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To:

Members of the Overview and Scrutiny Committee (Mike Allen, Peter Bowden, Graham Brown, Peter Burrows, Derek Button, David Chapman, Deborah Custance Baker, Vivien Duval Steer, Roger Giles, Mike Howe, Stuart Hughes, John Humphreys, Sheila Kerridge, David Key, John O'Leary, Brenda Taylor, Graham Troman, Tim Wood, Eileen Wragg, Claire Wright, Tom Wright)  
Portfolio Holders  
Chief Executive; Deputy Chief Executives

Overview and Scrutiny Committee

Thursday 29 March 2012

6.30pm

Council Chamber, Knowle, Sidmouth

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

Members of the public are welcome to attend this meeting.

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

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

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

## AGENDA

### Page/s

1. **Public question time** – standard agenda item (15 minutes)  
Members of the public are invited to put questions to the Committee through the Chairman. Councillors also have the opportunity to ask questions of the Leader and/or Portfolio Holders during this time slot whilst giving priority at this part of the agenda to members of the public

	<b>Page/s</b>
2. To confirm the minutes of the meeting of the Overview and Scrutiny Committee held on 1 March 2012.	4 - 10
3. To receive any apologies for absence.	
4. To receive any declarations of interest relating to items on the agenda.	
5. To consider any items which, in the opinion of the Chairman, should be dealt with as matters of urgency because of special circumstances. (Note: Councillors please notify the Chief Executive in advance of the meeting if you wish to raise a matter under this item, who will then consult the Chairman).	
6. To agree any items to be dealt with after the public (including the press) have been excluded. There are <b>no</b> items that the officers recommend should be dealt with in this way.	
7. Decisions made by the Cabinet called in by Members for scrutiny in accordance with the Overview Procedure Rules under Part 4.5 of the Constitution. There are <b>no</b> items identified.	
8. <b>Cabinet Agenda</b> <b>Members are asked to notify in advance the Chairman or the Democratic Services Officer any Cabinet items they wish to debate.</b> Members to debate any issues of concern on the current Cabinet agenda in order for the Chairman to feed this back to the Cabinet at its meeting on the 4 April 2012. The website link to the Cabinet agenda will be e-mailed to Members on 26 March 2012.	Please refer to Cabinet agenda
9. <b>Strategic Commissioning NHS Devon</b> Tamara Powderley, Head of Locality Commissioning will give a presentation to update the Committee on strategic commissioning.	Verbal presentation
10. <b>Devon County Council's progress in Flood Risk Management</b> Martin Hutchings, Flood Risk Manager, will update the Committee on the work undertaken by the County Council towards implementation of the EU Floods Directive, the Flood Risk Regulations 2009 and the Flood and Water Management Act 2010	11 - 14
11. <b>Mid and East Devon Local Police Areas temporary command by Exeter LPA commander</b> Councillor Tom Wright will update the committee on recent developments outlined at the East and Mid Devon Community Safety Partnership meeting on 7 March 2012.	Verbal report
12. <b>Equality objectives</b> The Committee are asked to consider the proposed equality policy and objectives to meet the Public Sector Equality Duty, prescribed under section 149 of the Equality Act 2010.	15 - 20
13. <b>Forward Plan</b> Members are asked to note the Forward Plan.	21

Members remember!

- ❑ You must declare the nature of any personal or prejudicial interests in an item whenever it becomes apparent that you have an interest in the business being considered.
- ❑ Where you have a personal interest because the business relates to or is likely to affect a body of which you are a member or manager as an EDDC nominee or appointee, then you need only disclose that interest when (and if) you speak on the item. The same rule applies if you have a personal interest in relation to a body exercising functions of a public nature.
- ❑ Make sure you say the reason for your interest as this has to be included in the minutes.
- ❑ If your interest is prejudicial you must leave the room unless
  - a) you have obtained a dispensation from the Council's Standards Committee or
  - b) where Para 12(2) of the member Code of Conduct applies. [Para 12(2) allows a Member with a prejudicial interest to stay for the purpose of making representations, answering questions or giving evidence relating to the business but only to the extent the public are allowed the same rights. If you do remain for these purposes, you must not exercise decision-making functions or seek to improperly influence the decision; you must leave the meeting room once you have made your representation, answered questions or given evidence.]
- ❑ The Code states that any member of the Cabinet or other decision-making committee or joint committee or sub-committee attending Overview and Scrutiny committees has a prejudicial interest in any business where that member was a member of the committee at the relevant time **and** present when the decision was made or other action was taken (whether or not implemented). Members with prejudicial interests should declare them and are allowed to remain in the meeting for the limited purposes set out in the Code para 12(2) – see last paragraph.
- ❑ You also need to declare when you are subject to the party whip before the matter is discussed.

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



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**From Exeter – 52A, 52B**

**From Honiton – 52B**

**From Seaton – 52A**

**From Ottery St Mary – 379, 387**

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EAST DEVON DISTRICT COUNCIL  
Minutes of a Meeting of a Special  
Overview and Scrutiny Committee held  
at Knowle, Sidmouth on 1 March 2012

Present:	<b>Councillors:</b> Stuart Hughes (Chairman) John Humphreys (Vice Chairman) Mike Allen Peter Bowden David Chapman Deborah Custance Baker Vivien Duval Steer Roger Giles Mike Howe	Sheila Kerridge John O'Leary Brenda Taylor Graham Troman Tim Wood Eileen Wragg Claire Wright Tom Wright
	<b>Officers:</b> Simon Davey – Head of Finance John Golding – Head of Housing Kate Little – Head of Economy Denise Lyon – Deputy Chief Executive Debbie Meakin – Democratic Services Officer Chris Powell - ICT	
Also Present	<b>Councillors:</b> Graham Godbeer Stephanie Jones Ian Thomas Iain Chubb Paul Diviani Geoff Chamberlain David Cox Phil Twiss	Trevor Cope Frances Newth Peter Sullivan Ray Bloxham Steve Gazzard Pauline Stott
Apologies:	<b>Committee Members:</b> Graham Brown Peter Burrows Derek Button David Key	<b>Councillors:</b> Jill Elson Steve Hall Andrew Moulding Steve Wragg

The meeting started at 6.30pm and ended at 9.17pm.

\*72 Public Question Time  
There were no questions from the public.

\*73 Minutes

The minutes of the meetings of the Overview and Scrutiny Committee held on 18 and 26 January 2012 were signed and confirmed as a true record.

\*74 Urgent Item – Call in of Portfolio Holder decision

The Chairman proposed that the called in Portfolio Holder decision be considered in Part B of the agenda.

\*75 Cabinet Agenda

The Chairman proposed that Cabinet agenda item 27 – Sale of Land at Sidford be considered by the Committee in Part B of the agenda.

\*76 Exclusion of the Public

**RESOLVED** that exempt classification Para 2 Schedule 12A (Information which is likely to reveal the identity of an individual) be applied to the called in Portfolio Holder decision (Minute 74 refers) and exempt classification Para 3 Schedule 12A (Information relating to the financial or business affairs of any particular person – including the authority holding that information) be applied to the Cabinet agenda item 27 (Minute 75 refers) and dealt with under Part B.

\*77 Update on Planning Enforcement

The Chairman welcomed Kate Little, Head of Economy, to the meeting. The Ward Member satisfaction with Planning Task and Finish Forum (TaFF) report had requested the report in their recommendations. This interim report outlined the resource level changes to the Enforcement element of the Development Management service and the continued efforts to clear the backlog of cases following a period of low staffing level. She highlighted the reduction in cases, and the short turnaround period for cases deemed as no breach or too minor to pursue. The Committee were concerned to learn that the service had lost another staff member the previous day. Mrs Little assured the Committee that she had already started the recruitment process to fill the post as swiftly as possible.

Councillor Bowden encouraged Members to respond to a request for feedback on the recent Planning Open Evening in February. The responses will be considered as part of the ongoing work of the TaFF in ensuring the recommendations have been implemented. The Committee agreed that the Open Evening had been a useful event.

\*77 Update on Planning Enforcement (continued)

**RESOLVED**

1. that Members acknowledge that, subject to the team being back to full capacity, the Planning Enforcement Service is providing an efficient and high quality service to its customers;
2. that an update on the Planning Enforcement Service be provided to the Overview and Scrutiny Committee at the 27 September 2012 meeting;
3. that a full report on the implementation of the Ward Member satisfaction with Planning Task and Finish Forum be provided to the Overview and Scrutiny Committee at the 27 September 2012 meeting.

78 Consultation on the emerging Council Plan

The Committee reviewed the draft Council Plan and the supporting strategies on Economy; Environment; Housing and Communities; and Finance.

Councillor Ray Bloxham, Portfolio Holder for Corporate Business, outlined the history of the development of the new Plan and the underpinning strategies. He stressed how the Plan is written to be clear to any reader – staff, Councillor, or member of the public. The consultation undertaken to date had shown a positive response to the Council Plan, and the feedback from that consultation had helped refine the plan further.

Questions on the Council Plan and supporting strategies included:

- Confirmation on the involvement of Chambers of Commerce. They had been contacted by letter in the early stages of the consultation and had a later opportunity to contribute via the East Devon Business Forum;
- Concern on how deliverable elements of the Economy strategy were, such as Business Development Units. The Head of Economy outlined some progress pending application submissions in Seaton and Axminster;
- A desire to see more encouragement of mixed economy in the towns contained in the Economy Strategy;
- Include reference to rail passing loops within the Economy Strategy;
- Should the Council Plan include clarity on what resources were available to carry out the Plan, or at least prioritise elements, so as not to give unrealistic expectation on achievement of the many elements in the strategies? Many of the projects involved partner working and therefore clarity on resources and funding was not always easy to define;
- The target of 13,500 new jobs in the Local Plan should be linked to a target within the Economy Strategy;
- Exe Estuary reference should be improved to help raise its profile, and Clyst Estuary should be added.

The Committee was reminded that much of the detail behind the supporting strategies was contained in the Local Plan, and therefore the Council Plan was intended to compliment it rather than repeat it. The intention of the Council Plan is to give a strategic view on how the Council will progress in the next four years

78 Consultation on the emerging Council Plan (continued)

Debate also took place over how specific elements of the plan would be carried out, such as keeping food supply chains short and funding tourism strategies. Councillor Bloxham advised Members that they could contact him directly on any specific comments on the Council Plan and supporting strategies prior to Cabinet considering the documents on the 7 March 2012.

Denise Lyon, Deputy Monitoring Officer, gave thanks to those involved in the production of the Council Plan, including in particular Councillor Bloxham for his support and advocacy of the plan. She also thanked the Heads of Service for their work alongside service plan and budget setting; and Councillor Godbeer and Mrs Little for their patience.

**RECOMMENDED** that the Council Plan and supporting strategies be recommended for approval by Council.

79 Outside Bodies, Panels and Forums

Councillor Ray Bloxham, Portfolio Holder for Corporate Business, outlined recent work undertaken by his Think Tank in reviewing the formally appointed Council representatives. He stressed that the intention was not to stop representation, only to narrow down formal representation agreed by Council. He outlined his reasoning for the criteria, and the other informal means of representation to be facilitated by Democratic Services.

The Chairman asked how each Portfolio Holder would ensure that representatives regularly reported information from the body, panel or forum. Councillor Bloxham explained that each formal representative relates to a specific portfolio, and that this could be developed to placing that representative on the appropriate Think Tank as a means of enabling two-way communication. This would lead to feedback from and information sent to, the outside body, panel or forum.

The Committee discussed past poor practices of a lack of information from some representatives. They welcomed the report and suggested recommendations.

- RECOMMENDED**
1. that Appointments of Members to Outside Bodies, Panels and Forums be made by Council only where one or more of the following criteria apply:
    - a) The Council makes a financial contribution to the outside body;
    - b) There is a clear need for the business of the outside body to be reported back to Council;
    - c) The Council has a partnership relationship with the outside body;
  2. in the case of outside bodies falling outside the criteria in 1. above, Democratic Services will provide the contact details of the ward member(s) so that arrangements can be made direct;

79 Outside Bodies, Panels and Forums (continued)

- RECOMMENDED** 3. that appointed Representatives engage with the relevant Portfolio Holder to ensure information is both fed back, and fed into, each Outside Body, Panel and Forum that meets the criteria for formal appointment.

\*80 Quarterly Monitoring of Performance – Third Quarter 2011/12

The Committee reviewed the key issues report and raised questions on the “concern” marked key objectives. The Head of Economy gave an update on the Skypark and explained the funding administration relating to the Science Park. A suggestion was made to amend the officer comments relating to the Strand Gardens to better reflect the actual cost of the commercial building.

\*81 Forward Plan

Members noted the forward plan relevant to the current and next financial year. The Vitality of High Streets and Town Centres Task and Finish Forum have their first meeting on the 9 March 2012.

\*82 Update from Portfolio Holder for Economy

Councillor Graham Godbeer, Portfolio Holder for Economy, reminded the Committee of his wide-ranging remit.

His Think Tank had recently covered:

- Preparation of the new Economy Strategy;
- Agriculture, succession planning for it, and the impact on AONBs;
- Rural broadband issues;
- BIP presentation that went on to be presented to full Council;
- Joint working with other Think Tanks on Asset Management and Growth Point.

Other portfolio work covered:

- Working with Chambers of Commerce – he advised the Committee of a new Business Development Officer at Seaton, working with their Chamber of Commerce for a six month term;
- East Devon Business Forum – recently amended constitution to help attract small businesses to the Forum;
- Asset Management Forum – the database of assets was now in use and he thanked the IC for their work in enabling that database;
- Positive work on the Exmouth Regeneration Board continued;
- Seaton Regeneration Board – interviewing for operator for the Visitor Centre;
- Involvement with Exeter & Heart of Devon on tourism issues;
- Working with other authorities to consider a joint approach to LEP as the conduit for funding;

The Portfolio Holder planned to continue with the work outlined above and also improve links with Exeter. He also intended to look at ways to grow capital to re-invest in profitable assets.



\*82 Update from Portfolio Holder for Economy

The Committee welcomed the update and suggested that work is carried out to identify companies who may consider locating in the District. These companies can be targeted to show the many benefits of the District.

\*83 Update from Portfolio Holder for Corporate Services

Councillor Ian Thomas, Portfolio Holder for Corporate Services, highlighted his areas of responsibility to the Committee. These included:

- Communications. There had been a number of positive press releases in the past few months, and the East Devon Talk had been replaced with an online publication East Devon Connect, giving a cost saving. The reduction in press staff had impacted on the ability to cover all press related work;
- Feedback from newly elected Members had resulted in a refresher programme for all Members currently underway;
- Electronic government – enabling services availability online;
- Staff satisfaction survey results are positive despite recent redundancies, and take up of e-learning modules is good;

The Portfolio Holder outlined some recent work by the ICT service, presenting to the Committee how a number of issues are reported online. An example used was for reporting a missed bin collection, with a number of targeted questions online that enabled actioning the request quicker and more efficiently. He explained the LAGAN system that linked together all forms of contact with the Council to log and follow up on a reported issue.

He also showed an example of mobile working, with the replacement of a paper log to a handheld device enabling the operative to easily log work carried out and report faults. The Committee particularly enjoyed this example.

The Portfolio Holder outlined his concerns about rural broadband and the Devon and Somerset project to deliver superbroadband (24MB) to 90% of the two counties, with the remainder at the universal standard of 2MB. The 10% left are likely to be rural, end of line locations; businesses would suffer as a result. He informed the Committee that he would be giving a series of sessions about Rural Broadband to help better inform Members of the issues and hoped to deliver his first session prior to Cabinet on 7 March 2012.

The Chairman thanked both Portfolio Holders for their informative presentations.

\*84 Exclusion of the Public

**RESOLVED**

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

\*85 Call in of Portfolio Holder decision

The Committee heard the reasons for the call in of the recent decision by the Portfolio Holder for Communities. The Deputy Portfolio Holder for Communities spoke on behalf of the Portfolio Holder.

- RECOMMENDED**
1. that the decision by the Portfolio Holder for Communities on the application for the sale of a former Council house stands;
  2. that the policy relating to the sale of former Council houses be considered at the meeting of the Housing Review Board on 8 March 2012, with a view to a full review in due course;
  3. that future publications of Portfolio Holder decisions in the Confidential Knowledge contain more information about the application, in order to provide other Members with the full facts to see how the decision was reached.

\*86 Cabinet agenda item

The agenda item related to an agreement for a sale of land. The Ward Members spoke on their views on the proposed sale, highlighting concerns about public safety. Discussion took place on alternative uses for the site to retain it as amenity land.

In light of the discussion, the Leader agreed to withdraw the item from the Cabinet agenda in order to reconsider the report and look at alternatives for the site.

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

## East Devon District Council Scrutiny Committee - 29<sup>th</sup> March 2012

### Devon County Council's Progress in Flood Risk Management

#### 1.0 Introduction

After the floods in 2007 Sir Michael Pitt carried out a review of the lessons learnt and made recommendations for future flood risk management activities. These recommendations were backed by the Government and, in line with the EU Floods Directive, the Flood Risk Regulations 2009 and the Flood and Water Management Act 2010 were introduced. As a result Devon County Council (DCC) were given the role of Lead Local Flood Authority (LLFA) with a number of new responsibilities. This report sets out the progress made by DCC's Flood Risk Management Team in delivering their new responsibilities, as detailed below:

#### 2.0 DCC Response as LLFA

<b>Flood Risk Regulations 2009</b>	
Preliminary Flood Risk Assessment	Investigate flooding from surface runoff, groundwater and ordinary watercourses by 22 <sup>nd</sup> December 2011. DCC submitted PFRA to the Environment Agency (EA) in June 2011 and final sign-off was confirmed 6 <sup>th</sup> December 2011. The PFRA is to be reviewed before June 2017 and subsequent 6 year intervals. Copy on the DCC Flood Risk Management website.
Identify Significant Flood Risk Areas	Areas considered to have a significant risk of flooding from local sources, such as surface water, ground water and ordinary watercourses. After applying the thresholds agreed by Ministers of 30,000 people at risk, DCC's PFRA concluded that no significant flood risk areas from local sources exist in Devon and hence no further work was required under the PFRA.
Flood Hazard Maps and Flood Risk Management Plans	
<b>Flood and Water Management Act 2010</b>	
Section 9 - Duty to Develop, Maintain, Apply and Monitor a Strategy for Local Flood Risk Management	<p>The key objectives of the strategy are:</p> <ol style="list-style-type: none"> <li>1. to ensure it meets local needs and is proportionate to the risk</li> <li>2. to translate the National Strategy into meaningful objectives for the local strategy</li> <li>3. to understand and prioritise the local risks</li> <li>4. to consider the extent and implications of sustainable development</li> <li>5. to establish a strong local partnership with all Risk Management Authorities</li> <li>6. to prepare a suitable communication and engagement strategy</li> <li>7. to recognise civil contingencies and community resilience.</li> <li>8. to achieve wider environmental objectives</li> <li>9. to establish data management procedures, and</li> <li>10. to consider addressing any skills gap.</li> </ol> <p>DCC has started the process of establishing a Devon Flood Risk Partnership to oversee the</p>

	<p>production of a Local Strategy. A launch meeting was held on 23<sup>rd</sup> February and was attended by officers from East Devon District Council.</p> <p>The strategy will build on the results of the PFRA and will become a 'Toolkit' for Risk Management Authorities (RMA). It is to be prepared through Spring/Summer 2012 with a Draft Strategy available Autumn 2012</p>
Section 19 – Power to Investigate Floods	DCC need to ensure that any significant flood event is investigated and reported. A draft Memorandum of Understanding on the triggers when an investigation may be carried out has been prepared. To date, just one, minor flooding event (in Braunton) has been investigated and reported. A copy is available on the DCC Flood Risk Management website.
Section 21 – Duty to Establish and Maintain an Asset Register	DCC has commenced collecting asset data on a risk basis and populating a simple GIS attributed register. The EA are developing a new Asset Inventory Management System (AIMS), which is to being considered for use as the national database.
Section 30 – Power to Designate an Asset	All Risk Management Authorities (RMA) including the EA, LLFA, district councils and internal drainage boards have the power to designate an asset which in their opinion has an important contribution to flood defences. The owner would then require permission to carry out any works on that asset.
Section 31 (Schedule 2 (29)) – General Powers and Power to Carry Out Works	DCC now has power to carry out works on Surface Water and Groundwater. Work has commenced on a Strategic Surface Water Management Plan for Devon and a more detailed review of Exeter is underway; this will be followed by further studies in other priority areas. In partnership with South West Water an Integrated Urban Drainage Study is being carried out for Exmouth. At a local level DCC have contributed to a number of 'quick win' schemes with the Districts. In East Devon a contribution of £15,000 has been made towards the Project Appraisal Report for New Feniton Flooding.
Section 31 (Schedule 2 (32)) – Provision of Consent for Ordinary Watercourses	DCC to provide consent for works on Ordinary Watercourses from 6th April 2012. A member of the Flood Risk Management Team has been seconded to the EA Devon Area office for two days a week since August 2011 and has gained first hand experience of Ordinary Watercourse Consenting. Work has been progressed on agreement of Standard Procedures and Standards for a consistent approach. It is recognised that expertise in fisheries and water quality is at the EA so a Memorandum of Understanding between the EA and DCC is being considered to utilise this expertise. This model example of partnership working is unique to DCC in the South West and as a result we are well placed to proceed in April.
Section 31 (Schedule 2(33)) – Powers to Require Works for Maintaining the Flow of Watercourse	Commencement of this will remove the enforcement power under Section 25 of the Land Drainage Act from District Council's, passing instead to the LLFA. Defra recognise this is best kept at a local level and is therefore likely to be delegated back. District Council's are "funded" to perform this work and all other functions under the Land Drainage Act through their Formula Grant. Ongoing consideration as to the principles of the FWMA and effect of

	amendments to the Land Drainage Act will be considered and clarified in the Local Flood Risk Management Strategy to confirm any future working agreement.
Section 32 (Schedule 3) – Sustainable Drainage	<p>The Flood &amp; Water Management Act states that, under Schedule 3:  Section 6 - the LLFA will establish a SuDS Approving Body (SAB);  Section 14 - the LLFA will have powers to enforce the suitable provision of SuDS;  Section 17 - the LLFA will have a duty to adopt the approved SuDS</p> <p>A partnership approach with District Council's and the County Council is currently being considered within the SuDS delivery plan.</p> <p><i>Defra's Consultation on implementation of the Sustainable Drainage Systems (SuDS) provisions in Schedule 3 of the FWMA</i> was published 20 December 2011 and responses due by 13 March 2012. DCC's Flood Risk Management Team have reviewed the documents and provided a response back to Defra with formal approval from the Cabinet Member prior to submission. The results of the consultation are expected in May 2012. The current implementation date of 1<sup>st</sup> October 2012 is looking doubtful and more likely to be 1<sup>st</sup> April 2013.</p>
Section 18 – Reports to Defra	The Environment Agency has a duty to report to Ministers about flood and coastal erosion risk management. DCC will provide a progress report around April each year.

### 3.0 Role of Other Risk Management Authorities (RMA's)

The Flood and Water Management Act also places responsibilities on the other RMA's, identified as the Environment Agency, District Councils, Internal Drainage Board, Water Company and Highway Authority.

The Environment Agency has a strategic overview of all Flood Risk Management activities and must develop, maintain, apply and monitor a strategy for flood and coastal erosion risk management in England. As stated above, they have a duty to report to the Secretary of State ('the Minister') on the progress of the National Strategy.

All other RMA's have a duty to co-operate in the exercise of their flood and coastal erosion risk management functions. The EA and LLFA have powers to request information from the RMA's in respect of these functions. Power to carry out works on ordinary watercourses is retained by the District Councils, however consent will be required from the LLFA.

Some of the powers and responsibilities listed in the table above may be delegated by the LLFA to any of the other RMA's. The Local Flood Risk Strategy shall clearly identify those functions.

#### 4.0 Funding

A key topic area at present is the new funding mechanism. The following section has been prepared to give some brief guidance on the calculation of grant for major flood defence works identified by the relevant authority on the Environment Agency's Medium term Plan (MTP).

**Flood Defence Grant in Aid (FDGiA) Funding** – Capital funding requests submitted through the EA's annual MTP will be considered and prioritised at a National level. The new government system for calculating the available funding is based on a fixed payment rate for the value of benefit being achieved and is heavily linked to the number of properties gaining improved flood defences. A considerable amount of work is therefore necessary to agree the preferred option, determine the benefits that will be achieved and calculate all of the costs before the scheme can be promoted for funding. Only schemes with a robust business case that deliver the relevant Outcome Measures and reach the necessary Partnership Funding (PF) score will achieve FDGiA funding; which for 2012/13 has been set at 120%. This means that the maximum available FDGiA calculated from the fixed payment rates has to be at least 120% greater than the overall cost of the scheme less any financial contribution, for it to be approved.

$$\text{For example:} \quad 120\% = \frac{\pounds 15,600\text{k}}{\pounds 25,000\text{k} - \pounds 12,000\text{k}} = \frac{\text{(Available FDGiA from fixed rates)}}{\text{(Cost of scheme – Financial contribution)}}$$

As the FDGiA funding is fixed and based on the benefits being achieved this will not increase if a more expensive scheme option is considered, unless greater benefits can be achieved. Any increase in scheme costs would therefore require additional third party contributions. These could be raised through Local Levy, Community Infrastructure Levy (CIL), Local Enterprise Partnership (LEP), Section 106 Agreements, etc.

**Small Schemes not achieving FDGiA** – The Flood Risk Management team at DCC will be working closely with the engineers at East Devon District Council to assist in the delivery of any 'quick win' schemes. Financial contributions towards these schemes will be offered on a risk based prioritisation compared with other district schemes.

**Local Levy** – DCC can obtain local levy funds from the EA for carrying out any of the flood and coastal erosion risk management functions within their area. Applications to obtain local levy will be considered and approved by the Regional Flood and Coastal Committee (RFCC). Funds can be used for works and studies that do not attract national funding through Flood Defence Grant in Aid (FDGiA), however they can also count as a contribution towards a major scheme requiring capital funding through the FDGiA funding scheme.

#### 5.0 Conclusion

DCC's Flood Risk Management Team has made good headway in delivering all of the new duties and responsibilities imposed on them by the new legislation and remain on target to achieve all ongoing requirements. The County's Scrutiny Committee will have a key role to play in overseeing and assessing progress made by all Risk Management Authorities, not just the LLFA, in delivering their duties under the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009.

Martin Hutchings – 7<sup>th</sup> March 2012

# Agenda Item 12

Overview and Scrutiny Committee

29 March 2012

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## Equalities objectives and updated Equality Policy

### Summary

The Public Sector Equality Duty, prescribed under section 149 of the Equality Act 2010 requires that public bodies must set 'one or more' equality objectives by April 2012, which have to be specific and measurable. The number of objectives set must be commensurate with the range of services delivered, and be published in an accessible format, with progress reviewed annually. Our proposed objectives, together with an updated Equality Policy and proposals for funding this work are included in this item.

### Recommendation

- 1. Members agree the proposed equality objectives and updated Equality Policy for recommendation to Council.**
- 2. Members recommend to fund a part time Equalities Support Officer at a cost of around £17 - 20,000 a year to Cabinet.**

#### a) Reasons for Recommendation

We are legally obliged to set one or more equality objectives by April 2012. This is an opportune time to review the policy as well. The work has resource implications which we are finding it difficult to match with existing staffing.

#### b) Alternative Options

Members can vary the objectives and policy if they wish.

#### c) Risk Considerations

We have proposed a set of objectives which are appropriate but challenging. There is very limited resource in the Council to spend time on development work in this area. Best practice councils tend to have at least one dedicated Equalities Officer and a small team dedicated to Community Development, hence the proposal to consider budgetting for some part time resource.

#### d) Policy and Budgetary Considerations

The Policy is updated as part of this report and the budget proposal is outlined in 1.4.

#### **Positive Impact Overall**

Safe Environment.

Young People.

Excellent Customer Service.

Inspirational Council.

Meeting our crime and disorder duties.  
Meeting our Diversity and Equality duties.

**e) Date for Review of Decision**

We will report annually on the objectives and review the policy in 2016 unless an earlier review is appropriate.

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1 Main Body of the Report

1.1 The Public Sector Equality Duty, prescribed under section 149 of the Equality Act 2010 requires that public bodies must set 'one or more' equality objectives by April 2012, which have to be specific and measurable. The number of objectives set must be commensurate with the range of services delivered, and be published in an accessible format, with progress reviewed annually.

1.2 I have taken the opportunity to also review our Equalities Policy/Scheme as well. The combined policy and objectives are included with this report for members' views.

1.3 Both the objectives and the policy reflect the priorities we think are right for this Council at this point in time. They capture issues outstanding since the Diversity Peer Review in 2010, as well as issues identified during consultation on the Council Plan priorities.

1.4 We are having difficulty finding time to turn our objectives into actions and achievements. My proposal is to fund a part time officer to help us set up a local network of diversity groups and support the Corporate Equality Group in its work to achieve the objectives.

1.5 My main concern, if we try to struggle on with existing resource, is the risk we run in legal and reputational terms. Councils who are not strong in this area have found it difficult and costly to respond to community challenges.

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Legal Implications

The Council's legal duties are set out within the report.

Financial Implications

A Supplementary Estimate is being requested in 2012/13 of £17,000 to £20,000 to create a new post, it is assumed this be an annual cost. Any other financial implications resulting from the actions contained in this report, if they arise, will require further member approval.

Consultation on Reports to the Cabinet

Strategic Management Team

Overview and Scrutiny Committee

We are proposing to do some specific consultation with diversity groups and young people to get their views on how we might best achieve our objectives.

Background Papers

Equalities Policy and Objectives 2012 – 2016 included in the report; appendices online

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

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# East Devon District Council

## Equality Policy and Objectives 2012 - 2016

### 1 Previous Policies/Strategies

Integrated Equality Scheme Statement and Equality and Diversity Policy 2010

### 2 Purpose of the Policy/Strategy

2.1 This document replaces our previous Policy and sets out how we will meet our legal duties under the equality legislation and how we will promote equality and diversity as a community leader, service provider and employer.

2.2 In our role as community leaders, our values underpin the principles and standards that guide us in planning and providing services and in the way we treat people. Our values are:

- Open
- Listening
- Accountable
- Caring
- Looking forwards

2.3 This Policy sets out our commitment to creating an environment in which everyone in East Devon can take full part in all aspects of life (see Appendix 1 for an analysis of the population and issues in our District). We aim to reflect, promote and respond to the needs of the community by listening to and involving local people and partners in our work. This builds on our systems thinking work of designing services to deliver what matters to our customers and residents.

2.4 We also work hard to eliminate prejudice and discrimination, both in our organisation and in our communities. Our purpose in this work is to: 'Promote equality, eliminate inequality'.

### 3 Terms explained

These are set out in the Policy at relevant points

### 4 Specific Policy Areas

#### 4.1 What are the equality duties?

The Equality Act 2010 replaced all existing equality legislation so that there is now just one Act. Section 149 of the Equality Act requires all public sector organisations to meet general and specific public sector duties. Appendix 2 sets out the legal requirements (together with a plain English translation!).

#### 4.2 What are our equalities objectives?

Our equality objectives are designed to help us achieve a better approach to embedding equalities thinking in our work as a Council. We have developed our objectives using:

- the requirements of the legislation
- the knowledge we have built up over the last three years about what is important to our communities and equality groups
- priorities identified in our Council Plan and supporting Plans through wide consultation with partners, businesses, the voluntary sector, faith groups, young people and residents
- feedback in the 2010 Diversity Peer Challenge report based on their assessment of our approach to equalities using the Equalities Framework Standard for Local Authorities.

Our objectives are:

### **Equality Objective Number 1 - Know our communities better**

- a. Coordinate and share equalities information, data and intelligence across the organisation to avoid duplication of effort
- b. Make better use of partnership data to improve our intelligence profile of East Devon
- c. Consider opportunities for using customer insight data to target services
- d. Do a survey across East Devon to find out what people, especially the protected characteristic groups, think we need to prioritise
- e. Introduce the contacts from equality and diversity groups active in the South West Network to our Corporate Equality Group
- f. Ask local diversity groups to help us review our policies

### **Equality Objective Number 2 – Serve our communities better**

- a. Get better at communicating the difference our customer feedback makes to the way we deliver our services
- b. Improve collaborative equalities working and communication with partnerships and community groups
- c. Make sure we work with partners and have a zero tolerance approach to 'hate crime'
- d. Make our website work from the customer point of view, so that those in isolated locations and people using mobile devices can access services easily
- e. Lobby for superfast broadband for all of our District to help tackle rural inequality
- f. Work with partners and lobby government to minimise the impact of proposed major changes to benefits for people out of work or on low incomes

### **Equality Objective Number 3 – Put equalities at the heart of policy and decision making**

- a. Engage elected members in more training to help them understand the issues and promote equalities thinking in debate and decision making
- b. Do an equality analysis, and post it on our website, for all relevant key decisions, service developments and policies
- c. Report progress on our objectives to Scrutiny Committee and Cabinet
- d. Revise procurement, financial and legal contracts to reflect our commitment to equalities
- e. Improve monitoring of our workforce profile to identify trends and challenge inequalities

#### **4.3 What is an Equality Analysis?**

One of the ways we will demonstrate that we are complying with our Equalities Duties will be our Equality Analyses which Managers will complete when developing council policies and practices. Officers use our Equality Analysis Form and Guidance to help them identify possible areas of risk of unlawful discrimination against a particular group or sector of the community. The Form helps them analyse whether the potential discrimination is on the grounds of race, sex, disability, religion, faith or belief, sexuality, gender identity or age, and then prompts them to consider steps and opportunities to remedy this.

Other indicators of disadvantage can also be considered that are relevant to East Devon such as rural isolation and poverty. This process enables action to be taken to eliminate, minimise or balance any discriminatory or negative consequences.

#### **4.4 Access to Information and Services Monitoring**

We will monitor our information and services and remove any barriers to access and information by providing alternative formats of communication such as large print, audio, translators and interpreters, including British Sign Language. Our Customer Relationship Management IT System allows us to register information about customers, such as they need large font, to help us serve them better.

Some of our services, such as Housing and Benefits, do equality monitoring, where the need is proportionate and appropriate.

All information requiring publication under the legal duties will be available on our website [www.eastdevon.gov.uk/equalityanddiversity](http://www.eastdevon.gov.uk/equalityanddiversity) , as will our Equality Analyses of major policies and decisions.

#### **4.5 Community engagement and satisfaction**

We recognise the importance of community engagement and participation. We have agreed policies which support our work in this area:

- Community Engagement Policy
- Tenant Involvement Strategy.

We involve a range of people and engagement styles appropriate to the local community. Our Participatory Budgeting process has won national recognition for its success in engaging communities in spending developer contributions in the local area.

On major policy development, such as our recent work on a new Council Plan and supporting frontline plans, we consulted widely to get people's views on our proposals.

We need to get better at involving diversity groups in our decision making process and this is included in our objectives.

#### **4.6 Working with partners and stakeholders**

Progressing the equality agenda in East Devon requires working in partnership with others, for example the NHS, Police and Fire Services, Devon County Council, Towns and Parishes and the voluntary and community sector. Narrowing equality gaps and improving the lives of different groups will require us to pool evidence and sometimes resources. This is included in our objectives.

We also work with the South West Equality Network to share learning, good practice and access to groups in society who can inform our approach to those with 'protected characteristics'.

#### **4.9 Employing a modern and diverse workforce**

As part of our work to promote equality, East Devon District Council aims to make sure that in our role as employer we achieve our equality commitments.

We use the nine main elements within the Equality Framework for Local Government to test our approach to achieving a modern diverse workforce. See Appendix 3 for the detail.

### **5 Outcomes**

The Policy makes clear our priorities in the main aspects of the Council's equalities work – as community leader, service provider and employer. If we can:

- reduce discrimination by engaging in positive action to celebrate the merits of a diverse community
- employ a workforce that reflects this diversity, and
- deliver services that are tailored to meet different customer needs

we will go a long way to improving the lives of our residents, particularly those with protected characteristics.

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

Denise Lyon, Deputy Chief Executive is lead officer for Equalities and Councillor Custance Baker is the Equalities Champion.

It is the responsibility of everyone that works for, and represents, East Devon District Council, to deliver the objectives set out in this scheme. All employees and councillors will promote equal opportunities, and work in a positive way to include people from different backgrounds.

### **7 Performance Monitoring**

Progress against the delivery of the equality objectives and other supporting documents will be monitored on a regular basis by the Corporate Equality Group and reported twice a year to Scrutiny Committee and the Cabinet.

### **8 Policy/ Strategy Consultation**

We have consulted the Corporate Equality Group, SMT and the Corporate Business Think Tank. We also plan to involve a number of equality groups in assessing the policy and objectives from their particular point of view.

### **9 Equality Impact Considerations**

These are part and parcel of the Policy itself.

### **10 Policy/Strategy Review**

Denise Lyon, Deputy Chief Executive will review this policy in 2016, or sooner if relevant.

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

Community Engagement Policy  
Tenant Involvement Strategy  
Safeguarding Vulnerable Adults Policy  
Safeguarding Children Policy  
Safeguarding People from Domestic Violence Policy  
Rural Services Standards  
Landlord Disabled Adaptation Policy  
Acceptable Behaviour Policy  
Equality Analysis Form and Guidance

## Forward Plan for Overview and Scrutiny Committee

Month	Topic
26 Apr 2012	Review of Car Parks Implementation of the Localism Act Recording at Meetings Review of the Year – Draft Overview & Scrutiny Annual Report
7 June 2012	Broadband (tbc) Quarterly Monitoring of Performance – 4 <sup>th</sup> Qtr 2011/12
5 July 2012	Post Office Local feedback on local pilot schemes – Member Champion for Rural Communities (tbc)
26 July 2012	
30 August 2012 (if required)	
27 September 2012	Youth service provision (tbc) Quarterly Monitoring of Performance – 1 <sup>st</sup> Qtr 2012/13
25 October 2012	
22 November 2012	Quarterly Monitoring of Performance – 2 <sup>nd</sup> Qtr 2012/13
3 January 2013	
16 January 2013	Special Budget meeting (all day)
24 January 2013	
28 February 2013	Quarterly Monitoring of Performance – 3 <sup>rd</sup> Qtr 2012/13
28 March 2013	
25 April 2013	

### Topics for scoping and allocation to the Forward Plan:

- On-street parking financial detail
- Shortage of housing for elderly in rural communities
- Local Plan production

### Task and Finish Forums Update

- Community Infrastructure Levy – Due to commence in April 2012
- Vitality of High Streets and Town Centres – Next meeting 3 April 2012 at 5.30pm in Committee Room.
- HRB TaFF are continuing – Garage Management; and Sheltered Housing.