

Date: 2 July 2012
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To: The Chairman and Members of the Cabinet
Other Members of the Council for information
Chief Executive
Deputy Chief Executives
Heads of Service
Corporate Managers

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Cabinet
Wednesday 11 July 2012
5.30 pm
Council Chamber, Knowle Sidmouth

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

Members of the public are welcome to attend this meeting.

- There is a period of 15 minutes at the beginning of the meeting to allow members of the public to ask questions.
- 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

Part A

- 1 **Public question time** – standard agenda item (15 minutes)
Members of the public are invited to put questions to the Cabinet through the Chairman (Leader of the Council).

Councillors also have the opportunity to ask questions of the Leader and/or Portfolio Holders during this time slot whilst giving priority at this part of the agenda to members of the public.

2	To confirm the minutes of the meeting of the Cabinet held on 13 June 2012 as a true record.		5-15
3	To receive any apologies for absence.		
4	To receive any declarations of interest relating to items on the agenda.		
5	To consider any items, which, in the opinion of the Chairman, should be dealt with as matters of urgency because of special circumstances. (Note: Such circumstances need to be identified in the minutes. If you wish to raise a matter under this item, please do so in advance of the meeting by notifying the Chief Executive who will then consult with the Chairman).		
6	To agree any items to be dealt with after the public (including the press) have been excluded. There are 4 items which Officers recommend should be dealt with in this way.		
7	To note the contents of the Forward Plan for the period 1 July to 31 October 2012.		16-20
8	Matters referred to the Cabinet by the Overview and Scrutiny Committee for re-consideration in accordance with the Overview/Scrutiny procedure or budget and Policy Framework Procedure Rules under Part 4 of the Constitution. No items have been put forward.		
9	To note or take appropriate action in respect of the minutes of the meetings of the Overview and Scrutiny Committees held on: 7 June 2012		21-25
10	To note or take appropriate action in respect of the minutes of the meeting of the Housing Review Board held on: 21 June 2012		26-34
11	To note or take appropriate action in respect of the minutes of the Recycling and Refuse Partnership Board held on 27 June 2012		35-39
Part A Matters for Decision – Key decision			
12	Localisation of Council Tax Benefit for working age customers	Revenues and Benefits Manager	40-51
Part A Matters for Decision			
13	Licensing, Registration and Cemetery Fees – Proposed charges	Licensing Manager	52-65
14	Sports Pitches Study	Economic Development Manager	66-69
15	Elizabeth Hall site – Selection criteria	Richard Cohen – Deputy Chief Executive/Development Surveyor	70-73
16	Performance Monitoring Report until May 2012	Chief Executive/Corporate Organisational Development	74-75

	(Appendices summarising performance are available on the Council website with this agenda)	Manager	
17	New Performance Monitoring reporting format Appendices – <ul style="list-style-type: none"> ➤ Annual report 2012 (draft available on line with this agenda) ➤ Quarterly report – 1st Quarter ➤ Monthly Performance Snapshot ➤ Report Priority example ➤ Bar Chart example 	Chief Executive/Corporate Organisational Development Manager	76-84
18	Exemption from Standing Orders – Floating Support Services	Rental Manager	85-87
19	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		
20	To note or take appropriate action in respect of the confidential report of the meeting of the Exmouth Regeneration Programme Board held on 29 May 2012	Para 3 Schedule 12A Information relating to the financial or business affairs of any particular person (including the authority holding that information).	88-94
21	To note or take appropriate action in respect of the confidential report of the meeting of the Seaton Regeneration Programme Board held on 13 June 2012	(As above)	95-100
22	Priority Disposal Programme Plus Appendix	As above	Head of Economy/ Principal Estates Surveyor 101-103
23	Windsor Gardens, Seaton – access for developers Plus Appendix A & B	As above	Streetscene Manager 104-109

Members and co-opted members remember!

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

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From Seaton – 52A

From Ottery St Mary – 379, 387

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EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Cabinet
held in the Council Chamber, Knowle, Sidmouth
on Wednesday, 13 June 2012

Present: **Councillors:**
Paul Diviani (Leader/Chairman)
Andrew Moulding
David Cox
Jill Elson
Graham Godbeer
Ian Thomas
Phil Twiss

Also Present: **Councillors:**
Mike Allen
Maddy Chapman
Alan Dent
Christine Drew
Vivien Duval Steer
Steve Gazzard
Peter Halse
Sheila Kerridge
Frances Newth
John O’Leary
Geoff Pook
Ken Potter
Pauline Stott
Tim Wood
Eileen Wragg
Tom Wright

Also present: **Officers:**
Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Denise Lyon, Deputy Chief Executive
Simon Davey, Head of Finance
John Golding, Head of Housing
Karen Jenkins, Corporate Organisational Development Manager
Kate Little, Head of Economy
Claire Read, Accountant
Diana Vernon, Democratic Services Manager

Apologies **Councillors:**
Ray Bloxham
Iain Chubb
Stephanie Jones
Non-Cabinet Members:
David Atkins
Graham Brown
Geoff Chamberlain
Martin Gammell
Steve Hall
Mark Williamson

The meeting started at 5.30 pm and ended at 6.42 pm.

*1 Public Questions

The Chairman welcomed Councillors and Bob Wiltshire (Chairman of the Independent Remuneration Panel). No questions were raised at this point of the meeting.

*2 Minutes

The minutes of the meeting of the Cabinet held on 2 May 2012 were confirmed and signed as a true record.

*3 Declarations of interest

Councillor/ Officer	Minute number	Type of interest	Nature of interest
David Cox	17	Personal	Co-opted Member of Leisure East Devon Board

*4 Exclusion of the Public

RESOLVED: that the classification given to the documents to be submitted to the Cabinet be confirmed, and that the reports relating to exempt information, be dealt with under Part B.

*5 Forward Plan

Members noted the contents of the Forward Plan for the period 1 June to 30 September 2012. This would be up-dated to include the Sports Development Strategy and the draft Local Council Tax Reductions Scheme, the latter would be referred to the next meeting (11 July) of the Cabinet.

*6 Matters referred to the Cabinet

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

*7 Minutes of the meeting of the Overview and Scrutiny Committee held on 26 April 2012

The Leader invited Councillor Ken Potter, Member Champion – Rural Communities, to up-date the Cabinet on the Post Office Local Pilot Scheme (Committee Minute 98). Councillor Potter advised that the pilot scheme was due to end prematurely on 30 June. He updated the Cabinet on the national and local drive to save the Post Office service. He asked the Cabinet to endorse a draft letter (circulated at the meeting) which the Overview and Scrutiny Committee had recommended be sent to the Local Government Association requesting a conference on the post office network.

In supporting the recommendation of the Overview and Scrutiny Committee, the Leader thanked Councillor Potter for his valued efforts.

The recommendation and decision in respect of the Communications and Reputation Manager (Committee Minute 100) had been referred to the Cabinet at its last meeting. The recommendations of the Task and Finish Forum, set up as a result, are reported at Minute 11 below.

- *7 Minutes of the meeting of the Overview and Scrutiny Committee held on 26 April 2012 (continued)

RESOLVED 1: that the following decisions be noted:

Minute 99 The Overview and Scrutiny Committee to receive a further update on on-street parking enforcement in April 2013.

Minute 102 The final version of the annual report had been agreed by the Chairman and Vice Chairman on behalf of the Committee and referred to the annual meeting of the Council on 23 May 2012.

RESOLVED 2: that the letter prepared by the Member Champion – Rural Communities be sent to the Local Government Association, on behalf of the Council, requesting a conference on the post office network.

- *8 Minutes of the meeting of the Housing Review Board held on 3 May 2012

A briefing note on the Government's Troubled Families Initiative (Minute 74) had been circulated with the agenda papers. A troubled family 'was considered to be one that has serious problems and causes serious problems. In every troubled family there are a range of common factors including things like parents not working, mental health problems, children not in school, the family causing crime and anti-social behaviour and costing local services a lot of time and money routinely responding to these problems.'

The Government was setting up a new Troubled Families Team based within the Department for Communities and Local Government to join-up Government efforts and provide expert help to local areas. Government money was being made available and Councils were now being asked to identify families in their areas based on specified factors. The initiative was linked with the concept of Community Budgets which give local public service providers the freedom to work together to redesign services around the needs of citizens.

Devon County Council was seen as the natural lead authority and East Devon District Council has signalled its willingness to be a partner in this initiative. Initial data matching had identified troubled family 'hotspots' within East Devon. It was suggested that the Housing Service could lead this Council's role and involve relevant sections such as the Environmental Health and Benefits teams. It was anticipated that when a number of issues had been resolved relating to governance, measuring outcomes, and release of funding, that the initiative would 'go live' in September 2012.

The Portfolio Holder – Sustainable Homes and Communities advised that this initiative would help extend the effective work already being carried out by the Council's housing service and its partners.

The Chairman of the Housing Review Board referred to the changes to the Right to Buy Scheme and discount available. The Council had anticipated that this would have resulted in a significant increase in local applications to buy. However although there had been additional interest, there had been only one new application to buy. The Board would monitor the number of homes being sold under the scheme.

*8 Minutes of the meeting of the Housing Review Board held on 3 May 2012 (continued)

The Portfolio Holder – Corporate Services referred to Minute 83 – Affordable Housing – which recommended that the Chief Executive be given delegated authority to acquire new affordable homes on terms and conditions to be agreed. Councillor Thomas said that a prudent approach was essential due to the level of borrowing to which the Council was already committed through the self-financing initiative and potential for future rises in interest rates.

The Leader, Portfolio Holder – Finance and the Chief Executive assured the Cabinet that the Council's approach was always measured and prudent. Delegating authority to the Chief Executive to progress opportunities to acquire new affordable homes would streamline procedures. However, any decision would be based on the recommendations of the Housing Review Board together with financial and risk considerations. The delegation would allow timely decisions to be made on financially feasible opportunities with the aim of increasing the Council's housing stock.

RESOLVED 1: that the following decisions be noted:

- Minute 71** Housing Review Board forward plan.
- Minute 72** Tenant and Council Partnership Statement.
- Minute 75** Position on Housing Finance as set out in the report to the Board.
- Minute 76** Annual report (which was referred to the annual meeting of the Council on 23 May 2012).
- Minute 77**
- a) that the new framework for the regulation of social housing has come into force;
 - b) the key matters of importance to EDDC as a provider of social housing; and
 - c) the steps that are being taken to comply with the legislation.
- Minute 78**
- a) the steps being taken to monitor and learn from formal complaints and service issues;
 - b) the work of the Customer Care Commitments Service Review Group with regard to monitoring and promoting the complaints process; and
 - c) the forthcoming changes to the way complaints can be passed to the Housing Ombudsman.
- Minute 79** The changes to the Right to Buy Scheme and its impact on housing finances.
- Minute 80** Empty properties (voids) performance.

*8 Minutes of the meeting of the Housing Review Board held on 3 May 2012 (continued)

RESOLVED 1: that the following decisions be noted (continued):

Minute 82 the Cabinet decision to authorise the Head of Housing to enter into contract with the two contractors scoring the highest marks in the tender evaluation process for responsive repairs to Council owned homes and work to void properties.

RESOLVED 2: that the following recommendations be approved:

- Minute 73**
- 1 that a single price support charge of £9.85 per week be introduced to all sheltered housing residents regardless of where they live, subject to prior consultation with the Tenant Representative Group.
 - 2 that the spot contracts route be agreed in principle, but that no decision be made until more was known about the eligibility criteria, longevity of the contracts and the freedoms and flexibilities allowed (and see 6 below).
 - 3 that officers develop a separate support contract for customers who had a support need according to the eligibility criteria, taking into account 6 below and subject to the following conditions:
 - a) that the Housing Review Board sees the draft agreement for approval;
 - b) that assurances are gained from Devon County Council that the money released from block contracts can be reinvested, before EDDC enters into spot contracts;
 - c) that sheltered housing continues to be used for those with support needs.
 - 4 that officers run a pilot project for Mobile Support Officers to deliver support to tenants living within the authority's general needs accommodation . (The costings and eligibility criteria for the pilot to be brought to a future Board meeting).
 - 5 that the Board agree a vision, a simple statement to clearly encompass the values and aspirations held for the future of support services in East Devon. The vision to be "to deliver outstanding support services to all residents of East Devon, regardless of housing tenure".
 - 6 that a risk/impact assessment be undertaken on recommendations 2 and 3 above with a report being brought back to the Board on the financial impact and service delivery impact on residents.

- *8 Minutes of the meeting of the Housing Review Board held on 3 May 2012 (continued)

RESOLVED 2: that the following recommendations be approved (continued):

- Minute 74** that the Council support the concept of troubled families intervention and works with other agencies on implementing the scheme locally.
- Minute 75** that the Head of Housing include the Right to Buy scheme on the Housing Review Board's forward plan and bring regular reports to the meetings on the number of houses being sold under the scheme and the income received as a result of those sales.
- Minute 79** that the Housing Review Board receive regular reports on the impact of the Right to Buy scheme and monitor the number of homes being sold under the scheme.
- Minute 82** that a press release be issued before the start of the new contract informing East Devon residents of the positive impact the Council housing repairs service had on the local business economy.
- Minute 83** that in respect of the acquisition of 11 houses at Morton Way, Axminster, the Chief Executive uses his delegated authority to acquire new affordable homes on terms and conditions to be agreed.

- *9 Recycling and Refuse Partnership Board

The minutes of the meeting of the Recycling and Refuse Partnership Board held on 24 May 2012 were noted. The minutes included reference to the successful approach to addressing side-waste issues previously reported, the decrease in collected household waste compared with the previous year, moves for closer integrated work in waste management across Devon and the local recycling champion initiative.

The Deputy Portfolio Holder – Environment spoke positively about plans to extend the recycling scheme to include cardboard and mixed plastics. These would be fully considered and costed during the budget discussions for the 2013/14 financial year.

- 10 Independent Remuneration Panel

The Leader invited the Panel Chairman, Bob Wiltshire to present the recommendations of the Panel which had met on 18 April 2012. The Panel had invited the Leader to its meeting where he advised that no significant changes would be made to the committee structure for the 2012/13 year. The Council's intention not to raise the level of Council Tax meant that Members would be encouraged to vote for no increase to Members' Basic Allowances for a further year.

10 Independent Remuneration Panel (continued)

In respect of recommendation (2) – Councillors' subsistence allowances, the Chief Executive advised that the current arrangement was to link any change in levels with Officer subsistence allowances. These were based on recommendations of the Local Government Association and the rate of inflation. However the Cabinet was confident that the current level of subsistence allowances for Councillors was adequate.

The Leader thanked Mr Wiltshire for the work undertaken by the Panel.

- RECOMMENDED:**
- (1) that no change be made to Member Basic Allowance for 2012/13;
 - (2) that no change be made to the Members' Subsistence Allowances for Overnight/London accommodation (£125) or to the subsistence allowance for meals;
 - (3) that the Special Responsibility Allowance awarded to the Chairman of the Housing Review Board be increased to £3,098 from 1 June 2012 to reflect the increased work and responsibility of this role – the increase to be reviewed in 12 months.

REASON To contain costs but ensure that the allowances paid to Councillors reflected their levels of special responsibility.

11 Recommendations of the Communications and Reputation Manager Post Task and Finish Forum

Further to the Cabinet decision of 2 May 2012, a politically balanced Task and Finish Forum had been set up to examine the job description of the proposed Communications and Reputation Manager. The Cabinet debated the Forum's recommendations and made minor amendments; these would now be referred to the July meeting of Council.

- RECOMMENDED:**
- (1) that the name of the post be changed to "Communications and Public Affairs Manager" to better reflect the role;
 - (2) that the job description and person specification be amended to incorporate change management capability, research capability, and the ability to undertake education of officers and Members in communication;
 - (3) that consideration be given to the addition of an Apprentice to work with the new post and the existing Communications Officer.

REASON To positively take steps to improve the Council's communications and reputation as part of the Transforming the Council initiative.

*12 Revenue and Capital Outturn report 2011/12

Head of Finance introduced the Revenue and Capital Outturn report which set out the final position for the year, giving a comparison of the outturn position against budgets set for 2011/12 and highlighting variations. The report detailed the effect these results had on the Council's reserves and balances. Members were asked to consider the proposal to transfer the overall surplus from the General Fund Services (£1.013m) into the Capital Reserve. This would be used to alleviate the deficiency in the Capital Budget in the short term so that a programme of essential capital works could be maintained. Further initiatives would be explored to balance the Capital Programme in the longer term.

Members acknowledged the importance of maintaining balances at recommended levels due to a number of uncertainties and potential risk to Council finances.

Members noted that the Housing Revenue Account had a surplus of £0.112m which was less than the targeted acceptable level. However the 2012/13 budget had been set to bring this balance back into line.

The Head of Finance advised Members that a sum of £80,000 from land disposal to Tesco's had been carried over from 2010/11 to improve youth facilities in Seaton. The Town Council had yet to call upon this money with a viable proposal. Members were asked if this money should be rolled over into the 2012/13 Capital Budget.

- RESOLVED:**
- (1) that the Revenue and Capital Outturn position 2011/12 be agreed;
 - (2) that the transfers and level of Reserves detailed in the report be agreed;
 - (3) that £80,000 of a capital contribution to Seaton Town Council for youth provision be carried forward into the 2012/13 Capital Programme, with the availability of the contribution being time-limited to 31 March 2013.

REASON To agree the Council's approved budgets for General Fund Services, Housing Revenue Account and Capital Expenditure. This final position (including variations from budgets and levels of reserves and balances) will flow through the Council's Statement of Accounts.

13 Treasury Management Performance 2011/12

Members considered the Treasury Management Performance 2011/12 report presented by the Head of Finance. The report detailed the overall performance of the Council's investment portfolio during 2011/12 and gave up-dates to the Treasury Management Strategy. The report set out a separate overview of the General Fund and Housing Revenue Account to reflect the Council's borrowing in respect of the self-financing loan.

Members considered a request for exemption to standing orders to recruit consultants to carry out the tender for an external investment manager. The reasons for this requested exemption were set out in the report. The Portfolio Holder – Finance supported the intention to tender.

13 Treasury Management Performance 2011/12 (continued)

- RESOLVED**
- (1) that the investment return for 2011/12 be noted;
 - (2) that an exemption from Standing Order be approved for the appointment of Sector Treasury Service to undertake the tender for an external investment manager for the reasons set out in the report.

- RECOMMENDED**
- that the following amendments be made to the 2012/13 Treasury Strategy:
- credit rating from which the Council's external fund managers can lend 20% of the fund be amended from AA+ to AA- in line with previous years;
 - the use of Money Market Funds be agreed with a counterparty limit of £2,000,000 per fund.

REASON

The Investec report to 31.03.12 meeting substantiated the performance of the Council's externally-managed funds. Almost all of the interest earned by the Council in 2011/12 has come from this source.

Changes to the strategy will allow the Council's external fund managers to continue to operate in line with previous mandates and will increase the number of options available to the accountancy team when placing moneys in the short term.

*14 Building Control financial statement 2011/12

Members considered the report of the Head of Economy setting out an approved Building Control Service annual end of year financial statement as required by regulations. The overriding objective was for cost recovery only and Members were presented with the report so that the level of charges could be reviewed. A review of current charges had indicated that the Schedule of Charges should remain the same.

RESOLVED

that the annual financial statement of the Building Control chargeable and non-chargeable accounts 2011/12 be noted with no increase in the level of charges being recommended.

REASON

The Service is required to provide an approved annual end of year financial statement and to base its charges on cost recovery only; the annual statement is used for reviewing the level of charges.

*15 Performance monitoring report until April 2012

Denise Lyon, Deputy Chief Executive presented the performance information for the 2011/12 financial year until April 2012. Performance was positive.

The Leader acknowledged the work of the teams in achieving improvements year on year.

RESOLVED that the progress and proposed remedial action for performance measures for the 2011/12 financial year until April 2012 be welcomed.

REASON To enable the Cabinet to continue to monitor the Council's progress in achieving excellent customer service using relevant performance measures.

*16 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, is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B).

*17 Arts and Culture programme review

Members considered the report of the Countryside and Leisure Manager in response to the Asset Management Forum's recommendation to undertake a wide review of the Council's arts programme including the Thelma Hulbert Gallery, the Manor Pavilion Theatre, Arts Development and Villages in Action.

Members recognised the value of arts and culture across the district and the need to explore future levels of support and approach.

RESOLVED

- (1) that it be noted that the Overview and Scrutiny Committee had set up a Task and Finish Forum to examine the Council's current programme of support to arts and culture including the future support of the Thelma Hulbert Gallery,
- (2) that the recommendations of the Task and Finish Forum be reported to the Overview and Scrutiny Committee at its 26 July meeting and referred to the Cabinet's 5 September 2012 meeting, with a decision on the future of the arts and culture programme being made by Council.

REASON To undertake a structured review of the current arts and culture programme and agree a timeframe for strategic decisions to be made.

*18 Priority Disposal Programme – York Street Parking Spaces

Members considered the report of the Head of Economy setting out the results of the marketing and tender process in respect of the 6 York Street car parking spaces.

RESOLVED that the freehold of 6 York Street car parking spaces be sold for the sum of £120,000 subject to their use being for the parking of cars only and to the inclusion of a claw back clause for half the uplift in value if planning permission is granted for development in the future.

REASON The decision complies with the provisions of Section 123 of the Local Government Act 1972 which requires that the Council obtains the best price that is reasonably obtainable.

At the end of the meeting the Leader advised that Kate Little, Head of Economy was leaving the Council to take up another work opportunity. He thanked Kate for her hard work and valued contribution during her time with East Devon District Council. He then presented her with a signed card and gift with the best wishes of the Cabinet.

Chairman Date

EAST DEVON DISTRICT COUNCIL -

FORWARD PLAN

For the 4 month period 1 July 2012 to 31 October 2012

Key Decision		Lead Member	Lead Officer (Strategic Officer: DL or RC indicated in bold)	Proposed Consultation and meeting dates (Committees, principal groups and organisations) Members of the public are given the opportunity to speak at meetings unless shown in italics.	Operative Date for decision (if no call-in)
1	CIL New Growth Point Charging Schedule	Strategic Development and Partnership Portfolio Holder	Head of Economy/ New Growth Point Manager (RC)	Cabinet (5 September 2012) Council (10 October 2012)	11 October 2012
2	Exmouth Regeneration/ Master plan – key projects action planning	Strategic Development and Partnership Portfolio Holder	Principal Estates Manager (RC)	Regeneration Programme Board (29 May 2012) Cabinet (11 July 2012)	19 July 2012
3	Recycling and Refuse – possible extension of scheme (cardboard and other recyclates)	Portfolio Holder – Environment	Andrew Hancock, Street Scene manager	Recycling Board (October 2012) (The addition of cardboard and mixed plastics would be submitted in the October budget setting period as a new revenue item; and that following this Members would make a decision as to if they wanted to add it or not.) Cabinet (28 November 2012) Council (5 December 2012)	6 December 2012
4	Honiton Community Centre – up-date	Strategic Development and Partnership Portfolio Holder	Richard Cohen, Deputy Chief Executive	Council (25 July 2012)	26 July 2012

Key Decision		Lead Member	Lead Officer (Strategic Officer: DL or RC indicated in bold)	Proposed Consultation and meeting dates (Committees, principal groups and organisations) Members of the public are given the opportunity to speak at meetings unless shown in italics.	Operative Date for decision (if no call-in)
5	Procurement Strategy - update	Procurement Champion	Head of Finance	Cabinet (11 July 2012) Council (25 July 2012)	26 July 2012
6	Colyford Depot Disposal	Economy Portfolio Holder	Head of Economy (RC)	Cabinet (11 July 2012)	19 July 2012
7	Community asset register	Finance Portfolio Holder	Nick Wright/Kate Little	Cabinet (5 September 2012)	13 September 2012
8	Drainage Act	Portfolio Holder – Environment	Head of Economy	Cabinet (11 July 2012) Council (25 July 2012)	26 July 2012
9	Information Management Strategy	Corporate Services Portfolio Holder	Corporate ICT Manager (DL)	Information Management Group Cabinet (11 July 2012) Council (25 July 2012)	26 July 2012
10	EDDC Relocation Progress Report	Council Leader	RC	Member Working Group (31 May 2012) Cabinet (11 July 2012) Council (25 July 2012)	26 July 2012
11	Revised Partnership Policy and Compact	Strategic Development and Partnership Portfolio Holder	RC	SD+P Think Tank (TBA) Cabinet (11 July 2012) Council (25 July 2012)	26 July 2012
12	Local Investment Plan	Strategic Development and Partnership Portfolio Holder	RC	Cabinet (11 July 2012) Council (25 July 2012)	26 July 2012

Key Decision		Lead Member	Lead Officer (Strategic Officer: DL or RC indicated in bold)	Proposed Consultation and meeting dates (Committees, principal groups and organisations) Members of the public are given the opportunity to speak at meetings unless shown in italics.	Operative Date for decision (if no call-in)
13	Review of Car Parks	Environment Portfolio Holder	Andrew Ennis	Asset Management Forum January 2012 Overview and Scrutiny (29.03.12) Cabinet (11 July 2012) Council (25 July 2012)	26 July 2012
14	Private Sector Renewal Strategy	Sustainable Home and Communities Portfolio Holder	Head of Housing	<i>Sustainable Homes and Communities Think Tank</i> <i>Housing Strategic Partnership</i> Cabinet (1 August 2012) Council (21 September 2012)	22 September 2012
15	Seaton, Colyford Road and Sidmouth Manstone Depot – provision of additional Workshop Units	Economy Portfolio Holder	Head of Economy (RC)	Cabinet (11 July 2012) Council (25 July 2012)	26 July 2012
16	Seaton Visitor Centre	Strategic Development and Partnership Portfolio Holder	Richard Cohen, Deputy Chief Executive/Principal Estates Surveyor	Cabinet (5 September 2012) Council (10 October 2012)	11 October 2012
17	Review of Arts Development Provision	Culture Champion	Countryside & Leisure Manager	Cabinet (5 September 2012) Council (10 October 2012)	11 October 2012
18	Tower Cross, Honiton	Economy Portfolio Holder	Kate Little	Cabinet (11 July 2012)	19 July 2012

Key Decision		Lead Member	Lead Officer (Strategic Officer: DL or RC indicated in bold)	Proposed Consultation and meeting dates (Committees, principal groups and organisations) Members of the public are given the opportunity to speak at meetings unless shown in italics.	Operative Date for decision (if no call-in)
19	Local Council Tax Reduction Scheme	Finance Portfolio Holder	Simon Davey	Cabinet (11 July 2012) Council (25 July 2012)	26 July 2012
20	Financial Strategy	Finance Portfolio Holder	Simon Davey	Cabinet (5 September 2012) Council (10 October 2012)	11 October 2012
21	CIPFA reports	Finance Portfolio Holder	Kate Little	Cabinet (5 September 2012)	13 September 2012
22	Update re Sports Strategy	Economy Portfolio Holder	Countryside & Leisure Manager	Cabinet (5 September 2012) Council (10 October 2012)	11 October 2012

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

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

In accordance with section 38 of the Local Government Act 2000, in determining the meaning of "significant" regard shall be had to any guidance for the time being issued by the Secretary of State. The Secretary of State will be working with local authorities and the Local Government Association to identify best practice in determining what is a key decision. The Cabinet may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of the Constitution. A minute of each key decision is published within 2 days of it having been made. This is available for public inspection on the Council's website <http://www.eastdevon.gov.uk>, and at the Council Offices, Knowle, Sidmouth, Devon. The law and the Council's constitution provide for general exception and urgent key decisions to be made. A decision notice will be published for these in exactly the same way.

A list of background documents is available for each item on the Forward Plan from the originating Officer.

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

15 June 2012

*3 Recording of Meetings

Debbie Meakin, Democratic Services Officer, presented her preliminary report on the options for recording of Council meetings and looking at recording by others. Council had resolved for the Committee to consider the implications, including cost and control, of allowing the recording of Council meetings.

The Committee viewed a small part of a Devon County Council webcast to see the quality of the product offered by their provider, Public-i. The practicalities and the direct costs of implementing webcasting in the current Council offices were set out in the report; the Committee was reminded of the indirect costs including another officer present at a meeting to switch between cameras.

Devon County Council viewing figures were set out in the report. There had been a decline in viewing figures in recent months.

The report also covered the aspects of recording by others of Council meetings, advising that more work is required to compile a suitable and workable protocol. The report also advised that having a recording made by the Council would help to give individuals the opportunity to view a whole meeting, rather than rely on other content that may have been edited out of context.

The Portfolio Holder for Corporate Services set out his view to the Committee, including:

- Agreed in principle with the operation of recording meetings, looking to aspire to a quality production, such as Prime Minister's Questions in the House of Commons;
- Devon County Council webcasts overall came across as dull and their viewing figures equated to a very small percentage of the County's residents;
- From his experience, the cost of providing webcasting to a good quality could be as much as three times the reported figure from Public-i of 14k – 16k per year;
- The current position of not permitting recording by others was outdated and need to be reviewed, but not to the detriment of meetings. Personal recording items brought in by individuals could potentially disrupt meetings and steps would need to be in place to ensure this doesn't happen;
- Any member of the public has the right not to be recorded – consideration has to be given to compliance to data protection, human rights, libel and defamation issues;
- Social media is common place in use and should not be prevented, but "qualified privilege" must be taken into account;
- Webcasting at a quality level could be considered as part of the relocation project.

The Committee considered the report and the views of the Portfolio Holder, including:

- Public interest is high in specific meetings, such as Development Management, when the Chamber can be full to capacity; webcasting the meeting gives the opportunity for the public to view from home. In response the Portfolio Holder commented that other options, for example providing screens in the Members' Area to cover additional seating at busy DM meetings, could be considered;

*3 Recording of Meetings (continued)

- A recording of a Council meeting could be beneficial in order for a factual record to be available for standards investigations or to challenge misquoted comments; this use of a recording would be for another purpose as a means of having a record and could be covered much more cheaply than a webcasting option, such as audio recording only;
- Contrasting comments from the Committee, covering both support for a more open and transparent move forward that would have public appetite, and views that the public were not interested and the cost could not be justified against small viewing figures;
- Social media needed to be embraced as a means of engaging the public and enabling better transparency;
- In response to a question about the removal of the signs in the Council suite about prohibiting recording, the Portfolio Holder advised that the legal issues around qualified privilege still needed to be resolved before the signs could be removed.

RESOLVED

1. that the positive benefits of webcasting and indicative cost in the report be noted;
2. that the Committee receive a future report, to look at the audio/visual recording of council meetings, including the use of social media, with a view to reviewing a draft policy to recommend to Council.

*4 Quarterly Monitoring of Performance – Fourth Quarter 2011/12

The Committee considered the report on the key issues across the Council's services, showing a number of continued improvements. One question was raised which would be researched and reported back to the Committee.

5 Notes from the Communications and Reputation Manager Post Task and Finish Forum

The Committee heard how the Forum had discussed the need for an apprentice role in the Communications Team, in order to deal with the technical aspects of social media whilst learning about the media trade. The Chairman supported this proposed recommendation as of benefit not only to that team, but as an excellent opportunity for a young person to learn and gain experience in growing social media.

The majority of the Committee agreed with the recommendations put forward by the Forum, with one vote against and one abstention.

5 Notes from the Communications and Reputation Manager Post Task and Finish Forum (continued)

- RECOMMENDED**
1. that the name of the post be changed to “Communications and Public Affairs Manager” to better reflect the role;
 2. that the job description and person specification be amended to incorporate change management capability, research capability, and the ability to undertake education of officers and Members in communication;
 3. that consideration is given to the addition of an Apprentice to work with the new post and the existing Communications Officer, to specifically cover social media work and other associated duties.

*6 Broadband update

The Portfolio Holder for Corporate Services reminded the Committee of the government commitment to having in place super fast broadband for 90% of homes by 2020. They had also committed to 100% by 2020 with at least 2MB speed by 2015 for all homes.

He highlighted the scale of those 10% of homes not having super fast broadband and that many would be in the East Devon area. He had met with the Minister for Culture, Communications and Creative Industries, Ed Vaizey MP along with the two local MPs to discuss the government objectives. He had also met with Devon County Council, who had confirmed that they were working to the 2020 objective, which he hoped indicated that they were tackling the work by dealing with rural areas first, starting work at the outside and working in towards the towns.

As a result of these meetings, he felt that expectations would be better managed.

The government had only one preferred supplier, BT. He was actively looking at wireless networks and how local communities could supply their own broadband – however, if established, BT could force that community group to share the infrastructure.

The Committee discussed the benefits to all aspects of the rural community in having a level of service equal to that of the towns – not just for businesses to operate on a level playing field, but also to serve the community in accessing government services. There was a real danger perceived that not having the digital infrastructure in place disadvantaged a high proportion of the District’s population.

The Chairman, on behalf of the Committee, thanked the Portfolio Holder for his continued efforts in pursuing this issue and offered the assistance of the Committee if required for any lobbying purposes.

*7 Forward Plan

The Committee received an update on the plan. The Chairman had agreed an Arts and Culture Task and Finish Forum. Councillor John O'Leary will chair this. The purpose of this Forum is to review the service with a view to informing the budget process that begins in September for the 2013/14 year.

Membership of the Forum will consist of Councillors John O'Leary, Derek Button, Vivien Duval Steer, Douglas Hull, Peter Halse, and Tom Wright.

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Housing Review Board held at Knowle, Sidmouth on 21 June 2012

Present:

Councillors:

Pauline Stott (Chairman)
Christine Drew
Douglas Hull
Jim Knight
Chris Wale

Co-opted Tenant Members:

Victor Kemp
Pat Rous
Sally Lancaster
Sue Saunders

Officers:

Sue Bewes, Landlord Services Manager
Dennis Boobier, Housing Needs and Strategy Manager
John Golding, Head of Housing
Jane Reading, Tenant & Communities Section Leader
Giles Salter, Solicitor
Alethea Thompson, Democratic Services Officer
Mandy White, Housing Accountant

Also Present:

Councillors:

Stephanie Jones – Deputy
Portfolio Holder for Sustainable
Homes and Communities
Geoff Chamberlain
Paul Diviani
Steve Gazzard
Phil Twiss

Tenant Scrutiny Panel
members:
Eric Howard
Josie Ireland
Roger Pell

Apologies

Co-opted Independent Community Representatives:

Julie Adkin
Rob Finch

Councillors:

Jill Elson - Portfolio Holder for Sustainable Homes and
Communities
Alan Dent
Pat Graham
John O'Leary
Eileen Wragg

The meeting started at 6.00pm and ended at 8.05pm.

*1 Chairman’s welcome

The Chairman welcomed all those present to the meeting. She welcomed new member Councillor Chris Wale to the Housing Review Board, as well as members of the Tenant Scrutiny Panel and Councillors who had come to observe the meeting. The Chairman invited everybody present to introduce themselves.

*2 Public question time

Tenant member Sue Saunders gave feedback to those present on the Annual Tenants’ Conference which had taken place on 8 June 2012 in Broadclyst’s Victory Hall. The theme of the conference was ‘Communities – past, present and future’. The day included speakers from East Devon District Council and four workshops. The Community Development Officers demonstrated the work that they had been doing. Positive feedback had been received and ideas were already being put forward for next year’s conference.

On behalf of the Board the Chairman thanked Sue for her verbal report and thanks were given to the committee which organised the Annual Tenants’ Conference.

*3 Appointment of Vice Chairman

RESOLVED that tenant representative Sue Saunders be appointed Vice Chairman of the Board for the ensuing year.

*4 Minutes

The minutes of the meeting of the Housing Review Board held on 3 May 2012, were confirmed and signed as a true record.

*5 Declarations of interest

Board Member	Minute number	Type of interest	Nature of interest
Jim Knight		Personal	His daughter lived in a Council owned property.
Jim Knight	10	Personal	He was a Devon County Council Councillor
Sue Saunders	10 & 11	Personal	She lived in sheltered accommodation.
Sally Lancaster	10 & 11	Personal	She lived in sheltered accommodation.
Pat Rous	10 & 11	Personal	She lived in sheltered accommodation.
Victor Kemp	13	Personal	He had a disability.

*6 Exclusion of the public

RESOLVED: that the classification given to the documents to be submitted to the Housing Review Board, be confirmed, and that the reports relating to exempt information, be dealt with under Part B.

*7 Housing Review Board forward plan

The Head of Housing presented the forward plan. A request was made for an item to be added to the forward plan, ideally in September 2012, for a report on the viability and cost of turning open spaces in Millwey Rise, Axminster into allotments. It was noted that a statement in respect of the Tenant and Council Partnership Agreement 2011-2014 had been reported at the previous meeting, and could be removed from the forward plan. The Garage Management Review Task and Finish Forum would be reporting its findings to the Housing Review Board in September 2012.

RESOLVED: that the forward plan be noted and updated.

8 Right to Buy: reinvesting receipts into new affordable homes

The Head of Housing's report considered the recently issued guidance on the use of receipts from Right to Buy sales and how they might be retained to provide new affordable housing. The Board needed to decide whether to enter into an agreement with the Communities and Local Government (CLG) department to use the receipts generated through the Right to Buy towards the provision of affordable housing. There were a number of risks in the conditions being imposed, but the report concluded that the Council should enter into an agreement to re-invest Right to Buy receipts.

The Secretary of State would agree that EDDC could retain additional Right to Buy receipts, on condition that EDDC agreed:

- i. to use those receipts for the provision of affordable rented homes;
- ii. that those receipts would constitute no more than 30% of total investment in such homes (net of any contribution from another public body);
- iii. that if, after three years, any of those receipts were not used as set out above, it would pay the un-used sums - plus interest - to the Secretary of State.

The deadline to enter into the agreement was 27 June 2012. The Council had the option to cancel this in the future.

The Head of Housing reported that the key issue to be aware of was the requirement on EDDC to provide 70% of the funding towards new homes built under the scheme. If Right to Buy sales exceeded expectations the Council could find itself in a position of needing to commit more resources than it could afford. Previously, the Council had only sold two or three homes a year. Under the new scheme the current level of Right to Buy sales was estimated to be approximately 10 per year. The Council could reasonably match this with the 70% funding and meet its development aspirations. Financial modelling based on a range of scenarios and assumptions was contained in the report and members noted the impact of selling 10, 20 and 30 homes.

A booklet from the Communities and Local Government (CLG) was circulated at the meeting giving up to date advice on the Right to Buy scheme.

8 Right to Buy: reinvesting receipts into new affordable homes
(cont'd)

RECOMMENDED: that the Council enter into an agreement with the CLG for the reinvestment of Right to Buy receipts into new affordable housing schemes.

9 HRA financial monitoring report 2012/13 – month 1, April

The Board received a report from the Housing Accountant giving a summary of the overall financial position on the Housing Revenue Account (HRA), HRA Capital Programme and the Business Plan for 2012/13 at the end of month one (April 2012). Regular monitoring would highlight any areas of concern or unforeseen expenditure in the HRA and associated capital programme and enable corrective action to be taken as required. Any variances would be reflected in the Business Plan.

Current monitoring indicated that:

- The Housing Revenue Account Balance would be maintained at or above the adopted level.
- The position on the HRA Business Plan had not changed significantly and remained healthy.

Members felt that the report was good and easy to understand and noted the two variances so far. A query was raised over how residents were informed of the funding for loft conversions. The Housing Needs and Strategy Manager reported that Devon Home Choice was used to identify homes that were severely overcrowded. An EDDC surveyor would be assessing these properties over the next few months with a view to preparing schemes for extension or loft conversion.

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

10 The financial risks and service delivery impact for tenants in moving to spot contracts

Consideration was given to the report of the Landlord Services Manager, detailing the financial risks and service delivery impact for tenants in agreeing to a change of Supporting People contract type, and separating the support contract from the client's tenancy agreement. This followed on from a report to the previous meeting of the HRB on 3 May 2012, which made a series of recommendations around the future of Housing Support Services for older people in East Devon.

Officers had met to debate the issues and a list of perceived risks and service delivery impacts, along with suggested mitigating actions, had been produced and were contained within the report. These were noted and discussed by the Board.

10 The financial risks and service delivery impact for tenants in moving to spot contracts (cont'd)

The eligibility criteria for the support service/community alarm had been considered by Devon County Council. It was anticipated that this would not change and that it was something that EDDC could work with. However, there was a risk that DCC could restrict funding for people over 55 years with a support need. There was the risk that if people downsizing with no support requirements were moved into sheltered accommodation, EDDC could lose that funding. However, this risk needed to be assessed on an individual basis, with a balanced judgement between losing support charges or gaining a 3/4 bedroom property.

The Vice Chairman raised a number of questions on behalf of the tenants and these were discussed by the Board. One of the major concerns was the mixed housing that would result from decommissioning properties.

The Landlord Services Manager was thanked for her well presented report.

RECOMMENDED: that the risks and impacts contained within the report be taken into consideration when deciding the future of support services for older people.

*11 Decommissioning of sheltered housing update

The report of the Housing Landlord Services Manager reminded the Board of the process that had been adopted to decommission some of the Council's sheltered housing. The process was designed to ensure that the sheltered housing was 'fit for purpose'. The report also provided an update on the decommissioning of properties identified within the 'Year One' plan.

The Sheltered Housing Task and Finish Forum (TaFF) had set out a one year, three year and five year plan for decommissioning properties. The three routes taken to decommission properties were:

- Automatically decommission properties when they become void;
- Tenants stay, receive services with no change, and the property is automatically decommissioned when it becomes void;
- Tenants who request to 'opt out' are notified of a date that the decommissioning would take place.

In the future there would be a procedure that would see decommissioning built into the day to day process of managing void properties.

The list of schemes that were being decommissioned under the one year plan was noted. It was envisaged that the decommissioning of year one properties would be completed by the end of September 2012. The matter would then be brought back to the Sheltered Housing Task and Finish Forum for their review.

The Board sent its congratulations to all the staff involved in the process.

RESOLVED: that the report be noted.

12 Feedback on Tenant Scrutiny Panel report

The Chairman invited the Chairman of the Tenant Scrutiny Panel to the table.

The Housing Landlord Services Manager's report contained at Annex 1 the Council's suggested response to the recommendations made by the Tenant Scrutiny Panel (TSP) in its review of housing community centres. The first Tenant Scrutiny Panel report was well researched and presented. Careful consideration had been given to the recommendations and the Housing Landlord Services Manager's report outlined a positive response to the findings.

The Portfolio Holder for Sustainable Homes and Communities' Think Tank had discussed the TSP's recommendations and generally agreed with them. Officers then decided the actions that could be taken in response.

The TSP raised the concern that many of the community centres lacked some basic facilities/equipment. All of these items had been logged in the evidence file. It was agreed that this would be passed onto the Landlord Services Manager who would use the existing budget to rectify these issues.

The Board thanked and congratulated the TSP for all the hard work on the first piece of work that they had undertaken.

- RECOMMENDED:**
- 1 that the series of actions contained in Annex 1 to the report be agreed as the response to the Tenant Scrutiny Panel review of community centres.
 - 2 that the TSP evidence file be passed to the Landlord Services Manager who would use this as a basis for upgrading and refurbishing facilities within the existing community centres budget.

13 Adaptations and recharges

The Housing Review Board considered the Housing Needs and Strategy Manager's report which set out the options for charging for major adaptations required by tenants to enable them to continue to live independently. Members had considered a detailed report at their meeting in March 2011 and adopted a revised Landlord Disabled Adaptations Policy. They had also asked officers to submit a report to a future meeting on whether or not to introduce charges for adaptations. Members noted the key features of the adopted policy.

The introduction of a revised landlord adaptation policy had been running for 12 months. The backlog had been eliminated; less had been spent on adaptations in 2011/12 than in previous years; and only six tenants had been denied an adaptation because they were under occupying a family home. The cost of introducing a charging policy could outweigh the amount recovered from eligible tenants. It was therefore recommended that no charge be made for the adaptations provided to tenants to enable them to live independently.

- RECOMMENDED:** that the Council agrees not to introduce charging for adaptations to tenants' homes.

14 East Devon's tenancy strategy and tenancy policy

The Localism Act 2011 created a statutory requirement for all local authorities to develop a tenancy strategy by January 2013. The revised regulatory standards framework had an expectation that all housing providers would develop a tenancy policy. As a local authority that still had housing stock EDDC needed to develop both a tenancy strategy and a tenancy policy. The Government had made some radical changes to social tenancies by the introduction of flexible tenancies and affordable rents and the Council needed to state its position on these policy changes. The Board had received an initial paper on the need to have a tenancy strategy and tenancy policy at its meeting on 1 December 2011.

The tenancy strategy set out the Council's approach to tenancy issues and reflected the housing needs and priorities for the district. Registered housing providers with stock within the district should take note of this strategy with regard to the management and development of their properties. The strategy was based on a Devon wide framework and would therefore be similar to other local authorities in Devon. Key points included:

- Affordability
- Length of tenancy
- Type of tenancy
- Tenancy review
- Disposal of stock
- Downsizing
- Vulnerable groups

The draft tenancy strategy had been sent to all registered housing providers within the district. Several of the tenant groups, including the Tenant Representative Group (TRG) and the Housing Needs Review Group had also been consulted with. The tenancy strategy must be in place by 14 January 2013.

The tenancy policy sets out the types of tenancy that EDDC as a landlord would use, in what circumstances, and other aspects of managing its tenancies. The policy included sections on the following areas:

- Tenancy types and conditions
- Tenancy agreements
- Sustaining the tenancies
- Ending the tenancy
- Succeeding to a tenancy
- Tacking under occupation
- Adapted properties
- Transfers
- Mutual exchanges

The Board were asked to agree to the introduction of flexible tenancies. The details of these were outlined in the report and discussed by the Board. The changes to the rules on succession were also noted.

14 East Devon's tenancy strategy and tenancy policy (cont'd)

The Vice Chairman raised a number of questions on behalf of the tenants and these were discussed by the Board. Specifically tenants were concerned about the right to carry out improvements and to be compensated for improvements undertaken. It was suggested that the Council were unlikely to refuse permission for most improvements.

The Board thanked the officers concerned for their report and agreed that the tenancy policy would introduce benefits for the Council.

- RECOMMENDED**
- 1 that EDDC's position on affordability as set out in Section 2.5.1 of the report be confirmed.
 - 2 that EDDC only consider charging affordable rent (80% of market rent) (or in some cases intermediate rent) on Council new build schemes or acquisitions.
 - 3 that the introduction of a flexible tenancy as in the circumstances outlined in Section 3.7 – to come into effect on 1 April 2013, be agreed.
 - 4 that the change to succession rights as outlined in Section 3.8 – to come into effect on 1 April 2013, be agreed.
 - 5 that the Tenancy Strategy (Annex 1) and Tenancy Policy (Annex 2) be adopted

*15 Housing performance indicator report 2011/12

The Board considered the Housing Performance Indicator Report for 2011/12 which detailed selected indicators to gauge the performance of each of the Housing Service's teams. The information included had been reported quarterly throughout the year to Housemark, and internally to Housing Managers, so as to be able to benchmark and monitor the service provided to tenants. The report allowed managers to understand where their teams had been successful and where there might be room for improvement.

Good performance monitoring was critical with the Council's new Housing Revenue Account Business Plan and the report was considered alongside the financial monitoring regime discussed earlier during the meeting.

- RESOLVED:** that the report be noted and the Board highlight any issues they would like further information on.

16 Advantage South West procurement club review

Consideration was give to the Head of Housing's report which showed the performance specific to East Devon of the Advantage SW procurement club that the Council joined in 2009. The group existed to improve the value for money for its members in the building products used and in relation to new build. The report provided a review of the activities undertaken during 2011/12 and highlighted some of the good practice being undertaken.

The issue of solar panels was raised and discussed and it was noted that further reports would be brought to the Board on renewable energy and the Green Deal.

RECOMMENDED: that the report be noted and the Council confirm its intention to remain a member of Advantage SW.

*17 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, is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B).

18 Possible disposal of two Council houses at Normandy Close, Exmouth

The Head of Housing's report asked the Board to consider, in light of the structural issues related to the properties, whether it wished to continue to retain 24 and possibly 26 Normandy Close, Exmouth, or dispose on the open market, or refurbish/repair the existing properties.

RECOMMENDED: that the Council dispose of 24 and 26 Normandy Close, Exmouth on the open market and use the receipts to enable further council housing to be constructed or acquired in Exmouth.

Chairman

Date

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the East Devon Recycling and Refuse Partnership Board, held at Knowle, Sidmouth on 27 June 2012

Present:	Councillors: Iain Chubb – Portfolio Holder, Environment (Chairman) Phil Twiss – Deputy Portfolio Holder, Environment (Vice Chairman) David Cox – Portfolio Holder, Finance Steve Gazzard Geoff Pook
Also present:	Councillor: Roger Giles – Recycling Member Champion
SITA:	Rick Aldridge – Senior Contract Manager John McOmbie – SITA
Officers	Paul Deakin – Waste and Recycling Manager Steve Joyce – Waste Management Officer Stephanie Lewis – Assistant Democratic Services Officer Hannah Whitfield – Democratic Service Officer
Apologies:	Andrew Hancock - StreetScene Manager Simon Davey – Head of Finance Denise Lyon – Deputy Chief Executive Nick Stephen – Communications Officer

The meeting started 9.00 am and finished at 11.00am.

*16 Minutes

The minutes of the Recycling and Refuse Partnership Board meeting held on 24 May 2012 were agreed and signed as a true record.

17 Report and presentation from RSM Tenon on Audit of SITA Waste Management Contract

Simon Atherton, RSM Tenon gave a presentation to the Board on their financial audit of the SITA Waste Management Contract. His opening statement was that in his audit he had found no instances of payments or claims that were not justified.

The key objectives of the audit were to verify and validate key charges made by SITA in delivering waste management. The main summary of findings discussed staff costs; maintenance costs; fuel costs; the fixed asset costs; damage costs and accruals.

The report made the following recommendations:

1. SITA should ensure that costs allocated to refuse and recycling are accurate so that East Devon District Council can be clear about the cost of each element of the contract.

2. East Devon District Council and SITA should agree a fixed monthly payment on the contract to minimise unusual charges caused by incorrect accruals. This would be reconciled on a quarterly or yearly basis to the actual cost.
3. East Devon District Council should be provided with a breakdown of the basis for the increase in fixed asset costs that was implemented in January 2012.
4. A process should be put in place to agree any increase in costs such as maintenance, staff etc.
5. East Devon District Council should implement a performance management framework with SITA to drive continuous improvement.

The Board discussed the recommendations. Points raised included:

- The possibility of using bio-fuel in the future when technology improves, to reduce the Council's carbon footprint. The Senior Contract Manager advised that SITA's Fleet Department continually looked at ways to reduce their environmental footprint. Discussion took place on SITA's new plant which will turn mixed plastics into diesel which may then offer a closed loop system.
- Consistency in monthly fuel costs could be improved through regular invoicing from suppliers. SITA advised that they had spoken to the suppliers about this issue
- A reduction in the number of accidents had helped to reduce costs to EDDC.
- There should be more accurate allocations to Refuse and Recycling costings which would then give a more accurate monthly figure and it may not be necessary to consider the fixed monthly payment.
- Members would like to see a more 'user friendly' performance framework report in a traffic light format.

RECOMMENDED

that the Waste and Recycling Manager and the Senior Contract Manager of SITA produce a more in depth report into the recommendations made by RSM Tenon to take to the next Board meeting.

*18 Side waste update

Members received a verbal report from the Waste and Recycling Manager concerning the process of contacting households who put out side waste or were not using EDDC branded containers. This process commenced on 6 February 2012 and had been running for just over four months, resulting in a marked improvement. All areas would have had eight collections since the campaign began. The number of letters that needed to be sent out was reducing.

At the previous meeting the Waste and Recycling Manager had circulated figures showing the number of first, second, third and fourth side waste letters that had been sent out to households over the period since 6 February. In addition to this a significant number of non EDDC containers had been identified and these figures were noted. It was agreed that the side waste campaign had been successful in tackling the issue of side waste. The cost of the exercise was noted. Members agreed that the campaign had been time consuming, but very effective. The Board acknowledged the effort and involvement of the Waste Management Officers, the Customer Services Team and SITA operatives.

*18 Side waste update (continued)

In response to a question, the Waste and Recycling Manager advised the Board that he was working with StreetScene to implement more effective public recycling bins, particularly in seaside towns.

Members noted that Devon County Council had carried out a survey across Devon (200 properties were chosen at random across East Devon) on bin contents. It was reported that there was still a lot of food waste included in landfill bins. It was suggested that a press release could be issued on the results to highlight in particular the materials still in the bin which are able to be collected through the council's recycling collections. The size of landfill bins was discussed. Education on what could and could not be recycled was key.

RESOLVED that Ward members be informed where and when audits take place in their area and the results.

*19 Statistical information

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

Members noted that there had been a rise in missed bin collections in May for recycling and refuse. The Senior Contract Manager advised this increase could be due to changes in crews and the loss of a supervisor. A decision had yet to be made about filling this vacant position. The situation would continue to be monitored.

There had been a reduction in the number of replacement recycling bins issued. The Board discussed materials currently used for food waste bins and possible alternatives to reduce damage.

*20 Update on proposals to consider an integrated Devon - wide waste service.

The Waste and Recycling Manager gave the Board an update on the proposals to consider an integrated Devon wide waste service.

The first Project Board meeting would be held on 28 June 2012 to discuss the scope of the project and timetables for a final business case.

21 Review of Devon Waste Strategy – details of response to Devon County Council.

Following the last Board meeting, responses to the revised Devon Waste Strategy had been drafted and circulated to Members for approval prior to submission to Devon County Council. Details of the responses were included in the Waste and Recycling Manager's report and were considered by the Board.

RECOMMENDED that the Waste and Recycling Manager submit EDDC's proposed responses on the Devon Waste Strategy to Devon County Council.

22 Review of Local Authority Enforcement Powers – Waste Collection

The Waste and Recycling Manager reported that a letter had been received from Lord Taylor of Holbeach Parliamentary Under Secretary Defra concerning interim measures to vary the amount of financial penalty which could be levied for offences under Section 46 Environmental Protection Act 1990 (EPA) – bin offences (wrong day, wrong place, not contained or wrong material).

The Board noted and discussed the amendments, as set out in Lord Taylor's letter of 23 May 2012, and outlined in the report. The main changes were:

- The level of fixed penalties applying in relation to section 46 EPA would be reduced from £75 - £110 to £60 - £80.
- Early payment discounts were currently possible, but the amount paid could not be less than £60. This amount would be amended to £40.
- The default amount (if the local authority did not specify the amount of the penalty) would be reduced from £100 to £60.

In order that any penalties could be served the Board recommended the following to Cabinet

- RECOMMENDED** that the level of fixed penalty notice payments in East Devon be set out in the following way:
1. the level of fixed penalty for offences under Section 46 be set at £80.00 - the same level as is currently issued for littering offences.
 2. no discount be offered for early payment - again, the same situation as applies to littering offences
 3. the default amount becomes irrelevant if the authority has set the level of fixed penalty notice.

23 Update from SITA

The Senior Contract Manager reported that SITA had introduced a new policy to all personnel regarding alcohol and drug testing at work. If it was felt that an employee may be under the influence of alcohol or drugs, an agency could be called in to carry out a test on the individual. There would also be random testing throughout the organisation. The Senior Contract Manager noted that there would be a two month amnesty period where employees could declare any dependencies they have, or prescribed medication they take. It was acknowledged that the policy had been discussed in depth with the Unions due to the legal implications; at this time there had been no objections. This new policy would be implemented on 1 October 2012.

The Senior Contract Manager reported that discussions had been held with Unite over staff wages; negotiations were ongoing.

A member of the Board queried the implications of the Pension Inclusion Scheme.

- RECOMMENDED** that the Senior Contract Manager speaks to SITA's Human Resources department about implications of the Pension Inclusion Scheme and reports back at the next Board meeting.

*23 Communications update and call details

The Waste and Recycling Manager reported that the overall number of calls received to the Customer Service Centre had decreased. However there may have been a spike in the number of calls received in June due to the change in collection dates as a result of the bank holidays. The Board discussed using social media to promote the service.

*24 Any other business

The Board noted that a site visit had taken place by Devon County Council's Development Management Committee to determine the suitability of the site for the new Otter Rotter depot. The Committee would consider the planning application at a later date. East Devon District Council Planning Service had registered an objection to the application.

*25 Next meeting

RESOLVED that the next meeting of the Recycling and Refuse Partnership Board be held on Wednesday 19 September 2012, at 10am

Chairman

Date

Agenda Item 12

Cabinet

11 July 12

CTS



Localisation of Council Tax Benefit for working age customers

Summary

Following the report to Cabinet on 4 April 2012 on the localisation of council tax benefit, the purpose of this report is to update Members on:

- the progress being made on developing a cost neutral Devon wide framework for working age customers
- the impact on our working age customers
- the timescales and deadlines that we must meet in order to get a scheme adopted before 31 January 2013
- other council tax reforms.

Members are required to consider the options for delivering a local council tax support scheme at a reduced cost in line with Government funding whilst meeting key principles.

Members have already endorsed a Devon wide approach and now need to consider the proposals of the Devon Project Group.

Members need to approve the options to be included for consultation in order for a draft scheme to be published.

Recommendation

To agree to the options to be included in a draft council tax support scheme to be published for public consultation by August 2012.

a) Reasons for Recommendation

The Authority is required to consult on options to be contained within a draft scheme.

b) Alternative Options

These are included within the body of the report.

c) Risk Considerations

There is a significant financial, legal and reputational risk to the council if we do not get a scheme in place on time.

Current modelling has been limited because of software availability and time restrictions. We will shortly be able to undertake modelling using a tool provided by our own software supplier and this will be used to ensure findings are robust.

d) Policy and Budgetary Considerations

There is a financial risk to the Council in creating a localised council tax scheme to replace council tax benefit for working age, these relate to:

- meeting the timescales, as failure to do so will result in the default scheme being imposed which will have costly implications and likely to bring us into conflict with the major precepting authorities
- this is a demand led scheme that will be funded from a fixed grant payment.
- forecasting demand, modelling caseload and predicting collection levels in order to give accurate data for budget and council tax setting for all major precepts.

Failure to consult on the proposals for a Local Council Tax Support Scheme will mean non compliance with the statutory duties within the Local Government Finance Bill.

Full equality impact assessment need to be undertaken on possible scheme options.

e) Date for Review of Decision

A further report will be presented to Members with the findings of the consultation and the proposed final scheme. A Council Tax Support Scheme must be adopted by full Council before 31 January 2013.

1 Background

1.1 The Welfare Reform Act was given Royal Assent on 8 March 2012, and included plans to abolish council tax benefit from 1 April 2013. The Local Government Finance Bill was introduced on 19 December 2011 and is currently progressing through Parliament. The Bill makes provision for the localisation of council tax support in England by imposing a duty on billing authorities to make a localised council tax reduction scheme by 31 January 2013. This action requires local councils to design their own schemes and to administer council tax support within a legislative framework. The framework for a local scheme must take account of:

- Council tax support no longer being a benefit
- Pensioners support not being reduced as a result of this reform
- Supporting work incentives and in particular avoiding disincentives for those moving into work
- Vulnerable groups being protected
- Local schemes setting out the classes of person who are entitled to a reduction and the reductions that will apply. Pensioners being a class of person as prescribed by legislation.
- Billing Authorities consulting with other major precepting authorities (County, Police and Fire) prior to a draft scheme being published. Major precepting authorities will be able to engage with billing authorities on how local reduction schemes will be enacted within their

area and influence their design through the requirement for the billing authority to consult with them.

- Consulting with other persons & relevant organisations as it considers likely to have an interest in the operation of the scheme before it is finalised.

1.2 The Government has been clear that pensioners must be protected and to achieve this they will be subject to a national scheme as prescribed by legislation (using existing council tax benefit regulations). Working age customers will be subject to a local scheme set by the local authority.

1.3 Currently the Department for Work and Pensions pay the actual cost of council tax benefit but from 2013 it will change when funding will be given through an upfront fixed grant as part of the Council's formula grant. Funding will be based on 90% of the forecasted subsidised benefit expenditure for 2013/14. It will be paid through an upfront allocation to each major precepting authority in proportion to their share of the council tax (see 2.4 for information on East Devon's funding).

1.4 The Regulations governing such schemes are not due until Autumn 2012. However the tight timescales of ensuring that a local scheme is devised and in place by 31 January 2013 has led to the Government issuing a "statement of intent" in May 2012. The purpose of the statement is to explain what the Government intends to include in the actual Regulations by clarifying:

- Requirements for preparing a scheme
- Transitional arrangements
- Prescribed requirements within the scheme
- Council tax Base
- Risk sharing of financial pressures

1.5 At the same time the Department for Communities and Local Government (DCLG) have also issued guidance on:

- Taking work incentives into account
- Vulnerable people – key local authority duties
- Funding arrangements consultation

1.6 Most of what is contained within the above documents provides the detail that was missing from earlier guidance. For example; billing authorities will not require an application to be completed for the local council tax support scheme, where a person is already in receipt of or has applied for, council tax benefit before 1 April 2013. This means that our existing council tax benefit customers will not need to complete a new application.

The statement also contains details on how persons from abroad, refugees and those reaching eligible age for state pension will be dealt with. These documents are available on-line; please see link under background papers.

2. Impact on East Devon

2.1 At present, we have 9,697 customers in receipt of council tax benefit. The current cost for council tax benefit is £8,962,907.



Table 1 breaks this down between pensioners and working age.

	Pensioners	Working age	Total
Caseload	5,358	4,339	9,697
% split of caseload	55%	45%	100%
Annual cost	£5,263,399	£3,699,508	£8,962,907
% split of cost	59%	41%	100%

Table 1

- 2.2 In May 2012, the Council was given an indicative level of funding for 2013/14 and advised that these allocations are illustrative and based on the best available data. They have been given early to enable the major precepting bodies a clear basis for planning. Final allocations will be notified in Autumn/Winter 2012/13 and will be based on revised forecasts of subsidised council tax benefit expenditure. From 2014/15 funding will be included within formula grant and therefore Councils will not know what element of this grant relates to council tax support. Councils will need to make their own decisions on how much funding they want to give to their local council tax support scheme.
- 2.3 The indicative figure provided for East Devon is a grant of £633,000 which results in an estimated overall cost saving requirement of 13%. This has been calculated taking account of the average growth in benefit expenditure since 2009/10. It does not take account of potential increases in council tax for next year. A 1% rise in council tax would increase the saving requirement by a similar amount. A 13% saving requirement in expenditure would mean an average reduction for the working age of 31%
3. Devon Project Group
- 3.1 In February 2012, East Devon joined a Devon wide project team that was set up with the aim of creating a Devon local council tax support framework for working age customers. The project group consists of representatives from each of the Billing authorities (including Plymouth and Torbay), Devon County Council, Police and Fire Authorities. The representatives from each of the Billing Authorities are all experienced Benefit and/or Revenues Managers. Additionally our project lead has a wealth of revenues and benefit knowledge gained through practical experience, delivering training and facilitating regular updates for forum members of the Institute of Revenues Rating and Valuation. The project lead is also assisting a number of other authorities, including all of the Essex authorities in developing a local council tax support scheme. The group has been meeting regularly working through a project plan that sets out the delivery of a scheme in time for April 2013.
- 3.2 Due to the tight timescales that we are working to and our reliance on existing software, we have to adapt the current council tax benefit rules for developing a local scheme. We understand that this is in line with a number of Billing Authorities. The long term aim is likely to result in moving away from the current council tax benefit system and develop a much simpler means tested scheme which will be more integrated with other council tax discounts. However, whilst we continue to administer housing benefits it makes sense to keep the local council tax support scheme closely aligned. By doing so, it will prevent the double handling of claims and ensure simplicity for the customer.

3.3 The steer from the major precepting authorities is that they are looking for a ‘cost neutral approach’. Although they do not have any actual right to veto as part of the consultation process, it is important that Councils obtain their agreement as they take a major financial burden in the cost of the scheme (in proportion to their share of council tax). It would be prudent for Councils to work with the other precepting authorities to ensure the avoidance of future legal challenges on schemes.

3.3 Each of the Devon billing authorities has undertaken modelling on its current working age caseload to explore potential savings by looking at various options. The modelling that has been undertaken to date was shared with the Finance Portfolio Holder’s Think Tank on 27 June 2012.

3.4 There has been extensive consideration given to the outcomes of the modelling exercise and possible options by the Devon project representatives. Due care is being taken, not only in establishing levels of savings but also to ensure other principles of the scheme are met, such as creating incentives into work whilst protecting the most vulnerable. It became apparent as this piece of work was undertaken that the need to ensure equality, protect vulnerable groups, account for work incentives and make appropriate savings would create a serious challenge to each Council.

3.5 The current national council tax benefit scheme already has mechanisms built in to it to take account of the different make up of customers. For example;

- a disabled customer would have a higher level of income disregarded as part of the calculation.
- a couple with children would have a higher level of income disregarded as part of the calculation compared to a couple without children.

3.6 With this in mind, the Devon project group felt that the way of delivering the reduction in benefit was to maintain the current council tax benefit scheme with some adjustments in order to realise the savings needed. Set out below are the options:

3.7 Option – Limit Liability

This option results in limiting the maximum support a person can receive from 100% to a lower level. The principle of ‘liability restriction’ is common throughout all the Devon authorities, although it may be that the percentage of reduction may differ. The range (based on current modelling) is likely to be somewhere between 70% and 90%. The estimated cut in benefit expenditure that would be achieved using the range below is as follows:

Working age customers	Amount saved	% saving against current expenditure
Restrict liability in all cases to 90%	£488,511	5.45%
Restrict liability in all cases to 80%	£915,865	10.22%
Restrict liability in all cases to 75%	£1,124,083	12.54%

Table 2

Note. These figures are based on current modelling and will need to be recalculated regularly against caseload to reflect changes,



they do not take account of growth and will need adjusting to take account of the likely collection levels.

3.8 The impact on customers using the ranges below is illustrated as follows:

3.8.1 Customer A, lives in a Band C property in Honiton, the annual council tax is **£1,344.15** but currently receives 100% council tax benefit. If we were to limit the maximum amount they could get benefit up to, using the ranges below the impact is:

	Limiting liability £	Benefit entitlement £	Annual amount to pay £	Weekly amount to pay £
No restriction current scheme	1,334.15	1,334.15	0.00	0.00
90% liability	1,209.74	1,209.74	134.41	2.58*
80% liability	1,075.32	1,075.32	268.83	5.17*
70% liability	940.91	940.91	403.24	7.75*

Table 3 *subject to rounding

3.8.2 Customer B, also lives in a Band C property in Honiton and has an annual council tax of **£1,344.15** but only receives the equivalent of 50% in council tax benefit. The impact is as follows:

	Limiting liability £	Benefit entitlement £	Annual amount to pay £	Weekly amount to pay £
No restriction (current scheme)	1,344.15	672.08	672.07	12.92*
90% liability	1,209.74	604.87	739.28	14.22*
80% liability	1,075.32	537.66	806.49	15.51*
70% liability	940.91	470.46	873.70	16.80*

Table 4 *subject to rounding

3.9 By adopting this option of restricting liability to a prescribed percentage the Council maintains all of the core elements of the current council tax benefit scheme.

4.0 The benefit system has been in place since the start of council tax (1993) and regulations have been developed and updated over this time and will have been subject to many legal challenges. It can be assumed therefore, that the current council tax benefit scheme is a robust and proven system. If we change elements of it, we will need to consider appropriate equality matters and therefore have to undertake very comprehensive equality impact assessments each time to ensure we comply with equality requirements. The concern across the Devon group is that the overall timescales are incredibly tight. The Council must be confident that the scheme will withstand any equality impact assessment and will also be completed and adopted within the timescales.

4.1 I should emphasise that the scheme proposals are in relation to a council tax support scheme for 'year one' and it is likely that the Council will look to review this scheme for year 2, 3 and possibly thereafter.



4.2 Alongside restricting liability there were some other options that the Devon group suggested that could be included as part of our consultation. It should be noted that some of these options would achieve little in the way of savings as they are only impacting on a very small proportion of our existing working age customers. Some or all of these options could be used in addition to restricting liability. This could provide the potential for a slight increase in the percentage level that could be used in restricting liability. There are also some principles linked to these which is why it was felt that they should still be considered as part of the consultation.

4.2.1 Option - Band restriction

At present there is no restriction on the level of council tax used in the calculation of council tax benefit. This means that a working age customer could live in a Band H property (highest band) and have benefit assessed on a Band H liability and receive up to 100% benefit. I have set out in the table below the breakdown of the number of existing working age customers we have getting council tax benefit across all our property bands.

Band	A	B	C	D	E	F	G	H	Total
No of existing customers	1,055	1,686	1,072	331	129	50	16	0	4,339

Table 5

Proportionately we do not have many existing working age customers on council tax benefit in the higher bands. However, Members may wish to consider the principle that these customers should continue to receive the same level of funding or whether the liability for council tax purposes up to a lower band, for example Band E liability. Savings would be relatively small; however it could mean that the liability reduction for the rest of the working age customers could be less.

The principle of a band restriction also links in with the Government's agenda of making work pay and that people on benefits should not be better off than those in work. The Government is applying this principle in other areas, such as; benefit cap, restriction on Local Housing Allowance rates and social sector size restrictions. I have illustrated below what the potential savings would be:

Restricting council tax benefit	No of existing customers affected	Potential level of savings	% saving against current expenditure
To a Band E	66	£22,218	0.25%

Table 6

4.2.2 Option - Reduce the capital Limit from £16,000 to a lower level

At present the limit on capital is £16,000 therefore a customer could get help towards their council tax provided they did not exceed this figure. Currently where a customer has between £6,000 and £16,000 in capital there is a prescribed formula that is used to determine the amount of income this would generate. This is then taken into

account as part of the calculation. Capital below £6,000 is completely disregarded.

The proposal is to reduce the capital limit to a lower amount. I have set out below what the level of savings would be using 3 different levels of capital. These are shown in table 7.

Capital Limit	No of customers affected	Potential saving	% saving against current expenditure
£10,000	30	£24,994	0.29%
£8,000	49	£31,830	0.36%
£6,000	77	£54,228	0.61%

Table 7

The principles are similar to that outlined under 4.2.1 and again it's whether these customers should continue to receive support with their council tax.

4.2.3 Option – Remove Second Adult Rebate (SAR)

SAR can be awarded when there is one person in a property who is liable to pay council tax but shares their home with someone over 18 years of age (not a partner, tenant or boarder) and this second person is on a low income. Subject to certain criteria the person liable to pay council tax can claim 'Second Adult Rebate' in respect of them. This gives them council tax benefit up to the equivalent of a 25% discount.

However, what isn't taken into account is the main occupier's income. If we remove this provision from a local scheme it will mean that we would only consider giving council tax support by taking account of the main occupier's income. Again, the level of savings this would achieve would be relatively small, however it is following similar principles to those already mentioned, i.e. whether council tax support should be given to these households.

We currently have **45** customers getting SAR and if this was removed the annual saving on current benefit expenditure would be **£12,107** (0.14%).

4.2.4 Option - Vulnerability / Hardship Fund

All the Devon group representatives felt that in order to ensure that our local scheme protects the most vulnerable we should have some kind of vulnerability/hardship fund to act as a safety net. This would allow for individual circumstances to be taken into account when appropriate. As this would form part of our local scheme it would be funded through the collection fund in exactly the same way. Cases would be considered on an individual basis and the principles would be similar to our Discretionary Housing Payment Policy. Discretionary Housing Payments (DHPs) are a discretionary fund that allow billing authorities to top up housing and/or council tax benefit where there is a shortfall. DHPs provide a mechanism to ensure that there is a safety net to protect the most vulnerable.

5.0 Concerns

- 5.1 East Devon has a higher percentage of pensioners on benefit compared to some of the other Devon authorities. In order to deliver a cost neutral scheme will mean that it is likely that our existing working age customers will face a slightly higher reduction in council tax support compared with current council tax benefit entitlement than some of our neighbouring authorities.
- 5.2 Any reduction in council tax support is not actually a saving until it has been collected. Under the proposals above we will be collecting council tax from customers who have not paid council tax before. We anticipate that it is likely that these accounts will be more resourceful to administer and difficult to collect. In some cases we will be collecting very small amounts of money and it is not always cost effective to pursue recovery action. The impact on collection will need to be factored in as part of the calculation in the reduction in council tax support.

6. Timetable

Task	Start	Complete
Prepare consultation documents, approach and method.		End of July 2012
Equality Impact Assessments for draft and final scheme		November 2012
Produce and finalise draft Devon scheme/framework Policy document		End of July 2012
Public consultation (current policy)	August 2012	September 2012
Design new procedures, documentation, training, website, publications, etc	September 2012	March 2013
Draft budget produced Budget setting	September 2012	December 2012 February 2013
Secondary legislation passed Grant allocations published	Autumn/Winter 2012/13	
Analyse responses following consultation	October 2012	November 2012
Finalise local scheme	November /December 2012	
Cabinet Meeting	28 November 2012	
Full Council meeting	05 December 2012	
Software provided by Supplier	December 2012	
Software installed, tested and preparations made for April 2013	December 2012	March 2013
Latest date that Local Authorities must adopt scheme to avoid default scheme being imposed		31 January 2013
Issue annual council tax bills/benefit notifications	Late February 2013	Early March 2013
Local working age scheme in operation	01 April 2013	

Table 8

- 6.1 The timescales are incredibly tight and there is a significant amount of work that needs to be done before the final scheme is adopted by full Council on 5 December 2012.

7.0 Further issues for consideration - Technical Changes to council tax

7.1 The Government recently published (May 2012) some proposed changes they plan to make to council tax in time for authorities to make an effective determination for next financial year. These changes include:

- Being able to charge up to 100% on 'second homes'. Under current regulations the maximum charge is 90%.
- Removing the Class C exemption (up to 6 months exemption for properties that are unoccupied and unfurnished) and replacing this with a discount that authorities can set at 100% or lower.
- Removing the Class A exemption (up to 12 months exemption for unoccupied and unfurnished properties that require or are undergoing major repair) and replacing this with a discount that authorities can set at 100% or lower.
- Levying an empty home premium on properties that have been left empty (unoccupied and unfurnished) for more than 2 years. The premium would be based on 150% of the council tax liability.

7.2 Clearly, these changes provide potential for allowing local authorities to increase the amount of council tax revenue. It is my intention to do a separate report for the Cabinet meeting in September to give more information on these reforms. This will include details of potential income, implications of administering and collecting and details of what the rest of the Devon authorities are proposing.

Legal Implications

At April Cabinet, members gave delegated authority to the Chief Executive in consultation with the Leader of the Council and in conjunction with the Portfolio Holder of Finance's Think Tank to set up a local scheme.

As indicated in the report, the officers responsible for implementation are aware of the need to comply with statute, regulations (and, where appropriate, guidance) in implementing the scheme.

A new Section 13A of the Local Government Finance Act 1992, once enacted through the Local Government Finance Bill, will require the Council to approve a council tax reductions scheme. A new Schedule 1A to the 1992 Act will provide further detail on the operation of the scheme; the council will have considerable discretion over how to operate it, although regulations may prescribe classes of person who must be included in a scheme.

The Secretary of State may by regulations make transitional provisions regarding the commencement of schemes as the Secretary of State thinks fit. For example, regulations may provide for treating a person who is or was in receipt of council tax benefit as having made an application for a reduction under a scheme.

The scheme must specify the reductions which are to apply to amounts of council tax payable, in respect of dwellings situated in its area, by reference to —

(a) persons whom the authority considers to be in financial need, or

(b) persons in classes consisting of persons whom the authority considers to be, in general, in financial need.

We will need to see the final form of the draft legislation, together with any regulations which are made before the scheme can be finalised.

The consultation process needs to be carried out in accordance with established legal principles and case law; further advice can be given if required.

Financial Implications

The financial implications are contained within the report.

Consultation on Reports to the Cabinet

Representatives from Devon County Council, Devon & Cornwall Police Authority & Devon & Somerset Fire & Rescue Authority are part of the Devon project group and have been consulted as part of that process.

Principles and options discussed at Finance Think Tank on 26 June 2012 and they will also consider the consultation process and content.

Background Papers

- CLG - Statement of Intent
- CLG - Funding arrangements Consultation
- CLG - Taking work incentives into account
- CLG – Vulnerable people – key local authority duties
- Cabinet reports 4 April 2012 & 5 October 2011.

Libby Jarrett
Revenues & Benefits Manager

Cabinet
11 July 2012

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Agenda Item 13

Cabinet

11 July 2012

JT



Licensing, Registration and Cemetery Fees – Proposed Changes

Summary

In order to financially assist the Council to continue to carry out its regulatory functions and its cemetery service this report recommends changes to the current fee structures in respect of a number of mandatory licensing regimes required to be carried out by the Council together with the cemetery fees charged in respect of Sidmouth, Seaton and Sidbury Cemeteries, which are owned and operated by East Devon District Council.

Recommendation

- 1. That the proposed licensing fees set out in Appendix 1 for Hackney Carriages and Private Hire Licences be recommended for approval by Full Council and**
 - (a) that the proposed scale of fees be introduced from the 3 September 2012 for both private hire and hackney carriage licences;**
 - (b) (1) that notice be given in accordance with Section 70(3) of the Local Government (Miscellaneous Provisions) Act 1976 of the proposed variation of licence fees determined by the Council for this year;**
 - (2) that should objection be received resulting from the notice and not withdrawn delegated authority be granted to the Chief Executive in consultation with the Leader of the Council**
 - (i) to consider the objection(s) as provided by Section 70 and;**
 - (ii) to set a further date not later than two months after the first specified date on which the variation shall come into force with or without modification.**
- 2. That the Committee revises the Environmental Health Licensing fees and charges as set out in Appendix 3 and that the fees will have effect as of 1 September 2012.**
- 3. That the cemetery fees be increased as shown in the attached Appendix 4 from 1 September 2012 and**
- 4. Thereafter the fees to be raised annually on the 1 April by the Consumer Price Index (CPI) inflation rate (for the previous September) or 2.5% whichever is the greater.**

a) Reasons for Recommendation

- (i) To enable the District Council to continue to recover the cost of carrying out its responsibilities concerning the licensing/registration of Hackney Carriage and Private Hire vehicles, drivers and operators, animal welfare, skin piercing and registration of motor salvage operators.
- (ii) In the case of the cemetery fee increases the additional income generated will help to offset the cost of maintaining the District Council's cemeteries.

b) Alternative Options

To leave the fees/charges unchanged or adopt a different rate however this would inevitably lead to less income and in the case of the licensing regimes an inability to recover their costs to the Authority.

c) Risk Considerations

None known

d) Policy and Budgetary Considerations

Set out in the report

e) Date for Review of Decision

N/A

1 Background

1.1 The Council has the ability to levy fees and charges for various services and functions it undertakes. Some of these fees are set by central government while for others the Council can make “reasonable” charges for the services provided. Some of the larger licensing functions including that relating to alcohol and entertainment licensing have their fees set centrally although in the case of alcohol and entertainment this is expected to be relaxed in 2013 to enable Councils to set their own fees but within specific parameters. Across all the various licensing regimes where Councils are permitted to set the level of fee there is a general requirement that any fees raised must not be in excess of the function’s cost to the Council. Indeed the European Services Directive requires that fees must be limited to cost recovery, a requirement that is duplicated in the Regulation 18 of the Provisions of Service Regulation. However most regimes permit recovery of the administration costs and others also include the Council’s costs for control and supervision of the regime.

1.2 The Council has a statutory duty to administer licences with appropriate conditions, monitor compliance with licence conditions and take appropriate enforcement action where these conditions are not met.

2 Hackney Carriage & Private Hire Licence Fees – Proposed Changes

2.1 Under the provisions of current legislation the District Council has a statutory responsibility to administer the Private Hire and Hackney Carriage licensing process. The legislation permits the District Council to recover the costs of issue, administration, control and supervision of that licensing process but not to raise additional funds.

2.2 It has been usual practice for these fees to be reviewed annually and Council’s authority sought where necessary to adjust the fees to recover the full cost of the regime. However for the year 2011/2012 the projected difference was small between the anticipated cost of the regime and the anticipated income. In view of this no increase was sought (the actual deficit for the year was £1,088). Therefore the fees were last increased two years ago in 2010 when the Council agreed to a 2.5% fee increase from May 2010

- 2.3 The projected cost for carrying out the Council's Private Hire and Hackney Carriage licensing role for 2012/2013 is £83,580. (This figure does include the cost of the Criminal Records Bureau checks which total approximately £3,500 per annum. These fees which the council has no control over are collected by the authority and paid to the CRB. The actual income for the year 2011/2012 was £78,433. If no increase in fee revenue is made there is an anticipated deficit of approximately £5,147 between the fee income and the cost to the Council of undertaking its statutory responsibilities for Private Hire and Hackney Carriage licensing. The majority of the fees for this licence regime are collected annually in October/November as all the Council's Hackney Carriage licences expire on the 31 October.
- 2.4 A review of the fees charged by this Council has been undertaken. As part of that review fees currently charged by this Council were compared to those levied by other Councils within our family group. Whilst it may be useful to make this comparison there is little certainty that those other councils are making full recovery of the cost of the taxi licensing function at the time of comparison.
- 2.5 Although not within the family group the fees charged by Exeter City Council are also included for comparison purposes as the Fees and Charges Task and Finish Forum requested this in 2006. Torbay Council's fees have also been included this year as are those of the new Cornwall unitary council. The comparison table is set out in **Appendix 1** to this report.
- 2.6 With the intention of recovering the costs of issue, administration, control and enforcement of the Private Hire and Hackney Carriage licensing process it is recommended that the fees be increased by **6%**. As there has been no fee increase since May 2010 the proposed 6% increase amounts to 3% in each of the two years since. In 2010 the Consumer Price Index (CPI) increased by an average of 3.31%, in 2011 by 4.48% and in 2012 in the five months to date 3.2%. Fortunately so far this year the tendency is for the CPI to fall with May's figure being 2.8% - the lowest since 2009. It is further suggested that the driver's licence badge deposit of £15, the replacement taxi plate fee of £46 and the Criminal Records Bureau check administration charge of £23 should remain unchanged. The proposed changes to the current fees are detailed at **Appendix 1** and have been rounded to the nearest pound. It will be noted that although this District's fees tend to be above the average we are similar to Exeter with Torridge and North Devon's vehicle licensing fees being higher. Tendring exceeds all those listed. The East Devon taxi trade tend to make comparisons with Exeter City fares.
- 2.7 By increasing the fees as shown in **Appendix 1** it is anticipated that the total income from Private Hire & Hackney Carriage Licences will increase by approximately £5,100.
- 2.8 The cost of an Enhanced Criminal Records Bureau check for taxi drivers currently remains at £36 however as this fee is set by the CRB an increase in the coming year cannot be ruled out. This does not affect the fee changes proposed in **Appendix 1** because the CRB fee is charged separately and we merely pass on this fee when there is a requirement for an applicant to undertake a CRB check.
- 2.9 If the Board approves the licensing fees as shown in **Appendix 1**, the proposed fees will then go forward to full Council for approval. Following approval there is a legal

requirement for the proposals to be advertised within the District. Should there be representations received against the increases there is a further requirement for the proposed fees to be reconsidered in the light of those representations.

- 2.10 It is recommended that should any objections be received and not withdrawn that delegated authority be granted to the Chief Executive in consultation with the Leader of the Council to consider those objections as provided by the Local Government Miscellaneous Provisions Act 1976 Section 70(3).
- 2.11 In 2003 it was identified that a very small number of taxi operators wished to be permitted to tow trailers to allow them more luggage carrying capacity particular when transporting passengers to airports etc. As a result the District Council has adopted licensing conditions to ensure the safety of the trailers and those carried in the towing vehicles. The licensing procedures relating to this additional service has increased administration. In order to recover the cost of the additional work the Council agreed to levy a £30 fee. This is an extra charge in addition to the fee an operator pays to licence a vehicle. It is proposed that the £30 charge remain unchanged.
- 3 Animal, Skin Piercing and Motor Salvage Operator – Proposed Licensing/Registration Fee Changes
- 3.1 The responsibility for the administration of the animal welfare, skin piercing and motor salvage operator licensing/registration which has been an Environmental Health responsibility was transferred to the Licensing Service in 2009 following an Audit report that the Council’s licensing regimes should be centralised. Ownership of these regimes remains with Environmental Health who also provide technical advice relating to animal welfare and health input relating to skin piercing.
- 3.2 The size of the animal welfare, skin piercing and motor salvage operator licensing regimes are small in comparison to the Council’s overall licensing responsibilities however they are surprisingly time consuming, particularly the animal welfare regime.
- 3.3 The fees and charges relating to these regimes were last reviewed in 2006 by the Fees and Charges Task and Finish Forum. Since that time a number of anomalies have arisen requiring some specific parts of the fee structure to be adjusted so it is not possible to make one set percentage change across the whole. For example in the case of the licensing of riding establishments the legislation requires that before a licence is granted or renewed the establishment must be inspected by a vet and the Council can recover the cost of the inspection from the applicant. In East Devon’s case the current set fee includes the vet’s fees. However in a number of cases it has been found that the vet’s cost has far exceeded the licensing fee collected by the Council. It is proposed that in future the Council should adopt the practice used by most other Councils and recharge the applicant with the vet’s cost (excluding the vet’s cost from the licence fee). This is already normal practice in East Devon where vet’s inspections are required for other animal licensing regimes including pet shops, dangerous wild animals and zoos.
- 3.4 A review of the fees charged by this Council has been undertaken with a view of recovering the cost to the Council. As part of that review fees currently charged were compared to those levied by neighbouring Councils. Whilst it may be useful to make this comparison there is little certainty that

those other councils are making full recovery of their costs. The comparison table is set out in **Appendix 2** to this report.

3.5 Having considered carefully the process involved with each of the licensing regimes it is recommended that the discretionary fees listed in the **Appendix 3** should rise to more accurately reflect the true cost of providing the service. The recommendations are included within the appendix which also includes some additional recommended changes to ensure the applicant/licence holder bears the responsibility for the costs where vet inspections are necessary.

4 Cemetery Charges – Proposed Fee Changes

4.1 The District Council is responsible for maintaining its own cemeteries at Sidmouth, Seaton and Sidbury. This includes the maintenance and the interment of bodies or cremated remains. The authority is also responsible for the maintenance of the burial records relating to the three cemeteries. The Authority additionally has responsibility for various closed churchyards within the district.

4.2 The Council's cemetery fees were last considered by the Executive Board on 12 April 2006 and subsequently confirmed by full Council. At the time the Council agreed a fee table but also resolved that the cemetery fees be adjusted annually by the Retail Price Index inflation rate or 2.5% whichever was the greater. This has been done each year since 2006 however there is a need from time to time to check that these increases are keeping pace with similar charges elsewhere.

4.3 The councils used for benching marking/comparison are Exeter, Mid Devon, West Dorset, Teignbridge, Torbay, Cullompton, North Devon and Taunton. A summary of their charges is attached for information at **Appendix 4**. These authorities were used as they are those responsible for burials within a reasonable travelling distance of the District and largely surround the District. This appendix also shows the Council's current and proposed fees.

4.4 It is difficult to draw a direct comparison with some charges levied by other authorities as no one authority operates in the same manner. Some areas provide more services than others and some have different time spans on the exclusive rights to buy a grave. Unusually East Devon District Council does not dig the graves for interments preferring to leave this to an outside contractor. The undertaker pays the contractor direct for this service – currently approximately £210. For a true comparison the grave digger fees should be added to the costs of an East Devon adult interment and a Woodland burial (Seaton). Council staff dig ashes graves.

4.5 For comparison purposes the cost of a cremation at Exeter Crematorium is currently £685.00 and at East Devon Crematorium (Whimple) £675. This is the fee for a cremation and does not include the cost of burying or scattering. In many cases the ashes are brought back to the district and either buried or scattered in one of the council's cemeteries. The fees for burial and scattering of ashes are included in **Appendix 4**.

4.6 The total anticipated expenditure for the upkeep of the authority's three cemeteries and all the closed graveyards in East Devon for the year – 2012/13 will be £140,110. The total income from cemetery fees for the whole financial year 2011/12 amounted to £83,035.

- 4.7 It is proposed that all fees be increased by **10%**. The proposed fees are set out in **Appendix 4**. If these increases are agreed they should raise approximately an extra £8,300 per annum.
- 4.8 It is additionally recommended in following years the fees to be raised annually on the 1 April by the Consumer Price Index (CPI) inflation rate (for the previous September) or 2.5% whichever is the greater. This was originally a recommendation made in 2006 by the Fees and Charges Task and Finish Forum but at the time the Council was using the Retail Price Index as a guide to fee increases.

Legal Implications

There are no legal implications requiring comment.

Financial Implications

The financial implications are contained in the report. However it is good practice that any increase in fees and charges should be looked at in line with the budget setting process in October/November.

Appendices

- | | |
|-----------------------------------------------------------------------------------------------------|------------|
| <input type="checkbox"/> Proposed Hackney Carriage & Private Hire Licence Fees and Comparison Table | Appendix 1 |
| <input type="checkbox"/> Comparison of Environmental Health Charges with other Local Authorities | Appendix 2 |
| <input type="checkbox"/> Proposed Environmental Health Licence Fees | Appendix 3 |
| <input type="checkbox"/> Cemetery Fees Comparison Table and Proposed Fees | Appendix 4 |

Background Papers

- Documentation from other authorities listing their fees and charges

John Tippin Ext. 2787
Licensing Manager

Cabinet
11 July 2012

Private Hire and Hackney Carriage Licensing Fees

Fee calculations for 2012-2013

<u>Item</u>	Current		<u>Average</u>	<u>Cornwall</u>	<u>Exeter</u>	<u>Lewes</u>	<u>N</u>	<u>N</u>
	<u>E Devon</u>	<u>Proposed Increase</u>		<u>2012-13</u>	<u>2012-13</u>	<u>2012-13</u>	<u>2012-13</u>	<u>2012-13</u>
Year valid	2010-12	2012-13	2012-13	2012-13	2012-13	2012-13	2012-13	2012-13
HC Vehicle	£233.00	£247	£221.27	£200.00	£260.00	£210.00	£307.25	£190.00
Vehicle less than 6 months	£133.00	£140	£84.00	£73.00	NA	NA	NA	NA
HC Driver (annual)	£92.00	£98	£110.04	£95.00	£88.00	£145.00	£57.50	£90.00
Transfer Vehicle Ownership	£71.00	£75	£60.89	£42.00	£52.00	£30.00	£131.55	£44.00
Transfer Vehicle plate	£71.00	£75	£60.08	£73.00	£52.00	£30.00	£50.00	£44.00
PH Vehicle	£233.00	£247	£209.54	£200.00	£234.00	£210.00	£262.50	£190.00
PH Driver	£92.00	£98	£109.21	£95.00	£88.00	£145.00	£57.50	£90.00
PH Driver when also HC Driver	£69.00	£73	£107.00	£15.00	NA	NA	NA	NA
PH Operator	£116.00	£123	£104.69	£98.00	£100.00	£75.00	£45.30	£150.00
New/Replacement Plate (some Refundable)	£46.00	£46	£33.75	£22.00	£26.00	£30.00	£50.00	£36.05
Badge Deposit (refundable)	£15.00	£15	£22.91	£14.00	NA	£10.00	£50.00	£19.06
CRB £36 (some include an admin fee)	£59.00	£59	£44.17	£49.00	£44.00	£44.00	£41.00	£44.00
Totals EDDC / Average	£1,220.00	£1,289	£1,031.32	£976.00	£944.00	£929.00	£1,052.60	£897.11

Increase calculated at **6.00%**
Proposed figures have been rounded to nearest pound

<u>Item</u>	<u>Rother</u>	<u>Shepway</u>	<u>S Hams</u>	<u>Teign bridge 2012- 13</u>	<u>Tendring</u>	<u>Torbay 2012- 13</u>	<u>Torridge</u>
<u>Year valid</u>	<u>2011-12</u>	<u>2011-12</u>	<u>2012-13</u>		<u>2011-12</u>		<u>2012-13</u>
HC Vehicle	£205.00	£250.00	£216.00	£80.00	£292.00	£140.00	£305.00
Vehicle less than 6 months	NA	NA	NA	NA	NA	£95.00	NA
HC Driver (annual)	£210.00	£55.00	£130.00	£70.00	£215.00	£105.00	£60.00
Transfer Vehicle Ownership	£40.00	£78.00	£80.00	£35.00	£86.10	£60.00	£52.00
Transfer Vehicle plate	£40.00	£78.00	£80.00	£35.00	£139.00	£60.00	£40.00
PH Vehicle	£205.00	£250.00	£216.00	£75.00	£292.00	£140.00	£240.00
PH Driver	£200.00	£55.00	£130.00	£70.00	£215.00	£105.00	£60.00
PH Driver when also HC Driver	£290.00	£80.00	£130.00	£20.00	NA	NA	NA
PH Operator	£95.00	£54.00	£115.00	£70.00	£343.00	£65.00	£46.00
New/Replacement Plate (some Refundable)	£15.00	£17.00	£50.00	£35.00	£49.00	£55.00	£20.00
Badge Deposit (refundable)	NA	£17.00	£45.00	£16.00	£11.00	£20.00	£27.00
CRB £36 (some include an Admin Fee)	£40.00	£36.00	£36.00	£46.00	£44.00	£70.00	£36.00
Totals EDDC / Average	£1,340.00	£970.00	£1,228.00	£552.00	£1,686.10	£915.00	£886.00

APPENDIX 2

Environmental Health Licensing fees - Fee calculations for 2012-2013

<u>Type of Licence</u> <u>Year valid</u>	<u>E Devon Current</u> <u>Fees</u> <u>2006-2012</u>	<u>Proposed Fees 2012</u> <u>Proposed Fees</u>	<u>Average</u> <u>for other</u> <u>Councils</u> <u>2012</u>	<u>Exeter</u> <u>2012</u>	<u>Mid Devon</u> <u>2012</u>	<u>North</u> <u>Devon</u> <u>2012</u>
Skin Piercing (Piercing/electrolysis/tattoo/acupuncture)	£75 per person + £25 per additional person	Premises plus 1 person - £100 Person - £80 per additional person	£98.67	£80 Premises + 1 person + £40 per person	£100.00	£66.4 per premises, £66.4 per person
Food export (Fish)	£40.00	Grant - £100 Renewal - £75	£40.00			
Zoo	£100 +vet	First - £300 + Vet Renewal - £200 & Vet Transfer - £100		Not decided + vet	At cost	£69.7 + vet
Animal Boarding - Catteries/Kennels	£100min £3.00 per dog Max £180	New - £110 (5 animal) + Vet Additional dogs £6 each + Vet Renewal - £100 (5 animal) + add animals £6 each	£142.17	£125.00	£114.00	£69.7 + vet
Home Boarding	£50	£80 (include 1 animal) Add. animals £6 each	£108.78	£125.00	£60.00	£69.7 + vet
Pet shops	146.5	£100 + Vet Fee	£111.10	£125.00	£95.00	£69.7 + vet
Riding Establishments	£150 up to 10 horses + £10 per horse over 10 max £200 incl. Vet Fee	£180 (max 10 horses) additional horses £10 per horse + all Vet's Fees	£198.50	£450 up to 10 horses + £7 per horse over 10	£85 + vet Max 15 horses	£69.7 + vet
Dangerous Wild Animals	£100 fee plus £165 vet's fee = £265 in total	£100 + Vet	£336.25	£312.00	£95 + vet	£69.7 + vet
Motor Vehicle Salvage Operator (Set by central government)	£100.00	£100	£100	£100	£100.00	£100
Dog Breeding	£100 plus Vet Fee of £71.50	Grant - £100 (incl. 5 dogs) add. dogs £6 per dog + all Vet's Fees Renewal - £90 (incl. 5 dogs) add. dogs £6 per dog	£143.00		£114.00	£69.7 + vet

APPENDIX 2

Type of Licence	Plymouth	South Hams	Teignbridge	Torbay	Torrige	Cornwall	West Devon
Year valid	2012	2012	2012	2012	2012	2012	2012
Skin Piercing (Piercing/electrolysis/tattoo/acupuncture)	108 per premises £55 per person	£118 per premises £68 per person	£75.00	£173 business, £93 to amend	£103 per premises £77 per person	£121.00	£100 per premises £100 per person
Food export (Fish)		£125 initial £43 renewal	£86 out of hrs £44 in hours				£40.00
Zoo		£770 grant £680 renewal £350 transfer + vet	£131 + vet	New - £420 + vet Renewal- £200 Transfer- £140	£210 Grant + vet £170 Renewal + vet	£305 + vet	£730 Grant £640 Renew £330 Transfer + vet
Animal Boarding - Catteries/Kennels	£154.00	£4.70 per animal min £120 Max £170	First 15 dogs £56.25 + £3.75 per dog	£200.00	£115.00	£145.00	min £110 max £160 £4.50 per dog
Home Boarding	£154.00	£115.00	£56.25	£200.00	£50.00	n/a	£110.00
Pet shops	£128.00	£112 + vet	£86.50	£105 + vet	£115 grant £87 renewal	£121.00	£108 + vet
Riding Establishments	£259.00	£180 up to 10 horses + £8 per horse over 10 + vet	£54 up to 10 horses + £5.4 per horse over 10 + vet	£310 up to 5 horses + £15 per horse over 5 + vet	£135 + vet	£138.00	£150 up to 10 horses + £7.4 per horse over 10
Dangerous Wild Animals	£303.00	£198 + vet	£86.5 + vet	£425.00	£210 + vet	£305.00	£352 + vet
Motor Vehicle Salvage Op.	£79.00	£98.00		£100.00	£107.00	£137.00	£70.00
Dog Breeding		£155 + vet	First 10 dogs £98 + £9.8 per dog to max £156	£200.00	£115.00		min £140 + vet

Pet Animals Act 1951 <i>Includes vet fee</i>	£75 plus Vet Fee of £71.50	£100 + Vet Fee	13
Riding Establishments Act 1964 and 1970 Up to 10 Horses Additional Horses <i>Plus cost of vet fee</i>	£150 for up to 10 horses. Then £10 per horse up to max of £200 incl. Vet Fee	£180 + Vet up to 10 £10 per horse over 10 + Vet	8
Dangerous Wild Animals Act 1976 (Two year licence) <i>Plus costs of vets fees as required</i>	£100 + vet fee of £165	£100 + vet fee	2 (Biannual Licence)
Motor Salvage Operators (3 yearly)	£100	£100	5 (Triennial Registration)
Dog Breeder New Licence Renewal <i>Plus cost of vet fee</i>	£100 plus Vet Fee of £71.50	£100 (including 5 animals) + Vet's Fee £6 per additional animal + Vet's Fee £90 (including 5 animal) £6 per additional animal	0
Scrap Metal Dealer Registration Legislation does not permit a charge	No Charge	No Charge	7 (one off registration not renewable)

Comparison of Cemetery Fees as at April 2012

<u>Type of Burial/Service</u>		<u>Current</u>	<u>Proposed</u>	Includes £210 grave diggers fee paid direct by Funeral Directors	<i>Average for other Local Councils</i>	<u>Exeter</u>	<u>Mid Devon</u>	<u>West Dorset</u>	<u>Teignbridge</u>
		2011	2012			2012 fees	2012 fees	2012 fees	2012 fees
Interment	Adult	£377.00	£415	£625.00	£595.88	£610.00	£791.00	£401.00	£475.00
	Child	FOC	FOC		£134.00	FOC	FOC	£124.00	FOC
	Ashes	£103.00	£113		£119.00	£150.00	£130.00	£91.00	£120.00
	Scattering	£71.00	£78		£84.40	£100.00	£130.00	£42.00	£70.00
Exclusive Rights*	Adult	£565.00	£622		£885.38	£1,375.00	£2,099.00	£740.00	£610.00
	Child	FOC	FOC		£384.80	£680.00	£772.00	£124.00	£280.00
	Ashes	£251.00	£276		£299.25	£275.00	£620.00	£91.00	£285.00
	Garden of Rest	NA	NA		£45.00	NA	NA	NA	£45.00
Plaques	£176.00	£194		£84.58	£140.00	£81.50	NA	£75.00	
Headstone	£141.00	£155		£158.50	£350.00	£133.00	£86.00	£130.00	
Flat stone/Foot stone/kerb stone	£141.00	£155		£218.50	£350.00	£213.50	£172.00	NA	
Vase/Tablet/Inscription	£64.00	£70		£69.94	£120.00	£81.50	£39.00	£95.00	
Chapel Service	£91.00	£100		£83.38	£130.00	£61.00	£46.00	£70.00	
Child over 1 month or under 2 yrs	£0.00	£0.00		£74.00	FOC	FOC	£74.00	FOC	
Woodland Burial plot	£377.00	£415	£625.00	£750.00	£750.00	NA	NA	NA	
Woodland Burial plot - ashes	NA	NA		NA	NA	NA	NA	NA	
Totals (Calculated rows 1-8 only)		£1,367.00	£1,503.70		£2,547.70	£3,190.00	£4,542.00	£1,613.00	£1,885.00
Totals without Child burials & GOR		£1,367.00	£1,503.70		£1,983.90	£2,510.00	£3,770.00	£1,365.00	£1,560.00
	% increase		10%		Adjust to nearest pound.				

<u>Type of Burial/Service</u>		<u>Torbay</u>	<u>Cullompton</u>	<u>North Devon</u>	<u>Taunton</u>
		2012 fees	2012 fees	2012 fees	2012 fees
Interment	Adult	£815.00	£640.00	£535.00	£500.00
	Child	FOC	FOC	£144.00	FOC
	Ashes	£185.00	£103.00	£73.00	£100.00
	Scattering	£80.00	NA	NA	NA
Exclusive Rights*	Adult	£980.00	£630.00	£149.00	£500.00
	Child	FOC	FOC	£68.00	FOC
	Ashes	£400.00	£305.00	£68.00	£350.00
	Garden of Rest	NA	NA	NA	NA
Plaques	£95.00	£70.00	£46.00	NA	
Headstone	£225.00	£121.00	£68.00	£155.00	
Flat stone/Foot stone/kerb stone	£48.00	£525.00	£46.00	£175.00	
Vase/Tablet/Inscription	£48.00	£70.00	£46.00	£60.00	
Chapel Service	£160.00	£63.00	£32.00	£105.00	
Child over 1 month or under 2 yrs	NA	FOC	FOC	FOC	
Woodland Burial plot	NA	NA	NA	NA	
Woodland Burial plot - ashes	NA	NA	NA	NA	
		£2,460.00	£1,678.00	£1,037.00	£1,450.00
		£2,460.00	£1,678.00	£825.00	£1,450.00

Agenda Item 14

Cabinet

11 July 2012

12/1228



Sports Pitches Study for East Devon

Summary

This report seeks to commission an up-dated sports pitch study for the District as the basis for a Sports Development Strategy for the District and as part of the evidence base required for the Local Plan and for those seeking funding from bodies such as Sport England for new sports provision.

Recommendations

1. That the Cabinet authorises the commissioning of an up to date East Devon Playing Pitch Study by an Exemption from Standing Orders to allow the commissioning Bennett Leisure and Planning to revisit their work in connection with the preparation of the 2002 Strategy, and the 2012 Open Space Study and by instructing them consultant directly on the future aspirations of the District's sports clubs to create a new and updated Sports Pitches Study for the District.
2. That the cost of Commissioning the preparation of an up-to-date East Devon Sports Pitch Study be funded from resources available within the 2012/13 Economy Service Budget;

a) **Reasons for Recommendation**

To provide the basis for a Sports Development Strategy for the District and as part of the evidence base required for seeking funding from bodies such as Sport England for new sports provision.

b) **Alternative Options**

Not to undertake the study – but sports clubs and other bodies involved in sports provision will be unable to explore other possible sources of capital funding to deliver the improvements to sports facilities, for example in Honiton and Seaton, without the strategic framework this report refers to.

c) **Risk Considerations**

There is a risk that the Council will be portrayed negatively if it is seen to be unwilling to assist local sports clubs through the provision of an up-to-date strategic framework for playing pitch development.

d) Policy and Budgetary Considerations

The cost of commissioning work on the production of a Sports Pitch Study is available within the 2012/13 Economy Service budget/ S106 funds.

e) Date for Review of Decision

N/A

1.0 Background

- 1.1 Two separate but related issues have recently emerged that necessitate the need for this report. The first is the new objective of creating a vision for the future for encouraging more sports activity as part of a healthy living ambition. To this end a Sports Development Strategy is to be drawn up by the Countryside Manager and a study of the existing facilities and usage would be a valuable part of that work.
- 1.2 In addition the Study will assist with the underlying evidence base for the emerging Local Plan and for negotiations relating to the Community Infrastructure Levy and S106 agreements for new pitch provision.
- 1.3 The second issue relates to the Honiton Development Trust which is working on a project to deliver new sports facilities at Tower Cross. Discussions in relation to this project have taken place with the football, cricket and rugby clubs during and since the autumn of last year. All three would appear to welcome any opportunity to secure improvements to the town's sporting facilities and are not opposed to the principle of collaboration. Unfortunately none feel Honiton Development Trust's proposals for Tower Cross are yet sufficiently well developed to allow them to come to a conclusion on its appeal and long term viability.
- 1.4 The Pitches Development Trust hopes that all onsite development costs leading to the creation of multipurpose sports pitch faculties at Tower Cross will be eligible for substantial grant in aid from Sport England, the FA, RFU and the England and Wales Cricket Board. This issue was the subject of discussion with the Devon representatives of these bodies in April (representatives of Honiton's sports clubs were also present).
- 1.5 During the course of this discussion, it became apparent that none of the national sports bodies is likely to agree significant funding resource to Tower Cross in the absence a strategic, district wide, assessment of the demand for and supply of outdoor sports facilities. They felt that it would be invidious to prioritise Honiton without this strategic assessment. They referred to the The Open Space Study, considered by the June meeting of Development Management Committee, which was prepared by consultants Bennett Leisure & Planning, and JPC.
- 1.6 A 'Playing Pitch Strategy for East, Mid and West Devon was published in December 2002 and Sport England expressed the hope that this could be revised and updated before it is asked to consider any firm development proposals for new sport pitch provision in the District .

- 1.7 The strategy was commissioned jointly by the three District Councils already referred to with the support of Sport England. It was achieved by analysing current sports pitch provision and devising a methodology for forecasting and responding to future demand. The strategy was prepared by specialist consultants one of whom has since advised the Council on the preparation of an Open Space study to inform the emerging East Devon Local Plan.
- 1.8 Informal discussions with Bennet Leisure and Planning suggests that an up to date version of original East Devon Playing Pitch Strategy could be prepared within a reasonable timescale. They would look to build on their 2002 document, the 2012 Open Space Study and by examining in greater detail the demand side of future sports pitch provision through direct discussion and consultation with District's sports clubs. They have provided an informal estimate of the cost of producing an up-to-date East Devon Sports Pitch Study as being between £10,000 and £15,000. An exemption from Standing Orders would be necessary to allow the consultants used previously for the Open Space Study to undertake this work, but it would speed up delivery and use consultants already familiar with the area.
- 1.9 In terms of timescale however for the study, Sport England has suggested awaiting the publication on the appropriate new methodology for such studies which it intends to publish in the late autumn, with more guidance due on the relevant data collection being due next spring. Proceeding now will have to be on the basis of the now rescinded PPS17 guidance.
- 2.0 Conclusions
- 2.1 The preparation of an up to date strategic assessment of sports pitch provision and need throughout East Devon would usefully aid the progress of the emerging Local Plan. It would also provide the Council and other decision makers with a framework within which to consider and prioritise future resource provision. The Cabinet is therefore requested to permit the commissioning of consultants to undertake this work at an estimated cost of between £10,000 and £15,000 via an Exemption of Standing Orders to permit the use of the consultants who have just completed the Open Space study.
- 2.2 The preparation and adoption of an up to date Sports Pitch Study will not commit Sport England and other potential funding bodies to the delivery of Honiton Development Trust's proposals for Tower Cross. If improvements to outdoor sports facilities for Honiton emerge as a priority of the East Devon Playing Pitch Strategy, the means by which this project would then progress will need further careful consideration

Legal Implications

Financial Implications

Funding for the updating of this strategy can be initially funded from the Planning Policy revenue budget. Thereafter as capital expenditure is becoming more difficult for the Council to fund. Any report that is likely to require the Council to commit to capital



expenditure may not be a good use of resources unless it considers how it will be funded.

Consultation on Reports to the Executive

The issues raised in this report were the subject of discussion at a meeting of the Asset Management Forum on 19 April 2010 to which Honiton Ward Members were invited. They have been the subject of discussion by the Forum on a number of occasions since that time

Background Papers

- Minutes of the Executive Board July 2010

Nigel Harrison
Economic Development Manager

Cabinet
11 July 2012

Agenda Item 15

Cabinet

11 July 2012

12/1226



Elizabeth Hall Site – Selection Criteria

Summary

The Exmouth Town Centre and Seafront Masterplan were completed at the end of 2011 and the Elizabeth Hall site was identified as a priority project and opportunity in the Exmouth Masterplan and outlined to Cabinet on 30 November 2011. The site has the potential to offer a great opportunity to deliver an exciting development that will help go towards achieving the Vision for Exmouth, as identified in the Masterplan.

The Site is now on the market for sale with an informal tender deadline set for 3 September 2012. The Council has requested financial offers together with design proposals from interested parties.

This report seeks Cabinet agreement of the principal selection criteria that will be used by the Council's Exmouth Project Executive Team to determine which of the informal tender bids is successful.

Recommendation

To adopt the development selection criteria set out for the Exmouth Project Executive Team to use and grant the Principal Estates Surveyor authorisation to undertake the necessary work required to take forward the selection decision in consultation with the Deputy Chief Executive - Development Regeneration and Partnership and, the Portfolio Holder, Strategic Development and Partnerships.

a) Reasons for Recommendation

To ensure a clear and transparent selection process followed by a prompt decision implementation for the re-development of this important site.

b) Alternative Options

Not to have a mix of qualitative and quantitative criteria in place and instead decide the bid on highest price alone.

c) Risk Considerations

This is an open market process therefore the quality and appropriateness of bids may be variable. The marketing process is intended to encourage good quality proposals and an effective criteria mix will be needed to rigorously identify the best development proposition

d) Policy and Budgetary Considerations

This project forms part of the Council's Regeneration commitment to Exmouth and the delivery of the aims and objectives set out in the Exmouth Town and Seafront Masterplan. £700,000 has already been identified under the Council's budget 2012/13 – 2015/16 of which £377,000 was already allocated in the Capital Programme for Exmouth regeneration projects.

The Council will expect a fair return on the sale of the site which will offset some of its spend on the implementation of the Masterplan.

e) Date for Review of Decision

n/a

1.0 Background

1.1 Exmouth Regeneration continues to be a Corporate Plan Priority. Having worked closely with the local community to develop a Masterplan, there is an expectation that the Council will now turn the vision into reality through identified priority projects including the Elizabeth Hall Site development.

1.2 The consultation exercise around the Exmouth Town Centre and Seafront Masterplan was completed at the end of 2011. The Elizabeth Hall site was identified as a priority project identified in the Exmouth Masterplan and outlined to Cabinet 30 November 2011. The site is recognised as being the catalyst for being able to kick-start the regeneration of the sea-front.

2.0 Sales process

2.1 The Elizabeth Hall Site was put on the market on 3 May 2012 with our retained agents, Jones Lang Lasalle based in Exeter. Expressions of Interest were invited through a nationwide marketing campaign that included placing adverts in the Estate's Gazette, Devon Life, The Western Morning News and the local newspaper.

2.2 After an initial marketing period of 8 weeks those organisations that expressed an interest have been invited to put forward formal proposals that include the following:

- Design proposals including visual plans with full description of uses.
- Business plans outlining the sustainability of any development and showing the experience and evidence of previous projects.
- Details of financial standing and backing if required.
- A financial offer.

3.0 Methodology in obtaining the Selection Criteria

3.1 Following the Cabinet report of March 2012 that agreed the implementation of the priority projects within the Exmouth Town and Seafront Masterplan, project plans were put in place for each of the priority projects. The Exmouth Project Executive oversees the Exmouth regeneration projects and reports to Cabinet.

3.2 The Project Executive consists of Councillor Andrew Moulding, Portfolio Holder, Strategic Development and Partnerships, Councillor Tim Wood, Exmouth Town Member Champion and Deputy Chief Executive, Richard Cohen.

3.3 A workshop was held where members of the Project Executive Team together with key stakeholders and appropriate officers discussed what the principal criteria for a successful bid might look like. The team analysed the Planning Guidance Statement and the Masterplan and in addition, took advice from surveyors at Jones Lang Lasalle to pick out key elements that were deemed essential for the successful regeneration of the site.

4.0 Criteria

4.1 While it is important that the Council ensures that it receives best value for the site it is equally as important to establish the most advantageous balance of price, quality and performance of the proposed development to ensure optimal benefits for Exmouth through the achievement of established regeneration aims. Where the Council considers tenders at less than best financial consideration, the merits of disposal under these conditions must comply with Section 123 of the Local Government Act 1972 and Circular 06/03: Local Government Act 1972 general disposal consent (England) 2003 or Section 233(1) TCPA 1990.

4.2. The following principal elements by which an award should be judged upon are recommended as:

- (i) The bid provides a quality mixed use development with active frontage and amenity that attract visitors and residents to the Seafront and will positively promote links between the Town Centre and Seafront.
- (ii) The bid is commercially viable and provides a deliverable and sustainable development.
- (iii) The bid includes a financial payment in favour of the Council.
- (iv) Has a positive socio-economic impact upon the surrounding area encouraging further regeneration of Exmouth in line with the Exmouth Seafront and Town Masterplan.

Whilst the above list sets out the principal elements it is not exhaustive and will not therefore be deemed to fetter the Council's ability to take other factors into account (including those specified in (or example) Circular 06/03 referred to in paragraph 4.1 above).

4.3 A scoring matrix assessing each of the above four elements has been devised with weighting for each category. The selection criteria document with weightings will be provided to the organisations wishing to submit proposals in order for them to be aware of how the Council principally intends to score the informal tender bids.

4.4 The selection panel for assessing proposals is suggested as, the Exmouth Project Executive, Cllr Mrs P Graham, Exmouth Town Ward, Principal Estates Surveyor and Jones Lang Lasalle and the Council's Project Manager as advisors.

4.5 It is proposed that the tender bids will be able to be assessed and scored principally using the above methodology and that The Council will be able to move to instructing lawyers for the purpose of a conditional sale having followed a clear and transparent process.

4.6 An Exmouth Town Ward Member will be participating with the selection process.

Legal Implications

The full terms of the conditional contract and transfer to be agreed upon between Michelmores Solicitors (instructed by the Council to document this transaction) and the Council's Estates Service.

The General Consent referred to in the report enables disposal at less than best consideration that can reasonably be obtained where the Council considers that the purpose for which the land is to be disposed is likely to contribute to the promotion or improvement of the economic, social or environmental wellbeing of Exmouth and/or East Devon residents, workers or visitors.

In considering whether the sale of land meets the well-being criteria, regard must be paid to the community strategy of the Council. Our Sustainable Community Plan refers to the regeneration of Exmouth. A disposal of up to £2 million undervalue is permitted under the General Consent, the extent of any undervalue should be assessed in accordance with the valuation principles set out in the Circular.

Financial Implications

There are no financial implications other than any associated costs are to be met from the budget identified in the report.

Consultation on Reports to the Executive

n/a

Background Papers

The reports below have all been submitted to Cabinet and make reference to the sale of this site.

- ❑ Exmouth Regeneration: Masterplan Projects – March 2012
- ❑ Priority Disposal Programme – July 2011
- ❑ Exmouth Regeneration Report – November 2011
- ❑ Seafront Covenant Negotiations – March 2009

In addition the Development Management Committee adopted the Exmouth Town and Seafront Masterplan in December 2011. The Masterplan can be viewed and downloaded at http://www.eastdevon.gov.uk/exmouth_masterplan.pdf

Richard Cohen
Deputy Chief Executive

Cabinet
11 July 2012

Lisa Timberlake
Development Surveyor Ext: 2732



Agenda Item 16

Cabinet

11 July 2012

Performance Report May 2012



Monthly Performance Report May 2012

Summary

Performance information for the 2012/13 financial year for May 2012 is supplied to allow the Cabinet to monitor progress with selected performance measures and identify any service areas where improvement is necessary.

Recommendation

That the Cabinet considers the progress and proposed remedial action for performance measures for the 2012/13 financial year for May 2012.

a) Reasons for Recommendation

This performance report highlights progress using a monthly snapshot report; SPAR report on monthly performance indicators and system thinking measures in key service areas including Streetscene, Housing, Development Management and Revenues and Benefits.

b) Alternative Options

None.

c) Risk Considerations

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

d) Policy and Budgetary Considerations

None

e) Date for Review of Decision

Performance information is provided on a monthly basis.

-
1. In summary all measures are showing satisfactory performance. There is one area showing concern:

Working days lost due to sickness absence

This indicator is now showing concern due to an increase in medium term absence due to significant health problems. We will continue to monitor closely and will undertake further analysis if this indicator does not improve next month.

2. A new monthly Performance Snapshot is attached for information in Appendix A.
3. A full report showing more detail for all the performance indicators mentioned above appears in Appendix B.
4. Rolling reports/charts for Housing, Planning, StreetScene, Benefits and ICT appear in Appendix C.
5. An explanation and definitions of these measures can be found in Appendix D.

Legal Implications

There are none arising from the recommendations in this report.

Financial Implications

There are no direct financial implications.

Consultation on Reports to the Executive

Relevant Heads and officers have contributed to the appendices.

Background Papers

- Appendix A – Monthly performance snapshot for May 2012
- Appendix B - The Performance Indicator monitoring report for the 2012/13 financial year for May 2012.
- Appendix C – System Thinking Reports for Streetscene, Planning, Housing and Revenues and Benefits
- Appendix D - Explanations and definitions.

Mark Williams
Chief Executive

Cabinet
11 July 2012

Agenda Item 17

Cabinet

11 July 2012

Performance Management Reporting for 2012/13



Performance Management Reporting for 2012/13

Summary

Further to our recent review of communication at EDDC, we received a number of comments from staff, Members and press regarding how we present our performance information. This report introduces a revised format for our monthly and quarterly reporting and introduces an Annual Report for 2012. The Annual Report will track customer satisfaction with our services and our progress against the promises/priorities outlined in our Council Plan.

Recommendation

That the Cabinet considers the new reporting regime for the Monthly, Quarterly and Annual Reporting

a) Reasons for Recommendation

So that our performance reports are fit for purpose and communicated with the audience in mind.

b) Alternative Options

None

c) Risk Considerations

A failure to make satisfactory progress in addressing performance issues will affect our customer service, the Council's reputation and budgets.

d) Policy and Budgetary Considerations

Monthly and quarterly reports are produced within current budget. Future improvements particularly for the Annual Report may have financial implications.

e) Date for Review of Decision

We will carry out regular reviews of the effectiveness of the reports.

1 Monthly reporting

- 1.1 The monthly report has been reduced from 22 to 12 pages and now consists of:
 - A **monthly snapshot** which provides headline information at a glance.
 - **Spar Report** on key monthly performance indicators.
 - A **summary of systems thinking performance measures** for key services including Planning, Revenues and Benefits, Housing and Streetscene.
- 1.2 A new template has been created to ensure the reports for each service areas are presented in the same way.
- 1.3 There is more focused text around key areas:
 - a. **What is going well?**
 - b. **What are the issues?**
 - c. **Improvement going forward**
 - d. **Overall Service Status – including a pictorial smiley face**
- 1.4 This report will be published on the internet.
- 1.5 The May report for June Cabinet to be the first in the new reporting style.

2 Quarterly reporting

- 2.1 New quarterly reporting – first report due to Overview & Scrutiny 30 August 2012
- 2.2 Key issues/status from services will remain in the main body of the report but reported using the following headings:
 - a. **What is going well?**
 - b. **What are the issues?**
 - c. **Improvement going forward**
 - d. **Overall Service Status – including a pictorial smiley face**
- 2.3 Full **SPAR report on the status of the Council's promises and priorities** (as outlined in the Council Plan)
- 2.4 **SPAR report** on all performance indicators.
- 2.5 **Bar charts** to show progress of all key objectives from Service Plans.
- 2.6 Items which show variation or concern will be explained.

3 Annual Report – (design work still to be completed)

- 3.1 The Annual Report will be produced at the end of each financial year to track our progress on achieving what we said we would. The Annual Report contains:
 - a. highlights of achievements throughout the year
 - b. progress towards achieving the Council's promises and priorities as set out in the Council Plan
 - c. financial information
 - d. looking ahead

In future years, this report will also track resident satisfaction with our services and this information will be taken from our residents' survey which we will introduce this year.

- 3.2 The report will be published on the intranet and internet and will be circulated to Town and Parish Councils and other interested groups.

Legal Implications

There are none arising from the recommendations in this report.

Financial Implications

There are no direct financial implications.

Consultation on Reports to the Executive

Relevant Heads of Service and officers have contributed to the appendices.

Background Papers

- Appendix A – Monthly performance Report for May 2012
- Appendix B – Draft Quarterly Performance Report
- Appendix C – Draft Annual Report

Mark Williams
Chief Executive

Cabinet
11 July 2012

Agenda Item

Overview and Scrutiny Committee

30 August 2012

Quarterly Monitoring Report



Quarterly Monitoring of Performance – 1st Quarter 2012/13

Summary

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 in the Annual Report.

Recommendation

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 1st quarter of 2012/13.

a) Reasons for Recommendation

So that Members can gain a clear view of progress against what we said we would deliver in the Council Plan.

b) Alternative Options

None

c) Risk Considerations

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

d) Policy and Budgetary Considerations

None

e) Date for Review of Decision

Performance information is provided on a quarterly basis.

1 Main Body of the Report

1. Key Issues and how they are being addressed

Finance

What is going well?

Short and simple statements about the current performance

What are the issues?

Short and simple statements about the current performance

Improvement going forward

Short and simple statements about future which may help alleviate any pinch points; this may include an anticipated drop in demand, improvements to staffing levels or new working practices

Overall Service Status

Chose one of the following with any explanation required 😊 😞 😐

Environment

What is going well?

What are the issues?

Improvement going forward

Overall Service Status

Economy

What is going well?

What are the issues?

Improvement going forward

Overall Service Status

Housing

What is going well?

What are the issues?

Improvement going forward

Overall Service Status

ICT

What is going well?

What are the issues?

Improvement going forward

Overall Service Status

2. A report showing the progress of the Council Promises/priorities taken from the Council Plan recorded quarterly appears in Appendix A.

3. Appendix B shows progress against service plan objectives and performance indicators in the form of bar charts. A supplementary page to Appendix B will provide information for Members on all performance indicators and objectives and draw attention to any areas that are showing as a 'variation' or 'concern'.

4. An explanation and definitions of these measures can be found in Appendix C.

Legal Implications

No legal comments are required.

Financial Implications

No direct financial implications.

Consultation on Reports to the Executive

Relevant Heads of Service, Corporate Managers and Officers have contributed to the appendices.

Background Papers

- ❑ Appendix A – Detailed report showing progress against all of the Council Promises
 - ❑ Appendix B – Bar chart summary for service plan objectives and performance indicators with a detailed report for areas of ‘concern’ or ‘variation’.
 - ❑ Appendix C – Explanation and Definitions.
-

Mark Williams
Chief Executive

Overview and Scrutiny
30 August 2012

Performance snapshot - MAY 2012



- **76%** of your queries resolved immediately through our Customer Service Centre
- **87%** of emergency repairs completed within 24 hours
- **99%** of rent due on council homes collected
- **47%** of all waste collected was recycled
- **5 days** to process your Housing or Council Tax Benefit claims
- **37 days** to decide small scale planning applications
- Less than **3 days** to deal with fly tipping cases
- **2 days** to resolve requests for manual street cleaning

Latest headlines:

- For 2011/12, the food waste that we collected and sent to anaerobic digestion generated enough electricity to power **430 homes** for a whole year and saved **4000 tonnes** from going to landfill!
- In the last **6 months 52** planning enforcement cases were closed and **6** enforcement notices were served on unauthorised development.
- The Council has won **75%** of planning appeals in the last **6 months** (compared to the national average of 66%) including **3** large scale housing proposals in the countryside.

Priority 1a 2012-13

Quarterly report for 2012/2013

Arranged by Aims

Filtered by Aim: Outcome Make more affordable, good quality homes available for our residents

Filtered by Performance Status: Include PI Status: Achieved, Concern, Variation, Excellent, No Target, Data not due, Not calculable

Include Objective Status: Concern, Variation

Key to Performance Status:

Key Strategic Objectives: No Data available Milestone Missed Normal Concern Variation Achieved

Performance Indicators: No Data Concern Variation Achieved Excellent

Key to +/- Column:

+ Higher figures are better - Lower figures are better OFF Direction cannot be determined

* indicates that an entity is linked to the Aim by its parent Service

Priority 1a 2012-13

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

Performance Indicators

Title	+/-	Prev Year End	Current Target	Q1 Act	Q2 Act	Q3 Act	Q4 Act
<u>NI155 Number of affordable homes delivered (gross) (LAA)</u>	+	148	100				

Management Notes:

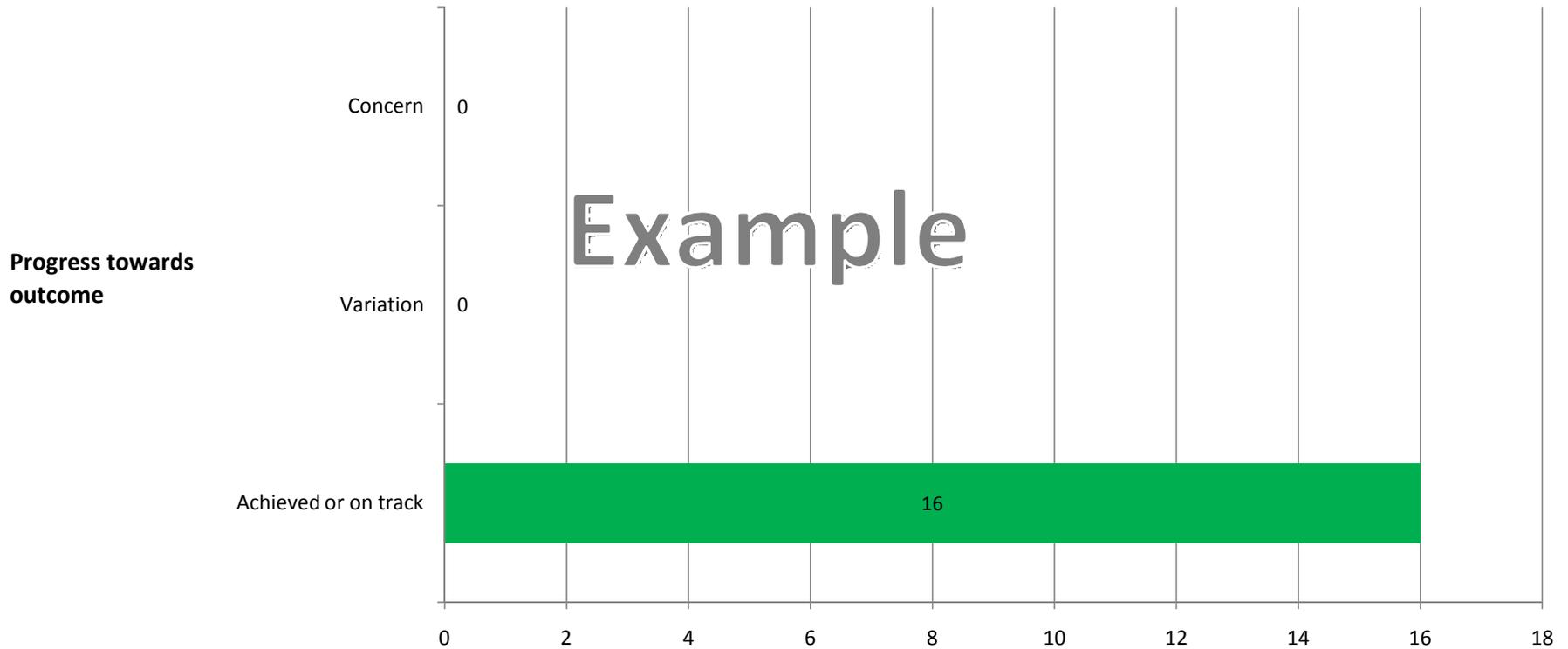
Key Strategic Objectives

Objective Status	Title	Comments	Budget	Officer Notes
Variation	Achieve all responsive repairs within target timescales and at tenant's convenience			

PRIORITY ONE: Living in an outstanding place

a. Outcome **Make more affordable, good quality homes available for our residents**

Quarter One Results 2012/13



**Number of Measures
(Total measures for outcome = 16)**

Measures which are on track do not show in the full report attached but show as green above

Agenda Item 18

Cabinet

11 July 2012

PWR/FS



Exemption from Standing Orders – Floating Support Services

Summary

This report seeks Cabinet acceptance of a request for an exemption from Standing Orders to continue with this Floating Support contract until 1 December 2013. An extension to this date will enable an assessment, to be undertaken, of the impact of the government's Welfare Reforms that may influence service delivery and the support required by vulnerable tenants.

Recommendation

To agree the request for an exemption under Standing Orders 1.11 – 1.15 to enable the continuation of a Floating Support contract until an assessment can be made of the impact of the government Welfare Reforms.

a) Reasons for Recommendation

An extension to the existing contract will maintain the level of service currently provided and will enable an assessment of the number of future support hours that we be required due to the changes and the impact of the welfare reforms.

b) Alternative Options

Not to extend the existing contract and go through the process of procurement, but this would be without knowing what the future demand for this service would be.

c) Risk Considerations

Not providing the appropriate level of support will have implications on the Council and our tenants.

d) Policy and Budgetary Considerations

Positive Impact Overall

Tenants receiving financial advice and support

Levels of rent arrears not increasing

Rental income not reducing

Continuing tenancy sustainment in both the private and social sectors

e) Date for Review of Decision

End of November 2013

-
- 1 Floating Support arrangements for vulnerable tenants
- 1.1 In April 2011 Devon County Council ceased funding for some floating support services in East Devon. This Council were using the services of the floating support agency of Westcountry Housing Association (WCHA) at the time and for the previous four years. This agency also took referrals from other housing providers and businesses where support for clients was needed to enable them to live independently.

What is housing related support and how can it help?

The aim of the WCHA service is to enable EDDC tenants to maintain their tenancies, also help with new tenancies and prevent homelessness in the private sector. They achieve this by deploying a variety of interventions including:

- Looking at current housing situations and advising on the options.
- Advocating on clients behalf with statutory services.
- Looking at rent arrears and negotiating with EDDC or private landlords for a reasonable agreement to be put in place.
- If clients are on a tight budget WCHA can make sure they are getting all the benefits they are entitled to, and assist in applying for any benefits they may be entitled to, but are not receiving.
- They can help clients manage their money and give advice on budgeting. They can also assist with any debts clients may have.
- If clients are moving WCHA can help them manage setting up their new home, sorting out utility bills etc. and linking into the local community.
- WCHA can help clients set up systems to cope with paperwork and bills that will assist them in dealing with their correspondence.
- If clients are feeling isolated WCHA have extensive information about support groups and services in the East Devon area and will help them link into them.

- 1.2 In April 2011 a report went to the Housing Review Board recommending that funding be made available to Westcountry Housing Association to finance one full time caseworker working with tenants of the Council and potential homeless households in the private sector. The report made it clear that the service provided was very valuable to tenants, the Council and that this service should continue.
- 1.3 The value of the contract is £35,000 per annum and the funding provided was split between the general fund £10,000 and the Housing Revenue Account £25,000. The Housing Review Board considered the report and supported the recommendation.
- 1.4 A contract was agreed between the parties and it commenced on 1 June 2011 for a period of 12 months. Two part time caseworkers were employed making one full time equivalent and this short term contract has been equally successful.
- 1.5 It is critical that the provision of a floating support service continues until we can make preparations and assess the impact of the Welfare Reforms on the demand for this

service. The potential effect of the reforms could bring financial hardship, tenancy mismanagement, emotional and social problems for households, the outcome being that more hours of support are required. Extending the current contract by 18 months from 1 June 2012 to 1 December 2013 will give the time and opportunity to assess the ongoing demand for this service, any changes required and to then follow the Standing Orders procedure with a new specification, tender and contract.

Legal Implications

The Exemption requested is in line with the requirements set out within Contract Standing Orders (1.11-1.15). If the extension of time is not permitted then the withdrawal of floating support services will leave vulnerable tenants without the required housing support service.

Financial Implications

Budgets of £10,000 in the General Fund and £25,000 in the HRA have been included for the floating support service in 2012/13.

Consultation on Reports to the Executive

Approved by the Housing Review Board in April 2011.

Background Papers

None.

Peter Richards Ext 2364
Rental Manager

Cabinet
11 July 2012

19 Exclusion of the Public

The Vice-Chairman of the Committee 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(s) 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).”