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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 5 September 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 Receive a petition – Elizabeth Hall for the Community**

The petition organiser has been invited to make a 5 minute representation to the Cabinet.

**Subject of Petition**

“We, the undersigned, understand that the Council aims to sell this community facility. We want Elizabeth Hall to remain for the community and not to be sold off to a developer for housing or commercial as outlined in the Journal of 8 March 2012”.

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

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

## **Pages**

- |    |  |       |
|----|--|-------|
| 3  | To confirm the minutes of the meeting of the Cabinet held on 11 July 2012 as a true record subject to Councillor Pauline Stott being included in the list of apologies and the text at Minute 29 being corrected to read 'Portfolio Holder – Business' instead of 'Corporate Services'.  | 5-18  |
| 4  | To receive any apologies for absence.  |       |
| 5  | To receive any declarations of interest relating to items on the agenda.   |       |
| 6  | To consider any items, which, in the opinion of the Chairman, should be dealt with as matters of urgency because of special circumstances.<br>(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). |       |
| 7  | To agree any items to be dealt with after the public (including the press) have been excluded. There are three items which Officers recommend should be dealt with in this way.  |       |
| 8  | To note the contents of the Forward Plan for the period 1 September to 31 December 2012.   | 19-22 |
| 9  | 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.  |       |
| 10 | To note or take appropriate action in respect of the minutes of the meetings of the Overview and Scrutiny Committees held on:<br>26 July 2012  | 23-32 |

### **Part A Matters for Decision – Key decision**

- |    |  |                                    |       |
|----|--|------------------------------------|-------|
| 11 | Arts and Culture Task and Finish Forum report<br><b>(The full report of the Forum is available on the Council's website)</b> | Countryside and Leisure<br>Manager | 33-37 |
|----|--|------------------------------------|-------|

### **Part A Matters for Decision**

- |    |   |                                   |       |
|----|---|-----------------------------------|-------|
| 12 | Financial monitoring report – Month 4 July 2012                     | Financial Services Manager        | 38-45 |
| 13 | Home Improvements – changes to the provision of disabled facilities | Private Sector Housing<br>Manager |       |

- |    |   |  |
|----|---|--|
| 14 | Shared Ownership properties – lease extensions  | Head of Housing  |
| 15 | Affordable Housing – Local Authority grants   | Housing Development and Enabling Officer   |
| 16 | <p><b>Exmouth Slipway Provision:</b></p> <p><b>a)</b> Mamhead Slipway closure and future options<br/>Plus appendices <b>on line with this agenda</b><br/>Appendix A – Inspection report (Haskoning)<br/>Appendix B – Marina Lifting Service<br/>Appendix C – Slipway solutions (Haskoning)</p> <p><b>b)</b> Update Report for Personal Water Craft (PWC) use in Exmouth<br/>Plus Appendix A – summary of test results<br/>Appendix B – (test photographs) – <b>on line with this agenda</b></p> | <p>Streetscene Manager/Senior Engineer/Principal Estates Surveyor/Beach Safety Officer</p> <p>Streetscene Manager/ Beach Safety Officer/</p> |
| 17 | Request for exemption to Standing Orders – Mechanical Sweeper   | Streetscene Manager  |
| 18 | Performance Monitoring Report until July 2012<br><b>(Appendices summarising performance are available on the Council website with this agenda)</b>  | Chief Executive  |
| 19 | <p><b>The Vice Chairman to move the following:-</b><br/>“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).”</p>  |  |

**PART B – Matters for Decision – Key Decision**

- |    |  |   |                            |
|----|--|---|----------------------------|
| 20 | EDDC Office Relocation update – Budget costings<br><br>(Plus Appendix A and B) | Para 3 Schedule 12A<br>Information relating to the financial or business affairs of any particular person (including the authority holding that information). | Relocation Project Manager |
|----|--|---|----------------------------|

**PART B – Matters for Decision**

- |    |   |          |   |
|----|---|----------|---|
| 21 | Relocation Project - Planning Advice – Exemption from Standing Orders | As above | Richard Cohen,<br>Deputy Chief Executive/Relocation Project Manager |
|----|---|----------|---|

22	Exeter Science Park – Shareholder underwriting  (Plus Appendix A and B – provided electronically and on Members’ calendar	Para 3 Schedule 12A Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Richard Cohen, Deputy Chief Executive/Head of Finance
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**Decision making and equality duties**

The Council will give due regard under the Equality Act 2010 to the equality impact of its decisions.

An appropriate level of analysis of equality issues, assessment of equalities impact and any mitigation and/or monitoring of impact will be addressed in committee reports.

Consultation on major policy changes will take place in line with any legal requirements and with what is appropriate and fair for the decisions being taken.

Members will be expected to give reasons for decisions which demonstrate they have addressed equality issues.

**Members and co-opted members remember!**

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

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



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

**From Exeter – 52A, 52B**

**From Honiton – 52B**

**From Seaton – 52A**

**From Ottery St Mary – 379, 387**

Please check your local timetable for times.

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

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

**EAST DEVON DISTRICT COUNCIL**  
**Minutes of a Meeting of the Cabinet**  
**held in the Council Chamber, Knowle, Sidmouth**  
**on Wednesday, 11 July 2012**

**Present:**

**Councillors:**

Paul Diviani (Leader/Chairman)  
Andrew Moulding  
Ray Bloxham  
Iain Chubb  
David Cox  
Jill Elson  
Graham Godbeer  
Stephanie Jones  
Phil Twiss

**Also  
Present:**

**Councillors:**

Roger Boote  
Peter Burrows  
Bob Buxton  
Maddy Chapman  
Steve Gazzard  
Steve Hall  
Peter Halse  
John Humphreys

Sheila Kerridge  
Jim Knight  
Frances Newth  
John O'Leary  
Pauline Stott  
Tim Wood  
Eileen Wragg  
Tom Wright

**Also  
present:**

**Officers:**

Denise Lyon, Deputy Chief Executive  
Richard Cohen, Deputy Chief Executive  
Simon Davey, Head of Finance  
John Golding, Head of Housing  
Karen Jenkins, Corporate Organisational Development Manager  
Libby Jarrett, Revenues and Benefits Manager  
Lisa Timberlake, Development Surveyor  
John Tippin, Licensing Manager  
Diana Vernon, Democratic Services Manager

**Apologies**

**Councillors:**

Ian Thomas

**Officers:**

Mark Williams, Chief Executive

**Non-Cabinet Members:**

Peter Bowden  
Geoff Chamberlain  
David Chapman  
Alan Dent  
Martin Gammell  
Roger Giles  
Tony Howard  
Stuart Hughes  
Geoff Pook  
Mark Williamson

The meeting started at 5.30 pm and ended at 8.50 pm.

**\*19 Public Questions**

The Leader welcomed Councillors and members of the public present and invited questions.

Susan Mendham of the Exmouth Arts Society spoke of her concerns in respect of the possible loss of the Elizabeth Hall, Exmouth as a community facility. She said that the Hall was an asset that had untapped potential. She recognised that the building needed some work but with care it would help to regenerate the area. She said that the building was beautiful and should be refurbished rather than replaced.

**\*20 Minutes**

The minutes of the meeting of the Cabinet held on 13 June 2012 were confirmed and signed as a true record.

**\*21 Declarations of interest**

<b>Councillor/ Officer</b>	<b>Minute number</b>	<b>Type of interest</b>	<b>Nature of interest</b>
Graham Godbeer	30	Personal	Link to veterinary practice in respect of licensing.
Phil Twiss	31	Personal	Was a consultee on the 2002 Sports Strategy and former Chairman of Sport Honiton (now Active Honiton)
Bob Buxton	31	Personal	Board member of Active Honiton
Paul Diviani	31	Personal	Sports pitches – Chair of task group making recommendations to the Asset Management Forum on Tower Cross Sports Fields in Honiton
Steve Gazzard	32	Personal	Casual user of Elizabeth Hall
Ian Chubb (but left before the item was considered)	40	Disclosable Pecuniary Interest	Owner of adjoining properties and acquaintance of developer

**\*22 Urgent item – Flooding emergency report**

The joint report of the Head of Housing and Streetscene Manager had been circulated before the start of the meeting. The severe flooding experience of 6/7/8 July had triggered the Council's emergency response aimed at limiting the impact of flooding, protecting property and people. The Council's response had been quick and effective – communication, contact and co-ordination arrangements with other authorities and agencies had worked well. Members noted the areas worst affected – Phear Park, Exmouth, Willhayes Park, Axminster, and West Walk, Seaton.

The Portfolio Holder – Finance drew attention to the effectiveness of flood alleviation measures in place - flood awareness and good warnings from the Environment Agency had significantly lessened the impact of flooding this time in Ottery St Mary.

\*22 **Urgent item – Flooding emergency report (continued)**

A Devon-wide flood recovery meeting after the weekend had been held to assess the damage and to agree actions - set out in 2.3 of the report. Lessons had been learnt from the emergency but overall response had been good and effective assistance had been provided to the communities affected.

Members recognised the responsibility of land and waterway owners - proactive measures including keeping drains and ditches clear were crucial. Members also discussed issues around insurance and sewer capacity.

Councillor Moulding, Portfolio Holder – Strategic Development and Partnerships proposed that a hardship fund be set up to help local people affected; the fund to be similar to the one set up after the flooding of Ottery St Mary in 2008.

Members extended their thanks to the staff involved who had shown great commitment and professionalism under harrowing conditions. Community effort was praised, particularly in helping to clear debris. Members also valued the work of partnership agencies.

- RESOLVED**
- (1) that the actions taken during the recent flooding emergency and Devon-wide agreed actions at the Flood Recovery Meeting (as set out at Paragraph 2.3 of the report) be noted.
  - (2) that a Relief Fund be set up (to a maximum of £10,000) to match-fund public and local council donations; the Fund to be administered by the Portfolio Holders – Strategic Development and Partnerships and Finance who will establish criteria for relief and assess applications received, in consultation with the Head of Finance and local Ward Members.

\*23 **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.

\*24 **Forward Plan**

Members noted the contents of the Forward Plan for the period 1 July to 31 October 2012. An up-dated version had been circulated at the meeting.

\*25 **Matters referred to the Cabinet**

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



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

The minutes of the meeting of the Overview and Scrutiny Committee of 7 June 2012 were received. In the absence of the Chairman, the Committee Vice-Chairman, Councillor John Humphreys reminded the Board that the recommendations of the Communications and Reputation Manager Post Task and Finish Forum had already been referred to the June meeting of the Cabinet (minute 11 of that meeting refers). The Leader thanked the Vice Chairman and Committee for their prompt action in setting up the Task and Finish Forum and for their well considered recommendations which were now being actioned.

The Committee had set up an Arts and Culture Task and Finish Forum which was being chaired by Councillor John O'Leary, the Council's Culture Champion. The Forum would make recommendations to a future meeting of the Committee.

**RESOLVED 1: that the following decision be noted:**

**Minute 3** The positive benefits of webcasting and indicative cost.

**RESOLVED 2: that the following decision be agreed:**

**Minute 3** that the Committee receives 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.

\*27 **Minutes of the meeting of the Housing Review Board held on 21 June 2012**

The minutes of the meeting of the Housing Review Board held on 21 June 2012 were received.

**RESOLVED 1: that the following decisions be noted:**

**Minute 3** Sue Saunders, tenant representative's appointment as Vice Chairman of the Board for the ensuing year.

**Minute 7** The Forward Plan which would be up-dated.

**Minute 11** The up-date report to the Board on decommissioning of sheltered housing.

**Minute 15** The Housing performance indicator report with the Board highlighting any issues they would like further information on.

**Minute 16** The Advantage South West procurement club review report

\*27 **Minutes of the meeting of the Housing Review Board held on 21 June 2012 (continued)**

**RESOLVED 2:** that the following recommendations be approved:

- Minute 9** that the variances identified as part of the Housing Revenue Account (HRA) revenue and capital monitoring process up to month one be acknowledged.
- Minute 10** that the risks and impacts contained within the report be taken into consideration when deciding the future of support services for older people.
- Minute 12**
- (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 Tenant Scrutiny Panel evidence file be passed to the Landlord Services Manager who would use this as a basis for upgrading and refurbishing facilities within the exiting community centres budget.
- Minute 16** that the Council confirm its intention to remain a member of Advantage SW.
- Minute 18** that the Council disposes of 24 and 26 Normandy Close, Exmouth, on the open market and uses the receipts to enable further council housing to be constructed or acquired in Exmouth.
- RESOLVED 3:** that the following recommendations be referred to Council for determination:
- Minute 8** that the Council enter into an agreement with the Communities and Local Government (CLG) Department for the reinvestment of Right to Buy receipts into new affordable housing schemes.
- Minute 13** that the Council agrees not to introduce charging for adaptations to tenants' homes.
- Minute 14**
- (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 of the report – to come into effect on 1 April 2013, be agreed,

\*27 **Minutes of the meeting of the Housing Review Board held on 21 June 2012 (continued)**

- (4) that the change to succession rights as outlined in Section 3.8 of the report – to come into effect on 1 April 2013, be agreed;
- (5) that the Tenancy Strategy (Annex 1 to the report) and Tenancy Policy (Annex2 to the report) be adopted

\*28 **Recycling and Refuse Partnership Board**

The Portfolio Holder – Environment presented the minutes of the meeting of the Recycling and Refuse Partnership Board held on 27 June 2012. He advised that the Board had acknowledged the valued contribution made by Honorary Alderman Ron Mudge who had stepped down from the Board at the Annual Meeting of the Council.

The audit of the SITA Waste Management Contract had been received and the Board had noted that there were no instances of payments or claims that were not justified. However a number of recommendations were made.

The procedures for dealing with the issue of side waste and the on-going drive to reduce the amount of food waste included in landfill bins were noted. This positive action would be reflected in the Devon Waste Strategy.

The Board had also considered the Government report concerning interim measures to vary the amount of financial penalty which could be levied for offences under Section 46 of the Environmental Protection Act 1990. Councillor Chubb said that the service preferred a proactive approach and would only use the penalty option as a last resort.

The Board had considered a report on a new SITA personnel policy regarding alcohol and drug testing at work which would be effective from 1 October 2012. Negotiations with the Unions were still on-going.

**RESOLVED:**

- (1) 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 (Auditors) and refer to the next meeting of the Board;
- (2) that the Waste and Recycling Manager submit EDDC's proposed response on the Devon Waste Strategy to Devon County Council;
- (3) that fixed penalty notice payments under Section 46 in East Devon be set as follows:
  - (a) £80 – the same level as is currently issued for littering offences;
  - (b) No discount be offered for early payment – again, the same situation as applies to littering offences;
  - (c) The default amount becomes irrelevant if the authority has set the level of fixed penalty notice.

\*28 **Recycling and Refuse Partnership Board (continued)**

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

**REASON** To progress the Recycling and Refuse initiative.

29 **Localisation of Council Tax Benefit for working age customers –  
Key decision**

The Cabinet had considered a report on the Localisation of Council Tax Benefit at its meeting on 4 April 2012 and acknowledged the scope of work that was required to be carried out in order to have a scheme set up and in place by 31 January 2013. The Cabinet had been advised that a Devon group of officers, initiated by the Revenues and Benefits Manager, were working jointly on a Scheme design. The Scheme was required to be cost neutral but with a 10% cut in funding overall. As pensioners were to be protected in the Scheme with no reduction to their entitlement, a greater burden would be placed on people of working age in East Devon compared with other districts which had a lower proportion of elderly people. The proposed scheme and consultation process had been discussed by the Finance Think Tank

The report of the Revenues and Benefits Manager now before Cabinet was to update Members on:

- The progress being made on developing a cost neutral Devon wide framework for working age customers;
- The impact on the Council's working age customers;
- The timescales and deadlines that must be met in order to get a scheme adopted by 31 January 2013;
- Other council tax reforms.

Members were asked to consider –

- options for delivering a local council tax support scheme at a reduced cost in line with Government funding whilst meeting key principles. (Options detailed in the report included limiting liability, band restriction, reducing the capital limit, removing second adult rebate and setting up a vulnerability/hardship fund).
- the proposals of the Devon Project Group – working together to achieve a Devon-wide approach;
- options to be included for consultation in order for a draft scheme to be published.

The report advised that proposals would result in the Council collecting Council Tax from customers who had not paid Council Tax before and collecting this, which could potentially be only small amounts, would need to be resourced.

29

## **Localisation of Council Tax Benefit for working age customers –**

### **Key decision (continued)**

The Head of Finance proposed an across-the-board 30% reduction of Council Tax Benefit for working age customers which would maintain the rationale underpinning the current benefit system - any changes to individual elements of the existing council tax benefit scheme would require targeted equality impact assessments to be carried out. Members were advised that a comprehensive equality impact assessment would be carried out in respect of the Scheme.

The Portfolio Holder – Finance urged Members to familiarise themselves with the proposed changes associated with the Scheme so that they would be able to advise their constituents. The scheme would have a significant impact on working families and it was likely that the Council would face the back-lash as the collecting authority. Local MPs had made representations to Government.

The Portfolio Holder – Corporate Services asked the Finance Team to make sure that the information included within the consultation process was clear and straightforward so that all recipients of the document would be able to understand the implications and respond. The Portfolio Holder – Communities suggested that an information sheet should be provided to all Councillors who needed to be able to respond to concerns of local people.

- RECOMMENDED:**
- (1) that a draft Council Tax Support scheme be agreed and published for public consultation by August 2012);
  - (2) that the proposed scheme to retain all elements of the current scheme with the following exceptions:
    - Liability to be limited to 70%
    - Council tax benefit be restricted up to Band D
    - Capital limit be reduced from £16,000 to £3,000
    - Remove Second Adult Rebate
    - Inclusion of a vulnerability/hardship fund to ensure that there is a safety net to protect the most vulnerable.
  - (3) that all Councillors be provided with an information sheet to explain the scheme with details of how the new arrangements will impact on the various Council Tax Bands (A-E).

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

30

## **Licensing, Registration and Cemetery fees – proposed changes**

The Licensing Manager presented his report which set out proposed changes to the current licensing, registration and cemetery fee structures. The review undertaken by the Licensing Service had involved benchmarking with other authorities - these comparisons were included for Members' information. The review also addressed a number of anomalies within the fee structure.

30

## **Licensing, Registration and Cemetery fees – proposed changes**

### **(continued)**

The Portfolio Holder – Finance said it would be appropriate and timely for a Task and Finish Forum to review levels of fees charges across the Council.

- RECOMMENDED:**
- (1) that the proposed licensing fees set out in Appendix 1 to the report for Hackney Carriages and Private Hire Licences be approved, and,
    - (a) The proposed scale of fees be introduced from 3 September for both Private Hire and Hackney Carriage Licences,
    - (b) 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.
    - (c) 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 to:
      - Consider the objection(s) as provided by Section 70, and,
      - Set up a further date not later than 2 months after the first specified date on which the variation shall come into force with or without modification.
  - (2) that the Environmental Health Licensing fees and charges be as set out in Appendix 3 to the report, with effect as of 1 September 2012, subject to the following amendments:
    - Animal Boarding – maximum fee of £180
    - Home Boarding - £80 to include 2 animals
    - Riding Establishments – maximum fee of £250
  - (3) that the cemetery fees be increased as shown in Appendix 4 to the report from 1 September 2012;
  - (4) that in future years fees be raised annually on 1 April by the Retail Price Index (RPI) inflation rate (for the previous September) or 2.5% whichever is the greater.

### **RESOLVED**

That the Overview and Scrutiny Committee be asked to include a review of Fees and Charges in its Forward Plan.

30

**Licensing, Registration and Cemetery fees – proposed changes****(continued)****REASON**

- (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.
- (iii) To review fees and charges across the Council as a way of addressing any anomalies, to undertake benchmarking and to potentially increase revenue streams.

\*31

**Sports Pitches Study for East Devon**

Members considered the report of the Economic Development Manager which sought approval to commission an up-dated sports pitch study for the district. This would be used 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 Sports England for new sports provision.

Members discussed the importance of a strategic approach to sports pitch provision which would take into account variables including types of facility, team usage, partnerships with schools and possible ways to address pitch shortages.

**RESOLVED:**

- (1) that an up-to-date East Devon Playing Pitch Study be commissioned using guidance recommendations from Sports England with an Exemption from Standing Orders being approved to allow Bennett Leisure and Planning (who had prepared the 2002 Strategy and the 2012 Open Space Study) to undertake the work through up-dating their previous studies and consulting directly with the district's sports clubs;
- (2) that the cost of commissioning the Study to be funded from resources available within the 2012/13 Economy Service Budget – cost to be driven down through negotiation.

**REASON**

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.

\*32 **Elizabeth Hall site – selection criteria**

Susan Mendham, Arts Society, Exmouth had chosen to speak on this item at the start of the meeting. The Chairman now invited other members of the public to address the Cabinet.

Mike Green, Treasurer of Friends of the Elizabeth Hall said that their short term objective had been to stop the sale of the Hall and to save it for community use. He referred to an 11,300 name petition which illustrated the depth of local feeling. He also referred to a march and public meeting. The Friends had now submitted an expression of interest with projected income and proposed floor plan. He asked for community use to be included as criteria for selection and be given weight in the process.

Godfrey Harris, Exmouth resident expressed disappointment with the Master Plan. He stressed the need for a community hall and hoped that the Elizabeth Hall could be retained and allowed to achieve its potential. He asked the Council to listen to the strength of public opinion.

Jilly Green, Member of Friends of the Elizabeth Hall said that the Friends represented a significant body of opinion in Exmouth and East Devon. The plans drawn up were very positive and the building facade was worthy of preservation. She said it was important to think ahead and plan for future diverse communities. She said that it could be run as a business and this would support community use.

Richard Cohen, Deputy Chief Executive outlined the key considerations in the report - setting out the reasons for disposing of the Elizabeth Hall site and processes in place. Council had now marketed the site and requested financial offers together with design proposals from interested parties. Members were asked to agree to selection criteria to be used by the Council's Exmouth Project Executive Team to determine the bids.

The recommended principal elements for the criteria were set out in 4.2 of the report. This recognised local concern by including criteria in respect of a quality mixed use development that is commercially viable and provides a deliverable and sustainable development with a positive social-economic impact on the area. Finance was not the over-riding consideration.

Debate on the report included:

- The strength of local opinion
- The site would be used to achieve a better link between the seafront and the town
- The sale would help the wider regeneration of Exmouth
- Elements of the vision of the Friends of Exmouth reflected some of what the Council was trying to achieve
- The building needed considerable investment and repair
- There were 30 potential venues in Exmouth available for community use

\*32 **Elizabeth Hall site – selection criteria (continued)**



- RESOLVED**
- (1) that the Exmouth Project Executive Team (to include Councillor Pat Graham) use development selection criteria, set out in Paragraph 4.2 of the report, in determining the bids for the Elizabeth Hall site;
  - (2) that the Principal Estates Surveyor be authorised 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.

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

\*33

### **Monthly Performance report May 2012**

Members considered the performance information report for the 2012/13 financial year for May 2012. Denise Lyon, Deputy Chief Executive drew Members' attention to one area of concern which was the working days lost due to sickness absence. She advised of the genuine reasons for the increase and that the situation would be carefully monitored.

**RESOLVED** that the progress and proposed remedial action for performance measures for the 2011/12 financial year until May 2012 be noted with the indicator in respect of working days lost being carefully monitored and reported to future meetings.

**REASON** To keep performance under review.

\*34

### **Performance Management reporting for 2012/13**

The Corporate Organisational Development Manager advised of proposed changes to the way in which performance would be reported over the coming year. The changes were made in response to comments from Members, staff and the press on way the performance information was presented. The revised format for monthly and quarterly reporting was set out in the report, with examples, and would include an annual report to track customer satisfaction with services and the Council's progress against the promises/priorities outlined in the Council Plan.

The Cabinet thought that the monthly snapshot report was particularly useful and asked for it to be widely published. The way in which the information was reported was 'shorter and sharper' than before. The reports would be monitored over time and may be further adapted in response to feedback.

**RESOLVED** that the proposed new reporting regime for monthly, quarterly and annual performance reporting be adopted.

**REASON** To ensure that the performance reports are fit for purpose and are communicated with the audience in mind.

**\*35 Exemption from Standing Orders – Floating Support Services**

Members considered the report of the Rental Manager requesting exemption from Standing Orders to enable the service to continue the existing Floating Service contract until 1 December 2013 for the reasons set out in the report.

**RESOLVED** that an exemption under Standing Orders 1.11-1.15 be agreed to enable the continuation of a Floating Support contract until an assessment can be made of the impact of the Government's Welfare Reforms.

**REASON** To maintain the level of service currently provided and to enable an assessment of the number of future support hours required due to the changes and the impact of the welfare reforms.

**\*36 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).

**\*37 Exmouth Regeneration Programme Board**

Members noted the action points from a meeting of the Programme Board held on 29 May 2012.

**\*38 Seaton Regeneration Programme Board**

Members noted the action points from a meeting of the Programme Board held on 13 June 2012. In response to a question about the Tourist Information Centre, Richard Cohen, Deputy Chief Executive advised that he would investigate and advise Members on the current position.

**\*39 Priority Disposal Programme**

Members considered the report of the Head of Economy and Principal Estates Surveyor which provided an up-date on the successful priority disposal programme and what this had achieved

**RESOLVED** that the current position of the Priority Disposal Programme be noted.

**REASON** As set out in the main body of the report.

\*40 **Seaton – Windsor Gardens access**

In the absence of the Environment Portfolio Holder who had anyway declared an interest, his deputy outlined the request for temporary access across Windsor Gardens as set out in the report of Senior Engineer. The access would enable a developer who already had planning permission in place to service a building site. Any permission would include conditions to re-instate the area and carry out any agreed enhancement landscaping to the Gardens.

The Seaton Champion advised that Councillor Knight, who had left to attend another meeting, was concerned about vehicles stopping in Cross Street and asked for a condition to address this. She added that conditions should include all safety considerations and that works needed to take place outside the main holiday season. Members were assured that Ward Members would be consulted.

- RESOLVED**
- (1) that permission be granted in principle to this work being carried out;
  - (2) that Streetscene negotiate with the developer in liaison with local Ward Members in respect of this request and associated conditions and monitor and agree final enhancement works.

**REASON** To achieve long term improvement to Windsor Gardens through partnership working with the developer.

Chairman .....

Date .....

EAST DEVON DISTRICT COUNCIL

FORWARD PLAN

For the 4 month period 1 September 2012 to 31 December 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  <b>(RC)</b>	Cabinet (31 October 2012) Council (5 December 2012)	6 December 2012
2	Exmouth Regeneration/ Master plan – key projects action planning	Strategic Development and Partnership Portfolio Holder	Principal Estates Manager  <b>(RC)</b>	Regeneration Programme Board (September 2012) Cabinet (5 October 2012)	13 October 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 (10 October 2012)	11 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)
5	Procurement Strategy - update	Procurement Champion	Head of Finance	Cabinet (3 October 2012) Council (10 October 2012)	11 October 2012
6	Colyford Depot Disposal	Economy Portfolio Holder	Head of Economy <b>(RC)</b>	Cabinet (3 October 2012) Council (10 October 2012)	11 October 2012
7	Community asset register	Finance Portfolio Holder	Nick Wright	Cabinet (28 November 2012)	6 December 2012
8	Drainage Act	Portfolio Holder – Environment	Ed Freeman	Cabinet (3 October 2012) Council (10 October 2012)	11 October 2012
9	Information Management Strategy	<b>Corporate Services Portfolio Holder</b>	Corporate ICT Manager <b>(DL)</b>	Information Management Group Cabinet (28 November 2012) Council (5 December 2012)	6 December 2012
10	EDDC Relocation Progress Report	Council Leader	RC	Member Working Group (18 July 2012) Cabinet (5 September 2012) Council (10 October 2012)	11 October 2012
11	Revised Partnership Policy and Compact	Strategic Development and Partnership Portfolio Holder	RC	SD+P Think Tank (TBA) Cabinet (28 November 2012) Council (5 December 2012)	6 December 2012
12	Local Investment Plan	Strategic Development and Partnership Portfolio Holder	RC	Cabinet (28 November 2012) Council (5 December 2012)	6 December 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	Cabinet (28 November 2012) Council (5 December 2012)	6 December 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 (3 October 2012) Council (10 October 2012)	11 October 2012
15	Seaton, Colyford Road and Sidmouth Manstone Depot – provision of additional Workshop Units	Economy Portfolio Holder	Head of Economy <b>(RC)</b>	Cabinet (28 November 2012) Council (5 December 2012)	6 December 2012
16	Seaton Visitor Centre	Strategic Development and Partnership Portfolio Holder	Richard Cohen, Deputy Chief Executive/Principal Estates Surveyor	Cabinet (31 October 2012) Council (5 December 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	Financial Strategy	Finance Portfolio Holder	Simon Davey	Cabinet (3 October 2012) Council (10 October 2012)	11 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)
19	CIPFA reports	Finance Portfolio Holder	Richard Cohen, Deputy Chief Executive/Principal Estates Surveyor	Cabinet (3 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.

16 August 2012

**EAST DEVON DISTRICT COUNCIL**  
**Minutes of a Meeting of the**  
**Overview and Scrutiny Committee held**  
**at Knowle, Sidmouth on 26 July 2012**

**Present:**

<b>Councillors:</b>	
Stuart Hughes (Chairman)	David Key
Mike Allen	John O’Leary
Peter Burrows	Brenda Taylor
David Chapman	Graham Troman
Vivien Duval Steer	Tim Wood
Roger Giles	Eileen Wragg
Tony Howard	Claire Wright
Sheila Kerridge	Tom Wright

**Officers:**  
Richard Cohen – Deputy Chief Executive  
John Golding – Head of Housing  
Steve Pratten – Senior Project Manager  
Debbie Meakin – Democratic Services Officer

**Also Present**

<b>Councillors:</b>	
Ray Bloxham	Peter Halse
Paul Diviani	Stephanie Jones
Jill Elson	Andrew Moulding
Steve Gazzard	Frances Newth
Graham Godbeer	Ken Potter

<b>Apologies:</b>	<b>Committee Members:</b>	<b>Councillors:</b>
	Deborah Custance Baker	Alan Dent
	Peter Bowden	Phil Twiss
	Graham Brown	
	Derek Button	

The meeting started at 6.31pm and ended at 9.45pm.

\*8 **Public Question Time**  
There were no questions from the public at this point in the meeting.

\*9 **Minutes**  
The minutes of the meetings of the Overview and Scrutiny Committee held on 7 June 2012 were signed and confirmed as a true record. A further report on recording of meetings would be presented to the Committee towards the end of the year.



\*10 **Declarations of Interest**

<b>Councillor/ Officer</b>	<b>Minute number</b>	<b>Type of interest</b>	<b>Nature of interest</b>
Stuart Hughes	11	Personal	Devon County Council Cabinet Member responsible for Highways and Transportation
Vivien Duval Steer	11	Personal	Member of Development Management Committee
John O'Leary	14	Personal	Member of Thelma Hulbert Gallery Advisory Forum
Tom Wright	14	Personal	Member of Budleigh Literary Festival Organisation Committee; Friend of local museum
Peter Burrows	12	Personal	Recently received training for a post office counter
Frances Newth	15	Personal	EDDC representative on Manor Pavilion Theatre Management Steering Committee

11 **Office relocation project update**

In light of the public interest in this item, the Chairman brought the item forward with the agreement of the Committee.

He reminded the Committee that the report presented was an update on the relocation project, and therefore debate on the outline planning application that was yet to be submitted, was not appropriate. Members and the public were reminded that there was the opportunity to comment on that application once submitted in August.

Michael Temple, a Sidmouth resident, outlined the geographical layout of the Knowle site in detail to the Committee. He highlighted the south facing gardens and told the committee that the outline proposal for the Knowle site would take up 70% of the gardens, stating that the proposal plans were misleading as they suggested that the arena field is on the same level as the south facing gardens. He asked why the Council had voted to destroy a beautiful park and public open space; was ready to endanger wildlife and remove trees, impacting on the recreational grounds and weekend car park for the town. He also asked why the Council was ignoring its own draft strategies to permit development on the Knowle site; why no energy audit had been carried out since 2009 and not retained levels of maintenance; and why Honiton was claimed as a central point for the District.

Helen Crackston, a Sidmouth resident, outlined the definition of consultation to the Committee and recounted her recent visit to the public consultation held in the town. She asked for the publication of the cost of the refurbishment of the Knowle building to bring it to a standard suitable for current office use to aid transparency. She also requested more information on the feasibility of both the Knowle and Honiton site for the location of the council offices.

**11 Office relocation project update (continued)**

Robin Fuller, a Sidmouth resident, asked if the Council was aware of the current energy rating of the Council offices being at a good rating of “C” despite the age of the building; and what actions had been taken following an advisory report for energy conservation. He also asked that the Council consider moving core activities into the newer section of the building, employing hot desking. This would allow the vacated older section of the building to be let out, and bring in further income to pay for energy efficiency work required. He asked if the Display Energy Certificate had been updated as he informed the Committee that the current certificate had expired on 30 September 2009. He also advised the Committee that it takes 50 years before the carbon used in constructing a new building is repaid by subsequent carbon saving in its use; and asked if the Council was aware of the review dated 2008 entitled “Does demolition or refurbishment of old and inefficient homes help to increase our environment, social and economic viability” and quoted a section from that review that referred to refurbishment as a better value option.

Barry Curwen, a Sidmouth resident, informed the Committee that he still awaited a reply to an e-mail sent on the 17 July that had received no acknowledgement and contained a number of questions. He asked for a detailed breakdown of the cost of refurbishment of the existing Council offices to be published. He also referred to risk assessment in the update report before Members and felt that it was unusual not to have a risk review carried out at the outset of the project. He felt that risk reviews should be regularly carried out over the term of the project.

Richard Eley, a proprietor in the town, asked the Committee to exercise their scrutiny function in reviewing the relocation project. He suggested that an initial figure he had previously been told for building a new office in Honiton at £3.5m had now changed to £6m or £7m and asked if the project was now out of control. He felt that there was no clear definition of the cost neutral element of the project and asked for more detailed costs to be published, including the value of the capital assets. He told the Committee that Sidmouth would lose their valued parkland because the Council would have to sell assets in Sidmouth to fund the increase in costs. He asked the Council to look at other options and preserve the current parkland.

Kelvin Dent, a member of the public, quoted from a report on the agenda in reference to Councils actively listening to their local communities. He informed the Committee about an independent survey about the relocation proposal and quoted several statistics from it, stating that 95% asked were opposed to the proposal and 75% asked felt they were not properly informed about it. He asked if the Council was aware of this independent survey; if they were aware of the strength of feeling of local residents; and asked if they would reconsider the proposal. He also commented that there was no direct reference to the public open space in the update report before Members.

Richard Cohen, Deputy Chief Executive, informed the Committee that the Council was in regular correspondence with many of the public speakers. He advised Members of a Frequently Asked Questions webpage on the relocation project. This is regularly updated with answers to the common questions received.

11 **Office relocation project update (continued)**

Richard Cohen responded to the issues and questions raised by the public speakers:

- The 70% loss of gardens in the site proposals is not accurate. The suggested development proposal is slightly larger than the current building footprint of the site;
- Cabinet made the decision to explore the possible relocation of the main offices to Honiton and as a result the focus has been to take forward that ambition. In relation to the various proposals to keep the council on its present site, the current estimate is £13m to redevelop and refurbish the existing offices into a modern working environment that would meet the Council's and District's present and future needs;
- To date there have not been any formal Risk Workshops, but it is anticipated that the first one will take place following receipt of the Commercial Land Agent's report during September. Project Risk has been continually reviewed and analysed since Davis Langdon commenced their role, and taken into consideration as the Project has proceeded;
- Currently the projected cost for the viability phase of the project is £300k. This is factored as an element of the cost neutral commitment of the project; the Cabinet are aware and agree that there are front end costs to the project that will not be recovered if the relocation is not viable;
- The Council has an asset management strategy to review all assets across the District and is progressively developing and/or disposing of some in a strategic manner ;
- In relation to the question of a 1973 decision of the council regarding preserving the Knowle as public open space and permitted public usage, the council's legal advice is that this is not a barrier to development, especially since the council maintains the commitment to retain a significant public open space as part of any future development.

The Committee discussed some elements of the project, including:

- Keeping the Committee informed of replies to correspondence. Due to the volume, Members may prefer to keep updated by viewing the FAQ webpage which will be updated with answers to questions raised at this committee;
- Concern that Sidmouth Town Council have not had adequate consultation prior to the outline application being submitted;
- Need for an independent review of both the relocation and retaining the offices in the current location, covering costs and viability;
- Viability exercise will be complete by 30 November 2012;
- Consulting with the wider electorate to establish their views on the relocation;
- Acceptance that Sidmouth has a parking issue and look at solutions to provide parking, particularly if the weekend "park and walk" facility is lost. A traffic and transport assessment is underway as part of the outline planning process;
- Commitment to a significant presence in Exmouth for the District Council; and consideration needed on how best to service the District in making services as accessible as possible; such as mobile working and shared service locations;
- Questionnaires are still being received and a report will be prepared to outline the responses as part of the outline application process; the process also includes the production of an economic impact assessment which completes on 10 August;
- Members wanted a more accurate quote for a new office building.

11 **Office relocation project update (continued)**

The Committee also discussed how the timing of the submission of the outline application impacted on the overall project. Some Members were concerned that a great deal of information needed studying first, and that a deferral of the outline application to September would be preferred.

The Leader reminded Members that the outline application is needed to establish the value of the site, in order to assess if the relocation project is viable. Delay on the outline application being submitted would adversely impact on the viability decision. Richard Cohen reminded the Committee of the length of time for an application to be considered – 18 August to 16 November was a reasonable period to consider all the elements of the outline application. The related assessments could not be carried out too early, or they may be challenged at the application stage for being out of date.

The Committee was reminded that no decision had been taken on relocation yet. The Chairman of the Council advised Members that the decision was not about Sidmouth, but about the Council, and advised Members not to delay the process.

**RESOLVED**                    1     that the update on the office relocation project is noted and further updates be received by the Committee as the project progresses.

**RECOMMENDED**            1     that the DCEO, Richard Cohen attend a meeting of Sidmouth Town Council to discuss the relocation project at the earliest, appropriate time;

    2     that Cabinet is asked to consider consulting the electorate of the District on the proposed relocation of the main office to Honiton and significant presence in Exmouth;

    3     that an independent assessment be carried out as soon as possible on the costs and viability of retaining the Council Offices at the Knowle site; simultaneously with an independent assessment of the costs and viability of relocating the offices to Honiton.

\*12 **Update on Post Office pilot scheme**

Councillor Ken Potter updated the Committee on the Post Office pilot scheme for introducing Post Office “Locals”. The pilot scheme ended in June.

Councillor Potter had attended a Pathfinder Councils meeting in Birmingham on the 27 June. He voiced his disgust to the Committee about that meeting, which he felt had been biased towards the Post Office plans. As a result, he had written to the LGA outlining his concerns.

\*12 **Update on Post Office pilot scheme (continued)**

He had received what he described as a “chink of light” in the response, in that the District Council is invited to set the agenda for the next Pathfinder Councils meeting. His next step is to get involvement of the local MPs. He continues to have the support of the County Council.

The Leader informed the Committee that he had received a reply from the LGA on the request for a conference and would get a copy to Councillor Potter. He also highlighted the outreach service at Payhembury.

The Chairman, on behalf of the Committee, thanked Councillor Potter for his continued work, especially for rural post offices. The Committee expressed their thanks with a round of applause.

13 **Blackdown Hills Community Plan**

The Committee received a report outlining the Blackdown Hills Community Plan. The plan covered:

- The social and economic profile of the area
- What makes the area distinctive and valued
- What issues face local people in that area
- Locally agreed action and projects to address those issues.

John Golding, Head of Housing, highlighted particular aspects of the Plan that related to the East Devon parishes within the Blackdown Hills. The plan is distinctive due to the collection of parishes working together across District boundaries. The plan seeks the following from the District Council:

- Endorsement and support of the plan recommendations
- Take the plan into account for planning purposes at the relevant committees
- Assistance to access financial support where possible.

Many priorities set out in the plan are consistent with the District Council’s Plan. The request for the plan to be taken into account for planning purposes will be put to Development Management Committee.

The Committee discussed some elements of the Plan and received helpful illustrations from the Leader.

**RECOMMENDATION** to record the aspirations of the Blackdown Hills as set out in their Community Plan and assist in meeting the stated priorities where these are consistent with the District Council’s remit and adopted plans.

\*14 **Portfolio Holder Update – Corporate Business**

Councillor Ray Bloxham, Portfolio Holder for Corporate Business, reminded the Committee of his remit. He also outlined his current work since his last report to them, including:

- Production of the Council Plan, linked with the supporting plans that had been reduced to short, focussed versions;
- Equalities in light of new legislation, being a member of the Corporate Equalities Group and representative on the Equality South West Board;

\*14 **Portfolio Holder Update – Corporate Business (continued)**

- Revised performance indicators to match the new Council Plan, including a new “snapshot” report published on the Cabinet agenda for 11 July;
- Work of the Think Tank in refining the committee report structure to provide clear, brief information to help Members make informed decisions;
- Portfolio Holders “blog” concept, awaiting input from the newly appointed Communications post;
- Revision of section 106 agreement format currently with the Legal Team;
- Change to licensing application notification to Members to provide an e-mail alert to the submission of a licensing application in their Ward;
- Continuing towards a “paper light” approach;
- Review of hard copy production of the Year Book and Minute Book.

Councillor Bloxham thanked his Think Tank Members for their work in finding solutions.

The Committee welcomed the update and debated specific issues, including:

- Public perception of the Council being poor and in some cases justified; more work was needed to promote the valuable work carried out by the Council which was rarely reported in the press;
- The review of the minute book would lead to a way to handle the minutes more effectively at Council, and reduce print costs;
- Detailed demographic information of the district was needed to help inform all areas of service delivery; the Council is aspiring to produce a “who we are” document that would cover a clear profile of the District;
- Employees should be given more public credit for the work they have accomplished. An example quoted was a recent press article on one incident during the flooding in July with no reference to the hard work by officers in dealing with residents in urgent need of accommodation.

The Chairman thanked the Portfolio Holder for his useful update.

15 **Arts and Culture Task and Finish Forum**

Councillor John O’Leary, Chairman of the Arts and Culture Task and Finish Forum, presented to the Committee the final report. It includes a number of recommendations relating to the delivery of arts and culture for the benefit of both residents and visitors.

The Forum operated under a very short timescale in order to inform the draft budget process, which begins in September 2012. The Forum received presentations from each element currently receiving subsidy from the Council. The Forum also heard from the World Heritage Site team on their options for helping facilitate art and culture within the theme of the Jurassic Coast.

Councillor O’Leary thanked the Forum Members and officers for their hard work during a very tight schedule.

15

**Arts and Culture Task and Finish Forum (continued)**

The Vice Chairman of the Council, Councillor Frances Newth, recounted her experience on the Manor Pavilion Theatre Management Steering Committee. She spoke of the dramatic improvement to the Theatre and thanked Graham Whitlock, Theatre Manager, for his hard work in turning the fortunes of the Theatre around.

The Chairman of the Council, Councillor Peter Halse, spoke of the valued work of Angela Blackwell as the Thelma Hulbert Gallery Curator. He felt that promotion of the Gallery to improve footfall was key to help increase income and drive down the current deficit.

The Committee debated the recommendations set out in the report, including:

- More detailed financial breakdown of running costs and capital costs to be included for the report presentation to Cabinet;
- Merits of employing an Arts Development Officer in light of cost, and concern at the overall staffing costs for the Gallery element of the service. It was suggested that, if agreed, the newly formed Arts and Culture Forum could discuss in detail staffing costs and effective use of staffing resources;
- The high esteem that the Arts Council held for the Thelma Hulbert Gallery;
- The need to assess work on a project basis to help attract further funding from the Arts Council;
- Looking at other successful galleries and sourcing local artist work to help boost income from the Gallery;
- The recommended increase to the Villages in Action budget is offset by the recommendation for a year on year reduction in the Gallery subsidy.

**RECOMMENDED**

- 1a that the Manor Pavilion Theatre Manager be congratulated for his drive and enthusiasm in turning around the financial performance of the venue so that it has now become a highly successful Theatre that the Council is proud to support;
- 1b that the Council recognises that management support for the Manor Pavilion Theatre may be better met by a trust mechanism in the future and that this option be explored;
- 2a that the Council strengthens its association with the Jurassic Coast through targeted support of its arts based programme that could provide significant benefits for local communities along the East Devon coastline;
- 2b that the Council, through the relevant Ward Members, help promote the work of the World Heritage Site Team in attracting people to become Jurassic Coast Ambassadors in each coastal parish;
- 3a that Villages in Action be congratulated for its excellent work within the District's rural communities by bringing a diverse range of performance art into these communities, in many cases ensuring the continued viability of village halls;

15 **Arts and Culture Task and Finish Forum (continued)**

- 3b the continued support of the Council for Villages in Action is crucial and that an increase in Council support from £10,000 to £15,000 for 2013/14 be agreed to meet the growing demand for the work that the organisation delivers in East Devon;
- 4a that the Thelma Hulbert Gallery Curator be congratulated on the high quality of exhibitions that enable residents and visitors to East Devon to have the opportunity to experience contemporary art from regionally and nationally acclaimed artists ;
- 4b that the Gallery be retained in the current location for the present time, with a priority to review and change the current internal layout, and reduce outside plant screening and improve visibility, to maximise income opportunities;
- 4c that the Council is made aware of the report of the South West Audit Partnership (SWAP) and the difficulties facing the Gallery in meeting the income targets set by its Feasibility Study 2009 and the current financial costs of supporting the Gallery;
- 4d that the Gallery implements the SWAP recommendations and be given a three year timeline to improve its business, marketing and income performance reducing the amount of Council subsidy by 10% each year;
- 5 that the governance roles of the Thelma Hulbert Gallery Advisory Group and Manor Pavilion Theatre Advisory Group be reviewed as recommended by the SWAP report to become Management Groups, with changes made to the membership of each to obtain the necessary skill sets of business, funding and marketing to drive both Council assets forward; to be operational by February 2013; and for THG Management Group to examine the best use of staff resource;
- 6 that the Council encourages greater engagement of Honiton Town Council with the Thelma Hulbert Gallery, and allocates representation of Honiton Town Council on the reformed THG Management Group;
- 7 that the Council sets up an Arts & Culture Forum that meets quarterly and reports regularly to Overview and Scrutiny and Cabinet on all arts based activities supported by East Devon DC, its membership being made up of District Councillors, Funding Partners and two independents sought by advertisement; to be set up by February 2013 to plan for the next financial year;



15 **Arts and Culture Task and Finish Forum (continued)**

- 8 that the currently vacant Arts Development Officer post be advertised, extending the role to include partnership working with the World Heritage Site and its arts programme; and assist in implementing operational changes outlined by the SWAP report for the THG; and reports directly to the Arts and Culture Forum;
- 9 that an Arts Directory be reinstated in an online format, populated from information on the District's arts, sports and culture scene through existing channels, local Ward Member knowledge, and from contacting Town and Parish Councils.

\*16 **Forward Plan**

The Committee received an update on the plan. Cabinet had requested a review of fees and charges to be placed on the forward plan of the Committee. Advice will be sought from officers on the best means of accomplishing the review, looking to provide a report to the Committee initially, but likely to be best handled by a Task and Finish Forum because of the wide spectrum of fees and charges.

Council had also agreed for the review of the Local Plan production method to start in March 2013. Councillor Jill Elson suggested that discussion on the Health and Wellbeing Board could be added to the forward plan.

Councillor Graham Troman updated the Committee on progress of the Community Infrastructure Levy TaFF. He raised concern over non-attendance by two Councillors to the meetings so far. The Chairman agreed that contact would be made with those individuals to determine their role on the Forum and if alternative Members need to be sought. The Committee recognised the complexities of the CIL TaFF and debate took place on linking in discussion on other funding streams for the Forum.

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

# Agenda Item 11

**Cabinet**

**5 September 2012**

**CP**



## Arts and Culture Task and Finish Forum Recommendations

### Summary

The Arts and Culture Task and Finish Forum have presented its final report to the Overview and Scrutiny Committee. The report and recommendations were endorsed by the Committee. The recommendations are set out in this report. The final report of the Forum can be found at [http://www.eastdevon.gov.uk/actaff\\_final\\_rpt\\_200712.pdf](http://www.eastdevon.gov.uk/actaff_final_rpt_200712.pdf).

### Recommendation

That recommendations 1 – 9 of the Arts and Culture Task and Finish Forum final report, with the addition to recommendation 5 to include the wording “and for THG Management Group to examine the best use of staff resource”, be agreed.

#### a) Reasons for Recommendation

The Forum have examined the main elements of the Arts and Culture provision by the Council and have concluded that the recommendations give the opportunity to improve the provision for arts and culture across the District, with a view to reducing the overall budget.

#### b) Alternative Options

The recommendations be refused and the provision remain static and the budget unchanged.

#### c) Risk Considerations

The Forum consider that action taken now, particularly in regard to the Thelma Hulbert Gallery, will help to reduce the budget spent whilst maximising the opportunities that the Gallery offers to both visitors to and residents of the District. Failure to take action on the Gallery may result in further overspend on the current budget provision.

#### d) Policy and Budgetary Considerations

The recommendations, if implemented, will lead to a decrease in the current budget level for arts and culture provision.

#### e) Date for Review of Decision

2015

## 1 Arts and Culture Task and Finish Forum

The Forum, set up by the Overview and Scrutiny Committee, conducted a review of the current budget provision for arts and culture over a relatively short timescale in order to inform the draft budget process for the 2013/14 budget.

The full report can be viewed at

[http://www.eastdevon.gov.uk/actaff\\_final\\_rpt\\_200712.pdf](http://www.eastdevon.gov.uk/actaff_final_rpt_200712.pdf)

The report and recommendations were endorsed by the Overview and Scrutiny Committee on 27 July 2012, with a small addition to recommendation 5. The recommendations for consideration are reproduced, with the agreed addition, below:

- RECOMMENDED**
- 1a that the Manor Pavilion Theatre Manager be congratulated for his drive and enthusiasm in turning around the financial performance of the venue so that it has now become a highly successful Theatre that the Council is proud to support;
  - 1b that the Council recognises that management support for the Manor Pavilion Theatre may be better met by a trust mechanism in the future and that this option be explored;
  - 2a that the Council strengthens its association with the Jurassic Coast through targeted support of its arts based programme that could provide significant benefits for local communities along the East Devon coastline;
  - 2b that the Council, through the relevant Ward Members, help promote the work of the World Heritage Site Team in attracting people to become Jurassic Coast Ambassadors in each coastal parish;
  - 3a that Villages in Action be congratulated for its excellent work within the District's rural communities by bringing a diverse range of performance art into these communities, in many cases ensuring the continued viability of village halls;
  - 3b the continued support of the Council for Villages in Action is crucial and that an increase in Council support from £10,000 to £15,000 for 2013/14 be agreed to meet the growing demand for the work that the organisation delivers in East Devon;
  - 4a that the Thelma Hulbert Gallery Curator be congratulated on the high quality of exhibitions that enable residents and visitors to East Devon to have the opportunity to experience contemporary art from regionally and nationally acclaimed artists ;
  - 4b that the Gallery be retained in the current location for the present time, with a priority to review and change the current internal layout, and reduce outside plant screening and improve visibility, to maximise income opportunities;

**RECOMMENDED**

- 4c that the Council is made aware of the report of the South West Audit Partnership (SWAP) and the difficulties facing the Gallery in meeting the income targets set by its Feasibility Study 2009 and the current financial costs of supporting the Gallery;
- 4d that the Gallery implements the SWAP recommendations and be given a three year timeline to improve its business, marketing and income performance reducing the amount of Council subsidy by 10% each year;
- 5 that the governance roles of the Thelma Hulbert Gallery Advisory Group and Manor Pavilion Theatre Advisory Group be reviewed as recommended by the SWAP report to become Management Groups, with changes made to the membership of each to obtain the necessary skill sets of business, funding and marketing to drive both Council assets forward; to be operational by February 2013; and for THG Management Group to examine the best use of staff resource;
- 6 that the Council encourages greater engagement of Honiton Town Council with the Thelma Hulbert Gallery, and allocates representation of Honiton Town Council on the reformed THG Management Group;
- 7 that the Council sets up an Arts & Culture Forum that meets quarterly and reports regularly to Overview and Scrutiny and Cabinet on all arts based activities supported by East Devon DC, its membership being made up of District Councillors, Funding Partners and two independents sought by advertisement; to be set up by February 2013 to plan for the next financial year;
- 8 that the currently vacant Arts Development Officer post be advertised, extending the role to include partnership working with the World Heritage Site and its arts programme; and assist in implementing operational changes outlined by the SWAP report for the THG; and reports directly to the Arts and Culture Forum;
- 9 that an Arts Directory be reinstated in an online format, populated from information on the District's arts, sports and culture scene through existing channels, local Ward Member knowledge, and from contacting Town and Parish Councils.

## **2. Future programme**

- 2.1 The outcomes from the TAFF provide a fully reviewed critique of the current Arts & Culture programme supported by East Devon DC. The TAFF considered in detail all the budgetary implications of the programme and recognised that greater partnership working is required in East Devon DC's own assets but also in helping deliver a new arts programme that is either sponsored or supported through lottery funds. This would help to offer better value for money for the programme but also engage other potential delivery mechanisms for new areas of the arts & culture programme such as the World Heritage Site Partnership.
- 2.2 The TAFF recognised that for a more secure future for the whole arts programme the assets currently owned and managed by East Devon DC such as the Gallery require a fundamental review of the business plan and its sales and marketing strategy needs immediately. The national acclaim of the Gallery was welcomed and appreciated however a focus is now needed to start making the Gallery more financially viable and ultimately self sustaining. The SWAP Audit and report has been invaluable in helping to provide the structure for this going forward.
- 2.3 The ability to deliver all these recommendations requires not only a closer ongoing scrutiny of activities but the ability to provide capacity to drive many of the changes required forward. This is fundamental to the next phase and will require a dedicated resource to be put in place to drive change; this is the opportunity for an Arts Development Officer to be the catalyst for change.
- 2.4 TAFF Members all recognised the social and community benefits that the current arts programme delivers but crucially made the link with the economic benefits that can come from an exciting and high profile arts and cultural programme. The work of the Manor Pavilion Theatre is showing that through its increased audience numbers comes more spend within the locality as customers are coming increasingly from out of the district. This is the challenge that the Arts Council for England has set for the Gallery to help deliver a wider cultural regeneration effect for Honiton and help establish a cultural tourism offer for the town.
- 2.5 The TAFF recognised the need to give those assets we own and also the partnerships we wish to broker a timescale for improvements and not allow the programme to "drift". This is clearly indicated within the final TAFF Report.

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### **Legal Implications**

There are no legal implications set out within the report

### **Financial Implications**

The vacant Arts Development Officer post is in the 2012/13 budget at Grade 7 £12,760 including on-costs for a 2 day week. The post has been vacant since August 2011 creating a saving of £5,300 for the current year (July 2012). Changes exceeding the current budget provision will be subject to the Special Items budget process and the Authority to Recruit process.

The additional funding for the Villages in Action in 2013/14 of £5,000 will also be subject to the Special Items budget process.

Attention needs to be drawn to the current budget provision for the Thelma Hulbert Gallery. The budget of £115,323 for 2012/13 was increased 45.4% from the budget of £52,460 for 2011/12 to account for the shortfall in funding and income. The projected budget outturn for 2012/13 for the Gallery based on period 4 actual and current expenditure levels is breakeven point. Given the recommendation that the Authority is to cut its current subsidy by 10% year on year to the Gallery, this creates a substantial shortfall for the Gallery to overcome.

Significant savings are needed in the Authority's 2013/14 budget and any additional costs will increase the pressure on this.

### **Consultation on Reports to the Executive**

Final report to the Overview and Scrutiny Committee 26 July 2012

### **Background Papers**

- Arts & Culture TAFF report

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Charlie Plowden  
Countryside and Leisure Manager

Cabinet  
5 September 2012

## Agenda Item 12

**Cabinet**

**5 September 2012**

**LG**



## Financial Monitoring Report 2012/13 – Month 4 July

### Summary

This report gives a summary of the Council's overall financial position for 2012/13 at the end of month four (31 July 2012).

Current monitoring indicates that:

- The General Fund Balance is being maintained at or above the adopted level.
- The Housing Revenue Account Balance will be maintained at or above the adopted level.
- There is a sufficient Capital Reserve to balance this year's capital programme. It is estimated that only £1.866m will be available in the Reserve to support the programme from 2013/14 onwards.

### Recommendation

1. **The variances identified as part of the Revenue and Capital Monitoring process up to month four be acknowledged.**

#### a) Reasons for Recommendation

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

#### b) Alternative Options

To disagree with the recommended actions proposed.

#### c) Risk Considerations

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

In compiling this report we have looked at all large, high risk and volatile budget areas. Predicted spending patterns have been linked to operational activity and all material budgets have been subject to thorough risk assessments by operational managers

and finance staff. Any continuing variances in spending patterns will then be considered as part of the medium term financial strategy.

**d) Policy and Budgetary Considerations**

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

**e) Date for Review of Decision**

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

## Financial Monitoring Report 2012/13 – To Month Four July

**1. Introduction**

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

**2. General Fund Position as at Month Four.**

2.1 The following table shows the position on investment income:

Investments	Annual Budget £000	Variation at Month 4 £000	Predicted Outturn Variation £000
External Investments	(260)	(25)	0
Internal investments	(41)	3	0
<b>Total</b>	<b>(301)</b>	<b>(22)</b>	<b>0</b>

The positive variation on external investment is due to gains of £25,000 in trading of external investments to date. However, being prudent, this is expected to reverse by year end due to latest interest rate forecasts dependant on an expected Bank of England Base Rate cut to 0.25% later this year.

2.2 The following table shows the original budget set for the year and a total of the variations identified which are likely to affect the budget to give a predicted budget figure for the year.

	£
<b>Original Budget Requirement (set 22/02/12)</b>	<b>12,247,080</b>
Add Supplementary estimates to date	53,130
Add:	
Month 4 predicted net over/(under) spend to Year End	40,000
Reclassification of capital projects to revenue funded by transfer from revenue backed Capital Reserve	439,110
<b>Predicted Budget Outturn</b>	<b>12,779,320</b>



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

<b>Predicted over / (under) spends to Year End</b>	<b>Variation at Month 4 £000</b>	<b>Predicted Outturn Variation £000</b>
<b>Corporate Services Portfolio</b>		
Communications Team – Additional Support for Communications Officer until new Manager in place, as agreed by Chief Executive & Leader.	7	16
Other Costs including reputation survey, maternity cover and adjustment to working hours	3	9
IT services - Electronic documentation hardware not required	(20)	(20)
<b>Economy Portfolio</b>		
Manor Pavillon – increase on ticket sales	(19)	(4)
Building control income	36	50
<b>Environment Portfolio</b>		
AONB & Countryside - reduced grant income and Job evaluation of staff	8	11
Head of service vacancy assuming until 1/1/13	(26)	(77)
Car parks net income – inclement weather	129	129
<b>Finance Portfolio:</b>		
New NNDR dual systems running costs	8	8
Land charges additional system work – offset by savings by year end	5	0
<b>Strategic Development &amp; Partnership Portfolio</b>		
Head of service vacancy assuming until 1/1/13	(5)	(37)
Planning fees income	(69)	(100)
Planning Legal fees	27	53
<b>Predicted Outturn Total Variations</b>	<b>83</b>	<b>40</b>

- 1.3 These variations will have the following overall effect on the Council's General Fund Balance.

	£	£
<b>General Fund Balance 01/04/12</b>		<b>(5,536,000)</b>
Less:		
Planned use of general fund balance in setting the budget	178,600	
Transfer 11/12 surplus to Capital Reserve	1,147,870	
<b>Available General fund balance 2012/13</b>		<b>(4,209,530)</b>
Predicted net over /(underspend) to year end		40,000
<b>Supplementary Estimates: *</b>		
Investors in People (Cabinet 2/5/12)	1,400	
Equalities objectives (Cabinet 4/4/12)	20,000	
Multimedia post £42.5k pro rated 5mths (Cabinet 2/5/12)	17,730	
Communications Apprentice - 6mths from appointment Sept 2012(Cabinet 13/6/12)	2,500	
Population profiling tool (Cabinet 2/5/12)	5,000	
Residents' Survey (Cabinet 2/5/12)	6,500	
		<b>53,130</b>
<b>Predicted General Fund Balance 31/03/13</b>		<b>(4,116,400)</b>

\* EDDC has committed to match fund contributions received towards the Axminster Flood scheme to a maximum of £10,000.

This predicted balance of £4.116m is £2.597m above the Council's adopted level for the General Fund Balance of £1.519m. The Council has agreed to maintain a higher balance than the adopted level at this present time because of the many financial uncertainties and risks facing the Council.

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

	<b>Annual Budget £000</b>	<b>Variation at Month 4 £000</b>	<b>Predicted Outturn Variation £000</b>
Car Park charges	(2,549)	129	129
Planning fees	(1,084)	(69)	(100)
Building Control fees	(545)	36	50
Local Land Charges	(210)	0	0

2.5 Summary of Other Reserves:

	<b>Balance B/f £000</b>	<b>Spend to date £000</b>	<b>Income to date £000</b>	<b>Estimated additional Spend/(Income) £000</b>	<b>Predicted Balance C/f £000</b>
Transformation Reserve	(1,434)			434	(1,000)
Asset Management Plan Reserve	(188)			188	0
Asset Maintenance Reserve	(1,358)	62		138	(1,158)

2.6 The Council has agreed in principle to consider a “Devon Pool” under the proposed business rate retention scheme due to commence in April 2013. Calculations suggest that there would be a financial advantage to the Council being in a “Pool” as this would mean the current levy on growth (expected to be 76%), would fall to zero. There are risks to being in a Pool and members will be presented with the details for consideration before any decisions are taken. Initial calculations suggest that additional sums likely to be received through this initiative will not be as significant as first envisaged due to the methodology of the proposals.

3. **Housing Revenue Account Position up to Month 4.**

3.1 The following table shows the original budget set for the year and a total of variations identified which are likely to affect the budget to give a predicted budget requirement for the year.

	<b>£</b>	<b>£</b>
<b>Budget surplus (set 22/02/12)</b>		<b>(1,733,760)</b>
Month 4 predicted net overspend to year end	(491,000)	(491,000)
<b>Predicted Budget Requirement</b>		<b>(£2,224,760)</b>

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

	<b>Variation at Month 4 £000</b>	<b>Predicted Outturn Variation £000</b>
Additional revenue contribution to capital due to slippage in the capital programme from 2011/12 re River Otter flood protection scheme	70	265
Reduction in interest payable on the self financing debt due to favourable interest rates on 26 March 2012	0	(747)
Additional Community Development Worker agreed at HRB 21/06/12 for 6 months in 2012/13	0	14

Housing Apprentice (6 months)	0	2
Property & Asset Team saving due to vacancies	(11)	(25)
<b>Total</b>	<b>59</b>	<b>(491)</b>

Under the new self financing regime the HRA is now funding its own capital programme and capital variations have been reflected in the above figures.

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

		£
<b>Housing Revenue Account Balance (01/04/12)</b>		<b>(623,967)</b>
Predicted budget requirement as above		(2,224,760)
<b>Predicted HRA Balance (31/03/12)</b>		<b>(£2,848,727)</b>

The recommended level for the HRA balance is currently £2.1m. The predicted balance is above the recommended level.

- 3.3 The Government has changed the legislation regarding sales of council houses to accommodate the anticipated higher level of sales as a result of the increase in discount from £30,000 to £75,000. The Council has signed an agreement with the Government which enables us to retain capital receipts from Right To Buy sales received under the new legislation, after certain specific reductions, to fund the provision of new social housing up to a maximum of 30% of the cost, the remaining 70% must be funded through borrowing and/or use of the HRA surplus.

The capital programme now includes £0.859m to purchase 11 houses at Morton Way, Axminster for which funding is expected to come from Right to Buy capital receipts, a S106 commuted sum and borrowing from the PWLB.

#### **4. Capital Programme Position up to Month 4.**

- 4.1 The following tables currently estimate the total required from the Capital Reserve as £2.409m; comprising £1.970m to support the capital programme and £0.439m to support schemes originally budgeted as part of the capital programme but due to their nature are technically revenue.

After allowing for the members decision to transfer the General Fund surplus in 2011/12 into the Capital Reserve this leaves a predicted balance on the capital reserve at the end of 2012/13 of £1.866m.

4.1.1 Below is a summary position of the Capital Programme.

	£	£
<b>Net Capital Programme Budget (Cabinet 09/02/12)</b> 2011/12 scheme costs slipped into 2012/13 (as agreed by Cabinet in the Outturn report in June 2012)	3,564	<b>6,646</b>
<b>Revised 2012/13 budget</b>		10,210
Month 4 Programme Variations (a)	117	
<b>Predicted Budget Requirement</b>		<b>10,326</b>
<b>Financed by:</b>		
In Year Usable Capital Receipts (b)	(504)	
Capital receipts reserve	(1,693)	
PWLB Loan 11 houses Morton Way	(428)	
S.106	(783)	
DCLG Grant Growth Point	(3,000)	
DCLG Grant Heat & Light	(100)	
Other Capital Grants	(249)	
Capital Project Reserves	(73)	
HRA Contribution	(1,177)	
General Fund Revenue contribution	(4)	
New Homes Bonus	(345)	
Predicted Capital Reserve requirement	(1,970)	
<b>Total Funding</b>		<b>(10,326)</b>

<b>Note (a) Month 4 Programme Variations</b>	£	£
<b>Reclassification of Capital to revenue projects:</b>		
Member IT & Committee Papers	(30,000)	
System Monitoring to English	(10,000)	
Microsoft Licences Upgrade – training	(20,000)	
Pollution Prevention – Warren	(4,620)	
Exmouth Regeneration – Other	(8,000)	
Exmouth Regeneration – Splash	(94,000)	
Exmouth Regeneration – Estuaryside	(153,000)	
Disability Access	(40,000)	
Pennington Point Management Plan net	(7,000)	
Trunk Outfall Study Budleigh Salterton net	1,640	
Feniton Old Village Flood Prevention	(11,790)	
Parks Equipment Replacement	(43,830)	
Safety Surface Equipment	(18,510)	
		(439,110)

<b>New project:</b> Acquire 11 properties at Morton Way, Axminster (HRA)		858,500
<b>Re-profiled projects:</b> Microsoft Licences Upgrade part moved to 2013/14	(4,000)	
Sewer Adoption Honiton Heathpark moved to 2013/14	(77,000)	(81,000)
<b>Redundant projects:</b> Orcombe Point	(3,000)	
Asset Disposal/Transfer Costs	(220,000)	(223,000)
<b>Adjustment to project:</b> Chambers Close Drill Hall income figure correction		1,130
<b>Total Month 4 Programme Variations</b>		<b>116,520</b>

<b>Note (b) Month 4 Capital Receipts Variations</b>	<b>£</b>
Capital receipts as at budget	(2,097,650)
Council house sales net of pooling payments	(99,900)
<b>Total capital receipts Month 4</b>	<b>(2,197,550)</b>

<b>Capital Reserve</b>	<b>£000</b>
Brought forward balance 1 April 2012	(3,127)
11/12 General Fund surplus transferred to Capital Reserve	(1,148)
Estimated use of reserve for 2012/13 Capital programme	1,970
Transfer to GF to fund projects reclassified as revenue projects	439
<b>Balance carried forward to 2013/14</b>	<b>(1,866)</b>

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### **Legal Implications**

No legal implications have been identified

### **Financial Implications**

Details are contained within the report.

### **Consultation on Reports to the Cabinet**

Not applicable

### **Background Papers**

- Accountancy working papers

Laurelie Gifford (Financial Services Manager) Ext 2613

Mandy White (Accountant) Ext 2357

5 Sept 2012



## **Agenda Item 13**

**Cabinet**

**5 September 2012**

**MS**



### **Changes to the provision of Disabled Facilities Grant since the Devon Wide Home Improvement Agency Contract ceased.**

#### **Summary**

In April 2011 the Devon Wide Home Improvement Agency contract ceased and since then East Devon District Council has been working with Devon County Council and Devon Care & Repair to complete the outstanding Disabled Facilities Grants and establish suitable new working arrangements to provide Disabled Facilities Grants in East Devon, and assist older and disabled people maintain, improve and adapt their homes.

This report identifies the changes to working arrangements and the impact these are having on the Private Sector Housing team and how this can be mitigated with the appointment of an additional Technical Officer financed through the grant scheme. It also identifies opportunities to provide a better, more cost effective, customer focused service.

#### **Recommendation**

**To agree to an additional Technical Officer to work on the new Disabled Facilities Grant (DFG) process funded from the grant budget.**

#### **a) Reasons for Recommendation**

The present new arrangements for providing Disabled Facilities Grants is causing strain on the existing Private Sector Housing team such that a lot of other mandatory housing work is delayed and/or not being carried out.

Provision of DFG's is a mandatory function of the Local Housing Authority.

#### **b) Alternative Options**

The alternative options are outlined in Appendix A.

#### **c) Risk Considerations**

That we do not meet or legal duties to administer Disabled Facilities Grants and /or other private sector housing work is not undertaken that puts our reputation at risk.

#### **d) Policy and Budgetary Considerations**

These are explained in the report.

## e) Date for Review of Decision

Annual review.

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### 1 Introduction

- 1.1 EDDC tendered for an HIA service following a Best Value Review in 2001 when it was considered that the mandatory Disabled Facilities Grant work could be more effectively and efficiently provided by an external Agency rather than through an 'in-house' grants officer team in the Environmental Health Service.
- 1.2 Anchor Staying Put successfully provided the HIA service in East Devon up to 2006.
- 1.3 In 2005 Devon County Council's Supporting People team initiated discussions to develop a Devon-Wide Home Improvement Agency Contract, to commission an HIA service from one provider across the whole of Devon except for Plymouth and Torbay. The partnership included Health, all District Council's and Social Services/Supporting People.
- 1.4 The contract identified 7 Service elements of which 2 elements Repairs and Improvements and Major Adaptations (including Disabled Facilities Grants) were the District Council functions.
- 1.5 The contract was competitively tendered and Devon and Cornwall Housing Association (DCHA) were successful and set up Devon Care & Repair (DCR). In 2010 DCHA re-organised and created Independent Futures to manage all the support services, including Home Improvement Agency services.
- 1.6 In 2008 there was a formal multi-agency review of the contract which identified a number of fundamental problems with the single contract approach. In particular the review identified that a 'one size fits all' contract does not reflect the very different client and commissioner needs across a county as large and diverse as Devon.
- 1.7 In 2009 joint improvement plans were designed by the commissioners and service provider to try to address some of these problems and to secure agreement for continuation of the single contract approach post April 2011. In the latter part of 2010 DCC advised that there would be no extension to the contract. There has been no alternative contract developed by DCC or DCR to continue to provide the same services for EDDC or other District Councils. The decision not to renew the contract was influenced by savings to the Supporting People budget.
- 1.8 There is a mandatory requirement on this council to carry out an assessment of each client who receives a Statement of Need from the Occupational Therapist (OT) to ensure that what is considered 'necessary and appropriate' in terms of adaptations to the home and is 'reasonable and practicable'. There is also a



mandatory requirement to approve every complete DFG application within 6 months of receipt.

- 1.9 It is difficult to accurately predict how many assessments will be carried out by the OT's and how many of these will present as a DFG enquiry/application each year. On average we receive between 90 - 100 DFG enquiries per year each requiring at least one visit before the application, and then a further visit at the end of process to ensure the grant funding has been spent appropriately. We process on average 80 - 90 applications per year and complete a similar number of DFG adaptations.
- 1.10 Previously when the HIA was fully operational we would only be involved in approving DFG applications and completing the payments to contractors. All specification and supervision of works was undertaken by the HIA. It was a service that we effectively outsourced to this specialist agency. That said the demographics of East Devon reveal a significant need for this type of service and demand for the service has been consistently high.

## **2. Cessation of the Devon Wide HIA Contract**

- 2.1 Since April 2011 the Private Sector Housing team has worked with Devon Care Repair (DCR) to provide a seamless service for residents in East Devon applying for DFG's. The negotiations regarding 'legacy' cases were protracted, particularly regarding fee levels.
- 2.2 Although the fee levels were never formally agreed, the cases have moved forward and to date almost all of the legacy cases have been completed.
- 2.3 New DFG applications where the client uses DCR Technical Services have a fee added, which is now 12% of the cost of works with effect from 1 May 2012.

## **3. New processes and the impact on the Private Sector Housing team workload**

- 3.1 DCC have renegotiated the contract and now commission from Devon Care & Repair a 'caseworker/housing options' role. The caseworker carries out a review of the clients housing to identify alternative choices to adapting the property; a preliminary means test to identify any contribution that the client might have to make towards a DFG; a benefits check to identify if the client is receiving all the benefits they should be. They also help the client put together the DFG application pack which is then submitted to EDDC to consider for approval.
- 3.2 Clients who choose not to use the caseworker either seek assistance from the Local Authority (LA), or complete the application themselves using a private architect/surveyor or contractor. Often this means that the Private Sector Housing team is involved with helping to get all of the information together even though it has not been formally asked to do so. This is new work for the Private Sector Housing team.

- 3.3 At the start of the process for a DFG the LA has to confirm whether or not the suggested adaptations are 'reasonable and practicable' and with the assistance of the OT, what is 'necessary and appropriate' for the client. Under the Devon Wide contract these decisions were part of the service provided by DCR on behalf of EDDC.
- 3.4 This work has now come in-house and is new work to the Private Sector Housing team, who are already under resourced and under pressure to ensure that Private Sector Housing Standards are improved across East Devon in particular with HMO's, Fire Safety and the large numbers of damp and cold properties within the district, as well as implementing the new Private Water Supply Regulations, which includes carrying out Risk Assessments and sampling all shared supplies.
- 3.5 The client is required to provide a schedule of works for the adaptation that they are applying for, as well as two comparable estimates for the work. Most clients require technical support for this part of the application. Previously this technical support was part of the Devon Wide HIA service, however, it is now offered by DCR as an optional service for customer.
- 3.6 In East Devon clients are now offered a choice of using DCR technical services or using a private architect/surveyor.
- 3.7 Previously under the Devon Wide Contract, technical support was available to clients to carry out 'feasibility' studies for highly complex cases, prior to working up the DFG application. The client is now required to agree to pay DCR a fee upfront, for any plans/drawings or schedules of work for feasibility studies that do not culminate in an application for DFG.
- 3.8 There are approximately 4 – 5 of this type of highly complex case a year, and we are now finding that clients are engaging private architects to produce plans and asking the Private Sector Housing team to discuss these in depth at several meetings before it is agreed that an application for DFG will be considered. From the client's point of view this is an extremely lengthy process with the added stress that plans etc may not be funded by an adaptation. This again is new work for the Private Sector Housing team.
- 3.9 Most DFG's that we approve now have a 12% DCR fee attached. Previously under the contract we paid DCC a monthly subscription amount to fund a Devon Wide HIA service. The annual amount we paid was approximately £60k this covered the service to the client from the beginning of the process to completion of grant works. Now we are paying an individual fee per approval, which includes only the technical services, drawings, schedules, and overseeing the works to completion.
- 3.10 As previously stated we approve between 80 - 90 DFG applications a year. Each application is visited by the Private Sector Housing team prior to the application being received. In the case of complex cases, there may be several visits and many

hours of work with the client and Occupational Therapist, to establish what is eligible for grant assistance. This again is new work for the PSH team.

- 3.11 Approximately 30% of grants approved require additional or unforeseen works and approximately 50% of these require additional visits from the Private Sector Housing team to confirm that the works are reasonable. Previously with the Devon Wide HIA contract the Private Sector Housing team manager agreed a level of unforeseen works which DCR could agree to without the need to obtain agreement. Above this level they were required to meet with the Private Sector Housing Manager to obtain agreement for the additional or unforeseen works.

#### **4. Financial arrangements**

- 4.1 Previously with the Devon Wide HIA contract we paid monthly instalments to DCC which amounted to £60k per annum. The funding was utilised from the DFG capital budget.
- 4.2 Since April 2011 we have paid DCR £21,000 in fees for the Technical Services provided where the customer has agreed to use it. There has been a smaller proportion of fee paid to Private Architects. As stated the services that the client receives from DCR are less than previously under the Devon Wide Contract. Our aim is to deliver a cost neutral arrangement.

#### **5. Options appraisal**

- 5.1 We have undertaken an options appraisal that has been carried out for both the temporary arrangements whilst the Devon Wide HIA was being 'wound up' and for the possible options for long term arrangements.
- 5.2 Below I set out our preferred option going forward properly resourcing the work that the Private Sector Housing Team are doing, with the ultimate goal of providing a full Home Improvement Agency Service within East Devon by East Devon District Council, if practicable and affordable in the future.

#### **6. Business Case**

- 6.1 In order to effectively manage the new work since the Devon Wide HIA contract ceased the Private Sector Housing team requires an additional Technical Officer who will provide the following:
- operational day to day assessments and technical support for clients and OT's, including Preliminary Tests of Resources, Reasonable and Practicable assessments and 'hand holding' clients through the application process, where appropriate;
  - Initiating and progressing a new procurement processes to include Fast Track Stairlifts via the Framework Agreement and Schedule of Rates

Procurement process for Level Access Showers so that we are able to take advantage of lower costs for this common type of adaptation.

- 6.2 It is proposed that the funding for this new post will come from the funds previously set aside for the Devon Wide HIA service.
- 6.3 The cost of providing this Technical Officer will be in the region of £22,958 - £25,472 per annum which will be financed through the DFG capital budget.

## **7. Conclusion**

- 7.1 It is recommended that a suitable Technical Officer is appointed to assist in the provision of Disabled Facilities Grants, and to provide support for the Devon Wide Fast Track Stairlift/Hoist process and the Schedule of Rates Procurement process for bathroom adaptations.
- 7.2 That this post can be paid for from the DFG funding previously made available for the Devon Wide Home Improvement Agency Contract.
- 7.3 Additionally it is proposed that further research is carried out over the next 12 months into the provision of an in-house Home Improvement/support agency to provide handy person services utilising the Housing Maintenance/Repairs contracts; looking at how council adaptations are carried out and whether there are cost/efficiency savings that can be made to the DFG process.

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## **Legal Implications**

There are no legal implications requiring comment.

## **Financial Implications**

The financial implications are stated in the report.

## **Consultation on Reports to the Executive**

None.

## **Background Papers**

- Devon Wide HIA contract
- Consultation meeting notes following cessation of Devon Wide HIA
- Notes of meetings with Devon Care & Repair
- Contract termination letter

## Agenda Item 14

**Cabinet**

**5 September 2012**

**jg**



### Shared ownership properties lease extensions

#### Summary

This report considers the issue of shared ownership leases in properties where the Council has retained an equity share. The leases granted at the time made no provision for extensions, but some twenty plus years after issuing leases some of our residents are requesting an extension to their lease.

The report proposes a method of extending leases on request for a reasonable charge.

#### Recommendation

**Agree to extend Council shared ownership leases when requested to do so using the methodology set out in the report.**

#### a) Reasons for Recommendation

We have been approached by one of our shared owners for an extension to their lease and need to adopt a policy position that can be applied to all leaseholders in a consistent and fair way.

#### b) Alternative Options

Options are given in the report for consideration.

#### c) Risk Considerations

The risk is mainly with the residents although there is a reputation risk for the Council if we refuse to extend leases.

#### d) Policy and Budgetary Considerations

These are set out in the report.

#### e) Date for Review of Decision

April 2013.

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### 1 Background and issues for consideration

- 1.1 The Council owns an equity share in 22 properties in Chambers Close, Sidmouth. The properties were constructed in 1991 and a 70% share sold to shared ownership purchasers with the Council retaining 30% equity. A 99 year lease was granted to all purchasers at the time of the sale.

- 1.2 We own a similar equity share in 39 properties in Chambers Close, Sidmouth; Sedamuda Close, Sidmouth; Meadway, Seaton; Elizabeth Close, Whimple and several other locations. All have similar full repairing leases with a ground rent of £10 p.a. The leases are similar to housing association shared equity leases with the exception that our leaseholders do not pay a rent on the unsold equity (the Councils 30%).
- 1.3 Now some 21 years after the initial sales we have been approached by one of the Chambers Close leaseholders for an extension of the lease back to the original 99 year term. It is likely that we will be receiving further requests as leases reduce in length.
- 1.4 This extension of lease has initially been refused on the grounds that the shared ownership lease is one which is excluded from the provisions of the Leasehold Reform Act 1967 (as amended) and as such leaseholders do not have the benefit of an automatic right to extend the lease at a modern ground rent or to purchase the freehold interest given in the Act. We have stated that as the grant of a longer lease would dramatically reduce the value of the Council's share in the property, we are unable to recommend to members the grant of a new long lease.
- 1.5 The leases do contain the provision which would allow shared owners to purchase the remaining share in the property and therefore also acquire the freehold interest. This needs to be done as a single transaction unlike some shared ownership leases that allow for additional tranches of equity to be purchased (staircasing). There is also a requirement in the lease that any disposal of interest should be to a Council nominee.
- 1.6 The shared owner who approached us is concerned about the mortgageability of the property and the reduction in value as the lease continues towards expiry. I have contacted South West Homes (part of Westcountry Housing Association) who act as the shared ownership agency for the region for further advice and information on how they have dealt with similar situations. Surprisingly, I was advised that they have not had to deal with such requests to date.
- 1.7 I was also sent an extract from the Homes and Communities Agencies (HCA) Capital Funding guide which I have reproduced below:

### **7.6 Lease Extensions for Property still in shared ownership**

7.6.1 The Agency's model shared ownership leases were first issued in the late seventies/early eighties. Many of these leases would have been issued for a term of 99 years, and the remaining term would now be, or would be approaching, less than 70 years. The Agency is aware that this may create difficulties for those shared owners now wishing to sell their share.

7.6.2 Leases with less than 70 years remaining are not an attractive option to some mortgage providers. This can make it difficult for prospective purchasers to obtain a mortgage. Also it may have the effect of reducing the value of the lease.

7.6.3 Whilst shared ownership leaseholders have no statutory right to a lease extension, the Agency recommends RPs consider granting extensions to shared ownership leases wherever possible. However in doing so the Agency

requires RPs to seek their own legal advice to ensure any obligations under current Leasehold Legislation are met.

7.6.4 As lease extension is not subject to a [fundamental clause \(5.2\)](#) there is no requirement for RPs to seek the Agency's consent to extend a lease. Also as the shared ownership lease is a form of assured tenancy any extension of the lease, and therefore an extension of the assured tenancy, will not require s172 consent.

- 1.8 The HCA, Council for Mortgage Lenders and National Housing Federation Shared Ownership joint guidance for England published in November 2010 says something similar:

41. Legal advice received by the Agency suggests that shared owners have no statutory right to a lease extension. This position is repeated in the CIH/NHF Leasehold Management Good Practice Guide. The Agency understands that many shared ownership leases (originally granted for 99 years) are now reducing to the point where a lease extension would improve the prospects for re-sale.

42. RPs should grant extensions to shared ownership leases, wherever possible and, where necessary, should take legal advice to ensure that any obligations under leasehold law are met. Where an extension is granted, this can often be done by means of a variation to the lease, the Agency's consent will be required only if a restriction remains on title (see para 31 above).

- 1.9 It would appear that our lease has many similarities with the HCA shared ownership lease and raises the question should we follow this advice ?  
We have a policy decision to make between maintaining our position of not extending the leases and waiting for them to expire at which point ownership returns to the Council.
- 1.10 Alternatively, we could agree to reinstate leases to 99 years, or add a different term, for those that request this and charge a reasonable amount for the administration and increased/lost value. Another option might be to agree to an extension of lease on condition that we charge a rent on the unsold equity (typically 2 – 3% p.a.) which could amount to £90 - £135 per month on a property worth £180,000 where a 30% equity share is retained.
- 1.11 I have discussed the matter with Strategic Management Team, Property and Legal colleagues and sought details of the experience of housing association partners.
- 1.12 It should be noted that if we agree to grant extension of leases we will get approaches at different times with requests for different lengths of extensions, and in some cases multiple requests on the same property. If an extension of lease is relatively easy to obtain this will reduce the incentive for shared owners to purchase the remaining equity.

## **2 Suggested policy position**

- 2.1 In considering the options I would suggest that we agree to the extension of leases where at least 20 years has expired from the original 99 year term. In these cases we will revert the lease back to the 99 year term and charge a fee based on the value of reinstating the lease at the time of the application. This is best achieved through a Deed of Variation

and our charge should include our legal and other administration costs.

- 2.2 This will provide the shared owner with security and the knowledge that their home is mortgageable. It will also provide the Council with a new source of income from its equity share.

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### **Legal Implications**

These leases do not sit within the 1967 or 2002 Leasehold Reform Act regime and therefore it is advised that before any decision on offering current leaseholders the opportunity of leasehold extension specialist advice from counsel is obtained on the potential of increased rental income from the Council's 30% share (See Para1.10 of the report), currently £10 per annum, and the drafting of any formal Deed of Variation.

### **Financial Implications**

The financial implications cannot be quantified until applications for extensions are received and appropriate valuations undertaken but the suggested proposal seems beneficial to both leaseholders and the Council.

### **Consultation on Reports to the Cabinet**

None.

### **Background Papers**

- The Leasehold Advisory Service Shared Ownership Leases.
- Lease in respect of Chambers Close, Sidmouth.

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John Golding  
Head of Housing

Cabinet  
5 September 2012



## Agenda Item 15

Cabinet

5 September 2012

PL



### Affordable Housing – Local Authority Affordable Housing Grants

#### Summary

This report seeks Cabinet approval to identify an East Devon District Council funding source that enables the Council to 'pump prime' potential affordable housing schemes in East Devon that are stalled or otherwise not financially viable. This is necessary because funding through the Homes and Communities Agency has been reduced and mostly allocated until 2015. Affordable housing opportunities are arising that need some financial support and in some cases relatively small amounts of funding can ensure the delivery of an affordable housing project.

#### Recommendation

That Officers seek to identify a suitable funding sources, including newly emerging funding streams, and create a Local Authority Housing Grant budget.

#### a) Reasons for Recommendation

Help to unlock affordable housing schemes in areas of need within East Devon.

#### b) Alternative Options

Not to provide much needed affordable housing.

#### c) Risk Considerations

To provide funding for an affordable housing scheme 'at risk' that fails to proceed.  
Not to provide funding, thus reduce the number of affordable housing provided.

#### d) Policy and Budgetary Considerations

Considered in the report.

#### Positive Impact Overall

Affordable Homes.  
Thriving Economy.  
Safe Environment.  
Green Environment.  
Recycling.  
Young People.  
Excellent Customer Service.  
Inspirational Council.

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

**e) Date for Review of Decision**

Annually.

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**1 Background**

- 1.1 The Homes and Communities Plan 2012, and Housing Revenue Account Business Plan have as its first aim to 'provide a range of affordable housing to meet housing needs'. This approach is also consistent with the Councils Corporate Plan 2012.
- 1.2 Due to the significant changes in the amounts of Homes and Communities Agency (HCA) funding, grant levels have been reduced dramatically. In the previous grant funding regime it wasn't uncommon to see an average grant rate of £70,000 per property, compared with the current average Affordable Housing Programme (AHP) grant rate of £18,000 per property.
- 1.3 Registered Providers (RP) have had to agree a four year development programme with the HCA. This development programme is fixed until March 2015, and is contractually agreed between the RP and the HCA. The Registered Provider informs the HCA and the Local Authority what grant is available, where and when any affordable housing will be delivered. There is very little scope for any deviation to this agreement.
- 1.4 As a consequence of the HCA Affordable Housing Programme 2011-15 any additional grant funding is extremely difficult, if not impossible to secure. RP's have to be completely focused on delivering this AHP by March 2015. If an RP fails to deliver the agreed programme there are serious ramifications that can include grant funding being withdrawn. The reduction in grant and the time pressures involved has meant that RP's have to very carefully consider how they allocate their own resources. As a result some affordable housing schemes that were not successful in securing HCA grant funding have been sidelined until funding is available.
- 1.5 Although RPs are focused on delivering their individual affordable housing programmes a number are still keen to continue to 'work up' schemes in the district. However, even small amounts of 'at risk' funding cannot be secured to explore these potential development opportunities. This lack of funding reflects the current view of financial risk and the lack of funds generally available to consider new affordable housing ventures. So affordable housing schemes can in effect be shelved or not considered at all.
- 1.6 Other mechanisms to bring forward affordable housing have started to appear in East Devon. Such as Community Land Trusts. These trusts are formed by the community for the community. This community involvement appears to be consistent with the 'Big Society' approach. It allows for local individuals to drive projects within their community, such as affordable housing.
- 1.7 A number of CLTs are currently working with RP's to deliver affordable housing schemes in East Devon. (Bramford Speke / Upton Pyne and Dalwood)

- 1.8 CLTs have to be formally constituted and as such incur 'set up costs' these set up costs are around £5,000. This amount includes all the necessary legal works between land owners, RP's, and preparing Section 106 Agreements etc.
- 1.9 Progressing any affordable housing scheme will incur 'at risk' set up costs. In an RP's case this may include, land ownership checks, surveys, land option agreements, and Architect / planning fees.
- 1.10 In the case of CLTs a figure as low as £5,000 can mean that a scheme progresses or not.
- 1.11 In addition to CLTs or stalled RP schemes, funding support could be considered for Self-Builds, or other community driven affordable housing projects.
- 1.12 We have no funds identified for the delivery of affordable housing in the General Fund or Capital Plan with the exception of some commuted sums secured through planning agreements for development in specific areas. The Housing Enabling Officer costs were moved to the Housing Revenue Account when savings were being made in the General Fund. This is a corporate priority, but with little resource attached to it.
- 1.13 It would not be appropriate to use HRA resources on schemes where tenants will not derive a benefit. The HRA will pay for new Council homes and acquisitions but the ring-fence does not permit funding of schemes that should be a General Fund activity.

### **3. Proposal**

- 3.1 That Officers attempt to identify a funding source that enables the Council to consider making comparatively small amounts of funding available to 'pump prime' stalled or new affordable housing schemes.
- 3.2 If a funding source is identified then a budget is established that will enable the Council to consider a more strategic approach to funding allocations.
- 3.3 Potential areas for funding could come from the New Homes Bonus, Community Infrastructure Levy or direct from the Capital Reserve or General Fund.
- 3.4 If successful in securing a funding source any decision about Local Authority Grant allocations could either be made direct to the Cabinet or through the appropriate Cabinet Member / Officer using delegated powers.
- 3.5 An annual budget of circa. £100,000 could help to facilitate the formation of twenty CLTs or help to start a number of 'stalled schemes' with RPs. This investment could realise as many as 50 additional affordable homes that would not otherwise be delivered.

### **4. Conclusions**

- 4.1 If the Cabinet are minded to support this approach it would help to ensure that the Council continues to take the lead in helping to 'free up' stalled sites, or support new CLTs or other affordable housing initiatives. If we are determined about achieving our affordable housing ambitions we must embrace

new ways of resourcing schemes, including use of our own funds.

- 4.2 This approach is not so much about the amount of funding we may provide, but in many cases it is how we are perceived by community groups and other organisations, and in some cases it can be the difference in securing larger amounts of funding or not by 'pump priming' schemes and enabling affordable housing to be delivered.

### **Legal Implications**

There are no legal implications identified at the current time.

### **Financial Implications**

Both the New Homes Bonus and the Community Infrastructure Levy are uncertain sources of funding and already have numerous potential calls being made upon them. The existing Capital programme is already under pressure from 2014/15 and any additions will need to be funded from additional capital receipts or borrowing, which will incur revenue costs to service the loans).

### **Consultation on Reports to the Executive**

None.

### **Background Papers**

- East Devon District Councils Corporate Plan 2012
- East Devon District Councils Homes and Communities Plan 2012

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Paul Lowe  
Housing Development and Enabling Officer

Cabinet  
5 September 2012

## Agenda Item 16(a)



**Cabinet**

**5 September 2012**

**AGH/KIS**

### **Mamhead Slipway closure & future options**

#### **Summary**

Following recent inspection and subsequent survey of Mamhead Slipway, an extensive void under the end of the slipway was identified. On the advice of the Council's consultant engineers, Royal Haskoning (RH), the slipway has therefore been closed. Officers have met with Exmouth District members and water users to describe immediate mitigations and explore future options.

This report sets out the findings of the Inspection Report (Appendix A which is available online) provided by RH and options for a like for like repair. Alternative temporary options for slip provision/water access have also been investigated and the findings are set out within the report.

Like for like repair could cost up to £450,000. The cost of a realigned new slipway is unknown but could easily be double that price or even significantly higher. In such circumstances it is essential that the Council considers options carefully including those that either involve significant investment in Mamhead, alternative options or no action.

Members are requested to consider the dedication of staff resource and funding to initiate a project on the viability and planning for an enhanced slipway scheme with Mamhead View as the preferred but not sole option.

#### **Recommendation**

- 1) Given the advice from engineering experts, Royal Haskoning, the slipway remains closed.**
- 2) Members endorse the immediate and necessary actions taken by officers to mitigate the adverse impact of Mamhead Slipway closure.**
- 3) In the meantime, officers to be tasked to investigate the best option for temporary alternative provisions.**
- 4) The necessary studies and consultation are undertaken to develop a detailed, costed proposal with justification, funding strategy and planning application for an enhanced slipway scheme at Mamhead. There is no budget for these studies so if agreed the costs of up to £70,000 would need to be taken from the general fund balance.**

#### **a) Reasons for Recommendations**

The Council's primary slipway site is currently unavailable. Prompt action is needed to minimise the negative impact of the closure. Longer term consideration and detailed work is needed that investigates the design, cost and potential funding sources for an enhanced slipway scheme at Mamhead in keeping with the vision for the Pierhead and Mamhead areas as set out in the Exmouth Town Centre and Seafront Masterplan.

## **b) Alternative Options**

1. Do nothing
2. Reopen the slipway without repair
3. Invest up to £425,000 on repair and/or replacement of Mamhead Slipway in its current design and alignment

None of the above are practical suggestions either from a point of view of sustainable access for marine vessels, safety or cost effectiveness.

## **c) Risk Considerations**

Failure to provide adequate sea access through slipway provision could lead to negative public perception, disappointment and reduction in visitors who come to the area to enjoy watersports as well as our own residents who are boat owners, and a reduction in income for supporting businesses. There are also safety issues: at present, Mamhead Slip is the only deep water slipway provision in East Devon.

## **d) Policy and Budgetary Considerations**

This is unplanned expenditure and there is no budget available. Initial estimates for feasibility, design, consultation etc are of the order of up to £70,000.

## **e) Date for Review of Decision**

30 January 2013

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## **1 Main Body of the Report**

### **1.0 Royal Haskoning (RH) Divers Survey (Draft at time of report writing)**

- 1.1 Following a condition survey of Mamhead which was undertaken to look at future maintenance requirements, a hole in the steel sheet piling was identified. Further investigation was commissioned to ascertain the extent of the damage.
- 1.2 The report generated from the diver survey is included in Appendix A (Royal Haskoning Mamhead Slipway Inspection Report, available online) and shows in detail the current condition of the slipway and various options for repair along with estimated costings and timescale.
- 1.3 The diver survey has identified a large void under the concrete top surface which at some points is over 2m between the base of the concrete slipway surface and the sea bed.
- 1.4 Accelerated Low Water Corrosion has degraded the structure of the steel sheet piling which originally held the fill material in place beneath the slipway.
- 1.5 The level of the sea bed has also reduced, this combined with corrosion on the sheet piling has reduced the structures ability to resist scour from the tidal currents and contain the original fill material.
- 1.6 There is some fill material which remains under the slipway to the rear (landward) side of the structure. This has been probed and found to be very soft. This coupled with the condition of the sheet piling at this point poses doubt as to how much more scour the structure will resist.

- 1.7 The tidal scour has removed a considerable amount of fill from beneath the slipway, leading to the RH deeming the structure to have failed. Due to the failure of the structure, immediate closure of the slipway was recommended (and carried out) until a repair can be made.
- 1.8 The report also examines all options for repair including looking at placing temporary hard surface across beach access points, to which RH commented ‘there could be scope to place a temporary hard surface across the beach to gain access....’ This is unlikely to be a feasible option for the following reasons:
- Any temporary surface would be subject to fast flowing currents, mobile sand (windblown & currents) and wave action and it is likely to either be scoured and fail or become covered in sand; rendering it ineffective.
  - Since the works would extend below MHWS, they would require a Marine Licence from the MMO. This may not be successful due to potential impacts on coastal processes and navigation.’
- 1.9 We asked RH to look at a minimum repair which would involve 2 stantions/pillars to support the end of the slipway which is currently unsupported. RH felt this option was not feasible as the concrete slipway was not designed to support imposed loads or spans and so may fail. They stated that additional support in the form of steel beams would then be required, making this unlikely to be a cost effective option due to the size of plant needed to affect this kind of repair.
- 1.10 Viable options for repair involved solutions such as re-piling the existing slipway, producing a new cantilevered slipway to install in the same location and re-piling in an open lattice formation. The options ranged from £290K - £425K and are all shown in detail in Appendix A. None of the options considered anything more than repair/replacement to provide a slipway which matches the current provision. Any change to the current lay out would increase costs.
- 1.11 The most cost effective option for repair was re-piling in a lattice formation with an estimated cost of between £290 and £360K. This would involve utilising an open lattice of concrete piles, with a new pre-cast concrete deck sitting on top.
- 1.12 The most optimistic timescale RH could propose was 6 months, to include design and engineering of the structure, site surveys and environmental assessments and of course construction. The timescale of 6 months was a best case scenario, with all phases working consecutively as planned. In reality it is likely that this timeline would slip.
- 1.13 Any works will be likely to require a licence from the MMO, the cost of which varies dependant on the works, as does the timescale of achieving the licence.

## **2.0 Options for temporary slipway/water access provision**

- 2.1 There is other public slipway provision in Exmouth, the better of which is at Belcher's slipway off Shelly Beach and off the Imperial Recreation Ground. Both of these however have issues (and these are further explored in the Exmouth Slipways Appraisals report provided by Teignbridge District Council Design and Property Services and available as background Papers).
- 2.2 One of the prime issues at Belcher's Slipway is bollards restrict access and it is therefore currently difficult to launch vessels much larger than a tender or jet-ski. A temporary solution to alleviating the current use restriction would be to remove these bollards. There is a big galvanised piece of concrete which would benefit from either being removed or at least being marked – perhaps with bright yellow paint or warning lines. The slip is also narrow with a hard edged drop off which is dangerous. Again this could be made safer by marking this for the attention of users.
- 2.3 As an interim measure at least until the end of the Season a plan has been implemented to retain on a part time basis one of the Council's seasonal Civil Enforcement Officers to manage use of Belchers with the ability to remove and replace bollards as required.
- 2.4 Temporary matting has been considered as part of the PWC Harbour View trial and is discussed in a separate report. This report recommends that temporary or semi-permanent track way matting is not suitable for use at Harbour view or anywhere else along the seafront. It is not practical to remove sections of it when it is high tide (twice daily at changing times through a 24hr period) and it is not able to withstand the tidal forces in the area. Neither the manufacturers nor the Teignbridge engineers nor our own engineer can give assurance that it would be suitable, and the independent report on Mamhead from Royal Haskoning also mentions that a temporary hard surface would be unsuitable due to fast flowing currents (amongst other factors).
- 2.5 Officers are continuing to investigate alternative options for temporary to medium term water access and have asked Royal Haskoning to appraise modular concrete units as a solution. This appraisal can be viewed as Appendix C online. There are a number of health and safety risks and operational considerations which need to be worked through, with concrete slipway access across the beach costing between £50,000 to £150,000 to implement.
- 2.6 We also tried using removable matting (such as at Beer) that could be put down for each launch and removed, but this was found to be too light and just bunched up under the launching vehicles wheels. Further detail on this can be found in the PWC update report.
- 2.5 A further temporary option is set out in Appendix B. This is an option to provide a subsidised launch and recovery service through the marina. This could be offered on a frequent basis for the remainder of the season (say to the middle of September) and then on a rota basis two days a week up until the end of October. However this service will be a cost to both the council and users. Furthermore, if a crane arrangement is used this is already an issue of controversy among the residents of the marina development.



### **3.0 Future Slipway Provision in Exmouth**

- 3.1 The Exmouth Slipway Appraisals work undertaken by the engineers at Teignbridge reinforces the advice we are now receiving from RH: the Mamhead View slipway shows the most potential to find a long term solution for the town with round the clock access to the water and the opportunity to be suitable for a wide variety of craft.
- 3.2 There are localised and wider environmental factors that would need to be considered but which are not un-manageable barriers. Further, with the implementation of an appropriate long term management strategy, disturbance within the Exe Estuary could be reduced as a result of improvements to this slipway.
- 3.3 If a project was to be taken forward to work up a planning application for a scheme, the project would need to include, but not exclusively, the following:-
- i. A further assessment to identify all other potential sites for improved slipway facilities in order to fully prove Mamhead View as the best option for restructuring
  - ii. Early liaison with the Marine Management Organisation (MMO) to identify full range of environmental studies required to obtain a Marine Licence (required to undertake works below mean water high springs).
  - iii. An independent appropriate assessment to evaluate the Environmental impact of the proposal. This would need to look at the affect on disturbance levels within the SPA and on the potential for habitat loss and creation
  - iv. An investigation of viability in terms of costed options and a funding strategy to identify what the sources of finance might be.
  - v. A plan for land acquisition, funding and partnership work reflecting the opportunity and complexity of the surrounding area as well as other linked factors such as car parking
  - vi. A consultation process should be organised in order to establish the views of slipway users, the local community and other interested parties. The assistance of a working party to assist with ideas, test design options and ensure a workable solution will be important.
- 3.4 At the time of writing the report, staff resource to the run the project has not been identified. The cost of undertaking the work necessary is not known at this stage but is estimated to be up to £70,000. Due to the urgent nature of this project, if Members wished to start it immediately funding would need to be added to this year's (12/13) revenue budget as a supplementary estimate and taken from the general fund balance, as no budget is available for this project.

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#### **Legal Implications**

There are no legal issues requiring comment at this stage

#### **Financial Implications**

This report covers 3 separate stages in the proposed project, each with different funding implications.

1. Investigations to identify options: these do not qualify as capital expenditure so will need to be funded from revenue sources. (Approximately £6k plus officer time.)

2. Option identified and agreed: the balance of the estimated £70k plus officer time (for costs of the planning application as detailed in 3.3) would qualify as capital expenditure if successful. There is no capacity within the current capital programme and no specific funding has been identified.
3. Construction costs: this would be an addition to the current capital programme. No specific funding can be identified until an agreed proposal is in place. Consideration also needs to be given as to ongoing maintenance of any chosen option.

### **Consultation on Reports to the Cabinet**

These issues have been discussed in some depth at both a meeting of Exmouth Councillors held on 13 August and with the Water Users Group on 14 August. The Exmouth Members were supportive of the recommendations proposed in this report.

### **Background Papers**

- Exmouth Slipways Appraisals report provided by Teignbridge District Council Design and Property Services

### **Appendices**

- Royal Haskoning Mamhead Slipway Inspection Report – Appendix A available online
- Temporary option – Marina Lifting Service – Appendix B available online
- Royal Haskoning temporary slipway solutions appraisal – Appendix C available online

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Andrew Hancock Streetscene Manager 1611

Keith Steel Senior Engineer 1618

Donna Best Principal Estates Surveyor 1584

Andy Phillips Beach Safety Officer 2373

Cabinet  
05 September 2012

## Agenda Item 16(b)

Cabinet

5 September 2012

AP/AGH



### Update Report for Personal Water Craft (PWC) use in Exmouth

**Important note** – since this report was produced closure of Mamhead Slipway, due to structural failure, has increased the importance of this issue. The separate report “Mamhead Slipway closure and future options” should be considered in conjunction with this report.

#### Summary

The report is an update on tests performed on launching and recovering craft from the Harbour View Slipway. The test has shown that in its current state Harbour View Slipway is unsuitable for launching certain craft. Theoretically semi-permanent matting would improve access to the water; however no assurances can be given that it would withstand currents, tides and storms at this location.

The report gives an update on the progress of other actions from the original PWC report including the PWC club and code of conduct signage. It also makes recommendations for further investigation into how enforcement can be improved on the Exe Estuary.

#### Recommendations

1. Cabinet notes the results of the Slipway tests, which show that in its current state Harbour View is unsuitable for launching PWC's at most tide states.
2. The Council thanks the local PWC owners for their assistance and continues to work with them to educate PWC users, noting the work done so far to help improve responsible PWC use.
3. The Cabinet does not support the use of semi-permanent track way matting at Harbour View given the cost and uncertainty over its suitability and other risks associated with the site, but asks Officers to continue looking into other solutions.
4. The Cabinet agrees to allow signage on Belshers (and Mamhead) Slipways highlighting safe use of the Estuary, including the Code of Conduct for PWC users in an attempt to positively influence behaviour.
5. That the Civil Enforcement Officer stationed at Belshers Slipway works with the Harbour Patrol to do a series of patrols to raise awareness of the Code of Conduct and safe use of the estuary.
6. A multi agency working group is convened to further investigate enforcement options for the Exe Estuary regarding speeding PWC's and antisocial behaviour.
7. Subject to further planning and investigation a Mamhead Slipway redevelopment scheme is the preferred long term solution, Officers should also continue to investigate improving launch facilities at other slipways to encourage PWC users away from Belshers.

**a) Reasons for Recommendation**

Launch testing at Harbour View slipway has shown the site to be unsuitable for use by PWC's, however the Council should continue to try and find a solution to encourage users away from Belshers and reduce anti social behaviour of some PWC users.

**b) Alternative Options**

Do nothing. The work we have already done with the assistance of Local Ski users may reduce anti-social behaviour naturally.

Provide and maintain the semi-permanent matting despite the risks around its suitability and continue the launch test. If the matting survives, promote Harbour View as a public PWC launch site.

Provide support for stand up ski users only to launch at the Harbour View Slipway on certain tide states.

**c) Risk Considerations**

Doing nothing to control irresponsible PWC use may result in an accident and/or poor public perception.

Banning PWC's or requiring them to register at other slipways may ultimately increase use at Belshers.

Semi-permanent matting may not stay in situ due to weather and tide conditions and could become a hazard.

**d) Policy and Budgetary Considerations**

Cost of signage and other educational material can be taken from existing revenue budgets.

No budget is currently available for the purchase or maintenance of temporary or semi-permanent matting.

**e) Date for Review of Decision**

One year from implementation of the decision

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**1 Main Body of the Report**

**1. Outcomes of the launch test**

1.1. The March 2012 Cabinet report for the reduction of anti-social behaviour by PWC operators within the Exe resulted in the decision to test the Harbour View Slipway to see if it was suitable for use as a launch site.

1.2. Testing has been undertaken by the Beach Safety Officer and Local PWC owners from Exmouth, with Cllr Wright being present at some of the tests. The tests showed that with no improvements to access across the beach, launching at Harbour View is extremely difficult and in practical terms means in its current form, the slipway is unusable by the public for launching all but the lightest craft.

- 1.3. On each test the soft sand and beach conditions did not allow adequate access for launching or recovery of the PWCs being used for the test. Each test required a number of additional personnel to allow launching and recovery, which would not be practical for the public. See Appendices A and B. A full copy of the launch tests is available online.
- 1.4. The testing has highlighted that vehicle use is required for launching because of the steep slope of the beach towards low tide.
- 1.5. Matting or some other form of solid base would need to be considered to allow regular use of Harbour View slipway for launching of PWC's
- 1.6. Light weight rubber matting such as at Beer was used during one of the tests to aid vehicle movement, but was found to be unsuitable, moving under the vehicle as it was too light.
- 1.7. Semi-permanent track way matting as an access solution has been investigated. The trackway matting would be anchored into the sand. Manufacturers have been unable to give assurances that this type of matting would withstand the tidal currents and weather it would be subjected to.
- 1.8. A rough estimate of the installation of semi-permanent modular matting would be £10,000 plus around £8,100 annual maintenance cost. Whilst Cllr Wragg has indicated funding may be available for the initial installation from her community fund, budget provision would need to be made for the annual maintenance.
- 1.9. The Council should consider the costs involved in purchasing the matting against the risks of its suitability. Semi-permanent trackway is untested in this sort of location and we have concerns about if robust enough anchoring can be provided. Installing it could prove to be a waste of money, and the matting could become a danger if partly or fully washed away. There is no way to test this without purchasing the matting. Other more expensive types of matting are available and officers will continue to investigate these, however the other risks of tidal current and suitability of location would still need to be considered.

## **2 Progress on other actions to encourage responsible PWC use**

- 2.1 Since the March 2012 meeting we have gathered a core group of local PWC users to work with the Council on PWC use within the Exe. The skiers have had meetings and agreed to form a club to champion the cause of responsible PWC use, help to spread the Code of Conduct and try to 'self-police' other users.
- 2.2 The PWC club is in support of other actions such as a registration scheme for PWC users which could use the sticker system used for boats on beaches. The ski users also assisted with the slipway tests during early and mid May.
- 2.3 The Harbour Patrol boat which is crewed by volunteers arranged by our Beach Safety Officer has been set up for this season and has been out on more than ten occasions; the weather has been poor and so limited the number of patrols.
- 2.4 Environment Portfolio Holder Cllr Iain Chubb and his deputy Cllr Phil Twiss have accompanied the Beach Safety Officer

on a patrol to see the problems of speeding watercraft users for themselves.

2.5 The PWC operational area has now been moved to the other side (seaward) of the sand bar to limit interactions between PWC users and other water users. We are currently improving map signage on the zone's location and buoying the channel leading to it.

### **3 Slipway use and signage**

3.1 Use of other slipways by PWC's does currently occur and the Council cannot stop this at some locations such as Belshers due to the highways classification.

3.2 Banning PWC launch at the slipways we do have control over or implementing a compulsory registration scheme could lead to increased use of Belshers by PWC users. As we cannot stop use at some places a better option might be attempting to regulate use and educate users through wide publication of the Code of Conduct and working with the PWC club.

3.3 To encourage responsible use of slipways by PWC craft we should consider displaying our Code of Conduct at all slipways including Belshers. This would assist anyone launching who may have no understanding or awareness of the rules within the Estuary.

3.4 Since the closure of Mamhead Slipway this is on hold, but principal stands for when it re-opens. If we want to encourage PWC users away from Belshers we need to provide suitable alternatives. Currently PWC's are not supposed to launch from Mamhead but in reality do. Consideration should be given to officially allowing the PWC's to launch at Mamhead and improving signage to display the Code of Conduct to help regulate behaviour of those using the area.

3.5 A recent study has identified Mamhead Slipway as having the most potential to improve public access to the water given investment in enhanced facilities. Further information is provided to members for consideration under a separate report titled Mamhead Slipway closure and future options.

### **4 Continuing work to tackle anti-social behaviour**

4.1 Education is a key method to getting responsible PWC users to 'Police' other users and to identify those who are behaving in an anti-social manner.

4.2 REACT, Civil Enforcement Officers and the Harbour patrol boat are resources we already have available that we can deploy to increase awareness of estuary byelaws and the Code of Conduct.

4.3 With improved signage regarding the Code of Conduct at slipways it will be easier for the Civil Enforcement Officer to talk to people about how they should behave on the water. It is suggested that a series of patrols be set up with the specific aim of identifying PWC users and raising awareness of the Code of Conduct, the first such patrol to be on the August Bank Holiday.

4.4 Improving the enforcement options on the estuary needs to be investigated further by all the agencies. It will be especially important to involve Exeter who are the Harbour Authority.

4.5 It is recommended that a multi-agency working group be convened to see what further steps we can take regarding enforcement and control of anti-social behaviour on the estuary. This investigation could include considerations about joined up management and control of water launch points through a better resourced patrol boat.

### **Legal Implications**

There are no legal implications within the report requiring comment at this time. Legal should be consulted if Council consider the regulation of the launching of PWC in the future.

### **Financial Implications**

There are no financial implications at this stage other than the use of an existing revenue budget referred to in the report and staff time.

### **Consultation on Reports to the Cabinet**

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### **Background Papers**

Personal Water Craft (PWC) use in Exmouth and the River Exe Cabinet 7 March 2012

Harbour View Slipway test write up – available online

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Andy Phillips – ext. 2373  
Beach Safety Officer  
Andrew Hancock – ext. 1611  
StreetScene Manager

Cabinet  
5 September 2012

### Summary of test results

The testing was performed over three tide states. High Tide Springs, Low Tide Springs and Low Tide Neaps. Due to the state of the sand and difficulty encountered, it was not thought necessary to include launching at High Tide Neaps.

**Spring Tides** are where the tide has the greatest range between high and low. The tide comes higher up the beach at high tide and lower at low tide. (High high tides and Low low tides)

**Neap Tides** are where the range between High and Low tide is less and so the water does not travel up the beach as far or travel down the beach as far. (High Lows and Low Highs)

### Summary:

High Tide (springs) was too rough to launch a trailer carried ski. The tide was over the bottom of the slipway but there was a severe lateral current (approx 4 knots) dragging on to rocks on to the Western side of the slipway. Sand was being scoured away and had created a sand bank and trough (approx 2-3ft deep) which would have needed to be crossed before entering deeper water for launching. Due to conditions and depth, launching was not possible.

Low Tide (springs) had a larger number of people active around the slipway and beach due to the time of the day. A vehicle was required to move the larger ski across the beach towards the water but manual assistance was required with a vehicle and sand ladders to move the vehicle and ski at the waters' edge due to extremely saturated sand and shingle. The recovery of the vehicle and trailer was difficult. Recovering up the beach the vehicle encountered several occasions when it sank into the sand and needed assistance.

Low Tide (neaps): Recovery was impossible for both stand up and sit down skis without use of a 4x4. Matting and manpower made recovery possible but extremely difficult. Use of a 4x4 in these conditions was essential and the operator would have to be fully aware of the vehicles behaviour in sand. The vehicle also required assistance on three occasions when it sank.

For the final two tests, weather and wave action was optimal and caused no issue to launching. If the weather had been worse (wave action or wind) this would also have had a serious impact on launching ability and ski/vehicle recovery. It was also noted that access across the road, pavement and beach was not ideal but would have been considered dangerous during peak times with larger numbers of pedestrians, cyclists and beachgoers.



## Agenda Item 17

**Cabinet**

**5 September 2012**

**AH**



### **Exemption from Contract Standing Orders**

### **Purchase of Mechanical Sweeper**

#### **Summary**

Exemption has been sought to purchase a Scarab Merlin XP Hydrostatic Mechanical Sweeper because there is only 1 supplier that can supply this particular Sweeper.

#### **Recommendation**

**That Cabinet waiver the competition requirements of contract standing orders to allow the purchase of Scarab Merlin XP Hydrostatic Mechanical Sweeper from Scarab Fayat Group for the reasons set out in the report.**

#### **a) Reasons for Recommendation**

We have used Scarab Sweepers for a number of years and are extremely happy with the product and servicing arrangements. Other suppliers (such as Johnston Sweepers) use different chassis, which cannot be serviced locally.

#### **b) Alternative Options**

To go out to tender to the 3 different suppliers, and maybe have to purchase an untested Mechanical Sweeper of which we have no previous experience, and have to travel outside of East Devon for servicing arrangements.

#### **c) Risk Considerations**

Fail to maintain a clean and safe environment because of an untested service support and build quality.

Increased costs associated with taking the sweeper elsewhere for servicing and increasing the downtime.

#### **d) Policy and Budgetary Considerations**

Our recommendations conform with Council policy and budgetary considerations – the money is in the Capital Fund for 2012/13

#### **e) Date for Review of Decision**

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## **1 Main Body of the Report**

We have looked at alternatives to the Scarab Mechanical Sweeper – namely Johnston Sweepers and Aebi Schmidt UK Ltd as they are both on our Standing List (resulting from an advert for Expressions of Interest placed during October 2011).

- 1.1 We believe that both alternatives have a lower payload than the Scarab Sweepers we currently use.
- 1.2 The supply of spare parts and servicing arrangements/support from other manufacturers is untested. Reports from other users suggest difficulty in obtaining Johnston parts.
- 1.3 Repair and servicing time is of the utmost importance. We do everything we can to reduce our sweepers down time. Untested support may mean greater time off the road.
- 1.4 Other manufacturers use chassis that cannot be serviced within East Devon area. Taking a Sweeper to Newton Abbot for warranty work will increase costs, travel time and down time. (Johnstons DAF Chassis are serviced at Newton Abbott, whereas Scarab Iveco chassis can be serviced in Exeter).
- 1.5 A quote we received previously from Johnstons for a comparative specification to Scarab Merlin Sweeper was over £2000 more expensive at £89k as opposed to £87k.

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### **Legal Implications**

Contract Standing Order 1.39 provides that a written specification and drawings shall be prepared for contracts over £50,000 and a minimum of 3 written tenders invited. Cabinet has power to waive this requirement where it considers it appropriate. Value for Money, fitness for purpose and servicing arrangements are all relevant factors in this decision.

### **Financial Implications**

This option would keep revenue costs down. The capital budget is available and the price, from a previous quote, appears to be competitive.

### **Consultation on Reports to the Executive**

### **Background Papers**

- none

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Andrew Hancock  
Streetscene Area Manager

Cabinet  
5 September 2012



## Agenda Item 18



**Cabinet**

**5 September 2012**

**Performance Report July 2012**

**Monthly Performance Report June/July 2012**

### Summary

Performance information for the 2012/13 financial year for June/July 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 improvement action for performance measures for the 2012/13 financial year for June/July 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.

#### d) Policy and Budgetary Considerations

None

#### e) Date for Review of Decision

Performance information is provided on a monthly basis. In summary all measures are showing satisfactory performance. There is one area showing concern:

### **Working days lost due to sickness absence**

In total, absence levels have increased by 46% compared with this time last year and if this trend continues this would mean our absence levels would increase from 8.19 to 9.6 average days per person per year.

Short term absence has increased by 19% but it is medium and long term absence where we have seen the most significant increases and it is these absences which are causing most concern in relation to our absence measures.

In July 2012, 18 employees were absent from work for medium (over 4 weeks and less than 2 months) and long term absence (over 2 months). The reasons relate to serious medical conditions including cancer, post-operative recovery, clinical depression and muscular-skeletal issues.

We are continuing to meet with managers monthly to review absence triggers and to ensure that we are actively managing all cases. This includes specialist input from Occupational Health regarding phased returns and working from home wherever possible.

We will continue to keep this measure under close review and SMT have been reminded to ask their line managers to pay particular attention to any increases in short term absence through return to work interviews.

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

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### **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 July 2012
  - Appendix B - The Performance Indicator monitoring report for the 2012/13 financial year for June/July 2012.
  - Appendix C – System Thinking Reports for Streetscene, Housing and Revenues and Benefits
  - Appendix D - Explanations and definitions.
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Mark Williams  
Chief Executive

Cabinet  
5 September 2012

## **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).”