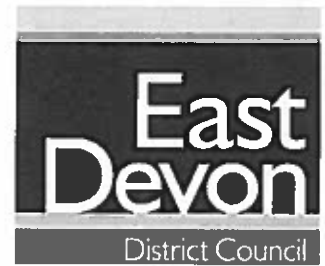


Date: 22 June 2009  
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PJ  
Meakin



To: Members of the Overview and Scrutiny Co-ordinating Committee  
(Councillors: David Atkins; Ray Bloxham; Peter Bowden; Iain Chubb;  
Trevor Cope; Christine Drew; Chris Gibblings; Roger Giles;  
Graham Godbeer; Stuart Hall; Stephanie Jones; David Key;  
Frances Newth; Barry Nicholson; Marion Olive; Helen Parr;  
Bob Peachey; Graham Troman; Eileen Wragg; Steve Wragg)  
Portfolio Holders  
Other Members of the Council for Information  
Chief Executive  
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APLOGIES: J KNIGHT  
B Buxton  
E. Jeffs  
S Jones  
P Halse

**Meeting of the Overview and Scrutiny Co-ordinating Committee**  
**Wednesday, 1 July 2009 – 6.30pm**  
**Council Chamber, Knowle, Sidmouth**

Members of the public are welcome to attend this meeting.

- A period of 15 minutes has been provided to allow members of the public to raise questions.
- In addition, after a report has been introduced by the relevant Portfolio Holder and/or officer, the Chairman of the Committee will ask if any member of the public would like to speak in respect of the matter 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 group.
- The public is advised that the Chairman has the right and discretion to control questions to avoid disruption, repetition and to make best use of the meeting time.

**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.
  - Each individual questioner exercising the right to speak during this public question time is restricted to speaking for a total of 3 minutes.
  - 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.
  - The Chairman has the right and discretion to control question time to avoid disruption, repetition, and to make best use of the meeting time.
2. To receive any apologies for absence

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3. To consider any items which, in the opinion of the Chairman, should be dealt with as matters of urgency because of special circumstances.

(Note: such circumstances need to be clearly identified in the minutes; Councillors please notify the Chief Executive in advance of the meeting if you wish to raise a matter under this item. The Chief Executive will then consult with the Chairman).

4. To agree any items to be dealt with after the public (including the press) have been excluded. There are no items that the officers recommend should be dealt with in this way.
5. Decisions made by the Executive Board called in by Members for scrutiny in accordance with the Overview Procedure Rules under Part 4.5 of the Constitution. There are no items which have been identified.

6. **Remit of the Overview and Scrutiny – ~~Service Delivery and Performance Committee~~ <sup>Co-ordinating Committee.</sup>** 4  
 The remit of the Committee, along with the remit of the other Overview and Scrutiny Committees, is attached for information.

7. **Resolutions from the former Scrutiny Committee on improvement to the Scrutiny Function** 5 - 6  
 Members to consider the adoption of the resolutions made by the former Committee.

8. **Minutes from the Economy Overview and Scrutiny Committee 11 June 2009.** To follow

9. **Minutes from the Service Delivery and Performance Overview and Scrutiny Committee 17 June 2009.** To follow

10. **Minutes from the Communities Overview and Scrutiny Committee 24 June 2009.** To follow

11. **Land Supply for Housing Task and Finish Forum Findings** 7 - 10  
 (Councillor Paul Diviani, Chairman of Development Management Committee, is invited to attend)

Councillor Phillip Skinner will brief the Members on the work undertaken by the TaFF on the review of the sites that make up the Council's five year land supply for housing, and the recommendations as a result. The TaFF was commissioned by the Scrutiny Committee at their meeting on 21 January 2009.

12. **Overview and Scrutiny Co-ordinating Committee Forward Plan**

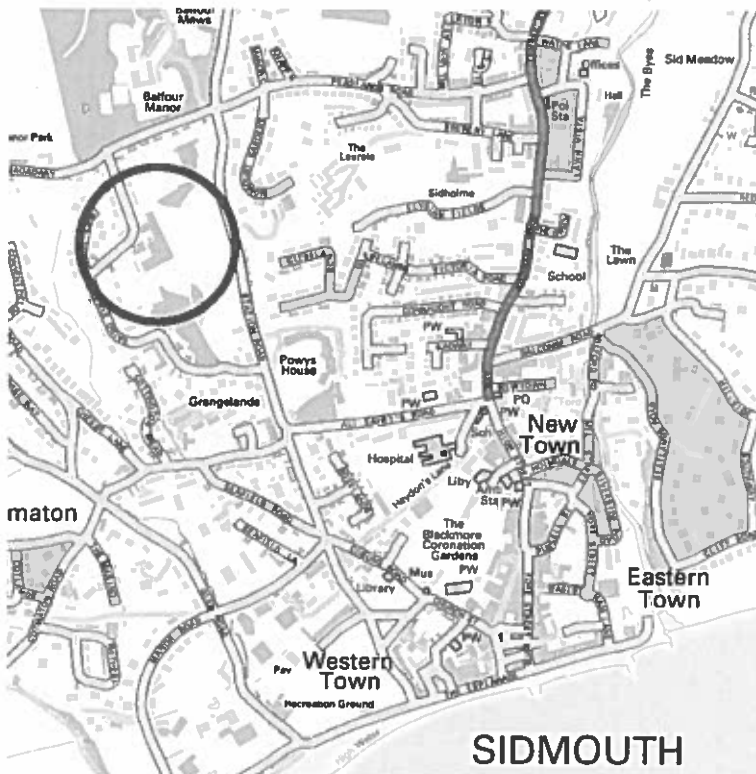
Members to debate future topics for discussion, looking at the Council's Corporate Priorities and work outstanding from the previous Corporate Overview and Scrutiny Committees.



### Members remember!

- You must declare any personal or prejudicial interests in an item whenever it becomes apparent that you have an interest in the business being considered.
- Make sure you say the reason for your interest as this has to be included in the minutes.
- If your interest is prejudicial you must leave the room unless you have obtained a dispensation from the Council's Standards Committee or where Para 12(2) of the Code can be applied. Para 12(2) allows a Member with a prejudicial interest to stay for the purpose of making representations, answering questions or giving evidence relating to the business but only at meetings where the public are also allowed to make representations. If you do remain, you must not exercise decision-making functions or seek to improperly influence the decision; you must leave the meeting room once you have made your representation.
- 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



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

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

The following buses all terminate at the Triangle in Sidmouth. From the Triangle, walk up Station Road until you reach the Council Offices (approximately ½ mile).  
**From Exeter – 52A, 52B**  
**From Honiton – 340 (Railway Station), 387 (Town Centre)**  
**From Seaton – 52A, 899**  
**From Ottery St Mary – 382, 387**

Please check your local timetable for times.

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

Visitors please note that the doors to the civic suite (meeting rooms) will be opened ¼ hour before the start time of the meeting. Councillors are reminded to bring their key fobs if they wish to access the area prior to that time.

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



## **Constitution Changes 2009/10**

### **1. Overview and Scrutiny Committees**

Members are aware it is proposed to replace the Corporate Overview Committee and the Scrutiny Committee with four Overview/Scrutiny committees. The reason for this is to give more members the opportunity to become involved in policy development and/or scrutiny, support the Council's performance improvement drive and provide the means for greater community engagement.

The new Overview and Scrutiny committees will be:

#### **1.1 Overview and Scrutiny Co-ordinating Committee**

This Committee will co-ordinate the work of the other three new Overview and Scrutiny committees: Communities, Economy, Service Delivery and Performance. It will ensure that the Council develops its partnership working and helps achieve integrated Devon service delivery. Its remit will include service delivery across the Local Government family Devon-wide, achieving savings through remote working with neighbouring authorities (Mid Devon, Exeter, West Dorset, AONBs/Blackdown Hills), working with parish councils, Police, Fire, and the Primary Care Trust, Comprehensive Area Assessment issues and Local Strategic Partnership service commissioning. It will also be the Council's statutory crime and disorder committee.

#### **1.2 Economy Overview and Scrutiny Committee**

to include:

- recession recovery,
- town services, high street future,
- skills and training, school provision for leavers and achievers, Further Education provision,
- property based decisions
- Local Government Association issues.
- Sustainability

#### **1.3 Communities Overview and Scrutiny Committee**

to include

- affordable housing, housing availability,
- urban, rural and Safe Communities.
- developing, reviewing and monitoring the effectiveness of the Council's work on equality and diversity
- developing and implementing the community empowerment vision
- Scrutinise community engagement and empowerment initiatives and governance arrangements, with input from communities to drive improvement

#### **1.4 Service Delivery and Performance Overview and Scrutiny Committee**

Remit to include: right sized establishment, systems thinking and on-target delivery.

#### **1.5 The Housing Review Board remains a Council Overview and Scrutiny Committee and no changes are proposed to its terms of reference.**





# EAST DEVON DISTRICT COUNCIL

## Extract of Minutes of a Meeting of the Scrutiny Committee held at Knowle, Sidmouth on 12 November 2008

### 38 Improvements to the Scrutiny Function

Debbie Meakin, Democratic Services Officer, explained to Members the context of the report that contained suggestions on how to improve the Scrutiny function. Members were reminded of the resolutions by the Executive Board that the Scrutiny Committee revisits its recommendation for a dedicated Scrutiny Officer and associated implications; and its recommendation that the Scrutiny Committee review matters prior to a decision by the Executive Board. The report covered a number of possible ways of improving the Scrutiny function, including how to consider suitable topics, improve Member participation, and Member development; as well as the implications of a dedicated Scrutiny Officer.

A dedicated Scrutiny Officer, separate from the Executive Board and senior management, was strongly supported. The Chairman also added that the Scrutiny Committee should "pick up its game", to be more effective and that its work should be more focused.

Members discussed some of the problems associated with the Scrutiny function at present:

- Difficulty in motivating Members to attend. Had all Members volunteered to be Members of the Scrutiny Committee?
- The agenda items were often seen as dull and did not inspire attendance;
- Performance Indicators and Service Plan information was not always clearly or precisely presented and had no clear explanation or guidance, which meant that it was hard for the Committee to engage and challenge;
- Reports must be in plain English;
- Issues such as the new Recycling and Refuse Contract should be considered by the Scrutiny Committee before implementation.

Members agreed that many of the measures for improvement suggested in the report, including topics, improved questioning and Scrutiny Member development, would be helpful and should be implemented.

Members also considered that, although there was a cost implication to having a dedicated officer to the Committee for a three day per week role, this could be justified and bid for during the budget process. The report identified that the current provision for Scrutiny support equated to 1.5 days per week; if the current post's duties were converted to dedicated scrutiny support (3 days) the outstanding balance of the current post's duties (1.5 days) needed to be covered. This could mean either increasing the hours of another part-time officer or employing another officer to cover the work. A Democratic Services Officer was currently at pay scale 6 (£22,122 - £24,545) so to find another 1.5 days per week equated to an increase of £6,636 - £7,363. If an additional officer had to be employed to cover the 1.5 days, this would incur further on-costs adding a further £1,626 - £1,804. Members suggested that a joint Corporate Overview and Scrutiny Officer could be appointed as an alternative. The implication at the meeting was that the cost of a joint officer would be the same as the costing given for the dedicated Scrutiny Officer.



38 **Improvements to the Scrutiny Function cont/..****RESOLVED**

- 1) that changes to the operation of the Scrutiny Committee be implemented, to review its workload in a wider context, drawing topics from:
  - a) specific concerns highlighted in the Performance Indicator and Service Plan reports;
  - b) rolling reviews of services;
  - c) the decisions of the Corporate Overview Committee, to establish if implementation has occurred;
  - d) other authorities and agencies in East Devon as dictated by the "area based" Performance Indicators;
  - e) other Members, members of the public and complaint trends;
  - f) reviewing past Executive Board decisions with a view to questioning the relevant Portfolio Holder.
- 2) that training and supporting material be provided to increase confidence in questioning and scrutinising, including the introduction of a pre-meeting to decide on questioning strategy with all Members of the Scrutiny Committee as appropriate;
- 3) that Scrutiny Member development be increased to provide a better understanding of services so that these could be effectively challenged and scrutinised;
- 4) that the Leader be invited to meet with the Scrutiny Committee to discuss how the Committee could be more effective, and play a full part in improving services provided by the Council for East Devon residents, including having a dedicated officer;
- 5) that future reports on Performance Indicators be presented in a format which is clear, meaningful, and with full explanation; and contains "leading" and "lagging" indicators when in place, to give a clear picture of service performance.

**RECOMMENDED**

- 1) that the Council's constitution be reviewed, to consider other options:
  - a. amendment to permit the Scrutiny Committee to consider items, where considered appropriate, before the decision comes before the Executive Board. Such items could be identified from the Forward Plan of the Executive Board;
  - b. options on other ways of undertaking the Overview and Scrutiny function as a combined function and the practicalities of implementing such options
- 2) that a dedicated Overview and Scrutiny Officer be appointed;
- 3) that the Chairman and Vice Chairman of the Scrutiny Committee regularly meet with the Chairman and Vice Chairman of the Corporate Overview Committee to help avoid duplication and agree programmes.



## **Five Year Land Supply Task and Finish Forum**

### **Findings Report**

#### **1 Context for the Work**

- 1.1 The assessment for undertaking a 5 year land supply includes taking account of:
- Barker Review of Housing and government drive for more house building.
  - Government concerns over land supply issues.
  - Need for plans and proposals (LDF documents) to set out provision and plan for housing growth.
  - Requirement for Council's to assess five year land availability.
  - Fact that a component of Housing and Planning Delivery grant is attached to having a five year land supply (and in future years a 15 year supply).
  - Concern that failure to have a five year land supply leaves the Council vulnerable to losing appeals and therefore controlling/securing the best and most appropriate forms of development (including provision of relevant social and community infrastructure alongside housing provision).

#### **2 Remit of the TAFF**

- 2.1 The Scrutiny Committee gave the task of undertaking assessment of the five year land supply figure to the Forum to help verify that the Council did indeed have a robust five year supply. The TaFF undertook:
- Examination of current sites and assessed the likely completion levels
  - Considered the breakdown between the West End and the Rest of Devon
  - Considered how the Strategic Housing Land Availability Assessment (SHLAA) fitted in
  - The implications of not having a five year supply
  - The scope for securing provision and ensuring timely release of appropriate residential and mixed use development sites.

#### **3 East Devon Five Year Land Supply and the Annual Monitoring Report**

- 3.1 Members were reminded of the previous presentation to the Scrutiny Committee setting out the context of the five year land supply figure, including:
- Recognition that the five year land supply features in the Annual Monitoring Report. The last report covers the 1 April 2007 to 31 March 2008 period and was published in late 2008.
  - Brief overview of methodology used in five year land assessment.
  - Comment on why in the past we split the East Devon supply figures into two areas:
    1. The Rest of East Devon and



## 2. The PUAWest End of the District.

- Summary details of conclusions reached – including 12 years land in the Rest of East Devon and 2.3 years in the West End. Combined total of 5.3 years supply.
- Implications of above being that (in the past, through the Annual Monitoring Report, the case has been argued) in the Rest of East Devon (probably 95+% of the District) we have a more than adequate land supply but in the West End there is a shortfall. The high figure in the Rest of East Devon is a product of historic build rates (and projected future completions) that run ahead of the comparatively modest Structure Plan requirements. Average annual completions over the past seven years have been 483 dwellings per year and annualised Structure Plan requirement is 330 dwellings per year. Whereas in the PUAWest End the corresponding annual figures are, actual completions zero but requirement equates to 233 per year.

## 4 TAFF Assessment of Five Year Land Supply Data

4.1 Members were mindful of the definition of land availability whilst reviewing the sites detailed on the past and projected net residential development in East Devon (excluding the PUA/Cranbrook) listing. Consideration of each site was made:

- In discussion with officers looking at the units projected for each year;
- Viewing the sites in person and further discussion with officers;
- Taking account of the current economic climate;
- Taking account of the work of the Strategic Housing Land Availability Assessment.

The conclusions made were that the initial assessment was essentially robust but some minor adjustments were required; and that rigorous annual reviews should be undertaken.

## 5 Strategic Housing Land Availability Assessment (SHLAA) and Future Five Year Land Assessments

5.1 Members recognised that :

- the SHLAA Panel will undertake detailed assessment of East Devon sites – including in respect of issues of Suitability, Availability and Achievability.
- the Regional Spatial Strategy (RSS), when published (this was to be in June 2009 but is now delayed), will establish new housing figures (supersede Structure Plan figures). The RSS is liable to reduce Rest of East Devon requirements (the current draft of the RSS seeks annual average requirement of 280 dwellings per year) and up West End requirements.

## 6 Vulnerability to Challenge on Five Year Land Availability Grounds

6.1 Members found that, although across the District we can show (just) that we currently have a five year land supply it needs to be recognised that:





1. Our assessment of our District wide figures shows that we have only just over five years availability. An Inspector at a planning application appeal could take the view that this is close enough to the five year threshold to side with an applicant/dismiss our arguments.
2. The District wide five year figure is based on our assessment and assumptions we have made. A developer might challenge these and come to a different conclusion (i.e. that land supply falls under five years) and persuade an Inspector that his/her evaluation is the more accurate.
3. Circumstances change and assessment/s done at the present time (and initially in 2008) can and will be out of date in the future. House building levels and build rates fluctuate and developers enter and leave the market place and unknown site constraints and planning matters and other factors can impact on how quickly development occurs (slowing it down or speeding it up). The RSS and the SHLAA will outputs will require us to re-run the five year assessment, the SHLAA process will result in far more rigorous assessment.
4. In the past we had intentionally split the District in to two, 1. the West End and 2. the Rest of East Devon. The case for splitting the District was on the strength of the clear division in Strategic policy (Devon Structure Plan and the RSS make this division). This position was endorsed by the Local Plan Inspector who rejected calls for housing to be dispersed from one part of East Devon (Cranbrook) to other parts (the rest of the District). This stance could however be challenged and our (working) definition of the extent/size of the West End could also be challenged. It is now considered, however, that it is more appropriate to have a single 5 year housing figure for ACROSS THE WHOLE DISTRICT. This will give the Council the ability to deliver housing outside the West End which will encompass not only the Towns but villages too.

## **7 Next Steps and Promoting Housing Delivery**

7.1 In discussion with officers, Members felt there were a number of important steps to take:

- Importance of timely and accurate update of five year land supply assessment (later this year and every year) and linking this in to SHLAA work.
- Importance of timely and effective production of the Core Strategy and other LDF documents to ensure strategic allocations are made and/or policy establishes framework for subsequent site allocation or other policy for accommodating residential development.
- Ensure measures are put in place to promote and encourage prospective developers (where appropriate) to work with the Council in identifying potential development sites and to also work with the Council in undertaking relevant assessment and evaluation work in order to encourage delivery of high quality housing development. This work is already occurring, particularly through the LDF Panel and through the work of the Policy team. The Policy team have appointed three agency staff specifically to work with prospective developers on assessing and evaluating options



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for strategic housing development in Axminster, Exmouth and Honiton. The New Growth Point Team will fulfil this role in East Devon's West End.

- Reference to ensuring that affordable housing remains a key priority and that initiatives for securing affordable housing, relating to both large strategic sites and smaller sites (especially in rural areas), are actively and positively promoted by the Council. Where appropriate this should include positively endorsing high quality schemes that depart from current Local Plan policy where a clear need exists.

## **RECOMMENDED**

1. that the Overview and Scrutiny Co-ordinating Committee endorse the view of the Forum that there is a barely a five year supply of housing for the District, and therefore the Council could be vulnerable on appeal, (depending on the interpretation of the Planning Inspector) and therefore work must begin on bringing forward more potential sites;
2. that the Development Management Committee consider the five year land supply on a District basis, acknowledge that the figure is close to the threshold, and take urgent action as outlined in recommendations 3 and 4;
3. that the Development Management Committee take urgent action to review the sites for potential urban expansion of Pinhoe;
4. that urgent action is taken by the Development Management Committee to secure affordable housing, especially for rural communities, and that the Development Management Committee look at innovative ways of making the building of affordable homes viable, to include departure from planning policy and a more flexible interpretation of the 'exceptions' housing policy.

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