

Agenda for Overview & Scrutiny Committee

Thursday, 26 February 2015; 6.30pm



[Members of the Committee](#)

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

[View directions](#)

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- 1 [Public speaking](#)
- 2 Minutes for 22 January 2015 (pages 3-9)
- 3 Apologies
- 4 [Declarations of interest](#)
- 5 [Matters of urgency](#) – none identified
- 6 To agree any items to be dealt with after the public (including press) have been excluded. There is 1 item that officers recommend should be dealt with in this way.
- 7 Decisions made by Cabinet called in by Members for scrutiny in accordance with the Overview Procedure Rules. There are no items identified.

Part A Matters for Decision

- 8 **Application for concession to operate a coffee van on Sidmouth beach during summer season**(pages 10-11)
To discuss the application to operate a coffee van on Sidmouth beach during summer season.
- 9 **Draft East Devon Playing Pitch Strategy** (pages 12-15)
As part of the work of the Budget Scrutiny Task and Finish Forum, the pending playing pitch strategy was flagged up for the committee as a consultee to comment on it.
- 10 **Scrutiny function – feedback from the joint Think Tank** (pages 16-18)
Report back from the joint think tank of the Portfolio Holder – Corporate Business and Portfolio Holder – Corporate Services on discussion relating to the scrutiny function raised at Council on 17 December 2014; and the deferred task and finish forum improvements presented to committee on 22 January 2015.
- 11 **Police and Crime Panel Presentation**(Cllr Tom Wright) (pages 19-25)
To receive a brief presentation on the Police and Crime Panel.
- 12 **Portfolio Holder Update - Economy** (to follow)
A report from the Portfolio Holder – Economy on progress to date.

- 13 **Performance monitoring third quarter 2014/15** including report back on council promise “Make sure that new developments are supported with the right level of investment in infrastructure to benefit the community” which showed a variation in the second quarter of 2014/15. (pages 26-46)
- 14 **Overview and Scrutiny Forward Plan** (page47)
- 15 **The Vice Chairman to move the following:**
“that under Section 100(A) (4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, of the description set out on the agenda, is likely to be disclosed and on balance the public interest is in discussing this item in private session (Part B)”.

Part B Matters for Decision

- 16 **Contractual arrangements to protect the Council’s interests** (pages 48-96)
generally and, more specifically, the contractual arrangements entered into in respect of the Beehive Centre, Honiton

Reason for consideration in Part B: Para 3 Schedule 12A Information relating to the finance or business affairs of any particular person.

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If you are recording the meeting, you are asked to act in a reasonable manner and not disrupt the conduct of meetings for example by using intrusive lighting, flash photography or asking people to repeat statements for the benefit of the recording. You may not make an oral commentary during the meeting. The Chairman has the power to control public recording and/or reporting so it does not disrupt the meeting.

[Decision making and equalities](#)

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

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Overview and Scrutiny Committee held at Knowle, Sidmouth on 22 January 2015

Attendance list at end of document

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

***58 Public Speaking**

Richard Eley spoke about the projected energy cost savings that a move in offices was reported to provide, recently discussed at the Audit and Governance Committee. He recognised that internal audit had been instructed to review the relocation figures and reminded councillors of their duty to check them. He commented that the predictions for energy costs in the future were extremely high, especially in the light of the government predicted rates of cost increase that were significantly lower than the 10.47% increase above inflation figure being used in the relocation calculations. It was too important a decision to get wrong and the local community deserved better.

***59 Minutes**

The minutes of the 13 November 2014 meeting were agreed subject to the following amendments:

Minute 47 (page 4 of agenda papers) second paragraph be replaced with:

Mr Paul Arnott spoke from the floor putting some critical questions regarding the work both of the police and the Council in the investigation of a former councillor. He claimed that "the chief executive of the compromised authority did what he could to meddle with the internal investigations" and also asked the police and crime commissioner, Mr Hogg, if he found it coincidental that something like six hundred days after a report was made from this authority to the police about the conduct of a former councillor, five hundred and ninety-nine days later, and one day before he appeared before the committee, the police finally announced that there would be no further action. Mr Hogg did not comment at the time but later, in response to questions to Mr Hogg and senior police officers, it was made clear by Superintendent Perkin that the police investigation had been long and complex and that they did not think the senior investigating officer would have been aware of this meeting.

Minute 54 (page 12 of agenda papers) 8th paragraph from the start of the minute be replaced with:

Councillor Claire Wright commented on the recent circulation of a letter of the East Devon Alliance. She went on to state that any attempt to eject her from the membership of the Business TaFF would send a message to the public that the Council had something to hide.

The minutes of the 14 January 2015 meeting were agreed.

***60 Declarations of Interest**

Cllr Claire Wright – Min no.65

Personal interest

Reason: Devon Tree Champion for Woodland Trust

Cllr John Humphreys – Min no.65

Personal interest

Reason: Tree surgery is a service provided by his horticultural business

***61 Office relocation update**

The Deputy Chief Executive updated the committee on progress made since his last update to Cabinet on 3 December 2014. In considering the Cabinet minutes at Council on 17 December 2014, Council resolved that a thorough examination of all facts and calculations in respect of the relocation be carried out by the Audit and Governance Committee; the Overview and Scrutiny Committee; internal auditors; and independent auditors.

The Office Accommodation Project Executive Group met on 8 Jan 2015 to consider the shortlist of developer proposals for Knowle. A preferred developer was selected and has a period of exclusivity in which to pursue their proposal in detail. This involves pre-application discussions with the Planning Authority.

The Strategic Lead – Finance is finalising the commissioning of Grant Thornton to review the figures that are informing the Council's cost calculations in response to the resolution by Council on 17 December 2014. SWAP (our internal auditors) have also been asked to undertake the same work and report to the Council.

In response to Richard Eley's points, the Deputy Chief Executive voiced sympathy with him given the difficulty in predicting future energy rates. Energy rates would form part of the work tasked to both internal and external auditors.

Councillors commented on and questioned various aspects of the potential relocation, including the following:

- Relocation should be reconsidered in the light of how the economy had changed, including decreasing energy costs;
- The relocation energy increase percentages had been taken from previously published Department of Energy and Climate Change (DECC) detailed figures. Other alternative percentages had also been used to assess the potential financial impact. As an example, energy increases over 10% would lead to relocation leading to a cost neutral position in 10 years; increased energy costs of 5% lead to that position in 13 years. These would however be fully examined and reported back to Council members and the public by both the internal and external auditors;
- In response to a question, the Deputy Chief Executive confirmed that no bidder for the Knowle site expressed an interest in retaining the existing structure, except for the bat roost that would have to remain;
- In response to a suggestion to put the relocation on hold until the auditors had reported, the Chief Executive reminded the committee that no final decision to sell the Knowle site had been made, but it was prudent to continue work on the assumption that relocation (as already agreed by council) would still take place. He assured councillors that they would have all the information necessary before them when they had to make the final decision;
- Exmouth Town Council welcomed the prospect of a district council presence at Exmouth;
- Any responses to questions by members of the public by the Deputy Chief Executive should also be provided to councillors for information;
- It was requested that information presented to councillors on all costs was straightforward and clear to understand;
- The view was expressed that, in the light of decision to relocate, there would be excessive pressure on the Development Management Committee if and when an application for redevelopment of the Knowle site came before them. It was therefore suggested that any such application should be heard by a neighbouring authority. In response, the Chief Executive stated that this view was doing the DMC a massive

disservice and that members should have confidence in the DMC hearing any such application on planning merits. It was, in any case, not possible for a neighbouring authority to determine an application outside its own area unless the Secretary of State agreed to it; this would not be considered by the Secretary of State until the application was actually submitted;

- The land that the current offices sat on was seen to be the most valuable land asset held by the council;
- One councillor felt that the members of the committee who had spoken on the relocation issue had concerns about the relocation, as did the public. This implied that the majority of the committee held the same view but it then became clear that views on the matter were very varied.

The Leader reminded councillors that the Council should not and would not be taking any decision that would not be in the best interest of the district, including Sidmouth residents. He assured members that everyone was working towards the best possible decision.

The Chairman informed the committee that he was in talks with the Chairman of Audit and Governance and relevant officers to work out how best each committee could scrutinise the auditors findings in order to ensure the best value for the district.

***62 Portfolio Holder update - Environment**

The Chairman welcomed Councillor Iain Chubb, Portfolio Holder – Environment, and his deputy, Councillor Tom Wright. Following on from an update to the committee on refuse and recycling in October, a comprehensive report had been provided to the committee outlining the remaining areas of service under this portfolio,.

The report highlighted some of the key achievements of service areas in recent months, and the major issues faced in the coming year. The report gave a clear indication of the workload of services.

Comments and questions included:

- Congratulations to the teams involved under this portfolio
- In response to a question, an explanation of the garden waste scheme provided by Otter Rotters;
- Points confirming the desirability of continuing to work towards a closer relationship with the CCG and the DCC care teams as there were clear health benefits to maintaining a good environment;
- The fact that changes to the approach to domestic violence in recent years had seen a switch away from refuges to protection of the victim in their own home;
- The news that the Deputy Portfolio Holder was working on a response on behalf of the council to the draft plan currently out for consultation by the Police and Crime Commissioner.

The Chairman echoed the thanks to the hardworking teams under the responsibility of the Portfolio Holder.

***63 Task and Finish Forum improvements**

The Democratic Services officer presented two elements aimed at improving the efficiency of task and finish forums set up by the Committee. These were firstly to agree the scope of a forum's work at the O&S committee, and secondly to set a membership level of a forum at seven to nine members.

During debate, the following points were made:

- A draft scope would be required to be presented to the committee. This activity had already been undertaken by the Democratic Services Officer for previous forums and the activity would continue, but be presented to the O&S committee for agreement rather than for agreement by the forum.
- In response to a question and comments, the Democratic Services officer explained that her assessment of the business TaFF (as requested by the committee) and tree TaFF had led her to the conclusion that the forums were being used to pursue topics that did not match the intended purpose of the forum. She reminded the committee of the work over the past years in introducing scoping to both the committee and forums. Both needed to be clear on where the focus should be, and what constitutionally can be reviewed by the forum. In response, the councillor seeking clarification refuted any suggestion of a personal agenda being pursued. In her view, the running of the business TaFF was in fact bringing the council into disrepute, and she was undertaking an issue of public concern that needed highlighting. Two other councillors commented that those involved in any forum should have an open mind and follow the scope; and that the report was accurate with no specific members being identified in the report.
- It was felt that all members should declare relevant interests before putting themselves forward for taking part in a forum.
- Previous TaFFs had worked well and produced valid results later adopted by the council.
- The key to a successful TaFF was have enthusiastic and diligent members, and that to restrict the numbers to between 7 and 9 members may be too prescriptive.
- It was agreed that any changes to the way forums are set up and their membership could be discussed at the previously agreed think tank on scrutiny rather than being finally decided at the meeting.

The Portfolio Holder for Corporate Business welcomed any referral to his scheduled think tank on 28 January, adding that the scoping arrangements of other authorities could be examined. The results of that think tank can come back to the committee for debate in due course.

RESOLVED

That the issue of agreeing a scope for a forum at committee, and the minimum number of councillors to be on a forum, be discussed further at a think tank of the Portfolio Holder – Corporate Business alongside other scrutiny issues, before being brought back to the committee for final agreement.

***64 Business Task and Finish Forum**

The committee received a report on the forum, agreeing that the forum should reconvene but with a new scope. A revised scope had been drawn up based on changes in recent months, including the newly formed East Devon Business Support Group. The Chairman had also had input into the revised scope prior to it being presented to the committee for debate, to which he added verbally that he had taken an board an amendment to item 5 under the specific areas to explore which now read as:

“5. how best, either via this structure (EDBSGroup), or in other ways businesses in the district may best pursue their concerns with Council including putting points about planning issues relevant to any Local Plan; and how best the Council should keep local business informed of administrative and legislative changes that may affect their well-being.”

The Chairman reminded the committee that any direct comments on the emerging Local Plan constitutionally sit with the Development Management Committee and full Council, not with the forum.

The committee debated the role of the forum, including:

- The need to consult with the full range of businesses across the district, including the self employed;
- The newly formed East Devon Business Support Group and the topics of discussion already covered by that group;
- The fact that the original scope was no longer relevant and there was a need to move on.
- Councillor Troman would continue as chairman of the forum.

RESOLVED

1. that the Business Task and Finish Forum reconvene with the existing membership of Mile Allen, Vivien Duval Steer, Claire Wright, Steve Gazzard, Peter Burrows, Maddy Chapman and Alan Dent, under the chairmanship of Councillor Graham Troman;
2. that the revised scope as set out in the report, incorporating the amendment advised by the Chairman, be agreed.

***65 Evaluation and protection of trees task and finish forum**

The committee received and noted the notes of the first meeting of this forum, held on 5 December 2014. A revised scope was presented to the committee for debate and agreement, in light of agreement on the scope not being agreed at the first meeting of the forum. The scope was agreed with some small additions.

Councillor Tony Howard, who had chaired the first meeting of the forum, reported to the committee the low attendance, subsequent impasse on agreement on the scope, and his decision to suspend the meeting. His position as chairman had also been challenged. He also shared with the committee his concern about subsequent reporting on social media, which was picked up both local and national press. He had decided to stand down as chairman of the forum.

The Chairman sought agreement from the committee that Councillor Mike Howe, an addition to the original membership of the forum, would act as chairman for forthcoming meetings.

RESOLVED

1. that the revised scope presented to the committee be adopted with the addition of reference to inclusion of conservation areas in the specific topic areas of the scope, and the addition of the Woodland Trust and the Forestry Commission to the consultees;
2. that Councillor Mike Howe be chairman for the forum.

66 Second report of the Budget Scrutiny Task and finish forum

The committee agreed the recommendations set out in the report. In commenting on the budget breakdown for economic development, one committee member expressed a need to look at the level of budget spend on economic development with a view to increasing it to incentivise business growth.

RECOMMENDED

1. that the Council continue to promote efforts to transfer local facilities such as toilets, community halls, play areas, and sports pitches to local parishes or community or sports groups; effective progress in this respect would almost certainly require a district wide approach;
2. that the Asset Management Forum, in undertaking its review of public conveniences owned by the Council, take into account the views of this Forum on shared ownership and community toilet schemes;
3. that the business case for an additional post to Legal Services be supported, on the grounds that overall savings can be made by undertaking more work using in-house expertise;
4. that there should be greater transparency in the Council financial information (including the Budget and Outturn report) in detailing the use and costs in obtaining external legal services and external consultancy services;
5. that consideration be given to increasing the resources, possibly in conjunction with neighbouring authorities, for the further development of a coherent strategy and plan for the maintenance and improvement of the economic well-being of the district. (There was a suspicion that inadequate resources devoted to this activity had, amongst other things actually contributed to extra costs and delay in the production of a convincing local plan);
6. that the Local Government Association be requested to pursue a review of the government requirement for reporting annual accounts with a view to simplifying the process to save significant staff time for local authorities in its production;
7. that an annual audit review of the cost and effectiveness of external consultants is undertaken.

***67 Overview and scrutiny forward plan**

The forward plan for the committee was noted. A report was due to the next meeting of the committee on the issue of contracts relating to substantial grants and this would include reference to the contract relating to the Beehive, Honiton.

Attendance list

Present:

Tim Wood (Chairman)
Graham Troman (Vice Chairman)
Mike Allen
Peter Bowden
David Chapman
Maddy Chapman
Deborah Custance Baker
Vivien Duval Steer
Roger Giles
Pater Halse
John Humphreys
Sheila Kerridge
Frances Newth
Brenda Taylor
Tony Howard

David Cox
Tom Wright
Ray Bloxham

Mike Howe
Graham Godbeer
Pauline Stott
Christine Drew
Andrew Moulding
Douglas Hull
Peter Sullivan
Ian Thomas
Steve Gazzard
Iain Chubb
Phillip Twiss
Jill Elson
Pauline Stott
Paul Diviani

Richard Cohen, Deputy Chief Executive
John Golding, Strategic Lead Housing and Environment
Debbie Meakin, Democratic Services Officer
Giles Salter, Solicitor
Mark Williams, Chief Executive

Apologies:

David Key
Derek Button
Alan Dent
Eileen Wragg
Steve Wragg

Chairman Date.....

Application for a concession to operate a coffee van on Sidmouth beach during the summer season

The Portfolio Holder decision on this application had been the subject of a failed call in. However the Chief Executive in investigating the matter advised that he appreciated the concerns raised and the confusion resulting from the delay in advertising the application in the Knowledge. Following discussion with the Portfolio Holder and Chairman of the Overview and Scrutiny Committee the Chief Executive has advised that this application should be considered by the Committee at its next scheduled meeting – 26 February 2015. This is to give opportunity to all Councillors to make their views known; a final decision can be made from there.

RECOMMENDED: that the Portfolio Holder grant the concession.

Details of the application:

Concession for coffee van on Sidmouth beach – to operate a coffee van during the summer months.

Consultation was undertaken with the Streetscene Manager, the 3 ward members and the Town Council.

Reasons given for objecting to the application:

- The application was not supported by the Town Council or one of the Ward Members consulted.
- Insufficient consultation with interested parties;
- Approval would set a precedent for similar approvals on the seafront.
- The application was not in keeping with the Regency style of Sidmouth seafront, it would not enhance this attractive area which should be conserved.
- The application involved driving a vehicle onto the beach with potential oil/fuel leakage.
- A number of potential issues had not been covered in the application – including that a vehicle parked on the beach could attract the public to think that this was permissible.
- There was no evidence that the facility was required.
- Permission would give unfair competition to other established refreshment outlets on the seafront.
- Increased litter (disposable cups etc)
- The litter and food waste would add to the seagull problems and could attract rats.

Reasons given in support of the application:

- The proposal could enhance and provide facilities at that end of the beach – the facility could be an attraction.
- To help with the beach concessionaire's current takings.

Conditions (in addition to standard requirements) to be included should approval be granted in respect of:

- Litter and beach pollution – litter and food waste to be contained within the vehicle.

To date the applicant has paid EDDC an application fee of £150 which is payable when submitting an application for a concession. If the matter proceeds to completion then the applicant would be required to pay EDDC's legal costs.

The Overview and Scrutiny Committee is invited to consider this matter in light of the representations already put forward and any other relevant issues that Members feel should be taken into account by the Portfolio Holder.

Report to: **Overview and Scrutiny Committee**

Date of Meeting: 26/02/2015

Public Document: Yes

Exemption: None



Agenda item: **9**

Subject: **Draft East Devon Playing Pitch Strategy**

Purpose of report: This report sets out the reasons for developing a Playing Pitch Strategy (PPS) and outlines work to date. The draft PPS is currently out for consultation with Sport England, National Governing Bodies for sports (NGBs) (including the FA, RFU, ECB, England Hockey), Exeter City Council, Active Devon, LED, local sports clubs and Town and Parish Councils. Overview & Scrutiny Committee requested to be officially consulted as part of this process. Feedback from the consultation will then be considered and a final draft PPS will be presented to Cabinet and subsequently Development Management Committee requesting endorsement for use in determining planning applications.

Recommendation: **1. That Overview & Scrutiny Committee accept the Draft East Devon Playing Pitch Strategy and provide comments as necessary as part of the consultation.**

Reason for recommendation: Overview & Scrutiny Committee requested to be consulted on this draft strategy to enable members of the committee to provide comment on potentially key strategic sports issues in the district.

Officer: Graeme Thompson, Planning Policy Officer,
gthompson@eastdevon.gov.uk, Ext. 1736,

Financial implications: The action plans arising from the draft strategy indicate that there may be potential future financial implications but these have not been quantified at this stage. Other stakeholders will be consulted and there may be contributions or funding available from other sources. It is expected that further reports would be brought to Cabinet for individual plans requiring financial support from this council.

Legal implications: There are no legal implications arising as a consequence of the report

Equalities impact: Low Impact
The Draft PPS does not impact on any equalities issues.

Risk: Low Risk

[Click here to enter text on risk considerations relating to your report.](#)

Links to background information:

- [Revised East Devon draft Playing Pitch Strategy](#)
- [Appendix 1 – Exeter and East Devon Playing Pitch strategy Needs Assessment](#)
- [Appendix 2 – Exeter Youth RFC Proposed site, Oil Mill Lane](#)
- [Appendix 3 – Honiton specific analysis](#)
- [Appendix 4 – Cranbrook specific assessment](#)
- Report to Cabinet (11th February 2015)

Link to Council Plan: Enjoying this Outstanding Place

1 Background

- 1.1 Paragraph 73 of the National Planning Policy Framework (NPPF) requires planning policies on sport and recreation and their application to be underpinned by robust evidence:

'Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up to date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.'

- 1.2 Paragraph 74 of the NPPF protects open spaces including playing pitches from development unless certain criteria are met:

'Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements, or*
- The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.'*

- 1.3 This strategy will meet the requirement of NPPF paragraph 73 and provide evidence for responding to planning applications to build on existing playing pitches, create new pitches and develop new and existing ancillary facilities.

- 1.4 It will also provide evidence for requesting developer contributions towards playing pitches and ancillary facilities. The East Devon Open Space Study provides some evidence in terms of quantity, quality and access to existing facilities. However, the PPS will give more detailed assessments of usage and quality which can help to evidence the need for further investment in pitches when the afore-mentioned documents are not able to. Developer contributions may be provided through planning obligations (Section 106 Agreements) or through the Community Infrastructure Levy (CIL)

- 1.5 The PPS can also help to direct investment in playing pitches from other funding sources including the capital investment programme of the Council, private funding (e.g. by clubs), Sport England and other grants, and inward investment from the National Governing Bodies for Sport (NGBs) into their County bodies and individual clubs/projects.

- 1.6 It will also help to guide the co-ordination of priorities and investment programmes of a range of organisations/bodies. NGBs have been part of the steering group developing the PPS since the start of the process and the priorities of clubs have been taken account of in assessing options and action plans. Clubs have been consulted early in the process to establish a baseline of data. The current consultation is aimed at ensuring all of that data is correct, proposed action plans are addressing all relevant issues, and to increase the robustness of the strategy in terms of informing decision making.

- 1.7 Playing pitches are an important element of open space that it is essential to ensure there is sufficient provision of. Playing pitches provide spaces for organised team sports as well as

space for informal sports participation in the form of “kickabouts” and ancillary sporting activities.

2 Work to date

- 2.1 Work began on the PPS in June 2013, with an initial steering group meeting in August 2013. It was decided at this point to work towards a joint PPS with Exeter City Council. Following this, town and parish council surveys were conducted to ensure we knew about all relevant sports pitches in the district and sports clubs were surveyed to find out key information and issues. Non-technical pitch assessments were carried out in-house of all sites between October 2013 and May 2014 (an especially wet winter lengthened this process).
- 2.2 In June 2014, consultants Bennet Leisure & Planning (BeLAP) commenced supplementing and analysing the data on pitches and usage that had been gathered in-house for East Devon and Exeter. Their analysis work (referred to as the Needs Assessment) forms Stage C of the Sport England methodology. Key findings and issues highlighted by their work has fed into the recommendations and action plans contained within the draft PPS.
- 2.3 A Draft PPS was originally taken to Cabinet in October 2014 seeking endorsement for consultation, however, Members felt that the strategy did not address certain issues effectively. Following this, additional work was undertaken. Relevant changes were made to the main body of the draft PPS and appendices 3 and 4 were completed to add detail to issues of pitch provision in Honiton and for Cranbrook. It is this revised draft that Cabinet have endorsed for consultation.

3 Draft PPS

- 3.1 The Draft PPS considers all of the key findings and issues and proposes ways to resolve these in Stage D starting on page 99 of the Draft PPS. Stage D considers some scenario testing based on questions set out in the Sport England methodology, develops recommendations on some key issues, and then proposes action plans for all of the key issues and findings for every site that has been assessed starting on page 115 of the Draft PPS.
- 3.2 Actions are given priorities and relevant potential delivery partners are highlighted. By being highlighted as potential delivery partners, bodies are not obligated to fund or facilitate the action, however, it is suggested that they be involved in the project. Similarly, action plans are not guaranteed to be delivered against but they do suggest the best ways of potentially resolving the listed issues.

4 Funding

- 4.1 The strategy identifies a number of initiatives involving land owned by the council and also privately owned land. In terms of the land owned by the Council, current budgets would not be sufficient to enable delivery of any of the proposed projects and so money would have to be sought either through Section 106 contributions/CIL or through the capital programme. In terms of the privately owned sites it is anticipated that in some cases provision will be brought forward by developers such as at Cranbrook. However in other cases funding will also need to be secured through other means. Potential funding streams include the NGBs, Sport England, town and parish councils, and potentially others. The strategy highlights works that are required but should not be seen to commit the Council to funding them. Any Council funding will need to be considered through the budget process and subsequent bids to the capital programme.

5 Next steps

- 5.1 Overview & Scrutiny Committee requested to be consulted as part of the current consultation.
- 5.2 Following consultation, relevant amendments will be made with a view to presenting Members with a final version of the PPS at Cabinet in due course. Subject to approval by Cabinet, the final PPS will then be presented to Development Management for endorsement as evidence in determining planning applications.
- 5.3 The PPS is a constantly evolving document. The steering group will continue to meet post adoption and work towards resolving key issues. The fact that some key issues do not have definitive actions to resolve them at this point is not a reason for the PPS to delay adoption as these are complex issues that require ongoing work to identify definitive ways to resolve them.

Joint think tank notes (PHCB & PHCS) 28 January 2015 by DM

Present: PHCB; PHCS; Pauline Stott; Steve Hall; Christine Drew; Frances Newth; Alan Dent; Ben Ingham; Roger Giles; Graham Godbeer; Tim Wood; Graham Troman; Tom Wright; Peter Bowden; Deborah Custance Baker; Andrew Moulding; Iain Chubb; Debbie Meakin

Discussion covered:

Glossary of terms for member development programme

To include:

- DHC – Devon Home Choice
- DL – Distribution list (used on emails)
- LPA – Local Planning Authority
- TT – Think Tank

Abbreviations should be clearly explained in any minutes of meetings.

Issues covered under the member development programme should also be offered refresher training on a regular basis for reminders on procedures such as calling in a minute.

Clarity on decisions able to be made by Portfolio Holders, Cabinet, and Council

Legislation determines what decisions can be made by individual portfolio holders, or by the Cabinet, as opposed to the decision needing to be made by the full Council. There was agreement that this distinction needed to be clearer in the constitution, and that this distinction is set out as part of the member development programme to raise awareness.

The call-in procedure was still available (although rarely used) for any decision made by a Portfolio Holder or the Cabinet in order to put the decision on hold until the Overview and Scrutiny Committee had debated the merits of the decision further and recommended to Cabinet.

Any decision proposed to Cabinet still had to obtain the majority of Cabinet to agree to it. Members still had the opportunity to attend Cabinet meetings and speak on the matter before a decision was taken.

Key decisions were felt, despite the legislation permitting Cabinet to take the decision, to be better placed at full Council for final decision to allow full debate on the topic before the final decision was made.

Many comments were made about the changes to council structure following the LGA 2000 and felt that these changes had been to the detriment of the council.

Overview and Scrutiny functions

Many members felt that the overview function of the council was not as strong as under the previous committee setup, when there were separate committees for each function.

Many views were expressed on the need for the next elected council to operate a separate overview committee to work on formulating policy, perhaps encompassing another element – planning policy. A clear focus on overview would also permit the council to put more effort into forward planning, and to give officers a clear steer of the work required of them.

Separating the planning applications from planning policy was another common theme, with a view that the two elements should be separated out to be covered by two committees. The practicalities of a new overview committee covering such a wide area of work (in also covering planning policy) would need careful consideration and officer resource before implementing.

There was general agreement that planning applications were dealt with well and could continue to be so under the structure of a separate committee to that of planning policy.

Scrutiny could still maintain the ability to review decisions before taken, in order to prevent poor decisions being made, and was preferable over a call-in option.

Smaller committee sizes may operate more effectively for committees covering overview functions. There was general agreement at any committee tasked with determining planning applications should remain at the same number of councillors.

Overview and scrutiny chairman

In debating the role of chairing an overview or scrutiny committee, many were in agreement that it was key to have the right person for the role, with strong chairing skills, regardless of political affiliation.

An example was given by the current chairman, of the common outcomes from his parliamentary experience, whereby a chairman of the majority party on a select committee usually had the greatest impact. It could not be assumed that the chairman would necessarily agree with the majority view. The role for scrutiny was also clear – as a critical friend.

Housing Review Board had in more recent years switched to setting a councillor as chairman (previously the Board had chosen their own chairman, which could be a tenant) due to the responsibility of taking on the debt of the Housing Revenue Account.

Views were expressed that the public may have more confidence in seeing such committees being chaired by a councillor not from the majority party. The non-majority element could suggest their best candidate for the role to the Leader.

Amendments to Task and Finish Forums

Recommendations were made to Overview and Scrutiny on 22 January on amendments to where the scope is agreed for a TaFF, and the number of councillors who should be on a TaFF.

Discussion reached an agreement on “normally seven” for the number on a Forum, with key aspects being to secure councillors with appropriate skills and/or enthusiasm for the task.

Agreeing a drafted scope at committee level was also felt helpful in order to set the task clear parameters for immediate start by the Forum, as well as help achieve a greater ownership by the committee on what they wanted the Forum to achieve.

Other issues

“To note” recommendations were not appreciated by members and took up valuable meeting time. Reports for information could be circulated separately. Efforts were made at draft agenda stage to seek clear recommendations; and members were reminded that a recommendation was just that – they had the option to change the wording based on the consensus reached. An alternative suggestion was “for the committee to debate and comment on”

Possible recommendations from this meeting:

- Glossary of terms to be adopted for use as part of the member development programme.
- Clear distinction of decision powers between Portfolio Holders/Cabinet and the full Council communicated to councillors, including through the member development programme.
- Debate amending the constitution to permit the following:
 - Replace the Overview and Scrutiny Committee with two separate committees of a smaller membership, overall involving more councillors
 - Split the current responsibilities of the Development Management Committee, amending to retain (as Development Control) determination of planning applications, remain at 16 councillors, and retain a Planning Inspections Committee; the remaining responsibilities of developing planning policy to be undertaken either as a dedicated Development Policy Committee **OR** taken into the responsibilities of the Overview Committee.
- The separate Overview committee to be chaired by a member of the majority party, with an invitation to the opposition to nominate the chairman of the Scrutiny committee. The Leader retains

the right to fill the role of Scrutiny Chairman from the majority party if no suitable nomination is made. The Housing Review Board to remain as chaired by a member of the majority party.

- Scoping for Task and Finish Forums be undertaken by the committee prior to the start of the Forum;
- A Task and Finish Forum to normally consist of seven councillors
- Strategic Management Team work to change the culture of “to note” recommendations and encourage officers to make clear what decision is being recommended.

Still to debate:

- Frequency of meetings for new committee structure suggested. Currently OS meets 10 times a year; DMC 13 times a year
- Chairman's casting vote
- Chairman of Development Management Committee voting rights when = ward member of application
- Noting member absence when vote taken
- Electronic voting
- Quorum arrangements
- Planning delegation scheme – raising awareness

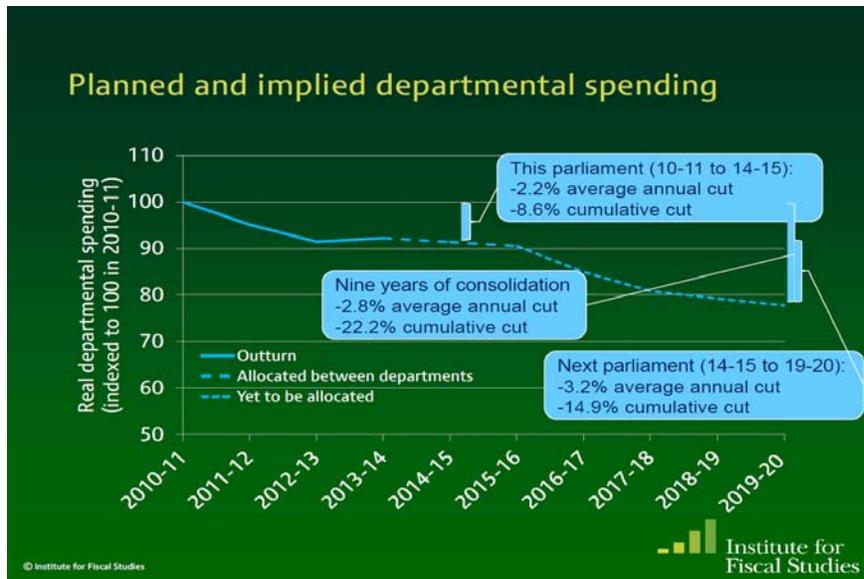
Continuing to Make Every Penny Count Budget 2015/16 – 2018/19

Presentation to the Police and Crime Panel 6 February 2015

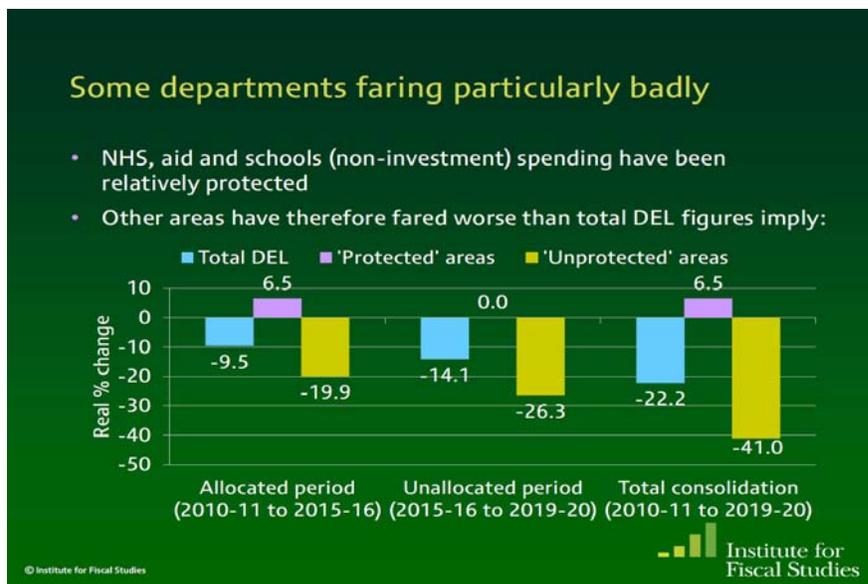
Our Main Financial Priorities for the Next 4 Years

- Continue to deliver the Police and Crime Plan
- Review the workforce mix of Officers, PCSOs and Specials to deliver the plan
- Re-work existing priorities to enable new areas such as CSE and Cybercrime
- Deliver the savings identified in the Budget
- Define the unidentified savings
- Provide for increased financial burdens e.g. Increase National Insurance Contributions
- Maintain stability and manage risk through the revenue support fund

The Forecast for Government Departmental Expenditure



Unprotected Departmental Reductions



Our Assumptions for Prince Increases

A four year view.

	2015/16 %	2016/17 %	2017/18 %	2018/19 %
Pay	1.5	2.0	2.0	2.0
Utilities, pensions, insurance	2.0	2.0	2.0	2.0
General and fuel	0	0	0	0

The Budget Requirement 2015/16 to 2018/19

	2015/16 £'000	2016/17 £'000	2017/18 £'000	2018/19 £'000
Base Budget Requirement	289,015	293,807	302,407	307,108
Unavoidable commitments	4,192	7,400	3,401	4,762
New Growth Items	600	1,200	1,300	900
Budget Requirement before savings	293,807	302,407	307,108	312,770

Grant Settlement 2015/16

- A cash cut in Police Grant of 3.7% (0.5% higher than expected) or £1m.
- Unexpected reduction of £2.6m mainly through the Home Office topslice (1.6m) – Total topslice of £2.18m
- Review of system after next election

The Funding Available

The declining funding Base - £16.2m loss of Police Grant from 2015/16 to 2018/19.

Summary	2015/16 £'000	2016/17 £'000	2017/18 £'000	2018/19 £'000
Police Grant	166,800	159,554	153,642	150,564
Council tax Legacy Grant	15,461	15,461	15,461	15,461
Council Tax @ 1.99% increase, 2% from 2016-17	97,463	99,242	101,813	104,872
Specific grant and other income	9,801	9,889	9,757	9,689
Total Funding Available	289,525	284,146	280,673	280,586

Funding the Gap

- The gap is funded by savings and a contribution from Reserves from 2016/17 onwards
- In 2015/16 we make a £1.8m contribution to reserves
- By 2018/19 the total savings required over the are £29m

Summary	2015/16 £'000	2016/17 £'000	2017/18 £'000	2018/19 £'000
Funding Gap	4,282	18,261	26,435	32,184
Contribution (from) or to the Revenue Support Fund	1,807	(7,547)	(10,793)	(3,091)
Total Savings	(6,089)	(10,714)	(15,642)	(29,093)

Saving in Context

- £52.5m taken in savings since April 2009 a further £29m to be achieved up to March 2019.
- Savings are harder to find: £9.8m as yet unidentified beyond 2016/17.

	2009/10 £m	2010/ 11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m	Total £m
Savings achieved each year	4.2	5.0	19.2	15.2	4.1	4.8	52.5

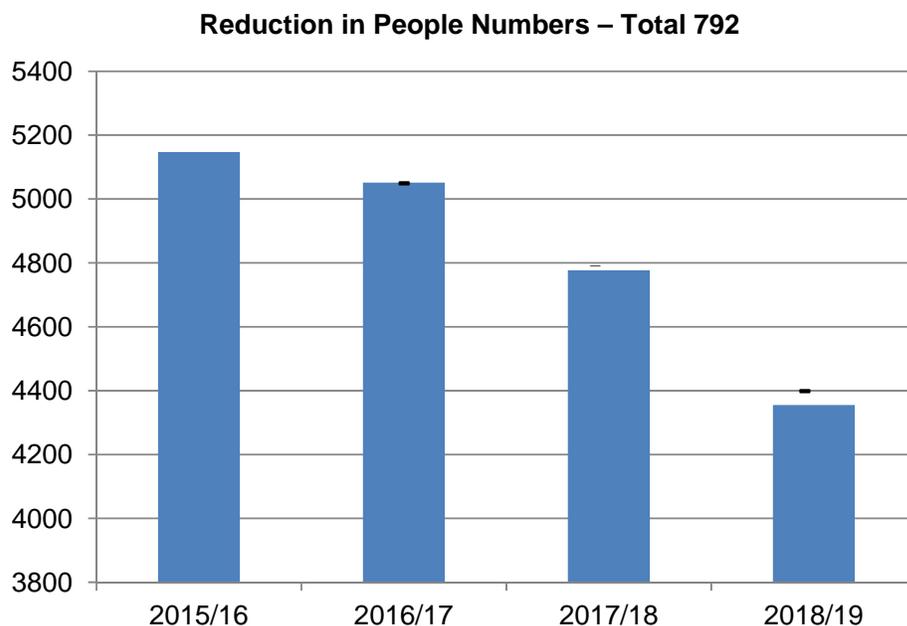
Risk Ranked Savings

	Total £'000	Total %
Identified - Low Risk	(7,370)	25%
Identified - Medium Risk	(3,300)	11%
Identified - High Risk	(200)	1%
Identified - Total Savings	(10,870)	37%
Strategic Alliance	(8,400)	29%
Unidentified Savings	(9,823)	34%
Total Savings Required	(29,093)	100%

Proposed Significant Future Savings

- Strategic Alliance with Dorset £8.4m
- Property storage £200k
- Custody reviews £1.9m
- Vehicle technology tracking improvements £600k
- Estate strategy building rationalisation £526k
- Forensics Collaboration £950k
- ICT Contract Renewal £950k
- Police Staff reviews
- Police Enquiry Office review

Potential People Numbers



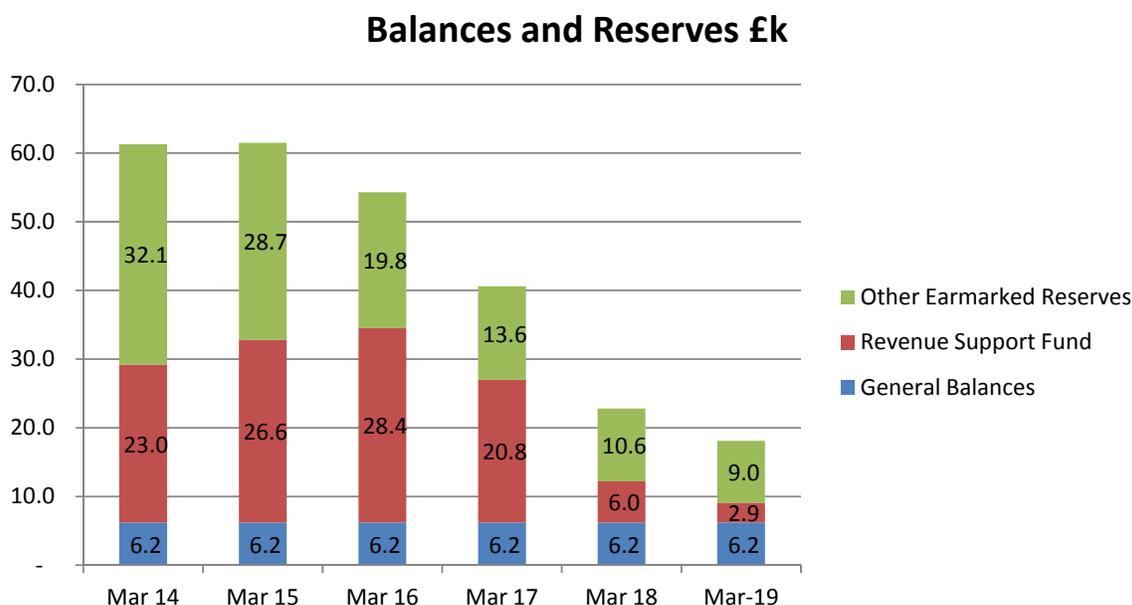
Council Tax Freeze Grant

- Taken in 2011/12 and still benefiting in 2015/16.
- Tax freeze grant offered for 2015/16 equivalent to a 1% tax rise.
- But for one year only and no guarantee after the election of inclusion in funding base.
- If not continued loss of £1.9m every year.

Underlying Financial Risks

- Home Office funding in 2016/17 introduces further losses of grant.
- The effects of inflation on the Council Tax referendum cap may reduce the level at which it is set and therefore the income to be raised through the precept in future years (i.e. not at 2%).
- Increase in Topslice funding in future years further depletes resources.
- That the pay awards for 2015/16 and future years do not match the assumption built into the budget plan (1.5% in September 2015 and 2.0% thereafter).
- Achievement of all planned savings (High Medium and Low)
- Continuation of special grants, such as Victims, Sexual Assault and Domestic Abuse Services.

Revenue Reserves



The Case for a 1.99% Increase

- £1.9m each year of additional funding into the council tax base.
- New growth affordable into new areas of policing.
- Builds a sustainable base for future years.
- Delivery of the Police and Crime Plan.
- Maintain officer numbers at above 3000 for 2015/16.
- Protect visible policing through maintaining PCSOs for 2015/16.
- Maintain stability across the medium term.
- Offset some of the unavoidable cost increases in the base budget as a consequence of wage and general inflation.
- Retain 67 more people than if the freeze grant was accepted.

Regional Precept Comparisons

- Precept strategy – 2% per annum
- Precept proposal for 2015/16 = £169.47 @ 1.99%
- Comparison with others:

Regional Comparison 2014/15 £		Proposed Increase	Expected Comparison 2015/16 £	% Difference from Lowest
Gloucestershire	207.73	0%	207.73	26.6
Dorset	187.11	0%	187.11	14.1
Avon & Somerset	171.37	1.99%	174.78	6.5
Devon & Cornwall	166.16	1.99%	*169.47	3.3
Wiltshire	160.92	1.90%	163.98	0

What the Proposals mean to the Council Taxpayer

- Proportion of total bill – 10% of total tax bill.
- Increase for 2015.16.
 - 6.4 pence per week at Band D) - £3.31 per annum
 - 5.6 pence per week (at Band C) - £2.93 per annum

Summary

- We have challenging savings over the next four years.
- We have plans for meeting them for two years.
- If we accept the council tax freeze grant we will struggle to maintain officer numbers and will lose a further circa 67 people if the amount does not continue after 2105/16.
- We are using reserves to help transition to new levels of base budget reductions.
- Transformational change is accepted and will be progressed in 2015/16 but may not provide all the savings needed.
- Big choices for public engagement in 2016/17.
- In order to maintain services a 1.99% council tax increase will be sought from the panel.

Report to: Overview and Scrutiny Committee
Date of Meeting: 26 February 2015
Public Document: Yes
Exemption: None



Agenda item: 13

Subject: Quarterly monitoring of performance – 3rd quarter 2014/15 October to December 2014

Purpose of report: This report provides performance information and progress against our promises and priorities as outlined in the Council Plan. This cumulative quarterly information will be used to provide an annual review of our performance against the Council Plan in the Annual Report.

Recommendation: 1. It is recommended that Members consider performance against delivery of the promises/priorities in the Council Plan, key service objectives from service plans and performance measures for the 3rd quarter of 2014/15 so that issues can be addressed in a timely way.

Reason for recommendation: So that Members can gain a clear view of progress against what we said we would deliver in the Council Plan and deal with performance issues arising.

Officer: Karen Jenkins, Strategic Lead – Organisational Development and Transformation
kjenkins@eastdevon.gov.uk
ext 2762

Financial implications: There are no direct financial implications.

Legal implications: No legal comments are required

Equalities impact: Low Impact

Risk: Low Risk

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

Links to background information:

- [Appendix A – Performance against Council Plan and our key performance indicators](#)
- [Appendix B – Performance against Service Plans and their objectives](#)
- [Appendix C - Explanations and definitions.](#)

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

Report in full

1. Appendix A gives an overview of the performance against measures in the form of gauge charts for the council promises taken from the Council Plan 2014 Refresh, key performance indicators and objectives from the service plans. The report also provides detailed information on the status of the council promises and key performance indicators.

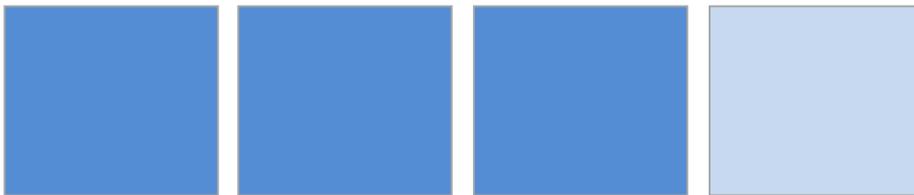
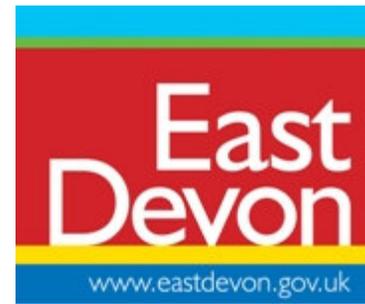
2. Appendix B shows progress against service plan objectives linked to the council aims in the form of gauge charts with the reports from SPAR.net detailing the progress of all objectives from the service plans.

3. Detailed progress of all of the council promises can be found at [appendix A](#). Most of the council promises for 2013/14 are showing as achieved or on track however seven are reporting variation, the detail of which can also be found at appendix A.

5. There are no service objectives showing a status of concern although there are 8 showing as variation the detail of which can be found in [appendix B](#).

6. There are three performance indicators showing a status of concern and 6 showing as variation the detail of which can be found in [appendix A](#).

- **Working days lost due to sickness absence** - We have undertaken some analysis of our sickness absence which has highlighted an increased number of staff with long term sickness issues. We are dealing with each of these cases individually however they are contributing to the higher overall level of absence within the Council.
- **Number of random vehicle licence checks** - The autumn is a busy time for taxi licensing with many renewal applications. We expect to catch up with the inspections during the next quarter.
- **Percentage of minor planning applications determined within 8 weeks** – Current workloads are high leading to capacity issues. Also the lack of a local plan means that many of these minor applications are for developments that would usually be quite straight forward are not so clear cut leading to greater uncertainty over what is acceptable and what is not and therefore a greater amount of time spent considering these proposals than would otherwise be necessary.



Quarter 3 Performance Report 2014-15

Performance Overview, Council Promises and Key Performance Indicators

January 2015

Document Key

Promise Status classification

- Red (Concern) highlights targets with serious problems or significant delays.
- Amber (Variation) indicates actions with mild concerns or minor setbacks.
- Green (Achieved) displays special achievements or early completions.

Performance Indicators (PI)

- The 'Previous Year End' column reports performance at the end of 2011/12, if that information is available.
- The 'Current Target' column represents the annual target some measures no longer have targets or are not suitable for targets.
- The columns 'Q1 Act', 'Q2 Act', etc. show the actual year to date situation for each Performance Indicator. The key for the colours is as follows:
 - Red (Concern) – if the PI is 10% or more below the target.
 - Yellow (Variation) – if the PI is between 10% and 0.1% below the target.
 - Green (Achieved) – if the PI and the target match exactly or the PI is above the target.
- The Direction of Travel column shows if the PI has improved since the same period last year. An up arrow showing improvement, a down arrow showing deterioration and a level arrow showing a static trend.

Overview of our performance – Quarter Three 2014/15

Chart a. Performance against our Council Plan 2014-16 – for more detail see the following pages

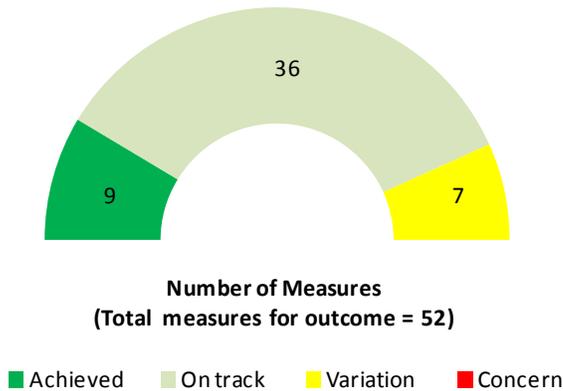


Chart c. Performance against Key Performance Indicators - for more detail see the following pages

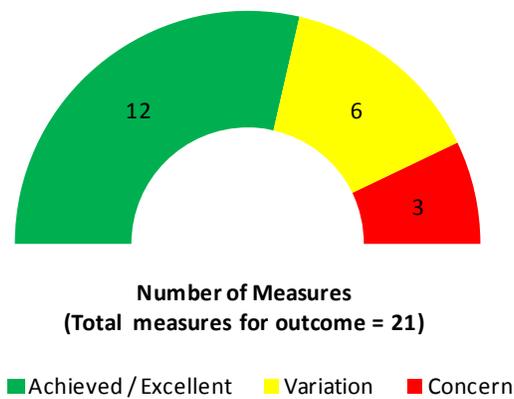
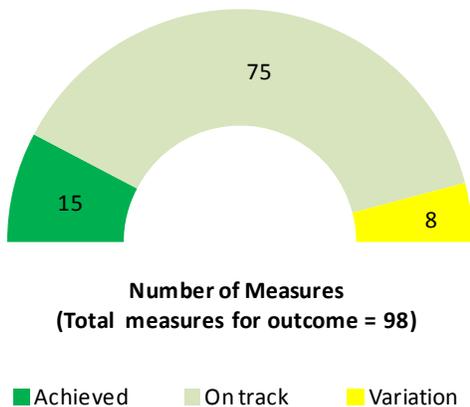


Chart b. Performance against our Service Plan Objectives – for more detail see appendix B



Council Promise - Living in an outstanding place

Outcome - Make more affordable, good quality homes available for our residents

Council Promise 2014-16	Status	Comments
Build at least 100 affordable new homes each year.	Achieved	Already delivered in excess of 100 affordable housing units in 2015/16
Deliver a new local plan which meets the district's aspirations and needs in terms of housing and employment provision whilst protecting the natural environment.	Variation	There have been delays in the work progressing but we are getting closer to conclusions on the consultant's study.
Invest in excess of £7 million each year in maintaining and improving the council's housing stock.	On track	HRA budget for the year contains provision for £7 million to be spent on tenant's homes.
Invest in supporting communities to plan their future by helping them create neighbourhood plans and by continuing to develop our neighbourhood initiatives.	On track	This important work continues with the Neighbourhood Planning Officer who is now in post and we now have 25 designated neighbourhood areas who are in the process of preparing local plans.
Produce at least one rural affordable housing scheme each year.	On track	
Work in partnership to deliver a second primary school and secondary school at Cranbrook.	On track	Construction of the education campus is continuing and is on course for opening for the 2015/16 academic year in September. The Ted Wragg Multi Academy Trust have been appointed as the operator and an interim Head Teacher is in place.

Performance Indicator	Prev Year End	Current Target	Q1 Actual	Q2 Actual	Q3 Actual	Q4 Actual	Direction of travel	Management Notes
Number of affordable homes delivered	310	75 (3/4)	68	86	181		↑	

Outcome - Maintain residents' high satisfaction with their area and home as places to live

Council Promise 2014-16	Status	Comments
Continue development at Cranbrook and elsewhere to ensure best quality of build and design of homes, high street and public spaces.	Variation	Permission has now been issued for a further 587 dwellings within phase 1 of Cranbrook and we are currently out to tender to recruit consultants to undertake a Masterplan for the next phases of Cranbrook for which applications from the developer consortium are due imminently. Through the masterplan it is hoped that we will be able to secure the best quality of build and design.
Continue to be in the top ten areas in the country for producing the lowest amount of waste that goes to landfill and aim to have a recycling rate of at least 50 percent.	On track	We have recently asked DEFRA about provision of this information. It will be provided but probably 6-8 months after year end.
Continue with our acclaimed participatory budgetary work allowing communities to decide	On track	This process continues to be successful and has been accelerated to reflect the need to spend some of the existing S106 monies prior to the implementation of CIL later this year when monies

and develop play and leisure facilities.		from 5 or more agreements will not be able to be spent on a single piece of infrastructure.
Deliver the new waste and recycling contract to expand the recyclable materials we collect including cardboard and mixed plastics and negotiate a new contract that represents best value for the residents of East Devon.	On track	Members have had a report presented to them at Cabinet [Jan 15]. The report was accepted and recommended that the EDDC stand-alone procurement of a new recycling and waste collection contract goes ahead whilst keeping an involvement in the Integrated Devon (ID) option. If the ID option becomes a more favourable option members will review the position.
Continue to deliver street cleansing and grounds maintenance services that meet residents' expectations and keep satisfaction high.	On track	This continues to be a priority area. We are now recruiting for the vacant Area Manager West post, once filled this will help in keeping our service delivery on target for the West. We are also reviewing the way the teams work in the West to move towards an Area Working model (as used in the East).
Make sure that new developments are supported with the right level of investment in infrastructure to benefit the community.	Variation	There remains a concern that viability issues with developments is making it difficult to secure the full level of investment in infrastructure that is necessary to meet the needs of the development, however it is hoped that as the economy continues to grow that viability will improve.
Monitor bathing water quality and work closely with other agencies and local landowners to reach long term and sustainable solutions to the issues arising.	On track	We kept a close eye on the bathing water quality results during the 2014 season which ended up being a very dry summer. Consequently the results were the best they have been for several years. We also participated in an Environment Agency early warning scheme which provided predictions of poor quality on a day by day basis. Whenever a dip in quality was predicted we worked with Streetscene to sign the beaches – therefore enabling water users to make informed choices. We have kept closely involved with Environment Agency officers who have been working with farmers and landowners in order to further improve river and stream water quality.
Undertake more detailed planning across the district in partnership with Devon County Council to enable us to deal with extreme flooding events and ensure that the appropriate flood defences are delivered such as the scheme at Feniton.	Variation	Work in this area has not progressed as we have been prioritising the Feniton Flood Alleviation scheme (submitting planning before Christmas) and Sidmouth Beach Management Plan.
Update our plan for best use of the council's portfolio of assets so that we achieve best value for money and community benefit.	Achieved	
Work with our partners to improve public health and well being across the district.	On track	Public Health Plan adopted. Local Public Health Steering Group established. Public Health Projects Officer appointed. Progress document sent to Devon County Council.

Performance Indicator	Prev Year End	Current Target	Q1 Actual	Q2 Actual	Q3 Actual	Q4 Actual	Direction of travel	Management Notes
Number of households living in temporary accommodation	8	30 (3/4)	6	4	6		↑	Number of households in temporary accommodation has been maintained at a low level due to proactive actions such as successful prevention of

								potentially homeless approaches, effective management of temporary accommodation (ie supported accommodation and PSL's) as well as quarterly occupancy checks of PSL's and our own housing stock being used as temporary accommodation.
Percentage of Household waste sent for reuse, recycling and composting	45		47	47	Not yet available			No data yet for Q3. the National Waste Data Flow service will audit and verify tonnage return in March 2015
Residual household waste in kg per household	289		290	508	Not yet available			Tonnage data for all councils has to be audited and verified by the national Waste Data Flow service. Q3 results will not be collated and verified until March '15. Still awaiting confirmation of Q2 data.
Percentage of Municipal waste for disposal (incineration and landfill)	55		53	53	Not yet available		↓	We have no data for Q3 at the moment as national audit of figures means that audited figures from the national Waste Data Flow service will only be available in Feb/Mar.
Improved street and environmental cleanliness – fly tipping	3	3 (3/4)	2	2	3		↓	Up until the end of the third quarter of this year there were 394 fly-tips recorded, compared to 365 in the corresponding period in the previous year. When DEFRA weighting for fly-tip size are applied the figures are 1810 for Q1-3 in 2014/15 compared to 1717 in Q1-3 2013/14. This equates to an increase of 5.14% on the previous year which is nothing unusual given the fluctuating history of fly-tip data. There have been 261 enforcement actions recorded so far this year, compared to 269 in the same period last year - an decrease of 2.98%. When combined the two sets of data lead to EDDC being given a grade 3

								<p>rating by DEFRA. Although classed as 'not effective' it is our target level and does not signify a fly-tipping problem in the district, just a very common fluctuation in the figures. In the scheme of things nationally we still record very low figures and suffer slightly from the DEFRA audit system being tailored for larger urban authorities.</p>
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Outcome - Deliver a thriving, competitive local economy		
Council Promise 2014-16	Status	Comments
Campaign with our partners to secure improved infrastructure especially road and rail to improve the overall accessibility to and through the district.	On track	Continuing to engage with partner organisations and the LEP regarding opportunities for improving infrastructure across the District.
Continue consultation with the East Devon chambers of commerce to keep the present regime of parking and charges in East Devon under review.	On track	Following a successful Christmas offer (pay £2 and park all day from 10am) we are pleased to report that to encourage trade in our towns we have been able to extend this offer for the rest of the winter, ending on 28 February 2015.
Continue to successfully pursue future funding opportunities to support incoming housing and commercial development in the district.	On track	The Local Enterprise Partnership has secured £270 million under the Growth Deal for projects across the area. Round 2 bids involving the extension of the Science Park Centre and the formation of the Environmental Futures Cluster associated with the Met Officer super computer have been prioritised and stand a very good chance of being funded. Projects being brought under RGF round 4 are progressing well including works at Skypark, the Science Park and improvements to the Airport access road. This is likely to be one of the few programmes nationally to spend to profile and therefore is well positioned to benefit from further funding should it become available. It is hoped that a bid to DCLG for capacity funding to support the ongoing expansion of Cranbrook will also be confirmed shortly.
Continue to work in partnership with Devon County Council on the roll-out of super-fast broadband internet connections so that East Devon gets the benefit.	On track	Continuing to work with in partnership with DCC in connection with the roll out of superfast broadband.
Explore the construction of new business units around the district to cater for the high level of demand.	On track	Planning permission has been achieved for the construction of 22 new business/workshops in Seaton. A Financial feasibility exercise is being undertaken by Estates and Property Services to identify the funding that will be required to deliver the units. At this point a significant funding gap has been identified. The Serviced Workspace Report has been produced by our consultants, Drivers Jonas which has identified the prime areas of the district where new serviced offices may be suitable for development. Work on this and the outcomes of the report is on-going. To be undertaken following recruitment of the Economic Development Manager.
Facilitate strategic and practical workshops with town and parish councils to work together in understanding budgetary issues for 2015/16 onwards.	Variation	We are currently working on 2020 strategy looking to balance the Council's budgets up to 2020/21, this includes how the Council will engage with Town and Parish Council's. Once this has been completed and approved by members (Mar 2015) then actions will be progressed, it is likely this focus on 2016/17 budget process.
Find ways to promote inward investment and new business growth.	On track	Specific agreement between us with Exeter and Teignbridge Councils to develop a marketing and investment strategy. Study into serviced business space requirements in East Devon nearing completion with action plan to follow. Practical project options

		for work space delivery under consideration. Marketing of Queens Drive Exmouth to secure additional commercial investment. Economic strategy for Cranbrook in development.
Increase job opportunities by encouraging the strategic employment site development in the west of the district.	On track	Active promotion by us of the West End sites. Met office super computer planning approval given. Skypark development approved, Science Park Centre under construction. Action to promote IMFT site development promotion.
Invest in further regeneration in our priority towns and look for opportunities in all our towns to invest in their economies and make best use of our assets.	On track	Exmouth regeneration programme continues with the Premier Inn to be completed by Feb 2015. Seaton Jurassic Centre construction underway and tramway redevelopment in discussion. Queens Drive approved developer selected and marketing ongoing. Honiton Premier Inn site preparation on site underway.
Work with partners to improve and diversify the skills on offer to the district's workforce.	On track	Bicton College has now potentially concluded talks with the Duchy Cornwall re joint future arrangement. We are working with greater Devon / Exeter partner authorities on a skills and employment concordat.
Work with the Heart of the south West local Enterprise Partnership to deliver economic growth.	On track	LEP Growth Fund project announced and includes Science Park investment. We are also proposing to submit EU Structural Fund bids to LEP.

Performance Indicator	Prev Year End	Current Target	Q1 Actual	Q2 Actual	Q3 Actual	Q4 Actual	Direction of travel	Management Notes
Creditor days - % of invoices paid within 10 working days	New measure		97	95	96			
Creditor days - % of invoices paid within 30 days	99	99 (9/12)	99	98	99		↑	

Council Promise – Enjoying this outstanding place

Outcome - Provide cultural and leisure activities accessible to all residents and visitors

Council Promise 2014-16	Status	Comments
Appoint a part-time arts development officer to underpin the work of the arts and culture forum.	Variation	The appointment of this post been frozen as part of wider Medium Term Financial Planning decisions.
Complete a programme of visitor infrastructure improvement at the Axe Estuary Wetlands to coincide with the opening of the Stop Line Way cycle routes.	On track	Work continuing to develop car park improvements, new info point and interpretation works.
Develop ideas and income-generating projects to keep creative art workshops and international art exhibitions available and accessible in our district.	On track	To be considered as part of the new offer at the Thelma Hulbert Gallery via a THG Think Tank set up for 13 February 2015 to explore its commercial offer.
Develop the business case and governance arrangements for setting up a trust for the Thelma Hulbert Gallery.	Variation	This was explored with LED but their Trustees considered it wasn't the right time to take on another asset.
Implement a new policy relating to motor homes to welcome day visitors to East Devon's towns.	Achieved	The new policy agreed with Members and implemented in a revised Parking Places Order.
Work with Exmouth Town Council to bring back the land train for the enjoyment of our residents and visitors.	Achieved	Land train service commenced operations this summer. Garaging provided in EDDC's Maer Road car park.

Outcome - Protect and enhance East Devon's natural environment and its habitats and wildlife

Council Promise 2014-16	Status	Comments
Appoint a Cranbrook Country Park ranger engaging with the local community and schools to establish events, projects and volunteering initiatives.	Achieved	Appointment successfully made and Ranger is now in post and helping to deliver the Country Park scheme.
Complete a beach management plan for Sidmouth to assess what future sea defences or beach replenishment may be required.	On track	We have received the baseline data from our consultants Halcrow. We are reviewing this and making arrangements for the steering group meeting in Feb. We hope to have the finished plan in July.
Complete a programme of habitat creation works to 10 hectares of newly acquired land at sheep's marsh.	On track	Further legal work required to release the site from restrictive covenants but scheme approved and planning application is ready to go once legal issues resolved.
Complete and promote the Axe Estuary Wetlands as a regionally important wildlife destination.	On track	New public events, education offer and a rebranding of the site are underway for 15/16 to improve the footfall to the site.

Take part in a multi agency study of the Exe Estuary, Dawlish Warren and Exmouth beach to plan for future delivery of sea defence and beach replenishment that may be required over the coming years.	Achieved	The scientific report has concluded that we cannot access government funding to do any beach recharge or recycling until the 2020s (nor is there a need, the report shows that sometime in the 2020's the beach loss rate will threaten the toe of the sea wall). In the meantime we will continue to monitor the beach levels with the help of PCO and local observations and amend our timescale if required
Deliver a green space strategy which will provide a robust plan to make sure East Devon's open spaces are used to their full potential.	On track	Work in progress with the Green Space Strategy Working Group which has met twice and is shaping the strategic direction of the document cross service.
Establish a monitoring programme for key habitats and species across all our nature reserves.	On track	Data captured from site monitoring fed into annual review of Local Nature Reserves work programme.
Work with partners to help make sure we protect the Exe Estuary and Pebblebed Heaths from the impacts of new development.	On track	New Habitats Regulations Delivery Officer starting in March and we have continued to financially and practically support the Exe Estuary Management Partnership and the Exe Estuary Officer

Council Promise – Outstanding Council

Outcome - Efficiencies: financial and time-saving

Council Promise 2014-16	Status	Comments
Creation of a shared ICT service for East Devon, Exeter and Teignbridge. If approved, implementation will begin in July 2014.	Achieved	STRATA launched on the 1 st November 2014
Deliver a 2020 vision transformation strategy that will prepare us for continued reductions in government funding. This will outline the criteria that we will use to direct our financial and other resources so that we can continue to be an outstanding council despite the financial constraints.	On track	The Transformation Strategy will detail key actions which will deal with the budget deficit which the council will need to manage over the next five years.
Implement new technology giving customers the option to access more of our services directly over our website whenever they wish whilst reducing costs for the council.	On track	The Open for Business project has identified some 230 new transactions that need to be developed as well as 109 that need review. The project team is working through this 2 year project.
Plan carefully the office relocation so that we minimise any potential service disruption and issues for customers and officers.	On track	Office relocation selected option of twin sites will deliver service provision at multiple locations aligned with mobile working and other flexible approaches to service delivery.

Performance Indicator	Prev Year End	Current Target	Q1 Actual	Q2 Actual	Q3 Actual	Q4 Actual	Direction of travel	Management Notes
Percentage of Council Tax collected	98.60	87.03 (9/12)	30.84	58.47	87.07		↑	
Percentage of Non-domestic rates collected	98.4	87.13 (9/12)	30.89	58.06	84.37		↓	In comparison to previous years, NDR collection is down due to * More businesses are paying over 12 months. This is a similar picture being reported by many authorities across the country. However this should rectify itself at the end of the financial year but means in-year collection is not really comparable. * The other issue we have – as previously reported – are three high value customers who are not paying their business rates:

								One due to a legal dispute. Another we are currently in discussions over deferment options. The third involves complex insolvency matters.
Proportion of outstanding debt that is more than 90 days old from date of invoice	30		15	39	43		↓	
Working days lost due to sickness absence	8.44	7.61 (9/12)	2.31	4.61	7.61		↓	We have undertaken some analysis of our sickness absence which has highlighted an increased number of staff with long term sickness issues. We are dealing with each of these cases individually however they are contributing to the higher overall level of absence within the Council.
Total average headcount (quarterly total)	518	N/A	504.33	506.17	488.97		↓	
Cumulative Staff Turnover as a percentage of all staff (voluntary leavers)	6.4	N/A	1.79	3.77	5.80		↓	
Employee Satisfaction	89		N/A	N/A	N/A			Yearly figure due Q3/4
Number of Level 2 complaints (year to date)	18	N/A	9	18	23		↑	
Number of Freedom of Information Requests (year to date)	563	N/A	107	236	379		↑	
Percentage of planning appeal decisions allowed against the authority's decision to refuse	26.3	30.0 (9/12)	30.0	30	23.8		↓	
Number of random general licence checks	214	139 (3/4)	46	106	165		↓	
Number of random vehicle licence checks	112	113 (3/4)	15	75	136		↑	The autumn is a busy time for taxi licensing with many renewal applications. We expect to catch up with the inspections during the next quarter.
Percentage of councillors accessing electronic information		100	94	94	94			56 out of 59 councillors have undertaken transfer to Office 365 with relevant training and security briefing. Follow up training on

								365 is being planned with ICT based on Councillor needs.
Proportion of Councillors trained in regulatory functions	100	100	96	100	100			
Missed bin collections per 1000 households	New measure		0.05	0.04	0.05			

Outcome - Improved service through understanding our customers and making good use of web & mobile technology

Council Promise 2014-16	Status	Comments
Make sure that people are supported in making the culture change to mobile working, paperless environment and new ways of working.	On track	Internal communication to support Systems thinking, Open for business and Worksmart projects has taken place in the form of face to face, intranet and e - magazine communication to make sure that staff are up to speed on progress relating to these key projects.
Continue to ask our customers what they think of the services we provide through the viewpoint survey and act on what they tell us.	Achieved	The Viewpoint Survey for 2014 has been completed. This gathered views from residents, town and parish councils and equality partners. Results have been published and will also feature in the annual performance review document which is produced in the summer of 2015.
Deliver a new system for our council tenants, business rate payers and council tax payers to make sure that our services are more easily available online for our customers who prefer to use the internet to do business with us	On track	Plan and budget approved. Now in progress to make the new "user friendly" web site and web services live.
Identify office spaces that officers can use to meet customers across the district or to 'touchdown' without the need to come back to the office creating a more efficient way of working.	Achieved	We have documented details of council owned buildings that officers might use but the need for this will be mitigated given the consideration of a two site location for the council's offices, the use of surgeries across the district based on demand, a more mobile workforce and an increasingly capable website.
Use systems thinking principles to redesign processes where service improvements are required as agreed by SMT.	On track	We now have a corporate plan showing areas that have had systems thinking reviews as well as areas that still need to be reviewed. Service Leads will take responsibility for their own areas.
Make sure that we provide the right technology for officers to be able to work in a mobile and flexible way across the district for the benefit of our customers.	On track	Worksmart programme in place led by Karen Jenkins. First phase of programme (hardware roll out) on target to finish end April. Second phase (new mobile apps) will start in April and finish in December.

Performance Indicator	Prev Year End	Current Target	Q1 Actual	Q2 Actual	Q3 Actual	Q4 Actual	Direction of travel	Management Notes
Percentage of minor planning applications determined within 8 weeks	46.62	48.75 (3/4)	50	42.63	42.01		↓	Current workloads are high leading to capacity issues. Also the lack of a local plan means that many of these minor applications are for

								developments that would usually be quite straight forward are not so clear cut leading to greater uncertainty over what is acceptable and what is not and therefore a greater amount of time spent considering these proposals than would otherwise be necessary.
Percentage of other planning applications determined within 8 weeks	79.01	80.0 (3/4)	80.77	78.45	75.28		↓	
Days taken to process Housing Benefit/Council Tax Benefit new claims and change events	5.61	6.43 (9/12)	5.78	6.04	6.55		↑	
% of residents who pay their Council Tax by Direct Debit	74		75	75	75		↑	

Performance Indicator not linked to any aims	Prev Year End	Current Target	Q1 Actual	Q2 Actual	Q3 Actual	Q4 Actual	Direction of travel	Management Notes
Number of redundancies (year to date)	4	N/A	1	3	4		↔	

Current workloads are high leading to capacity issues. Also the lack of a local plan means that many of these minor applications are for developments that would usually be quite straight forward are not so clear cut leading to greater uncertainty over what is acceptable and what is not and therefore a greater amount of time spent considering these proposals than would otherwise be necessary.

Report to: **Overview and Scrutiny Committee**

Date of Meeting: **26 February 2015.**

Public Document: Yes

Exemption: None

Review date for release None



Agenda item: **13.**

Subject: **Supporting new developments through investment in infrastructure**

Purpose of report: This report responds to a request from Members of the Committee at their meeting of November 2014 with regard to concerns that a performance measure in relation to securing infrastructure delivery alongside developments was considered to be “in variation”. The report outlines the issues associated with development viability and government guidance and legislation that cause this to be the case and looks ahead to future issues which mean that this position is only like to get worse.

Recommendation: **1. That Members note the report.**

Reason for recommendation: The issues highlighted in the report are a result of current government legislation and guidance and are outside of the control of the Council. Therefore no changes in Council policy or process will change the current position.

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Financial implications: This report is for information and there are no financial implications.

Legal implications: The legal implications are detailed within the report.

Equalities impact: Low Impact.

Risk: Low Risk

Links to background information: • [O/S Committee minutes – 13 November 2014 – Monitoring for second quarter](#)

Link to Council Plan: Living and working in this Outstanding Place

Report in full

Background

At the meeting of Overview and Scrutiny Committee on 13 November 2014 a query was raised under the performance monitoring report regarding investment in infrastructure arising from developments. The minutes of the meeting record this query and the resulting resolution as follows:

“A query was raised prior to the meeting on council promise “Make sure that new developments are supported with the right level of investment in infrastructure to benefit the community”, in that the promise seemed vague as did the answer. A revised comment to the council promise was issued to all members prior to the meeting which stated:

The reason it is shown as variation is simply that viability remains an issue with developments and as a result it is not always possible to secure all of the necessary planning obligations to meet policy requirements in relation to education contributions, affordable housing provision etc. This is nothing new and is completely outside of our control since where a development would not be viable under our policy requirements we are required to reduce our requirements until the scheme is viable. This is a national issue and not unique to East Devon.

RESOLVED: that a report be provided to the committee at a future date on the council promise relating to developments supported with the right level of investment in infrastructure to benefit the community to help explain the issues to members.”

This report responds to this request in detail and aims to explain the issues concerned.

Government Guidance

It is long established in the planning legislation that planning obligations can be used to provide infrastructure required to off set the impacts of the proposed development. The guidance in the National Planning Policy Framework (NPPF) states that:

“Planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and wherever appropriate, be sufficiently flexible to prevent planned development being stalled.”

Currently infrastructure requirements that comply with these requirements are secured through Section 106 agreements which are a legal agreement between the developer and the Council that would require either the provision of infrastructure on site or a financial contribution to the Council to enable the provision of the required infrastructure. Common infrastructure requirements would relate to the provision of open space, sports pitches, play areas, school places, affordable housing, highway improvements etc.

The Council's Objectives

One of the Council's key objectives is to "Make sure that new developments are supported with the right level of investment in infrastructure to benefit the community". At present this objective is noted as being in variation. Primarily the reason for this up to now has been that market conditions have meant that in order to comply with the requirements of the NPPF we have to consider the financial implications of meeting the infrastructure needs on the viability of the development and whether it can be delivered. In a number of cases this has meant that the infrastructure needs cannot be met because to do so would make the development unviable and therefore undeliverable. In these cases a full viability appraisal is undertaken by the developer and independently assessed by the District Valuer to ensure that the true financial position is understood and can be taken into account. The legislation is clear that where the development is proven to be unviable the planning obligations requirements must be reduced to a level that is viable to enable the development to proceed. The legislation does not enable us to have regard to the implications of this on infrastructure delivery and so there have been a number of cases where the necessary infrastructure has not been secured. The result of this is the under provision of facilities such as open space, lack of affordable housing delivery and in some cases services such as additional school places having to be funded by the County Council rather than the developer. It should however be borne in mind that the implications of this on infrastructure delivery have to be weighed against the benefits arising from development in terms of housing provision, in some cases the restoration of a derelict site or buildings, the economic benefits of development and the new homes bonus that the council receives for each new home created.

The position outlined above in terms of negotiating new S106 agreements was made worse when in 2013 the government introduced a new mechanism for developers to formally renegotiate affordable housing provision on previously consented developments. If the developer applies under this provision then the affordable housing requirement could potentially be substantially reduced or removed entirely where it can be demonstrated that the scheme would be unviable if the requirements are not modified. Applicants also have a right of appeal against a decision to refuse a request under this provision.

The result of this guidance has in recent months and years been that a number of developments across the district have been granted permission without the necessary infrastructure being secured and previously granted developments that did secure the necessary infrastructure have subsequently had the affordable housing requirement reduced or removed. There is however unfortunately nothing that can be done to prevent this from happening as it is a consequence of government guidance and legislation over which we do not have control.

The future

Recent and forthcoming changes in legislation will make the provision of infrastructure to address needs arising from development increasingly difficult. The government have recently changed the guidance in relation to planning obligations to state the following:

Are there any circumstances where infrastructure contributions through planning obligations should not be sought from developers?

There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development.

- *contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm*
- *in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development. This applies to rural areas described under [section 157\(1\) of the Housing Act 1985](#), which includes National Parks and Areas of Outstanding Natural Beauty*
- *affordable housing and tariff-style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home*

The designated rural areas referred to above are the whole of East Devon District excluding the wards of Exmouth, Honiton, Seaton and Sidmouth.

It should be noted that habitat mitigation contributions to mitigate the impact of development on the Exe Estuary and Pebblebed Heaths can still be secured as these are protected under EU legislation.

The National Planning Guidance is guidance and not legislation and therefore the Council does have the legal right to make decisions that go against this guidance. It is however advisable to make decisions in accordance with government guidance as the Council would be vulnerable on appeal and to a costs award if the inspector considers that we have acted unreasonably. It is therefore considered that other than in exceptional circumstances the guidance detailed above should be followed in decision making.

The impact of the proposed changes, in terms of what we can now seek in general terms is set out in the table below:

Location	Number of dwellings 1 - 5	Number of dwellings 6 - 10	Number of dwellings 11+ or where the maximum combined gross floorspace exceeds 1000sqm
Exmouth, Honiton, Seaton and Sidmouth	Habitat Mitigation	Habitat Mitigation	Habitat Mitigation, Education, Open Space, etc Affordable housing (on site provision)
Rest of Devon ie Rural Area	Habitat Mitigation	Habitat Mitigation, Education, Open Space, etc Affordable Housing (contribution)	Habitat Mitigation, Education, Open Space, etc Affordable Housing (on site provision)

The result of this in terms of affordable housing is that in the rural areas we will only be able to secure affordable housing provision on sites of 6 or more units whereas previously in the villages this would have been on sites of 4 or more units and on schemes of 6 – 10 units this can also only be a financial contribution rather than the traditional on-site provision. Education and other financial contributions such as open space can only now be sought on schemes of 6 or more units in rural areas and 11 or more in Exmouth, Honiton, Seaton and Sidmouth. Previously open space contributions would have been sought from all new houses and education contributions from schemes of 4 or more units where the development would lead to a shortfall in provision.

In addition to the above mentioned change which has already taken effect from April this year we will no longer be able to combine the spend of more than 5 S106 agreements on any one project or piece of infrastructure. This requirement is counted backwards to agreements entered into since the 6th April 2010 and so any agreements entered into since that date will be subject to this threshold. The result of this is that we will be significantly restricted in how monies are spent to ensure that we don't combine spend of more than 5 agreements on the same piece of infrastructure or project. We will also need to be very specific moving forward in the wording in S106 agreements to minimise the risk of pooling of more than 5 agreements. These changes are linked to the implementation of CIL and were it is understood an incentive for local authorities to progress with the implementation of CIL. The CIL regulations have however gone through numerous iterations and the whole process of adopting a charging schedule is very complicated and linked to local plan preparation. As a result less than a third of local authorities will have a CIL charging schedule by April of this year.

Conclusion

In light of the various issues highlighted in this report it is likely that this performance measure will remain in variation for the foreseeable future. Changes in government guidance and legislation will make it very difficult to meet infrastructure needs for the foreseeable future. Even with the implementation of a CIL charging schedule post adoption of the Local Plan there is likely to be a significant shortfall in funding to meet identified infrastructure needs due to the requirement to adopt a CIL charging schedule that takes account of what is viable for the developer. There will therefore be a significant shortfall that will need to be met from other funding sources.

Agenda Item

Overview and Scrutiny Committee

26 February 2015



Overview and Scrutiny Committee Forward Plan 2014/15

Date of Committee	Report	Lead
26 Mar 2015	New homes bonus panel update	Cllr Ray Bloxham
	National Parks proposal and Member Champion for Tourism update (tbc)	Councillor Sheila Kerridge/Debbie Meakin
	Draft Overview and Scrutiny Annual Report	Debbie Meakin

Work for scoping and allocation to the Forward Plan:

Proposed date	Topic
Pending	Review of production process of Local Plan
When available	NHS England to discuss the provision of GP services
Pending	Honiton Town Council update on the Beehive Centre
pending	Business Task and Finish Forum
ongoing	Budget Task and Finish Forum reports
pending	Trees Task and Finish Forum