

Date: 25 February 2014
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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
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Cabinet - Wednesday 5 March 2014 - 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 5 February 2014 as a true record. | 6-22 |
| 3 | To receive any apologies for absence. | |
| 4 | To receive any declarations of interest relating to items on the agenda. | |
| 5 | To consider any items, which, in the opinion of the Chairman, should be dealt with as matters of urgency because of special circumstances.
Note: Such circumstances need to be identified in the minutes. <ul style="list-style-type: none">➤ 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➤ 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➤ 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. | |
| 6 | To agree any items to be dealt with after the public (including the press) have been excluded. There are 2 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 March to 30 June 2014. | 23-26 |
| 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 30 January 2014 | 27-32 |
| 10 | To take appropriate action in respect of the notes of the meeting of the New Homes Bonus Panel held on 19 February 2014. | 33-34 |

Part A Matters for decision – key decisions

11	Corporate Asset Management Plan – refresh Plus App – delivery plan	Principal Estates Surveyor	35-40
12	Heart of the South West Local Enterprise Partnership (LEP) Forward Strategy	Deputy Chief Executive	41-44

Part A Matters for decision

13	Financial Monitoring report 2013/14 – month 10 – January 2014	Financial Services Manager/Accountant	45-51
14	Ombudsman report – actions and learning points Plus Ombudsman’s letter	Chief Executive	52-57
15	Parking Places Order – update	Environmental Health and Parking Services Manager	58-63
16	Introducing an Employee Assistance Programme	Corporate Organisational Development Manager	64-65
17	Meeting the public sector equalities duties – progress and key areas of activity	Corporate Organisational Development Manager	66-70
18	East Devon Public Health Plan 2014-2017 App – ED Priority Actions Implementation Plan	Head of Housing	71-77
19	Adoption of the revised East Devon Area of Outstanding Natural Beautiful (AONB) Management Plan	AONB Partnership Manager	78-80
20	Response to Lypstone Neighbourhood Plan submission	Planning Policy Manager	81-90
21	Application to designate Clyst Honiton Neighbourhood Area.	Planning Policy Manager	91-107
22	Proposed designation of Broadhembury and Bishops Clyst Neighbourhood Areas	Senior Planning Officer	108-112
23	Review of pest control service	Principal Environmental Health Officer	113-118

24	Performance Monitoring report until January 2014 The Month tracking appendix for January is attached – other appendices summarising performance are provided as links under Background Papers in the reports	Corporate Organisational Development Manager	119-122
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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 decisions

25	Thelma Hulbert Gallery Appendix – Survival strategy 2014/15-17/18 – electronic only Appendix – THG budget - electronic only	1. Para 3 Schedule 12A) - information relating to the finance or business affairs of any particular person 2. the report includes options with financial, funding and staffing implications	Deputy Chief Executive	123-127
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Part B Matter for Decision

26	Land adjacent to St John's Road, Exmouth. Plus Appendix 1 & 2	1. Para 3 Schedule 12A) – as above 2. the report includes details of the Council's proposed negotiations	Principal Estates Surveyor	128-133
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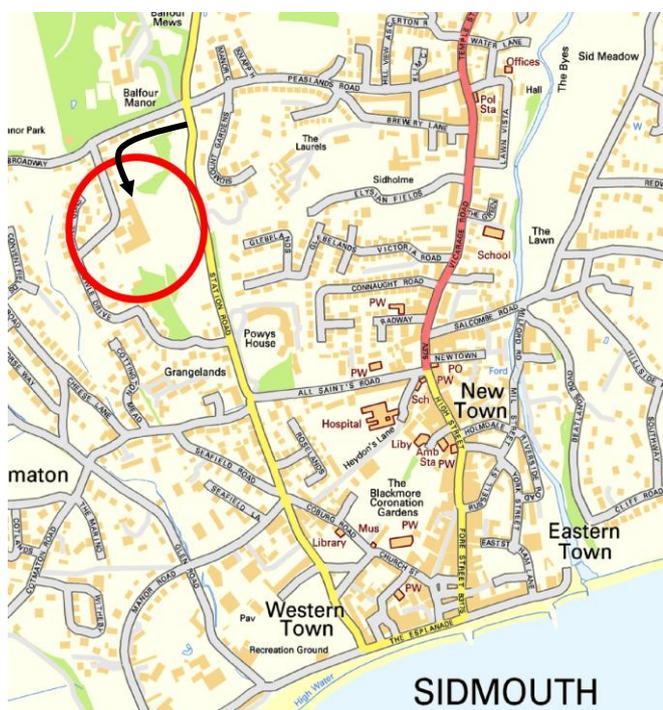
Decision making and equality duties

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



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

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

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

From Exeter – 52A, 52B

From Honiton – 52B

From Seaton – 52A

From Ottery St Mary – 379, 387

Please check your local timetable for times.

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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

Apologies

Non-Cabinet members

Derek Button

Bob Buxton

Geoff Chamberlain

David Chapman

Maddy Chapman

Alan Dent

Vivien Duval-Steer

Steve Hall

Peter Halse

Mike Howe

Stuart Hughes

Brenda Taylor

Graham Troman

The meeting started at 5.30 pm and ended at 8.28 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.

***159 Public Questions**

Richard Eley asked to speak on the Office Relocation project. He claimed that EDDC's staff numbers had increased over recent years and this increase needed to be factored in to the office accommodation debate. He referred to escalating costs over the life of the project and alleged that the process was out of control. He questioned whether the move was justified when the district authority tier of local government could be cut out. In the light of his observations, Mr Eley asked for the project to be reconsidered; to keep EDDC in Sidmouth and achieve cost savings.

The Leader thanked Mr Eley for his observations.

As there were no other members of the public wishing to speak, the Leader invited Councillor Pauline Stott to raise an issue. Councillor Stott was concerned about the Devon County Council's planned cuts to youth services/centres within East Devon. The proposals were currently out for consultation.

Councillor Elson advised that she would include this issue for consideration at her next Sustainable Homes and Communities Think Tank - any change in youth provision would have an impact on this Council's Community Officer work. Councillor Tom Wright, Trustee of the Budleigh Salterton Youth Project Trust and Councillor Christine Drew, Youth Champion would be invited to attend.

***160 Minutes**

The minutes of the meeting of the Cabinet held on 8 January 2014 were confirmed and signed as a true record.

***161 Declarations of interest**

No declarations of interest were made

***162 Exclusion of the public**

RESOLVED: that the classification given to the documents to be submitted to the Cabinet be confirmed; there were 4 items which officers recommended should be dealt with in Part B.

*163 **Forward plan**

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

*164 **Matters referred to the Cabinet**

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

*165 **Overview and Scrutiny Committee – 15 January 2014**

Members received and noted the minutes of the Special Meeting of the Overview and Scrutiny Committee held on 15 January 2014.

The Committee's Chairman, Councillor Tim Wood, referred to the effective work carried out by the Budget Task and Finish Forum, the Budget Working Party and the Overview and Scrutiny Committee. He confirmed that the Council's homelessness work was demand-led and not constrained by budget - the Council's preventative measures to address homelessness had proved very effective. He also added that it was appropriate for the proposed office relocation estimated costs to be included within the budget at this stage to serve as a helpful indicator.

RESOLVED that the Committee's recommendations on the draft Revenue and Capital Estimates be taken into account at the relevant agenda item (13).

*166 **Housing Review Board – 9 January 2014**

Cabinet received and noted the minutes of the meeting of the Housing Review Board held on 9 January 2014.

The Chairman of the Housing Review Board, Councillor Pauline Stott drew Members' attention to Minute 52 – Older persons targeted support and emerging issues with regard to the future of this support within Devon.

RESOLVED 1: that the following be noted:

Minute 53 the updated forward plan.

Minute 57 the variances identified as part of the HRA revenue and capital monitoring process up to month eight.

Minute 58 the findings of the systems thinking review of day to day rent account management for council tenants.

***166 Housing Review Board – 9 January 2014 (continued)**

RESOLVED 2: that the following recommendations be approved

Minute 50 that the Chairman, Vice Chairman, Councillor Knight, and relevant officers meet to agree the exact wording for the Home Safeguard logo.

- Minute 52**
- (1) that consideration be given to the issues presented within the report on older persons' targeted support;
 - (2) that officers prepare as best they can and feed comments on the consultation proposals back to Devon County Council;
 - (3) that the current support service be maintained in house and alternative options considered;
 - (4) that a further report be brought to the Board once the detailed service specification was known.

Minute 59 that regard be had to the Chartered Institute of Housing's good practice advice on tackling tenancy fraud when implementing local policy and practice.

- Minute 60**
- (1) that the wording of the existing leaflet, tenant handbook and website information for downsizing be agreed, subject to changing 'will' to 'may' under the heading 'what if my current property is adapted to meet my special needs?'
 - (2) that the wording of the existing leaflet, tenant handbook and website information for mutual exchanges be agreed.

RESOLVED 3: that the following recommendations be referred to Council:

Minute 54 Approval of the housing service plan for 2014/15.

Minute 55 Approval of the Housing Revenue Account for 2014/15.

Minute 56 Approval of the principles and provisions of the voluntary code for a self financed Housing Revenue Account.

***167 Recycling and Refuse Partnership Board**

Cabinet received and noted the minutes of the meeting of the Recycling and Refuse Partnership Board held on 22 January 2014 presented by Councillor Iain Chubb, Chairman of the Partnership Board. He encouraged Members to use the Citizen app which had been well received. Similarly the Christmas collection bin hangers had been effective with positive feedback. He also referred to Schedule 2 waste – new regulations had re-classified a number of premises and allowed local authorities to charge for the disposal of waste from a wider range of non-domestic premises. The proposed charges for Schedule 2 waste collection was set out at Minute 30.

***167 Recycling and Refuse Partnership Board (continued)**

In reply to a question, Paul Deakin, Waste and Recycling Manager advised that the provision of kerbside collection of cardboard was unlikely to be rolled out before the new contract had been negotiated.

Councillor Chubb would send an official letter of thanks to SITA staff and supervisors for their positive performance and hard work. The Waste and Recycling Manager was also thanked for his efforts in reducing the volume of waste to landfill and for his effective negotiations in respect of paper and glass recycling payments.

The Chairman invited the Waste and Recycling Manager to give a presentation on the Integrated Devon waste service (Minute 29 refers). The Partnership Board had asked for the Cabinet to be up-dated on possible options – a report detailing costs would be referred to a future meeting. The proposed partnership arrangements would achieve cost savings, flexibility, increased recycling rates and efficiencies with either a fully integrated Devon waste service or a cluster arrangement. The cluster proposal for East Devon was with Exeter and Mid Devon Councils. The clusters were based on disposal arrangements.

- RESOLVED**
- (1) that a forensic accounting audit be commissioned for 2014;
 - (2) that the work that has already taken place on Integrated Devon be noted, with delegated authority being given to the Recycling and Waste Contract Manager, in consultation with the Portfolio Holder – Environment, to progress the integrated Devon waste service initiative and commit East Devon in principle to take a lead in trying to deliver either a Devon-wide integrated or a cluster arrangement;
 - (3) that the proposed charges for Schedule 2 waste collection and disposal be agreed as set out at Minute 30 of the Recycling and Refuse Partnership Board minutes.
 - (4) that in principle it be agreed that there would be no SITA collections on the first Saturday after Christmas, but further consideration be given to Christmas 2014 refuse and recycling collection dates to lessen the impact of a 4 day delay in collections, with a report being brought to a future Partnership Board meeting;
 - (5) that the wage increase for SITA employees, as included in the budget, be agreed.

REASON

To support the work of the Partnership Board and progress the integrated waste initiative.

***168 New Homes Bonus Panel – 22 January 2014**

Cabinet received the notes of the meeting of the New Homes Bonus Panel held on 22 January 2014 presented by the Panel's Chairman, Councillor Ray Bloxham.

At the last meeting of Cabinet, Members were advised that Devon County Council had agreed to treat the Cranbrook Parish Forum as a parish within the Parishes Together Initiative which meant that Cranbrook could bid for funding for joint projects under the scheme. Members noted the application from the Cranbrook Community Forum and the proposal to ask neighbouring councils if they would be willing to support the Forum's application for Parishes Together funding.

Councillor Bloxham advised that the initiative was attracting good hub projects and asked Ward Members to encourage their local councils to submit a scheme before the 17 March deadline. He said that this Council's Community Engagement and Funding Officer and Devon County Council's Locality Development Officer were carrying out excellent work. Parishes who had submitted successful bids had given positive feedback on the process.

RESOLVED that the New Homes Bonus Panel's decisions be supported and its recommendations approved, as set out in the notes of the Panel's meeting.

169 Revenue and Capital Estimates 2014/15 – key decision

Simon Davey, Head of Finance presented this report and outlined the budget process to date. No amendments had been proposed by the Overview and Scrutiny Committee that would affect the draft budget for the General Fund Revenue Account or the Capital Budget. The amendments from the Housing Review Board were reflected within the report.

The Head of Finance read out the legal requirements in respect of the process (set out at Reason 2 to the recommendations below) and expanded on the wording of Recommendation 7 for clarity based on legal advice.

At the last meeting of the Cabinet, Members had agreed on a proposed restructure of the Countryside Team and this additional cost had now been included within the estimates.

On the agenda of the current meeting, Cabinet Members would be asked to consider additions to the estimates in respect of the Seaton Jurassic Project and recommendations from the Leisure East Devon Joint Working Party. These recommendations had been assumed as accepted for the purpose of the budget papers but the figures would be adjusted, before being referred to Council, if this was not the case.

The Council was also required to set prudential indicators as part of the budget setting process and these were set out in the appendix to the report.

RECOMMENDED (1) that the Net Revenue General Fund Estimates of £13.803m be approved giving a net surplus of £0.069m to be paid into the General Fund Balance;

169

Revenue and Capital Estimates 2014/15 – key decision (continued)

- (2) that a Council Tax requirement be set for 2014/15 at £6.582m with a resulting Council Tax Band 'D' of £121.78 (2013/14 £121.78);
- (3) that the Housing Revenue Account Estimates with a net surplus of £1.065m be approved;
- (4) that Council House rents be increased from April 2014 in line with the Rent Convergence restructuring scheme with the general increase being given as a 5.29% increase.
- (5) that Council garage rents be increased from April 2014 by 3%
- (6) that the Capital Budget totalling £19,476m be approved.
- (7) that the prudential indicators, including the minimum revenue provision statement, detailed in Appendix A of the report be adopted and authority be delegated to the Section 151 Officer (Head of Finance) to operate within the specified parameters for any individual year.

REASON

- (1) There is a requirement for the Council to set a balanced budget for both the General Fund and Housing Revenue Account and to levy a Council Tax for 2014/15.
- (2) The requirements for budget setting and council tax are set out in statute and regulations which the finance team take account of in the preparation of the report. The duties of the Council's Section 151 Officer include the requirement to make recommendations to ensure that the Council maintains an adequate level of reserves, when considered alongside the risks the Council faces and the general economic outlook.

170 **2014/15 Treasury Management Strategy – key decision**

Simon Davey, Head of Finance advised that the Council was required to formally adopt an annual Treasury Management Strategy to comply with the CIPFA Code of Practice for Treasury Management in the Public Services. The Council was also required to adopt a set of prudential indicators relating to treasury activities.

The report highlighted the 2 main functions of treasury management as:

- ensuring the Council's cash flow is planned and that cash is available when needed;
- longer term cash flow planning to ensure the Council can meet its capital spending plans. This will include arranging long or short term loans or using longer term cash flow surpluses.

The Council's overriding investment policy objective was to prudently manage the Council's funds – minimise risks whilst maximising returns. The Council's credit worthiness criteria and its approach were set out in 2.2 of the report. A new counterparty had been added to the list, namely: deposit with banks incorporated outside the UK but entitled to accept deposits in the UK. The Head of Finance assured Members that the criteria for this new counterparty were very high with a maximum amount of £2M.

The report included the economic forecast for 2014/15 and potential interest rate levels together with the Council's borrowing requirement – the anticipated borrowing limits for the forthcoming financial year had been included within the prudential indicators.

RECOMMENDED that the Treasury Management Strategy for 2014/15 be adopted.

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

171 **Council Plan – refreshed document – key decision**

The Corporate Organisational Development Manager presented the refreshed Council Plan which was a cornerstone of the Council's performance reporting and its communications with customers and staff.

In reply to a suggestion that an indication of costs of principal activities could be included to highlight cost benefits, the Portfolio Holder – Corporate Business advised that the Plan was one of a suite of documents. The service plans and financial plan within the suite included more detail. The aim of the Council Plan was to communicate to everyone in broad terms with a simple and clear message.

RECOMMENDED that the updated version of the Council Plan, which reflects achievements made in the last two years and outlines the Council's focus for the medium term, be agreed.

REASON To enable the Council to continue to improve the quality of its communications and the information about its priorities.

***172 Cranbrook Community questionnaire results – key decision**

The Corporate Organisational Development Manager advised that a community needs and satisfaction questionnaire had been sent to all the occupied households in Cranbrook. The survey results would be used by the Cranbrook Community Development Worker, the Cranbrook Community Forum and others to help provide and improve services and communications.

The Portfolio Holder – Corporate Business drew Members' attention to the summary of results at paragraph 1.3 of the report; these were very positive.

The healthcare questions had been included on the request of NHS England and would be helpful in determining demand through gathered intelligence.

As a separate but related issue, Members supported the suggestion that NHS Clinical Commissioning Groups be included as relevant consultees of district-wide planning applications.

RESOLVED that the results of the Cranbrook Community questionnaire be noted.

REASON The results of the survey will help to inform how the Community Development Worker, Community Forum, Consortium and other agencies such as EDDC can work together to improve services and find out what information residents would like to be given.

***173 Financial monitoring report 2013/14 month 9 – December 2013**

Cabinet 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 9 (31 December 2013). Current monitoring indicated that:

- The General Fund balance was being maintained at or above the adopted level. The predicted balance was £0.551m above the Council's maximum adopted level of £3.6m but no decision on the surplus was required until the final year end 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 £2.821m will be available in the Reserve to support the programme from 2014/15 onwards.

The Head of Finance advised that there were no areas of concern.

RESOLVED that the variances identified as part of the Revenue and Capital monitoring process up to month 9 be acknowledged;

REASON The report updated Councillors on the overall financial position of the authority following the end of each month and included recommendations where corrective action was required for the remainder of the financial year.

*174 **Changes to National Non Domestic rates (Business Rates)**

Members considered the report of the Revenues and Benefits Manager setting out changes to the Business Rate measures (announced in the Autumn Statement). These included the potential use of discretionary powers to give rate relief in prescribed circumstances. The Government had stated that local authorities would be reimbursed for any relief granted as a result of these measures. The aim was to help businesses and the local economy.

The Head of Finance advised that since the agenda had been issued, further details had been received from Government on the scheme's implementation. These guidelines gave local authorities discretion in granting relief so that decisions could be made within the context of each authority's wider objectives for the local area. Delegated authority was sought to agree the details of the scheme in order to meet the timetable for implementation.

RESOLVED

- (1) that Members note the changes to Business Rates announced in the Autumn Statement
- (2) that the Head of Finance, in consultation with the Portfolio Holders for Finance and Economy, be given delegated authority to agree the details of the scheme in compliance with:
 - Government Guidelines being issued on qualifying criteria for granting business rate relief
 - State Aid legislation

and subject to Central Government refunding the additional cost to this Council.

REASON

The package of measures announced in the Autumn Statement will be fully funded by the Government at no cost to EDDC and will provide support to businesses during this difficult economic climate.

As some of the measures will be brought in under the Council's discretionary powers (Local Government Finance Act 1988) there is a requirement for Members to formally approve giving the relief/discount where ratepayers meet the qualifying criteria, subject to state aid limits. Government guidance has been received late and therefore delegated powers will enable the details of the scheme to be agreed ready for implementation in April.

*175 **Mamhead Slipway option approval**

Members considered the report of the Mamhead Slipway Replacement Project Manager seeking approval for the preferred scheme to enable the necessary statutory processes to commence. Option 2 provided a layout which delivered the Exmouth Masterplan objective of enhancing the operational characteristics of the slipway, by providing some space for vehicle parking and manoeuvring adjacent to the slipway and off the public highway. Vehicles would park temporarily to launch and recover and would then move to long term parking off-site.

***175 Mamhead Slipway option approval (continued)**

A bid for the total project cost (which included a 40% contingency) had been submitted on this basis from the Council's Capital Programme.

Members noted that a significant contribution was likely to be made by Devon County Council in line with an agreement which was reached in 1948 regarding future maintenance responsibilities for the seawall and slipways at Exmouth.

The concept of charging for usage of the slipway would be factored in to future considerations. Exeter City Council was the responsible harbour authority; enforcement plans to sensitively address any anti-social behaviour of boat and water users would be discussed through the Exe Estuary Partnership.

- RESOLVED**
- (1) that the indicative layout showing in drawing 9Y0565-0200 for a replacement public slipway at Mamhead, Exmouth, including use for vehicle and trailer manoeuvring of the area currently laid out as Mamhead Gardens, be approved;
 - (2) that the submission of a planning application and an application for the required marine licence be approved.

REASON The technical study work has now progressed where sufficient information is known about the options examined to be able to make a clear recommendation as to which is most appropriate.

176 Draft meetings timetable 2014/15

The Cabinet considered the proposed timetable of meetings for the next Council year. It followed a similar pattern to previous years other than:

- Licensing and Enforcement Sub Committee and Committee meetings being moved to Wednesdays to avoid a potential clash with Development Management Committee meetings on Tuesdays.
- A sufficient gap between Cabinet and Council meetings to avoid Cabinet minutes having to be circulated after the Council minute book has been published.

Members noted that the Overview and Scrutiny Committee at its last meeting had considered the timetable with a view to possibly increasing the number of meetings of the full Council by one per year. The Corporate Business Portfolio Holder had asked to refer this matter to his think tank and broaden the topic to consider how Council meetings could be reviewed to be more effective and make better use of Councillor time. The considerations of the think tank would be reported back to the Overview and Scrutiny Committee.

The final version of the timetable, which if possible, to include changes to the pattern of Housing Review Board meetings so that these could be reported earlier to Council, would be referred to the annual meeting of the Council. Members were recommended to approve the date of the annual meeting as 14 May 2014 (avoiding the European elections on 22 May).

176 **Draft meetings timetable 2014/15**

RECOMMENDED that the draft meetings timetable be referred for approval to the annual meeting of the Council subject to any proposed amendments being taken into account.

RESOLVED that the 2014 Annual Council meeting be held on 14 May.

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

*177 **Performance management report December 2013**

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

Councillors noted two indicators that were showing excellent performance and extended their appreciation to the teams involved:

- percentage of planning appeal decisions allowed against the authority's decision to refuse
- percentage of non domestic rates collected

The Portfolio Holder - Sustainable Homes & Communities referred to the Council home rent collection statistics (99.6%) which was an excellent result, particularly in times of economic hardship. She also advised that the Council had completed its first Enforced Sale Procedure on a long term empty property in East Devon and praised the team for its work on developing the relevant process and getting it right.

No performance indicators showed concern.

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

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.

*178 **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).

***179 Thelma Hulbert Gallery (THG) Business Plan – key decision**

Due to adverse weather conditions the consultant (specialist firm in areas of culture, social and economic development, Perfect Moment) who had prepared the Thelma Hulbert Gallery Business Plan was unable to travel from Cornwall. The report would be considered at the March Cabinet meeting.

RESOLVED The item was deferred until the next Cabinet on 5 March 2014.

REASON The consultant who was due to give a presentation on the Gallery Business Plan had been obliged to cancel.

180 Office accommodation – next steps – key decision

Richard Cohen, Deputy Chief Executive gave an up-date on the current position – the Council's decision to relocate its offices, the process, drivers, how the project was being taking forward, options and site scoring. He outlined the main issues within the update report which included:

- Latest developments regarding the Council's Heathpark sites
- New office options with detailed financial and non-financial analysis

Potential sites for EDDC offices had been reduced from 15 to a shortlist of 5. The analysis of the shortlisted site options plus an 'essential repairs only' option (the 'do nothing option') was given in detail in the report and accompanying documentation. Cabinet was now asked to give consideration to the two highest scoring options (Skypark and Clyst House) and make recommendations to Council. The Cabinet took into account the key risks and mitigations set out in the report plus legal and financial implications.

Reference was made to the recommendations of the meeting of the Overview and Scrutiny Committee of 30 January 2014 which would be formally referred to the next meeting of Cabinet. It was commented that the recommendations failed to reflect information that had already been published.

Issues raised by Cabinet included:

- The Knowle offices were not fit for purpose.
- The location should provide an environment for modern service delivery.
- The public needed to be given clear reasons for the necessary move from Knowle.
- Clyst House, Winslade Park – this was an old building with access issues relating to its parkland location and distance from the main road network.
- The Skypark site offered easy access, it would be purpose built and would send a positive signal about the Council across the district. Being purpose built would mean that costs would be controlled. Should circumstances change, it would be easier to let or sell. Skypark being viewed as a key location for future economic development in the West of the district as well as a suitable location for shared services.
- Honiton was a good location but economic circumstances had to be taken into account in terms of project funding arrangements.
- Risks were identified and noted.
- The equality impact assessment which had been compiled with significant detail and care would be used as a reference document throughout the process.

180 **Office accommodation – next steps – key decision (continued)**

- Arrangements were needed for the Council to have an appropriate presence (including face to face contact) to meet customer needs in local towns.
- East Devon Business Centre – is this satisfying the Council’s objectives of providing business support? A review of options was the way forward.

The preferred option of Skypark was unanimously supported by the Cabinet.

- RECOMMENDED**
- (1) that the further analysis provided in the report and its attachments be noted:
 - (2) that the opportunities, risks and risk management approach inherent in the project plan and its conditions and gateways be noted:
 - (3) **New Office**
 - (a) that the order of site preference advised in the report (site scoring outcomes were included at Appendix 2 to the report) and the Office Accommodation Executive Group’s recommendation to decide between Clyst House, Winslade Park or Skypark be noted;
 - (b) that a preferred site and acquisition costs of Skypark- £986,000 (site) be recommended to Council and for detailed negotiation to begin. (Costs include Stamp Duty Land Tax but exclude VAT);
 - (c) that, subject to Council agreement, officers be instructed to take forward the agreed option under the continued guidance of the Executive Group, with key future decisions being subject to Cabinet and Council approval;
 - (d) that formal approval to proceed with the purchase be referred to Cabinet and Council – reports to this effect are anticipated for considered around July 2014;
 - (e) that, as an immediate action, a marketing exercise be conducted to engage developer interest (for a amount which was disclosed at the meeting) and ascertain the values and variety of proposals for development on the Knowle and Manstone Depot sites;

180 **Office accommodation – next steps – key decision (continued)**

- (f) that further project management costs through to completion of the Project in the sum of up to £88,000 for professional service costs including project management, architects, engineers and other designers), Fees, etc (excluding VAT) be agreed.
- (4) **Heathpark**
 - (a) that Terrace Hill be selected as the preferred developer for EDDC's former SITA depot and existing Business Centre site on Honiton Heathpark and the Council enter into conditional contract;
 - (b) that the requirement for a replacement for East Devon Business Centre be investigated further – to identify and secure by purchase, if required, a viable alternative site to develop a new Business Centre. This investigation to include a full review of the business support and service provided by the Council and whether the current provision meets the needs of new and growing businesses within the district.
 - (5) that the Deputy Chief Executive (Development, Regeneration and Partnership), under the direction of the Office Accommodation Executive Group, be authorised to take forward actions in pursuit of the above recommendations and in accordance with the Project Gateway Plan.
 - (6) that further work be carried out to investigate EDDC presence and service provision in our coastal and market towns to meet the needs of the local community in the most effective and modern way;

REASON

To progress the Council's plans to manage its assets effectively and to deliver modern public services.

181 **Regeneration revenue funding requirements**

Members considered the report of the Principal Regeneration Project Manager which gave an update on the financial spend on the Exmouth Regeneration projects to date. The next phase of revenue funding (excluding the Mamhead Slipway) was from April 2015; Members were asked to consider bringing forward a proportion of approved budget to fund a delivery plan for the next phases of Exmouth Vision Masterplan delivery.

181 **Regeneration revenue funding requirements (continued)**

Members also noted the continued progress of Seaton Jurassic (Seaton Discovery Centre). This was a good project for attracting funding but needed more detailed project management.

Members of the Cabinet and the Chairman of the Council expressed their appreciation of the regeneration work and to the teams that had driven the projects forward.

- RECOMMENDED**
- (1) that progress on the Exmouth Regeneration Projects be noted;
 - (2) that the use of part of the existing Exmouth budget for professional services to prepare a Delivery Strategy for the next phase for Exmouth Regeneration be approved - this will leave a shortfall in fixed costs for 2015/16;
 - (3) that the requirement for an additional £50,720 revenue funding for 2015/16 to cover the fixed costs (referred to in (2) above), be approved;
 - (4) that the Regeneration Team prepares a further report for Cabinet later this year on the outcome of the Delivery Strategy with recommendations for the next phase of the delivery process and any requirements for ongoing revenue funding;
 - (5) that the progress of Seaton Jurassic (new name for Seaton Discovery Centre) be noted;
 - (6) that an additional capital budget of up to £50,000 be made available for the Project for the appointment of a Project Manager as detailed in paragraph 8 of the report;
 - (7) that the appointment of a Project Manager from Ward Williams be allowed and exemption from standing order Section 1, part 3.1 agreed for reasons given in the report, including to allow for speed of appointment and continuity of knowledge and information.

REASON To enable the Exmouth Regeneration Projects and Seaton Jurassic to progress.

182 **Leisure East Devon Joint Working Group**

Members received and considered the notes of a meeting of the Leisure East Devon Joint Working Group which had met on 22 January 2014.

- RECOMMENDED**
- (1) that a £120k LED investment proposal for Exmouth Pavilion be supported, subject to legal advice;
 - (2) that a £1.45 Public Works Loan Board loan for works to Exmouth Leisure Centre be agreed, subject to legal advice and subject to all loan and interest repayment costs being met by LED;

- RESOLVED**
- (1) that a full and detailed report on possible options in respect of the Ocean Bowling Centre be reported to a future meeting of Cabinet.

REASON

Exmouth Pavilion – to enable the facility to be up-graded to achieve additional revenue and help reduce the increasing need for subsidy.

Exmouth Leisure Centre – to provide financing arrangements so that the Centre could be improved.

Chairman Date

EAST DEVON DISTRICT COUNCIL

Forward Plan of Key Decisions - For the 4 month period 1 March 2014 to 30 June 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	Corporate Asset Management Plan		Economy Portfolio Holder	Economic Development Manager	Cabinet 5 March 2014 Council 9 April 2014	10 April 2014	Part A
2	European Transition funding (LEP Progress Report & Funding Programmes		Finance Portfolio Holder	Deputy Chief Executive (RC)	Cabinet 5 March 2014	13 March 2014	Part A
3	Public Health Plan		Communities Portfolio Holder	Head of Housing	Cabinet 5 March 2014 Council 9 April 2014	10 April 2014	Part A
4	Honiton Community Centre		Economy Portfolio Holder	Deputy Chief Executive (RC)	Cabinet 2 April 2014 Council 9 April 2014	10 April 2014	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)
5	Cranbrook Electoral Review		Portfolio Holder Strategic Development and Partnership	Chief Executive	Cabinet 2 April 2014 Council 9 April 2014	10 April 2014	Part A
6	Individual Electoral Registration		Corporate Services Portfolio Holder	Jill Humphreys, Electoral Services Manager	Cabinet 2 April 2014 Council 9 April 2014	10 April 2014	Part A
7	Future financial savings for 2015/16		Portfolio Holder - Finance	Chief Executive	Cabinet 2 April 2014 Council 9 April 2014	10 April 2014	Part B
8	Information Management Strategy		Corporate Services Portfolio Holder	Corporate ICT Manager	Information Management Group Cabinet 7 May 2014 Council 23 July 2014	24 July 2014	Part A
9	Shared IT Services		Corporate Services Portfolio Holder	Corporate ICT Manager	Information Management Group Cabinet 4 June 2014 Council 23 July 2014	24 July 2014	Part B – commercially sensitive information.

	Other decisions to be taken in Part B	Exmouth Regeneration Action Notes following regular meetings	Portfolio Holder Strategic Development and Partnership	Deputy Chief Executive (RC)	Cabinet meetings following production of Action Notes		Part B [if commercially sensitive]
		Seaton Regeneration Action Notes following regular meetings	Portfolio Holder Economy	Deputy Chief Executive (RC)	Cabinet meetings following production of Action Notes		Part B [if commercially sensitive]

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

Future Key Decision		Lead Member	Lead Officer	Consultation and meeting dates (Committees, principal groups and organisations) To be confirmed	Operative Date for decision To be confirmed
1	Integrated waste Strategy for Devon	Environment Portfolio Holder	Head of Environment	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 (RC)		

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

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

In accordance with section 38 of the Local Government Act 2000, up-dated by the Local Authorities (Executive Arrangements)(Meetings and access to Information)(England) Regulations 2012 in determining the meaning of "significant" in (a) and (b) above regard shall be had to any guidance for the time being issued by the Secretary of State in accordance with Section 9Q of the 2000 Act (guidance).. The Cabinet may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of the Constitution and the Regulations. A minute of each key decision is published within 2 days of it having been made. This is available for public inspection on the Council's website <http://www.eastdevon.gov.uk>, and at the Council Offices, Knowle, Sidmouth, Devon. The law and the Council's constitution provide for urgent key decisions to be made without 28 clear days notice of the proposed decisions having been published . A decision notice will be published for these in exactly the same way.

Obtaining documents

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

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

14 February 2014

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the
Overview and Scrutiny Committee held
at Knowle, Sidmouth on 30 January 2014

Present: Tim Wood (Chairman)
Graham Troman (Vice Chairman)

Mike Allen	Frances Newth
Peter Bowden	John O’Leary
Derek Button	Brenda Taylor
Deborah Custance Baker	Chris Wale
Vivien Duval Steer	Eileen Wragg
Roger Giles	Claire Wright
David Key	

Officers:

Richard Cohen, Deputy Chief Executive
John Golding, Head of Housing
Henry Gordon Lennox, Principal Solicitor
Steve Pratten, Relocation Manager
Hannah Whitfield, Democratic Services Officer

Also Present

Councillors:

Ray Bloxham	Tony Howard
Iain Chubb	Andrew Moulding
David Cox	Pauline Stott
Paul Diviani	Ian Thomas
Christine Drew	Phil Twiss
Jill Elson	Tom Wright
Graham Godbeer	
Steve Hall	

Apologies:

Committee Members

Councillors:
David Chapman
Maddy Chapman
Peter Halse
Shelia Kerridge
Steve Wragg

Non-Committee Members

Councillors:
Alan Dent
Stephanie Jones

The meeting started at 6.30pm and ended at 8.43 pm.

***52 Public Question Time**

The Chairman welcomed Councillors to the meeting. There were no questions from the public at this part of the meeting.

*53 **Minutes**

The minutes of the Overview and Scrutiny Committee meeting held on 21 November 2013 and the Special Overview and Scrutiny Committee meeting held on 15 January 2014 were confirmed and signed as a true record.

*54 **Declarations**

There were none.

*55 **Cabinet agenda**

No items on the Cabinet agenda for the meeting to be held on 5 February 2014 had been raised in advance for discussion.

*55 **GP Commissioning update**

The Chairman welcomed Tamara Powderley, Dr Tom Debenham, Dr Richard Mejzner and Dr Phil Taylor to the meeting.

The Committee received a detailed presentation on stroke services in the eastern locality. GPs and the specialist stroke physicians for the past year had look at ways to improve the treatment, rehabilitation and care provided to people who had suffered a stroke. The evolving vision for stroke services, responding to information provided by NICE (National Institute for Health and Care Excellence) and based on modelling work with Exeter University, was advised to be:

- A specialist led equitable service across the locality;
- Consistent specialist skills available as people progress from in-patient to rehabilitation and ongoing independence;
- A central unit providing specialist hyper-acute and acute in-patient care with earliest possible return home for those patients who were medically stable;
- A specialist in-patient and domiciliary rehabilitation service;
- To build on what was known to work, which was the early supported discharge stroke support team.
- Patients would be admitted to two hyper-acute stroke bays (each bay had four beds) for the first 72 hours of their emergency treatment, before being stepped down to acute unit of 12 beds. Once medically stable, 48% of patients would be discharged to the care of an expanded early supported discharge team. 22% of all patients would progress to an 18 bed stroke rehabilitation unit which would be relocated to a central Exeter site. The total beds within the stroke pathway would reduce from the current 43 beds to 38 beds, principally through reduced length of stays achieved through the expansion of the early support discharge stroke support team.

The Chairman invited questions and comments from the Committee on the vision for stroke services. Responses to points raised during discussion included:

- East Devon had an older age profile compared with the rest of England which inevitably put a demand on health services due to people living longer and having complex needs.
- Exeter University had modelled potential demand on stroke services over the next 10 years; the vision for stroke services responded to this.
- Stroke rates had fallen in the older population due to secondary prevention and improved health. However stroke rates were rising in the younger age groups. This concern needed to be targeted.

*55 **GP Commissioning update (continued)**

- A TIA (Transient Ischaemic Attack) service at the RD&E Hospital was part of stroke service but would not be affected by the proposed changes.
- Support for carers of stroke patients was essential. Feedback from carers was that they wanted access to resources to help with the stroke patient's rehabilitation. With the proposed early supported discharge, stroke patients would go home earlier but they would have an intensive support package.
- Money spent on stroke services would not be reduced through the proposals – the vision was about moving money from expensive beds to services in the community.

The Chairman then invited wider health comments questions to Tamara and the doctors present. Responses to points raised during discussion included

- Time had been spent assessing the needs and wants of elderly and frail people, working with colleagues to design a pathway to ensure patients were treated in whatever was the best way for the individual.
- The ACE team had been launched at the RD&E Hospital – This Team would try to ensure that elderly and frail patients were seen within 20 minutes of arrival as it was recognised that these patients could suffer harm from being in hospital any longer than needed.
- GPs had a process in place with Senior Managers at the RD&E Hospital whereby they could feedback concerns about discharges. It was not always inappropriate to discharge a patient in the middle of the night. However, where this happened with elderly or frail patients, concerns would be fed back.
- NHS England was responsible for the provision of GP services (not the New Devon Clinical Commissioning Group). Councillors were encouraged to raise their concerns with NHS England about the lack of GP provision at Cranbrook and concerns about the impact this was having on Pinhoe and Coleridge Surgeries.
- The Commissioning Group was concerned that there should be dialogue on housing developments with the GPs and health services to manage impact on and need for health and care services. Members were advised that it was often hard to communicate the complexity of an issue in a response box and that they would welcome the opportunity to meet and discuss the issues face to face. The Council was encouraged to be flexible in its approach and the Commissioning Group would make the time. The Commissioning Group was keen to work with the County Council on review of sheltered housing.
- Patients were generally able to make same day appointments, although it might not necessarily be with their registered GP.

The Chairman thanked Tamara Powderley and the three Doctors present for attending.

56 **Office accommodation update**

Richard Thurlow, Chairman of the Save our Sidmouth campaign and Sid Vale Conservation Planning Group, referred to the budget for the relocation of the Council offices from the Knowle. He was of the opinion that the public had been denied any information into how the money budgeted to date had been spent. He accepted that some information was commercially sensitive; but felt details of completed contracts should be released. He asked how the budget estimates had been prepared and whether, in times of severe financial restrictions, the expenditure was warranted. The Chairman thanked Mr Thurlow for his contribution.

Office accommodation update (continued)

The Committee considered the report of the Deputy Chief Executive, which outlined progress made in relation to new office accommodation following Cabinet/Council agreement in July 2013 to look for a financially viable alternative to the Knowle offices and Cabinet's agreement in September 2013 to gauge market interest in EDDC's Heathpark land sites.

Office accommodation – choice of location

The Deputy Chief Executive advised that following Cabinet and Council approval, the Project Manager had been tasked with contacting local Commercial Land Agents to ask whether they had, or were aware of, any suitable sites based on agreed site criteria. Fifteen sites were identified and were scored against a set of criteria. Of the fifteen sites, five were shortlisted for further investigation:

- Clyst House, Winslade Park
- Cranbrook Town Centre
- Skypark
- Heathpark, Honiton (former Sita Depot)
- Heathpark, Honiton (Devonshire Road – south side)

Further research and investigation was then carried out into the associated individual costs and attributes of the five shortlisted site options. This included both the actual building/refurbishment costs and anticipated annual running costs. Cabinet would consider an office accommodation review report on 5 February 2014.

Members, staff, stakeholder and members of the public had been and would continue to be kept informed of progress related to the office accommodation project. Officers had been reviewing the information relating to the office accommodation project that could be released into the public domain and, when it was appropriate to do so, information would be released.

The £200k in the Council budget for 2014/2015 for the office accommodation project was included as an initial estimate of costs.

Heathpark, Honiton (former Sita Depot site)

Following Cabinet's decision in September 2013 the Heathpark site had been marketed. Eight bids were received by the deadline and these were then shortlisted to four. Cabinet would consider a report on 5 February with a recommendation regarding the viability of the sale of the Heathpark site.

Points raised during discussion included:

- Concern about the loss of approximately 400 jobs from Sidmouth and the impact this would have on the town's economy;
- There was a need to fully understand the value of the Council's assets before Members could make an informed decision;
- Current offices were not fit for purpose for a modern organisation;
- Relocation provided the opportunity to offer a different way of working that would make the Council more accessible and benefit all communities;
- Concern expressed about justification for expenditure (spent and budgeted) to relocate offices;
- Public perception was that the current office buildings were not in disrepair, therefore another independent survey of the buildings should be undertaken;

56 **Office accommodation update (continued)**

- Right to continue to scrutinise the project, however needed to be recognised that all facts and information relating to the project were not currently known;
- Members were referred to the financial implications set out in the report – work was being carried out within the budget approved and the costs incurred would be included when assessments were made to determine the full cost of the project. Costs were being met in the first instance from the Council's Transformation Fund.

- RECOMMENDATION:**
1. that Overview and Scrutiny Committee recommends that a professional independent survey of the Council offices be allowed to be undertaken by someone not employed by the Council. The cost of the survey was not to be met by the Council.
 2. that Overview and Scrutiny Committee expects the full cost implications to be presented to Members for careful consideration and that all costs incurred be included when assessments are made to determine the full cost of the relocation project.

RESOLVED: that the website link to the Knowle energy use and maintenance cost analysis report, contained in the published July Cabinet papers, be circulated to all Members.

*57 **Changes to Committee timetable**

At their meeting on 24 October 2013, the Committee had discussed amending the committee meeting timetable. The Chairman presented a paper outlining some options for committee timing, to avoid the sometimes long delay between a meeting and the minutes being put before a full Council meeting. At the meeting, the Committee agreed that alternative timetables should be pursued further, and reported back for future debate.

Members considered the two appendices to the committee report. One set out the current proposed schedule of meetings operating with full Council meeting six times in the civic term (one being the AGM). The other proposed a schedule of meetings operating with full Council meeting seven times in the civic term (one being the AGM).

Members noted that the current proposed schedule already took into account the desire to have a wider gap between Cabinet meetings and the following Council so that the minutes were not issued separately from the minute book. This schedule was being presented to Cabinet on 5 February 2014.

The Principal Solicitor reported that the Senior Management Team (SMT) had briefly discussed the option of including another full Council meeting to the Committee cycle and that their initial view had been one of concern about the justification of the additional costs that would be incurred. The main consideration of Overview and Scrutiny's minutes was by Cabinet.

The Chairman advised that the costs associated with increasing the number of meetings of the full Council were approximately £500 (this did not take account of

the additional work and time commitment for the SMT or Democratic Services Officer servicing the meeting).

The Housing Review Board Chairman asked if consideration could be given to the scheduling of Housing Review Board meetings to avoid long delays in the minutes of those meetings being considered by Cabinet.

The Committee welcomed the Corporate Business Portfolio Holder's offer, through his Think Tank, to look into the scheduling of committee meetings and to explore options for modernising full Council meetings to make the best use of the time.

- RESOLVED:**
1. that the Strategic Management Team be asked to assess the impact of increasing full Council meeting to seven per civic term, with a view to making an informed decision on a recommendation on the committee timetable to come into force for the 2014/15 civic term;
 2. that the Corporate Business Portfolio Holder, through his Think Tank, look into the scheduling of committee meetings and explore options for modernising full Council meetings, providing a verbal update at the next meeting. If relevant a further detailed report with recommendations to be presented to a future meeting.

***58 Budget Scrutiny Task and Finish Forum**

The notes from the TaFF meeting held on 8 January 2014 were noted. The Chairman advised that an interim report would be produced on the work of the Forum and would be submitted to the Committee for debate on the recommendations so far.

***59 Pre-application advice**

The Committee noted the Information Commissioner's report into a complaint on the Council's decision to withhold pre-application advice, which had been requested under the Freedom of Information Act. The Information Commissioner had upheld the decision taken by the Council to withhold pre-application advice in that instance.

***60 Letter from Parliamentary Under Secretary for State**

The letter responding the Committee's concerns on funding was noted.

***61 Overview and Scrutiny Forward Plan**

The Chairman put forward an additional item for the forward plan on how resident surveys were conducted and how feedback on the information gathered was fed back through committees.

A member of the Committee raised that the Tree TaFF, which the Committee had agreed to set up at its November meeting, was not included on the Forward Plan. In response the Chairman advised that an item potentially to agree the membership of this TaFF and also the possibility of increasing the membership of the Business TaFF to be included on the next meeting's agenda.

Chairman Date

EAST DEVON DISTRICT COUNCIL

Notes of a Meeting of the New Homes Bonus Panel held at the Knowle, Sidmouth on Wednesday 19 February 2014

- Present:** Councillors:
Ray Bloxham (Chairman)
Trevor Cope
Douglas Hull
Stephanie Jones
Andrew Moulding
Graham Troman
- Also Present:** Councillor:
Peter Bowden (Devon County Council)
- Officers:** Jamie Buckley, Community Engagement and Funding Officer
Chris Lane, Democratic Services Officer
- Apologies** Ali Eastland, Locality Development Officer, DCC

The meeting started at 10.00 am and finished at 10.50 am.

***18 Minutes**

The notes of the previous meeting of the New Homes Bonus Panel held on 22 January 2014 were confirmed as a true record.

***19 Declarations of interest**

Panel Member	Minute number	Type of interest	Nature of interest
Trevor Cope	22	Personal	Member of Exmouth Town Council
Ray Bloxham	23	Personal	Resident of Cranbrook.
Douglas Hull	24	Pecuniary	Wife member of Axminster Ring & Ride

***20 Chairman's remarks**

The Chairman welcomed all those present to the meeting.

***21 Documentation**

The Parishes Together Fund guidance notes, application form and analysis of Parish electorate total for February 2013, circulated with the agenda were noted.

22 Application from Sidmouth Town Council for a project to control seagulls

The Community Engagement and Funding Officer outlined the application which was for seagull controlling measures for 2014 to start immediately. The application had the support of both Exmouth and Seaton Town Councils and had encouraged all the town councils to work together. Members were particularly keen to receive feedback on the success of this project.

22 **Application from Sidmouth Town Council for a project to control seagulls (Cont)**

- RECOMMENDED:**
1. that the Sidmouth Town Council application for funding of £17,600 for a project to control seagulls in coastal towns be supported;
 2. that Sidmouth Town Council send regular updates on the success of the project to the NHBP.

23 **Application from Cranbrook Community Forum**

The Community Engagement and Funding Officer outlined the application which had been deferred at the meeting on 22 January 2014 (minute no 12 refers) to obtain the views of surrounding parishes. The application was for a printer and PC for the Cranbrook Community Forum and establishment of a community fund for the residents of Cranbrook. The Community Engagement and Funding Officer explained that the application needed to be further work.

Members received a lengthy letter from Broadclyst Parish Council objecting to this application. The Chairman invited the local ward member Councillor Peter Bowden to speak on this issue and he gave members the background to the application. Some concern was expressed over giving some of the "unspent fund" to a body other than a Parish Council. If money was to be given from the "unspent fund" then details of how to do this needed to be discussed. The Chairman reported that the Younghayes Centre was in desperate need of plates, cutlery etc for the kitchen.

- RECOMMENDED:**
1. that Councillor Peter Bowden be requested to discuss this application further with Broadclyst Parish Council;
 2. that the Community Engagement and Funding Officer request further information from the applicants including a revised application form and also consider ways of giving funding under the terms of the scheme to a body other than a parish council;
 3. that a decision on this application be deferred until the meeting of the Panel on Wednesday 17 March 2014.

24 **Application from Axminster Town Council**

The Community Engagement and Funding Officer and the DCC Locality Development Officer reported that Axminster Town Council had requested further funding of £5,500 to enable them secure additional funding of £5,000 from the Clare Milne Trust towards the £22,00 cost of a second bus for Axe Valley Ring & Ride.

- RECOMMENDED:** that Axminster Town Councils application for £5,500 of funding from the "unspent funds" be deferred until the meeting on 17 March 2014 with an indication that the Panel would look favourably on it, subject to receipt of a written application and quotation for the bus .

*25 **Dates of future meetings**

Monday 17 March 2014 at 10.00am

Agenda Item 11

Cabinet

05 March 2014

14/1402



Corporate Asset Management Plan Refresh

Summary

The purpose of this report is to seek approval of the refreshed Corporate Asset Management Plan and Delivery Plan therein.

Recommendation

- 1) That Cabinet adopt the refreshed Corporate Asset Management Plan 2014-17
- 2) That members agree the tasks and prioritisation set out in the Delivery Plan at Appendix 1 of the CAMP (and detailed within the main body of this report)

a) Reasons for Recommendation

To provide endorsement of the Corporate Asset Management Plan (CAMP) 2011-14.

b) Alternative Options

Not to approve the new CAMP.

c) Risk Considerations

The CAMP sets the overarching strategy for the Council's property estate. Delivery of the CAMP is essential to the Council to ensure that there is a clear understanding of what different parts of the property portfolio are doing to assist in the delivery of services and our wider organisational objectives. It will also set the framework for the operational management of the estate and identify priority property projects. Delivery will also help to identify possible cost savings, opportunities to increase revenue income, identify disposal sites and provide a long term understanding of operational and financial commitments for retained land and buildings.

d) Policy and Budgetary Considerations

A £40,000 revenue budget has been agreed for Asset Management 2014/15. It is anticipated that the majority of work required will be supplied in-house. However, there is likely to be occasion where expertise is sought outside the Council.

The Medium Term Finance Plan, based on using the New Homes Bonus to assist revenue shortfall, gives a savings target (or combination of income generation and savings) to find of £1.54m by 2016/17. Implementation of the CAMP will assist the Council in reaching that target. AMF will also work closely with the team tasked with delivering a 2020 vision transformation strategy which will prepare us for continued reductions in government funding.

e) Date for Review of Decision

June 2014

1 Corporate Asset Management Plan Refresh

- 1.1 Given the budgetary challenges the Council now faces, the need for the strategic discipline that asset management can provide is now more important than ever: Implementation of the CAMP will identify opportunities to :-
- Reduce costs – maintenance and staff time
 - Increase revenue income
 - Redevelop and/or refurbish property assets
 - Sell assets
 - Transfer assets to local communities
- 1.2 The refreshed CAMP 2014-17 remains a concise document of 17 pages (plus appendices), essentially outlining the Council's corporate asset objective, illustrating how the property portfolio supports the Council's priorities, and highlighting where there remains a need for review of specific areas within the estate.
- 1.3 Since the adoption of the strategic asset management discipline in 2009, advances have been made in data collation and financial coding, strategic reviews of our main offices and car parks have been undertaken, along with reviews of certain asset clusters within the tenanted portfolio. Agendas have been set for the Council's Exmouth and Seaton Regeneration Programmes, the Priority Disposal Programme delivered, and the Open Space Strategy and associated review commenced.
- 1.4 The main addition to the latest CAMP is that a Delivery Plan has been included: This is to enable prioritisation of the various projects to be undertaken and to provide guidance on timescales. The CAMP is provided as a background paper and the Delivery Plan can be found at Appendix 1 of the document.
- 1.5 The tasks set out in the Delivery Plan have been discussed and prioritised by the Strategic Management Team and Asset Management Forum. By the time of the Cabinet meeting, the refreshed CAMP will have also been considered by Overview & Scrutiny. The primary drivers in prioritisation process have been to ensure inclusion of those tasks
- a) effecting our most expensive asset groups (the Leisure Assets);
 - b) those highlighted as areas which should be reviewed by the Local Government Association Peer Challenge Review and South West Audit Partnership (SWAP);
 - c) those with which we have no choice but to resource i.e. Cranbrook;
 - d) and work already commenced
- 1.5 The Delivery Plan (Appendix 1 of the CAMP 2014-17) identifies the following projects to prioritise for 2014/15:
- Cranbrook – additional land and buildings management
 - Whole Life Costing
 - Asset Management incorporation into Service Planning
 - Estates Team Systems Thinking Review
 - Open Space, Parks & Gardens Review
 - Tenanted non residential Property Reviews:
 - Leisure Assets

- Beach Huts & Chalets
- Private Clubs and Sports Clubs

2.0 How will we deliver?

2.1 These strategic projects are notoriously difficult to deliver given demands on officer time in relation to their day to day work. In addition, the corporate nature of asset management requires input from across a number of teams in the Council and this can add further delays and complications. This is why the CAMP should inform the development of service plans and through that, a staff resource commitment to practical delivery across the authority. The inclusion of a Delivery Plan in the refreshed CAMP is to not only establish clear prioritisation of projects, but to enable heads of service to schedule in this work for their teams/staff members.

2.2 Over the next two months, Project Plans including clear objectives, team members and communication strategies, will be prepared by AMF in relation to the following projects:-

- Cranbrook – additional land & buildings management
- Whole Life Costing
- Asset Management incorporation into Service Planning
- Open Space, Parks & Gardens Review
- Tenanted non residential Property (TNRP) Reviews:
 - Leisure Assets*
 - Beach Huts & Chalets
 - Private Clubs and Sports Clubs

*Please note that the TNRP Review of Leisure Assets will be undertaken in conjunction with the recently established remit of the LED Joint Working Group

2.3 Cranbrook: A project manager has now been appointed to assist with the work involved in managing the transfer of land and buildings agreed under S.106 agreements from the developers to the Council. A further report will be presented to Cabinet in April to further detail this remit.

2.4 Asset Management incorporation into Service Planning: This is an item recommended by a SWAP audit of the Council's Asset Management discipline. This will essentially document the operational property needs of our services and identify premises surplus to requirements. The detail will be agreed by SMT, presented to AMF and implemented by SMT.

2.5 Estates Team Systems Thinking Review: As part of the Council's continued commitment to identifying more efficient ways to deliver services, the processes involved in the day to management of the Council's portfolio will be examined. A project plan has not yet been put in place, but specific processes likely to be included are: rent reviews, lease renewals, applications for purchase of public open space, applications for beach & boat concessions, and applications for variations to restrictive covenants. This review will be undertaken in tandem with the implementation of property management software.

3.0 Project Delivery 2015/16 – 2016/17

3.1 The following projects will be taken forward over the life-time of the CAMP. Where possible, some of these projects may be brought forward. However, the proposed

time-scales are thought to give a more realistic chance of delivery given current staff resource:

2015/16

- East Devon Business Centre
- Play areas, multi-use games areas, outdoor gyms and skate parks
- Depot Review
- TNRP Review – Community Halls
- Beaches
- Third Sector Asset Transfer
- Arts Development

2016/17

- Theatres
- Nature Reserves
- Public Conveniences Review
- Port Royal, Sidmouth – Regeneration
- Performance Measures

Legal Implications

Under Section 3 of the Local Government Act 1999, this Council is a best value authority and therefore under a general duty of best value to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. The Council can consider overall value, including economic, environmental and social value, when reviewing service provision. The Asset Management Plan highlights the key objective of getting a better rate of return on assets, in either community or financial terms. Property and planning lawyers will continue to support the delivery of the Asset Management Plan, with legal resources being prioritised towards projects which deliver the key objective.

The Plan suggests that the disposal of assets worth more than £10,000 should require a report to Cabinet. However, the Council's Constitution provides for delegated powers to portfolio holders enable them to approve acquisitions, disposals, and leases where in accordance with the policy framework and subject to relevant terms and conditions being negotiated by the Head of Economy. Portfolio holder decisions are subject to legal and financial advice.

Financial Implications

The asset management plan can play a significant role in ensuring the financial viability of the Council, so its implementation is very important.

Consultation on Reports to the Executive

Both SMT and the Asset Management Forum have considered and approved the new CAMP.

Background Papers

- [Draft Corporate Asset Management Plan 2014-2017](#)

Donna Best Ext 1584 dbest@eastdevon.gov.uk
Principal Estates Surveyor

Cabinet
05 March 2014

CAMP 2014-2017 DELIVERY PLAN

Priority*	Task Title	Outline project plan	Task Manager	Start Date
1	TNRP** - Leisure assets 	Review of Leisure East Devon run assets. Project plan and project team to be established. Work to link in with the LED joint working group.	Donna Best	2014/15
1	TNRP** - Beach Huts & Chalets	Review of Beach Huts and Chalets - Review to be finalised and recommendations from AMF to be agreed	Donna Best	2014/15
1	TNRP** - Private Clubs and Sports Clubs	Review to be finalised and rent subsidy policy established	Donna Best	2014/15
1	Cranbrook - additional land and buildings management	Task will include liaison with developers and planning authority in relation to 106 implications. Provision of advice to Council as to projected costs and establishment of relevant budgets. Provision of advice and subsequent negotiation on assets to be offered to the Council but which it is not obliged to take.	Darren Somerfield	2014/15
1	Asset Management incorporation into Service Planning 	Project will agree recommended format following consultation with AMF and SMT	Donna Best	2014/15
1	Estates Team Systems Thinking Review	Identification of process efficiencies and incorporation of property management software	Karen Jenkins/ Nick Wright	2014/15
1	Open Space, Parks & Gardens 	Project plan to be agreed but likely to include:-Review of existing costs, projected future costs, exploration of alternative delivery options (incl. Local community)	Andrew Hancock	2014/15
1	Public Conveniences Review	Review of Public Convenience provision and establishment of policy	Andrew Hancock	2014/15
2	East Devon Business Centre	Establish a nil cost business plan (NB tied in with office relocation programme)	Nigel Harrison	2015/16
2	Play Areas, multi-use games areas, outdoor gyms and skate parks	Project plan to be agreed but likely to include:-Review of existing costs, projected future costs, exploration of alternative delivery options (incl. Local community), establishment of policy around future asset take up.	Donna Best	2015/16
2	Depot Review	Project plan for district wide review to be agreed	Donna Best	2015/16
2	TNRP** - Community Halls	Review	Donna Best	2015/16

* As agreed by AMF and SMT

** TNRP - Tenanted non residential property review

CAMP 2014-2017 DELIVERY PLAN

Priority*	Task Title	Outline project plan	Task Manager	Start Date
2	Beaches	Beach Development Plans to be developed along with the creation of a Beach Forum	Andrew Hancock	2015/16
2	Third Sector Asset Transfer	Policy to be agreed	Donna Best	2015/16
2	Arts Development	Review of service, exploration of alternative options for delivery including use of Elmfield House premises	Denise Lyons	2015/16
3	Theatres	Review of theatres - The Pavilion Exmouth (under LED TNRP) and Manor Pavilion, Sidmouth	Donna Best	2016/17
3	Nature Reserves 	Project plan to be agreed and likely to include: assessment of costs, delivery options, contribution to Council priorities with framework development for conservation and management of the NRs and review of management plans	To be assigned	2016/17
3	Whole life costing appraisal	Policy and methodology to be agreed	To be assigned	2016/17
3	Port Royal, Sidmouth - Regeneration	Establish Project Plan to create development brief and delivery strategy in partnership with Sidmouth Town Council	To be assigned	2016/17
3	Performance Management	Development of performance measures that evaluate asset use in relation to corporate objectives	SWAP	2016/17

* As agreed by AMF and SMT

** TNRP - Tenanted non residential property review

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Cabinet

5 March 2014

RC



Heart of the South West Local Enterprise Partnership: Strategic Economic Plan - 2014-2030

Summary

East Devon District Council has been working closely with the Heart of the South West Local Enterprise Partnership (HoTSW LEP) to support and influence its development, strategic planning and investment decision making.

In December 2013 we contributed to its plans for submission to secure and invest EU structural funding and by end March the LEP is required to submit a strategic plan that will detail its strategic investment plans for the economy of Devon and Somerset.

Recommendation

To note the content of the report and agree the issues and priorities that this Council will raise with the Heart of the South West Local Enterprise Partnership in response to its Strategic Economic Plan.

a) Reasons for Recommendation

HoTSW LEP is in the process of preparing its Strategic Economic Plan (SEP). This will set the LEP's strategic direction going forward and determine its investment priorities. EDDC has directly and in partnership worked closely to build its relationship with the LEP and bring East Devon's opportunities, needs and priorities to its attention. It is important that EDDC responds to this significant strategic plan.

b) Alternative Options

N/A

c) Risk Considerations

N/A

d) Policy and Budgetary Considerations

-

e) Date for Review of Decision

N/A

1 Main Body of the Report

The Government announced the approval of 24 Local Enterprise Partnerships (LEPs) in the *Local Growth* White Paper on 28 October 2010. A further 15 LEPs including HoTSW LEP, were subsequently announced, taking the total to 39 and completing national coverage.

These non-statutory bodies have assumed many of the responsibilities of Regional Development Agencies (RDAs) and been involved in a variety of strategic investment and funding streams since their inception including Growing Places Fund, Rural Growth Funding among others. Most recently Lord Heseltine's growth report *No stone unturned* recommended LEP capacity be built up so they could become engines of growth, taking on more responsibilities and making longer term investments. Heseltine proposed LEPs be funded through a single pot. HM Treasury agreed to the Single Growth Fund as part of the 2015-16 spending round, funded at £2bn per year. HoTSW like other LEPs is developing its strategic plan to secure a proportion of the Fund.

LEPs have also been given responsibility for delivering part of the EU Structural and Investment Funds for 2014-2020 for which the LEP has already submitted a Strategic Investment Framework.

The Board of HoTSW LEP is a mix of private and public sector with the emphasis on being privately led. The LEP now has a Chief Executive, Chris Garcia, and a recently appointed new chair, Steve Hindley of Midas Construction. As well as unitary and Tier 1 authorities the LEP also decided recently to appoint representation of district councils, not least in recognition of their role as planning authorities. Devon and Somerset have a district representative each. Cllr Paul Diviani has been selected by Devon districts to represent their interests on the LEP Board.

The stated aims of the LEP include a vision is to lead and influence economic growth, job creation and prosperity across the heart of the South West. It will lead and influence outcomes for the economy of Devon, Somerset, Plymouth and Torbay by improving economic growth and job creation.

The specific role that the LEP identifies for itself is to:

1. **Champion Priorities:** Identify the important challenges and opportunities facing our economy, set out priorities for economic growth and prosperity and promote these priorities to businesses, policy makers and investors.
2. **Secure Investment:** Influence investors to support our objectives and help advance our priority initiatives to achieve growth.
3. **Lead and Co-ordinate:** Bring partners together to align their activities, policies and investments with our vision and objectives. This will allow us to draw on our existing strengths and distinctiveness and give critical mass.
4. **Share Insight:** Ensure intelligence from and perspectives of our partners are embedded in policy and investment decision-making.

The LEP will work closely with business, central government, investors and local government to achieve this purpose. With regard to local government in particular the LEP recognises



the importance of our relationship with our local authority partners. It believes that local government can play a fundamental role in ensuring that the objectives outlined in LEP plans turn into actions and deliver results. The LEP also wishes to support greater collaboration and efficiency, giving greater impact.

The LEP SEP addresses three priority areas:

- Place
- Business
- People

Within these three priority areas the LEP will invest in actions that create conditions for growth, maximise employment opportunities and build on distinctiveness.

The LEP particularly aims to focus on transformational and distinct projects that deliver at a wide area strategic level. To this end the LEP has identified in particular:

- Marine sector growth principally based in Plymouth and delivered via a City Deal arrangement
- Construction and legacy of Hinckley C
- Super-computer investment and global environmental analytic capabilities
- Aerospace and advanced manufacturing

Further detail of the draft SEP is attached in the SEP summary document and a link to the full draft.

EDDC is working closely with the LEP to both support its objectives and to make sure that the challenges and opportunities of East Devon and its partnership around the wider Exeter economy is recognised and attracts LEP recognition and investment. To that end EDDC is proposing to respond to the LEP generally and to the SEP specifically on the following terms:

1. Promoting the growth potential of East Devon and its position within the wider economic area. Emphasising the importance of a focus on locations with a proven capability of growth.
2. Reinforce the SEP's commitment to promote key infrastructure especially rail and road resilience and improving quality of service. There are strategic priorities that EDDC supports (eg A303/A30 improvements and a further passing loop on the Waterloo line) and more local initiatives including Exmouth improvements (Dinan Way and Exmouth station interchange improvements).
3. Support for Met Office super-computer proposal alongside the importance of Science Park and growth potential of the surrounding employment sites and wider Exeter economic area.
4. Recognition of the proven capacity to deliver of the Growth Point partnership, the future pipeline of development to secure and the importance of the wider Exeter economy to the LEP's objectives. A stronger statement throughout the SEP to this effect is needed.
5. Strategic importance of our airport both in terms of economic impact, identity/ profile and transport resilience.
6. Reflect the importance of environment, access the coast and countryside and quality of life. Economic growth alone is not the sole reason or attraction for investment in and relocation to this locality. Low and zero carbon need a higher profile as well.

7. Recognition of Tourism and Economic Development. Other than a small mention of job growth in the hotel/bar industry there is an absence of strategic analysis of the opportunity for improvement and LEP intervention.
8. The SEP is unclear about the LEPs intentions toward farming, agriculture and land management.
9. Various issues relating to the structure of the document, its accessibility and its purpose especially in terms of audience.

A letter will be sent from the Council leader to the LEP Chair reflecting the issues detailed above with our expectation that the SEP and following LEP action will reflect these issues.

EDDC has separately succeeded in securing LGA funding under its Growth Adviser Programme. This allows EDDC with its partners to employ consultancy support to develop a proposition for the Growth Area and wider economic functional area. This will be a document that reflects the opportunity of the area offers an investment proposition to government, LEP and others and challenges the Growth Point partners to adopt and resource a new delivery structure. This document is a further means by which the SEP can be informed of the value and opportunity of our shared economic area.

Legal Implications

None specific

Financial Implications

None specific

Consultation on Reports to the Cabinet

Engagement with LEP strategy has been ongoing with our Growth Point principal partners: Exeter, Teignbridge, Devon County and HCA in terms of preparing a Growth Deal proposition for an audience that includes HoTSW LEP.

Corporately the LEP Strategic Economic Plan has been the subject of discussion with officers with responsibility for economy and development functions in the Council.

Background Papers

1. [HoTSW LEP 'Summary - Strategic Economic Plan 2014-2030'](#)
2. [HoTSW LEP First Draft: Strategic Economic Plan 2014-2030'](#)

Richard Cohen rcohen@eastdevon.gov.uk

Deputy Chief Executive

Cabinet

5 March 2014



Agenda Item 13

Cabinet

5 March 2014

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Financial Monitoring Report 2013/14 – Month 10 January 2014

Summary

This report gives a summary of the Council's overall financial position for 2013/14 at the end of month ten (31 January 2014).

Current monitoring indicates that:

- The General Fund Balance is being maintained at or above the adopted level.
- The Housing Revenue Account Balance will be maintained at or above the adopted level.
- There is a sufficient Capital Reserve to balance this year's capital programme. It is estimated that £2.821m will be available in the Reserve to support the programme from 2014/15 onwards.

Recommendation

1. The variances identified as part of the Revenue and Capital Monitoring process up to Month Ten be acknowledged.
2. That £35,000 of the S106 receipts received for affordable housing in Exmouth are used towards the proposed purchase of 105 Bradham Lane in order to maximise the use of retained RTB receipts for the St Andrews Road (shared house) scheme.

a) Reasons for Recommendation

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

b) Alternative Options

To disagree with the recommended actions proposed.

c) Risk Considerations

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

In compiling this report we have looked at all large, high risk and volatile budget areas. Predicted spending patterns have been linked to operational activity and all material budgets have been subject to thorough risk assessments by operational managers and finance staff. Any continuing variances in spending patterns will then be considered as part of the medium term financial strategy.

d) Policy and Budgetary Considerations

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

e) Date for Review of Decision

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

Financial Monitoring Report 2013/14 – To Month Ten January

1. Introduction

1.1 The purpose of this monitoring report is to update members of the Cabinet on the overall financial position of the Authority following the end of month ten.

2. General Fund Position as at Month Ten.

2.1 Investment Income continues to track just above our benchmark 7 day LIBID (London Interbank Bid) rate, and returns remain below budget due to a depressed market.

	Annual Budget £000	Variation as at Month 10 £000	Predicted Outturn Variation £000
Investments			
External investments	(298)	30	34
Internal investments	(26)	20	9
Total	(324)	50	43

2.2 The following table shows the original budget set for the year and a total of the Supplementary estimates approved to date. In year variances identified which are likely to affect the outturn for the year are detailed below:

	£000
Original Budget Requirement (set 20/02/13)	11,826
Supplementary estimates to date	1,240
Relocation to July 2014 (CAB 5/2/14)	118
Month 10 predicted net over/(under) spend to Year End detailed below	(962)
Predicted Budget Outturn	12,222

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

Predicted over / (under) spends	Variation as at Month 10 £000	Predicted Outturn Variation £000
Corporate Services Portfolio		
IT consultancy to cover for staff illness	13	40
Additional recovery of legal costs (£30k outturn reported prior months)	(14)	(14)
Contribution to overhead costs on Police Commissioner Elections 2012/13 (£20k) and Electoral Registration salaries (£10k)	(30)	(30)
Economy Portfolio		
Younghayes income not achieved due to delay on tenancy agreements	5	50
Environment Portfolio		
Car Parks cash collection saving (£25k) offsets lower income due to bad weather	(15)	25
Legal fees recovered (£14k) & DCC Public Health Plan Contribution (£20k)	(34)	(34)
Street Scene Portfolio		
Play equipment underspend to finance capital scheme at Honiton Skate park in 2014/15. Transfer to Reserve at Year end.		(68)
Additional savings (£40k) on contract due to transport efficiencies & fewer vehicle accidents, additional income (£50k) from increased glass & paper price, reduced by £40k on equipment due to new developments & bin damage	(42)	(50)
Finance Portfolio		
Housing Benefit admin staff savings & additional grant income offsetting additional spend on IT upgrades	(83)	(27)
Strategic Development & Partnerships Portfolio		
Planning Fees (£300k outturn reported prior months)	(311)	0
Neighbourhood Planning DCLG funding received, balance to be carried forward to 2014/15	(40)	(30)
DCLG Growth Point resource funding for Urban Designer & New Community Projects Officer to be carried forward to 2014/15	(250)	(100)
Sustainable Homes & Communities Portfolio		
Increased income from people placed in temporary accommodation	(25)	(25)
Outturn variation reported as at Month 9		(699)
Predicted Outturn Total Variations		(962)
Less transfers to Earmarked Reserves for 2014/15		198
Predicted Outturn Total after commitments		(764)

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

	£000
General Fund Balance 01/04/13	(3,810)
Less: Planned use of general fund balance	210
Available General fund balance 2013/14	(3,600)
Supplementary Estimates to date	148
Predicted net over / (under) spend to year end net of Year end transfers to Earmarked Reserves (from above)	(764)
Transfer to New Homes Volatility Fund	400
Predicted General Fund Balance 31/03/14	(3,816)

The underspend of £764k is net of the following transfers to reserves that will be made at year end 2014/15:

- £68k for the Honiton Skate park capital project (to be agreed at Outturn)
- £100k to Growth Point Reserve (to be agreed at Outturn)
- £30k to Neighbourhood plan (to be agreed at Outturn)

In addition £400k will be transferred to the New Homes Volatility Fund (agreed as part of 2014/15 budget) leaving £3,816k uncommitted.

The Council has an accepted adopted range for the General Fund Balance to be within the range of £2,800k to £3,600k. Therefore the predicted balance of £3,816k is £216k above the Council's maximum adopted level for the General Fund Balance of £3,600k. However, this is a predicted year end position and no decision is required on this surplus until final position is known.

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

	Annual Budget £000	Variation at Month 10 £000	Predicted Outturn Variation £000
Car Park income	(3,524)	5	50
Planning fees Income	(1,234)	(311)	(300)
Building Control fees	(516)	0	0
Local Land Charges	(216)	(69)	(60)

2.5 Summary of Other Reserves:

	Balance B/f 2013/14 £000	Spend to date £000	Estimated additional Spend/(Income) £000	Predicted Balance C/f to 2014/15 £000
Asset Maintenance Reserve	(1,244)	65	135	(1,044)
Asset Management Plan Reserve	(160)	61	12	(87)
Transformation Reserve	(1,139)	171	258	(710)

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

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

	Variation at Month 10 £000	Predicted Outturn Variation £000
Return of unused targeted families grant to DCC	19	19
Supporting People income higher than budgeted	(44)	(48)
Reduction in HRA contribution to capital as a result of S.106 funding being used on Bradham Lane Exmouth	0	(35)
Variations as at Month 9	231	567
Total variations	206	503

The following table shows the original budget surplus for the year and the total variations as identified above, which are likely to affect the budget to give a revised budget surplus for the year.

	£000
Original Budget surplus	(1,696)
Supplementary estimate for feasibility studies for possible development on garage sites (agreed by HRB 05/09/13 and approved by Cabinet)	50
Month 10 predicted net (under)/overspend to year end	503
Predicted Budget Surplus	(1,143)

- 3.2 The variations identified above will have the following effect on the Housing Revenue Account Balance:

	£000
Housing Revenue Account Balance (01/04/13)	(2,970)
Predicted budget requirement as above	(1,143)
Predicted HRA Balance (31/03/14)	(4,113)

The recommended level for the HRA balance has been agreed at £2,100k (£500 per property). The current balance is well above the recommended level and will be used for further investment in the housing stock, to offset any adverse effects of 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 £1,710k is held in a separate reserve.

- 3.3 The Council has signed an agreement with the government enabling us to retain a proportion of Right To Buy receipts to fund the provision of new social housing. We have to spend those retained receipts within 3 years of the end of the quarter in which they were received otherwise the receipts have to be paid to the government with interest.

At the meeting of the Housing Review Board on 20 June 2013 (approved by Cabinet on 17 July 2013) it was agreed that the purchase of a shared house in St Andrews Road, Exmouth would be funded by S106 receipts for affordable housing of £350,000 and retained RTB receipts of £100,000. However it would be beneficial to maximise the use of retained RTB receipts by funding 30% of the cost of the purchase/refit as allowed under the retention agreement, a total of £135,000, from this source. This means that only £315,000 of the S106 receipts would be required for this scheme, so it is suggested that the remaining £35,000 is used to part fund the proposed purchase of 4 flats in Bradham Lane, Exmouth and thereby saving £35k contribution from the HRA.

4. Capital Programme Position up to Month 10.

- 4.1 The following tables currently estimate the total required from the Capital Reserve is nil.

Capital Reserve	£000
Brought forward balance 1 April 2013	(2,595)
Month 1 – 9 amendments	(226)
Month 10 amendments	0
Balance carried forward to 2014/15	(2,821)

4.2 Capital Programme and financing:

Net Capital Programme Budget (Council 20/02/13)	£000	£000
2012/13 scheme costs slipped into 2013/14 (as agreed by Cabinet in the Outturn report in June 2013)	3,385	3,690
HRA Major repairs	5,150	
Revised 2013/14 budget		12,225
Budget variations previously reported		8,886
Predicted Capital Budget Requirement		21,111

Capita Programme financed by	£000	£000
In Year Usable Capital Receipts	(2,220)	
PWLB Loan – Seaton workshops	(770)	
PWLB Loan – Beer Community Land Trust Loan	(1,000)	
PWLB Loan – Exeter Science Park loan	(1,000)	
S.106 funding	(1,243)	
DCLG Grant - Growth Point	(1,285)	
DCLG Grant – Regional Growth Fund	(2,255)	
DCLG Grant - Heat & Light	(2,301)	
Other Capital Grants	(416)	
Capital Project Reserves	(46)	
General Fund Revenue contribution	(111)	
HRA Contribution	(6,112)	
New Homes Bonus	(734)	
Transformation reserve	(81)	
Tesco receipt reserve	(1,848)	
Predicted Capital Reserve (Requirement) / Contribution	311	
Total Funding		(21,111)

Legal Implications

No legal implications have been identified

Financial Implications

Details are contained within the report.

Consultation on Reports to the Cabinet

Not applicable

Background Papers

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Agenda Item 14



Cabinet

5 March 2014

Local Government Ombudsman finding

Summary of actions and learning points arising from Local Government Ombudsman complaint: Environmental Health

Summary

This report outlines the actions taken and learning points arising from a recent finding of fault by the Local Government Ombudsman.

Recommendation

That Members consider the finding against the Council together with actions taken by way of remedy and key learning points identified.

a) Reasons for Recommendation

The Council is committed to learning from complaints and making sure that where procedural error is identified, this is quickly remedied and prevention measures taken.

b) Alternative Options

Not to consider learning points from complaints and not to use complaints as a mechanism for continuous improvement.

c) Risk Considerations

Failure to learn from complaints shows a poor commitment to improvement with associated service performance and reputational issues.

d) Policy and Budgetary Considerations

A financial payment has been made to the complaint to remedy time, trouble and distress.

e) Date for Review of Decision

N/A

1 Main Body of the Report

1. Appended to this report is a decision notice issued by the Local Government Ombudsman in November 2013.

2. The Ombudsman's investigation concluded that the Council was at fault over the time it took to pursue enforcement action over a nuisance caused to the complainant.

The final decision statement read as follows:

The Council arranged mediation between the complainant, who I will refer to as Mr B, and his neighbour to try and resolve an ongoing dispute about noise and odours from her cafe. However, the Council should have taken appropriate steps much sooner by carrying out enforcement action to end the nuisance. It has now commenced a course of action which should finally resolve the problems.

Action taken

3. The Council agreed to offer the complainant an apology for the time he has had to put up with the noise and odours from the neighbouring cafe. A payment of £2000 has been made to the complainant in recognition of any distress caused and the time and trouble he has been put to in pursuing his complaint.
4. Planning approval was granted in January for the necessary extension of the flue to the rear of the cafe and the Council has instructed a contractor to complete the work required. The cost of this work will be met by the Council initially as works in default, but these will be recharged to the business owner. The works are due to be carried out within the next few weeks.

Learning points

5. In terms of what went wrong in this case, the service managers recognise that communication between the two sections of the Environmental Health team at the start of this process when a flue was proposed by the proprietor was not as good as it could have been. Officers in the Commercial Team did not advise the proprietor to seek advice from the Environmental Protection team regarding the design and installation of equipment so that it would not cause nuisance to residents living at the rear.
6. Procedures have been reviewed and changes discussed at a staff meeting where all staff were encouraged to sign up to a consistent approach, and to discuss proposals with colleagues where the proposal is likely to cross more than one specialism.
7. Changes to the structure of the two teams, including the upgrading of two EHO posts to Principal Officers, have already been made to encourage more joined up working. Officers in the Commercial team are now trained to consider the possible wider implications specifically around environmental protection issues when discussing extract systems.
8. Officers also now make every possible effort to ensure that site visits are made as soon as possible on receipt of a complaint. In this case, this would have meant that an officer could have been on-site whilst work to install the flue was on-going and a discussion could have been held with the contractor while he was still on-site. If appropriate, works could have been voluntarily suspended whilst decisions were taken regarding an acceptable system.
9. The officers within the Environmental Protection Team have committed to following the guidance within their approved procedures for dealing with complaints, particularly with respect to response and resolution times, and to raising any concerns regarding progress with the Principal EHO.

10. Where Environmental Protection cases remain open for more than six months, these cases will be “peer reviewed” by another EHO in the team to enable a team decision to be made and to reduce reliance on one officer. The new Principal EHO is already reviewing any cases which are open for more than 3 months and requiring officers to take a more pro-active approach to resolving them quickly where possible.
11. Finally officers have improved the communication they have with complainants in order that they understand that noise and other nuisances cannot always be resolved quickly where the offender is unwilling or unable to resolve the problem informally. This can sometimes be regarded as a conflict between the high standards provided by the team on most cases which has led to them obtaining the Customer Service Excellence award, and the realities of formal action and enforcement which can take considerable time to achieve results.

Legal Implications

There are none arising from the recommendations in this report.

Financial Implications

The recommended payment of £2,000 has been made to the complainant.

Consultation on Reports to the Executive

Background Papers

LGO decision notice (appended)

Mark Williams mwilliams@eastdevon.gov.uk
Chief Executive

Cabinet
5 March 2014

5 November 2013

Complaint reference:
12 012 557

Complaint against:
East Devon District Council

The Ombudsman's final decision:

The Council arranged mediation between the complainant, who I will refer to as Mr B, and his neighbour to try and resolve an ongoing dispute about noise and odours from her cafe. However, the Council should have taken appropriate steps much sooner by carrying out enforcement action to end the nuisance. It has now commenced a course of action which should finally resolve the problems.

The complaint

1. The Council:
 - failed to take action over a noise and odour nuisance from a neighbouring restaurant despite serving an abatement notice on the owner;
 - failed to deal with his complaint about this matter in accordance with its complaints procedures.

The Ombudsman's role and powers

2. The Ombudsman investigates complaints about 'maladministration' and 'service failure'. In this statement, I have used the word fault to refer to these. If there has been fault, the Ombudsman considers whether it has caused an injustice and, if it has, she may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1)*)

How I considered this complaint

3. I examined the documents that Mr B supplied in support of his complaint, including correspondence with the Council and diaries of noise and odour nuisance. I also made enquiries to the Council and considered the responses to these enquiries. The Council allowed me sight of the legal advice it obtained relating to possible enforcement action although it asked me to treat this as confidential information. I have spoken to Mr B and to officers at the Council and I have considered the outcome of mediation between Mr B and the cafe owner.
4. I also took account of the Council's actions following the mediation meeting. The Council anticipated that the neighbour would then take action to resolve the problem but she still failed to do so. The Council then agreed to take appropriate action and offer Mr B a remedy for the difficulties he had endured. I sent Mr B a provisional decision at that point and he accepted the proposals to settle the complaint.

What I found

5. Mr B lives next door to a cafe. Early in 2010 he complained to the Council's Environmental Health section about the noise from an extractor fan at the rear of the cafe which adjoins his property. He also expressed concerns about the odours from the flue leading from the kitchen of the cafe. The problem was made worse because the design of the flue leading from the fan meant the noise and odours were directed towards his home at first floor level.
6. The Council recognised the problem to the extent of serving a noise abatement notice on the owner. However, this did not happen until April 2011. The owner (Ms C) did nothing to mitigate the problems and the Council then failed to take any enforcement action. As a result, Mr B made a formal complaint to the Council in June 2012
7. Mr B was not happy with the way the Council handled his formal complaint. He believed officers combined his ongoing concerns about the nuisance with his complaint about the lack of enforcement and this resulted in some confusion as to the outcome.
8. The Council explained it considered it was appropriate to deal with all Mr B's concerns together and this approach was endorsed by its legal section. It said it had recognised there was a problem in 2010 and had sought ways to resolve it without success. It took noise measurements in July 2010. In August 2010 officers advised the cafe owner she needed planning consent to erect a new flue to remove the noise and odours from Mr B's immediate vicinity. Any flue needed to extend above the roof eaves and point upwards. In April 2011 Ms C submitted a planning application but it was declared invalid because some details were missing.
9. The Council monitored the nuisance several times and in April 2011 it issued a noise abatement notice. The notice gave Ms C three months to comply. The Council later extended the deadline in an attempt to assist her to take appropriate measures. Towards the end of that year nothing had been done. The Council began to prepare the case for prosecution but it sought independent Counsel's advice before proceeding. Following that advice (which remains confidential) the Council decided not to proceed with its legal action and instead it attempted to use mediation to see if this would provide a resolution to the case.
10. The Council has powers to take enforcement action but it has no duty to do so. Officers must assess each case on its merits and they must decide whether it would be expedient to pursue action. This particularly applies when the Council considers commencing action in court because it must decide whether the legal costs would be proportionate to the degree of harm resulting from the nuisance.
11. The Council eventually arranged mediation between Mr B and Ms C and it took place at the start of 2013. The outcome of this was a voluntary agreement which they both signed. The cafe owner (Ms C) agreed to redirect the ventilation unit to ensure any odours are directed upwards and it would be painted to blend in with the building. She agreed to apply for planning consent if necessary and she undertook to complete the work by the end of June 2013.
12. For his part Mr B agreed to support the application and to allow any vehicle access if required. Both parties agreed to discuss any further problems that may arise and to contact the Environmental Health team if they cannot resolve the matter between themselves.

-
13. Ms C did not submit the planning application as she had agreed to do. The Council then decided it would carry out the work to alter the flue to a suitable design and then charge Ms C for the cost of the work.

Analysis

14. The Council was at fault over the length of time it took to commence any substantive enforcement action. During the period of almost three years Mr B was subject to adverse noise and odours from the cafe which the Council accepted were unsatisfactory.
15. After it sought external legal advice Counsel advised the Council that it should not proceed with legal action to enforce the Abatement Notice it had served on the cafe owner. He did not believe that any prosecution would have a reasonable prospect of success.
16. The Council should not be held responsible for the whole period of the delays. Even if it had acted correctly, it was required to allow Ms C time to submit new applications and for these to be considered. However, the Council should have been in a position to commence legal action by July 2011 and it is appropriate to identify the period of delay from that point onwards. This gives a period of over two years during which Mr B was entitled to expect the Council to seek a legal solution to the problem. I cannot be certain that any prosecution would have been upheld by the Court and so I cannot say that such action would have guaranteed an end to the nuisance.

Agreed action

17. The Council agreed to offer Mr B an apology for the time he has had to put up with noise and odours from the cafe.
18. The Ombudsman's guidance suggests that compensation should be offered to a person who suffers from the impact of a statutory nuisance. The recommended amount is between £1000 and £2000 for each year the person is affected. In this case the nuisance was not permanent and the Council had attempted to get Ms C to take action over the flue on several occasions. Therefore, I recommend the lower payment should be applied. In total over the two years, I believe a payment of £2000 is an appropriate offer for the Council to recognise the injustice Mr B has suffered. The Council has agreed to offer this payment as part of the remedy.
19. Following mediation, both parties signed an agreement which should have resulted in the cafe owner altering the flue to a position where it should not cause further nuisance to Mr B. The work should have been completed by the end of June 2013. As this has not been done, the Council has agreed to ensure the work is carried out and completed within three months by its own contractors. The Council will charge Ms C for the costs of the work.

Final decision

20. The Council was at fault over the time it took to pursue enforcement action over the nuisance caused to Mr B. I am satisfied the delay was a result of the Council failing to carry out the correct procedures to resolve the nuisance caused by the noise and odours from the flue. The Council has now commenced action to remove the nuisance and agreed to offer an appropriate financial remedy to recognise the distress and the time and trouble Mr B has been put to.

Agenda Item 15

Cabinet

5 March 2014

AE/smep



Parking Places Order update

Summary

The purpose of this report is to record decisions relating to a number of minor operational changes arising out of the 2013 car park management review and draws attention to the necessary revisions to be made in the East Devon Parking Places Order.

Recommendation

1. To rename Lace Walk Honiton Long Stay car park The Hulbert Gallery (THG) car park.
2. To manage part of THG car park as a short stay car park.
3. To manage Fore Street Beer car park as a short stay pay and display car park.
4. To manage Seaton Town Hall, Beer Central car parks as coastal long stay car parks.
5. To extend the low-rate winter tariff to include Foxholes and Maer car parks in Exmouth and Cliff Top car park in Beer.
6. To introduce new tariffs for Queens Drive Echelon car park in Exmouth to mirror those offered by Devon County Council in Queens Drive.

a) Reasons for Recommendation

To implement a range of measures that will enable our car parks to better serve the towns in which they are situated.

b) Alternative Options

The Council currently has an opportunity to respond to local need and to develop policy in a sensitive way without putting revenue income at risk. Alternative options, including doing nothing or seeking other changes that might potentially raise additional revenue income by increasing tariffs in our most popular car parks.

c) Risk Considerations

The proposals are assessed as being beneficial to the health and vitality of our towns and have been arrived at having given due regard to both our traffic management duties under the Road Traffic Regulation Act and our duty to make the best possible use of our car park land holdings.

d) Policy and Budgetary Considerations

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. Local authorities are required to ensure that they do nothing that would result in the unsafe or inconvenient use of the highway.

In carrying out the 2013 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 proposals arising out of that review 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 our desire to encourage thriving town centre economies.

e) Date for Review of Decision

N/A

1 Lace Walk Car Parks

- 1.1 In order to promote and publicise The Hulbert Gallery (THG) in Honiton, the Lace Walk Long Stay Car Park, comprising 39 long-stay spaces situated immediately adjacent to the gallery will be renamed THG car park. However local residents and other permit holders who work in the town currently make use of this car park for long stay parking and this means that currently there is a very low turnover of spaces immediately outside the gallery. Particularly on market days, short stay parking in the town is scarce and there is a clear argument for redesignating the whole of this long stay car park to a short stay tariff which would effectively discourage all day parking, would maximise turnover and would therefore promote awareness of the gallery. However I would anticipate that the loss of these 39 long stay spaces will certainly have consequences for the residents and other permit holders who will be forced to seek alternative parking in Silver Street, New Street or elsewhere. We therefore propose a compromise solution which is to redesignate a small section of the car park comprising ten car parking spaces immediately outside THG as a short stay car park. The tariff will be identical to the adjacent 197-space Lace Walk Short Stay Car Park (50p minimum, £1 per hour thereafter up to a maximum of £10 for 10 to 24 hours) and permit holders will be permitted to stay for a maximum period of 3 hours. The larger part of the car park comprising 29 car parking spaces will be available on the existing long stay tariff allowing all day parking by permit holders (and for just £3 for pay and display customers).
- 1.2 When consulted the Town Council asked for no net loss of long stay parking spaces and based on the suggestion that the whole of the long stay car park should be redesignated short stay, they suggested a simple swap creating 39 long stay spaces in an area to the rear of Lace Walk short stay car park in order to cater for people who wish to park all day because they work in the town. Following development of the Beehive Centre, they also asked that provision of coach parking within this car park should also be considered.

1.3 We already offer 172 other long stay spaces in Honiton on the long stay tariff (82 spaces in New Street and 90 in Silver Street). The East Devon District Council off-street parking offer is described in figure 1:

Car park	Existing			Proposed		
	Long stay	Short stay	coaches	Long stay	Short stay	Coaches
Lace Walk short stay	0	197	0	0	197	0
Lace Walk Long stay (THG)	39	0	0	29	10	0
Silver Street	90	0	0	90	0	0
New Street	82	0	0	82	0	0
King Street	0	35	0	0	35	0
*Dowell Street (Beehive / Honiton TC)	*42	*0	*17	36	0	4
TOTAL	253	232	17	237	242	4

Figure 1

*Dowell Street car park is presently a construction site and has been closed during 2013. Honiton Town Council propose to offer a 36 space public car park and parking for just four coaches on site opening during 2014

1.4 On balance it does not seem sensible to convert any of the busy Lace Walk short stay car park over to our inexpensive long stay tariff. The turnover of short stay spaces enables shoppers to find parking and this supports the town centre economy and we believe this to be of paramount importance. Anyone wishing to stay in Lace Walk car park all day may continue to do so but occupying these premium spaces will continue to be charged at £1 per hour (subject to the special 4 hours for the price of 3 offer already approved by Cabinet) right up to a £10 maximum charge. The losers in this arrangement will of course be East Devon permit holders who will now be restricted to a maximum stay of 3 hours in Lace Walk and now in another ten short stay spaces in the new THG car park. However we will continue to offer them all day parking in over 170 long stay spaces at Silver Street and New Street along with the 29 remaining spaces in THG car park.

1.5 We have explored the possibility of providing 2 or 3 coach parking bays in Lace Walk car park. Unfortunately whilst that is possible, it can only be achieved at the expense of some 20 or so car parking bays. On balance we believe that in the absence of proven demand, the value of these car parking bays exceeds the potential value of the introduction of coach parking bays and we note instead that alternative coach parking provision might be found at the Devon County Council operated service area adjacent to the Turks Head junction and that subject to further negotiation, it might also be possible to identify some opportunity for coach parking on land at Honiton Community College.

2 Fore Street Car Park, Beer

2.1 This useful 10-space car park has historically been managed as an extension of the 2-hour limited waiting restriction applicable to on-street parking in the immediate vicinity. However, since confirming towards the end of 2013 that is in fact in East

Devon's ownership, enforcement of on-street restrictions has ceased and the car park is currently the subject of a number of complaints about unfair use.

- 2.2 It is clear that a number of vehicles are already making use of it for long term parking without charge and it is now appropriate to re-take control of this prime site without delay.
- 2.3 We are confident that the central location will ensure a high level of demand for spaces from visitors and careful demand management should result in an appropriate turnover that is beneficial for Beer businesses.
- 2.4 Longer stay parking continues to be on offer at our Beer Central and Cliff Top car parks but these 10 spaces could fulfil a key role in enabling visitors to park for up to 3 hours, (one hour more than current on-street restrictions) providing them with an opportunity to visit both the beach and Fore Street businesses, even affording time for lunch at a local pub or restaurant.
- 2.5 The car park is to be included in the Parking Places Order and established as a short stay pay and display car park with demand management being achieved through a 24 hour charging tariff, applicable every day, the maximum permitted stay being 3 hours and no return allowed within 1 hour.
- 2.6 Finally we note that Beer Parish Council has expressed an interest in this car park and it is currently the subject of an asset transfer request that is now being considered by our Economic Development team. If successful, their proposal does still rely on us introducing a pay and display regime and continuing to manage the car park.

3 Seaton Town Hall

- 3.1 With the development of Seaton Discovery Centre likely to begin soon, the 367 car parking spaces at our Harbour Road car park will be substantially reduced (and potentially be completely unavailable for use during the construction phase). Post development we will be offering just 150 long stay parking spaces adjacent to the attraction and we anticipate a number of occasions when this car park will be full to capacity and additional visitor parking will be needed, particularly during high season.
- 3.2 Our 20 space car park at the rear of Seaton Town Hall has previously been restricted to permit holders only. We believe that it will not be in the best interests of town centre businesses to retain this restriction. The car park is underused under the present restriction and we therefore propose that to make additional provision for visitors, we will manage this car park as a coastal long stay car park with a tariff of £1 per hour consistent with other coastal long stay car parks

4 Coastal Long Stay Car Parks

- 4.1 We have traditionally charged for parking in most of our coastal long stay car parks over the whole 24 hour period, that charge typically being £1 per hour with a maximum daily charge during the summer months of £6 for 6 to 24 hours. However Beer Central has historically been managed on the basis of charging only between 08:00h and 18:00h daily but with the tariff similarly set at £1 per hour with a maximum daily charge capped at £6. It is proposed to include Beer central within a 24 hour charging regime for consistency. The maximum daily charge will be unchanged.

5 Winter charges

5.1 In November 2013 Cabinet considered a proposal to adopt a year-round charging tariff in all car parks and after some debate, concluded that such a move might be harmful to local businesses. However within our current winter charging policy a compromise is worthy of further consideration. Our car parks at Foxholes, Maer and Queens Drive Echelon in Exmouth continue to offer free of charge parking between the end of the summer season and the following Easter. However we continue to manage these car parks incurring staffing costs for inspection and sweeping along with charges for electricity (lighting and the pay and display machines themselves need to remain powered-up to avoid condensation damage. Business rates are payable for the whole year. It is interesting to note that on-street charges in Exmouth apply all year round, albeit at a lower rate during the winter months and we are advised that Devon County Council's on-street revenue in Exmouth during winter now amounts to some £80,000. Furthermore confusion arises because on one side of Queens Drive an on-street tariff applies and on the other, our Queens Drive Echelon car park tariff applies. There is therefore a compelling case to suggest that on a trial basis we should introduce an off-peak tariff in Foxholes and Maer car parks consistent with our charging policy in Queens Drive, Estuary and Lime Kiln in Budleigh Salterton.

5.2 Similar arguments would apply in relation to Beer Cliff Top meaning that we would adopt a consistent charging policy of reduced price (but not actually free of charge) winter tariffs in all of our coastal long stay car parks. Finally figure 2 below summarises the on-street tariffs currently in place on Queens Drive and to avoid confusion, these tariffs will be chargeable in Queens Drive Echelon Car Park from 1 April this year. Traditionally any customers buying a ticket on the wrong side of the road will not receive a penalty charge and this is more likely to continue when Devon County Council's own staff are enforcing their side of the road if customers receive no financial benefit from having bought the wrong ticket. On balance neither Council should lose out in revenue terms from such occasional mistakes.

Maximum stay:	Summer tariff (1 April to 30 September)	Winter tariff (1 October to 31 March)
1 hour	£1	50p
2 hours	£2	£1
4 hours	£3.50	£2
8 hours	£6	£2.50
24 hours	£10	£3

Figure 2 on-street tariffs, Queens Drive Exmouth

6 Equalities

East Devon's 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 compromise suggested in THG car park will improve accessibility to THG and the proposals for changes to winter charging reflect only a very minor additional cost to motorists when compared to the other costs associated with motoring (insurance, fuel, maintenance, depreciation etc.) and again a neutral impact is anticipated for customers on limited incomes.

Legal Implications

Consideration will need to be made as to what modifications will be required to EDDC's Parking Places Order 2008 and the lead in time for making the same, in view of the procedures prescribed by statute.

Financial Implications

Financial implications have been included within the body of the report

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

Consultation on Reports to the Cabinet

None

Background Papers

None

Andrew Ennis – 2382 aennis@eastdevon.gov.uk
Environmental Health & Parking Services Manager

Cabinet
5 March 2014

Agenda Item 16

Cabinet

5 March 2013

KJ



Introducing an Employee Assistance Programme

Summary

East Devon District Council currently buys in occupational health and counselling services from Devon County Council's HR One service. This service is now being enhanced through the introduction of an Employee Assistance Programme (EAP). As a client of HR One we are being offered the option of accessing this extended service. This report outlines the costs and benefits of this.

Recommendation

That Members agree that EDDC should buy into the Employee Assistance Programme (EAP) service from DCC. This service offers excellent value for money and represents significant savings per annum for the council. This will provide staff with a wider and more comprehensive employee support package which will be particularly welcomed in light of the office relocation and other significant change affecting employees. This report also asks Members to agree to the Request for Exemption to Contract Standing Orders.

a) Reasons for Recommendation

This represents a value for money service offering additional support to employees at times of significant change. Along with other staff benefits, Happy Healthy Here initiatives and engagement activities, this would further demonstrate our commitment to staff wellbeing.

b) Alternative Options

To remain with the more narrow and costly approach of OH services and face to face counselling sessions.

c) Risk Considerations

None highlighted.

d) Policy and Budgetary Considerations

This represents a saving to the council compared to current service provision.

e) Date for Review of Decision

This decision will be reviewed by 31 March 2015.

1 Main Body of the Report

- 1.1 Devon County Council is introducing an Employee Assistance Programme and offering this through HR One to its existing clients which include East Devon District Council.
- 1.2 As well as existing occupational health services we will receive access to the following services:
- Immediate emotional support from qualified counsellors (24/7)
 - Self-referral for 6 sessions of face to face or structured telephone counselling
 - Support for couples with relationship issues
 - Up to 6 sessions of face to face Cognitive Behaviour Therapy
 - Telephone help lines providing support with personal legal matters, career change, family issues, gambling, substance abuse, comprehensive debt support and housing
 - An Online Health Portal – health assessment, medical factsheets, fitness advice and personal coaching.
- 1.3 Using forecasting for the last quarter of the year we know that we pay in the region of £29,500 per annum for our current occupational health support which includes pre-employment screening, advice on absence cases and counselling support.
- 1.4 The new all inclusive cost based on the number of employees we have would be in the region of £16,000 depending on the numbers of absence cases requiring medical advice.
- 1.5 This represents a saving of £13500.
- 1.6 The term stated within the tender documents and award letters is 1 April 2014 – 31 March 2015 (with an option to extend for a further two years as a two year extension or two x one year extensions)

Legal Implications

Financial Standing Orders require three written quotations unless Cabinet agrees to waive the requirement if it considers there is an appropriate business reason. There is a substantial saving being offered by the current service provider.

Financial Implications

The annual budget for corporate medical fees is £20,000, so this would bring costs back within the budget provision, depending on the number of absence cases requiring medical advice.

Background Papers

- Request for Exemption to Contract Standing Orders

Karen Jenkins x 2762 kjenkins@eastdevon.gov.uk
Corporate Organisational Development Manager

Cabinet
5 March 2014

Agenda Item 17

Cabinet

Karen Jenkins



Meeting the Public Sector Equality duties – progress and key areas of activity

Summary

EDDC is using the local government equality framework to ensure it is meeting its equality duties which are outlined in the Equality Act 2010. This paper documents our progress and activity against key performance criteria during 2013.

Ensuring that our services and decisions are assessed from an equalities perspective is now more important than ever. Many councils have been subject to judicial review (including Devon County Council). These cases are costly to defend and have significant customer service and reputational impacts. Most of the judgements against councils are made where it is evident that the decision makers simply have not genuinely considered equalities' impacts in their decision making.

Recommendation

That Members note EDDC's progress and activity against key performance areas relating to the Equality Act 2010 and agree the future actions as set out in the report.

a) Reasons for Recommendation

To ensure that EDDC understands its general and specific duties outlined by the Equality Act 2010 and that the Council mitigates any risk of judicial review by ensuring it pays 'due regard' (proper regard) to equalities issues when it is making decisions.

b) Alternative Options

None

c) Risk Considerations

These are reputational, financial and legal.

d) Policy and Budgetary Considerations

None

1 Main Body of the Report

1.1 EDDC has a general duty to advance and promote equalities as well as a specific duty to publish its equalities objectives. Following consultation, EDDC

published the following equality objectives and these are outlined in more detail in appendix one.

These are:

- Knowing our communities
- Serving our communities
- Including equalities in our decision making

1.2 The Equality Framework asks local government organisations to consider the following areas in relation to equalities and this report charts our progress under each of the key headings. See appendix two for more information about what is expected.

- **Knowing your communities**
- **Leadership, partnership and organisational commitment**
- **Community engagement and satisfaction**
- **Responsive services and customer care**
- **A skilled and committed workforce**

1.3 **Knowing your communities**

- EDDC purchased a tool called LG Futures. This important tool provides us with the capability to profile our communities and in 2013 helped us deliver 'Knowing East Devon' and ward profiles. These have helped us develop a shared understanding of East Devon's communities.
- Officers across the Council have been trained in how to use this tool and there is a regular meeting of our Data Group to ensure that data is shared across services for the purpose of decision making.

1.4 **Leadership, partnership and organisational commitment**

- We have a corporate equalities group which meets regularly to discuss equality issues and feedback for services from our partners.
- We have an equalities partners group which meets regularly and is supported by Cllr Ray Bloxham, Cllr Vivien Duvall Steer, Cllr Stephanie Jones and Cllr Steve Gazzard. This group of equalities partners includes groups representing those with visual impairments, disabilities, race and faith groups.
- Equality training is mandatory for all EDDC staff and over 85% of our workforce have now been trained in equality and diversity awareness.
- We have also delivered the following equalities training:
 - Dementia awareness (48 staff trained)
 - Mental health awareness (140 staff trained)
 - Deaf awareness workshop (33 staff trained)
 - How to communicate with someone with a learning disability (50 staff trained)
 - Aspergers syndrome awareness (9 staff trained)
 - Sighted guide training (learning how to guide a visually impaired person) (8 staff trained)
 - Consulting with people with disabilities (32 staff trained)

- We have developed clear guidance for officers completing equality impact assessments.
- We have incorporated equalities into the Cabinet agendas so that Members are reminded to consider equality impacts when making decisions.
- Full council were given an equalities presentation to outline the 9 protected characteristics of age, disability, race, sex, sexual orientation, pregnancy and maternity, religion and belief, marriage and civil partnership and gender reassignment.
- We have incorporated children and vulnerable adults into our equalities impact assessments.
- We have developed our policy on Safeguarding children and adults and raised awareness of these issues with all staff.
- We have significantly updated our web pages to publish our new Equality Policy and corporate equality objectives.
- East Devon District Council worked with Bicton College to find employment for young people with learning difficulties. We have now employed one individual for 10 months following this scheme.
- We undertook detailed equality analysis when reviewing the Devon Home Choice Policy last year.

1.5 Community engagement and satisfaction

- Community engagement takes place on an ongoing basis with a wide range of stakeholders.
- In 2013 we sent out our Viewpoint Residents' Survey to ask residents what they think of our services and seek their views on how we should consult and communicate with them.
- We have sent out an equality community needs' survey in early 2013 to help continue to improve our services and conducted a face to face session with equality partners to gain feedback on our services. An action plan will be developed in early 2014 to make sure that issues arising are addressed.
- We have an active Tenant Scrutiny Panel operating that provides ongoing challenge from customers.
- We have delivered a consultation training course to 40 officers and Members. This session is designed to assist public sector service providers in effectively engaging and involving service users in shaping and monitoring those services. Assisting delegates in how to create best practise accessible information which will enable effective service user involvement and which will also meet reasonable adjustment recommendations of the Equality Act.
- We have worked with the NHS to develop visual aids for use by our officers to help facilitate communication.
- Not all our ICT systems interface with each other so we have developed a process for officers which keeps them informed and updated when customers tell us about any special needs that they have.

1.6 Responsive services and customer care

- Managers and staff have been briefed at all levels on the importance of carrying out an equality impact assessment. Guidance is available on the intranet.

- We are monitoring corporately to ensure that all policies and strategies are equalities assessed where they have a potential high or medium equalities impact.
- We have adopted a Health Equalities Policy in 2013 aimed at reducing health inequalities.

1.7 A skilled and committed workforce

- East Devon District Council has a clear profile of its staff and annually we invite staff to update their personal records.
- We are implementing an upgraded HR system which will enable us to track the diversity of job applicants.
- We publish equality data on the internet.
- We carry out regular equal pay audits.
- We have robust procedures for dealing with issues relating to bullying, harassment, and acceptable behaviour.
- We carry out an annual staff engagement survey to ask people what they think about working for East Devon.

1.8 Future actions

- We will brief staff, members and equalities partners to raise awareness of the learnings from Devon County Council's equality related judicial reviews.
- We will develop an action plan from surveys carried out in late 2013 with our equality partners which gives us specific feedback on key services.
- We are involving our Equality Partners in the design and development of our new website.
- We will involve our Equality Partners in the design of our new office accommodation.
- We will deliver a Public Health Plan in 2014 which aims to improve the health of residents and communities. It covers the health of older people and disadvantaged groups.
- We will undergo a Peer Review to help us understand the nature and quality of our progress and keep us on moving towards the Achieving Level of the Equality Standard for Local Government.
- We will add to SPAR any decisions where the Equality Impact Assessment highlights that action is required to monitor corporately that this action is taken.
- We will be working with the Stansfield Centre Exeter to provide work experience for local school age children with difficult backgrounds.
- We will continue offering a range of training opportunities to further our equalities work and raise awareness.
- In the Countryside Service Plan we have committed to 1) the provision of new access infrastructure on Local Nature Reserves to ensure access for all is embedded in the decision making process 2) all information leaflets and fully meet the corporate guidance on equality 3) provision of facilities for people with disabilities in the Thelma Hulbert Gallery, Manor Pavilion and Axe Wetlands.
- The Environmental Health Service Plan commits to ensuring that any changes to car parking charging policy would potentially be of medium or high equalities relevance and should therefore be the subject of a further analysis.

Legal Implications

The legal framework relating to the Equality Act 2010 is reflected in the body of the report.

Judicial review is the main way that the courts supervise bodies exercising public functions to ensure that they act lawfully and fairly. Most of the recent high profile legal challenges to other councils on equalities issues have been about cuts in service or service reorganisation which local authorities have made due to budget constraints. This does not mean that service reductions cannot be made, rather than having regard to statutory duties [including the Equality Act] needs to be integral to decision making.

The role of the court in judicial review proceedings is not to inquire into the merits of an individual council decision, but to conduct a review of the process by which the decision was reached in order to assess whether that decision should be set aside by the court on procedural grounds. For example, the courts will very rarely give a view as to which of two social services facilities should be closed, but they may consider whether statutory processes have been properly followed in the lead up to that decision. If they have not, then the court has the discretion to quash the council decision or send it back to the council for redetermination; alternatively the court may consider the public interest lies in not interfering with the decision that has been made.

Although councils are generally defendants rather than claimants, this council has sought judicial review successfully in the past to challenge central government decisions, as in our judicial review related to the Devon Unitary proposals.

Giving reasons for particular decisions on service delivery [already part of our constitutional minuting processes] is an important part of minimising the risk of judicial review and obviously helps communicate a clear message why the decision has been made. The legal team works with staff throughout the organisation to help design processes which support good decision making. The learning points arising out of case law are regularly discussed at senior management team meetings.

Apart from the financial and reputational risks of litigation, members will be aware that judicial review can also delay the implementation of council decisions and projects.

Financial Implications

There is a dedicated Equalities Objectives budget of £6,230 for 2013/14 (£8,280 for 2014/15) with around £3,800 spent to date. This covers costs of specific specialised advice, as all staff training costs highlighted in the report, are met within the Teignbridge Training Partnership budget.

Background Papers

- ❑ [Appendix one – equalities objectives](#)
- ❑ [Appendix two – key performance questions for local government equality framework](#)
- ❑ [Appendix three – the public sector equality duty and summary of learning points from Devon County Council judicial reviews](#)

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Corporate Organisational Development Manager



Agenda Item 18

Cabinet

5th March 2014

jg



East Devon Public Health Plan 2014 - 2017

Summary

This report presents a draft Public Health Plan for the district which has been produced following the transfer of public health responsibilities back to local authorities. The Plan uses local health and wellbeing evidence to focus on a small number of priorities where we can have a positive impact on our residents and communities health. The Plan also recognises the work that our services already contribute towards the health of residents and seeks to coordinate these towards clear public health outcomes.

The Plan can be accessed through this link: [Public Health Plan 2014 – 2017](#).

Recommendation

To consider, amend and adopt the Public Health Plan 2014 – 2017

a) Reasons for Recommendation

To set out our public health role and ambitions to improve the health of residents and communities.

b) Alternative Options

Not to produce a detailed Public Health Plan.

c) Risk Considerations

Identifying inappropriate public health interventions.

d) Policy and Budgetary Considerations

These are set out in the report.

e) Date for Review of Decision

An annual review of progress against the targets is proposed.

1 Background

1.1 Public Health is core local authority work and the basis from where many of today's local government services originate. The health and wellbeing of residents and visitors has historically been amongst local authority core business activities for over a hundred years, and the quality of life we enjoy today has much to do with Victorian public health pioneers working in local communities.

- 1.2 This work compliments the work of the medical professions who focus on curing illness whereas public health focuses on prevention of illness.
- 1.3 Public Health has been defined as “the science and art of preventing disease, prolonging life and promoting health through the organised efforts of society”. This seems a fine purpose for our interventions and efforts.
- 1.4 The World Health Organisation says that Public health refers to all organized measures (whether public or private) to prevent disease, promote health, and prolong life among the population as a whole. Its activities aim to provide conditions in which people can be healthy and focus on entire populations, not on individual patients or diseases. Thus, public health is concerned with the total system and not only the eradication of a particular disease. The three main public health functions are:
- The assessment and monitoring of the health of communities and populations at risk to identify health problems and priorities.
 - The formulation of public policies designed to solve identified local and national health problems and priorities.
 - To assure that all populations have access to appropriate and cost-effective care, including health promotion and disease prevention services.

2 A Public Health Plan for the district

- 2.1 We have been requested to produce a Public Health Plan in response to the recent transfer of public health responsibility back to local authorities (upper tier) and in an attempt to realise the opportunities for joint working between county and districts towards the common goal of improving the health of our residents. The plan has been produced with DCC colleagues who have been supporting this Council (Public Health Specialist; Public Health Consultant and Public Health Analyst), and DCC are providing £20k towards implementing the Plan actions.
- 2.2 Many of our frontline services have a clear public health remit that has been set out in our Health Equalities policy and the draft Public Health Plan. We have adopted a range of public health measures in various Service Plans and the Council Plan. The priorities in the Public Health Plan are consistent with what we have already committed to and takes the opportunity to provide a greater recognition and awareness of our public health role, and restate our commitment to improving the health of our residents and communities. The public health commitments fit well with our Council Plan themes of living, working and enjoying the outstanding place that is East Devon.
- 2.3 The Public Health Plan is also consistent with the Health Equalities Policy we adopted last year. A full Equalities Analysis will be undertaken on the Plan, if approved. An initial analysis indicates that the Plan aims to reduce inequalities through targeted health interventions.
- 2.4 Health is generally very good in East Devon, but there is still much we can do to improve health and wellbeing. We have examined the evidence and are confident that the areas of focus will have a positive impact against the three overarching themes of – **realising our health potential; connected resilient communities and influences on our health.**
- 2.5 The evidence points us to being able to make effective interventions in respect of the Targeted Families programme; Cardio Vascular Disease prevention; increased levels of physical activity; falls prevention; emotional health and

wellbeing; and reducing poverty. We suggest that these areas form our initial priorities.

- 2.6 To be clear in key sections of the Plan we have indicated **what** the public health challenge is and **how** we will attempt to tackle the issues. All of the actions proposed are linked with one of the six priorities, which in turn link with the Health and Wellbeing Strategy themes for action. Appended (**annex 1**) to the plan is a developing implementation plan that outlines specific projects, partners, timescales and performance outcomes desired.
- 2.7 There is an opportunity for us to make a positive difference and improve the health and wellbeing of our residents and communities by realigning some of the work we already undertake on our public health priorities. Producing a Public Health Plan has been a good discipline and aid to clarifying what the public health issues are locally and how we might target our resources to have the best impact. New resources are limited so our ambitions are necessarily focused on a relatively small number of interventions.
- 2.8 I am keen to see what we can achieve with limited new resources, refocusing the efforts of our public health workforce, and clear ambitions. The Public health Plan sets a useful context and framework for our efforts. The new public health agenda links well with our corporate themes based on living, working and enjoying the outstanding place that is East Devon. The challenge is to target our public health interventions where we can make a positive difference to individuals and communities by improving their health and wellbeing.

Legal Implications

There are no legal implications requiring comment.

Financial Implications

The Plan will be implemented using existing resources and also utilising the £20,000 that has been received from Devon County Council

Consultation on Reports to the Cabinet

The multi agency Partnership Officers Group has been consulted.

Background Papers

- [Joint Health and Wellbeing Strategy for Devon 2013-2016, DCC.](#)
- [Health Equalities Policy, EDDC, 2013.](#)

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Head of Housing

Cabinet
5th March 2014



East Devon Public Health Plan - Priority Actions Implementation Plan

Priority Area 1: Active involvement in the Targeted Family Support Programme

Project	Brief Scope	Lead EDDC/PH	Partners	Milestones/ Timescales	Performance indicators
Targeted Family Support	Roll out of project across district	Housing-JR/LOL	Wide range of partners and Key Worker	Engage with East Devon cohort of families by September 2014	National payment by results indicators

Priority Area 2: Prevention of Cardiovascular Disease in priority communities

Project	Brief Scope	Lead EDDC/PH	Partners	Milestones/ Timescales	Performance indicators
Gain insight into acceptability and appeal	Work with Community Development Workers to understand how services could be more acceptable	Housing/CD	Environmental Health-(neighbourhood surveys?) Countryside	Research completed by December 2014	Scoping work completed
Align resources based on insight and research	Create multi-agency partnerships committed to deliver this action	CP/LOL	Leisure East Devon Health Promotion Devon Food for Life Partnership	Project plan in place by September 2014	Decrease in CVD cases
Commission services to fill gaps	Commission cooking skills courses to be delivered based on insights gained	EH/Steering group	Voluntary sector Children's centres Schools	Project plan in place by December 2014	Numbers attending services
Smoke free play areas	Identify 5 areas to place signs asking people to refrain from smoking in area	EH	Town and Parish councils Community Development Workers	Play Areas identified by December 2014 Opportunities to rollout project	Target achieved

Priority Area 3: Raising the levels of physical activity across the life-course

Project	Brief Scope	Lead EDDC/PH	Partners	Milestones/ Timescales	Performance indicators
Insight into who uses leisure centres	Understanding the customer needs and providing activities that encourage physical activity	CP	Leisure East Devon Countryside	Research completed by December 2014	Increase in numbers visiting leisure centres and other activities
Increase no. leisure providers registered with PA Finder tool	Promote the PA Finder tool to increase awareness of local opportunities	CP/LOL	Wide range of providers	Promotion completed by December 2014	Number of providers using the tool
Active Communities	Expand outreach work to encourage hard to reach groups	CP/Community Development	Leisure East Devon Countryside	First scheme in place by October 2014	Numbers participating in activities
Increase physical activity opportunities available within priority communities	Project to go beyond sports and leisure centre customers and encourage others into alternative physical activities	CP/Community Development	Leisure East Devon Countryside Housing	Expand existing schemes by January 2015	Numbers participating in activities

Priority Area 4: Falls Prevention

Project	Brief Scope	Lead EDDC/PH	Partners	Milestones/ Timescales	Performance indicators
Prevention Strategy Postural Stability Classes	Work with Westbank to implement Prevention Strategy Postural Stability Classes in 1 market town, linking with physio depts. and care homes	EH	Westbank NDHCT-Physio Depts Care Home staff and residents Community centres	Scheme in place by October 2014	Number of schemes active
Community based balance, stability and falls prevention classes	Develop locally delivered classes utilising community centres- available for all residents. Promoted by primary care/physios	EH/Leisure/ Housing	Leisure East Devon Community Centre Leads Community Development Workers/Housing NDHCT-Physio Depts. Primary Care	Project in place by October 2014	Number of project active

Priority Area 5: Emotional Health and Wellbeing

Project	Brief Scope	Lead EDDC/PH	Partners	Milestones/ Timescales	Performance indicators
Neighbourhood Health Watch	Support roll out/facilitate ID of target areas for NHW in district	EH	Churches Primary Care Elected members Community Safety Partnership-LAGs	Promotion campaign in place by January 2015	Number and effectiveness of schemes established.
Promotion of 5 Ways to Wellbeing within workforce	Workforce training/raising of awareness around 5WW	LOL	Health Promotion Devon EDDC Staff	Project in place by January 2015	Reduction in sickness absence and wellbeing measures
Insight into self harm and building resilience	Working group to explore issues around self harm and building resilience in Honiton	LOL	Honiton schools School nurse/Health visitors Youth service Children's centres Community development EDVSA Targeted Families Support Co-ordinator	Research completed by September 2014	Number of reported instances.

Priority Area 6: Action to address Poverty/support for those experiencing hardship

Project	Brief Scope	Lead EDDC/PH	Partners	Milestones/ Timescales	Performance indicators
Homemaker	Ensure that budgeting and financial assistance is available for hardship cases.	LJ	Housing/Benefits	Review of funding arrangements by December 2014	Numbers assisted and savings achieved
Food banks-insight	Ensure that food banks are secure and able to meet demand.	JG	Voluntary sector Housing	Review of Local Welfare Support scheme by December 2015	Number of customers served and donations secured
Credit Unions	Encourage the use of ethical Credit Unions and avoidance of loan sharks	JG	Housing	Campaign in place by October 2014	Increase in customer base and use of services
Apprenticeships/placements	Work with partners organisations to audit how many apprenticeships and work placements/tasters offered and pledge to increase activity	JG	Housing Countryside Human Resources Building Contractors	First apprentices in post by summer 2014	Number of apprentices created.

Agenda Item 19

Cabinet Committee

5 March 2014

CW



Adoption of the revised East Devon AONB Management Plan

Summary

East Devon District Council and Devon County Council authorised the East Devon AONB Partnership and Blackdown Hills AONB Partnership to review the Management Plans for their respective AONB's by April 2014 as required under Section IV of the Countryside and Rights of Way Act 2000.

Following a public consultation and endorsement by the AONB Partnership and approval from the statutory consultee, Natural England, the Management Plan for East Devon AONB is presented for adoption by East Devon District Council. Blackdown Hills AONB plans to be reporting in April 2014.

Recommendation

Formal adoption of the East Devon AONB Management Plan

a) Reasons for recommendation

Under Section IV of the Countryside and Rights of Way (CROW) Act 2000 East Devon District and Devon County Council were required to produce Management Plans (sometimes referred to as a Management Strategy) for the AONBs in their areas by 1 April 2004 and review them at intervals of not more than 5 years.

East Devon District and Devon County Council have authorised the AONB Partnership to review the East Devon AONB Management Strategy (2004) on their behalf.

b) Alternative Options

There are no alternatives. There is a legal requirement to review the AONB Management Plans by 1 April 2014.

c) Risk Considerations

There are no risks associated with this decision. There is a legal requirement to review the AONB Management Plans by 1 April 2014.

d) Policy and Budgetary Considerations

The production of the Management Strategy accords with Council policy and falls within existing budgetary provision for the AONB Partnerships. There are no additional budgetary considerations associated with this recommendation.

e) Date for Review of Decision

AONB Management Plans should be reviewed on a 5 yearly basis. The Management Plans will therefore be reviewed again in 2018-19.

1 Main Body of the Report

- 1.1** Under Section IV of the Countryside and Rights of Way (CROW) Act 2000, East Devon District and Devon County Council were required to produce Management Plans for the East Devon and Blackdown Hills AONBs by 1 April 2004 and review them at intervals of not more than 5 years. East Devon District and Devon County Council authorised the Blackdown Hills and East Devon AONB Partnerships to carry out this duty on their behalf.
- 1.2** The CROW Act and guidance from Natural England, Defra and the National Association for AONBs has provided advice on the scale, nature and content of Management Plans/Strategies to which Devon County and East Devon District Councils have added further guidance.
- 1.3** A Management Plan/Strategy should serve to highlight a vision for the AONB and contain a five-year Delivery Plan detailing targets for the delivery of the Strategy **(1)**. The delivery of the Strategy is subject to availability of funding from the Local Authorities, Defra and other parties. The Strategy should be reviewed every five years.
- 1.4** Through the review process the East Devon AONB Management Strategy has largely maintained the structure adopted in the previous plans, recognising these have worked well in the preceding period. The forces for change, key influences and the key priorities for action have been updated in the revised document, taking account of the national and local guidelines and recommendations through the National Association for AONBs. The result being that the revised Strategy has fewer sections but continues to follow a format that is reflected amongst AONBs in Devon.
- 1.5** Following approval from East Devon District and Devon County Council to consult on the draft Management Plans, public consultation took place across the AONB in late summer/autumn 2013 and the feedback from this exercise has been assimilated into the revised Management Strategy and Delivery Plan.
- 1.6** As part of the review process the AONB Partnership was also required to carry out a Strategic Environmental Assessment (SEA)**(2)** and Habitat Regulation Assessment (HRA) **(2)**, to ensure the policies and actions would not have potential for a negative effect on the environment or sustainability of their areas. Accordingly, the Strategy has been further revised and a final draft version forwarded for formal consultation to the statutory body, Natural England before presentation to the local authorities for adoption.
- 1.7** Formal approval for the Management Strategy has now been received from Natural England, confirming that it meets the legislative requirements of the Countryside and Rights of Way Act 2000.

1.8 The AONB Management Plans provide a management framework for conserving and enhancing these nationally important landscapes. It is now incumbent on the “stakeholders” within the AONB to continue to support activities that benefit the landscape through the Delivery Plans. An Annual Report will be produced that will serve to highlight the work of the AONB Partnerships to stakeholders and the communities of East Devon. The success of the Delivery Plan will depend on the long term support from Defra, Natural England and other partners, including local authorities.

1.9 The East Devon AONB Management Strategy is recommended by the AONB Partnership to the Council for adoption as the statutory Management Plan for the Area of Outstanding Natural Beauty. A more detailed Review Report and Adoption Statement (**3**) provides a formal record of the review for the constituent local authorities and is an integral document in the adoption process.

Legal Implications

TBC [The legal implications are as set out in this report and there are no further legal implications requiring comment.]

Financial Implications

Any financial implications are included within the AONB budget.

Consultation on Reports to the Executive

The review process for the Management Strategy involved public consultation meetings and communication during 2013. In addition, statutory consultation took place with Natural England, the Environment Agency and English Heritage on the Strategic Environmental Assessment (SEA) process and separately with Natural England on the Habitat Regulation Assessment (HRA). Equality Impact Assessments (EqIA) have also been undertaken.

Background Papers – open to public inspection

1. [East Devon AONB Management Strategy Delivery Plan \(final draft\).](#)
2. [Strategic Environmental Assessment Habitats Regulations Assessment Equality Impact Assessment](#)
3. [East Devon AONB Management Strategy Review Report & Adoption Statement.](#)

Chris Woodruff 01404 46663
AONB Partnership Manager

Cabinet
5 March 2014

Agenda Item 20
Cabinet
5 March 2014
MD



Response to Lypstone Neighbourhood Plan submission

Summary

Lypstone Parish Council has submitted their Neighbourhood Plan to the District Council. This is the first Neighbourhood Plan to be completed in East Devon. The District Council is required to formally consult on the Plan for 6 weeks before appointing an Independent Examiner to consider the soundness of the Plan and any representations on it.

During the 6 week consultation the District Council has an opportunity to comment on the Plan and this report is brought before Members with a request that they endorse the Officer observations as formal representations on the plan which are set out at the end of this report.

- Recommendations**
1. That Members note the formal submission of the Lypstone Neighbourhood Plan and congratulate the producers of the plan on the dedicated hard work and commitment in producing the document
 2. That this Council makes the proposed representation set out at paragraph 3.8 in this report in response to the consultation
 3. that the Lypstone Neighbourhood Plan team be encouraged to meet with EDDC Officers to discuss potential refinement of the draft Neighbourhood Plan policies ahead of submission to an independent examiner and plan examination.

a) Reasons for Recommendation

To ensure that the view of the District Council is recorded and informs the consideration of the neighbourhood plan by the Independent Examiner.

b) Alternative Options

Alternative options include:

1. That no comments are made; or
2. Alternative comments are submitted in response to the consultation.

c) Risk Considerations

Due to the unusual situation where the District Council is consulting on, and commenting on, a third party document the planning and Neighbourhood Plan support functions of the District Council will need to be kept (and seen to be) separate. There is a risk that the document could be found unsound at examination and that it is considered to conflict with Local Plan policy.

Legal challenge to any part of the Neighbourhood Planning process could come from third parties.

d) Policy and Budgetary Considerations

The District Council has a duty to support the production of Neighbourhood Plans and to pay for a referendum and examination. Grants of up to £30,000 (total) are available from DCLG to help the Council meet these costs. If it is deemed that a Neighbourhood Plan has implications for residents beyond the immediate Parish, a wider referendum may be suggested/proposed or required by the Inspector. Depending on the area, this could have significant cost implications.

Under the Community Infrastructure Levy Regulations, Parish Councils will receive 15% of CIL generated from new development capped at £100 per dwelling. In areas covered by adopted Neighbourhood Plans this rises to 25% of CIL contributions, uncapped, per dwelling.

e) Date for Review of Decision

When the Neighbourhood Plan goes to examination the Council will have the option of elaborating on evidence provided.

1 Submission of the Lympstone Neighbourhood Plan

- 1.1 The District Council has received a Neighbourhood Plan from Lympstone Parish Council. There is a general Lympstone Neighbourhood Plan page which may be viewed at

<http://www.eastdevon.gov.uk/planning-lympstone>

And the plan itself can be viewed at:

http://www.eastdevon.gov.uk/lymp_np.pdf

A list of the policies is appended to this report. This is the first completed (ready for final consultation) Neighbourhood Plan in the District. The Parish Council has received financial support from DCLG and the District Council and general support from the District Council and Planning Aid (acting as a critical friend).

- 1.2 The statutory regulations require that the District Council organise and undertake the consultation on a plan when it reaches this stage. The consultation period commenced on 27 January and is due to finish on 10 March 2014. It has been publicised by press releases, notices on 6 notice boards within the Parish, notices on the EDDC and Parish Council websites and in writing to 166 representors on the Local Plan database (landowners of 'SHLAA' sites in Lympstone and all agents), adjoining authorities and the statutory consultees to include the Environment Agency, Highways, English Nature and English Heritage.
- 1.3 One of the statutory roles of the District Council is to consider whether the plan meets, in production process terms, the legislative requirements. Cabinet has previously endorsed a protocol for District Council involvement into Neighbourhood Plans and in accordance with this protocol an officer review has been completed. Officer assessment is that legislative requirements are met.
- 1.4 Anyone may comment on a Neighbourhood Plan. It is particularly important that the District Council comments given that the Neighbourhood Plan (if adopted) will form part of the Development Plan, and should conform to the strategic policies of the Local Plan. This report provides a summary overview of the plan includes commentary on the plan and recommends comments of this authority on the plan to be submitted to the Inspector undertaking plan examination.

2 Neighbourhood Plan Examination and Referendum

- 2.1 Following the consultation the District Council must appoint an ‘appropriately qualified and independent examiner’ agreed with Lympstone Parish Council. All responses from the six week consultation (including any made by this Council) will be forwarded to the examiner who will consider them, either by written representations or at an oral hearing (if s/he decides one is necessary). The District Council is responsible for paying the costs of the examination although there are currently Government grants (of £30,000 in total, of which £20,000 is to assist with this stage).
- 2.2 The Neighbourhood Plan examination is different to a Local Plan examination. The examiner is only testing whether the plan meets the basic conditions and other relevant legal requirements – they are not testing the soundness of the plan or looking at other material considerations. The examiner will be considering whether the plan:
- has appropriate regard to national policy.
 - contributes to the achievement of sustainable development.
 - is in general conformity with the strategic policies in the Development Plan for the local area.
 - is compatible with human rights requirements.
 - is compatible with EU obligations.
- 2.3 As part of the Development Plan used in future planning decisions, it is in the interests of the District and Parish Councils to produce a high quality neighbourhood development plan. To date 10 plans have reached examination stage nine have passed and one plan - covering Slaugham Parish in Mid-Sussex - has failed the examination. The grounds for failure included that the Strategic Environmental Assessment did not meet EU regulations and there was a lack of evidence of need for new housing.
- 2.4 Following the examination, the examiner's report will set out the extent to which the draft plan proposal meets the basic conditions and what modifications (if any) are needed to ensure it meets the basic conditions. The examiner has 3 options:
- A. That the plan proceeds to referendum as submitted.
 - B. The plan is modified by the District Council to meet basic conditions and then the modified version proceeds to referendum.
 - C. That the plan/ does not proceed to referendum.
- If the examiner chooses A or B above they must also consider whether the referendum area should be extended beyond the boundaries of the plan area (this could be applicable if plan proposals could impact on a larger area). The report must give reasons for each recommendation and contain a summary of its findings. It is the responsibility of the District Council to accept or decline the modifications suggested by the examiner.
- 2.5 Once the Plan has been modified it will be subject to a referendum where everyone on the electoral roll (for the defined area) will have a right to vote for or against it. If at least half of votes cast support the plan then it can be brought into legal force.

3 Lympstone Neighbourhood Plan

- 3.1 During the current 6 weeks consultation the District Council can comment on the Plan. In terms of meeting the Basic Conditions, the Parish Council has produced a Statement setting out how the plan complies with the conditions which the examiner will assess. The District Council has some broad general areas of concern in respect of some of the detail of the Plan and these are summarised below.
- 3.2 The first issue which is of concern is the **timing of the Neighbourhood Plan**. As long as it follows, and is 'made' after the new Local Plan is adopted this should not be a problem but, if the Local Plan is delayed or found unsound then the Neighbourhood Plan is unlikely to be successful at examination. The Neighbourhood Plan is reliant upon work undertaken for the Local Plan to meet the Habitats Regulations and a Strategic Environmental Assessment based on the level of growth in the new Local Plan and local policies are based on the new local plan (rather than the adopted plan). In addition, the most recently adopted/made plan takes precedence so (these other issues notwithstanding), if the Neighbourhood Plan is made ahead of the Local Plan, it will very quickly be superseded by the district-wide, less specific policies of the local plan when it is adopted.
- 3.3 The second issue an examiner might raise is the issue of **community and planning policies**. Initial advice to the District Council from DCLG was that Neighbourhood Plans are holistic documents without a set format and therefore they could include policies produced by the community for 'their place' without needing to distinguish the type of policy, for example, a policy identifying an area of open space for protection might also set out how it will be managed. Officers passed this advice on to Lympstone Parish Council but with an initial suggestion (reflecting Officer concern regarding implementing the policies in practice) that the land use 'planning' policies might be better separated from, and presented in a different format to, the 'community' policies. The Parish Council considered appending the community policies to the document (as suggested by Planning Aid) but in practice this read oddly as the planning policies and supporting evidence formed the main part of the Plan and the community policies formed an appendix without justification (as this would have simply repeated the text in the main plan). In the submitted Plan the policies are all contained within the text but with a clear colour and format distinction between planning and community policies.
- 3.4 At a conference on Friday 31 January 2014, a representative of DCLG gave a presentation in which they advised that Neighbourhood Plans should not contain any non-land use policies and that, if the community wish them to be included, they should be appended or form background evidence. Given their previous position it is assumed that this has evolved from the experience of the few Plans which have progressed through the process. The failure of the Slaughtam plan two weeks previously may also have influenced the DCLG's position. At Slaughtam the Inspector stated that

"Neighbourhood plans often contain projects or aspirational policies that signal the community's priorities for the future of their local area. However, the neighbourhood plan should only contain policies relating to development and use of land. Therefore where a policy is considered to fall outside of this scope I have recommended that the policy be moved to a different section or appendix of the plan. This is because matters or projects of this nature can continue to be included within the general text as they represent proposals the community seeks to achieve, but they should be deleted as policies.

Once moved into a different section or appendix of the Plan, this should be clearly differentiated from the planning policies section of the Plan. Subject to the contents of this report which recommends some modifications be made to ensure that the policies in the Plan relate to the development and use of land in the neighbourhood area, this requirement can be satisfactorily met.”

It is recommended that the District Council formally comment on this aspect of the Neighbourhood Plan and, to minimise the impact on the Plan, this takes the form of a request to rename the Community Action Policies (CAPs) as ‘Community Actions’. If the examiner does not feel that this addresses the matter, he or she can recommend the CAPs be moved to an appendix. As the Community Actions are outside the scope of the development plan it is not necessary to carry out a detailed critique of them.

- 3.6 The third issue is that **a number of development management policies have been changed since the previous consultation draft** to take account of representations received. One of the basic conditions is that the plan *“is in general conformity with the strategic policies in the development plan for the local area”*. This means that the Neighbourhood Plan policies do not have to exactly follow all of the Local Plan policies but should be generally consistent with them. It should generally comply with the strategic policies in the first section of the Local Plan but can replace or add local detail to the development management policies which form the second section of the Local Plan. As a result of the changes following the previous consultation, a small number of neighbourhood development management policies now do not sit particularly comfortably with the Local Plan policies, for instance where they go beyond what might reasonably be required or are very prescriptive over matters where the Local Plan is flexible and in some cases it is not considered that they will lead to the best end planning outcome. It is understood why the local community wish to include certain requirements but in some cases policies may be difficult to implement in practice, they might for example imply planning conditions that could be non-lawful or very difficult to implement or perhaps result in perverse or unintended outcomes.
- 3.7 The local planning authority needs to achieve a balance between supporting the local community whilst ensuring that policies have a good chance of success at examination and later when they are applied. The District Council must, however, recognise that as a local authority in general, and specifically as a planning authority, it must take a responsibility for advising on its considered opinion on Neighbourhood Plans and plan content.

Many of the policies in the Lypstone Plan are written in a different style to those in the Local Plan and are written, as might be expected, in a rather aspirational way. In carrying out the examination the examiner will have regard to the statement in the NPPF that: *“plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency”*. The NPPF also advises that local plans should give *“a clear indication of how a decision maker should react to a development proposal”*.

- 3.8 With the NPPF statement in mind, and noting comments earlier in this report, it is recommended that the following representation of East Devon District Council be submitted to the Neighbourhood Plan consultation. It should be noted that comments are primarily restricted to land use planning policy matters rather than

background text/reasoned justification or the community polices and are made on the basis of:

- Does a Lympstone Neighbourhood Plan policy comply with strategic policies in our emerging Local Plan?
- Do we have concerns about policy given wider objectives of the Council?
- Are the policies workable and enforceable - could they be reasonably applied through the Development Management process? and
- Are they otherwise appropriate or desirable?

East Devon District Council commends Lympstone Parish Council on submitting the first Neighbourhood Plan in East Devon. A great deal of work has gone into the production of the Plan which sets out a comprehensive suite of policies which, along with the higher level development plan documents, is intended to guide future development in the Parish. The District Council would consider that the following points should be taken into account by the appointed Inspector undertaking examination:

EDDC Cmmt No	Issue / Policy In Plan	Comment
1.	Timescale for Production of the plan	To ensure that the Neighbourhood Plan is compliant with European legislation and meets the basic conditions, it should not proceed to examination ahead of the East Devon Local Plan being adopted (or making very substantial progress to adoption)
2.	Community Action Policies	To reflect emerging national best practice Community Action Policies (CAP's) should be renamed Community Actions
3.	Policy DMP 2 – page 13	<p>Objective DMP 2 of the plan relates to the Goodmore's Farm site part of which is in Lympstone Parish and part in Exmouth. In the Local Plan it's a strategic allocation that primarily relates to and is justified as the expansion of Exmouth, rather than Lympstone. It is assumed references are in respect of the Lympstone part only though this is not clear. The site is allocated in the East Devon Local Plan. In broad terms the wording of policy is seen as quite negative '<i>to ensure that disruption to the local Lympstone residents is minimised.....</i>' It is felt that it could be more positive. In respect of the Criterion in this policy the following comments are made:</p> <p>Policy P2 – this addresses matters that go beyond land use planning considerations (specifically in referring to Parish boundaries). Furthermore in respect of potential 106 agreements and CIL receipts (noting that a relevant proportion of CIL will go to the Parish Council anyway) it would not be appropriate to set out that monies will go to Lympstone. Any 106 agreements will need to address relevant planning concerns and impacts that in spatial terms might or might not be located in Lympstone. It will be for the District Council to determine how and where its proportion of CIL will be spent. A neighbourhood plan should not have jurisdiction over this.</p>

EDDC Cmmt No	Issue / Policy In Plan	Comment
		<p>Policy P3 – It is not clear what is meant by “<i>Affordable housing within this section of land should be considered as Lympstone when allocated</i>”. Whilst it will often be desirable to accommodate people in need of affordable housing in developments close to their homes there may also be competing potential occupiers that may be in more need that should take priority. There may also be other housing legislative factors that could supersede proposed policy requirements.</p> <p>Policy P4 – whilst it is understood that the Plan seeks benefits for the local community from development of this site it is not clear how a requirement for business units to be allocated for the benefit and employment of the local community could be implemented in practice and how or whether planning conditions could be reasonably established or enforced. There is also a concern that by seeking to exclude larger scale developments, and those that are not explicitly serving the local community, it could result in otherwise desirable employment generating uses (and uses also of social and community benefit) from being developed (failure to deliver such benefits could be to a wider area or East Devon wide detriment).</p> <p>Furthermore in respect of Policy P4 there is a degree of conflict between the Local Plan which refers to “<i>around 5 hectares of land for mixed use employment (3ha) and community and commercial facilities (2ha)</i>” and DMP 2- P4 which says “<i>The map shows 5ha employment land- this must be allocated to small business units for the benefit and employment of the local community...</i>”. DMP 2- P4 also seems to conflict with policy DM8-P15 which is seems a more reasonable and achievable and states that “<i>an allocation of small business units at Goodmore’s Farm will be available to Lympstone Businesses</i>”. How the allocation will work is not set out though. Similarly, the Local Plan does not preclude the use of the site for large retail development or the relocation of the Hospital, Claremount Surgery, Police Station or Postal Sorting Office whereas the Neighbourhood Plan would exclude these uses. Such uses could be of wider benefit and should not be specifically excluded from coming forward in the Neighbourhood Plan, though it is acknowledged that the Neighbourhood Plan could seek some qualifications on development.</p> <p>Policy P5 - the East Devon Local Plan does not link the completion of Dinan Way to the development of Goodmore’s Farm whereas the time alignment of these developments is a requirement of the neighbourhood plan. Whilst early completion of Dinan Way is desirable it is not understood, in technical highway assessment terms, to be an essential requirement. It is not seen as appropriate for the Neighbourhood Plan to establish that completion of the two is</p>

EDDC Cmmt No	Issue / Policy In Plan	Comment
		<p>linked.</p> <p>Policy P6 - The governance of CIL funds has not yet been decided so the District Council cannot commit to prioritising the provision of the footpaths and bridleways referred to. This is something which the Parish Council may wish to prioritise when allocating their 'proportionate amount' of CIL.</p>
4.	Policy DMP4 – Page 15	<p>Objective DMP 4, Policy P9 – The wording of this policy is unclear as to whether it is intended to include the proposed development at Goodmores Farm which as a strategic allocation in the Local Plan is intended to meet needs much wider than simply Lympstone. Furthermore needs will change over time and in any case this would not necessarily constitute a sound planning reason for refusing planning permission.</p>
5.	Policy DMP5 – Page 16	<p>Objective DMP5, Policy P10 – A policy stating a preference for developments of less than 10 dwellings will not be able to carry any significant weight while the scale of development coming forward in an application is not a planning consideration. In any event it is difficult to see why a development of more than 10 dwellings could not reflect the character of the village just as well as a smaller development if well designed.</p>
6.	Policy DMP 7 – Page 17	<p>Objective DMP 7- This policy refers to sustainability considerations and sustainability considerations in building construction.</p> <p>Policy P13 - This criterion follows DCLG advice and is not considered to conflict, as such, with the local plan. However the Local Plan requires it to apply to schemes of 10 or more dwellings rather than 1 as per the Neighbourhood Plan. Whilst this may be acceptable and desirable it would be useful if the plan had more supporting text explaining and justifying the policy position. It should also be noted that the ability to establish local policies of this nature may be superseded shortly by new national standards.</p> <p>Policy P14 – <i>it is not explicitly stated but it is assumed that the “EDDC Sustainability Objectives” referred to our as set out in the Sustainability Appraisal of the Local Plan. It would be of benefit if these were listed.</i></p>
7.	DMP 8 – Page 20	<p>Objective DMP 8 – This policy addresses and encourages small business units.</p> <p>Policy P15 – this criterion, to some extent, duplicates DMP2 – Criterion P4. Whilst it is not clear exactly how it could be implemented in practice it would appear a more reasonable approach, not generating the same overarching concerns, as P4. Also it is reiterated that the strategic allocation is made in respect of Exmouth even though part is in Lympstone Parish. It</p>

EDDC Cmmt No	Issue / Policy In Plan	Comment
		is unclear what mechanism would be used for ensuring that provision would go to Lympstone Businesses and what the justification and evidence base for requiring this would be.
8.	DMP 9 – Page 20	<p><u>Objective DMP 9</u> – refers to retail planning considerations.</p> <p><u>Policy P18</u> - is very similar to Local Plan policy E14 except that it doesn't specify a timescale for marketing and isn't clear whether the premises are to be offered to any community development organisation at market value or on some other basis, with respect to this last point greater clarity in wording would be of benefit.</p> <p><u>Policy P19</u> - this criterion might be more useful if it explained how the "considered" element will be undertaken (or may be it should say 'allowed'?).</p>
9.	DMP 10 - Page 22	<p><u>Objective DMP 10</u> – this objective relates to car parking provision.</p> <p><u>Policy P21 and P22</u> - these policies do not conflict with the local plan but it is not very clear how 'priority' will be given or what is meant here by 'enabling development' (presumably it means this site won't be allowed to be developed unless it provides additional car parking? – if so this should be more fully explained). The word 'statutory' would appear inappropriate as we are not aware of a statute relating to parking levels.</p>
10.	DMP11 – Page 31	<p><u>Objective DMP11 – P25</u> – The Local Planning Authority can only ensure that applications are accompanied by a FRA through the Council's validation checklist and could only reasonably expect a FRA where the development is within a flood zone.</p>
11.	DMP 13 – Page 34	<p><u>Objective DMP 13</u>- relates to open space issues.</p> <p><u>Policy 28</u> – this policy appears to be more of a land management rather than land use planning policy (unless 'retained' rather than 'maintained' is intended). The objectives are not challenged but it should probably not feature as a policy.</p> <p><u>Policy P29</u> – This policy is imprecise in that it does not specify a standard for the amount of vegetable growing space required for each new dwelling and therefore would be difficult to enforce.</p> <p><u>Policy P30</u> – It is unclear what is meant by 'enabling development' (it is assumed that it means that development, presumably for housing) will only be allowed if it helps create a village green. Whilst the objectives are understood it is questioned whether this could be legitimately enforced through a planning agreement – it might have to be a voluntary agreement outside of the formal planning system).</p>

Legal Implications

The legal position is well covered in the report. It is important for EDDC to comment on the content of the Neighbourhood Plan (given that it will form part of the Development Plan and therefore help guide decision making on planning applications) to ensure that it sits with the strategic requirements of the Council's Local Plan. Otherwise there are no legal implications arising.

Financial Implications

Possible financial implications have been highlighted in the report. Government grants are available to fund any referendum and examination.

Consultation on Reports to the Cabinet

Not Applicable.

Background Papers

- East Devon Local Plan Submission August 2013.
<http://www.eastdevon.gov.uk/sd002-proposedminorpostpublicationchanges.pdf>
- The Localism Act: <http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>
- The Lypstone Neighbourhood Plan and appendices
<http://www.eastdevon.gov.uk/planning-lypstone>
- Plain English Guide to the Localism Act:
<http://www.communities.gov.uk/publications/localgovernment/localismplainenglishupdate>
- National Planning Policy Framework:
<http://www.communities.gov.uk/publications/planningandbuilding/draftframework>
- Neighbourhood Planning Regulations:
<http://www.communities.gov.uk/publications/planningandbuilding/planningregulationconsultation>

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Cabinet

Planning Policy Manager

5 March 2014

Agenda Item 21

Cabinet

5 March 2014

MD



Application to designate Clyst Honiton Neighbourhood Area

Summary

Clyst Honiton Parish Council has applied for designation of their whole Parish as a Neighbourhood Area. Once a designated area is approved by the District Council, they can then produce a Neighbourhood Plan setting out how the local community would like to see the Parish develop in the future. Due to the strategic importance

The application for designation of the Neighbourhood Area has been advertised for 6 weeks and 7 representations were received (of which 5 were objections). The objections relate to the extent of the area proposed, primarily to;

- the strategic nature of already allocated major sites and their importance to the whole of East Devon, Exeter and regionally (these include Cranbrook, Skypark and the Intermodal Freight facility);
- it being inappropriate to include strategic sites, especially where these already have (outline) planning permission or are at an advanced stage of negotiation;
- it being inappropriate to include the airport as it is already subject to national legislation governing planning matters, a masterplan and is referenced in Local Plan policy;
- the ongoing parish boundary review and it being inappropriate for Clyst Honiton Parish Council to plan for future Cranbrook residents who will shortly have their own Parish Council (a small area of Cranbrook is within Clyst Honiton parish as is the whole post-2026 Cranbrook expansion area of around 1500 houses);
- implications for the wider community – interest is greater than the immediate Cranbrook area;
- the difficult timing - with plans and applications for the sites well advanced; and
- difficulty in delivering key strategic infrastructure if the Parish Council are able to claim, and decide how to spend, 25% of Community Infrastructure Levy payments.

Having considered the representations, two possible alternative Neighbourhood Areas have been identified. It is recommended that Members designate a smaller Neighbourhood Area than the Parish Council have requested, in order to remove major development and strategic sites which are more appropriately dealt with by the local planning authority.

Recommendation

- That Members approve alternative option 'B' (to include Clyst Honiton village and rural areas but excluding major development and strategic sites) as an appropriate Clyst Honiton Neighbourhood Area.
- That if Cabinet accept the recommendation then the reasons set out in 5.9 are approved.
- That if Cabinet identify an alternative area that does not endorse the whole of Clyst Honiton Parish as a Neighbourhood Area, then Cabinet identify and confirm reasons for their alternative chosen Neighbourhood Plan area and that these reasons are formally recorded in the decision documentation.

a) Reasons for Recommendation

To enable Clyst Honiton Parish Council to prepare a neighbourhood plan under the auspices of the Localism Act 2011 and the Neighbourhood Planning Regulations 2012.

b) Alternative Options

The options for a Neighbourhood Area and therefore available to Cabinet that are broadly identified as available are:

- The whole Parish of Clyst Honiton be designated as a Neighbourhood Area (as per the application from Clyst Honiton Parish Council); or
- A smaller Neighbourhood Area, including most of the Parish but excluding all major development sites and specific strategic allocations, is designated; or
- A smaller Neighbourhood Area, including most of the Parish but excluding most or specific strategic allocations, is designated. For instance, this could:
 - Exclude Cranbrook and define and exclude a future expansion area to the south west; or
 - Exclude Skypark; or
 - Exclude the Intermodal Freight facility; or
 - Exclude the Airport (note- this is not a strategic allocation in the Local Plan); or
 - Exclude the Airport Business Park (note- this is not a strategic allocation in the Local Plan); or
 - Exclude a combination of the above.

Alternatively Members could defer taking a decision pending further negotiation between the Parish Council and objectors.

c) Risk Considerations

If the whole Parish, as detailed in the submission, is not designated the Council must provide sound reasons for approving a reduced Neighbourhood Area. There is a risk that the decision will be subject to legal challenge and that the Parish Council will feel disenfranchised and that their right to produce a Neighbourhood Plan under the Localism Act has been prevented.

There is a risk that residents of Clyst Honiton Parish will reject the completed Plan at referendum. Legal challenge to any designation area or any plan in production could also come from third parties.

d) Policy and Budgetary Considerations

The District Council has a duty to support the production of Neighbourhood Plans and to pay for a referendum and examination. Grants of up to £30,000 (total) are available from DCLG to help the Council meet these costs. It is likely that a complex Neighbourhood Plan, involving strategic sites, will require dedicated Officer time. If it is deemed that a Neighbourhood Plan has implications for residents beyond the immediate Parish, a wider referendum may be suggested/proposed or required by the Inspector. Depending on the area, this could have significant cost implications.

Under the Community Infrastructure Levy Regulations, Parish Councils will receive 15% of CIL generated from new development capped at £100 per dwelling. In areas covered by adopted Neighbourhood Plans this rises to 25% of CIL contributions, uncapped, per dwelling.

e) Date for Review of Decision

N/A

1 Legal Requirements

- 1.1 Last year the District Council received an application from Clyst Honiton Parish Council for the designation of the whole Parish as a Neighbourhood Area. If designation is made of the whole Parish the Parish Council intent would be to produce a Neighbourhood Plan for the whole Parish, this could set out local planning policies and identify sites for development. In a Parish with major strategic development proposed the implications of a Neighbourhood Plan could be significant. This is discussed later in the report.
- 1.2 This report sets out the current position and the alternative areas put forward by representors during the consultation period.
- 1.3 There are two main considerations in this report
 - The legal requirements concerning whether the application for designation as a Neighbourhood Area has been properly made and advertised.
 - Whether the area applied for is appropriate

Does the application meet the requirements of the regulations?

- 1.4 The requirements for an application for designation of a Neighbourhood Area are set out in regulation 5 of the regulations and in section 61G of the 1990 Act (which was amended to incorporate parts of the Localism Act 2012). The Neighbourhood Area originally proposed by the Parish Council, which covers the whole Parish of Clyst Honiton, is identified on Map A later in this report. The publicity notice is appended to the report.
- 1.5 Regulation 8 states that an application to the Council for designation of a Neighbourhood Area “must” include:
 - a. A map which identifies the area to which the application relates;
 - b. A statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and

- c. A statement that the organisation is the relevant body for the purposes of section 61G of the 1990 Act.

- 1.6 The application meets the requirements. It includes a map of the whole Parish and a statement confirming that the Parish Council is a qualifying body. It also includes the reason for requesting that the whole Parish be designated which reads:

“As our parish/village is in the centre of major new development in the West End of East Devon, we wish to ensure we maintain a good positive neighbourhood environment for all villagers and parishioners. There is a high level of existing and potential new commercial businesses in the Parish, such as Sainsbury’s Regional Centre, Airport and Skypark, which we trust would be supportive and supported. There are potential prospects for new housing in the village and sites have been identified. A new community centre is needed as the school has closed and the only community meeting place is the belfry in Clyst Honiton Church, which is in need of improved facilities. The old school playing field is in the process of changing hands from DCC to the Parish Council for village use. All this is vital to develop and maintain a vibrant community for all ages, now and in the future.”

- 1.7 The application has been publicised for the 6 weeks required by the regulations (from 11 October to 25 November 2013) on the District and Parish Council websites and on the Parish noticeboards. Notice has also been sent to statutory consultees, adjoining authorities and the Growth Point Team (who have advised major interests of the proposal). In this way it is considered to have been brought to the attention of those living, working and carrying out business in the area. The publicity notice is attached for Members information.

2 Representations received in response to the advertisements

- 2.1 In response to the proposed Neighbourhood Area designation 7 representations were received during the consultation period. Two of these, from statutory consultees English Heritage and Natural England raised no objection, two objections were received from local authorities (from the County and Exeter City Councils) and the remaining three objections were made by planning consultants or others involved in the development industry. None of the representations were accompanied by maps showing alternative and smaller proposed areas suggested for designation although such areas were described in the text.

- 2.2 The full text of the representations is available in the Members area and on the EDDC website for information. English Heritage has no objections to the proposal. Natural England made no objection to the proposal but gave general advice and best practice guidance. In summary objections relate to;

- The strategic nature of Cranbrook and its expansion, Skypark, the intermodal freight facility and the airport and their importance to the whole of East Devon, Exeter and regionally;
- That the position in Clyst Honiton is the same as Broadclyst and the same approach should be taken. It is inappropriate to include strategic sites, especially where these already have (outline) planning permission or are at an advanced stage of negotiation;

- The inclusion of Skypark as it is allocated in the Local Plan and benefits from outline planning consent, so that the Plan should make no additional policy requirements and it should be excluded from the Neighbourhood Area. If Skypark is included within the Neighbourhood Area then SDP would like to be involved in the planning process.
- The inclusion of a small area of the Cranbrook new community between the B3174 and Parsons Lane and that part of Cranbrook new community identified in the Local Plan for expansion to the south west (into Clyst Honiton parish) beyond 2026 to provide approx 1500 homes. These should be excluded from the Neighbourhood Area. Inclusion will frustrate the ongoing parish boundary review and it will be inappropriate for Clyst Honiton Parish Council to plan for future Cranbrook residents who will shortly have their own Parish Council/it will be inappropriate to produce a Plan for part of a strategic site when the remainder is in a different Parish;
- The inclusion of the airport. It should be excluded from the Neighbourhood Plan area because it is covered by national legislation which governs aviation and land use planning matters, there is already a masterplan (referred to in the Local Plan) for the airport and an additional layer of neighbourhood planning policy would create confusion.
- Implications for the wider community – interest is greater than the immediate Clyst Honiton area;
- The difficult timing - with plans and applications for the sites well advanced or already granted; and
- Difficulty in delivering key strategic infrastructure if the Parish Council are able to claim, and decide how to spend, 25% of Community Infrastructure Levy payments. Funding should not be diverted away from the significant infrastructure requirements of the important strategic developments so the boundary should be drawn to exclude Cranbrook, Skypark and the Intermodal interchange.

2.3 A plan showing the various areas suggested for exclusion is included in this report.

3 Observations arising from the Representations

3.1 The representations raise a number of issues which are relevant to the extent of the Neighbourhood Area. Many of these points were also made in respect of the designation of the adjoining Broadclyst Neighbourhood Area to the same issues and the responses are therefore the same. Observations on issues raised in consultation responses are bullet pointed under general subject matter headings, as follows:

3.2 Wider Interests -

- Any development of the three 'strategic' areas of Cranbrook, Skypark and the Intermodal Freight facility will have implications that impact upon a wider sphere of influence than Clyst Honiton parish. Strategic issues apply to the planning of these sites, including supporting infrastructure, such as transport measures, education provision and District heating. These are larger than

local impacts and larger ‘communities of interest’ than just those residents/business interests in Clyst Honiton Parish. Although not a ‘strategic’ allocation in the Local Plan, activity at the Airport has similar far-reaching impacts.

- If and when a neighbourhood plan which included strategic sites came to examination an Inspector may judge (presuming the emerging plan was found ‘sound’ and ‘compliant’) that the referendum would need to take place over a wide area, reflecting the wider “community of interest”. Potentially this would include parts of Exeter and elsewhere in East Devon.
- There will be a distinct difference in the nature and character of the extensive rural parts of the Parish and the significant new development proposed to the north of the A30. It is unlikely that a single approach or set of planning policies could comprehensively address such a diversity of issues. Unlike the neighbouring parish of Broadclyst however, Clyst Honiton village will lie adjacent to much of the strategic development and there is not a clear rural separation.
- The emerging new Local Plan has itself involved the wider community through extensive consultation and this, together with regular meetings between the Parish Council, residents and developers, offers the opportunity for matters of detail to be developed within the context of the strategic framework developed in the new Local Plan.

3.3 New Parish of Cranbrook -

- The Council has given authority for an electoral review to be carried out with a view to creating a new parish. Progress of a Neighbourhood Plan at this stage might frustrate and conflict with the electoral review process.
- If a small area of the new Parish of Cranbrook, between the B3174 and Parsons Lane is included within the Clyst Honiton Neighbourhood Area then the new Parish Council and residents will be covered by a Plan which they have not produced and may not agree with. There is further potential for confusion as the Local Plan refers to (but does not identify the extent of) a future south western expansion to Cranbrook beyond 2026 to provide approx 1500 homes. This would lie within Clyst Honiton Parish.
- Depending on timing, CIL money raised through the future expansion of the new town may also pass to Clyst Honiton, rather than a new Cranbrook Parish Council.

3.4 Timing –

- The East Devon Local Plan is due to be considered at examination in February. Planning permission has already been granted for Cranbrook (although the expansion site will not be allocated or granted permission for a number of years), the intermodal freight facility and Skypark. At this stage the Neighbourhood Plan would have limited opportunity to positively influence key decisions and could not affect existing planning permissions. It would have to comply with the strategic policies of the Local Plan but it could produce local policies addressing issues such as design and layout.

- Given the advanced stage of some of the strategic sites, it is unfair to raise the local community's expectations as inclusion of strategic sites within the Neighbourhood Plan would suggest that it is able to influence their development. The community and the Local Planning Authority cannot stop the submissions of planning applications and the likelihood is that, since most sites have existing permissions or applications expected shortly, a neighbourhood plan would be overtaken by events. This could lead to frustration and confusion.

3.5 **Community Infrastructure Levy -**

- Existing Section 106 agreements have helped to fund significant infrastructure to support development within (and around) Clyst Honiton parish including the new bypass. Future developer contributions likely to result from the emerging East Devon Community Infrastructure Levy will only be payable on residential and retail development and so will not apply to the majority of strategic development currently allocated in the parish (as much of this already has outline planning permission and is, in any case, for employment use). CIL would be payable on future houses if Cranbrook expands in the future.
- Under new regulations, Parishes with adopted Neighbourhood Plans would be able to claim up to 25% of CIL receipts to fund local infrastructure. This could significantly reduce the CIL receipts of the Local Planning Authority and undermine the ability of the District, City and County Councils to deliver key infrastructure, despite the fact that our Council is already committed.

3.6 **Resources -**

- The Council has a legal duty to support the production of Neighbourhood Plans as well as being responsible for the organisation and cost of the examination and referendum. If the Plan is to include areas where the majority of the District's growth is concentrated, the Council is likely to need to appoint a dedicated Officer to liaise with the Growth Point Team, residents and developers to ensure that the Plan and its production do not undermine, conflict with or delay delivery of the proposed strategic sites. Conversely, there is little merit in producing a Plan which will require a considerable level of investment of time, energy and cost if, due to the expected timing of planning applications and associated decisions ahead of its adoption, it will be of limited importance.

4 Clyst Honiton Parish Council's Position

- 4.1 A meeting has taken place between Clyst Honiton Parish Council and a Planning Officer to discuss the Parish Council's aspirations. As it stands, despite being surrounded by major strategic development, the village itself is unlikely to receive any development as it does not have a Built-up Area Boundary in the Local Plan. The Built-up Area Boundary was deleted in the last East Devon Local Plan in response to noise and safety concerns expressed by and regarding the Airport. At that time it was not considered sensible to enable additional development in a location which could potentially cause nuisance or danger to future residents. The Parish Council would like to review the position in light of changes to the operation of the Airport and in light of additional land, not directly in the line of the runway, potentially being available.

- 4.2 The Parish Council are keen to undertake a Neighbourhood Plan in order to deliver fairly modest, but key, facilities to the village as existing residents feel disenfranchised. With the establishment of a new school at Cranbrook, Clyst Honiton has lost its primary school and the site has been sold to a private owner. As a result, the village no longer has a focal community facility and lacks any meeting space except the Church belfry. This is very small, requires the Churches consent and availability and does not meet equality requirements. At the same time, strategic infrastructure such as the bypass, has created a strong boundary to the village but left small pockets of open and unused land which, if not developed positively, could be open to unauthorised use such as tipping or overnight stays. The Parish Council would like to see these areas used for the benefit of residents.
- 4.3 The Parish Council intend to explore the possibility of allocating a site for a modest number of houses (perhaps 20 or so) to generate some CIL receipts which could be invested towards a new hall and to provide some housing for local people, for instance older residents wishing to downsize to bungalows. There are several possible sites around the village which may be suitable for these purposes.
- 4.4 The Parish Council would obviously like to be able to use CIL receipts from other development in the Parish to provide community facilities but appreciate that, as it stands, most new development won't be liable to CIL (as it is not for residential or retail use and in any case has planning permission). The Neighbourhood Plan would however accord them the opportunity to provide housing to meet local needs and provide funding towards much needed local community facilities.

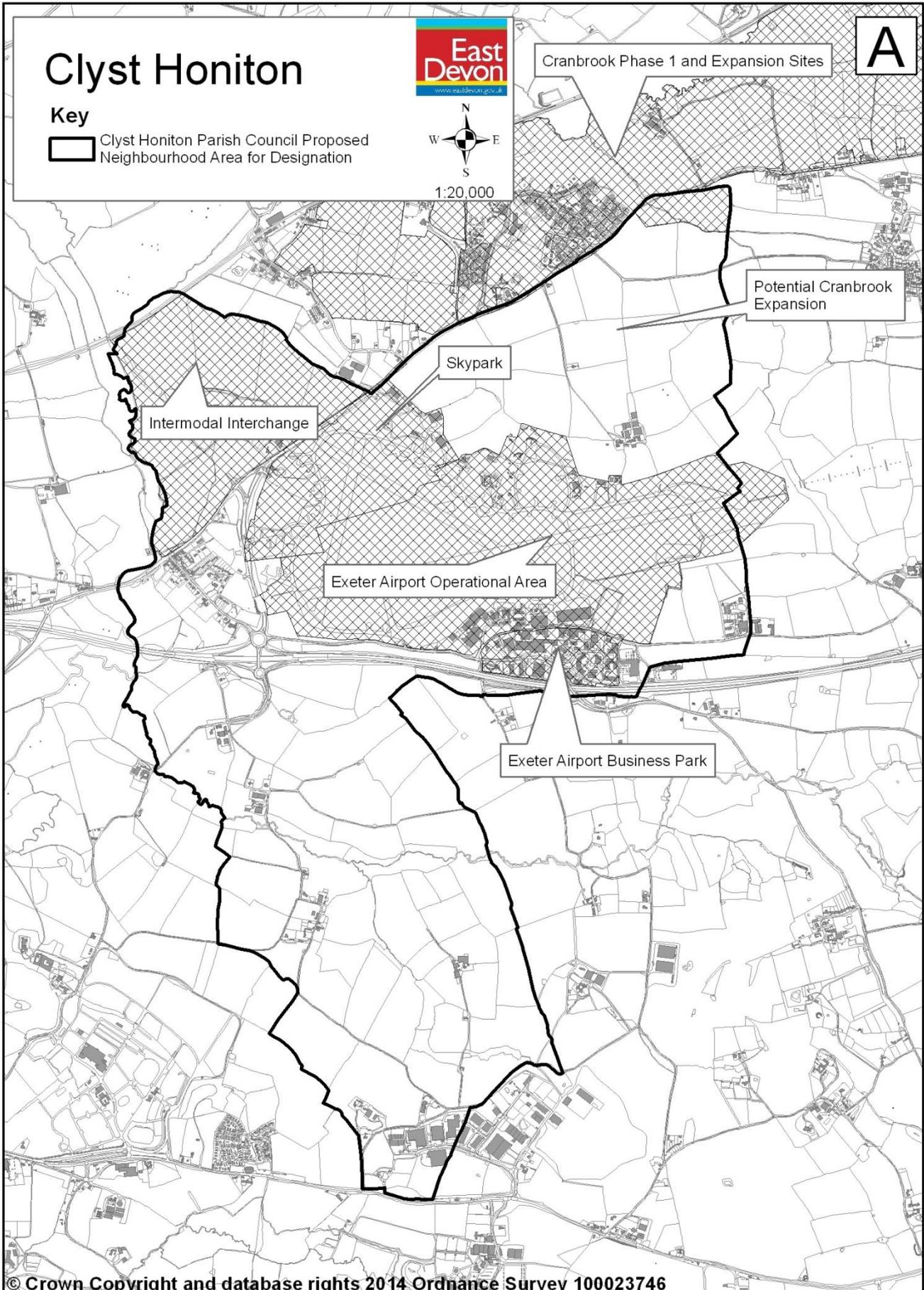
5 Designating an alternative Neighbourhood Area to that which was originally applied for

- 5.1 Members are reminded that the original application was for the designation of the whole of Clyst Honiton Parish. This Cabinet report identifies this as an option but also highlights an alternative option. In reaching a judgement about the extent of the Neighbourhood Area to be designated, the Council, as Local Planning Authority, needs to consider:
- Is the proposed area consistent, coherent and appropriate for neighbourhood planning?
 - Is the neighbourhood area an appropriate area to 'plan' for in planning terms?
 - Does the proposed neighbourhood area reflect recent/ current development proposals in the area?
- 5.2 There is limited case law in respect to Council's not endorsing an applied for area with just one Council decision (that officer searches have identified), at Dawes Hill in High Wycombe, being subject to legal challenge. In that case the District Council resolved to designate an area that was smaller than that applied for and which excluded two strategic sites that featured in the original application (one of which had a current planning application on it and an application was expected imminently on the other). The area was not parished so a Neighbourhood Forum (rather than a Parish Council) put forward the area they considered appropriate for a Neighbourhood Plan. The legal challenge, in the form of a Judicial Review, was heard at the High Court in 2013. The Judge found that the reasons given by

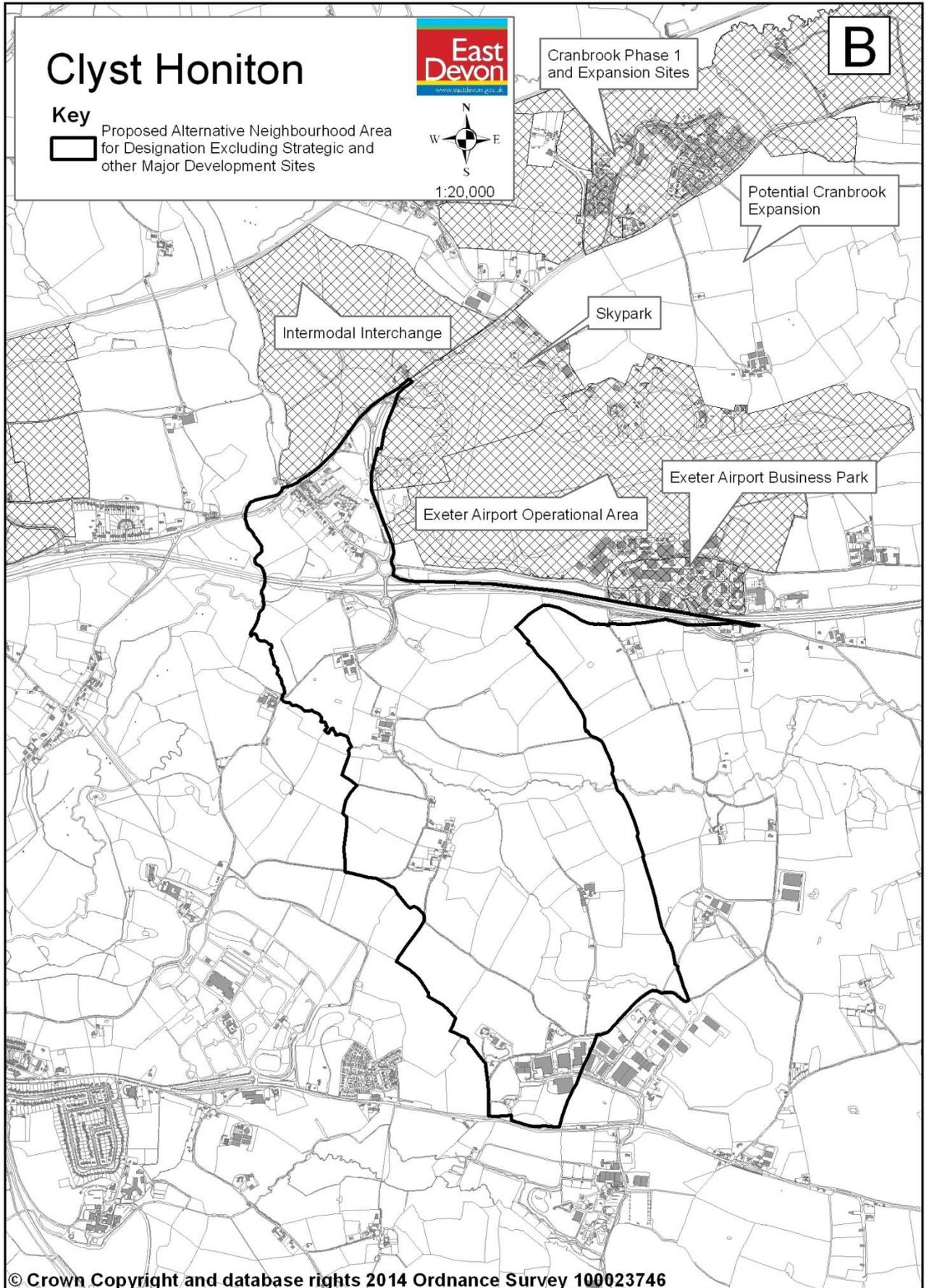
Wycombe District Council for the exclusion of these sites from the Neighbourhood Area were sound.

- 5.3 In summary, these reasons referred to
- the strategic nature of the sites
 - the wide communities of interest - greater than the immediate Daws Hill area
 - the difficult timing - with plans and applications for the sites well advanced
 - the other opportunities for the local community to input to the planning of these strategic sites.
- 5.4 This Council considered an application from Broadclyst Parish Council for the designation of their whole Parish as a Neighbourhood Area last year. Following receipt of a number of objections, similar in nature to those received in respect of Clyst Honiton, negotiation was undertaken with the Parish Council and a revised area was agreed by Members. The Neighbourhood area now covers Broadclyst village and the surrounding rural hinterland but excludes the strategic sites identified in the submitted East Devon Local Plan.
- 5.5 There are numerous alternative areas which could be designated but the most realistic options, given the representations received would appear to be:
- a) The whole Parish of Clyst Honiton be designated as a Neighbourhood Area** (as per the original application from Clyst Honiton Parish Council).
 - b) A smaller Neighbourhood Area, including most of the Parish but excluding Cranbrook and its expansion, Skypark, the intermodal freight facility and the airport (and airport employment area)**
- 5.5 These options are defined on two separate plans that are on the pages that follow.
- 5.6 Officer recommendation is to designate a smaller Neighbourhood Area than that applied for, option B. This would exclude the strategic sites (skypark and intermodal freight facility) which are at an advanced stage of planning and delivery, the airport (which is covered by national planning legislation), the airport business park (which is already developed) and the small section of Cranbrook and future expansion area to the east of these strategic areas. These sites comprise around half of the parish- the north and eastern sections- and are bounded by strong physical features (the old A30, bypass and new A30). Excluding the small current area of Cranbrook and its future expansion area, would also avoid the future situation where residents of the new community found themselves subject to a Neighbourhood Plan produced by a different Parish Council. The Neighbourhood Area would still include Clyst Honiton village, numerous farms, a small employment area and an extensive rural hinterland so a Neighbourhood Plan could make a valuable contribution towards planning for these areas. This would enable District Council resources and support to focus on Clyst Honiton village itself and helping the Neighbourhood Plan group to deliver the projects and development of most benefit to the community eg a small amount of housing and community facilities, rather than investing resources into major projects over which the Neighbourhood Plan would have limited control. This would also be consistent with the approach taken in Broadclyst.

A - The whole Parish of Clyst Honiton be designated as a Neighbourhood Area (as per the original application from Clyst Honiton Parish Council)



B - A much smaller Neighbourhood Area, including Clyst Honiton village and including a small rural hinterland,



- 5.7 If Members do not designate the Neighbourhood Area as proposed in the formal original application (i.e. the whole of the Parish of Clyst Honiton – option A, the Council must publish a statement setting out the decision and the statement of reasons for making that decision (the ‘decision document’). Under this scenario (i.e. if the decision reached is anything but option A) the Council will designate a modified area as the Neighbourhood Area. This approach complies with Section 61G (5) of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011), which explains that the local authority must designate some part of the area applied for as a Neighbourhood Area (in other words, the Council cannot merely say ‘no’ to a proposed Neighbourhood Area, but must designate an alternative area to that applied for).

Next Stage and Decision Document

- 5.8 The Council will need to publish the decision relating to the neighbourhood area on the website and bring the designation to the attention of people who live, work or carry out business in the neighbourhood area.
- 5.9 In order to maintain a consistent approach to Neighbourhood Areas in this part of the West End of East Devon it is recommended that the following reasons, or an amended version of them, for designating a smaller Neighbourhood Area are agreed.
1. The development of strategic and/or major development sites Skypark, Cranbrook and its future expansion area, Exeter Airport, Exeter Business Park and the Intermodal Freight Facility will have implications that impact upon a wider sphere of influence than Clyst Honiton parish. It is not appropriate for such a site or sites to be planned by, and for, the community with a referendum which involves only Clyst Honiton residents.
 2. There is a distinct difference in the nature and character of the Parish between the existing village of Clyst Honiton, the extensive rural area to the south of the parish and the significant new development to the north and east of the parish. It is unlikely that a single approach or set of planning policies could comprehensively address such a diversity of issues.
 3. The Council has given authority for an electoral review of part of Clyst Honiton to be carried out with a view to creating a new parish. Progress of a Neighbourhood Plan at this stage might frustrate and conflict with the electoral review process. It could also result in residents of Cranbrook being subject to a Plan which they have not produced and do not agree with.
 4. At this stage the Neighbourhood Plan would have limited opportunity to positively influence key decisions and could not affect existing planning permissions on strategic sites and Exeter Airport. Inclusion of major development and strategic sites would unfairly raise the local communities expectations as they will have limited influence.
 5. Parishes with adopted Neighbourhood Plans would be able to claim up to 25% of CIL receipts to fund local infrastructure which could significantly reduce the CIL receipts of the Local Planning Authority and undermine the ability of the District and County Councils to deliver key infrastructure to

which they are already committed and which are needed for the strategic developments.

6. Supporting a Plan which includes strategic development sites at an advanced stage of delivery is not considered an effective use of resources. A Neighbourhood Plan would have to follow the various statutory stages set out in regulations culminating in an Examination and, after that, a Referendum. The District Council acknowledges its legal duty to support the production of Neighbourhood Plans but considers there is little merit in investing considerable time, energy and finance if, due to the expected timing of planning applications and associated decisions ahead of its adoption, it will be of limited importance.

Legal Implications

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

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

In this instance it is the responsibility of the Committee to determine the suitability / extent of the Neighbourhood Area to designate and moreover to determine the reasons for so doing. It is critical (to avoid the risk of legal challenge) that full and justifiable reasons are given when making the decision.

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

Financial Implications

Possible financial implications have been highlighted in the report. Government grants are available to fund any referendum and examination.

Consultation on Reports to the Cabinet

Not Applicable.

Background Papers

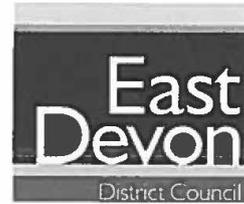
- East Devon Local Plan Submission August 2013.
<http://www.eastdevon.gov.uk/sd002-proposedminorpostpublicationchanges.pdf>
- Report to Committee on 17 July 2013
http://www.eastdevon.gov.uk/cabinet_agenda_170713_-_public_version.pdf
- Minutes of the Cabinet meeting for 17 July which can be viewed at:
http://www.eastdevon.gov.uk/cabinet_mins_170713.pdf

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

Matthew Dickins mdickins@eastdevon.gov.uk
Planning Policy Manager

Cabinet
5 March 2014

Application for Designation of a Neighbourhood Area



This information is intended to assist the Local Planning Authority in making a decision but please note that further information may be required.

Which Town or Parish Council is applying to designate a neighbourhood area?

CLYST HONITON PARISH COUNCIL

If more than one Town or Parish Council are working in partnership, please give details of all parties

contact details –	EAST DEVON DISTRICT COUNCIL ECONOMY
contact details –	30 SEP 2013
contact details –	ACK CIRC SEEN FILE
contact details –	

- Please confirm that all the parishes listed above agree to the application
- Please confirm that the organisation/s or body/ies making the area application is a relevant body for the purposes of section 61G of the 1990 Act.

Please advise what, if any, discussion has taken place with neighbouring Parishes with a view to partnership working? Where applications include sites in adjoining Parishes their agreement should be sought.

I have contacted the clerk at Broadclyst Parish Council to enquire if we can include Endsleigh Crescent in our plan. Awaiting an answer.

Please append a map identifying the area to which the area application relates. *attached*

Please explain why this area is considered appropriate to be designated as a neighbourhood area *As our parish/village is in the centre of major new development in the West End of East Devon, we wish to ensure we maintain a good positive neighbourhood environment for all villages and parishes. There is a high level of existing and potential new commercial businesses in the Parish, such as Sainsbury's Regional Centre, Airport and Skypark, which we trust would be supportive and supported. There are potential prospects for new housing in the village and sites*

Signed *J Mitchell* Date *26/9/13* PTO
 Position *Parish Clerk* Organisation *Clyst Honiton Parish Council*

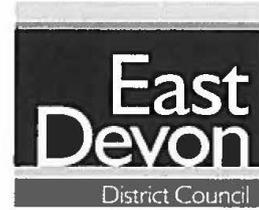
Please copy any information to Lynne Askew - Asklyn@bt.com

Cont:-
have been identified. A new community centre is needed as the school has closed and the only community meeting place is the lofty belfry in Clyst Honiton Church, which is in need of improved facilities. The old school playing field is in the process of changing hands from DCC to the Parish Council for village use.

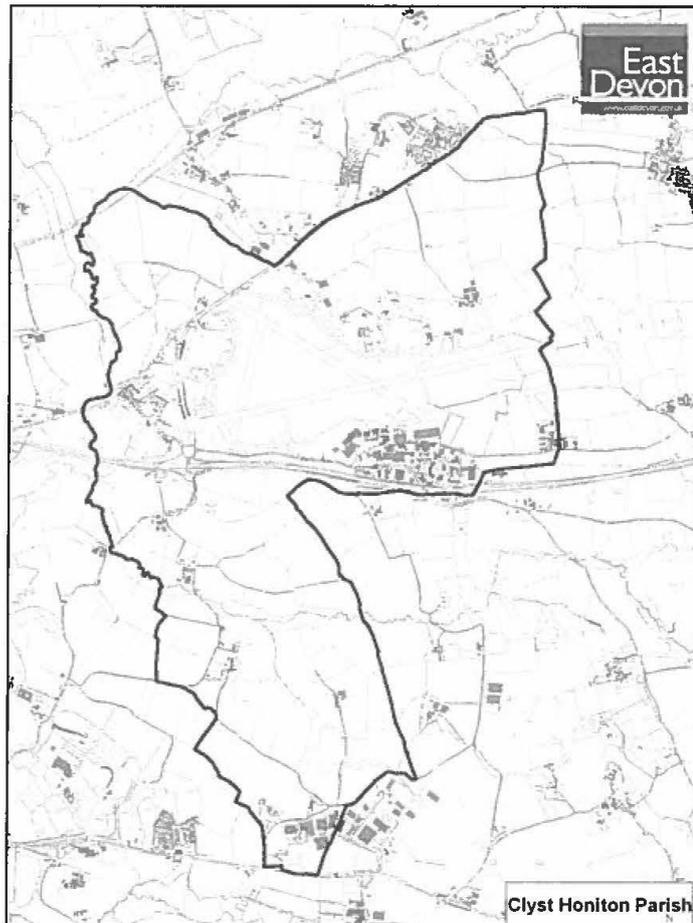
All this is vital to develop and maintain a vibrant community for all ages, now and in the future.

The Neighbourhood Planning (General) Regulations
2012

Application for Designation of a Neighbourhood Area



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



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

or by appointment with Clyst Honiton Parish Council

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

THE CLOSING DATE FOR COMMENTS IS 25th November 2013

Agenda Item 22

Cabinet

5 March 2014

CNR



Proposed designation of Broadhembury and Bishop's Clyst Neighbourhood Areas

Summary

Proposals have been received to designate Broadhembury and Bishop's Clyst Parishes as Neighbourhood Areas. These have been subject to the requisite six week consultation period by the District Council and have received no objections.

It is proposed that both designations are approved.

Recommendation

It is recommended that:

1. **Broadhembury Parish is designated a Neighbourhood Area.**
2. **Bishop's Clyst (Clyst St Mary and Sowton Parishes) is designated a Neighbourhood Area.**

a) Reasons for Recommendation

Refer to the report.

b) Alternative Options

The alternative is not to designate the areas, however there is no valid reason for this as no objections have been received.

c) Risk Considerations

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

d) Policy and Budgetary Considerations

The District Council has a duty to support the production of Neighbourhood Plans and to pay for a referendum and examination. Grants of up to £30,000 (total) per Plan are available from DCLG to help the Council meet these costs. It may be that grant availability is time limited or could be capped. It is likely that a complex Neighbourhood Plans will increasingly require greater amounts of dedicated Officer time and could have implications for budgets. If it is deemed that a Neighbourhood Plan has implications for residents beyond the immediate Parish, a wider referendum may be suggested by the Inspector. Depending on the area, this could have significant cost implications. Under the Community Infrastructure Levy Regulations, Parish Councils will receive 15% of CIL generated from new development capped at £100 per dwelling. In areas covered by adopted Neighbourhood Plans, this rises to 25% of CIL contributions, uncapped.

e) Date for Review of Decision

No review is proposed.

1.0 Broadhembury and Bishop's Clyst Neighbourhood Area Applications

- 1.1 The District Council has received applications from two Parish Councils (Broadhembury and Bishop's Clyst which cover Clyst St Mary and Sowton) for the designation of each Parish as a Neighbourhood Area. Once designated, the Parish Councils intend to produce a Neighbourhood Plan for their area. Although this report addresses both proposed designations it should be noted that they are separately made by the individual Parish Councils.
- 1.2 There are two main considerations in this report
- The legal requirements concerning whether the applications for designation as Neighbourhood Areas have been properly made and advertised
 - Whether the areas applied for are appropriate

Does the application meet the requirements of the regulations?

- 1.3 The requirements for an application for designation of a Neighbourhood Area are set out in regulation 5 of the regulations and in section 61G of the 1990 Act (which was amended to incorporate parts of the Localism Act 2012).
- 1.4 Regulation 8 states that an application to the Council for designation of a Neighbourhood Area "must" include:
- a. A map which identifies the area to which the application relates;
 - b. A statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and
 - c. A statement that the organisation is the relevant body for the purposes of section 61G of the 1990 Act.
- 1.5 Both applications meet the requirements. They each include a map of their whole Parish and a statement confirming that the Parish Council is a qualifying body. They also include the reason for requesting that the whole Parish be designated.

Are the areas applied for appropriate?

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

3 Next stages

- 3.1 Once Neighbourhood Areas are designated for Broadhembury and Bishop's Clyst, this must be advertised on the EDDC website and locally. The Parish Councils can then commence production of their Neighbourhood Plans.
- 3.2 Upon designation EDDC can apply for £5,000 grant funding from DCLG per Neighbourhood Area. Upon receipt of this money £2,000 is usually granted on to the Parish Council to assist with their costs, whilst the remaining £3,000 is retained towards District Council costs. Further stages of Neighbourhood Plan making will qualify for an additional £25,000 from DCLG to help EDDC meet referendum and examination costs, however this is not guaranteed beyond 2014/15 (although the obligation for EDDC to meet these costs will remain).

Legal Implications

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

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

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

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

Financial Implications

The financial implications are as indicated within the report.

Background Papers

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

Claire Rodway Ext 2218 crodney@eastdevon.gov.uk
Senior Planning Officer

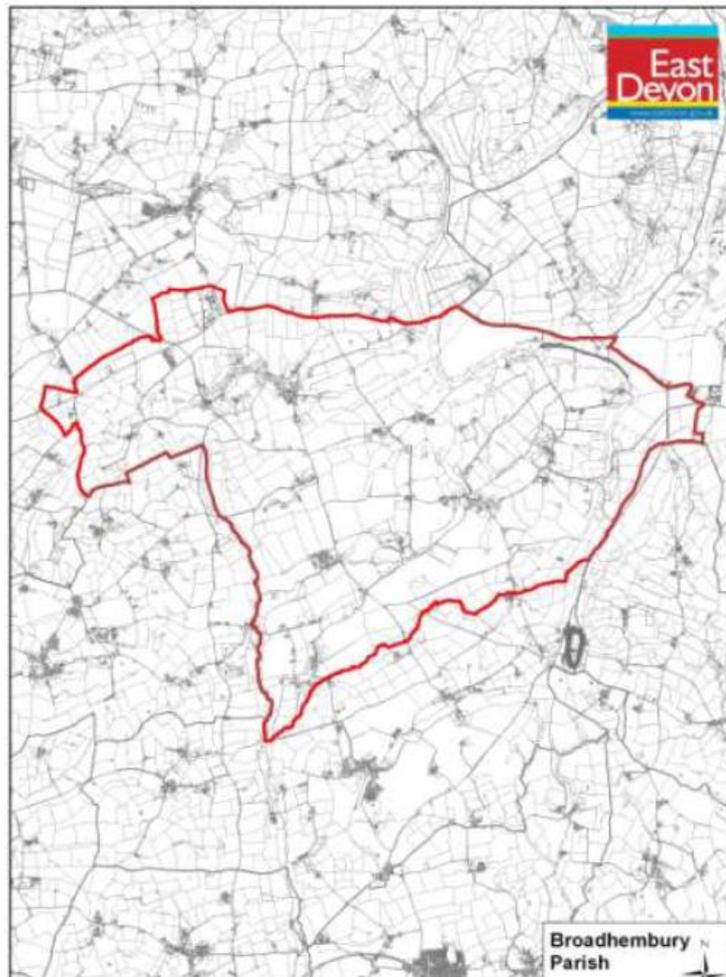
Cabinet
5 March 2014

The Neighbourhood Planning (General) Regulations
2012

Application for Designation of a Neighbourhood Area



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



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

or by appointment with Broadhembury Parish Council

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

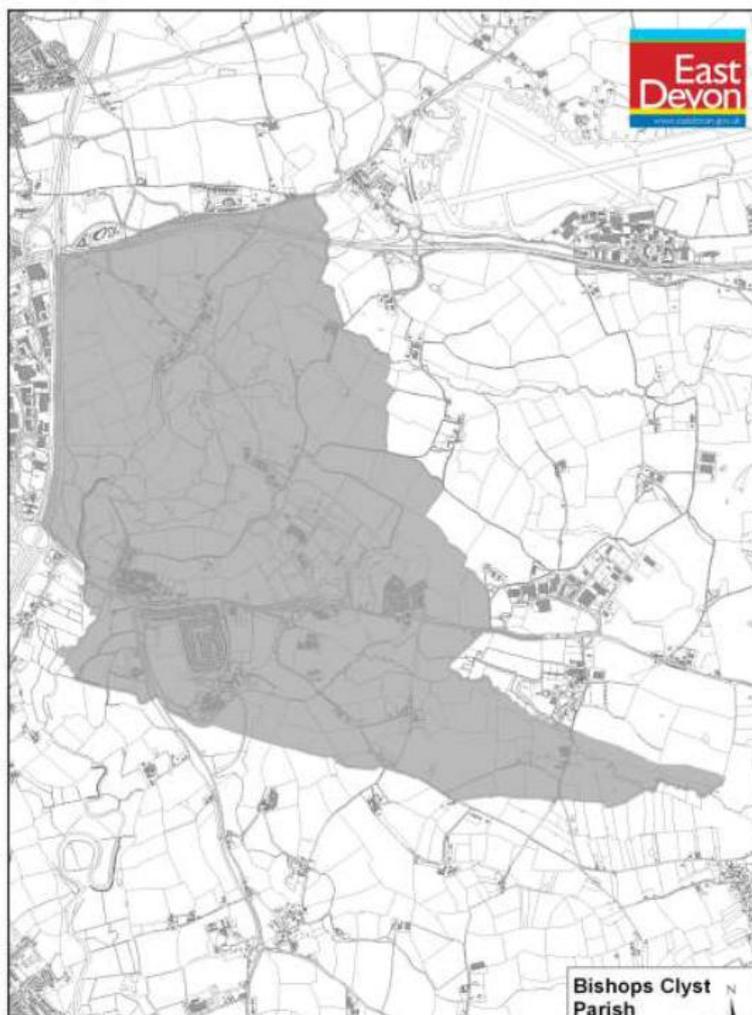
THE CLOSING DATE FOR COMMENTS IS 27th January 2014

The Neighbourhood Planning (General) Regulations
2012

Application for Designation of a Neighbourhood Area



We have received an application from Bishops Clyst Parish Council for the designation of the Parish of Bishops Clyst (Clyst St Mary and Sowton) as a Neighbourhood Area.



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

or by appointment with Bishops Clyst Parish Council

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

THE CLOSING DATE FOR COMMENTS IS 23rd December 2013

Agenda Item 23

Cabinet report

5 March 2014

AE/JHW



Review of Pest Control Service

Summary

This report outlines the background, need and justification for proposing that a post is established for an in-house pest control technician, initially on a 1 year contract starting from May 2014. The report outlines the proposed service and includes a summary of expected income and expenditure. The report recommends that a technician is appointed in order to assist the team in fulfilling its public health responsibilities and providing a good service frequently requested by East Devon residents and other teams within the Council.

Recommendation

That authority to advertise for and recruit a qualified pest control technician is approved.

a) Reasons for Recommendation

To enable the Environmental Protection team to provide a managed, improved public health investigation and treatment service to residents of East Devon affected by pest infestations.

b) Alternative Options

The alternatives are to not provide a service at all, to recommend that residents may wish to use local contractors, or to revisit the feasibility of contracting out the service again.

c) Risk Considerations

The risks of providing an in-house service are:

- a) That the estimated targets for treatments are not met resulting in dissatisfaction.
- b) That the service makes a net loss.
- c) That the appointed technician does not provide the standard of service expected.
- d) That the appointment of one technician provides no cover for leave or sickness.

The risks of not providing a service are:

- a) Information about treatments provided by private contractors are incomplete and unco-ordinated.
- b) Too much existing staff time is taken up with pest control investigations, interfering with other programmed work.
- c) We miss out on an opportunity to protect and enhance the reputation of the Council by better fulfilling its responsibilities to protect public health.

d) Policy and Budgetary Considerations

Local authorities are not legally obliged to provide pest control services themselves although there are sound public health reasons why most do in fact do so. Council's are however legally obliged to take steps to prevent and deal with infestations of vermin on their own land. In East Devon we have previously used contractors to monitor and treat infestations in a number of locations including parks and gardens, depots and our seafronts. Our previous policy has been to offer our residents a reasonably priced pest control service and this has been done via a contractor who has tendered the most favourable fixed price service (assessed on the basis of quality and price).

It is possible now to offer an in-house, not for profit service that will be of a good quality and represent good value for our residents. This is being run as a fixed term trial to properly evaluate demand and performance. There are unlikely to be any additional costs associated with this proposal.

e) Date for Review of Decision

December 2014

1 Background

1.1 The Environmental Protection Team is responsible for investigating and seeking a resolution to complaints about environmental conditions which might affect the public health of residents. Some core public health issues include inappropriate use of domestic gardens and accumulations of rubbish (inside and outside properties) and the presence of pest infestations. The main pests of public health concern locally are rats, mice, fleas and bed bugs. In addition wasps and bees often cause great concern to some members of the public, particularly if the nests are found in public areas.

1.2 Traditionally most environmental health departments across the country had teams of in-house pest control technicians whose responsibility was to treat pest infestations and sometimes take pro-active action to prevent them occurring. These services have disappeared in many authorities as a result of financial cut-backs and reorganisation of responsibilities. Some authorities, including East Devon, chose several years ago to reduce the service provided and deliver the residue via a contractor. Unfortunately there have been problems with service delivery over the last 3 years.

1.3 In summary these problems are:

- a) Inability of contractors to deliver a consistently good standard of customer service at a reasonable cost;
- b) Frequent turnover of staff leading to inconsistency in training and delivery and a lack of commitment to East Devon standards;
- c) Problems with communications and feedback;
- d) Inefficiencies in contract management leading to dissatisfied customers;
- e) Considerable time being spent by the client manager in resolving problems.

2 Need

2.1 The contract with our most recent contractor was discontinued in 2012. There was no Council Pest Control service offered during the winters of 2012/13 and 2013/14. A reduced service was offered to some customers during summer 2013, mainly dealing with rats and wasps. We have reviewed the need for a Council Pest Control service and concluded that there is a demand.

We view our core responsibility to protect public health seriously and being able to efficiently clear pest infestations is central to this for the following reasons:

- a) It gives us the ability to manage infestations affecting several properties;
- b) It assists our role in providing advice and practical assistance to groups of residents;
- c) We can ensure that infestations are properly eradicated – this is particularly important for rats and bed-bugs, both of which can quickly spread between properties.
- d) This is an opportunity to provide and remain in control of an important front line service that is likely to lead to good customer satisfaction and enhance our reputation.

In the current situation we sometimes see that a rat infestation affecting several properties may be treated by several different private contractors achieving varying degrees of success.

2.2 There are other practical advantages to choosing an in-house option:

- a) Workloads and appointments can be managed and tracked by the team, any of whom can then feedback progress to customers;
- b) We can ensure that the pest control technician meets East Devon standards of competency and service delivery;
- c) Cases will be resolved more efficiently and involve less technical officer resource;
- d) The pest control technician can assist in the investigation of fly nuisance which can be a significant workstream in the summer;
- e) There is an income opportunity which should allow the service to be established at no extra cost;
- f) The team can offer a service to the Estates, StreetScene and Housing Services to monitor and treat pests on Council Land (for example parks, beaches and common parts of housing estates).

3 Proposed Service

3.1 The service we propose is as follows:

- a) We appoint a qualified (Royal Society of Public Health Level 2 Pest Control) technician full-time on (subject to JE) Scale 4, initially on a 1 year fixed term contract.
- b) The PCT is a mobile worker field based, communicating via mobile working technology and phone.
- c) The PCT provides a service to treat rats, mice, fleas, bed-bugs and wasps in residential premises.



- d) The PCT provides a service to treat the same range of pests in and around Council property on behalf of Estates, Streetscene and Housing.
- e) The PCT provides a service to treat wasps nests on highway land owned by Devon CC (this is a service they have indicated they would welcome).
- f) The PCT can assist the EHOs and Technical Officers in investigating complex cases and fly nuisance.
- g) Cases will be received, logged and allocated by CSC using Lagan to implement a process similar to that in use for our contractors prior to 2012. They will also take payment. The EP team and business support can view progress on a case via Lagan and update the case on behalf of the PCT.

4 Cost Evaluations

4.1 There is currently an annual budget of £15,000 for the provision of pest control services. This has been used in a variety of ways whilst the contractors were in place, but mainly to subsidise treatment costs and to investigate and resolve complex cases and to carry out works on our own land.

4.2 Customers would be charged for the service at a rate similar to or less than that proposed by contractors during the last tendering exercise (2013). These rates compare well with neighbouring Councils and , inclusive of VAT, are as follows:

Rats:	£60 per treatment (up to 3 visits)
Mice:	£60 per treatment (up to 3 visits)
Fleas:	£30 per room
Wasps:	£30 per visit
Bed Bugs:	£50 evaluation and spot treatment, individual quote for further treatment.

(The treatment of bed bugs can be complex and long term and each case would need to be assessed.)

No Access/Survey Only: £20

4.3 There would be an internal transaction (tba) between Environmental Health, and Estates, Streetscene, Housing and DCC for services provided.

4.4 We have data for the last three years of work carried out by contractors:

	<u>2010</u>	<u>2011</u>	<u>2012</u> (6 months)	<u>Projections</u>
Rats	561	405	270	500
Mice	92	95	66	100
Fleas	36	33	26	30
Wasps	306	406	99	300
Bed bugs	3	10	4	5

4.5 Potential Income:

Rats: 500 x 60 = £30,000
Mice: 100 x 60 = £6,000
Fleas: 30 x 30 = £900
Wasps: 300 x 30 = £9,000
Bedbugs: 5 x 150 = £750

Total Income = £46,650 (inc VAT)

4.6 Estimated costs of the service are as follows:

1 x PCT on Scale 4 = £23,000
(inc. employer on costs)

On-costs (25%) = £6,000
(internal recharges)

1 x van and annual mileage = £10,000

Equipment and Chemicals = £3,000

Clothing and Safety = £500

Total Expenditure = £42,500

There would be a need for a small COSHH compliant store at Manstone or Knowle depots.

4.7 These estimates would represent an overall saving for the team as the current annual budget of £15,000 has not been taken into account, and neither have any potential recharges. If the number of requests for service is fewer, perhaps because the public have become unused to asking the Council for assistance, this budget would still be required.

Legal Implications

Local authorities have wide powers to provide discretionary services including powers in Section 2 of the Local Government Act 2000 to do anything they consider likely to achieve the promotion or improvement of the economic, social and environmental well-being of their areas. Section 93 of the Local Government Act 2003 gives the Council power to charge for discretionary services based on the cost of provision and to set fee levels. In exercising section 93 powers, Councils should have regard to government guidance. In 2003 the Cabinet Office published guidance on use of the charging power, and the proposals in the report do not conflict with this.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/8310/151291.pdf

Financial Implications

Financial implications are included in the report.

Salary being subject to the JE process may possibly increase the costs.

Funding of the post is subject to the projected income, should this income fall below projections, then EDDC will be funding the shortfall.

The budget provision for 2014/2015 is £15,820 (subject full council 26/02/2014)

Consultation on Reports to the Cabinet

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Background Papers

- None.

Janet Wallace – Ext.1647 jwallace@eastdevon.gov.uk
Principal Environmental Health Officer

Cabinet
5 March 2014

Agenda Item 24



Cabinet

5 March

Performance Report January 2014

Monthly Performance Report January 2014

Summary

Performance information for the 2013/14 financial year for January 2014 is supplied to allow the Cabinet to monitor progress with selected performance measures and identify any service areas where improvement is necessary.

Recommendation

That the Cabinet considers the progress and proposed improvement action for performance measures for the 2013/14 financial year for January 2014.

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.

1 Main Body of the Report

1. Performance information is provided on a monthly basis. In summary most of the measures are showing acceptable performance.

2. There are two indicators that are showing excellent performance
 - Percentage of planning appeal decisions where the planning inspector has agreed with the Council's decision
 - Percentage of Non Domestic Rates collected

Also in January the Building Control Team were notified that they had passed their external audit by the British Standards Institute, with no non-conformities. The auditors were very impressed with the progress made by Building Control over the last year. The full Auditors Report is available at Appendix D.

3. There are no Performance Indicators showing as concern
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.

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 January 2014](#)
- ❑ [Appendix B - The Performance Indicator monitoring report for the 2013/14 financial year for January 2014](#)
- ❑ [Appendix C – System Thinking Reports for Housing, Streetscene, Planning and Revenues and Benefits](#)
- ❑ [Appendix D - British Standards Institute Audit January 2014](#)
- ❑ [Appendix E - Explanations and definitions.](#)

Karen Jenkins kjenkins@eastdevon.gov.uk
Corporate Organisational Development Manager

Cabinet
5 March 2014

Monthly Performance Snapshot – January 2014



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

- **99.69%** of rent due on council owned homes collected
- **6.4 days** to process your Housing or Council Tax Benefit claims
- **3 days** to clear fly tipping cases, dealing with 88 cases this month, up from 40 cases last month
- **99%** of invoices received by us are paid within 30 days
- **55.94%** of all waste collected was recycled in January boosted by large amount of glass and food waste

Latest headlines:

- We have now started to have street sweepings composted and this has added to our recycling rate and reduced further the amount of waste going to landfill.
- The Environmental Health Commercial Team visited 101 small and medium sized businesses at Heathpark Industrial to offer them the opportunity to have a qualified Health & Safety officer visit them at a convenient time and help them assess their knowledge on key health and safety risks, and review what actions they had put in place to manage these at their business. All businesses were offered free training sessions on a range of health and safety topics, and training will be taking place in Exeter over the next week. 20 businesses took up the invitation of a focused visit of between one and two hours to discuss health and safety and receive advice and information that may help them to reduce costs and improve safety at their businesses. 17 of these are sending staff to training courses. Many other businesses have also arranged to attend the training.
- Our principal solicitor, working with the planning team, was successful in winning the recent planning appeal which defended the 'green wedge' between Colyton and Seaton. The inspector decided, in refusing development, that the erosion of separation between Colyford and Seaton would be permanent and should not be permitted.
- The Council had a second legal success just before Christmas, when the high court rejected a challenge to the development management committee's decision to grant permission for the new Longboat Cafe, Budleigh Salterton
- Our Housing team attended the first meeting of Dunning Court Tenants Association in Honiton, and the Designated Tenant Complaints Panel heard its first corporate complaint.

- 354.5 hours of work were carried out by volunteers helping the Countryside team in January, in the office and on the nature reserves – a big thank you to all of them from the team.
- The new [What's on Guide for the Manor Pavilion Theatre](#), Sidmouth is now available with over 18 different shows covering Feb- June 2014. The Manor Pavilion Theatre, Sidmouth has seen a huge increase in hiring's for 2014, with very few dates left for the whole of 2014.
- The Thelma Hulbert Gallery (THG) shop sales increased an impressive 145% from January 2013's sales of £321.04 to January 2014's sales of £786.30. Despite the wettest January and notoriously the quietest month of the year visitor figures for THG increased by 49% January 2013 228 to 339 in 2014

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Did you know?

- The main household composition for East Devon is a one person household with a resident aged 65 and over, making up 18.3% of all households, this is far above the national average of 12.4%.
- Since the 2001 census the household type that has grown the most is the one person household which has grown by nearly 2000 households.