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To: The Chairman and Members of the Cabinet  
Other Members of the Council for information  
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Heads of Service and Corporate Managers

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Cabinet  
Wednesday 3 October 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.

Should anyone have any special needs or require any reasonable adjustments to assist them in making individual contributions, please contact Diana Vernon (contact details at top of page).

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

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

### AGENDA Part A

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

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

2	To confirm the minutes of the meeting of the Cabinet held on 5 September 2012 as a true record.		6-17
3	To receive any apologies for absence.		
4	To receive any declarations of interest relating to items on the agenda.		
5	To consider any items, which, in the opinion of the Chairman, should be dealt with as matters of urgency because of special circumstances. Note: Such circumstances need to be identified in the minutes. ➤ If you wish to raise a matter under this item, please do so in advance of the meeting by notifying the Chief Executive who will then consult with the Chairman; and  ➤ If the matter is a key decision, and it has been impracticable to publicise it 28 clear days in advance [in the Forward Plan or otherwise] the Chairman of Overview and Scrutiny has been notified, with the reasons for the urgency being set out on the Council's website.		
6	To agree any items to be dealt with after the public (including the press) have been excluded. There are 4 items which Officers recommend should be dealt with in this way.		
7	To note the contents of the Forward Plan for Key Decisions for the period 1 October 2012 to 31 January 2013.		18-23
8	Matters referred to the Cabinet by the Overview and Scrutiny Committee for re-consideration in accordance with the Overview/Scrutiny procedure or budget and Policy Framework Procedure Rules under Part 4 of the Constitution. No items have been put forward.		
9	To note or take appropriate action in respect of the minutes of the meetings of the Housing Review Board held on: 6 September 2012		24-33
10	To note or take appropriate action in respect of the minutes of the Recycling and Refuse Partnership Board held on 19 September 2012		34-41
Part A Matters for Decision – Key decision			
11	Parking Services Operational Review	Environmental Health & Parking Services Manager	42-50
12	Strategic Car Park Regulations: Recommendations A-B Recommendations C-E Recommendations F-O Recommendations P-Z	Principal Estates Surveyor	51-57 58-64 65-70 71-76
13	Procurement Strategy 2012-2016 Plus Appendix – Strategy	Corporate Procurement Officer	77-94

## Part A Matters for Decision

14	Financial monitoring report – Month 5 August 2012	Financial Services Manager	95-100
15	Funding of Urban Design advice – Cranbrook Town Centre	Development Manager/Director – Exeter & East Devon Growth Point Team	101-104
16	Revised contaminated land strategy	Environmental Health and Contaminated Land Officer	105-107
17	Private Water Supplies - regulations	Private Sector Housing Manager	108-117
18	Performance Monitoring Report until August 2012	Chief Executive	118-119

**(Appendices summarising performance are available on the Council website with this agenda)**

Background Papers – listed within Part A reports with links to the documents on-line.

### 19 **Private meeting: Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.**

Notice is given of intention to hold this part of the meeting in private as required by the Regulations. The statement of reasons for meeting to be held in private, details of any representations received why the meeting should be open to the public in response to the '28 clear days notice' is already posted on Council's website, and the Council's response to the representations are set out against each agenda item below. Where it has been impracticable to comply with the private meeting notice procedures, the required agreement has been obtained from the relevant chairman or vice chairman that the meeting is urgent and cannot reasonably be deferred. Notice of this agreement, if relevant to this meeting, may be viewed on the council's website. The proper officer has excluded from public inspection the reports listed below because in his opinion they relates only to matters during which the meeting is likely to be a private meeting. The Local Government Act 1972 sets out the circumstances in which reports may be considered in private.

#### **The Vice Chairman to move the following:-**

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

PART B – Matters for Decision – Key Decisions

20	Elizabeth Hall Site – award	<p><b>Reasons for consideration in Part B:</b></p> <ol style="list-style-type: none"> <li>1. Para 3 Schedule 12A Information relating to the financial or business affairs of any particular person (including the authority holding that information).</li> <li>2. The report includes details of the preferred bidder and consideration will include tendered value.</li> </ol>	Richard Cohen, Deputy Chief Executive / Development Surveyor	120-123
21	Council owned workshop provision – Seaton App 1 – Industrial report (available electronically) App 2 – Colyford Road Depot Dev Appraisal App 3 – Sales Particulars	<p><b>Reasons for consideration in Part B:</b></p> <ol style="list-style-type: none"> <li>1. Para 3 Schedule 12A Information relating to the financial or business affairs of any particular person (including the authority holding that information).</li> <li>2. The report includes details of proposed land acquisition and disposal + related negotiations.</li> </ol>	Principal Estates Surveyor/ Economic Development Manager	124-132

PART B – Matters for Decision

22	To note or take appropriate action in respect of the confidential report of the meeting of the Seaton Regeneration Programme Board held on 17 September 2012	<p><b>Reasons for consideration in Part B:</b></p> <ol style="list-style-type: none"> <li>1. Para 3 Schedule 12A (as above)</li> <li>2. The up-date includes details of land negotiations, costs and funding.</li> </ol>		133-138
23	To note or take appropriate action in respect of the Members’ Office Relocation Working Party action – meeting of 12 September 2012.	<p><b>Reasons for consideration in Part B:</b></p> <ol style="list-style-type: none"> <li>1. Para 3 Schedule 12A (as above)</li> <li>2. The up-date includes budget information, negotiations with developers and alternative site options.</li> </ol>		139-144

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



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

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

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

**From Exeter – 52A, 52B**

**From Honiton – 52B**

**From Seaton – 52A**

**From Ottery St Mary – 379, 387**

Please check your local timetable for times.

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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, 5 September 2012

Present:

**Councillors:**

Paul Diviani (Leader/Chairman)  
Andrew Moulding  
David Cox  
Jill Elson  
Graham Godbeer  
Stephanie Jones  
Ian Thomas  
Phil Twiss

Also  
Present:

**Councillors:**

Geoff Chamberlain  
Deborah Custance Baker  
Alan Dent  
Christine Drew  
Steve Gazzard  
Steve Hall  
Tony Howard  
Stuart Hughes  
Douglas Hull

John Humphreys  
Ben Ingham  
Sheila Kerridge  
Frances Newth  
John O'Leary  
Geoff Pook  
Pauline Stott  
Tim Wood  
Eileen Wragg

Also  
present:

**Officers:**

Mark Williams, Chief Executive  
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  
Charlie Plowden, Countryside and Leisure Manager  
Steve Pratten, Relocation Project Manager  
Paul Lowe, Housing Development and Enabling Officer  
Diana Vernon, Democratic Services Manager

Apologies

**Councillors:**

Ray Bloxham  
Iain Chubb

**Non-Cabinet Members:**

Peter Bowden  
Graham Brown  
Derek Button  
Bob Buxton  
Vivien Duval-Steer  
Jim Knight  
Ken Potter  
Mark Williamson  
Tom Wright

The meeting started at 5.30 pm and ended at 7.26 pm.

\*41 Petition – Elizabeth Hall for the Community, Exmouth

**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”.

The Leader invited the petition organiser to address the Cabinet for 5 minutes on the subject of the petition – as required by the Council’s Petition Scheme.

In presenting the petition, Nichola King advised that there were 12429 signatures on the Petition. This was made up of 7856 Exmouth residents (EX8 Postcode) which represented 70% of the petition names. Other signatures were of residents from the surrounding area and frequent visitors from further afield. Nichola advised that most of the people consulted agreed that Exmouth would benefit from regeneration and wanted the Elizabeth Hall refurbished for the benefit of the Exmouth community and its visitors. The Hall was central to the community and was a prime fund-raising venue for charities. She said that the Hall was not surplus to requirements and the petition represented genuine local feeling and support for the facility.

The Leader thanked the petition organiser for her representation and the facts provided. He said that the issues raised would be taken into account during the decision-making process.

\*42 Public Questions

The Leader invited questions from the public present.

Dorothy Bruce of Exmouth referred to the town’s character and said that the Elizabeth Hall was its jewel. She said that the Hall had been neglected but remained beautiful and would benefit from restoration rather than destruction. She asked the Cabinet to listen to local opinion.

Goff Harris of Exmouth said that he had spoken with hundreds of people about the future of the Elizabeth Hall and that most wanted the facility refurbished as part of the regeneration of the seafront. He said it was a loved and treasured building. Its loss would impact on local fundraising. He said that the destruction of the Hall could not be justified and would be contrary to local feeling.

Tim Todd of Exmouth said that the Council had not provided all of the information to the local people which left the Masterplan and consultation flawed. He said that the consultees had been misled – he would make correspondence available to evidence this.

Geoff Morris, Chairman of the Exmouth Residents and Traders Association advised that the majority of people questioned favoured appropriate development that would enhance the town for the benefit of local residents and visitors. Disposal of publicly owned land was not supported. He asked to be involved with a SWOT (Strengths, Weaknesses, Opportunities and Threats) analysis which would highlight issues and help provide a clear basis for decision-making.

**\*42** Public Questions (continued)

Mike Fowler of the National Coastwatch Institution in Exmouth gave a brief outline of this organisation. Throughout the summer months members of the NCI are on duty every day and provide weekend cover over the winter. All members are trained and are volunteers. The Station is checked annually by the Maritime Coastal Agency and works alongside the Lifeboat and Coastguard services as a recognised facility. The Station is located in the tower of the Harbour View Cafe which provides a good view of the area. The Exmouth Service 'watches' the beach as well as the sea and has provided a valued service for many years. He advised that as part of the redevelopment of the Seafront, the future of the existing NCI facility was in doubt. He asked the Cabinet to help to make sure that the NCI would be able to continue its operations in Exmouth and to be included within the proposed redevelopment.

The Leader thanked the speakers and confirmed that the points raised would be taken into account during decision-making.

**\*43** Minutes

The minutes of the meeting of the Cabinet held on 11 July 2012 were confirmed and signed 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'.

**\*44** Declarations of interest

<b>Councillor/ Officer</b>	<b>Minute number</b>	<b>Type of interest</b>	<b>Nature of interest</b>
Jill Elson	41	Personal	Hospice Care Volunteer.
Frances Newth	49	Personal	EDDC appointed representative on the Manor Pavilion Theatre Management Steering Committee
John O'Leary	49	Personal	EDDC appointed representative on the Thelma Hulbert Gallery Advisory Forum
Phil Twiss	49	Personal	EDDC appointed representative on the Thelma Hulbert Gallery Advisory Forum
Graham Godbeer	60	Personal	Director of Exeter Science Park
David Cox	60	Personal	Shareholder of Exeter Science Park

**\*45** 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.

\*46 Forward Plan

Members noted the contents of the Forward Plan for the period 1 September to 31 December 2012.

\*47 Matters referred to the Cabinet

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

\*48 Minutes of the meeting of the Overview and Scrutiny Committee held on 26 July 2012

The minutes of the meeting of the Overview and Scrutiny Committee of 26 July 2012 were received.

Councillor John Humphreys confirmed that he had attended the meeting and that his name should have been included in the list of those present.

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

**Minute 11** The update on the office relocation project – further updates would be referred to the Committee as the project progressed.

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

**Minute 13** that the Council 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.

**RESOLVED 3: that the following recommendations be taken into account when the issue is raised later on the agenda:**

**Minute 11** (1) that the recommendations in respect of the Office Relocation Project be taken into account during consideration of this issue at agenda item 20 – EDDC Office Relocation up-date;

**Minute 15** (2) that the recommendations in respect of the Arts and Culture Task and Finish Forum be taken into account during consideration of this issue at agenda item 11.

\*49 Arts and Culture Task and Finish Forum – Key Decision

The Countryside and Leisure Manager presented the recommendations of the Arts and Culture Task and Finish Forum which had been endorsed by the Overview and Scrutiny Committee subject to minor amendment. He advised that one of the key outcomes had been the need for the Thelma Hulbert Gallery to be more involved with the local and wider community and to generate more income streams.

## \*49 Arts and Culture Task and Finish Forum – Key Decision (continued)

He advised that the Forum had recognised the opportunity to progress local work being carried out within East Devon Communities. The Forum had acknowledged the significant contribution made by arts and culture to the community and local economy and regarded the Manor Pavilion, Sidmouth as a positive example.

Councillor John O’Leary, Culture Champion and Chairman of the Task and Finish Forum spoke positively about the value of art and culture within East Devon and the need for the Thelma Hulbert Gallery to be run as a commercial business.

Councillor Phil Twiss, appointed representative on the Gallery’s Advisory Forum, believed that a more robust Forum was needed to drive forward a nationally recognised arts facility.

Councillor David Cox, Finance Portfolio Holder thanked the Task and Finish Forum for its work and the comprehensive and timely report. He believed that the lack of an effective reporting link between the Gallery and Council had meant that the Cabinet had not been kept fully informed. He emphasised that it was now vital to develop an income stream, establish a realistic business plan for a 2 to 3 year period with a tightly controlled and monitored budget. He doubted that the Gallery could achieve a revenue neutral position within 3 years but this should be the target.

Councillor Graham Godbeer, Economy Portfolio Holder fully appreciated the funding issues. He was very supportive of arts and culture and its value to the wellbeing of the community but recognised that the management of the Gallery needed to be more robust.

Councillor Douglas Hull, Member of the Task and Finish Forum said that the Forum had been very effective and that the officer reports had been clear and well presented. He spoke positively about the outreach programme and its benefit to the community.

Councillor Andrew Moulding, Strategic Development and Partnerships Portfolio Holder, had been proactive in supporting arts development over the years. He said that since the Council had taken over the Gallery, it had concentrated its efforts and budget on that facility to the detriment of district wide arts development.

The Cabinet accepted that urgent positive action was needed to address the Gallery’s on-going deficit position. The Cabinet wanted to see a turn-around in the financial position and that this should be evidenced within a year.

- RESOLVED:**
- (1) that the recommendations of the Arts and Culture Task and Finish Forum as supported (with minor amendments) by the Overview and Scrutiny Committee be referred to the Environment Think Tank with the Think Tank being asked to determine the membership and remit of an Arts and Culture Forum with immediate effect to focus on how to significantly improve the viability of the Thelma Hulbert Gallery, with an early report back to the Cabinet in November 2012;
  - (2) that the Environment Think Tank also consider the remit of the currently vacant Arts Development Officer post;

\*49 Arts and Culture Task and Finish Forum – Key Decision (continued)

- (3) that recommendations 1(a), 1(b), 2(a), 2(b), 3(a), 3(b), 4(a), 4(c), and 9 be approved as printed in the report.

**REASON** To urgently address the budget deficit of the Thelma Hulbert Gallery.

\*50 Financial monitoring report 2012/13 – Month 4 July

Members considered the financial monitoring report which gave a summary of the Council's overall financial position for 2012/13 at the end of month 4 (31 July 2012). Current monitoring indicated that:

- The General Fund Balance was being maintained at or above the adopted level.
- The Housing Revenue Account Balance will be maintained at or above the adopted level.
- There was sufficient Capital Reserve to balance this year's Capital Programme. However it was estimated that there would only be £1.866M available in the Reserve to support the programme from 2013/14 onwards.

**RESOLVED:** that the variances identified as part of the Revenue and Capital Monitoring process up to month four be acknowledged;

**REASON** To monitor the overall financial position of the authority at the end of month four – the decision reflected the inclusion of any recommended corrective action required for the remainder of the financial year.

\*51 Changes to the provision of Disabled Facilities Grant

Councillor Jill Elson, Sustainable Homes and Communities Portfolio Holder presented the report of the Private Sector Housing Manager which set out the changes to the provision of the Disabled Facilities Grant. Councillor Elson advised that an improved service would be provided in-house.

This mandatory grant work had been provided externally through the Home Improvement Agency as a cost effective option since 2001. This contract ceased in April 2011. New service delivery arrangements have been negotiated through the Council working with the County Council and Devon Care and Repair.

However the changes have put additional strain on the Private Sector Housing Team with the result of other mandatory housing work being delayed. Members were asked to consider the appointment of an additional Technical Officer, financed through the grant scheme. This appointment would help address the impact of bringing the disabled Facilities Grant administration in-house and open up opportunities for providing a better, more cost effective, customer focused service.

\*51 Changes to the provision of Disabled Facilities Grant (continued)

**RESOLVED:** that an additional Technical Officer to work on the new Disabled Facilities Grant (DFG) process funded from the grant budget be agreed.

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

Provision of DFGs is a mandatory function of the Local Housing Authority.

\*52 Shared ownership properties lease extensions

Councillor Jill Elson, Sustainable Homes and Communities Portfolio Holder presented the report of the Head of Housing in respect of a request from shared property owners (of properties where the Council has retained an equity share) for lease extensions.

**RESOLVED:** that Council shared ownership leases be extended when requested to do so – using the methodology set out in the report.

**REASON** In response to a request from the Council's shared property owners. The Council would apply a standard methodology that could be applied to all leaseholders in a consistent and fair way.

\*53 Affordable Housing – Local Authority Affordable Housing Grants

Councillor Jill Elson, Sustainable Homes and Communities Portfolio Holder presented the report of the Housing Development and Enabling Officer seeking approval to identify funding to 'pump prime' potentially affordable housing schemes in East Devon that were stalled or otherwise not financially viable. There had been significant reduction in funding through the Homes and Communities Agency and most had already been allocated until 2015.

Members were advised that relatively small amounts of funding could ensure that an affordable housing project was delivered. An annual budget of around £100,000 could help to facilitate the formation of twenty Community Land Trusts or help to start a number of stalled schemes with Registered Providers.

**RESOLVED:** that Officers be authorised to seek to identify suitable funding sources, including newly emerging funding streams, and create a Local Authority Housing Grant budget.

**REASON** To help unlock affordable housing schemes in areas of need within East Devon.

## \*54 Mamhead Slipway closure and future options

Councillor Phil Twiss, Deputy Environment Portfolio Holder presented the joint report of the Streetscene Manager, Senior Engineer, Principal Estates Surveyor and Beach Safety Officer. The report set out the reasons for the closure of the Mamhead slipway and the temporary and longer term options available. Councillor Twiss said that the Council now had an opportunity to provide a fit-for-purpose slipway.

Councillor Eileen Wragg had discussed Exmouth slipway needs with LEP experts who determined that a temporary slipway was essential. She outlined advantages and disadvantages of various sites with a view to a permanent solution.

Councillor Cox, Finance Portfolio Holder, advised that a fully costed business plan would help achieve the best solution.

Councillor Ian Thomas, Corporate Services Portfolio Holder said that the slipway provision should be considered holistically and that consideration should be given to a charging tariff similar to that used in other areas – use of the Exmouth slipways was currently free of charge.

Councillor Tim Wood, Exmouth Town Member Champion, said that a solution needed to be investigated as quickly as possible.

Councillor Andrew Moulding, Strategic Development and Partnerships Portfolio Holder advised that provision of adequate slipway arrangements had been included in the Exmouth Masterplan. The closure of the Mamhead Slipway had brought forward the need to address slipway provision. Temporary arrangements were not ideal and supported the need to achieve holistic short and long term solutions.

- RESOLVED:**
- (1) that, based on the advice from engineering experts, Royal Haskoning, the Mamhead slipway remains closed;
  - (2) that the immediate and necessary actions taken by officers to mitigate the adverse impact of the Mamhead Slipway closure be endorsed;
  - (3) that Richard Cohen, Deputy Chief Executive set up a small local consultation group to investigate the best option for temporary alternative slipway provisions with a costed long term solution based on necessary studies and consultations and funding strategy being referred to a future meeting of the Cabinet.

**REASON**

To minimise the negative impact of the closure of Mamhead slipway. Longer term consideration and detailed work is needed to investigate 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.

## \*55 Personal Water Craft (PWC) use in Exmouth – up-date report

This report of the Beach Safety Officer and Streetscene Manager was considered in conjunction with the Mamhead Slipway report (Minute 54 above). It gave an up-date on tests performed on launching and recovering craft from the Harbour View Slipway. The outcome of the testing showed that in its current state Harbour View Slipway was unsuitable for launching certain craft. Various options to address identified issues were explored. The report also provided an up-date on the progress of other actions from the report considered by Cabinet at its meeting on 7 March 2012. It also made recommendations for further investigation on how enforcement could be improved on the Exe Estuary.

Councillor Phil Twiss, Deputy Environment Portfolio Holder advised that a Civil Enforcement Officer had been installed on the seafront and had effectively defused local conflict between water users and local residents.

**RESOLVED**

- (1) that the results of the Slipway tests, which show that in its current state Harbour View is unsuitable for launching Personal Water Craft (PWC) at most tide states be noted;
- (2) that the Council thanks local PSW owners for their assistance and continues to work with them to educate other PWC users, noting the work done so far to help improve responsible PWC use;
- (3) that the use of semi-permanent track-way matting at Harbour View be not supported due to the costs and uncertainty over its suitability and other risks associated with the site but with Officers being asked to continue to look into other solutions;
- (4) that signage on Belshers (and Mamhead) Slipways be used to highlight 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) that a multi-agency working group be convened to further investigate enforcement options for the Exe Estuary regarding speeding PSWs and antisocial behaviour;
- (7) that, subject to further planning and investigation, a Mamhead Slipway redevelopment scheme be supported as the preferred long term solution with Officers continuing to investigate improving launch facilities at other slipways to encourage PWC users away from Belchers.

**REASON**

The launch testing at Harbour View slipway showed that the site was unsuitable for use by PWCs but efforts needed to continue to try to find a solution to encourage users away from Belshers and reduce anti-social behaviour of some PWC users.

\*56 Exemption from Contract Standing Orders – purchase of mechanical sweeper

Members considered the report of the Streetscene Manager seeking exemption from Standing Orders to purchase a Scarab Merlin XP Hydrostatic Mechanical Sweeper for reasons included within the report.

**RESOLVED** that exemption from Contract Standing Orders be granted to allow the purchase of a specified Mechanical Sweeper from the Scarab Fayat Group for the reasons set out in the report.

**REASON** The Streetscene service has used this machine for a number of years and found it satisfactory. There is only one supplier able to supply the particular sweeper and provide service locally.

\*57 Performance Management report June/July 2012

Members considered the report of the Chief Executive setting out performance information for the 2012/13 financial year for June/July 2012. The only measure raising particular concern was in respect of working days lost due to medium and long term sickness absence. The report set out actions being taken to address this increase and Members were advised that the measure would be kept under close review.

**RESOLVED** that the progress and proposed improvement action for performance measures for the 2012/13 financial year for June/July 2012 be noted.

**REASON** The monthly monitoring was to highlight performance and help identify any trends. Additional information to support this monitoring was provided on line – a monthly snapshot report and SPAR performance indicators and systems thinking measures in key service areas – Streetscene, Housing, Development Management and Revenues and Benefits.

\*58 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).

\*59 Office relocation – revision of budget to financial viability gateway

Members considered the report of Richard Cohen, Deputy Chief Executive and the Relocation Manager. Work undertaken to date included a refined task list with costings for the relocation project. Members were asked to approve the refined budget for the work needed to determine the viability of the possible office relocation.

Councillor Moulding, Strategic Development and Partnerships Portfolio Holder confirmed that the budget included a contingency fund and also the in-house client costs so that Councillors had a clear overall picture of budget expenditure.

Budgets now refined and realistic would be closely monitored.

\*59 Office relocation – revision of budget to financial viability gateway (continued)

- RESOLVED**
- (1) that the details of project spend to date be noted;
  - (2) that approval be given to an extension to the Office Relocation Budget to the Financial Viability Gateway up to the total set out in the confidential report to Cabinet.

**REASON** To satisfactorily continue the project through to the Financial Viability Gateway. The increased budget cost would be factored into the Council's overall commitment to a cost neutral outcome.

\*60 Office relocation project – planning advice – exemption from Standing Orders

Members considered the report of Richard Cohen, Deputy Chief Executive and the Relocation Manager seeking approval to engage an expert planning advisor to provide a range of advice in respect of the Outline Planning Application process relating to the office relocation project. The cost to be met from within the Transformation Fund allocated to the relocation project budget.

**RESOLVED** that the appointment of Bell Cornwell, Chartered Town Planners, up to the sum specified in the confidential report to Cabinet, to provide advice to the Council in its role as applicant for outline planning permission for development on the Knowle be approved together with approval (for the reasons set out in the report) of an exception to Standing Orders in respect of their appointment.

**REASON** The Council must have a clear separation between its role as planning authority and as applicant and landowner. To this end the Council needs to bring in its own planning adviser to assist through the process and provide reassurance that applicant planning issues, Planning Authority engagement, external challenges, and so on, can be addressed.

Exemption to Standing Orders was required to appoint the recommended advisors who had already been used on a short term basis.

\*61 Science Park – Shareholder Underwriting

The Head of Finance presented the report which set out details of the progress of the Science Park and sought Member approval as shareholder in the Exeter Science Park Company to commit to underwriting a proportion of the loan application, a share of any cost over-run on the construction of the Science Park Centre to a predetermined sum and to enter into a further agreement with the Exeter Science Park Company and other stakeholders to oversee the future long-term development and operation of the site.

\*61 Science Park – Shareholder Underwriting (continued)

**RESOLVED**

that the Council commits to:

- (a) Providing a guarantee to the Exeter Science Park Company to underwrite the loan sought from the Growing Places Fund up to the amount specified in the confidential report to Cabinet in proportion with its shareholding, on the understanding that all other partners commit funds on the same basis, and that should the monies be called upon, then reimbursement is expected to eventually be made through the development fund;
- (b) Underwriting a share of a contingency sum on constructing the Science Park Centre up to the amount specified in the confidential report be met, if required, from the Council's Capital Programme;
- (c) Entering into a further agreement substantially in the form set out in confidential Appendix B to the report with the Exeter Science Park Company and other stakeholders to oversee the future long-term development and operation of the site.

**REASON**

To meet the stated priorities of the Council. This is a critical stage of development of the Science Park which cannot go forward on the basis of private sector investment alone. Construction of the first phase of the Science Park Centre is seen as a vital catalyst to private sector investment and end use. To facilitate this development an application has been submitted to the Government's Growing Places Fund and a Stage 2 detailed bid has been invited. Growing Places Fund is being made available on an interest paying loan basis to the Science Park Company over a 14 year period. Guarantees are required from the partner organisations to underwrite this arrangement.

Chairman .....

Date .....

## EAST DEVON DISTRICT COUNCIL

### Forward Plan of Key Decisions - For the 4 month period 1 October 2012 to 31 January 2013

[In addition Key Decisions and other decisions which are proposed to be taken in a private meeting are identified to comply with the Local Authorities (Executive Arrangements)(Meetings and Access to information)(England) Regulations 2012).

**A public notice period of 28 clear days is required when a decision making body is to hold a meeting wholly or partly in private** This document includes notice of those matters the Council intends, at this stage, should be considered in the private part of the meeting and the reason why. Any written representations that a particular decision should be moved to the public part of the meeting should be sent to the Democratic Services Team [address at the end] as soon as possible.

Key Decision		List of documents to be submitted to Cabinet [so far as known at present]. Other documents may be submitted to the Cabinet in addition.	Lead Member	Lead/reporting 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)	Part A = Public meeting  Part B [private meeting] (and reasons)
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	Part A
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 (28 November 2012)	6 December 2012	Part A
3	Elizabeth Hall		Strategic Development and Partnership Portfolio Holder	Principal Estates Manager  <b>(RC)</b>	Regeneration Programme Board (September 2012) Cabinet (28 November 2012)	6 December 2012	Part B

Key Decision		List of documents to be submitted to Cabinet [so far as known at present]. Other documents may be submitted to the Cabinet in addition.	Lead Member	Lead/reporting 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)	Part A = Public meeting  Part B [private meeting] (and reasons)
4	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 ( 9 January and 30 January 2013) Council ( 20 February 2013)	21 February 2013	Part A
5	Honiton Community Centre – update		Strategic Development and Partnership Portfolio Holder	Richard Cohen, Deputy Chief Executive	Council (To Advise)	To Advise	Part A
6	Procurement Strategy - update		Procurement Champion	Head of Finance	Cabinet (3 October 2012) Council (10 October 2012)	11 October 2012	Part A
7	Colyford Depot Disposal		Economy Portfolio Holder	Head of Economy  <b>(RC)</b>	Cabinet (28 November 2012) Council (5 December 2012)	6 December 2012	?
8	Community asset register		Finance Portfolio Holder	Nick Wright	Cabinet (28 November 2012)	6 December 2012	Part A

Key Decision		List of documents to be submitted to Cabinet [so far as known at present]. Other documents may be submitted to the Cabinet in addition.	Lead Member	Lead/reporting 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)	Part A = Public meeting  Part B [private meeting] (and reasons)
9	Drainage Act		Portfolio Holder – Environment	Ed Freeman	Cabinet (28 November 2012) Council (5 December 2012)	6 December 2012	Part A
10	Information Management Strategy	<b>Corporate</b>	<b>Services Portfolio Holder</b>	Corporate ICT Manager  <b>(DL)</b>	Information Management Group Cabinet (9 January 2013) Council (20 February 2013)	21 February 2013	Part A
11	EDDC Relocation Progress Report		Council Leader	RC	Member Working Group (12 September 2012) Cabinet (31 October 2012) Council (5 December 2012)	6 December 2012	Part A?
12	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	Part A
13	Review of Car Parks		Environment Portfolio Holder	Andrew Ennis	Cabinet (28 November 2012) Council (5 December 2012)	6 December 2012	Part A
14	Private Sector Renewal Strategy		Sustainable Home and Communities Portfolio Holder	Head of Housing	<i>Sustainable Homes and Communities Think Tank Housing Strategic Partnership</i> Cabinet (31 October 2012) Council (5 December 2012)	6 December 2012	Part A

Key Decision		List of documents to be submitted to Cabinet [so far as known at present]. Other documents may be submitted to the Cabinet in addition.	Lead Member	Lead/reporting 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)	Part A = Public meeting  Part B [private meeting] (and reasons)
15	Seaton, Colyford Road – provision of additional Workshop Units		Economy Portfolio Holder	Head of Economy  <b>(RC)</b>	Cabinet (3 October 2012) Council (10 October 2012)	11 October 2012	Part B
16	Sidmouth Manstone Depot – provision of additional Workshop Units		Economy Portfolio Holder	Head of Economy  <b>(RC)</b>	Cabinet (31 October 2012) Council (5 December 2012)	6 December 2012	
17	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)	6 December 2012	?
18	Financial Strategy		Finance Portfolio Holder	Simon Davey	Cabinet (31 October 2012) Council (5 December 2012)	6 December 2012	Part A
19	CIPFA reports		Finance Portfolio Holder	Richard Cohen, Deputy Chief Executive/Principal Estates Surveyor	Cabinet (28 November 2012) Council (5 December 2012)	6 December 2012	Part A

Key Decision		List of documents to be submitted to Cabinet [so far as known at present]. Other documents may be submitted to the Cabinet in addition.	Lead Member	Lead/reporting 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)	Part A = Public meeting  Part B [private meeting] (and reasons)
20 9	Revenue & Capital Estimates 2013/14		Finance Portfolio Holder	Simon Davey	Cabinet (9 & 30 January) 2013 Overview & Scrutiny ( 16 January 2013) Council (20 January 2012)	21 January 2013	Part A
21	Younghayes Cetre, Cranbrook		Strategic Development and Partnership Portfolio Holder	Richard Cohen, Deputy Chief Executive/Principal Estates Surveyor	Cabinet (31 October 2012) Council (5 December 2012)	6 December 2012	?
22	Ottermill Sitchgear, Ottery St Mary		Economy Portfolio Holder	Richard Cohen, Deputy Chief Executive/Principal Estates Surveyor	Cabinet (31 October 2012) Council (5 December 2012)	6 December 2012	?
	<b>Other decisions to be taken in Part B</b>						

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, up-dated by the Local Authorities (Executive Arrangements)(Meetings and access to Information)(England) Regulations 2012 in determining the meaning of "significant" in (a) and (b) above regard shall be had to any guidance for the time being issued by the Secretary of State in accordance with Section 9Q of the 2000 Act (guidance).. 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 and the Regulations. 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 urgent key decisions to be made without 28 clear days notice of the proposed decisions having been published . A decision notice will be published for these in exactly the same way.

### **Obtaining documents**

Committee reports made available on the Council's website including those in respect of Key Decisions include links to the relevant background documents. If a printed copy of all or part of any report or document included with the report or background document is required please contact Democratic Services.

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 Team, Council Offices, Knowle, Sidmouth, Devon, EX10 8HL. Telephone 01395 517546  
14 September 2012

## EAST DEVON DISTRICT COUNCIL

### Minutes of a meeting of the Housing Review Board held at Knowle, Sidmouth on 6 September 2012

Present:

Councillors:

Pauline Stott (Chairman)  
Christine Drew  
Douglas Hull  
Jim Knight

Co-opted Tenant Members:

Victor Kemp  
Pat Rous  
Sally Lancaster  
Sue Saunders

Co-opted Independent Community Representative:

Rob Finch

Officers:

Sue Bewes, Landlord Services Manager  
Dennis Boobier, Housing Needs and Strategy Manager  
Amy Gilbert, Support Services Manager  
John Golding, Head of Housing  
Paul Lowe, Housing Enabling Officer  
Natasha Redfern, Information and Analysis Officer  
Giles Salter, Solicitor  
Alethea Thompson, Democratic Services Officer  
Mandy White, Housing Accountant

Also Present:

Councillors:

Jill Elson - Portfolio Holder for Sustainable Homes and  
Communities  
Stephanie Jones – Deputy Portfolio Holder for Sustainable Homes  
and Communities  
Geoff Pook  
Phil Twiss

Apologies

Co-opted Tenant Member:

Christine Morrison

Co-opted Independent Community Representative:

Julie Adkin

Councillors:

Steve Gazzard  
Chris Wale

The meeting started at 6.00pm and ended at 8.25pm.

\*19 Chairman’s announcements

The Chairman welcomed all those present to the meeting. The Chairman informed the Board that Independent Community Representative member, Julie Adkin had given her apologies until at least January 2013 as she was awaiting major heart surgery. She wished to remain on the Board and to be kept informed of the Board’s activities. Tenant member, Christine Morrison’s husband was ill and had also given her apologies. The Chairman circulated cards to Christine Morrison and Julie Adkin for members to sign and to be sent with best wishes on behalf of the Board.

**Sheltered Housing Task and Finish Forum**

The Chairman asked those present whether they would like to join the Sheltered Housing Task and Finish Forum, as there were currently two vacancies on the TaFF. Councillor Christine Drew and tenant member Sally Lancaster put their names forward.

**RESOLVED:** that the Councillor Christine Drew and tenant Sally Lancaster be appointed to the Sheltered Housing Task and Finish Forum.

\*20 Public question time

There were no questions raised by members of the public.

\*21 Minutes

The minutes of the meeting of the Housing Review Board held on 21 June 2012, were confirmed and signed as a true record.

\*22 Declarations of interest

<b>Board Member</b>	<b>Minute number</b>	<b>Type of interest</b>	<b>Nature of interest</b>
Jim Knight		Personal	His daughter lived in a Council owned property.
Jim Knight		Personal	Devon County Council Councillor
Rob Finch	29 & 33	Disclosable pecuniary	Employed by Devon & Cornwall Housing, which could potentially be in competition with EDDC.
Geoff Pook	31	Personal	Member of a Parish Council that was considering the possibility of setting up a Community Land Trust.

\*23 Exclusion of the public

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

\*24 Housing Review Board forward plan

The Head of Housing presented the forward plan. He had added a report from the South West Audit Partnership (SWAP) on the Housing Revenue Account Business Plan to be considered at the next meeting.

The Portfolio Holder for Sustainable Homes and Communities reported that she had written to Devon County Council (DCC) on behalf of the Halsdon Ward, Exmouth to try to arrange a meeting. Following the closure of Danby House and Exe Bank, adjacent properties (residential care homes owned by DCC) were experiencing significant antisocial behaviour and problems with vermin.

**RESOLVED:** that the forward plan be noted.

\*25 Standardised Tenants and Residents (STAR) survey results

The Chairman welcomed Peter Davies of BMG Research to the meeting. Mr Davies presented the results of the 2012 STAR survey. During the presentation he explained the methodology, some key findings and conclusions.

The presentation concluded that:

- Sheltered tenants were more satisfied than general needs tenants.
- Repairs & maintenance / quality of the home were the main priorities for both.
- Car parking was considered the biggest problem, followed by rubbish and litter.
- General needs tenants had more contact with the Housing Service than sheltered tenants,
  - but were less satisfied with the ease of getting hold of the right person and the helpfulness of staff,
  - activities for young people were most important to the general needs tenants.
- Activities for elderly people were most important to the sheltered tenants.

Compared with performance in 2008, for general needs, the following statistics were reported;

- Satisfaction with the overall service had increased by 2% (87% - 89%).
- Satisfaction with repairs and maintenance had increased by 3% (85% - 88%).
- Satisfaction with the neighbourhood had increased from 81% to 89%.
- Satisfaction with value for money had increased by 2%, up to 91%.
- The proportion of tenants contacting the Housing Service was lower, but the percentage finding it easy to contact the right person and the helpfulness of staff members had decreased. Satisfaction with the final outcome was up by 4% on 2008 to 80%.

To improve the satisfaction scores further the service needed to target those aged under 35, as this group was the most likely to express dissatisfaction. It was thought that this was due to the higher expectations of this group.

\*25 Standardised Tenants and Residents (STAR) survey results (cont'd)

The Information and Analysis Officer's report provided a summary of the STAR survey methodology and an overview of the satisfaction results that the survey provided the Housing Service. Overall the results were pleasing and showed an improvement (of two percentage points) on earlier STATUS survey results. The survey results would be used to improve services in areas where there was room for improvement and to learn from the messages being provided. The Head of Housing would report to the Board on service improvements as well as bringing some benchmark results to the Board.

The Board thanked the staff and tenant panels for working towards such high levels of tenant satisfaction with the Housing Service. The Head of Housing thanked the Information and Analysis Officer for her work on the survey results and gave his best wishes for her forthcoming maternity leave.

**RESOLVED:** that the results be acknowledged; that where high satisfaction was achieved, results would be celebrated, but where results were not so good, measures would be taken to improve satisfaction.

\*26 HRA financial monitoring report 2012/13 – month 4, July

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

Current monitoring indicated that:

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

It was reported that the Council hoped to complete the purchase of 11 homes in Morton Way, Axminster within the next few weeks.

The Board conveyed its thanks to all the staff concerned for such a remarkable achievement in such a short time.

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

## 27 Threats to future income

Consideration was given to the report of the Head of Housing which considered the threats to the Council's rent collection performance and tenants' ability to pay their rent as a result of the Welfare Reforms being implemented nationally. A risk assessment was set out in the report, together with a series of mitigation measures proposed to maintain high levels of rent collection.

Efficient rent collection was a core housing management activity and enabled the housing service to manage and maintain Council homes to a good standard. If rent collection faltered, the service's ability to do all the things it had planned would fail. Preparation was critical to being able to manage this process and limit the adverse impact on the Housing Business Plan and low income tenants.

Performance on rent management had improved over recent years, increasing to 99.65% in 2011/12. The rent arrears of current tenants was £146,728. The Systems Thinking purpose for rent management was 'for tenants to pay the right amount at the right time'. It was noted that approximately 60% of the Council's tenants were in receipt of full or partial Housing Benefit. The Welfare Reforms would have the most impact on working age households. Many claimants could experience a significant reduction in income. This would have a variety of impacts, including tenants' ability to pay their rent. Rent arrears that might increase would mean that tenants' homes were at risk, which in turn could lead to homelessness.

The threats to the Council's income stream from national policy changes included:

- Universal Credit (a combined benefit payment)
- Online applications
- Payment direct to tenants
- Bedroom tax for under occupation
- Single room rate for under 35's
- Local Housing Allowance set at 30<sup>th</sup> percentile rather than 50<sup>th</sup> percentile
- Affordable rents
- Localisation of Council Tax Benefit
- Supporting People budget pressures

Welfare Reform could have a major impact on the Housing Service's ability to realise its Business Plan ambitions, so it was important to prepare for the changes to support tenants through this period of economic difficulty. The Chartered Institute of Housing (CIH) had just launched a campaign to encourage social landlords to prepare for Welfare Reform prior to April 2013 when many of the changes would come into effect. The CIH had produced a checklist of things to do including:

- Use of tenant profiling information to assess the risks and impacts of welfare reform on tenants;
- Develop a strategy to mitigate potential risks to income streams;
- Communicate the impacts to affected tenants and prospective tenants. Reassure tenants that would not be affected. Communicate in plain jargon free language;
- Ensure that rent account and IT systems were fit for purpose and could deal with the changes;

## 27 Threats to future income (cont'd)

- Consider how frontline staff would be equipped with the skills and knowledge needed to support tenants;
- Review relevant policies and procedures specifically in relation to lettings, arrears, and financial inclusion;
- Plan how the Service will provide support, including any additional resources it might need;
- Liaise with other Registered Providers in the area and work together to improve mobility for tenants affected;
- Map out points in the area where tenants could access the internet for online claims.

A number of measures to maintain income were considered and discussed. Members were particularly concerned about the 'bedroom tax' for under occupation, which would affect over 400 EDDC tenants. The remedy would be for tenants to downsize, however the Council did not have enough of these properties available to meet demand.

Members then went on to discuss the practicalities of Job Centres Plus administering benefits in the future. The Board (and the Tenant Representative Group) expressed great concern over how this would work and the Portfolio Holder for Sustainable Homes and Communities updated Members on her discussions with Ministers.

It was reported that the Tenant Representative Group (TRG) had grave concerns about the effects the proposed Welfare Reforms would have on a great many tenants. They requested that the TRG and tenants as a whole be kept fully informed about the coming changes.

The Chairman thanked the rent collection team for achieving such significant rent collection figures. The Board thanked the Portfolio Holder for Sustainable Homes and Communities for all the work that she had done regarding changes to the benefits system and appreciated her huge amount of knowledge and dedication. In response the Portfolio Holder for Sustainable Homes and Communities thanked the Board and expressed her concerns over the rents in the private sector (due to high levels of demand) increasing faster than housing benefit. This in turn could lead to the Council having to move tenants already in suitable accommodation and the Portfolio Holder for Sustainable Homes and Communities gave an example of where this had already happened.

**RECOMMENDED:** that the Council recognises the risks to future income and implements the proposals to limit the adverse impact of welfare reforms on future income streams.

## 28 Devon Home Choice – changes to allocation policy

The Housing Needs Manager's report set out the outcome of the recent review of the Devon Home Choice Policy approved by the Devon Home Choice Board (DHC Board). It also took into account the recently published revised guidance for local housing authorities on the allocation of accommodation. In March 2012 Members approved a draft response to the consultation on the draft statutory guidance on the allocation of accommodation. The key changes to the allocation of social housing were set out in the report for Members' consideration. The report recommended that Members approved the changes to the Devon Home Choice Policy, already approved by the Devon Home Choice Board. A further review of the policy would be conducted by the Devon Home Choice Board in 12 months time.

The DHC policy clearly set out which applicants did and did not qualify for allocation of social housing. The DHC Board had recommended no change to the eligibility criteria.

The decisions of the DHC Board that needed to be reconsidered by the HRB were;

- Under occupation – all downsizers to be placed in Band B.
- Additional preference groups and priority – Armed Forces – removal of the need to meet the local connection criteria, and those that would normally be placed in Band D to be placed in Band C.
- Additional preference groups and priority – other groups – applicants who become foster carers or adopt to receive additional priority if they need to move to a bigger property to enable this to happen (to be placed in Band B).
- Policy on refusals – the Council could not review an applicant who refused a number of homes that they had bid for and been offered. If they continued to refuse suitable homes they would have their priority reduced to the No housing need band (Band E). The key issue was the 'number' of homes, although the wording allowed EDDC some flexibility.

**RECOMMENDED:** that the following Devon Home Choice Board decisions be approved:

1. All downsizers are placed in band B.
2. Applicants who formerly served in the regular forces who would normally be placed in band D "no permanent home" are now to be placed in band C.
3. Applicants who need to move to larger accommodation to become foster carers or adopt should have their application placed in band B.
4. The policy on refusals contained in the current published policy document at paragraph 4.12 of the report remains unchanged.

29 Development Statement for increasing Council housing stock

The report of the Housing Development and Enabling Officer advised the HRB of how the Council continued to increase its housing stock through new build and acquisition of homes, and sought Board support for the proposed approach. It was anticipated that the Development Statement would evolve over time as the Council's experience as a developer of affordable housing expanded.

As a result of the Housing Revenue Account reform earlier in the year it was hoped that a funding surplus would be identified so that a budget could be set, ensuring the continued delivery of new Council homes. If the Development Statement was adopted it would enable the Development Team to establish itself as a serious operator within the affordable housing sector in East Devon. This would help to increase the overall numbers of affordable housing delivered in East Devon.

Members discussed the formation of a virtual housing team, to review the development of Council own build projects and have the autonomy to make decisions quickly, as and when needed. The composition of the team was debated, with all in agreement that non-officer members of the team should come from the HRB. An amendment for an opposition Member of the Board to be included on a virtual housing team was put to the vote and lost.

**RECOMMENDED:** that the Development Statement be adopted and used as a basis of securing more Council homes through acquisitions and new build.

Councillor Douglas Hull asked for his vote against the recommendation to be recorded (a virtual housing team without a member of the opposition).

30 Equalities and Diversity Charter for housing

The Head of Housing's report reminded the Board of the importance of equalities and diversity in the Council's housing activities and outlined the contents of a new Charter published by the Chartered Institute of Housing. The Council was working towards many of the principles contained in the Charter which represented good practice in the housing sector. It was proposed that the Council 'sign up' and embrace the core commitments, building them into operational arrangements for service delivery.

**RECOMMENDED:** that the content of the Equalities and Diversity Charter for housing be approved and the Council sign up to formally adopt the Charter.

## 31 Garage Management Review – Task and Finish Forum

Consideration was given to the report of the Housing Needs and Strategy Manager which set out the outcome of the work of the Task and Finish Forum (TaFF) on garages. The Council owned 751 garages that provided a rental income of £430,000. There were more than 126 garages empty at a loss of £72,000 – 16% of total debit. Members of the HRB and officers undertook site visits to most garage sites in East Devon and considered whether the garages should be retained or an alternative use be made of the site.

Options for consideration included:

- The problems of monitoring and enforcing garage tenancies.
- The option of increasing the garage rent on an ad hoc basis when the garage was being used for storage purposes.
- Charging a small amount for spaces used for parking next to garages.
- To consider the opportunities on Council garage sites, as well as other Council owned land to mark out parking spaces and charge for permits to park in these.
- Whether garages should be sold immediately when their value was higher, or whether the Council should wait until repairs were required before selling them off (retaining an income stream in the meantime).

There were 83 blocks of garages, with a total of 751. The recommendations of the TaFF could be grouped into three main categories:

- Garages to be retained – usually in a satisfactory or good condition, or that had no development potential when major repairs were required.
- Garage sites that should be developed now or in the foreseeable future.

These were;

- Elizabeth Way, Seaton
- Summersby Close, Seaton
- Courtnay Drive, Colyton
- Plymtree
- Payhembury
- Prestor, Axminster
- Millwey, Axminster (A, B and C blocks)
- George Street, Honiton
- Garages site that should be sold on the open market. These were;
  - Peazen Flats, Beer
  - Eyewell Green, Seaton
  - Coombe Orchard, Axmouth
  - Higher Doatshayne, Musbury
  - Lashbrook, Talaton
  - Fairview, Honiton (large block)
  - Charles Road, Honiton
  - Turner Close, Newton Poppleford (2 x small blocks)
  - Moorhaven, Budleigh Salterton
  - Churchill Road, Exmouth
  - Salters Meadow, Sidmouth (2 x small blocks)
  - Farway

31 Garage Management Review – Task and Finish Forum (cont'd)

It was noted that the TRG supported the work of the TAFF, provided that the recommendations did not exacerbate the already problematic parking situation.

The Portfolio Holder for Sustainable Homes and Communities commended the TaFF for its excellent work, but felt that Ward Members should be asked for their comments, in addition to the TaFF recommendations. The Board felt that Councillors would be aware of the recommendations from reading the HRB report. However, Ward Members would automatically be consulted before any action was taken, with the HRB making final recommendations. The Portfolio Holder for Sustainable Homes and Communities reported that she would email all district councillors, highlighting the TaFF report and urging them to read it and take note of the recommendations.

It was suggested that an annual review of the recommendations in Annex A should be reported to members of the HRB.

- RECOMMENDED:**
- 1 that the recommendations contained in Annex A to the report be approved.
  - 2 that consideration be given to the issues at paragraph 2.2 of the report.

\*32 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).

33 Affordable housing – land adjoining the Knapp, Dalwood

The Housing Development and Enabling Officer's report set out a proposal to deliver a development of five new affordable homes on land that adjoined the Knapp, Dalwood. The Board's support was sought to dispose of a small parcel of housing land to a Community Land Trust, who would work in partnership with Yarlinton Housing Association to provide five affordable homes. Concern was expressed that the Council should not have to pay any of the conveyancing fees for this scheme.

**RECOMMENDED:** that the Council transfer a small parcel of EDDC housing land at nil consideration to the Corry Valley Community Land Trust on a freehold basis for the provision of affordable housing, with the understanding that the Council would expect its legal fees to be paid for by the purchasers of the scheme.

Chairman .....

Date .....

## EAST DEVON DISTRICT COUNCIL

### Minutes of a meeting of the East Devon Recycling and Refuse Partnership Board, held at Knowle, Sidmouth on 19 September 2012

Present:	Councillors: Iain Chubb – Portfolio Holder, Environment (Chairman) Phil Twiss – Deputy Portfolio Holder, Environment (Vice Chairman) David Cox – Portfolio Holder, Finance Steve Gazzard
SITA:	Rick Aldridge – Senior Contract Manager Steve Bell – SITA
Officers	Paul Deakin – Waste and Recycling Manager Andrew Hancock - StreetScene Manager Kaz Arnett – Waste Management Officer Alethea Thompson – Democratic Service Officer
Apologies:	Councillor Geoff Pook Councillor Roger Giles – Recycling Member Champion Cherise Foster – Customer Service Manager Paul Shipman – SITA group fleet manager

The meeting started 10.10 am and finished at 12.30 pm.

#### \*26 Minutes

The minutes of the Recycling and Refuse Partnership Board meeting held on 27 June 2012 were agreed and signed as a true record.

- 27 RSM Tenon Audit of Sita Waste Management Contract – Follow up  
Paul Shipman, SITA fleet manager was unable to attend the meeting and sent his apologies. He had been due to attend to explain and discuss the matter of vehicle recharges. He had submitted figures to the Waste and Recycling Manager regarding the breakdown of costs and these were circulated at the meeting. A meeting was needed to discuss these figures, as well as the tyre contract, before Paul Shipman presented figures for 2013 to the Board in November 2012. It was agreed that an interim meeting should be held between the Waste and Recycling Manager, Paul Shipman and Rick Aldridge. The Waste and Recycling Manager would submit an estimated figure for the increase into the budget process. A request was made for the actual number of tyres used to be included in the report.

The Board then went on to consider a report of the Waste and Recycling Manager which contained recommendations made by RSM Tenon, along with suggested responses. These were as follows:

27 RSM Tenon Audit of Sita Waste Management Contract – Follow up (cont'd)

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

Response:

This had now happened and the amount allocated in the accounts was as accurate as possible but due to the fluidity of the workforce where they changed from refuse and recycling may vary the cost a little.

It was noted that problems with reconciliation had occurred through the fuel supplier not regularly billing SITA, however this was being rectified by SITA chasing the fuel supplier for weekly bills.

2. East Devon District Council and SITA should agree a fixed monthly payment on the contract to minimise unusual charges caused by incorrect accruals. This would be reconciled on a quarterly or yearly basis to the actual cost

Response:

Whilst this may seem a reasonable option it was felt that it may mean that either SITA may either be short on their finance or EDDC may be cash financing the company when funds were not due to the contractor. Also any reconciliation would not be so easily evaluated due to the time delay in carrying that out and specific issues may be overlooked. This proposal should not be accepted.

3. East Devon District Council should be provided with a breakdown of the basis for the increase in fixed asset costs that was implemented in January 2012.

Response:

Figures had been provided to EDDC as they were required by Finance to ensure sign off of 2011/12 accounts.

The Group Fleet Manager from SITA had been due to attend the Board meeting to explain this situation and this had now been deferred until the next meeting.

4. A process should be put in place to agree any increase in costs such as maintenance or staff.

Response:

A process had been set up whereby SITA's Contract Manger would submit information to EDDC in November 2012 to highlight any increases in vehicle and maintenance costs for consideration. The date for implementation of any operational increases was 1 January 2013. With regard to staffing costs, these would be submitted to EDDC for consideration by the Board following a submission made to SITA by the recognised Trade Union. The date for implementation of any pay increases was 1 April 2013.

5. RSM Tenon recommended that East Devon District Council implement a performance management framework with SITA to drive continuous improvement.

Response:

This was subject to a report which followed this item on the agenda.

27 RSM Tenon Audit of Sita Waste Management Contract – Follow up (cont'd)

Members requested written information on how the fuel costs were accounted and SITA's contract manager agreed to provide this to the Board. It was also requested that a copy of the RSM Tenon recommendations and responses be included in the minutes.

- RECOMMENDED**
- 1 that the responses contained within the minutes be agreed and submitted to RSM Tenon.
  - 2 that SITA provide the Board with information on how fuel costs were accounted.
  - 3 that an interim meeting be held between the Waste and Recycling Manager, Paul Shipman and Rick Aldridge.

28 South West Audit Partnership final report

Consideration was given to the final report back on the South West Audit Partnership (SWAP) and agreed action plan. Risk 2.1b was discussed (the ability to cover for the absence of the Waste and Recycling Manager was limited). The Street Scene Manager reported that nothing was in place at present, but he would be discussing this with the Deputy Chief Executive Transformation and Systems Thinking. It was hoped that this would be added to the budgetary process in October. It was reported that Systems Thinking was looking at the work processes. They were almost at the end of the 'check' phase and as part of the 'redesign' process the ability to provide cover within the team would be looked at. Currently the Waste Management Officers did not have sufficient knowledge of all of the Waste and Recycling Manager's work. This was a weakness in the service. There was a need to share knowledge and put processes in place for cover.

It was agreed that an Assistant Waste Manager should not be appointed until more was known about what would happen with regard to an integrated Devon wide waste service. The Board did agree to continue to look at the work processes through Systems Thinking.

- RECOMMENDED** that an Assistant Waste Manager be not appointed at present.

29 South West Audit Partnership – Performance Framework and Business Continuity Plan

The report of the Streetscene – Waste Collection and Recycling Audit (by SWAP) and the RSMN Tenon forensic accounting report outlined various requirements to be established. These included the proposed Performance Framework and SITA's Business Continuity Plan. Consideration was given to both of these proposed documents, contained in the agenda. It was noted that these might have to be revised if the Council offices moved in the future.

- RECOMMENDED** that the Performance Framework be adopted subject to approval by SITA and EDDC's legal departments, with the Board seeing the agreement before it was signed off.

30 Side waste update

The Waste and Recycling Manager updated the Board on the issue of side waste and action taken. There had been a significant reduction in the number of letters being sent out. In the last two weeks 121 first letters had been sent out and no fourth letters had been sent out at all. Only 6 fourth letters had been sent out in total since the process had been implemented in February. Members requested that if there were any problems that Ward Members be involved. The Team was now dealing with households with multiple bins. Multiple bins would be removed, with the residents informed. It was hoped that this would reduce the amount of waste going to landfill. Waste reviews were carried out, whereby Waste Management Officers would review everything that a household was putting into the bin, and provided everything possible was being recycled, an assessment would be carried out.

On behalf of the Board the Chairman thanked the Waste Management Team for all the hard work they had put into the side waste issue, and requested that they be awarded with a staff bouquet in the next Team Brief.

**RECOMMENDED** that the Waste Management Team be awarded with a staff bouquet in the next Team Brief to thank them for all their hard work in relation to tackling the issue of side waste.

31 Assisted collections – disputed applications

The Waste Management Officer outlined to the Board a particular case where officers did not believe that an application for an assisted collection was genuine. Officers sought clarification on how they should deal with cases where assisted collections were not deemed necessary. It was requested that in exceptional circumstances, when dealing with a fraudulent request, that the Waste Management Officer would be able to ask for a doctor's letter from the applicant.

There were approximately 2500 assisted collections. Residents had to reapply bi annually. Officers were urged to involve Ward Members, who may have additional information on the household, before taking any action.

SITA reported that other authorities required households to provide further supporting evidence in disputed cases, such as a doctor's letter, or a waiver giving the council permission to contact the GP to discuss the issue. Steve Bell agreed to further investigate this waiver option.

**RECOMMENDED**

- 1 that Ward Members be involved in disputed cases of assisted collection.
- 2 that, in exceptional circumstances, Waste Management Officers be given authority to require more supporting evidence from residents in cases of disputed assisted collections.

\*32 Statistical information

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

There had been a reduction in the number of replacement recycling bins issued and this was thought to be down to improved use of the slave bin.

It was noted that the high wage cost in July was due to the two bank holidays in June.

It was reported that ICT were currently working on an in cab reporting system and that details on this would be reported at a future Board meeting.

\*33 Integrated Devon wide waste service

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

A Project Board meeting had been held on 29 July 2012. Work was being undertaken with gathering information to draw an initial outline case by December 2012 and a full business case by June 2013. The next meeting would be held on 25 October 2012. An officer meeting would be held on 3 October.

It was noted that the average savings with these types of partnerships was around 5-10%. EDDC and West Devon District Council were the only two authorities with contractors. All the other authorities provided an in house service.

34 Recycling of electrical items

Consideration was given to the Waste and Recycling Manager's report which outlined opportunities for residents in East Devon to recycle small electrical items and compact fluorescent lamps. He had been in discussion with WEECare which would provide a free service by providing bring sites at various existing bank locations. However, this could lead to a loss of parking spaces and therefore income to the Council.

An organisation called Recolight offered a bank system for collecting compact fluorescent light bulbs either by having a small container within buildings or larger banks at recycling sites. This was a chargeable scheme, with various options. If large banks were provided on site, then smaller boxes would be provided free and could be placed in EDDC and Town Council offices.

Members discussed where the recycling banks in Honiton should be placed, following the closure of Dowell Street car park in December 2012. The Waste and Recycling Manager agreed to speak to Car Park Services to discuss the options available for Honiton. It was requested that recycling banks should be placed in the Land of Caanan car park in Ottery St Mary and it was agreed that this be investigated and added to the proposed locations for these new recycling facilities.

The Board welcomed the introduction of recycling banks for both small electrical items and light bulbs. They agreed that the proposals should be put into the budget process for discussion, with a view to implementation in April 2013.

34 Recycling of electrical items (con'd)

- RECOMMENDED**
- 1 that the provision of small WEE (waste electronic and electrical) banks be provided through WEECare at the following sites:
    - a) Axminster Coombe Lane Car Park
    - b) Budleigh Salterton Lime Kiln Car Park
    - c) Exmouth Imperial Road Car Park
    - d) Honiton Lace Walk Car Park
    - e) Ottery St Mary Land of Caanan Car Park
    - f) Seaton Harbour Road Car Park
    - g) Sidmouth Ham Car Park
  - 2 that compact fluorescent bulb banks be provided at the same locations as above.
  - 3 that the sites be agreed with Car Park Services as additional banks would involve a loss of parking spaces and income.

35 WRAP benchmarks

Consideration was given to WRAP overall benchmark comparisons for kerbside dry recycling, kerbside residual waste, and household recycling and composting 2010/11. This gave the Board an overview of where EDDC was in comparison to other local authorities. Members were disappointed with the low performance figures for kerbside recycling of plastic bottles. However they were pleased with the figures for the percentage of waste that was sent for composting and felt that this should be presented to the public as a good news story, whilst at the same time encouraging them to recycle plastic bottles.

- RECOMMENDED**
- that the Communications Officer produce a good news story with the WRAP benchmarking results and at the same time encourage the recycling of plastic bottles..

36 Update on Otter Rotters

The Waste and Recycling Manager gave the Board an update on the Otter Rotters. They had had some issues with an ex-employee providing the public with malicious information. However they were fully staffed for collections. Their planning application had been refused so material was being taken to Hill Barton, which added time to the collections. The Otter Rotters had not been able to do as much expansion as they had hoped for due to the number of issues that they had encountered. The Board agreed that Otter Rotters should be invited to a future meeting to inform the Board of their activities.

- RECOMMENDED**
- that the Otter Rotters be invited to a future Board to provide an update on their activities.

\*37 Update from SITA

SITA's contract manager warned the Board of rising fuel prices. An increase of 1p would lead to an increase of £500 on the monthly fuel cost and therefore represented a significant cost to the account.

Due to the difficulty in employing HGV staff SITA had been enquiring about putting younger drivers on HGV courses through apprenticeship programmes. It was hoped that this would retain staff and increase interest from employees about their future with the firm.

38 Recycling an extended range of materials

SITA provided the Board with an update report on the options for collecting additional materials – cardboard and mixed plastics. This had been requested following the SITA presentation to the Board in May 2012. The proposal submitted in May was for the collection of cardboard and mixed plastics on alternating weeks (plastic bottles would no longer be collected weekly). Prices were also included for the alternative options of reconfiguring existing vehicles, separate cardboard collections and separate card and mixed plastics. SITA believed that the original option proposed remained the lowest cost option, although it would lead to confusion amongst the public. It was noted that the figures provided in the report did not include the provision of the bag required for the collection of additional materials. This would be a capital cost to the Council. There was an option for SITA to purchase these bags at a preferential price and add the cost as a service charge to EDDC (SITA would not make any profit).

Members agreed that one of the biggest issues for residents in East Devon was the recycling of cardboard and mixed plastics and felt that the Council must provide this kerb side service. The Board agreed that the cheapest option should be pursued through the budget process for the interim period of 3 years, until the current SITA contract expired in 2016. This would then enable the Council to take into account all the options in the future.

It was noted that material income (money made from recycling) and DCC recycling credits went back into the waste management budget and were used to offset the cost of the service provision.

**RECOMMENDED**

that an extended range of materials be collected kerbside for recycling, with the Waste and Recycling Manager producing a report outlining the proposals and costs involved, for inclusion in the forthcoming budget process. .

\*39 Communications update and call details

This item had already been covered earlier in the meeting. The Communications Officer would be informed of the 'good news' story relating to the Council's benchmarking performance with the amount of household waste sent for composting.

\*40 Any other business

The Waste and Recycling Manager reported that he was working out the schedule for Christmas and New Year collections. The end of the catch up period would be 12 January 2013.

\*41 Next meeting

**RESOLVED**

that the next meeting of the Recycling and Refuse Partnership Board be held on Thursday 22 November 2012, at 9am

Chairman .....

Date .....

# Agenda Item 11

Cabinet

3 October 2012

AE/smep



## Parking Services Operational Review

### Summary

In addition to a more strategic review of our car parking assets we have now carried out an operational review. We have identified a number of opportunities to make small changes in our operation that will improve the range of services on offer and at the same time will protect this important revenue stream.

### Recommendations

The following recommendations have been identified as ways in which we could make some relatively straightforward operational changes to the way in which we will manage our car parks next year. These are changes that can be implemented on a temporary and experimental basis. A more comprehensive strategic review of our car parking assets is being coordinated by the Principal Estates Surveyor and recommendations arising from that exercise will be presented to you separately after consideration by the Asset Management Forum.

- 1. Introduce a summer season half price tariff in Exmouth's under used long stay car park in Maer Road.**
- 2. Promote and manage the use of Maer Road car park for overnight parking by camper vans and motor homes (subject to obtaining any planning consent that may be required).**
- 3. Offer weekly East Devon car parking permits for sale through Sandy Bay and Ladram Bay to encourage holiday makers to visit Exmouth.**
- 4. Continue to restrict parking in all short stay car parks to a maximum stay of 3 hours.**
- 5. Carry out a review of permit charges.**
- 6. Introduce cashless payments in all pay and display car parks using a "start/stop" payment format.**
- 7. Modify the Parking Places Order to allow trading (but only by authorised or licensed traders) to take place in car parks.**
- 8. Modify the Parking Places Order to allow overnight sleeping in car parks in campervans and motor homes for a defined maximum stay.**
- 9. Remove the restriction that prohibits any vehicle from staying longer than 24 hours in any East Devon car park to enable long stay customers to park for more than one day at a time.**
- 10. Seek tenders for the 46 remaining Sidmouth town centre reserved parking spaces.**

**a) Reasons for Recommendation**

To respond to issues identified within the community, to seek to manage our parking assets in the best possible way and to protect the revenue derived from parking income.

**b) Alternative Options**

The car parking on offer throughout East Devon has grown and evolved over many years and there is a case for commissioning a comprehensive parking needs assessment combining both strategic and operational considerations.

This report makes no attempt to replicate that approach and it does no more than identify and evaluate a number of opportunities that should help us to better manage our parking services operations. The “do nothing” option clearly exists and must be viewed in the context of falling revenues over the last two years.

**c) Risk Considerations**

There will be risks associated with the proposed changes, in particular the suggestion that we should experiment with a half price tariff in Maer Road in Exmouth and the risks associated with the omission of any of the measures advocated by Sidmouth Chamber of Commerce. Rather than persuading people to park for longer or to use our car park in preference to other alternatives, the half price tariff may only displace existing customers from our full price tariff car parks with consequent further erosion of revenue income. In Sidmouth the costs and benefits of various charge scenarios are difficult to evaluate and with the exception of the cashless start stop option, the “do-nothing” at this stage is being proposed as the safest option for Sidmouth.

**d) Policy and Budgetary Considerations**

There are no policy or budgetary considerations.

**e) Date for Review of Decision**

October 2013

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**1 Main Body of the Report**

The Council's Principal Estates Surveyor has been working with the Asset Management Forum and is bringing forward a series of strategic recommendations relating to the future of our car park assets under the asset management programme. In parallel with that, the Environment Health and Parking Services Manager has been asked to consider what can be done operationally in the short term to protect or improve the revenue income being generated by these assets.

This report has been written within the broad context of the ongoing economic downturn, the work of the Vitality of High Streets and Town Centres TAFF, representations made by Town and Parish Councils, Chambers of Commerce and individuals.

The Council's public car parks portfolio currently amounts to 56 sites of which 43 are actively managed on a pay and display, permit or reserved bay basis and it is the ongoing management of these assets with which the remainder of this report is concerned.

The strategic value of these other car parks will be considered elsewhere.

## 2 Discussion - Responses

In the autumn of 2011 we wrote to all Town and Parish Councils and Chambers of Commerce seeking their responses to a number of questions concerning car park management from both an operational and strategic point of view.

The consultation responses are considered below alongside other operational factors:

### **Exmouth**

Exmouth Town Council has suggested that the parking meters on Queen's Drive need to be managed by one authority to save confusion and unnecessary fines.

They also advocate a simple cross East Devon Tariff to encourage tourists. (note there is already a 7 day permit allowing parking in any East Devon car park for just £21.00).

They also request the standardisation of long stay fees for summer/winter rates. (note: The fees are reduced in the winter because demand is significantly less. If the charges were standard throughout the year, they would almost certainly be closer to the summer charges than the winter charges).

Exmouth Transport Partnership has suggested that a number of changes could prove to be of benefit for the town's traders, residents and visitors whilst still protecting or even enhancing the important revenue income currently being derived from parking:

The Town Council suggested that long stay car parks could be made more use of and recommended a charge of just £2-£3 per day with no overnight fee. The Transport Partnership has called for a half price (50p per hour) tariff in low use car parks such as Maer Road car park. The Town Council would support this view noting that car park revenue has reduced so suggest the short stay charges be reduced equating to 50p per hour to reduce customer resistance. (note: the falls in revenue were resultant mainly from seafront car parks. The two short stay shoppers' car parks at London Inn and Imperial Road are very well used and the London Inn car park in particular is usually at full capacity most days during the peak hours. This would seem to indicate that the charges do not necessarily deter use of the town centre car parks).

1. Encourage the use of Maer Road car park for overnight use by camper vans and mobile homes
2. Offer weekly East Devon car parking permits for sale through Sandy Bay and Ladram Bay to encourage holiday makers to visit Exmouth

3. Remove the restriction that prohibits any vehicle from staying longer than 24 hours in any East Devon car park
4. Allow short stay parking in the main town centre car parks (London Inn and Imperial Road) to be extended to 4 hours from 3 hours (to enable shoppers to spend more time exploring Exmouth's range of shopping facilities)

Budleigh Salterton Town Council requested pay and display machines where drivers can pay by the hour or for 30 minutes with a minimum of 50 pence being preferable. This is now in operation in most East Devon pay and display car parks.

## Sidmouth

Sidmouth Chamber of Commerce and Sidmouth Town Council have both made a number of suggestions as to how the Council's off-street parking offer could be improved for the benefit of the town:

The Chamber of Commerce has described the perception of our car parks as "...desolate areas of uniform tarmac that are simply a cash cow for the local authority..." If this is correct, we need to try to change this perception. It is common ground that Sidmouth's car parking offer needs to be seen as part of the town centre shopping experience.

The Chamber has recognised that there are difficulties in accurately presenting and interpreting car park use data particularly in respect of spaces occupied by permit holders and has called for a "...degree of experimentation..." in terms of our current charging regimes.

They add that they "...cannot stress too strongly that this is not a case of the Council's finances versus the traders' aspirations. We are convinced that many of our proposals will achieve increased income for the Council and for business..."

They comment on the last district-wide price increase in 2010 and claim that it was almost exclusively responsible for a significant decline in car park usage and, by extension.

"...East Devon's loss of customers and business..." adding to this anecdotal evidence from Sidmouth traders who have "...reported a big increase in complaints from visitors concerning car park charges, often saying how much cheaper things were in their locality. One local camp site operator confessed that he felt obliged to tell visitors that parking in Lyme Regis was much cheaper than in Sidmouth when they requested suggestions for how they should spend their day..."

They conclude by stating:

"...car park charges in East Devon have reached a tipping point: any increase in charges would produce a corresponding drop in usage. In other words, increasing charges would bring no benefit to the EDDC budget, and would cause considerable damage to our town centre economies..."

Our consultation asked the Chamber of Commerce a number of specific questions and their response has been formulated by a number of contributors including 54 businesses who all completed the questionnaire and they present the responses on the basis that they are "...very likely to be representative of business opinion in the town..."

The full report is available on request but their recommendations are summarised below:

Should the short stay parking restriction stay as 3 hours maximum stay or could it be increased to 4 hours?

The Chamber is clear in its view that an increase would be extremely popular for traders and they also claim that our revenue income would rise by perhaps £20,000.

Should there be a pay and display system in operation at the Manor Pavilion?

The Chamber concluded that there is no logical reason for charging at Manor Road whilst offering free parking at the Manor Pavilion, and 66% would support this operational change provided there is a double ticketing arrangement for customers of the Manor Pavilion, as any disincentive to use the facility is very undesirable.

We have been advised by the Town Council that there is a perception in the town that the charges in Manor Road remain the same throughout the year. In fact, during the winter, charges are reduced from 1 November to 31 March. In the winter months the Chamber of Commerce recommend that collecting parking fees in Manor Road is "...a very inefficient way of raising revenue..." and they suggest that Manor Road should be made free from 1 November each year with charging starting again on 1 March the following year, adding that the offer of free parking in Sidmouth would also appeal to shoppers, especially in the run-up to Christmas, and could stimulate considerable extra business.

Finally, the Chamber strongly advocates the introduction of a dedicated summer shuttle bus operating between the Manor Road car park and the seafront. They estimate the cost of providing the shuttle at £26,000 per year but suggest that they would anticipate "...a significant increase in usage..." although they acknowledge some uncertainty over displacement from other paying car parks. They conclude that:

"...the cost of running the service might be completely offset by the increased revenue from the car park. More realistically, the required 'subsidy' might be somewhere in the region of £5-10,000."

## **Axminster**

In response to the consultation there was support from Hawkchurch Parish Council for offering double ticketing to enable local businesses to refund their customers parking charges. We understand that an informal customer parking refund arrangement is currently in place at the CO-OP but we have also investigated the feasibility of introducing double tickets into the machines in West Street car park.



Our initial enquiries suggest that the additional cost to the Council of simply purchasing the extra tickets required has been estimated on the basis that we currently buy around 3 million tickets per year at £0.00405 per ticket issued (£4.05 per 1000) to service all of our car parks and in recent years we have sold a little over 120,000 tickets per year from the West Street short stay machines, so the estimated cost of this initiative in broad terms would be around £500 per annum.

## **Honiton**

In response to the consultation, Honiton Town Council suggested that Silver Street car park is underused. However, the development of the new Community Centre on the site of the existing Dowell Street car park is due to start in January 2013. With no on-site parking available throughout the construction phase, which we expect to be the majority of 2013, the use of Silver Street may well increase.

The Town Council also suggested that some local businesses would take up an opportunity for discounting car park costs against purchases in their shops. They also long stay parking represented good value for money but thought that permits should be better advertised. They felt that our information boards are currently confusing. The Town Council also stated that they would welcome the opportunity to supply weekly car park permits as well as the local tourist information centre. Finally, we are asked to consider whether free of charge parking days could be introduced on “down days”.

## **Ottery St Mary**

The Town Council queried how many coaches use the car park as they were concerned about the charges. At present, it is claimed that coaches tend to use Otter Nurseries rather than the car park. Could this be related to the charges or the facilities available at Otter Nurseries? Both Payhembury Parish Council and Ottery St Mary Town Council would support the Council in making coach parking free.

## **Permits**

East Devon’s parking permits are currently among the least expensive in the county. They are also valid for use in a number of car parks so it is actually very difficult to accurately estimate the extent to which any one car park is being used by permit holders and therefore difficult to accurately estimate the true revenue income being earned from each individual car park.

It is proposed that we should begin a review of the way in which we sell parking permits and we will now open up a short period of consultation with existing permit customers to better understand the way in which they currently use their permits and to assess the impact of any review.

In principle I will be suggesting that permits will be valid only in a specified car park or specified car parks and that the permit cost will be a function of the actual pay and display income currently being generated per space in the car parks in which it allows the holder to park. The permit will continue to offer regular customers a cheaper alternative to pay and display but is likely to generate significant revenue.

In 2011/12 we sold 6744 permits generating a net income of £401,500. Pay and display is generally charged at £1 per hour. The cost of an annual permit for one area is only £109 which in pay and display terms is just over £2 per week. For an extra £1 per week customers can extend this to enable them to park in every car park in East Devon. This provides an opportunity for further revenue generation in 2013/14.

It is currently possible to purchase a permit for a period of either six or twelve months and there is a very significant peak in demand each spring, primarily from repeat customers buying a like for like replacement for the coming season (April to September) or year. It is therefore proposed that from 1 April 2013 customers will be offered the option of purchasing their seasonal or annual permit with a validity extending into a second and third year. The advantages to the Council are the likelihood of increased revenue in 2013/14 along with a significant reduction in the admin burden with lower postage and printing costs. The benefit to the customer is a guaranteed “no price increase” in 2014 and 2015.

### **“Cashless” Payment Options for pay and display car parks**

Payment by mobile phone has now become established as an inexpensive way of offering our customers flexible cashless payment options. The competition that has emerged in the market has now begun to drive down the set-up and operating costs to the extent that we are now recommending that East Devon enters into a contract with a mobile phone payment service available for all pay and display car parks. There are a number of options but the one that offers most flexibility to visitor and shoppers is the “start-stop” option currently being offered by [Parkmobile](#). This will effectively allow our customer to use our existing pay and display car parks as they would a “pay on exit” car park, right up to the maximum stay period for that car park as defined in our Parking Places Order. Customers start their parking session on arrival and end their session when they leave. They are then charged according to the current tariff for precisely the amount of time they have used. If they wish to stay for the maximum permitted period they do not need to “end” their session and the computer ends it automatically and debits the maximum daily charge from their account. The collection costs amount to around 2% of revenue which compares favourably with costs associated with ticket machines and coin handling. Unlike pay on exit there are no initial infrastructure costs.

### **Motor homes and Campervans**

The representations suggesting that overnight sleeping in motor homes and campervans could be accommodated in Maer Road car park could be equally relevant for other coastal long stay car parks. It is suggested that if successful in the first year, we could then explore the option that some of these facilities might be developed into a fully serviced option with electric hook-ups, water supply, sewage pump out and on-site showers and toilets on offer in future years.

### **Allowing “trading” within our car parks.**

We have had a number of approaches from small local enterprises seeking to acquire a “car washing” concession to offer car wash/valeting services to our car park customers.



The existing East Devon Parking Places Order prohibits such activities, in fact prohibiting any vehicle from entering any car park for any purpose other than to park their car within it.

### **Reserved Parking in Sidmouth**

Following the recent sale of the small York Street car park and the development of the Northcotts car park, the number of town centre reserved parking spaces in Sidmouth has now gone down from 73 to 46. All 46 remaining spaces are currently let on licences for a fee of £480 per year to residents (£960 to non-residents). More than 50 people, some of whom were recently displaced from the Northcotts car park are now on the waiting list for one of these premium spaces. In the town centre we provide a further 340 short-stay and over 300 long-stay spaces in off street car parks for pay and display and permit holder customers. The issue was discussed at Asset Management Forum on 12 July where it was agreed that mindful of the revenue income currently being generated in the nearby Ham car park from pay and display customers (over £1400 net per space per year), there is now an opportunity to review the allocation and charging regime for these spaces. The suggestion is now that we now give notice to existing customers and formally invite tenders from persons interested in the remaining 46 spaces with a recommendation that tenders should be of a minimum value of £1500 per space.

### **Maximum stay in short stay car parks**

Representation from both Sidmouth and Exmouth have advocated an increase in the maximum permitted stay from 3 hours to 4 hours. This is based on both anecdotal evidence from businesses suggesting that customers have said they have to leave because their parking ticket is about to expire along with informal inspections revealing that car parks have spaces available during the afternoons. Both of these observations are not disputed but the availability of some spaces is clearly beneficial to the town and the risk of blocking these spaces by longer stay customers increases in proportion. Finally, experience elsewhere suggests that all day parking by people working in the town is possible with a 4 hour maximum stay, enabling cars to be move from one short stay car park to another during lunch breaks whereas the 3 hour restriction is more likely to encourage all day customers to use long stay alternatives.

### Legal Implications

There are no specific legal implications contained within the report however Legal Services is currently reviewing changes to the Parking Places Order with the Environmental Health and Parking Services Manager and these will be reported at a later date.

### Financial Implications

The financial implications are contained within the report, with the exception of;

Recommendation 1 – Introduction of the summer season half price tariff may see an increase in revenue, but adversely a reduction.

Recommendation 2 – The use of overnight parking for Camper Vans & Mobile homes will possibly see an increase in revenue, though this may be off-set by the additional staffing costs to monitor the car parks overnight. Currently there is no provision in the budget for such costs, and it would be subject to the Special items process for 2013/14. If this is successful the possibility of providing shower & toilet facilities etc in these car parks, would require the Capital Bids process.

Recommendation 5 – Review of parking permit fees will require additional comments at a later stage.

Consultation on Reports to the Cabinet

SMT

All Town/Parish Councils

Chamber of Commerce

Exmouth Transport Partnership

Asset Management Forum

Background Papers

[Car Parks Review](#)

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Andrew Ennis – ext. 1583  
Environmental Health & Parking Services Manager

Cabinet  
3 October 2012

## Agenda Item 12a

Cabinet

03 October 2012

12/1207



### Asset Management Plan Delivery

#### Car Park Review (A-B)

##### Summary

The Council's Corporate Property Asset Management Plan 2009-12 provides that a car park review be undertaken. The Off Street Car Parks Review (the Review) sets out information relating to all aspects of the Council's car parks.

Please note that these recommendations relate only to strategic asset holding and not operational aspects such as parking charges or payment options. Operational implications of the Review will be reported to Cabinet at a later date. Owing to the number of car parks in the Council's ownership, the recommendations will be made in a series of reports taking blocks of towns and villages in alphabetical order. This report will include Axminster, Beer, Budleigh Salterton and Broadclyst.

##### Recommendations

- 1. That Axminster Town Council is invited to identify possible opportunities to acquire sites to increase car parking available in the town, make proposals to improve arrangements for coach parking, and propose a signage plan in liaison with the District and County Council.**
- 2. That the Principal Estates Surveyor be given authority to enter into and conclude negotiations with the Co-op to secure a fee for advertising signage installed at West Street Car Park, Axminster.**
- 3. That the underused coach parking spaces at Poplar Mount Car Park be converted to 5 car parking spaces.**
- 4. That the Principal Estates Surveyor be given authority to negotiate and conclude the disposal of the Victory Hall Car Park at Broadclyst to the Parish Council in consultation with the Portfolio Holder Economy.**
- 5. Renew the lease held by Budleigh Salterton Town Council on Upper Station Road Car Park based on a commercial rental level.**

##### a) Reasons for Recommendation

The reasons for making the recommendations are set out in the Off Street Car Park Review 2010/11 and in the main body of this report.

##### b) Alternative Options

Not to accept the recommendations of the Asset Management Forum.

### **c) Risk Considerations**

The risks are set out in the Review and main body of this report.

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

The Asset Management Plan provides a strategic overview for the Council's use of property. To ensure that the Council can be confident in good practice, many of the initial tasks set out the plan relate to a review of its existing stock so that a greater understanding around the reason for holding property assets, their costs, income generation and their contribution to the Council's priorities and objectives, can be better understood. The Car Parks Review is part of the delivery of this Plan.

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

June 2012

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

- 1.1 The Off Street Car Parks Review (the Review) sets out issues around operational matters as well as more strategic matters, along with a catalogue of car parks in the Council's ownership. This work has been carried out in consultation with the appropriate Town and Parish Councils and was considered by Overview & Scrutiny in October 2010 and subsequently by Cabinet.
- 1.2 Further consultation has been undertaken with the Town and Parish Councils and Chambers of Commerce in 2011. Feedback from the consultation, together with additional investigation on particular sites, has led to the following recommendations being agreed by the Asset Management Forum.
- 1.3 It is no longer financial viable for the Council to continue to subsidise free car parking provision. Therefore where Town and Parish Council's have made a representation for the continued provision of free car parking and where it has been made clear that the implementation of charging arrangements would not be supported, the recommendation will be to dispose of the asset to the relevant Town or Parish Council. These organisations will then be in a position to raise whatever precept is necessary to manage and maintain these car parks adequately.

## **2.0 Axminster – (page 52-53 of the Off Street Car Parks Review)**

### **2.1 West Street Car Park**

- 2.2 West Street car park is the largest town centre car park in Axminster with some 122 pay & display parking spaces plus seven lock up garages producing a further £2,100 per annum rental income. The car park is held by way of the freehold title with a restrictive covenant that it shall ...not be used for a petrol filling station or garage. The land is also subject to a vehicular right of way to the adjacent supermarket. The car park has a site area of 1.323 acres (including the public toilets).

The Town Council advised that this car park is used by people visiting the Axminster Medical Practice and the need to pay for car parking to visit the doctor's surgery can be distressing for some patients.

The Town Council also suggested a one way circulation realignment of the car park.

### **2.3 South Street Car Park**

2.4 South Street car park is a town centre shoppers' pay & display car park with some 36 spaces.

The 0.232 acre site is surrounded by other town centre commercial development including the former derelict 'Websters Garage'. The Council has entered into an agreement to facilitate a comprehensive redevelopment which would incorporate replacement car parking provision.

### **2.5 Coombe Lane Car Park**

2.6 Coombe Lane long stay car park has 87 pay & display parking spaces. This car park enjoys a special low tariff of 50p for 1 hour, £1.00 for 2 hours and £1.50 for up to 24 hours. The 0.507 acre site is held by way of the freehold but is subject to a vehicular and pedestrian right of way to the adjoining Coombefield Veterinary Hospital.

### **2.7 Poplar Mount Car Park**

2.8 Poplar Mount car park is a pay & display car park with 72 space. The 0.509 acre site is held freehold and is subject to vehicular rights of way to Oak House and the Council owned Poplar Mount flats. The car park is accessed via an access way from Chard Road and has no road frontage.

### **2.9 Other issues/Options raised by Axminster Town Council**

2.10 Additional car parking is required in the town.

2.11 An accessible coach park is required. The Poplar Mount car park is supposed to make this provision but is not used by the coach operators as it is difficult to access. At present, they tend to go to a lay-by at Trinity Square. In addition, the railway car park has now been redesigned so that there is no parking for coaches. Could a slip way to the side of Coombe Lane car park be incorporated (in) and then out to Musbury Road?

2.12 The Flamingo School car park is currently used on weekends and non-school days.

2.13 The signage directing traffic to car parks is not good. Could this be improved? (Would also be good to indicate how many spaces are available in each car park). Big P's with arrows at high level (rather than bumper level) may be more useful.

2.11 Considered that a lot of people are not aware of what is covered within the permits available and wonder if EDDC should advertise better. The Chamber of Trade may be a good forum through which to highlight availability. In addition, perhaps the weekly permits available for visitors to the area could be advertised by way of leaflets at various accommodation providers.

### **3.0 Beer (Page 54-55 of the Off Street Car Parks Review)**

#### **3.1 Beer Cliff Car Park**

3.2 Beer Cliff car park is a pay & display seasonal, grass cliff-top car park accommodating 300 vehicles. The car park has an area of 4.219 acres and is held freehold subject to a covenant that ...the land shall only be used as a car park and shall be kept as an open area with no buildings (other than a public convenience or attendant's hut). This car park is underused in the winter owing to its location but is free between November and March.

#### **3.3 Coach Park**

3.4 The Coach Park at Beer is currently the subject of an asset transfer to Beer Parish Council at no charge.

#### **3.5 Dolphin Car Park**

3.6 The Dolphin car park is the main central car park in Beer with a site area of 1.17 acres and 230 spaces. This car park is heavily used all year round and is an essential asset for Beer. The car park is held freehold but is encumbered in part by South West Water below ground sewers and tanks. There is also a legal right of access to the Doctor's surgery.

The Parish Council have confirmed that this is a very well used car park – by visitors during the day particularly in the summer, and at night by the residents. However, the Parish Council would not support any decking of the car park to increase capacity.

#### **3.5 Other issues/Options raised by Beer Parish Council**

3.6 The coaches drop off in the town and then park in the Coach Park. Some also park in the Causeway drop off point. Recommend status quo.

3.7 The Parish Council have previously discussed the possibility of getting rid of double yellow lines. This has never been taken further with Devon County Highways.

3.8 The Parish Council have considered the problem of short term parking availability but have not been able to identify any possible addition bits of land that could be used.

### **4.0 Broadclyst (Page 34 of The Off Street Car Parks Review)**

#### **4.1 Victory Hall Car Park**

4.2 This car park is the only car park owned by the Council in the village. The 0.32 acre site is held by way of freehold interest but is subject to a restrictive covenant, for the benefit of the National Trust, that it shall not be used other than as a public car park and that no buildings are erected on the land.

The Parish Council has advised that the 41 spaces are used by visitors to the Victory Hall (owned by the Broadclyst Parish Council) together with patients using the Doctors' surgery and the Clyst Caring Day Centre (volunteer staff and car drivers bring/collecting people). In addition, the car park is

used by parents taking and collecting young children at the primary and preschool. The Parish Church has no parking on site and the car park is therefore used by the congregation. At night, the car park is used by local residents as there is no safe on-road alternative for over-night parking.

The Parish Council estimates that between 150 and 200 cars use the 41 parking spaces weekdays in term time and that between 8.45 am and 9.30am it could be filled twice over. At present, in addition to the main car park, there are 7 public spaces in the small National Trust car park which is designated specifically for the village post office/shop and for users of the public toilets. The Parish Council has been working with National Trust and Devon County Council to look at opportunities for additional car parking spaces at peak school start/finish times, but pedestrian safety issues remain unresolved and these discussions are now on hold.

Although the car park could potentially derive a small revenue income (estimated at £4,961 per annum), at an estimated running cost of £150 per space of £6,150 per annum plus the cost of installing a ticket machine at £4,500, the implementation of pay and display would not provide a net revenue income.

In addition, the Parish Council have looked at the use of the car park in some detail and it is clear that the car park being available for parents picking up and dropping off children at no charge/ without having to spend time buying tickets is of great community benefit in terms of safety of local residents and the children attending the schools.

However, while the Parish Council has put forward a strong case to have the car park remain free of charge, they are not prepared to assist in the running costs. The Parish considers that having taken over the maintenance of the public toilets in the village, no further financial burden should be paid for through the precept.

#### **4.3 Other options/issues raised by Broadclyst Parish Council**

4.4 In addition, parking and traffic safety problems also occur at the other end of the village around Clyst Vale Community College during drop off and collection times. The small council owned residents' car park (for Woodbury View) nearby, is oversubscribed owing to the extra homes that have been built let alone absorb any additional car parking.

4.5 The Parish Council welcomes the new information sign in the car park for its clarity. The renewed signs for the disabled 'blue badge' parking spaces, along with the ground markings have been much appreciated.

4.6 Existing signage directing traffic from the B3181 into the car park often suffers from overgrowth of greenery and is not as obvious as it could be from both directions. The Parish Council have requested that Devon County Council Highways review this issue.

## **5.0 Budleigh Salterton (Page 35-38 of The Off Street Car Parks Review)**

### **5.1 Upper Station Road**

This car park is owned by way of the freehold interest by the Council and has been leased to the Budleigh Salterton Town Council since April 1974 at a current rent of £500 per annum. The car park has 109 spaces. The current rent is £500 per annum and BSTC are responsible for all repairs and maintenance of the car park, including the boundary hedges and fences. At the moment, the Town Council are holding over on their lease but there is a provision in the lease that it may be determined at any time by either party giving to the other party not less than six months notice in writing to that effect.

BSTC offer the car park as a free service to its residents. There is no provision in the existing lease to prevent BSTC charging car parking fees. The car park is primarily used by those who work in the town and shoppers. No other town centres in East Devon benefit from the subsidy of a free shoppers car park.

The title is subject to restrictive covenants limiting use of the land to public car parking. In 2007, Officers identified that there was a potential to create a pay and display car park if the lease to BSTC was not renewed. At the time, concern was raised by both BSTC and Clinton Devon Estates (who benefit from restrictive covenants applicable to the site) as to the legality of EDDC considering the introduction of pay and display to the car park. Subsequently, the Council sought Counsel's opinion of the matter.

Counsel was of the opinion that EDDC could charge a reasonable sum for the use of the car park by the public and that there was no reason to suppose that standard car parking charges would not be considered reasonable.

The lease to BSTC could be terminated with six months notice. Under the Landlord & Tenant Act 1954, the Council can refuse to renew a lease under certain circumstances. One reason for being able to refuse a new tenancy is that the Landlord wishes to occupy the premises themselves. Compensation would be payable to BSTC equal to two times the rateable value totalling £11,400.

If the Council were to terminate the lease to use for their own purposes as a pay and display car park, the initial equipment set up costs are estimated at £4,500. The car park, based on the annual revenue returns for the Rolle Mews car park in the town, is estimated to have a revenue producing capacity of around £60,000 per annum.

Another alternative is that the Town Council are offered a new lease at a rent which reflects the revenue projections as a pay and display car park. This would enable the Town Council to continue to make the free car parking provision if it wished to do so.

### **5.2 Lower Station Road Car Park**

The car park is held by way of a freehold interest by the Council and is subject to a public footpath. It is currently operated by the Council as a pay and display public car park offering parking for 38 vehicles. The income potential is detrimentally affected by being adjacent to the Upper station Road free car park. The car park could be considered for redevelopment in the future, in conjunction with the adjacent workshops.

### 5.3 **Brook Road Car Park**

The car park is held by way of the freehold title and is not encumbered by any abnormal restrictions. This small site of 0.12 acre provides 15 car parking spaces and is operated as a free car park. The car park is too small to be considered as a pay and display car park but could be considered for redevelopment, subject to the grant of a planning permission. The car park is primarily used as a shoppers' car park, and is adjacent to public toilets run by the Council.

### 5.4 **Lime Kiln Car Park**

The car park is located at the eastern end of the Sea Front and is a pay and display car park offering 422 spaces. This 2.32 acre freehold site lies within the flood plain and is susceptible to inundation from the sea. Part redevelopment of this site has therefore not been explored to date. This car park is excluded from the rating list as it serves the adjoining open space and beach (an exempt category).

### 5.5 **Rolle Mews Car Park**

This 45 space pay and display shoppers' car park is situated close to the High Street in the town centre and is conveniently located for the town's beach. There are no recommendations for changes to this site.

### 5.6 **Other issues/Options raised by Budleigh Salterton Town Council**

5.7 Machines where drivers can pay by the hour or for 30 minutes with a minimum of 50 pence are preferable. (This is an operational issue which will be considered as part of the Parking Services Operational Review).

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#### Legal Implications

The detailed terms of any disposal should be subject to consultation with the legal team.

Where a restrictive covenant prevents development, there are a number of ways it could be removed or modified. If members are keen to investigate this on any particular site the potential can be considered in detail with the Estates team.

#### Financial Implications

The financial implications are detailed within the report

#### Consultation on Reports to the Executive

The initial Review document incorporated consultation with the Town and Parish Council when drafted in 2009. Further consultation with not only the Town and Parish Councils, but also the East Devon Chambers of Trade and Commerce, was undertaken in 2011.

#### Background Papers

- [The Off Street Car Parks Review 2011/12](#)

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Donna Best  
Principal Estates Surveyor



## Agenda Item 12b

Cabinet

03 October 2012

12/1207



### Asset Management Plan Delivery Car Park Review (C-E)

#### Summary

The Council's Corporate Property Asset Management Plan 2009-12 provides that a car park review be undertaken. The Off Street Car Parks Review (the Review) sets out information relating to all aspects of the Council's car parks.

Please note that these recommendations relate only to strategic asset holding and not operational aspects such as parking charges or payment options. Operational implications of the Review will be reported to Cabinet at a later date. Owing to the number of car parks in the Council's ownership, the recommendations will be made in a series of reports taking blocks of towns and villages in alphabetical order. This report will include Colyton, East Budleigh and Exmouth.

#### Recommendations

- 1. That the Council continue to provide the Car Park facility at Colyton.**
- 2. That the Principal Estates Surveyor be given authority to negotiate and conclude the disposal of the East Budleigh Car Park, along with the public conveniences, to the Parish Council.**
- 3. To terminate the lease at Pines Road Car Park, Exmouth and sell on the open market.**
- 4. To formalise the arrangements for LED to control and manage the Esplanade Car Park, Exmouth, in consultation with the Portfolio Holder, Economy.**
- 5. That the Principal Estates Surveyor be given authority to negotiate and conclude the disposal of Jarvis Close at Littleham Cross, along with the public conveniences, to Exmouth Town Council.**
- 6. To continue to provide free car parking to the users of the Elizabeth Hall public hall prior to any future redevelopment of the site.**
- 7. To note that the majority of the Council owned car parks in Exmouth fall within the remit of the Exmouth Town Centre and Seafront Masterplan, the planning framework adopted to support the regeneration of Exmouth.**

**a) Reasons for Recommendation**

The reasons for making the recommendations are set out in the Off Street Car Park Review 2010/11 and in the main body of this report.

**b) Alternative Options**

Not to accept the recommendations of the Asset Management Forum.

**c) Risk Considerations**

The risks are set out in the Review and main body of this report.

**d) Policy and Budgetary Considerations**

The Asset Management Plan provides a strategic overview for the Council's use of property. To ensure that the Council can be confident in good practice, many of the initial tasks set out the plan relate to a review of its existing stock so that a greater understanding around the reason for holding property assets, their costs, income generation and their contribution to the Council's priorities and objectives, can be better understood. The Car Parks Review is part of the delivery of this Plan.

**e) Date for Review of Decision**

June 2012

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**1 Main Body of the Report**

1.1 The Off Street Car Parks Review (the Review) sets out issues around operational matters as well as more strategic matters, along with a catalogue of car parks in the Council's ownership. This work has been carried out in consultation with the appropriate Town and Parish Councils and was considered by Overview & Scrutiny in October 2010 and subsequently by Cabinet.

1.2 Further consultation has been undertaken with the Town and Parish Councils and Chambers of Commerce in 2011. Feedback from the consultation, together with additional investigation on particular sites, has led to the following recommendations being agreed by the Asset Management Forum.

1.3 It is no longer financially viable for the Council to continue to subsidise free car parking provision. Therefore where Town and Parish Council's have made a representation for the continued provision of free car parking and where it has been made clear that the implementation of charging arrangements would not be supported, the recommendation will be to dispose of the asset to the relevant Town or Parish Council. These organisations will then be in a position to raise whatever precept is necessary to manage and maintain these car parks adequately.

**2.0 Colyton – (page 56 of the Off Street Car Parks Review)**

**2.1 Dolphin Street Car Park**

2.2 Dolphin Street car park is primarily a visitors' and shoppers' pay and display car park with 61 parking spaces. The 0.47acre site is held by way of the freehold with a covenant prohibiting certain uses including a petrol filling station. The provision of this car park as a service to the village is important given that on-street car parking is a problem, partly due to on-street spaces being taken up by those working in the shops and parking all day. It



is therefore recommended that the Council continue to provide this car park facility.

### **2.3 Other issues/options raised by Colyton Parish Council**

- 2.4 On street parking is a problem in Colyton as those working in the shops take up the car parking all day? This is something that the Parish Council are taking up with local businesses. This will include a discussion around whether or not businesses would consider purchasing car park permits for their staff, get an idea of how many might consider this along with the price they might be prepared to pay. Might the cheap resident's permits be then extended to the owners and employees of the shops around the market?
- 2.5 It was felt that there could be opportunities for better advertising of the weekly permits available to visitors to the area. Could the Council work with the Hoteliers Association and Tourist Board in this respect?

### **3.0 East Budleigh – (page 39 of the Off Street Car Parks Review)**

#### **3.1 East Budleigh Car Park (also known as Hayes Lane Car Park)**

- 3.2 This car park offers 32 spaces, is held by way of the freehold title by the Council and is currently provided at no charge. The Parish Council advise that the car park is mainly used by residents as the majority of the surrounding houses do not benefit from off road car parking or garaging. The car park is often used by visitors, primarily as a meeting point for walkers. In addition, the car park is used by the Church congregation, particularly for weddings, and by users of the Village Hall. The car park is therefore not heavily used in the day, but is full at weekends and at night.

It is estimated that the car park could be converted to a pay & display car park at a cost of £4,500. The estimated revenue income would be £3,872 per annum. However, given the characteristics and infrastructure of the village, there would be concerns around any increase in on-street car parking which could proved detrimental to traffic flows – particularly in the summer.

#### **3.3 Other issues/options raised by East Budleigh Parish Council**

- 3.4 Car parking for residents of the Village is evidently a problem and, being part of an Area of Outstanding Beauty, opportunities for the creation of further car parking areas is limited. However, the Parish Council are planning to approach Clinton Devon Estates who are the primary landowner in the area, to explore any possibilities.

### **4.0 Exmouth (Page 25-32 of the Off Street Car Parks Review)**

#### **4.1 Imperial Road Car Park**

- 4.2 Imperial Road car park provides a total of 316 parking spaces; this short stay car park is split into two sections. The land is owned by the Council by way of a freehold interest in the title but is encumbered, in part, by a large underground sewage collection tank and sewer pipes which will prohibit any form of development of the major park of the car park. However, where development may be possible, the land is subject to a restrictive covenant limiting the height of any development fronting Imperial Road to two storeys in

height and any dwellings constructed must be to a superior quality.

The Exmouth Town Centre and Seafront Masterplan has identified this car park to be incorporated within a regeneration scheme.

#### **4.3 Royal Avenue Car Park**

4.4 Royal Avenue car park is a long stay car park, coach and lorry park providing 176 car parking spaces together with 44 off-road parking spaces for visiting lorries and coaches.

The Exmouth Town Centre and Seafront Masterplan has identified this car park to be incorporated within a regeneration scheme.

#### **4.5 London Inn Car Park**

4.6 London Inn car park is heavily used being the closest to the town centre. The car park provides 150 spaces.

In 2008, a feasibility study was carried out to explore the possibility of decking the car park to increase the number of spaces available. A budget has been built into the Council's Capital Programme to advance this work but the project was put on hold subject to masterplanning work being undertaken.

The Exmouth Town Centre and Seafront Masterplan identified this car park to be incorporated within a regeneration scheme for retail expansion.

#### **4.7 Queen's Drive Car Park**

4.8 Queen's Drive car park situated on the seafront and provides 198 car parking and 12 coach parking spaces and serves the adjacent leisure businesses and visitors. The car park is located within an area currently designated for regeneration and is held by way of a freehold interest in the land.

The Exmouth Town Centre and Seafront Masterplan identified this car park to be incorporated within a regeneration scheme.

#### **4.9 Queen's Drive Echelon**

4.10 Queen's Drive Echelon, although essentially on-street car parking, this area is classed as a car park and is subject to a Parking Places Order. Charges apply from 1 May to 30 September and the 78 spaces are well used by beach visitors.

#### **4.11 Foxholes Cliff Car Park**

4.12 Foxholes Road car park provides 201 spaces and is located on the seafront chiefly serving visitor to the beach. The land is held by way of freehold.

The Exmouth Town Centre and Seafront Masterplan identified this car park to be incorporated within a regeneration scheme.

#### **4.13 Maer Road Car Park**

4.14 Maer Road car park provides 334 spaces; this car park is primarily used by visitors to the beach and is underutilised. The land is held by way of the freehold subject to an agricultural right of way and also a right of way in favour of South West Water Ltd to its adjoining sewage pumping station.

The site has potential for development. However, it has been agreed that this car park may provide a suitable alternative coach park should the Royal Avenue car park be developed at a future date.

The Exmouth Town Centre and Seafront Masterplan identified this car park to be incorporated within a regeneration scheme.

#### **4.15 Jarvis Close Car Park**

4.16 Jarvis Close car park is a short stay shoppers' car park serving the Littleham Cross community and shops. It has just 12 spaces and is a non-fee paying car park. This car park is too small to make pay and display a viable option. The land is held by way of a freehold interest with no abnormal covenant and therefore has potential for alternative uses. However, it is considered an important amenity for local shoppers and essential support for the local businesses.

#### **4.17 Pines Road Car Park**

4.18 Pines Road car park is a small shoppers' car park {approx 31m<sup>2</sup> (334ft<sup>2</sup>)} serving the neighbourhood shops at Pines Road. The car park is held by way of a freehold interest and is leased to the developer of the shop units at a peppercorn rent, following a premium payment of £3,000 at the commencement of the 25 year lease in September 1987. It is recommended that the car park be offered on the open market for sale. It is anticipated that the most likely buyer will be the existing tenant to enable the retention of car parking facility. Any sale will be subject to a clawback provision should planning permission be granted in the future for an alternative use which provides any uplift in value.

#### **4.19 Camperdown Car Park**

4.20 Camperdown car park essentially serves the local residential community and water related uses. There are 31 car parking spaces and 14 car/boat trailer combination spaces. During the winter months, the car park is also used for boat storage.

The Exmouth Town Centre and Seafront Masterplan identified this site for regeneration.

#### **4.21 Elizabeth Hall Car Park**

4.22 Elizabeth Hall car park is currently a Pay and Display Parking Places Order on this free car park but it remains a free car park. This is to facilitate free car parking for users of the public hall.

A pay and display machine could be installed and charges applied daily between 8am and 6pm. This would then increase the availability of car parking on the seafront and assist the level of subsidy provided by the Council.

Further, the Council has identified the redevelopment of the Elizabeth Hall site as a priority project.

#### **4.23 Esplanade Car Park**

4.24 Esplanade car park is currently reserved for patrons of the Pavilion, who are permitted to park free of charge when visiting the Pavilion.

There is currently a Pay and Display Parking Places Order on this free car park and it is monitored by a private parking enforcement company. A pay and display machine could be installed and charges applied. Should LED wish to continue the free parking subsidy to their patrons, a double ticket issue machine could be installed. On presentation of the voucher at the Pavilion, a refund of the minimum payment charge could then be made. To do this, different tickets to those used across the rest of the district would need to be purchased.

It is anticipated that the provision of more car parking on the seafront for the use of the public, and not just users of the Pavilion, would be viewed as a good thing by local residents.

LED currently offer free parking facilities as part of the contractual terms with event holders. The free parking facility caters for cast, crew and technical support as well as lorries and coaches for larger shows and events. At present, in the region of 350 events are held at the Pavilion a year and LED maintain that if they were no longer able to maintain control over the use of the car park, there would be a detrimental impact on the venue with a loss in acts such as Centre stage and the Royal Marine Band Concerts. A significant impact on bookings and revenue would potentially necessitate an increased subsidy to LED from the Council.

#### **4.25 Town Hall Car Park**

4.26 The Town Hall car park is held by way of the freehold title and comprises 39 spaces. Charges apply on Saturdays and Sundays only (but not on bank holidays). During weekdays the car park is for the exclusive use of Exmouth Town and District Council staff, along with Devon County Council who lease the first and second floors of the Town Hall.

#### **4.27 Other issues/options raised by Exmouth Town Council**

4.28 Issues and options raised or proposed by the Town Council related only to operational matters and will be dealt with under a separate report.

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#### Legal Implications

The detailed terms of any disposal should be subject to consultation with the legal team.

Where a restrictive covenant prevents development, there are a number of ways it could be removed or modified. If members are keen to investigate this on any particular site the potential can be considered in detail with the Estates team

## Financial Implications

The financial implications are detailed within the report

## Consultation on Reports to the Executive

The initial Review document incorporated consultation with the Town and Parish Council when drafted in 2009. Further consultation with not only the Town and Parish Councils, but also the East Devon Chambers of Trade and Commerce, was undertaken in 2011.

## Background Documents

- [The Off Street Car Parks Review 2011/12](#)
- [Exmouth Town and Seafront Masterplan](#)

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Donna Best  
Principal Estates Surveyor

Cabinet  
03 October 2012

## Agenda Item 12c

Cabinet

03 October 2012

12/1207



### Asset Management Plan Delivery

#### Car Park Review (F-O)

#### Summary

The Council's Corporate Property Asset Management Plan 2009-12 provides that a car park review be undertaken. The Off Street Car Parks Review (the Review) sets out information relating to all aspects of the Council's car parks.

Please note that these recommendations relate only to strategic asset holding and not operational aspects such as parking charges or payment options. Operational implications of the Review will be reported to Cabinet at a later date. Owing to the number of car parks in the Council's ownership, the recommendations will be made in a series of reports taking blocks of towns and villages in alphabetical order. This report will include Honiton, Lypstone, Ottery St Mary and Newton Poppleford.

#### Recommendations

1. **That Silver Street Car Park, Honiton, be earmarked for a full investigation of development options on completion of the new community centre.**
2. **To offer the freehold interest in the Underhill Car Park, Lypstone, along with public conveniences, to the Parish Council.**
3. **That options for partial development of the Land of Canaan Car Park, Ottery St Mary, be considered following a three year period monitoring demand.**
4. **To offer the freehold interest in the School Lane Car Park at Newton Poppleford, along with public conveniences, to the Parish Council.**

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

The reasons for making the recommendations are set out in the Off Street Car Park Review 2010/11 and in the main body of this report.

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

Not to accept the recommendations of the Asset Management Forum.

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

The risks are set out in the Review and main body of this report.

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

The Asset Management Plan provides a strategic overview for the Council's use of property. To ensure that the Council can be confident in good practice, many of the initial tasks set out the plan relate to a review of its existing stock so that a greater understanding around the reason for holding property assets, their costs, income generation and their contribution to the Council's priorities and objectives, can be better understood. The Car Parks Review is part of the delivery of this Plan.

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

June 2012

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

- 1.1 The Off Street Car Parks Review (the Review) sets out issues around operational matters as well as more strategic matters, along with a catalogue of car parks in the Council's ownership. This work has been carried out in consultation with the appropriate Town and Parish Councils and was considered by Overview & Scrutiny in October 2010 and subsequently by Cabinet.
- 1.2 Further consultation has been undertaken with the Town and Parish Councils and Chambers of Commerce in 2011. Feedback from the consultation, together with additional investigation on particular sites, has led to the following recommendations being agreed by the Asset Management Forum.
- 1.3 It is no longer financial viable for the Council to continue to subsidise free car parking provision. Therefore where Town and Parish Council's have made a representation for the continued provision of free car parking and where it has been made clear that the implementation of charging arrangements would not be supported, the recommendation will be to dispose of the asset to the relevant Town or Parish Council. These organisations will then be in a position to raise whatever precept is necessary to manage and maintain these car parks adequately.

### **2.0 Honiton – (page 48-51 of the Off Street Car Parks Review)**

#### **2.1 Silver Street Car Park**

- 2.2 Silver Street car park is situated to the north of the High Street adjacent to the Livestock Market and is primarily used as a shoppers' and commuters' car park. Access is permitted for livestock lorries accessing the Livestock Market on market days. The Pay & display car park offers 90 parking spaces.

As the freehold site of the car park adjoins the Livestock Market held by the Council by way of a long lease, and being well located to the High Street, there is potential for redevelopment of the combined sites whether in whole or in part. The area of around 1 acre comprising the Livestock Market is currently subject to a business tenancy which would have to be terminated. The freeholder of the premises would also be required to consent to any redevelopment proposals. Initial discussions were held with both parties and previously it has been considered that redevelopment would be inappropriate given the strategic importance of the livestock market. However, more recently this importance has diminished and the cattle market is now used only as collection centre for animals who are then moved to market for sale.

Responses to consultation on the future use of this car park were mixed. Yarcombe Parish Council, the Honiton and District Chamber of Commerce and Industry and Broadhembury Parish Council all considered that the car park should remain in its existing use. However, one of the Ward Members considered that the car park should be considered, in conjunction with the cattle market, for alternative uses such as community facilities or the expansion of the College facilities.

The Town Council suggested that the car park was under-utilised and questioned whether usage could be increased by mixing the balance of long and short stay places and making improved signage for the car park.

The car park site, which is held by way of a freehold title with no abnormal covenants, occupies a site of around 0.5 acres.

### **2.3 Lace Walk Car Park**

2.4 Lace Walk car park is primarily a short stay shoppers' pay & display car park offering 197 spaces and a smaller long stay car parking area with 39 spaces. This smaller car park was previously considered as a site for a proposed Honiton Community Centre.

The car park is held by way of the freehold but is subject to certain rights of access to the Lace Walk development. The short stay car park occupies an area of around 1.45 acres and the long stay car park a site of around 0.25 acres.

The Town Council are concerned that the new alignment in the car park does not work well and are receiving complaints. In particular, it is considered that pedestrian safety is a problem, especially with the TIC currently located in the middle of the car park. It is also felt that the cut through to the long stay car park/Thelma Hulbert Gallery/community complex needs formalising. The Town Council felt that this would be an appropriate car park to pay on exit. These are operational issues and will be dealt with under cover of a separate report.

### **2.5 King Street Car Park**

2.6 This car park is a short stay shoppers' pay & display car park with 35 spaces. The car park, which occupies a 0.20 acre site (excluding the adjoining public toilets), is held freehold with no abnormal covenants.

The response to consultation was that the car park should remain in its existing use.

### **2.7 Dowell Street Car Park**

2.8 Dowell street car park is a pay & display long-stay car and coach park offering 61 spaces. This 0.96 acre site is held by way of a freehold title but is subject to pedestrian rights of way to the adjacent Magistrate's County and County Council buildings.

This car park serves as an overspill car park at times when the Lace Walk car park is at capacity.

The Council has agreed to transfer the car park into the ownership of the Town Council to facilitate the development of a community centre.

## **2.9 New Street Car Park**

2.10 New Street car park is a split site located at either side of Jerrard's Close. It offers a total of 82 pay & display spaces and the site is held by way of the freehold with no abnormal covenants other than being subject to certain rights of way over the northern section of the car park. The north car park has an area of 0.21 acres and the southern car park, an area of 0.25 acres.

## **2.11 Other issues/suggestions raised by Honiton Town Council**

2.12 The main coach drop off point is at Dowell Street where there is no toilet. Could there be a drop off point in Lace Walk? The TC are currently trying to get Devon County Council to put a layby on each side of the High Street. There is a loading bay outside the Mackarness Hall which is used by coaches, but it is considered that it would be better to have a specified setting down point.

2.13 Additional car parking is required at the Eastern end of the town, perhaps with a park and ride provision. Other park and ride provision could be made for Heathpark – for businesses based at western end and could be based on extension of existing town bus.

## **3.0 Lympstone (page 33 of the Off Street Car Parks Review)**

### **3.1 Underhill Car Park**

3.2 Underhill Car Park is the only public car park in Lympstone and provides 84 spaces. The land is held by way of a freehold interest with no abnormal covenants. The car park is primarily used by local residents and during the summer season, this use is increased by visitors.

The Parish Council would like to take ownership of car park and envisage using the income to assist with subsidising the running of the adjacent public conveniences.

## **4.0 Ottery St Mary (page 46-47 of the Off Street Car Parks Review)**

### **4.1 Land of Canaan Car Park**

4.2 The Land of Canaan car park is a large long stay pay & display car and coach park offering 121 spaces. This 1.23 acre site is held by way of a freehold title with a restriction that no buildings shall be erected of more than 30ft in height. The car park has a special low tariff to encourage usage and it is under-utilised. Coach parking is charged at 85p for each hour and £8.50 for up to 24 hours. The coach tickets are transferable to other coach parks in the District.

There is scope for some development on the car park but it is envisaged that the impact of the new Sainsbury's store will increase the use of the car park, particularly by the Sainsbury's staff and the Coleridge Medical Centre patients. Development potential would be limited by the car park lying within a flood zone 3 but could be considered again in the future subject to car parking demand.

### **4.3 Hind Street Car Park**

4.4 Hind Street car park has recently been leased to Sainsbury's Supermarket. The lease is for a period of 150 years from 2011. The lease arrangement has secured revenue income for the Council during this period and facilitated free short term car parking for the town centre.

### **4.5 Brook Street Car Park**

4.6 Brook Street car park is primarily used by visitors to the adjacent public hall and by local residents. It is a pay & display car park with 33 spaces. The 0.20 acre site is held freehold and is subject to a pedestrian right of way to Yonder Street and to the rear of The Institute (public hall).

### **4.7 Other issues/suggestions raised by Ottery St Mary Town Council**

4.8 The car parking available in car parks in Ottery St Mary is considered sufficient.

4.9 On street car parking: The Town Council has made a representation to Devon County Council to consider the following:

- a) The police have moved to new premises and this has released 4 spaces which could be put back to public car parking.
- b) There are two on-street taxi spaces in Mill Street. There is not a specific taxi company in Ottery and it is requested that this provision is reduced to one space.

4.10 Could machines be updated to accept credit card payment for parking?

### **5.0 Newton Poppleford (page 39 of the Off Street Car Parks Review)**

#### **5.1 School Lane Car Park**

5.2 School Lane car park is held by way of the freehold title and offers 33 spaces which are currently provided free of charge. There are various rights of access over the car park. The Parish Council would like the car park to remain free of charge and advise that it is well used by the Doctor's surgery, Cemetery users, shoppers, the church, school teachers and by night, local residents.

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#### Legal Implications

The detailed terms of any disposal should be subject to consultation with the legal team.

Where a restrictive covenant prevents development, there are a number of ways it could be removed or modified. If members are keen to investigate this on any particular site the potential can be considered in detail with the Estates team

#### Financial Implications

The financial implications are detailed within the report

## Consultation on Reports to the Executive

The initial Review document incorporated consultation with the Town and Parish Council when drafted in 2009. Further consultation with not only the Town and Parish Councils, but also the East Devon Chambers of Trade and Commerce, was undertaken in 2011.

### Background Documents

- [The Off Street Car Parks Review 2011/12](#)

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Donna Best  
Principal Estates Surveyor

Cabinet  
3 October 2012

## Agenda Item 12d

Cabinet

03 October 2012

12/1207



### Asset Management Plan Delivery

### Car Park Review (P-Z)

#### Summary

The Council's Corporate Property Asset Management Plan 2009-12 provides that a car park review be undertaken. The Off Street Car Parks Review (the Review) sets out information relating to all aspects of the Council's car parks.

Please note that these recommendations relate only to strategic asset holding and not operational aspects such as parking charges or payment options. Operational implications of the Review will be reported to Cabinet at a later date. Owing to the number of car parks in the Council's ownership, the recommendations will be made in a series of reports taking blocks of towns and villages in alphabetical order. This report will include Seaton, Sidmouth and Woodbury.

#### Recommendations

- 1. To note that the Council is in negotiation with the Town Council with regards the future of the Manor Pavilion and car parking will be an integral part of these discussions.**
- 2. That a lease be offered to Sidmouth Town Council for Church Street Car Park, Sidford to enable the car park to be provided free of charges.**
- 3. To offer the freehold interest of Manor Estate Yard car park, Sidbury to Sidmouth Town Council.**
- 4. To offer the freehold interest of Woodbury car park, including the public toilets, to Woodbury Parish Council.**

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

The reasons for making the recommendations are set out in the Off Street Car Park Review 2010/11 and in the main body of this report.

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

To not accept the recommendations of the Asset Management Forum.

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

The risks are set out in the Review and main body of this report.

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

The Asset Management Plan provides a strategic overview for the Council's use of property. To ensure that the Council can be confident in good practice, many of the initial tasks set out the plan relate to a review of its existing stock so that a greater understanding around the reason for holding property assets, their costs, income generation and their contribution to the Council's priorities and objectives, can be better understood. The Car Parks Review is part of the delivery of this Plan.

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

June 2012

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### 1 Main Body of the Report

- 1.1 The Off Street Car Parks Review (the Review) sets out issues around operational matters as well as more strategic matters, along with a catalogue of car parks in the Council's ownership. This work has been carried out in consultation with the appropriate Town and Parish Councils and was considered by Overview & Scrutiny in October 2010 and subsequently by Cabinet.
- 1.2 Further consultation has been undertaken with the Town and Parish Councils and Chambers of Commerce in 2011. Feedback from the consultation, together with additional investigation on particular sites, has led to the following recommendations being agreed by the Asset Management Forum.
- 1.3 It is no longer financial viable for the Council to continue to subsidise free car parking provision. Therefore where Town and Parish Council's have made a representation for the continued provision of free car parking and where it has been made clear that the implementation of charging arrangements would not be supported, the recommendation will be to dispose of the asset to the relevant Town or Parish Council. These organisations will then be in a position to raise whatever precept is necessary to manage and maintain these car parks adequately.

## **2.0 Seaton – (page 57-59 of the Off Street Car Parks Review)**

### **2.1 Harbour Road Car Park**

- 4.2 This is primarily a visitor car park and is very well used during the summer months. The car park currently provides 51 short stay spaces and 316 long stay places. The car park site of 3.105 acres is held freehold but is subject to a right of way for the benefit of the Seaton Tram Co for the duration of its lease of the terminus and track.

The car park forms part of the area designated for regeneration and as part of the redevelopment proposals, will incorporate the siting of a new visitor centre for the town. It is currently anticipated that the car park will become long stay only, as short stay parking has been provided within the adjacent supermarket scheme. This has resulted in a reduction of income from ticket sales for the Council.

### **2.3 Orchard Road Car Park**

- 2.4 The Orchard Road car park is a pay & display shoppers' car park being situated close to the town centre. It offers 168 parking spaces and is held by way of the freehold but is subject to a public footpath right of way from Old Beer Road to Stock Lane, and access rights to a number of properties adjacent to the car park. The car park has an area of 1.107 acres.

## **2.5 Harbour Road Coach Park**

- 2.6 9 coach parking spaces are provided and there is a generally low level of use at any given time.

## **2.7 Town Hall (Marsh Road) Car Park**

- 2.8 The car park has 20 spaces, is not a pay and display car park and is reserved for permit holders only. The car park is generally not well used and the Town Council advises that people get confused and believe that they can park in the allocated 9 spaces at Marsh Road (adjacent to the public toilets) as well as the main Town Hall car park. The 9 spaces at Marsh Road are allocated between the Town Council, Seaton's Voice staff and the Museum. One has been retained for use by Council staff and contractors. Day permits have been issued to Seaton Voice, to distribute to those hiring facilities at the hall.

In addition, the Town Council provided feedback from users that there would be a preference for a timeless permit rather than the 2 hour limit.

## **2.9 Other issues/suggestions raised by Seaton Town Council**

- 2.10 It was felt that charges are generally in line with other districts.
- 2.11 It was felt that the coinage system was outdated and the Town Council particularly like the idea of the mobile phone payment option. (This issue will be dealt with under the Parking Services Operational Review).
- 2.12 It was considered that none of the car parks in the town were surplus to requirements.
- 2.13 A problem with buses to different areas in the district going to different places was raised. In particular, problems for traders were caused by buses waiting in the High Street and the subsequent oil getting traipsed into the shops. The County Councillor had written to Devon County Council to request that the buses wait in the designated coach parking area at the Underfleet and discussions were to be held with Stagecoach about a setting down point.

## **3.0 Sidmouth (Page 40-45 of the Off Street Car Parks Review)**

### **3.1 Ham East Car Park**

- 3.2 The car park is held by way of the freehold interest by the Council and currently offers 74 pay and display parking spaces within a site area of 0.274 acres.

The car park serves the Tourist Information Centre and the Swimming Pool. It also provides vehicular access to the Council's operational garages and to the Sidmouth Lifeboat premises.

This area of Ham Lane, together with the premises fronting the Esplanade, has recently been subject to a development opportunities study undertaken by community representatives. The Council will now shortly need to decide how to take this initial work on to the next stage.

### **3.3 Ham West Car Park**

- 3.4 The car park is the main central visitors' and shoppers' car park offering 192 spaces within a site area of 1.085 acres.

The car park is held by way of freehold title but is encumbered by high voltage electricity cables which would require reposition in the event of any development of the site. The car park has recently been subject to a development opportunities study undertaken by community representatives. The Council will now shortly need to decide how to take this initial work on to the next stage.

### **3.5 York Street Car Park**

- 3.6 This small car park offers 6 privately leased car parking spaces producing an income of £2,520 per annum. This 0.169 acre site is held freehold but is subject to a 9ft wide pedestrian right of way to the rear of the adjoining houses. The frontage onto York Street is too narrow to permit any form of development. A sale has recently been agreed to dispose of the site.

### **3.7 Mill Street and Northcott's Car Park**

- 3.8 These two car parks are non-operational car parks where the spaces are let out to local businesses and residents under annual reserved spaces licences. The Mill Street car park has 46 reserved spaces.

The Northcott car park has 22 reserved spaces which provided an income of £9,240 2009/10. However, if the current proposal to develop part of the site for 11 social housing units proceeds, there will be a net loss of 10 parking spaces.

### **3.9 Roxburgh Car Park**

- 3.10 The Roxburgh short stay car park was converted to a pay & display car park between 8am and 6pm daily commencing on the 29 March 2010. Prior to this date it was reserved for the exclusive use of annual permit holders between 8am and 2pm Monday to Saturday, but dually as a pay & display public car park in the afternoons between 2pm and 6pm. It offers 75 parking spaces.

The 0.725 acre town centre site is owned by way of the freehold title with no abnormal covenants but is subject to access right to an electricity substation and cable easements.

### **3.11 Manor Road Car Park**

- 3.12 The Manor Road car park is a visitors' long stay and coach park providing 307 parking spaces. The car park is most heavily used during the summer season and occupies an area of around 2.46 acres. The land is held freehold and is subject to a restrictive covenant that no buildings shall be erected west of a line running north to south across the site.

### **3.13 Temple Street Car Park**

- 3.14 Temple Street car park is a small shoppers' free car park offering 30 spaces of which 11 are reserved for local businesses and residents. There is no recorded income but it is estimated that the income from a pay and display system would be in order of

£4,000 per annum. This may however result in shoppers reverting to road side parking and cause traffic management problems. The car park is held freehold, and is accessible via an access in the ownership of Oxfam, with the Council having a restricted right of way. Consultation responses from both Sidmouth Town Council and the Chamber of Commerce highlighted that there are some abuses of the reserved spaces and a case for marginally increasing the number of these spaces. Both highlighted enforcement issues and recommend more monitoring. However, it was considered that the car park should remain free and subsidised by the Council.

### **3.15 Manor Pavilion Car Park**

3.16 This car park offers around 20 spaces and is operated as a private car park for staff, visitors and customers of the Manor Pavilion. Both the Town Council and the Chamber of Commerce recognise that the car park is currently misused and would be in support of creating additional public car parking with a double ticketing arrangement put in place for Pavilion customers.

### **3.17 Church Street Car Park, Sidford**

3.18 Church Street car park is primarily a shoppers' car park but is also used by patients attending the adjacent medical practice. Pay & display is operative between 9.00am and 6.00pm. It provides 52 parking spaces. The land is held by way of the freehold but is subject to pedestrian rights of way and a vehicular right of way to the adjoining Sidford Medical Practice.

The Town Council consider that this car park should be made available free of charge or with at least some dedicated spaces for the medical practice and local residents. There is no on-street car parking in Sidford but for the residential area. However, the access lane/entrance to the car park becomes congested and the question was raised as to whether or not this area could be yellow lined and enforced. The access lane does form part of the area governed by the Parking Places Order and is in the ownership of the Council. If not available free of charge at all times, the Town Council queried whether or not there could be a free period. However, where this has been piloted elsewhere before, it's found that youths abuse the machines and use up all the ticket paper. The charges are minimal here (20p per ½ hour, 40p 1 hour).

If the Town Council wish to enable this car park to be provided free of charge, it is recommended that a lease be offered to them on the basis that it will cover any loss in revenue to the Council.

### **3.19 Manor Estate Yard, Sidbury**

3.20 The Manor Estate Yard car park is a small free car park providing 19 parking spaces and primarily serves the users of the adjacent parish hall and visitors to Sidbury. The car park is not heavily used in the day and the implementation of pay & display would be likely to result in an increase in roadside parking.

### **3.21 Other issues/suggestions raised by Sidmouth Town Council**

3.22 Park and Ride Scheme – The Town Council is keen to champion a park and ride scheme for the town. A working group made up of the three councils, the emergency services, the Chamber of Commerce, Vision Group, Stagecoach and the Hospitality Association are currently exploring options.

## 4.0 Woodbury (Page 33 of the Off Street Car Parks Review)

### 4.1 Flower Street Car Park

4.2 Flower Street car park has 42 parking spaces and the 0.287 acre site is held by the Council by way of the freehold with no abnormal covenants. A number of neighbouring residents have been granted licences to create gated access to their properties.

The car park is currently a free car park primarily used for overnight parking by local residents and by users of the adjacent parish hall. It is also regularly used by a chiropody service and a mobile library service. The Parish have requested that the car park remains free of charge as it encourages parents dropping off children to school to park in the car park rather than in the road thereby minimising congestion problems.

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#### Legal Implications

The detailed terms of any disposal should be subject to consultation with the legal team.

Where a restrictive covenant prevents development, there are a number of ways it could be removed or modified. If members are keen to investigate this on any particular site the potential can be considered in detail with the Estates team

#### Financial Implications

The financial implications are detailed within the report

#### Consultation on Reports to the Executive

The initial Review document incorporated consultation with the Town and Parish Council when drafted in 2009. Further consultation with not only the Town and Parish Councils, but also the East Devon Chambers of Trade and Commerce, was undertaken in 2011.

#### Background Documents

- [The Off Street Car Parks Review 2011/12](#)

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Donna Best  
Principal Estates Surveyor

Cabinet  
03 October 2012

## Agenda Item 13

Cabinet

3 October 2012

CS



### Procurement Strategy 2012 -16

#### Summary

This strategy replaces the Procurement Strategy for 2007 – 2010.

The high level headings of Efficient and Effective Procurement, and Socially Responsible Procurement are divided into specific areas of activity, each broken down by its aims, objectives and actions.

#### Recommendation

That Members adopt the Procurement Strategy attached.

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

As a professional organisation, serving the public, we need to have this strategy in place in order to comprehensively deliver and embed modern principles for effective and efficient, socially responsible procurement, ensuring overall value for money for all goods, services, and works procured.

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

Members may consider amending the strategy as proposed.

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

Without a current strategy in place there is a risk of a fragmented approach to procurement which could result in inefficiency and waste.

In delivering the Strategy not only does this rely on the work of the corporate procurement function but necessitates being acted upon throughout the Council.

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

Efficient procurement is seen as one of the key drivers to the Council being able to continue to deliver services with fewer resources.

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

The Strategy will be reviewed annually and on an ongoing basis through the Procurement and Efficiency Group.

## 1 Main Body of the Report

1.1 Attached is the proposed Procurement Strategy for Members' consideration and adoption.

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### Legal Implications

As stated in the Strategy, East Devon's procurement will be subject to the European and national legislative framework.

### Financial Implications

As stated with the Strategy efficient procurement is a necessary requirement in order to meet saving targets.

### Consultation on Reports to the Cabinet

Draft has been considered by Strategic Management Team and Council Members of the Procurement and Efficiency Group which includes the Member Champion for Procurement

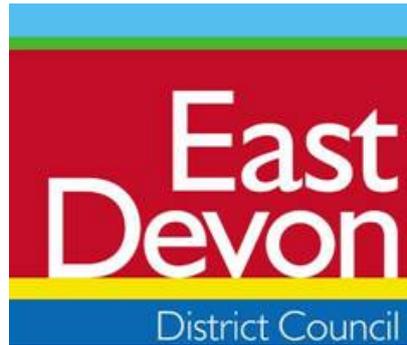
### Background Papers

None.

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Colin Slater  
Corporate Procurement Officer

Cabinet  
3 October 2012



## Procurement Strategy 2012 – 2016

Issue details	
<b>Title:</b>	Procurement Strategy 2012 - 2016
<b>Issue and version number:</b>	Issue 1 Version 1
<b>Contents:</b>	<ul style="list-style-type: none"> <li style="text-align: right;">1. Previous strategies 2</li> <li style="text-align: right;">2. Purpose of the strategy 2</li> <li style="text-align: right;">3. Terms explained 3</li> <li style="text-align: right;">4. The Procurement Strategy 4</li> <li style="text-align: right;">5. Outcomes 16</li> <li style="text-align: right;">6. Who is responsible for delivery? 16</li> <li style="text-align: right;">7. Performance monitoring 16</li> <li style="text-align: right;">8. Strategy consultation 16</li> <li style="text-align: right;">9. Equality impact considerations 16</li> <li style="text-align: right;">10. Strategy review 16</li> <li style="text-align: right;">11. Related strategies, policies, procedures and legislation 17</li> </ul>
<b>Officer responsible:</b>	Corporate Procurement Officer
<b>Authorisation by:</b>	SMT and Cabinet
<b>Authorisation date:</b>	
<b>Review date:</b>	

# East Devon District Council

## Procurement Strategy 2012 – 2016

### 1 Previous Strategies

Procurement Strategy 2007 – 2010

### 2 Purpose of the Strategy

**Efficient and effective procurement** is essential if we are to achieve value for money on goods, services and works. The purpose of this strategy sets out the following high level aims which relate directly to efficient and effective procurement.

- Efficiency and Value for Money
- Controls, Standards and Risk
- Training and Development
- E-procurement
- Performance Management
- Collaborative Procurement
- Information and Communication
- Community and Customers' Involvement

**Socially Responsible Procurement** is important to us if we recognise that our activities have an effect on the society in which we work, and that developments in society affect our ability to work successfully. We are committed to achieving environmental, social and economic aims that tackle these effects.

It relates directly to the areas of:

- Sustainability and Environmental Management
- Equality and Diversity
- Ethical Procurement
- Regeneration

We intend to procure goods, works and services by the most economic, efficient, effective and sustainable means to ensure that the needs of the community are met, within a clear framework of accountability and responsibility.

### 3 Terms Explained

- The **procurement process** spans the whole cycle from the identification of needs, product sourcing, through contract management and performance, to the end of a contract or an asset's useful life.
- **Supplier relationship management (SRM)** is a discipline of working collaboratively with those suppliers that are vital to the success of the organisation, to maximise the potential value of their relationships.
- **Value for money** is the 'optimum combination of whole-life costs and benefits to meet the customer's requirement'.
- **European Union (EU) legislation** and UK Public Contracts Regulations 2006 govern the procurement process for public authorities and utility businesses.
- **Sustainability** creates and maintains the conditions under which humans and nature can exist in productive harmony, that permit fulfilling the social, economic and other requirements of present and future generations.
- **Ethics** are the moral principles or values that guide officials in all aspects of their work. Ethical behaviour encompasses the concepts of honesty, integrity, probity, diligence, fairness, trust, respect and consistency. It is particularly important in government procurement as it involves the expenditure of public money and is subject to public scrutiny.

## **4 Specific Areas**

### **4.1 Efficiency and Value for Money**

The Government Spending Review 2010 statement clearly set out a picture of reducing grant income for Local Authorities. Improved procurement is seen as a major influence on the Council's ability to achieve the necessary savings going forward.

#### **Main Aim**

Secure tangible improvements in value for money whilst maintaining or improving standards of quality that will benefit the people of East Devon. Through procurement activities, Procurement East Devon will make a significant contribution to the savings requirement set out in the Comprehensive Spending Review 2010.

#### **Objective**

To reduce the cost of the procurement process and obtain value for money on all procured goods, services and works.

#### **Action**

- Achieve and report procurement savings year-on-year.
- Introduce an Annual Procurement Work Plan to identify all planned major procurement activity and identify opportunities for cost and efficiency improvements.
- Work with partners and other authorities, including fellow councils, to benchmark purchasing activities and inform future priorities.
- Develop and promote guidance on achieving efficiency through improved procurement.
- Undertake a cost and benefit analysis during tender evaluation to ensure that contracts are awarded on the basis of price and quality, rather than on price alone.

## **4.2 Controls, Standards and Risk**

There are restrictions relating to public sector procurement. We have a duty to our council tax payers to apply controls and consistent standards to provide value for money.

### **Main Aim**

To ensure that controls are in place to maintain consistent high standards and make sure that risk is managed.

### **Objective**

To ensure that risk is appropriately managed and that all procurement remains legal, ethical and transparent whilst embodying our core values.

### **Action**

- Review the Contract Standing Orders regularly, and update as necessary, to ensure compliance with this strategy.
- Introduce and continuously review the effectiveness of our management tools, including the Contracts Register and Supplier Performance.
- Ensure that controls and standards are streamlined, secure value for money and encourage new ideas.
- Ensure that there is greater co-ordination of skills by introducing standard documents.

## **4.3 Training and Development**

A key element to effective procurement is staff that are suitably trained and qualified. The level of expertise required ranges from a formal procurement qualification with wide experience, to knowledge of basic procurement techniques.

### **Main Aim**

To ensure that there is a structured approach to education, training and development for all staff and Council members with procurement responsibilities.

### **Objective**

Develop the knowledge and skills of all those involved in the procurement process to enable the implementation and delivery of the actions and processes set out in this strategy.

### **Action**

- Continue to update and expand the scope of the procurement training modules on the intranet. To include report and specification writing, EU procurement legislation, Value for Money, Supplier Relationship Management.
- Undertake an analysis of the existing training and skills needs of staff and produce a training programme.
- Along with other DPP members, participate in update training e.g. EU legislation and encourage relevant EDDC officers to attend when possible.
- When relevant, work with local learning and development partnerships, such as Teignbridge, to share commercial training.
- Continue to develop and maintain a library of documents related to procurement.
- Ensure that continual professional development in procurement is maintained.
- Ensure that all staff with significant procurement responsibilities have received training in managing projects.

## **4.4 E-procurement**

E-procurement is simply 'doing procurement' electronically. E-procurement improves communication in the procurement process and reduces some of the associated costs. Some would call it Effective Procurement.

### **Main Aim**

To make the best use of information and communications technology to improve efficiency and effectiveness, and to improve the cost of the procurement process.

### **Objective**

To use technology to reduce the cost, improve efficiency and enhance the effectiveness of all aspects of the procurement process.

### **Action**

- Continue to roll out the procurement module of our ABS finance system to all officers involved in devolved procurement activities.
- Introduce the ProContract electronic tendering portal to streamline our approach to supplier adoption, tendering, evaluation and contract monitoring.
- Provide training to support the growth of e-procurement.
- Continue to develop our increasingly comprehensive website which includes information to suppliers on "How to Sell to the Council".
- Continue to roll-out the new East Devon procurement cards and work with ICT to investigate the use of apps and other developing technologies for certain transactions.
- Consider the introduction of additional e-procurement solutions such as e-auctions, and their integration in ProContract.

## **4.5 Performance Management**

Performance Management is an important method of assuring quality and making sure we continue to improve the way we deliver the procurement service.

### **Main Aim**

To promote the development and use of performance management.

### **Objective**

Provide on-going measurement and review of the procurement process and activities.

### **Action**

- Continuously review the actions in this plan and report to the Procurement & Efficiency Group on a regular basis.
- Develop further methods of measuring agreed performance standards, such as offered within the Verto consultancy and project management tool.
- Improve the range and quality of financial and general procurement information available.
- Analyse all spending on procurement activity, primarily through the use of ProSpend and report quarterly to the Procurement and Efficiency Group.
- Develop a supplier management plan.

## **4.6 Collaborative Procurement and Partnerships**

The Government has identified collaboration as a positive way forward. It is a philosophy already followed by the members of the Devon Procurement Partnership (DPP) which includes East Devon. Collaboration may be within the public sector or it may be between the Council and private sector suppliers. We are committed to working in partnership when relevant.

### **Main Aim**

Collaborating with others helps to increase the Council's commercial leverage and saves time, effort and money through avoiding separate tender exercises.

### **Objective**

Collaborate, consult, share good practice and learn from experiences as a way of providing more flexible and cost effective services. By creating long term competitive commercial relationships, we can influence the market to provide local economic benefit, sustainable solutions and standardised specifications.

### **Action**

- Work with regional partnerships and other professional organisations to identify more opportunities for joint working.
- Ensure that officers investigate existing frameworks before instigating tender processes. Examples include those established by DPP members, Government Procurement Service, Advantage South West.
- Identify and monitor savings achievable through collaborative procurement.
- Continue to work with DPP members and others to develop joint arrangements.
- Regularly review our existing partnership arrangements to influence future partnership projects. Provide clear guidance.
- Increase our involvement in departmental efficiency reviews to identify new opportunities for partnership arrangements.

## **4.7 Information and Communication**

Managing information efficiently is crucial to providing an effective and responsive service. Communication is an important part of managing information and makes sure that accurate and appropriate information is easily available.

### **Main Aim**

To provide and encourage access to high-quality information about procurement.

### **Objective**

Provide and communicate high quality information to allow efficient and effective procurement decisions to be made.

### **Action**

- Provide guidance on the intranet for the procurement process.
- Produce a list of staff with procurement responsibilities and share information.
- Continue to review operational procurement and develop methods for collecting, receiving and sharing information.
- Circulate research information into developments in procurement.
- Continue to develop Procurement's presence on the Internet, keeping the business sector and the public aware of our activities, our requirements, and our way of working.
- As social media and other types of online networks develop, consider how we can use them to enhance our communications processes.

## **4.8 Community and Customer Involvement**

Putting customers first is at the heart of our values. In Procurement our customers include members and other officers, as well as residents of, and visitors to, East Devon. We need to make sure our customers are involved in designing, delivering and improving the services they receive.

### **Main Aim**

To deliver community benefits and involvement in procurement processes, and working with stakeholders to improve the procurement process.

### **Objective**

Deliver processes and procedures to facilitate customer/stakeholder input to procurement activities.

### **Action**

- Develop and promote guidance on involving users in the procurement process.
- Ensure that consultation with users has contributed to improved service descriptions before starting the procurement process.
- Work with users to provide training and awareness on their role in the procurement process.
- Provide training and support to suppliers to ensure that we involve communities and customers in our services.
- Review and report on feedback to make sure services and procurement processes are developed and based on users' needs.

## **4.9 Sustainability and Environmental Management**

The Council's vision is for an outstanding and sustainable quality of life for everyone in East Devon. Our procurement activities, and those of our suppliers, affect the local and global environment and have an influence on whether we achieve our sustainability and environmental aims.

### **Main Aim**

Achieving value for money with goods, services and works that are manufactured, delivered, used and disposed of in a manner which minimises their social and environmental impacts and which maximises their social and environmental benefits.

### **Objective**

Promote Value for Money, Sustainable Procurement practices, and policies which contribute to improved performance and reduce global and local environmental impact in accordance with adopted environmental policies

Develop procurement principles to encompass community benefits.

### **Action**

- Delivering training and development activity that helps embed sustainable procurement objectives.
- Developing policies to facilitate and promote sustainable procurement and communicate progress to achieve sustainable procurement objectives to stakeholders.
- Working with suppliers to improve sustainable performance through the supply chain and stimulate innovation.
- Developing and utilising indicators of sustainable procurement performance.

## **4.10 Equality and Diversity**

We will use our influence to promote a positive approach to equality and diversity and by ensuring that they are promoted within our contracts.

### **Main Aim**

To promote procurement practices and policies which contribute to our priorities on equality and diversity by making sure we treat all suppliers and potential suppliers equally.

### **Objective**

Promote procurement practices and policies which contribute to the priorities on equality and diversity.

### **Action**

- Work with colleagues, and possibly external agencies to ensure that our procurement library provides guidance for officers through the process of identifying any necessary actions to ensure that equality and diversity are incorporated into the procurement process through commissioning and contract management.
- Include appropriate equality and diversity clauses in all contracts.

## **4.11 Ethical Procurement**

Ethical procurement concerns the living standards of people locally, nationally and internationally who may be affected by our procurement activities.

### **Main Aim**

To raise the profile of ethical issues in the procurement process and introduce our suppliers to ethical issues in the supplier relationship to ensure a positive ethical impact.

### **Objective**

Ensure that we meet the highest standards of ethics and probity and in turn expect the highest ethical standards from our suppliers.

### **Action**

Ensure that ethical considerations feature in our contracts and increase the awareness of related issues with suppliers.

- Produce guidance to help suppliers.
- Write and publish a policy statement and code of conduct concerning ethical procurement.
- Ask suppliers to show their commitment to ethical issues within their own company.
- Provide information and training on ethical procurement.
- Ensure that our suppliers are aware of our Whistleblowing Policy.

## **4.12           Regeneration**

Working with small and medium-sized enterprises, social enterprises, voluntary and community sector suppliers, local suppliers, and black and ethnic minority suppliers in our procurement process will support local regeneration strategies, benefit the community and contribute to economic development.

### **Main Aim**

To support local regeneration and development by providing high-quality information and encouraging a varied supply market.

### **Objective**

Encourage a mixed range of suppliers to help develop a varied and competitive market place.

### **Action**

- Work with varied and local suppliers, and support them in working with Procurement East Devon.
- Undertake a review to ascertain how we can maximise the opportunities for using local suppliers.
- Consider, and if agreed, sign-up to the national small business friendly concordat.
- Encourage our larger contract suppliers to use small firms and local labour.

## **5 Outcomes**

This strategy will enable the Council to deliver and embed modern procurement principles for effective and efficient, socially responsible procurement, ensuring overall value for money for all goods, services, and works procured.

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

The Corporate Procurement Officer is responsible for this strategy.

## **7 Performance Monitoring**

Progress will be reviewed through regular (e.g. quarterly and annual) reports and discussed with relevant officers and the Procurement and Efficiency Group.

## **8 Policy /Strategy Considerations**

SMT, Procurement Champion, Procurement and Efficiency Group.

## **9 Equality Impact Considerations**

An Equality Impact Assessment has been carried out on procurement at EDDC and helped to inform this strategy. The nature of procurement means that it has an effect on the quality and the effectiveness of the services provided by this Council, and potentially too on the local economy.

## **10 Policy /Strategy Reviews**

The Corporate Procurement Officer will formally review this strategy after one year. Apart from formal reviews it will be actively considered constantly, and especially when external events necessitate any earlier review.

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

Council Plan  
Localism Act 2011  
UK and EU Procurement Directives  
EDDC Contract Standing Orders  
Government Spending Review 2010

## Agenda Item 14

Cabinet

3 October 2012

LG



## Financial Monitoring Report 2012/13 – Month 5 August

### Summary

This report gives a summary of the Council's overall financial position for 2012/13 at the end of month five (31 August 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 £1.865m 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 five 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 Five August

**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 five.

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

2.1 The following table shows the position on investment income:

Investments	Annual Budget £000	Variation at Month 5 £000	Predicted Outturn Variation £000
External Investments	(260)	(26)	0
Internal investments	(41)	1	0
<b>Total</b>	<b>(301) (25)</b>		<b>0</b>

The positive variation on external investment is mainly due to gains of £22,000 in trading of external investments to date. However, prudence would dictate that this is expected to reverse by year end due to latest interest rate forecasts.

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>£000</b>
<b>Original Budget Requirement (set 22/02/12)</b>	<b>12,247</b>
Add Supplementary estimates to date	562
Add:	
Month 5 predicted net over/(under) spend to Year End	33
<b>Predicted Budget Outturn</b>	<b>12,842</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 5 £000</b>	<b>Predicted Outturn Variation £000</b>
<b>Corporate Services Portfolio</b> Pension enhancements reduction due to reduced membership	(12)	(12)
<b>Environment – Street Scene Portfolio</b> Junior technical assistant vacancy to be filled shortly	(8)	(10)
<b>Finance Portfolio:</b> Localised Council Tax benefit (will recoup from 13/14 grant)	0	15
Outturn variations reported as at Month 4		40
<b>Predicted Outturn Total Variations</b>		<b>33</b>

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

		<b>£000</b>
<b>General Fund Balance 01/04/12</b>		<b>(5,536)</b>
Less:		
Planned use of general fund balance in setting the budget	179	
Transfer 11/12 surplus to Capital Reserve	1,148	
<b>Available General fund balance 2012/13</b>		<b>(4,209)</b>
Supplementary Estimates previously reported		53
Supplementary Estimate Mamhead slipway consultation (Cabinet 5/9/12)		70
Predicted net over / (under) spend to year end		33
<b>Predicted General Fund Balance 31/03/13</b>		<b>(4,053)</b>

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

This predicted balance of £4.123m is £2.612m 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 5 £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)	75		125	(1,158)

### 3. Housing Revenue Account Position up to Month 5.

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>£000</b>
<b>Budget surplus (set 22/02/12)</b>	<b>(1,734)</b>
Month 5 predicted net overspend to year end	(491)
<b>Predicted Budget Requirement</b>	<b>(2,225)</b>

A summary of the predicted over and under spends to the year end is shown below. No further variations have been identified in month 5.

	<b>Variation at Month 5 £000</b>	<b>Predicted Outturn Variation £000</b>
Variations from Month 5	59	(491)
<b>Total 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>£000</b>
<b>Housing Revenue Account Balance (01/04/12)</b>	<b>(624)</b>
Predicted budget requirement as above	(2,225)
<b>Predicted HRA Balance (31/03/12)</b>	<b>(2,849)</b>

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

#### **4. Capital Programme Position up to Month 5.**

- 4.1 The following tables currently estimate the total required from the Capital Reserve as £1.971m;

- 4.1.1 Below is a summary position of the Capital Programme.

<b>£000</b>		<b>£000</b>
<b>Net Capital Programme Budget (Cabinet 09/02/12)</b>		<b>6,646</b>
2011/12 scheme costs slipped into 2012/13 (as agreed by Cabinet in the Outturn report in June 2012)	3,564	
<b>Revised 2012/13 budget</b>		<b>10,210</b>
Months 1-4 Variations	116	
Month 5 Programme Variations (a)	23	
<b>Predicted Budget Requirement</b>		<b>10,349</b>
<b>Financed by:</b>		
In Year Usable Capital Receipts (b)	(527)	
Capital receipts reserve	(1,693)	
PWLB Loan 11 houses Morton Way	(428)	
S.106 funding	(805)	
DCLG Grant Growth Point	(3,000)	
DCLG Grant Heat & Light	(100)	
Other Capital Grants	(249)	
Capital Project Reserves	(73)	
HRA Contribution	(1,154)	
General Fund Revenue contribution	(4)	
New Homes Bonus	(345)	
Predicted Capital Reserve requirement	(1,971)	
<b>Total Funding</b>		<b>(10,349)</b>

<b>Note (a) Month 5 Capital Programme Variations</b>	<b>£000</b>
Parks equipment replacement Littleham - funded by S.106	22
Seaton regeneration adjustment to match receipt	1
<b>Total Month 5 Programme Variations</b>	<b>23</b>

<b>Note (b) Month 5 Capital Receipts Variations</b>	<b>£000</b>
Adjustment to estimated Council Dwellings sales receipts based on revised legislation	(23)
<b>Total capital receipts Month 5</b>	<b>(23)</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)	
		(4,275)
Estimated use of reserve as at Month 4		1,970
Month 5 amendments		1
<b>Balance carried forward to 2013/14</b>		<b>(1,865)</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

- EDDC financial system

Laurelie Gifford (Financial Services Manager) Ext 2613

Mandy White (Accountant) Ext 2357

3 Oct 2012

## Agenda Item 15

Cabinet

3 October 2012

EF/BR/AW



### Exemption from Standing Orders

Appointment of consultants to run workshops to inform the preparation of the Town Centre Design Codes for Cranbrook and provide urban advice to the Local Planning Authority and the East Devon New Community Partners

#### Summary

This report seeks Cabinet approval for an exemption from Standing Orders in order to appoint consultants to provide specialist urban design advice to East Devon District Council and facilitate a series of urban design workshops in Autumn 2012. The workshops will be used to seek agreement over 'Design Codes' that will be used to inform the design of Cranbrook Town Centre.

#### Recommendation

**To agree the request for an exemption under Contract Standing Order 1.11 to enable the appointment of Design Action Devon and Cornwall to complete the work referred to in the report; this work to be managed by the New Community Officer for Cranbrook and the Projects Director of the Exeter and East Devon Growth Point Team to a maximum cost of £25,000.**

#### a) Reasons for Recommendation

To ensure that the best qualified consultancy support is appointed expeditiously. To ensure that the Town Centre Design Codes for Cranbrook are prepared in collaboration with those organisations that have a long term interest in the success of Cranbrook town centre and the best possible urban design guidance is established in advance of the submission of detailed planning applications.

#### b) Alternative Options

Alternative options are:

- 1) Not to procure urban design advice and hence have limited Local Planning Authority input into the preparation of the design codes; or
- 2) Undertake a full tendering procurement process for alternative design advisors.

#### c) Risk Considerations

- 1) To proceed without securing urban design advice or involvement in the design code process by the LPA and interested parties would mean the LPA was reliant solely on

the submission of a design at around the time of the submission of reserved matters planning applications for the town centre. This could result in an unsatisfactory design code in the context of pressure to issue a planning decision. If planning decisions are refused due to unsatisfactory design codes, this could result in potential delay and potential risk of the urban design details for the town centre being considered through a planning appeal process. This would run a risk of securing detailed layouts and designs for the town centre that the Local Planning Authority does not consider is appropriate to Cranbrook.

2) Design Action Devon and Cornwall have provided multi-disciplinary support for aspects of design quality at Cranbrook throughout the reserved matters planning application stage for Cranbrook Phase 1 (first 1,120 homes) and the Director of Design Action has been involved throughout the Outline Planning Application design workshop stages (during his capacity as a design advisor for the former CABA – Commission for Architecture and the Built Environment). The benefits of continuing to use advisors who are familiar with the project include continuity and immediate availability. The East Devon New Community Partners have indicated that they wish to submit detailed reserved matters planning application/s for the town centre early in 2013. Full tendering for urban design advice would delay the workshops and an opportunity for the Local Planning Authority and others to have involvement in the preparation of the design codes.

**d) Policy and Budgetary Considerations**

Funding for this work will be met entirely from Growth Point Team budgets with support from the Homes and Communities Agency.

**e) Date for Review of Decision**

N/A.

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1 Appointment of consultants

1.1 Condition 7 of the main Outline Planning Consent for the first 2,900 homes at Cranbrook (03/P1900) requires the submission of design codes to the Local Planning Authority. See background document A. The condition reads:

*“Prior to commencement of the construction of each sub-phase of development (save such preliminary or minor works as the Local Planning Authority may approve in writing) Detailed Design Codes for that sub-phase shall be submitted and approved in writing by the Local Planning Authority. The details shall be substantially in accordance with the approved Design Codes unless otherwise approved through reserved matters applications by the Local Planning Authority.”*

1.3 There is also a requirement within the Section 106 Agreement for Cranbrook (Background Document A) that the Town Centre Design Code is prepared “as soon as reasonably practical after commencement of development”. Technical commencement of development took place on 26 September 2011.

1.4 The Town Centre Design Code will establish important concepts for the layout and design of the town centre including principles on the use of materials, planting of street trees, use of street furniture and juxtaposition of buildings and uses. These principles will be in accordance with the strategic urban design



guidance set out in the Strategic Design Guidance for Cranbrook (Background Document C). Given the significance of the Town Centre Design Code, it is critical that the formulation of the code involves the Local Planning Authority and that other organisations / individuals with an interest in Cranbrook have an input.

1.5 In order to avoid potential delay or disagreement between the LPA and the East Devon New Community Partners over the layout and design of the town centre, the proposed approach is for the Local Planning Authority to become involved in a constructive dialogue with the East Devon New Community Partners over the preparation of the code. The best mechanism to achieve this is through a series of 'design workshops' to be held during Autumn 2012. These workshops will include councillors, the East Devon New Community Partners, officers from EDDC and other interested bodies / groups (attendance list is yet to be confirmed). The provisional dates for these workshops are 8 October, 12 November and 7 December 2012.

1.6 East Devon District Council no longer employs a dedicated urban design officer nor has the staff capacity to run these workshops and communicate their findings to the East Devon New Community Partners who will be preparing the code. It is proposed that this facilitation work is undertaken by Design Action for Devon and Cornwall who have been actively involved in Cranbrook design negotiations to date on behalf of the LPA.

1.7 Given that the East Devon New Community Partners have recently signalled their intention to submit the code early in the new year, it is considered prudent and expedient to employ the services of Design Action Devon and Cornwall to manage these workshops and communicate feedback to the EDNCP prior to submission of the final code and reserved matters planning application/s for Cranbrook Town Centre.

1.8 It is estimated that this facilitation exercise, including hiring of venues and staff from Design Action Devon and Cornwall will cost up to £25,000. These funds are sought from the Exeter and East Devon Growth Point project team. Funding was awarded in March 2010 under the then Eco Towns programme for mastplanning of the future expansion of Cranbrook. It is proposed to utilise a proportion of these funds to undertake this exercise.

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## Legal Implications

Cabinet may waive the requirement in contract standing orders to obtain three written quotations if it considers it appropriate to do so. It is advised that clarity is obtained on either a fixed price or a competitive hourly rate before any letter of appointment is given so value for money may be demonstrated clearly.

## Financial Implications

The financial implications are indicated within the report and will be funded from the Growth Point Team's masterplanning budget.

## Consultation on Reports to the Cabinet

None.

## Background Papers

- ❑ Doc A. Cranbrook Section 106 Agreement dated 29 October 2010
- ❑ Doc B. Outline Planning Decision Notice 03/P1900 dated 29 October
- ❑ Doc C. Cranbrook New Community Strategic Design Guidance September 2010 (Appendix 16 of the Cranbrook 106 Agreement).
- ❑ All the above documents have been considered by Development Management Committee and can be viewed on-line via the following link:  
<http://planning.eastdevon.gov.uk/online-applications/applicationDetails.do?activeTab=externalDocuments&keyVal=ZZZZAOGHXT904>

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Ed Freeman  
Development Manager

Cabinet  
5 October 2012

Andrew Wood  
Director – Exeter and East Devon Growth Point Team

## Agenda Item 16

Cabinet

3 October 2012

JW/smep



### Revised Contaminated Land Strategy

#### Summary

The Council is required to have a Strategy that describes the way in which it will meet its obligations related to land which is, or has the potential to be, Contaminated Land. The Strategy is required to be periodically reviewed and this report introduces the latest review.

#### Recommendation

**That the Revised Contaminated Land Strategy is adopted by the Council.**

#### a) Reasons for Recommendation

The Council is required to review the Contaminated Land Strategy periodically and this document fulfills that requirement.

#### b) Alternative Options

There are no alternative options.

#### c) Risk Considerations

If the Council does not review the Strategy it will not be able to demonstrate that the activities of Officers in relation to contaminated land comply with current legal requirements.

#### d) Policy and Budgetary Considerations

None

#### e) Date for Review of Decision

2017

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#### 1 Main Body of the Report

1.1 Part 2A of the Environmental Protection Act 1990 requires that Local Authorities cause their areas to be inspected with a view to identifying contaminated land, and to do this in accordance with guidance issued by the Secretary of State for Environment, Food and Rural Affairs. Each Council was required to adopt a strategy for doing this, and to review the strategy periodically. This document reviews the original strategy adopted in 2001. The strategy details how, after considering the characteristics of the area, the authority takes a rational, ordered and efficient approach to this requirement.

1.2 Over the last 10 years, over 700 potentially contaminated sites have been identified within East Devon solely on the basis of the former use of the land. Within that period many of these either came forward for development, or evidence indicated that they had already been remediated and developed. Other sites have been noted as of minor significance.

1.3 In East Devon no site has ever been determined as “Contaminated Land”, although there are several which are quite properly subject to ongoing investigation and voluntary remedial works by the land owners, in consultation with Environmental Health.

1.4 The principal objectives of the strategy are therefore to:

- meet the statutory requirements to produce a strategy and review it;
- set out a strategic approach to the identification and remediation of contaminated and potentially contaminated land;
- use the source-pathway-receptor model as an indication of significant pollutant linkages;
- inform stakeholders of the Council’s intentions;
- provide information to the Environment Agency on request, to identify special sites and to transfer them to the Environment Agency;
- record details of determinations on a Public Register.

1.5 The Council’s priorities in dealing with contaminated land are to:

- protect human health;
- protect controlled waters;
- protect designated ecosystems;
- prevent damage to property, crops and livestock etc;
- encourage voluntary remediation; and
- promote the re-use of brownfield land, using the Local Plan, Planning process and regeneration proposals.

1.6 The District Council is the lead regulator on contaminated land but, wherever necessary, the Council will work in partnership with other organisations, particularly the Environment Agency and Natural England. Both these organisations, together with the Health Protection Agency and, internally, the Development Management and Legal Teams have been consulted on the content of the Strategy. Their recommendations have been incorporated into the final document.

1.7 The regulations set clear criteria that must be met before land can be formally determined as contaminated land. The Council must also maintain a public register that must contain only certain information. Sites are only included on the register once a declaration has been made.

1.8 There are no sites in East Devon that are currently the subject of complaints about contamination or harm to receptors.

1.9 Imperial Recreation Ground in Exmouth, which is in the ownership of EDDC has been investigated. The necessary remediation works to contain potential contamination on this site have already been identified and agreed with the Environment Agency and will commence shortly.

1.10 In accordance with the National Planning Policy Framework it is our policy that all contamination issues will be properly dealt with before or during development works and in consequence, no land will be capable of being determined "Contaminated Land" after redevelopment.

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### Legal Implications

The legal background is set out within the report and the strategy has been drafted against the current legal framework. The report requires no further comment.

### Financial Implications

The only financial implications contained within the report, are those for item 1.8 Imperial Recreation Ground remediation works. These financial implications are provided for in the Capital program budget.

### Consultation on Reports to the Cabinet

Environment Agency

Natural England

HPA

EDDC Development Manager

### Background Papers

[Draft EDDC Contaminated Land Strategy 1<sup>st</sup> September 2012](#)

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Janet Wallace - ext.1647  
Environmental Health and Contaminated Land Officer

Cabinet  
3 October 2012

## Agenda item 17

Cabinet

3 October 2012

MS



Private Water Supplies Regulations - Options to enable the Council to comply with the Private Water Supply Regulation 2009 requirements for risk assessments, sampling and enforcement.

### Summary

In 2010 the current Private Water Supply Regulations came into force which requires all Local Authorities to monitor, sample and improve the standards of private water supplies. The Regulations allow the Local Authority to set reasonable fee levels for these activities, which the Council did in 2010. However, the present officer resource and fee levels are insufficient for the Council to comply with the timescales set by the Drinking Water Inspectorate to complete the risk assessments of private water supplies and private distribution systems by 2014.

We have 478 private water supplies and have risk assessed only 106 of those supplies. It should be noted that the regulations do not apply to private water supplies to single private dwellings of which we know of some 1,200 private supplies.

This report proposes an increase in fees for risk assessments to generate the additional income needed to meet the cost of an additional resource to undertake this work.

### Recommendations

It is recommended that:

- Option 1b is considered as the most favoured option: A FTE Technical Officer is appointed to assist the Council to comply with the private water supply requirements for risk assessments, sampling and investigatory work.
- This post can be paid for by increasing the charge for a risk assessment from £75 to £200 per assessment.
- The introduction of suitable mobile technology for this particular area of work is considered as a matter of priority and can be paid for by the increase in the charge for risk assessments.

#### a) Reasons for Recommendation

To highlight the lack of progress in relation to a statutory duty and propose a way of meeting our obligations to undertake risk assessments of private water supplies.

#### b) Alternative Options

Options are given in the report for consideration.

#### c) Risk Considerations

The risk is prosecution for non compliance with the duties and failure to protect the public health of residents. This activity is a basic public health duty to ensure that drinking water is suitable for consumption.

#### 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 Summary of duties

- 1.1 In general terms a private water supply is any water supply which is not provided by a water company. It is not a "mains" supply. About 1% of the population of England and Wales has private water supplies to their homes. Most private supplies are situated in the more remote, rural parts of the country. The source of the supply may be a well, borehole, spring, stream, river, lake or pond. The supply may serve just one property or several properties through a network of pipes (DWI 2011).
- 1.2 East Devon has a high number of private water supplies compared to most other districts estimated at 478, which can be broken down into 250 commercial supplies; 128 private domestic supplies and 100 distribution networks. The threat to human health can come from a range of potential hazards, but human and/or animal gut pathogens are probably the most commonly occurring, followed by accidental or indirect chemical contamination. Risks include:-
  - Bacteria;
  - Viruses;
  - Cryptosporidium;
  - Leptospirosis, etc.
  - Chemical contamination (naturally occurring or introduced), which may be harmful or even at dangerous levels, e.g. heavy metals, pesticides, fuels, etc.
- 1.3 In 2010 regulations came into effect to improve the standards of private water supplies in order to reduce infectious diseases and illness associated with their consumption. The driver to this regulation was the requirement to transpose, implement and enforce the UK's obligations under the European Union revised Directive 98/83/EC1 (the Directive) on the quality of water intended for human consumption (drinking water).
- 1.4 This Directive fundamentally updated the previous Directive 80/778/EEC2 to take account of medical, scientific and technological advances and lays down prescribed standards on the quality of water intended for human consumption. The Directive sets standards and identifies other quality measures for drinking water that are generally in line with the World Health Organization's (WHO) Guidelines for Drinking Water Quality, published in 2004.
- 1.5 The Regulations place a duty on local authorities to **carry out a risk assessment within 5 years** and to **monitor regularly all large supplies** in accordance with specified frequencies to determine compliance with the standards. There are two types of monitoring for large supplies – "check monitoring" which is carried out relatively frequently for a few very important parameters and "audit monitoring" which is carried out less frequently for the remaining parameters.
- 1.6 The Regulations also place a duty on local authorities to **carry out a risk assessment and monitor all small**

**supplies within 5 years** (except supplies to single private dwellings) **and subsequently to keep the risk assessment under review and up to date.** The monitoring is for a limited number of very important parameters and other parameters when identified by the risk assessment. Users of a supply to a single dwelling can request the local authority to carry out a risk assessment and/or monitoring and if they do so the local authority must comply with the request.

- 1.7 From 2013 the Local Authority will be required to assess the risk posed by Private Distribution Networks (PDNs). These are supplies where mains water is piped to the boundary and then taken on through the owner's own pipes to various properties or commercial outlets. In East Devon this may include premises such as the airport, schools, caravan parks, villages or even farms. This does not appear to be a large area of work; however, it is likely that these networks will be in excess of 100 in number. In addition, temporary events will require an assessment, for example any onward distribution of mains water for the Sidmouth Folk Festival and Beautiful Days Event.

## **2 Key Issues in the Regulations**

- 2.1 The Directive applies to all private water supplies providing 10m<sup>3</sup>/day or more (serving 50 or more persons) and to all private water supplies, irrespective of their size, that are part of a commercial or public activity (such as bed and breakfast establishments). These are referred to as '**large supplies**' in the guidance. The Directive allows Member States to exempt from their regulations private water supplies providing less than 10m<sup>3</sup>/day (serving less than 50 persons), provided that they are not part of a commercial or public activity. These are referred to as '**small supplies**' in the guidance. These supplies have **not** been exempted in this country.
- 2.2 On 1 January 2012 Margaret Fenton of Fenton and Knibbs was contracted to carry out the sampling of East Devon private water supplies in accordance with the legislation. Each week properties are selected for sampling, starting with high risk properties, such as bed and breakfast accommodation and food premises.
- 2.3 By 12 June 2012 approximately 116 samples had been taken across the District. Some sampling is carried out prior to a risk assessment and where the sample fails a risk assessment is instigated quickly afterwards.

## **3 Impacts on EDDC services**

- 3.1 The Regulations require formal action to be taken to ensure that private water supplies meet the standards and other requirements of the Directive by requiring local authorities to serve notices under Section 80 of the 1991 Act if informal negotiations with relevant persons fail to secure improvements. Where a private water supply is considered to be a **potential danger to human health**, the local authority is under a duty to serve a notice under **Regulation 18 of the Regulations** to require the supply to be **prohibited or its use restricted and for the supply to be improved** (instead of a notice under Section 80).
- 3.2 All private water supplies, large and small, are required to meet the standards in the Regulations. When the monitoring/sampling carried out by a local authority detects a **failure to meet a standard**, the local authority must **carry out an investigation to determine the cause** of the failure and, **unless it is trivial and unlikely to recur**, then **ensure**

**that appropriate action** is taken to remedy the cause so that the standard is met. If the local authority cannot secure action by the responsible person by informal negotiation and an authorisation has not been granted, it must serve a notice under Section 80 of the 1991 Act on that person as the relevant person. If the cause of the failure is due solely to the condition of pipe work within a private dwelling, the local authority must offer appropriate advice to the owner/occupiers on any measures needed to protect their health and it may issue a notice under Section 80 of the 1991 Act, if necessary.

- 3.5 Approximately 50% of samples each week can be expected to fail for a number of reasons. The most common are high, naturally occurring acidity, degraded pipe work (sometimes associated with high acidity but not always), high nitrates from agricultural activities and bacterial contamination.
- 3.6 The demand for notices has grown considerably since January 2012 and it is anticipated that this will continue for the foreseeable future. The demands on the Service have been higher than originally anticipated.
- 3.7 A local authority may **charge** a relevant person (or persons) responsible for a private water supply **a fee** up to a specified maximum for carrying out a risk assessment (including the cost of auditing a risk assessment carried out, or commissioned, by the relevant person), carrying out an investigation into a failure and granting an authorisation as well as for carrying out monitoring (sampling and analysis). The charge the local authority may make is the reasonable cost of providing the specified service.
- 3.8 As this is a complex area of our work I have produced a question and answer sheet that may address Members need for more information. This is shown in **annex 1**.

#### **4 Present position regarding work programme and resources**

- 4.1 The risk assessment programme has been running for some time in an attempt to fulfil the Council's obligation that all small domestic, large commercial and private distribution networks are assessed within the next 18 months. The resources allocated are insufficient to get the job done and were underestimated at inception. We have risk assessed 106 supplies to date.
- 4.2 The Technical Officer responsible for undertaking the risk assessments work 27 hours each week. He is also committed to the Environmental Health Department for air quality, installation of DAT recorders, monthly swimming pool sampling and regular food safety sampling. Private water supply risk assessments are amongst a number of conflicting priorities.
- 4.3 Since the start of the sampling programme in January this year he has only been able to commit to, on average between 10 and 14 hours per week for private water supply work. At present, using the available technology it takes a minimum of one, full day to complete each assessment. However, the Technical Officer's commitments to commercial and environmental protection teams means that he has between 75 and 150 working days available to complete all of the risk assessments
- 4.4 In practice the officer can only devote one day per week for risk assessments and investigation work. It is estimated that

the officer is only likely to complete 120 assessments in the next 18 months, leaving a shortfall of 252 assessments.

- 4.5 The DWI will be introducing an assessment tool in the next two months that is based entirely on an Excel spreadsheet. The spreadsheet is vast and consists of at least 12 sheets and is supported by copious guidance notes. It is possible that this could be taken into the field and completed on site.

## 5 Options to meet the target for risk assessments

- 5.1 The following options have been formulated in an attempt to find ways of complying with the Council's legal obligations under the Regulations. It may be feasible to combine various options in order to find the best solution.

- 5.2 The Council has set the cost of carrying out a risk assessment at £50 for travel and administration and £25 per hour on site, but this does not reflect the nature of the assessment process, which can take a considerable time complete.

### 5.3 Option 1 – Increase the cost of the risk assessment to £200, so it is in line with other Councils' in Devon and nationally.

- (i) The DWI Annual Report (July 2011) identifies the range of costings for local authorities across the country as being £50 minimum charge and report compilation typically taking 5 hours. This would bring the cost of an assessment in East Devon to £175.00
- (ii) The current cost of a risk assessment does not reflect the amount of time it takes to compile each assessment. Other authorities in the county charge £200 per assessment, regardless of the amount of time it takes to complete. In the case of complex supplies, it may take more than one visit and several officers to determine the risk associated with the supply, however this is generally regarded as acceptable.
- (iii) The cost of an EHO doing the assessment would be not less than £200, but in the event that it required more work the customer would not be disadvantaged. In light of the number of assessments outstanding, it also allows a contractor to take up the job if we can't get it done in time.
- (iv) Income for the Council in the next 18 months would be **£200 x 372 (remaining risk assessments) = £74,400**  
Increasing the cost of an assessment would enable to council to:

**Option 1a** - Tender for a PWS contractor to carrying out risk assessments. It is very unlikely that any contractor would complete an assessment for £75.00.

The Council would lose valuable income and, as this is such a specialist area of work, could lose the skills required in house. This could be problematic if the contractor can no longer honour the contract or does not wish to renew.

**Option 1b** - Recruit a technical officer, payable by monies derived from risk assessments and sampling. This proposal also allows for the recruitment of a member of staff to support both the assessment and sampling programmes. The recruitment of a new member of staff to the service is more likely to complete the required assessments in the time left and therefore will mean EDDC will avoid a hefty fine from the DWI.

- (v) The council would retain the income and costs of recruitment and employment would be offset by fees. The work will be there for the foreseeable future as there are no plans to turn the work over to South West Water. The job would be completed to a high standard and would ensure better customer service
- (vi) The latter (**Option 1b**) is the preferred option as it allows for the continued high standard of reporting that has been set by the team. It means that the assessment is thorough and it allows adequate resourcing to enable the council to cover its considerable geographic area. It would future proof the water supplies process, as assessments will require renewal on a five year cycle. It would provide extra expertise for investigation work and consistency. All fees would be consumed by employing the technical officer.

#### 5.4 **Option 2 – Reduce the length of time it takes to produce a risk assessment.**

- (i) This is the least preferred option as the risk assessment requires trawling through data, data checking, history of results, impact of land use etc. It requires an extensive use of skills such as mapping, data collection and analysis etc. However, with the right equipment much of this could be undertaken on site so that the customer pays all reasonable costs. It is not clear if this solution alone would address the shortfall, and the recruitment of other Technical Officers or a temporary worker may still be required

#### (ii) **Costing of new risk assessment process using a tablet or laptop**

Estimated cost of tablets or laptops is approximately £350 per officer.  
Benefits of this form of working

- Reduce fuel costs;
- Increased numbers of assessments done as the officer could stay out all day, rather than returning to the office to input each assessment onto the system;
- It could be used for other functions for which the team are responsible;
- No security issues if officers are not accessing council systems (assessments can be completed on Word and transferred later).

- (iii) Due to the lateness of the emergence of this problem it unlikely that this option alone will provide the solution required.

#### 5.5 **Option 3 – Change roles so that the water sampling contractor takes up risk assessments**

- (i) The Council's contractor is in the process of establishing a sound sampling programme which will need to be followed for the foreseeable future. The contractor has achieved this through taking between 6 and 10 samples on a single day each week. Notices are served each week on any failed samples, which are then picked up by the Technical Officer for re-sampling and assessment. The re-sampling is undertaken free of charge, as per the regulations.
- (ii) Once the risk assessment is complete and if the second sample fails, the notice is re-served with the required work.

- (iii) An alternative strategy would be to increase the cost of an assessment to £200 and put this work out to a contractor, bringing the sampling work back in house.
- (iv) This might suit the existing Technical Officer because of the major constraints on time he is available to the housing team. However, this would only be a short term consideration.
- (v) **Advantages**
  - More likely to achieve the target through contractual commitment.
  - Physical constraints would mean that the Technical officer would be able to perform better.
  - Relatively low impact on the organisation in terms of admin support.
  - This solution would also enable internal staff to embark and support the assessment programme and there would be more chance that the Council's obligations will be met.
- (vi) **Disadvantages**
  - Potential income of 400 x £200 being taken outside the Council.
  - Little scope for investigation work, given existing resources.
  - In the event that the Technical Officer is unavailable the sampling programme, which is compulsory would not be sustainable.

## 6 Conclusions

- 6.1 It is recommended that Option 1b above is considered as the most favoured option; a FTE Technical Officer is appointed to assist the Council to comply with the private water supply requirements for risk assessments, sampling and investigatory work.
- 6.2 This post can be paid for by increasing the charge for a risk assessment from £75 to £200 per assessment.
- 6.3 The introduction of suitable mobile technology for this particular area of work is considered as a matter of priority and can be paid for by the agreement to increase the charge for risk assessments.

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### Legal Implications

The legal implications are set out within the report and require no further comment.

### Financial Implications

The financial implications are indicated in the report.

### Consultation on Reports to the Cabinet

None.

### Background Papers

[Private Water Supplies Regulations 2009](#)

[Private Water Supplies Regulations Technical Guidance](#)

Meryl Spencer Ext 2654  
Private Sector Housing Manager



## Questions and Answers: Private Water Supplies (PWS)

**Question 1.** Some properties will have mains and a supplementary private water supply usually for agricultural, horticultural or activities involving livestock. How is proposed to identify if we have a comprehensive database of these types of properties and verify if the mains water is being used for human consumption or if supplemented by private supply?

### Answer

- We send out questionnaires to all known private water supplies requesting just such information.
- We check with South West Water that there is a mains supply being used.
- We would then have to take the owners word that they are not supplementing the mains supply for human consumption as the regulations do not put a duty on us to monitor private water supplies that are used for livestock.
- If the private water supply is used for washing vegetables or cleaning dairy equipment this would still be seen to be used in a process where there is a possibility that the water could contaminate food and therefore our duty is to monitor the supply

**Question 2.** The number of properties estimated to have private supplies in East Devon is shown as 478 with a breakdown of 250 commercial supplies, 128 private domestic supplies and 100 distribution networks. Can a more detailed breakdown of these properties be provided by village/area/Post Code as my guess would be that the exclusive private supply figure is on the low side if the 128 quoted is the total of tested and untested (there are 18 private and 1 commercial supply within 500 metres of my own home which would account for roughly 15% of the total) and with mixed mains/exclusive supplies this is likely to triple within 1000 metres of my home bringing this up to 42% of the total for one small area of East Devon (e.g. mains water is provided in parts of the greater village and parish of Luppitt leading to mixed supplies)

### Answer

- We do have a breakdown of the supply records that we currently hold by parish.
- We are only interested in risk assessing the source so it is possible that some supplies have the same source and part of the RA is mapping who/which properties the water is supplied to.
- We can only go by the information we presently hold regarding source data and local knowledge. It is possible that there are more sources than we have on our data base. If we had more resources to carry out detailed investigations we could pick up more!
- South West Water (SWW) are particularly interested in finding properties where there is a combination of mains and private supply as it is possible for gross contamination of mains water through 'back syphonage'. This can then risk the health of a greater number of the population that are using mains. We are currently

identifying these supplies and where possible doing joint visits with SWW to ensure that back flow devices are fitted. **This is a very important issue.**

- It is our duty to find private supplies and networks in the district.

**Question 3.** Is the estimated number of 478 the total or those that remain to be tested?

**Answer**

- This is the number we estimate that we are required to risk assess.

**Question 4.** Homes such as ours using significantly less than 10 M3 and not acting as a Business such as a B & B or cottage lets do not appear to have a requirement for testing but can we make it clear that if they want us to do the testing that this service is available at a cost of £xxxx from EDDC rather than their existing testing Lab service?

**Answer**

- We make it clear in the information sheet that we can take samples/carry out risk assessments if requested to do so. We are not able to carry out the testing/analysis of the samples as this has to be carried out by an accredited laboratory. SWW do the testing for EDDC under a Devon Wide tendered contract with very competitive costs.

**Question 5.** If the private water source is outside of the curtilage of the home and using under 10 M3 of water per day and not operating as a business with water being piped to the property does this have a requirement to be tested as the pipe work passes over land not in the owner's control?

**Answer**

- As this appears to be classified as a single supply this would not need to be risk assessed or monitored.
- If this is a shared supply or has a commercial business using the water supply, the fact that pipe work crosses land not in the owners control we would still have a duty to Risk assess and monitor. The owner of the supply will be responsible for the source and pipe work, but sometimes the owner is not known so whoever is supplied with the water will be responsible for maintenance and will need to check their deeds to ensure that they have access rights to the pipe work etc.

**Question 6.** For compliance will EDDC accept reports from non EDDC Labs who are approved to do this work and then provide the results to EDDC?

**Answer**

- In the regulations we are only able to accept results from Drinking Water Inspectorate (DWI) accredited laboratories. There are very few of these around the country.
- The cost of having samples analysed by other laboratories can be much greater than our negotiated prices with SWW. We have also had difficulty obtaining the correct suite of analyses from private laboratories.
- Where people find laboratories to be cheaper than our negotiated prices, it is usually because they are not accredited to analyse under the regulations, these laboratories find the process of accreditation too expensive.

**Question 7.** One of the unclear issues was whether there was a need to inspect 428 under the new scheme – Do they all fit into the criteria of 10 cu mts / 50 people or a private supply that supplies others (or whatever the definition is?).

**Answer**

- The 428 private water supplies represent those that we still need to risk assess, and this figure excludes single dwelling private supplies where we only risk assess the supply at the owners request.
- Small supplies (less than 10 M3 per day) have not been exempted from the risk assessment regime in this country, and perhaps the report only confuses by reference to EU member states being able to exempt small supplies.

## Agenda Item 18

Cabinet

3 October 2012

Performance Report August 2012

Monthly Performance Report August 2012



### Summary

Performance information for the 2012/13 financial year for August 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 August 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**

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**

Link: [http://www.eastdevon.gov.uk/combined\\_performance\\_apps\\_oct\\_2012\\_cabinet.pdf](http://www.eastdevon.gov.uk/combined_performance_apps_oct_2012_cabinet.pdf)  
for:

- Appendix A – Monthly performance snapshot for August 2012
- Appendix B - The Performance Indicator monitoring report for the 2012/13 financial year for August 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  
12 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).”