

Agenda for Cabinet

Wednesday, 4 November 2015; 5.30pm

[Member of the Cabinet](#)

Venue: Council Chamber, Knowle, Sidmouth, EX10 8HL

[View directions](#)

Contact: [Amanda Coombes](#), 01395 517543

[Diana Vernon](#), 01395 517541

(or group number 01395 517546)

Issued 26 October 2015



East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507

www.eastdevon.gov.uk

This meeting is being audio recorded by EDDC for subsequent publication on the Council's website.

Under the Openness of Local Government Bodies Regulations 2014, any members of the public are now allowed to take photographs, film and audio record the proceedings and report on all public meetings (including on social media). No prior notification is needed but it would be helpful if you could let the democratic services team know you plan to film or record so that any necessary arrangements can be made to provide reasonable facilities for you to report on meetings. This permission does not extend to private meetings or parts of meetings which are not open to the public. You should take all recording and photography equipment with you if a public meeting moves into a session which is not open to the public.

If you are recording the meeting, you are asked to act in a reasonable manner and not disrupt the conduct of meetings for example by using intrusive lighting, flash photography or asking people to repeat statements for the benefit of the recording. You may not make an oral commentary during the meeting. The Chairman has the power to control public recording and/or reporting so it does not disrupt the meeting.

Members of the public exercising their right to speak during Public Question Time will be recorded.

- 1 [Public speaking](#)
- 2 Minutes of 7 October 2015 (pages 3-13), to be signed as a true record.
- 3 Apologies
- 4 [Declarations of interest](#)
- 5 [Matters of urgency](#)
- 6 Confidential/exempt items – there are no items which officers recommend should be dealt with in this way.

- 7 Forward Plan for key decisions for the period 1 December 2015 to 31 March 2016 (pages 14-17)
- 8 Minutes of the Arts and Culture Forum 18 September 2015 (pages 18-21)
- 9 Notes of the Budget Working Party held on 8 October 2015 (pages 22-25)
- 10 Minutes of the Scrutiny Committee held on 15 October 2015 (pages 26-30)

Part A matters for key decision

- 11 **Empty Homes Plan 2015 - 2019** (pages 31-42)
To seek agreement from Cabinet to adopt the Empty Homes Plan 2015 - 2019
Appendix 1 – Empty Homes Action Plan 2015 – 2019

Part A matters for decision

- 12 **Vehicle related anti-social behaviour in car parks** (pages 43-51)
To consider reports of vehicle related anti-social behaviour in Sidmouth's Manor Road car park and Seaton's Jurassic car park and to propose a solution to the problem.
- 13 **Financial Monitoring Report 2015/16 - Month 6 Sept 2015** (pages 52-58)
This report gives a summary of the Council's overall financial position for 2015/16 at the end of month six - 30 September 2015
- 14 **Monthly Performance reports - September 2015** (pages 59-62)
Performance information for the 2015/6 financial year for September 2015 is supplied to allow the Cabinet to monitor progress with selected performance measures and identify any service areas where improvement is necessary.
Appendix 1 - September Snapshot
- 15 **South East Devon Habitat Regulations Joint Committees** (pages 63-84)
Following the decision of Council on 29 July 2015 to agree to enter into joint arrangements with both Exeter City Council and Teignbridge District Council, it has been necessary to review and alter the governance arrangements to ensure clarity and consistency in terms of its operation going forward.
- 16 **Exemption to contract standing orders for work on the water main at 33 - 43 Underleys, Beer** (pages 85-86)
This report informs that an exemption has been given to contract standing orders for the sum of £5,850 + VAT to be spent on renewing the water main.

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

EAST DEVON DISTRICT COUNCIL
Minutes of the meeting of Cabinet held
at Knowle, Sidmouth on 7 October 2015

Attendance list at end of document

The meeting started at 5.30pm and ended at 6.55pm. The meeting was chaired by the Deputy Leader, Andrew Moulding – although present at the meeting, the Leader, Paul Diviani was indisposed due to a dental procedure.

***90 Public Speaking**

Roy Pickering of Exmouth Quay Residents Association spoke on behalf of the Exmouth Quay Residents' Association about anti-social behaviour on the River Exe. He referred to agenda item 14 which included a proposal for a fit-for-purpose Harbour Patrol Boat on the River Exe. He welcomed this proposal and believed it to be essential for the good management of the Exe and a valued back-up for enforcing the local byelaws. Mr Pickering emphasised that relevant and enforceable byelaws needed to be in place. He referred to tensions between water users and local residents, which had been recently exacerbated with the closure of Belshers slipway. He believed that monitoring of the situation was important but was not enough, there needed to be some way of enforcing the byelaws and for these to be reviewed and extended as necessary to address the problem. In addition, the creation of new launch areas would help to dissipate the current concentration of water-users.

The Chairman assured Mr Pickering that his comments would be taken into account during the debate at the relevant agenda item (14).

***91 Minutes**

The minutes of the Cabinet meeting held on 9 September 2015 were confirmed and signed as a true record.

***92 Declarations**

Cllr Geoff Pook – Min no. 94
Type of interest – Disclosable Pecuniary
Reason: Rents Beer beach hut

Cllr Iain Chubb – Min no. 103
Type of interest – Personal
Reason: Boat owner

Cllr Pauline Stott – Min no. 103
Type of interest – Personal
Reason: Son is crewmember of Exmouth Lifeboat.

Cllrs Tom Wright, Steve Hall and Alan Dent – Min no. 105
Type of interest – Personal
Reason – members of Budleigh Salterton Town Council

***93 Exclusion of the public**

There were no confidential items which officers recommended should be dealt with in this way.

94 Matters of urgency*Asset Management – Tenanted Non-Residential Property Review: Beach Huts & Chalets**

Cabinet agreed for this item to be considered as a matter of urgency so that the proposals in respect of East Devon District Council's beach huts and chalets could be progressed.

Cabinet had discussed proposals in respect of its beach huts and chalets at its meeting on 7 January 2015. Those in relation to the beach huts at Seaton and Budleigh Salterton had been referred back to the Asset Management Forum (AMF) for further consideration. The consultation in respect of all beach huts and chalets was subsequently opened to the public. Following discussion and in light of the feedback from the public consultation and from the Scrutiny Committee, the original proposals had been amended and were included within the report now being considered.

In presenting the report, the Chief Executive referred to 3 key issues which had come to the fore as a result of the public consultation, namely:

- Beach huts and chalets were a much prized facility; there was general recognition that this had to be paid for realistically;
- There was local pride in ownership - this should be for local people in the main;
- One size would not fit all – some potential solutions should be debated at local level.

The proposals had been considered in detail at the September meeting of the Scrutiny Committee; Councillor Moulding invited the Chairman of that Committee to address Cabinet. Councillor Roger Giles expressed his thanks to the members of his Committee and others present, including the Democratic Services Officer, for their contribution. He said that the general view was that there had been insufficient consultation and that this should have been undertaken at the start of the process. Councillor Giles emphasised that the debate was not just about financial issues but had included wider considerations including the environment and local character. The Committee had recognised that there was no 'one size fits all' solution and involvement in the town and parish councils in the decision-making was very important. Councillor Giles advised that the detailed recommendations from the Scrutiny Committee had been supported unanimously. He questioned the use of the term 'significant' in recommendation 3 of the Cabinet report.

Councillor Moulding assured the Scrutiny Committee that their recommendations would be fully taken into account by Cabinet. Councillor Philip Skinner, Economy Portfolio Holder presented the report, giving the background to the recommendations printed. He advised that the value of the beach hut and chalets needed to be maximised but that there was still debate to be had on how this would be achieved - there was a lack of support for the original proposal for an auction/sealed bid process. He said that each local community with beach huts had their own concerns and suggestions and wanted a say in their future management.

During the debate, the following points were raised:

- There was support for the word 'significant' being removed from recommendation 3.
- The beach huts and chalets added local amenity and ambience to beaches.
- There needed to be meaningful negotiations with all local councils who would need all of the relevant information on which to make their decision.

- Beach huts located in areas of high demand with waiting lists, could have higher charges than others, with consideration being given to providing more. This would require a business-like approach that could be supported with statistical evidence.
- The beach huts in Exmouth were brick built and therefore special arrangements needed to be put in place. Also 37 of the Exmouth huts would be lost as a result of the regeneration project. Currently 10 huts were made available to visitors through the local tourism office - this was a highly valued resource that needed to be kept in mind.
- The public needed to be made aware that the Council had to look at every asset on its 'books' to achieve best value. It had to maximise its returns based on true market values.
- Beach huts and chalets would not be gifted to local councils; any transfer of an income-bearing asset would need negotiation to achieve a proper rate.
- Local councils were currently preparing their 2016/17 budgets.
- Beach hut owners were currently in a state of confusion and uncertainty; they needed to know the Council's intentions.

In summing up, the Chairman said that the recommendations were a way of setting out a process. They reflected the consultation undertaken so far, including the recommendations of the Scrutiny Committee.

RESOLVED:

1. that the report on the beach huts service consultation be noted;
2. that market rents be achieved by means other than auction or sealed bids as a mechanism to establish open market charges on existing beach huts;
3. that the standard hire charges be increased for 2016/17 with the aim of achieving open market rates in the future;
4. that the relevant Town and Parish Councils be invited to a series of consultation meetings, to establish how the service can best be managed for the benefit of all local communities.
5. that the Searchlight Enplacement structure at Seaton be offered for sale on a freehold only basis;
6. that the previous resolutions (2 & 3 to replace the existing huts at Sidmouth Jacobs Ladder and assess an additional site) made by Cabinet on 7 January 2015 in relation to the service provided at Sidmouth be reversed (so that the existing huts are maintained as part of the Council's on-going maintenance programme with no assessment being made in respect of a potential additional site between the Esplanade and Chit Rocks);
7. that the necessary arrangements be made to publish the Beach Huts Service waiting lists and list of current licensees;
8. that sites only be offered at Budleigh Salterton and Seaton from 1 April 2016 on a year-to-year licence, but should EDDC retain the individual management of these beach huts and chalets in 2016, they would be offered to leasees on a 5-year lease;
9. that the Council communicate with all beach hut holders as soon as the position going forward has been agreed.

REASON:

To respond to feedback following public consultation whilst aiming to maximise the value of Council assets through commercial thinking, best value for money and community benefit. The earlier proposal to go down an open market route to establish market charges on the existing sites had generated public dissatisfaction. There had been interest from some local councils in taking over the running of the beach hut service and therefore providing an opportunity to open discussions in this respect was useful.

(Councillor Ian Thomas abstained from voting on the amended recommendations.)

***95 Matters referred to the Cabinet**

There were no matters referred to the Cabinet by the Overview and Scrutiny Committees.

***96 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 October 2015 to 31 January 2016.

***97 Minutes of the Joint Strata Executive Committee 1 September 2015**

Members received and noted the minutes of the meeting of the Joint Strata Executive Committee held on 1 September 2015.

RESOLVED (1) that the following be noted:

Minute 15 - The minutes of the meeting held on 10 June 2015

Minute 16 - Progress report on Strata Implementation Plan

Minute 17 – Internet Speed Delay

Strata would endeavour to install the new broadband connection to Teignbridge District Council Offices by 11 September 2015.

***98 Minutes of the Housing Review Board held on 10 September 2015**

Members received and noted the minutes of the Housing Review Board held on 10 September 2015. Councillor Pauline Stott, Chairman, referred to the rent reduction implications (Minute 23) and the impact that this would have on the Council's Housing Revenue Account Business Plan. (The Government had announced a 1% reduction in rents per annum for four years as part of the budget to help achieve savings required on the welfare budget).

The Leader confirmed that representation was being made to the Government through the District Council Network. The Portfolio Holder – Sustainable Homes and Communities advised that a deputation from this Council and Mid Devon District Council together with the local MPs was meeting Housing Ministers next week to discuss this and associated issues.

Concern was expressed in respect of the recommendation at Minute 33 for an extension in Exmouth. Some members of the Board had understood recommendation 1 to mean that the family would be re-housed. The Portfolio Holder – Sustainable Homes and Communities confirmed that in line with this Council's policy, the family was suitably housed - in technical housing terms - but that as there were complications with the case, a report from Devon County Council social services was awaited. This would influence any further action required.

RESOLVED (1) that the following decision be noted:

Minute 22 – Forward Plan

Minute 27 - Draft annual report to tenants 2014/15

Minute 25 (1) – Fire safety update

The ongoing progress in relation to fire safety measures and improvement works taking place across the housing stock.

Minute 26 – Shared house, Exmouth

The information report.

Minute 27 – Draft Annual report to tenants 2014/15

Minute 28 - Homes and Communities Agency Regulatory Standards

The contents of the advice on regulating standards in social housing.

Minute 29 - Financial monitoring report

The variances identified as part of the HRA revenue and capital monitoring process up to month four.

Minute 30 - Performance digest – for first quarter of 2015/16

RESOLVED (2) that the following recommendations be agreed:

Minute 23 - Summer budget – rent reduction implications

1. that the implications of the Summer Budget on the Council's Housing Revenue Account Business Plan and initial responses to the proposals be endorsed;
2. that a letter be sent to the Housing Minister and the Chancellor from the Housing Review Board strongly objecting to the rent reduction proposals;
3. that the Strategic Lead, Housing, Health and Environment be invited to attend any meetings arranged with Government ministers.

Minute 24 - Gas servicing contract extension

that the existing gas-servicing contract be extended until 31 March 2016.

Minute 25 (2&3) – Fire safety update

2. that a 5 year programme of works in relation to fire safety with an agreed annual budget of £250,000 be approved.
3. that fire stopping works on all void properties (where appropriate) be approved.

Minute 26 – Shared house, Exmouth

that additional Right to Buy receipts be used to fund the project if required.

Minute 31 - Grounds maintenance task and finish forum final report

1. that the grounds maintenance service provided by Streetscene be recognised as good value for money;
2. that the amount paid to Streetscene Services from the Housing Revenue Account for grounds maintenance remain unchanged;
3. that the Estate Management Service Review Group remit be extended to ensure tenant involvement in the grounds maintenance service;
4. that the current system should continue with regard to not charging future freeholders/leaseholders of right to buy properties for a grounds maintenance service.
5. that an update report on garden licences be brought to a future meeting of the Housing Review Board.

Minute 33 - Extension request, Exmouth

1. that it be agreed that the household detailed in the report be suitably housed;
2. that, in accordance with the Council's Adaptations Policy, a statement of need be requested and obtained from a Devon County Council Occupational Therapist in order to consider the provision of any alterations that are needed, and a financial contribution if the work required exceeds £30,000,
3. that the offer of sound-proofing to the relevant area of the property be endorsed.

*99 **Minutes of the Scrutiny Committee held on 17 September 2015**

Members received and noted the minutes of the Scrutiny Committee held on 17 September 2015. The recommendations in respect of Beach Huts (Minute 21) had been considered at Minute 94 above. The Committee Chairman, Councillor Roger Giles advised that the Committee had given detailed consideration to the performance monitoring report (Minute 22). Councillor Giles asked to ensure that the Committee had the most up-to-date information available and for this to be provided in Plain English without unnecessary jargon or acronyms.

RESOLVED (1) that the following be noted:

Minute 22 – Performance Monitoring for first quarter 2015/16

Minute 23 - Election funding financial statement.

Minute 24 - Scrutiny Forward Plan

RESOLVED (2) that the following decision be approved:

Minute 21 – Beach Huts

1. that the decision by Cabinet that all beach hut tenants be responsible for their own National Non Domestic Rates payments where applicable be endorsed;
2. that the Scrutiny Committee receives a progress report on the beach huts and sites proposals by March 2016.

RESOLVED (3) that the following recommendations were taken into account by Cabinet - see Minute 94 above:

Minute 21- Beach Huts

1. consider the requirements of all the community in line with equalities legislation in considering any proposals relating to beach huts;
2. check the validity of waiting lists for beach huts and sites, and that their management be reviewed;
3. confirm to tenants of beach huts and sites that the current arrangements remain in place for 2016;
4. review the hire charges for beach huts and sites on an annual basis;
5. review the decision to establish the £19k sinking fund per annum;
6. consider the difference between town and parish locations be given bearing in mind equality and best value requirements;
7. consider further discussions with town and parish councils on the options of undertaking the management of beach huts;
8. consider increasing the number of sites available and review more diverse letting arrangements;
9. In bringing forward any proposals, consider the wider environment and economic issues.

***100 Minutes of the Overview Committee held on 22 September 2015**

Members received and noted the minutes of the Overview Committee held on 22 September 2015.

RESOLVED (1) that the following decision be approved:

Minute 11 - Local Government Boundary Committee for England Electoral Review Programme (LGBCE) 2015-2019

1. that the contents of the report and the comments made at the meeting be noted and incorporated into the survey;
2. that a survey be undertaken of members' views and the results be reported together with an initial discussion proposal relating to Council size.

Minute 13 – Overview Forward Plan

That the forward plan include:

17 November 2015: Council Plan and Economic Development.

13 January 2016: Draft service plans and budget 2016/17 jointly with Scrutiny Committee.

26 January 2016: Discussion on planning policy and how this should be dealt with within the Council, possibly through a separate planning policy committee.

Also Coastal Flooding and the Exmouth Beach Management Plan.

22 March 2016: Sustainability.

RESOLVED (2) that the following recommendations be approved:

Minute 12 - Economic Development

1. that the top three agreed aims and outcomes for economic development in East Devon be:
 - a) To establish a robust, representative and transparent process of business engagement,
 - b) To improve the Council's knowledge of local business needs across all sectors and provide a clear process for businesses to feedback into EDDC,
 - c) To consider rural economic issues as a counterbalance to the Growth Point and urban related initiatives.
2. that a report be prepared to assess an effective and transparent engagement strategy with the EDDC business community.

***101 Notes of the Seaton Regeneration Programme Board 10 September 2015**

Members received and noted the Seaton Regeneration Programme Board meeting of the 10 September 2015.

***102 Notes of the Exmouth Regeneration Programme Board 15 September 2015**

Members received and noted the Exmouth Regeneration Programme Board meeting of the 15 September 2015.

In response to an issue raised about the loss of some individual local businesses, Cabinet was advised by the Chairman that the area was being regenerated for the wider benefit of Exmouth . There was significant inward investment as a result – including the £4M Water

sports centre. In addition to water sport facilities, the Centre would include a training area, retail, restaurant/cafe, public realm and outdoor theatre space and cycle hub. The facility could only be delivered with adequate and appropriate access arrangements in place, including the realignment of the road (being discussed with Devon County Council). Changes along the seafront were inevitable but the Chief Executive gave assurance that the Council respected its legal relationship with its seafront tenants and was undertaking legal processes appropriately. There had been inaccurate reporting in the press; Councillors should refer to the Council's press releases on its website for accurate information.

103 **Addressing Anti-social Behaviour linked with Personal Water Craft (PWC) in the Exe estuary**

The report sought Cabinet approval to identify monies and match fund a contribution of up to £15,000 towards a new fit for purpose Harbour Patrol Boat on the River Exe.

There had been issues of user conflict over the years and consideration was being to how best to address this. Byelaws were in place but were in need of review – it was suggested that public space protection orders could be more effective in certain cases but either option would need systems in place to enforce them. Members were reminded of the existing partnership arrangements with Teignbridge District Council and Exeter City Council. There was also the potential to add developer contributions made for habitat mitigation. It was suggested that a more holistic approach, relevant to all partners, would be most effective in addressing the problems in the Exe estuary and as the best way to conserve and protect this valued asset.

During the debate the following issues were raised:

- Antisocial behaviour in the Exe estuary was a long-standing problem.
- A faster boat would be most effective.
- What craft should be used to negotiate the estuary and marshlands?
- Who would pilot the boat? Exmouth Lifeboat volunteers?
- The three partner authorities working together was a welcome approach.
- Shelly beach was not covered by byelaws; all local byelaws should be reviewed as they needed to be relevant and up-to-date.
- A beach manager would help enforce the byelaws/public space protection orders and could impose fines/penalties.
- Future provision of additional slipways for various vessel types and dependent on the state of the tide would dissipate the concentration of water users at one slipway.
- The Beach Safety Officer was leading work on developing a beach plan.

RECOMMENDED:

1. that a supplementary estimate of between and £10,000 and £15,000 be approved to contribute to the purchase of a suitable craft to carry out enforcement of byelaws on the water in the Exe estuary;
2. that annual running costs be identified separately and incorporated into the annual budget setting process.

REASON:

To better resource and enforce the estuary byelaws and ensure that water users are safe and protected from inconsiderate use of powered craft within the estuary and the 10-knot speed limit is properly enforced.

This would benefit the Exe Estuary as an area that is safe to use as an important leisure resource within the district and encourage water users to come to Exmouth. This would also maintain the estuary as an important international wildlife site.

***104 Branscombe Public Conveniences**

The report sought approval for the Council to surrender its lease of land in Branscombe car park – the land had been used to build public conveniences. The proposal was to surrender the lease back to the landowner who would continue to provide and refurbish the public toilet facility for the next six years.

RESOLVED:

1. that the surrender of the lease on land at Branscombe beach car park on which the council built public conveniences be endorsed;
2. that the payment of a £25,000 dowry on surrender of the Council's lease to ensure public toilet provision into the future be approved;
3. that it be noted that the toilets would be refurbished and provided in the current building for the next six years. After that they would be provided from other suitable locations on the Branscombe car park site.

REASON:

To alleviate the impact on the local community and visitors of the council's decision to close the facilities.

***105 Shelter adjacent the Longboat cafe, Budleigh Salterton**

The report sought authority to vary the resolutions made by Cabinet on 2 May 2012, which were:

1. that a 99 year sub-lease be granted for the rear store behind the shelter adjacent to the Longboat Cafe on terms to be agreed by the Head of Economy in consultation with the Portfolio Holder – Economy, subject to Landlord's consent;
2. that subject to (1) above, a sub-lease of the public shelter adjacent to the Longboat Cafe be granted to Budleigh Salterton Town Council for a term of 125 years at a peppercorn rent, subject to Landlord's consent.

The three Budleigh Salterton Ward Members welcomed and supported the proposal.

RESOLVED:

1. that a six year sub-lease be agreed for the store behind the shelter adjacent to the Longboat Cafe for an annual rent of £750 pa, on such terms as may be agreed by the Deputy Chief Executive;
2. that a sub-lease be granted for the remainder of the public shelter to Budleigh Salterton Town Council for a term of 125 years at a peppercorn rent (as resolved on 2 May 2012), continue

REASON:

The Council would retain its current interest in the Lease to the cafe and discharge the ownership and maintenance of the Shelter to the Town Council.

***106 Monthly Performance reports – August 2015**

The Chief Executive gave an update report setting out performance information for August 2015. This allowed Cabinet to monitor progress with selected performance measures and identify any service areas where improvement was necessary.

There were four indicators that were showing excellent performance:

1. Percentage of planning appeal decisions where the planning inspector has disagreed with the Council's decision
2. Percentage of non-domestic rates collected
3. Days taken to process Housing Benefit/Council Tax Benefit new claims and change events
4. Creditor days – percentage of invoices paid in 10 working days

There was one performance indicator showing as concern:

1. Working days lost due to sickness absence – absence was being carefully monitored.

The Portfolio Holder – Sustainable Homes and Communities congratulated members of the Housing Benefit and Council Tax Benefit teams. She also acknowledged the Council's support of local businesses.

RESOLVED:

that the progress and proposed improvement action for performance measures for August 2015 be noted.

REASON:

The performance reports highlighted progress using a monthly snapshot report; SPAR report on monthly performance indicators and system thinking measures in key service areas including Development Control, Housing and Revenues and Benefits.

Attendance list

Present:

| | |
|-----------------|--|
| Andrew Moulding | Deputy Leader/Strategic Development and Partnership (Deputy Leader in the Chair) |
| Paul Diviani | Leader |

Portfolio Holders:

| | |
|----------------|-----------------------------------|
| Tom Wright | Corporate Business |
| Iain Chubb | Environment |
| Jill Elson | Sustainable Homes and Communities |
| Phil Twiss | Corporate Services |
| Philip Skinner | Economy |
| Ian Thomas | Portfolio Holder Finance |

Cabinet Members without Portfolio

Geoff Pook
Eileen Wragg

Cabinet apologies:

Mike Allen
Matt Booth
David Chapman
Simon Grundy
Ben Ingham
Mark Williamson

Also present:

Councillors:

Megan Armstrong
Brian Bailey
David Barratt
Peter Bowden
Colin Brown
Peter Burrows
Maddy Chapman
Alan Dent
Peter Faithfull
Cathy Gardner
Roger Giles
Pat Graham
Ian Hall
Steve Hall
Marcus Hartnell
Douglas Hull
Geoff Jung
Bill Nash
Cherry Nicholas
John O’Leary
Helen Parr
Marianne Rixson
Pauline Stott
Brenda Taylor

Also present:

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Simon Davey, Strategic Lead - Finance
Henry Gordon Lennox, Strategic Lead – Legal, Licensing and Democratic Services
Karen Jenkins, Strategic Lead – Organisational Development and Transformation
Donna Best, Principal Estates Surveyor
Diana Vernon, Democratic Services Manager

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Forward Plan of Key Decisions - For the 4 month period 1 December 2015 to 31 March 2016

This plan contains all the (i) important decisions that the Council intends to take and (ii) 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 9Q of the Local Government Act 2000, 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.

A public notice period of 28 clear days is required when a Key Decision is to be taken by the Council's Cabinet even if the meeting is wholly or partly to be in private. Key Decisions and the relevant Cabinet meeting are shown in bold.

The Cabinet may only take Key Decisions in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of the Constitution and the Local Authorities (Executive Arrangements)(Meetings and Access to information)(England) Regulations 2012. 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.

This document includes notice of any matter the Council considers to be Key Decisions which, 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 as above) as soon as possible. **Members of the public have the opportunity to speak on the relevant decision at meetings (in accordance with public speaking rules) unless shown in *italics*.**

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 (address as above).

| Decision | | List of documents. | Lead/reporting Officer | Decision maker and proposed date for decision | Other meeting dates where the matter is to be debated / considered | Operative Date for decision (assuming, where applicable, no call-in) | Part A = Public meeting Part B = private meeting [and reasons] |
|----------|---|--|--|---|--|--|---|
| 1 | Public Health Plan annual review | | Strategic Lead - Housing, Health & Environment | Council 16 December 2015 | Cabinet 2 December 2015 | 17 December 2015 | Part A |
| 2 | Refresh of the Council Plan | | Strategic Lead - Organisational Development & Transformation | Cabinet 2 December 2015 | Overview 17 November 2015 | 10 December 2015 | Part A |
| 3 | Heart of the South West Devolution | | Chief Executive | Cabinet 2 December 2015 | Joint Overview and Scrutiny Committee 17 November | 10 December 2015 | Part A |
| 4 | ESCO Energy Services | | East of Exeter Projects Director | Cabinet 2 December 2015 | | 10 December 2015 | Part A |
| 5 | LED Annual Service Fee | Leisure East Devon Joint Working Group | Chief Executive | <u>Cabinet 2 December 2015</u> | LED Joint Working Group 26 November 2015 | 10 December 2015 | <u>Part B [if commercially sensitive]</u> |
| 6 | Review of the Refuse and Recycling Trial | | Strategic Lead - Housing, Health & Environment | Cabinet 6 January 2016 | Joint Overview and Scrutiny Committee 10 December 2015 | 14 January 2016 | Part A |

| Decision | | List of documents. | Lead/reporting Officer | Decision maker and proposed date for decision | Other meeting dates where the matter is to be debated / considered | Operative Date for decision (assuming, where applicable, no call-in) | Part A = Public meeting Part B = private meeting [and reasons] |
|----------|--|---|--|---|---|--|---|
| 7 | Recycling & Waste Collection contract – decision of new contractor | | Strategic Lead – Housing, Health & Environment | Cabinet 10 February 2016 | | 17 February 2016 | <u>Part B</u> <u>[commercially sensitive]</u> |
| 8 | Revenue and Capital Estimates 2016 / 2017 | Capital Strategy & Allocation Group - report of the meeting | Strategic Lead – Finance | Council 24 February 2016 | Cabinet 6 January 2016 Joint Overview and Scrutiny Committee 13 January 2016 Cabinet 10 February 2016 | 25 February 2016 | Part A |

Table showing potential future key decisions which are yet to be included in the current Forward Plan

| Future Decisions | | Lead / reporting Officer | Consultation and meeting dates (Committees, principal groups and organisations) To be confirmed | Operative Date for decision To be confirmed |
|------------------|---|-----------------------------|---|--|
| 1 | Specific CIL Governance Issues | Deputy Chief Executive (RC) | | |
| 2 | Business Support – options for the future | Deputy Chief Executive (RC) | | |
| 3 | Thelma Hulbert Gallery - progress | | | |

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), Tom Wright (Corporate Business Portfolio Holder) Cllr Phil Twiss(Corporate Services Portfolio Holder) Cllr Philip Skinner (Economy Portfolio Holder), Cllr Iain Chubb (Environment Portfolio Holder) Cllr Ian Thomas (Finance Portfolio Holder), Cllr Jill Elson (Sustainable Homes and Communities Portfolio Holder), and Cabinet Members without Portfolio - Geoff Pook and Eileen Wragg. 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.

November 2015

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of the Arts and Culture Forum held at THG, Honiton on Friday 18 September 2015

- Present:** EDDC Councillors:
John O’Leary – Culture Champion
Peter Faithfull
Phil Twiss
- Town representatives:
Ashley Alder - Honiton
David Chapman – Exmouth
Maddy Chapman - Exmouth
John Dyson - Sidmouth
Douglas Hull – Axminster
Richard Webster - Seaton
- Victoria Harding – Programme manager, South West Museum
Development Programme
Mary Schwarz - Arts & cultural sector consultant
Roger Werner - Villages in Action
- Officers:** Angela Blackwell, Thelma Hulbert Gallery Curator
Charlie Plowden, Service Lead - Countryside and Leisure
John Golding, Strategic Lead – Housing, Health and Environment
Alethea Thompson, Democratic Services Officer
- Apologies:** Gerri Bennett – Community representative
Cllr Alison Greenhalgh – East Devon District Council rep
Cllr Geoff Pook
Cllr Andrew Moulding – Axminster representative
Cllr Jo Talbot – Ottery St Mary representative
Cllr Tom Wright – Budleigh Salterton representative
Graham Whitlock – Manor Pavilion Theatre Manager

The meeting started at 3.00pm and ended at 5.25pm

- *1 **Election of chairman**
RESOLVED: that Councillor John O’Leary be elected Chairman of the Arts and Culture Forum for the ensuing year.
- The Chairman welcomed all those present to the meeting and invited everyone to introduce themselves.
- *2 **Appointment of vice chairman**
RESOLVED: that Councillor Douglas Hull be appointed Vice Chairman of the Arts and Culture Forum for the ensuing year.
- *3 **Minutes**
The minutes of the meeting of the Arts and Culture Forum held on 13 February 2015 were confirmed as a true record.

***4 Declarations of interest**

| Forum Member | Minute number | Type of interest | Nature of interest |
|--------------|---------------|------------------|--|
| Douglas Hull | | Personal | Member of the Axminster Museum and Axminster Heritage. |
| Phil Twiss | | Personal | His wife was on the board of Villages in Action. |

***5 South West Museums presentation**

The Forum received a presentation from Victoria Harding, programme manager, South West Museum Development (SWMD) Programme 2015/18. The presentation included:

- Museums data nationally
- East Devon museums data 2013/14
- South West Museum Development – key facts, governance, purpose and development role
- SWMD in East Devon – investment, breakdown of investment, staffing, grants and training.

Following the presentation the SWMD programme manager was thanked for her invaluable information and presentation. The SWMD programme 2015/18 and the SWMD annual report 2013/14 were circulated at the meeting.

RESOLVED: that the presentation be noted.

***6 Villages in Action (VIA) update**

Roger Werner VIA Director, updated the Forum with VIA's plans for 2015/16. VIA had been awarded £47,600 by Arts Council England to develop its programme and research more sustainable business models. District council funding was crucial in leveraging this money. Mr Werner reported that for every £1 invested in VIA by EDDC, a further £2 was generated from other sources to support activity in the district. In addition £2,000 had been raised by VIA towards the upkeep of village halls in East Devon. It was noted that DCC funding would continue through 2015/16 and new funding had been made available to explore opportunities for future commissioning.

During 2014/15 there were 17 villages involved in promoting events and 34 performances had taken place. Plans for 2015/16 and beyond included:

- Continuing to develop a programme of afternoon shows in care homes for the elderly.
- 39 performances to take place in 19 communities between September 2015 and April 2016.
- In partnership with The Bike Shed Theatre Exeter, VIA would be co-commissioning a new theatre piece aimed at older people during 2016.
- Working with an arts consultant to reassess the operating model and look at ways of making VIA more resilient. They would evaluate social impact and organisational development.
- Setting up a pilot project to support theatre performances in market town venues.
- On 11 September 2015 VIA patron Michael Morpurgo performed at The Beehive in Honiton to raise money for VIA and launch the donations appeal.

The VIA autumn performance programme was circulated at the meeting. On behalf of the Forum the Chairman thanked Roger Werner for his update report.

RESOLVED: that the update be noted

*7 **Cranbrook culture strategy**

The Forum welcomed Mary Schwartz, arts & cultural sector consultant to the meeting to discuss the Cranbrook culture strategy. Culture was defined as “the good bits in life” – who we are as individuals, the environment, our values and our relationships. The many positive outcomes of culture were also described.

Mary explained that she was one of a team of three consultants working on a culture strategy for Cranbrook and outlined the context for the strategy, the brief and how it was being undertaken. It was noted that the team were working strategically across local boundaries, doing a mixture of research and consultation. Now was critical for planning and ensuring place and space for the future. The challenge was dealing with the development consortium.

On behalf of the Forum the Chairman thanked Mary and offered the Forum’s help if required.

RESOLVED: that the update be noted.

*8 **Thelma Hulbert Gallery income review presentation**

Angela Blackwell, THG curator gave a presentation on the THG business strategy 2014/15-17/18, which was funded by the Arts Council. The mission statement was that “the Thelma Hulbert Gallery is an ambitious organisation which supports and promotes modern and contemporary art and craft. We develop audiences through engagement with a wide range of communities in East Devon and beyond. We aim to be welcoming, accessible, engaging and inspiring to all our visitors”. With a vision “that by 2018, the Thelma Hulbert Gallery will be nationally recognised as one of the key independent contemporary art galleries in the South West. Its innovative programme of exhibitions and ground breaking work with young people, communities and volunteers alike will bring it media attention, awards and visitors from afar”.

The gallery had received a number of awards this year, which was a credit to the team and all their hard work. They had also received great media attention, including BBC Spotlight. The gallery had won the ‘Museums at Night’ competition, which would allow for a PR campaign and national press coverage.

The curator outlined workshops, outreach projects, exhibitions and events that had been held at the gallery, as well as forthcoming activities.

The Arts Council had funded the new THG website. There was free wifi at the gallery. Income from shop sales was improving and friends’ membership was increasing. The improved signage to the gallery had been noticeable over the summer.

On behalf of the Forum the Chairman thanked the gallery curator and her team for all their hard work and impressive results.

RESOLVED: that the presentation be noted.

***9 Manor Pavilion theatre financial report**

The Service Lead, Countryside and Leisure circulated updated financial figures to the end of August 2015. These were very positive, with a £37,000 income above budget for the year to date. This was attributed to the success of the Paul Taylor Mills summer season. The Service Lead, Countryside and Leisure was happy to report that the theatre had just secured the impressive company for another three years.

The Forum gave special thanks to and congratulated Graham Whitlock, Manor Pavilion Theatre manager and his team for all their hard work.

RESOLVED: that the report be noted and that thanks be given to the Manor Pavilion Theatre manager and his team for all their hard work.

***10 EDDC culture strategy review**

The Service Lead, Countryside and Leisure outlined a draft culture strategy review. The current East Devon culture strategy 2008 – 2012 was out of date and needed reviewing, although a lot of it was still relevant. The new document would be relatively brief.

The Service Lead, Countryside and Leisure welcomed feedback from the Forum and invited comments to be made to him.

***11 Any other business**

The Forum discussed information being made available on pages of the EDDC website to advertise community cultural activities as at present this information was not available in one central location. This would be explored further at a future forum meeting.

The Forum also felt that future meetings should be held in public.

The Chairman thanked everyone for attending and gave special thanks to the Service Lead, Countryside and Leisure and his team.

Chairman Date

EAST DEVON DISTRICT COUNCIL

Notes of a Meeting of the Budget Working Party held on Thursday, 8 October 2015

Present:

Councillors:

Ian Thomas (Chairman)
Dean Barrow
Colin Brown
Peter Burrows
John Dyson
Jill Elson
Andrew Moulding
Philip Skinner
Geoff Pook

Also present:

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Simon Davey, Strategic Lead - Finance
John Golding, Strategic Lead – Housing
Henry Gordon Lennox, Strategic Lead – Legal, Licensing and Democratic Services
Karen Jenkins, Strategic Lead Organisational Development and Transformation
Diana Vernon, Democratic Services Manager

Apologies

Working Party Members

Paul Diviani
Phil Twiss

Non Working Party Members

Peter Bowden
Steve Gazzard
Graham Godbeer
Christopher Pepper

The meeting started at 11.35 am and ended at 12.35 pm.

1. Last meeting of Working Party – 19 May 2014

The notes of the meeting of the Working Party held on 19 May 2014 were received and noted.

2. Declarations of interest

Councillor Jill Elson
Type of interest – personal
Reason: Trustee and Chair of Exmouth & District Community Transport Group

Councillor Peter Burrows
Type of interest – personal
Reason: Son is an employee of EDDC

3. Financial Plan and Transformation – actions update 2014/15

The Strategic Lead – Finance presented his report which gave the current position in respect of the Medium Term Financial Plan (MTFP) and an up-date of the Council's Transformation Strategy. The MTFP set out the risks to the Council's budget and how these were being mitigated. The aim was to provide a balanced budget for 2016/17 and looking ahead to 2020/21.

Members were advised that by the end of the Plan (2021), the Council would have a budget gap of £2.6m if no action was taken. However, the positive effect of the Transformation Strategy had resulted in the budget being on track subject to certain assumptions, variants and daily changes – such as the current dip in recycling material rates and changes to national insurance. The current position showed the budget shortfall 2016/17 as £802,000 virtually balanced against targeted savings/increased income of £800,000. This reflected the effectiveness of the Transformation Strategy and targets.

Estimated savings included £400,000 in respect of the Waste Contract – this would not be confirmed until after the tender process and any additional elements to the contract. If estimated savings were not achieved, any balance could be drawn from Reserves.

During the debate, the following issues were raised in respect of proposed recommendation 1 – to review the current position and determine if any further actions were considered appropriate:

- The Estates Service was under pressure of work (including regeneration projects and asset management) and should be better resourced. The importance of the economic agenda was recognised. Work was needed to develop an accurate database with IT systems in place so that strategic and operational plans could be developed. Recruitment for a Service Manager was being undertaken. When appointed, the structure of the service would be reviewed and resources designed around service/project priorities and a robust programme of investment.
- It was important to assess project costs so that any increase in resource could be justified with business reasons.
- Economic growth was needed across the district and not just focused on the growth point.
- New Homes Bonus was taken into account during the budget process and was used to help balance the revenue account. The Council had set up a mitigation fund in case the NHB was withdrawn by the Government. However, it was suggested that the NHB was now a well-established funding source and that maybe the Council should have more confidence about including it in future plans. The Strategic Lead – Finance advised that he would wish to retain the mitigation fund until the Government's intentions were confirmed in its 3-year Spending Review – which would also clarify its position regarding the Business Rate Retention scheme. If no further funds were needed for the New Homes Bonus mitigation fund, monies could be used to deliver projects across the district.
- Improved communication of information should include anticipated pressures on Council budgets, effect of business rate re-evaluations and levels of Council Tax.
- Appendix A – extract from EDDC's Transformation Strategy 2015-2020 – included certain estimated figures but a number of entries did not include

financial information. The Strategic Lead – Finance advised that the Strategy was a live document and was being up-dated all the time and monitored by Senior Management Team. Some of the financial information and proposals were not included in detail as it was not appropriate at this early stage for such provision information to be made public.

- The Waste service – savings were anticipated. The challenge was to achieve a better service for less. The current trials at Feniton and Exmouth Colonies were less controversial than originally anticipated. With a reduction in landfill collections to 3-weekly, the Council had the opportunity to use the savings to enhance its current recycling service. In reducing the amount of waste to incinerators, there was potential for negotiation with Devon County Council regarding ‘avoided disposal costs’. Additional savings would be balanced with the need to finance the capital cost of refuse vehicles and the volatility of the price of recyclable materials.
- Savings within the Streetscene service had been achieved through detailed budget work undertaken including procurement savings.

The Council needed to be in a position to inform towns and parishes about the level of Council Tax Support Grant. Originally, the Government Grant to the Council had included a defined element for towns and parishes to help them with their precept. The Government Grant had been reduced annually and, as a consequence, the Council had made a matched reduction to the towns and parishes although the town and parish element was no longer separately defined within the Government total grant. The 2016/17 Grant was anticipated to be reduced by 27%.

During the debate the following issues were raised in respect of proposed recommendation 2 – to consider giving town and parish councils an early steer as to the level of Council Tax Support Grant for 2016/17

- In addition to the Council Tax Support Grant, the Council received funding through the New Homes Bonus Scheme and Business Rates.
- It was anticipated that the Council Tax Support Grant would be phased out in 2020/21 – should the Council continue to support the towns and parishes even though its own funding had been cut?
- The way in which funds were allocated should be reviewed now.
- Should the local councils receive a proportion of the business rate?
- The Council needed to be seen to be fair to maintain good relationships with its local councils. It was recognised that town and parish councils were taking on some additional responsibilities, which would otherwise fall to the district council.
- The Parishes Together Fund scheme helped cushion the reduction in council tax support funding.
- Towns and Parishes would benefit from knowing the likely cuts to their funding as soon as possible. The local councils were anticipating a reduction and if they were advised on reductions going forward, they would be able to put plans in place to mitigate the effect of these. Anticipated cuts this year could be 27% - this would be communicated to the town clerks at their next meeting with the Chief Executive.
- New Homes Bonus, Community Infrastructure Levy and Neighbourhood Plans supported sustainable growth, which would benefit local councils.

RESOLVED

- 1. that the current budget position be noted and action identified through the Transformation Strategy be supported,
- 2. that town and parish councils be advised of the anticipated reduction in the Council Tax Support Grant for 2016/17 as 27% maximum – in line with the reduction being made by the Government.

4. Procurement – working with others

The report of the Strategic Lead – Finance outlined how the Council was using a collaborative approach in its procurement activities. This was considered a greater benefit than just working closely with neighbouring authorities (particularly Exeter and Teignbridge). Current arrangements were extended across Devon and Cornwall and nationally. Efficiencies in joining procurement functions were limited as most district authorities had just a single procurement officer; there was however an effective network that was achieving cost benefits.

5. Next meeting of the Working Party

This would be set up when required after the detail of the Government Spending Review was known and in order to report any updates and supporting information to the Working Party.

Chairman

Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Scrutiny Committee held at Knowle, Sidmouth on 15 October 2015

Attendance list at end of document

The meeting started at 6.00pm and ended at 7.33pm.

***25 Public speaking**

There were no public speakers at this point of the meeting.

***26 Minute confirmation**

The minutes of the Scrutiny Committee held on the 17 September 2015 were confirmed as a true record.

***27 Apologies**

In receiving the apologies for the meeting, the Chairman, on behalf of the committee, conveyed his condolences to Councillor Brenda Taylor for the recent sad loss of her husband.

***28 Declarations of Interest**

No declarations were made.

29 Crime and Disorder Update

The Chairman welcomed Gerry Moore, Anti Social Behaviour and Community Safety Co-ordinator to the meeting. The Committee had received the latest newsletter from the East and Mid Devon Community Safety Partnership, which highlighted:

- The successful Annual Conference
- Stop Abuse for Everyone (SAFE) initiative needing volunteers to complement their existing services for victims of domestic abuse
- Tackling anti-social behaviour across both East and Mid Devon
- Avoiding scams, raising awareness by working with local police neighbourhood teams through delivery of advice packs;
- Protecting property at home with alarmed padlocks and engraving;
- Work with young people on online safety.

Local Action Groups (LAGs) continued to meet regularly and tackle issues at a local level.

Domestic Violence Awareness Week takes place in November, and leaflets were heading out to various outlets covering where anyone can get help. White ribbons were also being worn to signify Males against Domestic Violence. In response to a question about domestic violence against men, the committee were informed that whilst the majority of domestic violence was against women, men are not ignored and there are help sources for all individuals, with resources available both at a national and local level for both sexes.

Partnership working would continue to be impacted as cuts to budgets continued. There had already been significant changes for a number of agencies because of staff resourcing, and the planned cuts for the police service would only add to that problem.

Councillor Tom Wright, as the Council representative on the Police and Crime Panel, outlined the issues currently facing the Police Commissioner. These included continued efforts to improve the 101 telephone service for reporting low level crime, and the Fair Funding campaign looking to retain a fair level of funding to the police force for Devon and

Cornwall. The force was planning on having to find 25% reduction in budget, but could be facing a 40% reduction.

Recent announcements on cuts were discussed in terms of impact on delivery of the police service, including closure of police stations and the impact a dramatic budget subsidy would have on the deployment of Police Community Support Officers (PCSOs). A 25% budget reduction may lead to a 60% reduction in the number of PCSOs; 40% budget reduction may lead to a complete cut of PCSOs.

The Chairman echoed the sentiments of the committee in his praise of the work both of Gerry Moore and the PCSOs in the District. The loss of PCSOs would have a dramatic impact on the District, with a local example given of the quality of the PCSO at Ottery St Mary.

RECOMMENDED

That Cabinet recommends to Council that it conveys to the Home Secretary that the proposed cuts for the police service would severely impact on Police Community Support Officers and other front line staff must be resisted; and raise the issue with the local Members of Parliament

30 Asset Management Forum

The Chairman welcomed Councillor Geoff Pook, Chairman of the Asset Management Forum (AMF), for discussion on this item.

Council had agreed for this committee to consider a motion put by Councillor Ben Ingham to look at a more transparent form of operation of the AMF.

Councillor Ingham spoke about his original motion to Council and the public's perception of the Forum. He felt that the objectivity of the Forum must be clear and he felt that a move to a public Forum would be a positive step.

Councillor Pook told the committee that he had no issue with the Forum being held in public. He accepted that the administration changes to hold the meetings in public would involve some cost but he felt that the budget should not be a barrier to transparency. He reminded the committee that confidential matters, such as tender and contract details, would have to be held in private and therefore under "part B" whereby the public and press are excluded from that part of the meeting. Ward Members would be invited as appropriate if assets in their ward were being discussed.

The committee were asked to consider if the AMF should become a meeting held in public, with any reports containing commercially sensitive or confidential information considered under "Part B" when the public and press are excluded from the meeting. Past agendas and minutes had now been published online in response to a Freedom of Information request, with some confidential information redacted.

RECOMMENDED

1. Allow the Asset Management Forum, a forum appointed by Council to advise the Cabinet, to meet in public, with reports meeting exemptions being heard when public and press are excluded under "Part B";
2. Permit questions and statements from the public on agenda items of Asset Management Forum that are not considered in "Part B" as per the practice adopted by Cabinet, and the Overview and Scrutiny Committees;

3. Publish agendas and minutes of the Asset Management Forum as per the access to information procedure rules.

31 Changes to Scrutiny practices based on best practice

The Chairman informed the committee of excellent training recently undertaken by him alongside the Vice Chairman and the Democratic Services Officer. Following attendance of the event organised by Westminster City Council, changes to Scrutiny practice had been drafted in a report for the Committee's consideration.

The changes included:

- Written updates from Portfolio Holders with the option for the committee to select specific elements for further discussion at a future meeting;
- Sharing of forward plans of the Cabinet, Scrutiny Committee and Overview Committee to raise awareness of issues coming up;
- Encouraging Single Member Studies for an elected member to research a specific topic to feed back to the committee;
- Regular updates from Task and Finish Forums rather than only receiving a final report;
- Seeking reasons from cabinet why a recommendation is not agreed or endorsed;
- Written submission from external bodies or witnesses if they are not able to attend a meeting in person.

RESOLVED

To adopt the practices recommended as follows:

- Sharing of forward plans of the Cabinet, Scrutiny Committee and Overview Committee to raise awareness of issues for each;
- Encourage Single Member Studies for an elected member to research a specific topic to feed back to the committee that include scope and regular update;
- Receive regular updates from Task and Finish Forums prior to the final report;
- Request written submission from external bodies or witnesses if they are not able to attend a meeting of the committee in person.

RECOMMENDED

That Cabinet recommend to Council that

- a) Portfolio Holder update reports are provided to the Scrutiny Committee in writing at least once each civic year, thereby giving the committee opportunity to invite the Portfolio Holder back to respond on specific issues of interest to the Scrutiny Committee;
- b) That Cabinet provide a reason to the Scrutiny Committee for not agreeing or endorsing a Scrutiny recommendation, in order for the Scrutiny Committee to re-examine and submit revised recommendation as appropriate.
- c) That the Council's constitution be amended to reflect these changes.

32 Matter for information – Dunkeswell and Chardstock

Mary de Souza, as Chairman of Chardstock Parish Council, reminded the committee of the contradiction of officer recommendation in the decision to include Chardstock in the list of settlements with a Built Up Area Boundary (BUAB). She asked the committee to undertake its role of scrutiny and fully investigate the matter, as this delay only served to undermine the confidence the Parish Council had in the District Council.

David Everett, speaking as a resident of Chardstock, reminded the committee of their purpose as set out in the constitution. He felt that the issue was being “kicked into the long grass” rather than positive steps being taken to investigate how the decision came about.

Paul Spearing from Chardstock Parish Council had nothing further to add which had not already been covered by the previous two speakers.

The inclusion on the list of settlements to receive a build-up area boundary of Dunkeswell and Chardstock would be discussed at a future meeting of the committee, once the review of the process of the production of the Local Plan got underway.

Concern was voiced by Councillor Gardner in the delay in this work although she welcomed the clear intent of the committee to review the process of the production of the Local Plan.

The Chairman shared the concern of both the members of the public and the committee in how the decision had been made, but made clear that there was no intention to ignore the issue. He assured the committee that it was only due to an issue of timing that the investigation into how the decision to include Chardstock and Dunkeswell could not be undertaken at this point.

33 Scrutiny forward plan

Representatives from Connecting Devon and Somerset, and British Telecomm, had been secured for attendance at the next meeting of the committee for the topic of Broadband.

Councillor Gardner raised an issue relating to Mill Street Car Park, where comment was sought on a press release from Ward Members too close to the newspaper deadline. She also asked why the matter had been handled as an urgent item at Cabinet. The Chairman reminded the Committee of their recent work reviewing the Media Strategy and agreed that a report be provided on the issues outlined by Councillor Gardner at a future meeting.

The Chairman again stressed that the Committee would be reviewing the process of production of the Local Plan, of which the decision involving Chardstock and Dunkeswell's inclusion in the BUAB list would be the first priority for the committee.

Attendance list

Committee Members present:

Roger Giles (Chairman)

Alan Dent (Vice Chairman)

Dean Barrow

David Chapman

Cathy Gardner

Bill Nash

Cherry Nicholas

Val Ranger

Marianne Rixson

Other Members present:

Pauline Stott

Geoff Pook

Graham Godbeer

Tom Wright
Peter Faithfull
Dawn Manley
Ian Hall
Ben Ingham
Susie Bond
Andrew Moulding
Peter Bowden
Ian Thomas
Geoff Jung
Rob Longhurst
David Barratt
Megan Armstrong
Iain Chubb

Officers present:

Gerry Moore, Anti Social Behaviour and Community Safety Co-ordinator
Anita Williams, Principal Solicitor and Deputy Monitoring Officer
Debbie Meakin, Democratic Services Officer

Committee Members apologies:

Maddy Chapman
Alison Greenhalgh
Simon Grundy
Marcus Hartnell
Brenda Taylor

Other Members apologies:

Jill Elson
John Dyson
Steve Hall
Peter Burrows

Chairman

Date.....

Report to: Cabinet
Date of Meeting: 4 November 2015
Public Document: Yes
Exemption: None
Review date for release: None



Agenda item: 11

Subject: **Empty Homes Plan 2015 - 2019**

Purpose of report: To seek agreement from Cabinet to adopt the Empty Homes Plan 2015 - 2019

Recommendation: It is recommended that Cabinet agree the adoption of the Empty Homes Plan 2015 - 2019

Reason for recommendation: The previous plan expired in 2014 and Cabinet are asked to agree formal adoption of this plan.

Officer: Meryl Spencer, Environmental Health Manager (Private Sector Housing)
mspencer@eastdevon.gov.uk tel: 01395 517454 Ext 2654

Financial implications: There are no financial implications in agreeing to the publication of the Empty Homes Plan although there may be implications as a result of actioning the Plan.'

Legal implications: In adopting a plan (or even policy / strategy) the expectation is that what is set out in it is followed when pursuing enforcement action. In this case the first step is informal resolution and only where this fails do more formal steps become engaged. The attempts made to informally resolve matters will need to be properly documented to be able to evidence that the informal step has been complied with before moving to the formal action stage. Naturally consideration will need to be given to Equalities Act duties and Human Rights Act considerations in individual cases. Otherwise there are no legal implications arising.

Equalities impact: Low Impact

Risk: Low Risk

Links to background information: • .

Link to Council Plan: Living in this outstanding place

1. Context

- 1.1 This Empty Homes Plan has been produced to replace the previous Empty Homes Strategy 2009 – 2014. We have kept the document short and picking out the key issues which is the main reason why we are proposing a plan rather than a full blown strategy document.
- 1.2 Since producing the last Empty Homes Strategy 2009-2014, the issue of empty homes as a wasted resource remains of significant importance nationally and locally. This is due to a

combination of increasing demand for property and a reduced ability to supply to meet the needs of people seeking a decent home at a price they can afford.

- 1.3 With so many pressures on both private sector and council housing it is imperative that we make the best use of existing stock.
- 1.4 East Devon District Council's goal is to help provide as many homes as possible so that people can live and work in East Devon. One of the aims in The Council Plan 2012 – 2016, under 'Living in this outstanding place' is '.... ensuring that people can live in some of the empty homes in the district'.

2. Summary

- 2.1 This Plan sets out how we work with owners of long term empty properties in order to help owners return these properties back into use. Where owners persistently refuse to engage and work with us, then we will, as a last resort, consider taking enforcement action to bring properties back into use. However, in all empty homes cases we will seek to work constructively with the owner and it is only when this fails that enforcement action will be considered.
- 2.2 With the support and co-operation of the public, the engagement of owners and the resources available to our staff, we hope to facilitate and speed up the process of bringing empty homes back into use.
- 2.3 As always, the key focus of empty homes work is to bring as many long term empty properties back into use as possible.
- 2.4 Many of the very long term empty properties are problem properties typically is serious disrepair and instability through abandonment or extreme neglect. Collaboration with other council departments is proving effective in tackling these problems and this joint working will be built on.

3. Conclusion

- 3.1 The Empty Homes Plan 2015 – 2019 provides direction and will be used to guide the work that is being carried out to bring empty homes in East Devon back into use. Application of this Plan can make a modest, but important difference in the wider housing market, and deliver a home back to the market for sale or rent.

East Devon District Council
Empty Homes Plan 2015 - 2019

Foreward by Councillor Miss Jill Elson Portfolio Holder for Homes and Communities

Empty Homes are a wasted asset especially when there are so many people looking for homes to live in, in East Devon. The work of the Private Sector Housing Team and the Empty Homes Partnership Officer over the past 4 years, has been successful in identifying and encouraging owners of empty properties to bring them back into use.

This new plan builds on these successes and people who own empty properties and do not know what to do with them will be able to access good information and advice about either selling or renting their property. Those who have chosen to leave properties to deteriorate and do nothing with them will be pursued and using the enforcement elements of this policy it is hoped that the properties will be sold and brought back into use.

1.0 Introduction

Since producing the last Empty Homes Strategy 2009-2014, the issue of empty homes as a wasted resource has taken on increased importance. The UK's housing market is still struggling under a combination of increasing demand for property and a reduced ability to supply from the construction sector.

With so many pressures on both private sector and social housing it is imperative that we make the best use of existing stock. As there are over 250,000 properties in England which remain empty for longer than six months, it is essential that these properties should be brought back into use to help with the increased demand for housing.

Returning empty homes into use is cheaper and faster than building new properties, generates less than one-fifth of the carbon dioxide created in building new homes; removes empty homes as a source of community blight; helps neighbours with problem properties next door to them; provides empty homes owners with an income through letting or selling and, finally, provides a home for a family.

The current financial environment continues to take a very heavy toll on construction of new homes, and despite government estimates that England's housing stock needs to grow by 232,000 homes per year until 2033 in order to meet the estimated demand that is not being fulfilled.

The lack of available homes is exacerbated by other factors. Firstly, it is anticipated that the available supply of council housing may diminish due to the changes to the 'Right to Buy' (RTB) discounts and the number of RTB applications and sales in East Devon District Council have shown a marked increase since 2010, in 2013 – 14 approximately 50 applications were received.

Bringing empty properties back into use, nationally, would supply the equivalent of one year's worth of newly built homes.

East Devon District Council's goal is to help provide decent homes so that people can live and work in East Devon. One of the major aims in The Council Plan 2012 – 2016 (pre-refresh in 2014) under 'Living in this outstanding place' is '.... ensuring that people can live in some of the empty homes in the district'.

In a large district which has both urban and rural areas, identifying empty homes is one of the challenges faced by the council. By making the general public aware of the problems empty homes cause, we hope to encourage people to report empty homes to the council.

This plan sets out how we are working with owners of long term empty properties to return these properties back into use.

With the support and co-operation of the public, the engagement of empty home owners and the resources available, we hope to facilitate and speed up the process of bringing empty homes back into use.

2.0 Strategic objectives

The Homes and Communities Plan sets out our strategy with regard to the provision of housing in the district. Aim 5 of this plan 'Improve the Use and Safety of Housing' includes bringing long term empty homes back into use by various informal and formal methods and states that we will be 'pro-active in bringing empty homes back into use'.

Under Aim 5 of the Homes and Communities Plan, the council will:

- implement the Empty Homes Strategy and revise the action plan.
- promote new and innovative schemes to help owners of empty homes bring them back into use.
- intervene with regulatory powers where standards pose a risk to health and in respect of empty homes that could provide a home.
- work in close collaboration with the council tax team and also with Parish and Town Councillors to identify empty homes and bring them back into use.

Private rented sector housing is now seen as a major housing resource with more people renting in the private sector over the past 10 years. Our Private Sector Renewal Plan 2012-2015 specifically addresses issues pertaining to the private sector.

2.1 Key changes to empty homes legislation

The previous coalition government introduced a number of measures designed to facilitate the return of empty properties into occupation.

The key incentives that were introduced are as follows:

The New Homes Bonus

This was introduced in April 2011 with the aim of boosting the number of new builds and the number of empty properties bought back into use. For each property bought back into use the government pays the local authority an amount equivalent to the national average of property's council tax band for the past six years.

These funds are not ring-fenced which gives local authorities greater freedom in how the money should be spent. However, it should be noted that at the same time the formula grant to local authorities is being significantly reduced and there is a risk that income generated under the New Homes Bonus will not cover the loss in the formula grant, leaving the council with a deficit.

Technical reforms to council tax

Councils are able to charge up to a 50% premium on properties which have been empty for more than two years. Councils also have more discretion regarding exemptions allowed on empty homes and second homes. As from 1 April 2013, these empty properties only receive three months exemption after which they are charge at the full rate. If these properties remain empty for more than two years, the Council will charge the long term empty premium rate of 150% council tax.

Empty Dwelling Management Orders (EDMO)

These orders, which enable local authorities to obtain possession of the property for up to seven years, were brought in under the Housing Act 2004, but have since been amended. Local authorities must now supply evidence that there is community support for this action and proof that the property is a nuisance. In addition, the property must now have been empty for two years rather than six months before the council can apply for an EDMO.

3.0 The local situation

Understanding East Devon District Council's specific housing needs and the empty homes issue is vital to raising awareness of the need to return empty homes back into use.

3.1 Specific challenges in East Devon

Housing need in East Devon is high. There were just under 2,000 households waiting for social housing in September 2015. As well as these households waiting for a home, there are other issues specific to East Devon that make finding an affordable home a particular challenge. For example, compared to the national average, East Devon has:

- Lower wages
- Poor housing conditions in the private sector
- Fuel poverty and lack affordable warmth
- Higher than average house prices
- A significantly higher proportion of households who receive benefits
- A significantly lower number of available social rented properties
- Significantly higher number of holiday/second homes

In addition to the above problems, East Devon's population is expected to rise from 134,400 in 2012 to 143,200 by 2021.

Some of this housing need may be met through new building development across the district, which includes social housing, and in particular the new town development of Cranbrook.

3.2 The number of empty homes in East Devon

As at 1 April 2015, there were a total of 467 empty properties in East Devon.

If all of the long term empty homes were bought back into use this would represent meeting around 23% of the housing need of the current households registered with Devon Home Choice.

The information on empty homes comes from two main sources; council tax and members of the public. We prioritise the empty homes we investigate by the length of time the property has been empty and whether the property is causing any particular problems or not.

3.3 The evidence over the past 4 years

Below is a table identifying the investigations that have been carried out within the Private Sector Housing team over the past 4 years and the numbers of cases that have been investigated and the number of properties that have been brought back into occupation by our interventions be that advice or enforcement action.

| | 2011 | 2012 | 2013 | 2014 | 2015 (up to September) |
|---|------|------|------|------|------------------------|
| Number of cases opened and investigated or being investigated. | 98 | 91 | 58 | 29 | 35 |
| Number of cases closed | 55 | 78 | 44 | 35 | 15 |

| | | | | | |
|--|----|----|----|----|----|
| following intervention. (includes properties sold on or occupied) | | | | | |
| Number of cases definitely occupied. | 15 | 13 | 21 | 11 | 10 |

These figures provide the service with information which is then used to set annual targets.

4.0 What we do and what we intend to do

East Devon District Council employs a part-time Empty Homes Partnership Officer, who also works at Exeter City Council. We have gained significant benefits through this partnership including experience and the knowledge gained from empty homes training courses undertaken at Exeter.

4.1 Locating and engaging with the owner providing advice and assistance to bring the property back into use.

We use our wide ranging powers to identify and engage with empty home owners, to find out why the property remains empty and offer advice about how to bring the property back into use.

We have procedures that we follow which commence with informal discussions and move to formal actions if the owners refuse to do anything about their empty home.

4.2 Working with other departments

We collaborate with council tax, planning, building control and environmental health. This collaboration is essential in several ways. Firstly, close working with council tax is vital in identifying empty properties and also in subsequent investigations and we hold regular joint meetings. Often the owner has not paid council tax so our joint working enables the council to retrieve often significant debts by enforcement.

Each department within the Council has it's own area of expertise and, most importantly, the appropriate legislative powers required if enforcement action is to be pursued.

4.3 Advice

We offer advice and support to anyone concerned about empty homes. This advice and support can be accessed by mail, phone and a dedicated online page on the East Devon District Council website.

We can offer advice on letting, selling, auctions and have an empty homes 'matchmaking scheme'. The matchmaking scheme is designed to put potential buyers, who wish to buy and renovate empty homes, in touch with owners who wish to sell. We do not act as an estate agent in this respect but merely connect potential buyers with potential sellers. No personal details are ever given out without the owners written permission.

4.4 Investigations and Enforcement

In all empty homes cases we provide every assistance to the owner to help them bring the property back into use. However, in cases where the owners cannot be found or where the owner refuses to engage with us, we will consider using the wide range of enforcement options open to us.

There are many pieces of legislation, including the Housing Act 2004 that may be used to resolve problems associated with long term empty properties, including Public Health Acts, Environmental Pollution Act, Prevention of Damage by Pests Act, Planning Acts, Listed Buildings legislation. Some of the legislation also allows the Council to carry out works in default and recover the costs from the owner. In cases, where the costs are not recovered, we may apply to the court to put a charge on the property and seek to recover the debt through an Enforced Sale of the property.

Enforced Sale is one enforcement option we can use if there are significant outstanding debts on a property and the owner is unwilling to pay off those debts. This procedure is time consuming but ultimately we recover all of the outstanding debts and are able to sell the property. The outstanding funds are kept for the owner to collect.

We are now in the process of carrying out this same action on five other long term empty properties which have significant debts and are in a dilapidated state. Our aims are the same, to sell the properties, recover the outstanding debts and bring the properties back into use.

Since the publication of the last Empty Homes Strategy we have successfully completed an enforced sale on one empty property and that property has now been sold.

Empty Dwelling Management Order(EDMO)

The criteria for obtaining an EDMO through the court is that the property must be in an area of housing need with no prospect of the property being bought back into use without intervention by us. The property must have been empty for a period of two years or more for the court to consider an EDMO. If the court grants an EDMO, then we take possession (but not ownership) of the property for a period of up to seven years. During this time the property will be let, at an affordable rent, to a household registered as waiting for social housing with Devon Home Choice. If works are needed to bring the property up to habitable standard, the works can be done and paid for by us and then recovered from the rent over the term of the lease. If there is any balance left after paying for works, then this is paid to the owner.

Compulsory Purchase Order

Compulsory Purchase Orders, which can be used by local authorities is a time-consuming and costly process which can cost us as much as £20,000 to obtain. This can be prohibitively expensive and presents a particular challenge for us. Early in 2014, the Local Government Association called upon the Government to streamline the Compulsory Purchase Order process in order to make it easier for local authorities to use this particular piece of legislation, however to date there has been no indication of change.

Where the property is long term empty, in poor condition, in an area of housing need and where the owner either cannot be found or refuses to co-operate with us then we can apply to the courts to compulsory purchase a property.

We are currently considering this action with two properties in East Devon.

4.5 Pro-active and targeted work

- **The Public.** We rely on members of the public reporting long term empty properties and respond to every report of an empty home that we receive.
- **Council Tax data.** We receive information from council tax to help with this pro-active work. This data provides us with a list of long term empty properties and how long they have been empty.
- **Prioritising and targetting.** We then prioritise and target our resources on those properties which have been empty the longest and also empty properties which are causing a problem to neighbours or the community.
- **Website.** We have developed an Empty Homes page on our website and have a web form through which members of the public can report empty properties.
- **'Empty Homes toolkits'** which are information leaflets specifically designed to inform and help empty home owners, members of the public and also Parish and Town councils understand the issues that empty homes create and how we can help to bring these wasted assets back into use.

4.6 New and innovative schemes

- **The Matchmaking Scheme**, where we put an owner of a long term empty home in touch with a developer who subsequently buys the property for re-development. We have had two successes with this scheme over the past two years.
- **Partnership working**, we have a partnership with the Residential Provider Chapter 1 which specialises in providing accommodation and support for vulnerable people , and Shekinah, a social enterprise group, who aim to provide building/construction training and employment oppurtunities to vulnerable people. We have had 9 empty home owners engaging with this partnership over the past 3 years.
- **Mail- outs**, we produce targeted mail-outs to empty home owners to encourage them to contact us so that we can help to bring their empty properties back into use.
- **Loans and Grants**, we offer low cost loans through our partnership with Wessex to help empty homes owners renovate their properties and bring them back into use. To date we have had no take up, so this is an area we intend to target during the life of this plan.

The Action plan appended to this plan provides priorities and targets for actions over the lifetime of this plan.

5.0 Summary

As always, the key focus of empty homes work is to bring as many long term empty properties back into use as possible, in accordance with Aim 5 of our Homes and Communities Plan.

There are many challenges facing housing at present and our local situation reflects the national picture: demand for housing is high and supply of new homes is insufficient to meet all needs. The previous Council Tax Reforms introduced on 1 April 2013, has had an impact

in bringing some properties back into use or owners have changed the banding to Second Home/Holiday Homes. Many of the very long term empty property are problem properties with one or more of the typical problems associated with this type of home. Collaboration with other council services is proving effective in tackling these problems and we will continue to build on these collaborative efforts.

Several of the most problematic long term empty properties have been bought back into use and all of these properties have either been transformed or are in the process of being transformed and all of these properties will provide a home for a family. There are others that still require our intervention.

We will continue to be fair, transparent and proportionate in our actions to bring empty homes back into use.

6.0 Contact

If you wish to contact us about any issues to do with empty homes then please contact the Empty Homes Partnership Officer:

Contact details:

| | |
|-----------|--|
| Telephone | 01395 571572 |
| Email | pshousing@eastdevon.gov.uk |
| Website | www.eastdevon.gov.uk |
| Write to | Empty Homes Partnership Officer, Private Sector Housing, East Devon District Council, The Knowle, Station Road, Sidmouth EX10 8HL. |

Appendix 1

East Devon District Council

Empty Homes Plan 2015 – 2019

Action Plan

| Priority | Target | Completion Date | Outcome | Action |
|--|---|-----------------|---|--|
| 1. Monitor the number of long term empty properties from information on the Council Tax (CT) Register. | Monitor and target up to date data on empty properties within East Devon quarterly. | Quarterly | To target actions. | Obtain quarterly monitoring statistics from Council Tax (CT). Target long term empty properties. |
| 2. Availability and access to CT data for empty homes investigations and enforcement. | To enable a conclusive, legal agreement to share data. | Oct 2015 | To access effectively and efficiently data on specific long term empty homes from Council Tax data. | To obtain an agreement regarding the availability and access to CT data. |
| 3. Living over the shops (LOTS) scheme. | Identify 5 potential schemes. | March 2019 | Provision of additional affordable accommodation and the use of empty space | Work with Planning within the market town areas of Exmouth, Honiton, Axminster, Sidmouth and Seaton to identify schemes where it could be possible to offer LOTS scheme loans. |
| 4. Review the partnership arrangement with Exeter Empty Homes Service in light of the work that is being carried out on Long Term Empty Property | To consider whether this is an appropriate use of resources | Annually | Provision of an effective and efficient service | Annually report on the partnership arrangements and ensure this is value for money |
| 5. Trace and contact owners of empty | 30 properties target from CT | Ongoing | 30 cases (over 12 months empty), | Contact all owners of empty properties over |

| | | | | |
|---|--|---------|--|---|
| properties. Provide advice and assistance to empty home owners to bring their properties back into use. | data annually | | showing work in progress or occupied. | 12 months, from CT annual data. |
| 6. Enforcement <ul style="list-style-type: none"> • Project based • Reactive | Make use of all enforcement tools including Compulsory Purchase, Housing Act 2004, Enforced Sale, Prevention of Damage by Pests Act, Statutory Nuisance etc. | Ongoing | Using enforcement as a tool to bring empty properties back into use, where owners are unwilling to carry out works or the property is causing a nuisance. This action will advertise to other owners of such properties that the council is prepared to take statutory action. | Project based – complete the Enforced Sale of 5 long term empty properties in the same ownership. Project based – assess the most appropriate actions for 2 (4) long term empty listed buildings, potentially these properties are candidates for Compulsory Purchase. Reactive - complete 10 enforcement actions (PDPA, Statutory Nuisance, Housing act) reactive complaints. |
| 7. Loan Fund Assistance – for owners of empty properties including the Living over the Shops (LOTS) scheme | Provision of 5 loans. | Ongoing | To encourage and assist owners of non-decent empty properties to bring them back into use | Work with WRT to deliver 5 loans. |

V3

Report to: Cabinet
Date of Meeting: 4 November 2015
Public Document: Yes
Exemption: None
Review date for release: None



Agenda item: 12

Subject: Vehicle related anti-social behaviour in car parks

Purpose of report: To consider reports of vehicle related anti-social behaviour in Sidmouth's Manor Road car park and Seaton's Jurassic car park and to propose a solution to the problem.

Recommendation: To install traffic calming road humps at the entrance and exit to Sidmouth's Manor Road car park and Seaton's Jurassic car park at a cost of £5,000 funded from existing budgets.

Reason for recommendation: To discourage vehicle related antisocial behaviour and dangerous driving in two of our public car parks.

Officer: Andrew Ennis, Service Lead - Environmental Health and Car Parks
aennis@eastdevon.gov.uk tel: 01395 517452

Financial implications: The proposed expenditure of £5,000 would be funded from the £54,400 Property contractors budget as yet unspent to date.

Legal implications: The legal implications are discussed within the report and require no further comment at this stage. Cabinet may wish to consider a piece of work on investigating the use of a Public Spaces Protection Order on the car parks in East Devon where there is a proven history of ASB.

Equalities impact: Low Impact

Risk: Low Risk

Links to background information: .

Link to Council Plan: Living in, working in, enjoying and funding this outstanding place.

1.0 Seaton

1.1 In March 2015 the Council was alerted to the reoccurring problem of vehicle related anti-social behaviour associated with so-called "boy racers" in and around Seaton's Jurassic (Underfleet) car park.

1.2 The problem was reported to be "...absolutely terrible..." and the complainant was convinced that the drivers were "...using Seaton as a playground racing around at high speeds..." and he feared that someone would be badly injured or even killed.

1.3 It seems clear that this problem has been reoccurring over many years and both the Council and the police are being urged to take appropriate action to educate drivers and discourage this type of driving behaviour and (of course) if necessary to take appropriate enforcement action.

2.0 Sidmouth

2.1 On 4 May 2015 the Council was presented with a petition of fifty-one signatures, mainly comprising residents of Redlands and The Old Vicarage, people who are living in very close proximity to Sidmouth's Manor Road car park.

2.2 The title of the petition is "Unsociable behaviour at Manor Road car park in the evenings" and it reads:

"We the undersigned being local residents either adjacent to or near Manor Road car park wish to curtail the unsociable behaviour that occurs during the evenings.

We suggest that no entry is allowed into the car park after 8pm (or time to be agreed) by way of a barrier or chain being placed across the entrance. We would also suggest that the current exit is made one way using a one-way spike strip or similar.

We feel this action would give us all a peaceful existence and save both the Council and the police a lot of time and expense.

This problem has been ongoing for some years and now needs a permanent solution."

3.0 There have also been reports of similar behaviour at locations in Exmouth, Ottery St Mary and Honiton and these investigations are ongoing.

4.0 Investigation

4.1 Council Officers and police are involved in an ongoing joint operation and the Council's antisocial behaviour coordinator has produced a letter (written in the name of the East and Mid Devon Community Safety Partnership). This letter has already been handed to individuals suspected of being involved in vehicle related anti-social behaviour and copies have been posted to the registered keepers of the vehicles involved.

4.2 The letter explains that the Partnership is very concerned about the behaviour of groups of people in East Devon in connection with very fast driving around the car parks and on the roads, the playing of loud music, revving of car engines and the depositing of litter from vehicles. It emphasises that such behaviour will not be tolerated as it shows a total lack of respect for others and it is clearly affecting the quality of life of local residents, many of whom are elderly. The letter goes on to explain that as a result of this anti social behaviour both the Police and East Devon District Council will from now on be working together to tackle the problem. Joint patrols of car parks will take place at different times and members of the public will be encouraged to call the Police and report instances of vehicle related anti social behaviour. Details of the offending vehicles and drivers will be recorded by the Police for further action to be taken.

Finally the letter warns that:

Fixed Penalty Notices will be issued to persons seen depositing litter and also a penalty charge notice will be served on vehicles in car parks where payment for parking is required but where no ticket has been purchased.

Where the nature of the driving is anti social and also constitutes an offence contrary to the Road Traffic Act 1988 action will be taken by the Police subject of the Police Reform Act 2002. This could result in your vehicle being seized by Police and impounded. In this case you will be charged £20 for every day your vehicle is impounded and in order to have your vehicle returned you will need to pay a set fee of £150 plus VAT.

If action is taken by Police as above they will also consider contacting your insurance company as such details are held on the Police National Computer. This may mean that your insurance company increase your premiums or even refuses to insure you.

4.3 Unfortunately despite a series of joint visits to car parks and the issuing of both verbal and written warnings to certain individuals, the residents of both Sidmouth and Seaton continue to complain that problems are continuing.

4.4 Barriers

A number of people have already suggested that an automatic barrier to control entry and exit in the familiar “pay on exit” format would have a number of advantages including the fact that everyone entering the car park would then need to pay prior to exiting. This would of course help to discourage the use of the car park as a meeting point for drivers who presumably will not wish to pay to park. Unfortunately an automatic mechanical barrier is not practical in either case. This arrangement is only suitable for a car park where a member of staff is on-hand to deal promptly with the inevitable mechanical failures that occur. These systems tend to be found in (a) facilities where parking is available only during the facilities’ managed hours and (b) in large (600+ space multi-storey car parks such as those we find in Exeter) and the car parks have to close when the employee looking after them goes off duty (often 9pm or earlier). Airports and some large city centre car parks do operate 24/7 of course, but these are always busy enough to support 24 hour staffing.

4.5 ANPR and CCTV

The use of CCTV and / or ANPR camera has also been suggested. There are many advantages to a car park management system based on an automatic number plate recognition camera but for us at present, there is one big issue with it. The public sector is simply not allowed to use automatic number plate recognition (ANPR) camera technology in evidence for enforcement under civil parking enforcement (CPE) rules. The industry is hoping for a change in the law at some stage but for now, the process is only available for use in privately managed car parks.

Technically we could consider a proposal to remove some (or even all) of our public car parks from the East Devon Parking Places Order but that process would involve formal consultation and may well lead to objections. Once outside the CPE process, there would be fewer constraints on how we manage the car park (and how we set our fees and charges) but the enforcement / debt recovery process is significantly more costly and time consuming. There would be no access to the adjudication process via a traffic penalty tribunal and each unpaid parking session would need be either written off or pursued through the civil courts

The use of closed circuit TV is currently being trialled in Sidmouth's Manor Road car park in partnership with the police but it is unlikely to provide the solution on its own.

5.0 Possible solutions

The solution proposed by the Sidmouth petition is attractive in its simplicity and is in fact a tried and proven solution that we have already deployed in Exmouth's Foxholes and Maer Road car parks to deter similar behaviour. However alternatives do exist including the installation of number plate recognition (ANPR) technology that when used elsewhere appears to have eliminated the problem. It is a simple observation that the vehicle of choice for many of the individuals associated with this problem tends to be a modified version of a production car with significantly lowered suspension. This leads to the not-unreasonable conclusion that the drivers of such vehicles will be able to negotiate traffic calming road humps only with care and it is likely to be the driver's preference to avoid them altogether. It is therefore possible that the introduction of such a traffic calming measure at the entrance and exit of affected car parks would not only ensure a slower (and in consequence safer) passing of vehicles into and out of the car park, it may also discourage the use of that car park as a place for the drivers of such vehicles to gather

6.0 Cost Estimates

6.1 The only realistic, short term solution will inevitably involve some level of expenditure on physical works.

6.2 The indicative cost for the installation of a lockable barrier at each car park entrance and the installation of a row of dragon's teeth at each car park exit is estimated to be around £18,000 in total.

6.3 The indicative cost of installing traffic calming road humps at both car parks' entrances and exits is going to be of the order of £5,000 in total.

7.0 Consultation

Sidmouth and Seaton Members, the Chambers of Commerce and Town Councils have been consulted specifically on whether the car parks should be locked between specified hours. The responses are summarised below:

7.1 Seaton Members

Two Seaton Members responded:

Jim Knight:

"...It's about time we put this in place we have campaigned for this over many years..." but added "... I have also had representation from businesses within this area who are against this as they are open till late example pubs, eating houses. Has anyone consulted these businesses..?"

Marcus Hartnell:

"I am not in favour of this proposal.

Now that the Jurassic car park is smaller, and with slightly awkward access, I think more of the nuisance from boy racers is to be found on the streets, not in the car park. Whilst I acknowledge they still congregate there, closing the car park at a specified time will either mean they will arrive before the car park is closed, and stay in situ until much later, or move to other sites that are closer to the town, such as the coach park.

In addition to this, the following should be considered:-

- *Cost implications - if we have money to spend, could we not go the whole-hog and install a pay on exit system with barriers on entrance and exit. This would encourage people to stay longer, and not be worried about parking tickets expiring. Boy racers would have to pay if they wanted to use the car park as a meeting place! It also reduces the need to check if users have a valid ticket on display.*
- *Permit holders may consider it inconvenient.*
- *It gives the wrong message to visitors who may wish to park after hours to use local eateries, the Town Hall, Seaton Tramway and Seaton Jurassic - all of which will be open late - certainly past 8pm during the summer months.*
- *It restricts access to the play-park (soon to be refurbished) and the skate park, which is flood-lit, and often used quite late into the evening.*

Closing the car park at a specified time with a barrier will in my opinion cause more problems than it solves. Maybe a better police presence and some CCTV cameras would be more of a deterrent..."

7.2 Seaton Town Council

The Town Clerk responded with seven unedited responses from Town council Members

- *I think this is a stupid idea and a waste of time and money. There is no longer a problem with boy racers as the car park is not big enough any more to get out of 2nd gear. The Jurassic centre will be open at night and this will effect that and also the tram way and other businesses who open late. Also it will stop people who work out of Seaton and don't get back late using the recycling area. Surely it is up to the police to sort out boy racers and if you lock this car park they will just move on to another one*
- *seems a bit over the top-however we need to ensure that the closure does not stop children using the facilities on a summers evening if there parents bring them*
- *Personally I would be opposed to the locking of any public facility. It's bad enough when people in the town at night cannot use the public conveniences. People come into the town at night for a variety of reasons and need somewhere to park. We cannot start closing public facilities because of the behaviour of a few. It is up to the police to stop these things and not the council to close public areas. A few mindless idiots cannot be allowed to determine life for the rest of us. It's up to the police to do their job and stop talking about it.*
- *My view is that before any costly permanent form of barriers go up we exhaust all other efforts. If it is just the Boy Racer problem then it is just anti-social behaviour but involving cars which becomes a Police issue because they must also be displaying their boy racer attitude on the public roads to and from the car park. I feel that the Police could be doing a lot more by utilising plain clothes officers and unmarked cars or camera evidence then issuing fines etc. Locked car parks will most likely just move the problem. Have the Police shown a regular presence in the area and already communicated with the Boy*

Racers about the problem they are causing? Has anybody worked out why the Boy Racers want to be in the car park and offered a different solution? There are also enforceable public area protection notices available.

- I tend to agree with Martin on most points. I am reminded that 'one has to suffer the presence of a few caterpillars if one is to experience butterflies' (De Saint Exupery) and the facility should not be changed at great expense for the sake of a few idiots. The problem will just be moved to somewhere else. Perhaps a big purge by the police, condemnation from the council and some way of embarrassing these people might tackle the problem. Also who would hold the key?*
- I agree with all previous comments about the car park and would not be in support of such a proposal.*
- I agree with both Martin and Rich (comments listed above). In addition I would add the skate park is used all the time and so is the play park - and this car park serves both of these community facilities*

7.3 Seaton Chamber of Commerce

Only one response was received from a local business owner:

As both a resident & business owner I'm astounded that this proposal is even being considered. I understand that nearby residents may be concerned regarding noise from a few vehicles parked in the car park in the evenings but surely this can be remedied quickly without the closure overnight and inconveniencing locals and visitors alike.

Some matters to consider:

Maybe a Police presence around the car parks and in the town in general. Issue tickets to offenders, not just a friendly word now and again.

Installing a barrier at entrance, to close at a predetermined time, will not stop 'offenders' arriving prior to the barrier being closed, as they would still be free to stay and be unruly.

'Dragons Teeth' exit ramps damage vehicles, particularly low/sports cars.

Will the Council be responsible for any damages incurred to such vehicles?

Who would pay for the installation of barriers and ramps? Would this be at taxpayers' expense?

An unnecessary in cost times of council austerity.

Again a Police presence not only in the car park which I must add is hardly a racetrack (you would be lucky to get out of First gear) as well as between Axmouth and Seaton along the riverside would probably catch most offenders.

How would recycling facilities be accessed when barrier closed?

Residents with parking permits would need to return to the car park by barrier close time, not particularly convenient!

Where would visitors and residents alike park after barrier closure? When all alternative parking areas are full.

Not only would this overnight closure cause a significant loss of trade to our New Visitor centre, who I'm sure will have plans for using their building to its maximum potential, but also Seaton Tramway who offer late trams throughout the year, as well as many other smaller business who cater for visitors and residents and who frequent many of the local eateries in and around Harbour Road and the Town Centre in general.

Another point to consider is what happens when people wish to park later (after barrier closure) particularly when events in the town take place i.e. late night shopping.

A very simple solution to deterring unruly drivers from the car park may be that, yes a barrier is

installed on entry, whereby a driver takes a ticket and parks. On departure the driver submits their ticket and pays the appropriate charge, this system has two benefits, One, those who are unruly are unlikely to want to pay for the privilege and Two visitors are much more likely to stay parked longer (as they wouldn't need to rush back to their vehicle at ticket expiry time) and in turn may spend more time in the Town and in the local business. A win win.

7.4 Sidmouth Members

Three District Councillors responded as follows:

Cathy Gardner:

"...Before any further action is taken, or we have a meeting, opinions should be sought from the Chamber of Commerce and local hotels. I imagine that hotel guests might need to use that car park in the evening..."

"...The options you suggest all sound sensible. Do we have any feedback from other towns where similar problems and measures have been used?"

"I know this has been discussed at Town Council meetings, leading to the actions with the police that are currently in progress. It does seem sensible to find a more permanent solution that does not tie up police resources for no long-term gain."

Matt Booth:

"...I support the comments that have come back from other cllrs so far, and I believe that Cllr Dyson will be able to pick this issue up more regularly on behalf of the ward members.

My concern / interest is in who the individuals concerned are and how we might work both with the police and community development on addressing the root cause of the problem.

It is maybe worth our having a meeting with the neighbours and with the police?

I would support a barrier but the difficulty would arise where the public use the car park in the evening, for concerts at Manor Pavilion etc, so I believe it would need to be free after 6pm. Though that would not solve the problem as it would not prevent entry and exit for the 'boy racers'. Whether it is possible to work with Manor Pavilion on the provision of parking tickets but again that would be very complicated.

Even if you charged I would imagine they would still consider paying to gain access.

Is it too much to look at bringing offenders and neighbours together, or am I being far too optimistic?

If CCTV and/or ANPR were introduced then we could work with the police to identify offenders and look at how we might work with them to put an end to it."

Stuart Hughes

My views on this issue which is a long drawn out saga is that we shouldn't close the car park at 9.00pm as suggested as there are many residents and visitors who use the facility whilst visiting the Manor Pavilion and these performances don't finish until 10.00pm or later.

The Car Park also doubles up as the coach park.

I believe some landscaping would help to overcome the problem. Or.

An entrance barrier with ticket and then pay at machine when leaving and a further barrier system to exit.

Could this suggestion be costed?

The police have powers to confiscate vehicles....has this been done?

7.5 Sidmouth Chamber of Commerce

Our general vote would be to support the protection of the car park.

I think that some measures to control access are prudent for both sets of irritants. As to what and how, well that is the debate. Dragon's teeth will probably not be much of a deterrent and I expect that a group of youths or travellers would easily navigate them with a little teamwork. Locked barriers would probably work except for the most determined such as travellers, who would surely not be put off by having to snip a padlock off. Who would lock and unlock these barriers on a daily basis though? ANPR sounds great but expensive and there is always the need for a follow up with the police being the only authority with any teeth to do anything.

Although the Chamber has no direct involvement with this long-standing nuisance, we do have a strong indirect interest. Visitors come to Sidmouth for a peaceful holiday and this behaviour (if widely known or reported) could deter them, to the detriment of our members. I imagine the noise will also be audible to guests at the Westcliff. Lockable barriers would, I fear, soon be vandalised and would in any case incur extra costs for locking and unlocking. ANPR technology sounds much more promising...

7.6 Sidmouth Town Council

RESOLVED: That Sidmouth Town Council believe that the Police are the right authority to deal with this issue and a period of six months should be allowed to ascertain whether their new initiative was successful in reducing the anti-social behaviour in this area.

8.0 Conclusion

8.1 Although our joint operation with the police is ongoing and Sidmouth Town Council is not in favour of the locked-barrier solution, it seems right to implement some measures in order to deter drivers from misusing Manor Road car park to the detriment of residents. In Seaton there is clear stated opposition to preventing access to Jurassic car park at night but again, the residents' concerns about both disturbance and road safety matters have to be weighed against the wishes of the town's business community.

8.2 The conclusion of this report is therefore that it seems reasonable to proceed now with the proposed installation of traffic calming road humps at the entrances and exits to both Sidmouth Manor Road and Seaton Jurassic car parks. The measure is unproven in so far as vehicle related antisocial behaviour is concerned but it does seem more likely than not that it will have a positive effect. The success or otherwise will be carefully monitored by residents and officers over the coming months and if necessary, a further report will be brought back with recommendations for additional measures in due course.

Report to: Cabinet
Date of Meeting: 4 November 2015
Public Document: Yes
Exemption: None



Agenda item: 13

Subject: **Financial Monitoring Report 2015/16 - Month 6 Sept 2015**

Purpose of report: This report gives a summary of the Council's overall financial position for 2015/16 at the end of month six (30 September 2015).

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.

Recommendation: **1. The variances identified as part of the Revenue and Capital Monitoring process up to Month Six be acknowledged.**

Reason 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.

Officer: Laurelie Gifford lgifford@eastdevon.gov.uk ext: 2613
Mandy White awhite@eastdevon.gov.uk ext: 2357

Financial implications: Contained within the report

Legal implications: No legal comments are required.

Equalities impact: Low Impact

Risk: Low Risk

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

Links to background information:

Link to Council Plan: Funding this outstanding place

1. Report in full 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 six.

2. Investment Income

The latest information from Capita Asset Services, EDDC's treasury management advisors, is that they do not expect the base rate to increase until quarter two of 2016, at which point they are predicting the rate to be 0.75%.

They still note that there is volatility in the longer term rates on the back of the move in gilt markets, but shorter dated rates are relatively unchanged, which reflects the expectation that the Bank Rate will not be altered for some time. There does remain some value with longer term investments with suitable counterparties.

EDDC's average forecast return on external investments at 0.97% and internal investments of 0.40% for the year to date is better than the September 2015 average LIBID rates of 0.36% for 7 Days and 0.46% for 3 Months.

| | Annual Budget £000 | Variation as at Month 6 £000 | Predicted Outturn Variation £000 |
|----------------------|-------------------------------|---|---|
| Investments | | | |
| External investments | (266) | (17) | (34) |
| Internal investments | (59) | (6) | (10) |
| Total | (325) | (23) | (44) |

The variation to date and predicted outturn variation on external investments reflects the fact that the budget was reduced this year compared to last based on expectations of a continued depression in the market. This does not reflect actual improved performance year on year. Internal funds are generally being deposited for longer fixed terms which offer better returns.

3. General Fund Position as at Month Six

- 3.1 The following table shows the original budget set for the year and a total of the Supplementary estimates approved to date. In year variances identified which are likely to affect the outturn for the year are detailed below:

| | |
|--|---------------|
| | £000 |
| Original Budget Requirement (set 25/02/15) | 10,833 |
| Supplementary estimates previously reported funded from reserves | 514 |
| Supplementary estimates previously reported funded from General fund balance | 32 |
| IT projects funded from Earmarked reserves | 430 |
| Exmouth Town Council Support from General Fund Balance – CAB 12/08/15 | 12 |
| Exe Estuary Harbour Patrol Boat purchase from General Fund Balance - CAB 07/10/15 General Fund Balance (Ongoing revenue costs and contributions to be confirmed) | 15 |
| Items now funded from New Homes Bonus: | |
| <ul style="list-style-type: none"> • Grant aid Clyst Honiton Parish Council for 3 years. Unspent balance to earmarked reserves at Year End - CAB 12/08/15 | 27 |
| <ul style="list-style-type: none"> • Cranbrook workspace provision for 3 yrs. Unspent balance to earmarked reserves at Year End - CAB 12/08/15 | 30 |
| <ul style="list-style-type: none"> • Cranbrook workspace revenue contribution to capital - CAB 12/08/15 | 25 |
| DCLG funding received for Cranbrook activities originally funded by New Homes Bonus (NHB). NHB now released to fund the items above. | (82) |
| Month 6 predicted over / (under) spend at year end detailed below | (255) |
| Predicted Budget Outturn | 11,581 |

A summary of the predicted over and under spends to the Year End are shown below:

| Predicted over / (under) spends | Variation as at Month 6 £000 | Predicted Outturn Variation £000 |
|---|---|---|
| Corporate Business Portfolio | | |
| Freedom of Information Assistant not yet in post | (28) | (20) |
| Economy Portfolio | | |
| Building Control services income due to competitive market | 46 | 40 |
| Environment Services | | |
| Car parks income above budget projections | (44) | (20) |
| Street Scene | | |
| Refuse & Recycling – Income loss due to substantial reduction of recycling materials per tonne - £52k bad debt on textile income already reported | 300 | 256 |
| Refuse and Recycling - Savings on Collection contract | (21) | (42) |
| Predicted over / (under) spends Contd. | Variation as at Month 6 £000 | Predicted Outturn Variation £000 |

| | | |
|--|------------|--------------|
| Finance Portfolio | | |
| Benefits overpayments recovered in excess of budget due to DWP real time updates | (150) | (150) |
| Sustainable Homes & Communities Portfolio | | |
| Homesafeguard service charges to sheltered housing tenants implemented in full – (£60k) increase already reported. | (75) | (170) |
| Homelessness income from DCC for Local welfare support unbudgeted for | (47) | (94) |
| Outturn variations reported as at Month 3 | 39 | (11) |
| Investment Income variations | (23) | (44) |
| Predicted Outturn Total Variations GF | (3) | (255) |

3.2 These variations will have the following overall effect on the Council's General Fund Balance:

| | £000 |
|---|----------------|
| General Fund Balance 01/04/15 | (4,646) |
| Less: Planned use/contribution to General Fund balance | 105 |
| Transfer to Capital Reserve CAB 17/6/2015 | 941 |
| Available General Fund balance 2015/16 | (3,600) |
| Supplementary estimates previously reported | 32 |
| Supplementary estimates detailed above | 27 |
| Predicted net over / (under) spend to year end net of Year end transfers to Earmarked Reserves (from above) | (255) |
| Predicted General Fund Balance 31/03/16 | (3,796) |

The Council has an accepted adopted range for the General Fund Balance to be within the range of £2,800k to £3,600k. Therefore the predicted balance of £3,796k is within this range. The final position will be considered at outturn reported in June 2016.

3.3 An analysis of the main income streams is shown below:

| | Annual Budget £000 | Variation at Month 6 £000 | Predicted Outturn Variation £000 |
|---------------------------|-------------------------------|--------------------------------------|---|
| Car Park income | (3,129) | (44) | (20) |
| Planning fees Income | (1,511) | 0 | 0 |
| Building Control fees | (537) | 46 | 40 |
| Recycling income | (1,746) | 300 | 256 |
| Local Land Charges income | (302) | 0 | 0 |

3.4 Summary of Other Reserves:

| | Balance B/f 2015/16 £000 | Spend to date £000 | Estimated additional Spend/ (Income) £000 | Predicted Balance C/f to 2016/17 £000 |
|------------------------------------|---|-----------------------------------|--|--|
| Asset Management Plan Reserve | (55) | 32 | 11 | (12) |
| Asset Maintenance Reserve | (1,103) | 23 | 136 | (944) |
| Business Rates Volatility Reserve | (1,069) | 0 | 449 | (620) |
| LABGI | (201) | 0 | 201 | 0 |
| New Homes Bonus Volatility Reserve | (1,167) | 0 | 0 | (1,167) |
| Transformation Reserve | (350) | 0 | 80 | (270) |

4. Housing Revenue Account Position up to Month 6.

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

| | Variation at Month 6 £000 | Predicted Outturn Variation £000 |
|---|--|---|
| Variations as at Month 3 | 0 | 210 |
| Predicted Outturn Total Variations HRA | | 210 |

The following table shows the original budget surplus for the year and the total variations as identified above, which are likely to affect the budget to give a revised budget surplus/deficit for the year.

| | £000 |
|---|--------------|
| Original Budget surplus | (151) |
| Month 6 predicted net (under)/overspend to year end | 210 |
| Predicted Budget (Surplus)/Deficit HRA | 59 |

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

| | £000 |
|---|----------------|
| Housing Revenue Account Balance (01/04/15) | (4,966) |
| Predicted budget requirement as above | 59 |
| Predicted HRA Balance (31/03/16) | (4,907) |

The recommended level for the HRA balance has been agreed at £2.1m (£500 per property). The current balance is well above the recommended level and in addition £3.4m is held in a volatility reserve.

5. Capital Programme Position up to Month 6

5.1 The following tables currently estimate the total required from the Capital Reserve is £2,121k leaving £858k remaining in the reserves at year end.

| Capital Reserve | £000 | £000 |
|---|-------------|----------------|
| Brought forward balance 1 April 2015 | | (2,038) |
| Transfer from 2014/15 General Fund balance | (941) | |
| Funds available for 2015/16 | | (2,979) |
| Funding for 2015/16 | | 2,121 |
| Balance carried forward to 2016/17 | | (858) |

5.2 Capital Programme and financing:

| | £000 | £000 |
|--|-------------|---------------|
| Net Capital Programme Budget (Council 25/02/15) | | 9,835 |
| 2014/15 scheme costs slipped into 2015/16 (CAB 17/6/15) | 6,688 | |
| Revised 2015/16 budget | | 16,523 |
| Budget revisions previously reported | | (396) |
| Cranbrook workspace revenue contribution to capital - CAB 12/08/15 | 25 | |
| Imperial Rec Play Equipment and Phear Park | 4 | |
| Phear Park play project part funded by S.106 | 51 | |
| Mamhead Slipway slippage to 2016/17 due to environmental factors | (1,151) | |
| New Feniton Flood Alleviation Scheme increased costs of Phase 1. Report to CAB to follow on update and implications of the cost increases. | 25 | |
| Public conveniences - savings due to new strategy review | (90) | |
| Thelma Hulbert Gallery Boiler savings as now revenue funded | (49) | |
| HRA funded purchase of George Street, Honiton | 137 | |
| HRA House of multiple occupation, Exmouth additional spend S.106 funded | 50 | |
| HRA rebuild 24&26 Normandy Close | 300 | |
| Reallocation of £50k from Replacement doors to refurbishment of Manor Close, Seaton – Net effect £0 | 0 | |
| | | (698) |
| Predicted Capital Budget Requirement Month 6 | | 15,429 |

| Capita Programme financed by | £000 | £000 |
|--|-------------|-----------------|
| Use of Capital Receipts | (3,973) | |
| S.106 funding | (210) | |
| External Loans/Internal borrowing | (1,850) | |
| General fund revenue contribution | (51) | |
| HRA Contribution | (5,007) | |
| Capital IT projects reserve | (11) | |
| New Homes Bonus | (1,031) | |
| Other grants and contribution | (1,174) | |
| Predicted Capital Reserve (Requirement) / Contribution | (2,121) | |
| Total Funding | | (15,429) |

Report to: Cabinet
Date of Meeting: 4 November 2015
Public Document: Yes
Exemption: None



Agenda item: 14

Subject: **Monthly Performance Report September 2015**

Purpose of report: Performance information for the 2015/6 financial year for September 2015 is supplied to allow the Cabinet to monitor progress with selected performance measures and identify any service areas where improvement is necessary.

Recommendation: **1. That the Cabinet considers the progress and proposed improvement action for performance measures for the 2015/16 financial year for September 2015.**

Reason 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 Development Management, Housing and Revenues and Benefits.

Officer: Karen Jenkins, Strategic Lead – Organisational Development and Transformation
kjenkins@eastdevon.gov.uk ext 2762

Financial implications: There are no direct financial implications.

Legal implications: There are none arising from the recommendations in this report.

Equalities impact: Low Impact

Risk: Low Risk

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

Links to background information:

- [Appendix A – Monthly Performance Snapshot for September 2015](#)
- [Appendix B - The Performance Indicator Monitoring Report for the 2015/16 financial year up to September 2015](#)
- [Appendix C – System Thinking Reports for Housing, Development Management and Revenues and Benefits for September 2015](#)

Link to Council Plan: Living, working, enjoying and outstanding Council

Report in full

1. Performance information is provided on a monthly basis. In summary most of the measures are showing acceptable performance.
2. There are three indicators that are showing excellent performance:
 - Percentage of planning appeal decisions where the planning inspector has disagreed with the Council's decision
 - Percentage of non-domestic rates collected
 - Days taken to process Housing Benefit/Council Tax Benefit new claims and change events
3. There is one performance indicator showing as concern:
 - Working days lost due to sickness absence – Our sickness absence is now on a downward trend. This follows a period of increased sickness absence resulting from long term illnesses.
4. Monthly Performance Snapshot for September is attached for information in [Appendix A](#).
5. A full report showing more detail for all the performance indicators mentioned above appears in [Appendix B](#).
6. Rolling reports/charts for Housing, Development Management and Revenues and Benefits appear in [Appendix C](#).

Monthly Performance Snapshot – September 2015



This monthly performance snapshot shows our performance over the last month:

- **99.51%** of rent due on council owned homes collected
- **5.35 days** to process your Housing or Council Tax Benefit claims
- **93%** of invoices received by us are paid within 10 days
- Less than **2.5 days** on average to clear fly tipping cases, dealing with **49 cases** in August

Latest headlines:

- The Tenant Scrutiny Group concluded their third review, this time on resident involvement, which will be presented to the Housing Review Board for its consideration.
- Estate walkabouts were undertaken in Cheshire Road and Gibson Close, Exmouth, and in Woodbury.
- The Housing Review Board and senior managers underwent a coach tour of some Housing stock and projects across the district.
- 305 work hours were carried out by volunteers helping the Countryside team this month
- All Countryside events were well attended. Fully booked for Sunset and Stars and Family Foraging, and over 35 people to the Apple pressing day at Elbury Farm, near Cranbrook.

- Cranbrook Countryside Park ranger helped create a Wild Flower Verge this year and this got Outstanding from the RHS Cranbrook in Bloom awards...
- A Seaton Wetlands coffee morning raised £176.89 for Macmillan Cancer Support.
- New orienteering course for Seaton Wetlands was installed and launched.
- Thelma Hulbert Gallery has raised £8,000 in grants for the THG Garden regeneration project.
- Thelma Hulbert Gallery has achieved £3,170 in sales – 40% up on September last year & our highest monthly income this financial year.
- The current Flock Together exhibition at Thelma Hulbert Gallery is our best attended since Matisse, with an average of 41 visitors a day.
- Friends Memberships has raised £440 for Thelma Hulbert Gallery in membership fees, a 16% increase compared to last year.
- Thelma Hulbert Gallery's team of 34 volunteers help us cover 3640 hours in the gallery each year a saving of £24,388 in humanpower!

Did you know?

- The main household composition for East Devon is a one person household with a resident aged 65 and over, making up 18.3% of all households, this is far above the national average of 12.4%.
- Since the 2001 census the household type that has grown the most is the one person household which has grown by nearly 2000 households.

Report to: **Cabinet**
Date of Meeting: 4 November 2015
Public Document: Yes
Exemption: None
Review date for release None



Agenda item: 15

Subject: **South East Devon Habitat Regulations Joint Committees**

Purpose of report: Following the decision of Council on 29 July 2015 to agree to enter into joint arrangements with both Exeter City Council and Teignbridge District Council, it has been necessary to review and alter the governance arrangements to ensure clarity and consistency in terms of its operation going forward.

Recommendation: **That this Council;**

- 1. agrees to establishing the South East Devon Habitat Regulations Joint Committees (comprising the Habitats Mitigation Executive Committee and Habitats Mitigation Scrutiny Committee) with Exeter City Council and Teignbridge District Council, for the purpose of delivering habitat mitigation measures and which shall be governed in accordance with the Terms of Reference and Rules of Procedure attached at Appendix 1.**
- 2. agrees that all necessary powers are delegated to the Habitats Mitigation Executive Committee to enable delivery of mitigation measures in accordance with the Conservation of Habitats and Species Regulations 2010.**
- 3. notes that the Strategic Development and Partnerships Portfolio Holder is the East Devon District Council member of the Habitats Mitigation Executive Committee.**
- 4. seeks nominations for and appoints three members to be the East Devon District Council members on the Habitat Mitigation Scrutiny Committee.**
- 5. delegates authority to the Strategic Lead (Legal, Licensing and Democratic Services) in consultation with the Leader of the Council and Chief Executive to amend the Terms of Reference and Rules of Procedure as necessary to ensure effective working of the South East Devon Habitat Regulations Joint Committees provided that the Solicitors to the Council of Exeter City and Teignbridge District Councils are in agreement.**
- 6. provide the legal support for governance arrangements for the South East Devon Habitat Regulations Joint Committees.**
- 7. be responsible for holding and administering the finances to**

support the implementation of the decisions of the Habitats Mitigation Executive Committee (or to any officer taking delegated decisions on its behalf) and to provide financial advice when required.

- 8. agrees that the administration of the South East Devon Habitat Regulations Committees shall rotate with the Chair and that East Devon District Council shall Chair the Committees during the first year. After the first year the Chairmanship will rotate around the other Councils coming back to East Devon in the fourth year.**

Reason for recommendation:

To implement the decision of Council of 29 July 2015 (following Cabinet recommendations of 2 July 2014 and 17 June 2015)

Officer:

Henry Gordon Lennox, Strategic Lead (Legal, Licensing and Democratic Services) HGordonLennox@eastdevon.gov.uk Tel: 01395 517401
Ext: 2601

Financial implications:

There are no financial implications arising from the recommendations.

Legal implications:

The legal implications are set out within the report.

Equalities impact:

Low impact

There are no specific equality impact considerations identified in terms of establishing the joint committee. Decisions which the joint committee make could have equalities impacts associated with them, but that will be for that committee to consider when taking the decisions.

Risk:

High Risk

It is essential to secure appropriate mitigation alongside granting of and implementation of planning permissions for development which impact upon sites of European importance. To not be able to ensure mitigation is delivered could cause problems in terms of being able to grant planning permissions and ensure delivery of development as set out in the Local Plan.

Links to background information:

- <http://eastdevon.gov.uk/media/1165430/cabinet-agenda-170615-public-version.pdf>
- <http://eastdevon.gov.uk/media/1187569/170615-cabinet-mins.pdf>
- <http://eastdevon.gov.uk/media/259002/020714-cabinet-combined-agenda-public-version.pdf>
- <http://eastdevon.gov.uk/council-and-democracy/committees-and-meetings/cabinet/cabinet-minutes/2-july-2014/mitigation-of-impacts-on-highest-tier-of-wildlife-sites/>

Link to Council Plan:

Living in this Outstanding Place
Enjoying this Outstanding Place

Report in full

1. This Council agreed on 29 July 2015 to set up a joint committee with Exeter City Council and Teignbridge District Council to ensure that appropriate mitigation measures in respect of sites of European importance (Exe Estuary SPA / Ramsar, Dawlish Warren SAC and East Devon Pebblebed Heaths SAC / SPA) are delivered across the three administrative areas. The background papers give more detail in terms of the evolution of this committee and the rationale for it.

2. When the matter was reported to Cabinet in June 2015, the governance arrangements had not been properly scrutinised by the legal department to ensure that they would work and one of the recommendations (No.2) was tailored to ensure that prior to the committee being established that this review work would be carried out.
3. That review has now been completed and it is considered that the Terms of Reference previously endorsed is not sufficient to enable the business of the committee to be properly conducted. There was some lack of clarity in terms of the remit for the committee, the procedures for meetings and a misunderstanding over how to deal with the powers between the Executive Committee and officers. Most crucially however, the scrutiny arrangements for the committee were left to the local level. This meant that each of the three authorities had the ability to scrutinise decisions and moreover that these would be in accordance with each authority's own scrutiny arrangements. Aside from the difficulties imposed by having to deal with three different sets of scrutiny arrangements from a timing and administration point of view, the biggest difficulty, both operationally and politically, would be what happens if each authority's scrutiny function resulted in different recommendations being made back to the Executive Committee. All of the above would be likely to cause problems in terms of trying to run the committee and ensure that effective habitat mitigation is delivered.
4. As a consequence a new Terms of Reference and Procedural Rules document has been produced (attached as Appendix 1), which is modelled on the Strata governance arrangements. It has been tailored to suit the Habitat Regulations Joint Committees and gives clear terms of reference and procedural guidance for its operation. The most important aspect is that there are now two committees – an executive committee and a scrutiny committee. These will avoid all the difficulties of having scrutiny dealt with at a local level.
5. Other points to note include that the legal and financial support will be provided by East Devon District Council, rather than rotating with the Chair and the committees' administrative support. This is considered to be important to ensure a consistent and robust support framework to allow the committee to operate most effectively.
6. Councillor Andrew Moulding has already been appointed as the Council's Member on the Executive Committee but it will be necessary to appoint three members to the Scrutiny Committee.
7. Finally, it is felt necessary to give delegated authority to the Strategic Lead (Legal, Licensing and Democratic Services) to enable the Terms of Reference and Procedural Rules to be amended as appropriate to enable effective running of the committee. This power can only be exercised and amendments made if both Teignbridge and Exeter confirm that they are in agreement with the changes.
8. In terms of the two partner authorities, they are taking the same set of recommendations and documentation through their committees with a view to the Habitat Regulations Joint Committees convening for the first time in January.
9. It is considered that the amended Terms of Reference and Procedural Rules (attached) together with the recommendations are sufficient to ensure that the South East Devon Habitat Regulations Joint Committees operates in the most effective way and in accordance with the legal requirements of the Local Government Act 1972 and related regulations.

South East Devon Habitat Regulations Joint Committees

Terms of Reference and Rules of Procedure

1. Introduction

- 1.1 The Delegation of Functions and Rules of Procedures set out in this document regulate the proceedings of the Habitat Mitigation Executive Committee (HMEC) and Habitat Mitigation Scrutiny Committee (HMSC), both of which were created by East Devon District Council, Exeter City Council and Teignbridge District Council as the South East Devon Habitat Regulations Joint Committees to govern and scrutinise delivery of mitigation measures as set out in the South East Devon European Site Mitigation Strategy and the emerging Pebblebed Heaths Visitor Management Plan.
- 1.2 The South East Devon European Site Mitigation Strategy and the emerging Pebblebed Heaths Visitor Management Plan are required to ensure timely and effective mitigation arising from new development with the potential to impact three sites of European wildlife importance, namely the;

Exe Estuary Special Protection Area and Ramsar Site,
Dawlish Warren Special Area of Conservation, and
East Devon Pebblebed Heaths Special Area of Conservation and Special Protection Area
- 1.3 The Councils have delegated all the necessary decision making powers to enable the Habitat Mitigation Executive Committee to operate so as to deliver the identified mitigation measures.
- 1.4 In carrying out its role the Habitats Mitigation Executive Committee shall, where necessary, act as a competent authority for the purposes of the Conservation of Habitats and Species Regulations 2010.
- 1.5 East Devon District Council will be responsible for holding and administering developer contributions and community infrastructure levy receipts and to provide advice and guidance on all financial and legal matters.
- 1.6 In this document the following words have the following meanings;

“Chief Executive” means the Chief Executive of a Council and together the “Chief Executives”

“Committee” means either of the HMEC and HMSC as appropriate (together the Committees) and where the Rules differ between the Committees this will be explained

“Council” means East Devon District Council, Exeter City Council or Teignbridge District Council as the context so permits and together “the Councils”

“Executive” means the Executive or Cabinet of the Councils

“Proper Officer” means the Democratic Services Manager or Corporate Manager, Democratic and Civic Support

“Relevant Council” means the Council at which the next Committee meeting will be held

Section A – Delegation of functions

1. Habitats Mitigation Executive Committee

The Councils have appointed the HMEC which will make the operational decisions on behalf of the Councils to implement and deliver measures to mitigate against the impact of development pressures. Those decisions will be taken in accordance with a 5 year Delivery Programme and the Business Plan, both of which the HMEC shall agree at its first meeting. Thereafter the 5 year Delivery Programme shall be reviewed every 5 years and the Business Plan annually.

Other functions that are within the remit of the HMEC include;

- Monitoring the implementation and effectiveness of the mitigation measures and agree changes where necessary.
- Ensure that there is a simple and transparent audit trail linking S106 and CIL financial allocations for European site mitigation, and the works and projects that deliver mitigation. Allocate budget accordingly, taking account of other arising mitigation opportunities.
- Secure the cooperation of all stakeholders.
- Monitor risks, progress and effectiveness of delivery.
- Identify, lobby for and secure complementary funds.
- Monitor and review the delivery of the South-East Devon European Site Mitigation Strategy (and when adopted the Pebblebed Heaths Visitor Management Plan) quarterly and publish a progress report annually.
- Formally advise on any emerging requirements for refreshing the evidence base used to determine the Strategy (and when adopted the Plan).
- To include reviews of developer contribution charges in line with inflation/index linking and funding mitigation expenditure in perpetuity.
- Establish and maintain a financial model that ensures delivery of mitigation in perpetuity.
- Liaise between partner organisations and share best practice.
- Ensuring that a record is kept of planning proposals which are agreed through the planning process to satisfy their own mitigation requirements (and as such do not form part of the mitigation Strategy).

2. Habitats Mitigation Scrutiny Committee

The Councils have appointed the HMSC to scrutinize the operation and performance of the Habitats Mitigation Executive Committee and its governance arrangements. More specifically the HMSC's role is to:

- Review and / or scrutinise decisions made or actions taken in connection with the discharge of any of the HMEC's functions;
- Make reports to each of the Councils, the Executive of each Council and / or the HMEC in connection with the discharge of any of the functions;
- Exercise the right to call-in for reconsideration decisions made by the HMEC but not yet implemented;
- Consider the decisions of the HMEC that have been called-in and make recommendations to the HMEC;
- Report annually to each Council's Executive on its workings and make recommendations for amended working methods if appropriate including proposing amendments to these Terms of Reference and Rules of Procedure.

Section B – Rules of Procedure

Contents

| | |
|--|---|
| 1. General | 16. Minutes |
| 2. Ordinary Meetings | 17. Record of attendance |
| 3. Extraordinary Meetings | 18. Exclusion of public |
| 4. Frequency, time and place of meetings | 19. Members' conduct |
| 5. Notice of and Summons to meetings | 20. Disturbance by the public |
| 6. Chairing of meetings | 21. Suspension and amendment of the Rules |
| 7. Committee Composition | 22. Motions affecting Staff |
| 8. Quorum | 23. Call-in |
| 9. Voting | 24. Inspection of documents |
| 10. Questions and statements by public | 25. Inspection of land, premises |
| 11. Questions by members | 26. Proceedings at meetings |
| 12. Motions on notice | 27. Attendance by members |
| 13. Motions without notice | 28. Access to Information |
| 14. Rules of debate | 29. Key Decisions |
| 15. Previous decisions and motions | |

1. General

- 1.1 These Rules of Procedure (Rules) provide one set of bespoke procedural rules to govern the meetings of the Committees established to govern and scrutinise delivery of habitat mitigation as set out in the Introduction and Section A above.
- 1.2 The Chairman of the Committee's view on the interpretation of these Rules is binding at the particular Committee.
- 1.3 These Rules may be reviewed at any time and any amendments must be made in accordance with the delegated authorities given by the Councils.

2. Ordinary Meetings

- 2.1 Ordinary meetings of the Committees will:
 - (i) deal with any business required by statute to be done before any other business;
 - (ii) approve the minutes of the last meeting;
 - (iii) deal with business expressly required by statute to be done;
 - (iv) receive any communications or announcements from the Chairman or the Councils;
 - (v) deal with any business from the last meeting;
 - (vi) consider motions;
 - (vii) consider any other business specified in the summons to the meeting;

In addition to (i) – (vii) above the HMEC shall:

- (vii) receive reports from the Delivery Officer and / or the Officer Working Group;
- (ix) consider referrals made to it by the HMSC;
- (x) receive questions on the operational matters of the HMEC from members of the Councils and members of the public and provide answers to those questions

In addition to (i) – (vii) above the HMSC shall:

- (xi) receive reports on performance from the HMEC; and
- (xii) report to each Executive Committee of the Councils annually on the performance of the HMEC.

- 2.2 The Committees may vary the order of business so as to give precedence to any business. However such a variation shall not displace business falling under item (i) in this rule.

3. Extraordinary meetings

3.1 Calling extraordinary meetings

Those listed below may request a meeting of either of the Committees in addition to ordinary meetings:

- Any of the Executives of the Councils by resolution;
- the Chairman of any of the Councils

- the Monitoring Officer of any of the Councils having first notified the Chairman of the Councils; and
- any five Members of any of the Councils if they have signed a requisition presented to the Chairman of their respective Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

3.2 Business

At an extraordinary meeting of either of the Committees the business to be conducted shall be limited to a single item in the form of a motion full details of which shall be set out on the summons calling the meeting.

4. Frequency, time and place of meetings

- 4.1 In the first year of operation of the Committees, there shall be at least four meetings of the Committees.
- 4.2 From the second year of operation, the HMEC and HMSC can determine the frequency of their meetings following consideration of the Committees' projected workload. Extraordinary meetings of the Committees can be called in accordance with Rule 3 above.
- 4.3 Meetings shall take place at the offices of the Committees' then Chairman;
- 4.4 The time and place of meetings will be determined by the Chief Executive of the Relevant Council and notified in the summons.

5. Notice of and summons to meetings

- 5.1 The Chief Executive of the Relevant Council will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Chief Executive will send a summons signed by him or her by post to every member of the relevant Committee or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

6. Chairing of meetings

- 6.1 The Chair of the Committee will be appointed for a maximum period of 12 months rotating thereafter between the Councils. For the first year the Chair will be from East Devon District Council and then Exeter City Council and then Teignbridge District Council. Where there is more than one representative from a particular Council on a Committee the Chair will be selected from the members of that Council.
- 6.2 The Chairman does not have a casting vote.

7. Committee Composition

7.1 HMEC

The HMEC shall comprise;

- three members one from each of the Councils, each with an equal vote and shall where possible be the Portfolio Holder responsible for any of sustainable development, strategic planning, environment or similar function
- one person from each of the bodies listed below all of which shall be non-voting positions;
 - Natural England
 - Green Infrastructure Board

HMSC

The HMSC shall comprise three members of each of the Councils, to be appointed by the group leaders of the Councils. Each member of the HMSC shall have an equal vote.

- 7.2 The appointed members may nominate a substitute to attend a meeting of the HMEC provided that at least 24 hours notice is given to the Proper Officer. Nominees of the members on the HMEC must be members of the Council's Executive.
- 7.3 The members of the HMSC may also nominate a substitute to attend a meeting of the HMSC provided that at least 24 hours notice has been given to the Proper Officer.

8. Quorum

- 8.1 For the HMEC the quorum is the three Council members or their nominees.
- 8.2 For the HMSC the quorum is three with at least one member from each Council.
- 8.3 During any meeting, if the Chairman declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman or when the meeting becomes quorate again. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

9. Voting

- 9.1 Voting will be taken by a show of hands.
- 9.2 Each member has an equal vote.
- 9.3 The Chairman does not have a casting vote.
- 9.4 For a decision taken at the HMEC, a decision must be unanimous. At the HMSC, a decision may be made by the majority of members present.
- 9.5 There will be no opportunity for a ballot vote.
- 9.6 If the meeting so decides (prior to a vote being taken) the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.
- 9.7 Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting. (This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations)

10. Questions and statements by the public

- 10.1 For both the HMEC and HMSC, subject to Rule 10.2, there shall be a fifteen minute period at the commencement of Committee meetings for members of the public to ask questions. Each individual questioner exercising a right during the public question time to be restricted to speaking for a total of three minutes.
- 10.2 Where a question does not relate to an agenda item, and a response is required from a member or an officer, the question must be submitted in writing to the Proper Officer of the Relevant Council not less than two working days before the meeting to give time for a response to be prepared. Where such advance notice is given, the questioner may ask a supplementary question at the meeting, if it is relevant to the original question.
- 10.3 The Chairman of any meeting has the right and discretion to control question time to avoid disruption, repetition and wasting of meeting time.

11. Questions by Members

- 11.1 A member of the Councils may ask the Committee any question without notice upon an item of the report to the Committees when that item is being received or under consideration.
- 11.2 A member of any of the Councils may ask a question on notice relating to any function of the HMEC not to be considered at the Committee meeting provided that they have given at least two working days' notice in writing of the question to the Proper Officer or, where the question relates to urgent matters, they have the consent of the Chairman to whom the question is to be put and the content of the question is given to the Proper Officer of their Council by 9.15am on the day of the meeting.
- 11.3 An answer may take the form of:
- (a) a direct oral answer;
 - (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
 - (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.
- 11.4 A member asking a question under Rule 11.2 may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

12. Motions on notice

12.1 Notice

Except for motions which can be moved without notice under Rule 11, written notice of every motion, signed by at least five members of a Council, must be delivered to that Council's Proper Officer not later than ten working days before the date of the meeting. These will be entered in a book open to public inspection.

12.2 Motion set out in agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

12.3 Clarification of motion on notice

Where a motion on notice has been submitted in accordance with this Rule, and prior to the despatch of the agenda, the Chief Executive of the relevant Council may seek to clarify the purpose and/or wording of such a motion (such action may include recommending its rewording) so as to ensure that any such motion, if approved, is compliant with the Committee's legal and administrative powers.

12.4 Referral of motion to relevant committee

Where the wording of the motion is not immediately relevant to the business of the Committee, the presumption is that it will be referred to the relevant Committee in the first instance to enable research to be properly carried out into the issue to facilitate a relevant and informed debate.

12.5 Committee's response to motion

The Chairman, at his discretion, may invite any member (or his nominee) or officer to respond to a motion or a question.

12.6 Scope

Motions must be about matters for which the Committee has a responsibility.

13. **Motions without notice**

The following motions may be moved without notice:

- (a) in relation to the accuracy of the minutes;
- (b) to change the order of business in the agenda;
- (c) to refer something to an appropriate body or individual;
- (d) to appoint a committee or member arising from an item on the summons for the meeting;
- (e) to receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;
- (f) to withdraw a motion;
- (g) to amend a motion;
- (h) to proceed to the next business;
- (i) that the question be now put;
- (j) to adjourn a debate;
- (k) to adjourn a meeting;
- (l) to suspend a particular procedure Rule;
- (m) to exclude the public and press in accordance with the Access to Information Rules;
- (n) to not hear further a member named under Rule 19.3 or to exclude them from the meeting under Rule 19.4; and

- (o) to give the consent of the Council where its consent is required by these Rules.

14. Rules of debate

14.1 No speeches until motion seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

14.2 Right to require motion in writing

Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to him/her before it is discussed.

14.3 Secunder's speech

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

14.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Chairman.

14.5 When a Member may speak again

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another Member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

14.6 Amendments to Motions

- (a) An amendment to a motion must be relevant to the motion and will either be:

- (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;

- (ii) to leave out words;

- (iii) to leave out words and insert or add others; or

- (iv) to insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion.

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

14.7 Alteration of motion

- (a) A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A member may alter a motion that he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations that could be made as an amendment may be made.

14.8 Withdrawal of motion

A member may withdraw a motion that he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

14.9 Right of reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it. The proposer of the amendment shall also be entitled to reply
- (c) A member exercising a right of reply shall not introduce new matter.

14.10 Motions that may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) to not hear further a member named under Rule 19.2 or to exclude them from the meeting under Rule 19.3.

14.11 Closure motions

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded, and the Chairman thinks the item has not been sufficiently discussed or cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

14.12 Point of order

A member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Rules of Procedure or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chairman on the matter will be final.

14.13 Personal explanation

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member that may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

15. Previous decisions and motions

15.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a Committee meeting within the past six months cannot be moved unless the notice of motion is signed by at least 15 members, from a Council or the Councils.

15.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a Committee meeting in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 15 members from a Council or the Councils. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

16. Minutes

16.1 Signing the minutes

The Chairman will sign the minutes of the proceedings at the next suitable meeting. The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

16.2 There is no requirement to sign minutes of previous meeting at an extraordinary meeting.

16.3 Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under Paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of Paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes. This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations

17. Record of attendance

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

18. Exclusion of public

Members of the public and press may only be excluded either in accordance with Rule 28 (Access to Information Rules) or Rule 20 (Disturbance by Public).

19. Members' conduct

19.1 Chairman standing

When the Chairman stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

19.2 Member not to be heard further

If a member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

19.3 Member to leave the meeting

If the member continues to behave improperly after such a motion is carried, the Chairman may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

19.4 Disclosable Pecuniary Interest

Unless a dispensation has been granted, a member shall not participate in any discussion of, or vote on, any matter in which they have a Disclosable Pecuniary Interest and having first declared to the meeting the existence and nature of that interest shall withdraw from the room where the meeting is being held at the commencement of the consideration of that business, or (if later) the time at which the interest becomes apparent.

Where the Disclosable Pecuniary Interest is sensitive (as defined on the Member Code of Conduct of the respective Councils) the member need not disclose the nature of that interest but must still state there is a Disclosable Pecuniary Interest and otherwise follow the requirements of the previous paragraph.

19.5 General disturbance

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary.

19.6 Code of Conduct

Appointed members to the Committee remain subject to the adopted Code of Conduct of their respective Councils

20. Disturbance by public

20.1 Removal of member of the public

If a member of the public interrupts proceedings or is found to be recording the proceedings of the meeting (by video or otherwise) in a manner that is disruptive to business, the Chairman will warn the person concerned. If they continue to interrupt or record the meeting contrary to the Chairman's instructions, the Chairman will order their removal from the meeting room and the forfeiture of the unauthorised recording.

20.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

21. Suspension and amendment of the Rules

21.1 Suspension

All of these Rules except Rule 9.7 and 16.3 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Committee are present. Suspension can only be for the duration of the meeting.

21.2 Amendment

Any motion to add to, vary or revoke these Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of each of the Councils.

22. Motions affecting Staff

If any question arises at a meeting of the Committee to which the Local Government Act 1972 applies by virtue of Section 100(A)(4) concerning the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Councils, such question shall not be the subject of discussion until the Committee has decided whether or not the power of exclusion of the public under Section 100(A)(4) of the Local Government Act 1972 shall be exercised.

23. Call-in

- 23.1 A decision is made by the HMEC but the decision does not come into effect until a Call-in period has elapsed.
- 23.2 Within two working days of the decision being made, the Proper Officer (which in this context means the Proper Officer of the Council whose members have exercised the power of call-in) will notify all members of the Councils of the decision. The notice will include the date of the notification and the date the decision will come into effect if there is no Call-in. The “effective date” of the decision which will be 09.00 am on the day after the expiry of three clear working days from the notification to members (Saturdays, Sundays and Bank Holidays are excluded). For example, in respect of a decision made by the HMEC on a Wednesday, notification will be given to all members by Friday of the same week and the effective date of the decision will be 09.00 am on the following Thursday.
- 23.3 A request for a call-in of the decision must be received by the Proper Officer between the date of notification to members and the effective date of the decision.
- 23.4 For the call-in to be valid, the request must satisfy all of the following provisions:-
- (i) Be in writing (on paper or e-mail);
 - (ii) Specify the relevant decision that is to be the subject of the Call-in;
 - (iii) Be supported by at least five members;
 - (iv) Written confirmation by each of the members that they have considered all of the following matters before requesting a call-in of the decision:
 - (a) whether the decision is likely to cause distress, harm or significant concern to a local community, or to prejudice individuals within it;
 - (b) whether the matter has been subject to consultation or debate with relevant interested parties;
 - (c) whether the delay in implementing the decision is likely to cause significant harm to the Councils or others;
 - (d) whether the decision is against an approved policy or budget provision of the Councils or the Committees;
 - (e) whether the decision was made against the advice of professional staff; or
 - (f) whether the views of the members requesting the call-in were taken into account in arriving at the decision.
 - (i) Stating the reasons for the call-in of the decision.
- 23.5 Once the Proper Officer is satisfied that the request is a valid request, they shall arrange for the HMSC to consider the call-in at the next scheduled meeting or if the Proper Officer and Chairman of the HMSC consider that the matter cannot wait until the next scheduled meeting, the Proper Officer shall convene a HMSC as soon possible on a date which is acceptable to the Chairman of the HMSC.
- 23.6 If having considered the decision, the HMSC is still concerned about it, the Committee may refer it back to the HMEC for reconsideration, setting out in writing the nature of its concerns.

23.7 If referred to the HMEC, the HMEC shall consider the concerns, amending the decision or not, before adopting a final decision.

Exceptions

23.8 In order to ensure that call-in is not abused, nor causes unreasonable delay certain limitations are placed on its use. These are:

- (i) only decisions involving expenditure or reductions in service over a value of £10,000 may be called in;
- (ii) If in the opinion of the Proper Officer the power of call-in is being abused with the apparent intention of unreasonably disrupting the HMEC's decision making process they may refuse to accept any or all requests.

Urgent Decisions

23.9 Urgent decisions shall be excluded from the call-in process. What constitutes an urgent decision will be agreed between the Chief Executives and the voting members of the HMEC and Chairman of the HMSC. The reason why the decision was urgent shall be recorded.

Referral to Councils

23.10 When considered by the HMSC, the matter may be referred back to the HMEC for further consideration or in exceptional circumstances, i.e. a matter of significance for the Councils affecting the strategic importance of habitat mitigation, referred to the Councils for further consideration and referral back to the HMEC. Whether the matter is considered exceptional will be agreed between the Chief Executives and the voting members of the HMEC and the Chairman of the JSC or if not fewer than three quarters of the HMSC members consider the matter is exceptional. When considered by the Councils or the HMSC, the matter will need to go back to the HMEC in the form of a report with recommendations in the name of the HMSC or the Chairmen of the Councils.

Limit on number of call-ins

23.11 A matter which has been the subject of a call-in may not be the subject of a second call-in.

24. Inspection of documents

24.1 A member of the Council may for the purposes of his duty as a member but not otherwise inspect any document that contains material relating to any business to be transacted, or which has been considered, at a meeting of the Committee. If copies are available they shall be supplied on request.

24.2 A member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which he is professionally interested; or has a Discloseable Pecuniary Interest within the meaning of the Code of Conduct for members.

24.3 This Rule shall not preclude a Chief Executive or Solicitor from declining to allow inspection of any document which is or in the event of legal proceedings would be protected by privilege arising from the relationship of solicitor and client or where it appears to the Chief Executive that a document discloses exempt information of a description set out in Section 100F(2) of the Local Government Act 1972.

24.4 All minutes of the Committees shall be open for the inspection of any member of the Councils during office hours.

25. Inspection of land, premises etc

A member of a Council unless authorised to do so by a Council or Committee, shall not have the right to inspect any lands or premises which the Councils have the right or duty to inspect, or enter upon or issue any order respecting any works which are being carried out by or on behalf of the Councils.

26. Proceedings at meetings

- 26.1 No person shall disclose "confidential information" or "exempt information" in any circumstances. However this Rule shall not forbid disclosure of the resolution or any recommendation which has been made or other contents of the relevant minute.
- 26.2 In the event of any member disclosing such information, he/she shall be liable to investigation by their Council's Monitoring Officer and report to the Standards Committee.

27. Attendance when not a Committee Member

- 27.1 A member who has proposed a motion which has been referred to a Committee shall have notice of the meeting of the Committee at which it is proposed to consider the motion, and if he attends, shall have an opportunity of explaining it.
- 27.2 A member of the Council may attend all proceedings of the Committees.
- 27.3 A member who wishes to raise any matter appropriate to a Committee of which he is not a member, may do so by giving notice in writing to the Proper Officer of their Council at least two clear days before the next ordinary meeting of the appropriate Committee. The member may also attend a special meeting if the matter in which he is interested is to be discussed by that special meeting. Such notice shall contain particulars of the matter that they wish to raise. They shall then have the right to explain and discuss the matter.
- 27.4 Any member attending a Committee meeting of which he is not a member shall not be able to propose or second any motion nor to vote at that meeting. Except as otherwise provided in this Rule they shall not be entitled to speak at that meeting (except with the consent of the Chairman).

28. Access to Information

28.1 Additional Rights to Information

These Rules do not affect any more specific rights to information afforded by law.

28.2 Rights to Attend Meetings

Members of the public may attend all public meetings subject only to the exceptions in these Rules.

28.3 Notices of Meeting

At least five clear days' notice will be given of any meeting by posting details of the meeting at the Councils' offices and placed on the Councils' websites.

28.4 Access to Agenda and Reports before the Meeting

The Council hosting the Committee meeting will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear working days before the meeting and on its website. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer for the Council shall make each such report available to the public as soon as the report is completed and sent to members) will be open to inspection for the time the item was added to the agenda.

28.5 Supply of Copies

The Council hosting the meeting will supply copies of:

- (i) any agenda and reports which are open to public inspection;
- (ii) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (iii) if the Chief Executive or Monitoring Officer of the Council hosting the Committee meeting think fit, copies of any other documents supplied to members in connection with an item to any person on payment of a charge for postage and any other costs.

28.6 Access to minutes etc after the meeting

The Council which hosted the Committee meeting will make available copies of the following for six years after a meeting:

- (i) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the Committee, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (ii) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (iii) the agenda for the meeting; and
- (iv) reports relating to items when the meeting was open to the public.

28.7 Background Papers

List of background papers

The proper officer of the Council hosting the Committee meeting will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- disclose any facts or matters on which the report or an important part of the report is based; and
- which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information.

29. Key Decisions

29.1 A “Key Decision” means a decision of the HMEC which is likely:

- (a) to result in the Committee or the Councils incurring expenditure which is, or the making of savings which are, significant having regard to the Committee’s or the Councils’ budgets 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 any of the Councils' areas;

29.2 In accordance with Section 38 of the Local Government Act 2000, in determining the meaning of "significant" regard shall be had to any guidance for the time being issued by the Secretary of State

29.3 A decision taker may only make a key decision in accordance with the requirements of these Rules.

29.4 Only the HMEC may take Key Decisions.

29.5 The HMEC shall publish a forward plan of anticipated Key Decisions.

29.6 Notice of Key Decision

Subject to the general exception and urgency provisions below, no Key Decision may be taken unless:

- (i) a notice (called here a "Notice of Key Decision") has been published in connection with the matter in question;
- (ii) at least 28 clear days have elapsed since the publication of the Notice of Key Decision; and
- (iii) where the decision is to be taken at a meeting of the HMEC notice of the meeting has been given in accordance with Rule 5 (notice of meetings).

29.7 Contents of Notice of Key Decision

The Notice of Key Decision will state that a key decision is to be taken by the HMEC and it will describe the following particulars:

- (i) the matter in respect of which the decision is to be made;
- (ii) the date on which, or the period within which, the decision is to be made;
- (iii) a list of the documents submitted to the decision maker for consideration in relation to the matter;
- (iv) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- (v) that other documents relevant to those matters may be submitted to the decision maker; and
- (vi) procedure for requesting details of those documents (if any) as they become available.

29.8 Publication of the Notice of Key Decision

The Notice of Key Decision must be made available for inspection by the public at the offices of the Relevant Council of the next HMEC meeting at which the Key Decision is to be made.

29.9 Exempt information need not be included in a Forward Plan and confidential information cannot be included.

29.10 The Forward Plan

The Councils are not required by law to publish a forward plan. However, the Notice of Key Decision published by the relevant Council set out not just details of specific key decisions,

but also details of key decisions over a four month period (including important decisions to be made by the HMEC).

29.11 General Exception

If a Notice of Key Decision has not been published, then subject to Rule 29.13 (special urgency), the decision may still be taken if:

- (i) the decision must be taken by such a date that it is impracticable to publish a Notice of Key Decision;
- (ii) the Proper Officer of the relevant Council has informed the Chair of the next HMSC Committee meeting the matter about which the decision is to be made;
- (iii) the Proper Officer of the relevant Council has made copies of that notice available to the public at the offices of the relevant Council and on the Councils' websites; and
- (iv) at least five clear days have elapsed since the Proper Officer complied with 29 (ii) and 29 (iii)

29.12 As soon as reasonably practicable after the Proper Officer of the relevant Council has complied with Rule 29.11, they must make available at the Councils' offices and publish on the Councils' websites the reasons why compliance with issuing a Notice of Key Decision was impractical.

29.13 Special Urgency

If by virtue of the date by which a Key Decision must be taken Rule 29.11 (general exception) cannot be followed, then the Key Decision can only be taken if the Chief Executive of the Relevant Council obtains the agreement of the Chair of the next HMSC Committee meeting.

29.14 As soon as reasonably practicable after the Chief Executive of the relevant Council has obtained agreement under Rule 29.13 they must make available at the Councils' offices and publish on the Councils' websites the reasons why the meeting is urgent and cannot reasonably be deferred.

Report to: Cabinet
Date of Meeting: 4 November 2015
Public Document: Yes
Exemption: None
Review date for release: None



Agenda item: 16

Subject: **To report on a request for exemption to contract standing orders for work on the water main at 33-43 Underleys, Beer**

Purpose of report: To report that an exemption has been given to contract standing orders for the sum of £5,850 + VAT to be spent on renewing the water main to 33-43 Underleys, Beer

Recommendation: **To note the exemption**

Reason for recommendation: To inform Cabinet of the exemption and the money spent to renew the water main at Underleys, Beer

Officer: Ralph Oakley, Housing Maintenance Surveyor,
roakley@eastdevon.gov.uk ext 2359

Financial implications: The financial implications are stated in the report and a proportion will be recovered from the two private owners.

Legal implications: The contract value falls below the threshold set out in the Public Contracts Regulations 2015 and therefore the EU procurement procedure does not apply and an exemption can be validly given pursuant to the Council's Contract Standing Orders Rule 3.1. The basis for the exemption (as set out in the report) appears sound and as such the exemption has been legitimately secured. Accordingly there are no legal implications arising and Cabinet can note/endorse the exemption.

Equalities impact: Low Impact

Risk: Low Risk

Links to background information: • .

Link to Council Plan: Living in this outstanding place

Background

The water main that serves six of our properties at Underleys, Beer (odd numbers 33-43) has had numerous leaks. Three leaks have already been repaired but the pipe is still leaking in more than one location. It is currently leaking at an estimated rate of six litres per minute.

We have received a quotation to renew the water main from Complete Water Solutions Ltd. This quotation is for £5,850+VAT. They have been repairing leaks for our council properties for a number of years and are therefore familiar with the layout of our properties.

To have obtained further quotes would have necessitated site meetings, further inspections inside properties and long delays waiting for quotes.

The exemption to contract standing orders was asked for as the situation was an emergency. The exemption was granted on 29 September 2015.

Business benefits for an exemption

The rate that the water main is leaking is of some considerable concern. Six litres per minute is close to a tap running 'full on'. Apart from the ecological effects, householders are complaining of a lack of water pressure causing appliances (eg electric shower) to malfunction.

The unknown location of leaks is of some concern. One leak, which has been recently repaired, has already caused some structural damage to the building, possibly requiring further works at a later date to rectify.

There are a limited number of companies in the locality who specialise in carrying out this type of work (contractors need to be certified to carry out work on water mains).

Most water main specialists do not do internal plumbing to any extent so we would need to employ a day to day contractor to complete the work, leading to considerable additional cost.

Complete Water Solutions Ltd quoted to do the complete job.

If the situation was not rectified there was a risk that South West Water would take action for wastage of water. There was also the risk of further damage and associated cost of rectifying damage to buildings.

Two of the properties are now owned privately and the owners of these properties will be billed for their proportion of the cost of the work.