**
- (1) The software will give customers greater choice in accessing one of the Council's main service areas and will generate financial savings for the Council.
  - (2) The Academy e-Services modules are written by Academy for the system used by the Council. To use an alternative package would mean that the Council would have to change the main business software. This would not be cost effective or practical.

102 **Playing pitch strategy update**

Members noted the joint report of the Planning Policy Officer and Countryside and Leisure Manager in respect of the production of an updated Playing Pitch Strategy. Members noted the reasons for the update and the benefits of producing a joint Strategy with Exeter. The work would be based on revised methodology provided by Sport England.

The work would require the appointment of specialist consultants through a tender process at an estimated cost of £10,000.

102 **Playing pitch strategy update (continued)**

- RECOMMENDED**
- (1) that progress so far on the production of an up-to-date Playing Pitch Strategy be noted;
  - (2) that the technical pitch assessments and data analysis work of the Playing Pitch Strategy be offered for competitive tender, with consultants being commissioned accordingly;
  - (3) that, Officers receive and assess tenders for undertaking the work before committing the commission of consultants, noting the limitations on the budget of the Planning Policy team and other services of the Council;
  - (4) that the emerging Public Health Plan for East Devon provide the strategic framework for developing wider sports and leisure provision within the District.

**REASONS**

A Playing Pitch Strategy is an important piece of evidence in requesting developer contributions, responding to planning applications and directing investment in sports pitches. Sports clubs also rely on its existence to be able to access funding from their governing bodies and Sport England. The current Playing Pitches Strategy is out of date and this is now causing problems in evidencing the above issues and for sports clubs. Encouraging an active, healthy population should be a key aim of the Council and the Public Health Plan will help to achieve this.

\*103 **Financial monitoring report 2013/14 Month 6 – August 2013**

Members considered the financial monitoring report which gave a summary of the Council's overall financial position for 2013/14 at the end of month 6 (30 September 2013). Current monitoring indicated that:

- The General Fund Balance was being maintained at or above the adopted level. The predicted balance was £0.288m above the Council's maximum adopted level of £3.6m but no decision on the surplus was required until the final position was known.
- The Housing Revenue Account (HRA) Balance will be maintained at or above the adopted level. The current balance was well above the recommended level and would be used to further invest in housing stock, to offset any adverse effects of the Welfare Reform and to ensure sufficient funds are available to make the first repayment of principal on the self-financing loans due in 2014/15. In addition £1.710m was held in a separate reserve.
- There was sufficient Capital Reserve to balance this year's Capital Programme. It is estimated that £2.409m will be available in the Reserve to support the programme from 2014/15 onwards.

\*103 **Financial monitoring report 2013/14 Month 6 – August 2013  
(continued)**

**RESOLVED** that the variances identified as part of the Revenue and Capital Monitoring process up to month 6 be acknowledged;

**REASON** 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.

104 **Neighbourhood Plans – proposed protocol and appointment of Officer**

Members considered the report of the Planning Policy Manager setting out a proposed protocol advising on the stages in Neighbourhood Plan production, the procedural steps with which a Plan producer and the Local Planning Authority will need to comply and the help which may be available from the District Council.

Members were also asked to consider use of some of the Government funding for the scheme to fund the appointment of a dedicated Neighbourhood Plans Officer to help process the number of Plans coming through and anticipated.

- RECOMMENDED**
- (1) that the proposed text of the Neighbourhood Planning Protocol contained at Annex A to the report, subject to correction of any minor typographical errors and insertion of any missing details, be endorsed;
  - (2) that delegated authority be given to the Head of Planning or the Planning Policy Manager to publicise;
    - (i) all applications for designations of Neighbourhood Areas and Neighbourhood Forums, and
    - (ii) submitted Neighbourhood Development Plan documents,

in accordance with the requirements of The Neighbourhood Planning (General) Regulations 2012;

- (3) that delegated authority be given to the Head of Planning or the Planning Policy Manager, in consultation with the legal department, to exercise the power to decline to consider, or refuse, any proposal where the proposal is not legally compliant and publish a notice to that effect giving reasons for the decision taken;
- (4) that, in the event of a 'no' vote in a single referendum or two 'no' votes where there are two referenda then the Head of Planning or the Planning Policy Manager be authorised to publish a notice to the effect that the proposal to make a neighbourhood plan has been unsuccessful;

104 **Neighbourhood Plans – proposed protocol and appointment of Officer (continued)**

- (5) that a Neighbourhood Planning Officer be appointed for a fixed term of two years at an annual salary of £25,000-£30,000.

**REASON** To establish an agreed process for managing Neighbourhood Plan production and to ensure the Planning Policy team at the Council has a staff resource for this work.

\*105 **Proposed designation of Luppitt and Stockland Neighbourhood Areas**

Members considered the report of the Senior Planning Officer in respect of proposals received to designate Luppitt and Stockland Parishes as Neighbourhood Areas. There had been no comments or objections arising from the six week consultation period.

**RESOLVED** that the following Parishes be designated as separate Neighbourhood Areas:

- Luppitt
- Stockland

**REASON** No objection had been raised to the designation and both complied with the requirements of the regulations.

106 **Exe Estuary Flood and Coastal Erosion Risk Management Strategy and Exmouth and Dawlish Beach Management**

Members considered the report of the Senior Engineer (Technical) setting out a request from the Environment Agency for partners to work together to develop a strategic framework for the future management of coastal erosion and coastal flood risk of the Exe Estuary. The Exe Estuary Flood and Coastal Erosion Risk Management Strategy had identified the need for flood defence and beach management works at Dawlish Warren. This work (which would benefit from Flood Defence Grant in Aid funding) was now being put in place by the Environment Agency and Teignbridge District Council; work would start on site by March 2015.

The Strategy also identified the need for beach management works at the Maer, Exmouth which would not qualify for Flood Defence Grant in Aid funding and would depend on third party funding to be secured by EDDC.

Members were advised that working jointly with partners on the Dawlish scheme could potentially deliver the beach management works at Exmouth. This would achieve significant capital savings. The first step would be to produce a beach management plan and undertake investigative works required.

Members spoke in support of a comprehensive scheme, the key issues to be addressed and the importance of active negotiation for a solution to benefit Exmouth equally as well as Dawlish.

106

## **Exe Estuary Flood and Coastal Erosion Risk Management Strategy and Exmouth and Dawlish Beach Management (continued)**

- RECOMMENDED**
- (1) that the Exe Estuary Flood & Coastal Erosion Risk Management Strategy as it applies to the coastal and estuarine areas of East Devon be adopted and the other recommendations contained within the Strategy be supported;
  - (2) that potential beach management works at Exmouth be included in the Dawlish scheme's appraisal and development stages with £75k being made available towards the Exmouth scheme's appraisal and development;
  - (3) that EDDC officers investigate potential sources of funding to support the possible future detailed design and construction stage of works at Exmouth.
- REASONS**
- (1) The Strategy will help promote partnership working on coastal erosion risk management solutions and realise the potentially significant cost saving that could be made by including Exmouth alongside the Dawlish Warren Beach Management scheme.
  - (2) To promote a sustainable programme for replacement of inter-tidal habitats and comply with mandatory and statutory obligations including the Water Framework Directive.

\*107

## **Imperial Recreation Ground Landfill Scheme – overspend on Capital Budget**

Members considered the report of the Senior Engineer (Technical) which advised of a budget overspend of £185k on the Imperial Recreational Ground Landfill Scheme which was nearing completion. The report set out the main reasons for this technical overspend and the need to repair the site to a good standard.

**RESOLVED** that the £185k overspend on the Capital Budget for the Imperial Recreation Ground Landfill Scheme be noted - this puts the total over the revised budget of £750k, but still inside the original budget of £1.15m

**REASON** In order to complete the contract works to provide a safe amenity area for the public for another 50 years.

## 108 **Thelma Hulbert Gallery (THG) progress report**

Councillor John O’Leary, Culture Member Champion and Chairman of the Arts and Culture Forum said that the Gallery and arts offer supported the Council’s commitment to culture, its communities and health and well being. The full review of provision and operations aimed to see where improvements could be made; key changes had already been implemented as a result. He was optimistic that footfall and income would continue to increase. He referred to the positive work carried out with schools and the community and particularly with disadvantaged groups. He referred to the valued work of the Forum which had identified support for arts and culture across the district and its advantage to the local economy. He thanked the Forum, Gallery Volunteers and Staff for their important contribution.

In presenting the progress report the Countryside and Leisure Manager highlighted improvements made and actions progressed. Changes included a review of the Gallery’s offer, business model and staff structure. The changes had taken time to plan and implement and in reality had only been in place for a few months. However the changes to operations were significant and indicated a clear upward trend in respect of footfall and increased income. The report referred to the contribution the Gallery made to the Council Plan, equalities agenda and the emerging Health and Wellbeing requirements which Members were asked not to underestimate.

Steps taken to increase footfall and income included:

- Changes to the Gallery shop
- Review of the roles and responsibilities of all the Gallery Staff.
- Recruitment of a Fundraising/Marketing Officer
- Internal audit and systems thinking review of Gallery operating procedures.
- Working with a business consultant (paid for by an Arts Council grant) to develop a realistic business plan and marketing strategy.
- Developing the Friends of the THG initiative
- The effective contribution of the Arts and Culture Forum – set up by Cabinet to oversee strategic improvements and promote the wider arts and culture within East Devon.

Details of the Gallery’s financial performance included within the report showed an encouraging trend of improvement, although from a low base. In addition to increased shop sales and visitor footfall, the Marketing and Fundraising Officer was starting to bring in sponsorship for forthcoming exhibitions and funds from the Arts Council - the Gallery was held in high esteem by the Arts Council.

Proposed next steps included developing the cafe area with a potential partner, improving gallery signage and access and exploring the possibility of a Trust arrangement which could open new funding streams available to charitable trusts.

Members debated the benefits of the Gallery, the burden on the Council’s budget and how this might be addressed and district-wide arts support and provision. Members discussed whether the Council should continue to support the Gallery and whether that support should be time limited.

108 **Thelma Hulbert Gallery (THG) progress report (continued)**

There was potential for the Gallery to be run as a Trust which would open up new opportunities for grants and funding. If this potential was to be realistically progressed, the Gallery needed to continue as a going concern.

- RESOLVED**
- (1) that the progress and improvements made by the Thelma Hulbert Gallery be noted;
  - (2) that the national recognition and awards for the THG's achievements in community engagement and education be welcomed;
  - (3) that the proposal to use the existing budget to appoint permanently to the Marketing/Fundraising Officer post be approved to maximise the Gallery's ability to fundraise and increase footfall (and potential visitor spend);
  - (4) that the existing corporate arts and culture budget be used to appoint a part time Arts Development Officer to deliver a coherent Arts and Culture Strategy for the District.

- RECOMMENDED**
- (1) that, it be noted that when available, the Arts Council funded business report will be referred to Cabinet for detailed consideration and used as appropriate to progress preparation of the Gallery for Trust status which the Cabinet approved in principle and as a priority.

- REASONS**
- (1) Cabinet had requested an update report to enable it to assess progress made in reviewing the operational performance of the Thelma Hulbert Gallery. This would inform the Council's 2014/15 budget deliberations.
  - (2) An effective Trust arrangement could allow the Gallery to access grants and funding not currently available and reduce the financial burden on the Council.

\*109 **Performance Management report September 2013**

Members considered the report of the Corporate Organisational Development Manager setting out performance information for the 2013/14 financial year for September 2013.

Members noted the ongoing improvement to the one indicator which continued to show concern, namely: Days taken to process Housing Benefit/Council Tax Benefit new claims and change events.

- RESOLVED**
- that the progress and proposed improvement action for performance measures for the 2013/14 financial year for September 2013 be noted.

**\*109 Performance Management report September 2013 (continued)**

**REASON** The monthly monitoring was to highlight performance and help identify any trends. Additional information to support this monitoring was provided on line – SPAR performance indicators and systems thinking measures in key service areas – Streetscene, Housing, Development Management and Revenues and Benefits.

**\*110 Exclusion of the Public**

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

**\*111 Closure of Cash Office at Knowle – Key Decision**

The Head of Finance presented the report recommending that, as a result of changes in customer demand, the operational difficulties of maintaining this facility and the need to find financial savings, the Council will no longer operate a cash office at Knowle. The report and its recommendations had been considered and supported by the Budget Working Party. Members noted the Equality Impact Assessment which had been included with the agenda papers.

**RESOLVED** that the Council no longer operates a cash office facility at the Knowle.

**REASON** Customer payment preferences have changed to automated process and the need to maintain a cash office is considered unnecessary, particularly when other issues considered in the report are taken into account.

Chairman .....

Date .....

## EAST DEVON DISTRICT COUNCIL

### Forward Plan of Key Decisions - For the 4 month period 1 November 2013 to 28 February 2014

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

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

Key Decision	List of documents to be submitted to Cabinet [so far as known at present]. Other documents may be submitted to the Cabinet in addition.	Lead Member	Lead/reporting Officer	Proposed Consultation and meeting dates (Committees, principal groups and organisations) <i>Members of the public are given the opportunity to speak at meetings unless shown in italics.</i>	Operative Date for decision (if no call-in)	Part A = Public meeting  Part B [private meeting] (and reasons)
1	Information Management Strategy	<b>Corporate Services Portfolio Holder</b>	Corporate ICT Manager	Information Management Group Cabinet 2 April 2014 Council 9 April 2014	10 April 2014	Part A
2	Refresh of Asset Management Plan	Finance Portfolio Holder	Principal Estates Surveyor	Cabinet 8 January 2014	16 January 2014	Part A
3	Honiton Community Centre	Economy Portfolio Holder	Deputy Chief Executive <b>(RC)</b>	Cabinet 8 January 2014	16 January 2014	Part A
4	Civil Parking Enforcement Arrangements with DCC	Environment Portfolio Holder	Environmental Health & Parking Services Manager	Cabinet 27 November 2013	5 December 2013	Part A
5	Shared IT Services	Corporate Services Portfolio Holder	Corporate IT Manager	Cabinet 27 November 2013 Council 4 December 2013	5 December 2013	Part A

Key Decision		List of documents to be submitted to Cabinet [so far as known at present]. Other documents may be submitted to the Cabinet in addition.	Lead Member	Lead/reporting Officer	Proposed Consultation and meeting dates (Committees, principal groups and organisations) Members of the public are given the opportunity to speak at meetings unless shown in italics.	Operative Date for decision (if no call-in)	Part A = Public meeting  Part B [private meeting] (and reasons)
6	European Transition funding		Finance Portfolio Holder	Deputy Chief Executive (RC)	Cabinet 8 January 2014	16 January 2014	Part A
8	Reports of budget working Party (series of reports)		Finance Portfolio Holder	Head of Finance	Cabinet 27 November 2013	5 December 2013	Part A
7	Review of Car Parking Services – Summer Trial		Environment Portfolio Holder	Environmental Health and Parking Services Manager	Cabinet 27 November 2013	5 December 2013	Part A
8	Consideration of Stage 2 of the Cranbrook electoral review		Portfolio Holder Strategic Development and Partnership	Chief Executive	Cabinet 27 November 2013	5 December 2013	Part A
	<b>Other decisions to be taken in Part B</b>	Exmouth Regeneration Action Notes following regular meetings	Portfolio Holder Strategic Development and Partnership	Deputy Chief Executive (RC)	Cabinet meetings following production of Action Notes		Part B [if commercially sensitive]
		Seaton Regeneration Action Notes following regular meetings	Portfolio Holder Economy	Deputy Chief Executive (RC)	Cabinet meetings following production of Action Notes		Part B [if commercially sensitive]

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

Future Key Decision		Lead Member	Lead Officer	Consultation and meeting dates (Committees, principal groups and organisations) To be confirmed	Operative Date for decision  To be confirmed
1	Integrated waste Strategy for Devon	Environment Portfolio Holder	Head of Environment	Initial work has been undertaken on an outline business case which was completed in early 2013. The Members felt that there was insufficient information at that stage to proceed to a detailed business case so have employed Eunomia to undertake a study to establish the case for moving to a final business case in early 2014. Once the study is underway we will know a date for the first decision point of if we wish to go forward with the full business case.'	
2	Specific CIL Governance Issues	Strategic Development and Partnership Portfolio Holder	Deputy Chief Executive ( <b>RC</b> )		

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

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

In accordance with section 38 of the Local Government Act 2000, up-dated by the Local Authorities (Executive Arrangements)(Meetings and access to Information)(England) Regulations 2012 in determining the meaning of "significant" in (a) and (b) above regard shall be had to any guidance for

the time being issued by the Secretary of State in accordance with Section 9Q of the 2000 Act (guidance).. The Cabinet may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of the Constitution and the Regulations. A minute of each key decision is published within 2 days of it having been made. This is available for public inspection on the Council's website <http://www.eastdevon.gov.uk>, and at the Council Offices, Knowle, Sidmouth, Devon. The law and the Council's constitution provide for urgent key decisions to be made without 28 clear days notice of the proposed decisions having been published . A decision notice will be published for these in exactly the same way.

### **Obtaining documents**

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

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

14 November 2013

**EAST DEVON DISTRICT COUNCIL**  
**Minutes of a Meeting of the**  
**Overview and Scrutiny Committee held**  
**at Knowle, Sidmouth on 24 October 2013**

- Present:** Tim Wood (Chairman)  
David Chapman (Acting Vice  
Chairman)
- Mike Allen  
Peter Bowden  
Maddy Chapman  
Deborah Custance Baker  
Roger Giles
- Sheila Kerridge  
Frances Newth  
Claire Wright
- Officers:**  
Andrew Ennis, Environmental Health and Parking Services Manager  
John Golding, Head of Housing  
Charlie Plowden, Countryside and Leisure Manager  
Giles Salter, Solicitor  
Debbie Meakin, Democratic Services Officer
- Also Present** **Councillors:**  
Ray Bloxham  
Peter Sullivan  
David Atkins  
Pauline Stott  
David Cox
- Iain Chubb  
Tom Wright  
Graham Godbeer  
Paul Diviani  
Phil Twiss
- Apologies:** **Committee Members:**  
Derek Button  
Vivien Duval Steer  
Graham Troman  
David Key  
John O'Leary  
Brenda Taylor  
Chris Wale  
Steve Wragg
- Stephanie Jones  
Andrew Moulding

The meeting started at 6:30pm and ended at 8.35pm.

- \*33 **Public Question Time**  
The Chairman welcomed Councillors to the meeting. There were no public questions at this point of the meeting.
- \*34 **Minutes**  
The minutes of the meeting of the Overview and Scrutiny Committee held on 26 September 2013 were confirmed and signed as a true record. A copy of a letter sent by the Chairman of Overview and Scrutiny to the Secretary Of State For Communities And Local Government on the subject of government funding restrictions would be circulated.

\*35 **Environment Portfolio Holder Update**

The Chairman welcomed Councillor Iain Chubb, Portfolio Holder for Environment, to update the Committee on aspects of his portfolio. Due to the wide extent of the portfolio, the update and discussion centred on the following areas:

- Public health services
- Countryside and leisure
- Arts Development
- Crime and Disorder
- Licensing
- Car Parks

**Public Health Services**

Councillor Chubb outlined the work of the Environmental Health Team, who work closely with many sections of the Council including housing, licensing, and planning. They also work with external bodies, including the carrying out of neighbourhood assessments. He also spoke on the function of the Commercial Team, who cover food safety control, health and safety at work, and statutory registration and licensing processes.

In response to a question relating to air quality in Honiton, Andrew Ennis, Environmental Health and Parking Services Manager, advised that an action plan was being developed for publication in 2014.

In response to a question on the discretionary elements of the service, the value of the Neighbourhood Assessments in cost to undertake was very small, but yielded huge benefits, including close working with other agencies to resolve local issues.

**Countryside and Leisure Services**

Core work of this service covered:

- Local Nature Reserve management (12 in total)
- Environmental education working with local schools
- Trees
- South West Coast Path management
- Public engagement and events programme
- Volunteer engagement – including the volunteer network, Tree Warden scheme, and Junior Rangers
- Axe Wetlands and Water Vole Recovery projects

In response to a question on CIL funding, Charlie Plowden, Countryside and Leisure Manager, was hopeful that the service would benefit from open space contributions. He advised the Members that a new post of Green Infrastructure Project Manager was in place.

The Committee recognised that the service was discretionary. Because of the reduction in budget over the past few years, the service had been continually developing income streams to add to the funding awards, including introducing charges for public events that had previously been free. Surveys are undertaken on a regular basis to evaluate the public awareness of environmental issues in the area and the service continues to attract funding.

**\*35 Environment Portfolio Holder Update (continued)****Arts Development**

This area covered the Manor Pavilion and the Thelma Hulbert Gallery. A number of operational improvements had been made to the Pavilion and the new summer season had proved very popular, increasing income. The Gallery was due to discussion in depth at the next Cabinet meeting but the Portfolio Holder reported an increase in income, with a positive response to the new retail area and wider price range in goods available. Next steps were to further develop the business plan for the Gallery, and review the options for a private sector partner for the cafe.

Members praised the work put into both locations. The Deputy Portfolio Holder encouraged Members to come to Cabinet for the debate on the Gallery the following week.

**Crime and Disorder**

Members were reminded of the work of the Community Safety and Anti-social Behaviour Coordinator, and the close work with Mid Devon District Council. The Portfolio Holder reminded the Committee of Domestic Abuse Awareness week, which commenced on the 25 November.

**Licensing**

Environmental Health teams work closely with the Licensing team, providing front line inspections and investigations that ensure appropriate safety and welfare standards are maintained in a range of licensed premises.

**Car Parks**

The Committee were reminded of the large proportion of revenue that comes from the Council's car parks. The Portfolio Holder was keen to stress that the service strived to maintain a balance between the availability and price of car parking and the success of the District's town centres. He outlined some of the results of the pricing trials that commenced for a six-month period starting in April of this year. Trial car park income was down compared to those parking areas on the existing pricing tariff. Half price offers had not changed customer behaviour to stay longer. The good weather over the summer had benefited the car park income, particularly for the coastal car parks.

Members raised issues relating to car parks, including:

- Campervan parking at Exmouth seafront. The Portfolio Holder reminded Members that this area was of the responsibility of the County Council, but did explain that research was going into the viability of offering suitably sized parking bays in the Maer and other areas, subject to some restriction to avoid impacting on local camp sites;
- Differing opinions on the general knowledge of the trial tariffs. Signs had been in place in each car park involved in the trial;
- Consider free parking from 3pm onwards for Exmouth car parks to encourage use of the local shops on Mondays and Fridays;
- Parking spaces in Sidmouth were too valuable to be used for market stalls; however, Manor could be utilised differently to provide an income.

The Portfolio Holder welcomed any suggestions from Ward Members for ideas for the car parks in their Ward, encouraging them to e-mail him as soon as possible.

**\*35 Environment Portfolio Holder Update (continued)**

The Chairman, on behalf of the Committee, thanked the Portfolio Holder, his Deputy, and the officers of the related services for their valued work.

**\*36 Notes from Budget Task and Finish Forum**

The notes from the Budget Scrutiny Task and Finish Forum of 17 October 2013 were noted.

**\*37 Committee Timetable review**

The Chairman presented a paper outlining some options for committee timing, to avoid the sometimes long delay between minutes of a committee being put before a full Council meeting. Options included a six-week cycle for full Council but it was not clear how this would impact on the work of the Cabinet, who took the majority of decisions outside of the statutory elements of planning and licensing. Another option was an eight-week cycle for full Council. Research into neighbouring authorities had revealed a number of variations, with no obvious clear model to consider.

The Portfolio Holder for Corporate Business offered his help in developing alternative timetables as part of his current work.

The Committee agreed that alternative timetables should be pursued further, and reported back for future debate.

**\*38 Forward Plan**

A further request was made to bring forward the item on office relocation. Officer availability and progression of work on the topic was an issue that would prevent the item coming before the Committee prior to the agreed date in January.

The delay in the Business TaFF was also raised, with a request for the research with the local businesses to be progressed despite the TaFF not meeting.

Following discussion at the previous full Council on Trees, the Committee agreed that a Forum be set up with scope to be determined and agreed. Officer resource would be an issue both in providing experts and administrative support and Forum could not be progressed until the spring of 2014. Volunteers at the meeting for this Forum were Councillor Claire Wright and Councillor Roger Giles.

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

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a meeting of the Housing Review Board held at Knowle, Sidmouth on 7 November 2013**

**Present:**

Councillors:

Pauline Stott (Chairman)  
Susie Bond  
Douglas Hull  
Jim Knight

Co-opted Tenant Members:

Sue Saunders (Vice Chairman)  
Mike Berridge  
Victor Kemp

Officers:

Sue Bewes, Landlord Services Manager  
Dennis Boobier, Housing Needs and Strategy Manager  
Emma Charlton, Housing Projects Officer  
James De Leburne, Senior Graphic Designer  
Amy Gilbert, Housing Support Services Manager  
John Golding, Head of Housing  
Paul Lowe, Housing Enabling Officer  
Jane Reading, Tenant & Communities Section Leader  
Giles Salter, Solicitor  
Alethea Thompson, Democratic Services Officer

**Also Present:**

Councillors:

Paul Diviani – Leader  
Christine Drew  
Stephanie Jones – Deputy Portfolio Holder for Sustainable Homes and Communities  
Phil Twiss – Portfolio Holder for Corporate Services

Tenants:

Eric Howard – Tenant Scrutiny Panel  
Jose Ireland – Tenant Scrutiny Panel  
Sylvia Martin – Tenant Scrutiny Panel  
Roger Pell – Tenant Scrutiny Panel

**Apologies**

Councillors:

Peter Sullivan (Board member)  
Jill Elson - Portfolio Holder for Sustainable Homes and Communities  
Deborah Custance Baker  
Steve Gazzard  
Andrew Moulding

Tenant:

John Powley

**Apologies  
(cont'd)**

Co-opted Independent Community Representatives:  
Julie Adkin  
Rob Finch

The meeting started at 6.00pm and ended at 8.10pm.

**\*32 Public question time**

There were no questions raised by members of the public.

The Chairman welcomed everyone present to the meeting. She especially welcomed new tenant member Mike Berridge to his first meeting of the Housing Review Board and to the members of the Tenant Scrutiny Panel who were in attendance.

**\*33 Minutes**

The minutes of the meeting of the Housing Review Board held on 5 September 2013, were confirmed and signed as a true record.

Councillor Knight withdrew his request to further investigate car parking at Bucknall Close, Branscombe (minute 25, recommendation 3, 05.09.13 refers).

**\*34 Declarations of interest**

<b>Board Member</b>	<b>Minute number</b>	<b>Type of interest</b>	<b>Nature of interest</b>
Sue Saunders		Personal	Sheltered housing tenant.
Douglas Hull		Personal	Sister lives in a Council owned property.
Jim Knight		Personal	Daughter lives in a Council owned property.
Mike Berridge		Personal	Family member lives in a Council owned property.

**\*35 Urgent item**

The Chairman agreed for the Head of Housing to report to the Board in Part B of the meeting on anti social behaviour issues that had occurred at a block of Council owned flats.

**\*36 Exempt Information**

**RESOLVED:** that the classification given to the documents to be submitted to the Housing Review Board be confirmed. There were two items which Officers recommended should be dealt with in Part B.

**\*37 Housing Review Board forward plan**

The Head of Housing presented the forward plan.

It was noted that a new report template had been used for the agendas and feedback from the Board was requested.

The Chairman reported that Devon County Council's (DCC) Leader had assured her that the County Council would be considering Danby House and Exe Bank after April 2014.

**RESOLVED:** that the forward plan be noted.

**38 Home Safeguard rebranding exercise**

The Board received a presentation from the Senior Graphic Designer and the Housing Support Services Manager on proposals for a new Home Safeguard logo. The logo would be linked directly to a revised Home Safeguard marketing strategy that was currently being produced and would set out the service aspirations over the next five years. The Board were invited to comment on the new logo proposals and the Senior Graphic Designer expressed his appreciation for the Board's input.

The Housing Support Services Manager was pleased to report to the Board that Home Safeguard had recently undergone a Telecare Services Association (TSA) inspection, which it had passed with no improvement notices.

**RECOMMENDED:** that a new Home Safeguard logo be approved, in order to better reflect what the service delivers.

**39 Voids management – response to the Tenant Scrutiny Panel report**

The Board had received a presentation and report from the Tenant Scrutiny Panel (TSP) at its last meeting (5 September 2013) on its review of the voids process. The report made a number of recommendations and the Housing Needs and Strategy Manager's report set out a response to this.

The Housing Needs and Strategy Manager's report provided a response to all the recommendations made by the TSP. It was suggested that the Board considered the report and the recommendations before any revisions were made to the void procedure.

The report considered the three key recommendations from the TSP report, and suggested that a tenant and member led group be set up to review the void/lettable standard. This group could include representatives from those who had recently become tenants and a survey of new tenants could inform the review. The group could also consider the written information given to tenants on the work to be carried out on their new home, and the standard they could expect the property to be in at the start of their tenancy.

## 39 **Voids management – response to the Tenant Scrutiny Panel report (cont')**

The Housing Needs and Strategy Manager stressed the need to limit the proposed Task and Finish Forum (TaFF) to the particular function of the void standard, rather than considering the void procedure itself, as this had been the subject of a Systems Thinking Review. Members were invited to put their names forward for the TaFF and the following names were noted:

- Tenant Mike Berridge
- Councillor Susie Bond
- Tenant Victor Kemp
- Councillor Jim Knight
- Councillor Pauline Stott

The third key TSP recommendation was that tenants should be given choice over dates and times of viewings. The opportunity to view a property was already part of the void procedure. Potential tenants were offered accompanied viewings at three different time slots over two days. The limiting factor was the capacity of the contractor and the Void and Allocation Officer. The purpose of an accompanied viewing was to allow the potential new tenant to view the property and decide whether to accept the offer of housing; and to allow the technical staff and contractor to decide what essential work needed doing, and how quickly the property could be relet. The time slots offered represented a compromise between giving tenants a choice of viewing times and the need to relet a void property as quickly as possible.

The cost of void works was noted, including the number of elements of repair works. On average there were 250 voids per year and the average cost of void works was £7,750. In addition there was rent loss due to voids. It was feared that there could be a significant increase in void costs as a result of implementation of the TSP recommendations. However, until the lettable standard had been reviewed and any additional works identified, it was not possible to estimate all the additional costs to void works.

The Chairman thanked the Tenant Scrutiny Panel for their hard work in reviewing the voids process and for attending the meeting.

- RECOMMENDED:**
- 1 that a Task and Finish Forum be set up to review the void/lettable standard.
  - 2 that the current arrangements relating to the dates and times of viewings offered to potential tenants of void properties be continued.
  - 3 that the officer's response to the recommendations made by the Tenant Scrutiny Panel, contained in Annex A to the report, be agreed.

#### 40 **Devon Home Choice – policy update**

The Housing Needs and Strategy Manager's report updated the Board on the changes to the Devon Home Choice (DHC) policy. DHC was the Council's adopted housing allocations policy. The DHC Board undertook a review of the allocations policy used across Devon to prioritise housing applications and to let social housing. The result of the review was that a number of changes to the policy were being implemented from October 2013. The key changes were outlined in the report, with the main one being the change in age that people (of the same sex) were assessed as needing their own room from 21 back to 16.

**RECOMMENDED:** that the changes to the Home Choice Policy be endorsed.

#### 41 **Downsizing policy review – options for change**

A review of the Council's downsizing policy had been carried out and the Housing Needs and Strategy Manager's report presented options for consideration following an increased demand for downsizing due to the spare room subsidy rules (bedroom tax). The report proposed at this stage to continue to provide financial incentives to encourage tenants to downsize.

The report included a comparative table showing the key factors/financial incentives provided by East Devon Homes and other landlords in Devon and elsewhere in the country. The incentives offered varied, with some landlords offering no incentive at all.

Since April 2013 20 transfers and 14 mutual exchanges had been approved. There had been an increase in tenants wishing to move within general needs accommodation. The Housing Allocation Assistant's role over the last two years had been to proactively encourage and support tenants downsizing. This has resulted in a large increase in the numbers of downsizing tenants compared with previous years.

The report suggested at this stage the Council should continue to:

- Provide the same level of financial incentive.
- Proactively encourage tenants to downsize.
- Provide support where required to help tenants downsize.
- Maximise the numbers of family housing available for reletting.

Members were asked to approve a change to the existing downsizing policy. This was to restrict the opportunity to downsize and receive the financial reward to one application within a five year period. Members were asked to otherwise maintain the current policy and to undertake a further review in 12 months time. In the meantime the current budget and policy should be maintained to maximise the number of tenants downsizing.

During consultation by the Tenant Representative Group (TRG) several tenants had expressed concern over what they perceived as vagueness between downsizing and mutual exchange, as well as differences in the information provided in the two editions of a downsizing leaflet. The TRG proposed three additional recommendations which were debated by the Board and put to the vote. These were:

## 41 **Downsizing policy review – options for change (cont'd)**

- That written clarification of both the mutual exchange and downsizing processes should be provided in Plain English and be approved by the Board.
- That HRB approved guidelines for the classification of tenants wishing to downsize should be introduced.
- That tenants should be made aware that paper application forms were freely available.

In response the Head of Housing stated that EDDC had a generous downsizing scheme which it intended to keep. However, there needed to be some limitations on the scheme. Although there was no intention to remove the policy, it had been refined within the policy parameters already set by the Board. He felt that there was a clear distinction on the Council's website between downsizing and mutual exchange, and that tenants had a clear choice to make. Paper copies of the leaflet and application forms were available, but as part of the Council's 'paper light' agenda online applications were encouraged. Officers reported that this was becoming standard practice and that application forms were very rarely sent out as most people were able to access the internet through a variety of different ways.

- RECOMMENDED:**
- 1 that the existing policy and current budget level in 2014/15 be maintained.
  - 2 that the financial assistance given to repeat applicants who wish to downsize be restricted to one application in five years.
  - 3 that officers continue to be allowed to apply the policy flexibly to maximise the number of tenants who wish to downsize.
  - 4 that written clarification of the downsizing and mutual exchange processes be provided in Plain English and approved by the Board.
  - 5 that the Housing Review Board introduce approved guidelines for the classification of tenants wishing to downsize.
  - 6 that tenants be made aware that paper application forms were available.

## 42 **Energy company obligations**

Consideration was given to the report of the Housing Needs and Strategy Manager concerning the Green Deal and Energy Company Obligation (ECO) funding proposals to improve the energy efficiency and thermal insulation of housing stock. Members had previously agreed to monitor the development and implementation of the Green Deal and to consider any change to the agreed approach at a future date. The proposals to access funding from ECO earlier this year provided East Devon Homes an opportunity to access funding to help improve the energy efficiency and thermal insulation of its homes. The report proposed a partnership with SSE energy company to take forward a pilot proposal for a small number of 'off gas' properties in rural areas to find out the level of funding that could be available. There was no financial commitment or obligation for the Council to go any further than assessing around 300 of its homes and understanding more clearly the level of funding that could be provided by SSE.

42 **Energy company obligations (cont'd)**

**RECOMMENDED:** that officers progress feasibility work with SSE to clarify the funding available through Energy Company Obligation that the Council could access.

\*43 **HRA financial monitoring report 2013/14 – month 6 September**

The Board received a report from Head of Housing, presented on behalf of the Housing Accountant giving a summary of the overall financial position on the Housing Revenue Account (HRA), HRA Capital Programme and the Business Plan for 2013/14 at the end of month six (September 2013). Regular monitoring would highlight any areas of concern or unforeseen expenditure in the HRA and associated capital programme and enable corrective action to be taken as required. Any significant variances would be reflected in the Business Plan.

Current monitoring indicated that:

- The Housing Revenue Account Balance would be maintained at or above the adopted level.
- The position on the HRA Business Plan remained in a healthy position.

It was noted that the capital programme would see large expenditure in the future, with the shared house proposal previously brought to the Board expected to exchange contracts the following week.

**RESOLVED:** that the variances identified as part of the HRA revenue and capital monitoring process up to month six be acknowledged.

\*44 **Benchmarking of housing costs and performance**

Consideration was given to the report of the Head of Housing, which presented the results of a cost and performance benchmarking exercise using the last financial year's data. The report compared EDDC with its peers in a number of key areas of housing management service delivery. The data related primarily to 2012/13 although the report also showed the Council's costs and performance in 2011/12 as a comparison. EDDC was a member of HouseMark and participate in their housing benchmarking project, which the Board agreed was a useful exercise to undertake.

A number of factors which stood out from the results included:

- High levels of tenant satisfaction.
- Relatively low overheads as a percentage of turnover and direct costs.
- High satisfaction with anti-social behaviour case handling.
- High cost of void works.
- Relatively low percentage of responsive repairs completed on time.
- High proportion of urgent responsive repair jobs.
- Low cost of housing management per property.
- Low level of rent arrears.

**RESOLVED:** that the results of the benchmarking survey be noted.

## 45 **Community development**

The Tenant & Communities Section Leader's report explained the valuable work that the Community Development team undertook and brought the Board up to date with the different activities and events carried out over the last 12 months. The report advised on the progress being made to improve the 14 housing Community Centres and the role of the Community Development Worker appointed to carry out that work, as well as how the programme might be extended.

There were currently two part time permanent Community Development Workers (youth). A third full time temporary officer was recruited in November 2012 to carry out the recommendations made by the Tenant Scrutiny Panel to improve the 14 community centres, promote greater community use and increase revenue, as well as to spend one day a week on community development work. It was suggested that this officer should become a full time permanent employee and that a fourth Community Development Worker should be employed, with a slightly different set of targets, focusing on family type issues.

Some of the range of ways the Community Development Officers worked with communities included:

- The very successful SWITCH project in Axminster and Exmouth.
- Arranging and running community festivals and fun days.
- Recruiting, training and supporting community volunteers.
- Supporting and adding value to other groups such as youth clubs.
- Promoting community development by giving talks to interested groups.

The Chairman thanked the Community Development Workers on behalf of the Board for the marvellous work that they did and for providing such an invaluable service.

- RECOMMENDED:**
- 1 that the Community Development activities undertaken in the past 12 months be noted.
  - 2 that the post of Community Development Worker with specific responsibilities for Community Centres be made permanent.
  - 3 that an additional Community Development Worker be recruited.
  - 4 that the annual Community Development budget be increased by £10,000.
  - 5 that the Community Development Workers be awarded a virtual bouquet on behalf of the Housing Review Board in appreciation of the valuable work that they carry out.

## \*46 **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, of the description set out on the agenda is likely to be disclosed and on balance the public interest is in discussing these items in private session (Part B).

47 **Affordable housing acquisition proposal**

The Housing Enabling Officer's report outlined a proposal to purchase a property using Housing Revenue Account funding and Right to Buy receipts. The property was situated in Exmouth and would provide much needed additional Council owned accommodation in the town. The property was a modern purpose built small block of flats with off road parking spaces.

- RECOMMENDED:**
- 1 that it be agreed that this type of accommodation would be a beneficial addition to the current Council property portfolio, making available accommodation for single people/couples within the district.
  - 2 that the Chief Executive be given delegated authority to acquire the proposed property.
  - 3 that funding from the Housing Revenue Account and Right to Buy receipts be used to purchase the proposed property.
  - 4 that the Chief Executive be authorised to make similar purchase offers, subject to contract.

48 **Anti social behaviour at Council owned flats**

The Head of Housing briefly outlined some incidents in Council owned flats in Exmouth. The Council had been working jointly with the police and the Community Safety and Anti Social Behaviour Coordinator to resolve the issues. Efforts were being made to improve the blocks generally with new lighting and repairs, and improvements to bin stores, as well as anything else that could be done to improve the appearance and safety in the blocks. The Council had also increased its presence in the area over the past few weeks. The Head of Housing would keep the Board updated on these issues.

**RESOLVED:** that the incidents of anti social behaviour in Council owned flats in Exmouth and actions being taken to address these, be noted.

Chairman .....

Date .....

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a meeting of the East Devon Recycling and Refuse Partnership Board, held at Knowle, Sidmouth, on 23 October 2013**

<b>Present:</b>	Councillors: Tom Wright – Deputy Portfolio Holder, Environment (Vice Chairman) David Cox – Portfolio Holder, Finance Geoff Pook
<b>SITA:</b>	Rick Aldridge – Senior Contract Manager Darren Lockett – Regional Manager
<b>Officers</b>	Paul Deakin – Waste and Recycling Manager Steve Joyce – Waste Management Officer Stephanie Lewis – Assistant Democratic Services Officer
<b>Also present</b>	Gary Beasley – Baker Tilly
<b>Apologies:</b>	Councillor Ian Chubb Councillor Steve Gazzard Andrew Hancock - StreetScene Manager

The meeting started at 10.00 am and finished at 11.55 am.

#### **\*14 Minutes**

The minutes of the Recycling and Refuse Partnership Board meeting held on 18 July 2013 were agreed and signed as a true record.

#### **15 Matters Arising**

##### **Citizen App**

The Waste and Recycling Manager reported that the soft launch strategy for the app had been completed and the formal launch was due to take place in November. Nick Stephen, Communications Officer, and Steve Joyce, Waste Management Officer, were working on this project. It was noted that Android App has already been launched.

##### **Waste electrical and electronic equipment (WEE)**

The Waste and Recycling Manager reported that this project had not progressed. The leaflets had yet to be finalised and a decision was still to be made on how to distribute them at a minimal cost. The project was unlikely to be progressed before Christmas.

## **15 Matters Arising (cont'd)**

### **Side Waste**

The Finance Portfolio Holder asked whether the Side Waste Scheme was now working. In response, the Waste Management Officer explained that the majority of side waste issues tended to be people taking a chance/one offs. Those who constantly put out side waste were sent warning letters, from which the Council has had some feedback. The Waste Management Officer explained that instances of side waste had decreased.

The Waste and Recycling Manager informed the group that waste was now dropped off at the Greendale site rather than Broadpath, which had reduced fuel costs significantly.

## **16 Statistical Information**

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

The Board noted that there had been a decrease in the number of landfill missed collections, partly due to new staffing and supervision arrangements.

Missed assisted collections had also dropped significantly; only 3 out of 4,000 collections were missed. The Waste and Recycling Manager explained that crews can log when bins have not been put outside properties so that they are not included within the missed collections statistics. Cllr Pook noted that Exmouth had the largest number of missed collections.

The number of logged calls to CSC had decreased. The Waste and Recycling Manager explained that not all the calls received are related to waste or recycling. Most households use the number for council enquires as it is the most convenient number they have.

Food caddy replacements were fairly high. The Waste and Recycling Manager explained that a lot of the caddies were issued in 2007 and that the material had in some cases degraded and had now started to break and therefore needed replacing.

There had been some staffing issues at the end of the summer as well as changes at supervisor level. SITA explained they had experienced trouble in retaining HGV drivers. There is now an apprenticeship scheme in place where drivers have to sign up to work with SITA for three years.

## **\*17 Update on proposals for an integrated Devon waste service**

The Waste and Recycling Manager explained that since the last meeting Devon Authorities Waste Reduction and Recycling Committee (DAWRRC) had employed a consultancy firm to move the project from an outline business case to a stage with costed detailed. As discussed at the previous meeting, a detailed business case would cost approximately £100,000-£150,000 and would include a review of depots.

The report being produced will be sent to the Devon Waste Partnership Member Board on 3 December 2013 to look at collection methods and what should be achieved in the next 5 years.

**\*17 Update on proposals for an Integrated Devon Waste**

**Service (cont'd)**

The Waste and Recycling Manager will feedback back to the next Committee meeting once the report has been seen by the DAWRRC.

**RESOLVED** that the Waste and Recycling Manager provide an update at the next Committee meeting on the feedback of the report from DAWRRC.

**\*18 Information to householders regarding collection day changes 2013/2014/2015**

The Board looked at the first draft of the 4 sided A5 'hangers' that will be attached to all bin handles. These will be placed on bins by SITA operatives on the last residual waste collection weeks in November and will cover refuse and recycling information for the whole year.

The Waste and Recycling Manager explained that the draft hanger leaflets had been reviewed by the East Devon Editors (members of public) who had made valuable suggestions. The cost saving of this leaflet is £6,000-£8,000 compared with last year. It was also believed that this method would disseminate information more effectively to residents.

**RESOLVED** that the Waste & Recycling Manager circulate the final draft of the leaflet prior to being delivered to householders

**\*19 Proposed Changes to Food Waste Delivery Point**

The Board discussed savings which had to be made by Devon County Council. It was suggested that £1.1million could be saved by reducing opening hours of recycling centres and possible changes to acceptance criteria and charges at HWRC's in 2015/16/17.

It was also proposed by DCC that food waste would be sent to Walpole in Somerset, which would result in higher mileage for SITA and therefore costs. This may also cause some issues at the end of the week when there is an increased amount of waste for disposal.

The Waste and Recycling Manager said he was in discussion with Devon County Council about the increased cost and what additional costs that Devon County Council will cover.

**RESOLVED** that the Contract Manager from SITA looks into the effects of the Devon County Council proposals and the change of waste disposal location to Walpole and report back at the next meeting.

**\*20 RSM Tenon – Value for Money report**

Gary Beasley from Baker Tilly gave a presentation to the Board on 'Value for Money Consultancy Services for Municipal Waste'.

The Board were pleased with the outcome in that the report which indicated that the authority were receiving good value for money and the recommendations put forward may further reduce cost or in some instances increase income.

The Board discussed the possibility of separating cans at the Greendale Depot rather than paying for this at Avonmouth. It was noted that the Board would need information on how much the additional equipment would cost and whether it would represent an overall saving in transportation and some increase in income

**RESOLVED** that the Contract Manager from SITA looks at the cost of separating cans at the Greendale Depot and reports back to the next meeting.

**21 Waste Management Events**

The Waste and Recycling Manager referred the Board to the list of events which had taken place during 2013, including the Bertie Bulb scheme.

**22 Update from SITA**

The Contract Manager informed the Board that SITA were trialing some new vehicles to look into different collection methods. This included a kerbside vehicle. This was to ensure that they had the right vehicle to cope with additional materials which may be introduced in future contracts e.g. cardboard.

Collections increased each week from new properties at Cranbrook. SITA was also dealing with inquiries from new residents about bin collections.

**\*23 Any other business**

**Otter Rotters**

The Waste and Recycling Manager informed the Board that the group was still in discussion with the County Council and the Environment Agency about the use of the shortly to be redundant Household Waste Recycling Centre at the Bowd, Sidmouth. The roll out of the project has been fairly slow and cost EDDC £6,000-£7,000 per year. It was noted that using the site at the Bowd would allow the project to generate and sell their own compost, proving funds for the scheme.

The Finance Portfolio Holder believed this cost to be good value for money and the project to be a positive scheme for the area, providing jobs for local people.

**RESOLVED** that the contractual arrangement with Otter Rotters continue for another year (2014/15)

**Street Bins**

The Waste and Recycling Manager informed the Board that an issue had been raised in Exmouth where residents had left their bins out on the street 7 days a week and had not removed them after collection. This has resulted in complaints from members of the public with disabilities or push chairs, who were unable to use the pavements.

**\*24 Any other business (cont'd)**

The Board was informed that it was the responsibility of Devon County Highways at it is a highway obstruction; however they have not resolved the issue.

The Waste Management Officer explained that he had researched other authorities and found that some removed the bins from residents after sending out several warning letters, than charged the residents £14 to have their bins redelivered. The charge for redelivering the bins was highlighted within the warning letters.

The Board noted that bins should be put out after 6pm the night before collection, and removed by 6pm on the day of collection. This is a problem which has mainly occurred in Exmouth, specifically within the Colonies area; with a few issues in Sidmouth and Sidford.

The Board was informed that EDDC already send out letter to residents highlighting this issue. The Board suggested liaising with Nick Stephens, Communications Officer, to come up with a strategy to publicise this issue effectively and trial in the Colonies area of Exmouth.

**RESOLVED** that the Waste and Recycling Manager liaises with the Communications Officer to devise a strategy to highlight the problems of leaving bins on the street 7 days a week and report at the next meeting.

**Waste and Recycling Contract Manager**

The Waste and Recycling Manager updated the Board on the recruitment for the post of Waste and Recycling Contract Manager. The post was advertised in September and 13 applications were received. First interviews have now taken place following short listing.

**\*25 Next meeting**

**RESOLVED** that the next meeting of the Recycling and Refuse Partnership Board be held on Wednesday 22 January 2014, at 10am in the Committee Room.

Chairman .....

Date .....

## Agenda Item 12

**Cabinet**

**27 November 2013**

**MW**



### **Cranbrook – Community Governance Review**

#### **Summary**

At its meeting on the 3 April 2013 the Cabinet agreed to commence a Community Governance Review with a view to establishing a new parish of 'Cranbrook'. The terms of reference were duly published and an initial period of consultation was undertaken from the 16 July to the 16 October 2013 seeking views on the proposal. This report appends a summary of the various views that were received and recommends the formal publication of draft proposals.

#### **Recommendation**

- That a new Parish Council be established for the area known as 'Cranbrook' and that this proposal be formally published with a 3 month period of consultation commencing on the 20 January 2014.
- That the proposed boundary be as set out in Appendix B (reflecting the delineation as set out in the draft East Devon Local Plan)
- That the new Parish Council be known as 'Cranbrook Town Council'.
- That the Membership will comprise of 12 councillors
- That no warding provisions are incorporated in the Town Council
- That consideration be given to the possibility of a 4 year transitional grant to Rockbeare Parish Council (from the date that Cranbrook Town Council is proposed to come into effect (May 2015) to help it adjust to the financial implications of transfer of properties to Cranbrook Town Council, in the event that the eventual outcome of the Community Governance review adversely impacts Rockbeare Parish Council to this extent

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

In accordance with the provisions of Part 4 of the Local Government and Public Involvement in Health Act 2007; the principal legal framework within which councils must undertake these reviews.

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

To not take any action and continue with current arrangements.

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

That objections are raised to the details of the proposed new Parish.

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

To be dealt with within current budgets.

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

If approved a further report will come to Cabinet in ? May/June 2014

# **1 Introduction to Community Governance Reviews**

1.1 A Community Governance Review is a review of the whole or part of a district to consider one or more of the following:

- creating, merging, altering or abolishing parishes;
- the naming of parishes and the style (i.e. whether to call it a town council or village council etc) of new parishes;
- the electoral arrangements for parishes – the ordinary year of election, the size of the council, the number of councillors to be elected and parish warding;
- grouping parishes under a common parish council, or de-grouping parishes.

1.2 Under the legislation the District Council must aim to ensure that community governance in the area under review:-

- reflects the identities and interests of the community in that area
- is effective and convenient
- takes into account any other arrangements for the purpose of community representation or community engagement.

1.3 When considering this, the Council should take into account a number of factors, including:

- the impact of community governance arrangements on community cohesion; and
- the size, population and boundaries of any new local community or parish.

A review involves the following stages:

- (1) Setting terms of reference of the review. These were agreed by Cabinet on 3 April 2013.
- (2) Publicising the terms of reference (for the purposes of the Act, the review formally commences when the terms of reference are published);
- (3) Undertaking consultations with the local government electors for the area and any other person or body (including relevant Parish Councils) who appear to have an interest in the review;
- (4) Considering representations;
- (5) Preparing and publishing draft proposals;
- (6) Undertaking consultation on the draft proposals;
- (7) Considering representations;
- (8) Publishing recommendations;
- (9) Making an order to bring into effect any decisions arising from the review;
- (10) A review must be concluded within 12 months of the publication of the terms of reference.

1.4 When undertaking a CGR a principal council must have regard to guidance issued by the Secretary of State and the Electoral Commission. However, subject to this, it is for the Council to decide how to undertake the review.

## **2 Details of the Stage One Initial Submissions**

- 2.1 Following the approval of Council and for a period of 3 months from the 16 July to the 16 October views were sought from the public, residents of Cranbrook and others on the whether it was appropriate to establish a new parish council for the area known as Cranbrook. A total of 68 responses were received and these are summarised in the attached Appendix A.
- 2.2 It can be seen that majority of views were in favour of Cranbrook having its own Town Council (60 in favour vs. 8 against). A range of views were received on how many councillors there should be with the majority being in favour of a smaller rather than a larger number. Having regard to the indicative numbers suggested by the Electoral Commission 12 is considered to be an appropriate initial number. Incidentally this reflects the size of the recently established Cranbrook Community Forum.
- 2.3 The greatest divergence of views was in relation to the proposed boundaries of the new parish. Broadly speaking however the consensus was that the boundaries should take account of the likely future extent of the parish as envisaged in the Local Plan. Members of Cabinet will recall the debate regarding the proposed boundaries of the Broadclyst Neighbourhood Area and the exclusion of the Cranbrook area from the approved neighbourhood plan.
- 2.4 Rockbeare Parish Council submitted a letter of objection to the suggestion that the proposed boundaries of Cranbrook should take in existing, new and proposed properties on the north side of the old A30. A copy of their letter is set out in Appendix A. Members will see that their main concern is the loss of precept income if those properties no longer fall within the boundary of Rockbeare. It is for this reason that Cabinet is invited to consider a transitional 4 year grant to help Rockbeare adjust to the change in its boundaries. Whilst this is perhaps an unusual recommendation to make, members will be mindful that the creation of a new parish is an exceptional undertaking. As regards the other comments regarding the S.106 agreement, I would comment that the contents of the agreement reflected an understanding of how things might evolve when the agreement was originally signed. However clause 28.1 of the agreement does allow for a change in approach if this reflects how the new community has evolved/is evolving. Given that infrastructure works are about to commence at Phase 2 of Cranbrook and the anticipated delivery of Phase 2 housing at Cranbrook is set to accelerate (promoted under DCLG loan arrangements), undertaking several staggered boundary reviews is considered to be unnecessary and excessive.
- 2.5 On this basis the proposed boundary of Cranbrook is as set out in Appendix B. This is consistent with the Broadclyst Neighbourhood Area debate and reflects a broad consensus of logical boundaries for the new parish which address the statutory criteria of reflecting the identities and interests of the community in that area and of being effective and convenient.

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## **Legal Implications**

Section 81 of the Local Government and Public Involvement in Health Act 2007 provides that it is for the Council to decide the terms of reference of any community governance review.

The legal requirements for recommendations arising out of the community governance review are set out in Part 4 Chapter 3 of the 2007 Act. This includes recommendations as to what new parish or parishes (if any) should be constituted in the area under review, and its electoral arrangements. There must be recommendations as to the name of any new parish, and as to whether or not the new parish should have a parish council, and if so, its style [parish/town/community/neighbourhood/village].

The Council must have regard to guidance issued by the Secretary of State under s100 of the 2007 Act about carrying out community governance reviews and giving effect to any recommendations arising out of the review. The Council must also have regard to guidance from the Electoral Commission on electoral recommendations arising out of the review. Further legislative detail is included in the review terms of reference.

The relevant part of the Cranbrook section 106 has been reviewed. The section 106 agreement anticipates that proposals for community governance might be dealt with parallel with the development construction phases. The agreement also recognised that circumstances might change and community governance be dealt with differently. In the event, government funding has facilitated the build out of Cranbrook at a faster rate than originally anticipated. It is understood that the current community governance proposal includes the whole of the Cranbrook section 106 land.

## **Financial Implications**

The financial implications are included in the report. These will fall in the 2014/15 financial year and, if approved, can be included in the draft budget.

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

None.

## **Background Papers**

- [Local Government and Public Involvement in Health Act 2007](#)
- [The Electoral Commission Guidance on Community Governance Reviews, April 2008](#)

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Chief Executive

Cabinet  
27 November 2013

## New Town Council for Cranbrook?

Should Cranbrook have its own town council?	Where should the boundaries of Cranbrook lie?	How many town councillors should sit on the proposed new town council?	Any other comments?
Yes	Broadclyst , Whimble, Rockbeare, Clyst Honiton	5	
Yes	Cranbrook development only	5	
Yes	As defined in 2006 - 26 plan	4	Needs a town council to address emerging issues
Yes	Broadclyst & Whimble should be amended to retreat from the edge of the final town footprint	Min 5 Max 7	Is the existence of a Town Council linked to the need to re-define parish Boundaries?
Yes	Not sure	6	New resident - not familiar with area
Yes	Around the whole proposed town for future residents to be included	3	No more than 1 member per family on Council to avoid bias
No	Area defined in 2006 local plan		
Yes	Just within Cranbrook	7	
Yes	Between old A30 and Otter border	Min 5 Max 10	
Yes	All parishes that would be affected by decisions made by new council	Min 5 Max 6	New Council to be made of at least once councillor from each amalgamated parish
Yes	Cranbrook development only	5 and grow with community	
Yes	No further than existing	As few as possible - cost effective	All costs to be borne by the new town
Yes	Left to right from M5 to Whimble Boundary	Not sure	
Yes	At the outer edge of the expansion areas	5	
Yes	At the boundaries of Cranbrook new build	4	Need own representation
Yes	Cranbrook development only	12	And a Mayor
No			Not required at this time
Yes	Down as far as Clyst Honiton / Rockbeare	6	People of Cranbrook may want their own say and not have to be made to follow the same as the other Parishes
Yes	Existing boundaries	5	
Yes	Mid way between Cranbrook and neighbouring towns such as Whimble, Broadclyst	3 or 5	
Yes	Around the civic / urban town boundage	12	The council should be composed of existing and new residents including those whose residency predates the town
Yes	Cranbrook defined in 2006 Local Plan		
Yes	1/2 a mile around edge	8	
Yes	Well clear politically and physically of Broadclyst Station and Rockbeare	?	
Yes	Full town of Cranbrook	6	
Yes	Within the boundaries specified		A forward thinking Council that is innovative and ambitious thinking about the town and not themselves
No	Within Broadclyst Parish		I do not want to become part of Cranbrook
Yes			
Yes	As defined in 2006 Local Plan	6 or 10	
Yes	Not too far to avoid extra expense	6	Just get the Council up and running and get this so called town on the road!
Yes	To include expansion areas		
Yes	Outside the Whimble boundaries	I believe you have a formula for this	It is important that Cranbrook and Whimble remain separate entities
No			If Broadclyst / East Devon Town Councillors are not heard and their proposals not instigated how much more a small village / parish could do better

Appendix A

Yes	At least to the proposed boundaries	proportional to the population as with other Councils	
Yes	To include Broadclyst, Clyst Honiton, Rockbeare and Whimple	11 at least	
Yes	Exact boundaries of Cranbrook and extend as the town does so only Cranbrook residents are part of the town council	7 maybe more at it expands	Rockbeare / Clyst Honiton should stay separate (because on Facebook 'Cranbrook' page they tend to have a comment for everything)
Yes	Between old A30 and rail line	Depends on size of Cranbrook	Cranbrook to have own Council but Rockbeare should be closely informed of all future plans as this area is within Rockbeare area
Yes	As defined in local plan	7 - 9	
Yes	Around the town's boundary - end of phase 2		Broadclyst Council have been fantastically supportive so far
Yes	As per local plan	5	Consideration of maintenance fee being charged by consortium into Council Tax bill
Yes	As defined in local plan	12	
Yes	No where near the parishes under review	No more than 5	In seriously wet periods parts of the new town are going to get flooded
Yes	Within Bluehayes, Railway, London Road and existing Whimple Boundary	8 Max 12	A clear greenbelt between Cranbrook and Broadclyst Station / Station Road. Cranbrook should have it's own neighbourhood plan.
Yes	Within the boundaries of Cranbrook	10 - 12	Feel very strongly that Cranbrook should have it's own town council
No	2006 local plan is large enough for Cranbrook	None	To extend Cranbrook further than 2006 plan will make Cranbrook too big and unnatural. Will spoil virgin countryside
No	Cranbrook will be a commuter town To Exeter. We feel it should be developed on the Exeter side not the Whimple side	None	Whimple area is lovely. Further development will spoil the area
No	Broadclyst		
Yes	To encompass all new development	5	
DB	Boundaries of Cranbrook	How ever many is typical for a town of Cranbrook size	
Yes	Broadclyst	2	
Yes	Cranbrook & proposed expansion areas	Minimum of 9	The whole principle of Cranbrook and size means it will have its own needs etc plus its size is to be similar to other large towns e.g Honiton / Ottery. Broadclyst has issues not reflected in Cranbrook
Yes	Cover the whole of Cranbrook including extension sites / land	12	

Yes	Whilst the draught Local Plan for 2013 is still awaiting approval, It is my belief that the Cranbrook Boundaries should allow for a sustainable new Town, whilst protecting as much of the integrity of the existing Parish boundaries of Whimple, Rockbeare , Clyst Honiton, and Broadclyst, including Broadclyst Station. I believe that that this has all but been agreed in principal between the Parishes and EDDC. I would support a green wedge to the East separating Cranbrook from Whimple.The rail line to the North presents a natural boundary,The Old London (Rockbeare Straight) presents a further natural boundary between Rockbeare Parish. This leaves BCPC, and in particular Broadclyst Station residents, the majority of whom wish to remain within BCPC area. Their wishes should be respected, and a field by field green wedge boundary should be agreed separating the new Town to the West. This will however entail that the small number of dwellings located via the private road to Bluehayes should fall within Cranbrooks new boundary. Assurances being given to these residents, that their privacy will be respected	6 - 8 councillors, and a town clerk, with the option to review and increase as the population grows	In order that the people of Cranbrook can identify, and take ownership of the great vision surrounding the ongoing development of our Town I feel that it is important that they are consulted at all stages, and given the opportunity to make positive contribution. The Cranbrook Forum, a newly created residents association can provide such a vehicle of communication between EDDC,DCC and BCPC. It is my hope that a direct channel of communication can opened between the Forum and EDDC, with a view to establishing contact on a regular basis. As an aside, in the absence of a Town Council, I have sought co option onto BCPC, within whose area Cranbrook presently falls. The Forum seeks to be representative of all parts of the community, but includes many professionals, with relevant knowledge which could be of benefit to the governing bodies.
Yes	No further than the brook by railway line	The normal number	Crannaford would rather stay associated with our present council which is Broadclyst
Yes	As on this map	5	Good that Cranbrook should be made self sufficient
Yes	From the Sainsbury deps to the railway and to the Londis garage	12	
Yes	Boundaries of the town and other relevant areas	5	
Yes	As at 2026 plan	10	Timetable is too extended. Council should be in place by Nov 2014
Yes	As per local plan	At least 5	
Yes	As per expansions areas defined in local plan 2006-26	Between 6 - 10	
SEE SEPARATE RESPONSE FROM ROCKBEARE PARISH COUNCIL			
Yes	As defined in local plan and include the expansion areas as defined in the proposed Local Plan 2006-2026	15 - 20	
Yes			
Yes	Around the planned expansion area so no Cranbrook properties lie within other Parishes	Based on electorate numbers. Numbers to increase as more inhabitants move in	
Yes	Not to include Bluehayes Lane. We do not want to be part of your mess. We are Broadclyst	Minimum 6	Bluehayes Lane is an historic and relevant part of Broadclyst. Please do not include us with this Council
Yes	Cranbrook NEW town area only	6	Only the area of the NEW Cranbrook site and NOT try to take in Crannaford area which should stay in Broadclyst parish
Yes	At the 2006 local plan boundary	2 increasing as the town increases	Surrounding areas must have a say regarding further increases in boundary after 2006 has been completed
Yes	Cranbrook should have well defined boundaries i.e. railway line to form its Northern boundary and Exeter Airport to be its Southern boundary.	7	The small section of Clyst Honiton divided to the north of the airport is very cut off from Clyst Honiton and would fit in well with Cranbrook



**ROCKBEARE  
PARISH COUNCIL**

Chairman: Dave Mason

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Community Governance Review  
East Devon District Council  
Knowle  
SIDMOUTH  
Devon EX10 8HL

Dear Sir/Madam

Please see below response from Rockbeare Parish Council

**PARISH BOUNDARY (CORPORATE GOVERNANCE) REVIEW**

**COMMENTS FROM ROCKBEARE PARISH COUNCIL**

**Terms of Reference**

1. This review has been brought about by the development of Cranbrook and the resulting impact on current local governance arrangements. The need for this was identified at the outset and was covered in some detail in paragraph 28 of the S106 Agreement for the development.
2. We are thus concerned that in the report to Cabinet setting out the terms of reference for the review there was no mention of this S106 agreement. This is important as it sets the boundaries of the Review and indicates that it will be conducted in stages.
3. We consider that this review should confine itself to the reasons for it and thus limit itself to the "red line" boundary established in the original outline planning consent. We submit that EDDC should conduct the Review in accordance with the terms of the S106 agreement to which it is a signatory.
4. Furthermore it appears that EDDC is working on the assumption that the Draft Local Plan will receive approval from Government. We observe that it has yet to face the test of a public inquiry and any comments or amendments that the Planning Inspectorate may suggest or require in the light of that inquiry. Notwithstanding the wishes of EDDC as expressed in their Draft Local Plan, at present the only land that has planning consent or is even formally allocated for the Cranbrook development is that defined in the original outline approval.

**Subsequent Developments**

5. We note that there was a meeting in Whimple some considerable time ago attended by parish clerks and EDDC officers only. This, according to the notes of the meeting, reached some conclusions but without the full facts being made available. In particular it

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was noted that the southern boundary of Cranbrook should be along the old A30 but with the extension of the country park south of the old A30 being included in Cranbrook. The Parish Council does not accept this idea and is resolutely opposed to it.

6. No reference was made at the meeting to the S106 Agreement which sets out the arrangements for this review. No mention was made as to the financial implications for our or any other Parish which in Rockbeare's case are significant. If this proposal were to be followed it would result in a substantial loss of over £1900 p.a. – nearly 10% of our income – which would be in addition to any other reductions. We find that expecting Rockbeare residents to make up this shortfall in their own Council Tax is simply unacceptable.
7. At a time when District and County councils are facing continuing financial stringency imposed by central government, it is falling to parish and town councils to pick up some of the pieces as a result of previous levels of service being reduced if not totally withdrawn. Rockbeare is currently funding some limited provision for the young people in the village as neither DCC nor EDDC is unable to do anything for lack of money.
8. We find the questionnaire distributed selectively in the area simplistic and seems to presume an outcome viz: that Cranbrook will have its own town or parish council. Further it indicates that only people affected by the review can have their views considered without defining who those people are.
9. A plan has been received showing where the leaflet has been distributed. Whilst it has not been distributed in Rockbeare village it has been distributed to the small hamlet of Hand and Pen which is further away from Cranbrook. This seems to lack consistency.

## **PREFERRED OPTION**

10. As noted above (para 3) we consider that the review should confine itself to the “red line” boundary of the outline planning consent and that all areas outside this area should remain in their current parishes. We submit that as a party to the S106 Agreement for the Cranbrook development, EDDC should follow the process that it established in that agreement.
11. This will mean that several properties currently within our parish, including those in Southbrook, should remain in the parish and the impact on our Parish finances will be minimal. We appreciate that this may only be an arrangement that lasts for a few years.
12. We do acknowledge that Cranbrook should have its own parish or town council but consider that the development of that body needs to evolve as the development itself grows and evolves. This may well require regular reviews of the constitution of the town/parish council as numbers grow, perhaps as often as once every electoral cycle.
13. In the medium term and assuming that Cranbrook is expanded in line with EDDC's expectations we would want to see the parish boundary running behind properties fronting onto the B3174 on the north side of the road. This will mean a significant loss of revenue for the parish council (about 5%) but with time the council recognises that it would have to plan for such a loss. The loss of revenue will be significantly less than if the boundary were to be drawn along the centre line of the B3174 as suggested in the Whimple meeting referred to in paragraph 5 above.
14. We appreciate that we are in a developing situation but are concerned that there is a real risk of EDDC jumping the gun by proceeding as it appears to be doing at present. The situation will change should the expansion of Cranbrook continue as EDDC expect, but

we consider that the process of governance review should proceed as the development itself progresses and not jump to some assumed end-state for the development.

15. In the event that our views are to be ignored (and leaving aside any potential legal challenge available) we would seek a meeting with EDDC to explore other options. We recognise that there are other options for the Governance Review including differing boundaries and maybe amalgamations with other adjacent rural parishes.

The Council looks forward to being kept up-to-date with the review's progress and receiving any relevant information.

Yours faithfully

Mrs Judy Morris  
Clerk to Rockbeare Parish Council

c.c. Cllrs Peter Bowden and Derek Button

Dear Sir/Madam

### **Proposed town council for Cranbrook**

I write in behalf of the National Trust to respond to the initial consultation on a proposed town council for Cranbrook.

The Trust's land ownership in relation to the Killerton Estate extends south of the railway line and is bounded by the brook which forms the northern edge of the Cranbrook settlement (an electronic map has been included with this email). The Trust has a statutory purpose, as set out in the 1907 National Trust Act, to conserve places of historic interest or natural beauty which it holds for the benefit of the nation.

The Trust would like to be given the opportunity to comment on the draft proposals when they are published next year, and would therefore like to be notified of the consultation when it takes place.

The Trust's only comment at this stage is that it would seem logical if the northwest boundary of Cranbrook did not extend north of the railway line.

We look forward to commenting on the draft proposals in due course.

Kind Regards

Michael

**Michael Calder**

Planning Adviser  
National Trust  
South West Region  
Killerton House  
Broadclyst, Exeter, EX5 3LE

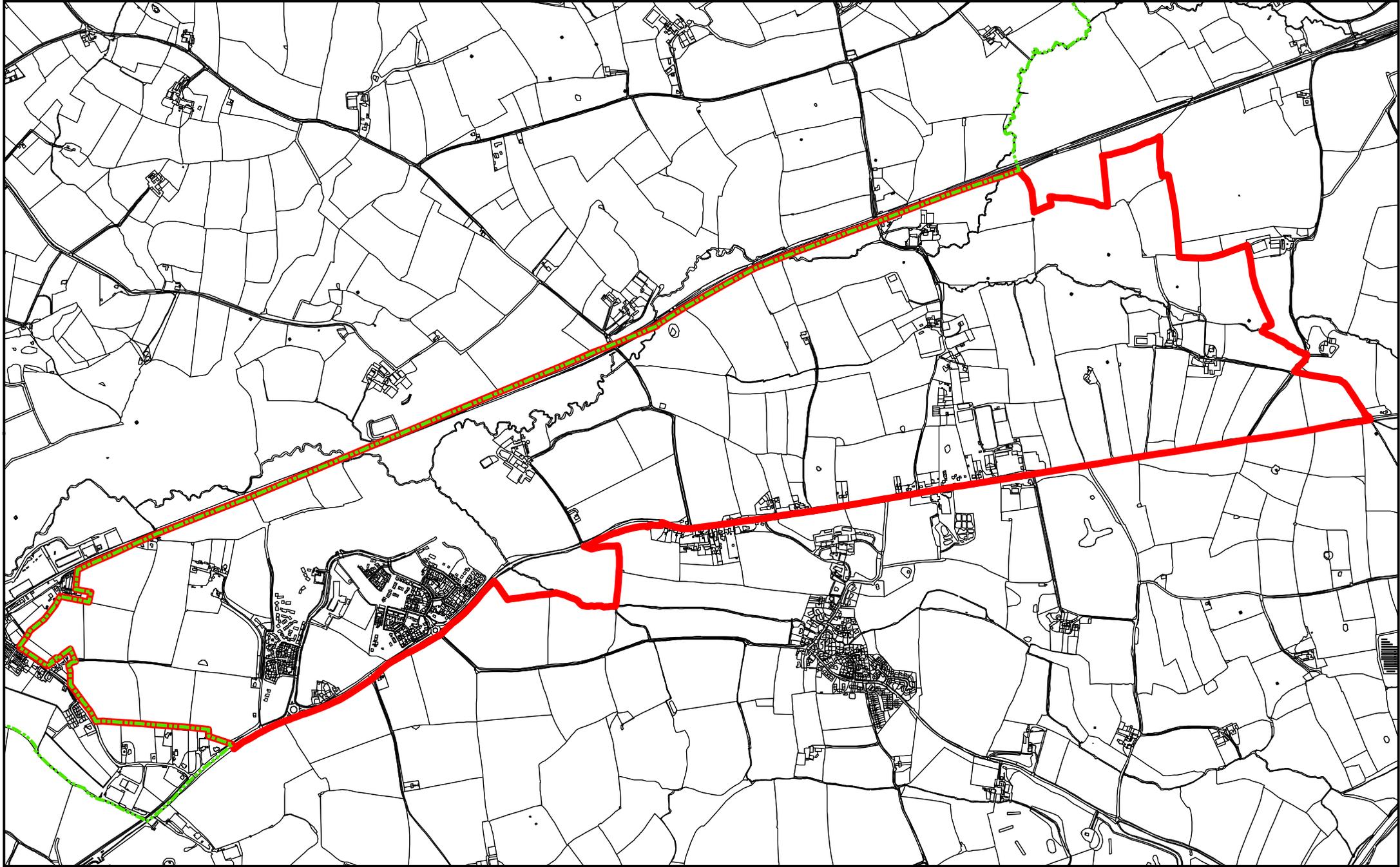
07717 360659

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**Legend**

-  Broadclyst Neighbourhood Area
-  Cranbrook Town Council boundary

# Proposed Cranbrook Town Council Boundary

## Cranbrook Parish Timetable for the Review

Publication of these Terms of Reference formally begins the review, which must be completed within twelve months.

The table below details indicative timescales for the review.

<b>Action</b>	<b>Timetable</b>	<b>Dates</b>
Compiling Terms of Reference		March 2013
Terms of Reference report to Cabinet		3 April 2013
Council approves Terms of Reference		10 April 2013
Publication of Terms of Reference		13 May 2013
Preliminary Stage – Local briefings and meetings	2 month	14 May – 15 July 2013
Stage one – Invite initial submissions	3 months	16 July – 16 October 2013
Stage two – Consideration of submissions received and draft proposals prepared	3 months	17 October – 17 January 2014
Stage three – Draft proposals are published and consultations made	3 months	20 January – 21 April 2014
Stage four – Consideration of submissions received and final proposals prepared	3 months	22 April 2014 – 22 July 2014
Preparation of Recommendation and approval by Cabinet		Sept 2014
Preparation of Recommendation and approval by Council		October 2014
Publication of Recommendations		October 2014
Effective date of Order		May 2014
Town Council Elections		May 2015

## **Agenda Item 13**



**Cabinet**

**27 November 2013**

**Members' Paper Light Project**

**Reference: RB Portfolio Holder – Corporate Business**

### **Summary**

This report outlines the various issues surrounding members adopting a paper light agenda and using mobile devices for meetings. The project received initial support of the Budget Working Party at its meeting on 14 August 2013.

The project will provide that as from May 2015 members will operate within a paperless system receiving, viewing and managing agenda papers and other circulated documents digitally.

Interim arrangements will be provided to take note of the varying levels of elected Members' technical ability and support for this project, but the default position will change from paper to digital with an opt into paper arrangement for those that have difficulty; the opposite of the current position.

By waiting until after the next election for full introduction, members will be aware of the paperless requirement as part of their decision to stand for election in the same way as they were aware of the need to be computer literate and be able to use e-mail at the last election.

No more editions of the year book will be produced; up-to-date and relevant data will be accessed through sharepoint.

The minute book will be circulated digitally with interim arrangements until May 2015 to enable members to request a paper copy of specific minutes that they wish to call / debate.

The paperless project to run alongside Office 365.

Members will be able to download agenda papers etc and work off line.

Hardware and software to be provided by members with arrangements for assisted purchase where necessary.

## **Recommendation**

- 1. With effect from 1 January 2014 the default position for democratic services is to issue meeting papers and other circulated documents digitally to members, with members having to positively elect to receive paper copy. A reverse of the current position.**
- 2. Member training and mentoring to be provided with the establishment of a one to one “buddy” arrangement so that those more confident in the paperless agenda can help those not so confident. (The Member Development Champion has been consulted on these initiatives).**
- 3. The system to be multi-platform.**
- 4. That I-Annotate be the Council’s preferred App.**
- 5. Arrangements to be based on member owned equipment and software (Apps).**
- 6. Where necessary, assisted purchase and repayment via member allowances be made available.**
- 7. No further editions of the year book/Almanac to be produced – instead for relevant information to be available on Sharepoint for access by members.**
- 8. With immediate effect, the minute book to be circulated digitally to all members with the proviso that, until the May 2015 elections, provision will be made for members to request a paper copy of a particular minute if they need to have that to call the minute or debate it in Council. From May 2015, the minute book to be part of the paperless project and circulated digitally with no paper option.**
- 9. Provision to be made for members to be able to download agenda papers and any other digital information onto their personal device to provide for off-line access when required.**

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

- To provide a flexible and staged passage from printed paper agendas and documents to use of digital platforms.
- To reduce the use and associated costs of printing.

### **b) Alternative Options**

Not to adopt a paperlight agenda and remain with paper as a default medium.

### **c) Risk Considerations**

Members may find the transition difficult with an initial impact on the efficiency of meetings.

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

As indicated in the report

## e) Date for Review of Decision

Spring 2014

### Main Body of the Report

#### 1. Underlying principles:

- ◆ Timescale for introduction should allow for members who have concerns / lack confidence in dealing with a paperless environment but set a realistic deadline for a start date.
- ◆ Arrangements should be multi - platform with a focus on members using their own equipment but with provision for assisted purchase where necessary.
- ◆ The system should be PDF based with software which provides for document management, storage, searching, annotation and agenda navigation.
- ◆ Compatible with members new e-mail system - Microsoft Office 365 - with cloud based documentation and member information and diary management.
- ◆ Emphasis on members owning security for hardware and use of data.

#### 2 Timescale:

- 2.1 Member discussions at a range of council meetings (Think Tank, Overview & Scrutiny etc) have provided enough indication that there remain serious concerns (in some cases strong objections) to the paperless agenda. Much of this is based on the unknown but there are those who could find it difficult to make the transition. It might be tempting to set a paperless deadline before the end of this Council but it is considered that such a decision might prove disruptive and lead to the project failing.
- 2.2 Current digital infrastructure at Knowle is a potential impediment with a lack of power sources available in the members area and chamber and an unreliable wi-fi facility.
- 2.3 But some changes could be introduced very soon with a deadline for complete paperless operation as from the first day of the new Council (May 2015). If this course is adopted, those standing for election in 2015 would have clarity on what to expect - in the same way that those joining the Council at previous recent elections were expected to have reasonable computer skills and ability to use e-mail etc.
- 2.4 At present a handful of members who positively elect for digital papers but this is the exception. There is also a growing number of members who are using digital media for meetings but supplementary to receiving paper agendas - perhaps a confidence / safety net issue. The default position is to issue paper agendas with the exception being those who opt for digital format.

#### 3 Platform:

- 3.1 Those using a paperless system have found that tablets provide the most functional means of managing agenda papers. The Apple I-pad using the IOS system is probably the most common but some members have successfully used others including Android. Apps (software) are readily available which provide very functional ways of managing, storing, reading, annotating and navigating digital papers.

- 3.2 The most common and probably the most functional App is 1-Annotate. This is a product produced by a company called “Branchfire” and currently costs £6.99. Based on the generic Portable Document Format (PDF), I-Annotate is capable of handling digital documents no matter their source or how they are produced. It operates on all mainstream tablet systems.
- 3.3 I-Annotate provides a flexible and custom made system of document storage and management together with the ability to annotate documents (write on, highlight and type on) and an agenda navigation system with thumbnails of either page number or agenda item. There is also a very effective search tool.
- 3.4 Whilst there are other systems on the market (eg Goodreader), the advantage in using a single system is that training and mentoring are straightforward.
- 3.5 Some members currently use laptops in meetings but the challenges are:
- ◆ functionality of document management is not at the same level as tablets;
  - ◆ there are issues with battery life; and
  - ◆ they tend to need an individual power source within the chamber.

#### **4 Members’ own equipment or provided by the Council?**

- 4.1 The proposals for a paperless system were recently outlined to the Independent Remuneration Panel who supported both the principle of going paperless and the possibility that the council could provide each member with an I-pad to take this forward. The basis was the fact that annually, each member costs the council around £500 in printed papers. With a 16 GB wi-fi I-pad costing around £329 retail, it was clear that the cost would be recouped within the first year.
- 4.2 However there are a number of factors that mitigate against council provided hardware. These include:
- ◆ Responsibility for maintenance and upgrading;
  - ◆ Limitations on wider use for private means;
  - ◆ The potential for negative publicity / reputation - “Free I-pads for councillors”. “Council tax payers buy councillors an I-pad”. etc etc.
  - ◆ Own equipment provides for better care, more interest in upgrading operating systems and use at home for other reasons increases digital skills and awareness.
- 4.3 If member owned equipment is considered to be the right course, it has to be acknowledged that not everyone can afford to purchase equipment at the time the council demands. Arrangements currently exist within the council to enable both staff and members to obtain IT (and other) equipment and re-pay the cost over a period of time through salary and allowances. It is considered that no new arrangements need to be made to facilitate the ‘assisted purchase’ of equipment should the need arise. It is proposed that repayment could be made over a year (or longer if individual circumstances required).

#### **5 Further scope of paperless working**

- 5.1 The most obvious use of paperless working is access to committee agenda papers. These form the bulk of printing for members and provide the most cost savings from going paperless.

- 5.2 The members' year book/almanac provides a diary and a range of information to members. The disadvantage of the paper version (apart from printing and production costs) is the fact that it quickly becomes out of date. Many members still insist on the paper version despite attempts to go digital and despite the clear advantages of doing so.
- 5.3 All of the information contained in the year book/almanac (and more) could be provided via a cloud based sharepoint on Office 365. Democratic services will be able to update members' digital diaries with all scheduled meetings and provide a range of up to date member information via this means in addition to e-mailing digital files to members.
- 5.4 Sharepoint is an easily accessible cloud based point for member information which is secure and which supplements information widely available on the Council's website.
- 5.5 It is suggested that the year book/almanac is one part of the digital agenda that can come forward during the life of this council and it is proposed that no further editions are produced.
- 5.6 The council minute book provided to members for each full council is used to present minutes of committee meetings. Minutes can be called and debated but this affects a very small proportion of the minutes presented. Minutes are already made available on the website within 5 working days of the meetings and are collated into a paper council minute book for the council meetings. In essence the minute book is printed and produced at some cost to the council tax payer, hardly used, and is generally discarded after the meeting.
- 5.7 The minute book is another example of the paperless agenda that should be introduced during the life of this council. Interim arrangements will however be necessary for members to obtain paper versions of minutes that they wish to call / debate at Council until the end of this Council in keeping with the recognition above that some members will find the paperless arrangements difficult.
- 5.8 Currently the minute book is provided digitally and as a paper version. It is proposed that members are provided with an electronic version only, by default, but for members to request a paper copy of a particular minute if they need to have that to call the minute or debate it in council. From May 2015, the minute book to be part of the paperless project.
- 5.9 There is a concern that the digital infrastructure would be under pressure if there was an expectation that members always access data on line. There is an advantage in maintaining strict security if this were achieved but it is considered that there would be potential for problems if a large number of members accessed meeting agendas on line. Any failure would affect the reputation of the digital paperless agenda. There would also be pressure on the amount of data used by members and could result in additional data costs from their broadband supplier. Therefore, members will be encouraged to download agenda papers and any other digital information to their personal device to provide for off-line access when required.

## **6 Committee agenda papers and length of meetings**

- 6.1 There is an ongoing project to look at the way information is presented to members within agenda papers. This includes a review of the template and a drive to reduce the amount of material for consideration. The aim is to provide key information on which decisions can be made supplemented with digital links to background material.
- 6.2 The aim of this project is to reduce the amount of “paper” in agendas so as to smooth the transition to a paperless way of working.
- 6.3 The subject has been discussed by a joint Corporate Business and Corporate Services Think Tank and is with Democratic Services at draft template stage for consideration by Senior Management Team.
- 6.4 Recent very long Development Management Committee (DMC) meetings have highlighted some tensions in the workload of committees and also prompted a review of the public speaking arrangements. The work surrounding both issues needs to continue as an important adjunct to the paperless project.
- 6.5 DMC has already reduced its agenda papers by producing all photographs and plans digitally with success.
- 6.6 A review of the meeting timetable was also raised at Overview and Scrutiny on 24th October 2013.

## **7 Glossary of Terms**

### **7.1 i-Annotate**

iAnnotate is a PDF annotation application. It allows users to organise, store, read, mark up, and share PDF, DOC, PPT and image files. Users can highlight, type, make notes, underline, and strikeout on any part of the document. Documents can also be shared by e-mail, social media or with other applications.

### **7.2 Microsoft Office 365**

Microsoft Office 365 is a computer product that will replace Citrix. It will provide the council e-mail system as well as access to Office applications (word, excel etc) plus other productivity services that are enabled over the Internet (cloud services), including:

- 7.3 “**Sharepoint**” - this is a secure place to store, organise, share and access information such as agendas, minutes and other council papers. It can be accessed securely from any device;
- 7.4 “**Skydrive**” - this is a place where individual members store and manage their documents;
- 7.5 “**Lync**” - this provides web based video and voice conferencing facilities; and a **calendar / diary** which will be updated by Democratic Services with details of all committees and meetings.

## **Legal Implications**

Council policies set out member responsibilities in relation to data security, protection and disposal.

## **Financial Implications**

This proposal will make a significant reduction on the Committees’ printing budget which is £8,900 for 2013/14.

## Consultation on Reports to the Cabinet

- The Member Development Champion presented a progress update on the project to Standards Committee at its meeting on 9 October 2013 (Minute 23 refers)
- The Corporate Business Portfolio Holder gave a brief outline of the project to the Overview and Budget Scrutiny Task and Finish Forum on 10th October 2013.

## Background Papers

- ❑ [Minutes of the Standards Committee 9th October 2013](#) – (Minute 23 refers)
- ❑ [Minutes of the Budget Scrutiny Task and Finish Forum 10th October 2013](#) – (Minute 4 refers)

Councillor Ray Bloxham [rbloxham@eastdevon.gov.uk](mailto:rbloxham@eastdevon.gov.uk)  
Corporate Business Portfolio Holder

Cabinet  
17 November 2013

## Agenda Item 14

**Cabinet**

**27 November 2013**

**AE**



### Car park management review

#### Summary

This is a wide-ranging review of a number of operational matters that we think should be considered and reviewed by Members to ensure that our car parks continue to support our town centre economies whilst taking into account the impact of any changes in the charging structure on the council's finances. We have been careful to avoid increasing our basic £1 per hour parking charges and again for the fourth consecutive year we are proposing no further increase. However it is considered to be essential that we make the best possible use of our car park assets and realise a reasonable return on our land holdings.

#### Recommendations

1. Extend the "park for 3 hours and get the 4<sup>th</sup> hour free" special offer to apply in all short stay car parks for a further trial period commencing 1 April 2014.
2. Extend the £1 special offer in any inland town car park and to approve in principle the extension of Seaton's Harbour Road £3 offer for a further trial period commencing 1 April 2014.
3. To approve the Council's policy encouraging daytime visitor parking but discouraging overnight parking and long-term parking of motor homes in car parks.
4. To not increase the basic hourly charge for pay and display parking leaving it at £1 per hour for the fourth consecutive year.
5. To approve the proposed increases in parking permit charges as set out in the report.
6. To adopt an all year round tariff for car parks commencing 1 April 2014
7. To approve a Christmas 2013 parking concession in EDDC's car parks
8. To approve the revised tariff for Maer Road Car Park, Exmouth.
9. To delegate authority to the Environmental Health and Parking Services Manager in consultation with the Portfolio Holder to establish a process for allowing a limited number of approved events and other activities to take place in car parks.
10. Delegate to the Chief Executive and Portfolio Holder the power to implement the other matters arising from this review.

## **a) Reasons for Recommendation**

To keep car parking services under review, to be responsive to changing demands and to protect revenue.

## **b) Alternative Options**

This is an annual review of a range of operational matters relating to car park and a range of alternative options have been considered and are set out in the report.

## **c) Risk Considerations**

The recommendations have been made after a careful balancing of risks to the Council's revenue and the risks to the economic wellbeing of the towns that our car parks serve.

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

In carrying out this review we were always mindful of both the needs of our residential communities and the Council's desire to do everything possible to encourage thriving town centre economies. These recommendations are consistent with policy and budgetary constraints and are consistent with ideas presented to the fees and charges TAFF this autumn.

Section 122 of the Road Traffic Regulation Act 1984 sets out the duties of all local authorities in respect of a range of traffic related functions including the provision of off-street parking. The proposals contained within this report are consistent with these duties. In chief, local authorities are required to ensure that they do nothing that would result in the unsafe or inconvenient use of the highway. These proposals will not interfere with the security of (or access to) any other premises, they are not prejudicial to the amenity of any affected locality and they are in all other material respects consistent with other relevant factors including in this case our desire to encourage thriving town centre economies.

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

November 2014

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## **1. Introduction**

1.1 At the end of 2012 Members considered a review of a range of options relating to the operational management of our car parks portfolio. It was agreed that a number of special offers would be put in place on a trial basis commencing 1 April 2013 and that officers would monitor closely the impact of those offers on both car parking availability and revenue. This report provides a further review of the issues, evaluates the impact of these trials and sets out a number of new proposals for consideration.

## **2. Summer Trials 2013**

### **General Observations**

2.1 We applied our summer special offers over the 26 week period commencing 1 April 2013. In summary, we can clearly see that there was an upturn in gross income (before VAT) of £77,000 compared to the equivalent period in 2012. However, on closer inspection it becomes obvious that this upturn was not assisted in any way by the above offers.

2.2 The special offer car parks collectively earned £12,000 less in revenue than they did during the same period in 2012. The

overall increase this summer is very clearly attributable to the “other” car parks where there were no special offers. For example, in just 2 weeks (commencing 4 July 2013) income was very significantly higher than the equivalent weeks in 2012 (commencing 8 July 2012).

- 2.3 At Manor Road Sidmouth the increase in visitor numbers and income was around £11,000 in extra income earned from an extra 3,500 transactions compared to 2012. We can see a similar pattern elsewhere with Lime Kiln car park in Budleigh Salterton yielding an additional £16,000 from 6000 extra visitors.
- 2.4 Pay for 3 hours parking and stay free of charge for up to another hour in Sidmouth’s Ham car park.
- 2.4.1 After holding discussions with representatives of Sidmouth Chamber of Commerce we were persuaded that there might be a significant level of demand in the town for extending short stay parking from a 3-hour maximum stay to a 4-hour maximum stay. Anecdotally we were told of customers hurrying out of the town’s shops complaining that 3 hours had not given them sufficient time to enjoy Sidmouth. We were concerned that longer stays could potentially block car parking spaces at critical times but having studied ticket sales data for previous years we were satisfied that this risk was small with most short stay customers choosing to stay for less than 2 hours.
- 2.4.2 Our research showed us that during the year ending 31 March 2012 only 18% of customers using Sidmouth’s Ham car parks paid the full £3 maximum payment. 72% paid between more than £1 but less than £3. As a result we were happy to recommend that we should trial a special offer of allowing customers to pay for 3 hours parking and then get a 4<sup>th</sup> hour added on at the end of their stay for free. We were confident that this would address the Chambers’ complaints and that it might even encourage visitors to stay in Sidmouth for longer and could convert some of those customers who were buying just 1 or 2 hours parking to upgrade to a 4-hour stay.
- 2.4.3 The outcome was that the number of visitors using the Ham actually went down by a total of just over 3000 ticket sales during the six month trial period and earned just over £1600 less in revenue than in the equivalent six months in 2012. However, perhaps not entirely surprisingly the analysis suggests that the whilst the proportion of visitors staying for less than an hour remained about the same (between 9% and 10% of customers), there was a small shift in customers moving from a ticket price of less than £3 to a £3 ticket. The shift amounted to around 2000 more visitors paying for the maximum permitted stay. The average ticket price in 2012 was £1.75 and in 2013 it was £1.78 which I think demonstrates just how small the overall shift in behaviour was.
- 2.4.5 Although it is impossible to be precise, it does appear that the Sidmouth experience reflects the common sense interpretation in that during periods of good weather the use of those car parks that serve nearby beaches like Sidmouth’s Manor Road car park saw a very significant upturn in use. In Manor Road our summer revenue went up by over £13,000 from £143,784 to £157,545, visitor numbers increased as evidenced by over 4000 more ticket sales to 54878 in 2013. The buy 3 hours and get the 4<sup>th</sup> free offer does appear to have had a small influence on customer behaviour and although overall numbers were down this year, the weather appears to have been the deciding factor.

- 2.4.6 In view of the exceptional weather this summer, it seems sensible to repeat this offer for an extended trial period to fully assess its overall impact. It also seems sensible to extend the offer to other short stay car parks to enable visitors to other towns to avail themselves of the extra free hour by purchasing a £3 ticket if they so wish.
- 2.5 Park for half price in Exmouth's Maer Road Car Park.
- 2.5.1 It was very interesting to observe the effect of offering visitors a genuinely half-price tariff in Maer Road car park this summer. This car park is a little less convenient than Queens Drive and Foxholes for visitors to Exmouth's beach and the experiment was designed to help us better understand the extent to which our visitors are sensitive to the cost of parking. Despite clear signage of the "half price offer" in close proximity to both of these more popular car parks, it appears that customers were not persuaded to change their behaviour and Maer Road continued to be used primarily as an overflow car park once Queens Drive and then Foxholes car parks were full to capacity.
- 2.5.2 Although Maer Road car park earned around £17,500 this summer (as compared to the £12,000 it produced in 2012) the transaction numbers increased from 7,300 to over 13,000 leading to the reasonable conclusion that if a full price tariff had been in place the car park could have earned double the revenue it actually did. Over the same period Queens Drive and Foxholes attracted an additional 11,000 visitors earning an extra £32,000 compared with 2012, confirming that the gains at Maer Road did not reflect equivalent losses elsewhere. The shift therefore appears to be all due to good weather bringing visitors to Exmouth's beach and, I would suggest, nothing whatsoever to do with the price of parking there.
- 2.5.3 We believe that this exercise has helped us to understand that the availability of parking in preferred locations seems to be a more important factor than a price reduction in persuading people to use a particular car park. In other respects I think that it is clear that this offer was not successful and should not be repeated.
- 2.6 In any inland town car park, park from 3pm on Saturday right through to 8am on Monday for £1.
- 2.6.1 Anecdotally the situation in towns such as Honiton and Axminster tends to be that there is a reasonable level of activity in these towns on a Saturday morning. However as the weekend continues the footfall simply isn't there and this is supported by ticket sales in our car parks. Our offer of pay just £1 after 3pm till 8am Monday morning was designed to encourage visitors to spend more time in the towns on Saturday afternoons and Sundays but disappointingly few people have taken advantage of this offer. In fact in Honiton for example weekend visitor numbers were down by around 1000 to below 35,000 ticket sales compared to summer 2012. Ticket sales on offer (i.e. after 3pm) actually went down by 8% compared to a reduction of just 2% before 3pm. Again the weather is a likely contributor encouraging visitors to spend time at locations away from the towns during periods of prolonged sunshine. The offer does not appear to have caused any particular harm and could be left in place for a further trial period.
- 2.7 In Seaton's Harbour Road long stay car park, arrive after 1pm on any day and stay for the rest of that day for just £3.

- 2.7.1 In coming up with this offer we looked at activity every day from 1 April to 30 September during the summer of 2012 and it was clear that 90% of our Harbour Road long stay income has already been earned by 2pm.
- 2.7.2 Furthermore 70% of income is in by 1pm and only around 600 of the transactions after 1pm were for more than £3 (and almost all of those were for only £4 to £5) so the offer of £3 to park for the rest of the day after 1pm would in a worst case scenario risk losing revenue of something a little over £600 in total over the whole of the proposed six month trial period.
- 2.7.3 The car park took £46,309 from around 15,487 transactions during this period in 2012.
- 2.7.4 We also identified a potential for some of the 2000+ £2 transactions that took place after 1pm would be tempted to up their ticket purchase to £3 possibly gaining up to an extra £2000 of revenue over that same period.
- 2.7.5 Looking back now at what actually happened during the 2013 trial, it is interesting to observe first the activity after 1pm: There were 200 (3%) more customer transactions after 1pm in the long stay car park and the corresponding increase in revenue was a little over £300 and the average transaction was a little over £2. Activity also increased by a similar amount with pre 1pm transactions up by 2% and revenue up by almost £500. During the trial period the car park took £47,109 and there were 15,689 transactions.
- 2.7.6 Again this special offer does not seem to have altered customers' behaviour but it has a number of potential benefits for the town and appears to have caused no harm to our revenue so there may be an opportunity to repeat the offer in 2014 prior to changes arising from the development of Seaton Discovery Centre.
- 2.7.7 However the Discovery centre development may commence as early as spring or summer 2014 and at this stage it is impossible to know how much of this car park will be available during the construction phase. The remaining car park following completion will be just 150 spaces (down from the existing 367) so it does seem likely that the anticipated 40,000 to 50,000 visitors expected from 2015 will result in parking spaces here being at a premium and this offer is unlikely to be appropriate beyond 2014.

### **3. Free of charge parking**

- 3.1 We met with representatives of the East Devon Chambers of Commerce on Tuesday 5<sup>th</sup> November and they have asked us to consider a policy of moving towards free-of-charge parking in East Devon's towns.
- 3.2 The Council's parking team has an accumulated knowledge and expertise in this area and whilst there has been much talk about the harm that parking charging policies are doing to town centre economies, we remain convinced that reasonable charges for parking in key locations is not in itself harmful to local businesses.
- 3.3 Often the convenience of out of town retail offers causes confusion and can skew our perception of the value of ample free parking. The fact is that ample parking is rarely available in towns and there is good evidence to indicate that people visiting towns and other attractions place a higher value on

finding available parking at a convenient location than they do on finding less expensive or even free of charge parking.

- 3.4 Our own experience at Maer Road in Exmouth this summer is consistent with this. Appropriate charges represent a cost efficient means of managing and ensuring the turnover of our limited parking availability and I see no evidence to suggest that customers are choosing to shop elsewhere simply because of the price of parking.
- 3.5 In fact the reverse is often true with parking being charged at a premium in the most successful retail areas (Exeter City Centre would be a good example) whilst if shoppers choose to visit other towns like, for example, Ottery St Mary they would have access to substantial free short stay parking in Hind Street and one of the cheapest long stay car parks around at £1.50 all day in Canaan Way.
- 3.6 In addition to the difficult question of how to replace the revenue that the council currently relies upon, free of charge parking raises two further questions. Firstly, how do we prevent the parking spaces becoming occupied by town centre residents and their visitors (many of our residents do not have an off-street parking space of their own) and by the staff employed by town centre businesses?
- 3.7 Experience elsewhere suggests that free car parks quickly become unavailable to shoppers for this reason. Secondly, some of our car parks in Exmouth, Honiton and Axminster could potentially offer a convenient and inexpensive option for rail passengers, effectively and inadvertently becoming park-and-ride car parks serving Exeter bypassing the local town centre economies.
- 3.8 We will continue to talk to the Chambers of Commerce to seek solutions to this issue but for the foreseeable future we believe that it is appropriate to manage our car parks through a regime of reasonable charges.

#### **4. Christmas Parking Concessions**

- 4.1 This year we have been asked by Chambers of Commerce to consider offering free parking all day on every December Saturday leading up to Christmas. Equivalent Saturdays in 2012 produced revenue of just over £30,000 (before VAT) from 22,000 ticket sales but over half of these transactions were for just £1 or less suggesting that many shoppers are actually spending very little time in the towns.
- 4.2 We would genuinely like to be able to offer something to assist town centre economies this year but we are minded that there is always a risk of unintended consequences. Free parking all day may well tempt shoppers to choose one of our towns – and perhaps to spend longer there. However as suggested above, equally those shoppers may instead choose to use the free parking offer in Exmouth, Honiton and Axminster and take a short train ride into Exeter.
- 4.3 Again, there is also a very real risk that shop staff, other workers and town centre residents take full advantage of the offer themselves on these Saturdays and block the shoppers car parks all day.
- 4.4 As an alternative to all three Saturdays we have been asked to consider allowing free or reduced tariff parking on 7 December 2013. This is becoming a nationally recognised day promoting independent retailers under the title “independents’ day”

- 4.5 One solution is to offer a cheap rate all day – possibly an offer transferrable between all EDDC car parks on that day – starting at say 10am, park for the rest of the day for just £2, hopefully generous enough to tempt shoppers but inconvenient for most shop workers and yet sufficiently expensive to discourage shoppers from treating the car parks as a cheap Exeter park and ride.
- 4.6 Finally, we have been asked to consider approaching the Christmas offer from an entirely different perspective. A so-called golden ticket initiative would leave parking tariffs unchanged but we would instead offer a “prize” (perhaps a free of charge parking permit or a cash prize) with winners drawn from the pay and display tickets sold on designated days in specified car parks. Customer would retain their pay and display parking ticket (each of which have a unique reference number) to claim their prize.

## 5. Motor homes

### 5.1 Day visitors

- 5.1.2 Motorhomeparking is a UK website dedicated to directing motor home drivers to places where it is legal and safe for them to park. The organisation now claims that now around 25% of all UK local authorities are making specific provision to welcome visitors in motor homes.
- 5.1.2 East Devon does attract a variety of visitors and it is a matter of fact that over the last few years we have witnessed an increase in the popularity of motor homes with our visitors and we are seeing them in our towns and coastal resorts more and more frequently. This means inevitably that the drivers of these larger vehicles are seeking suitable off-street parking in our car parks when they visit our towns.
- 5.1.4 We currently have an unclear policy on where such vehicles are able to park. Some car parks can accommodate small and medium sized vehicles in a single marked bay, perhaps with an acceptable overhang across a grass verge. Others can accommodate vehicles across two adjacent bays and informally we have allowed drivers to purchase two pay and display tickets to allow them to park in this way.
- 5.1.5 At Beer Head, the grass surface car park has no bay markings and motor homes frequently park there without issue. In my view, it is likely to be in the best interests of our town centre economies to encourage the drivers of such vehicles with a clearly stated policy and to make specific provision for daytime parking in designated car parks.
- 5.1.6 It is considered that the layout of the following car parks could be modified to accommodate a few dedicated motor home parking bays:
- Exmouth: Estuary and Maer Road
  - Budleigh Salterton: Lime Kiln
  - Sidmouth: Manor Road
  - Ottery St Mary: Land of Canaan
  - Honiton: Lace Walk
  - Axminster: West Street and Poplar Mount
  - Beer: Cliff Top and Central
  - Seaton: Harbour Road (until 2015) and Orchard Road

## 5.2 Overnight Parking

- 5.2.1 It has been the subject of occasional complaints over the last couple of years that from time to time, motor homes drivers of motor homes and campervans (of various shapes and sizes and in various states of repair) do take the opportunity to park overnight and it is suggested “camp” in the car park.
- 5.2.2 This seems to be a particular issue in Estuary car park in Exmouth, Manor Road car park in Sidmouth and Beer Head car park. Whilst our Parking Places Order does not prohibit overnight parking, it does prohibit overnight sleeping. I think it is clear that the enforcement of this restriction is by no means straightforward and a CEO would need to establish that not only is the vehicle occupied but that someone had actually slept in the vehicle overnight in order to prove the contravention.
- 5.2.3 In the past a pragmatic view has been taken leading to the current custom and practice that if a vehicle is clearly parked in a suitable location and has paid the required parking fee, then no further investigation would be carried out. In my view we now need to review our policy and then to enforce restrictions in a robust and transparent manner.
- 5.2.4 I would suggest that there are some car parks where we could choose to allow motor home and camper vans to park overnight, initially on a one year trial basis. These would include Manor Road in Sidmouth, Maer Road and Estuary in Exmouth and Lime Kiln in Budleigh Salterton. In all others, overnight parking would be prohibited. We would not offer additional facilities (water, electricity, waste disposal) and in view of this, we could permit a maximum stay of 24 hours, prohibiting their return on the following night. I do not anticipate that the introduction of a legitimate overnight tariff would generate a significant level of additional revenue and for comparison purposes Torridge District Council introduced a policy of allowing overnight parking for just £5. They report that this was implemented this summer without any issues.
- 5.2.5 Alternatively Members may be more comfortable promoting the use of legitimate local camp sites and introducing a blanket prohibition on overnight parking in all our car parks. On balance I am going to recommend a ban on all overnight parking as there appears to be good availability of legitimate overnight camping facilities locally and this is the most straightforward enforcement option.

## 5.3 Long Term Parking

- 5.3.1 Finally the Council needs to consider its policy on the use of car parks for what is effectively the “storage” of large motor homes. This has now become an issue in Seaton’s Orchard car park and it is not uncommon to find 15 or 20 such vehicles, often occupying (or partly blocking) 30 to 40 spaces in this 168 space car park. Seaton residents have already expressed concerns over the loss of more than half of Harbour Road’s 367 spaces once development of the discovery Centre gets underway and anticipate a shortage of visitor parking for the town.
- 5.3.2 The issue is also apparent to a lesser extent in other towns and invariably the vehicles concerned are displaying a town/area parking permit that costs just £120 for a whole year. This compares very favourably with commercial prices for “secure” storage which I understand tend to be of

the order of around £2 per night or £400 to £500 per year. Again it is suggested that we now need to consider our position in respect of whether we should provide long term parking / storage facilities for those motor homes owned by our own residents.

- 5.3.3 Two options that would merit further debate would be to make it a specific condition of our parking permits that they may be used only by vehicles of up to a prescribed maximum width and length.
- 5.3.4 This would effectively compel owners of large motor homes to pay for their parking on a daily basis (£4 to £10 per day depending on the car park and time of year) and would encourage these owners to seek a less expensive and more secure legitimate storage facility.
- 5.3.5 Alternatively we could adopt a policy that either adopts a blanket prohibition of the overnight parking of motor homes or restricts overnight parking to one night in certain dedicated bays in designated car parks. Either way, these policies would call a halt to this emerging issue.

## **6. Advertising in car parks**

- 6.1 We have identified a possible business opportunity to earn revenue and assist local businesses by allowing, subject to obtaining planning consent, the display of advertisements in key locations within some of our car parks.
- 6.2 We are presently consulting with the East Devon chambers of commerce and will take into account their views before proceeding further.

## **7. Other uses for car parks**

- 7.1 We currently have around 5500 parking spaces under our control and many of these remain unoccupied for much of the year, ready for visitors to our towns and beaches at peak times. These times and dates are reasonably predictable and we have an opportunity to allow or even promote a range of other off-peak activity in some of our car parks. We propose to consult with ward members, town and parish councils and we have already started consultation with the East Devon Chambers of Commerce and the Beer Village Business Forum
- 7.2 Recent examples which have to date been refused include a request to authorise a local person to operate a car valeting business in Lace Walk car park in Honiton, another request to allow someone to trade “farm gate” quality fresh vegetables, also out of Lace Walk car park, the Ward Councillor has asked for consideration of low-season car boot sales in Beer central car park and another local entrepreneur hoping to establish a cream-tea and sandwich takeaway in Exmouth.
- 7.3 The suggestion is that the Council delegates authority to the Environmental Health and Parking Services Manager and Portfolio Holder to give consent to applications that are deemed not to be harmful to the reputation of the Council nor to the economic wellbeing of the town, in consultation with the town or parish clerk and the local ward member. There would be a reasonable charging scheme put in place but to reflect the existing situation, the Council would retain discretion to waive charges for not-for-profit events in support of an approved charity.

## 8. All-year tariff

- 8.1 Each year we incur both additional costs in reverting to a winter tariff (ticket machine reprogramming and new signage on all machines) along with earning less revenue because of either a cheaper tariff or, in some cases, a free of charge tariff. This is in most cases put in place on 1 November each year and lasts until Good Friday (or 1 April) the following year (whichever comes first).
- 8.2 The current arrangements are summarised in table 1.

**Table 1 – Seasonal Tariff Changes**

<b>Car Park</b>	<b>Summer Tariff 1 April to 31 October</b>	<b>Winter Tariff 1 November to 31 March</b>
<b>Exmouth:</b>		
Maer	£1 per hour, £6 all day	free
Foxholes	£1 per hour, £6 all day	free
Estuary	£1 per hour, £6 all day	£1 per hour, £3 all day
Camperdown Terrace	£1 per hour, £6 all day	£1 per hour, £3 all day
Queens Drive	£1 per hour, £6 all day	£1 per hour, £3 all day
<b>Beer:</b>		
Cliff Top	£1 per hour, £4 all day	free
Central	£1 per hour, £6 all day	£1 per hour, £3 all day
<b>Seaton:</b>		
Harbour Road	£1 per hour, £6 all day	£1 per hour, £3 all day
<b>Sidmouth:</b>		
Manor Road	£1 per hour, £6 all day	£1 per hour, £3 all day
<b>Budleigh Salterton:</b>		
Lime Kiln	£1 per hour, £6 all day	£1 per hour, £3 all day
<b>Also Exmouth</b>		
	Summer Tariff	Winter Tariff
Queens Drive Echelon	1 April to <b>30 September</b>	<b>1 October to 31 March</b>
	<b>90p</b> per hour, £6 all day	free

- 8.3 We have consistently avoided increasing our basic £1 per hour parking charges and again this year we are proposing no further increase. However, there is good evidence to suggest that when visitors arrive in a new town, their priority is to find a convenient available parking place and that nowadays they expect to pay for it. A number of our towns enjoy a reasonable low-season visitor footfall and the need to revert to a cheaper winter tariff can now at the very least be reviewed. The suggestion is to abandon the winter tariff in favour of one simple year-round tariff from 1 April 2014.

## 9. Management of Belsher's slipway Exmouth

- 9.1 Since the closure of Mamhead slipway in Exmouth we have provided a CEO to help with day to day management of the use of Belsher's slipway and to proactively manage the

associated parking issues in the vicinity. General feedback suggests that this role has been helpful and subject to finding the necessary budget, it is proposed that this should continue until a replacement for Mamhead slipway is in operation.

## **10. Exmouth Land train and Maer Road car park**

- 10.1 Maer Road car park is underused for most of the year and has been the subject of a recent proposal by a local company to operate a land train service in the town again.
- 10.2 We are currently in discussions that could see Maer Road car park in use as both overnight garaging for the land train along with its usage as the designated car park for Stuart Line cruise customers. The proposal under consideration is to provide an hourly land-train service on a circular route taking in the seafront, docks and town centre and customers would have an opportunity to purchase a combined parking, land train and cruise deal ticket.
- 10.3 The outstanding question is to review the appropriate tariff for Maer Road. In section 1.3 above it was demonstrated that overall the half price tariff offer does not appear to have persuaded visitors to move to Maer Road car park until other options were unavailable. However, with this new incentive we could well see usage increase and it would seem unwise to leave the half price tariff in place again next year. However the Council has been asked to consider not returning to the full price tariff in order to assist in promoting this new attraction.
- 10.4 The suggestion is to acknowledge that with the added incentive of the land train links, Maer Road car park could well become just as popular as Foxholes and Queens Drive and might even attract visitors away from those car parks. This represents an overall risk to revenue if the Maer Road tariff is significantly cheaper. However a compromise worthy of further consideration would be to introduce a new tariff of £5 all-day.

## **11. Low Tariff Review**

- 11.1 Traditionally East Devon District Council has provided a small number of car parks, primarily for the benefit of local communities, that are available at significantly cheaper rates than the rest. These are:

### **At 50p per hour (£1.50 all day)**

Coombe Lane, Axminster; Land of Canaan, Ottery St Mary

### **At 40p per hour, (£4 all day)**

Underhill, Lypstone; Church Street, Sidford; Dolphin Street, Colyton

- 11.2 In addition, we sell around 200 annual parking permits to local residents at just £35 for the following car parks: Underhill, Lypstone, Dolphin, Street Colyton, Camperdown Terrace, Exmouth.
- 11.3 These charging regimes might well attract criticism and are capable of being viewed as anomalies and in consequence at times when we are looking in every possible direction to make savings and manage our assets more effectively, they are difficult to justify.

11.4 The low hourly rate (40p and 50p) and all day caps could now potentially be brought into line with other car parks to enable us to manage one simple tariff of £1 per hour and a maximum daily charge of £6. However, such a significant increase can only cause harm and my suggestion would be to note the anomaly, to take no action at this stage, but to begin consultation next year and work towards the objective of bringing the charges into line with the rest of the district by 2017 via planned price increases in 2015 and 2016.

## **12. Parking Permits**

12.1 All of our other parking permits continue to be popular and represent extremely good value for money. We are proposing to increase permit charges by 10% across the range next year. They will continue to be very affordable and they will represent a very significant discount for regular users when compared with pay and display charges. For example our "All car parks" permit is set to increase from £185 to £203. For comparison, I understand that the equivalent district wide permits in West Dorset and Teignbridge cost £720 and £550 respectively. Our ever popular town / area permit will increase from £120 to £132.

12.2 The low tariff resident permits described in 10.1 above cost just £35 and with a 10% increase will still be well under £40 per year. An additional £10 per permit on top would generate an additional £2000 in revenue. Again, my suggestion would be to take no action at this stage (other than the basic 10% increase) , but to include these permit charges in the planned consultation next year and work towards the objective of phasing in increases towards the district norm by 2017 via planned price increases in 2015 and 2016.

## **13. Seaton Town Hall car park**

13.1 This car park offers 20 spaces to permit holders only. It has already been noted that Seaton residents have expressed concern about a lack of available parking once the Discovery Centre planning consent is implemented.

13.2 The car park is often underused and the introduction of pay and display parking here could be helpful to both the town and East Devon District Council. Spaces in the Harbour Road car parks have been earning us up to £600 per space per year.

## **14. On-street enforcement**

14.1 Finally in this review Members are reminded that the Council is now well into its notice period and in a report to its Cabinet on 9 October 2013 Devon County Council has explained that none of the Devon District Councils were able to continue to deliver an on-street service after 1 April 2014 for the amount of money that was on offer.

14.2 The costs of providing this service have historically been passed on in their entirety to the County Council on a zero profit basis. The County Council has taken advice from a consultant who has recommended that they could potentially deliver a County-wide enforcement service themselves from a centralised administrative base with significant cost savings. They made a "fixed-fee" offer to all Devon Districts inviting them to continue to deliver services on the basis of a reduced fee (based on their own financial model). East Devon's offer

was for £102,000 less than it cost us to deliver the service last year.

- 14.3 Like all other districts we looked at the situation very carefully but we were unable to deliver the service as requested and as an alternative we offered to provide a reduced level of service within budget. This was not accepted by the County Council and they are working on their own in-house option. They report that they are simultaneously working with a local authority collaboration comprising officers from Teignbridge, South Hams and West Devon Councils who believe that it may be in the best interests of their Councils to deliver a county wide service.
- 14.4 Our on-street civil enforcement officers have provided an excellent level of service on behalf of Devon County Council and it is with grateful thanks that we should now wish them a smooth transfer into their new roles with either the county Council or the district-led collaboration.
- 14.5 All staff are protected by the Transfer of Undertakings Protection of Employment (TUPE) Regulations and will transfer to the new service provider on 1 April 2014 with their terms and conditions of employment unchanged.

## **15. Financial consequences**

- 15.1 The on-street arrangements with Devon County Council have historically made a contribution to our organisational on-costs, including ICT, premises, payroll, customer services and accountancy. There has also been a contribution towards the shared costs of managing the combined service, although we made very substantial saving in that area when the Parking Service Manager retired in 2011 and his role was combined with the then Environmental Health Manager (Environmental Protection), followed by further efficiency savings arising from the same management team taking on the role of the retiring Environmental Health Manager (Commercial Premises) and some elements of the role of the retiring Head Environment.
- 15.2 Initially our remaining team will concentrate on car parks management and off-street enforcement with the objectives of maintaining high levels of customer service whilst taking into account the impact of any changes in the charging structure on the council's finances.
- 15.3 It is always difficult to predict accurately the financial consequences of introducing even relatively modest changes in the way in which we manage our car parks. We are however confident that extending this year's special offers as discussed along with increasing permit charges is likely to have a positive effect. Introducing a special motorhome tariff, allowing other activities and events to take place in our car parks and making the most of advertising opportunities also have the potential to help us meet the costs of managing and maintaining our car parks. I propose to bring you a further annual review of the service towards the end of 2014.

## **16. Equalities Considerations**

- 16.1 Our car parks offer convenient designated parking spaces for disabled blue badge holders and the proposals for change in this report have been assessed to have a neutral impact. The extra hour's free parking proposed in short stay car parks will be of assistance to residents and visitors with limited mobility, allowing extra time for their journey back to

their car. The proposals for encouraging motorhome users to visit East Devon has been assessed as having a neutral impact and the proposal to not increase the basic hourly rate of £1 will, we believe, have a positive impact for customers on limited incomes. Permit charges are increasing but benchmarking with neighbouring authorities indicate that these continue to represent excellent value for money for all and this proposal is therefore assessed to have a neutral impact.

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## **Legal Implications**

Consideration of what amendments will be required to EDDC's Parking Places Order 2008 to reflect any changes approved by this report will need to be made.

This Order is currently in the course of review to consolidate subsequent removal/changes to the extent of certain parking places and to authorise payments by mobile 'phone as well as legislative updating (amended draft submitted to Parking Services for review & inclusion of details of parking fee/restrictions schedules).

## **Financial Implications**

It should be noted that the increase in the VAT rate from 17.5% to 20% on 04/01/2011 is borne by the Authority and has not affected the price of the £1 hour parking charge to the public. This has reduced our income (currently receiving 0.83p, where previously 0.85p was received).

On street Parking service – The financial implications would need to be investigated further once the decision is clear on whether the service transfers to DCC or the Consortium, regarding the TUPE of staff and possible redundancy costs.

## **Consultation on Reports to the Cabinet**

This report has not been the subject of further consultation. The information presented herein has been consulted upon extensively with Ward Members, Town and Parish Councils and Chambers of Commerce.

## **Background Papers**

- <http://www.eastdevon.gov.uk/bp031012cabinetCarParkreport.pdf>
- Considered by Overview and Scrutiny and Cabinet in 2012

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Environmental Health and Parking Services Manager  
Ext. 2382

Cabinet  
27 November 2013



## Agenda Item 15

**Cabinet**

**27 November 2013**



### **Treasury Management Performance 2013/14 – 1 April 2013 to 30 September 2013**

#### **Summary**

This report details the overall performance of the Council's investment portfolio during the first six months of 2013/14. Details are given to remind members of our existing external and internal investment strategy in order to gain support for its continuance.

#### **Recommendation**

**Cabinet is requested to note the investment return for the first six months of 2013/14.**

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

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

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

Not relevant

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

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

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

For 2013/14, the General Fund has budgeted to generate £311,720 from its investments and pay out a total of £73,440 in borrowings giving a net return of £238,280.

The Housing Revenue Account (HRA) has budgeted to receive £36,220 on investments and pay out £2,569,200 in borrowing, resulting in a net payment of £2,532,980.

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

Treasury management performance is reviewed at six-monthly intervals. A review of the performance for the whole of 2013/14 will be made to the Cabinet in June 2014.

## 1. Introduction

- 1.1 This report is submitted in accordance with the Chartered Institute of Public Finance & Accounting's (CIPFA) "Code for Treasury Management in Public Services". It covers the period 1 April 2013 to 30 September 2013.
- 1.2 The average 7-day rate for this period is the London Interbank Bid (LIBID) rate. This rate was 0.36% for the period and is used as a benchmark for comparison purposes.

## 2. Overview

- 2.1 The 2013/14 budget estimated a net return on all investment activities of £238,280. The actual return for the first half of 2013/14 is £96,482, The table below shows the return breakdown:

General Fund (GF)	Actual 2012/13 Mths 1-6 £000	Budget 2013/14 £000	Budget 2013/14 Mths 1-6 £000	Actual 2013/14 Mths 1-6 £000	Variance 2013-14 Mths 1-6 £000
<b>Internal Investments</b>					
Interest on Market Investments	(20)	(47)	(24)	(16)	8
Other Investment interest	1	34	17	13	(4)
<b>Return on Internal Investments</b>	<b>(19)</b>	<b>(13)</b>	<b>(7)</b>	<b>(3)</b>	<b>4</b>
<b>Externally Managed Funds</b>					
Interest Received net of fees	(137)	(298)	(149)	(130)	19
Fair Value (Gains)/Losses*	(21)	0	0	0	0
<b>Return on External Investments</b>	<b>(158)</b>	<b>(298)</b>	<b>(149)</b>	<b>(130)</b>	<b>19</b>
<b>Return on Investments</b>	<b>(177)</b>	<b>(312)</b>	<b>(156)</b>	<b>(133)</b>	<b>23</b>
<b>Borrowing</b>					
Temporary Borrowing	1	1	1	0	0
Long Term borrowing - PWLB	36	72	36	36	0
<b>Payable on Borrowings</b>	<b>37</b>	<b>73</b>	<b>37</b>	<b>36</b>	<b>0</b>
<b>Net Return on Treasury Activities</b>	<b>(140)</b>	<b>(238)</b>	<b>(119)</b>	<b>(97)</b>	<b>23</b>

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

2.2 The 2013/14 budget estimated a net return of £2,532,980 for the HRA. The actual return for the first half of 2013/14 is £1,242,447. The table below shows the return breakdown:

Housing Revenue Account (HRA)	Actual 2012/13 Mths 1-6 £000	Budget 2013/14 £000	Budget 2013/14 Mths 1-6 £000	Actual 2013/14 Mths 1-6 £000	Variance 2013-14 Mths 1-6 £000
<b>Interest Receivable</b>					
Other Investment interest	(5)	(36)	(18)	(14)	4
<b>Return on Investments</b>	<b>(5)</b>	<b>(36)</b>	<b>(18)</b>	<b>(14)</b>	<b>4</b>
<b>Long Term Debt</b>					
PWLB	20	39	20	20	0
PWLB Self Financing Loans	1,237	2,539	1,237	1,237	0
<b>Payable on Borrowings</b>	<b>1,257</b>	<b>2,569</b>	<b>1,257</b>	<b>1,257</b>	<b>0</b>
<b>Net Return on Treasury Activities</b>					
	<b>1,252</b>	<b>2,533</b>	<b>1,239</b>	<b>1,243</b>	<b>4</b>

2.3 Below is a table of the half yearly rate of return for the main treasury items expressed as a percentage.

	Half Year Rate of Return	
	2012/13	2013/14
External Investment Fund	0.51%	0.49%
In House Investment	0.57%	0.48%
7 Day LIBID	0.24%	0.36%

### 3. External Investments

- 3.1 The Council has received £133,752 in income from its external investments in Royal London Asset Management Cash Plus Fund and Payden & Rygel Sterling Reserve Fund. This is a return on investment of 0.49%
- 3.2 The return on investment of 0.49% is 0.13% higher than the 7 Day LIBID rate for the half year of 0.36% but 0.02% lower than at the same time last year.
- 3.3 When compared to the budget interest receipts are down by £19,023. This is reflective of a general pattern of lower returns in the market. This is partly due to the availability of cheap money through the funding for lending scheme which has just been extended into 2015.

### 4. Internal Investments

- 4.1 Up to 30 September 2013 internal investments have generated an income of £15,906 compared to £20,111 at the same point in 2012/13.

- 4.2 The repayment terms varied from call (instantly repayable), to fixed periods of up to 43 days (56 days in 2012/13). The interest rate on these investments averaged 0.48% compared to 0.57% in 2012/13.
- 4.3 The average rate of return achieved with our cash flow funds, is 0.48%. This is 0.12% above the 7 Day LIBID rate for the half year of 0.36%. This is despite market rates being historically low and the duration and amount of funds available being dependent on the timing of precept payments, receipt of grants and progress expenditure from the Capital Programme.

## 5. Borrowing

- 5.1 So far this year we have not had to borrow to cover cash flow. However, it is estimated that we will need to borrow to support cash flow as we come to the end of the financial year, due to the timing of precept payments and receipts.
- 5.2 The capital programme currently includes planned borrowing of £0.77 million for Seaton Workshops.
- 5.3 Full Council has also recently approved up to £1.06 million in borrowing to extend a loan to Beer Community Land Trust in support of their development plans which include affordable homes for the local community.

## 6. Outlook

- 6.1 First estimates of Quarter 3 UK Gross Domestic Product (GDP) show the UK economy has grown by 0.80% when compared to quarter 2 and by 1.50% when compared to the same time last year.

The Bank of England base rate remains at 0.50% and quantitative easing at £375 Billion. After the arrival of a new Governor in Mark Carney, the Bank's Monetary Policy Committee (MPC) provided forward guidance that the base rate is unlikely to change until unemployment first falls to 7%, which is not expected until mid 2016. It must be stressed this is only a point at which the rate will be reviewed; the bank may not necessary take any action.

The Council's treasury advisor, Sector, provides the following forward looking view:

*Economic forecasting remains difficult with so many external influences weighing on the UK. Volatility in bond yields is likely during 2013/14 as investor fears and confidence ebb and flow between favouring more risky assets i.e. equities, and safer bonds. Downside risks to UK gilt yields and PWLB rates include:*

- *A return to weak economic growth in the US, UK and China causing major disappointment to investor and market expectations*
- *The potential for a significant increase in negative reactions of populaces in Eurozone countries against austerity programmes, especially in countries with very high unemployment rates e.g. Greece and Spain, which face huge challenges in engineering economic growth to correct their budget deficits on a sustainable basis.*

- *The Italian political situation is frail and unstable: the coalition government fell on 29 September.*
- *Problems in other Eurozone heavily indebted countries (e.g. Cyprus and Portugal) which could also generate safe haven flows into UK gilts.*
- *Monetary policy action failing to stimulate sustainable growth in western economies, especially the Eurozone and Japan.*
- *Weak growth or recession in the UK's main trading partners - the EU and US, depressing economic recovery in the UK.*
- *Geopolitical risks e.g. Syria, Iran, North Korea, which could trigger safe haven flows back into bonds*

*Upside risks to UK gilt yields and PWLB rates, especially for longer term PWLB rates include: -*

- *UK inflation being significantly higher than in the wider EU and US, causing an increase in the inflation premium inherent to gilt yields.*
- *Increased investor confidence that sustainable robust world economic growth is firmly expected, together with a reduction or end of QE operations in the US, causing a further flow of funds out of bonds into equities.*
- *A reversal of Sterling's safe-haven status on a sustainable improvement in financial stresses in the Eurozone.*
- *In the longer term - a reversal of QE in the UK; this could initially be implemented by allowing gilts held by the Bank to mature without reinvesting in new purchases, followed later by outright sale of gilts currently held.*
- *Further downgrading by credit rating agencies of the creditworthiness and credit rating of UK Government debt, consequent upon repeated failure to achieve fiscal correction targets and sustained recovery of economic growth, causing the ratio of total Government debt to GDP to rise to levels that provoke major concern.*

*The overall balance of risks to economic recovery in the UK is now weighted to the upside after five months of robust good news on the economy. However, only time will tell just how long this period of strong economic growth will last, and it remains exposed to vulnerabilities in a number of key areas.*

*The longer run trend is for gilt yields and PWLB rates to rise, due to the high volume of gilt issuance in the UK, and of bond issuance in other major western countries.*

	Sep-13	Dec-13	Mar-14	Jun-14	Sep-14	Dec-14	Mar-15	Jun-15	Sep-15	Dec-15	Mar-16	Jun-16	Sep-16	Dec-16	Mar-17
Bank rate	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.75%	1.00%	1.25%
5yr PWLB rate	2.50%	2.50%	2.50%	2.60%	2.70%	2.70%	2.80%	2.80%	2.90%	3.00%	3.20%	3.30%	3.50%	3.60%	3.70%
10yr PWLB rate	3.70%	3.70%	3.70%	3.70%	3.80%	3.80%	3.90%	4.00%	4.10%	4.20%	4.30%	4.40%	4.50%	4.60%	4.60%
25yr PWLB rate	4.40%	4.40%	4.40%	4.40%	4.50%	4.50%	4.60%	4.70%	4.80%	4.90%	5.00%	5.10%	5.10%	5.10%	5.20%
50yr PWLB rate	4.50%	4.40%	4.40%	4.40%	4.50%	4.60%	4.70%	4.80%	4.90%	5.00%	5.10%	5.20%	5.20%	5.20%	5.30%

(The Capita Assets Services forecasts above are for PWLB certainty rates.)

*Expectations for the first change in Bank Rate in the UK are now dependent on how to forecast when unemployment is likely to fall to 7%.*

*Financial markets have taken a very contrary view to the MPC and have aggressively raised short term interest rates and gilt yields due to their view that the strength of economic recovery is now so rapid that unemployment will fall much faster than the Bank of England forecasts. They therefore expect the first increase in Bank Rate to be in quarter 4 of 2014.*

*There is much latitude to disagree with this view as the economic downturn since 2008 was remarkable for the way in which unemployment did not rise to anywhere near the extent likely, unlike in previous recessions. This meant that labour was retained, productivity fell and now, as the MPC expects, there is major potential for unemployment to fall only slowly as existing labour levels are worked more intensively and productivity rises back up again. The size of the work force is also expected to increase relatively rapidly and there are many currently self employed or part time employed workers who are seeking full time employment.*

*Capita Asset Services take the view that the unemployment rate is not likely to come down as quickly as the financial markets are currently expecting and that the MPC view is more realistic. The prospects for any increase in Bank Rate before 2016 are therefore seen as being limited.*

*However, some forecasters are forecasting that even the Bank of England forecast is too optimistic as to when the 7% level will be reached and so do not expect the first increase in Bank Rate until spring 2017.*

## Legal Implications

None are required.

## Financial Implications

Financial implications are included in the body of the report

## Consultation on Reports to the Cabinet

### Background Papers

- Sector Economic Update & Interest Rate Forecasts – as shown in ‘Outlook section of report’.

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Accountant



# Task and Finish Forum Fees and Charges

Final Report  
November 2013



# Preface



Councillor Tim Wood

Chairman of the Fees and Charges Task and Finish Forum

Members: Mike Allen; Peter Burrows; Alan Dent; Tony Howard ; Geoff Pook; Tom Wright (prior to May 2013)

The Fees and Charges Forum was set up to consider all the fees and charges of the Council in an environment where Government grants are being reduced and when there are severe controls on increases in Council Tax. It has now completed this task.

There are many areas of Council activity where charges are nationally set or are constrained to enable Councils only to recover the costs of a specific activity. Thus many, if not most, of the Council's charges can only be changed to a very modest degree. Nevertheless virtually all the Council's areas of activity have been reviewed to see whether there are some further possibilities for appropriate but not unreasonable charging. There are a few quite significant areas where, in due course, there may be the possibility of increases in charges to cover costs but where existing contracts make it difficult to alter arrangements in the short term although they need to be reviewed when the opportunity arises.

Areas have been identified where some useful income can be obtained to cover the costs incurred in the particular activity, including in relation to written enquiries on planning matters prior to the possible consideration of a planning application. These, in addition a variety of modest increases in fees and charges listed in the following pages, comfortably achieve the income increase of £50K that was requested of the Forum, with a provisional figure of £85.5K.

The forum has not proposed increases in the income from car parking. The Council does already receive a substantial income from this source. There are continuing discussions on the issue and the Overview and Scrutiny Committee and Cabinet will be discussing these matters further. Most of the recommendations were contained in the interim report and the further recommendations are added from 10 onwards. In relation to the original recommendations, just one change has been made and that is to reduce the proposed charge for Woodland Burial to the same as that proposed for exclusive rights of burial.

The Forum was disappointed not have a clearer picture presented in relation to those fees and charges being administered by the Asset Management Group and considers it a matter of importance to ensure that Asset Management matters are resolved without undue further delay.

I am grateful to all those that have participated in the TAFF and also to all those who have considered and brought forward suggestions as to how the income of the Council might be increased. I would also like to express particular thanks to Debbie Meakin for her work in support of the TAFF.

Tim Wood

November 2013

# Recommendations

The Forum recommends the following, based on their interviews, findings and consultation.

- (1) Countryside Service:
  - a) No increase above inflation or to cover significant cost increases for 2014/15 due to the nature of the service objective being educational;
  - b) Investigate as a spend to save initiative shifting the focus of the service to allow the offer of commercial consultation on arboriculture and ecological issues, recognising that this may require additional staff resource in order to maintain the existing service.
- (2) HomeSafeGuard:
  - a) No increase above inflation or to cover significant cost increases for 2014/15 due to the nature of the service objective being predominately for vulnerable people;
  - b) Investigate moving the service into the telecare market as a spend to save initiative.
- (3) Private Water Supplies:
  - a) Increase risk assessment fee by 10% for 2014/15 on completion of inspection of remaining properties on current inspection rota;
  - b) Increase supply sampling charge from £60 to £70 for 2014/15;
  - c) Review actual cost of inspection of caravan sites in preparation for any legislative change that introduces the requirement for a caravan site licence (based on the assumption that this would attract a charge).
- (4) No changes to the current levels of charges for Licensing (including Environmental Health function with licensing administered by Licensing) apart from:
  - a) Increase Hackney Carriage and Private Hire fees in line with full recovery of costs;
  - b) Increase Cemetery Fees for 2014/15 as follows:
    - 1) Interment (Adult) from £415 to £480
    - 2) Interment (Ashes) from £113 to £140
    - 3) Interment (Scattering) from £78 to £100
    - 4) Exclusive rights of burial (Adult) from £622 to £850
    - 5) Exclusive rights of burial (Ashes plot x 4) from £276 to £350
    - 6) Exclusive rights of burial (Ashes plot x 2) from £156 to £200
    - 7) Exclusive rights of burial (Ashes plot x 1) from £78 to £100
    - 8) Headstone from £155 to £170
    - 9) Flat/foot/kerb stone from £155 to £170
    - 10) Vase/tablet/inscription from £70 to £80
    - 11) Chapel Service from £100 to £120
    - 12) Woodland burial plot from £415 to £850 (formerly recommended as £960)
    - 13) Register search from £25 to £30

- (5) Planning:
- Introduce a new charge for letters responding to requests from householders regarding requirement to apply for permission at £35 per written response. Enquiries of a brief nature by phone and at reception to remain free of charge with advice if the response would be substantial enough to require the chargeable written response.
- (6) No changes to the current levels of charges for Building Control due to the competitive nature of the market.
- (7) Streetscene:
- a) The following charges are retained at being increased in line with RPI:
    - 1) Allotments
    - 2) Benches
    - 3) Boats and Winches
    - 4) Schedule 2 Waste collection
  - b) Review of beach hut charges:
    - 1) Review demand at end of season before actioning subsequent recommendations;
    - 2) Charges retained at being increased in line with RPI;
    - 3) Note high demand for sites in Budleigh Salterton and review offer at Budleigh Salterton at end of 2013;
    - 4) Review switch to site only offer and extending terms of lease to year round for 2015/16;
  - c) Set charge of £25 plus VAT for collection of 3 items under Bulky Household Waste; with a subsequent charge of £10 for each subsequent item with limit on number of items to be decided at an operational level;
  - d) Review charges for commercial events with Portfolio Holder to incorporate:
    - 1) Full charge for commercial bodies;
    - 2) Concession rate for community and charity events to cover at least the administration charge;
    - 3) Assessment of charging model used by Exeter City Council
  - e) Make available the hire of a section of Connaught Gardens on a trial basis of up to one event per month during the period April to October, subject to review by the Portfolio Holder to assess feasibility, cost to provide and advertise. It is recognised that, due to the nature of the event market, this may not generate significant income until 2015/16;
  - f) Increase charge for water taxi operation agreement by 10% for 2014/15;
  - g) Review actual costs of cleansing toilets in conjunction with asset review;
  - h) Asset Management Forum to review recovery of costs on sports assets outside of the LED contract, with focus on ability to pay for membership based clubs and community use.

- (8) Hire of Knowle building function rooms to retain same charge level with an RPI increase for 2014/15 due to limited life of the building within Council control.
- (9) Continue approach of 5% increase in office rent rates at the East Devon Business Centre and maintain conference and training room hire at current rates.
- (10) Introduce new charging regime for legal services recovery of costs from third parties from 2014/15 (already partially introduced for 2013/14);
- (11) that the Manor Pavilion Steering Group agree a venue hire increase for the facilities at the Manor Pavilion Theatre at 5% for 2014/15;
- (12) Increase in parking permit price for EDDC's car parks; along with further promotion of the permits to boost take up;
- (13) Retain the current Street name and numbering charge at £129 for 2014/15 due to its higher level than many neighbouring authorities;
- (14) that review of the Council's assets and their associated charges be completed as a priority, as the Forum felt work on this was not progressing quickly enough and there is scope to increase income from those assets;
- (15) that the Policy proposed on Fees and Charges be recommended for adoption by Council.

# Review Approach

How does the review relate to the Council Plan?

How the Council funds its services relates to every aspect of the Council Plan.

## Scope of the review

Scoping is purely a term to define how the review is to be undertaken. The Forum agreed the scope at their first meeting, making clear what was included; but also just as crucially, what was not. The agreed scope of the review is set out below:

Broad topic area:	Fees and Charges
Specific area to explore within topic area:	<ul style="list-style-type: none"> <li>• How are fees and charges set?</li> <li>• What benchmarking is done with other authorities or service providers?</li> <li>• What consultation is carried out with customers before a fee or charge is changed?</li> <li>• Are fees and charges aligned with the service cost?</li> <li>• Are charges simple to understand and administer?</li> <li>• What additional services could be charged for that aren't currently?</li> <li>• What services, legislation permitting, can bear an increase in fee or charge?</li> <li>• Do discretionary charges cover cost?</li> <li>• Is any Council subsidy of a charge made clear to the customer?</li> <li>• Would increased marketing help boost use of some services?</li> <li>• Does each service have a clear charging policy – if not, should they?</li> <li>• What social benefit is there of the provision of a service?</li> </ul>
Areas NOT covered by the review:	Recharge of overheads Sponsorship Council Tax Car Park charges in full (recently extensively reviewed)
Desired outcomes of the review:	<ul style="list-style-type: none"> <li>• Understanding of rationale behind fee and charge setting</li> <li>• Clear consultation on reviewing and setting new fees and charges</li> <li>• Raising additional income where legislation allows, and market will bear increase in fees and charges</li> <li>• Recommend a fees and charges policy to Council to ensure consistency in approach to review of fees and charges</li> </ul>
Who should be consulted for evidence	Head of Finance Heads of Service Service Managers

What evidence already exists	Fees and charges policies set by other authorities CIPFA guidance
What experts are needed to help with the review:	Head of Finance Financial Services Manager Heads of Service Service Managers
What other resources are needed:	Accountancy time in collating fee and charge data for each service; Service Manager time at meetings; Democratic Services in collating data both here and from other authorities
Undertaken by the Committee or is a TAFF required:	Task and Finish Forum
Timescale including start date:	Meeting regularly March - September in order to inform the budget process for 2014/15
Who are the recommendations being reported to:	Overview and Scrutiny September 2013 Cabinet October 2013

## Evidence sources

Over a number of meetings, the Forum heard from Heads of Service and Service Managers, together with their allocated accountants. Information was provided on charges set by other authorities both from Service Managers and independently sought in some cases by Democratic Services to enable the Forum to benchmark many fees against those set by other authorities.

An interim report was presented to Committee in September 2013. This report covers the recommendations and findings of that report and the completed work of the Forum which held its final meeting on 8 November 2013.

# Findings

## Charges that cannot be increased

Legislation stipulates limitations in a great many of the fees and charges that fall under the Council's statutory services:

- A set amount – for example planning application fees, regardless of the actual cost it takes to provide that service;
- Limited to cost recovery only – for example, most licensing legislation permits only the recovery of administration.

Other charges are set within our discretionary services at a low level deliberately, to encourage take up by all sections of the community. Whilst some adjustment may be possible following consultation with the public, the overall income level would not be substantially increased. An example of this is a nominal fee set for Countryside events.

Charges exist that are not recovering their actual cost, but increasing the charge may only incur additional cost elsewhere – the typical example being the collection of bulky waste. Whilst the cost could be substantially increased in order to fully recover the cost, advice and evidence indicates that this would only lead to a dramatic drop in the service and result in increased fly tipping.

Market forces are the final issue under this heading, where our customers can go elsewhere for the same service. The Forum noted that the Building Control Service worked hard to maintain efficiency to keep costs down, but had to compete in an open market which prevented anything more than a modest increase in charge.

Where charges cannot be increased to make a significant overall difference to the Council's budget, services must make sure that efficiency drives regular review of the charge to ensure that any loss is kept to a minimum, and any reduction in cost is passed on to the customer. The adoption of a fees and charges policy, which does not currently exist, should help ensure that this regular review is carried out consistently across all services.

Overall, the Forum was content that the review of costs was undertaken, although the regularity was not consistent in some cases. The key issue for the Forum was the ability to determine, for each and every fee and charge, how much it cost to provide that service. In some cases this was difficult to determine because of the way the Council recharges costs across services.

## Charges that can be increased

The Forum recognised that the income raised from fees and charges forms a valuable contribution to the budget and helps to keep the Council Tax low. Whilst it would be unreasonable to introduce substantial increases in some case, Officers were questioned to

determine where changes could be made, either with a simple increase, or a change in pricing to encourage higher take-up that overall reached the desired objective - increased income.

The recommendations in this report show specific areas where changes, either brought forward to the Forum by the service, or reached through discussion with the Forum, can bring about an income increase based on projected use for the forthcoming year.

## New charges and opportunities to explore

The Forum were keen to discuss with each service any opportunities for new sources of income. Successful grant applications, particularly in the Countryside service, were recognised as contributing significantly to the running of services. New uses for assets, charges in place in other authorities, and making use of officer skills, were explored.

Officers brought a number of opportunities to the Forum to debate, many of which will require further research to form a business case, but should still be explored as a possible source of income for future years beyond the original objective set for the immediate financial year approaching. Many of these will require staff resource, but should be considered as a “spend to save” initiative, or more accurately a “spend to make more income” initiative in order to help future budget balancing.

The recommendations in this report reflect some of those new income areas either recommended for introduction or for further research.

## Is there a figure you can put on Social Value?

The Forum received a very positive presentation from the House Manager of the Manor Pavilion Theatre. This demonstrated how a large annual deficit to the Council had been decreased year on year, which, the Forum hoped, would reach the point of cost neutral. The setting of ticket and bar prices was best left in the professional hands of the House Manager, but the Forum did suggest actively pursuing beneficial box office splits where possible to help further maximise income.

With many theatres nationally operating at a loss, the question of value to social benefit was a difficult one to answer. The benefit to the local, and indeed wider, community from the operation of the Manor Pavilion Theatre was clear. But with continuing pressures on the budget, was the cost of supporting a discretionary element beginning to be too high to sustain? In the case of the Manor Pavilion, it was clear that great improvements had been made to strive towards a cost neutral position and the Forum commended the work of the House Manager in drastically reducing the deficit.

The Thelma Hulbert Gallery is operating a larger deficit than the Pavilion, but in light of the pending report on its performance to Cabinet at the time of discussion, the Forum felt it was inappropriate to discuss the charges relating to the Gallery.

## Increasing income versus economic viability

The Forum welcomed the approach of the service relating to car parks – balancing maintaining a high income with pricing structures that helped the local economy. The overall results of recent trial pricing structures for some of the Council’s car parks were eagerly awaited for revealing at Cabinet in November 2013, but the Forum heard of some of the results.

Winter and summer tariffs were suggested by the Forum as an area of work worth exploring. The promotion of the parking permits sold by the Council did not seem prominent to the Forum overall, hence the recommendation to increase promotion to increase sales. The Forum heard of other tariff proposals being developed, which again demonstrated the efforts of the service to maintain income levels.

## Maximising return from assets

The Forum’s remit did not extend to making recommendations to specific Council assets. It was difficult, however, in assessing charges relating to the rental of part of all of a council asset, not to stray into the territory of the Asset Management Forum. Charges were considered on a basis of cost recovery or market forces, so the cost and social value of maintaining an asset was a common question by the Forum members.

Councillor David Cox did spend considerable time with the Forum advising of projects underway and reviews ongoing into the assets held. The Corporate Asset Plan was under review and the Forum agreed that this plan should come to the Overview and Scrutiny Committee in the New Year for full debate.

Particular scrutiny was made of the sports pitches and recreational sites in the District, where it was noted that a number were on a minimal rent with maintenance carried out by the Streetscene service. The recently agreed LED Working Party would be reviewing the contractual arrangements with LED so the Forum felt they could not investigate further at the present time. A sports pitch strategy update goes before Cabinet and the Forum trust that such a strategy also looks at the maintenance implications for the authority.

The Forum welcomed a demonstration of the asset register, accessible for elected Members via the Council’s intranet. Whilst confidential information is not available for view to Members on this system, comprehensive information is available and records updated as and when work is completed or reviewed on each asset.

## Ensuring consistency

The Council does not currently have a fees and charges policy. Many authorities do not; however CIPFA guidance taken from the “Practical Guide for Local Authorities on Income Generation” recommends that a charging policy is in place to ensure a consistent set of charging principles is applied to all of a local authority’s charges. The Forum worked specifically from this guidance to form a draft policy as set out below:

## East Devon District Council Fees and Charges Policy

Purpose of the policy:	Consistent approach to the setting and review of fees and charges
Officer responsible:	Head of Finance
Authorisation:	Cabinet
Authorisation date:	
Review date:	

### Related Policies, Strategies, Procedures and Legislation

Equality and Diversity Policy

Financial regulations

Standing Orders

Corporate Debt recovery Policy

Licensing Policy

Sex Establishment Licensing Policy

Street Naming and Numbering Policy

#### 1. Reasons for introducing the policy

- 1.1 To ensure consistency of reviewing fees and charges set by the Council to help maximise income, charge fairly across all sections of the community, and consult prior to introduction of new or substantially amended charges.

#### 2. What is the council's policy?

##### 2.1 Cost recovery

- 2.1.1 The Council will look to **at least** recover the full cost of a service through the fee charged, unless one or more of the following factors applies:

- legislation restricts the fee regardless of actual costs to the Council of service delivery;
- partial cost recovery to encourage use of a service which would save on costs of remedial action (for example cost of bulky waste collection versus fly tipping clearance cost);
- Proven value to community for providing the service (concession).

- 2.1.2 The Council will look to maximise income where market rates apply, whilst recognising the need to offer concessions to fulfil its social responsibilities.

## **2.2 Subsidised services**

2.2.1 The Council recognises that some services have to set a charge or fee that is lower than the actual cost, due to:

- a) either offering a concession so as not to disadvantage members of the community, or;
- b) to encourage take up of the service initially.

2.2.2. Heads of service and their officers are asked to consider:

- Should the service be subsidised?
- What is the subsidy achieving?
- How much do residents, communities and businesses value the service?
- How willing and able are residents and business to pay for the service?
- What effect does charging have on the supply and demand of the service?
- What can be done to reduce the cost of the service?

Evidence based subsidised fees must then be publicised with information, to inform the public of the use of public funds.

## **2.3 Setting of fee and planned rate of increase**

2.3.1 The income generated by the Council forms a valuable part of the overall income to run services and help keep the Council Tax for the District low. Therefore making a surplus from some fees and charges where legislation permits is acceptable and helps towards providing the valued services for our residents.

2.3.2 Charge setting will be based on identifying all costs relating to the provision of the service before applying any agreed concessions.

2.3.3 Charges will increase annually at 1% above the rate of inflation. The exception to this will be where a fee is set at cost recovery only, where any increase or decrease will relate to change in actual cost (such as staff pay awards, increase in materials, efficiency savings) as appropriate.

2.3.4 Rates of increase should be consistent across a fee area to reflect increases in costs and market forces where competition exists. Officers must confer with their Portfolio Holder in agreeing a planned rate of increase and the period of time that the increase is planned for.

2.3.5 Any services required by statute to advertise fee increases in advance must do so using Public Notices as required by law.

2.3.6 Regular review of existing fees and charges must take place on annual basis, to ensure that the cost of providing the service is kept under review. Property subject to lease in excess of 3-5years will be reviewed per the rent review clause stated within the lease. All leases will be reviewed on expiry.

2.3.7 Costs will include all staff costs including pension and NI, supplies and services, support services and overheads and capital charges relating to provision of the service.

2.3.8 All service income including reserve funding will be excluded from calculating costs.

## **2.4 Charge restrictions**

2.4.1 Any service with a statutory fee schedule will only charge the relevant current fee e.g. planning application fees.

2.4.2 Any service with a statutory restriction to “break even” will only charge based on recovery of costs e.g. Taxi licenses, land charges.

2.4.3 Any other statutory service will at least recover costs.

2.4.4 Any discretionary service will charge the maximum fee possible after consideration of demand for the service and benchmarking against similar authorities or market levels.

## **2.4 Concessions**

2.4.1 Each concession must:

- be clearly evaluated, to meet with equalities requirements
- have a clear purpose
- be clearly defined and published on the EDDC website and other appropriate publishing options, giving details of eligibility criteria and proof of entitlement.

A concession may cover one, some or all of the listed groups:

- vulnerable people
- age group - to be consistent across the authority
- means tested benefits
- Residency of EDDC – some services maybe available for residents only
- Staff of EDDC
- charity or community group

2.4.2 A concession may also be considered for a period of time to encourage take up of a service.

2.4.3 Clear guidelines should negate the need for discretionary concessions; however if a discretionary concession is requested by a Portfolio Holder, the concessions must be reviewed across that service area to determine if the concession basis needs amending.

## **2.5 Consultation**

2.5.1 Regular consultation must take place with service users for any increase in fee or charge over RPI/5% or where legislation requires so.

2.5.2 Where practicable, a consultation exercise will be undertaken with potential users before the introduction of new charges.

## **2.6 Payment up front**

2.6.1 Where possible, payment should be requested in full in advance to avoid costs incurred in chasing up arrears.

2.6.2 Payment in advance for all services is preferable. However, where charges for a service cannot be predetermined e.g. charging for fitting new locks, an invoicing fee is chargeable based on the actual costs of issuing and processing an invoice.

2.6.3 Loss of income from prompt payment discounts will outweigh the costs of income collection.

### 3. Appendices and where to find out more

Appendix A – Schedule of services and basis for charges (pending production)

Schedules of fees and charges can be found on the EDDC website under relevant service pages <http://www.eastdevon.gov.uk>

## Acknowledgements

The Panel:

Tim Wood (Chairman)

Mike Allen

Peter Burrows

Alan Dent

Geoff Pook

Tony Howard

Tom Wright

The Panel would like to thank:

David Cox

Head of Finance, Simon Davey

Financial Services Manager, Laurelie Gifford

Heads of Service and Managers responsible for reviewing fees and charges

Accountancy Team

Democratic Services

## Agenda Item 17

**Cabinet**

**27 November 2013**

**JG/DB**



### Local Welfare Support (LWS) – Progress Report

#### Summary

This is a progress report on the implementation of the Local Welfare Support (LWS) scheme the Council introduced in April 2013. In April 2013 the Government abolished Community Care Grants and Crisis Loans. The Council in partnership with Devon County Council has agreed to take responsibility for delivering a local welfare support scheme that helps mitigate the impact on vulnerable and low income households. The Housing Advice and Options team administer the LWS scheme along with the homelessness options service.

#### Recommendation

Members are asked to agree:

1. To note the progress made implementing the LWS scheme.

#### a) Reasons for Recommendation

To provide Members with a progress report on implementation of the LWS schemes

#### b) Alternative Options

None.

#### c) Risk Considerations

These were provided in the report to Cabinet in March 2013.

#### d) Policy and Budgetary Considerations

This is covered in the report.

#### Positive Impact Overall

Affordable Homes.

Excellent Customer Service.

Meeting our Diversity and Equality duties.

#### e) Date for Review of Decision

An annual performance report will be submitted to the Cabinet.

## **1 Introduction**

- 1.1 On 1 April 2013 the Department of Work and Pensions abolished crisis loans and community care grants to people in need of emergency assistance or requiring support when leaving residential care to sustain themselves in the community.
- 1.2 The DWP transferred some of the funding, but not the statutory duty to Devon County Council to use at 'local discretion'.
- 1.3 In March 2013 a report was presented to Members setting out the LWS policy. The recommendations were approved and Officers have been delivering a service to vulnerable or low income customers who are in crisis and require our financial support.
- 1.4 A budget of £144,766 was provided by Devon County Council to fund the LWS in 2013/14. It is expected a similar level of funding will be provided in 2014/15.

## **2. Update on the Local Welfare Support Scheme**

- 2.1 The Partnership Agreement the Council signed sets out **three outcomes** to be achieved with the ring fenced funding:
  - To increase self-reliance and resilience,
  - To offer quick and effective support for those with high priority short term needs, and
  - To provide help for people to establish themselves in or, remain in, the community.
- 2.2 The LWS scheme key messages are that **cash will not be provided to customers** and a **holistic approach will be taken to arrange appropriate support for customers** to encourage customers to tackle the underlying problems they face, improve their financial capability and move them towards financial independence.
- 2.3 Our LWS scheme employs an independent 'money advisor' from Homemaker South West. Housing Options team is the first point of contact for all customers wishing to access support. An assessment of the customer's financial circumstances is undertaken to determine whether any service should be provided. A recommendation is made by the 'money advisor' and the Housing Options Manager decides what "support" is provided. This could be a referral to a foodbank; an allocation of funds to enable the customer to buy second hand furniture; the funding of travel costs to either visit the Council offices to access the LWS scheme or to meet essential travel costs to enable attend their place of work; or the purchase of new "white goods" such as fridge or cooker, emergency gas and electricity "top up", for example. The help provided to meet the crisis is not an exhaustive list. Staff are willing to be flexible to meet the customers identified needs in accordance with the aims of our scheme.
- 2.4 The Housing Options team work closely with the Housing Benefit team to provide a holistic service providing financial help and homelessness prevention where possible.
- 2.5 The anticipated demand following the abolition of crisis loans and community care grants did not materialise. The decision not to give out cash and subject customers

to a 'financial' assessment put off those customers who may previously have made fraudulent claims or who used the system to obtain cash.

- 2.6 We are currently dealing with average of 2 approaches each day. 170 April to September 2013. This is far lower demand than we expected. We will be reviewing the provision of the Homemaker service which is part funded by LWS, Homeless Prevention funds and Housing Benefit to see whether the same level of service is required by December 2013.
- 2.7 Some customers are going direct to food banks, but this has always happened and many agencies make referrals, not just the Council. Some funding has been provided to food banks to enable them to give out cash to customers who require emergency gas or electric top up because they have no heating or lighting or require cash to enable them to travel to visit the Council offices in Sidmouth. A discussion with the representatives of the foodbanks has provided guidelines to enable this to happen.
- 2.8 We have had to find alternative way to help. One food bank does not have a bank account and therefore cannot have a grant from us. We are providing bus explorer tickets and Co-operative vouchers that can be used to meet customer needs.
- 2.9 Through Homemaker Southwest we have accessed Co-operative Vouchers which can be used for food or other essential items that foodbanks do not provide such as baby milk, special dietary food requirements and fresh fruit and vegetables. They can also be used for items that foodbanks allow customers to access 'pay point' facility in shops to enable them to put funds on their pre payment cards to meet emergency energy costs.
- 2.10 The key issue raised by Members in March 2013 was the provision of the service from the Council offices in Sidmouth only and the impact this has on customers' ability to access the service. We have purchased adult 'explorer' tickets and these are available in our Exmouth and Sidmouth offices and at the Kings Centre in Honiton. We have provided funding to the Axminster and Seaton foodbanks to give cash to people who need to travel to Council offices in Sidmouth.
- 2.11 The LWS budget is currently underspent. The funding from Devon County Council provided £27,000 'administration' allowance and £117,000 grant funding for the provision of support. The cost of Homemaker has been funded from the grant. The current expenditure is £25,000. Offers of financial support are being made to partner agencies to help meet the needs of customers who are in crisis.
- 2.12 The £27,000 administration allowance will be used to offset the cost of the Homelessness budget to reflect the cost to the General Fund (GF) for the provision of the LWS service. This should provide a £27,000 saving to the GF in 2013/14.
- 2.13 An event was held in June 2013 which was attended by a number of charities/voluntary/church groups that support vulnerable and low income households and have been working closely with us on the LWS scheme. This was organised following a number of suggestions by partner agencies. It is intended to hold a further event prior to December 2013.

### **3 Summary**

- 3.1 The LWS scheme has been a success. It is meeting the needs of customers who are experiencing a crisis. Demand is lower than expected but that is partly due to our decision not to provide cash and to fund second hand furniture provision only, other than certain white goods that we purchase new for customers. The issue identified by Members has been mitigated by the provision of funds to some foodbanks and the provision of explorer bus tickets to meet travel needs of customers who need to visit the Council offices in Sidmouth to access the LWS Service.

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#### **Legal Implications**

There are no legal implications requiring comment.

#### **Financial Implications**

There are no financial implications arising from this report.  
The additional financial advisor post will be funded from the grant from Devon County Council.

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

Not applicable.

#### **Background Papers**

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Housing Needs and Strategy Manager

Cabinet  
27 November 2013

## Agenda Item 18

**Cabinet**

**27 November 2013**

**Council Tax Discretionary Discount**



### Council Tax Discretionary Discount Policy

#### Summary

Councils can reduce the amount of Council Tax payable by granting locally defined discounts under provisions contained in Section 13A (1) (c) of the Local Government Finance Act 1992. This power can be exercised in relation to any individual case, or by determining a class of case for which the charge should be reduced. The discount is fully funded by the Billing Authority and can be anything up to 100% of the Council Tax charge.

There may, on occasion, be particular cases of hardship or unforeseen exceptional circumstances where it would be appropriate to award a discretionary discount which are not covered under existing discounts, exemptions or the council tax support scheme.

In order to ensure we are treating customers fairly, reasonably and consistently it is necessary to introduce a policy that provides clear guidelines under which individual requests for discretionary discounts can be determined.

#### Recommendation

**That Cabinet recommends to Council the approval of the discretionary council tax discount policy.**

#### a) Reasons for Recommendation

To ensure that we are dealing with customers fairly, reasonably 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 we are not awarding discretionary Council Tax discounts in a fair and consistent way.

#### d) Policy and Budgetary Considerations

Awarding any discretionary discounts will have to be funded by EDDC.

#### Positive Impact Overall

Excellent Customer Service

Meeting our Diversity and Equality duties.

#### e) Date for Review of Decision

See draft policy.

## **1 Background**

- 1.1 The proposed policy, attached at Appendix 1 to this report, sets out the criteria, the conditions that need to be met and the type of information to be provided when a council taxpayer applies for a reduction in their council tax under this discretionary provision.
  - 1.2 Further reductions will only be made in exceptional circumstances, due to financial need or crisis, where it is appropriate and fair to provide a discretionary discount. Examples of this may include flooding of a home where the householder's insurance policy does not cover the payment of council tax during the repairs to the property and they are having to pay council tax for another address where they are having to reside.
  - 1.3 Council officers anticipate granting relief in very few instances. All alternative actions will have been considered and exhausted by the customer and East Devon District Council before applying this policy.
  - 1.4 The Council Tax Discretionary Discount policy has been produced to take into account:
    - All other legitimate means of resolving the situation have been investigated and exhausted by the applicant. If they have not been, it is unlikely that an award will be made.
    - The payment record history of the Council Taxpayer.
    - The situation and reason for the application must be outside of the Council Taxpayer's control.
    - The amount outstanding must not be the result of wilful refusal to pay or culpable neglect.
    - In the case of an unoccupied property it must not be the sole or main residence of a Council Taxpayer.
  - 1.5 Any discount awarded is fully funded by East Devon District Council.
  - 1.6 Only a small number of council tax payers have previously been given this discretionary discount and in the main they have been awarded to flood victims.
- 

### **Legal Implications**

Section 13A (1) (c) of the Local Government Finance Act 1992 gives the Council discretion to give further reductions in Council tax as it thinks fit. The proposed discretionary policy would sit alongside the existing Council Tax Reduction Scheme and give the ability to offer a further rebate in certain cases.

### **Financial Implications**

Included in the report

### **Consultation on Reports to the Cabinet**

-

### **Background Papers**

Equality Impact Assessment (attached)

Libby Jarrett [ljarrrett@eastdevon.gov.uk](mailto:ljarrrett@eastdevon.gov.uk)  
Revenues and Benefits Manager



# East Devon District Council – Council Tax

## Discretionary Discount Policy

### 1 Previous policies.strategies

N/A

### 2 Purpose of the Policy/Strategy

- 2.1 This policy sets out the criteria, the conditions that need to be met and the type of information to be provided when a council taxpayer applies for a reduction in their council tax under this discretionary provision. East Devon District Council only anticipates granting relief in exceptional circumstances.
- 2.2 Section 13A(1)(c) of the Local Government Finance Act 1992 (as amended), provides the Council with additional discretionary powers to reduce the council tax liability in addition to national discounts and exemptions and the Council's council tax reduction scheme. It says that
- Where a person is liable to pay council tax in respect of any chargeable dwelling and day, the billing authority for the area in which the dwelling is situated may reduce the amount which he is liable to pay as respects the dwelling and the day to such extent as it thinks fit.
- 2.3 The cost of any reduction awarded under this provision falls solely to the billing authority and so each determination must bear in mind the impact on the council tax payer in general.
- 2.4 Officers applying this policy will similarly consider whether alternative actions should be undertaken before granting a discount. As such, discretionary reductions will only be made in exceptional circumstances, due to financial need or crisis, where it is appropriate and fair to provide a discretionary discount.
- 2.5 This policy can apply to individual council taxpayers or groups of taxpayers who have similar circumstances, e.g. those that have had to leave their home due to flooding.
- 2.6 Council tax legislation provides a wide range of discounts, exemptions and reductions that have the effect of reducing the level of council tax due. Applicants will be expected to have exhausted all other options before making an application under this policy.

This policy:

- Makes clear the specific and limited criteria under which discretionary rate relief may be awarded by EDDC.

- Anticipates that relief will only be granted in exceptional circumstances and for a limited period.
- Will ensure that all council taxpayers making application for this discretionary council tax discount are treated in a fair, consistent and equal manner.
- Sets a framework for how council taxpayers can apply for this relief.
- Sets out the delegated authority for dealing with applications.
- Seeks to safeguard the interest of local council taxpayers by ensuring that funds allocated for council tax discretionary discounts are used in the most efficient, effective and economical way.

### **3 Terms Explained**

- 3.1 Billing Authorities have the power to grant discretionary council tax discounts to council taxpayers and may set out criteria for this. The relief granted is used to reduce the amount the council taxpayer has to pay.

### **4 Specific Policy Areas**

#### 4.1 Awarding discretionary council tax discounts

- 4.1.1 It is anticipated that a discretionary discount will only be granted in exceptional circumstances and for a temporary period. When considering an application the following factors will be taken into account:

- There must be evidence of financial hardship to the council tax payer or unforeseen, exceptional circumstances to justify any reduction.
- The council tax payer has experienced a crisis or event that has made their property uninhabitable eg due to fire or flooding, where they remain liable to pay council tax and for which they have no recourse for compensation.
- The council taxpayer must satisfy the Council that all reasonable steps have been taken to resolve their situation prior to application.
- If the council tax payer is on a low income whether they have applied for council tax support. The localised council tax support scheme exists to ensure that those on low incomes receive financial assistance with their council tax.
- All other eligible discounts/reliefs have been explored prior to an application being made.
- The council taxpayer does not have access to other funds/assets that could be used to pay council tax.
- All other legitimate means of resolving the situation have been investigated and exhausted by the applicant. If they have not been, it is unlikely that an award will be made.
- The Council's finances allow for a reduction to be made.
- The payment record history of the council taxpayer.
- The amount outstanding must not be the result of wilful refusal to pay or culpable neglect.

- In the case of an unoccupied property it must not be the sole or main residence of a Council Taxpayer.

#### 4.1.2 Discretionary Discounts will be withdrawn/cancelled if:

- The conditions or circumstances on the basis of on which the discount was granted change or fail to materialise, or the information submitted as part of the application proves to be misleading.
- The applicant ceases to be the council taxpayer.

4.1.3 Where this discount is cancelled this will normally take effect from the actual date of change. However, in certain circumstances this may be withdrawn in full. A revised council tax bill will be issued for payment.

## 4.2 Administering the Scheme

4.2.1 Discretionary council tax discounts must be applied for in writing from the council taxpayer, their advocate/appointee or a recognised third party acting on their behalf.

4.2.2 The application should relate to the current council tax year, unless the council taxpayer has only recently received a bill following a retrospective change to a previous year.

4.2.3 It is expected that the council taxpayer will need to provide:

- The period and percentage of discount being sought.
- Reasons why a discretionary discount should be given, and how this meets our policy.
- What action(s) the applicant has taken to alleviate the situation.

4.2.4 The Council may request any reasonable evidence in support of an application.

4.2.5 The Revenues and Benefits Manager will normally determine Discretionary Discount applications and in their absence this will be passed to the Head of Finance.

4.2.6 Successful applicants will be notified in writing of the amount and period a Discretionary Council Tax discount has been awarded for. Any entitlement is applied to the Council Tax account and a revised bill is sent. Awards are limited to the end of the financial year in which the application is made.

4.2.7 If a reduction has been made as a result of a false or fraudulent claim the Council reserves the right to withdraw the award. The Council will consider prosecuting any applicant who makes a false statement or provides fraudulent evidence in support of an application.

- 4.2.8 Unsuccessful applicants will be notified in writing together with the reason for the decision.
- 4.2.9 The Council will aim to make a decision within 14 days of receiving all the information required.
- 4.2.10 Applicants who are receiving a council tax discretionary discount must report changes in their circumstances within 21 days of the change occurring.

#### 4.3 Right of Appeal

- 4.3.1 Under the Local Government Finance Act 1992 there is no right of appeal against a decision made by the Council regarding discretionary council tax discounts. However, the Council recognises that council taxpayers should be entitled to have a decision reviewed if they are dissatisfied with the outcome.
- 4.3.2 A review of a decision will always be undertaken by someone different to the original officer, normally this would be the Head of Finance. However, this may fall to the Chief Executive if the Head of Finance made the original decision. There is no further right of appeal.
- 4.3.3 A request for review must be made within one calendar month of date of the decision letter.
- 4.3.4 This review process does not affect a council taxpayer's legal right to seek leave to challenge a decision by way of Judicial Review.

### **5 Outcomes**

- 5.1 This Policy is intended to ensure that discretionary council tax discounts contribute to the Council's priorities, which is delivering what matters to residents and customers.
- 5.2 Awarding a discretionary council tax discount is in the interests of the council taxpayer.

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

- 6.1 Delegated authority is given to the Revenues & Benefits Manager in deciding applications for relief. In the absence of the Revenues & Benefits Manager it will be delegated to the Head of Finance
- 6.2 Cases of review will be conducted by the Head of Finance or Chief Executive.
- 6.3 The Council is responsible for approving changes to the Policy.
- 6.4 The Revenues Team and Customer Services Team are responsible for administering and promoting this policy.

## **7 Performance Monitoring**

We will monitor the effectiveness of his policy through:

- The impact of giving or not giving a discretionary discount
- The reasons for applications for discretionary discounts
- Applicant's requests for review of decision
- Feedback received including complaints

## **8 Policy/Strategy Consultation**

None undertaken

## **9 Equality Impact Considerations**

- 9.1 When applying the content of this policy to determine a discretionary council tax discount application, the decisions will be based solely on the criteria in this policy and will not discriminate against or in favour of any particular group or groups.
- 9.2 Consideration will be given to any impact on equality and diversity issues in the community applying for discretionary discounts.
- 9.3 As each case will be considered on an individual basis the equality impact of this policy has been assessed as neutral. See equality impact assessment.

## **10 Policy/Strategy Review**

This policy will be reviewed periodically, but no later than 2016.

## **11 Related Policies/Strategies, Procedures and Legislation**

Local Government Finance Act 1988  
Localism Act 2011  
Equality and Diversity Policy

## Equality Analysis Form

### Stage 1 Screening for relevance

<b>Name of service, policy or process</b>	Council Tax Discretionary Discount Policy
<b>Main purpose of service, policy or process</b>	See summary below
<b>Equality relevance</b>	Low
<b>Owner</b>	Revenues & Benefits Manager
<b>Date</b>	October 2013

List service, policy or processes to be covered by this Equality Analysis:

The Equality Analysis covers the equalities impact of the Council Tax Discretionary Discount Policy.

Billing authorities can grant discretionary council tax discounts in any circumstances provided the Council considers it reasonable to do so.. The aim of this policy is to use these powers to help council taxpayers in those exceptional cases where they may still suffer financial hardship despite being in receipt of the maximum amount of discounts and exemptions due to them under the Council Tax reduction scheme.

All Council Taxpayers could potentially benefit by this proposal, as all Council Tax payers will be eligible to apply for a discretionary Council Tax discount, including all those that have one or more of the protected characteristics listed below.

When applying the policy the decisions will be based solely on the criteria within the policy and will not discriminate against or in favour of any particular group or groups.

Consideration will be given to any impact on equality and diversity issues in the community of the business/organisation applying for rate relief.

### Stage 2 – Reviewing the evidence

✓ Please indicate existing sources of information available:

Customer feedback/complaints	
Results from consultations	
Information from equality monitoring of service users	
Information about the local community	✓
Comparable information from other departments or other authorities	
Recommendations from inspections or audits	

What other information is required and who needs to be involved?

Who	How are they going to be involved?
Staff	Communicating discount and exemption options effectively. Ensuring accurate assessment of liability.
Service users/customers	Each application for council tax discretionary discounts will be considered on an individual basis.
General public	
Equality organisations	
Trade unions	
Other	

### Stage 3 – Identifying the risks and benefits/opportunities

Protected characteristic	Neutral	Negative	Positive	Negative: What are the risks? Positive: What are the benefits/opportunities?
Age	✓			
Disability	✓			
Sex including issues relating to pregnancy and maternity	✓			
Sexual orientation	✓			
Race	✓			
Religion or belief	✓			
Transgender	✓			
Community considerations such as socio-economic factors, criminal convictions, rural living or Human Rights			✓	The policy benefits the local community by financially supporting customers with their Council Tax payments, who are affected by a crisis which are outside of their control.
Children	✓			

### Conclusion

It is our view that following this desktop Equality Analysis of our Discretionary Council Tax discount policy and based upon current evidence there is no disproportionate impact of any groups within the protected characteristics.

### Stage 4 – Outcome and identifying actions where appropriate

## What is the outcome of this Equality Analysis?

The outcomes should be evaluated against the following framework from the Equality and Human Rights Commission's guidance on 'Making fair financial decisions'.

**Outcome 1:** No major change required. The assessment has not identified any potential for discrimination or adverse impact and all opportunities to advance equality have been taken.

**Outcome 2:** Adjustments to remove barriers identified by the assessment or to better advance equality.

**Outcome 3:** Continue despite having identified some potential adverse impacts or missed opportunities to advance equality. In this case, the justification will be included in the assessment and will be in line with the duty to have 'due regard'. This will include sufficient detail on how the impacts are being reduced and how this will be monitored.

**Outcome 4:** Stop and rethink. If you have concluded that there is an adverse impact and discrimination which could be illegal, speak to legal services. You must take action to remedy this immediately. Please outline the action that you will be taking and include it in your improvement plan.

I would categorise this policy as falling within Outcome 1. There are no actions needed to remove barriers for any customer groups.

If you have identified that the service/function is having or might have an adverse impact, is it justifiable or legitimate? Please give details of this.

	Justifiable/legitimate Yes/No	Comments
N/A		

If you have concluded that the adverse impact or the discrimination is justifiable or legitimate, you will need to explain your actions and reasons to people. This is because we have a statutory duty to promote equality of access, opportunity and treatment of people. You will need to think what action could be taken to mitigate the adverse impact on people and detail this in the Action/Improvement Plan.

As each case will be considered on an individual basis the equality impact of this policy is neutral and no action/improvement plan is required.

Action/Improvement Plan (include actions for unmet needs)	Implementation date	Owner	Review date
1N/A			
2			

<b>Assessor</b>	Libby Jarrett	<b>Signature:</b>
<b>Line Manager</b>	Simon Davey	<b>Signature:</b>

<b>Agenda Item 19</b>
<b>Cabinet</b>
<b>27 November 2013</b>
<b>13/1325</b>



**Mamhead Slipway Feasibility Funding**

**Summary**

The purpose of this report is to seek additional funding for the feasibility work required to bring forward the Mamhead Slipway Replacement Project.

**Recommendation**  
That cabinet approve the additional costs of up to £50,000 to cover further survey work required to determine the engineering design works for the Mamhead Slipway Project.

**a) Reasons for Recommendation**

The report has identified that further work is required in order to come to a recommendation on which option should be taken forward for the replacement of Mamhead Slipway. Following completion of the additional survey work, approval will be sought from cabinet as to which option should be pursued. Thereafter, an appropriate planning application will be submitted.

**b) Alternative Options**

There is no alternative option but to undertake this further survey work in order that cabinet can consider the relevant information regarding a replacement slipway when making their decision on which design option to choose.

**c) Risk Considerations**

The risk of not doing this further survey work is that we are not able to progress with the delivery of the replacement slipway.

**d) Policy and Budgetary Considerations**

A budget of £70,000 was set aside in September 2012 in order to undertake a feasibility analysis of the replacement of Mamhead Slipway. This amount was to cover the costs of a part time consultant project manager to lead on the feasibility work within the Regeneration Team and the costs of surveys and external engineering consultants to prepare the design work for the new slipway. This budget also funded the initial structural surveys which revealed the poor condition of the existing slipway, and the communications work including establishing and maintaining a dialogue with users.

To date, £58,266 of the budget has been spent which leaves just £11,734 remaining.

A further budget of £50,000 is therefore required in order to cover the outstanding consultancy work that will be required in order to determine the viability and costs of the two options that remain for the replacement slipway. When this information is available, a further report will be prepared for cabinet in order that a decision can be made on which option should be pursued.

Following this decision, the funding to prepare a detailed planning application will come from the capital budget that is being sought separately (and in part is being provided by the sales receipt from Elizabeth Hall).

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## 1 Main Body of the Report

- 1.1 In July 2013, a report was presented to cabinet on the Exmouth Regeneration – Funding Allocation. This report set out the progress of the various Exmouth regeneration projects, including the Mamhead Slipway.
- 1.2 Members will be aware that the Regeneration Team has been working with external consultants, Royal Haskoning DVH to identify a viable option for replacing the slipway.
- 1.3 The Team is now considering two options for the replacement of the slipway as follows:
1. Replacement of the slipway at Mamhead on the existing footprint, but extended by 5m in order to mitigate the impact of the significant lowering of the level of the beach.
  2. A replacement slipway at Mamhead with a changed orientation, together with an area for parking and manoeuvring by inclusion of the area currently occupied by Mamhead Gardens.
- 1.4 At the meeting in July 2013, cabinet approved that capital funding would be set aside from the sale receipt of Elizabeth Hall which would go towards the costs of replacing the slipway. This will pay for the majority of costs if option 1 is chosen but less than half the costs if option 2 is chosen. A capital programme bid has been submitted for the remainder of the costs. It should be noted that the costs are still estimates at this stage.
- 1.5 The capital costs also include a high level of contingency at 40% at this stage. This type of project, involving work in a challenging environment, inevitably holds uncertainties some of which will be resolved in the current site investigation phase. However, the final cost will not be clear until completion of the competitive procurement for the works.
- 1.6 A budget of £70,000 was made available for undertaking the viability work in order to identify a design solution for the project.

To date, this has been spent as follows:

Item	Amount
Initial structural investigation and works to effect slipway closure.	£9,296
Options Development and Assessment	£32,679
Communications and User Liaison	£8,543
Project Management	£7,746
<b>TOTAL SPEND TO DATE</b>	<b>£58,266</b>
<b>Balance</b>	<b>£11,734</b>

Further costs will need to be incurred in order to assess the viability of each option and assess their likely costs.

<b>Item</b>	<b>Amount</b>
Environmental Impact Assessment Scoping, Coastal Processes Review, Services Investigation	£29,750
Site Investigation and testing	£15,000 (estimated)
Project Management to July 2014	£7,200
Environmental Statement	£10,000 (estimated)
Sub-total	£61,950
<b>LESS</b> Balance from above	<b>£11,734</b>
<b>Amount Required</b>	<b>£50,216</b>

The budget shortfall is therefore approximately £50,000.

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### **Legal Implications**

No legal comment is required.

### **Financial Implications**

The financial implications are as indicated within the report and a bid for the capital work has been submitted.

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

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### **Background Papers**

- [Cabinet Report – 17 July 2013](#). Exmouth Regeneration – Funding Allocation – agenda item 14

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Alison Hayward [ahayward@eastdevon.gov.uk](mailto:ahayward@eastdevon.gov.uk)  
Principal Regeneration Project Manager

Cabinet  
27 November 2013

## Agenda Item 20

**Cabinet**

**27 November 2013**

**CP**



### **World Heritage Site Management Plan – Consultation Draft**

#### **Summary**

The Dorset and East Devon Coast between Orcombe Point, near Exmouth and Studland Bay near Poole was inscribed on the World Heritage List by UNESCO on the 13 December 2001. The Site was granted WHS status for its Earth history and geological features. The story behind the inscription is a “walk through time” from Exmouth to Studland covering some 185 million years of the Earth history. It is England’s only Natural World Heritage Site and its boundary is from mean low water mark to the top of the cliffs and excludes the man-made frontages of the coastal towns. This document is the consultation draft Plan for consideration by East Devon DC as a key partner in the management and support of the WHS. The report sets out the process for reviewing the Dorset and East Devon Coast World Heritage Site (WHS) Management Plan and asks Cabinet to endorse the Consultation Draft.

#### **Recommendation**

That Cabinet:

- a) notes the process and timetable for undertaking the World Heritage Site Management Plan Review;
- b) endorses the Consultation Draft; and
- c) that the final version of the new Management Plan will be adopted in Spring 2014

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

The partners within the WHS have been requested to approve the consultation of the draft WHS Management Plan and then to present the final Plan for adoption in 2014.

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

None identified

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

Failure to adopt in the Plan would undermine opportunities for the Council to influence policy developments and future work programmes as a key partner within the Site’s management. The Management Plan is a non statutory document but can provide an important evidence base for the Local Plan.

## d) Policy and Budgetary Considerations

The proposed recommendation accords with the corporate priority of 'Living in' and 'Enjoying this outstanding environment'. There is no specific budget for delivering WHS objectives though the work being undertaken to deliver the Discovery Centre at Seaton will help to significantly raise the profile of the "Jurassic Coast" within East Devon. The Council supports the work of the wider WHS Partnership with the Countryside & Leisure Manager representing EDDC on its Management Steering Group

## e) Date for Review of Decision

Cabinet to approve and adopt the final Management Plan in Spring 2014.

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## Main Body of the Report

### 1. Background

- 1.1 The Dorset and East Devon Coast World Heritage Site (popularly known as "Jurassic Coast") was inscribed by UNESCO on its World Heritage List in 2001 due to the Outstanding Universal Value of the geology and geomorphology (the branch of geology that examines the formation and structure of the features of the surface of the Earth or of another planet) of the undeveloped cliffs and beaches between Orcombe Point near Exmouth in East Devon and Studland Bay near Poole in Dorset. The current document is the third revision of the Plan which was first submitted to UNESCO for scrutiny in 1999 as part of the nomination for World Heritage Site listing. It is a formal requirement of both UNESCO and the UK Government to have a Plan in place for managing a WHS.
- 1.2 The purpose of the Management Plan is to create a strategic policy framework within which the various management interests can operate. It explains the reasons for designation and describes the Site and its key features, sets out how it is protected, outlines the key management issues and defines policies and strategic actions. It is open to public consultation in an attempt to achieve community participation in management.
- 1.3 The first revision was in 2003 and involved a relatively minor change following inscription. The second revision covered the period 2009 to 2014, and was a more thorough revision of the Site's management framework, accounting for significant updates to legislation and changes to partner organisations, but most importantly, learning from experience of managing the Site over the previous six years.
- 1.4 This version is a light touch revision of the previous plan. This Plan will reflect new legislation and a changing operating environment in the light of reduced resources from funding bodies as well as some shifts in priority and aspiration. The task of the Review is to identify amendments that are necessary to ensure it remains a working document that reliably, and realistically, informs the management process itself

and other processes such as the preparation of the Council's Local Plan and sets out what the WHS Partnership considers to be a realistic approach for the next five years.

## 2. Content of the Plan

- 2.1 The Management Plan review process to date has been led by the Jurassic Coast Team and Steering Group, the statutory and specialist agencies, and other key stakeholders who were invited to help identify what the key priorities should be for the next five years. The first Chapter provides a brief overview about the World Heritage Site, the provenance of its designation and progress against the last Management Plan objectives.
- 2.2 Chapter 2 gives an overview of the process for being inscribed as a World Heritage Site and a 'Statement of Outstanding Universal Value', which is a definitive statement endorsed by UNESCO that summarises the reason for the Site's inclusion on the World Heritage List.
- 2.3 An overview of the management arrangements for the site is presented in Chapter 3, including details of legal protection and how the Site is managed.
- 2.4 Chapter 4 gives a brief discussion of each of the major new or existing issues and opportunities that may have a significant bearing on the management of the Site over the next plan period.
- 2.5 Chapter 5 contains the long-term vision and aims for the Site, and detailed policies for the period 2014-19. Accompanying the policies are an indication of actions and approaches for delivering them; ensuring that the Plan is practical as well as strategic.
- 2.6 Finally, how this Plan will be implemented is described in Chapter 6, which outlines the management structure, organisational roles, planning processes and monitoring and evaluation.
- 2.7 The overall Vision for the WHS is that it Inspire people to celebrate, appreciate and enjoy the World Heritage Site, and to safeguard it for future generations in the best possible condition; Become a vibrant strand of the life of Dorset and East Devon, benefiting local people, visitors and the environment.
- 2.8 The key considerations in the Plan for this Council relate to the:
  - a) Prevention of any adverse impacts on the interests of the Site and its setting through developments such as renewable energy proposals, coastal defence works, onshore and offshore oil and gas exploration.
  - b) Using the ecosystem services approach to the future planning for conservation of the natural environment within the Site.
  - c) Supporting the development and delivery of visitor facilities to interpret, understand and celebrate the WHS, with particular emphasis on implementation of plans for the Seaton Jurassic Coast Discovery Centre and its wider Natural Seaton initiative.

- d) Promoting the Site's high quality environment and World Heritage Status as economic, social and cultural drivers for East Devon in particular supporting cultural bodies in linking to the values of the WHS and using the designation to promote appropriate health and well-being initiatives

### 3. Process and timetable

- 3.1 The Plan is currently at the Consultation Draft stage and informal officer comments will be included in response to the Draft specifically from Planning Policy by the end of its Consultation period of 27 December 2013.
- 3.2 Public consultation started for a ten week period on 18<sup>th</sup> October, running until 27<sup>th</sup> December 2013. During this period the District Council will be able to submit formal comments. Account will be taken of the feedback and comments and an amended draft Final Plan will be produced by the Jurassic Coast Team for the Steering Group in March. Local authorities will be asked to adopt these Final Plans during March and April 2014.
- 3.3 It is a requirement that Management Plans are subject to a Strategic Environmental Assessment (SEA). This was undertaken for the last Management Plan and will be reviewed in the light of the policy changes contained in the new Plan. This SEA Review is also subject to Consultation alongside the Management Plan. This should ensure that sustainability and environmental issues have been fully taken into account. An Equality Impacts and Needs Assessment will be undertaken as part of the consultation phase and any outstanding equality or public health issues will be addressed in the Final Plan.

### Legal Implications

Confirmation has been received that a revised Equality Impact Assessment has been carried out on the draft Plan to address the public sector equality duty under the Equality Act 2010, together with various recommendations to advance equality of access. No further legal observations are required.

### Financial Implications

No financial implications have been identified other than officer time which is already included in the budget.

### Consultation on Reports to the Cabinet

-

### Background Papers

- Jurassic Coast [draft Management Plan](#)

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Countryside & Leisure Manager



## Agenda Item 21

**Cabinet**

**27 November 2013**

**KJ**



**Updated procedures relating to:**

**1) Complaints**

**2) Unreasonable customer behaviour and vexatious requests in relation to complaints and Freedom of Information requests.**

### **Summary**

Following feedback and recent guidance documents, we have taken this opportunity to update our procedures to explain more clearly the steps that can and should be taken in dealing with complaints. We have also produced an updated procedure for officers in how to take steps to manage situations where customer behaviour has become unreasonable or requests are considered to be vexatious.

These procedures have been updated taking into account principles of good complaint handling outlined by the Local Government Ombudsman and the guidance produced by the Information Commissioner on dealing with vexatious requests –

<http://ico.org.uk/news/blog/2013/vexatious-freedom-of-information-requests-guidance>

[http://ico.org.uk/news/blog/2013/~media/documents/library/Freedom\\_of\\_Information/Detailed\\_specialist\\_guides/dealing-with-vexatious-requests.ashx](http://ico.org.uk/news/blog/2013/~media/documents/library/Freedom_of_Information/Detailed_specialist_guides/dealing-with-vexatious-requests.ashx)

### **Recommendation**

For Members to agree these updated procedures to replace our existing 'Complaints Procedure' and 'Procedure for dealing with unreasonably persistent complainants.'

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

To improve our procedures following feedback received.

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

n/a

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

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

- 1.1 As part of our commitment to continuous improvement we regularly review our written policies and procedures. These procedures have been updated in the light of guidance from the Information Commissioner.
- 1.2 The 'Complaints Procedure' has been rewritten to explain in more detail the difference between informal and formal complaints and to explain more fully the principles that we will use when dealing with complaints.
- 1.3 The Procedure has also been updated to provide clarity about which types of complaints are not handled using this particular procedure and how these are dealt with.
- 1.4 The procedure for dealing with unreasonable customer behaviour and vexatious requests provides a clear and transparent process to assist officers where difficult situations arise. It also provides a clear outline for customers so that people are clear in advance regarding the types of restrictions that we may place on their contact with us.

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### **Legal Implications**

Legal input has been provided as part of the preparation process for these policies; no further comment is required.

### **Financial Implications**

There are no financial implications in the report.

### **Background Papers (attached)**

- Complaints Procedure
- Procedure for unreasonable customer behaviour and vexatious requests

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Corporate Organisational Development Manager

Cabinet  
27 November 2013

## **East Devon District Council Complaints Procedure**

We pride ourselves on delivering high quality, value for money services in East Devon and are committed to providing what you need, in the way you want and to the standard you expect.

We believe that dealing effectively with complaints is essential to providing good services.

### **Purpose**

The purpose of this document is to:

- Define what a complaint is, and who can make a complaint.
- Explain how to make a complaint.
- Explain the process we will follow when dealing with a complaint so that everyone knows what they can expect.
- Set out how we will monitor complaints, use information to improve services and identify training needs.

### **Our guiding principles**

- We will put the customer at the heart of the process, showing empathy and understanding for the issues they raise.
- We will treat all complaints seriously with an honest and open mind and do everything we can to deal with them efficiently and effectively
- We will be open minded and flexible in our approach while operating within our process.
- We will say sorry if we have made a mistake, or something has gone wrong, and we will put it right as soon as possible.
- We will aim to resolve complaints at the earliest opportunity.
- Our responses will be open and honest, based on the evidence available, address all elements of the complaint, and provide clear explanations for decisions made.
- We will ensure our procedure is equally accessible irrespective of age, disability, gender, sexual orientation, race, religion or belief.
- We will provide effective support, guidance and advice about advocacy, conciliation or mediation services.
- We will use complaints information in a positive way to identify training requirements, improve processes, and share learning to prevent similar occurrences in the future.

## **What is a complaint?**

We define a complaint as:

‘An expression of dissatisfaction with our service (whether justified or not) which requires a response’.

A complaint could be in relation to any of the following examples:

- We have made a mistake in the way we have provided a service.
- There has been a delay in providing a service.
- We have failed to deliver a service – this could relate to quality, standard or service level.
- Our processes or policy have not been followed.
- Our legal or regulatory requirements have not been met.
- We have not delivered to a commitment or promise.
- Our staff have been rude and unhelpful or not conducted themselves correctly.

This is not an exhaustive list.

## **What is not a complaint?**

### **Informal service issues:**

We encourage all our staff to work with customers and to try to find a resolution to any expressions of dissatisfaction without the need to use the formal complaints process.

In many cases we can resolve an issue very quickly – by putting the problem right straight away. We consider these types of cases as informal service issues.

An example might be where a refuse team has not picked up a customer’s bin, but once the team is made aware of this the bin is picked up on the same day.

However, when a customer is unhappy about the way that a service issue or request was handled, this should be dealt with under the EDDC Complaints Procedure.

### **Complaints about policies**

Some complaints are expressions of dissatisfaction with government or local policies, as opposed to our failure to meet service standards.

We will do our best to explain the policy and the reasons for it. However, if the customer remains dissatisfied with the policy they may be directed to their MP and /or their local councillor for further discussions depending on whether this is national or local policy.

## **Complaints about staff**

We will ensure that staff members who are the subject of a complaint, or who may have a clear conflict of interest, will not handle or respond to the complaint.

## **Appeals:**

An appeal is where a request is submitted to change a decision that has been made.

For some services there are alternative statutory appeal or tribunal processes in place which must be used rather than the complaints procedure. These services include:

- Appeals against the refusal of planning permission or planning enforcement.
- Appeals against statutory notices.
- Parking appeals.
- Housing benefit appeals.
- Homelessness decisions.

## **Who can make a complaint?**

Anyone who uses or is affected by our services can make a complaint:

- Our residents.
- People who work in or visit the district.
- Local businesses.
- Community groups.

A complaint can also be made by:

- A representative acting on behalf of someone who is unable to make the complaint themselves because of physical or mental incapacity.
- A representative where they have been asked to act on behalf of a customer.
- A representative acting on behalf of someone who has died.

## **Complaints about Councillors**

The Council is very keen to make sure elected members uphold good standards of behaviour. If you believe that a Town, Parish or District councillor has done something they shouldn't and failed to comply with the Code of Conduct for elected councillors, please call the District Council's Monitoring Officer on 01395 517480. We will discuss your concerns and agree with you the best way forward.

## Key facts

For complaints made by a representative we have to comply with the following legal requirements:

- 1 We must have written authority from the customer (or from their executor or administrator of their estate) to deal with the representative acting on their behalf (Data Protection requirements).
- 2 We will only deal with a complaint made by a representative of someone because of physical or mental incapacity if we are satisfied that it is being pursued in the best interest of the customer.
- 3 We will use the term ~~physical or~~ mental incapacity as defined by the Mental Capacity Act 2005.

## Anonymous complaints

We will deal with anonymous complaints where they involve individual or public safety, alleged corruption, waste or other impropriety and where we have sufficient information to allow an investigation to proceed.

## Complaints received via Councillors or MPs

Where Councillors or MPs make a complaint on behalf of a constituent, we will deal with the complaint following our normal processes and keep the Councillor or MP informed of progress.

## How can complaints be made?

Customers can make a complaint in a way that best suits them. We encourage any customer who has a concern about a particular service to make contact with us straight away. Early complaints give us the best opportunity to resolve an issue quickly.

The best way for us to get all the information we need about your complaint is for a complainant to phone us in the first instance.

Complaints can also be made:

- online
- by email
- in writing
- in person

## **East Devon District Council Complaints Procedure**

The Council has a two stage complaints procedure.

Our formal complaints procedure process begins where the customer is not satisfied with our immediate resolution, or where they specifically make a formal complaint.

### **Stage 1**

Most complaints will start at stage 1 unless a decision is made by the Chief Executive or Monitoring officer that a complaint needs to begin at the highest level.

The complaint will be acknowledged within 5 working days using the standard letter appended (Appendix x). This letter explains the complaints procedure, timescales and which officer is dealing with the complaint.

The complaint will be investigated by an appropriate officer, usually the Head of Service/Corporate Manager with input from other officers as required. A response will be prepared and sent to the complainant within 20 working days of acknowledgement.

The stage 1 response will include information about what the complainant should do if they are not satisfied with the handling of their complaint.

### **Stage 2**

The complaint will be passed to the Complaints Officer for investigation on behalf of the Monitoring Officer. The Complaints Officer will acknowledge the complaint and outline to the complainant the Council's understanding of their on-going complaint.

The complainant will be encouraged to detail the reasons why they believe their complaint has not been resolved in order that the stage 2 investigation can be focused on the specific outstanding elements of the complaint.

The stage 2 response will be sent by the Monitoring Officer within 20 working days of acknowledgement and will include information about how to refer the matter to the Local Government Ombudsman.

### **What about when we get it wrong?**

When a complaint is found to be justified the Council will:

- Apologise to the complainant(s)
- Explain what has been/will be done to put the mistake right.
- Explain how the error occurred and what has been done to prevent it happening again.

## **Redress**

In some cases an apology is all that is necessary and appropriate by way of a remedy.

We will offer redress where we believe that this will best serve the interests of the customer and customer service. For example, practical action will be considered as part or all of a remedy where a complaint is about failure to take some specific action such as carrying out repairs to a tenant's house.

Consideration will also be given to any practical action suggested by the complainant(s).

There will be circumstances where we are unable to put the customer back into the position they would have been in because of the amount of time lapsed or due to other events which may since have occurred.

In such circumstances, we may consider restorative or financial compensation. When considering any redress we will be fair, consistent and mindful of public money.

Decisions about making compensation payments as a result of a formal complaint will be made by the Monitoring Officer.

## **Local Government Ombudsman**

If a customer is not happy with the way in which we handled their complaint or with our response, they may ask the Local Government Ombudsman to look into their complaint. The Ombudsman will not normally look into a complaint if we have not had an opportunity to resolve it through our own complaints process first.

Enquiries from the Local Government Ombudsman will in most cases be co-ordinated by the Council's Complaints Officer and handled by the relevant Head of Service/Corporate Manager.

In cases where the Ombudsman has recommended redress, we are committed to following the advice and timescales of the Ombudsman to the best of our ability.

## **Housing Ombudsman**

Complaints about social housing (landlord/tenant issues) may be referred to the Housing Ombudsman if a complainant remains dissatisfied with the Council's response. A period of 8 weeks must pass between the Council's final response and the complainant referring the matter to the Ombudsman. During this time, the complainant may request consideration of their complaint by our designated Tenant Panel, MP or Local Councillor.

## **Confidentiality**

All responses to complaints at all stages will be sent in writing to the customer's address unless specifically requested otherwise. We will maintain the confidentiality of all personal customer information, and not disclose it outside of the Council without the prior permission of the customer, unless legally obliged to do so.

## **Reporting and learning from complaints**

We are committed to learning from complaints and using complaints information to drive efficiencies and service improvements.

We will keep records on each complaint received including:

- Type of complaint.
- Complaint outcome.
- Timescales agreed.
- Whether timescales were met.
- Equality information about complainants.

We will report to SMT and Cabinet when a complaint identifies learning points for the future. We will also report annually on the numbers and types of complaints received, together with information on the complaint outcomes.

## **Equality**

We will ensure our complaints process is easily accessible to all customers.

We are committed to equality and diversity in employment practice and service delivery. Our aim is to ensure that all our customers are confident of receiving fair treatment and equality of opportunity irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, sexual orientation, race, sex and religion or belief.

It is our aim to monitor complaints wherever possible, across all 9 protected characteristics to enable us to get a clear picture of where there may be unintentional barriers to services. We are committed to learning from and improving services as a result of this monitoring activity.

To help us gather this information we will write to our customers, once their complaint has been resolved and ask for information relating to the 9 characteristics. This information will be stored independently of the customer's personal details and complaint and will only be used to identify unintentional barriers to service.

## Complaints not covered by East Devon District Council Complaints Procedure

Certain types of issues and complaints fall outside of the East Devon District Council Complaints Procedure because:

- There are other processes more suitable for dealing with them such as statutory appeal or tribunal process.
- They are outside of our control.
- They are separate legal or regulatory requirements covering these services.

Examples are:

- A complaint that has been previously investigated and responded to.
- A complaint that is being or has been, investigated by the Local Government Ombudsman.
- Matters of law or central government policy.
- Harassment by neighbours
- Complaints from staff about HR issues such as recruitment, dismissals, pay, pensions and discipline. These are dealt with separately under our Human Resources policies.
- Freedom of information requests, or complaints about the decision, the information provided or how a request was handled. These are dealt with under the Freedom of Information Policy.
- Commercial or contractual matters, for example contracts for the supply of goods and services to the Council. However, complaints about the negotiation of Council leases, or the disposal of Council land should be dealt with through this policy and procedure, as such complaints are within the jurisdiction of the Local Government Ombudsman.
- Complaints that have already been decided by a court or independent tribunal are not covered by our procedure, but complaints about the implementation of a court or tribunal's decision may be investigated, for example the recovery of Council Tax after a Liability Order has been obtained.
- Services for which there are alternative statutory appeal or tribunal processes, including:
  - Appeals against the refusal of planning permission or planning enforcement.
  - Parking appeals.
  - Complaints about registered housing providers.
  - Housing benefit appeals.
  - Homelessness decisions.
  - Acceptance on housing waiting list.
  - Council Tax and Housing benefit calculations.
  - A complaint that has been previously investigated and responded to.
  - Complaints about councillors.

Where the subject of a complaint is covered by specific regulatory procedures, it must be dealt with through those procedures. However, when a customer is unhappy about the way that an appeal or tribunal matter was handled, for example a delay in preparing the Council's submission to a tribunal or appeals panel, this should be dealt with under this complaints procedure. If the complaint is about the attitude of staff when handling an appeal or tribunal matter this falls under our East Devon District Council Complaints Procedure.

## **How to contact us**

Further information on all our services is available on line at [www.eastdevon.gov.uk](http://www.eastdevon.gov.uk)

To give feedback online visit [feedback@eastdevon.gov.uk](mailto:feedback@eastdevon.gov.uk)

If you would like help by phone please call 01395 517417

To contact us by email, send your query to [complaints@eastdevon.gov.uk](mailto:complaints@eastdevon.gov.uk)

Letters should be sent to:

The Complaints Officer

EDDC

Knowle

Sidmouth

EX10 8HL

## **Contacting the Local Government Ombudsman**

[www.lgo.org.uk](http://www.lgo.org.uk)

Tel: 0300 90610614

## **Contacting the Housing Ombudsman**

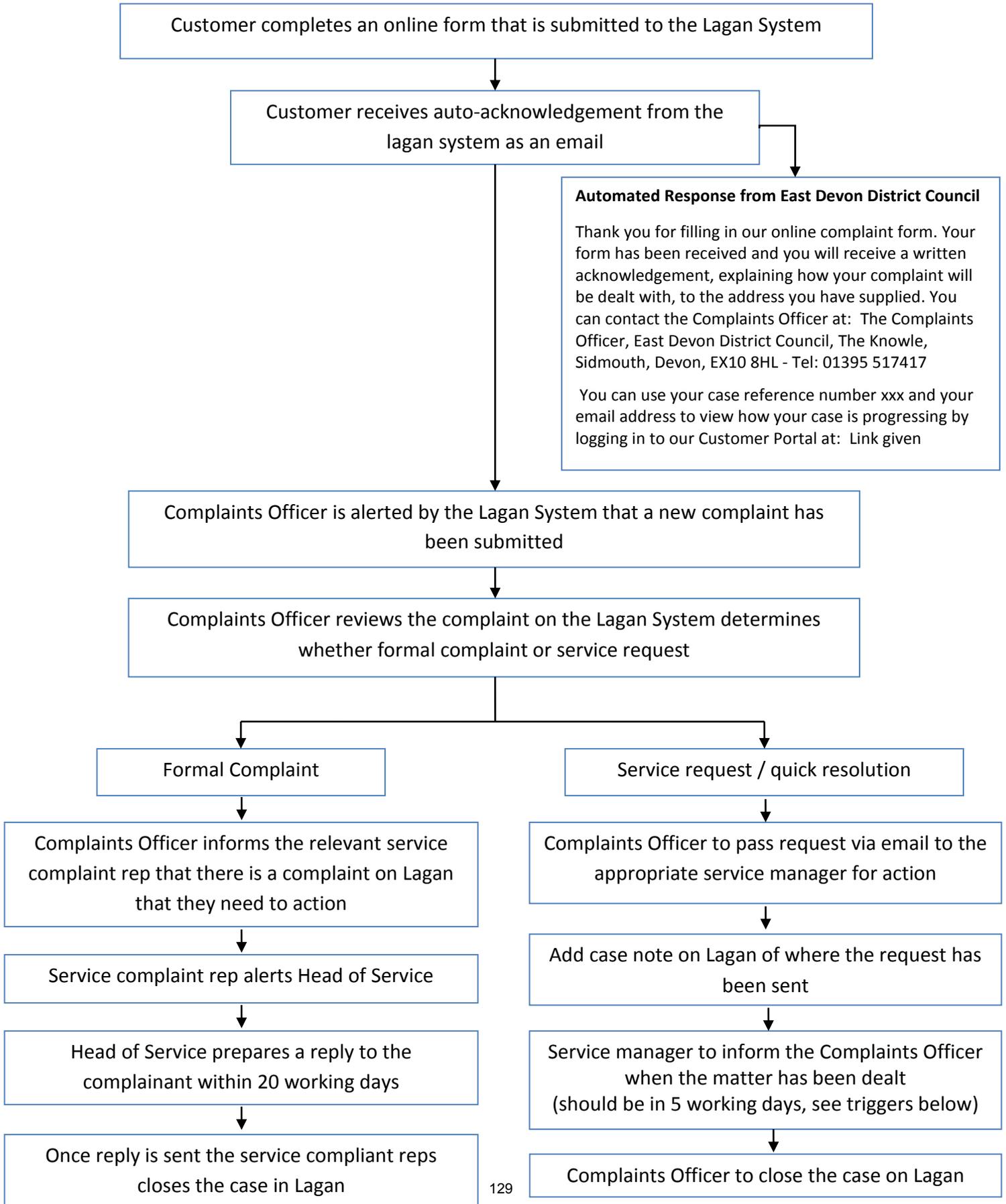
[www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)

Tel: 0300 111 3000

# Flowchart for dealing with complaints

Complaints may be received by: Phone, letter, email or online. Phone calls, letters and emails are usually directed to the Complaints Officer who then determines the most appropriate officer to deal with the complaint.

**If a customer fills in our online complaint form, this is the process to be followed:**



Complaints Officer to monitor these triggers and send overdue responses to complaint reps and relevant managers, escalation to SMT will follow if the matter remains unanswered after a further 5 days.

**TRIGGERS**

**RESPONSIBILITY**

Formal complaint must be acknowledged within 5 working days	Complaint rep
Service requests should be dealt with and responded to within 5 working days	Service Manager
Formal complaint must be responded to within 20 working days	HoS and complaint rep

## **Procedure for unreasonable customer behaviour and vexatious requests**

At East Devon District Council, we are committed to providing what you need, in the way you want and to the standard you expect. We believe that dealing effectively with complaints and customer requests for information is essential to providing good services.

We will process complaints either in line with our Complaints Policy or the appropriate statutory policy and procedure and information requests as detailed in the statutory guidance.

We will make every effort to achieve a satisfactory outcome for each customer.

Unfortunately, in a minority of cases people pursue their complaints or requests for information in a way that is unreasonable. In some instances, this can have a negative impact on the handling of their complaint or request. It can also have a significant impact on our resources and on our ability to provide services to our other customers.

This procedure covers complaints and Freedom of Information requests.

### **Purpose**

The purpose of this document is to:

- Define unreasonable customer behaviour.
- Explain what we consider to be unreasonable customer behaviour and how we will deal with it.
- Define vexatious requests.
- Explain what we consider to be vexatious requests and how we will deal with these.

### **What is unreasonable customer behaviour?**

We define unreasonable behaviour as:

‘Unreasonable complainants are those who, because of the nature or frequency of their contacts with the Council, negatively impact our ability to deal effectively with their or other people’s complaints’.

Unreasonable behaviour may include one or two isolated incidents; as well as unreasonably persistent behaviour, which is usually an accumulation of incidents or behaviour over a longer period.

We differentiate between ‘persistent’ customers and ‘unreasonably persistent’ customers.

Customers making a complaint can be ‘persistent’ where they feel that they we have not dealt with their complaint properly, and are not prepared to leave the matter there. For example, it is not unreasonable for a customer to criticise how their complaint is being handled when our published procedures are not followed.

However, some customers may have justified complaints or requests but may pursue them in inappropriate ways such as lengthy phone calls, emails expecting immediate responses, detailed letters or emails every few days. Others may pursue complaints or requests which have no substance, or which have already been considered and dealt with. Their contacts with us may be amicable but still place very heavy demands on staff.

Situations can escalate, and in a few cases customers can become abusive, offensive, threatening or behave in a way that we may consider to be unacceptable.

In these circumstances, we may have to restrict access to our premises or staff.

## Examples of unreasonable behaviour

Examples of what we might consider to be unreasonable behaviour are shown below. The list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category.

- Refusing to specify the grounds of a complaint, despite offers of assistance.
- Changing the basis of the complaint/request as the matter proceeds.
- Denying or changing statements made at an earlier stage.
- Covertly recording meetings and conversations.
- Submitting falsified documents from themselves or others.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed letters every few days, and expecting immediate responses.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.
- Persistently approaching the Council through different routes about the same issue.
- Causing distress to staff. This could include use of hostile, abusive or offensive language, or an unreasonable fixation on an individual member of staff.
- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced.

## What is a vexatious request?

We define a vexatious request as:

‘A request that is likely to cause distress, disruption, irritation, without any proper or justified cause’.

A vexatious request may include one or two individual requests for information, or may form part of a wider pattern of vexatious behaviour. For example if there is a wider dispute, or it is the latest in a lengthy series of overlapping requests.

However, we will not automatically refuse a request simply because it is made in the context of a dispute, or if it forms part of a series of requests.

We will consider each request for information on its own merits, and we will not automatically refuse a request because the individual may have caused problems in the past. We will ensure that we consider whether the request (and not the requester) is vexatious with our focus being on the request itself.

Where a request is considered to be vexatious we may make the decision not to provide the information.

## Examples of vexatious requests

Examples of what we might consider to be vexatious requests are shown below. The list is not exhaustive, and for a request to be considered as vexatious it is likely that more than one of the examples is relevant:

- Submission of obsessive requests with very high volume and frequency of correspondence.
- Requests for information the requester has already seen or a clear intention to re-open issues that have already been considered.
- Where complying with the request would impose significant **or disproportionate** burden on the Council in terms of expense, and negatively impact our ability to provide service to others. In this situation, we will also consider section 12 (exemption where cost exceeds the appropriate limit) of the Freedom of Information Act.
- Where the requester states that the request is actually meant to cause maximum inconvenience, disruption or annoyance.

- Where the request lacks any serious purpose or value. An apparent lack of value would not usually be enough on its own to make a request vexatious, but may do when considered with other examples.
- Harassing the Council. This could include very high volume and frequency of correspondence, or mingling requests with accusations and complaints.

### Considerations before action

We recognise that the decision to classify someone's behaviour as unreasonable, or to classify a request for information as vexatious, could have serious consequences for the individual, including restricting their access to services.

Before deciding to apply any restrictions, we will checkmake that:

- the complaint or request for information has been dealt with properly and in line with the relevant procedures and statutory guidelines

and

- we have made every reasonable effort to satisfy the request or resolve the complaint.

However, where our efforts to resolve matters with the customer have not been successful we may close the case or request.

Where appropriate we will advise the customer to contact the Local Government Ombudsman or the Information Commissioner's Office. We will advise the customer that we will no longer enter into any correspondence about such cases, unless material new information becomes available.

Each case will be considered on an individual basis. The decision to classify a customer as unreasonable or to classify a request as vexatious will be made by the Monitoring Officer.

### Options for action

Restrictions will be tailored to deal with the individual circumstances and may include one or more of the following (the list is not exhaustive):

- Placing limits on the number and duration of contacts with staff per week or month.
- Offering a restricted time slot for necessary calls.
- Limiting the customer to one method of contact (telephone, letter, email etc).
- Requiring the customer to communicate with one named officer.
- Requiring any personal contacts to take place in the presence of a witness and in a suitable location.
- Refusing to register and process further complaints/requests about the same matter.
- Requiring the customer to make contact by telephone only through a third party such as a solicitor/councillor/friend acting on their behalf.
- Limiting or regulating the customer's use of the council's services.
- Refusing the customer access to any council building except by appointment.
- Informing the customer that further contact on the matter of the complaint/request will not be acknowledged or replied to.

When the decision has been taken to classify a customer's behaviour as unreasonable or to classify a request as vexatious, the Monitoring Officer will write to the customer to:

- Detail what action we have taken and why.
- Explain what it means for the customer's future contact with the organisation.
- Advise how long the restrictions will last and when the decision will be reviewed.
- Enclose a copy or link to this procedure for the customer's information.

## **Review**

When any restrictions are put in place, a review date will be set. This will be based on the circumstances of the case and could be for a period of 3 months or longer depending on the severity of the situation.

The status of a customer will be reviewed by the Monitoring Officer on the review date and he/she will write to the customer to inform them of the outcome of the review.

The status of a customer may be reviewed by the Monitoring Officer *before* the review date at the customer's request and he/she will write to the customer to inform them of the outcome of the review.

Where the Monitoring Officer considers that the restrictions should continue, he/she will explain the reasons and either give another date for review or confirm that the original date still stands.

## **New complaints or requests for information**

We will not ignore service requests or complaints from customers who are classified as unreasonable or requests for information from customers who have previously submitted a vexatious request. New complaints or requests for information from people who have been classified under this policy will be considered~~treated~~ on their merits. The Monitoring Officer will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint or request.

## **Referring cases to the Local Government Ombudsman and Information Commissioners Office**

There may be exceptional circumstances, where the relationship between us and a customer has broken down to a point where a resolution is not possible. In these cases we may seek to close the case without completing all stages of our complaints policy, or we may expedite the case to a final stage. If this becomes necessary, we will advise the customer of the reasons for this and the options open to them.

Similarly, we may also liaise with the Ombudsman or Information Commissioner and ask them to consider a case before it has exhausted our complaints/FOI process. It will be entirely at the discretion of the Ombudsman or Information Commission whether or not they accept the referral.

## **Record keeping**

Records of any decisions will be retained by the Monitoring Officer including:

- The name and address of each customer who is classified as unreasonable.
- Details of each information request classified as vexatious, including the name and address of the requester.
- What restrictions have been put in place.
- When any restrictions were put in place, and the end date of restrictions.

A summary of actions taken under this procedure will be included in the Annual Complaints/FOI Reports.

## **Appendix A**

### **Local Government Ombudsman and Information Commission Definitions**

Local Government Ombudsman definition of unreasonable behaviour:

We have ~~simplified~~simplified the Local Government Ombudsman's definition of 'Unreasonable complainant behaviour' as the basis for our definition.

Ombudsman Definition:

'Unreasonable and unreasonably persistent complainants are those complainants who, because of their nature and frequency of their contacts with an organisation, hinder the organisation's consideration of their, or other people's complaints'.

Information Commission definition of a vexatious request:

We have adopted the Information Commissioners Office guidance on 'Vexatious and Repeated Requests' as the basis for our definition:

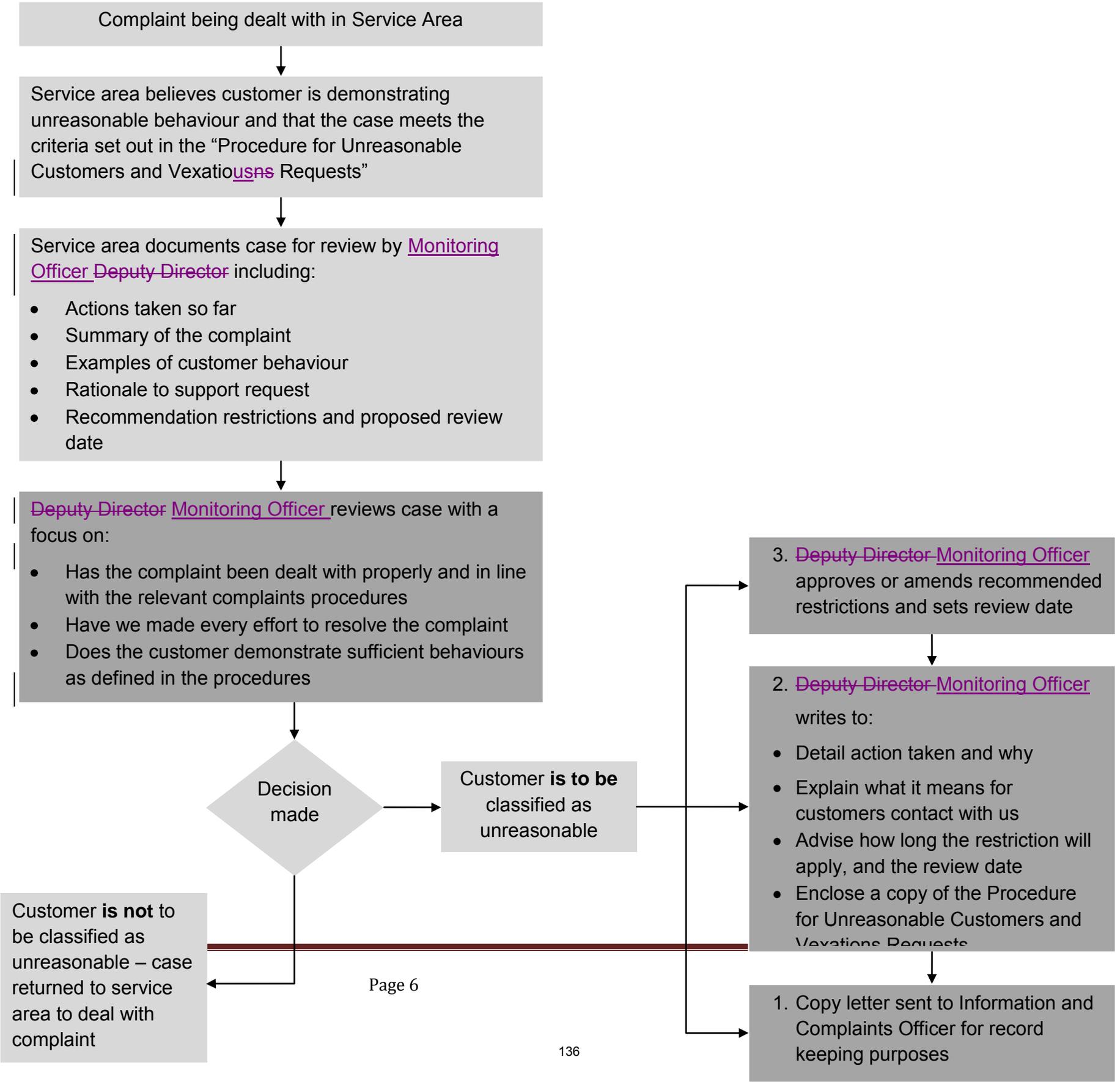
Information Commission Guidance:

'Deciding whether a request is vexatious is a flexible balancing exercise, taking into account all the circumstances of the case. There is no rigid test or definition and it will often be easy to recognise. The key question is whether the request is likely to cause distress, disruption or irritation without any proper or justified cause'.

The Freedom of Information Act 2000 gives rights of public access to information held by public authorities. However, Section 14 of the Act protects public authorities from those who might abuse the right to request information.

If a request is vexatious or repeated, we do not have to provide any information, or confirm or deny whether we hold it (however we will issue a refusal notice).

**Appendix B – Process flow for Unreasonable Customers**



## **Agenda Item 22**

**Cabinet**

**27 November 2013**

**RP/DL/HW**



### **Public speaking arrangements at committee meetings**

#### **Summary**

At the Annual Council meeting on 22 May 2013, Members agreed for the Standards Committee to consider public speaking issues further and make recommendations to Council. There was no suggestion that public speaking would be stopped but rather reviewed with the potential for increasing the contributions and improving the current arrangements.

The Standards Committee have discussed public speaking arrangements at length on three separate occasions. At its last meeting (9 October 2013) the Committee referred a number of proposed changes to 'public question time' (excluding Licensing and Enforcement and Development Management Committees) to Cabinet prior to consideration by Council.

This report sets out the Standards Committees' proposed changes to the public speaking arrangements and reasoning behind them. Officers have made a further recommendation for Cabinet to consider in respect of differentiating between whether the subject of the public question is an agenda item or not. Any proposed changes to the Constitution will require full Council approval.

The Standards Committee has considered the speaking arrangements for Development Management Committee and has made recommendations directly to that Committee. A report on public speaking and agenda management will be considered by Development Management Committee at its December meeting. The Standards Committee has not considered or proposed any changes to the public speaking arrangements for the Licensing and Enforcement Committee as these are largely governed by statutory regulations.

## **Recommendation**

**That Cabinet consider changes to the ‘public question time’ element of the public speaking arrangements (excluding Licensing and Enforcement and Development Management Committees), proposed by the Standards Committee and as set out below, prior to being referred to Council. Any additional changes or amendments by Cabinet to the Standards Committees’ recommendations to be referred back to that Committee prior to consideration by Council.**

- a) Public Question Time be amended to ‘Public Speaking’ and statements to be accepted as well as questions. All contributions to be limited to a total of 3 minutes;**
- b) Where a question is put, this to be put first, with any explanation or background to follow;**
- c) Where the public wish to raise a question on an issue which is not included as an agenda item for the meeting, this to be submitted in writing to Democratic Services in advance (two clear working days before the meeting) to enable a considered response to be given in writing at the meeting if time permits. The speaker who has submitted the question two clear days in advance to be able to ask a supplementary question relevant to the original question. Two days’ notice is not required if the question being put to the Committee relates to a subject already included as an agenda item.**
- d) Where questions are submitted in advance they should be displayed on a screen together with the written answer, if available (otherwise a verbal reply would be given). This approach to help Committee and the public better understand the issue(s);**
- e) Questions (or statements) to be limited to those that relate to matters within the remit of the Council or related to matters the Council is able to influence.**

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

To allow Cabinet to consider changes to the public speaking arrangements (excluding Licensing and Enforcement and Development Management Committees) as proposed by the Standards Committee and Officers, prior to being referred to Council.

### **b) Alternative Options**

Recommend that public speaking arrangements remain unchanged.

### **c) Risk Considerations**

Well thought out public speaking arrangements can enhance democratic participation and Council reputation. Members are not being asked to withdraw or restrict public speaking, they are instead being asked to consider the potential for increasing the contributions and improving the current arrangements

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

The additional democratic services officer time involved in facilitating the changes set out within the recommendations can be accommodated within existing staff levels.

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

Members may wish to consider trialling new arrangements or alternatively recommend a specific review date.

## 1 Main Body of the Report

- 1.1 The current public speaking arrangements were introduced in 2008 and are due for review. In general the adopted arrangements, set out below, work very well and have raised no significant comment until the last year.

Current public speaking arrangements:

### **Questions and statements by the public**

*(Part 4 - Rules of Procedure, 4.1 procedural standing orders of the Council's [Constitution](#))*

*There shall be a fifteen minute period of public question time at the commencement of Council and Committee meetings with the exception of the Licensing and Enforcement Committee, the Development Management Committee and Planning Inspections Committee. Each individual questioner exercising a right during the public question time to be restricted to speaking for a total of 3 minutes.*

*At all meetings of the Cabinet, the Overview and Scrutiny and Audit and Governance Committees, members of the public have the general right to make statements and/or ask questions in respect of all agenda items that are not to be considered in Part B [the part of the meeting to which the public is not admitted]. The normal procedure to be that after a report has been introduced by the relevant Portfolio holder and/or officer the Chairman will enquire of any member of the public whether they wish to speak in respect of the matter and/or ask questions. In each case, contributions from members of the public will be limited to 3 minutes.*

*The chairman of any meeting has the right and discretion to control question time to avoid disruption, repetition and wasting of meeting time.*

- 1.2 The Council has a number of initiatives for public engagement and involvement (a report setting out these initiatives was recently noted by the Standards Committee). These underline the Council's commitment to public engagement. Public speaking should be seen in the wider context of a two way exchange between the Council and the community it seeks to lead and serve.

### Public question time at beginning of meetings

- 1.3 A period of 15 minutes is currently provided at the beginning of meetings as set out in their agendas, allowing for public questions. Individual questions are limited to three minutes with the expectation that where there is an interest group a spokesperson will be appointed to speak on their behalf. In general 15 minutes has provided enough time for questions.

Standards Committee reasoning for the proposed changes:

- a) Public Question Time be amended to 'Public Speaking' and statements to be accepted as well as questions. All contributions to be limited to a total of 3 minutes.**

The Committee considered that contributions from the public during this time should not be restricted to questions only and that it was appropriate for members of the public to also be able to make statements about matters that are within the remit of the Council or that the Council can influence. Statements made by speakers will be noted – a response should not be expected.

3 minutes was considered sufficient time for a member of the public to be able to put their question or make a statement.

**b) Where a question is put, this to be put first, with any explanation or background to follow.**

Feedback to the Monitoring Officer had suggested that Councillors and observers of meetings were not always clear about the question that was being asked by speakers. It was therefore proposed that speakers be asked to present their question first and then use the remaining time to give any explanation or background information.

**c) Where possible, questions to be submitted in writing to Democratic Services in advance (two clear working days before the meeting) to enable a considered response to be given in writing at the meeting if time permits. The speaker who submitted the question to be able to ask a supplementary question;**

This proposed change would enable a fuller and more considered answer to be given in response to questions. Speakers have the opportunity to prepare and research before asking their question; however Councillors replying do not have that same opportunity and therefore do not always have the information required to be able to give the full response expected. [For example, the relevant key member or officer may not be a normal attendee at the meeting concerned; advance notice will enable a response to be prepared]. It is in the public interest to provide the clearest, most up to date answer to matters of public concern. Written responses to questions submitted in advance would be included in the minutes of the meeting. Speakers who have submitted questions in advance would be given the opportunity to ask a supplementary question.

Questions would still be accepted on the day of the meeting, however these may not receive same level of response as would be given if submitted in advance.

Note: Officers have made a more detailed recommendation at c) to differentiate between questions relevant to the agenda and those which do not relate to agenda items. The reason is to allow Members preparation time – this will be of greater benefit to the public as responses given will be well considered and researched.

**d) Where questions are submitted in advance they should be displayed on a screen together with the written answer, if available (otherwise a verbal reply would be given);**

Where questions are available in advance it was suggested that they could be displayed on a screen (if meeting in Council Chamber) which will help the public's understanding of the issue. This to be displayed with the written answer, if available (otherwise a verbal reply will be given). This is something that can easily be implemented.

**f) Questions (or statements) to be limited to those that relate to matters that were within the remit of the Council or related to matters the Council could influence.**

It is considered that to make the best of use of the public speaking and meeting time, questions and statements should only relate to matters within the Council's remit or those which the Council could influence.

#### 1.4 Public speaking/questions on individual items on the Agenda

At Cabinet, Overview and Scrutiny and Audit and Governance Committees, the public may speak and/or ask questions on individual agenda items; contributions are limited to three minutes. The public have the option to ask their question at the beginning of the meeting or at the relevant agenda item. This process appears to work well and the Standards Committee did not recommend any changes to this element of the public speaking arrangements.

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#### **Legal Implications**

Arrangements for public speaking are at the discretion of the council, except where there is a statutory right, for example in relation to certain licensing hearings.

#### **Financial Implications**

There are no financial implications arising from this report.

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Cabinet  
27 November 2013

## Agenda Item 23



### Cabinet

27 November

### Performance Report October 2013

### Monthly Performance Report October 2013

#### Summary

Performance information for the 2013/14 financial year for October 2013 is supplied to allow the Cabinet to monitor progress with selected performance measures and identify any service areas where improvement is necessary.

#### Recommendation

That the Cabinet considers the progress and proposed improvement action for performance measures for the 2013/14 financial year for October 2013.

#### a) Reasons for Recommendation

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

#### b) Alternative Options

None

#### c) Risk Considerations

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

#### d) Policy and Budgetary Considerations

None

#### e) Date for Review of Decision

Performance information is provided on a monthly basis.

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### 1 Main Body of the Report

1. Performance information is provided on a monthly basis. In summary most of the measures are showing good performance for the start of the performance year.
2. There are five indicators that are showing excellent performance
  - Percentage of planning appeal decisions allowed against the authority's decision to refuse
  - Percentage of Non Domestic Rates collected

- % of invoices paid within 30 days
  - Working days lost due to sickness absence
3. There are no performance indicators showing as concern this month. The indicator “days taken to process Housing Benefit/Council Tax Benefit new claims and change events” has moved out of the red and into amber going from 8.54 days in April to 6.66 days in October.
  4. A monthly Performance Snapshot is attached for information in Appendix A.
  5. A full report showing more detail for all the performance indicators mentioned above appears in Appendix B.
  6. Rolling reports/charts for Housing, StreetScene, Planning and Revenues and Benefits appear in Appendix C.
  7. An explanation and definitions of these measures can be found in Appendix D.
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### **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 Executive**

Relevant Heads and officers have contributed to the appendices.

### **Background Papers**

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

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Corporate Organisational Development Manager

Cabinet  
27 November 2013

# Monthly Performance Snapshot – October 2013



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

- **99.62%** of rent due on council owned homes collected
- **6.6 days** to process your Housing or Council Tax Benefit claims
- **4 days** to clear fly tipping cases, dealing with 46 cases this month, down from 65 cases last month
- **99%** of invoices received by us are paid within 30 days
- **48.76%** of all waste collected was recycled in October
- **769** Visitors to the Thelma Hulbert Gallery in October, compared to Oct 2012 when the total was 584 (up 24%)
- East Devon are now **6th** (up from 9th) lowest in terms of residual household waste per household (kg/household) and **115** in the league table of amount recycled by all authorities in England

Latest headlines:

- Congratulations to Organisational Development's Payroll Team for achieving top rating from SWAP our internal auditors. This outstanding level of achievement has now been reached for the second year running.
- In October we held a highly successful community event 'Working together for the future of East Devon' at Knowle in Sidmouth. The aim of the event was to bring local agencies together to improve communication between the voluntary and statutory sectors.
- The Housing Team attended the Devon Social Housing Fraud Forum, working with partners to tackle tenancy fraud in the district and the 'Working together for the future of East Devon' event.
- The 'intoLACE' exhibition saw 1272 visitors to Thelma Hulbert Gallery (THG) our best visitor figures for an exhibition in 2013 and our second best attended exhibition in the history of the gallery (only beaten by 28 visitors during the gallery's relaunch exhibition Earthscapes: Geology + Geography in 2010)
- Number of planning applications on hand has reduced from over 400 down to 365 over the last month while end to end times remain around 50 days.

Did you know?

- At the last Census the proportion of our population aged over 65 was 28.2% (37,700) far above the national average of 16.45% and an 11% (33,716) rise from 2001.