

## Agenda for Cabinet

Wednesday, 11 May 2016; 5.30pm

### [Members of 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 29 April 2016



East Devon District Council  
Knowle  
Sidmouth  
Devon  
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507

[www.eastdevon.gov.uk](http://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 6 April 2016 (pages 4 -14), 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 June 2016 to 30 September 2016 (pages 15-17)
- 8 Notes from Seaton Regeneration Board held on 17 March 2016 (pages 18-22)
- 9 Notes of New Homes Bonus Panel held on 22 March 2016 (pages 23-30)
- 10 Minutes of the Recycling and Refuse Partnership Board held on 23 March 2016 (pages 31-35)
- 11 Minutes of the STRATA Joint Executive held on 30 March 2016 (pages 36-40)
- 12 Notes from Exmouth Regeneration Board held on 31 March 2016 (pages 41-45)
- 13 Minutes of Scrutiny Committee held on 14 April 2016 (pages 46-49)

#### **Part A matters for key decision**

- 14 **Sports & Activity Clubs Rent and Rent Support Grant Scheme** (pages 50-54)  
To update members on progress to deliver the recommendations of Cabinet made 17 June 2015 to the effect that the new rent support scheme is now ready to be launched. The report is to advise members of the detail.  
**Appendix 1 – Scheme Launch Timetable**

#### **Part A matters for decision**

- 15 **Acquisition of former Reservoir, Holyford Woods, Colyton** (pages 55-58)  
The owners of a former reservoir known locally as “the top pool” or “lamps pool” have offered to donate the ownership to East Devon District Council to form part of the Holyford Woods local Nature Reserve.
- 16 **Corporate Asset Management Plan 2014-17** (pages 59-65)  
To provide an update from the Asset Management Forum on the delivery of the council’s Corporate Asset Management Plan and gain member approval to the Asset Management Forum’s proposals for a new focus on the council’s property portfolio and associated service delivery.  
**Appendix 1 - Designation of property assets**
- 17 **Monthly Performance reports – March 2016** (pages 66-69)  
Performance information for the 2015/6 financial year for March 2016 is supplied to allow the Cabinet to monitor progress with selected performance measures and identify any service areas where improvement is necessary.  
**Appendix 1 – March Snapshot**
- 18 **Beer Community Land Trust Refinancing of Development Loan** (pages 70-74)  
A request has been received from Beer Community Land Trust (CLT) asking the Council to refinance an element of the development loan due for repayment during June 2016.
- 19 **Exemption from Contract Standing Orders - The appointment of Economic Consultants – Exmouth Coastal Community Team** (pages 75-79)  
To seek exemption from Contract Standing Orders for the appointment of Economic Consultants to support the Exmouth Coastal Community Teams Economic Plan submission to the Department for Communities and Local Government

- 20 **Stockland Neighbourhood Plan Submission** (pages 80-84)  
To agree the response by this Council to the current consultation in the Stockland Neighbourhood Plan.
- 21 **Asylum seeker/Refugee support** (pages 85-89)  
To set out the national framework for assisting asylum seekers and resettling Syrian refugees, and to identify the issues and challenges in contributing towards the national programme. It is anticipated securing accommodation for 5-10 Syrian refugee households per annum in East Devon.
- 22 **Prospective Enterprise Zone** (pages 90-108)  
The report provides an overview and update of the proposed Enterprise Zone.  
**Appendix 1** – Memorandum of Understanding accompanying letter  
**Appendix 2** - Enterprise Zone Memorandum of Understanding

**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 6 April 2016**

**Attendance list at end of document**

The meeting started at 5.30pm and ended at 7.59pm

**\*203 Public Speaking**

Jeremy Woodward spoke on agenda item 11 – Relocation and Transformation update. Mr Woodward questioned the costs involved with relocation, whether the expenditure was still going to be cost-neutral and value for money for the residents of East Devon. In response, the Deputy Chief Executive confirmed the selling price for the Knowle by Pegasus Life was in line with Professional Standards (the 'Red Book') which contained mandatory rules, best practice guidance and related commentary for undertaking asset valuations. The Deputy Chief Executive advised the budget for relocation remained the same.

Nick Freer on behalf of East Devon New Community Partners (EDNCp) spoke on agenda item 16 – Whimble Neighbourhood Plan Designation. Mr Freer stated the EDNCp's firm view that Option B of those presented to members was the only appropriate basis upon which to choose a Neighbourhood Plan Area for Whimble for reasons set out in the report. Additional reasons included:

- the advice in the NPPG that qualifying bodies should plan positively to support local development, shaping and directing development in their areas that is outside the strategic elements of the Local Plan
- consistency of decision making with the approach in Broadclyst and Clyst Honiton Neighbourhood Plans
- to avoid residents of Cranbrook having a Plan which they have not produced
- avoiding ineffective use of resources given the progression of the strategic expansion of Cranbrook through the Local Plan and Cranbrook DPD/Masterplan.

The Whimble Neighbourhood Plan Area should exclude the Cranbrook eastern expansion allocation. In addition, EDNCp requested that the two fields between the Local Plan allocation and railway line should also be excluded from the Neighbourhood Plan Area. They were the only fields here, which were not Green Wedge, were part of the present expansion application, and inextricably linked to the planning of the allocated land – including, a possible location for a second station. Their role and future should be determined on a consistent and comprehensive basis as part of the Cranbrook DPD/Masterplan rather than in a separate Neighbourhood Plan exercise.

Richard Betts on behalf of Whimble Parish Council and Neighbourhood Plan Group spoke on agenda item 16 – Whimble Neighbourhood Plan Designation. Mr Betts supported Option A and confirmed part of this process was not to disenfranchise local communities. He was concerned of the delays on production of the Cranbrook Masterplan as this created a risk to Whimble and Cranbrook. Whimble was not the enemy of Cranbrook, both were diverse in area and should therefore work together to embrace this diversity.

Kevin Blakely Chairman of Cranbrook Town Council spoke on agenda item 16 – Whimble Neighbourhood Plan Designation. Mr Blakely stated Cranbrook Town Council objected to the Whimble Neighbourhood Plan area. He mentioned the development of strategic sites and the difference in nature and character of the two communities. He

called for a consistent approach and urged the Council for a smaller Neighbourhood Plan area.

Councillor Graham Godbeer wished to pass on his grateful thanks from the people of Seaton and East Devon, for the visionary facility of the recently opened Seaton Jurassic.

**\*204 Minutes**

The minutes of the Cabinet meeting held on 9 March 2016 were confirmed and signed as a true record.

**\*205 Declarations**

Councillor Pauline Stott – Minute 212

Interest: Personal

Reason: Daughter owns a beach hut

**\*206 Matters of urgency**

The [minutes](#) of the Overview Committee held on 22 March 2016 were tabled. The minutes had not been included on the agenda due to the timing of the meeting.

However, the Leader agreed that they should be dealt with as a matter of urgency in order for Cabinet to be informed about the Committee's consideration of local flood management, business engagement and the Local Government Boundary Committee for England Electoral Review Programme.

**RESOLVED (1) that the following be noted:**

**Minute 33 – Local Flood Risk Management Strategy and Coastal Protection**

The Committee had noted and supported the report and the following:

- 1a. The loss of lengthsman had been keenly felt.
- b. The Environment Agency had been far more proactive leading to vital and successful small works, such as that at Lypmstone
- c. The issue of non sustainable development not meeting thresholds that require improved protection;
- d. The need for a flood resistance action plan is recognised and must be better supported.

**Minute 34 - Local Government Boundary Committee for England Electoral Review Programme 2015 - 2019 – the Review timetable**

Stage	Date
Council size meeting	20 September 2016
Warding patterns consultation	27 September – 5 December 2016
Draft recommendations published	7 February 2017
Draft recommendations consultation	7 February – 3 April 2017
Final recommendations published	6 June 2017
Order laid	July 2017
Implementation	Elections 2019

**Minute 35 (1) - Business engagement update** - the updates on progress made within the report by the Economic Development Manager.

**Minute 36 - Draft Annual Report**

the annual report of the Overview Committee – to be included within the agenda for the annual meeting of Council.

**RESOLVED (2) that the following decisions be supported**

**Minute 34 - Local Government Boundary Committee for England Electoral Review Programme 2015 - 2019**

1. that the Committee consider an updated copy of the draft submission to the Boundary Committee when further investigation has been undertaken regarding the electorate projection figures.
2. that the draft submission include an option based on a smaller number of councillors reflecting changes elsewhere.

**Minute 35 (2) - Business engagement update**

that Councillor Mike Allen be invited to present his report entitled 'East Devon Economic Development Policy in Rural Areas' to a meeting of the Joint Economy and Regeneration Think Tank on 21 April;

**Minute 37 - Overview forward plan**

that the forward plan include:

28 June 2016 – Policy review on provision of affordable homes and Local Government Boundary Committee for England Electoral Review.  
11 January 2017 – Draft budgets and service plans 2017/18.

**\*207 Matters referred to the Cabinet**

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

**\*208 Exclusion of the public**

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

**\*209 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 May 2016 to 31 August 2016.

**\*210 Minutes of the Housing Review Board held on 10 March 2016**

Members received and noted the minutes of the Housing Review Board held on 10 March 2016.

**RESOLVED (1) that the following be noted:**

**Minute 68 – Forward Plan update**

**Minute 71 (1) Tenant Scrutiny Panel recommendations that were already being achieved and those that have been incorporated into the resident involvement work plans.**

**Minute 72 – Annual report to the Housing Review Board**

**Minute 74 – Home Safeguard annual report 2014/15**

**Minute 76 - Selling off the stock – information papers**

**Minute 77 - Estate Management Service Review Group report**

**RESOLVED (2) that the following recommendations be agreed:**

**Minute 69 – Rent setting for 2016/17** – that the increase in rents in respect of supported accommodation be approved as per the Government's announcement.

**Minute 70 – Gas servicing contract**

1. that an extension until 1 October 2016 to the existing gas servicing contract be approved;
2. that proposals to tender the contract jointly with Mid Devon District Council in line with European procurement regulations be approved;
3. that the use of Fusion 21 and their procurement framework for the boiler upgrade programme be approved.

**Minute 71 – Response to Tenant Scrutiny Panel on tenant participation**

2. that the Housing Project and Information and Analysis Officers be engaged to measure the social and monetary value created by resident involvement, and to show how involvement has influenced and benefitted the business as well as tenants generally;
3. that the OpenHousing management system be used to gather tenant profiling information into the future;
4. that the tenant representative write a short report for inclusion on the next housing Review Board agenda on tenant participation and representation.

**Minute 73 - New void performance calculation**

that the new void calculation be adopted.

**Minute 75 - Strategy and options for spending Right to Buy receipts**

1. that the proposed options for spending right to Buy receipts to secure additional suitable affordable housing in the district, be approved;
2. that delegated authority be given to the Portfolio Holder Sustainable Homes and Communities, Chair of the Housing Review Board and the Strategic Lead – Housing, Health and Environment to approve a programme of individual property purchases to meet the short term Right to Buy spending deadline.

**RECOMMENDED (1) that the following be referred to Annual Council for determination:**

**Minute 72 – Annual report to the Housing Review Board**

that the remit of the Housing Review Board be updated when the Constitution is updated at the Annual Meeting of the Council.

**\*211 Minutes of the STRATA Joint Scrutiny held on 17 March 2016**

Members received and noted of minutes of the STRATA Joint Scrutiny held on 17 March 2016

**RESOLVED (1) that the following be noted:**

**Minute 7 – Question from members regarding computer equipment**

**Minute 8 - Strata Budget Monitoring Quarter 3 2015/16**

**Minute 9 - Strata Budget 2016/17**

The three Councils had agreed a total revenue budget transfer for 2016/17 of £5,900,990 including the £15,000 for support services and all existing staffing, supplies and services.

**Minute 10 - Strata Implementation Progress March 2016**

**Minute 11- Strata Board Work Plan**

**Minute 12 - Performance Management of the Chief Operating Officer** and that a 'two tier' approach would be used.

**Minute 15 - Staff Engagement Survey** - noting the actions approved by the Board.

**Minute 16 - Security Status Overview** – noting the actions approved by the Board.

**RESOLVED (2) that the following be approved**

**Minute 11(2) Strata Board Work Plan** – the Committee's request for the Teignbridge Strata Director to report to the next Scrutiny Committee meeting on mechanisms for increasing the transparency of Board business.

**Minute 13 - Family Friendly Policies** – the Strata Joint Scrutiny Committee supported the action of the Board in agreeing the policies, in principle, so that they could be discussed and agreed with Unison at the next Staff Joint Forum.

**\*212 Minutes of the Scrutiny Committee held on 17 March 2016**

Members received and noted Minutes of the Scrutiny Committee held on 17 March 2016.

**RESOLVED (1) that the following be noted:**

**Minute 59 – Scrutiny Forward Plan**

**RESOLVED (2) that the following recommendations be noted:**

**Minute 57 - Beach hut update**

1. the number of people on individual waiting lists for beach huts and beach hut sites as at 10 March 2016 be published;
2. that good practice is to include any recommendations from committees who have considered the matter prior to a Cabinet decision, in the report to Cabinet;
3. that there must be early involvement of relevant Ward Members and Parish or Town Councils in issues concerning them, particularly with regard to what may be contentious issues;
4. that officers explore any potential to expand on beach hut provision where demand is high, bearing in mind the usual constraints of environmental factors and planning considerations.

**Minute 58 - Scope for Dunkeswell and Chardstock Built-up Area Boundary (BUAB)**

1. in similar cases where there is an argument against officer advice, the onus is on councillors to produce evidence to support their motion;
2. the Chairmen and Vice Chairman be offered training and support to help ensure robust decision making which is based on evidence occurs at meetings;
3. the Chairmen seek to ensure the committee or council are aware of who public speakers are, and if represent a body or organisation, before that individual addresses the meeting.

**RESOLVED (3) that the following decision be noted:**

**Minute 57 Beach hut update**

That the Committee receive a further explanation of the breakdown of associated service charges for beach huts and beach hut sites.

**\*213 Relocation and Transformation update**

The Deputy Chief Executive advised on progress of the relocation plans. Now that the Council had moved from options consideration and was focused on the agreed twin site approach, the project was moving quickly. With the signing of a conditional contract with Pegasus Life and the commissioning of the design team, relocation had progressed



significantly. Staff were keen to see progress and this had become a more engaged process, as the design team moved through the phases of design from concept to detailed design. The Council was working to the Royal Institute of British Architecture approved design code process to manage the project.

Officer and Executive Groups met monthly and there were regular meetings with the Design Team. SMT was also engaged on matters such as ICT, document management, team locations, operational issues, facilities and other corporate direction. The consultation process with residents had further informed the service provision around the move to the twin sites.

The Deputy Chief Executive and officers would continue to work with tenants to minimise uncertainties and come up with a fair arrangement around new leases and licence agreements.

Discussions included the following:

- Where had the sale of the Knowle been advertised?  
The Deputy Chief Executive confirmed the agent Savills had advertised through journals, their development sector contacts as well as local newspapers.
- Was the £7m received for the Knowle value for money for East Devon residents?
- Was there an overage clause in the contract to claim back money from excessive profits from the developers?

The Deputy Chief Executive confirmed that the capital receipt offered for the Knowle was in line with the professional 'Red Book' valuation of the site. He confirmed that there was an overage clause within the Council's conditional contract with the developer.

- The need for actual measurements to be included in the plans for Exmouth Town Hall and Heathpark rather than 2D images.
- A missed opportunity not to have a franchised cafe at Heathpark
- Issues of the size of meeting rooms at Exmouth Town Hall
- Exmouth Town Council needed flexibility when booking the Chamber
- Other organisations based at Exmouth Town Hall were finding relocating to temporary premises an issue.
- New ICT was being implemented over the next few months to pave the way for the move from the Knowle.

The Deputy Chief Executive reassured members that he and officers were in close contact with Exmouth Town Council and town hall tenants, in order to address the detail of new leases, space arrangements and other matters relating to the impact of refurbishment and future use of the building.

Councillor Eileen Wragg congratulated all officers involved for their considerable work in this project.

## **RESOLVED:**

### **Knowle Site**

1. that it be noted that Pegasus Life Ltd, following public consultation exercises, will be submitting its application for development of the Knowle site. The projected likely date of consideration of the application is July 2016.
2. that Sidmouth Town Council's positive response to the Deputy Chief Executive's formal proposal to transfer the remaining Knowle Park to Town Council ownership, together with a commuted sum and negotiations continue, be noted

### **Honiton Heathpark**

3. that preparations underway by the design team to submit a planning application for new build Council offices at Heathpark, with a view to Planning Committee consideration in September 2016, be noted
4. that the new HQ design moving from concept to detailed design of space allocations for desks, meeting spaces, storage, reception area, Chamber, member area, services and external works, be noted
5. that construction planned to commence in November 2016 for a period of up to 12 months, followed by Client Fit Out Works with occupation of the new HQ targeted for February 2018, be noted
6. that the Deputy Chief Executive again meeting with businesses and staff at the East Devon Business Centre to discuss and advise on project progress, be noted

### **Exmouth Town Hall**

7. that the Deputy Chief Executive and design team meeting with tenants of Exmouth Town Hall to discuss their needs, concerns and expectations regarding the refurbishment of the building and its impact on their operations including any disruption or temporary displacement, be noted
8. that the Council's issue of Section 25 notices to end the tenancies of Town Hall tenants to be followed by negotiation of new tenancies, be noted
9. that refurbishment planned to commence in Autumn 2016 and last between 8-10 months, followed by Client Fit Out Works, be noted.

### **Other**

10. that the use of £47,040 of transformation funds for the additional scope required within the Electronic Document Management System be approved
11. that the Council's appointment of Interserve to provide the Pre Construction Advisory role through a two stage competitive tender process based upon the CFSW Framework, be noted. As part of the second stage tender process, Interserve will be asked to provide their firm fixed price tender for the Project Works later this Year. If in the event the received tender is not acceptable a further tendering process will be carried out.
12. that the ongoing detailed engagement with staff and tenants regarding space allocation, twin site facilities, team locations, internal design, fit out and operational requirements, be noted.
13. that further presentations and discussion with Members on new offices design and layout will be arranged as the project moves forward
14. that SMT's decision to locate Housing Services in the main office headquarters as well as availability of other front facing provision (Benefits, Environmental Health, Planning) on the basis of the findings of the Service Delivery and Office Relocation Survey with residents (attached at Appendix 3), be noted
15. that the successful recruitment of a Relocation Facilities Manager post to prepare and oversee the physical relocation of staff and resources, be noted.

### **REASON:**

To advise Cabinet on project progress and seek agreement to take forward the previous commitment of Council to deliver relocation from Knowle to Honiton and Exmouth offices.

**\*214 Devolution update**

The Chief Executive updated members on progress of the Devolution Prospectus.

Discussions included the following:

- this was the path for improvement and gaining better services
- for business growth and to attract new businesses connectivity was essential
- simplified processes; brings decision making back to local level
- would add an extra layer of council work and bureaucracy
- dissatisfied with the present social and economical situation, this was a chance to make things better for the people of East Devon
- major regional issues could be influenced e.g. transport and health, solving problems
- Plymouth and Exeter were large cities – would rural areas get the same choices?
- allowed for the exploring of issues and was a definite way forward for the District.

**RESOLVED:**

that the update report be noted and that Cabinet and the Audit & Governance Committee be provided with details (when available) of the proposed briefing meetings.

**REASON:**

This was an ongoing process. It was proposed to hold briefing sessions for members of the 19 local authorities and nominations were sought.

**\*215 Cranbrook Community Questionnaire results**

The Community and Engagement Officer and New Community Projects Officer presented to Members the results of the Cranbrook Community Questionnaire 2015, which was undertaken jointly between Organisational Development at EDDC and the Cranbrook Community Development Worker at EDVSA. This was the third annual questionnaire.

**RESOLVED:**

that the results of the Cranbrook Community Questionnaire 2015 be noted.

**REASON:**

The consultation has been designed to help inform decisions regarding Cranbrook. The first Cranbrook Community Questionnaire was carried out in 2013 and provided vital feedback to help evaluate and plan.

**\*216 Cranbrook: Healthy New Towns programme**

To advise that Cranbrook was one of ten developments selected nationally by NHS England for the Healthy New Towns programme.

**RESOLVED:**

that the inclusion of Cranbrook in the Healthy New Towns programme be noted

**REASON:**

So that Members were informed of the programme and respond to queries accordingly.

**\*217 Monthly Performance reports – February 2016**

The report set out performance information for February 2016. This allowed Cabinet to monitor progress with selected performance measures and identify any service areas where improvement was necessary.

There were three indicators that are showing excellent performance:

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

There were no performance indicators showing as concern. The absence indicator that had been showing concern had shown improvement over the last two months.

**RESOLVED:**

that the progress and proposed improvement action for performance measures for February 2016 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.

**\*218 Whimble Neighbourhood Area Designation**

The report defined and designated the Neighbourhood Area for the parish of Whimble. The report did not recommend a specific area for designation; it highlighted three potential options with relevant issues.

The Service Lead, Planning Strategy and Development Management stated the issue was whether the Eastern Cranbrook Expansion Area should be part of the Whimble Neighbourhood Plan area or not. There would be wider implications for CIL, (Community Infrastructure Levy) - where the monies collected from this would go, as well as which community would have overall control of the area. He confirmed that everyone involved was keen to work together to deliver Cranbrook wherever the boundary was drawn however there was a danger that policies brought forward by Whimble may not be relevant to Cranbrook Expansion Area.

Councillor Peter Bowden, Ward Member for Whimble stated there was concern within Whimble Parish over this matter. He confirmed this was not a matter of control but the future development of a large area of East Devon. Whimble Parish Council had already stated they did not wish to keep any funding that would come from CIL that was intended for Cranbrook. This was about the ability to meet the housing need with many voices helping to shape the future of both areas.

Discussions included the following:

- concern for Whimble; where does Cranbrook stop? Keep to the natural boundary
- from a practical point of view any new development should be in Cranbrook.
- Whimble's voice would be drowned out
- Cranbrook's Expansion Area was encroaching into another parish's area. There was a need to protect Whimble Parish Council; they were there first.
- this was about allocating a Neighbourhood Plan Area

**RESOLVED:**

1. that the advice contained in the report to designate an appropriate Neighbourhood Area for the Whimple Neighbourhood Plan be noted.
2. that Cabinet identified Option B for the chosen Neighbourhood Area and that these reasons are formally recorded in the decision documentation.

**REASON:**

To enable Whimple Parish Council to prepare a neighbourhood plan under the auspices of the Localism Act 2011 and the Neighbourhood Planning Regulations 2012.

**\*219 Empty homes enforcement project – Mountfield and The Wing, Musbury**

Mountfield and The Wing were listed residential properties which had been empty for a considerable period and were now seriously dilapidated. The owner had shown no interest in maintaining the properties or the grounds around the properties. The Private Sector Housing team had received significant numbers of complaints about the state of these properties from the Parish Council, District Councillors and neighbours.

**RESOLVED:**

that the Enforced Sale procedure be instigated for the properties Mountfield and the Wing, Musbury and associated land, in order to secure repayment of debts. The properties and land would be offered for sale by auction.

**REASON:**

This was the most appropriate course of action to deal with these two long-term empty properties. If the enforced sale procedure was unsuccessful for any reason officers would revisit the other enforcement options set out in the report, and report back to Cabinet.

**Attendance list**

**Present:**

Paul Diviani	Leader
Andrew Moulding	Deputy Leader/Strategic Development and Partnership

**Portfolio Holders:**

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

**Cabinet Members without Portfolio**

Geoff Pook  
Eileen Wragg

**Non-Cabinet apologies:**

David Barratt  
David Chapman  
Maddy Chapman

Ian Hall  
Steve Hall  
Marcus Hartnell  
Brenda Taylor

**Also present (for some or all of the meeting)**

**Councillors:**

Megan Armstrong  
Brian Bailey  
Matt Booth  
Peter Bowden  
Colin Brown  
Peter Burrows  
Paul Carter  
Alan Dent  
John Dyson  
Peter Faithfull  
Cathy Gardner  
Steve Gazzard  
Roger Giles  
Graham Godbeer  
Simon Grundy  
John Humphreys  
Geoff Jung  
Ben Ingham  
Rob Longhurst  
Dawn Manley  
Cherry Nicholas  
John O'Leary  
Marianne Rixson  
Pauline Stott  
Mark Williamson

**Also present:**

**Officers:**

Mark Williams, Chief Executive  
Richard Cohen, Deputy Chief Executive  
Simon Davey, Strategic Lead – Finance  
John Golding, Strategic Lead Housing, Health and Environment  
Karen Jenkins, Strategic Lead - Organisational Development and Transformation  
Ed Freeman, Service Lead - Planning Strategy and Development Management  
Jamie Buckley, Community and Engagement Officer  
Steve Pratten, Relocation Manager  
Darren Summerfield, New Community Projects Officer  
Amanda Coombes, Democratic Services Officer

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

## EAST DEVON DISTRICT COUNCIL

### Forward Plan of Key Decisions - For the 4 month period 1 June 2016 to 30 September 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.	Sports and Social Clubs Rent Support Grant		Deputy Chief Executive	Council 27 July 2016	Cabinet 11 May 2016	28 July 2016	Part A
2	West Hill Boundary Review		Chief Executive	Council 27 July 2016	Cabinet 8 June 2016	28 July 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 <b>(RC)</b>		
2	Business Support – options for the future	Deputy Chief Executive <b>(RC)</b>		
3	Thelma Hulbert Gallery - progress	Strategic Lead (Housing, Health and Environment) / Service Lead (Countryside)		

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.

May 2016

**SEATON REGENERATION PROGRAMME BOARD  
ACTION POINTS FROM A MEETING  
HELD AT SEATON TOWN HALL, SEATON ON THURSDAY 17 MARCH 2016**

Present:

Councillor Philip Skinner	PS	EDDC
Councillor Iain Chubb	IC	EDDC
Councillor Heather Sanham	HS	Seaton Town Council
Councillor Peter Burrows	PB	EDDC
Richard Cohen	RC	Deputy Chief Executive, EDDC
Rachel Danemann	RD	Development Enabling & Monitoring Officer
Jenny Nunn	JN	Seaton Tramway
Lesley Garlick	LG	DCC
Chris Lane	CL	EDDC
Edward Willis Fleming	EWF	The Sidmouth Design Company
Councillor Marcus Hartnell	MH	EDDC
Charlie Plowden	CP	Countryside Manager
Paul Morrey	PM	DCC Transport Co-ordination Unit
Doug Smith	DS	Seaton Visitors Centre
Alison Hayward	AH	Senior Manager - Regeneration & Economic Development, EDDC
Ian Carvell	IC	Tesco
Gavin Spiller	GS	Principal Planning Officer

Apologies:

Ken Stevens	KS	Axmouth Parish Council
Mike Ruiters	MR	Seaton Jurassic
Councillor Ian Thomas	IT	EDDC
Karin Frewin	KF	Marketing & Events Coordinator
Councillor Andrew Moulding	ATM	DCC
Chris Drake	CD	Seaton Town Clerk

Councillor Tony Woodman	TW	Seaton Town Council
Terry Dinham	TD	TD Developments

The meeting started at 9.15am and finished at 11.15am.

Item	Notes/Decisions	Action
<b>1.Introduction</b>	Welcome and introductions.	
<b>2.Notes of meeting held on 3 December 2015</b>	The notes of the meeting held on 3 December 2015 were agreed as a true record.	Noted
<b>3. Seaton Jurassic Update</b>	<p>AH reported that the visitor centre would be opening on 26 March 2016 with an informal celebration on 24 March and official opening from a member of the royal family on 14 April involving the press and invitation to attend for invitees only. It was expected that all Board members would have an invite to at least one of these events.</p> <p>Members noted that there would be a test event this weekend with 200 people expected to attend. Due to the recent bad weather not all of the external gardens had been finished. Work on the overflow car park was progressing. Funding for this work in place.</p>	Noted
<b>4. Progress on delivery of Stop Line Way</b>	LG reported that she had taken the importance of completing landowner negotiations back to her colleagues at DCC. Negotiations were still underway and would be completed as quickly as possible.	<b>Noted</b>
<b>5. Jurassic Coast Bus Services</b>	<p>The Chairman welcomed Paul Morrey from DCC Transportation Coordination Unit. He reported that the First X53 bus service was no longer financially supported by Devon or Dorset County Councils. Last winter first had decided to severely reduce this service. In response Stagecoach had now decided to extend their 52 service hourly through to Lyme Regis. It was likely that First would provide a 2 hourly service from Lyme Regis to Exeter. PM confirmed that the bus companies ran their services on a commercial basis. If it did not make a profit then it would only run with a subsidy. PM confirmed that the bus companies could amend or cancel a service with a 56 day notice period.</p> <p>Regarding the Axminster Station signage issue, a meeting had been organised with South West Trains And other interested parties to discuss providing signage at Axminster Station to promote Seaton. EWF reported that the Sidmouth Hopper service</p>	

	<p>cost £125 a day to run. JN reported that the Tramway would again be supporting the Mendip Mule for the summer season which would run from Colyton to Beer and Seaton, with the possibility of evening trips to Lyme Regis.</p> <p>PS raised the possibility of providing vinyls to wrap buses running around the Seaton area and PM indicated that he thought the cost maybe in the region of £1,200 per bus and that they might last for up to 5 years.</p> <p><b>ACTION</b> MH speak to Axe Valley Mini Travel regarding the possibility of them accepting Jurassic Coast vinyls on their buses and report back to the next meeting of the Board</p>	<b>MH</b>
<b>6. Fosseyway Court and Moridunnum, Seaton - update</b>	<p>GS reported that he had no further progress to report on Fosseyway Court, Seaton Heights and the Moridunnum. RD reported that progress on Fosseyway Court had been delayed by Landlord/Tenant issues. She was looking at options for the Moridunnum and had been contacting Seaton Heights by email but had not made any progress on contacting the owners at present. It was understood that there were no barriers to development starting at Seaton Heights, except for stringent S106 requirements. With the economy and property market improving it may be that development could proceed.</p>	<b>Noted</b>
<b>7. Premier Inn application</b>	<p>AH and GS reported that there was a planning application received for a 75 bed hotel from Premier Inn, on the site adjacent to Tesco with an existing planning permission for a 100 bed hotel. The Town Council would consider the application on Monday evening. There was reported to be considerable support for the application within the town</p> <p>It was noted that this application was a success for the EDDC Regeneration Team who had opposed interest for retirement flats on the site and instead had encouraged property agents to promote the site to hotel operators. MH reported that he had met with bed and breakfast premises owners in the town who had indicated their support for the planning application.</p>	<b>Noted</b>
<b>8. Seaton Wetlands</b>	<p>CP reported on recent progress on Seaton Wetlands and circulated the Spring Summer 2016 guide to Countryside Events. All events that had been running since February half term had been fully booked in the wetlands. There had been a year on</p>	

	<p>year increase in numbers and income.</p> <p>In response to a question, CP reported that there had been no progress on Sheep's Marsh due to issues with a local landowner.</p>	
<b>9. Seaton Tramway Update</b>	<p>JN gave an update on Seaton Tramway. She reported that the Tramway were still awaiting a response from EDDC on a new lease agreement and this was delaying progress with the development of the new terminus. It was hoped that the lease could be in place by June so that work could start on the new terminus building. AH replied that it was hoped that the new lease could be in place shortly.</p> <p>The 50<sup>th</sup> anniversary of the closure of the Seaton branchline had been reported last week on the local BBC South West Spotlight programme.</p>	
<b>10. Work of Town Development Team</b>	<p>In KF's absence HS reported on the inaugural Cyclefest on Sunday 29 June, run with British Cycling and Chard Wheelers This event would include the Seaton Criterium, family fun races entertainment 'village' and more. PS was keen to raise the profile of this national event; the possibility of EDDC reducing the fees it charged for some of the facilities it would provide for this event was discussed.</p>	<b>Noted</b>
<b>11. Town Signage</b>	<p>HS reported that the Town Council had set up a Working Party to coordinate signage throughout Seaton that would shortly hold its first meeting.</p>	<b>Noted</b>
<b>12. Seaton Seafont Enhancement and Consultation</b>	<p>HS reported that there was nothing further to update since the last meeting. The consultants were in the process of compiling the reports for a planning application.</p>	<b>Noted</b>
<b>13. Communications</b>	<p>AH would liaise with Alison Stoneham and DWT regarding the opening of Seaton Jurassic. A press release on discussions by the Board would be made after Easter updating on the positive outcomes from the meeting.</p>	<b>Noted</b>
<b>14. Any other business</b>	<p><u>Local Plan</u> RD confirm that since the last meeting of the Board the Local Plan had been adopted. This had included proposals to add playing pitch provision and employment uses to the north of Seaton.</p>	<b>Noted</b>

	<p><u>Historic Photographs of Seaton</u>  AH reported that she was collating historic pictures of Seaton for the official royal opening of Seaton Jurassic on 14 April. These were particularly of the holiday park and Racal factory site. JN reported that the Tramway would have such photographs and there would also be some in the Town Museum.</p> <p><u>Street Trading</u>  RC reported that he was in the process of preparing a letter to Town and Parish Councils and the business community regarding proposals to relax restrictions on Street Trading in East Devon.</p> <p><u>Seaton Quay</u>  EWF reported that a reserved matters application for Seaton Quay had been submitted. This was for 60 apartments and 30 town houses. There was an art deco designed building on the corner of the development adjacent to the road. It was hoped that financial backing for the scheme had been achieved. The board welcomed this application and EWF's hard work in securing this.</p>	
<p><b>15. Date and time of next meetings</b></p>	<p>It was noted that the next meetings would be held on, 7 July 2016, 29 September 2016, 9 December 2016 at 9.15am in the Enterprise Suite at Seaton Town Hall.</p>	<p><b>All</b></p>

## **EAST DEVON DISTRICT COUNCIL**

### **Notes of a Meeting of the New Homes Bonus Panel held at the Knowle, Sidmouth on Tuesday 22 March 2016**

**Present:** Councillors:  
Tom Wright (Chairman)  
David Barrett  
Geoff Jung  
Andrew Moulding

**Officers:** Jamie Buckley, Community Engagement and Funding Officer  
Ali Eastland, Locality Development Officer, DCC  
Chris Lane, Democratic Services Officer

**Apologies** Councillor:  
Marcus Hartnell  
Christopher Pepper

The meeting started at 2.00pm and finished at 3.00pm.

#### **\*14 Minutes**

The notes of the previous meeting of the New Homes Bonus Panel held on 25 January 2016 were confirmed as a true record.

#### **\*15 Documentation**

The Parishes Together Fund guidance notes and application form, circulated with the agenda were noted. The Community Engagement & Funding Officer confirmed that there was £35,801 remaining under spent from previous year's budgets that could be used to 'top up' projects that the Panel considered worthy for additional funding. It was also noted that if all the projects applied for were fully funded there would be an additional under spend of around £14,000 to be added to the 'slush' fund for topping up projects in the next financial year.

It was noted that all drainage and ditching projects would need approval from Devon County Council and the Environmental Agency. This would be specified as a condition of the projects being funded. Councillors were also keen to express that the ditching and drainage projects should look towards being sustainable. Towns and parishes should think about how they would pay for this in future years. This would also be mentioned in the grant offer letters sent out for all drainage and ditch projects.

#### **16 Application from Broadhembury and Payhembury Parish Councils - Lengthsman - £741.80**

The Community Engagement and Funding Officer outlined the project which was to cut and maintain grass on the village green/open spaces/churchyard around the village and its many footpaths/bridleways.

**RECOMMENDED:**

1. that the Broadhembury and Payhembury Parish Councils application for a lengthsman, be supported
2. that both Parish Councils be reminded that they could

increase their precept to pay for this work in future years.

17 **Application from Dunkeswell, Aylesbeare, Branscombe, Broadclyst, Clyst Hydon, Cranbrook, Colaton Raleigh, Farringdon, Offwell, Poltimore, Rockbeare, Sheldon and Whimple – Paperless planning - £7,474.30**

This was a project to purchase hardware to ensure that as communications move to paper-free systems parish councils, village hall and clerks were equipped to deal with the changes. The advent of paper-free planning by the District Council had provided the catalyst for a joint decision to use group buying power for the purchase of hardware such as projection equipment, training and wifi connectivity in halls.

After the agenda was produced Clyst Honiton withdrew from the application and Branscombe joined in with the application. This had also changed the amount they were applying for. Councillors noted the hard work put into bringing this project together by the Clerk of Dunkeswell Parish council and felt it was a very worthwhile project.

**RECOMMENDED:** that the application for paperless planning be supported and that the parish councils involved be informed there was additional funding available if required up to a total of £13,000. The additional £7,713.70 will come from the top up funding available.

18 **Application from Axmouth Parish Council and Seaton Town Council – Road Wardens - £3,370.16**

The Community Engagement and Funding Officer outlined the application to purchase safety equipment, safety and hi-vis clothing, chainsaw training and legally required road signs to enable Road Wardens (Chapter 8 trained) and volunteers to carry out work alongside the highway safety.

**RECOMMENDED:** that the application from Axmouth Parish Council and Seaton Town Council to purchase equipment for road wardens, be supported.

19 **Application from Broadclyst, Clyst Honiton, Cranbrook, Poltimore and Rockbeare Parish Councils – PA and Drainage - £2,902.70**

The Community Engagement and Funding Officer outlined the application for the purchase of a PA system to be shared amongst the parishes and also to clear the rivers Clyst and Cranny.

**RECOMMENDED:** that the application for the purchase of a PA system to be shared amongst the parishes and also to clear the rivers Clyst and Cranny, be supported.

20 **Application for Lympstone Parish Council – Bridge - £1,623.60**

The Chairman explained the application from Lympstone Parish Council to raise a bridge over the Wotton Brook and improvements to a footpath. Councillors felt that this was a well planned project, involving all the people they needed to involve, and would produce long term benefits for that area.



**RECOMMENDED:** that the Lympstone Parish Council application to raise a bridge over the Wotton Brook and improvements to a footpath, be supported

21 **Application from Musbury Parish Council – Drainage - £485**

The Community Engagement and Funding Officer outlined the application from Musbury Parish Council to employ a suitably qualified contractor to carry out drainage works in the parish.

**RECOMMENDED:** that the application from Musbury Parish Council to employ a suitably qualified contractor to carry out drainage works in the parish, be supported.

22 **Application from Membury Parish Council – Drainage - £441.10**

The Community Engagement and Funding Officer outlined the application from Membury Parish Council for drainage works to maintain drains and ditches in the parish to ensure flow water was removed.

**RECOMMENDED:** that the Membury Parish Council application for drainage works to maintain drains and ditches in the parish to ensure flow water was removed, be supported.

23 **Application from Gittisham Parish Council – Drainage - £511.50**

The Community Engagement and Funding Officer explained the application from Gittisham Parish Council for funding to employ a local lengthsman to maintain gullies, ditches and drains in order to prevent surface water issues in the parish.

**RECOMMENDED:** that the application from Gittisham Parish Council for funding to employ a local lengthsman to maintain gullies, ditches and drains in order to prevent surface water issues in the parish, be supported.

24 **Application from Plymtree Parish Council – Drainage bridge - £508.20**

The Community Engagement and Funding Officer explained the application from Plymtree Parish Council which was to improve the flow of water over and under the existing ford located at Old Bridge Sanguishays, Plymtree by the removal of silt vegetation and other obstructions.

**RECOMMENDED:** that, Plymtree Parish Council's application to improve the flow of water over and under the existing ford located at Old Bridge Sanguishays, Plymtree by the removal of silt vegetation and other obstructions, be supported.

25 **Hawkchurch Parish Council – Drainage - £462**

The Community Engagement and Funding Officer explained the application from Hawkchurch Parish Council for funds to enable the clearing of ditches and gullies within the parish.

**RECOMMENDED:** that Hawkchurch Parish Councils application for funds to enable the clearing of ditches and gullies within the parish, be

supported.

26 **East Budleigh with Bicton & Yettington and Otterton Parish Councils Drainage - £1,354.10**

The Community Engagement and Funding Officer explained that East Budleigh with Bicton & Yettington Parish and Otterton Councils wished to carry out gully and drain cleaning in both parishes.

**RECOMMENDED:** that East Budleigh with Bicton & Yettington and Otterton Parish Council's request to carry out gully and drain cleaning in both parishes be supported .

27 **Brampford Speke- Footpath - £640**

A request from Brampford Peke and Upton Pyne Parish Councils was for an improved footpath to link the two parishes by laying sleepers.

**RECOMMENDED:** that the request from Brampford Speke and Upton Pyne Parish Council for an improved footpath to link the two parishes by laying sleepers over the wet/marshy path, be supported.

28 **Uplyme drainage - £1,457.50**

The Chairman explained that Uplyme Parish Council wished to appoint a Lengthsman to undertake drainage and ditching work in the parish.

**RECOMMENDED:** that Uplyme Parish Council request to appoint a Lengthsman to undertake drainage and ditching work in the parish be supported.

29 **Woodbury drainage - £2,562**

The Community Engagement and Funding Officer explained that Woodbury Parish Council wished to undertake various ditch and culvert remedial work to reduce the effects of surface water run off.

**RECOMMENDED:** that Woodbury Parish Council's request for funding to undertake various ditch and culvert remedial work to reduce the effects of surface water run off be supported and that if required additional funding from last year's unspent fund up to £2,188 be made available.

30 **Farway Parish Council – Drainage -£226.60**

The Community Engagement and Funding Officer explained that Farway Parish Council wished to carry out ditch and drainage work in the parish. The Panel wished to point out the importance of encouraging sustainability for drainage work in parishes.

**RECOMMENDED:** that Farway Parish Council's request for funding to carry out ditch and drainage work in the parish be supported.

31 **Ottery St Mary Town Council and Newton Poppleford Parish Council – Tipton Scouts - £2,852.40**

The Community Engagement and Funding Officer explained that Ottery St Mary Town Council and Newton Poppleford Parish Councils wished to have funding to extend Tipton Scouts hut.

Councillors felt that this was a worthy project as it involved young people, and was a well planned project so wished to also fund the current shortfall in funding. The Panel also stated that they would want to help with particular publicity for this project once it had been completed.

**RECOMMENDED:** that Ottery St Mary Town Council and Newton Poppleford Parish Councils request for funding to extend Tipton Scouts hut by adding on a small kitchen and a large room plus a compost toilet, be supported and that additional funding of £1,911 from last year's unspent fund be made available to ensure that the project could be completed.

32 **Ottery St Mary Town Council and Talaton Parish Council – public toilets - £6,380.80**

The application from Ottery St Mary Town Council and Talaton Parish Council was to provide public toilets in the former Nat West Bank in the town which it had purchased and was now converting as a community building

The Community Engagement and Funding Officer explained that whoever provided the library services would clean the toilet and that Ottery St Mary Town council would be responsible for maintenance and security.

**RECOMMENDED:** that Ottery St Mary Town Council and Talaton Parish Council's request to provide public toilets in the former Nat West Bank in the town which it had purchased and was now converting as a community building, be supported.

33 **Axminster Town Council, Dalwood Parish Council and Chardstock Parish Council – Axminster B Sharp - £2,550**

The Community Engagement and Funding Officer explained that Axminster Town Council and Chardstock Parish Council wished to offer financial support for the provision of music sessions for young people by a Lyme Regis based organisation called B Sharp which was now extending its outreach to Axminster.

The Panel wished to point out that the funding provided was to get the project started and it was the project and town/parish councils' responsibility to ensure future viability. They were concerned about the administration, project management and office overhead costs.

**RECOMMENDED:** that Axminster Town, Dalwood and Chardstock Parish Councils' request for funding to offer financial support for the provision of music sessions for young people by a Lyme Regis based organisation called B Sharp, which was now extending its outreach to Axminster, be supported.

34 **Axminster Town Council, Dalwood Parish Council and Kilminster Parish Council – Axe Vale Netball Club - £2,946.50**

It was explained that Axe Vale Netball Club which was a newly-formed group directed towards fostering netball for young people in the Axminster area, the funding would cover costs associated with court hire, provision of kit etc.

After the agenda was produced Dalwood decided to contribute half of their funding to this project and Kilminster decided to give their full amount of funding. This had

changed the amount they were applying for. The netball club had justified what they would spend this extra funding on.

- RECOMMENDED:**
1. that Axminster Town Council and Kilmington Parish Council's request to fund support for Axe Vale Netball Club which was a newly-formed group directed towards fostering netball for young people in the Axminster area, the funding would cover costs associated with court hire, provision of kit etc, be supported;
  2. that additional funding of £1,000 be provided from last year's unspent fund to be made available to purchase hoodies for Axe Vale Netball Club which were to also have EDDC and DCC branding on them.

35 **Payhembury drainage - £400**

The Community Engagement and Funding Officer explained that Payhembury Parish Council wished to appoint a Lengthsman to carry out the essential work of ditch, gully and drain clearing along the main hot spots within the parish, in order to improve the state of the roads within the parishes and alleviate flooding.

- RECOMMENDED:** that Payhembury Parish Council's request to appoint a Lengthsman to carry out the essential work of ditch, gully and drain clearing along the main hot spots within the parish, in order to improve the state of the roads within the parish and alleviate flooding, be supported.

36 **Rewe and Stoke Canon – Widening of footpath - £892.10**

The Community Engagement and Funding Officer explained that Rewe Parish Council wished to widen the footpath between Rewe and Stoke Canon in order for pushchairs and wheelchair users to safely use the path.

- RECOMMENDED:** that Rewe Parish Council's request to widen the footpath between Rewe and Stoke Canon in order for pushchairs and wheelchair users to safely use the path, be supported and that additional funding of £57.90 from last year's unspent fund be provided to meet the full cost of the project.

37 **Beer Drainage - £1,174.80**

The Community Engagement and Funding Officer explained that Beer Parish Council wished to undertake additional gully sucking of drains within the parish to help alleviate flood risk.

- RECOMMENDED:** that Beer Parish Council's request to undertake additional gully sucking of drains within the parish to help alleviate flood risk be supported.

38 **Luppitt Drainage - £396**

The Community Engagement and Funding Officer explained that Luppitt Parish Council wished to appoint a Lengthsman to carry out the essential work of ditch, gully and drain clearing along the main hot spots within the parish.

**RECOMMENDED:** that Luppitt Parish Council's request for funding to appoint a Lengthsman to carry out the essential work of ditch, gully and drain clearing along the main hot spots within the parish, be supported.

39 **Exmouth and Honiton Town Council – Exmouth Christmas Lights - £36,787.80**

The Community Engagement and Funding Officer explained that Exmouth and Honiton Town Councils wished to purchase festive lights with the aspiration of being able to rotate/share the lights between the towns to provide a fresh scheme each year. The Panel raised the issue of who would maintain, store and erect the lights each year. The Panel wished to be particularly involved in the publicity for this project once it was completed.

**RECOMMENDED:** that Exmouth and Honiton Town Councils' request to purchase festive lights with the aspiration of being able to rotate/share the lights between the towns to provide a fresh scheme each year, be supported.

40 **Clyst St George and Ebford drainage - £200**

The Community Engagement and Funding Officer explained that Clyst St George and Ebford Parish Council wished to appoint a Lengthsman to carry out the essential work of ditch, gully and drain clearing along the main hot spots within the parish, in order to improve the state of the roads within the Parish and alleviate flooding.

**RECOMMENDED:** that Clyst St George and Ebford Parish Councils' request for funding to appoint a Lengthsman to carry out the essential work of ditch, gully and drain clearing along the main hot spots within the parishes, in order to improve the state of the roads within the parishes and alleviate flooding, be supported.

41 **Upottery Drainage - £630.30**

The Community Engagement and Funding Officer explained that Upottery Parish Council wished to appoint a Lengthsman to carry out the essential work of ditch surveying and remedying.

**RECOMMENDED:** that Upottery Parish Council's request to appoint a Lengthsman to carry out the essential work of ditch surveying and remedying, be supported.

42 **Cotleigh Drainage - £184.80**

The Community Engagement and Funding Officer explained that Cotleigh Parish Council wished to appoint a Lengthsman to carry out the essential work of ditch surveying and remedying.

**RECOMMENDED:** that Cotleigh Parish Council's request to appoint a Lengthsman to carry out the essential work of ditch surveying and remedying, be supported.

43 **Awliscombe Signage - £225**

The Community Engagement and Funding Officer explained that Awliscombe Parish Council wished to replace the 'village sign' for Weston within Awliscombe Parish. The Panel expressed some disappointment with the nature of the design of the sign.

- RECOMMENDED:**
1. that Awliscombe Parish Council's request to to replace the 'village sign' for Weston within Awliscombe Parish, be supported
  2. that additional funding up to the parishes fill allocation £450.10 be provided for a better designed sign that meets Devon County Council's requirements - any unspent monies to be returned to EDDC.

44 **Stockland and Yarcombe Parish Councils Cricket and play area benches - £1,052.26**

The Community Engagement and Funding Officer explained that Stockland and Yarcombe Parish Councils wished to replace 2 rotted wooden benches on the playing field/cricket pitch with 3 recycled heavy duty plastic benches with memorial plaques.

- RECOMMENDED:** that Stockland and Yarcombe Parish Council's request to replace 2 rotted wooden benches on the playing field/cricket pitch with 3 recycled heavy duty plastic benches with memorial plaques, be supported.

45 **All Saints and Chardstock Parish Councils Drainage - £749.10**

The Community Engagement and Funding Officer explained that All Saints and Chardstock Parish Councils wished to appoint a Lengthsman to undertake joint ditches and drainage work.

- RECOMMENDED:** that All Saints and Chardstock Parish Councils' request for funding to appoint a Lengthsman to undertake joint ditches and drainage work, be supported.

## **EAST DEVON DISTRICT COUNCIL**

# **Minutes of a meeting of the East Devon Recycling and Refuse Partnership Board, Committee Room, Knowle, on 23 March 2016**

### **Attendance list at end of document**

The meeting started at 10.00am and ended at 11:40am.

#### **\*51 Minutes**

The minutes of the Recycling and Refuse Partnership Board meeting held on 20 January 2016 were confirmed and signed as a true record.

#### **\*52 Declarations of interest**

None

#### **\*53 Matters arising**

None

#### **\*54 Introductions and welcome to the Interim Recycling and Waste Contract Manager**

The Service Lead – StreetScene welcomed and introduced Nigel Trueman, Interim Refuse and Recycling Contract Manager to the Board. All those present were invited to introduce themselves. The Service Lead – StreetScene updated members on staffing arrangements. Paul McHenry, the previous Refuse and Recycling Contract Manager, had left the authority on 26 February. There were four strong applicants for the post, with interviews being held on 8 April with a view to filling the post in June 2016. Nigel Trueman would act as Interim Refuse and Recycling Contract for the four month period. The Senior Waste Management Officer was also no longer employed by EDDC and the Service Lead – StreetScene advised that he would be reviewing the waste management team with the Interim Refuse and Recycling Contract Manager. It was anticipated that there would be three waste management officers and a contract manager. A budget had been agreed for ten fixed term officers to act as 'boots on the ground' during the mobilisation of the new contract.

The Service Lead – StreetScene advised the Board that the new contract had been awarded to SUEZ and congratulated them. It was hoped that the new contract would be fit for purpose and signed off before it became live on 1 July 2016. It was confirmed that SUEZ would write down the outstanding depreciation value payment of the vehicles currently in service under the old contract, which would continue to be used until delivery of the new fleet.

#### **\*55 Statistical information**

The Waste Management Officer presented the statistical information to the Board, which compared steadily with the past few months. The figures for missed refuse and recycling collections were comparable. It was noted that there had been an increase in missed assisted collections and the Waste Management Officer explained the reasons behind this. Officers were working with SUEZ to address the issues and reduce the number of missed assisted collections. Overall the figures were low and there were no concerns.

The number of missed refuse and recycling by day figures were steady from month to month. The waste management team were working with ICT to identify individual crews and not just areas.

The Waste Management Officer explained that the recent spell of windy weather had resulted in an increase in requests for replacement containers. Members discussed the high number of requests. It was noted that the largest number of customer complaints were in relation to how the crews left the recycling boxes after collection. The SUEZ Senior Contract Manager suggested they could undertake refresher box training for their staff. It was noted that the number of complaints tended to increase following bad weather as more litter was blown around and sometimes blown off the lorries.

It was noted that a report on charging for replacement containers would be considered at a future Board meeting, after the new contract had been implemented.

The Waste Management Officer also showed the Board a selection of new graphs which presented existing data on tonnages of material and recycling per area in an easier to compare format. The Board agreed this format be used going forward and that reporting be developed to allow this comparison on material tonnages and levels for all areas.

**RESOLVED:** that the report be noted.

**\*56 Sustainable waste service trial (Feniton & Exmouth) – update**

The Waste Management Officer reported that the trial continued to be a success and circulated statistical information from both trial areas to the Board. Records and weights of materials collected in the trial areas were being kept and it was noted that some weights had decreased, with the total weight of materials collected lower than they were five weeks into the trial. Officers were investigating why this might be happening and were observing which receptacles were being placed out for collection. Waste analysis would also be undertaken. The figures from Feniton were more erratic, with officers unsure of the reasons why.

It was suggested that a green rewards scheme could be offered to try and maintain residents' enthusiasm to recycle.

**RESOLVED:**

1. that the sustainable waste service trial update be noted.
2. that thanks be given to all the various teams involved in the success of the trial so far.

**\*57 SUEZ Senior Contract Manager update**

The SUEZ Contract Manager reported that a full time driver was still required. He explained that they tended not to use agency drivers. Achieving full staffing allocation continued to be a struggle.

SUEZ were keen to resolve and were working with EDDC on the recent missed assisted collections, related to problems with the onboard technology. The SUEZ Contract Manager reported that there was a league table in the depot showing the best and worst performing teams for missed collections, which had led to internal competition.

There had recently been an award ceremony for the fleet, throughout the company. East Devon's workshop won the fleet compliance annual award, showing that it was the best municipal SUEZ workshop in the country. It also won the best MOT rate and was the first in the country to be IRTE (institute of road transport engineers) accredited. The municipal site also won best site in the country. These awards demonstrated the excellent set up SUEZ had in East Devon

The Chairman thanked the SUEZ Contract Manager for his report and his good news.



**RESOLVED:** that the performance report be noted.

**\*58 Award of contract and finalising the legal contract**

The Service Lead – StreetScene gave the Board a verbal update on the contract. SUEZ had been awarded the contract on 23 February 2016. This went live in a press release the following week. So far there had been a bit of media interest, but more was expected in the future and a communications strategy planning meeting was arranged for 31 March.

Officers were currently going through the technical contract queries with lawyers and expected to have the contract signed by June before the new contract began on 1 July 2016.

The Interim Recycling and Waste Contract Manager updated the Board on the vehicle specifications. The Romaquip specifications had been received and provisional build slots obtained. It was expected that the new vehicles would be received late December 2016/early January 2017. Other vehicle specifications were awaited, before undertaking a procurement exercise with Capita.

Other issues discussed included:

- A pricing mechanism was required for the contract; structured to follow the phasing in of the contract. This schedule was being prepared by the Interim Recycling and Waste Contract Manager and a draft would be complete in a week's time.
- There were performance measures in the specification for the collection services, these needed to be developed and agreed in the contract. A report on the proposed measures would be brought to the next board meeting.
- The Cloud 9 incab IT would be used until the new vehicles arrived. This would then be replaced by the SUEZ CORE incab IT system.
- Sacks for new recycling materials – the Waste Management team were developing the trial sack to take account of tests and resident feedback. They showed some new sample sacks and discussed the process. A final sample sack would be brought to a future board meeting.

**RESOLVED:** that the report be noted.

**59 Mobilisation plan and forming mobilisation teams to address early mobilisation tasks**

The Service Lead – StreetScene advised the Board that he would bring a written report to the next Board meeting on the mobilisation works. This would include a project management time line for tasks and updates from the forthcoming Recycling and Waste Contract Working Group on work groups and project management sub groups

Regular officer working group meetings had been held prior to and during the enhanced recycling trial and this was attributed to its success. New officer group meetings would be held as part of the mobilisation plan. The first one was set for 31 March and would be held fortnightly or monthly. Mobilisation progress would be reported to the Board.

It was anticipated that depending on the receipt of the new vehicles, the new recycling service and three weekly refuse collection service would start at the end of January or start of February 2017. It was noted that the other fleet would be updated so that the standard refuse vehicles would look the same as the new vehicles. Members discussed exploring options for selling advertising space on the new vehicles and it was agreed that a report should be brought to a future Board meeting exploring the costs and opportunities for advertising on the new fleet.

The Board also discussed with SUEZ the relative merits of bio fuel and hybrid technology in the new fleet to see if the fleet could be made greener. SUEZ advised that they had undertaken extensive testing on all available 'green' fuels. Their expert opinion was that diesel was more economical and cheaper than the 'green' alternatives and that regular diesel was now to some extent 'bio'.

**RECOMMENDED:**

1. that the Service Lead – StreetScene bring a written report on the mobilisation plan to the next meeting of the Recycling and Refuse Partnership Board.
2. that the Board consider the opportunities and associated costs of advertising on the new fleet of vehicles at a future meeting.
3. that the Council should continue with the diesel fleet as specified in the bid due to reasons of economics and fuel economy.

**\*60 Vehicle fleet specification and procurement process**

Vehicle fleet and procurement had been discussed earlier during the meeting. It was noted that diesel remained the most economical fuel option.

**61 Communications plan**

The Service Lead – StreetScene reported that the communications plan was in its early stages. He had discussed this with the Communications and Public Affairs Manager and would be investigating the use of social media, including blogs, to distribute positive information. A team meeting would be held on 31 March and communications plan would be brought to the next Board meeting.

The Chairman thanked the communications team for all their hard work. They had battled very well with negative press and had always consulted with him before issuing a press release. Members agreed that the leaflets used in the trial areas were superb. It was acknowledged that it would not be possible to put in such extensive effort across the whole district as had gone into the two trial areas. However, it was vital to communicate messages in a positive way and advertise that 'we are here to help'. District and parish councillors would be involved and roadshows would be held.

**RECOMMENDED:** that a communications plan be brought to the next meeting of the Recycling and Refuse Partnership Board.

**62 Partnership Charter, future of the Board and performance measures going forward**

The Service Lead – StreetScene gave a verbal update on the charter and performance measures and how these would form part of the contract. He advised that a report on the Partnership Charter and performance measures would be presented to a future Board meeting, so that these could be agreed. It was noted that under the proposed Partnership Charter the Board would be slightly different after 1 July 2016, with SUEZ being part of the Recycling and Refuse Partnership Board, rather than simply reporting to it; helping as a partner to decide on the direction of the service, and on what efficiency initiatives and new innovations to pursue.

**RECOMMENDED:** that a report on the Partnership Charter be brought to a future meeting of the Recycling and Refuse Partnership Board.

**\*63 Any other business**

**Textile contract**

The Interim Recycling and Waste Contract Manager reported that the Devon County Council textile contract had been awarded to the Salvation Army. The SUEZ Contract

Manager reported that collections had been going well and that they were pleased with the award of contract.

**Otter Rotters**

The Interim Recycling and Waste Contract Manager advised that he would continue to address ongoing issues with Otter Rotters as swiftly and as sensitively as possible. SUEZ advised that they would provide support where possible. The Board would be kept updated on the garden waste collection service. At present no material tonnages or returns had been received from Otter Rotters for this year.

**\*64 Dates of future meetings**

**RESOLVED:** that future meetings of the Recycling and Refuse Partnership Board be held on the following dates:

- Wednesday 27 April 2016 – 10am
- Wednesday 25 May 2016 – 10am
- Wednesday 22 June 2016 – 10am
- Wednesday 20 July 2016 – 10am
- Wednesday 7 September 2016 - 10am
- Wednesday 5 October 2016 – 10am
- Wednesday 9 November 2016 – 10am
- Wednesday 7 December 2016 – 10am

**Present**

**Councillors:**

Ian Chubb – Portfolio Holder, Environment (Chairman)  
Steve Gazzard  
Simon Grundy  
Geoff Jung

**Officers:**

Andrew Hancock - Service Lead – StreetScene EDDC  
Steve Joyce – Waste Management Officer, EDDC  
Steve Maclure – Waste Management Officer, EDDC  
Susan Percival – Accountant, EDDC  
Nigel Trueman – Interim Recycling and Waste Contract Manager, EDDC  
Alethea Thompson – Democratic Services Officer, EDDC

**SUEZ:**

Nick Browning - General Manager Municipal, SUEZ  
Steve Holgate - General Manager Municipal, SUEZ  
Petra Johnson – Head of Municipal Development, SUEZ  
Dave Swire – Regional Manager, SUEZ  
Andy Williams – Senior Contract Manager, SUEZ

**Apologies:**

Councillor Geoff Pook  
Simon Davey – Strategic Lead, Finance, EDDC  
Cherise Foster – Customer Services Manager, EDDC  
John Golding – Strategic Lead, Housing, Health and Environment, EDDC  
Alison Stoneham – Acting Communications and Public Affairs Manager, EDDC

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

## **STRATA - JOINT EXECUTIVE COMMITTEE**

Wednesday 30 March 2016

### **Present:-**

Cllr Christophers (Chair)  
Councillors Edwards and Divani

Non-Voting Members:-  
Ms Bulbeck, Parkinson and Williams

### **Also Present**

Chief Operating Officer, The Strategic Lead for Human Resources, Security and Compliance Manager, Strategic Lead Finance (EDDC) - Strata Director, The Teignbridge Strata Director, Programme & Resource Manager, Infrastructure and Support Manager and Democratic Services Manager (Committees)

1

### **ELECTION OF CHAIR**

Councillor Christophers was elected Chair.

2

### **APOLOGIES**

Apologies for absence were received from Chief Executive & Growth Director Exeter City Council.

3

### **MINUTES**

The minutes of the meeting held on 24 November 2015 were taken as read and signed by the Chair as correct.

4

### **DECLARATIONS OF INTEREST**

No declarations of disclosable pecuniary interest were made.

5

### **STRATA BUDGET MONITORING QUARTER 3 2015/16**

The report of the Director (Finance Lead) was submitted updating Members of the financial progress of Strata during the first nine months of 2015-16, including a project outturn assessment against the savings set out in the Business Plan

Members were advised that at the nine month stage, the Board was projecting a saving of £201,488 against the target of £262,098. The reduction was partly attributable to replacement infrastructure for Teignbridge and additional staffing costs than planned. Total Council's contribution towards the capital budget was £150,000 per annum.

Strata Joint Scrutiny Committee considered the report at its meeting on 17 March 2016 and its comments were reported.

**RESOLVED** that the report be noted.

### **STRATA BUDGET 2016/17**

The report of the Director (Finance Lead) was submitted seeking approval for the 2016/17 financial year budget.

Members were advised that the decisions made at the JEC on 24 November 2015 to offer Strata contracts to those staff who wished to transfer had substantially removed the projected surplus in the original Business Plan for 2016/17. The staff budgets adjustment to take account of transferring across to Strata Terms and Conditions were £125,000 with £120,000 set aside for redundancy costs although it was anticipated that not all the redundancy budget would be required. The reduction would be made up in future years to ensure the savings approved were made by the end of the ten year business plan. Any in year surplus achieved would be returned in the form of a refund to each Council in line with the agreed percentage split. The anticipated surplus for the year was approximately £27,000.

In response to a Member, the Strategic Lead Finance (EDDC) - Strata Director stated that to date only one redundancy was being considered as part of the consultation taking place. He also explained how the costs would be clawed back and they would be shown in the revised Business Plan which would be presented to the JEC later in the year.

Strata Joint Scrutiny Committee considered the report at its meeting on 17 March 2016 and its comments were reported.

**RECOMMENDED** that the three Councils approve the Budget for 2016/17.

### **STRATA IMPLEMENTATION PROGRESS MARCH 2016**

The report of the Chief Operating Officer was submitted to appraise Members of the progress of implementation of the Strata business plan.

Members were advised that the main elements of the new IT infrastructure - data centre, WAN and main computers - had been completed in 2015, overcoming several challenges. They had provided the foundation for the delivery of the virtual desktop infrastructure (VDI) to roll out the Global Desktop to all staff members, with 419 having been globalised to date.

A major problem with software from VMWare had delayed the Desktop globalisation process - completion in Exeter would now be early April, with an expected late May start in East Devon and a September start in Teignbridge.

In response to a Member, the Chief Operating Officer commented that the Global Desk Top offered flexibility to the users enabling them to have remote access to their desktop and it also resulted in a reduction in IT support and was easier to undertake upgrades. It was anticipated that Exeter Councillors would move over to 'Office 365' towards the end of this year.

Strata Joint Scrutiny Committee considered the report at its meeting on 17 March 2016 and its comments were reported.

**RESOLVED** that the progress of the Implementation Plan be noted.

## **STRATA BOARD WORK PLAN**

The report of the Strata Board on the work plan was submitted.

The Teignbridge Strata Director presented the newly adopted work plan that would be monitored by the Board over the next twelve months. He reported that considerable focus had been given to delivering the first part of the implementation plan and the new virtual desk top and supporting technologies across the three Councils. The work plan would be kept under monthly review by the Board which would be reviewing wider progress against the Company's business and organisational objectives.

The work plan also aimed to provide the delivery of relevant and timely information to the Scrutiny Committee and Executive. It was also intended to provide a framework for the management of the company's business and service delivery objectives against the approved business plan which would be revised later this year.

The Teignbridge Strata Director advised that the Scrutiny Committee had welcomed progress on the Plan but had also suggested that the availability of Board minutes would be helpful to give a full understanding of the operation of the Company and fulfil their representative roles on behalf of the public. They also had a further issue regarding Members general understanding across the three Authorities of the operation of Strata.

Members discussed the request from the Scrutiny Committee regarding the availability of the Board Minutes.

The Chair stated that some work was still to be done to increase Members awareness and understanding of Strata.

Strata Joint Scrutiny Committee considered the report at its meeting on 17 March 2016 and its comments were reported including an additional recommendation that the Teignbridge Strata Director to report to the next Scrutiny Committee meeting on mechanisms for increasing the transparency of Board business.

**RESOLVED** that:-

- (1) the noted the report; and
- (2) the Teignbridge Strata Director be requested to report to the next Strata Joint Scrutiny Committee meeting on mechanisms for increasing the transparency of Board business.

## **PERFORMANCE MANAGEMENT OF THE CHIEF OPERATING OFFICER**

The report of the Strata Board was submitted outlining arrangements adopted by the Board for the performance management approach for Chief Operating Officer.

Strata Joint Scrutiny Committee considered the report at its meeting on 17 March 2016 and its comments were reported.

**RESOLVED** that:-

- (1) the report be noted; and
- (2) a 'two tier' approach be used for the performance management for the Chief Operating Officer:

- Performance assessment – carried out by the Board collectively
- Performance management – carried out by one Board member.

10

### **FAMILY FRIENDLY POLICIES**

The report of the Strata Board was submitted advising Members of the family friendly policies which have been adopted by the Board in principle. These policies have been produced to ensure that legislation is adhered to. The provisions in these policies reflect statutory entitlements as opposed to the usual more enhanced provisions adopted by the public sector.

Strata Joint Scrutiny Committee considered the report at its meeting on 17 March 2016 and its comments were reported.

**RESOLVED** that the action of the Board be supported in agreeing these policies, in principle, so that they can be discussed and agreed with UNISON at the next Staff Joint Forum.

11

### **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1, 2, and 3 of Part 1, Schedule 12A of the Act.

13

### **STAFF ENGAGEMENT SURVEY**

The report of the Strata Board was submitted updating Members on the recent staff engagement exercise. It was the first staff engagement survey undertaken by Human Resources on behalf of Strata suggested for completion on Strata's first year anniversary.

Members were advised that it was anticipated that staff response would increase in future years, a target in excess of 90% was the goal and, ultimately, it was intended to seek Investors In People accreditation. It was proposed that the Chief Operating Officer and management team, together with Human Resources, produce an Action Plan, the results to be published on the intranet. It was also the intention for Human Resources surgeries to be held at all sites.

Members welcomed the approach of the Human Resources surgeries and the aspiration to work towards Investors In People accreditation.

The Strategic Lead for Human Resources clarified that it was anticipated that Strata would seek the Investors In People accreditation towards the end of the second year.

Strata Joint Scrutiny Committee considered the report at its meeting on 17 March 2016 and its comments were reported.

**RESOLVED** that the actions approved by the Board be noted.

## **SECURITY STATUS OVERVIEW**

The report of the Strata Board was submitted updating Members on changing cyber threats and Strata's response, in the light of recent security incidents.

The Security and Compliance Manager updated Members on the details of recent attacks and on-going work to combat loss of data systems through a cyber-attack. These threats were increasing, such activity now practically organised on a commercial basis. All three sites were protected by daily backup with the new Strata systems which now included the City Council systems backed up at Oakwood. East Devon was backed up at Honiton and initial tests for Teignbridge to be backed up at Oakwood had been successful.

Members discussed the need for staff and Members awareness with regards to 'Ransomware' attacks via emails and the internet and the backup systems that Strata had in place.

Strata Joint Scrutiny Committee considered the report at its meeting on 17 March 2016 and its comments were reported.

**RESOLVED** that the actions approved by the Board be noted.

(The meeting commenced at 5.30 pm and closed at 6.25 pm)

Chair



**EXMOUTH REGENERATION PROGRAMME BOARD  
ACTION POINTS FROM A MEETING  
HELD AT EXMOUTH TOWN HALL, EXMOUTH ON THURSDAY 31 MARCH 2016**

Present:

Councillor Andrew Moulding	ATM	EDDC
Jill Elson	JME	EDDC
Pauline Stott	PS	Exmouth Town Council
Deborah Hallett	DH	Chairman, Rolle Exmouth Ltd
Richard Cohen	RC	Deputy Chief Executive, EDDC
John Humphreys	JH	EDDC
Chris Lane	CL	EDDC
Eileen Wragg	EW	Devon County Council
Philip Skinner	PJS	EDDC
Alison Hayward	AH	EDDC
Ian Harrison	IH	Consultant
Andrew Ardley	AA	Devon County Council
Tom Vaughan	TV	Devon County Council
Linda Perry	LP	EDDC
Neil Downes	ND	Exe Estuary Partnership
David Turner	DT	EDDC Engineering Projects Manager
Graeme Thompson	GT	Planning Officer

Apologies:

Andrew Leadbetter	AL	Devon County Council
Ian MacQueen	NM	Exmouth Chamber of Commerce
Mark Williamson	MW	Exmouth Town Council
Lisa Bowman	LB	Exmouth Town Council
Bernard Hughes	BH	Devon County Council
Steve Gazzard	SG	Exmouth Town Council

The meeting started at 9.15am and finished at 12.00noon.

<b>Item</b>	<b>Notes/Decisions</b>	<b>Action</b>
<b>1.Introduction</b>	Councillor Andrew Moulding welcomed all those present to the meeting.	
<b>2. Report of meeting held on 24 November 2015</b>	The report of the meeting held on 24 November 2015, was confirmed as a true record.	To note
<b>3. Matters Arising</b>	<u>Update on Mamhead Slipway</u> Members noted that there had been a delay in holding the first meeting of the Exe Estuary Partnership Board.	
<b>4.Update on Mamhead Slipway</b>	<p>IH reported on progress made on the Mamhead Slipway. Work had started on the project at the beginning of March and good progress was being made. During discussions the following points were noted:</p> <ul style="list-style-type: none"> <li>❖ Some unexpected items had been uncovered on the site, including an unforeseen drainage pipe;</li> <li>❖ Traffic arrangements were proving effective;</li> <li>❖ There were some issues regarding the public walking through the site;</li> <li>❖ Noise and vibration issues from the site were also an issue;</li> <li>❖ Local liaison was the best way to inform the public that businesses around Mamhead Slipway were open for business as usual;</li> <li>❖ Concerns about historic water seepage under the road into the wall were unfounded as the rear of the wall was found to be in good condition;</li> <li>❖ The anticipated finish date for Mamhead Slipway was 31 August 2016.</li> </ul> <p>A member raised the issue of piling from the pier head development and asked whether there had been any complaints from the public made to the Environmental Health Service.</p>	<b>Noted</b>
<b>5.Exmouth Tidal Defence Study</b>	<p>DT gave an update on the Exmouth Tidal Defence Study which was a joint project between EDDC and the Environment Agency. The Study would affect an area from the Estuaryside site to the docks, Mamhead Slipway and Alexander Terrace. The aim was to reduce flooding to vulnerable parts of Exmouth and potentially affected 1500 homes.</p> <p>Members noted that the Environment Agency policy in Exmouth was now to ‘hold the line’ and maintain existing sea defences. The different options available to protect vulnerable areas in Exmouth were considered. However, it was pointed out that none of the residents consulted in the survey had personal experience of being flooded in Exmouth.</p>	<b>Noted</b>

	<p>With regard to the funding package, a business case would be submitted to the Environment Agency (EA) in May for approval at a national level. It was anticipated that the scheme could be 100% EA funded. The EDDC contribution would be use of our land and future maintenance costs. The earliest possible start for the project would be Autumn 2017.</p> <p>DT was thanked for his presentation and asked to attend future Board meetings to provide members with regular updates.</p> <p>(EEW declared a personal interest as a member of the South West Regional Flood &amp; Coastal Committee).</p>	
<p><b>6. REL</b></p>	<p>DH reported on progress made by REL on the use of part of the Rolle site for economic and educational uses. Plymouth University in February had asked for bids for the site and in response REL had put in a tender for the whole site and also a second bid for part of the site, with no obligation for planning permission to be achieved on the site.</p> <p>Plymouth University had offered to pay for maintenance for the Owen Building and it was hoped that this could be open for use by May. EDDC planners were being asked by the University to respond to different approaches for use of the Rolle site, as they looked to achieve the maximum return. It was suggested that a steer from the Board to the planning team maybe appropriate.</p> <p>Members of the Board expressed their support for the aims of REL and the issue of calling a meeting of the Members Advisory Panel was raised. The Board accepted that the EDDC legal service should be consulted about the legal issues of calling a Members' Advisory Panel for this issue.</p> <p><b>ACTION</b> RC to speak to the relevant officers at EDDC in both the legal and planning service to take this matter forward, including the possibility of having a Members' Advisory Panel.</p>	<p><b>Noted</b></p> <p><b>RC</b></p>
<p><b>7. Coastal Community Team/Economic Plan</b></p>	<p>AH reported on the Economic Plan for Exmouth as submitted by EDDC on behalf of the Exmouth Coastal Community Team to the DCLG in January. Members were reminded that the Coastal Community Team had been appointed as a sub-group on the Regeneration Board and met on a bi-monthly basis. The response from the DCLG was still awaited.</p>	

	<p>AH reported that it was hoped to undertake a tourism study for the town and also review opportunities for the marine sector and its capacity and opportunities for growth. Members acknowledged the issues identified in the Economic Plan regarding Exmouth's low productivity levels.</p> <p>PS reported that Exmouth Town Council had just started the process to work towards achieving a Neighbourhood Plan for the town.</p>	
<b>8. Playing Pitches Strategy for Exmouth</b>	<p>GT reported on the Playing Pitch Strategy (PPS) adopted by EDDC in July 2015. Key points for Exmouth included:</p> <ul style="list-style-type: none"> <li>❖ Protect and bring the former Rolle College playing fields back into use as sports pitches;</li> <li>❖ Explore delivery of formalised sports pitches on St Johns Road playing field and Knapp Cross playing field;</li> <li>❖ Various improvements to existing sports pitches;</li> <li>❖ Explore options for total relocation of Exmouth RFC;</li> <li>❖ Need for a number of new pitches by 2024.</li> </ul> <p>GT confirmed that there was an objective search for potential sites to take sports pitch development. The Board were very keen to see the playing pitches strategy go ahead as it was very important to Exmouth.</p> <p>GT was thanked for his presentation.</p> <p><b>ACTION</b> CL to circulate to Members of the Board</p> <p>(JME declared a personal interest as Chairman of Governors of Exmouth Community College).</p>	<p><b>Noted</b></p> <p><b>CL</b></p>
<b>9. Transport Hub</b>	<p>AA reported that planning permission for the Marks &amp; Spencer store of the bus station site had been achieved and DCC were working with the developer on providing new bus stops. The railway station refurbishment was also awaiting final agreement with GWR. Discussions were starting on the next stage of the transport hub.</p>	
<b>10. Dinan Way</b>	<p>AA reported that there had been a productive meeting between EDDC and the National Trust regarding the planning application for the expansion of Dinan Way. Various other negotiations were taking place.</p> <p>(EEW declared a personal interest as a member of the DCC Development Management Committee).</p>	<b>Noted</b>

<p><b>11. Queens Drive update</b></p>	<p>RC gave an update on the Queens Drive development. It was noted that the litigation process with one leaseholder which had slowed down delivery of the project continued. An application for an appeal by the tenant was subsequently applied for an oral hearing on whether an appeal would be allowed. This was in November. The developers remained committed to the redevelopment opportunity.</p> <p>Members of the Board noted the success of Seaton's new visitor centre, Seaton Jurassic and wished to congratulate the Regeneration Team on this work.</p>	<p><b>Noted</b></p>
<p><b>12. Camperdown Creek</b></p>	<p>AH reported that work on the Sea Cadets new development was under way. They and their contractor had discussed contamination found on the site and approached the Chief Executive at EDDC for more money to pay for this unforeseen works. PS reported on the poor state of the road to Camperdown Creek and requested that Street Scene investigate this issue.</p>	<p><b>Noted</b></p>
<p><b>13. The Strand</b></p>	<p>TV reported that very positive discussions had been held with Exmouth Town Council on The Strand, including landscaping, and maintenance issues. RC confirmed that consultations would be held on street trading throughout the District, with a view to removing the blanket ban on street trading throughout East Devon.</p>	<p><b>Noted</b></p>
<p><b>14. Communication Update</b></p>	<p>RC reported that the Council would be producing a new communication plan for Queens Drive. Other communications would involve the next phase of Mamhead Slipway work and also any progress on the Coastal Communities submission to the DCLG.</p> <p>The contractors for Mamhead Slipway had prepared a Communication Plan and would issue monthly newsletters locally.</p>	
<p><b>15. Dates and times of future meetings</b></p>	<p>The next calendared meeting to be held on Thursday 30 June 2016.</p>	<p><b>CL/All</b></p>

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a meeting of the Scrutiny Committee held at Knowle, Sidmouth on 14 April 2016**

#### **Attendance list at end of document**

The meeting started at 6.02pm and ended at 7.31pm.

#### **\*60 Public speaking**

There was no public speaking at this part of the meeting.

#### **\*61 Minutes**

The minutes of the Scrutiny Committee held on the 17 March 2016 were confirmed as a true record, subject to an insertion to minute 58 as agreed by the committee:

Councillor David Everett from Chardstock Parish Council addressed the committee about the way a member of the public had addressed the full Council asking that Chardstock be added to the list of villages considered sustainable. Councillor David Everett said that this had been supported by Councillor Moulding, speaking on behalf of the Ward Member for Chardstock, Councillor Diviani. He said Councillor Moulding's presentation consisted of opinion, was not evidenced based, and contained inaccuracies regarding the bus service through Tytherleigh and the walking distance between Chardstock village and Tytherleigh.

The Chairman also voiced his disappointment that the recommendations made at the meeting of 17 March 2016 were not agreed by Cabinet.

#### **\*63 Broadband update**

Mr Graham Long spoke in regard to Broadband provision for the district. He outlined some of the background to the project and the current stage of the project where separate invitations to tender were being issued for the second phase. He commented that if the Council and other authorities continued to refuse to match fund towards the project it would bring further delays, resulting in suffering for local communities and businesses operating from rural areas.

The Portfolio Holder – Central Services presented his update report. It outlined the bid submitted by the Council for funding to the Broadband Delivery UK (BDUK) South West Ultrafast Broadband fund. The bid was to support a technical solution to provide a wider provision of broadband in the districts not covered by other providers. The bid had been unsuccessful.

This was appealed by the Chief Executive and the responses from BDUK were set out to the committee.

Discussion took place surrounding:

- BDUK suggestion to enter into a non-disclosure agreement with Connecting Devon and Somerset (CDS) to avoid double funding was felt to be inappropriate, as it was not transparent. Neil Parish MP had been approached on this issue. CDS had recently informed the council that, if a non-disclosure agreement (NDA) was signed and the council paid their share, they would be informed where the money was being spent – but the NDA would prevent the council from sharing this information more widely, and therefore would still not be transparent.

- Differing options of the CDS/BT model offering Fibre to the cabinet (FTTC) whereas the bid partnership proposed (that was subsequently unsuccessful) offered Fibre to the premises (FTTP)
- What promotion should be made of the £500 subsidy offer for rural users to help towards their costs for broadband that was available from central government. The specific providers listed for this promotion were offering a solution through satellite technology which was not the best solution for broadband; although other providers were now being added to the scheme who utilised other technologies for receiving broadband.
- CDS Media release considered at the meeting of the committee on 12 November 2015 set out a timeframe for delivery that had clearly not been achieved. Whilst Mr Long offered a reason why CDS had not kept to the timescale, the committee agreed that an official response from CDS, who were unable to attend the meeting, should be sought;
- The Portfolio Holder Central Services and the Portfolio Holder Finance continued to work with a number of providers to encourage as many as possible to come forward in filling the gap of service that phase 2 of the CDS project would leave, even though this authority does not control the budget for broadband delivery;
- In response to a question about the use of mobile technology, the delivery of broadband through mobile devices was possible, but had a bandwidth constraint, and therefore was unlikely to be suitable for some users and businesses.
- Should the committee continue debate on the issue when further progress had been completed by CDS on Phase 2 of the project

**RECOMMENDED:**

The committee regrets the move by CDS, and subsequent advice by BDUK, to ask the council to enter into a non-disclosure agreement which would prevent the council publishing where, when or how funding is spent on this project. The committee requests that Cabinet write to the three MPs covering the District to ask that they lobby on this issue as an issue of transparency.

**RESOLVED:**

1. That the committee supports the Portfolio Holder Central Services in his endeavours for alternative solutions to meet the needs of the areas not covered by the CDS project;
2. That a progress report and revised timetable is requested from CDS;
3. That the committee receives a further update from the Portfolio Holder Central Services in approximately six months time or as soon as there are further significant developments.

**\*64 Scoping for engagement and consultation**

The committee received a report outlining the consultation guide adopted and past examples of consultation exercises undertaken by the council.

As the committee had already expressed the view that the adopted guide was sound, the recommendation made by the Democratic Services Officer was for the committee to narrow focus down to specific consultation exercises, where Members felt lessons could be learned, in order for a more specific scope to be drawn up for the committee to work within. Examples of consultation exercises raised by the committee included:

- Exmouth seafront
- Exmouth masterplan consultation undertaken in 2011

**RESOLVED:**

That further scoping work be undertaken on the following consultation exercises:

- a) Exmouth masterplan consultation of 2011;
- b) "Splash" and associated area excluding current pre-planning application work
- c) Beach hut consultation prior to hire charge changes, particularly on the timing of public meetings in relation to wider consultation;
- d) Inclusion of land at Sidford in the production process of the local plan;

**\*65 Scope for website**

The report presented to the committee outlined the work undertaken in evolving the website, and the evidence of public confidence in the services provided online and ease of use. Members had identified that some information was difficult or impossible for them to find. With this in mind, the officer recommendation was to direct specific examples where information could not be found to a dual member group, who would then work with web editors to help better signpost information or make such improvements that produced better search results. Discussion took place over the merits of a single member TaFF with assistance from other Councillors as required.

The Vice Chairman informed the committee that a familiarisation tour for members on the website was being planned for a date in June. He offered to receive directly from members specific examples of information that found difficult to find, and would work with any other members and the web editing team to find solutions.

**RESOLVED**

That the Vice Chairman undertakes research on the website issues raised by Members, working closely with web editors to resolve issues where necessary and report back to a future meeting of the committee.

**\*66 Draft Annual Report**

Members of the committee received the draft report.

**RESOLVED:** that the final version of the Scrutiny Committee Annual Report be agreed by the Chairman and Vice Chairman before submission to Annual Council in May 2016.

**Attendance list (present for all or part of the meeting):**

**Scrutiny Members present:**

Roger Giles  
Alan Dent  
Marcus Hartnell  
Simon Grundy  
Val Ranger  
Marianne Rixson

**Other Members**

Phil Twiss  
Tom Wright  
Rob Longhurst  
Dawn Manley  
Pauline Stott  
John Dyson



David Barratt  
Geoff Jung  
Megan Armstrong

**Officers present:**

Anita Williams, Principal Solicitor and Deputy Monitoring Officer  
Debbie Meakin, Democratic Services Officer

**Scrutiny Member apologies:**

Cathy Gardner  
Alison Greenhalgh  
Brenda Taylor  
David Chapman  
Maddy Chapman  
Dean Barrow

**Other Member apologies:**

Ian Hall  
Jill Elson

Chairman .....

Date.....

**Report to:** Cabinet  
**Date of Meeting:** 11 May 2016  
**Public Document:** Yes  
**Exemption:** None  
**Review date for release:** None



**Agenda item:** 14

**Subject:** Sports & Activity Clubs Rent and Rent Support Grant Scheme

**Purpose of report:** To provide an update on progress to deliver the recommendations of Cabinet made 17 June 2015 to the effect that we are ready to launch the new rent support scheme and are coming back to members to advise of the detail. This follows on from the Asset management Forum's review of sports and activity clubs and the resulting recommendation that a clear rational is put in place to be clear about which tenants are afforded a rent subsidy.

**Recommendation:** 1. Note that the new rent support grant scheme is now ready to launch

**Reason for recommendation:** To ensure that members are updated on progress to deliver against their decision taken in June 2015 and are up to speed on the process going forward.

**Officer:** Donna Best - Principal Estates Surveyor  
[dbest@eastdevon.gov.uk](mailto:dbest@eastdevon.gov.uk) tel: 01395 571584

**Financial implications:** The amount available for distribution of £54,878 is an initial figure based on the current expectation of market rents. Once negotiations have been finalised, this figure will be reviewed.

**Legal implications:** As set out in the previous report to Cabinet, the Council has some discretion in its lettings policy where a lease will help to secure the improvement of the economic, social or environmental well being of the local area (and the undervalue is less than £2m). Having said that it is preferable that there is a consistent policy of leasing at market rents to ensure transparency and fairness for all clubs and organisations and this policy seeks to achieve that. Care should be taken with rent grants to ensure that all equalities impact assessments have been carried out in relation to this policy.

**Equalities impact:** Low Impact

The implementation of the scheme will ensure that all sports and activity club tenants will have the opportunity to apply for rent support as their rents are brought up to market rents. Existing arrangements in place will be rationalised and more transparent. This will be fairer and more equitable for all.

Where organisations are unsuccessful in qualifying for rent support grant, this could potentially have a detrimental effect on vulnerable club

members. Officers will work with the tenants to help ensure that club manager's are signposted to other grant funding sources and support. In addition, the application assessment will take into account members of the organisation that have protected equalities characteristics, eg young people and people with disabilities.

**Risk:**

Medium Risk

This is a new grant funding scheme and we have sought to mitigate risk by adopting a process similar to, and which will be overseen by, the same well established Community Fund Panel that currently assesses grant funding applications for parish projects.

There is a risk that clubs and sporting organisations in the district may question why the council is not able to offer a similar scheme to non council tenants. However, the Funding Support Information is available to all and people can be signposted to the webpage providing details of alternative funding streams. In addition, with the agreement of their parish or town councils, they could get funding from the Parishes Together Fund.

Care has been taken to make sure that the application process is as straight forward as possible and the form is available on-line. There is also a guidance document on how to fill out the application form. Furthermore, the council will organise a workshop to explain the new arrangements.

As always, there is a reputational risk. Depending on the assessment of the applications and the allocation of funding made by the Panel, there is a possibility that some organisations will not be as successful as they hope to be in the allocation of grant. To mitigate this risk, the system will be fair, rigorous and transparent.

**Background papers:**

1. [Rent Support Grant Application Form](#)
2. [Rent Support Application Guidance](#)
3. [Draft letter to sports and activity club tenants](#)
4. [Funding Support Information for Tenants](#)
5. [Rent Support Member Evaluation Manual](#)
6. [Rent support grant scheme press release](#)

**Appendices:**

Appendix 1 - Scheme Launch Timescales

**Link to Council Plan:**

Encouraging communities to be outstanding

## **1.0 Background**

- 1.1 In June 2015, the Asset Management Forum provided Cabinet with the findings of their review of the council's property let to sports and activity clubs. The main recommendation was to introduce market rents alongside a rent support grant scheme. The reason for the introduction of this scheme was to ensure that a rigorous process is established to ensure that decisions to provide rent subsidy support to council tenants are made in a rational, fair and transparent way.
- 1.2 The council currently leases premises to some 37 sports and activity organisations. This scheme will assist the transition of tenant's being moved to a more market rent approach.

## **2.0 Introduction of the rent support scheme**

- 2.1 Since June 2015, along with other asset management priorities, further work has been undertaken in respect of the planning and preparation associated with the launch. This includes amendments to the application form, the drafting of a guidance document to assist organisations with the filling out of the application form, member guidance for assessing applications, a draft press release, draft letter to all tenants and uploading the application onto the council's spar software to enable applications to be made on line. In addition, research has been made into other grant funding options available and collated into a booklet to be sent to all tenants and made available on the council's website.
- 2.2 In January, the new scheme was introduced to and welcomed by the Community Fund Panel, along with some initial training. Officers and the panel will monitor the successful implementation of the scheme going forward.
- 2.3 In addition, rent reviews and lease renewals have been commenced: This has involved initial site inspections of all premises where reviews are outstanding or due this year. Taking into account such factors as overall area, uses and terms of the relevant leases, subsequent assessment of market rent levels have been made by a qualified valuer surveyor. It is now important to introduce the new rent support scheme to tenants prior to taking this work further.
- 2.4 This initial work in relation to outstanding and due reviews has assisted us in providing an initial estimate of the gap between existing rents and market rents. This figure, of £38,400 will be made available to the Community Fund Panel for this financial year.
- 2.5 In the run up to and following the meeting of Cabinet on 11 May, key dates and milestones for the roll out of the scheme are as follows:-

26 04 2016                      Letters to tenants advising of report to Cabinet.

28 04 2016                      Press release issued to relevant media groups and town and parish councils

12 05 2016	Letters introducing scheme to tenants, along with guidance document and grant funding booklet
18 05 2016	Communication to relevant tenants on rent review or lease renewal
20 07 2016	Tenant Workshop East
27 07 2016	Tenant Workshop West
23 09 2016	Closing date for receipt of First Round applications (See attached tenant letter to see list of clubs eligible to apply 2016/17)
27 10 2016	Assessment of First Round applications by the Community Fund Panel

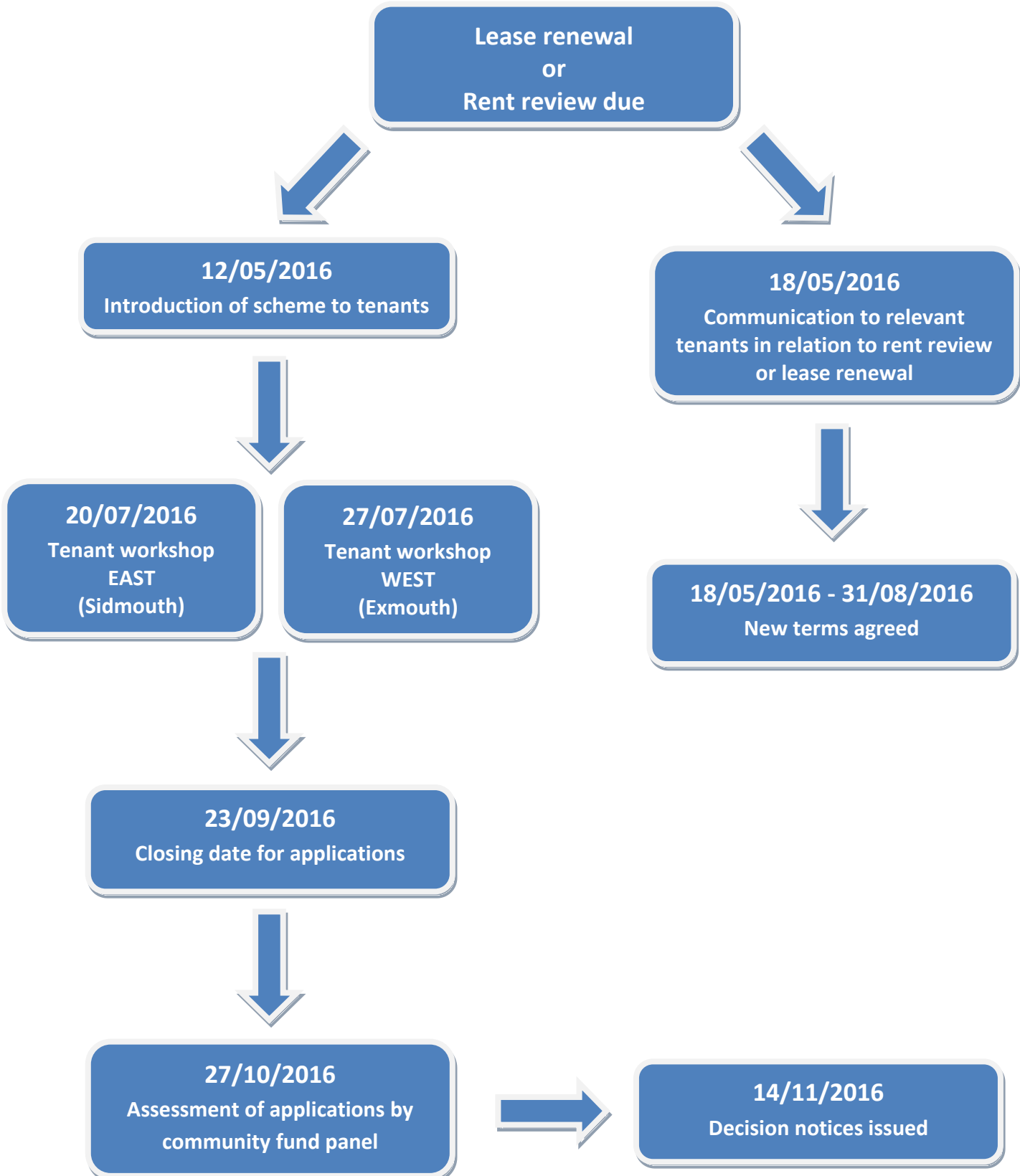
- 2.6 In anticipation of the introduction of scheme, we will be organising workshops for tenants to advise them of the detail of the new arrangements and take account of their comments and any concerns. This is in line with both our desire to be as transparent as possible and to ensure an early consultation to assist in the effective delivery of this new arrangement.

### **3.0 Important notes for members**

- 3.1 It is understood that our tenants may want to discuss this process with their local elected members or officers by way of clarification or information. Beyond this, it is important to be aware that lobbying is not permitted. Any organisation making an application will need to sign a declaration. This includes the following words: "I understand that the canvassing of East Devon District Council Elected Members and / or Officers to further this application will lead to automatic disqualification." The purpose of this condition is to ensure a transparent and objective consideration process.
- 3.2 The scheme will be run on a cost-neutral basis to the council (ie it's not a cost cutting exercise or a bid to increase revenue income). It's about making sure that a limited fund reaches the right groups and organisations who really need it.
- 3.3 Tenants will not be charged market rents until they have had the opportunity to apply for, and if successful, receive a Rent Support Grant. If tenants do not apply, are not eligible or are not successful, they will be liable to pay the new rent as soon as we are aware that they fall into one of these categories.

# Sports & Activity Clubs - Rent Support Grant Scheme

## Scheme Launch Timescales



**Report to:** Cabinet  
**Date of Meeting:** 11 May 2016  
**Public Document:** Yes  
**Exemption:** None  
**Review date for release:** None



**Agenda item:** 15

**Subject:** Acquisition of former Reservoir, Holyford Woods, Colyton

**Purpose of report:** The owners of a former reservoir known locally as 'Top Pool' or 'Lambs Pool' have offered to donate the ownership to East Devon District Council to form part of the Holyford Woods local Nature Reserve.

**Recommendation:** To agree that the council accept the transfer of 'Top Pool' or 'Lambs Pool', Holyford Woods to incorporate into the Holyford Wood local Nature Reserve subject to the Senior Management Team being satisfied as to;

1. That any risk of flooding is tolerable following the undertaking of a flood risk assessment by the council's engineers, and,
2. the cost implications for the Council in terms of the initial cost of works and future management are acceptable, which shall be evidenced through a detailed costs breakdown, and
3. a satisfactory title position following a report on title to be provided by Legal Services.

And authority be given to the Deputy Chief Executive to agree the heads of terms and progress the transfer in consultation with the Strategic Lead (Legal, Licensing and Democratic Services).

**Reason for recommendation:** To decide whether or not the Council would like to accept the offer of the former reservoir.

**Officer:** Donna Best - Principal Estates Surveyor  
[dbest@eastdevon.gov.uk](mailto:dbest@eastdevon.gov.uk) tel: 01395 571584

**Financial implications:** The financial implications are stated in the report although there is a potential future risk of more significant costs in the event of structural failure of the dam.

**Legal implications:** At this stage Legal Services are not able to advise on the full content of the proposed transfer including risks with regard to title. Further consideration will need to be given to the title position and whether it is an acceptable deal to progress from the land ownership position. In that regard and assuming it is, adequate rights and reservations will need to be granted and retained to ensure that there is sufficient access to the reservoir area for the Council as well as the Trust. There may be a requirement for specific provisions with regard to the reservoir and these will need to be considered once full details have been provided. Further it may be prudent to consider regularising the lease position if the Trust is not able to meet its obligations under the lease to avoid any uncertainty and confusion that may arise. Consideration will need to be given to

procurement regulations if works are being procured through the Trust but with funding from the Council. State aid will also need to be considered if the Council is providing funding to the Trust.

**Equalities impact:** Low Impact

Holyford Woods is a valued local Nature Reserve used by local residents and by visitors. It is advised by the Countryside Team that by incorporating the reservoir as part of the reserve and undertaking associated works to dredge the pool and use the material to create a ford and upgrade tracks, this part of the Nature Reserve could become more accessible to a greater number of visitors.

**Risk:** Medium Risk

The land to be transferred includes a former reservoir used by South West Water. An Engineers Report has been acquired and assessed by the Council's own Engineering Department.

**Links to background information:** 1. [Copy of engineers report](#)

**Link to Council Plan:** Delivering and promoting our outstanding environment

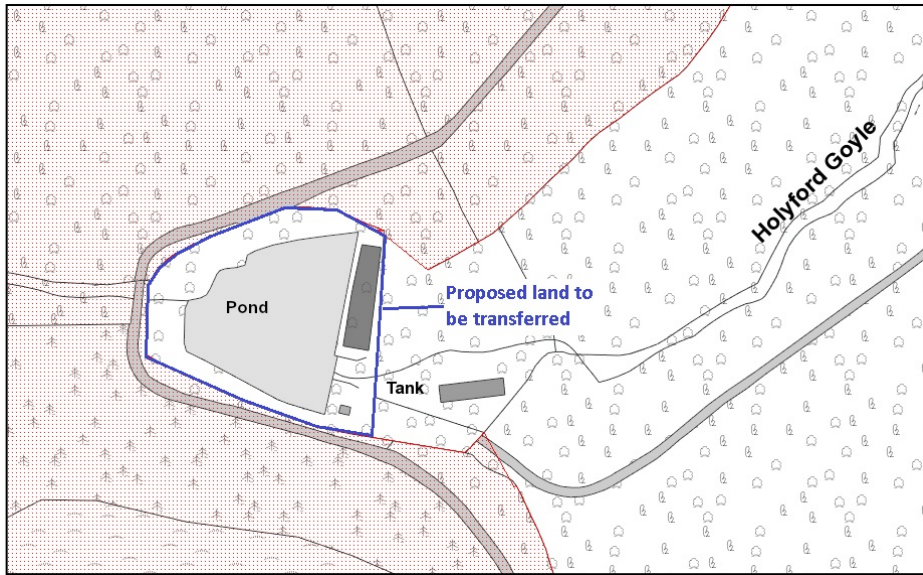
## 1.0 Background

- 1.1 Holyford Woods Local Nature Reserve (LNR) was the 1000<sup>th</sup> LNR to be designated in England, following the partnership work between the council and a local group of people who fundraised to help protect their local woods. This group is known as the Holyford Woodland Trust and the partnership between the two organisations remains strong. There is a pool (former reservoir) in the middle of the woodland and the current owner has offered to donate it to the council to form part of the LNR.
- 1.2 The LNR is owned by the council and is leased to the Holyford Woodland Trust, who are responsible for the management of the woods. In reality, much of the management of the woods is carried out by the council's Countryside staff and volunteers. Many members of the Holyford Woodland Trust are no longer able to offer the physical assistance with managing the woods as they were when the lease agreement was drawn up, but the situation as it stands in reality today is one that works well, as the Trust are used more as a funding body for contract work that needs to be carried out on the LNR.
- 1.3 The reservoir could be transferred to the council and initial works undertaken to dredge the pool, create a ford and create tracks into the woods. It is envisaged that this will ease the managing the woods and create a potential income opportunity for the council through woodfuel generation and the sale of timber.
- 1.4 The offer of the site has been considered by the Asset Management Forum who made a recommendation to Cabinet to accept the donation.

### 1.5 Site Plan

The reservoir site is shown outlined in blue. The area should outlined and dotted red, is land currently owned by the council.





## 2.0 The reservoir structure

- 2.1 The reservoir was used by South West Water until it looked to sell up some of its assets in the late 1990's. This included the woodland which now makes up Holyford Woods LNR. The reservoir itself was attached to the 'Pump House', where Andrew Lamb now lives, but as it no longer serves a purpose as a reservoir, it is suited as a component of LNR. The term 'reservoir' in this case is also somewhat of a misnomer, in that the body of water has nowhere near the volume to mean that it has to comply with the Reservoirs Act. In essence, it is a small silty pond that is in need of some careful management to improve its biodiversity value at the heart of the woods.
- 2.2 An engineer's report has been carried out on the structures that are attached to the pool, namely the dam wall and associated downstream revetments that were originally essential for the functionality of the reservoir. The report identifies some small minor concerns in terms of individual structures, but nothing of major concern given the low volume of water held back by the dam wall and the fact that there is a further holding pool downstream that reduces risk to properties further down the valley.
- 2.3 The Engineering Projects Manager has advised that a flood risk assessment will need to be undertaken to calculate the probable maximum flood (to determine the spillway is adequate) and look at the consequence of failure. Based on the flood risk assessment, an emergency plan will need to be prepared.

## 3.0 Financial implications

- 3.1 The main financial implication to the council will be the ongoing maintenance, insurance and management of the site. It is envisaged that these costs will be integrated into the action plan of work required for the LNR, which will largely be carried out by the council's Nature Reserves Ranger and volunteers. Required contractors will be funded by the Holyford Woods Trust or the council's Local Nature Reserves budget. The council's Countryside Team advise that the acquisition of this site and the associated track improvement work, will enhance the ability to generate income through the sustainable management of the woodland and in particular, woodfuel generation.
- 3.2 The initial acquisition and set up costs are detailed in the table below:-

<b>Project Item</b>	<b>Details</b>	<b>Cost to the council</b>
Bankside coppicing of willows and scrub removal around Lamb's Pool	Work already undertaken by council rangers and volunteers	None (already carried out as part of winter work programme)
Dredging of Lamb's Pool and use of material to create ford, and upgrade tracks	Quote from contractor of £2k - £3k based on daily rate depending on quality of dredged material. This will be funded by the Holyford Woodland Trust	None, apart from Nature Reserve Ranger time spent on contractor supervision
Further dredging of Lamb's Pool to restore the freshwater habitat	Amount of further dredging required to be discussed, but would be funded by Holyford Woodland Trust	None, apart from Nature Reserve Ranger time spent on contractor supervision
Flood Risk Assessment	FRA to be undertaken and an emergency plan prepared	£2,000
Legal costs of land transfer	Each party to be responsible for their own costs	Council legal costs to be borne by the existing Local Nature Reserves budget
Woodfuel generation	Facilitated by this project through improvement of tracks	Projected income of £400-£500 per year in first two years, rising to £1000 per year from year 3 onwards In addition, the income from the sale of timber 2016/17 is targeted at (£1,500 to £2,000)
5 yearly engineer's inspection	Regular inspection recommended by a suitable qualified engineer every 5 years	£2,000 every 5 years
Monthly Inspections	Monthly inspections to be undertaken by the Countryside Team	Nature Reserve Ranger time

## 4.0 Consultation

4.1 Ward member Cllr Graham Godbeer has been consulted and the following comments received:-

"I fully support this initiative as being both beneficial to our own Countryside Service and to the LNR Holyford Woods."

4.2 The Asset Management Forum has consider the offer and made a recommendation to accept the proposed transfer of the site to the council.

**Report to:** Cabinet  
**Date of Meeting:** 11 May 2016  
**Public Document:** Yes  
**Exemption:** None

**Review date for release** None



**Agenda item:** 16

**Subject:** Asset Management Forum – proposals for a new focus

**Purpose of report:** To take forward the Asset Management Forum’s proposals toward a new focus on the council’s property portfolio and associated service delivery.

**Recommendation:** 1) To approve the Asset Management Forum’s ambition to develop a new focus on the council’s property portfolio and associated service delivery

**Reason for recommendation:** To seek member approval to take forward the Asset Management Forum proposals that will review the council’s approach to asset management and explore opportunities and implications of devolving services with their associated assets to town and parish councils.

**Officer:** Simon Davey Donna Best  
Strategic Lead – Finance Principal Estates Surveyor  
[sdavey@eastdevon.gov.uk](mailto:sdavey@eastdevon.gov.uk) [dbest@eastdevon.gov.uk](mailto:dbest@eastdevon.gov.uk)  
01395 517490 01395 571584

**Financial implications:** This report considers the principles for the new focus of the Corporate Asset Management Plan. As specific proposals are tabled, the financial implications will need to be explored.

**Legal implications:** Consideration will need to be given to the legal resources needed to support this project to ensure that we are able to provide advice and progress transactions in a timely manner. Each individual property will need to be considered to assess the title to the property and to consider an appropriate structure for any disposal.

**Equalities impact:** Low Impact  
If the proposals are approved by Cabinet, the Asset Management Plan will be revised along with a project plan developed for the devolution strategy which will include an equalities impact assessment.

**Risk:** Low Risk  
If the proposals are approved by Cabinet, a new Asset Management Plan will be drafted along with a specific project plan for the devolution strategy which will include an equalities impact assessment.

**Appendices:** Appendix 1 - Designation of property assets

**Link to Council Plan:** Encouraging communities to be outstanding

## **1.0 Background**

- 1.1 The Council's Corporate Asset Management Plan was last updated in 2014 and adopted by the Council at its Cabinet meeting 05 March 2014.
- 1.2 A programme for delivery was established at this time that sought to review property assets and their management on the basis of type rather than geography. This report recommends a new direction in the Council's approach to its property portfolio that builds on delivery of the Asset Management Plan to date, our improving intelligence about value and management cost and, considers the opportunity to define the optimal use of assets including devolution to towns and parishes. In line with our desire to empower and support our local communities whilst securing efficiencies in service provision, it makes sense for the council to start a process of reviewing services and related assets, consider their value and future against criteria that reflect both strategic importance or the possibility of local management and/or ownership.

## **2.0 Asset Management Plan Refresh**

- 2.1 The current Asset Management Plan runs until the end of this financial year. In the meantime, the council has formed a new administration and agreed a new Council Plan. The Asset Management Forum has a new Chair, Councillor Geoff Pook, and new ideas are emerging to help deliver the council's commitment to encouraging outstanding communities, to promote devolution of responsibility to town and parish level and address the financial impact of Government grant cuts. The Asset Management Plan will be refreshed this year and this is an opportunity for Members to agree the direction of travel in relation to Council owned property and the services delivered in association.
- 2.2 The Council owns land, building and infrastructure assets across the district, all of which are utilised in the delivery of statutory or discretionary services.
- 2.3 Based on the corporate asset register, the portfolio comprises 441 non-residential properties and 173 areas of open space.
- 2.4 The net cost to the Council of providing the services associated with these assets is estimated at £2.3m per annum. This includes the cost of repair, maintenance and general upkeep. It does not include capital improvements, depreciation or the operating cost of the managing service and corporate overheads. The table of the main asset types are set out below with associated expenditure and income:-

<b>General Fund - Asset analysis 2016/17 budget</b>	<b>Direct Expenditure</b>	<b>Direct Income/Grants</b>	<b>Operating (Surplus)/Loss</b>	<b>Net Corporate Costs/Income Recharges</b>	<b>Net (Surplus)/Loss</b>
Industrial Sites	£42,220	(£282,190)	(£239,970)	£42,880	(£197,090)
Corporate Buildings & Security	£729,600	(£106,780)	£622,820	(£24,200)	£598,620
Public Halls, Pavilions & Cinemas	£21,570	(£45,130)	(£23,560)	£31,820	£8,260
Manor Pavilion	£425,600	(£392,300)	£33,300	£24,510	£57,810
East Devon Business Centre	£133,350	(£90,000)	£43,350	£7,320	£50,670
Markets	£15,160	(£22,840)	(£7,680)	£4,150	(£3,530)
Beach Properties	£20,300	(£57,900)	(£37,600)	£0	(£37,600)
Sports Centres & Swimming Pools	£1,265,740	(£46,500)	£1,219,240	£43,150	£1,262,390
AONB & Countryside Teams	£770,310	(£250,460)	£519,850	(£89,820)	£430,030
Thelma Hulbert Gallery	£150,570	(£51,020)	£99,550	£28,460	£128,010
Car Parks	£915,880	(£3,101,070)	(£2,185,190)	£148,930	(£2,036,260)
Parks & Pleasure Grounds	£1,492,250	(£164,520)	£1,327,730	(£556,920)	£770,810
Public Conveniences	£608,460	(£66,100)	£542,360	£43,980	£586,340
Sports Grounds	£211,320	(£58,490)	£152,830	£49,030	£201,860
Cemeteries	£231,880	(£102,000)	£129,880	£7,280	£137,160
Beach Huts, Beaches & Foreshores	£432,740	(£329,840)	£102,900	£39,380	£142,280
Play Equipment (Inc outdoor gyms)	£157,180	(£11,220)	£145,960	£8,440	£154,400
Amenity Facilities	£42,390	(£10,520)	£31,870	£11,510	£43,380
<b>Totals</b>	<b>£7,666,520</b>	<b>(£5,188,880)</b>	<b>£2,477,640</b>	<b>(£180,100)</b>	<b>£2,297,540</b>

Note: Net recharges on corporate buildings ignore service charges for office accommodation apart from recharge to Housing Revenue Account

2.5 The majority of the £2.3m is related to the provision of discretionary services. Discretionary services are those services that we do not have to provide but which enable us to deliver the aims set out in the Council Plan. For example:

- Delivering & promoting our outstanding environment – eg provision of nature reserves, parks, gardens, toilets, sport and leisure, arts and culture, beach huts
- Developing an outstanding local economy – eg provision of work units and the Business Centre

2.6 The council owns and manages a wide range of assets that are not a statutory obligation but rather reflect the council's commitment to delivering quality and service to make our district an outstanding place. It is this commitment that underpins this fresh look at how we might use assets in partnership with our local councils in positive ways for them and their communities.

2.7 These 'extras' are what makes East Devon special and if to be retained, new ways need to be identified to manage these important services. The new Council Plan gives us direction: "For us, the challenge is no longer just about 'doing more for less' but instead it's about rethinking our purpose, design and how we deliver our services in new and innovative ways". "Our Council Plan reflects the increasing emphasis on the council's role, evolving from that of direct service provider to 'enabler'. This includes helping to support communities to come together so that they can do more for themselves."

- 2.8 The Transformation Strategy sits alongside our Council Plan and outlines how transforming the way we work will deliver our purpose and resolve a projected £2.6m budget gap. Theme 5 is to 'Actively pursue alternative service delivery methods and models' and in particular, refers to the delivery of services with communities, supporting and helping them to find their own solutions.
- 2.9 To achieve such a change will require a significant change in mind-set: From owner, doer and provider to enabler, commissioner and regulator. Devolving services and associated assets out to towns and parishes has the potential to empower local communities and enable them to fashion services to meet individual local needs.
- 2.10 This approach also reflects Government policy, as illustrated by the following extract from the Localism Act 2011:- "the Government is committed to passing new powers and freedoms to town halls. We think that power should be exercised at the lowest practical level – close to the people who are affected by decisions, rather than distant from them."
- 2.11 It is important that discussion on the provision of discretionary services and the management of assets takes into account the predicted budget deficit in 2021 of £2.6 million. The two options are to reduce costs or increase revenue. The devolution of assets and associated services to third sector groups such as town and parish councils, is a positive action that can strengthen our local councils and provide an option to enable continuation of effective service delivery to local communities.
- 2.12 There are some potentially major advantages to local communities too: They will be empowered to shape the community with physical assets, develop facilities based on community needs and preferences, and retain the services most important to their neighbourhoods. If members are in agreement with this approach, the new Asset Management Plan would focus on devolution as a key element of activity going forward.
- 2.13 The emphasis on the proposal to enable local communities to realise their ambitions, is not to be understated. Nor is this a new concept: The town council, in partnership with a third sector groups in Seaton, are about to take on the ownership of the town hall to further their ambitions for the facilities available. Similarly, the council supported the ambitions of Honiton Town Council with the transfer of land to facilitate the development of the Beehive community building.
- 2.14 Beer Parish Council has recently submitted their own business plan with a request to the council to take on services in Beer, along with associated assets. If members approve the recommendations of this report, this positive community approach will be used as a pilot test to run alongside the development of a project plan.

### **3.0 Devolution of assets and associated services – How will this work?**

- 3.1 The completion of a comprehensive and accurate report on all assets from relevant databases including:-
- a. Location
  - b. Type
  - c. Costs

d. Income

This data will enable informed decision making by all parties

3.2 Designation of property assets and their associated service provision into the following categories:

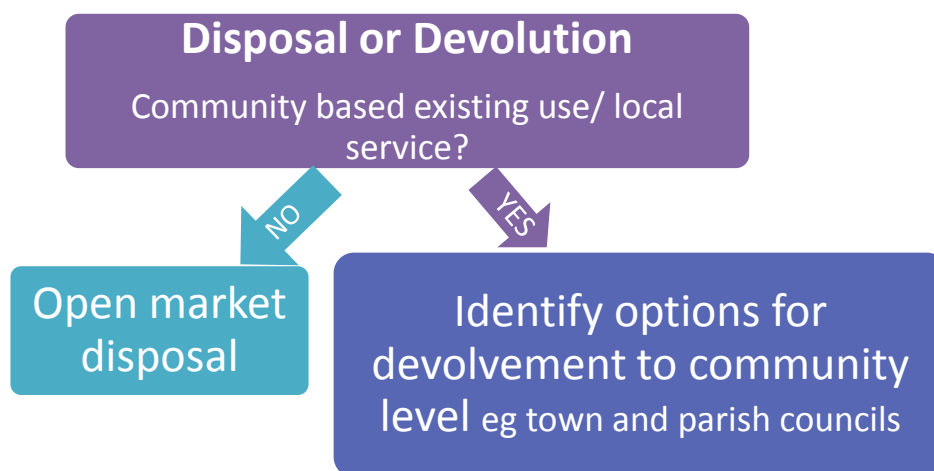
- a) Held for the provision of a strategic function ie required to deliver a statutory function, services to be provided at a district level or land held for HRA landlord purposes
- b) Held for regeneration or redevelopment purposes
- c) Held for strategic income purposes (eg car parks)
- d) Held for disposal or devolution

A flow chart is appended in the Background papers to illustrate the designation process.

This will ensure the Council understands why it owns particular property assets, and which assets it will retain and maintain to continue and enhance the delivery of strategic services. Assessment will initially be undertaken by the Asset Management Forum which in turn, will make its recommendations to Cabinet.

3.3 We will designate assets held for devolution or disposal into the following categories:

- Community based existing use or related to community plans
- Non community based existing use



Those assets held for disposal and which have a non community based existing use, will be sold on the open market or redeveloped. Those currently used to provide a community based service could be run by alternative providers and the most appropriate ownership and management structure will be identified.

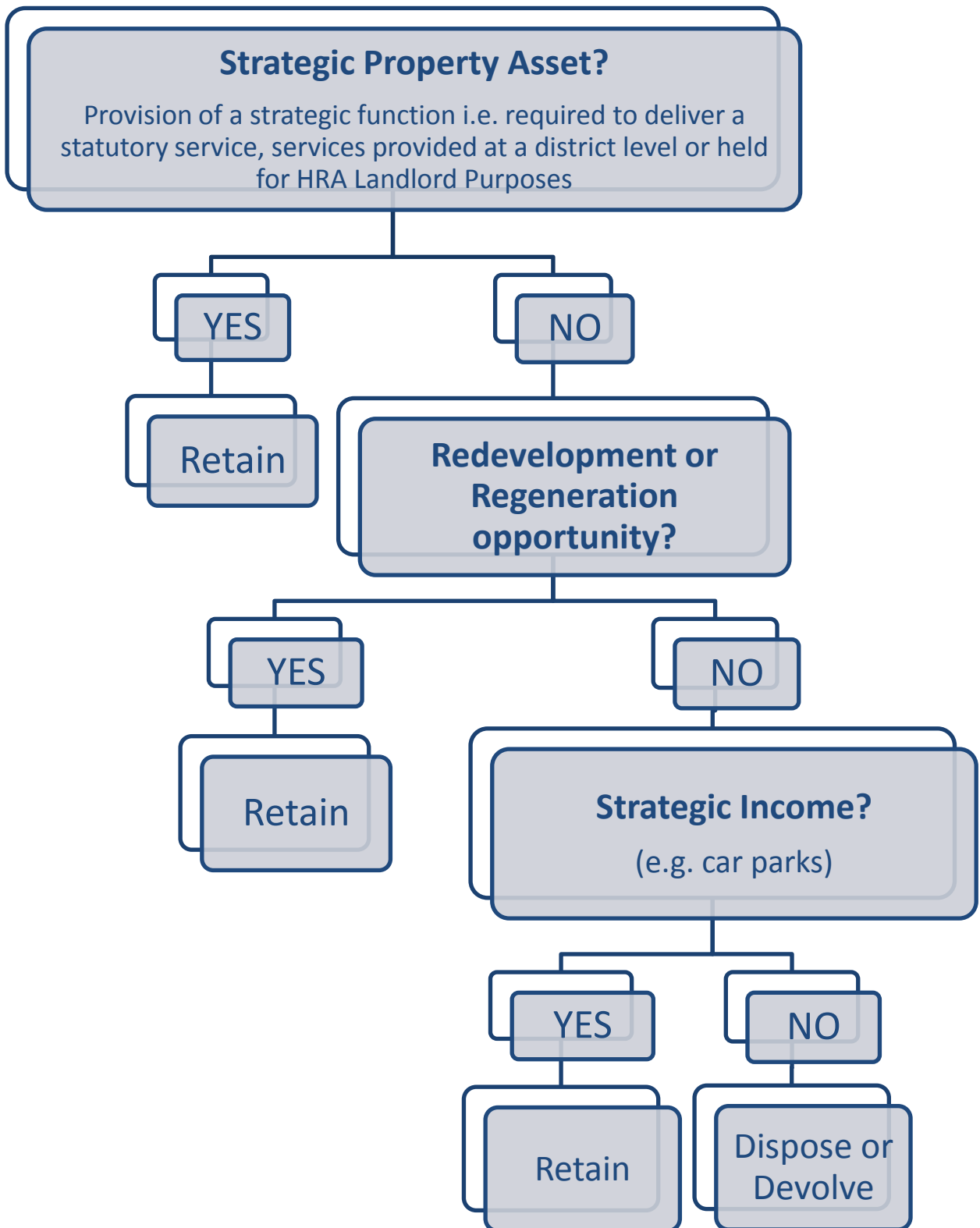
3.3 We will take forward discussions with potential alternative service providers to establish whether or not they can, or would like, to continue the service provision through the transfer of the relevant asset to do so.

There will be town and parish councils, or third sector groups, who wish to ensure the retention of some community based services at a local level.

## 4.0 Devolution of assets and associated services – practical delivery issues

- 4.1 If the council should agree to take the devolution strategy forward, this will not only be reflected in the new Asset Management Plan but a further report will also be provided by the Asset Management Forum to set out a clear project plan and proposals as to how foreseen issues will be addressed and how the project will be implemented. These will include, but not be exclusive of the following:-
- a) A proposal to identify assets for devolution on a geographical basis with a specific plan prepared for each town or parish identifying all eligible assets and associated services. Combined with detailed discussions with each town or parish council, or other third sector parties, a full understanding of the opportunities and responsibilities being proposed will then be ensured.
  - b) Many town and parish councils will not have experience in property management or the associated service delivery. A third sector transfer policy will be established to ensure that the necessary precautions and procedures are put in place to affect successful continuation of community services.
  - c) An understanding of the opportunities to offer professional services to new service providers. This could potentially include Finance, Legal Services, Streetscene, Property & Estates Services, Human Resources, Strata and so on.
  - d) Where the devolution of an asset or suite of assets reduces the work of the managing department and/or back-office overhead allocation, the full financial and staffing implications will need to be considered, including the council's fixed cost base.
  - e) Previous discussions with town and parish councils about the devolution of assets have often raised the issue of dowry payments. The council will need to have a clear policy as to under what circumstances it may make such a payment.
  - f) Where assets have been identified for disposal and are community based services, discussions with alternative providers may not be successful. A clear policy as to the future of those assets will need to be in place so that the consequences of any failed discussions are clear to all.
  - g) A communications plan will need to be put in place.
  - h) Under the Local Government Act 1972, local authorities are given powers to dispose of land as long as it is for the best consideration reasonably obtainable. The General Disposal Consent 2003 removed the requirement for the authorities to seek specific consent from the Deputy Prime Minister and First Secretary of State for any disposal of land where the difference between the unrestricted value of the interest to be disposed of and the consideration accepted (the undervalue) is £2,000,000 or less. An understanding of any undervalue in the disposal of any land will therefore be required, along with the council being satisfied that the disposal will contribute to the promotion or improvement of economic, social or environmental well-being to the area or resident/s.
  - i) Any disposal will need to comply with the European Commission's state aid rules.
  - j) An understanding of any consultation requirements.
  - k) An understanding of how any equalities impact should be assessed and monitored.
- 4.2 If approval is given to the Asset Management Forum's proposals, the project plan will set out projected timescales and costs, identify major management stages and milestones and will provide a baseline against which the project will be monitored stage by stage.





**Report to:** Cabinet  
**Date of Meeting:** 11 May 2016  
**Public Document:** Yes  
**Exemption:** None  
**Review date for release:** None



**Agenda item:** 17

**Subject:** Monthly Performance Report March 2016

**Purpose of report:** Performance information for the 2015/16 financial year for March 2016 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 March 2016.

**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 email: [kjenkins@eastdevon.gov.uk](mailto: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 March 2016](#)
- [Appendix B - The Performance Indicator Monitoring Report for the 2015/16 financial year up to March 2016](#)
- [Appendix C – System Thinking Reports for Housing, Development Management and Revenues and Benefits for March 2016](#)

**Link to Council Plan:** Continuously improving to be an 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 Council Tax collected
  - Days taken to process Housing Benefit/Council Tax Benefit new claims and change events
3. There are no performance indicators showing as concern.
4. Monthly Performance Snapshot for March 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 – March 2016



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

- **5 days** to process your Housing or Council Tax Benefit claims
- **92%** of invoices received by us are paid within 10 days
- An estimated **47.6%** of all waste collected was recycled in March.
- We dealt with 235 reactive building maintenance cases at our public buildings during March, this compares to 168 in February of this year, and 165 in March of last year. Examples include; putting up new notice boards, attending to faults on the swimming pool circulation pumps at Exmouth Leisure Centre, repairs to Beach Hut Chalets and replacing water stopcocks at Seaton Town Hall.
- 198 adults and young people attended our workshops at the Thelma Hulbert Gallery (THG) this month. Workshops include planting with garden Designer Anna Wardrop with a tour of the Soil Culture Exhibition, Education Ranger Penny Evans running Family drop-in sessions making Bird Feed and Bug Boxes and Invigorwrite running exhibition inspired writing workshops with Honiton Community College and East Devon Primaries.

Latest headlines:

- March saw the successful opening of the new Seaton Jurassic Centre.
- In the run up to The Queen's birthday this month a team of Housing & StreetScene officers, contractors and partners took part in the country's biggest ever clean up 'Clean for the Queen'. Together they cut hedges, dismantled sheds, put up fencing, cleaned kitchens – all to help residents of Liverton Close in Exmouth improve the area in which they live.
- In March we completed refurbishment works in the reception area at Exmouth Pavilion to create the new art deco style Borough Office counter. This concludes the three phase capital project that started in 2014, and is part of our ongoing support to LIF.
- Over 250 children took part in the Seaton Wetlands Eggs-plores challenge over the Easter holidays. The Easter crafts and activities mornings at Seaton Wetlands and Cranbrook were also very popular with a combined attendance of over 150!

- Held a community fun day for families living in Cheshire Road in Exmouth and the surrounding area.
- In only 8 days a total of 1,944 people visited the Manor Pavilion Theatre to see the Jesus Christ Superstar production over Easter.
- The show I Can't Believe it's not Buddy has Sold Out seven weeks before it appears at the Manor Pavilion Theatre. The promoter Gordon Bess Said "I have never known a show sell out so quickly, it's amazing! and I would like to thank the manager and the box office staff for all their hard work"
- THG has been Highly Commended for its contribution to the 2015 Get Creative Family Arts Festival, with its event *Harrison's Garden Halloween Spectacular*. Voted for by a panel of expert judges from the arts sector, THG joined over 800 other organisations in delivering events as part of the 2015 national festival.
- Mary Morris who is director at Arvon Writers Centre in Devon cited THG as *the* place for Visual Arts in Devon

#### Did you know?

- Thelma Hulbert Gallery has an outreach programme. In March we went out into the community and ran creative workshops with Exhibiting Artists at Bicton's Millwater School, with the Cranbrook Community and Honiton's Mental Health Charity Art and Mind.

**Report to:** Cabinet  
**Date of Meeting:** 11 May 2016  
**Public Document:** Yes  
**Exemption:** None



**Review date for release** None

**Agenda item:** 18

**Subject:** Beer Community Land Trust Refinancing of Development Loan

**Purpose of report:** A request has been received from Beer Community Land Trust (CLT) asking the Council to refinance an element of the development loan due for repayment during June 2016.

**Recommendation:** Cabinet recommends that:

- Council approves refinancing £290,000 of the £305,000 principal currently outstanding on Beer CLT's development loan and that the refinancing is on a maturity basis for a period of 5 years at an interest rate of 3.24%.**

**Reason for recommendation:** A priority of the Council is to provide affordable housing for the local community. The initial development loan was instrumental in developing such housing for the community of Beer.

**Officer:** Claire Mitchell – Accountant ext: 2033  
[clmitchell@eastdevon.gov.uk](mailto:clmitchell@eastdevon.gov.uk)

**Financial implications:** These are included within the report.

**Legal implications:** There is little that could usefully be added to what the Report already says with lucidity about risk areas, including the need to configure the new arrangement to accommodate possible State Aid implications as can best be done.

The original security documentation completed on 23 December 2013 has already been varied by supplemental documents completed on 6 August 2104 (which were largely confided to deferring various deadlines). It would appear that refinancing along the lines envisaged by the current Report could probably be achieved similarly by enhanced supplemental documentation (with the aim of this route being more time-efficient and cost-effective than negotiating a replacement Facility Agreement and Legal Charge afresh).

It would be wise for land title investigation to be revisited nonetheless, in view of the significant passage of time since the loan was originally made and the difficulty we experienced at that time in getting the CLT to perfect its title to several of the fringes of the development site.

**Equalities impact:** Low Impact

**Risk:** Medium Risk

As with any loan there is a risk of default in relation to both interest and principal. The intention per Beer CLT's business plan is that loan repayments will be funded by rental income in tenanted properties. The initial loan is secured by a legal charge on the properties, and similar security will be required for the refinanced loan. Risk has been assessed as medium due to the lack of an official credit status of Beer CLT only.

**Links to background information:**

- September 2013 Cabinet Paper  
<http://eastdevon.gov.uk/media/1183863/combined-cabinet-agenda-040913-public-version.pdf>
- September 2013 Minutes  
<http://eastdevon.gov.uk/media/1183335/cabinet-mins-040913.pdf>

**Link to Council Plan:** Encouraging Communities to be Outstanding with the outcome of more good quality, local houses for local people.

## 1. Background

- 1.1. On 4 September 2013 Cabinet recommended that Council supported Beer CLT by obtaining a loan from PWLB to lend to the CLT to fund the development of affordable housing. The loan was provided in two tranches, one for £755,000 and one for £305,000 totalling £1,060,000. The loan principal and associated interest was to be met by Beer CLT. Beer CLT used this money to build 7 houses, 4 for the market and 3 to provide affordable housing to the local community. The original plan was to sell 4.5 houses to fund the remaining 2.5 properties.
- 1.2. The initial supporting paper provided by Beer CLT in September 2013 stated the following:  
  
*'The sale of the market and part equity homes is estimated to bring in £950,000. These proceeds together with a new smaller long term loan of around £110,000 will be used to repay the development loan. The long term 'residual' loan taken out by the CLT is to be repaid over 15 to 20 years from rental income. The rental and part equity houses will be owned and managed by the CLT in perpetuity for the benefit of the community of Beer having a current day value of approximately £450,000.'*
- 1.3. During March 2015, three of the properties were sold on a shared equity basis, the sale proceeds were then used to repay the principal of the £755,000 tranche just over one year in advance of the loan maturity date.

## 2. Current Proposal

- 2.1. The remaining loan principal of £305,000 is due for repayment in full on 24 June 2016 and Beer CLT has approached the Council to request that £290,000 of this principal is refinanced, on a maturity basis, for an initial period of 5 years. After 5 years the position will be revisited, with a view to refinancing a further reduced amount of principal. As with the initial loan Beer CLT will be responsible for the full loan repayment and any interest or costs incurred.
- 2.2. The initial development loan was provided on the basis that an element of refinancing would be required as referred to in paragraph 1.2. The amount required to be refinanced is greater than the original expectation due mainly to the fact that only 3 of the 4.5 houses available to the market have been sold.

- 2.3. It should be noted that this is a refinancing issue only and does not represent any change in the purpose of the loan beyond the original remit for which it was approved.

### **3. Financial Implications**

- 3.1. The current loan was provided to Beer CLT using finance EDDC obtained from PWLB. As Beer CLT is not a Government body it cannot access PWLB finance directly. If EDDC does not agree to refinance the loan, Beer CLT would likely have to approach the commercial market to ensure it does not default on the repayment of the principal. Considerations in relation to the refinancing of the current loan include the following:
- State aid
  - Return on investments
  - PWLB lending rates
  - Value for money
  - Risk
- 3.2. State Aid  
State aid is a European Commission Regulation which refers to assistance granted by the state or through state resources that gives an advantage to one or more undertakings over others. As there is a commercial element to Beer CLT's construction of the 7 properties, given 4.5 were available for sale, this project falls within the remit of state aid. The impact of state aid in this case would be the offer of interest rates to Beer CLT which are preferential to those available in the open market.
- 3.3. To address this, and to adhere to the regulations, 'market rates' should be applied which per the regulations, are the EU reference rates adjusted for a risk factor which varies based on the level of collateral and credit risk. In this particular case the de-minimis ceiling cannot be applied and as at 1 April 2016 the reference rate applicable for this loan is 3.24%.
- 3.4. Return on Investments  
The decision to support the refinancing of Beer CLT's loan is a political decision in the sense that it contributes to the wider objectives of EDDC. It is not a treasury management decision, and therefore is not directly governed by the Treasury Management Strategy. However, to determine the financial impact on the Council of providing the capital to refinance this loan, consideration needs to be given to the potential rate of return obtainable by the Council on its investments.
- 3.5. For the year to 31 March 2016 the net return on external investments held in enhanced money market funds, was in the region of 0.82%. These funds are high quality and also offer good liquidity. By providing the capital to refinance Beer CLT's loan the Council would effectively be tying money up for 5 years, so short term rates are not the most appropriate benchmark. An alternative benchmark would be the 5 year gilt yield, which represents a secure investment, and which the Council can invest in per its Treasury Management Strategy.
- 3.6. The 5 year gilt yield was 0.741% as the markets closed on 31 March 2016, and during the month this fluctuated between a low of 0.618% and a high of 0.9710%.
- 3.7. These returns are below the interest rate of 3.24% that EDDC would be required to charge Beer CLT in order to comply with the state aid rules. This indicates that EDDC would not be financially worse off by supporting Beer CLT's request. Indeed the



proposal would generate an annual income of £9,396 in each of the 5 years the loan is outstanding, which equates to £46,980 for the term of the loan.

### 3.8. PWLB Lending Rates

As at 31 March 2016 the 5 year maturity rate was 1.81%, this gives credence to the state aid market rate identified of 3.24%, and does not suggest that a higher rate should be chargeable to Beer CLT.

### 3.9. Value for Money

If a PWLB loan was taken out by EDDC to then 'on-lend' to Beer CLT, this would reduce the interest income payable to the Council by Beer CLT. In value for money terms it is therefore considered appropriate for the Council to use cash it already holds to refinance the loan capital of £290,000 as opposed to borrowing from PWLB. This is known as internal borrowing, and is consistent with the way part of the loan to the Exeter Science Park Company Ltd was financed. The loan of capital to Beer CLT is considered to be capital expenditure in capital financing terms and will increase the capital financing limit, i.e. the underlying need to borrow, but, in line with the CIPFA Prudential Code there is no requirement for this borrowing to take place externally.

3.10. The amount being refinanced represents a small proportion of the cash holdings of the Council, and although extremely unlikely, if this cash was required by the Council during the 5 year term of the loan it would be possible for the Council to obtain a loan from PWLB to cover it at a later date.

### 3.11. Risk considerations

The risk of default on the loan applies to both the annual interest element and the repayment of principal when the loan matures. Throughout the term of the original loan tranches Beer CLT never defaulted or delayed on any payments of interest, and repaid principal in advance when three of the properties were sold.

3.12. Beer CLT's latest 5 year cash flow forecast is attached at Appendix One. This indicates there is sufficient income generated from rents to cover the annual loan interest of £9,396, and that a surplus will be available at the end of the fifth year to repay an element of the capital before the financing structure is reconsidered.

3.13. By reconsidering the financing structure after a period of 5 years, this reduces the financial risk for the Council compared to taking a longer term view as it allows any restructure to reflect the market at that time, thus limiting interest rate risk.

3.14. To mitigate all of the above risk the refinanced loan is to be secured against the 4 properties still owned by Beer CLT which should more than cover the principal and associated interest over the term of the loan.

## 4. Conclusion

4.1. The request to refinance an element of the original loan is, in principle, consistent with the original paper presented to Cabinet in 2013. The underlying need for the loan has not changed and is in line with the Council's priorities to provide affordable housing to the community of East Devon. Consideration has been given to Beer CLT's business plan and the risks and rewards to EDDC of refinancing the loan. In addition the required security measures have been identified. As a result it is considered appropriate for Cabinet to recommend to Council that £290,000 of Beer CLT's outstanding loan principal is refinanced on a maturity basis for a period of 5 years at a rate of 3.24%.

## Appendix One

### Beer CLT 5 year cash flow forecast to take account of the £290,000 refinancing proposal

5 year cash forecast		June 16 to May 21				
5 yr interest rate		3.24%				
	£					
Rental income June 16	28,427.04	with no voids	Void allowance	10%		
rental income with voids	25,584.34					
maintenance allowance	2,842.70	10% of income				
CPI used for rent and expenses			1.05%	1.10%	1.10%	1.10%
	Jun-16	Jun-17	Jun-18	Jun-19	Jun-20	Jun-21
<b>Income</b>	£	£	£	£	£	£
rental		25,584	25,853	26,137	26,425	26,716
FIT		2,400	2,425	2,452	2,479	2,506
New loan	290,000					
other						
<b>Total</b>	<b>290,000</b>	<b>27,984</b>	<b>28,278</b>	<b>28,589</b>	<b>28,904</b>	<b>29,222</b>
<b>Expenditure</b>						
Maintenance		2,843	2,872	2,904	2,936	2,969
Administration		1,500	1,500	1,500	1,500	1,500
Fees memberships etc		500	500	500	500	500
Loan re-payments	305,000					
Loan interest		9,396	9,396	9,396	9,396	9,396
tax		2,749	2,802	2,858	2,914	2,971
other						
<b>Total</b>	<b>305,000</b>	<b>16,988</b>	<b>17,070</b>	<b>17,158</b>	<b>17,246</b>	<b>17,336</b>
Bank start	15,760	760	11,756	22,964	34,395	46,053
Income	290,000	27,984	28,278	28,589	28,904	29,222
Expenditure	305,000	16,988	17,070	17,158	17,246	17,336
<b>Bank end</b>	<b>760</b>	<b>11,756</b>	<b>22,964</b>	<b>34,395</b>	<b>46,053</b>	<b>57,939</b>

**Report to:** Cabinet  
**Date of Meeting:** 11 May 2016  
**Public Document:** Yes  
**Exemption:** None  
**Review date for release:** None



**Agenda item:** 19

**Subject:** Exemption from Contract Standing Orders - The appointment of Economic Consultants – Exmouth Coastal Community Team

**Purpose of report:** To seek exemption from Contract Standing Orders for the appointment of Economic Consultants to support the Exmouth Coastal Community Teams Economic Plan submission to the Department for Communities and Local Government

**Recommendation:** That the exemption from Contract Standing orders be granted

**Reason for recommendation:** To enable the preparation of the Exmouth Economic Plan by the deadline date of 31 January 2016 for submission to the Department for Communities and Local Government (DCLG).

**Officer:** Alison Hayward, Senior Manager  
Regeneration & Economic Development [ahayward@eastdevon.gov.uk](mailto:ahayward@eastdevon.gov.uk)  
01395 571738 or 01404 41719

**Financial implications:** Financial details are contained in the Exemption.

**Legal implications:** Legal services have nothing to add to the report.

**Equalities impact:** Low Impact

**Risk:** Low Risk

**Links to background information:** <http://eastdevon.gov.uk/council-and-democracy/committees-and-meetings/other-panels-and-forums/coastal-community-team/>

**Link to Council Plan:** Living in, Working in, Enjoying and Funding this outstanding place.

## Report in full

### 1. Background

1.1 East Devon District Council and its partners made a successful application to the Department for Communities and Local Government (DCLG) to form a Coastal Community Team for Exmouth.

1.2 As Accountable Body for the team, East Devon District Council received £10,000 to spend in the financial year 2015/16 and was required to produce and submit an Economic Plan, for Exmouth, by 31<sup>st</sup> January 2016.

1.3 The overall aims of Coastal Community Teams are to:

- encourage greater local partnership working in coastal areas
- support the development of local solutions to economic issues facing coastal communities
- establish a network of teams across England who can work together and with Government to tackle issues facing coastal communities, and
- encourage the sustainable use of heritage/cultural assets to provide both a focus for community activities and enhanced economic opportunities.

2. There was a delay in commissioning an Economic Consultant to assist with undertaking the preparation of the Economic Plan due to the Regeneration Team's resources being utilised elsewhere. Officers were able to obtain the services of an Economic Consultant who had previously undertaken economic research work for Exmouth and who has many years experience in researching the south west economy and coastal towns. The Team worked with Professor Nigel Jump from Strategic Economics throughout January 2016, undertaking two economic workshops and an economic briefing meeting as well as finalising the first Economic Plan for Exmouth. The cost of the work was approximately £10,000. The Exmouth Economic Plan was submitted to DCLG by 31<sup>st</sup> January 2016.

3. It was important for the Coastal Community Team to progress this piece of work, albeit at short notice, in order to meet the deadline set by DCLG of 31 January 2016. To have not done so would mean that the Exmouth Coastal Community Team would not be able to move forward with any initiatives under the Coastal Community Fund regime and this could result in significant loss of future funding that would otherwise be available. The decision to appoint the consultant has been approved by the Deputy Chief Executive, the Strategic Lead (Finance), Corporate Manager Legal Services and the Chief Procurement Officer.



## REQUEST FOR EXEMPTION TO CONTRACT STANDING ORDERS

A request for exemption to Contract Standing Orders (CSO) can be made under CSO 3.1 – 3.5. No exemption can be used if the EU Procedure applies.

Name: Alison Hayward	Date: 11.02.2016
Service: Economy	Team: Regeneration & Economic Development
Total contract value: £10,000	

<p><u>Background (including product and supplier details, costs etc):</u></p> <p>East Devon District Council and its partners made a successful application to the Department for Communities and Local Government (DCLG) to form a Coastal Community Team for Exmouth.</p> <p>As Accountable Body for the team, East Devon District Council received £10,000 to spend in the financial year 2015/16 and was required to produce and submit an Economic Plan, for Exmouth, by 31<sup>st</sup> January 2016.</p> <p>There was a delay in commissioning an Economic Consultant to assist with undertaking the preparation of the Economic Plan due to the Regeneration Team's resources being utilised elsewhere. Officers were able to obtain the services of an Economic Consultant who had previously undertaken economic research work for Exmouth and who has many years experience in researching the south west economy and coastal towns. The Team worked with Professor Nigel Jump from Strategic Economics throughout January 2016, undertaking two economic workshops and an economic briefing meeting as well as finalising the first Economic Plan for Exmouth. The cost of the work was approximately £10,000. The Exmouth Economic Plan was submitted to DCLG by 31<sup>st</sup> January 2016.</p>
---

<u>Business Reasons for an Exemption:</u>		
Although the following are justifiably accepted as valid reasons for an exemption to Contract Standing Orders, they are closely monitored and should be applied only in cases where a full procurement exercise is not a viable option. (Tick appropriate boxes)		
	✓	Which CSO rule?
An Emergency	x	3.1 3.2
Goods or Services to existing systems or kit		
Purchase or repair of patented or proprietary articles sold only at a fixed price		
Effective competition is prevented by government control		
Goods and/or Services recommended by a Central Government Department		

Extension to an existing contract for the purpose of achieving Best Value		
Purchase or Sale by Auction		
Where the Contract is with a Public Utility Company or other organisation which will assume liability for the works on completion e.g. sewer adoption		
Other Reasons (please provide details)		

**Business Benefits for an Exemption:**

It was important for the Coastal Community Team to progress this piece of work, albeit at short notice, in order to meet the deadline set by DCLG of 31 January 2016. To have not done so would mean that the Exmouth Coastal Community Team would not be able to move forward with any initiatives under the Coastal Community Fund regime and this could result in significant loss of future funding that would otherwise be available.

**What are the implications to the following:**

Finance: None

Human Resources: None

ICT: None


Asset Management: None


Strategic and/or Operational Objectives: The development of the Exmouth Economic Plan was essential to take forward the work of the Exmouth Coastal Community Team.


**Risk Assessment:**

Detail risks here: None identified

Or attach print from the RM system

**Signature of line manager or service head**  


**Supporting signature of Chief Procurement Officer**  


**Supporting signature of Strategic Lead - Finance**  


Supporting Signature of Strategic Lead - Legal, Licensing & Democratic Services



PRINCIPAL SOLICITOR in absence  
of Strategic Lead

PLEASE NOTE:

Rule 3.2 requires you to prepare a report for Cabinet to support the action taken.

Procurement is required to keep a Register of Exemptions. **Please ensure that your report to Cabinet is copied to Procurement.**

**Report to:** Cabinet  
**Date of Meeting:** 11 May 2016  
**Public Document:** Yes  
**Exemption:** None



**Review date for release** None

**Agenda item:** 20

**Subject:** Stockland Neighbourhood Plan Submission

**Purpose of report:** To agree the response by this Council to the current consultation in the Stockland Neighbourhood Plan.

**Recommendation:**

1. That Members note the formal submission of the Stockland Neighbourhood Plan and congratulate the producers of the plan on the dedicated hard work and commitment in producing the document
2. That this council make the proposed representation set out at paragraph 5.4 in this report in response to the consultation.

**Reason for recommendation:** To ensure that the view of the District Council is recorded and informs the consideration of the neighbourhood plan by the Independent Examiner.

**Officer:** Tim Spurway, Neighbourhood Planning Officer,  
[tspurway@eastdevon.gov.uk](mailto:tspurway@eastdevon.gov.uk) tel: 01395 571745

**Financial implications:** Once the Neighbourhood Plan passes through the referendum stage and is 'made', the Parish Council will be eligible to receive 25% of CIL receipts for development that occurs within the Neighbourhood Area upon adoption of the CIL charging scheme.

This council receives government funding for each neighbourhood plan that is adopted.

**Legal implications:** The legal position is well covered in the report. It is important for EDDC to comment on the content of the Neighbourhood Plan (given that it will form part of the Development Plan and therefore help guide decision making on planning applications) to ensure that it sits with the strategic requirements of the Council's Local Plan. Otherwise there are no legal implications arising.

**Equalities impact:** Low Impact

The Neighbourhood Plan has gone through wide consultation with the community and has been advertised in a variety of formats to increase



accessibility. Neighbourhood Planning is designed to be inclusive and extensive consultation is a fundamental requirement. All electors are invited to vote in the referendum.

**Risk:** Low Risk

There is a risk that the Neighbourhood Plan could fail the examination if it is considered to conflict with the basic conditions.

**Links to background information:**

- Localism Act 2011  
<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>
- Neighbourhood Planning Regulations 2012  
[http://www.legislation.gov.uk/uksi/2012/637/pdfs/uksi\\_20120637\\_en.pdf](http://www.legislation.gov.uk/uksi/2012/637/pdfs/uksi_20120637_en.pdf)
- Neighbourhood Planning Roadmap Guide  
<http://locality.org.uk/wp-content/uploads/Roadmap-worksheets-map-May-13.pdf>

**Link to Council Plan:** Living in this Outstanding Place.

## 1.0 Report Summary

- 1.1 Stockland Parish Council submitted their Neighbourhood Plan to the District Council and publication of the submission commenced on the 5<sup>th</sup> April 2016. The District Council is formally required to consult on the Plan for 6 weeks before appointing an Independent Examiner to inspect the plan against a series of conditions that the plan must meet in order for it to proceed to a referendum. This is the second plan in East Devon to reach this stage of the process, with the other being the Lypstone Neighbourhood Plan which was 'made' last year.
- 1.2 During these 6 weeks the District Council has the opportunity to comment on the Neighbourhood Plan and this report is brought before members with a request that they endorse the Officers observations as formal representation on the plan, which are set out at the end of this report.

## 2.0 Background to the Stockland Neighbourhood Plan

- 2.1 Stockland Parish Council commenced work on their Neighbourhood Plan following their Neighbourhood Area being designated on the 30 October 2013.
- 2.2 Since then, the Parish Council and volunteers from the local community have spent considerable time and effort consulting with residents of the parish and producing a plan which reflects the aspirations of the community with regards to the use of land until 2031.
- 2.3 Prior to submitting the Plan to East Devon District Council, Stockland Parish Council have held their own 6 week public consultation on a draft version of the plan; a step which is also required by the neighbourhood planning regulations. The Plan took into account comments made during this stage and made various amendments to the version that has now been submitted to East Devon District Council.
- 2.4 Officers from East Devon District Council have provided regular feedback throughout the production of the Neighbourhood Plan at the various draft stages. Many early issues have

now been resolved and therefore the comments we are recommending to make in this final consultation are fairly limited.

### **3.0 Submission of the Stockland Neighbourhood Plan**

- 3.1 The District Council has received a Neighbourhood Plan from Stockland Parish Council. The Plan and its supporting documents can be viewed at the following link:  
<http://eastdevon.gov.uk/planning/neighbourhood-and-community-plans/neighbourhood-plans/current-plan-and-neighbourhood-area-consultations/>.
- 3.2 This is the second completed (ready for final consultation) Neighbourhood Plan in the District. The Parish Council has received financial support from DCLG and the District Council and general support from the District Council. They have also hired the Planning Consultancy Stuart Todd Associates to help aid them throughout the process.
- 3.3 The statutory regulations require that the District Council organise and undertake the consultation on a plan when it reaches this stage. The consultation period commenced on 5<sup>th</sup> April 2016 and is due to finish on 17<sup>th</sup> May 2016. It has been publicised by press releases, on notice boards within the Parish, notices on the EDDC and Parish Council websites and in email to 51 bodies mentioned in the consultation statement, including adjoining authorities and the statutory consultees including Devon County Council, Natural England, Historic England and the Environment Agency.
- 3.4 One of the statutory roles of the District Council is to consider whether the plan meets, in production process terms, the legislative requirements. Cabinet has previously endorsed a protocol for District Council involvement into Neighbourhood Plans and in accordance with this protocol an officer review has been completed. Officer assessment is that legislative requirements are met.
- 3.5 Anyone may comment on a Neighbourhood Plan. It is particularly important that the District Council comments, given that the Neighbourhood Plan (if adopted) will form part of the Development Plan, and should conform to the strategic policies of the Local Plan. This report provides a summary overview of the plan includes commentary on the plan and recommends comments of this authority on the plan to be submitted to the Examiner undertaking the plan examination

### **4.0 Neighbourhood Plan Examination and Referendum**

- 4.1 Following the consultation the District Council must appoint an 'appropriately qualified and independent examiner' agreed with Stockland Parish Council. All responses from the six week consultation (including any made by this council) will be forwarded to the examiner who will consider them, either by written representations or at an oral hearing (if s/he decides one is necessary). The District Council is responsible for paying the costs of the examination although the District Council can recoup these expenses by claiming funding from Central Government of £20,000 once a date has been set up for referendum following a successful examination.
- 4.2 Early discussions with the Parish Council have indicated that they have no particular preference as to who to appoint to conduct the examination. It would be officer's preference

to appoint Nigel McGurk, who undertook the examination of the Lympstone Neighbourhood Plan last year as both Officers and Parish Council appreciated his approach and communication. This preference has been communicated to Stockland Parish Council and they have indicated that they would be happy with this.

- 4.3 The neighbourhood plan examination is different to a local plan examination. The examiner is only testing whether the plan meets the basic conditions and other relevant legal requirements – they are not testing the soundness of the plan or looking at other material considerations. The examiner will be considering whether the plan:
- has appropriate regard to national policy and advice contained in guidance issued by the Secretary of State
  - contributes to the achievement of sustainable development.
  - is in general conformity with the strategic policies in the development plan for the local area.
  - is compatible with human rights requirements.
  - is compatible with EU obligations.
- 4.4 As part of the Development Plan used in future planning decisions, it is in the interests of the District and Parish Councils to produce a high quality neighbourhood development plan.
- 4.5 Following the examination the examiner's report will set out the extent to which the draft plan proposal meets the basic conditions and what modifications (if any) are needed to ensure it meets the basic conditions. The examiner has 3 options for recommendation:
- A. That the plan proceeds to referendum as submitted.
  - B. The plan is modified by the District Council to meet basic conditions and then the modified version proceeds to referendum.
  - C. That the plan/ does not proceed to referendum.

If the examiner chooses A or B above they must also consider whether the referendum area should be extended beyond the boundaries of the plan area (this could be applicable if plan proposals could impact on a larger area). The report must give reasons for each recommendation and contain a summary of its findings. It is the responsibility of the District Council to accept or decline the modifications suggested by the examiner.

- 4.6 Once the Plan has been modified it will be subject to a referendum where everyone on the electoral roll (for the defined area) will have a right to vote for or against it. If at least half of votes cast support the plan then it can be brought into legal force.

## **5.0 The Stockland Neighbourhood Plan**

- 5.1 During the current 6 weeks consultation the District Council can comment on the Plan. In terms of meeting the Basic Conditions, the Parish Council has produced a Statement setting out how the plan complies with the conditions which the examiner will assess.
- 5.2 The Plan itself contains 20 planning policies, which are complimented by a number of 'community actions'- these are important actions identified throughout the Neighbourhood Plan but which are not land use planning specific so cannot be brought forward in plan policy. Many 'made' Neighbourhood Plans in the Country have also undertaken this approach and it has been endorsed by many Independent Examiners.

5.3 Crucially, it will be the planning policies related to land use that the Examiner will be considering against the basic conditions and that will be subsequently used by our development management team when determining planning applications.

5.4 **After reviewing the Neighbourhood Plan contents, it is recommended that the following representation of East Devon District Council be submitted to the neighbourhood plan consultation. It should be noted that comments are primarily restricted to land use planning policy matters rather than background text/reasoned justification or the community policies and are made on the basis of:**

- **Does a Stockland Neighbourhood Plan policy comply with strategic policies in our adopted local plan and have appropriate regard to National Planning Policy?**
- **Do we have concerns about policy given wider objectives of the council?**
- **Are the policies workable and enforceable - could they be reasonably applied through the Development Management process? and**
- **Are they otherwise appropriate or desirable?**

EDDC Cmmt No	Issue / Policy In Plan	Comment
1.	Policy BHE2	<p>The policy refers to ‘locally identified heritage assets’ but neither the policy nor supporting texts indicates how or when these are going to be identified. Community Action CA11 indicates it will comprise a list which will be held by ‘the Council’ and it is unclear if they mean Parish or District. This does not give a clear indication to a decision maker how to react to a development proposal. As a District Council we are considering undertaking a Local Listing exercise in consultation with communities in the near future, this will be a publicly available document and will be a material consideration when determining planning applications. Consideration should therefore be given to modifying the policy to make a clear reference to this document rather than a separate list produced by the Parish Council.</p> <p><b>Amend first sentence of policy to read ‘...development proposals affecting heritage assets identified in the Local List will only be supported where they...’</b></p>
2.	Policy EE3	<p>This policy unnecessarily duplicates the use of the term ‘demonstrate how’. The duplicate should be removed.</p>
3.	Policy ELC2	<p>Whilst the wording of criteria 1) in this policy does not preclude the possibility of large scale renewable energy schemes, it could be argued that a negatively worded policy such as this will not have taken sufficient account of the National Planning Policy Framework, which states that authorities should ‘<i>have a positive strategy to promote energy from renewable and low carbon sources</i>’.</p>

**Report to:** Cabinet  
**Date of Meeting:** 11 May 2016  
**Public Document:** Yes  
**Exemption:** None  
**Review date for release:** None



**Agenda item:** 21

**Subject:** Asylum seeker/Refugee support.

**Purpose of report:** To set out the national framework for assisting asylum seekers and resettling Syrian refugees, and to identify the issues and challenges for us in contributing towards the national programme. We anticipate securing accommodation for 5-10 Syrian refugee households per annum in East Devon, and need to link effectively with partner agencies and the voluntary sector to ensure that resettlement is successful.

**Recommendation:** To adopt the approach to resettling asylum seekers as set out in the report, with our initial efforts concentrated on the Syrian Vulnerable Persons Resettlement scheme.

**Reason for recommendation:** To consider our contribution towards the national programme to resettle asylum seekers and refugees in the UK.

**Officer:** John Golding - Strategic Lead Housing, Health & Environment.  
[jgolding@eastdevon.gov.uk](mailto:jgolding@eastdevon.gov.uk) ext: 2364

**Financial implications:** The financial risk as identified in the report is the ability to find suitable accommodation with a rent that is within the Local Housing Allowance rate meaning the rent can be met in full from Housing Benefits. If the rent is higher than this level then a consideration as outlined in the report is to use discretionary housing payments to make up the difference; this is a limited pot of money provided by Government with many calls upon it and once spent any additional expenditure is then a direct charge to the Council's General Fund.

**Legal implications:** The Syrian Vulnerable Persons Resettlement Scheme is discretionary in the sense that the Council is under no legal obligation to take part. However the Council has committed to assisting where it can. The report highlights that efforts would be focused on securing properties from the private sector (rather than using the public sector housing stock) which is entirely permissible and makes sense for the reasons set out. It should be remembered that when exercising any functions the Council must have regard to its Public Sector Equality Duty.

**Equalities impact:** Medium Impact  
We need to ensure that any households resettled in the district are made to feel welcome and allowed to integrate into our communities. That asylum seekers/refugees can enjoy a decent home and improved living conditions with the support necessary to thrive in this country.

**Risk:** Medium Risk

There is a risk that the resettlement scheme is not fully funded by government and some costs fall upon the Council. Partners need to deliver support to avoid households becoming isolated in our communities and the scheme discredited.

## Links to background information:

**Link to Council Plan:** Encouraging communities to be outstanding.

### 1. Background

- 1.1 Local authorities have been asked to support national arrangements and commitments to accommodate people seeking asylum. Chief Executives and Council Leaders have been contacted by the Home Office and encouraged to participate in a national scheme of asylum support and resettlement arrangements. In our case the support we could offer is primarily around securing accommodation for asylum seekers and refugees in the district.
- 1.2 The Home Office is responsible for fulfilling the United Kingdom's obligations under the 1951 United Nations Convention relating to the status of refugees (the Geneva Convention) and ensuring those genuinely fleeing persecution are given the protection they need.
- 1.3 The Home Office has recently written to Chief Executives in relation to the statutory duties to provide support and assistance to those most in need under the Asylum and Immigration Act 1999. The Act intended to share the impact of dispersals and resettlement of asylum seekers across the country. We have also been asked to contribute towards the Syrian Vulnerable Persons Resettlement Programme.
- 1.4 We know from media coverage that recent world events have dramatically increased the number of people who have either become displaced from their country of origin or who require support and assistance. Some months ago we signalled our willingness to assist with the resettlement of Syrian refugees and anticipated securing accommodation for 5-10 households a year. We have been liaising with Devon County Council and the Local Government Association on the practical arrangements for our participation in the scheme.
- 1.5 In the South West Bristol; Gloucestershire; Plymouth and Swindon have supported asylum dispersal arrangements. Government have called for more Dispersal Areas to be established to expand the arrangements for asylum dispersal beyond the larger cities and conurbations.
- 1.6 We are being asked to support the Home Office in two related, but different schemes – the first being asylum seeker dispersal where the Home Office is seeking to widen the existing areas and identify new housing markets for asylum seekers – and the second being the Syrian Vulnerable Persons Resettlement Scheme.
- 1.7 It is worth stating that **asylum seekers** are considered people who have applied for asylum under the 1951 Refugee Convention on the Status of Refugees on the ground that if he/she is returned to his country of origin he/she has a well-founded fear of persecution on account of race, religion, nationality, political belief or membership of a particular social group. He/she remains an asylum seeker for so long as his application or an appeal against refusal of his application is pending. **Refugee** typically means an asylum seeker whose application has been successful. In its broader context it means a person fleeing e.g. civil war or natural disaster, but not necessarily fearing persecution as defined by the 1951 Refugee Convention. **Economic migrant** usually means a person who has left his/her own country and seeks to find employment in another country.
- 1.8 From a recent Home Office briefing we know that there are 34,363 asylum seekers and their dependants being supported (end of 2015). 932 households are in the South West. The numbers supported have increased since 2012, but are way below 2003 numbers (80,123). There were 32,414 asylum applications last year, the highest number since 2004.

## **2. Current arrangements and procedures for resettling Syrian refugees**

- 2.1 Any local authority who wants to resettle refugees must also satisfy the Home Office that they have the relevant services and infrastructure in place to deliver the 'statement of requirements'. This sets out exactly what the local authority must deliver under the scheme. There will be many considerations which councils will want to take into account when considering participation. Key issues currently include the need for both tiers of local government in 2-tier areas agreeing the approach, as housing, social care, education and wider responsibilities come into play; to work with health, education, care providers, faith, community and voluntary sector partners to identify capacity to support the work locally; to agree a communications strategy; and to learn from other areas' experience of supporting new arrivals settle into existing communities.
- 2.2 Authorities wishing to accept refugees under the Syrian Refugee Resettlement Programme should be able to accommodate people within their own local authority boundaries. We are advised that we need to identify self-contained homes, with five year tenancies, within Local Housing Allowance limitations.
- 2.3 In his statement to the House of Commons on 7 September, the Prime Minister announced that Britain should resettle up to 20,000 Syrian refugees over the rest of the Parliament. These refugees will be taken from the camps in the countries neighboring Syria.
- 2.4 The United Nations High Commissioner for Refugees (UNHCR) will continue to refer people to the scheme. The UK sets the criteria. It currently prioritises those who cannot be supported effectively in their region of origin: women, children and young people at risk, people in severe need of medical care and survivors of torture and violence, refugees with legal and/or physical protection needs; refugees with medical needs or disabilities; persons at risk due to their sexual orientation or gender identity; and refugees with family links in resettlement countries. Refugees will be granted a five year humanitarian protection visa. This will entitle them to access to public funds, access to the labour market and the possibility of a family reunion. The aim of resettlement is to enable refugees to live independent, safe and productive lives to the greatest possible extent.
- 2.5 The UNHCR conduct a series of checks including a robust identification process prior to referring a refugee to the UK scheme. Referrals are then further screened and considered by the Home Office for suitability for entry to the UK. The Home Office check they meet eligibility criteria and to carry out medical and security checks. The Home Office retain the right to reject on security, war crimes or other grounds. By the time a UNHCR referred refugee arrives in the UK they have been through a thorough two-stage vetting process to ensure government knows who is entering the country. I understand that this includes the taking of biometrics, documentary evidence and interviews. Security is also regarded as a continual process that does not stop as soon as a refugee arrives in the UK. We have been assured that the extensive security checks are always made prior to admittance into this country.
- 2.6 Local authorities that have asked to participate in the scheme trigger the referral process by making a specific offer of housing. The Home Office matches one family group to the capacity of each housing offer and passes the cases to the local authority. The referral forms give detail on family make up, age and specific needs, including medical information. The Local Authority is asked to consider the cases in consultation with their partners and inform the Home Office of acceptance. The Home Office expect local authorities to take a mix of case types.
- 2.7 On accepting a case, local authorities then need to arrange school places etc. In parallel an arrival date would be agreed. In Devon, the two NHS Clinical Commissioning Groups have agreed that in principle the NHS will aim to meet all levels of need.
- 2.8 The Home Office has indicated that it will seek to ensure an equitable distribution of refugees across the country so that no individual local authority bears a disproportionate

share of the burden. But for the Syrian programme, local authorities control the scale and pace of resettlement in their area. It is made clear to refugees before they arrive that they could be resettled anywhere in the UK as part of this programme.

- 2.9 The Home Office expects that in vast majority of case refugees will want to stay in the area of the UK in which they have been resettled. However, refugees are free to move elsewhere in the UK if they choose. If a refugee and their family wishes to move to another part of the UK after their initial arrival, local authorities may wish to make sure that it is understood that if they leave the area in which they have been resettled they will no longer be entitled to the accommodation that had been allocated, and they will no longer have resettlement support in the authority in which they were first placed. They will also be responsible for making their own arrangements for registering with the relevant statutory bodies in their new area. In these circumstances local authorities have no obligation to provide any assistance to help them move. If a refugee continues with their plans to move to another part of the UK, local authorities are asked to notify the local authority that the refugee is planning to move to. If a refugee moves, the local authority loses the funding associated with them.
- 2.10 The scheme will continue to run alongside other resettlement schemes and other asylum procedures. We are aware that central and local government have been working together to operate resettlement schemes for many years.
- 2.11 We have been asked to complete a template providing details of the home that we have secured for the scheme and return this to DCC, which will trigger the referral.
- 2.12 We have just been consulted by South West Councils on Phase 2 of the scheme for the South West for submission to the Home Office in May. We are advised that 70 Syrian Vulnerable people have been resettled under phase 1 in the South West since September 2015, with a further 967 places being offered by 30 local authorities.

### **3. Local considerations**

- 3.1 We have indicated our willingness to assist 5-10 households per annum under the Syrian Vulnerable Persons Resettlement Scheme, securing the necessary housing for households selected under the scheme. We understand that there are 29 offers of accommodation across Devon being offered as at 18<sup>th</sup> April.
- 3.2 We are currently searching for suitable property in the private rented sector that meets the scheme requirements of being available for five years and below Local Housing Allowance rates. This is a significant challenge as most private rented properties are shorthold tenancies let at market rents. We are putting out an appeal to landlords and exploring private sector leasing opportunities. We may also need to consider using discretionary payments to meet any shortfall in benefit. I would want to ensure that the government resettlement scheme fully compensates us for any rent shortfall, loss of rent etc.
- 3.3 Properties will need to be furnished and supplied with white goods and household equipment. We will need access to translations services to explain tenancy agreements, welcome packs etc. Households resettled will need access to budgets (families will be registered for benefits, including Housing Benefit, immediately on arrival. DWP have nominated specific contacts in JobCentre Plus who will facilitate this) and a range of services from arrival in the district.
- 3.4 We need to coordinate with DCC and Health partners to ensure that suitable support, education, welfare and healthcare is in place to ensure that households are properly



resettled in a sustainable way. Devon County Council is coordinating a shared approach involving statutory agencies (NHS, Police, DWP) and voluntary sector partners to make a thorough assessment of support needs before arrival and to deliver the specific front line support for refugee families as required by the Home Office.

- 3.5 We have not proposed the use of Council owned or Registered Provider homes at this stage to avoid any conflict with Devon Home Choice/Waiting List applicants. We are experiencing a reducing stock of Council homes as Right to Buy changes impact, and the sale of high value stock and use of fixed term tenancies is enacted through the Housing & Planning Bill, which is a further consideration.
- 3.6 We need to be mindful of how we might ensure that those households accommodated in the district are welcomed and supported to integrate into their communities. There are good opportunities to work with voluntary organisations to ensure that our contribution to the programme is a success.

#### **4. Conclusions**

- 4.1 I am proposing a cautious approach initially as we have no experience in this work. We have indicated our willingness to play our part in the national effort to resettle Syrian refugees and will no doubt learn as we participate. Our first challenge is to identify and secure homes that meet the criteria set under the scheme. If this is successful the support infrastructure of statutory and voluntary partners coordinated by Devon County Council can be the basis for the front line support that refugee families will need.
- 4.2 I do not consider East Devon suitable as a Dispersal Area at this stage. Partly because of our limited experience, and also because the district does not have the infrastructure and access to services/facilities that some of our cities have to support asylum seekers and refugees. There is a limited private sector rented market, which is under considerable pressure from local people and the holiday market. Much of the district is rural in nature with limited transport links and the potential to be isolated. However, we can and should keep this position under review.
- 4.3 There are still elements of the programme being finalised and we will need to consider further advice and conditions as information is published by the Home Office and good practice is disseminated by South West Councils and the Local Government Association.

**Report to:** Cabinet  
**Date of Meeting:** 11 May 2016  
**Public Document:** Yes  
**Exemption:** None



**Agenda item:** 22

**Subject:** Prospective Enterprise Zone

**Purpose of report:** To provide an overview and update of the proposed Enterprise Zone.

**Recommendation:**

1. **Notes the outcome of the Enterprise Zone application submitted by the Heart of the South West Local Enterprise Partnership confirmed as part of the Autumn Statement**
2. **Acknowledges the additional work that will need to be undertaken to develop a detailed business plan and defined geography before the zone can become approved and operational**
3. **Request £25,000 to support the development of the Enterprise Zone**
4. **Note the Draft Memorandum of Understanding that will need to be signed before the zone becomes operational**

**Reason for recommendation:** This report provides an overview of the Enterprise Zone proposal, its background and the next steps. The report emphasises that the proposed Enterprise Zone is not a live designation and considerable further work is required to develop a detailed business case and plan. Not least this will need to address future governance arrangements.

**Officer:** Simon Davey, Strategic Lead Finance  
[sdavey@eastdevon.gov.uk](mailto:sdavey@eastdevon.gov.uk) / 01395 517490

Naomi Harnett, Principal Project Manager  
[nharnett@eastdevon.gov.uk](mailto:nharnett@eastdevon.gov.uk); 07580 297 059 / 01395 571 746

**Financial implications:** The adoption of an Enterprise Zone has many advantages associated with delivering objectives contained in the Council's Plan, in particularly attracting new business to the District. The financial concern is that government funding for local authorities will predominately be business rate income to finance core service delivery; income from business within the Zone will be directed through the LEP and used on predefined outcomes which in the main are unlikely to be core service delivery costs for this Council. The preparation work required and identified in this report will consider the direct financial implications to the authority in order for members to be fully informed before decisions are made.

The report request a supplementary estimate of £25,000 which if approved will be met from the General Fund Balance.

**Legal implications:** The legal implications are adequately addressed within the report. Further involvement from the legal department will be required when detailed consideration is given to the future governance arrangements as well as to the content of the Memorandum of Understanding. It is noted that further reports will be brought to Cabinet and the Overview

Committee and it is expected that more detailed legal comment can be given then as the Enterprise Zone proposals become more developed.

**Equalities impact:** Low Impact

The Council will fully explore potential impacts and mitigations of equality through the development of the business case and business plan.

**Risk:** High Risk

The proposed Enterprise Zone is a long term designation which would last for 25 years. The scale of the uplift in business rate revenues over this period is very substantial and the Council will need to carefully consider the relative merits of this designation, particularly as the Government has signalled that it intends to devolve business rates to Local Authorities from 2019/20.

**Links to background information:** • [Overview report – January 2016](#)

**Appendices:** Appendix 1 – Memorandum of Understanding accompanying letter  
Appendix 2 - Enterprise Zone Memorandum of Understanding

**Link to Council Plan:** Working in and funding this outstanding place.

The Council Plan identifies a range of activities to deliver economic growth – including developing ways to deliver economic benefits, promoting inward investment and working with the Heart of the South West Local Enterprise Partnership to deliver growth.

## **1 Introduction**

- 1.1 On 25 November the Chancellor confirmed as part of the Autumn Statement that the proposed Enterprise Zone submitted by the Heart of the South West Local Enterprise Partnership had been successful along with another 18 Zones across the UK.
- 1.2 The proposal consists of five sites, four in East Devon and one in Sedgemoor. The East Devon sites consist of Exeter Science Park, Sky Park, Exeter Airport Business Park extension and the Cranbrook new community.
- 1.3 It is important to emphasise that the announcement in the Autumn Statements did not automatically confer operational Enterprise Zone status. Considerable further work will need to be undertaken over the course of the next 12 months to develop a detailed business case and agree specific arrangements, not least future governance arrangements. Subject to the sign up of key partners, this will then allow the Enterprise Zone to become operational in April 2017, if approved by East Devon District Council.

## **2 Background**

- 2.1 The latest Enterprise Zone initiative was established in 2012 as part of the long term economic plan to support business growth. As such Enterprise Zones represent the Government's commitment to long term economic growth.
- 2.2 There are currently 24 operational Enterprise Zones in the country of which the closest are Temple Quay in Bristol, South Yard in Plymouth and the Aerohub at Newquay Airport. The

Government has signalled its intention to expand the number of Enterprise Zones in England to 41.

2.3 The benefit of Enterprise Zone status to potential occupiers are:

- Up to 100% business rate discount worth up to £275,000 per business over a 5 year period.
- Simplified local authority planning, for example, through Local Development Orders that grant automatic planning permission for certain development (such as new industrial buildings or changing how existing buildings are used) within specified areas.
- Government support to ensure that superfast broadband is rolled out throughout the zone, and, if necessary, public funding.

2.4 The government is also committed to actively working with Enterprise Zones to help unblock any barriers to delivery, such as Department for Transport support on transport infrastructure, DEFRA support on addressing environmental issues and UKTI advice on marketing zones to international investors.

2.5 Whilst the host Local Authority remains the collecting authority, Enterprise Zone status also requires that all business rate growth generated within the Zone goes to the respective local enterprise partnership. The expectation is that this is subsequently re-invested in to supporting the delivery of economic growth locally; this reinvestment is focused through a Delivery Plan. Given that the Enterprise Zone designation applies for a 25 year period, there is clearly a very significant financial dimension to the proposal, with significant potential to benefit East Devon and the wider economy.

### **3 Local outcomes**

3.1 An Enterprise Zone has the potential to capitalise on existing economic development initiatives and accelerate the delivery of key strategic sites in the Growth Point area. The key strategic sites of Sky Park and Science Park are well placed to deliver accelerated job creation. They have benefited from considerable enabling investment, including through the Regional Growth Fund programme, such that the sites are now serviced and able to quickly accommodate potential occupiers.

3.2 Extending the Airport business park has the potential to support the development of existing businesses, the Airport and potentially the aerospace sector more generally.

3.3 Cranbrook has been included because there is a general recognition that to date there has been insufficient focus on the developing the economy of the town. Inclusion within the Zone offers the potential to support the development of new workspace and economic activity in the town alongside the delivery of new homes. This includes rising to the challenge of supporting the delivery of a 21<sup>st</sup> Century town centre.

3.4 Together the four sites offer the potential to deliver a wide range of new employment opportunities including a vibrant town centre. As well as realising the vision for the Growth Point area in terms of delivering new homes and jobs, this has the potential to transmit economic benefits to the wider District. For example planned service enhancements on the Exeter/Waterloo rail line will bring commuting benefits to places such as Axminster. This is alongside providing a wide range of new employment opportunities, some of which, for example at the Science Park, would not be available anywhere else in the District.

3.5 Through the development of the business plan we will review the impact the Enterprise Zone will have upon the East Devon economy, displacement of businesses within the sub

region as well as benefits to the functional economic area. Enterprise Zones are considered useful tools for attracting inward investment and supporting the development of new jobs and businesses. They are also helpful in supporting sustainable growth of cutting edge technology and developing centres of excellence.

- 3.6 The delivery plan will ensure that the Enterprise Zone sites receive targeted investment in skills and infrastructure to ensure that the legacy of the designation will improve local competitiveness.
- 3.7 As we gain further information from government we will be able to fully review the financial opportunities and risks associated with EZ status. This is particularly in light of the recent government announcement of retention of National Non Domestic Rates from 2020. Given that the proposed Enterprise Zone would cover over 2 million sq.ft. of new commercial space there is obviously a very substantial uplift in business rates involved.

## **4 Governance**

- 4.1 The ultimate uplift in business rate revenues from the four sites will be in excess of £10m p.a. when fully developed. Enterprise Zone status requires that whilst the Council remains the collecting authority, the uplift in business rates should be reinvested in to supporting growth locally in conjunction with the Heart of the South West LEP. An important dimension to resolve will therefore be how this uplift is reinvested for the benefit of the District as well as the wider Heart of South West area. A draft Memorandum of Understanding has been prepared by government and is attached for discussion.
- 4.2 At the heart of this is the form that the governance arrangements will take. A spectrum of potential options are available. These range from the LEP taking on programme management of the Zone through to the LEP having only a light touch role with all matters being managed locally and progress reports being provided for information only.
- 4.3 The precise form that these governance arrangements take will need careful consideration and negotiation. The arrangements will need to reflect the significance of the finance implications for the District and also consider the other Enterprise Zones in the Heart of the South West area at Plymouth and Sedgemoor.

## **5 Local Development Orders**

- 5.1 The Council will need to work with landowners to develop Local Development Orders for the Enterprise Zone sites. These Orders will grant planning permission to specific types of development within a defined area. This will streamline the planning process for developers by removing the need to make planning applications to the local planning authority. This will assist developers by improving certainty of outcome, along with saving time and money.
- 5.2 EDDC will commission consultants to support the development of the Local Development Orders, this will ensure that the orders are finalised for the commencement of Enterprise Zone status. This will be developed in conjunction the Planning Service.

## **6 Next Steps**

- 6.1 It is important to emphasise that the announcement in the Autumn Statement did not confer automatic Enterprise Zone status for the sites mentioned above. Rather it signalled a start of a process which will lead to the formal designation being confirmed and operationalised.
- 6.2 Over the course of the next 12 months considerable work will be required to progress the following;

- A detailed business case
  - A delivery plan
  - Site boundaries defined and approved
  - Governance arrangements through an Memorandum of Understanding with the LEP
  - Sign up from key partners
- 6.3 Engagement will be required with a wide range of partners including the LEP, Devon County Council, Exeter City and Teignbridge Councils along with Sedgemoor District and Somerset County Councils. Locally we will work with partners including Exeter Science Park Company and the Airport.
- 6.4 Moving forward a work programme is being developed with the Heart of the South West LEP which includes identifying key decision making dates. The work programme includes developing governance arrangements and undertaking detailed financial appraisals with partners.
- 6.5 Work will also be undertaken to review the benefits of an Enterprise Zone in the context of the recent government announcement for local authorities to retain business rates from 2020. This is in part addressed in the attached accompanying letter to the outline Memorandum of Understanding from Cities & Local Growth, this states in response to Local Authorities concerns that if they commit to using Enterprise Zone business rates to develop a zone will this reduce the income to invest in local services when the rest of the business rate income can be retained locally in the future, this is not the case. Monies generated by EZs have legislative protection for 25 years against any future reset or distribution and as such will sit outside the devolution process. They will not count towards an authority's business rate baseline income and, as a result, will not be used in the calculation for local authority top ups or tariff payments.
- 6.6 Funding is likely to be available from the DCLG to support the development of the Enterprise Zone. However, this is currently confirmed and will not be available until May 2016 at the earliest. A £25,000 contribution has been requested from EDDC to support the development of the Enterprise Zone, particularly to ensure that the financial appraisal is accurate and support the development of a delivery plan.

## **7 Conclusion**

- 7.1 Enterprise Zone status has the potential to support the accelerated delivery of economic growth. This status would build upon previous investment initiatives, such as Regional Growth Fund and investment made into Science Park and Sky Park, as well as support the inward investment and marketing of the sites. However, before the zone can become operational significant work is required to investigate key issues, such as the implications of business rate retention, as well as understanding the full impact of the benefits.

Further papers will be provided to Overview and Cabinet as this progresses and further information is received from Government.



## Cities & Local Growth Unit

To: LEP Chief Executives  
LA Chief Executives (with Enterprise Zones)

Please find enclosed a copy of an outline Memorandum of Understanding (MoU) discussion and agreement between Local Enterprise Zone partners. This has been designed in discussion with local partners to form a secure basis for agreements reached between the Local Enterprise Partnerships and the local authorities on which EZs are based. I am very grateful for the collaborative approach to developing this memorandum over the last few weeks.

I hope the MoUs will also be useful to you in firming up the 'ground rules' for your new Enterprise Zone's operation as well as providing confidence to Ministers that the Enterprise Zones are proceeding to plan. Once completed your MoU will set out exactly what business incentives are being offered by Government for what sites as well as the support for the new zone that will be offered by Government Departments. It will also confirm the arrangements that are, or will be, in place for the operation and development of the new Enterprise Zone.

The Enterprise Zones which developed quickly in the first round were those that had clear governance structures and agreements with local authorities on, for example, how planning permissions should be fast-tracked or business rates used for investment.

Each MoU will last in the first instance to 2020. The MoU will be signed by local authorities, which act as an accountable body for the Local Enterprise Partnership. The MoU will be then signed by the Secretary of State for Communities and Local Government.

My officials will already have discussed the benefits of these MoUs with you during their visits to new EZ areas. Please do not hesitate to raise any further questions or concerns with them. We would like to agree the content of each area agreement with you in advance of the legislation underpinning the zones coming into affect (in April 2016 for most areas by April 2017 for others) or as soon as possible afterwards.

At the Senior Leaders meeting on 13<sup>th</sup> January, a number of you asked about the value of Enterprise Zones in the light of the planned devolution of business rates to local areas from 2020. I thought it would be useful to set out the current situation given that this will be one of the issues that you will need to reach agreement on locally.

The Department will be working with local government on the detail of the new scheme.

Under the new scheme, Enterprise Zones will continue to enjoy their current benefits. These include Enterprise Zone branding, business rates discounts or tax relief on capital investments for business moving onto the zone and dedicated support from Government officials. Enterprise Zones will also

2 Marsham Street, London SW1P 4DF  
[www.gov.uk/bis](http://www.gov.uk/bis)

Direct Line +44 (0)20 7215 3480 | Enquiries +44 (0)20 7215 5000  
Email [tom.walker@bis.gov.uk](mailto:tom.walker@bis.gov.uk) | Enquiries [enquiries@bis.gov.uk](mailto:enquiries@bis.gov.uk)

continue to benefit from 100% growth of business rates retention for 25 years with 100% protection from any future reset or redistribution.

Some LAs will be concerned that if they commit to using EZ business rates to develop a zone now it will reduce the income they have to invest in local services when the rest of their business rate income can be retained locally in the future. This is not the case. Monies generated by EZs have legislative protection for 25 years against any future reset or distribution and as such will sit outside the devolution process. They will not count towards an authority's business rate baseline income and, as a result, will not be used in the calculation for local authority top ups or tariff payments.

Furthermore EZ's business rate discounts and capital allowances that are fully funded by the Government will generate business rates income that would not otherwise have arisen

How business rates income from Enterprise Zones are allocated is the subject of agreements between the Local Enterprise Partnership and the local authorities on which Enterprise Zone is situated. These arrangements can be kept under review and altered or renegotiated as the local situation changes. An agreement reached now could, for example, therefore be revised in full or part in 2020 when the arrangements for wider business rates devolution are expected to come into force.

I hope that this note is both clear and helpful but please don't hesitate to contact me or the Cities and Local Growth team member assigned to your area if you have any questions.

Yours sincerely



TOM WALKER  
Director, Cities & Local Growth

2 Marsham Street, London SW1P 4DF  
[www.gov.uk/bis](http://www.gov.uk/bis)

Direct Line +44 (0)20 7215 3480 | Enquiries +44 (0)20 7215 5000  
Email [tom.walker@bis.gov.uk](mailto:tom.walker@bis.gov.uk) | Enquiries [enquiries@bis.gov.uk](mailto:enquiries@bis.gov.uk)



## Enterprise Zone Memorandum of Understanding

THIS AGREEMENT is dated [ ] 2016

### PARTIES

1. **THE SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT** whose principal address is 2 Marsham Street, London, SW1P 4DF (**Secretary of State**);
2. Each of the local authorities for the area of the Enterprise Zone, whose names and principal addresses are listed at Schedule 1 (together the **Relevant Local Authorities**)
3. The Local Enterprise Partnership for the area of the Enterprise Zone, whose names and principal addresses are listed at Schedule 2 (where a local enterprise partnership does not have corporate status then the Accountable Body who acts as the representative is listed) (**together with the Local Enterprise Partnership**)

### BACKGROUND

- A The Secretary of State has the power to declare an area to be an Enterprise Zone.
- B. Enterprise Zones are single or multiple sites designated for business development which may offer business rate discounts or enhanced capital allowance for new businesses locating on the sites. Enterprise Zones are on sites which would ordinarily not be expected to generate significant business growth nor generate any business rates without incentives and /or dedicated local stakeholder support. Any increase from business rates income which arise from the development of an Enterprise Zone site will not be affected by business rates reform, reset or redistribution for a period of 25 years.
- C. A local enterprise partnership is a voluntary partnership between local authorities and businesses to help determine local economic priorities and lead economic growth within their local area. This includes arrangements for the establishment and operation of Enterprise Zones. As some local enterprise partnerships are not corporate bodies, a local authority may act as an accountable body on their behalf.
- D. In agreement with the Local Enterprise Partnership local authorities responsible for all or part or all of an Enterprise Zone use any increase in business rates they collect from each Enterprise Zone site to support the further development of the Enterprise Zone and neighbouring areas.
- E. Taking account of the application included within the attached schedule and other representations made by the Local Enterprise Partnership, the Secretary of State with the agreement of the Chancellor of the Exchequer offers the Local Enterprise Partnership and Relevant Accountable Bodies the right to set up and establish arrangements for the operation of the Enterprise Zone subject to the terms and conditions set out within the other paragraphs of this Memorandum of Understanding. To allow all parties to review their interests, in the first instance this Memorandum of Understanding extends to 2020.

**IT IS AGREED THAT:****1 DEFINITIONS**

In this Memorandum of Understanding the following words and phrases shall have the following meanings:

**“Accountable Body”** means a local authority organisation(s) responsible for one or more aspects of the operation of the Enterprise Zone in line with plans agreed with the Local Enterprise Partnership.

**“Application”** means the application for enterprise zone status submitted to the Secretary of State by the Local Enterprise Partnership on [18<sup>th</sup> September 2015] (which may be amended from time to time after the date of this Memorandum of Understanding) and includes each of the representations at Schedule 3 of this Memorandum of Understanding (in the event of conflicting statements, Schedule 3 and then the latest validly made variation shall take priority).

**“Enterprise Zone”** means one or more sites which under the Regulations (as amended from time to time) are able to offer specific business incentives and permitted by the Secretary of State to market themselves as such.

**“Regulations”** means 'Capital Allowances (Designated Assisted Areas) Order 2016', 'Non-Domestic Rating (Designated Areas) Regulations 2016', and 'Non-Domestic Rating (Rates Retention) Regulations 2013'.

**“Relevant local authorities”** means a local authority on which all or part of an Enterprise Zone is situated and as a consequence collects business rates from businesses in operation on that site.

**“Term”** means the earlier of 31 March 2020 or the date of the Secretary of State, each of the Local Enterprise Partnership or each of the Relevant Local Authorities giving written notice to the other parties to this Memorandum of Understanding of its intention to terminate the Enterprise Zone status under clause 5.

**2 AGREEMENT TO SET UP AND OPERATE AN ENTERPRISE ZONE**

Having relied upon the representations made by the Local Enterprise Partnership in the Application, the Secretary of State offers the Local Enterprise Partnership and the Relevant Local Authorities the right to set up and operate the Enterprise Zone for the Term, subject to the terms of this Memorandum of Understanding, including the right to benefit from the following business incentives:

- Permitting the Relevant Local Authorities to retain 100% of any business rate increase which accrues for a period of 25 years from the commencement date (this being [ START DATE ]) of the Enterprise Zone, providing that such sums are directed towards the development of the Enterprise Zones and thereafter towards the Local Enterprise Partnership's other identified growth priorities;
- Central government will reimburse the cost incurred by Relevant Local Authorities in providing a 100% business rates discount for a period of up to five years, to any business which sets up operations within the Enterprise Zone site before 31 March

2022, and is able to receive the support within the State Aid De Minimis threshold (or other limitation applicable by law);

- As an alternative to the reimbursement of business rates, and up until 31<sup>st</sup> March 2020, Central Government will reimburse the Relevant Local Authorities the cost of allowing businesses occupying an Enterprise Zone sites within an Assisted Area to count 100% up to €125 million of their first years' expenditure on qualifying plant and machinery assets against taxable income as an Enhanced Capital Allowance (**ECAs**)
- The Local Enterprise Partnership and Relevant Local Authorities can together agree to other local authorities benefitting from the benefits of the Enterprise Zone during the Term provided they have entered into an inter-party agreement as set out in 3.2 (a) and meet the relevant requirements in the regulations. In this situation, notice shall be given to the Secretary of State of the arrangement.

### **3. TERMS AND CONDITIONS**

**3.1** The Relevant Local Authorities and the Local Enterprise Partnership agree, having undertaken due investigation, that at the date of this Memorandum of Understanding:

- (a) The statements within the Application are accurate;
- (b) they are not aware of any information which is likely to materially undermine the ability of the Local Enterprise Partnership and the Relevant Local Authorities to deliver the Enterprise Zone in accordance with the Application and achieve the outputs; and
- (c) they are not aware of any information, which is likely to significantly delay the Local Enterprise Partnership in delivering the Enterprise Zone in accordance with the Application or achieving the outputs.

**3.2** The Relevant Local Authorities and Local Enterprise Partnership confirm, having undertaken due investigation, that:

- (a) they have obtained or shall use all reasonable endeavours to promptly obtain necessary approvals, authorisations, consents, exemptions, licences, permits, permissions (including planning permission) or registrations necessary to deliver the Enterprise Zone in accordance with the Application;
- (b) they have or will secure the expertise and capacity to set up and operate the Enterprise Zone in accordance with the Application;
- (c) they will undertake all the steps to set up and operate the Enterprise Zone and confirm that each of these shall be achieved compliantly (including but not limited to achieving compliance with applicable procurement, state aid, planning law and all rules relating to the collection and distribution of business rates, discount, and use of business rates for investment); and

- (d) they will deliver the relevant incentives at Schedule 4 for the period set out in the Application and this Memorandum of Understanding.

**3.3** The Relevant Local Authorities and the Local Enterprise Partnership agree to:

- (a) organise and promote a governance group for the Enterprise Zone which is able to make strategic and operational decisions. This shall include representatives of each relevant local authority and shall meet at least quarterly (“**Governance Group**”); and
- (b) enter into Memorandum of Understandings with each other which set agreed objectives and priorities for the Enterprise Zone as well as terms necessary to give effect to this Memorandum of Understanding (for example, provisions covering the use of business rates retained by local authorities and how local authorities will use their general power of competence to support the Enterprise Zone, including but not limited to Compulsory Purchase Orders, simplified planning regimes, development orders, Joint Ventures and borrowing to support investment and arrangements for the provision of monitoring data). Where during the Term, new local authorities become involved in the Enterprise Zone or the legal status of Local Enterprise Partnerships and local authorities involved in the Enterprise Zone changes, the Secretary of State requires that the Local Enterprise Partnership uses all reasonable endeavours to enter into new Memorandum of Understandings under this clause. Copies of these Memorandum of Understandings should be sent to the Secretary of State within 50 days of execution.
- (c) to use government subsidies provided for the Enterprise Zone (including the subsidy provided under this Memorandum of Understanding and the Regulations) for the objectives of the Enterprise Zone and in compliance with relevant laws.

**3.4 Implementation Plan**

The Local Enterprise Partnership in consultation with the Relevant Local Authorities shall design and submit to the Secretary of State a 5 year implementation plan (which sets out the major steps and the individual(s) and organisation(s) who will be responsible to set up, operate and deliver the objectives and priorities which have been agreed for the Enterprise Zone) no later than 31st March 2017.

**3.5** The **Cities and Local Growth Unit** shall support:

- (a) the set up and delivery of the Enterprise Zone (in particular through the contact for the Enterprise Zone, which is [redacted] (E-mail: Telephone: [redacted]) ( who shall advise on the procedures for establishing the zones and resolving issues, which may arise in relation to government funding or legal arrangements. The Local Enterprise Partnership and Relevant Local Authorities shall be informed if there is a change in the Cities and Local Growth Unit team contact.

- (b) Enterprise Zones by providing information on the Enterprise Zone to the market via press releases, its national Enterprise Zone website, Twitter account and other media; and
- (c) Collaboration, by inviting senior leaders from all England's Enterprise Zones to meet to discuss progress, challenges and good practice with senior government officials and Ministers

this support shall be provided up until 31 March 2020 and may be renewed or subject to alteration after that date.

**3.6** The Relevant Local Authorities and Local Enterprise Partnership shall:

- (a) send the Cities and Local Growth Unit contact the details of the primary point of contact ("**Local Enterprise Zone Contact**", a named representative agreed with the Local Enterprise Partnership) for the Enterprise Zone within 20 Working Days of entering into this Memorandum of Understanding. The Cities and Local Growth Unit contact shall be informed if there is a change in the Local Enterprise contact.
- (b) authorise the Local Enterprise Contact to discuss progress of the Enterprise Zone with the Cities and Local Growth Unit contact either in face-to-face or telephone meetings at least once a quarter. Such meetings shall be two-way enabling both parties to understand progress of the Enterprise Zone. Share information about the wider Enterprise Zone network and any issues which might adversely affect the planned progress of the Enterprise Zone.
- (c) take all reasonable steps to allow the Cities and Local Growth Unit team contact (or another team member in their place) to attend the Governance Group meetings (as mentioned at clause 3.5(a) including providing information on the date and location of meetings and sending papers which will be discussed. The Cities and Local Growth Unit team contact shall be entitled to decide whether they attend in an observer capacity or as a participant at the Governance Group meeting.

**3.7 Marketing**

The Relevant Local Authorities and the Local Enterprise Partnership agree to use all reasonable endeavours to

- (a) promote the Enterprise Zone;
- (b) share with the Secretary of State a marketing plan for the Enterprise Zone within six months of entering into this Memorandum of Understanding; and
- (c) use DCLG and Enterprise Zone logos within marketing communications and signage.

**3.8 Monitoring**

The Relevant Local Authorities and the Local Enterprise Partnership agree to use all reasonable endeavours to complete the management information at

Schedule 5 within 21 Working Days of the commission from DCLG, which will be quarterly at the end of January, April, July and October.

**4. CHANGES**

All changes to the text of the application or this Memorandum of Understanding must be approved by the Secretary of State in writing prior to the relevant change being deemed to be effective. Until such time as a change is made in accordance with this clause, the parties shall, continue to perform this Memorandum of Understanding in compliance with its terms before such change.

**5. TERMINATION**

- (a) The Secretary of State shall be entitled to suspend or withdraw the right of any or all of the Local Enterprise Partnership and / or the Relevant Local Authorities to market an Enterprise Zone if, acting reasonably, the Secretary of State is of the view that a party has acted in a way which significantly damages the reputation of the Enterprise Zone Programme or if there has been a material breach of this Memorandum of Understanding.
- (b) The Relevant Local Authorities and Local Enterprise Partnership with the Memorandum of Understanding involved in delivering the Enterprise Zone is entitled to ask for the Enterprise Zone status to be rescinded by submitting notice in writing.

**6. GOOD FAITH AND COOPERATION**

Each party covenants with the others that they shall act with the utmost good faith towards the other, shall comply with reasonable requests for information in relation to the Enterprise Zone submitted from time to time and will not do anything which would deliberately put the other in breach of its obligations under this Memorandum of Understanding.

**7. MISCELLANEOUS**

Nothing in this Memorandum of Understanding shall constitute a partnership or joint venture between any of the parties.

**ACCEPTANCE**

This Memorandum of Understanding has been entered into on the date stated at the beginning of it.

Signed for and behalf of  
**SECRETARY OF STATE FOR )**  
**COMMUNITIES )**  
**AND LOCAL GOVERNMENT )**

Authorised Signatory: \_\_\_\_\_  
Print Name: \_\_\_\_\_

**1. Local Enterprise Partnership Accountable body signs here**

Signed for and in agreement with  
**LOCAL ENTERPRISE PARTNERSHIP BY THE ACCOUNTABLE BODY**  
**[Insert AUTHORISED BODY DETAILS]**

Authorised Signatory: \_\_\_\_\_  
Print Name: \_\_\_\_\_

(Add more as required)

---

Signed for and in agreement with  
**Name of Local Authority**  
**[Insert LOCAL AUTHORITY DETAILS]**

Authorised Signatory: \_\_\_\_\_  
Print Name: \_\_\_\_\_

.....

Signed for and in agreement with  
**Name of Local Authority**  
**[Insert LOCAL AUTHORITY DETAILS]**

Authorised Signatory: \_\_\_\_\_

Print Name: \_\_\_\_\_

.....

---

The following parties are aware of the requirements of this Memorandum of Understanding (including the Application) and shall support and assist development and delivery of the Enterprise Zone throughout the Term, but due to not having the required legal personality

**[LOCAL ENTERPRISE PARTNERSHIP]**

Authorised Signatory:

Print Name:

**[LOCAL ENTERPRISE PARTNERSHIP]**

Authorised Signatory:

Print Name:

**SCHEDULE 1 - RELEVANT LOCAL AUTHORITIES**

**SCHEDULE 2 – LOCAL ENTERPRISE PARTNERSHIP**



**SCHEDULE 3 KEY INFORMATION ON [INSERT NAME] ENTERPRISE ZONE / EXTENSION [FROM NAME OF LOCAL ENTERPRISE PARTNERSHIP APPLICATION]**

General	
Name of Enterprise Zone	
Name of Local Enterprise Partnership	
Relevant local authorities	

Fill out information from the application form Q C.8 What is the Local Enterprise Partnership’s agreed approach, with the relevant local authorities, about how the retained rates will be used to support development on the Enterprise Zone?

Briefly explain your financial or investment plan for how (for example, through borrowing or development of a recycling fund) and when the retained rates will be used.

--

Fill out information from the application form Q E 1. Please describe the governance arrangements for the proposed Enterprise Zone, clearly setting out the name and job title of the Senior Responsible Officer for delivery of the Zone, the governance structure and explain how progress will be owned by the Local Economic Partnership Board.

--

Fill out information from the Application form from Q E.2 capacity and skills you will make available to deliver the Enterprise Zone on a day-to-day basis, including the job titles and names of each of the staff members in the Local Enterprise Partnership and the relevant local authorities and the total costs of this staff team.

--

--

Q E3 will you gather data that will allow the Local Enterprise Partnership and local authorities to monitor progress of the Enterprise Zone, for example this could include on delivering new jobs, business, and investment?

--

Q E5 Briefly set out your plan for marketing the sites to occupiers and/or investors, in the case of multiple site zones being clear if they will be marketed in clusters or in stages.

--

**SCHEDULE 4 – SITES AND INCENTIVES**

<b>Proposed Sites</b>	<b>EZ</b>	<b>District / Local authority Ward</b>	<b>ECA</b>	<b>BRD</b>	<b>BRR</b>

**SCHEDULE 5 – MANAGEMENT INFORMATION**

- Q1\*** What was the value of the retained rates that were reinvested in the Enterprise Zone in the last financial year?
- Q2\*** What was the value of the retained rates that were reinvested in the LEP area in which the Enterprise Zone is situated, including the amount in Q1, in the last financial year?
- Q3\*** What was the value of the borrowing against retained rates undertaken by the LEP accountable body or the EZ local authority in the last financial year?
- Q4 What was the change in the number of newly created jobs, excluding construction jobs, on the Enterprise Zone in this quarter?
- Q5 What was the change in the number of newly created construction jobs on the Enterprise Zone in this quarter?
- Q6 What was the change in the number of jobs that were safeguarded on the Enterprise Zone in this quarter?
- Q7 Was a Local Development Order introduced on the zone or a part of the zone this quarter?
- Q8 What was the change in the number of businesses that started trading on the zone this quarter?
- Q9 What was the value of any new public sector capital investment on the zone this quarter? Do not include borrowing against retained rates.
- Q10 What was the value of any new public sector revenue investment on the zone this quarter?
- Q11 What was the value of any new private sector investment on the zone this quarter (excluding non-monetary investment)?
- Q12 What was the value of any new private sector non-monetary investment on the zone this quarter, e.g. use of facilities, staff?
- Q13 What area of land was reclaimed and made ready for development on the zone this quarter?
- Q14 What commercial floorspace was constructed on the zone in this quarter?
- Q15 What commercial floorspace was refurbished on the zone this quarter?
- Q16\*** “What was the market rate for leasing commercial floorspace on the Enterprise Zone as of the current date?”
- Q17 What land sales were there on the zone this quarter?