

## Agenda for Cabinet

Wednesday, 8 March 2017; 5.30pm

### [Members of Cabinet](#)

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

[View directions](#)

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

- 1 [Public speaking](#)
- 2 Minutes of 8 February 2017 (pages 5-16), to be signed as a true record
- 3 Apologies
- 4 [Declarations of interest](#)
- 5 [Matters of urgency](#)
- 6 Confidential/exempt items – there is one item which officers recommend should be dealt with in this way.
- 7 Forward Plan for key decisions for the period 1 April 2017 to 31 July 2017 (pages 17-19)

- 8 Minutes of a Meeting of the Arts and Culture Forum held on 1 February 2017 (pages 20-24)
- 9 Minutes of the Scrutiny Committee held on 2 February 2017 (pages 25-29)
- 10 Notes of the Asset Management Forum on 9 February 2017 (pages 30-34)

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

- 11 **Sidmouth Beach Management Plan** (pages 35-41)  
To adopt Sidmouth and East Beach Management Plan (SEBMP) that will allow procedure to the next stage of the project; the production of an outline business case. This will lead towards the implementation of engineering works to maintain flood and coastal protection.

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

- 12 **Local Government Boundary Commission for England (LGBCE) Electoral Review Programme 2015 – 2019** (pages 42-43)  
To consider the draft recommendations from the LGBCE on the new electoral arrangements for EDDC
- 13 **Establishing a Local Housing Company for East Devon District Council** (pages 44-51)  
This report sets out the business case for setting up a Local Housing Company to be wholly owned by the Council with the purpose of providing housing outside of the constraints of the Housing Revenue Account.  
**Appendix 1** – Business case (pages 52-65)  
**Appendix 2** – Housing Company Sub-Committee (page 66)
- 14 **Exeter and East Devon Enterprise Zone** (pages 67-70)  
An update on progress towards an operational Enterprise Zone in the West End of the District and to seek a nominated representative to sit on the proposed Enterprise Zone Board.  
**Appendix 1 - Implementation Plan** (pages 71-112)
- 15 **People Strategy 2017 – 2020** (pages 113-114)  
The People Strategy is a vital component of a healthy organisation as well as fundamental to ensuring delivery of what has been set out in both the Council Plan and Transformation Strategy.
- 16 **Monthly Performance reports – January 2017** (pages 115-117)  
Performance information for the 2016/17 financial year for January 2017 is supplied to allow the Cabinet to monitor progress with selected performance measures and identify any service areas where improvement is necessary.  
**Appendix 1** - January 2017 snapshot
- 17 **Review of the Equality Policy and Objectives 2017-2020** (pages 118-119)  
This report introduces the updated Equality Policy and Objectives 2017-2020. This is a key corporate policy setting out how legal duties will be met under the equality legislation, and how equality and diversity will be promoted as a community leader, service provider and employer.

- 18 **Procurement Support** (pages 120-121)  
To requests members consider entering into an agreement with Devon County Council Procurement Services to provide procurement advice to this Council from 1 April 2017 for an initial period of two years.  
**Appendix 1 - Procurement Support Services** (pages 122-131)
- 19 **Consultation on draft Cemetery Regulations** (pages 132-155)  
To seek Cabinet approval to undertake a consultation process introducing combined Regulations for the Management and Control of East Devon District Council Cemeteries.  
**Appendix A** - Draft Regulations for the Management and Control of East Devon District Council Cemeteries  
**Appendix B** – Declaration Certificate / Order Issued (Form 18)  
**Appendix C** – Current Cemetery Fee List
- 20 **EDDC Green Spaces Plan proposal** (pages 156-161)  
The report sets out the need to adopt a Green Space Plan for East Devon District Council. The report identifies the benefits that can be derived from adopting a Plan that will help prioritise the Council’s management of its green spaces over the next ten years. It highlights the opportunities for closer working between key service areas such as StreetScene, Housing and Countryside.
- 21 **Update on Fly Tipping and Review of Fixed Penalty Fines** (pages 162-164)  
To update members on the use of the new fixed penalty fines introduced by the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016. These fines can be issued against a person who has breached their duty of care and committed a waste deposit offence.
- 22 **Response to Yarcombe & Marsh Neighbourhood Plan Submission** (pages 165-170)  
To agree the response by this Council to the current consultation for the Yarcombe & Marsh Neighbourhood Plan.
- 23 **Response to Chardstock Neighbourhood Plan Submission** (pages 171-175)  
To agree the response by this Council to the current consultation for the Chardstock Neighbourhood Plan.
- 24 **Response to Budleigh Salterton Neighbourhood Plan Submission** (pages 176-180)  
To agree the response by this Council to the current consultation for the Budleigh Salterton Neighbourhood Plan
- 25 **East Budleigh with Bicton Neighbourhood Plan Examiners Report** (pages 181-194)  
To provide feedback and set out proposed changes following the examination of the East Budleigh with Bicton Neighbourhood Plan.
- 26 **Bishops Clyst Neighbourhood Plan to be formally ‘made’** (pages 195-197)  
The Bishops Clyst Neighbourhood Plan has now passed referendum and it must be formally ‘made’ by East Devon District Council for it to form part of the development plan.
- 27 **The Vice Chairman to move the following:**  
“that under Section 100(A) (4) of the Local Government Act 1972 the public

(including the press) be excluded from the meeting as exempt information, of the description set out on the agenda, is likely to be disclosed and on balance the public interest is in discussing this item in private session (Part B)".

## **Part B matters for decision**

### **28 Seaton workspace project**

The Council owns two sites in Seaton allocated in the Local Plan as employment land. These are known as the Colyford Road Depot and Land at Fosseyway Park. In May 2014 planning permission was secured for the development workspace units on the sites. Both permissions will expire in 2017. A decision is therefore required to decide whether or not to carry out necessary preliminary works to satisfy planning conditions on the sites and then to go tender and build out the units subject to viability in terms of key factors including return on investment and project cost.

#### **Reasons for consideration in Part B:**

Para 3 Schedule 12A Information relating to the finance or business affairs of any particular person.

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**EAST DEVON DISTRICT COUNCIL**  
**Minutes of the meeting of Cabinet held**  
**at Knowle, Sidmouth on 8 February 2017**

**Attendance list at end of document**

The meeting started at 5.31pm and ended at 7.07pm

**\*132 Public Speaking**

There were no members of the public present who wished to speak.

**\*133 Minutes**

The minutes of the Cabinet meeting held on 11 January 2017 were confirmed and signed as a true record.

**\*134 Declarations**

Councillor Jill Elson – Minute 145  
Interest: Personal  
Reason: Community Transport

Councillor Andrew Moulding – Minute 145  
Interest: Personal  
Reason: Trustee of Axminster Heritage Ltd

Councillor Tom Wright – Minute 145  
Interest: Personal  
Reason: Member of Budleigh Salterton Cricket Club

**\*135 Matter of urgency**

None

**\*136 Matters referred to the Cabinet**

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

**\*137 Exclusion of the public**

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

**\*138 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 March 2017 to 30 June 2017.

**139 Minutes of the Housing Review Board held on 12 January 2017**

Members received the Minutes of the Housing Review Board held on 12 January 2017

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

**Minute 40 – Forward Plan**

**Minute 44 - Insurance claim settlement (storm damage)**

**Minute 53 - Shared house update (St Andrews Road, Exmouth)** – the work is now complete and the property is let.

**Minute 55 - Annual report to tenants 2015/16**

**Minute 56 - HouseMark annual benchmarking report**

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

**Minute 43 - Support and alarm service charges to sheltered homes 2017/18**

That the previously agreed final year of the three year phased introduction of support charges in sheltered housing be not applied.

**Minute 45 - New models of housing delivery**

1. the Housing Review Board support the outline proposal to establish a Local Housing Company in preference to joining a Joint Venture arrangement,
2. the Housing Review Board invites the Strategic Lead – Housing, Health and Environment to work up the Local Housing Company proposal, including an initial risk assessment and due diligence considerations;
3. a further report is brought back to the Housing Review Board and to Cabinet on the findings and suggested way forward.

**Minute 47 - Alternative models to deliver housing repairs and maintenance**

The Strategic Lead – Housing, Health and Environment be authorised to appoint consultants to scope, appraise and advise on alternative service delivery options for the repairs and maintenance of tenants' homes.

**Minute 48 - Extension of responsive repairs and voids contract**

that the current responsive day to day repairs and void work to Council housing stock contract be extended for one year from July 2017 to July 2018.

**Minute 49 (1) – Revised asbestos management plan and procedures**

**Minute 50 - Legionella management plan**

**Minute 51 (1) – Review of Landlord Disabled Adaptation policy** (for Council homes)

**Minute 52 - Installation of air source heat pumps at Rodney Close, Exmouth**

**Minute 54 - Right to Buy update**

1. the update report on the use of Right to Buy receipts and commuted sums to secure suitable property to add to the Council's housing stock be noted.
2. delegated authority be given to the Strategic Lead – Housing, Health and Environment, Portfolio Holder for Sustainable Homes and Communities and Chair of the Housing Review Board to approve further purchases to meet Right to Buy spending deadlines using either Housing Revenue Account funding or a loan from the Public Works Loan Board as match funding.
3. the options put forward be noted and supported, including working with Registered Providers to spend the Right to Buy receipts.
4. delegated authority be given to the Strategic Lead – Housing, Health and Environment, Portfolio Holder for Sustainable Homes and Communities and Chair of the Housing Review Board to approve bids from Registered Providers for grant.
5. delegated authority be extended to the Strategic Lead – Governance and Licensing so that the implementation of a Registered Provider agreement and Registered Provider bidding criteria can be approved.

**RECOMMENDED (1) that the following be taken into account during the budget setting process (agenda item 14 refers):**

**Minute 41 - Draft Housing Revenue Account budget 2017/18**

**Minute 49 (2) – an additional £100,000 be approved for the management of asbestos in the housing stock**

**Minute 51 (2) – Review of Landlord Disabled Adaptation policy** increase revenue budget to £100,000 for adaptations to housing stock for disabled persons (2017/18 revenue budget)

**RECOMMENDED (2) that the following be referred to Council for approval:**

**Minute 42 - Draft Housing Service Plan 2017/18.**

**Minute 46 – Revised tenancy policy and tenancy strategy**

**Minute 57 - Housing Review Board recruitment**

1. the revised recruitment and selection process of co-opted members of the Housing Review Board be adopted.
2. three current Board members be selected to assist in the selection of co-opted members; these were Councillor Jim Knight, tenant Mike Berridge and independent community representative Christine Drew.
3. the terms of reference of the Housing Review Board be updated accordingly.

140 **Minutes of the Strata Joint Executive Committee held on 16 January 2017**

Members received and noted the Minutes of the Strata Joint Executive Committee held on 16 January 2017

**RECOMMENDED that the following be referred to Council for determination.**

**Minute 6 - Update on Strata Implementation Plan creating revised Business Plan 2017/18**

1. the Revised Business Plan for Strata;
2. the adoption of the revised Business Plan for Strata which includes a revised savings profile; and
3. the following additions to their capital programmes to allow the 2017/18 convergence plan and new contact centre software to be delivered

<b>Capital Funding 2017/18 for Software Convergence Plans</b>		
<b>Organisation</b>	<b>Contribution %</b>	<b>Capital Funding</b>
East Devon District Council	36.692	£190,615
Exeter City Council	35.936	£186,687
Teignbridge District Council	27.372	£142,198
<b>Total</b>		<b>£519,500</b>

**\*141 Minutes of the Strata Joint Scrutiny Committee held on 16 January 2017**

Members received and noted the Minutes of the Strata Joint Scrutiny Committee held on 16 January 2017

**\*142 Minutes of the Strategic Planning Committee held on 17 January 2017**

Members received and noted the Minutes of the Strategic Planning Committee held on 17 January 2017, and further;

**Minute 28 – Adoption of Gypsy and Traveller Site Design and Layout Supplementary Planning document**

**RESOLVED:** that Cabinet adopts the Gypsy and Traveller Site Design and Layout Supplementary Planning Document as agreed by the Strategic Planning Committee.

**Minute 31 - Status of Planning Guidance**

**RESOLVED** – that Cabinet confirms withdrawal of the Planning Guidance shown in the table at 2.5, listed as ‘withdraw’ in the committee report ‘Status of Planning Guidance’ as reported to the Strategic Planning Committee on 17 January 2017.

**143 Minutes of the Joint Overview and Scrutiny Committees held on 18 January 2017**

The Chairman of Joint Overview and Scrutiny Committees wished to thank Simon Davey, officers and members for a particularly useful and informative meeting. He also thanked Cllr Graham Godbeer for stepping in as the vice chairman.

Members received and noted minutes of the Joint Overview and Scrutiny Committees held on 18 January 2017, and further;



**RECOMMENDED (1) that the following be taken into account during the budget setting process (agenda item 14 refers)**

**Minute 4 - Committee recommended amendments to the Draft Service Plans for 2017/18**

1. the addition of a performance indicator for local land charges searches;
2. the addition of an objective to review charges that could be made for planning related activity (this is in line with the Transformation Strategy);
3. Planning's key performance indicator on planning application determination timescales be amended to align to the figures reported to Government;
4. the addition of drafting a rural economic strategy;

and that those reviewed Service Plans for 2017/18 be recommended to Council for adoption.

**Minute 5 - Draft Revenue and Capital Budgets 2017/18**

1. the Council increases the Council Tax for 2017/18 by £5 per year;
2. the draft Capital Budget for 2017/18 be recommended to Council and the committees support the inclusion of the Axminster Heritage Centre grant of £50K.
3. the draft Revenue Budget for 2017/18 be recommended to Council, subject to the inclusion of:
  - a) Greater Exeter Strategic Plan £234,000 one off sum;
  - b) Economic Development Officer £38,500 per year;
  - c) Property Records Officer £22,500 per year;
  - d) Business Administration Apprentice £16,880 per year – expected to be for an 18 month placement;
  - e) Corporate Property Systems Development £22,500 one off sum;

and the deferral of the transformation strategy saving relating to Street Scene - recharge event cost clear up, until a review of the implications of the recharge by the is undertaken by the Scrutiny Committee, and their recommendations considered.

144 **Programme of meetings 2017/18**

The Cabinet considered the proposed timetable of meetings for the next Council year. The date of the July Cabinet meeting will be changed from Wednesday 5 July to Wednesday 12 July to avoid a clash with the LGA Annual Conference – the amended timetable will be referred to the annual meeting of the Council.

**RECOMMENDED:**

that the draft meetings timetable (including the amended date of the July Cabinet) be referred for approval to the annual meeting of the Council.

**RESOLVED:**

that the 2017 Annual Council meeting be held on Wednesday 17 May.

**REASON:**

To meet the legal requirement to hold an annual meeting and also such other meetings as necessary for the conduct of the Council's business in accordance with its constitution.

## 145 **Revenue and Capital Estimates 2017/18**

The Strategic Lead, Finance informed Cabinet of the adopted draft Revenue and Capital Estimates for 2017/18 at its meeting on 11 January 2017. A meeting of the Overview and Scrutiny Committees reviewed those budgets on 18 January and the Housing Review Board considered the Housing Revenue Account budgets on 12 January.

Proposals from those meetings were detailed in the report and the minutes of those meetings were contained on the agenda. It was for Cabinet to consider those comments and proposals and to make final recommendations to Council.

As part of the Prudential Code for Capital Finance in Local Authorities the Council was required to set prudential indicators as part of its budget setting process, these indicators were detailed in the Treasury Management Strategy 2017/18 – Minimum Revenue Provision Policy Statement and Annual Investment Strategy.

### **RECOMMENDED:**

that Cabinet recommends to Council:

1. the Net Revenue General Fund Estimate of £13.782m as referenced in 2.6 of the report be approved,
2. a Council Tax increase of £5 a year giving a Band D council tax of £131.78 a year for 2017/18 be approved,
3. the Housing Revenue Account Estimates with a net surplus of £0.522m be approved,
4. the Net Capital Budget totalling £13.087m be approved, and
5. a Council Tax requirement for West Hill Parish Council is agreed at £55,000 for 2017/18 giving a Council Tax Band D amount of £50.41 be agreed.

### **REASON:**

There was a requirement for the Council to set a balanced budget for both the General Fund and Housing Revenue Account and to levy a Council Tax for 2017/18.

## 146 **Treasury Management Strategy 2017/18 – Minimum Revenue Provision Policy Statement and Annual Investment Strategy**

The Strategic Lead, Finance presented the report stating The Chartered Institute of Public Finance and Accountancy (CIPFA) produce a Code of Practice for treasury management for Public Services. One of the main recommendations of this code was the requirement for an annual Treasury Management Strategy to be formally adopted by the Council. There was also a requirement to set prudential indicators relating to all treasury activities that the authority would undertake in the forthcoming financial year.

Two amendments were made to Table 12. of the strategy;

1. the General Fund upper limit for Years 2-5 was now 85%
2. the HRA upper limit for Years 6-10 was now 25%

### **RECOMMENDED:**

that Council approve and adopt:

1. the Treasury Management Strategy including the Prudential Indicators for 2017/18;
2. the Minimum Revenue Provision Policy Statement; and
3. the updated list of counterparties be approved.

**REASON:**

The Council was required to formally adopt a Treasury Management Strategy and set prudential indicators before the beginning of the financial year.

\*147 **Financial Monitoring Report 2016/17 - Month 9, December 2016**

The report gave a summary of the Council's overall financial position for 2016/17 at the end of month nine (31 December 2016).

Current monitoring indicates that:

- The General Fund Balance was being maintained at or above the adopted level.
- The Housing Revenue Account (HRA) Balance would be maintained at or above the adopted level.
- There was a sufficient Capital Reserve to balance this year's capital programme.

The Portfolio Holder Sustainable Homes and Communities wished to congratulate the council's tenants for their excellent record for paying rents on time, which contributed to the HRA's healthy position.

The Deputy Leader praised the Finance and Treasury departments for their excellent work. He noted that this demonstrated the council's finances were in very good hands and that the figures showed balanced budgets and a healthy financial forecast.

**RESOLVED:**

that the variances identified as part of the Revenue and Capital Monitoring process up to Month nine be acknowledged.

**REASON:**

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

148 **Heart of the South West Devolution Update**

The Deputy Chief Executive gave an update following the July 2016 'in principle' Council approvals to progress negotiations for a devolution deal and the establishment of a Combined Authority, both subject to further report and the approval of the 17 councils.

The report outlined proposals for the:

- Preparation and approval of a HotSW Productivity Plan to take forward the HotSW Prospectus for Productivity which was prepared in support of the partnership's aspirations to secure a devolution deal and approved by the councils in February 2016.
- Creation of a formal HotSW Joint Committee of the local authorities, national park authorities and partners to take forward the Productivity Plan.

The proposals outlined above were covered by common recommendations in the report to be considered by all of the councils during February/March 2017.

Discussions included the following:

- The need to scale down the numerous committees; uses up officers' time across all authorities
- No detail on how devolution would be delivered
- Shortage of people for skilled jobs
- No discussions had been taken up with secondary schools

- Funding must go the right people and the right places
- The need to understand the workforce
- Skills, innovation and work ethic was vital.
- Need to investigate the deal to see how to get more funding
- Where was the HotSW going, could a need a more detailed update be provided?
- Update was vague with scarce resources at EDDC going towards this
- This was a productivity plan – should demonstrate increased innovation for skills, tradesmen and apprenticeships
- This a more refined and focused document that Local Authorities would own into the future
- EDDC as a Local Authority had sufficient diversity and growth potential so would really benefit from this partnership
- Members had the freedom and time to be able take the final decision later on

**RECOMMENDED:**

that Cabinet recommends to Council:

1. the update about the HotSW Combined Authority / devolution deal proposals (including noting that a Joint Committee, if established, will have responsibility for developing future 'deal' and combined authority proposals for recommendation to the constituent authorities ) be noted,
2. the proposals for the HotSW Productivity Plan preparation and consultation proposals (including noting that a Joint Committee, if established, will have responsibility for approving and overseeing the implementation of the Productivity Plan) be approved,
3. that the following be agreed;
  - (a) 'In principle' to the establishment of a HotSW Joint Committee with a Commencement Date of Friday 1st September 2017 in accordance with the summary proposals set out in the report;
  - (b) the 'in principle' decision at (a) above was subject to further recommendation and report to the constituent authorities after the County Council elections in May 2017 and confirmatory decisions to:
    - approve the establishment of the Joint Committee;
    - a constitutional 'Arrangements' document;
    - an 'Inter-Authority Agreement' setting out the support arrangements;
    - appoint representatives to the Joint Committee;
    - appoint an Administering Authority.

**REASON:**

The urgent and essential need to improve productivity across the HotSW area was the driver for the recommendations in the report.

The Productivity Plan would replace the Local Enterprise Partnership's Strategic Economic Plan. It would be the key strategic document for the partners to engage with Government on a range of investment opportunities and powers emerging from the Industrial Strategy and the National Infrastructure Fund.

The recommendations reflect the position reached with the Government on the Combined Authority / devolution deal matters. With no agreement in sight on either issue the Leaders wished to put in place an alternative formal collaboration arrangement at HotSW level to maintain and take forward the momentum achieved by the partnership.

The HotSW Joint Committee would provide a formal strategic partnership to complement and maximise the ability of local sub-regional arrangements to deliver their aspirations. It would allow the partners to collaborate to agree and deliver the Productivity Plan as well as engage effectively with the Government, other deal areas and other LEPs on a range of policy agendas. It would allow the partnership to test and improve its ability to work together as a potential precursor to the establishment of a Combined Authority at some point in the future. It would also provide a mechanism to work alongside and influence the LEP on strategic investment decisions affecting the HotSW area and to secure improvements to LEP governance and accountability.

Without a Joint Committee in place at this time at a strategic level, the HotSW area was likely to find itself disadvantaged in terms of taking advantage of Government policy initiatives and new funding opportunities compared to those areas that have and were establishing formal strategic partnerships. Although a Joint Committee cannot undertake the full range of functions of a Combined Authority, it would provide a mechanism towards the establishment of a Combined Authority if deemed appropriate, including the potential to operate as a shadow Combined Authority at some point in the future.

**\*149 Urgent asbestos works required to Council housing stock**

The report advised Cabinet that exemption to standing orders had been applied in order to complete urgent works relating to the presence of asbestos containing material (ACM) across 2 sites within the Council's housing stock.

The two sites were;

- Home Safeguard Offices, Lymebourne Park, Sidmouth. Basement area currently out of bounds due to ACM found to be present
- Poplar Mount sheltered flats, Axminster. Loft space area currently out of bounds due to ACM found to be present.

As an immediate safety precaution, the areas were both currently closed off and no access was currently permitted without the support of an asbestos specialist who can carefully manage any urgent need to enter the spaces. This required significant works and cost in terms of creating an enclosed area that can be safely accessed.

**RESOLVED:**

that the exemption to Contract Standing Orders to enable the removal of the ACM in order to ensure access can be resumed to the two sites be noted.

**REASON:**

To ensure the ongoing health and safety of sites that may need to be accessed at anytime of the day or night to ensure service delivery is maintained.

**\*150 Consultation on draft proposals to introduce a new Public Space Protection Order – Anti-Social Behaviour and Controlled Drinking etc in Exmouth and Sidmouth**

The Principal Environmental Health Officer presented the report that sought Cabinet approval to undertake a consultation process introducing a Public Space Protection Order (PSPO), to target antisocial behaviour within Exmouth town centre and the surrounding area. It was to replace existing Designated Public Places Orders to control the consumption of alcohol within areas of Exmouth and Sidmouth. The facility to introduce PSPOs was included within the Anti-Social Behaviour Crime and Policing Act 2014.

**RESOLVED:**

that a consultation on the introduction of a new PSPO as required by the Anti-Social Behaviour Crime and Policing Act 2014 be carried out.

**REASON:**

In order to meet the requirements to carry out a consultation before introducing a PSPO.

\*151 **Energy Act 2011 and the Minimum Energy Efficiency Standards (MEES) from April 2018**

The Council's Corporate Asset Management Plan highlighted the need to respond to the implications of the Energy Act 2011. The Action Plan adopted by the Asset Management Forum in July 2015 had now been completed. The report summarised current industry thinking, the Act's potential impact on East Devon District Council's tenanted property portfolio and recommended mitigation measures.

**RESOLVED:**

1. that monitoring developments in guidance on the application of this legislation from now until April 2018, and beyond to April 2023 be continued. Changes in the legislation between now and April 2018 were possible,
2. that in order to cover the worst case scenario, a bid for commitment in the capital programme for installation of low energy lighting in workspace units at Riverside (Seaton), Manstone (Sidmouth), and Salterton Workshops (Budleigh) in 2018 would be made and noted. The total budget estimate for this was approx. £85,000 + VAT,
3. that a capital programme bid had been made for the installation of a roof mounted solar PV system and low energy lighting at East Devon Business Centre Honiton. The total cost budget was £60,000 with £5,000 per annum estimated savings; be noted,
4. that from now until April 2018, ensure the impact of these regulations were considered in the drafting of any new leases, particularly in relation to alterations to the premises by tenants, and responsibility for improvements required by the new legislation; be noted.

**REASON:**

1. Statutory compliance and good practice as a Local Authority and Landlord of commercial premises.
2. To minimise the potential inability to let certain properties (if exemptions do not apply) and therefore a potential reduction in revenue income.
3. To avoid the potential reputational damage and financial loss from Trading Standards imposing a penalty notice on EDDC for non-compliance.
4. To reduce the carbon footprint of EDDC's estate and running costs at its operational buildings.

\*152 **Monthly Performance reports – December 2016**

The report set out performance information for December 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 were showing excellent performance:

1. Percentage of planning appeal decisions allowed against the authority's decision to refuse

2. Days taken to process Housing Benefit/Council Tax Benefit new claims and change events
3. Working days lost due to sickness absence

There were no performance indicators showing as concern.

**RESOLVED:**

that the progress and proposed improvement action for performance measures for the 2016/17 financial year for December 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.

**\*153 Banking Arrangements**

The report reviewed the provision of the general banking facilities, as the contract with Lloyds Bank plc was due for renewal.

**RESOLVED:**

that the exemption to the Council's contract standing orders and renewal of the contract with Lloyds Bank plc for 5 years be approved.

**REASON:**

The service provided by Lloyds Bank plc was satisfactory and the cost and amount of work involved in switching to another provider would outweigh the marginal annual savings achieved.

**Attendance list**

**Present:**

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

**Portfolio Holders:**

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

**Cabinet Members without Portfolio:**

Geoff Pook  
Eileen Wragg

**Non-Cabinet apologies:**

Mike Allen  
Peter Bowden  
Maddy Chapman  
Steve Gazzard  
Mike Howe  
Douglas Hull

Ben Ingham  
Val Ranger  
Brenda Taylor  
Mark Williamson

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

**Councillors:**

Megan Armstrong  
Brian Bailey  
David Barratt  
Colin Brown  
Jenny Brown  
Paul Carter  
Alan Dent  
John Dyson  
Peter Faithfull  
Roger Giles  
Graham Godbeer  
Ian Hall  
Steve Hall  
John Humphreys  
Geoff Jung  
Rob Longhurst  
Dawn Manley  
John O'Leary  
Helen Parr  
Marianne Rixson  
Pauline Stott

**Also present:**

**Officers:**

Richard Cohen, Deputy Chief Executive  
Simon Davey, Strategic Lead – Finance  
John Golding, Strategic Lead – Housing, Health & Environment  
Henry Gordon Lennox - Strategic Lead - Governance and Licensing  
Janet Wallace, Principal Environmental Health Officer  
Alice Gill, Technical Officer Environmental Health  
Amanda Coombes, Democratic Services Officer

**Officer apologies:**

Mark Williams, Chief Executive

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



**EAST DEVON DISTRICT COUNCIL**  
**Forward Plan of Key Decisions - For the 4 month period 1 April 2017 to 31 July 2017**

This plan contains all the (i) important decisions that the Council 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.	Relocation update		Deputy Chief Executive	Council 26 April 2017	Cabinet 5 April 2017	27 April 2017	Part A
2.	Cranbrook Healthy New Town		Strategic Lead – Housing, Health and Environment	Council 26 April 2017	Cabinet 5 April 2017	27 April 2017	Part A
3.	Public Toilet Review		Service Lead – Street Scene	<b>Cabinet 5 July 2017</b>	Asset Management Forum 15 June 2017	13 July 2017	Part A
4.	Sports and Activity clubs – Rent and Rent support Scheme Outcomes		Deputy Chief Executive	Council 26 July 2017	Cabinet 5 July 2017	27 July 2017	Part A

Table showing potential future important / 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> )		

The members of the Cabinet are as follows: Cllr Paul Diviani (Leader of the Council and Chairman of the Cabinet), Cllr Andrew Moulding (Strategic Development and Partnerships Portfolio Holder), Cllr 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 - Cllr Geoff Pook and Cllr 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.

March 2017

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a Meeting of the Arts and Culture Forum held at the Beehive, Honiton on 1 February 2017**

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

The meeting started at 2.30pm and ended at 5.00pm.

The Chairman welcomed everybody to the meeting and invited those present to introduce themselves. It was noted that Councillor Douglas Hull was currently in hospital and the Forum sent him their best wishes.

#### **\*15 Minutes**

The minutes of the Arts and Culture Forum meeting held on 24 June 2016 were confirmed and signed as a true record.

#### **\*16 Declarations of Interest**

There were none.

#### **17 Recruitment of community representatives**

The Service Lead – Countryside and Leisure advised the Forum that both of the original community representatives had resigned over the last 12 months. A recruitment campaign had been run and he welcomed Brian Norris, Director of Living Memories CIC to the meeting and invited him to outline his background, why he was interested in becoming a community representative on the Forum and about the contributions that he could make to the work of the Forum. The Service Lead – Countryside and Leisure thanked Brian Norris for explaining how his work and experience fitted into the broad cultural agenda and for engaging with the health and well being agenda.

**RECOMMENDED:** that Brian Norris be co-opted onto the Arts and Culture Forum as a community representative.

#### **\*18 Arts Council England**

Ceri Johnson, Visual Arts Specialist for Arts Council England (ACE) was welcomed to the meeting and gave a presentation on the strategic priorities of ACE, including its current priorities and funding programmes. She described Arts Council England as committed to championing and developing the arts, museums and libraries. It was a custodian of public investment, and charged with getting the maximum value out of this.

The five goals of ACE were:

- Excellence is thriving and celebrated in the arts, museums and libraries;
- Everyone has the opportunity to experience and to be inspired by the arts, museums and libraries;
- The arts, museums and libraries are resilient and environmentally sustainable;
- The leadership and workforce in the arts, museums and libraries are diverse and appropriately skilled;
- Every child and young person has the opportunity to experience the richness of the arts, museums and libraries.

The key priorities were:

- Geography and the balance of our investment.
- The Creative Case for Diversity – talent is everywhere but opportunities are not.
- The Cultural Education Challenge – creating the best opportunities for children to input into the creative industry

Ceri outlined the three main ACE funding streams and the strategic funds that were currently open to applicants, which were:

- ACE/V&A Purchase Grant
- PRISM Fund
- Large Capital
- Small Capital
- Arts Impact
- GfA Libraries Fund
- Artists International Development Fund
- Ambition For Excellence
- Strategic Touring

The Chairman thanked Ceri for her informative presentation and invited to Forum to ask questions. It was noted that all funding information was up to date and available on the ACE website.

**\*19 Exeter's cultural partnership work and opportunities for East Devon**

The Chairman welcomed Martin Thomas, Director of Exeter Cultural Partnership (ECP). Martin thanked the Forum for inviting him to attend and explain Exeter's cultural partnership work and opportunities for East Devon. It was supported by and had received funding from ACE.

Exeter Cultural Partnership represented the city's creative practitioners and cultural organisations including arts, education, food, health, heritage, libraries, museums, retail and sport. ECP's mission was to contribute to a city where vibrant, creative and culturally rich quality of life for residents and visitors to Exeter. ECP's social media network had over 400 members across the wider city area.

The Cultural Action Plan was co-owned with Exeter City Council, ensuring that culture was embedded in the plans that will shape the city of the future. Named as one of the top five priorities in the City Council's five-year strategic plan, culture was seen as a key contributor to future prosperity and growth in Exeter. The strategic aim of the plan was to develop Exeter as a culturally vibrant city. The four goals of the action plan were:

- To develop a vibrant cultural economy – Exeter as a cultural destination.
- To develop cultural opportunities and experiences.
- To enable wide and diverse engagement with the cultural sector.
- To build a stronger, more confident cultural sector.

The Forum discussed how it could work together with ECP, particularly to secure funding in a more joined up way.

The Chairman thanked Martin for attending the meeting and for his interesting presentation.

**\*20 Seaton's cultural development plans**

Karin Frewin, Marketing Consultant for Seaton Town Council explained the background to Seaton's cultural development plans. Her role was to consider the marketing and branding of Seaton and to promote the town. The brand review of Seaton considered three major areas:

- Outdoor town
- Natural town
- Culture and arts

A website (<http://www.seatondevon.org/>) had been created for Seaton to promote all the things on offer in the area. This also considered what art in Seaton meant to people – ‘making brighter days’. The importance of content management and keeping the website up to date was acknowledged, as well as the value of having one collaborative website.

It was noted that most of work going on around the town was carried out by volunteers and therefore not restricted to funding. The value of volunteers in culture was vital, as well as partnership working.

On behalf of the Forum the Chairman thanked Karin for her presentation.

**\*21 Cranbrook’s cultural development plan progress**

EDDC’s Urban Designer updated the Forum on the progress of Cranbrook’s cultural development plan. He outlined the original development plan for Cranbrook and explained how the town and its population was growing and how the town centre had shifted. Cranbrook now had approximately 3,500 residents.

The Urban Designer explained that it was extremely hard to build shops and empty spaces on a commercial development. Planning consultation had shown that there were real concerns about the lack of available enterprise space. Cranbrook was growing quickly, with a lot of change in its population, which raised the issue of how to hit a moving target. The cultural development strategy concentrated on getting the target to hit itself, rather than trying to hit a target that was moving. The principle was that buildings do not make culture, people do. People will do things where they can and that activities should be put before themes. This de-risked cultural development. The final stage of the cultural plan should be infrastructure. It was suggested that every public space should be capable of hosting a cultural activity and people should be given the ability in undefined spaces.

It was noted that there was section 106 funding for public art in Cranbrook. The Forum were asked to consider whether this should be spent on a piece of art or on a person who could build the capacity of the activities people would do, therefore enabling development to happen from within the community. The Forum considered whether the wording of the section 106 agreement should be varied to allow for an arts/cultural development officer at Cranbrook and it was suggested that section 106 funding for Honiton could also be used as partnership funding.

The Chairman thanked the Urban Designer for his interesting presentation.

**\*22 East Devon District Council’s cultural tourism opportunities**

Councillor Jenny Brown, Tourism Champion, spoke to the Forum about cultural tourism opportunities in East Devon. The South West Coast Path Association was leading the way in marketing walking holidays for overseas visitors, encouraging year round visits and in turn helping rural and coastal tourism businesses in the region to benefit from the popularity of walking on the South West Coast Path. Suggested itineraries had been produced for 3, 5 and 7 day walking holidays. There were a number of ways that local businesses could benefit from this, including becoming a business member of the Association and having the tourism business listed alongside some of the walks on the website, which all link to the nearby places to eat, sleep, drink and do.

Councillor Brown also outlined the East Devon line partnership with South West trains, which involved displaying advertising boards at stations. Train stations could act as great shop windows. This initiative was 50/50 match funded, with councils providing the design

materials and the station providing the frame. For example the station at Axminster could have a poster advertising Seaton Jurassic, Seaton Tram, Seaton Wetlands, Axminster and Seaton Town Councils and EDDC. The importance of co-ordinating bus and train times was discussed.

On behalf of the Forum the Chairman thanked Cllr Brown for her presentation.

**\*23 Thelma Hulbert Gallery (THG) annual programme & financial performance 2016/17**

The THG Curator, Angela Blackwell, gave an overview of activities at the gallery so far and those planned for 2017.

Activities at the gallery so far included:

- Heritage Lottery Fund had funded work with young people (including SWITCH and THG youth group) on Thelma and the history of Elmfield House. This funding totalled £18,000.
- Paolozzi exhibition – this touring exhibition had attracted 2500 visitors, £800 of donations and £3,000 in sales. There had been 18 schools workshops, in the gallery and in schools funded by ACE. The BBC had interviewed Honiton Community College pupils. ROC (Robert Owen Communities) also sold work to support adults with learning disabilities.
- Museums at Night garden party attracted 600 visitors at the Halloween event. This had been advertised in the Primary Times and reached out to a new audience. The audience was expanded further by offering Children's Centre workshops funded by ACE.
- Present Makers 2016 was sponsored by Bevis and Beckingsale. The event received record breaking sales of £10,000, up by over £1,400. Visitor figures were over 1500, up by 300 and £400 of donations were received.

The South West Academy winter exhibition was currently running and had achieved over £3,000 sales in the first two weeks. Tesco bags of help funding was enabling a mosaic table to be constructed in the THG garden. Forthcoming events included:

- Beyond the lens – Roger Mayne photography exhibition.
- Blooming marvellous – a community knitted garden exhibition.
- Evolver.
- Frances Hatch exhibition - winner of THG Open 2016.

The gallery had achieved a number of awards, including:

- EDDC star performer award.
- Gold Visit Devon 2016 tourism awards.
- South West England Tourism Excellence awards 2017-16 finalist.
- Shortlisted as best family arts winner at Get Creative Family Arts Festival (to be announce in March).
- Dementia Friendly Community of the Year 2016 Award – rural from Alzheimers Society.

The financial performance of the THG was also noted and on behalf of the Forum the Chairman thanked the Curator for her presentation and the positive information.

**\*24 East Devon District Council's cultural plan**

The EDC Culture Strategy 2016-2020 had been included on the agenda for information. The Service Lead – Countryside and Leisure explained that the plan would be adopted soon and kept under review by the Forum.

**Attendance list**

**Present:**

EDDC Councillors:

Cllr John O’Leary – Culture Champion (Chairman)  
Cllr Jenny Brown – Tourism Champion  
Cllr Peter Faithfull  
Cllr Paul Diviani – Leader  
Cllr Phil Twiss - Portfolio holder, Corporate Services

Town representatives:

Cllr John Dyson - Sidmouth  
Cllr Jo Talbot – Ottery St Mary  
Cllr Richard Webster - Seaton  
Cllr Tom Wright – Budleigh Salterton

Officers:

Angela Blackwell, Thelma Hulbert Gallery Curator  
John Golding, Strategic Lead - Housing, Health and Environment  
Charlie Plowden, Service Lead – Countryside and Leisure  
Kenji Shermer, Urban Designer  
Alethea Thompson, Democratic Services Officer

Also present:

Karin Frewin – Marketing Consultant for Seaton Town Council  
Ceri Johnson - Visual Arts Specialist, Arts Council England  
Leonore Morphet – Greenpark Productions Ltd  
Brian Norris – Director, Living Memories CIC  
David Perkins – Director of the Beehive and Honiton Town Councillor  
Martin Thomas – Culture Director, Exeter Cultural Partnership

**Apologies:**

Cllr Ashley Delasalle - Honiton  
Cllr Douglas Hull - Axminster  
Carla Hiley – Exmouth Arts Manager

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



## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a meeting of the Scrutiny Committee held at Knowle, Sidmouth on 2 February 2017**

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

The meeting started at 6.00pm and ended at 7.42pm

The Chairman advised the committee that Councillor Douglas Hull, a member of the committee, was currently unwell, and had sadly recently lost his wife. The committee expressed their condolences and wished him a speedy recovery.

#### **\*33 Public speaking**

There were no public speakers.

#### **\*34 Minutes**

The minutes of the Scrutiny Committee held on the 24 November 2016 were confirmed as a true record.

#### **\*35 Declarations of Interest**

Councillor Bruce de Saram: minute 39; personal interest; Chairman of Exmouth Cricket Club.

Councillor Darryl Nicholas: minute 37; personal interest; works for New Devon CCG.

#### **\*36 Review of the process for production of the Local Plan**

The Service Lead for Planning Strategy and Development Management updated the committee on discussions held with the Planning Advisory Service (PAS) on their availability to undertake a review of the production process of the Local Plan.

A review of the production process has been on the forward plan of the committee for some time. The proposal from PAS for undertaking the review gave an opportunity for an independent body with experience in this line of work to report back to the committee for comment and recommendations to Cabinet.

The broad outline of the proposal was set out in the report, covering 10 days work at £600 per day, plus expenses and VAT. An exemption to standing orders request will have to be submitted for the work, as there is no allocation in the budget.

The committee was asked to provide detailed instructions of any specific issues in respect of the review that they would like PAS to consider if they felt this course of action should proceed.

In discussion, the committee debated:

- An opportunity for an independent body to review the process and provide recommendations on future plan production;
- The PAS was a respected body and had undertaken such work before for another authority – although with differences in local plans, those recommendations would not necessarily apply to the Council directly;
- The recommendations that may result from the review could relate in part to the Greater Exeter Strategic Plan (GESP) but as this was now a different model of plan, it was possible that the recommendations by the PAS would not be relevant to the GESP;

- The governance arrangements for the GESP were set out and were recommended by the Strategic Planning Committee at their meeting on the 17 January 2017;
- Suggestions were put forward for specific detail for the PAS to consider relating to the Strategic Housing Land Availability Assessment (SHLAA) being communicated to land owners; and how errors in calculations were handled in the process;
- No current budget provision made for this work; a suggestion was made to start on staff travel cost review which would provide adequate budget to cover this work;
- A number of changes had occurred since the production of the plan, including the GESP and the change from SHLAA to Housing and Employment Land Availability Assessment (HELAA); and clearer guidance had evolved on the legislation;
- There was a risk that undertaking the review would produce recommendations that could not be used because of the change of how such plans were produced in the future;
- The cost was a relatively small amount and would help to clarify a number of issues.

The Chairman proposed that the review of the Local Plan production process be undertaken by PAS. The proposal was put to the vote and lost.

### **\*37 NHS Property Services**

The committee discussed the transfer of 12 community hospitals to NHS Property Services as landlords, at their meeting on the 24 November 2016. At that meeting, the committee resolved for the Chairman to write to NHS Property Services to express the disappointment at the lack of response to the request to attend committee, and put other questions raised during the debate.

A response was received on the 22 December 2016, and included:

- Explanation of calculation of market rental value for freehold properties;
- Voluntary contributions from community groups value being appreciated but does not in itself provide rights of ownership;
- The uplift to NHS England's funding from the Department of health for market rent is intended to be recurrent in subsequent years.

The committee discussion included:

- Information on the website of the NHS Property Services indicated that the body was acting as a commercial enterprise, which was not fitting to the NHS service; it was a move towards asset stripping, and a factor into the change in the NHS service moving towards the American system of healthcare;
- Areas of particular concern were that any receipts of sales were not ring-fenced to the local area; the impact on voluntary donations both past and present; and that mitigation by NHS England on rents did not present any savings to the NHS budget;
- That the NHS Property Services charges were excessive and only took more money away from service delivery;
- The services required were not commissioned by NHS Property Services but by the Clinical Commissioning Group (CCG);
- Selling of assets happened elsewhere with other bodies, such as church premises, where voluntary donations had made considerable investment in maintaining them;
- Putting sales receipts into where the maintenance was most needed was a fair business model.

**RESOLVED** that

1. The Scrutiny Committee records its deep regret that the NHS Property Services has declined its invitation to a meeting of the East Devon District Council Scrutiny Committee;
2. The Scrutiny Committee to write to the three local MPs representing East Devon, expressing its concern at the failure of NHS Property Services to agree to attend a meeting of the East Devon District Council Scrutiny Committee, and asks the MPs to raise the matter with the Secretary of State for Health, with a view to his ensuring proper openness and transparency in the work of NHS Property Services, and ensuring proper public scrutiny of the work of the NHS Property Services, by requiring attendance at meetings of local councils when requested to do so;
3. The Scrutiny Committee to write to the Devon County Council Health and Wellbeing Scrutiny Committee, expressing its concerns;
4. The Scrutiny Committee to write to NHS Property Services requesting details of the actual market rent for Axminster Hospital, Budleigh Salterton Hospital, Exmouth Hospital, Honiton Hospital, Seaton Hospital and Sidmouth Hospital, with details of how those figures were arrived at.

(Councillor Darryl Nicholas left the chamber for this item once a reference was made to the CCG and remained absent for the vote)

**\*38 Police and Crime Panel Update**

Councillor Tom Wright, representative for the Council on the Police and Crime Panel, gave an update on their work, and highlighted that the Panel were considering the police budget at their next meeting. The Police and Crime Commissioner's new plan is now published.

In discussing the update, the committee reiterated its view that whilst it welcomed the proposal to increase police officer numbers, it wished to see the current level of PCSOs retained, as expressed to the PCC when she met with the committee on the 3 November 2016.

Cllr Wright confirmed that discussions were ongoing with the office of the PCC and other parties in relation to the future of the CCTV system in Exmouth.

**\*39 Scoping – rental of Sports and Activities Clubs; and Thelma Hulbert Gallery**

A scoping report set out the options for the committee to consider on any possible review of two of the topics from the forward plan list.

**Rental of tenanted non-residential property – sports and activities clubs**

The report set out a timeline of the process of council asset review of those premises used by sports and activities clubs, covering the reports presented to Cabinet outlining the review and a proposed rent support grant scheme.

Cabinet are due an update report that illustrates the work completed to date with lease reviews and the first round of applications to the support grant scheme, along with a review of that scheme and any refinements that may be required for subsequent applications.

The committee were in agreement that this topic should not be scoped further until the update report had been presented to and discussed by the Cabinet.

### **Thelma Hulbert Gallery**

The focus on the scope was to look at the performance of the gallery in commercial terms, rather than comment on the diversity and type of events and workshops offered.

Regular reporting is made to the Arts and Culture Forum and directly to Council. Basic statistical information was presented to the committee to show the footfall and income increases; the number of events and workshops were illustrated in recent Cabinet reports, which reflected the social, wellbeing and economic benefits that the Gallery gives.

Based on this trend of improvement, the officer recommendation was that no further work was required by the committee to review the progress of the Gallery at this time.

A suggestion was put forward that the committee should receive an update from the gallery about their work, in particular their excellent outreach work. In response the Chairman made clear that he felt the remit of the committee was related to the performance of the gallery, and the information presented showed that there were no areas of concern that warranted further investigation by the committee. The internal audit plan already shows work on discretionary services (including THG) for 2017/18.

#### **RESOLVED** that:

1. No further investigation into the Thelma Hulbert Gallery is warranted at the current time;
2. No further scoping into Rental of tenanted non-residential property – sports and activities clubs until an update on the rent support scheme has been received and debated at Cabinet.

#### **\*40 Scrutiny Forward Plan**

The forward plan was noted with the addition of discussion on submitting comment to a government inquiry on the overview and scrutiny arrangements.

The Broadband update scheduled for 2 March meeting was discussed and suggested to widen to include mobile phone coverage; the committee requested that representation from Connect Devon and Somerset and British Telecom is sought for that meeting.

Other suggested topics were already being discussed by the Overview Committee or the Strategic Planning Committee.

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

##### **Scrutiny Members present:**

Roger Giles  
Alan Dent  
Colin Brown  
Simon Grundy  
Bruce de Saram  
Dean Barrow  
Darryl Nicholas  
Cherry Nicholas  
Bill Nash  
Val Ranger  
Marianne Rixson

**Other Members**

Dawn Manley  
Andrew Moulding  
Geoff Jung  
Megan Armstrong  
John Dyson  
Pauline Stott  
Tom Wright  
David Barratt

**Officers present:**

Ed Freeman Service Lead Planning Strategy and Development Management  
Giles Salter, Solicitor  
Debbie Meakin, Democratic Services Officer

**Scrutiny Member apologies:**

Cathy Gardner  
Marcus Hartnell  
Maddy Chapman  
Douglas Hull

**Other Member apologies:**

Graham Godbeer  
Jill Elson

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

## **EAST DEVON DISTRICT COUNCIL**

### **Report of a Meeting of the Asset Management Forum held at Knowle, Sidmouth on Thursday, 9 February 2017**

**Present:** Councillors:  
Geoff Pook  
Philip Skinner  
Paul Diviani  
Andrew Moulding  
Alan Dent  
Ian Thomas

Officers:  
Donna Best  
Richard Cohen  
John golding  
Andrew Hancock  
Charlie Plowden  
Chris Lane

**Also present:** Councillors:  
Megan Armstrong  
John Dyson  
Geoff Jung  
Mike Allen  
Rob Longhurst  
Pauline Stott

**Apologies:** Laurelie Gifford  
Jamie Buckley

The meeting started at 9.35am and finished at 11.30am.

**\*1 Notes**

Members noted the report of the meeting held on 15 December 2016.

**\*2 Exclusion of the public**

**RESOLVED:** that the classification given to the documents to be submitted to the Forum be confirmed there was one item which the officers recommended should be dealt with in Part B.

**3 Review of Asset Management Plan - (2014-2017) Delivery Plan and development of tasks for refreshed AMP (2017-202)**

Members discussed the review of the Corporate Asset Management Plan 2014-2017. Councillor Geoff Pook, Chairman of the Asset Management Forum read out the following statement on the way that he considered Asset Management in East Devon should move forward:

“This agenda is sparse but important as it will hopefully set the programme, aims and deliverables for the next 2 years and more.

The AMP should be a strategic document that identifies what assets the council needs and how they should be managed in order to achieve the aims of the Council Plan.

The individual plans such as the Green Space Plan and the Playing Field Plan should be the detail showing how those elements will achieve aims of the plan and include the necessary detail to enable informed decisions to be made.

The AMP currently aims to;

Reduce costs

Increase revenue,

Sell assets

Transfer assets.

I don't see a great need to change these general aims, what I do see is a need to identify a set of actions that will achieve them.

To achieve results we need to understand the role each asset plays in delivering the aspirations of the council plan and the statutory duties of the council. The worth revenue cost and revenue generating potential must be clearly understood.

The asset register has been the subject of much debate and work over the last 18 months. It is improving but it needs further work. Ideally; assets must be "owned by" a department in the Council That department must identify the strategic or statutory need for owning the asset. Each department must be able to show the net cost of owning the asset. For a strategic need the department must consider alternative, appropriate models of ownership and operation Where there is no strategic or statutory need the asset should be disposed of or transferred to a appropriate body. Where there is an increased strategic or statutory need the council should look to acquire additional assets providing full cost benefit analysis.

The end result must be that the council only owns the assets it needs to discharge its responsibilities and achieve the aims of the council plan, where ownership incurs a net cost the cost of owning the asset and providing the associated service must be clearly identified.

This approach should be taken across the council and I see this next plan review, the Green Space Plan, as a first step. I expect the Green Space Plan to identify all its assets as outlined above. Many will be integral to the aims of the council plan and best delivered by this council whilst others may best provided by an alternative, appropriate body. Following this review we need to establish a programme of reviews when each department examines its assets and identifies the need, cost and future action. The review should include consultation with our towns and villages to seek their views on transfer and alternative management. - The end result must be the council only owns those assets it needs and that the cost of owning the assets and providing the service is clearly understood and is sustainable within the council budget"

Councillor Pook was concerned that speedier progress be made on pursuing projects and emphasised that each asset needed to be owned by a specific department of the Council, that each asset was needed for a specific purpose and that each asset was being made the most of. The Council could also look to acquire assets when an appropriate business case had been established.

The members of the Forum then discussed the priorities contained in the CAMP 2014-2017.

1. Leisure Assets – leave in the Plan and take a proposal to the LED Monitoring Group that LED should devise a plan for improving the use of their assets and report back to forum along with Peter Gilpin, LED Chief Executive and Simon Allchurch, Senior Building Surveyor.
2. Beach Huts & Chalets – remove as been completed.

3. Private Clubs and Sports Clubs – remove as been completed but note that there was a need to review the grant application procedures,
4. Cranbrook – additional land and buildings management - leave in the Plan.
5. Asset Management incorporation into Service Planning – remove as completed.
6. Estates Team thinking Review – remove as completed.
7. Beaches – remove as completed.
8. Whole life costing appraisal – remove as completed.
9. East Devon Business Centre – remove as completed.
10. Play Area, multi-use games areas, outdoor gyms and skate parks – part of Green Space Plan.
11. Depot Review – leave in the Plan and prioritise.
12. Community Halls – the work had been done on this subject and would be reported to the Forum.
13. Open Space, Parks & Gardens – remove as work completed.
14. Third sector Asset Transfer – leave in the Plan.
15. Arts Development – remove as the Cultural Plan was now in place and that would include property implications.
16. Theatres – remove as work completed.
17. Nature Reserves - part of Green Space Plan.
18. Public Convenience Review – remove from the Plan as the work had been done and needed to be reported to members of the AMF
19. Port Royal – Regeneration - remove as work completed and scheme was being consulted on.
20. Performance Management – remove as would be included in all items.

The Forum accepted that the Plan's priorities should be:

1. Leisure Assets
2. Depot Review
3. Make success of the Beer Pilot;
4. Small Business Units – ambition to deliver more in the district;

**RESOLVED:** that the statement read out by the Chairman, Councillor Geoff Pook be circulated to all Council member along with the minutes of the meeting;

**RECOMMENDED** that the above priorities for the Corporate Asset Management Plan be agreed.

#### \*4 **Green Space Management Plan**

Charlie Plowden, Service Lead - Countryside and Leisure, reported on EDDC's Green Space Strategy 2016-2026.

The report presented to the Forum set out the need to adopt a Green Space Plan for East Devon District Council. The report identified the benefits that could be derived from adopting a Plan that would help prioritise the Council's management of its green spaces over the next ten years, especially the opportunities for closer working between key service areas such as Streetscene, Housing and Countryside. The future management of these green spaces was of critical importance as their contribution to the district's quality of life indices including health and wellbeing, for local residents was significant.

Green spaces also played a key role in helping to boost the local economy with their role in attracting visitors and visitor spend in many of the district's towns as well as their importance to East Devon's outstanding natural environment.



The Council currently provided 10% of its annual budget to managing our green spaces which is excellent value when the Council's annual household survey shows 78% of all local residents regarding the Council's green spaces as of vital importance to the work of the Council (Viewpoint Survey 2016).

The current set of Council plans and strategies did not provide a strategic framework for the management of EDDC's green spaces and this document would therefore help shape the future management of these important areas for public recreation and enjoyment.

Members agreed that the revised Plan presented was greatly simplified and was a good document that would help achieve the Council's aims for green spaces.

**RESOLVED** that the Green Space Management Plan as presented be endorsed as report for consideration by Cabinet at a future meeting.

\*5 **Exclusion of the public**

**RESOLVED**

that under Section 100(A) (4) of the Local Government Act 1972 and in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public (including the press) be excluded from the meeting as exempt and private information (as set out against the Part B agenda item), is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B).

\*6 **Delivery of Workspace**

a) Cloakham Lawns Employment Land Delivery

Donna Best, Principal Estates Surveyor, reported that as part of its Section 106 agreement, Bovis Homes had provided a site for employment land at Cloakham Lawns. They had produced a scheme that showed small office space, but local members had reported that the provision of small workshop space maybe more what the area needed. It was noted that EDDC had 5 years to deliver a scheme on the site and if no scheme was delivered the land would revert back to the developers, Bovis Homes.

Members acknowledged the need to identify what the demand was in the area and adopt a phased approach to giving an opportunity for small business. It was accepted that an employment needs survey was required for the area.

**RESOLVED** that the Project Plan as presented to the Forum be endorsed.

b) Seaton Workshops

Donna Best, Principal Estates Surveyor, reported that the Council owned two sites in Seaton allocated in the Local Plan as employment land. These were known as the Colyford Road Depot and Land at Fosseyway Park. In May 2014 planning permission was secured for the development workspace on the sites. Both permissions would expire in 2017. A decision was therefore required on whether or not to build the units.

The development of these sites was, subject to the caveats outlined in the report, capable of providing the Council with a new future income revenue stream in the region £250,000 (gross of management and maintenance costs) and a return on investment of circa 8%. Negotiations had been ongoing with the planning service regarding removing some of the more onerous conditions on the planning

permission which affected the viability of the scheme. Charlie Plowden, Service Lead - Countryside and Leisure, reported that the Countryside Service was still using Colyford Road Depot as a depot to store Countryside equipment.

- RESOLVED** that the report including the recommendations as follows be endorsed by members of the Forum:
- 1.0** Up to £110,000 of the £517,750 capital programme funding currently committed to the project is used to clear the planning conditions and carry out the pre-tender works identified in this report.
  - 2.0** Submit a detailed business case to the LEP's Unlocking Growth Fund for £450,000 grant funding.
  - 3.0** That once pre-tender works have been undertaken, the design and build contract for the development of the new workshops is re-tendered.
  - 4.0** On receipt of the new tenders, and subject to a variance in the projected cost of development being no more than 5%, that delegated authority is given to the Deputy Chief Executive to proceed with the development of the new workspace units.
  - 5.0** To move the unspent capital programme budget of £109,350 for two new units at Manstone Workshops to the Seaton Workshops project.

\*7 **Date of next meeting**

The next meeting of the Asset Management Forum would be held on **Thursday 9 March 2017** at 9.30am in the Council Chamber, Knowle, Sidmouth.

**Report to:** Cabinet  
**Date of Meeting:** 8 March 2017  
**Public Document:** Yes  
**Exemption:** None

**Review date for release** None

**Agenda item:** 11

**Subject:** Sidmouth and East Beach Management Plan

**Purpose of report:** To adopt Sidmouth and East Beach Management Plan (SEBMP) that will allow us to proceed to the next stage of the project, namely the production of an outline business case, leading towards the implementation of engineering works to maintain flood and coastal protection.

**Recommendation:** That EDDC adopt Sidmouth and East Beach Management Plan

**Reason for recommendation:** To adopt SEBMP and progress a Sidmouth Beach Management Scheme so that there is an integrated, justifiable and sustainable approach to:

- Maintaining the 1990's Sidmouth Coastal Defence Scheme Standard of Service (protection against flooding and erosion); and
- Reducing the rate of beach and cliff erosion to the east of the River Sid (East Beach);
- and to ensure that EDDC have the best possible case for Flood and Coastal Erosion Risk Management Grant in Aid from DEFRA to finance the necessary flood mitigation and coastal protection works.

**Officer:** Dave Turner, Engineering Projects Manager [dturner@eastdevon.gov.uk](mailto:dturner@eastdevon.gov.uk)  
01395 571619

**Financial implications:** The amounts stated in the report now form part of the approved budget for 2017/18; this currently does not include any sums for actual works. Budgets approved are for monitoring and for preparation to make a final scheme recommendation; any actual scheme will need separate consideration and approval.

**Legal implications:** There are no direct legal implications arising from this report.

**Equalities impact:** Low Impact

**Risk:** Low Risk

**Links to background information:**

**Link to Council Plan:** Encouraging communities to be outstanding  
Developing an outstanding local economy  
Delivering and promoting our outstanding environment



## 1. Background

1.1 Following concerns over rates of erosion on East Beach, and the withdrawal of a planning application for rock armour on East Beach due to Environmental concerns, EDDC commissioned CH2M (formerly Halcrow) to undertake a Beach Management Plan (BMP) for Sidmouth Beach and East Beach in December 2013.

1.2 Input from the local community, Councillors, statutory bodies and other interested parties was used to set the aims objectives for the BMP. The aims of Sidmouth and East Beach Management Plan (SEBMP) were to:

1. Maintain the 1990's Sidmouth Coastal Defence Scheme Standard of Service
2. Reduce the rate of beach and cliff erosion to the east of the River Sid (East Beach)
3. Carry out (1) and (2) in an integrated, justifiable and sustainable way.

With the objective of:

a) Review, update and develop the existing Sidmouth BMP to include both Sidmouth seafront and East Beach, in line with the methods and format consistent with the CIRIA Beach Management Manual (BMM) (second edition) guidance (Rogers et al., 2010), to ensure that there is a robust plan for managing the beaches and associated beach management structures (i.e. existing structures and any new ones which may be required and recommended) in a sustainable way.

b) Undertake research to verify whether the rates of beach and cliff erosion to the east of the River Sid have increased when compared to historical (preSidmouth sea defences) rates and determine an understanding of the relationship between coastal processes, beach volumes, cliff recession and coastal engineering over time. To include review and update (if necessary) of the SMP2 predicted erosion zones.

c) Determine the risks associated with beach and cliff erosion along East Beach on the effectiveness of the River Sid defences, the Alma Bridge and cliff top properties.

d) Determine if the Standard of Service provided by the Sidmouth seafront coastal defences constructed in the 1990's is being met and ensure that these are maintained in a sustainable way.

e) Carry out a detailed inspection and engineering assessment to determine residual life and the current and future standard of protection of defences along the River Sid western wall given the risks posed by beach and cliff erosion to the east of the River Sid.

f) Determine the preferred integrated, justifiable and sustainable coastal defence management options that:

i. Maintains the Standard of Service for Sidmouth seafront defences;

ii. Defines the requirements of engineering assessment to determine works appropriate to upgrade the River Sid western wall;

iii. Reduce the rate of beach and cliff erosion for East Beach (that threatens the River Sid defences, Alma Bridge and cliff top properties at Pennington Point);

iv. Does not compromise or adversely impact the integrity of the environmental features of the Dorset and East Devon UNESCO World Heritage Site, Sidmouth to West Bay Special Area of Conservation or the Sidmouth to Beer Coast Site of Special Scientific Interest; and

v. Ensures that monitoring undertaken as part of the South West Coastal Monitoring Programme is aligned to the requirements of the preferred option.

If required, investigate available sources and suitability of material both within the study area (for recycling) or from distant sources (for recharge) as part of option appraisal.

1.3 SEBMP has been jointly funded by EDDC, the Environment Agency (EA), Sidmouth Town Council (STC) and Cliff Road Action Group (CRAG).

1.4 The stakeholder group (Sidmouth and East Beach Management Plan Steering Group) have been consulted at all stages of the project, with opportunity to comment on all of the technical notes, and reports making up SEBMP.

1.5 In addition, two public consultation events have been held, the first at the beginning of the process, and a second consultation to discuss the shortlisted options. The results of those consultations have fed into the BMP process, through the use of anecdotal evidence and the consideration of options.

## 2. Beach Management Plan

2.1 Our consultants have recently provided us with the final draft of the Beach Management Plan for Sidmouth which is the culmination of the coastal processes, technical, environmental and economic assessments undertaken over the last two years, and having regard to national guidance and inputs from statutory partners and the local community.

2.2 The Plan follows a familiar format culminating in a series of recommendations designed to achieve the original objectives set for the project. The various documents making up the Plan can be accessed on the [East Devon website](#) and the executive summary included in Annex 1.

2.3 Four options were agreed with the steering group to take forwards to the shortlist, three of which consisted of differing arrangements and modifications to groynes, and a fourth consisting of additional offshore breakwaters.

2.4 Whilst Option S4 consisting of additional offshore breakwaters (supported by ongoing recycling and recharge) would be most technically effective in retaining a healthy beach across Sidmouth and East Beach, it is estimated to cost in the region of £17.9M, of which only £5.7M is likely to be funded from DEFRA.

2.5 In light of this, Option S1 has been recommended as the preferred option, and consists of 1 (or possibly 2) additional rock groynes on East Beach and modifications to the River Sid training wall (supported by ongoing recharge/recycling of shingle). Annex 2 shows images of Option S1 and Annex 3 shows images of Option S4.

2.6 Funding for the preferred Option S1 remains challenging, with an estimated £5.7M available from DEFRA, with the remaining £3.3M to come from partnership funding.

2.7 A sub-group of the Steering Group has been examining funding. Should that group identify that funding for Option S4 is achievable, the preferred option may change.

2.8 No guarantee can be given at these early stages that a technically viable beach management scheme would be environmentally acceptable to Natural England, East Devon AONB or the Jurassic Coast Team. However, all of the agencies are supportive of Option S1 or S4, subject to EDDC providing more detailed environmental assessments during outline and detail design, and with particular emphasis on:

- landscape (and seascape) visual impact assessment; and
- geomorphological and coastal processes assessment; and
- ecological assessment.

2.9 All of the agencies are committed to working constructively with EDDC and the EA throughout the design process to guide the implementation of a Beach Management Scheme for Sidmouth and East Beach.

2.10 The BMP sets out a forward action plan to progress Sidmouth Beach Management Scheme (BMS).

In summary this consists of:

Undertake surveys and investigations	Q1 2017/18
Develop and calibrate numerical models	Q1 - Q3 2017/18

Update overtopping analysis and update economics	Q3 – Q4 2017/18
Use validated models to develop Option S1	Q3 2017/18 - Q1 2018/19
Prepare Outline Business Case	Q2 2018/19
Gain EA approval of OBC	Q3 2018/19
Procure design and construction	Q4 2018/19 – Q1 2019/20
Gain EA approval of Final Business Case	Q2 2019/20
Gain required consents	Q2 – Q3 2019/20
Scheme construction	Q3 2019/20 – Q2 2020/21

2.11 A capital bid has been submitted for financial years 2017/18 and 2018/19 for £200,000 of funding of the surveys, investigations, modelling and appraisals required to complete the Outline Business Case (OBC) for submission to the EA for approval of the DEFRA element of funding in the Summer of 2018.

2.12 To ensure that this work can proceed without delay, procurement of this work has already started with a view to appointing a surveyor and consultant in March, so that bathymetric surveys and sediment sampling can begin in April when the risk of disruption from poor weather is reduced.

2.13 A special item to the value of £11,000 has been submitted for inclusion in the 2017/18 budget for additional beach monitoring recommended in SEBMP.

2.14 A capital item for £28,000 has been submitted for inclusion in the 2017/18 budget for repairs to the River Sid training Wall.

2.15 If sufficient partnership funding for construction and ongoing maintenance of Option S1 or S4 cannot be secured, then EDDC and the EA may need to consider alternatives, which could include:

- imposing a requirement for land which will benefit from the works to contribute towards the costs through coast protection charges
- continuing to ensure the standard of protection of Sidmouth Town beach is maintained, and in collaboration with the EA, plan for the future upgrade of the River Sid Western Wall

# ANNEX 1 – Sidmouth and East Beach Management Plan

## Executive Summary

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This Beach Management Plan (BMP) covers the coastline of Sidmouth, Devon, from Jacob's Ladder Beach, in the west, to East Beach, in the east, as well as the western bank of the River Sid up to the weir. The open coast area covered by this BMP is the responsibility of East Devon District Council (EDDC), whilst the River Sid western wall is the responsibility of the Environment Agency. In addition, Plymouth Coastal Observatory (PCO) undertakes coastal monitoring of the area as part of the South West Strategic Regional Coastal Monitoring Programme (SWRCMP), whilst Devon County Council maintain the Alma Bridge and South West Water maintain on outfall that extends offshore from a point adjacent to the mouth of the River Sid.

The aim of this BMP, which has been developed utilising best practice contained in the *CIRIA Beach Management Manual* (CIRIA, 2010), is to inform, guide and assist the responsible authorities and organisations in managing the beach and associated hard coastal defences, and to ensure that the risk of coastal flooding and erosion to properties and other assets along the BMP frontage continues to be managed sustainably, whilst recognising and managing the environmental and amenity implications of doing so.

The key objective of this BMP is to manage the risk of coastal flooding and erosion to property and other assets along the Sidmouth frontage in the immediate future by ensuring that an adequate beach is maintained along the BMP frontage, supported by (and in support of) adequate maintenance of the existing hard defence/control structures and any future structures.

The BMP sets out the plan for monitoring and intervention to maintain the beach and associated hard coastal defences to ensure they continue to provide adequate coastal flood and erosion risk management to Sidmouth in the immediate future, whilst also identifying measures to support development and implementation of more sustainable longer-term solutions to the management of these issues. This monitoring and intervention plan has been developed in the context of providing a technically, economically, environmentally and socially sustainable management approach for the next 5 years (the BMP review period) in line with the long-term strategic coastal flood and erosion risk management approach developed alongside this BMP.

In summary, this preferred option for the long-term strategic coastal flood and erosion risk management approach along the BMP frontage (which is to be developed and implemented as soon as possible) is to seek to construct one or two new rock groynes along East Beach over a distance of up to 200m east of the River Sid, whilst modifying the length of the seaward end of the River Sid training wall and East Pier rock groyne to improve sediment transport between Sidmouth Town Beach and East Beach (and enable access for future beach management at East Beach). This is to be supported in the immediate future by repairs to the seaward end of the training wall (which is at imminent risk of failure) whilst the scheme details are developed, as well as by ongoing recycling of sediment along Sidmouth Town Beach and maintenance of the existing defences at Jacob's Ladder Beach and Connaught Gardens (around Chit Rocks).

This option was selected as it provides the best balance between technical viability, environmental acceptability and economic case. Importantly, discussions with East Devon District Council have indicated the level of funding contribution required (c.£3.3m) is at a level that is more realistic with partners/beneficiaries contributing and therefore provides a greater chance of project assurance in the shortest amount of time. It should be noted however, that if a greater level of funding contribution were to be available, then the preferred option would be for removal of existing rock groynes along the shoreline and construction of an additional number of offshore breakwaters.

As further work is still needed in the immediate future (within the next 6 months) to fully confirm the level of funding contribution that can be delivered to robustly evidence this in the business case when it is eventually submitted to the Environment Agency's National Project Assurance Service, it is possible that this change in preferred option could occur if, as a result of that further work, it is shown that a greater level of funding contribution can be confirmed as being deliverable. This funding work in the immediate future can be progressed alongside initial work to develop the detailed appraisal of the currently defined preferred, with the scope able to be changed if the additional partnership funding is made available, and this is reflected in the forward plan presented in **Appendix D** for progressing the development of a project to secure the longer-term management of coastal flood and erosion risk along the BMP frontage whilst ensuring ongoing monitoring and maintenance occurs, as defined in the rest of this BMP, whilst that project is developed.

## ANNEX 2

### Option S1

Illustration of how 1 groyne along East Beach could look



Illustration of how 2 groynes along East Beach could look





**ANNEX 3**  
**Option S4**

Illustration of how replacing the groynes with additional offshore breakwaters could look.

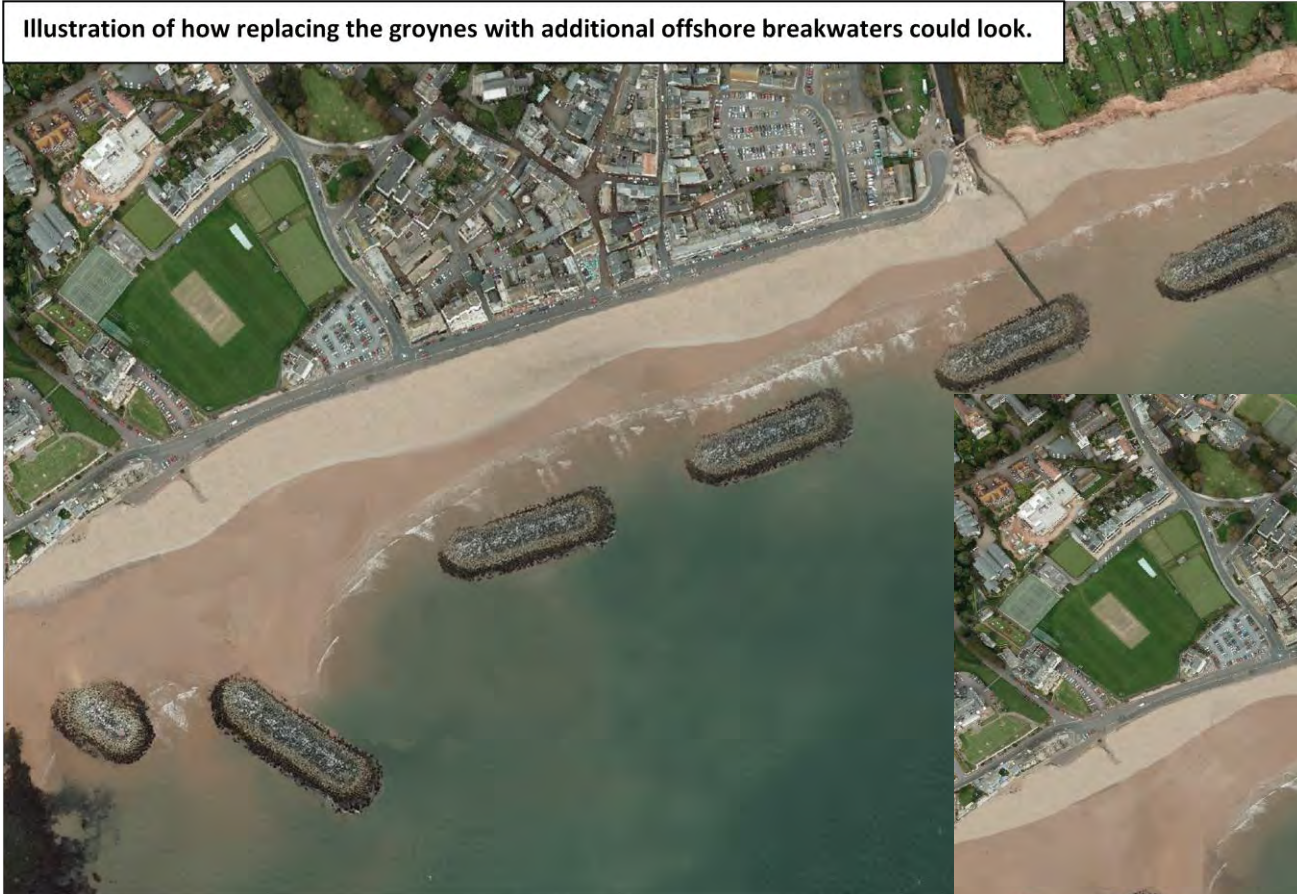


Illustration of how replacing groynes with more angled breakwaters could look.

**Report to:** **Cabinet**

**Date of Meeting:** 8 March 2017

**Public Document:** Yes

**Exemption:** None

**Review date for release** None



**Agenda item:** 12

**Subject:** **Local Government Boundary Commission for England (LGBCE) Electoral Review Programme 2015 - 2019**

**Purpose of report:** To consider the draft recommendations from the LGBCE on the new electoral arrangements for EDDC

**Recommendation:** **That the Cabinet confirms to the LGBCE its agreement to the draft recommendations for EDDC issued on the 7 February.**

**Reason for recommendation:** To comply with the timetable and requirements of the LGBCE. The current consultation closes on the 3 April 2017.

**Officer:** Mark Williams, Chief Executive [mwilliams@eastdevon.gov.uk](mailto:mwilliams@eastdevon.gov.uk)

**Financial implications:** None at this stage

**Legal implications:** The review takes place within a legal framework and when finally completed there may well be a need for the Council to review its polling districts and polling places.

**Equalities impact:** Low

**Risk:** Low Risk

Need to ensure the Council is well prepared for any changes to electoral arrangements

**Links to background information:**

- [Cabinet agenda 15 July 2015](#)
- [Overview agenda 22 September 2015](#)
- [Overview agenda 17 November 2015](#)
- [Overview agenda 22 March 2016](#)
- [Electoral Review draft submission](#)
- [Cabinet report 13 July 2016](#)
- [Cabinet minutes 12 October 2016 - Minute 67](#)

**Link to Council Plan:** Continuously improving to be an outstanding council

## Report in full

1. Members have given previous consideration to reports outlining the implications of the LGBCE review. The most recent consideration was at the Cabinet meeting of the 12<sup>th</sup> October 2016 when it was decided as follows:

‘The Chief Executive updated members on the latest stage of this review. He proposed that the most effective way to prepare the Council's submission on ward boundaries to the Boundary Commission would be to hold a member workshop outlining the possible options and giving members the opportunity to express their views. These views could then be assessed and the Chief Executive would consult with Group Leaders before submitting the Council's proposals in accordance with the deadline of the 5 December. The Chief Executive reinforced the message that the Local Government Boundary Commission's main criteria was electoral equality.

**RESOLVED:** that a member workshop be held and the Chief Executive be given delegated authority, in consultation with the Group Leaders, to make the Council's submission to the Boundary Commission.

2. Our submission to the LGBCE was duly made and has now been considered. On the 7<sup>th</sup> February the LGBCE issued its draft recommendations. Copies of the draft recommendations, the covering letter and the press release have been forwarded to all councillors. Details can be accessed here: <https://www.lgbce.org.uk/current-reviews/south-west/devon/east-devon>
3. Broadly speaking the LGBCE has agreed with the proposals that we submitted. There are some changes but members will see that it is confirmed that the new Council in 2019 will comprise 60 Councillors representing some 30 wards. The proposals are for 12 three-councillor wards, six two-councillor wards and 12 one-councillor wards. All the proposed wards will comply with the legal electoral equality requirement. Within the permitted range of +/- 10% each councillor will represent 2,098 electors.
4. Having considered the draft recommendations my advice is that they form a sound basis for taking forward the Council recommendation to have 60 Councillors, and furthermore they are broadly representative of local community identity and interest. On this basis it is recommended that we confirm to the LGBCE our support for the draft recommendations.

**Report to:** Cabinet  
**Date of Meeting:** 8 March 2017  
**Public Document:** Yes  
**Exemption:** None  
**Review date for release:** None



**Agenda item:** 13

**Subject:** **Establishing a Local Housing Company for East Devon District Council.**

**Purpose of report:** This report sets out the business case for setting up a Local Housing Company to be wholly owned by the Council with the purpose of providing housing in the general market (so outside of the Housing Revenue Account) and to generate a profit to provide income to the Council's general fund.

The report covers the purpose, benefits, legal position, risks, and considerations of operating a Local Housing Company, and specifically what this housing delivery vehicle could do that we currently are unable to.

An outline business case considers how the Local Company could operate, its objectives and sets out due diligence considerations.

**Recommendation:**

**That Cabinet;**

- (1) Approve the establishment of 'East Devon Homes', a (a wholly owned) Local Authority Housing Company to be incorporated and registered at Companies House as a private company limited by shares;**
- (2) Agree the shareholder function of the Council be delegated to a sub-committee of the Cabinet, to be called the 'Housing Company Sub-Committee' and comprising the Leader, Deputy Leader and Portfolio Holders for Finance, Sustainable Homes and Communities and Corporate Business;**
- (3) Agree the remit and Terms of Reference of the Housing Company Sub-Committee attached at Annex 2;**
- (4) Agree the Housing Company Sub-Committee in consultation with the Strategic Leads for Finance, Governance and Licensing and Housing, Health and Environment be authorised to finalise and document the following arrangements between the Council and the Company;**
  - (a) The Memorandum and Articles of Association for the Company;**
  - (b) Shareholder Agreement between the Company and the Council;**
  - (c) Appointment of Directors, Auditor and (if required) a Company Secretary;**
  - (d) Receive and approve the Business Plan prior to the Company commencing trading (noting that Council approval will be required for any borrowing the Council may do on behalf of the Company);**

- (e) **Resourcing Agreement for the Company to use Council staff and facilities in furtherance of its business;**
- (f) **Agree appropriate loan and draw down facilities to the Company with associated agreements.**

**Reason for recommendation:**

To establish a vehicle to accelerate housing delivery and the flexibility to undertake a more diverse range of housing development, including market rented properties.

**Officer:**

John Golding Strategic Lead – Housing, Health & Environment.  
[jgolding@eastdevon.gov.uk](mailto:jgolding@eastdevon.gov.uk)

**Financial implications:**

Finance have been involved in the preparation of this report, with the report and annexes highlighting the main financial issues. This report sets out the principles and procedures for establishing a wholly owned Local Authority Housing Company which will be a subsidiary of the Council and will be fully consolidated into the Council's financial statements. Once the documentation outlined in this report relating to the formation of the Company have been produced and presented for approval it is not until that stage the Council will be asked to consider any investment and/or borrowing requests.

It is likely that the Council's Chief Finance Officer (S151) will be part of the Company Board, this will be with a clear understanding of the separation of functions being a board member and the role of advising the shareholder/Council. It is not expected that conflicts will emerge but as stated in the report his will be kept under review and arrangements reviewed and modified if necessary should such a conflict arise.

**Legal implications:**

Legal have had input in to the preparation of the report and it is considered that the report and Outline Business Case identify the main legal issues. The principle of establishing the Company on the basis of the general power of competency and for the purposes specified seems perfectly permissible. The documentation that governs the relationship between the Council and Company and the running of the Company is crucial to ensure appropriate safeguards for the Council are in place (primarily these are the Shareholders Agreement, Articles of Association and the Business Plan). In addition there are a number of legal issues (identified in headline terms in the report) that will require further consideration as part of the establishment of the Company and as the Business Plan and activity of the Company develops. Advice will be given at the relevant stages to ensure that the relevant legal obligations are appropriately considered and addressed.

**Equalities impact:**

Low Impact

**Risk:**

Medium Risk

The report contains a risk assessment and considers the Council's appetite for risk as a consequence of working in new markets and adopting a more commercial approach.

**Links to background information:**

- .

**Link to Council Plan:** Continuously improving to be an outstanding council.

## **1. Introduction**

- 1.1 For some time I have been researching changes and trends in the social housing sector relating to new models for delivering housing to meet the seemingly insatiable demand for good quality housing. Despite promises of freedoms and flexibilities our ability to deliver a significant development programme through the Housing Revenue Account is compromised by borrowing restrictions, rent and tenancy controls.
- 1.2 In January 2017 I reported and presented to the **Housing Review Board** a report that considered options for arrangements that could operate alongside the Housing Revenue Account (HRA) and our social housing activities, but that would enable us to operate in a more commercial way. Done well this would complement our social landlord activities and benefit from the experience and infrastructure we have to manage and maintain Council homes.
- 1.3 At the Housing Review Board we explored two main options - a Joint Venture partnership and a Local Housing Company. The desire for control and full ownership favoured the Local Housing Company option and the Board invited me to work up an outline business case and perform some initial risk assessment and due diligence work.
- 1.4 I am reporting my findings to the Cabinet because the model I am proposing would sit alongside the landlord activities, but falls outside of the remit of the Housing Review Board.

## **2. Outline business case for a Local Housing Company**

- 2.1 I have explored the reasons and benefits of setting up a new housing delivery vehicle and why other councils have gone down this route. The key drivers are typically to play a more active role in the local housing market and providing a more diverse housing offer, including market renting and sales. For many there is a view that councils can do a better job than private landlords and developers and provide a housing product that is right for their area rather than what the market seeks to provide. Some see this as a valuable investment model with good returns for the council, whilst fulfilling a useful intervention in the housing market.
- 2.2 I have looked at the drivers and benefits of establishing a Local Housing Company and concluded that if we wish to play a more significant role in the local housing market and diversify our housing offer, then we need a suitable vehicle with which to deliver this ambition. I have taken the view that with the limitations placed on the Housing Revenue Account we need something different and flexible to make a step change in housing delivery.
- 2.3 In 2012 following the self-financing of council housing (with taking on of debt to buy our housing stock) we devised and undertook a soft launch of **East Devon Homes**, which was largely put in place to signal the change to a regime where we were anticipating freedoms and flexibilities. However, this has not materialised and government are continually interfering with our rent setting, tenancy conditions, Right to Buy, sale of high value stock etc. The Local Housing Company presents the opportunity to operate outside these constraints and we could use the East Devon Homes label (as not currently registered at Companies House).
- 2.4 Following the Housing Review Board meeting and support from Strategic Management Team I have explored the case for establishing a Local Housing Company in more detail, including a careful consideration of the drivers, benefits, a SWOT analysis, risks, legal position and due diligence issues. I have produced an outline business case which is reproduced in **annex 1**.
- 2.5 I am suggesting that the high level objectives of a Local Housing Company would be:

- To increase housing supply in the area to address existing demand and meet the needs of a growing population, and help boost growth in the local economy;
- To act as a stimulus for change to improve the quality of rented sector accommodation across the district;
- To set standards for good housing design and management in the local housing market;
- To generate General Fund income for the Council through returns from Private Rented Sector housing and sales receipts from market housing sales and affordable homes;
- To act as a development vehicle for the Housing Revenue Account and deliver affordable housing.

2.6 Complimenting these objectives the benefits of a new form of housing delivery vehicle would be:

- The ability to offer a wider variety of tenure types (including private rented sector);
- Profits from the company can be returned to the Council's General Fund via dividend payments;
- No restriction caused by the HRA borrowing cap (headroom);
- Freedom from the HRA rent regime and the implications of the 'limit rent subsidy' (if properties with higher rents are introduced to the HRA then not all housing benefit costs can be reclaimed);
- Avoids potential stock losses through the Right to Buy.

2.7 The Company can start small and build over time. Being entirely under the control of the Council we can operate at a pace that we are comfortable with, managing risk and exploring opportunities for development that are viable and provide a return on our investment. This might include acquisitions of existing homes, purchasing from developers, and/or development of land in our ownership or purchased through the market. I envisage the Local Housing Company undertaking work for the Housing Revenue Account and providing affordable homes as well as a more commercial activities being housing for sale and market rent.

2.8 It is essential that we establish the company so that it is flexible and agile, and free of much of the local authority bureaucracy. Whilst remaining accountable and owned by the Council to be effective the company needs to be able to react quickly to opportunities, take calculated risks, and operate in the commercial environment.

2.9 I have considered the contents of the recently published **Housing White Paper** in relation to the proposal and concluded that with the government seeking ways to accelerate house building, and promoting home ownership models, this would only serve to increase the need for a new delivery vehicle that can operate outside of the constraints imposed by Housing Revenue Account rules. The drivers for establishing a Local Housing Company are consistent with the growth agenda being promoted and can benefit from the reshaping of national housing policy being advanced through the initiatives outlined in the Housing White paper.

2.10 The Housing White Paper also states "the government asks local authorities to be as ambitious and innovative as possible to get homes built in their area" and under the section listing proposals and concerned with diversifying the market it says government will be "supporting housing associations and local authorities to build more homes".

2.11 Under a section titled backing local authorities to build the Housing White paper states "Increasingly and across the country local authorities are using innovative new models to get homes built in their area. There are a number of good examples of Local Development Corporations local housing companies and/or joint venture models building mixed sites, which include new market housing for sale or private rent, as well as affordable housing. We welcome innovations like these, and want more local authorities to get building. To that

end we will seek to address the issues that hold them back. However, we want to see tenants that local authorities place in new affordable properties offered equivalent terms to those in council housing, including a right to buy their home”.

### **3. Specific Considerations**

- 3.1 The Outline Business Case details the legal framework and identifies that the general power of competence (S.1 Localism Act 2011) should be relied upon. In carrying out a 'commercial purpose' under the general power of competence, it is a legal requirement that this is carried out through a company.
- 3.2 The proposal is to establish a wholly owned private company limited by shares. This will mean that the Council is the sole shareholder and as such the company would be a controlled company for the purpose of the Local Government Act 1989 and the related Local Authorities (Companies) Order 1995. This places obligations on the company to ensure that those it deals with are aware that it is local authority owned but also it is restricted in terms of political and certain other activity. These requirements will be taken into account and appropriately addressed during formation and operation of the Company.
- 3.3 Governance arrangements are clearly an important aspect to the setting up of the Company. While acknowledging the desire of the Company to be flexible and agile, there does need to be sound and robust management of the Company, and equally there does need to be adequate protection of the Council's financial and reputational investment in the Company. This will be achieved through the documentation and arrangements that set up the Company as detailed in the Recommendations and in more detail below.

#### Shareholder Agreement

- 3.4 The ultimate control of the Company rests with the shareholder, while operationally the Company is run by the Board of Directors with potentially a senior manager / managing director. Generally speaking the Board of Directors of a company is its main decision making body and is free to act as it thinks are in the best interests of the Company. The shareholder can reserve certain activities to ensure that the Company cannot take certain decisions or carry out certain activities. Accordingly it is recommended that there is a shareholder agreement which would seek to ensure that only the shareholder (so the Council) can undertake certain activities. It is suggested that this reserves the following, as a minimum, to mitigate risk to the Council:
  - 3.4.1 Issuing new shareholder capital (to ensure Council retains control of the Company)
  - 3.4.2 Borrowing of money (as the Company's borrowing forms part of the Council's debt profile)
  - 3.4.3 Access to information about the Company (as shareholders are not automatically entitled to detailed financial and operational information)
  - 3.4.4 Agreement of the Business Plan (to set out the performance levels expected of the Company and the tolerances – both financial and decision making)
  - 3.4.5 Enshrining 'controlled company' requirements to ensure Board of Directors comply
  - 3.4.6 Changing Directors and the Company Secretary (if appointed)
- 3.5 The Shareholder Agreement will provide a framework for governance but otherwise the Board can operate the Company as it sees fit. In terms of how the Shareholder function is carried out, the intent is for a sub-committee of Cabinet to exercise this role on behalf of the Council. The terms of reference for this sub-committee are attached (**Annex 2**) and details how the function will be exercised. There will be at least two meetings annually, one of which will be the annual meeting where an annual report and the annual accounts are



presented. Other meetings will be on an 'as required' basis. The sub-committee, as the Shareholder, will effectively hold the Directors to account.

### Directors

- 3.6 The Board of Directors will be responsible for delivery of the expected outcomes of the Business Plan. They have oversight of the performance, financial and operational management of the Company within the parameters agreed with the Shareholder.
- 3.7 The Board of Directors will be appointed by the Housing Company Sub-Committee and on the basis of the Director Appointment documentation. It is expected that the Board will comprise most of the Council's Senior Management Team (Deputy Chief Executive and Strategic Leads for Housing, Health and Environment; Finance; Governance and Licensing and Organisational Development and Transformation) but not the Chief Executive. As noted in the Outline Business Case, the Shareholder may wish to appoint further directors to add further commercial experience to the Board, which is entirely permissible and will be covered by the Shareholder Agreement.
- 3.8 Whilst the Council's Chief Finance Officer (S.151) and Strategic Lead for Governance and Licensing (also the Monitoring Officer) will be part of the Board, this is with a clear understanding of the separation of functions between all officers on the Board of Directors and officers providing advice to the Shareholder (and also Council when acting in its funding capacity) on behalf of the Council. It is not expected that conflicts will emerge but this will be kept under review and arrangements (or directorships) kept under review and modified if necessary to accommodate changes in circumstances.
- 3.9 Directors are subject to their own statutory duties (for which see the Companies Act 2006) along with other legal duties. The Directors will be advised of their collective and personal responsibilities and liabilities. It is expected that the Council will indemnify and / or insure the Directors in accordance with provisions of the Local Authorities (Indemnities for Members and Officers) Order 2004.
- 3.10 Any Director who is an employed officer will not be remunerated in their position as Director.

### Memorandum and Articles of Association

- 3.11 These are effectively the Company's Constitution setting out the rules governing the running of the Company by the Directors. There are standard template articles that can be used and adapted as necessary. In general terms, the articles will ensure a company limited by shares; there will be one shareholder (East Devon District Council), the liability of the Council will be limited to the nominal value of its share; if a Director ceases to be employed as an officer of the Council then they will, ordinarily, cease to be a Director; it will cover procedures for meetings and voting; requirements as to signing documentation; rules surrounding being a wholly owned local authority company and the requirements for auditing of accounts, amongst others.

### Business Plan

- 3.12 This document will determine the operational parameters of the Company and, while it will evolve over time, it is likely to cover some or all of the following:
  - 3.12.1 Operational plans
  - 3.12.2 Financial model and assumptions
  - 3.12.3 Investment Strategy
  - 3.12.4 Rents, sales and development assumptions

3.12.5 Distribution Policy – is all profit returned to the Shareholder or is some retained for future investment and / or running capital

3.12.6 Fees, on-costs and tax

3.12.7 Funding profile and sensitivity analysis

- 3.13 The Shareholder retains input in to the Business Plan to ensure that the Company is delivering to the Shareholder's aims and the Company Directors can be held accountable in respect of it. There will need to be a business plan approved prior to the Company beginning to trade.

#### Resource Agreements

- 3.14 It is anticipated that many of the support services (both advisory and service provision) are likely to be contracted out by the Council (e.g. legal and finance advice and maintenance services). There may be other related costs too, such as accommodation and goods. All of these will be the subject of appropriate legal documentation and services will be charged at normal commercial rates to the Company.

#### Loan agreements

- 3.15 These will depend on the nature of what the Company is doing. Most likely the Company will ask the Council to borrow from the Public Works Loan Board (as detailed in the Outline Business Case). It is possible though that the Council could loan from capital reserves. All borrowing / loans will need proper documentation. Consideration will be given to imposing legal charges in respect of property to protect the Council's investment where appropriate.

### **4. Other matters (including Tax, State Aid, EU Procurement)**

- 4.1 As a company, the Company will be liable to pay corporation tax in the normal manner on profits. It will also have a different position in respect of VAT and also stamp duty land tax in terms of property transactions.
- 4.3 The Outline Business Case also identifies that there are potentially issues surrounding State Aid (so ensuring that the Company is not subsidised by public money) in terms of loans, use of staff / resources and provision of services and EU Procurement (ensuring public bodies trade fairly, openly and get best value). The issues are explained in the Business Case as is the potential ways of overcoming / addressing them. The Company may not be subject to EU procurement, but even if it is there are rules that mean the letting of contracts by the Council to the Company would not be subject to EU procurement rules.
- 4.3 There are also a number of other legal issues that the Council will need to consider, depending on what assistance the Council is to give the Company and what the Company intends doing. These primarily revolve around the funding of or providing lending to the Company (in the context of the purpose of the funding / lending) and the transferring of land (different considerations apply to general fund land compared to housing revenue account land) or other assets for the Company to use including the duty to secure best value for land, although noting the ability to sell for an under-value in certain circumstances. There are a number of other considerations, including the intention to help deliver affordable housing and the responsibilities on the Council as Housing Authority.
- 4.4 Ultimately all of the above will be considered on a case by case basis. Advice on the issues and consideration of the implications and the best way forward for both the Company and the Council will be given as appropriate. Essentially each party will receive specialist advice on the relevant issues as it affects their decision making to ensure that informed and lawful decisions are taken.

## **5. Risks**

- 5.1 While the Company is likely to consider a variety of different opportunities to deliver its purpose, options under consideration will be subject to appraisal and due diligence to ensure sound decision making. Ultimately the Business Plan, once approved, will dictate that the Company will operate within clearly defined parameters which will be overseen by the Shareholder.
- 5.2 The Outline Business Case identifies and analyses specific risks in Section 6. However, and in addition, it is worth highlighting the following to demonstrate that there are appropriate controls in place:
  - 5.2.1 The Shareholder Agreement will set out controls around the way the Company can be run and its dealings;
  - 5.2.2 The Articles of Association will further set out the powers available to Directors;
  - 5.2.3 The Business Plan sets clearly defined parameters and the Housing Company Sub Committee are able to hold the Directors to account for the delivery of the Business Plan;
  - 5.2.4 Funding provided by the Council will be subject to approvals by the Housing Company Sub Committee and (depending on the circumstances) Council;
  - 5.2.5 Asset transfers will be subject to the requirement to obtain best value for land (although subject to the ability to dispose of at an undervalue in appropriate circumstances);
  - 5.2.6 Possible use of legal charges to protect the Council's interests;
  - 5.2.7 The Company will be subject to its own auditors and will be subject to the requirements of company law and filing at Companies House.

## **6. Housing Revenue Account**

- 6.1 It is important to note that the Outline Business Case explains that the Housing Revenue Account and HRA Business Plan will continue to operate as it does currently to ensure compliance with our legal obligations in respect of social housing. There is likely to be opportunity for the Council (acting through the HRA) to work alongside the Local Housing Company but their functions are distinct and the HRA responsibilities will continue to be delivered by the Council.

## **7. Next steps**

- 7.1 Assuming the principle of establishing a Local Housing Company is accepted the next steps involve producing articles of association and a shareholder agreement, establishing a Board, detailing the scope of the company business and setting up the company as a legal entity.
- 6.2 A Business Plan is required setting out the ambitions and operating principles of the new company. I envisage this developing over time as we realise the full potential for business expansion and if we like what is being delivered.
- 6.3 If the recommendation is supported I will work with Legal and Finance colleagues to establish the company and report back on progress, and provide an indication of the first projects to be delivered together with the Business Plan.

## Annex 1

### The Outline Business Case for establishing a Local Housing Company

#### (1) Introduction

The role of councils in meeting the housing and commercial needs of their districts is changing. Local authorities are increasingly looking at the role they can play in stimulating the local economy through increased employment and delivering new local housing investment. The drivers for taking a leading role in housing and commercial investment are to directly address local housing supply shortfalls, and to generate additional revenue to support other identified priorities.

This Outline Business Case sets out how the Council, utilising a Local Housing Company vehicle, will seek to establish a key role in delivering new housing that will meet the needs of the district going forward whilst making sound financial investments, which will help support the provision of council services. The high level objectives in setting up a Local Housing Company are as follows:

- To increase housing supply in the area to address existing demand and meet the needs of a growing population, and help boost growth in the local economy;
- To act as a stimulus for change to improve the quality of rented sector accommodation across the district;
- To set standards for good housing design and management in the local housing market;
- To generate General Fund income for the Council through returns from Private Rented Sector housing and sales receipts from market housing sales and affordable homes;
- To act as a development vehicle for the Housing Revenue Account and deliver affordable housing.

The use of a Local Housing Company model has the advantage over developing property in-house in that:

- Housing held for market rent sits outside of the HRA, so returns flow to the General Fund.
- Housing is not subject to the constraints of the Housing Act and secure tenancy regime.

The Local Housing Company will operate as a business and as such will have a separate Business Plan in place which outlines how it will operate and the resources required to meet its ambitions.

Establishing a Local Housing Company will permit the Council to provide general needs housing at social and intermediate rent levels as well as housing for market sale housing, which differs from the Council's HRA general need housing.

### **Local Housing Company aims and rationale**

East Devon District Council is looking to set up a new housing vehicle to meet a number of social and economic objectives. These are:

- To increase housing supply in the area to meet existing and future needs of a growing population, and help boost growth in the local economy;
- To develop homes for sale;
- To act as a stimulus for change to improve the quality of rented sector accommodation across the district;
- To set standards for good housing design and management in the local housing market;
- To generate General Fund income for the Council through returns from private rented sector housing and sales receipts from market housing sales and affordable homes;
- To support the HRA in realizing its development ambitions.

### **Current position**

There is a demand within the District for additional good quality rental accommodation and provision of properties for a variety of demographics. The Council has a modest land supply, however, developers are not coming forward to deliver the type of new housing at the rate required by the market.

Therefore, the Council believes it requires a new solution, by setting up a new housing vehicle to deliver high quality housing, making use of its unique position in respect of the following:

- The land the Council currently holds and the related opportunities associated with this land.
- The Council has access to low cost borrowing and the HRA surplus.
- The Council has a willingness to take a longer term return than the private sector.
- The Council has an existing in-house Housing Service, combining property lettings, management, repairs and improvements.

### **Benefits of a wholly owned Local Housing Company**

The Council considered various options for a council led housing investment strategy having observed and researched activity in the social housing sector.

The Council has decided to go forward with the option of setting up a Local Housing Company. This structure provides a number of benefits which include:

- The ability to offer a wider variety of tenure types (including private rented sector);
- Profits from the Company can be returned to the Council's General Fund via dividend payments;
- No restriction caused by the HRA borrowing cap (headroom);
- Freedom from the HRA rent regime and the implications of the 'limit rent subsidy' (if properties with higher rents are introduced to the HRA then not all housing benefit costs can be reclaimed);
- Avoids potential stock losses through the Right to Buy.

## SWOT analysis for establishing a Local Housing Company

<p><b>Strengths</b></p> <ul style="list-style-type: none"> <li>➤ Addresses need to increase housing supply in the district.</li> <li>➤ Increase revenue flow to General Fund.</li> <li>➤ Flexibility in product offering between market sale and market rent.</li> <li>➤ Full Council control will ensure it is acting in the Council’s best interests.</li> <li>➤ The Council’s liability is limited to the funds invested.</li> <li>➤ Freedom and flexibilities to act commercially.</li> <li>➤ Can use the expertise and experience of Directors and Non-Executive Directors from the private sector.</li> <li>➤ Ability to access HCA and other external funding.</li> </ul>	<p><b>Opportunities</b></p> <ul style="list-style-type: none"> <li>➤ Potential to expand: <ul style="list-style-type: none"> <li>o Within East Devon</li> <li>o Within the County</li> <li>o Outside the County.</li> </ul> </li> <li>➤ Potential to develop a partnership: <ul style="list-style-type: none"> <li>o With other Councils</li> <li>o With private providers.</li> </ul> </li> <li>➤ Wider options for raising new capital. The Company can issue new share capital.</li> <li>➤ The Company will better use existing Council assets (both land and buildings).</li> <li>➤ The Company could potentially operate other commercial services.</li> </ul>
<p><b>Weaknesses</b></p> <ul style="list-style-type: none"> <li>➤ Would be liable to Corporation Tax payments.</li> <li>➤ VAT implications in a Company model which differ to the Council (the Council is able to recover VAT).</li> <li>➤ Opportunity cost of not building purely affordable homes on HRA land – i.e. if a site can accommodate 30 new homes which would all be affordable if delivered through the HRA, there would likely be less provided as affordable homes under this route.</li> <li>➤ Development and operational expertise is not in place for market rent and sale properties.</li> <li>➤ Council branding may not be appealing to the private sector.</li> <li>➤ Lack of necessary skills and experience at a Director/Board level.</li> <li>➤ Additional overhead costs such as external audit fees, registrations with HMRC, and with Companies House.</li> <li>➤ Having the commercial ‘mind set’ and culture to operate a Local Housing Company.</li> </ul>	<p><b>Threats</b></p> <ul style="list-style-type: none"> <li>➤ Displaced residents may give the new housing Company a bad reputation.</li> <li>➤ Demographic changes.</li> <li>➤ Residents becoming more affluent and wishing to buy rather than rent.</li> <li>➤ Potential increases in interest rates and/or rate of returns for the Council.</li> <li>➤ Reduced demand caused by increased cost of mortgages from higher base rates.</li> <li>➤ There may be competitors planning to access the demand for housing in the EDDC area.</li> <li>➤ Potential lack of access to land for future expansion.</li> <li>➤ Increasing market construction costs.</li> <li>➤ Struggling ownership affordability undermining ability to sell if there is a further economic downturn.</li> <li>➤ State Aid and procurement rules may affect intended operations.</li> <li>➤ There may be legislation changes which could be unfavorable to the current arrangement (e.g. HRA, Council land disposals/transfers).</li> <li>➤ Reputation damage for the Council from any tenants removed from properties,</li> </ul>

	<p>even if under the terms of the tenancy.</p> <ul style="list-style-type: none"> <li>➤ Competition from private sector who may be able to achieve greater economies of scale.</li> <li>➤ Change in government policy on Right to Buy which may be extended to the affordable elements of all developments.</li> <li>➤ Ability to operate flexibly and quickly with less bureaucracy than normal with Council activities.</li> </ul>
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### **Setting up the Company**

It is envisaged that the initial set up of the Company will be managed by the Council and will involve the following key tasks:

- Gaining relevant approvals from Council for set up;
- Obtaining legal and tax advice where required;
- Preparing relevant documentation – articles of association, shareholder agreement and other related documentation;
- Set up of the Company, including incorporation with Companies House;
- Registering the Company for tax purposes, upon commencement of operations;
- Setting up bank accounts for the Company;
- Providing an indemnity for and / or acquiring insurance for directors.

### **Summary of the operating arrangements**

The Council can sell (or in some cases gift) land at market value (determined by an independent valuer) to the Company and advance to it financing in the form of equity and loans. The Company may also acquire/assemble land for development.

The Council will borrow, either from the Public Works Loans Board (PWLB) or through the Local Government Association (LGA) consortium to provide the financing. In some cases the HRA surplus and borrowing ‘headroom’ can be used to finance projects.

The Company will use the funds to develop homes on the transferred or acquired land, and to make acquisitions of existing homes for rent and market sale. The exact mix of rented and sale will be considered on a site by site basis. The cash inflows of the Company will therefore comprise market rents and the proceeds of property sales. These cash flows will be used to service the financing provided by the Council, providing one of the financial returns to the Council.

The properties will be designed and developed by external service providers, procured by the Company. In developing and maintaining these homes, the Company will seek to provide opportunities for local suppliers and contractors wherever possible.

In all cases maintenance and management as well as professional services (e.g. legal and finance) will be provided by the Council. Where the Council delivers services for the Company, these will be charged at market rates in line with a Service Level Agreement (SLA). The loans from the Council to the Company will be on commercial terms, therefore addressing State Aid concerns.

Since the Council can source finance from the PWLB below commercial rates, the Council is likely to make a ‘spread’ on the interest payments received from the Company and those it makes itself to PWLB. The nature of the loan arrangements and categorisation of debt

repayments from the Company as capital receipts in the Council's finances means Minimum Revenue Provision requirements in relation to the PWLB loans can be met.

In addition, the Council it is expected will benefit from dividend payments from the Company when the availability of funds allows.

The cCompany will procure housing management and maintenance services from the council (HRA).

### **Financial returns to the Council**

The Council will earn a return to the General Fund from the Company from three sources:

- A margin earned on services performed for the Company (set at say between 10-15% of the cost of those services);
- A margin on debt interest charged to the Company in excess of the Council's cost of those funds;
- A return on equity invested (through dividends), which reflects profits back to the Council from the Company's operation of the following activities - market sales from housing development, market rental from housing development and market rental from housing acquired.

We will forecast benefits to the General Fund and Housing Revenue Account over the first three years, including a spike of return due to profits from sales of units made in the Company. Beyond three years, the Council will receive a steady inflation linked income plus further spikes of income from sale of units.

### **(2) Legal implications**

The Council has the power to establish a wholly owned Company through the general power of competence under s. 1 Localism Act 2011, which allows the Council to do anything that a private individual can do (subject to restrictions in any pre-existing legislation). This would therefore permit the carrying out of commercial activities and permit the development of a mix of housing provision predominantly market rent and market sale units with the ability for delivery of affordable housing units through a company.

Given that the rationale is a 'commercial purpose' (i.e. making a profit), then legally the only way this can be achieved is through a company. Thus creating the Local Housing Company delivery vehicle would achieve this ambition.

### **(3) Structuring Options**

It is essential that we establish the Company so that it is flexible and agile, and free of much of the local authority bureaucracy. Whilst remaining accountable and owned by the Council to be effective the Company needs to be able to react quickly to opportunities, take calculated risks, and operate in the commercial environment.

Given the aim is for a profit making vehicle, this can be achieved in three ways:

- a) Company limited by shares
- b) Company limited by guarantee
- c) Limited liability partnership

Consideration has been given to a Community Benefit Society/Community Interest Company model, but this would be inappropriate given the Council's obvious focus on profit



distribution. A Limited Liability Partnership was also considered, however, the requirement for 'commercial purposes' to be carried out by a company under the general power of competence (explained above), simply does not apply to such a partnership.

Therefore, the Council is left with two choices: Company limited by shares or Company limited by guarantee. The preferred option is the former, a company limited by shares. The reason for this is the advantageous stamp duty land tax position. Such land tax can be avoided on the land value of any transfer. This is because a wholly owned company (where 75% or more of the paid up shares are owned by the transferor) has the potential to benefit from group relief Stamp Duty Land Tax.

Furthermore, the commercial flexibility means the Company can be sold through its shares and without property transfer complications.

If established as a company limited by shares then it will need to be incorporated and registered at Companies House. There are legal requirements and procedures to follow in setting up the Company – generally speaking set out within the Companies Act 2006 – which will need to be followed.

#### **(4) Governance arrangements**

As a wholly owned Company, the sole shareholder will be the Council. The Company will operate through a Board of Directors, who will be making the strategic decisions.

Members will be able to hold the Company, through the Board of Directors, to account through a sub-committee of the Cabinet (called the Housing Company Sub-Committee). This will be an important role for the Members who will be overseeing the Business Plan(s), checking on performance and deliverables via reports of the Board to the Sub-Committee either in accordance with agreed reporting deadlines or upon request.

It is envisaged that the Board will consist of 5 Directors, comprising the Deputy Chief Executive and Strategic Leads for Housing, Health & Environment; Finance; Governance and Licensing; and Organisational Development and Transformation.

Collectively, the Company's Memorandum and Articles of Association, Shareholder Agreement, Business Plan(s) and other related documentation will regulate the relationship between the Council and the Company and determine the operational framework for the Company / Board to follow when running the Company's affairs.

In general terms the following principles will be followed when finalising the documentation for the setting up of the Company:

#### **Purpose**

The purpose of the Local Housing Company is ;

- To increase housing supply in the area to address existing demand and meet the needs of a growing population, and help boost growth in the local economy;
- To act as a stimulus for change to improve the quality of rented sector accommodation across the district;

- To set standards for good housing design and management in the local housing market;
- To generate General Fund income for the Council through returns from Private Rented Sector housing and sales receipts from market housing sales and affordable homes;
- To act as a development vehicle for the Housing Revenue Account and deliver affordable housing.

### **Vision**

The vision for the Board is to deliver housing in order to meet the following objectives:

- To meet local housing need in East Devon;
- To allow the Council to act as a key player in housing provision in the District and potentially further afield;
- To facilitate wider stimulation of the economy through delivery of more housing;
- To provide a more commercial dimension to the Council's delivery model;
- To maximise the benefits of the Council's borrowing power and access to affordable finance.

### **Role and Objectives**

The role and objectives of the Local Housing Company Board are:

- To provide support in the set up and subsequent delivery of a Local Housing Company;
- To oversee the sourcing of specialist assistance (e.g. tax and legal advice) to support set up and delivery of the Company;
- To support the procurement and appointment of any private sector development partner;
- To identify and optimise financial resources (e.g. internal reserves and borrowing opportunities) to invest into the delivery mechanism;
- To prepare an initial Business Plan and budget estimates for the Company;
- To provide guidance to the Company on the wider housing market in order to ensure the most effective product;
- To identify further opportunities for expansion of the company;
- To be responsible for the effective management of the Company
- Report on progress quarterly to Housing Company Sub-Committee and other committees as required.

### **Role of the Board Members**

The role of the individual members of the Board includes:

- Understand the strategic objectives, implications and outcomes of initiatives being pursued;
- Understand the risk appetite of the Board and what level of risk is not acceptable;
- Appreciate the significance of the objectives for all major stakeholders;
- Be an advocate for and committed to the agreed outcomes;
- Bring specialist knowledge to the Board, whilst at the same time taking collective responsibility for the outcomes;
- Provide effective and appropriate challenge to delivery to ensure assurance is gained;

- Alert the Board to initiatives and opportunities coming forward to assist in the delivery of the programme such as new government initiatives.

### **Frequency of Meetings**

The Board shall meet quarterly and in line with an agreed meeting schedule.

The frequency of meetings may need to increase during key periods of activity or when issues arise.

### **Agenda Items**

All agenda items must be forwarded to the Strategic Lead (Housing, Health and Environment) by close of business ten (10) working days prior to the next scheduled meeting.

The agenda, with attached meeting papers will be distributed at least five (5) working days prior to the next scheduled meeting.

The minutes of each meeting will be recorded and distributed by the Strategic Lead (Housing, Health and Environment) within five (5) working days of the meeting.

### **Board Members**

All Directors are personally liable for certain functions of the Company; and to this end each Director will be advised of their collective and personal responsibilities and liabilities. It is expected that the Council will indemnify and / or insure the Directors in accordance with provisions of the Local Authorities (Indemnities for Members and Officers) Order 2004.

### **(5) State Aid and EU Procurement**

During the establishment of the Company and preparation of the relevant documentation and the Business Plan, careful consideration will be given to the question of State Aid and EU Procurement and specific legal advice on these points will be sought.

State Aid is where a public body provides financial or tax-payer funded resource support or assistance to one or more organisations thereby conferring an advantage or has the potential to distort competition.

The factors to be considered:

- What assistance is being given to the Company by the Council?
- Does the assistance confer an advantage to one or more organisations?
- Does the assistance distort or have the potential to distort competition?
- Does the assistance affect trade between EU member states?

To ensure State Aid is avoided careful consideration to the above factors will be given. The assistance afforded to the Company by the Council is the transfer of land from the Council to the Company. In order to avoid a State Aid issue, the transfer will be at market value.

In relation to the competition point, the Company will be acting as a private company, a separate legal entity from the Council and will be treated as such. The Company will not benefit from a preferential borrowing rate from the Council, but rather at the appropriate

fiscal market rate. Any Council resources used by the Company (particularly staff) will be covered by properly constructed contractual arrangements at the current market values.

EU Procurement relates to the letting of contracts for works or services over certain threshold values (set out in regulations). Where the threshold values are exceeded there are certain requirements regarding how the contracts are awarded by public bodies (usually requiring a competitive award process) . These rules may or may not apply to the activities of the Company either with respect to how it interacts with the private sector and also in utilising services which can be provided by the Council’s existing services. More detailed consideration will be given to this aspect as the Company is incorporated and when preparing the Business Plan(s).

## (6) Risk Analysis

### Summary

The Council has **considered the potential risks** associated with setting up the Local Housing Company, and identified ways to mitigate these risks, which span across both the development and operating phases, as well as other non-phase related risks such as financial and legislation risk.

The Company will **maintain a risk register** and discuss any risk issues in meetings with the Board of Directors.

The Company will **practice good governance**, ensuring the right reporting structures and monitoring regimes are in place, in the best interests for the Council, as the owner, funder, operator and service provider of the Company.

<b>Risk area</b>	<b>Risk consideration</b>	<b>Risk mitigation measures</b>
<b>Development</b>	The new development designs do not pass planning requirements.	Pre-application Planning advice to be sought prior to schemes being included in works programme. Some sites already hold planning brief for residential development.
	Risk of appointing Architects who produce poor design or overpaying architects for services.	The Council will procure a design and build contract and ensure as part of tender evaluation that appropriately qualified Architects are employed on any contracts.
	Risk of inappropriately designed houses for the current target market.	Properties built by the Company will be flexible depending on tenants needs. Advice will be taken from local agents etc to ensure that the specification submitted by developers is fit for purpose.
	There is a reputational risk of the Company not obtaining planning permission from the	Pre-application planning advice will be sought. The decision to grant planning permission will sit with the Development

	Council or planning permission not being obtained in a timely manner.	management Committee. All steps are taken to ensure a suitable planning permission is granted in advance of intended start date of construction.
	Risk of unforeseen ground/site conditions which may delay demolition or construction.	Ground investigation work will take place prior to the tender process. A site conditions report will be provided with ground report in tender documentation.
	Construction price risk may cause construction costs to be much higher than anticipated – impacting the profitability and cash flow requirements of the Company.	Ensure there is a buffer/contingency available in the business plan to cover any overall price increases and unforeseen costs.
	Services/utilities are unavailable or lack capacity.	Utilities enquires will be undertaken to ensure availability and capacity prior to development.
	Specifics regarding legal title may adversely affect development costs and timescales.	Council Legal team will be requested to perform an early title review for all sites proposed in the development.
	Risk in overpaying in the procurement process.	The Council will use expertise of in house Finance/procurement and legal officers, outsourcing where necessary to ensure contracts are robust.
	Defective design and/or construction causes delays and additional costs. Construction costs are higher than estimated.	Appropriate warranties/performance bonds will be written into contracts. Post letting of contracts effective contract management processes will be put in place.
	Insolvency of contractor.	Financial checks performed as part of the procurement process and guarantees taken out where required.
<b>Operating</b>	Estimated sale price may not be achieved – risk of housing prices falling in the future.	Undertake sensitivity analysis to assess impact of demand changes on the Company's accounts.
	Risk that the Council does not have the time or expertise to run a sales/rental process.	Use of an estates agent to market properties or others who will have relevant expertise.
	Inability to find tenants and/or sell properties leading to loss of income and delay in Company repaying debt – potential risks to Council in repaying debt.	Use of an estates agent to market properties. They will have relevant expertise. Any short term funding arrangements should be arranged over a longer time period then needed to allow for any time

		lags. The Council may wish to consider constraints on debt service ratios such that there is an equity buffer.
	Failure to comply with rental deposit scheme requirements.	Suitable procedures will be put in place to ensure that the necessary notification requirements are provided to tenants in a timely fashion. Legal advice will be sourced where required.
	Failure to collect rent.	The rent collection will be managed by the Council who have experience in collection of commercial and residential rents. Debt recovery policies will be reviewed to ensure effective methods of recovery. Rental/credit checks will be carried out prior to letting of property. A bad debt allowance is factored into the business plan and will be monitored regularly as part of budget monitoring.
	Risk of overpaying for housing units.	Using a real estate specialist/valuer can ensure the right properties are purchased at the right price.
	Risk of unexpected delays with completion of the purchase.	Assumed timescales for completing the purchase of unit/s will be based on past experience of the Council/Company.
	The Council is unable to support the overall management of the Company.	The Board will agree a governance and management arrangement which provides for strong governance and a good interface with Council governance A Managing Director may be employed to ensure effective support to day to day operations.
	The Council has inadequate financial and legal resource to support the day to day administration and management of the Company.	The Council considers it has sufficient resource and expertise to provide this support in finance. Legal requirements are more specialist and therefore external advice will be procured where required.
	The Council has inadequate housing development resource to support the Company.	The Council may recruit an external managing director to the Company to support procurement and management of developers. The Job Description for this post will require prior development experience. A design and build contract will be procured to transfer development risk to the contractor.

	The Council has inadequate housing management and maintenance resource to support the Company.	The Council already operates management and maintenance services to Council stock and therefore is deemed to have adequate resource and expertise. An SLA will be put in place to cover roles and responsibilities.
	Risk of insufficient maintenance/insurance spend.	Lifecycle costing will be built into the Business Plan and should be reviewed Regularly.
	The sites and buildings should be kept in good condition to attract future tenants and minimize maintenance spend.	The use of stock condition surveys of HRA properties will be rolled out to the Company properties to ensure adequate ongoing investment.
	Tenant damage leading to increased void turnaround.	Recharge policies and rental deposits will mitigate against the risk. A prudent void loss % will be included in the Business Plan.
	Failure to carry out undertake gas, electrical and fire safety checks.	The Company will institute an inspection regime similar to that used in current owned HRA properties.
	Failure to source appropriate Directors for the Board.	Governance structure will be considered and approved by the Council.
	Loss of staff to the Company creating an internal salary market issue.	Attempt to align the pay and grading structure at least initially between the Company and the council.
	Complex resourcing requirements with some council staff working for the Company part time.	Ensure that we have sufficient HR capacity to support the employment contract complexities.
	The Council's constitution may not permit set up of a Company.	Council approval to be obtained following due diligence work.
	Conflicts of interest may arise between the Council and the Company due to involvement of Officers.	Legal advice will be provided to all Directors on their roles and responsibilities with regards to conflicts of interest.
<b>Financial</b>	Treatment of Company financial details may be challenged.	External advice will be sought on financial/tax treatment of Company. Early sign off will be sought from both the Council and Auditors of treatment of financial issues.
	The Company may not meet forecasts and therefore may not be able to service debt or pay forecast dividends. There may be low or negative returns on investment. If the Company is	Regular budget monitoring will be carried out and reports taken to the Board and the Housing Company Sub Committee. The Council will ensure that adequate reserves are in place to plan for any unforeseen issues with loan repayments.

	unable to service it's debt it will result in greater exposure on the Councils balance sheet. The Council will still be liable to pay the PWLB interest rates.	
	Change in inflation rates which may not fully be passed on to tenants (risk of rental inflation lagging behind cost inflation).	The Company could raise rents in line with the market rate. Market research should be undertaken to establish the rate of increase in rental payments and if this differs between tenures. Undertake sensitivity analysis to assess the impact on the Company's accounts if rates cannot rise in line with inflation in cost base.
	Risk that the Company will not be able to secure financing.	The Council will loan to the Company and will have sufficient funds to loan even if funding requirement increases. The Council will provide a working capital facility to fund unforeseen short term deficits.
	Changes in base tax rates and capital allowances.	Undertake sensitivity assessment to assess the impact on the Council's accounts.
	The Company does not have the resource and expertise to understand tax implications.	External tax advisors will be sourced to support the Company.
	The Council is unable to provide finance for the project as planned.	The Council is generally able to borrow through PWLB if required. Early conversations will be held with members to ensure authorisation of relevant Prudential Indicators.
<b>Legal</b>	The Council is acting outside of its powers (ultra vires) in establishing the Company or delivering its operations.	Legal advice is being taken. Powers to invest and/or undertake commercial activity have been established.
	State Aid with regards to the structure of the loan and land transfer arrangements – A challenge could be made through the European Commission.	Legal advice has been taken. Land will be sold at market value to the Company and a loan provided at commercial rates to mitigate any risk of State Aid.
	Relevant consents cannot be gained for the transfer of land.	Legal advice has been sought and consents understood. Any requirement to apply to Secretary of State will be planned early.
	Changes in government policy.	Currently there is a commitment to housing development as part of the



		national Growth Strategy.
	Lack of support from the Council.	Early and ongoing conversations have been held to ensure support from the Council.

## Summary

This analysis and outlining of the opportunities and risks of establishing a Local Housing Company suggest that the benefits outweigh the risks if managed well.

We can start small and grow the Company at a pace that we are comfortable with and as opportunities arise. Ideally a light touch governance arrangement will allow the Company to deliver effectively in the operating commercial environment

What is clear from the advice provided is that the rationale for setting up a Local Housing Company must be clearly defined and agreed. The rationale identified for this Council includes the following:

- To make a profit;
- To access a revenue stream which will supplement the General Fund;
- To 'commercialise' service delivery;
- To access General Fund borrowing and utilize the Housing Revenue Account 'headroom';
- To complement development of new affordable housing within the HRA which will continue regardless;
- To assist in meeting the housing need in the District by offering a different housing product to that offered by the Council traditionally;
- To establish a commercial model which may be able to be used for other service provision going into the future.

The Housing Revenue Account and the Housing Revenue Account Business Plan will continue to operate alongside any Local Housing Company to deliver investment into new and existing social housing in the district. The Local Housing Company can however be invited to deliver affordable housing, which could be sold to HRA at a point in the future through either planning consent or an agreement with the council in another capacity.

The structure and makeup of the Board is at the discretion of the Council, as the sole shareholder. It is however important that the Board members hold the necessary skills and expertise to discharge their responsibilities and run the Company.

Accepting that the outline principle and purpose of a Local Housing Company the next steps will be to register the Company, prepare an initial business plan, and identify the first few projects.

**John Golding**

**Strategic Lead – Housing, Health & Environment.**

February 2017

## **Housing Company Sub-Committee**

**Constitution:** Membership will comprise the Leader, Deputy Leader and Portfolio Holders for Finance; Sustainable Homes and Communities and Corporate Business.

**Meetings:** There will be at least two meetings annually, one of which will receive an annual report and annual accounts from the Company. Otherwise meetings will be called on an “as and when required” basis to deal with company business

The Cabinet has established a Housing Company Sub-Committee established specifically to discharge the functions of the Council as regards its corporate shareholding in the Local Authority Housing Company (known as East Devon Homes).

Membership will be reviewed from time to time and any changes or further appointments required will be determined by the Leader of the Council.

Only members of the Cabinet may sit and vote on the Sub-Committee. A minimum number of three Members will be needed to undertake the shareholder function. Substitutes may be permitted at the discretion of the Leader.

### **Terms of Reference**

To exercise all of the Council’s functions, as shareholder under the Company Act 2006 in relation to the Council’s property trading company, which may include without limitation:

1. To determine the Shareholder Agreement between the Council and the company including the Business Plan.
2. To agree the Articles of Association or any amendment thereof.
3. To appoint and dismiss directors of the company.
4. To agree any Directors Service Agreements (if required).
5. Appointment and removal of a Company Secretary and Auditor.
6. To agree any Resourcing Agreement between the Council and company for the use of Council staff and facilities and reimbursement for the same.
7. To agree any loan agreements or draw-down of Council financing (subject to funds being made available by Council).
8. To agree any reserved matter required by the Articles of Association or Shareholder Agreement.
9. To agree the transfer of Council assets into the company where Cabinet would have otherwise had authority to dispose of the asset.

**Report to:** Cabinet  
**Date of Meeting:** 8 March 2017  
**Public Document:** Yes  
**Exemption:** None



**Agenda item:** 14

**Subject:** Exeter and East Devon Enterprise Zone

**Purpose of report:** To provide an update on progress towards an operational Enterprise Zone in the West End of the District and to seek a nominated representative to sit on the proposed Enterprise Zone Board.

**Recommendation:** **It is recommended that Cabinet;**

- 1. Notes the further progress toward an operational Enterprise Zone including the proposed Implementation Plan and governance arrangements**
- 2. Nominates the Leader to sit on the proposed Enterprise Zone Board**
- 3. Delegates authority to the Chief Executive, in consultation with the Leader and Strategic Leads (Governance and Licensing) and (Finance) and the Portfolio Holders for Finance and Economy, to agree and make appropriate amendments to the Enterprise Zone Implementation Plan.**

**Reason for recommendation:** Cabinet last received a paper in November 2016 setting out progress towards an operational Enterprise Zone designation. It was resolved that a further report would be forthcoming early in the New Year setting out the proposed Implementation Plan. This is attached at Appendix 1. A representative is sought for the proposed Enterprise Zone Board which forms part of the proposed governance arrangements for the Zone.

**Officer:** Naomi Harnett, Principal Project Manager  
[nharnett@eastdevon.gov.uk](mailto:nharnett@eastdevon.gov.uk); tel: 07580 297 059 or 01395 571746

**Financial implications:** Finance has been involved in the preparation of the report. The report deals with the Implementation Plan and the necessary arrangements for the operation of the Zone and includes investment proposals, however specific proposals requiring this Council's funding will be subject to a further report for any necessary approvals.

**Legal implications:** The approach to governance seems logical and well thought through. Essentially decision making is left to the Executives of the two authorities and decisions are informed through an Officer Group and a Board with appropriate support and advice available in a number of disciplines. However further detailed analysis is required including further consideration of the Terms of Reference for the Board and Officer Group. This is covered by the third recommendation which delegates authority for further amendments to be made. Otherwise legal issues are appropriately identified in the report and accompanying paperwork.

**Equalities impact:** Low Impact

Potential impacts on equality will be managed through the Implementation Plan for the Zone.

**Risk:** High Risk

The proposed Enterprise Zone is a long term designation which will last for 25 years. The Government has consulted on proposals to introduce local retention of business rate growth from 2019/20 which in turn will underpin the future financing of local government. The scale of the uplift in business rate revenues over the 25 year period is very significant and the risk to the Council is therefore high. The Implementation Plan seeks to manage this risk through the adoption of robust governance arrangements.

**Links to background information:**

- [Overview report – January 2016](#)
- [Cabinet Paper May 2016](#)
- [Cabinet Paper November 2016](#)

**Appendices:** Appendix 1 – Implementation Plan

**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 the 25th November 2015 the then 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. This announcement did not immediately confer operational Enterprise Zone status. Further work was needed to develop a detailed business case and agree specific arrangements, not least future governance arrangements.
- 1.2 This work has now been undertaken in relation to the four sites in the District (Skypark, Science Park, Cranbrook and Airport Business Park extension) that will make up the Exeter and East Devon Enterprise Zone. Appended to this report is the proposed Implementation Plan for the Zone. This covers all the areas required to enable the Zone to go live on the 1<sup>st</sup> April 2017 including decision making arrangements.

## **2 Background**

- 2.1 Cabinet considered a paper in May 2016 that set out the potential benefits of introducing an Enterprise Zone for the four sites in the West End of the District. These included a range of incentives to attract business occupiers including a 5 year business rate reduction funded by HM Treasury.

- 2.2 The paper emphasised that the EZ designation had the potential to capitalise on existing economic development initiatives and accelerate the delivery of key strategic sites in the Growth Point area. Subsequently a follow up report in November 2016 enabled a Memorandum of Understanding to be signed with Government. It was also resolved that a further report would be forthcoming early in 2017 which would include the proposed Implementation Plan. This is contained at Appendix 1.

### **3 Implementation Plan**

- 3.1 The Implementation Plan considers all those matters that are necessary to ensure that the operation of the Zone is successful. Of particular significance is a proposed Enterprise Zone Board. This bring together key partners including the County Council, LEP and site owners in order to help to manage the overall programme. It is a specific recommendation of this report that the EDDC Leader is nominated to sit on this Board.
- 3.2 The proposed Enterprise Zone Board will operate in an advisory rather than executive capacity. Governance arrangements are still being finalised and will be developed with the support of the Strategic Lead Governance and Licensing and DCC Legal Services to ensure structures are fit for purpose. A key reason for an advisory rather than an executive board is being developed relates back to how key enabling investments needed to unlock the delivery of floor space will be financed. The reality is that whilst the accrual of retained business rate income will step up over time, in the short to medium term there is a significant cash flow issue such that there are insufficient funds to pay for the required infrastructure improvements.
- 3.3 The way to address this would be to borrow against future business rate income. But this is a decision that has to rest with the Cabinet and needs to be supported by a robust project appraisal and business case. The latter needs to demonstrate the overall net increase in business rate income that is likely to accrue from the investment. Table 3 on page 13 of the Implementation Plan includes examples of prospective investments that have been identified through the process of formulating the Implementation Plan such as the upgrading of the Instrument Landing System at the Airport. A key test is whether the delivery of new employment floor space, and hence business rate income, would be restricted or stopped if that investment were not forthcoming.

### **4. Site boundaries**

- 4.1 The Implementation Plan includes maps (Appendix A) detailing the boundaries for the individual sites as follows;
- Airport Business Park Expansion Area – the site boundary for the EZ does not follow the EDDC Local Plan designation but the land ownership boundary. This amendment has been made to ensure deliverability of the site.
  - SkyPark – the site boundary follows the EDDC Local Plan designation for the site.
  - Exeter Science Park – The boundary includes the EDDC Local Plan designation and land to the east of the site (currently in the ownership of Eagle One) which is likely to form part of a planned land swap. The whole site is covered by the Science Park business rate relief policy that requires occupiers of this site to meet the gateway policy requirements.
  - Cranbrook Commercial Space – the site boundary follows the extent of the town centre.

## **4 Conclusion**

- 4.1 The Implementation Plan represents the culmination of approximately 18 months of work to move the proposed Enterprise Zone to operational status on the 1<sup>st</sup> April. Of particular significance are the proposed governance and decision making arrangements. These are considered to provide a robust way in which the programme can be managed including bringing forward enabling investments and maximising the overall economic benefit of the zone.

## **Implementation Plan Exeter & East Devon Enterprise Zone**

*As a minimum this would be sharing a draft project plan by 30 September, copied to your BIS Local contact and sent to [enterprisezones@communities.gsi.gov.uk](mailto:enterprisezones@communities.gsi.gov.uk).*

*The final version of the full plan must be sent your BIS Local contact and to [enterprisezones@communities.gsi.gov.uk](mailto:enterprisezones@communities.gsi.gov.uk) by 12 noon on 31 March 2017.*

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## 1. Introduction and background

This implementation plan summarises the approach to delivering the Exeter and East Devon Enterprise Zone (EED EZ) and the actions being undertaken to achieve a successful Enterprise Zone that will be operational from 1st April 2017.

The Exeter & East Devon Enterprise Zone was approved in the Autumn Statement 2015 and comprises of four sites covering almost 90 hectares. The EED EZ forms part of the Heart of the South West Enterprise Zone offer, this includes sites in Plymouth and Sedgemoor.

The four sites are located within East Devon district. There is a strong track record of partnership working in the wider functional economic area. The Enterprise Zone will provide a further catalyst for growth for the Exeter and wider Devon economies, supporting the long term success and economic prosperity of the area.

It is recognised that the Enterprise Zone will need to achieve real growth, rather than simple displacement of companies already located in Devon. The Implementation Plan clearly sets out the strategies and processes that will be utilised to prevent displacement.

This document describes the EZ and covers key aspects of project delivery and sets out high level timelines, finances and partnership responsibilities. It complements the detailed project planning and delivery under way on specific technical phases of work. This plan will be reviewed and updated as work on Enterprise Zone delivery progresses.



## 1.1 Overview

The EED EZ is part of the Heart of the South West Enterprise Zone which brings together 177 hectares of developable space across five sites in the South West of England, creating 17,800 high value jobs over the next 25 years and add an additional £320m in GVA per annum to the UK economy by 2040.

The EED EZ is strategically located in the Heart of the SW Peninsula to the east of Exeter. The EZ has direct motorway and rail access to the major markets of England and direct UK and international connections via Exeter International Airport. The EZ capitalises on a decade of planning and investment in the area which has front-loaded site servicing, land assembly and the wider delivery of enabling infrastructure.

The EED EZ comprises four linked sites which together provide a unique opportunity for growth. Figure 1 provides an overview of the EED EZ development.

The Strategic Economic Plan recognises the golden opportunity to create a world leading cluster based on environmental science and data analytics. In addition to capitalising on opportunities with the Met Office, University of Exeter and Exeter College a number of local tech firms are seeking significant growth including expanding their reach beyond the region. This requires a step change in the level of business support services and access to a good quality labour supply of a variety of skills levels, from apprentices to experienced graduates. The overarching objective of the Innovation Exeter programme is to establish Exeter as a leading knowledge economy and entrepreneurial city in the UK, attracting significant investment and raising both skills and income levels for the benefit of residents and businesses. But the sites will provide a variety of commercial space, with a wide variety of employment opportunities.

The EED EZ is supported by a two tier authority partnership (Devon County Council and East Devon District Council) working in cooperation with the HotSW LEP and business partners. It builds on the track record of joint working which has provided success in delivering a number of major developments including the Cranbrook new town. Details of Governance and Decision Making are described in Section 6 of this document.



## 1.2 The EZ Sites Summary

*Figure 1 EZ Sites Location Overview*

The four sites of the EED EZ are located in East Devon's "West End" development area which has been the focus for strategic growth in the Exeter area for more than a decade. Key to the success of the area is the delivery of the new town of Cranbrook, with its new rail station, social infrastructure and successful delivery rates of new homes whilst bringing forward new economic developments, such as the Exeter Airport Business Park and accelerating high quality developments at the Exeter Science Park and SkyPark.

The EZ sites are all available with outline planning and/or strategic site allocation. The majority of the EZ sites are serviced with road access and utilities including power, water, telecoms to the site and in some cases to the plot level. Delivery of the full areas requires a programme of works as set out in Section 3 of this document.

## 2. Commercial Proposition

The Exeter and East Devon EZ has a diverse and unique offer. Whilst main EZs have a multi site offer, the Exeter and East Devon EZ has four sites with very different offers.

Airport Business Park Expansion Area - Expansion of existing successful Airport Business Park located next to Exeter International Airport. The existing business park is a well established and popular business location providing a mix of office, workshop and storage space. The expansion of this business park will provide an opportunity to expand and develop this offer.

Cranbrook Commercial Area – this part of the EZ will support the development of the town centre within the first new town in Devon since medieval times. The town has grown from a start on site in 2011 to a population of over 3,000 in 2017. The town has a small commercial offering, with a neighbourhood centre being developed in late 2015 offering residents a range of local services. Residents have also developed local initiatives such as a local market and ambitions for developing small business space. The part of the EZ will support the development of new initiatives to support a 21<sup>st</sup> Century town centre

Exeter Science Park – The EZ is home to the UK's Met Office's new £97 million high performance computing facility will act as a catalyst for an environmental futures cluster. This has been identified as one of the HoTSW 'Golden Opportunities' with the potential to exert a transformational economic impact across a wide area. The Supercomputer investment provides a major opportunity to translate data and environmental intelligence capabilities into business growth in the UK and particularly international markets. This forms part of a wider opportunity to develop the knowledge economy and to build from the strategic platform that has been developed by the partners to date, for example by consolidating existing public investment in the Science Park.

Construction of the Met Office Supercomputer Centre is nearing external completion and Phase I of the Science Park Centre campus is providing a focus for cooperation with Exeter University for developing spin-off and start-up companies. This focus directly supports the LEP's Strategic Economic Plan for increasing innovation capacity and assets.

The recently submitted Science and Innovation Audit that covers the Heart of the South West has highlighted Digital Innovation as a core strength of our area.

Sky Park - SkyPark is a 40 ha employment site located next to Exeter Airport, close to Junction 29 of the M5 and the A30. The site benefits from outline planning permission for 1.4m sq.of office and industrial space. The site has achieved early occupation due to its excellent location from distribution specialist DPD and the Ambulance Special Operations Service.

SkyPark is set to become one of the South West's most significant Business Park, combining office, industrial and distribution space, along with local facilities and a

hotel. The site is home to the E.On Energy Centre which provides district heat to the site and wider area. The site has been masterplanned with strong environmental credentials, including delivering BREEAM excellent facilities. Over the next 15-20 years this site is predicted to create 6,500 new jobs.

## 2.1 Developments to 2020

The focus of activity through to 2020 will be on enabling investments that will support activity across the EZ. Development has already commenced on Sky Park and Science Park Airport Business Park expansion requires infrastructure support through improvements to Long Lane. Cranbrook has a strong residential development programme and this needs to be supported but this needs to be supported by a vibrant town centre.

*Table 1 - Overview of Expected Future Developments to 2020*

<b>Year 1 (2017/18)</b>	<ul style="list-style-type: none"> <li>• Completion of the Met Office Super Computer building and commissioning of the Super Computer (1,858 m<sup>2</sup> floorspace)</li> <li>• Opening of the Cranbrook Pub (the first commercial space in the town centre)</li> <li>• Opening of the new DCH HQ premises on SkyPark (3,434 m<sup>2</sup> floorspace)</li> </ul>
<b>Year 2 (2018/19)</b>	<ul style="list-style-type: none"> <li>• Completion of first grow on space at Exeter Science Park (836 m<sup>2</sup> floorspace)</li> <li>• Opening of 'Cranbox' a modular development supporting early development of the town centre.</li> <li>• Completion of improvements to Exeter Airport Instrumental Landing System (to enable continued development within close proximity to the airport)</li> <li>• Completion of improvements to Long Lane to enable access to Exeter Airport Business Park Expansion Area</li> </ul>
<b>Year 3 (2019/20)</b>	<ul style="list-style-type: none"> <li>• First occupation of Exeter Business Park Expansion Area (ca 5,000 m<sup>2</sup> floorspace)</li> <li>• Commence of work on the Park &amp; Ride Facility next to Exeter Science Park</li> </ul>

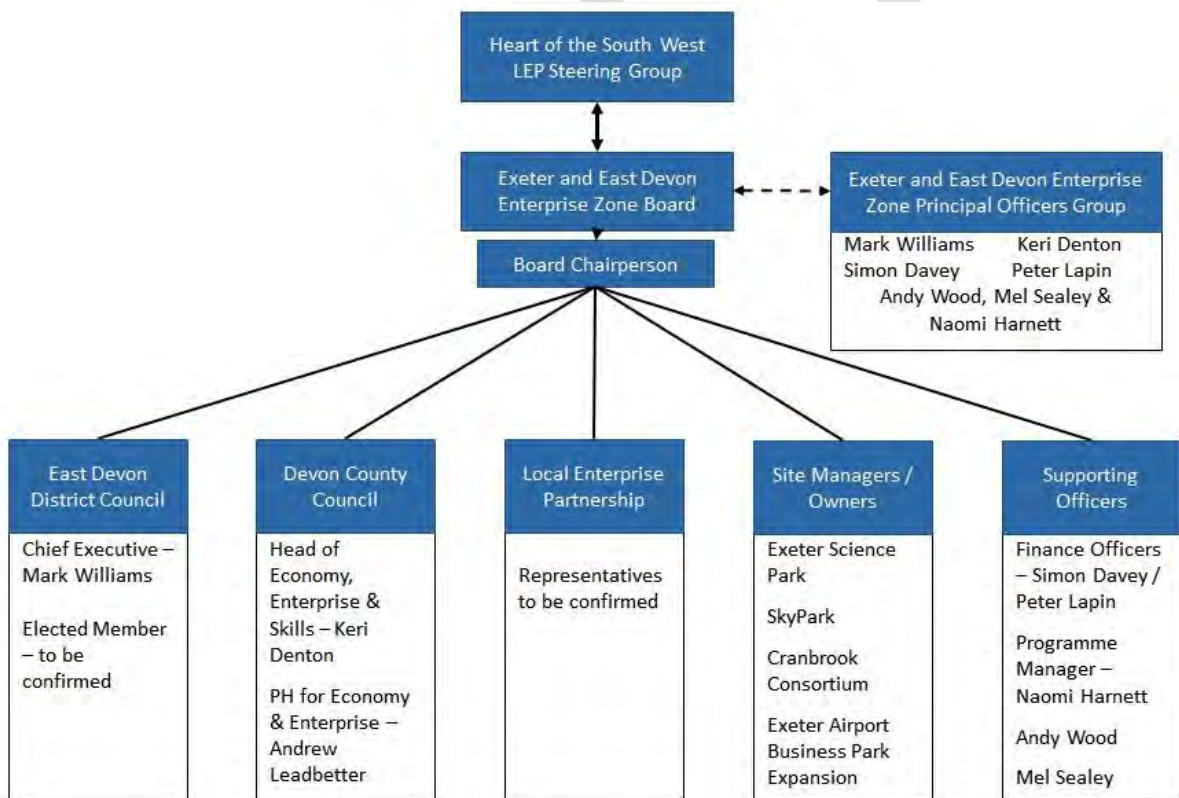
The details of the work programme to enable these developments is outlined in section 4 of this plan.

### 3. Governance and Management

The Enterprise Zone will require the development of new governance and management arrangements. These have been developed in a pragmatic way, using existing staff resources where possible. The Exeter and East Devon Enterprise Zone Board is a non-executive committee, meeting on a quarterly basis to monitor progress within the zone and agree strategic direction. Due to the two tier nature of local government within the Enterprise Zone (East Devon District Council and Devon County Council) decision making will need to be referred back to relevant committees within the local authorities. East Devon District Council will act as accountable body for the Enterprise Zone, a logical step as collection authority for National Non Domestic Rates and Council Tax.

The Exeter and East Devon Enterprise Zone Board will report progress to the Heart of the South West LEP EZ Steering Group, along with statutory monitoring to DCLG and BEIS.

Figure 2 - Governance Structure



#### 3.1 Governance Structure

**Strategic governance** of the Exeter & East Devon Enterprise Zone will involve a new structure and a number of groups as shown in figure 2. A LEP Steering Group, the Exeter and East Devon Enterprise Zone Board and the Principal Officers group will be at the heart of delivery.

1. **Heart of the South West Enterprise Zone Steering Group** – Each of the three Heart of the South West Enterprise Zones will regularly report on progress and outcomes to the LEP EZ Steering Group, who will coordinate overall delivery of the Enterprise Zone Programme within the LEP area on behalf of the LEP Board. The steering group will allow for joint activity and overall direction of EZ matters, as well as ensure consistency of approach on operational and branding matters.

The steering group will also play an important role in the prioritisation of any EZ income available to spend at the LEP level, with the proportions to be agreed through a separate agreement between the LEP and the relevant local authorities. The EZ Memorandum of Understanding signed in November 2016 (Appendix 1, Schedule 3) states:

*The parties shall aim to revise and update the Memorandum of Understanding at that time with the aspiration of entering into a replacement memorandum of understanding on or prior to the expiry of the Term. The Relevant Local Authorities and the Local Enterprise Partnership agree that the following priorities and principles shall inform all such future considerations and agreements:*

1. *The Local Enterprise Partnership agrees that in relation to retained business rates a core aspiration should be that Relevant Local Authorities should not be placed in a poorer business rates receipts position (in aggregate) as a result of implementing their Enterprise Zone(s) in comparison to the position they would be in if such areas were governed by the standard business rates regime at the time. Further detail will be determined in the agreed implementation plan.*
  2. *Business rates receipts following allocation to recompense the Relevant Local Authorities for their Enterprise Zone Investment Programme and development costs, as set out in the implementation plan referred to in clause 3.4, shall be made available for wider investment, in conjunction with the Local Enterprise Partnership across the priorities within and area of the Strategic Economic Plan.*
2. **Exeter and East Devon Enterprise Zone Board** - The Exeter and East Devon Enterprise Zone Board will provide leadership of the Exeter and East Devon Enterprise Zone, and will be responsible for its delivery and operation.

**The Board will:**

- Oversee and assist the delivery of the site, including oversight of delivery of relevant project activity such as highways and development projects, business support, management of the business rates relief scheme and other matters.
- Monitor and scrutinise delivery, of outcomes and outputs from the site, both related to overall delivery and site specific projects which may require scrutiny.
- Agree the strategy for prioritisation of site related funding generated, acting as the directing group for funds retained from the site and preparing and agreeing the investment strategy for receipts generated by the site from the retained business rates. This will be governed by a broader funding agreement setting out the broad parameters for future expenditure

between the primary bodies involved (East Devon District Council and Devon County Council).

- Agree the ongoing strategy for the Enterprise Zone Rate Relief Programme, reviewing the business rate relief policy on an annual basis to ensure that it is fit for purpose, making recommendations for amendments to East Devon District Council and acting as decision making body for the policy including appeals/challenges.
- Oversee the communications and marketing strategy related to the site, acting as the coordinating body for communications and marketing activity and agreeing priorities on an annual basis.

### **3. Exeter and East Devon Enterprise Zone Principal Officers Group**

This will be a coordination group of District and County Officers working with representatives from stakeholder and partner agencies and organisations as required. The group will also oversee the development of investment appraisals and the business case for local authority financial support for key infrastructure delivery within the Enterprise Zone. It will also be responsible for agreeing business rate relief appeals and exception circumstances cases.

### **Decision Making and Risk Management**

Decisions relating to the EZ will be made by the relevant committees within East Devon District Council and Devon County Council. The Enterprise Zone Board does not have delegated authority to make decisions but will have an important role in advising on the strategic direction of the EZ and investment priorities. Key financial decisions will be approved by East Devon District Council and Devon County Council, with a clear overview of risk and benefits included in the project appraisal and business case in the recommendation. The East Devon District Council will provide quarterly financial updates on the EZ, including business rate income received by quarter and predicted income.

Key risk for the EZ are listed in Appendix C – Project Risk Register. This will be updated on a quarterly basis by the Programme Manager and reviewed by the Enterprise Zone Board.

### **Day to Day Management**

The day to day management of the EZ will be undertaken by the Principal Project Manager from the Exeter and East Devon Growth Point, reporting to the Exeter and East Devon Enterprise Zone Board. The Principal Project Manager is the senior contact for the Enterprise Zone and monitoring.

The Principal Project Manager will act as Programme Manager for the Enterprise Zone, with the support of existing staff from the Local Enterprise Partnership, Devon County Council and East Devon District Council. The roles/areas of work with staff support are shown in Table 4.

DRAFT 16 February 2017  
Exeter & East Devon Enterprise Zone

Table 2 - Overview of Enterprise Zone Staff Support

Role	Member of staff
<b>Enterprise Zone Programme Manager</b>	Naomi Harnett, Principal Project Manager, East Devon District Council
<b>Business Rates</b> <i>To provide progress updates on Business Rate Relief take up. To support Programme Manager to forecast Business Rate income.</i>	Libby Jarrett, East Devon District Council
<b>Communications</b> <i>Lead communications on achievements/successes and milestones within the EZ. Ensure web presence, including LinkedIn and Twitter feeds, are maintained. Ensure a coordinated approach to EZ site advertising.</i>	TBC, Devon County Council Anne Mountjoy / Drew Aspinwall, East Devon District Council
<b>Economic Development</b> <i>Provide intelligence on local, regional and national issues. Assist Inward Investment team.</i>	Mel Sealey, Devon County Council Rob Murray, East Devon District Council Victoria Hatfield, Exeter City Council
<b>Inward Investment</b> <i>Lead Inward Investment campaign for EZ sites. Manage and record inward investment enquiries.</i>	TBC, Inward Investment Manager from HotSW LEP TBC, Devon Delivers, Devon County Council Mo Gori de Murdon, Commercial Property Register Coordinator for Exeter and Heart of Devon, Exeter City Council
<b>Planning</b> <i>Lead local planning authority team in determining applications within the EZ sites and support development of Local Development Orders.</i>	Ed Freeman, East Devon District Council TBC, Consultant Support (Local Development Orders)
<b>Transport</b> <i>Support the development of transport schemes to unlock EZ sites and encourage sustainable transport use in the local area.</i>	Jamie Hulland, Devon County Council
<b>Finance</b> <i>Provide financial support, including overview of retained business rate income. Support development of case for supporting borrowing (public works loan board or similar) to accelerate site delivery.</i>	Peter Lappin, Devon County Council Simon Davey, East Devon District Council TBC, Consultant Support (Project Appraisals)
<b>Legal including State Aid</b> <i>Provide legal support to the local authorities, including overview of funding agreements</i>	TBC, Devon County Council Henry Gordon Lennox, East Devon District Council TBC, Consultant Support (State Aid)
<b>Commercial Property Support</b> <i>To provide commercial property advice and support.</i>	TBC, Devon County Council Jay Lambe, East Devon District Council



## 4. Investment Priorities

### Approach to Funding Prioritisation

The Enterprise Zone will support the delivery of enabling infrastructure required to deliver employment spaces within the sites (either on site or required for the site to be delivered/continue existing development). The EZ will support both capital and revenue infrastructure projects.

As set out within EZ guidance, each zone must clearly identify how relevant revenues raised from the sites will be used to facilitate local growth. An indicative list of projects is provided in Table 3. The programme will be reviewed on an annual basis.

To ensure that EZ funds are used as effectively as possible, enabling/revolving funds will be used in preference to non-repayable grant support. A project appraisal will be undertaken in conjunction with the developer to determine the type of financial support required for the project. Developers will be required to share information on viability/deliverability issues associated with EZ sites if enabling/revolving funds are to be provided for extended periods and to support applications for grant support. State aid advice will be sought for each project.

Table 3 identifies the EZ projects that comprise the indicative work programme. This project list will be reviewed on an annual basis to ensure that the list is up to date, with projects that are no longer required/already have obtained financial support are omitted. The annual review will be undertaken by the EZ Board in consultation with site owners/key stakeholders:

- The list includes all current infrastructure priorities for the EZ.
- There will be an annual review of progress towards delivering infrastructure priorities.
- Support for infrastructure projects to be developed and alternative sources of funding/support are explored and sought where appropriate.

The projects proposed for the initial work programme have been agreed in conjunction with key stakeholders who have agreed the following approach to prioritisation:

- **Site delivery first led approach**

When revenues are generated, partners will seek firstly to prioritise investment into the immediate capital costs of the Enterprise Zone sites, this investment will facilitate the delivery of site infrastructure to accelerate site delivery and generate further income. A level of public sector investment will be required in the early years (Year 1 – 5) to support site development and commence an accelerated programme of delivery. This public sector investment is likely to be through prudential borrowing which will support infrastructure development through a programme of public to private sector loans and grants.

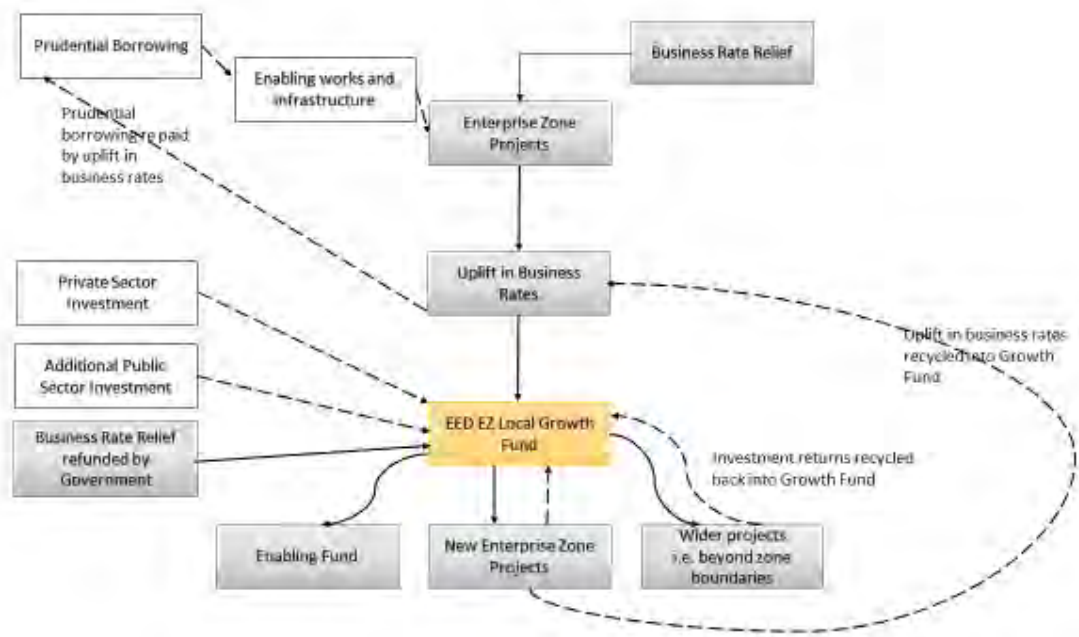


Figure 3 - EZ Financial Model

- **Enabling fund**

This provides revenue support for site master planning and project development activity focused on economic development in Devon. This is a part of the programme that has been developed to prevent displacement of economic activity from other parts of Devon.

- **Spatial / Thematic Prioritisation of Funding**

Once delivery on enabling/unlocking infrastructure has been achieved a programme of wider activity will be developed that will support wider economic growth. This will include marketing activity, business support and investment/support into complementary commercial space and infrastructure delivery.

- After the site first approach has been completed, partners will focus on those projects within the Exeter travel to work area which are most likely to have a tangible impact on the economic growth of the wider area, which also align with key LEP objectives for the area.

- **Equity of Return**

As part of the Enterprise Zone application process (and reaffirmed through respective approval processes), East Devon District and Devon County Council have agreed with the LEP the principle that no authority should be financially worse off relative to the position in relation to business rate retention if there were no Enterprise Zone designation (as stated in Schedule 1, Part 3 of the Memorandum of Understanding). The LEP will also ensure that the financial support provided by the local authorities is repaid before seeking financial support for projects outside of the Enterprise Zone.

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Table 3 – Overview of Indicative EZ Programme

Year	Site	Project	Cost
Year 1 2017/18	All	Programme Management <i>Baseline cost to ensure that the Enterprise Zone has a Programme Manager, with communications support. Coordinating the EZ Programme, ensuring effective communication to the EZ Board and providing quarterly returns to DCLG. The Programme Manager will also ensure the day to day management of social media channels which are crucial to the success of the EZ.</i>	£50,000
	All	Marketing & inward investment materials <i>Update marketing material for the Exeter area ensuring best practise for EZs is being followed.</i>	£20,000
	All	Establish Programme and Governance <i>To ensure that the EZ investment programme and governance arrangements are fit for purpose.</i>	£5,000
	All	Prepare Local Development Orders <i>Support for the delivery of LDO's across all of the EZ sites.</i>	£30,000
	Sky Park	Upgrade to Instrumental Landing Systems for airport <i>Forward funding required to undertake improvements the airport Instrumental Landing Systems</i>	£900,000
	Airport business Park	Long Lane Improvement Works <i>Forward funding required to support the delivery of Airport Business Park Expansion Area and other sites in the area. This funding ensures delivery of the improvement works required for a number of developments in the vicinity, whilst minimising the period of closure and diversions in this area.</i>	£1,000,000
	Cranbrook	Cranbox <i>Funding to support delivery of modular commercial space in Cranbrook town centre. Funding supporting delivery of site servicing works, purchase of units, etc. Project similar to Box Park in Croydon and the Engine Shed, Bristol.</i>	£1,000,000
	<b>TOTAL YEAR 1 PROGRAMME</b>		
Year 2 2018/19	All	Programme Management <i>(Ongoing work as in Year 1)</i>	£50,000
	All	Local Development Orders <i>Support for the delivery of LDO's for all EZ sites.</i>	£30,000
	All	Development of specialist business support activity (targeting key sectors & work with Innovation Exeter) <i>Funding to support specialist business support activity which will complement the Business Boost Programme operating within the Exeter and Heart of Devon area.</i>	£30,000
	External	Enabling Fund <i>Support for site master planning and project development activity focused on economic development in Devon.</i>	£75,000*
	External	Airport Route Development Fund <i>Assisting Exeter International Airport to operate services to new destinations.</i>	£100,000
	Airport Business	Delivery of power supply to site <i>Forward funding required to support the delivery of</i>	£500,000

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Year	Site	Project	Cost
	Park	<i>power supply to the employment site.</i>	
	Cranbrook	<i>Delivery of retail/office/leisure/health facilities to catalyse the town centre Investment into the delivery of employment space within Cranbrook to ensure early delivery of the town centre.</i>	£7,500,000
	Science Park	<i>Park &amp; Ride Facility Top up funding to enable delivery of the park and ride facility at Science Park.</i>	£1,000,000
	<b>TOTAL YEAR 2 PROGRAMME</b>		<b>£9,285,000</b>
	All	<i>Programme Management (Ongoing work as in Year 1)</i>	£50,000
	All	<i>Refresh marketing and inward investment materials Update marketing materials to reflect programme and business trends and match EZ best practice.</i>	£20,000
	External	<i>Enabling Fund Support for site technical work focused on economic development in Devon.</i>	£75,000*
	External	<i>Airport Route Development Fund Continuing assistance for Exeter International Airport to operate services to new destinations.</i>	£100,000
	Science Park	<i>Upgrade surface water systems Enabling funding required to support the upgrading of existing surface water systems to ensure continued accelerated delivery of the site.</i>	£1,000,000
	Sky Park/ Science Park	<i>Power Upgrades Enabling funding required to support power upgrades to the sites to ensure continued delivery.</i>	£1,000,000
	<b>TOTAL YEAR 3 PROGRAMME</b>		<b>£2,245,000</b>
	All	<i>Programme Management (Ongoing work as in Year 1)</i>	£50,000
	All	<i>Communications and Marketing Targeted media for inward investment using new/emerging channels to ensure Exeter is trend-setter.</i>	£20,000
	External	<i>Enabling Fund Revenue support for site technical work focused on economic development in Devon.</i>	£75,000*
	Science Park	<i>Delivery of site roads Enabling funding required to support delivery of internal roads within to the site to ensure continued delivery.</i>	£3,000,000
	Sky Park	<i>Upgrade to foul water system Supporting the delivery of upgraded foul water systems within to the site to ensure continued delivery.</i>	£2,000,000
	<b>TOTAL YEAR 4 PROGRAMME</b>		<b>£5,145,000</b>

Year	Site	Project	Cost
<b>Year 5 2021/22</b>	All	Programme Management <i>(Ongoing work as in Year 1)</i>	£50,000
	External	Enabling Fund <i>Revenue support for site technical work focused on economic development in Devon.</i>	£75,000*
	All	Improve and enhance local sustainable transport provision <i>Funding to provide improvements to sustainable transport links connecting the EZ sites with Exeter and surrounding towns and villages.</i>	£2,000,000
	<b>TOTAL YEAR 5 PROGRAMME</b>		<b>£2,125,000</b>

\* Enabling Fund subject to income

## 5. Business Rates

All four sites within the Enterprise Zone will be eligible for the new business rate discount. The administering authority of the Business Rate Discount is East Devon District Council. The Maps of the sites and eligible land for Business Rate Relief is contained within Appendix B and a copy of the agreed Business Rate Relief Policy is provided in Appendix G.

Existing businesses within each of the four sites have been specifically excluded and the Rate Discount Policy make clear that relocations from nearby centres are excluded. Details of Local Development Orders will clarify presumed use classes for the sites which will further clarify the target businesses.

Maps of the sites and eligible land for Business Rate Retention are contained within Appendix A.

Business Rate accounts for the ratepayers within the Enterprise Zone will be administered through the Councils usual business rate system. These systems will be used to bill, collect and account for the sums due, administer the discount scheme and, where necessary, enforcement payment. Figure 4 illustrates the decision and administrative approach to managing business rates relief.

The Enterprise Zone team are working with the Revenue Team to ensure that a system is in place to allow the Enterprise Zone discount scheme to be administered with effect from 1st April 2017 and for the properties within the Enterprise Zone to be readily identified. This will enable the reporting and monitoring of required information about charges, reliefs, discounts and payments from businesses within the Enterprise Zone for the Local Authorities accounting teams and to producing estimates and financial modelling and to seek reimbursement from Government of providing business rate discount.

The income received from the Enterprise Zone, following ensuring that Devon County Council and East Devon District Council are no worse off, will be retained in a Local Growth Fund. The details of how this fund will work are currently being developed and will be considered by the Enterprise Zone Board.

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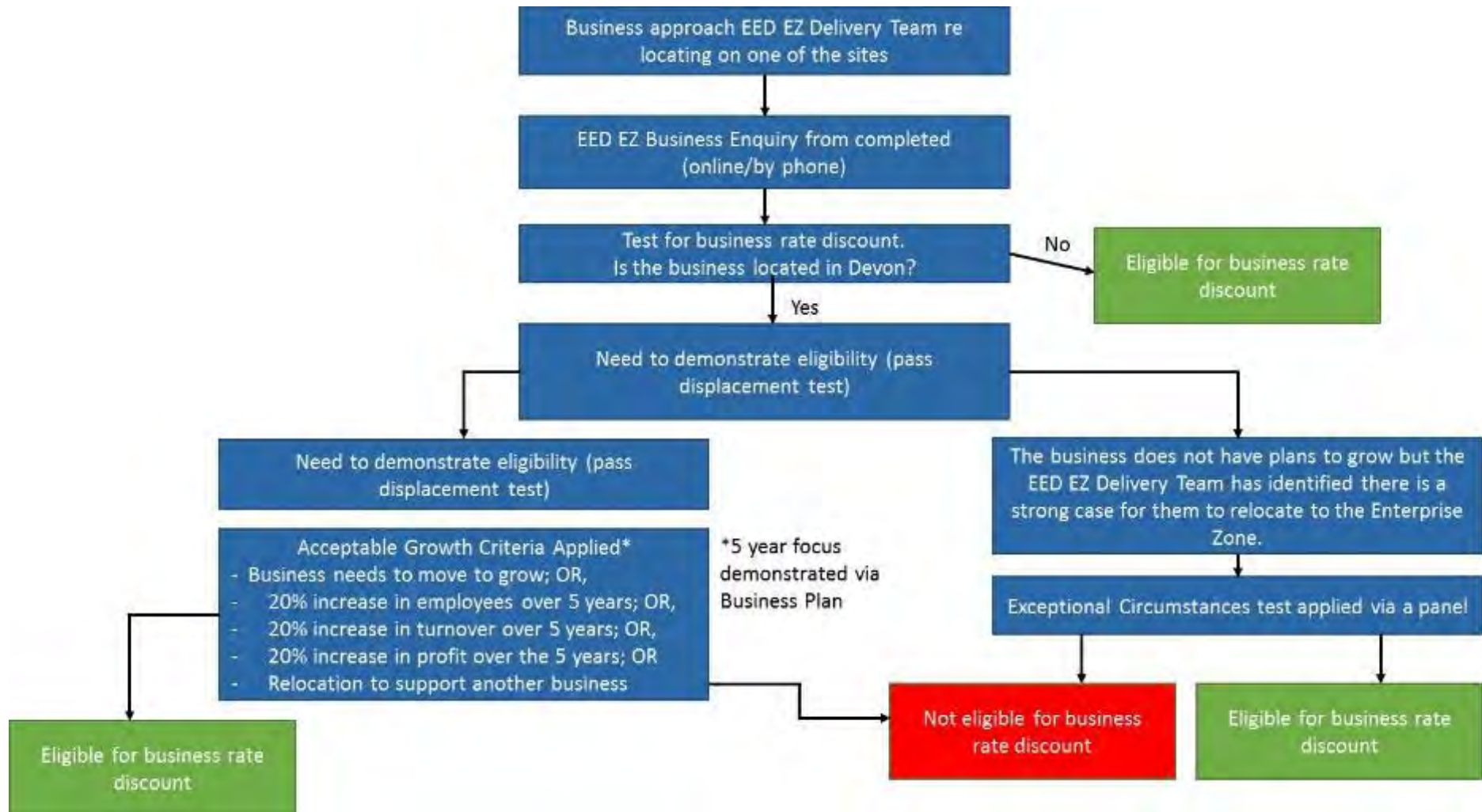


Figure 4 - Rates Relief Decision and Administration Diagram

## 6. Simplified Planning

The Exeter and East Devon Enterprise Zone will have a simplified planning regime operating alongside the financial incentives to encourage new investment and development within the Enterprise Zone.

The purpose of simplified planning is to assist in improving the delivery time of a new building from concept through to commencement on site, along with the certainty of planning approval. This is required to ensure accelerated delivery across the 4 Enterprise Zone sites.

Consultancy advice will be sought on the best way to approach the introduction of the simplified planning regime taking account of the following benefits and risks. A subsequent report will be brought to EDDC's Strategic Planning Committee for decision.

### Key benefits of Simplified Planning approach

- Improve perception of an area – clear message that the Local Planning Authority of “open for business” (many consider LDOs to be a strong marketing tool)
- Increase development of sites within LDOs
- Accelerate decision making process
- Remove uncertainties for developers/investors
- Improve partnership working between LPA, landowner and developer
- Improve attractiveness of sites for international investment
- Accelerated delivery of development on site
- Improved delivery of business rate retention

### Key risks

- Loss of fee income
- Loss of input into design process
- Ensuring all technical matters associated with development are dealt with in advance

## 7. Marketing

A marketing programme will be developed with the Inward Investment Manager for the LEP, supported by DCC and EDDC. This programme will support the Exeter and East Devon EZ and seek linkages with the wider EZ programme as well as the Devon Delivers and Invest in Exeter campaigns.

## 8. Communications

The principal objective of the communication strategy is to promote the Exeter & East Devon Enterprise Zone in a consistent and coordinated manner.

Objectives include:

- To identify a single point of communications contact according to agreed communications protocol with partners.
- To achieve agreement on key messages about the Enterprise Zone.
- To manage proactive and reactive media activity and relations.
- To manage content for social media and website.
- To provide support for campaigns and events, where necessary.
- To keep key partner communications departments updated and informed of Enterprise Zone project communications.

There will be three target audiences for communication:

- Businesses (prospective and existing),
- Residents and Local Interest Groups,
- Elected Members and stakeholders.

The current near term work programme of EZ-related work for the Communications Team is shown in table 6.

Table 4 - Enterprise Zone Communications Pipeline

Date	Comms/Marketing Activity or opportunity
Mar 2017	Publication of Enterprise Zone Implementation Plan
TBC	Opening of the Met Office Supercomputer Building, Science Park
TBC	Start of work on the grow on space at Science Park
TBC	Start of work on the DCH Office Building, Sky Park
TBC	Commencement on site for Cranbox development
TBC	Start of work on site in Cranbrook Town Centre

Delivering this clear communications strategy will involve the following:

- **Requested communications protocol**  
Lead communications officer Anne Mountjoy, Exeter and East Devon Growth Point will manage all external communications. The Growth Point has experience in similar arrangements for other cross boundary partnerships and is likely to have documents which will be useful.
- **Key messages:**  
To be agreed with Exeter and East Devon Enterprise Zone Working Group and key partners.
- **Communicating with Councillors :**  
All councils' members to be informed of meeting agendas and minutes via internal communications routes. Any Ward specific enquiries or issues to be returned to the relevant Council communications team for review/reply.
- **Media releases:**  
All media releases to include a quote from each Council's Leader or Portfolio Holder (East Devon District Council and Devon County Council), along with the Chairman of the Local Enterprise Partnership, and will be



approved by respective communications leads at each authority, to ensure compliance with local media relations/communications protocols. As and where appropriate, relevant Ward members to be contacted to ensure they are informed about activities and issues, and to be provided with an opportunity to comment.

Final draft to be circulated to key partners prior to release.

As best practice, releases directly concerning key partners to also include a quote from a relevant partner spokesperson and be agreed with respective partner communications lead.

- **Website:**

All online documents relating to the Committee to be saved to the website of the authority holding administrative responsibility. Largely this will be East Devon District Council as Local Planning Authority and collection authority for Non Domestic Rates.

All news and updates relating to the project will be shared on the Exeter and East Devon Growth Point website, as well as links to appropriate resources on respective organisations websites as necessary. Documents can be duplicated on organisations websites if required.

- **Social media:**

To agree social media profile and activity with communications partners and determine positioning of social media messages.

- **Materials:**

All materials to feature Councils' logos and the LEP logo, and to be approved on a case by case basis, agreed with the respective Communications Lead and Delivery Officers.

## 9. Monitoring and Reporting

Appendix D of this plan repeats the monitoring requirements found in Schedule 5 of the Enterprise Zone MOU signed by the local authorities, the Hot SW LEP and DCLG.

The methodology used will be based on a clear **logic model** that will identify:

- **Inputs** (the resources used by the EZ);
- **Activities** (the tasks undertaken in the EZ to enable it **to achieve its objectives**, such as the construction of incubator space, provision of business support, etc);
- **Outputs** (the measurable results of the activities e.g. the number of businesses supported);

- **Outcomes** (the benefits attributable to the intervention for its direct beneficiaries e.g. accelerated growth of beneficiary companies); and
- **Impacts** are the wider benefits to the economy attributable to the intervention (e.g. enhanced growth of Gross Value Added and employment).

The logic model will support the development of a framework which details project outcomes that will be monitored and the approach to evaluation shown in table 7 (based upon relevant BIS/DCLG guidance):

*Table 5 - Reporting Framework*

Category	Sub Category	Monitoring Method
Employment Space (completed in m <sup>2</sup> )	Office	Local Planning
	Industrial: General/Light	Authority Annual
	Industrial: Warehouse/Distribution	Monitoring Report
	Retail	
	Leisure	
Employment Space (under construction in m <sup>2</sup> )	Office	Local Planning
	Industrial: General/Light	Authority Annual
	Industrial: Warehouse/Distribution	Monitoring Report
	Retail	
	Leisure	
Housing	Net new dwellings granted planning permission	Local Planning
	Net new dwellings under construction	Authority Annual
	Net new dwellings completed	Monitoring Report
Jobs Created	Office	Annual Business Survey
	Industrial: General/Light	
	Industrial: Warehouse/Distribution	
	Retail	
	Leisure	
Business Rates	Total business rate value of EZ	EZ Project Team Annual Monitoring Report
	% change in business rate value	
Investment	Total public sector investment	EZ Project Team Annual Monitoring Report
	Total private sector investment	Annual Business Survey

**Proposed methodology:**

A mixture of quantitative and qualitative approaches will be required to provide robust measures for monitoring progress and a depth of understanding of emerging issues:

**A) Framework and indicator development** - A set of relevant indicators (divided into monitoring data and annual assessment – see below) will need to be developed and agreed for each area of interest within an overarching framework

aligned to each of the stages of the logic model outlined above. These will include the required quarterly reporting data (Appendix D) and annual reports.

**B) Baseline data collection** - The key monitoring data will be collected from each “new” business as they open in the EZ. This will be collated on an on-going basis to produce EZ wide statistics on a quarterly basis about the number of new businesses established on site, industrial composition of the businesses, new jobs and employment characteristics, environmental improvements, and the impact on local property markets.

**C) Annual online business survey** - This will collect information on an annual basis from all the businesses established in the EZ to assess progress and examine further key matters such as innovation, skills, clustering, and companies' perceptions of the importance of the various EZ benefits. It is suggested that participation in the survey is made a “mandatory” part of sign up for the EZ.

**D) Periodic, thematic studies** - In depth, primarily qualitative studies investigating the impacts of the EZ on specific issues:

- a) On local property markets by means of depth interviews with local commercial property agents combined with assessment of available land value/market data;
- b) On the creation of new economic activity by means of depth interviews with local EDOs, LEP members, business directors, etc. combined with assessment of economic data;
- c) The impact on the physical environment by means of depth interviews with representatives of local planning authorities, local environmental and community groups, etc. and data; and
- d) On social/community values by means of depth interviews with representatives of local VCSE organisations, local community and residents groups, etc.

**E) Reporting** - Three main sets of reports:

- a) Initial baseline assessment followed by quarterly monitoring updates on progress;
- b) Annual report on online survey and collation of quarterly reports for that year; and
- c) Individual study reports on each thematic area, as commissioned

### **Timing**

It is proposed that monitoring is done on an on-going basis as new business establish themselves in the EZ with quarterly reports and that the survey of businesses on site is undertaken annually. Depending upon the length of EZ funding/rate relief support/etc. the thematic studies should be undertaken at appropriate mid and/or end project points.

## 10. Areas for wider government assistance

To ensure the success of the Enterprise Zone government assistance is sought for the following:

Table 6 -Overview of wider government assistance required

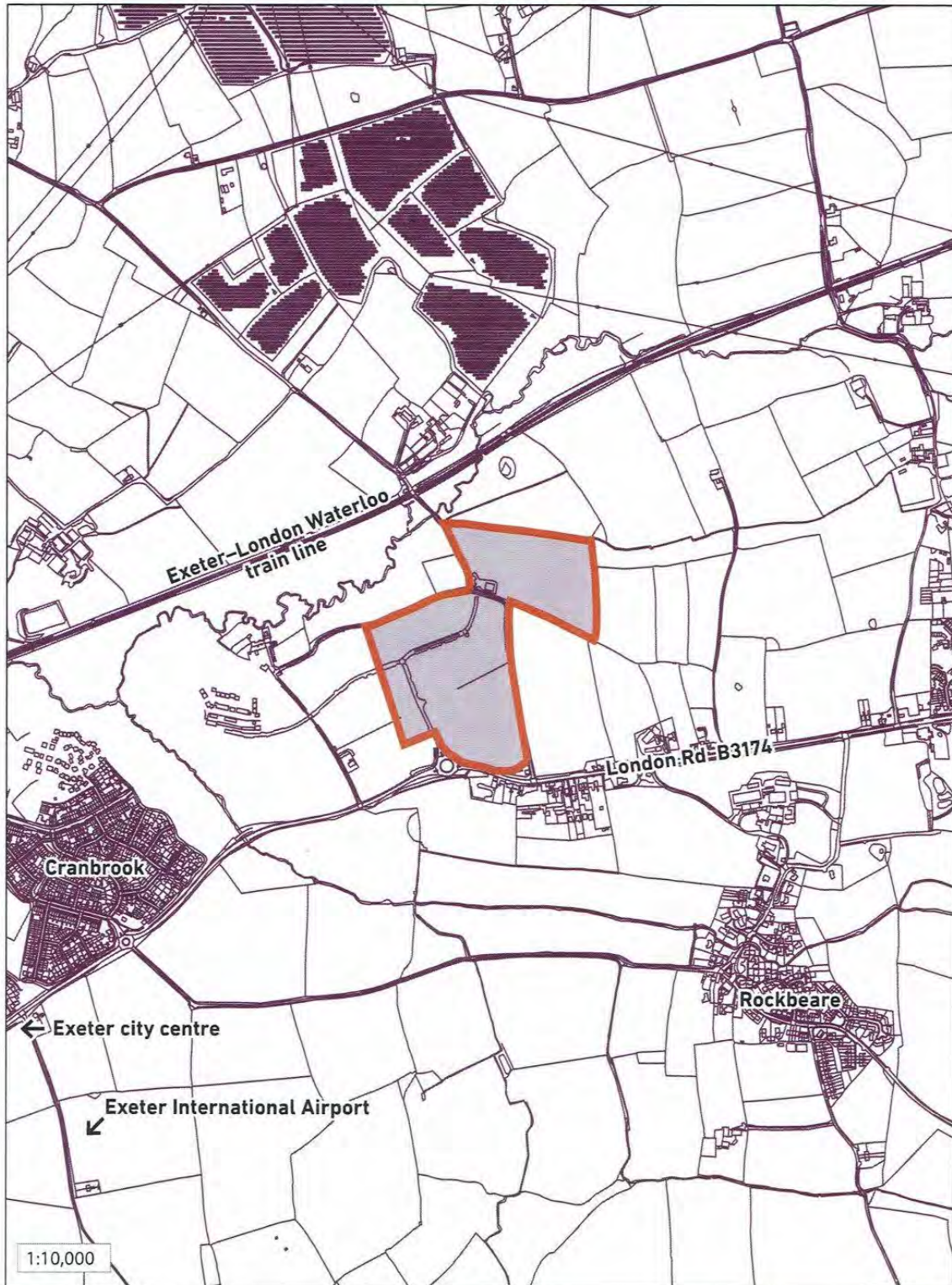
Delivery Issue	Why it is important	Implication if not addressed	Action taken to date	Government support required
<b>Delivery of improved connectivity with superfast broadband and roll out of 5G</b>	Cutting edge communications is crucial to enabling global reach and establishing the area as a high tech / big data leader.	Jeopardises inward investment and global export opportunities for the EZ	Site specific fibre developments at Science Park and Cranbrook; Coordination with Connecting Devon & Somerset	Fast track for access to pilot programmes, funding and policy development/
<b>Delivery of passing loop at Cranbrook on Exeter to London-Waterloo railway line</b>	The growth of Cranbrook and the employment centres East of Exeter require. This is critical as will increase the frequency of the service to hourly or better.	Increased traffic pressures will have a negative impact on labour supply and businesses efficiency.	Programme and policy support for the new station which has already shown significant usage even on the limited service basis.	Engagement with Network Rail
<b>Dualling of the A303</b>	The importance of direct access to the Labour and Business markets of the SE are crucial for the area.	The area will struggle to contradict perceptions of peripherality	DfT has indicated support for dualling however there remains uncertainty around the route,	High Level Assurance that any dualling through to M5 Junction 29 will be a priority.
<b>Realising aspirations to become a leading location for environmental science and data analytics</b>	The EZ and Greater Exeter's growth strategy is focused on big data, analytics and high tech environmental futures.	Data and analytics are the engine that will growth productivity in the Exeter area. Failure to deliver this will jeopardise growth in the sub-region's GVA	The Met Office HPC Centre and work of Innovation Exeter has created a strong start.	Creating opportunities for the EZ and related businesses (Met Office, University) to build relationships with global partners.

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<b>Supportive framework for Regional Airports</b>	To ensure that the network of regional airports is supported to provide a range of routes to support the business community.	Loss of regional airport provision. Impact on SW connectivity.	Early discussion on supporting route development.	Provision of funding to support route development.
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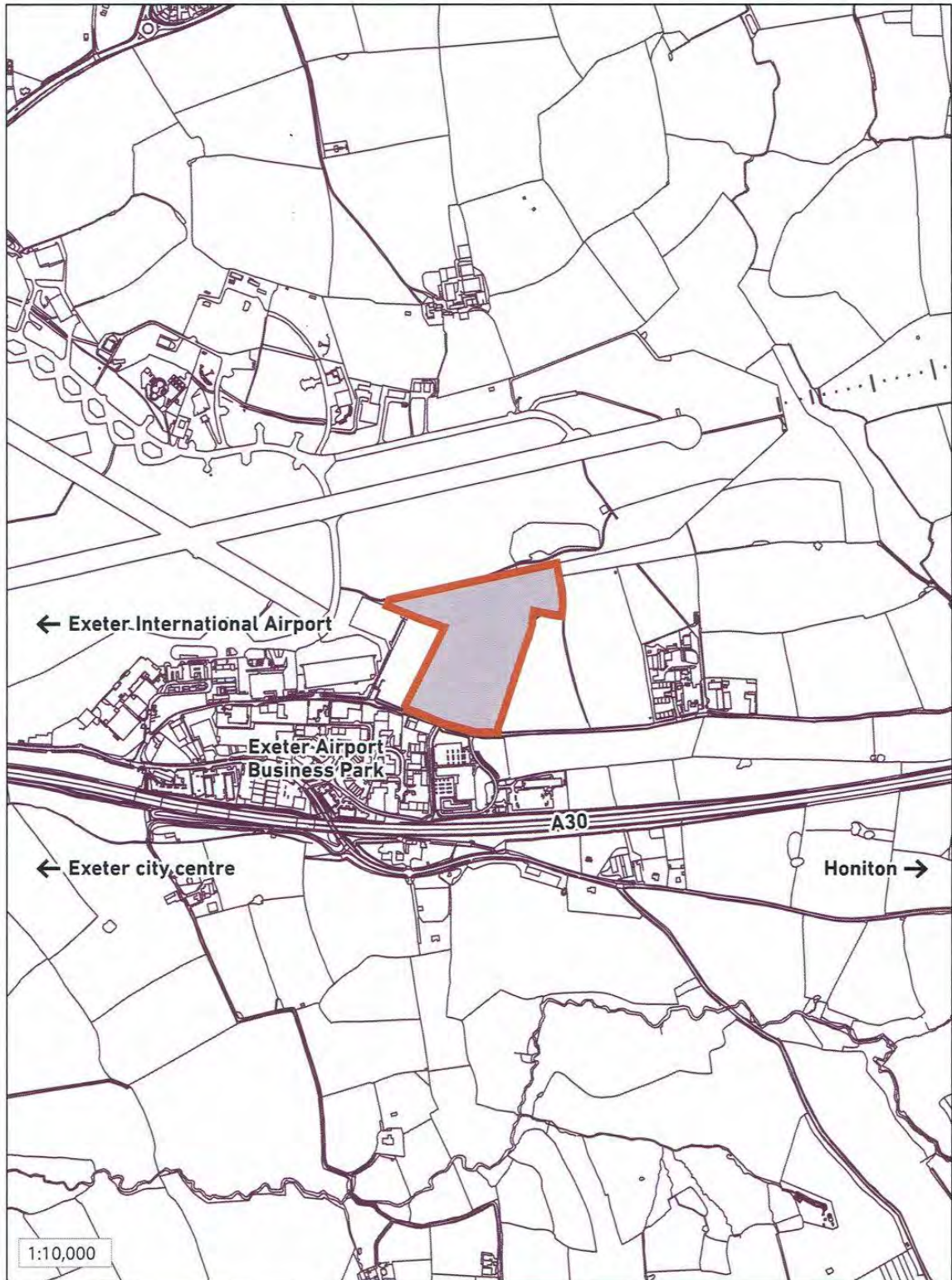
## Appendix A – Maps of Enterprise Zone for Business Rates Retention



**Cranbrook Town Centre**  
Commercial and Employment Zone



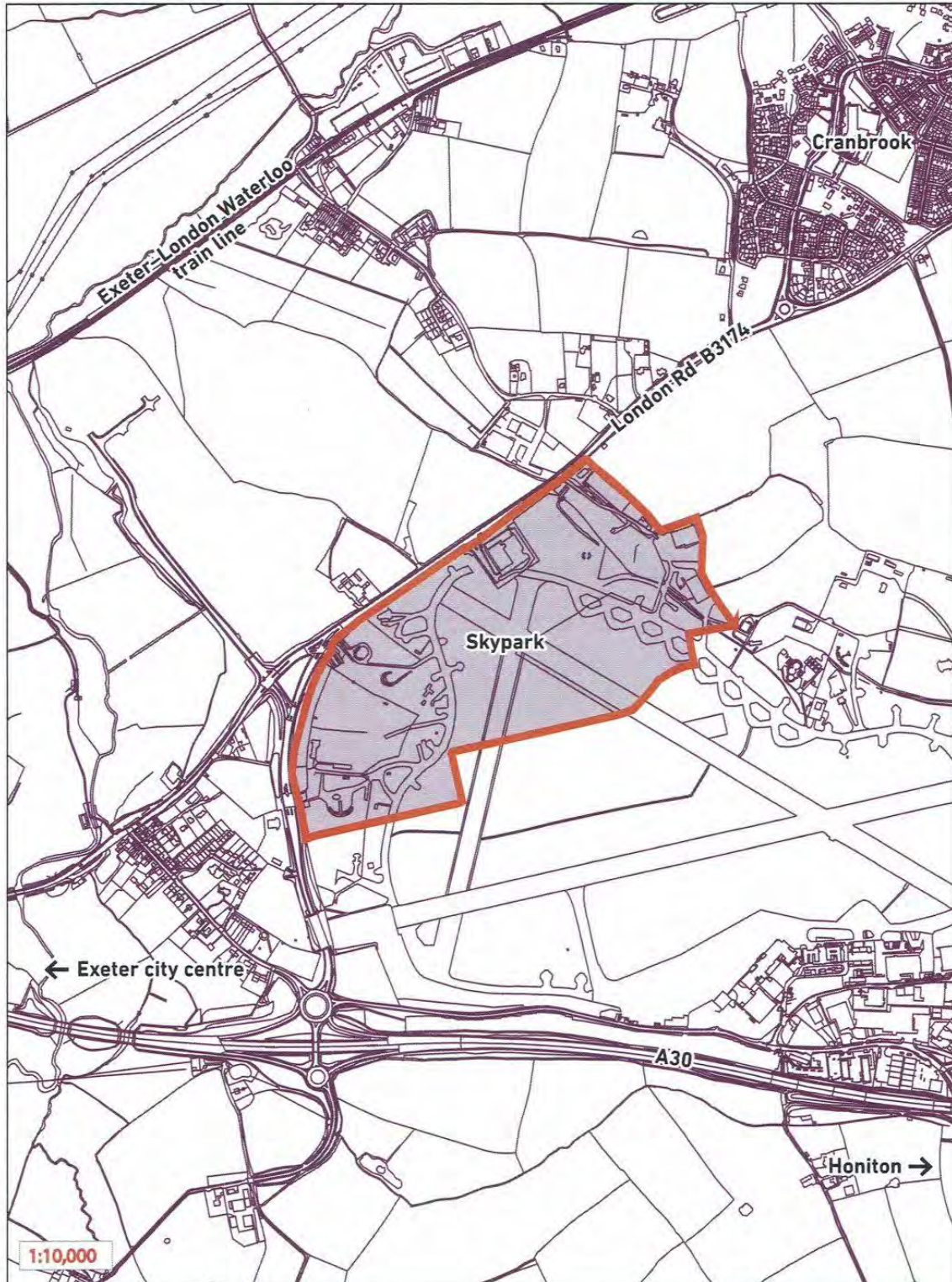
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**Exeter Airport Business Park  
Expansion Area**



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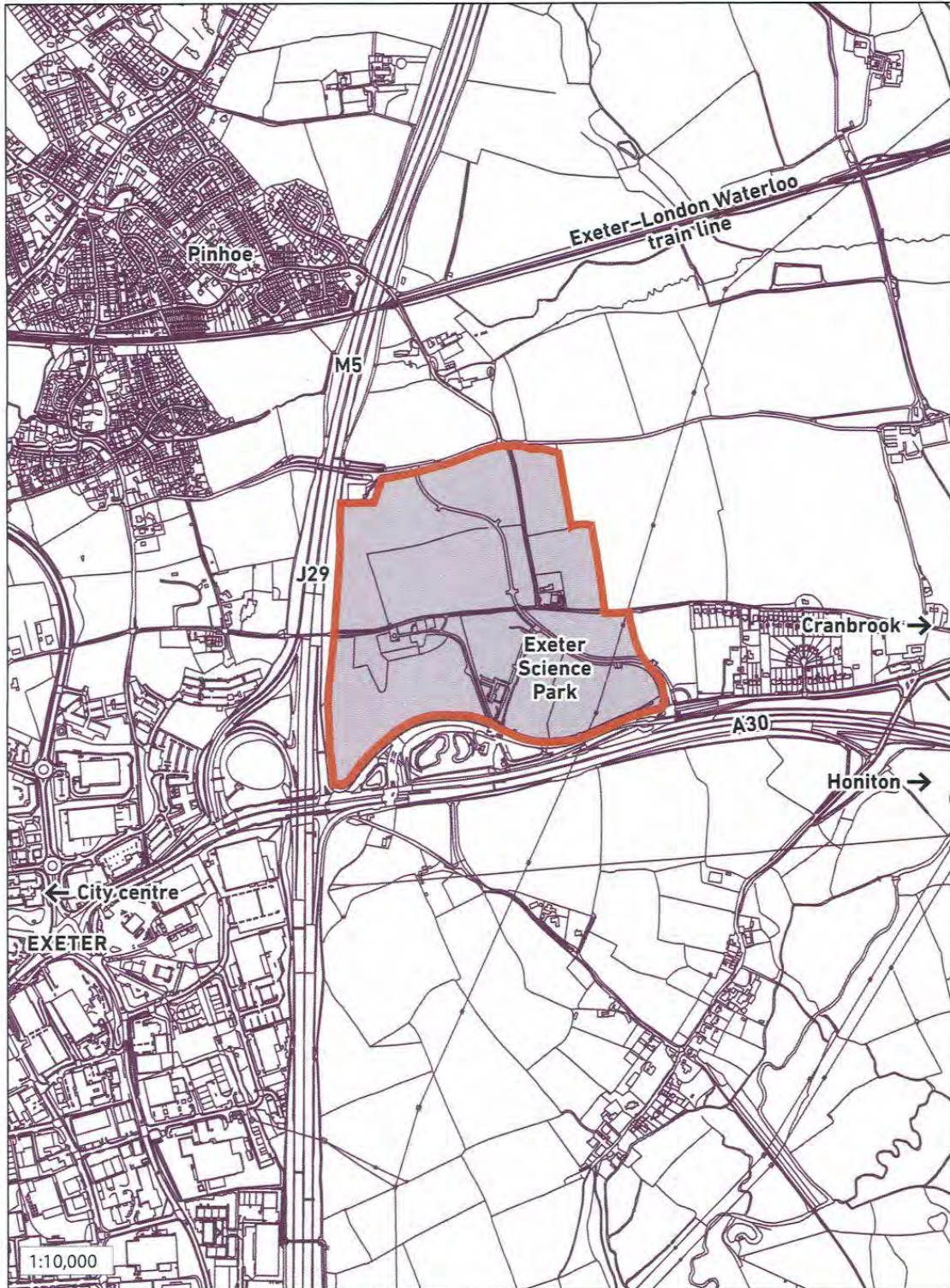
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Skypark



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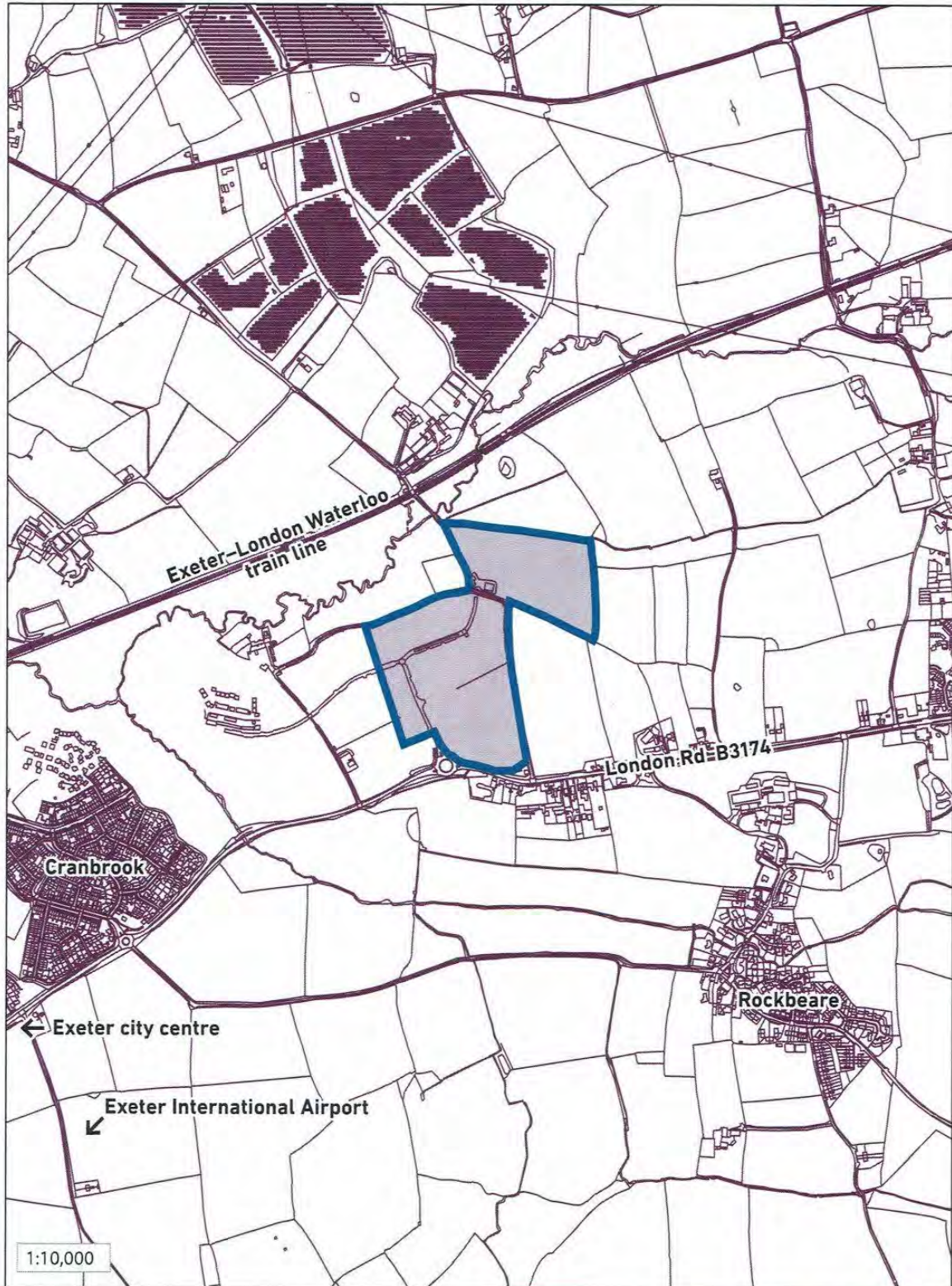


**Exeter Science Park**

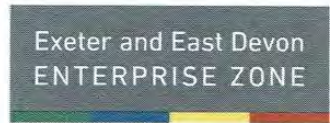
Exeter and East Devon  
**ENTERPRISE ZONE**

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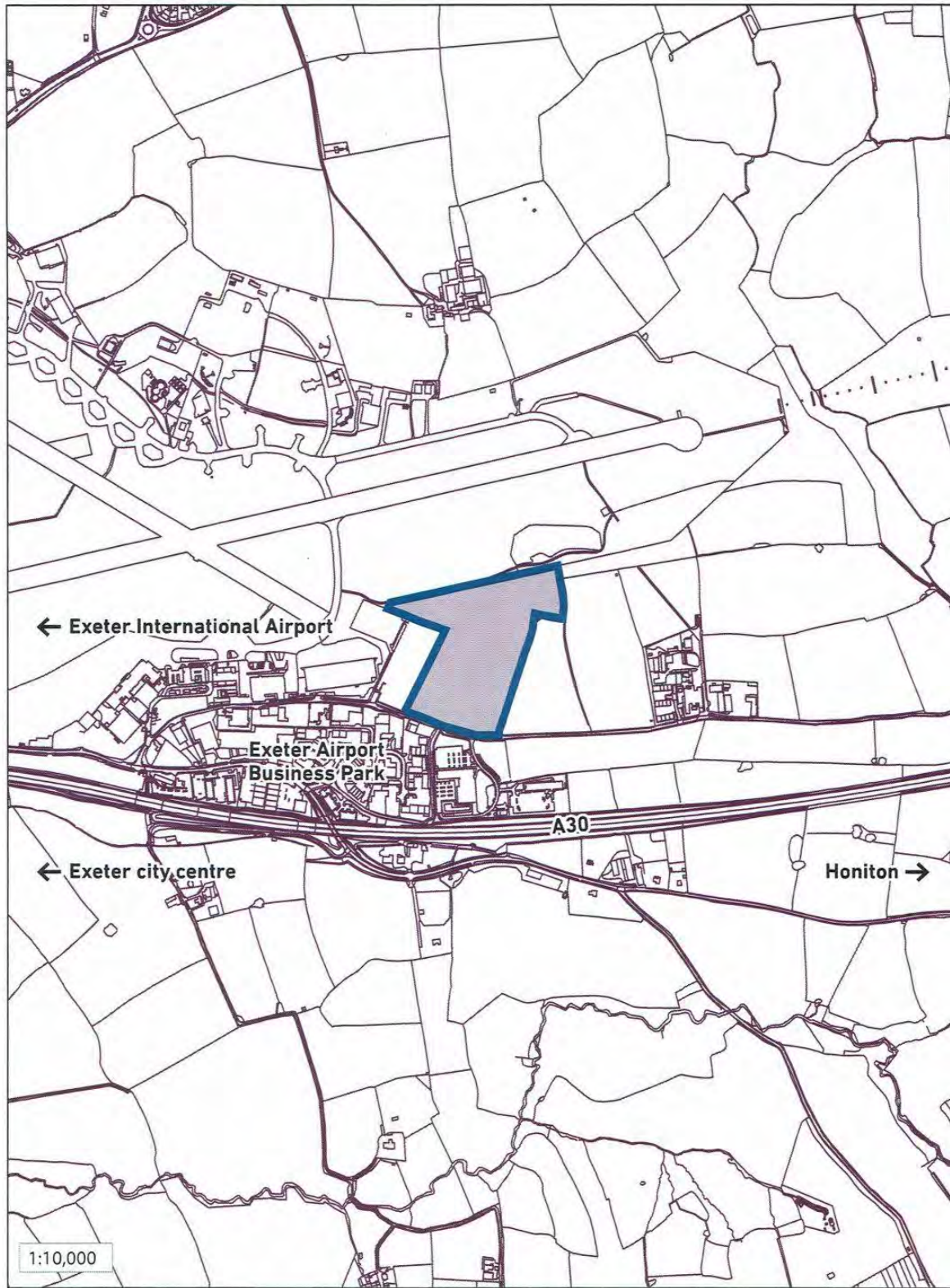
## Appendix B – Maps of Enterprise Zone for Business Rate Relief



**Cranbrook Town Centre  
Commercial & Employment Zone**



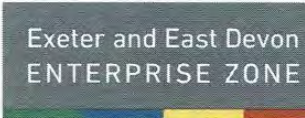
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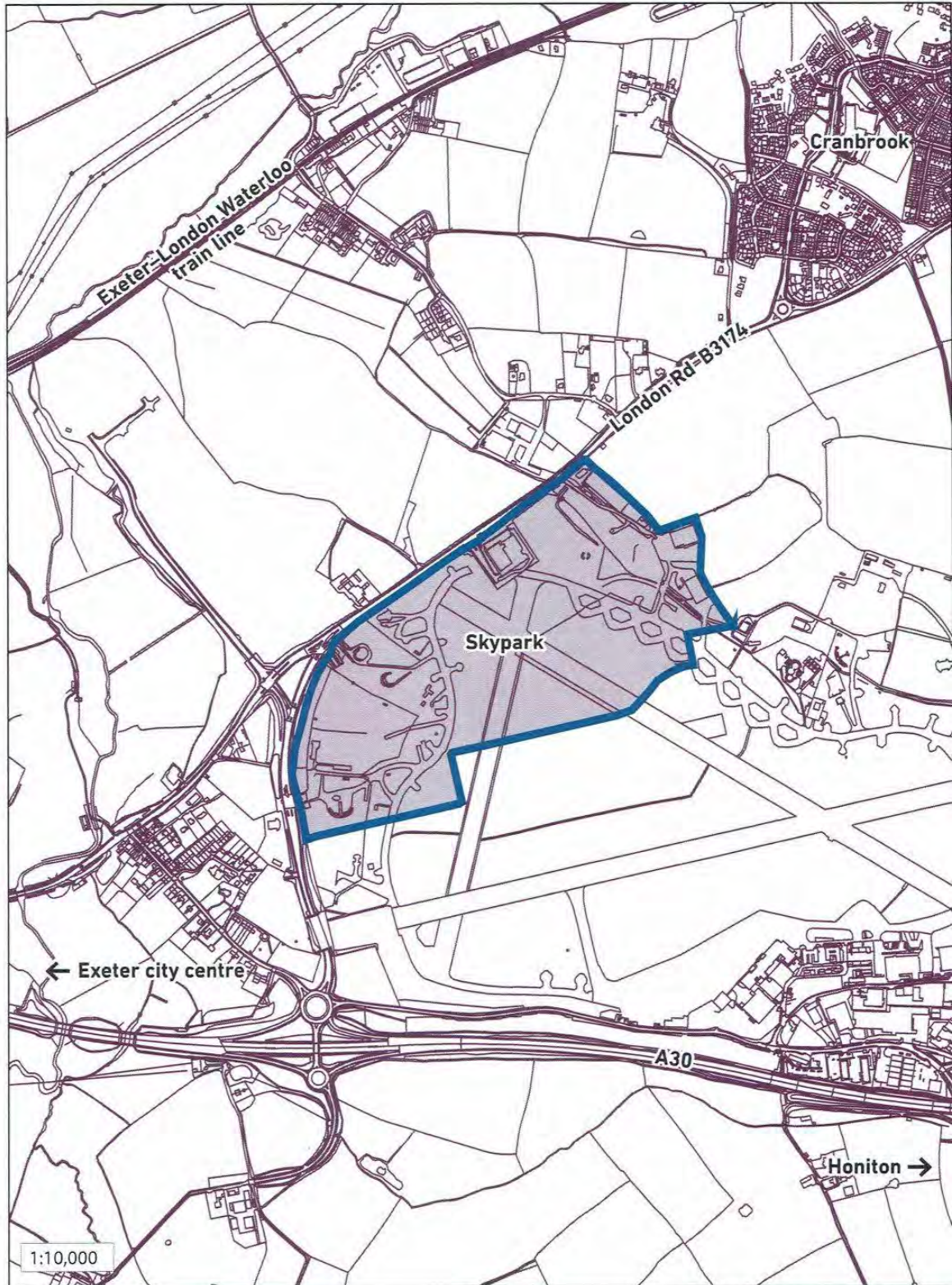


**Exeter Airport Business Park**  
Expansion Area

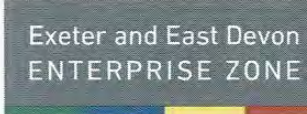


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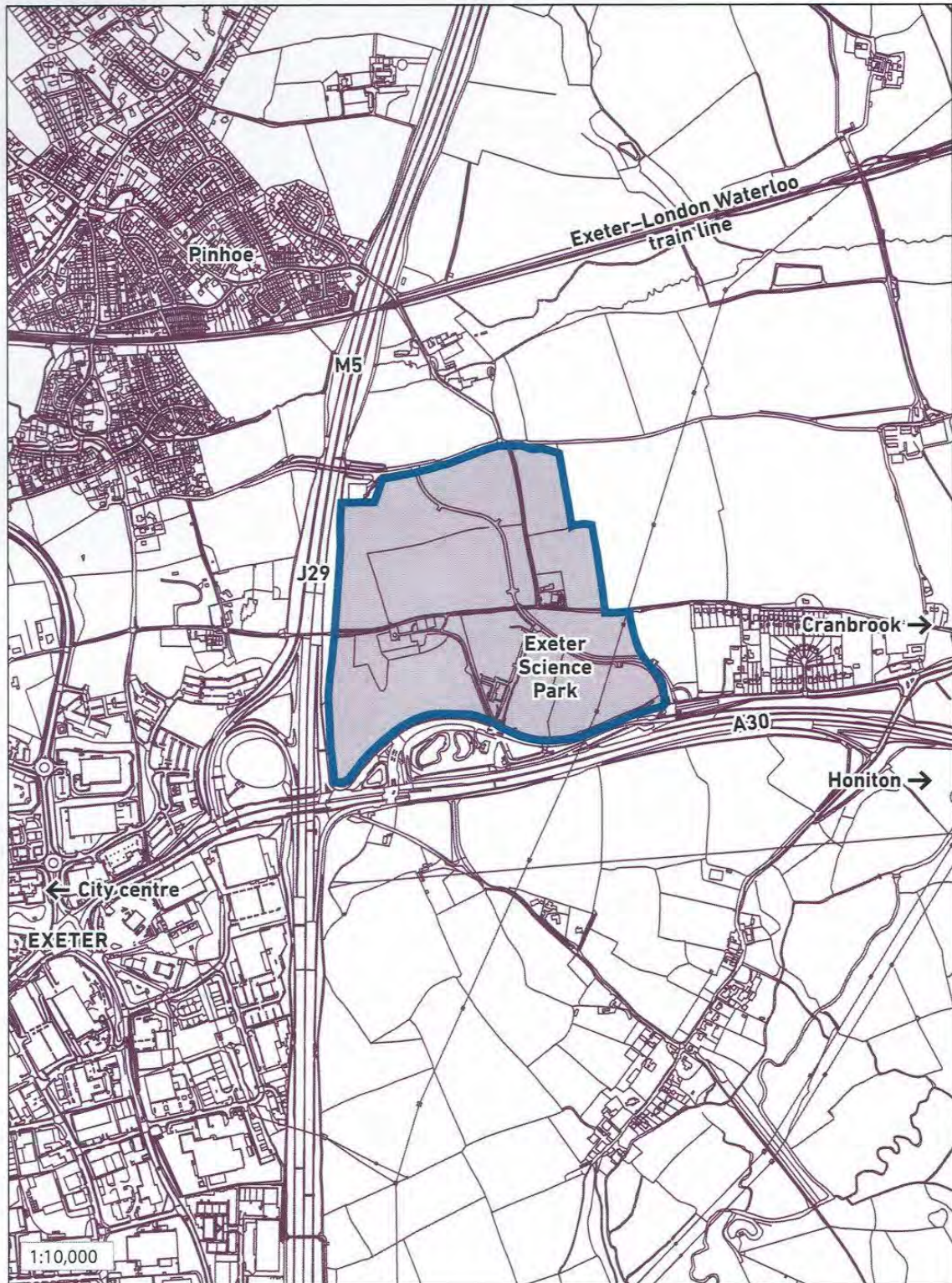
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Skypark



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**Exeter Science Park**



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## Appendix C – Project Risk Register

RISK	LIKELIHOOD/ IMPACT	RISK TREATMENT (E.G. MITIGATING ACTIONS)
Insufficient funding to support delivery of infrastructure	Medium/High	Develop detailed project appraisals to support local authorities to make an informed decision on investment proposals, including development of funding agreements to ensure repayment of loans/revolving funds.
Airport Route Development	Medium/Low	The EZ Board will provide stakeholder input and business support for to route development
Impacts of reforms to Business Rates	High/Medium	Clear communication with business and Local Authorities
Delays in progressing Local Development Orders	Low/medium	Proactive coordination with EZ officer team, development management, and corporate stakeholders.
Slow uptake of new commercial space in EZ sites	Low/medium	Work with regional and sub-regional partners to increase promotion for inward investment.
Delays in determining planning applications	Low/medium	Local planning authority will work to determine applications within the EZ as efficiently as possible.

Risk Registers for projects within the works programme will be managed by the delivering authority technical team. Risk registers will be developed for all projects identified in the indicative programme.

## Appendix D - Monitoring information

As per the MOU (Sept 2016) the following information will be reported quarterly at the end of January, April, July and October.

### 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?

## Appendix E – Terms of Reference for Enterprise Zone Board

### Terms of Reference for Exeter and East Devon Enterprise Zone Board

#### Membership:

Chair: Revolving between East Devon District Council (year 2017/18), Devon County Council (Year 2018/19) and Heart of the South West Local Enterprise Partnership (year 2019/20).

#### Members:

To be confirmed –

#### Membership

EDDC Elected Member

EDDC CEx

DCC PH for Economy and Growth

DCC Manager for Economy

HotSW LEP Board Member

HotSW LEP CEx

#### Nominated incumbent

Cllr Andrew Moulding

Mark Williams

Cllr Andrew Leadbetter

Keri Denton

(awaiting Nomination)

Chris Garcia

Quorum: Chair and three members of the EZ Governance Board

Members can nominate substitute representatives, with written notification provided to the Secretariat 7 days in advance of the meeting. Substitutes will be counted towards the quorum and will be entitled to vote. The use of substitutes shall be by exception rather than rule.

Decision making/Voting: The Enterprise Zone Board is not an executive Board. It is a strategic advisory committee and does not have delegated authority to make decisions. It will play an important role in advising on the strategic direction, liaising with central government and providing guidance on the work programme and investment priorities. Executive decision making and financial decisions will remain the remit of Devon County and/or East Devon District Councils. Board recommendation will be based on consensus and or majority views of board members.

#### Frequency of meetings

Quarterly, or as required in accordance with operational need.

#### Observers

Landowners/site managers will be invited to join the board as observers with no voting rights.

The Enterprise Zone Board will be supported by the Enterprise Zone Programme Manager and Finance /Legal Managers from EDDC and DCC.

#### Secretary

The Secretariat for the Enterprise Zone Board will be provided by EDDC Democratic Services.

The Secretary shall produce minutes of all meetings of the EZ Board and will maintain a list of conflicts of interests. Future agendas will include a standard item



requiring declarations of interests to be made in relation to specific items of business.

### **Roles and Responsibilities**

The EZ Governance Board is responsible for setting and overseeing the strategic direction of the Exeter and East Devon Enterprise Zone. This will focus on:

- Providing a coordinating vehicle for the Enterprise Zone
- Approving the Implementation Plan
- Agreeing investment priorities, including the provision of public funding by loan or grant to support site delivery.
- Coordinate applications for public sector funding for EZ investment
- Ensuring delivery of the Implementation Plan.
- Unlocking barriers to growth

It will also provide regular reports to the LEP Board, specifically focusing on:

- progress updates on the delivery of infrastructure in the Enterprise Zone sites;
- progress reports on the development of land in the Enterprise Zone sites;
- progress reports on the generation of commercial leads and enquiries in the Enterprise Zone sites;
- financial reports regarding the generation of Business Rates growth in the Enterprise Zone sites;
- financial reports on the provision and repayment of any public investment provided in support of the development in the Enterprise Zone sites;
- progress updates on the number of jobs and commercial floor-space created across in the Enterprise Zone sites; and,
- progress reports on planning frameworks and commercial masterplans in place across in the Enterprise Zone sites;

## **Appendix F – Terms of Reference for Enterprise Zone Principals Group**

### **Terms of Reference for Exeter and East Devon Enterprise Principal Officers Group**

#### **Members:**

Mark Williams – EDDC CEx  
Keri Denton – DCC Manager for Economy  
Peter Lappin – DCC Finance  
Simon Davey – EDDC S.151 Officer  
Andy Wood – Projects Director, Exeter and East Devon Growth Point  
Mel Sealey – Team Leader, Economy & Enterprise, Devon County Council

Other individuals/organisations will be invited to attend meetings as required.

Naomi Harnett – Programme Manager. Naomi will ensure that papers are circulated in advance of meetings and provide an overview of the day to day work happening within the Enterprise Zone.

#### **Frequency of meetings**

As required in accordance with operational need.

#### **Roles and Responsibilities**

The EZ Principal Group is responsible for agreeing business rate relief appeals and exceptional circumstances cases. The group will also oversee the development of investment appraisals and the business case for local authority financial support for key infrastructure delivery within the Enterprise Zone.

The group will focus on:

- Determining appeals and exceptional circumstances cases for Business Rate Relief
- To provide a steer at critical decision points, including receiving draft papers prior to them being considered by Members on the EZ Board, helping to resolve areas of disagreement
- Oversee the development of investment appraisals developed to support the case for public funding by loan or grant to support site delivery.
- Coordinate applications for grant funding for EZ projects

- To maintain process on the delivery and ongoing success of the EZ, ensuring appropriate support (staff, financial, etc) are being provided from the local authorities.

DRAFT

## Appendix G – Enterprise Zone Business Rate Relief Policy

As agreed ???

### **Exeter & East Devon Enterprise Zone, Business Rates Relief Policy** Version 9 – 18 January 2017

The Exeter & East Devon<sup>1</sup> Enterprise Zone was announced in the 2015 Autumn Statement as part of the Heart of the South West Enterprise Zone package. There are a number of Enterprise Zones across the country. Their aim is to stimulate business growth in designated areas by providing financial incentives and simplified planning arrangements<sup>2</sup> to businesses and to Councils. The aim is that they will drive local and national economic and jobs growth.

This policy identified the circumstances in which occupiers of premises within the Exeter & East Devon Enterprise Zone will be eligible for business rate relief within non-domestic properties located within the Enterprise Zone.

Businesses that occupy property in the Enterprise Zone may be eligible for a discretionary relief of up to 100% of the business rates payable, up to a limit of £55,000 per year and a maximum of £275,000 in any 5 year period subject to meeting the criteria set out within this policy. This will be subject to State Aid limits.

In applying for the relief, businesses will need to demonstrate how their business supports the aims of the Enterprise Zone in achieve business growth.

#### **Where are the Enterprise Zone sites?**

Within the Exeter & East Devon area there is a single Enterprise Zone located on four sites. These sites are:

- Exeter Science Park
- Sky Park
- Exeter Airport Business Park Expansion Area
- Cranbrook Commercial Area

(Please see detailed maps identifying the boundary of the Enterprise Zone sites in Appendix A).

For Sky Park, Exeter Airport Business Park Expansion Area and Cranbrook Commercial Area, businesses will be eligible for business rate relief if they are moving to the Enterprise Zone from outside of Devon. Businesses locating from within Devon will need to demonstrate growth, as detailed in the policy below. For Exeter Science Park, businesses locating within the Enterprise Zone will need to meet the Gateway Policy in addition to the general Enterprise Zone Business Rate Relief Policy.

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<sup>1</sup> The Exeter & East Devon Enterprise Zone is located within the administrative area of East Devon District Council, within Devon County Council (a two tier authority area).

<sup>2</sup> Simplified planning arrangements will be operated through Local Development Orders. A Local Development Order will be developed for each of the four Enterprise Zone sites.

Applications will be assessed by the Enterprise Zone Team and applications will normally be determined within two weeks of receipt. The outcome of the assessment will be notified to the applicant in writing.

**Business rate reduction criteria**

- A. The Council can grant a 100% Enterprise Zone business rates discount for a five year period up to State Aid De Minimis levels (currently £55,000 per year per business, up to £275,000 over a 5 year period) to businesses that are located within the East Devon and Exeter Enterprise Zone between 1 April 2017 and 31 March 2022.

The discount reduces the amount of business rates that the business would have to pay to the Council, up to a maximum discount of 100% of business rates payable.

The discount will be payable provided:

- a. The business locates within the defined boundary of the Enterprise Zone;  
AND,
  - b. The business is registered to pay business rates before 31 March 2022.  
AND,
  - c. The business is not currently occupying business premises within the Enterprise Zone AND
  - d. If the business was previously located elsewhere within the Devon County Council area and is a relocation for purposes of growth/expansion, evidence is provided to prove that no appropriate<sup>3</sup> expansion space was available at the previous site.
  - e. Businesses locating within Exeter Science Park will also need to meet the Gateway Policy.
- 
- B. Business rate relief will only be offered to businesses locating to the Enterprise Zone after 1 April 2017. However, the Council will consider applications for Enterprise Zone business rate discount on a discretionary basis for expanding businesses already located within the Enterprise Zone. These applications will be considered on the following basis:
    - a. Occupation of a larger premises;
    - b. 20% increase in number of permanent workforce within the business;
    - c. 20% increase in the turnover of the business, supported by evidence
    - d. 20% increase in profit of the business, supported by evidence;
    - e. Relocation of business to support another organisation/business also located within the Enterprise Zone (e.g. to reduce transport activity between sites, support the aims of the Enterprise Zone, etc.

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<sup>3</sup> Defined as not being of suitable size for expanding business needs etc

- f. Businesses locating within Exeter Science Park will also need to meet the Gateway Policy.
- C. Business rate relief can be offered in exceptional circumstances to vacant new build premises located within the Enterprise Zone. Applications will be considered on the following basis:
    1. The length of time the premises has been vacant
    2. The premises is being actively marketed

If businesses are entitled to other types of business rate relief, e.g small business rate relief, the existing relief and/or discounts will be applied to the business rate bill first and then the Enterprise Zone discount will be applied to the outstanding amount.

For businesses/companies with more than one property in the Enterprise Zone discounts will be awarded to each property subject to State Aid De Minimis rules.

East Devon District Council and Devon County Council retains the right to exercise discretion on a case by case basis.

**How to claim the discount?** Claims can be made by completing an application form.

### **State Aid Rules**

The State Aid rules regulate public sector intervention, with the aim to ensuring fair competition. This means that a business can only receive government support up to a maximum level and because of this the Council will have to ask any business that applies for a discount detailed questions about financial support that they may have received.

If a business has received any State Aid in previous years this will need to be reported to the Council. The Council will then be able to determine the level of Business Rate Relief it is able to offer.

### **Appeals**

In circumstances where an application for business rate relief has been declined, the applicant may appeal for the decision to be reconsidered. A request for appeal should be made in writing to the Enterprise Zone Manager, no later than one month after the date of the determination. Appeals will be coordinated by the Enterprise Zone Manager who will consult EED EZ Board Principals Group on the decision to decline business rate relief and any submitted supporting information. The decision of the EED EZ Board Principals Group will be final.

### **Monitoring**

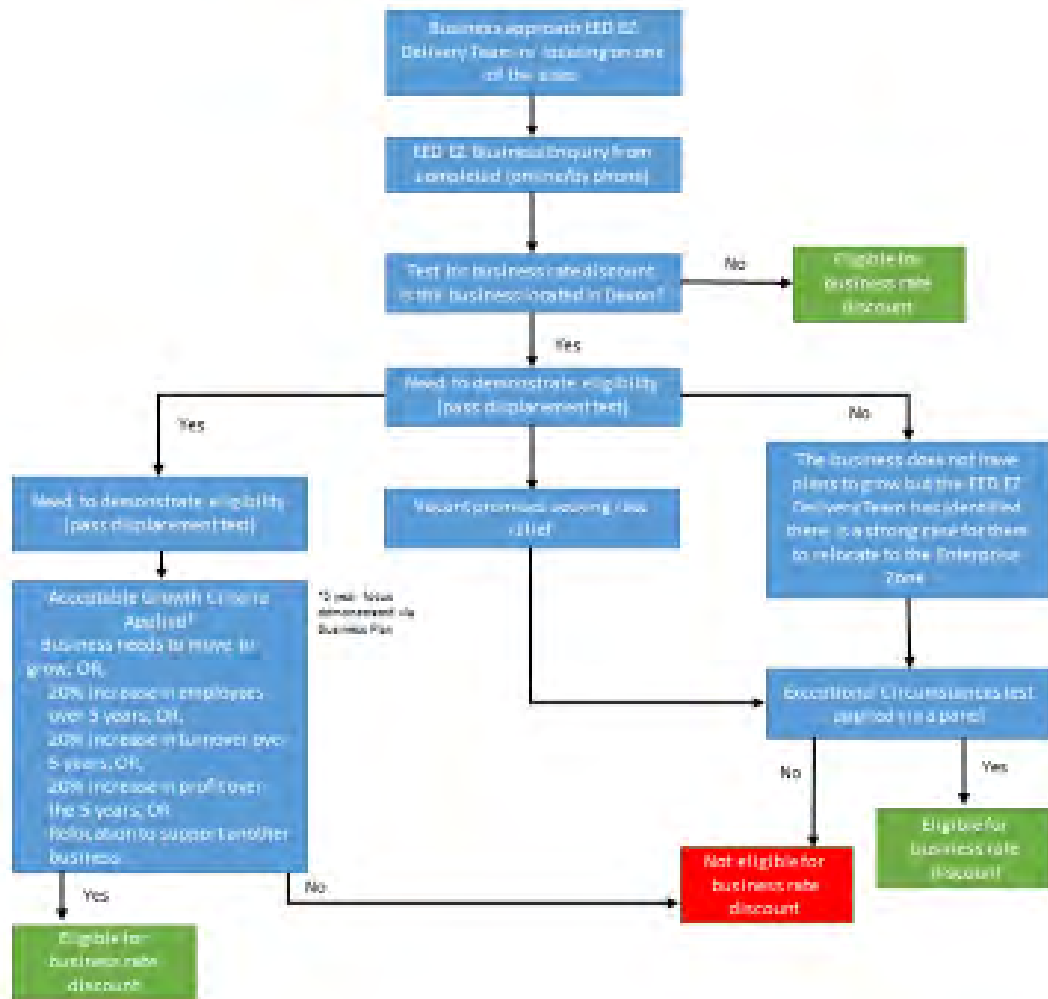
The Business Rate Relief is subject to periodic review to make sure that the qualifying business is still eligible for the relief. Checks will be made to ensure that the premises for which business rate relief has been granted remains in operation

and where applicable the business is achieving the level of growth set out in the application for relief.

There are no powers of claw back. But the relief can be withdrawn for future years if a business is no longer eligible for EZ Business Rate Relief.

DRAFT

DRAFT 16 February 2017  
Exeter & East Devon Enterprise Zone





**Report to:** Cabinet  
**Date of Meeting:** 8 March 2017  
**Public Document:** Yes  
**Exemption:** None



**Review date for release** None

**Agenda item:** 15

**Subject:** East Devon District Council's People Strategy 2017 – 2020. The People Strategy replaces the previous Workforce Development Strategy.

**Purpose of report:** The People Strategy is a vital component of a healthy organisation but is also fundamental to ensuring that we can deliver what we have set out in both the Council Plan and Transformation Strategy.

**Recommendation:** That the Cabinet considers and approves for adoption East Devon District Council's People Strategy 2017 – 2020

**Reason for recommendation:** Our People Strategy is an important document which has been reviewed and updated in line with all of our relevant legal obligations. We recommend the strategy for approval.

**Officer:** Karen Jenkins, Strategic Lead – Organisational Development and Transformation

[kjenkins@eastdevon.gov.uk](mailto:kjenkins@eastdevon.gov.uk)

ext 2762

**Financial implications:** No direct financial implications

**Legal implications:** There is nothing requiring specific legal comment.

**Equalities impact:** Low Impact

**Risk:** Low Risk

**Links to background information:**

- [Appendix A - East Devon District Council's People Strategy 2017 – 2020](#)

**Link to Council Plan:** Continuously improving to be an outstanding Council

## Report in full

1 Our People Strategy comprises the following key strategic aims:

- Highly engaged workforce and a customer focused culture

- Strong performance management to achieve accountability and help people reach their potential.
- Effective workforce planning and development
- Simple, effective systems
- Effective leadership and vision

2 The People Strategy provides an action plan setting the actions required to meet our aims which includes the owner and timetable for each key activity. This forms our workforce action plan.

3 The People Strategy includes key workforce data highlighting that 30% of staff now work part time; over 70% of our staff are over 40 with the highest percentage of staff in the 50-59 age group; absence and turnover rates are below industry levels and we enjoy a high level of staff satisfaction with EDDC as an employer.

4 East Devon District Council has worked its way through all levels of the Investor in People accreditation and currently holds gold accreditation until 2018. The Investor in People accreditation process has now changed and a platinum level is now available. The People Strategy recommends that as an organisation we have sufficient understanding of good people policies and practices not to seek reaccreditation but instead put officer time into supporting the creation of a coaching culture through investment in training – this will be carried out in-house by the Strategic Lead OD and Transformation. It is estimated the Platinum level for Investor in People will cost in excess of £10k.

**Report to:** Cabinet  
**Date of Meeting:** 8 March 2017  
**Public Document:** Yes  
**Exemption:** None



**Review date for release** None

**Agenda item:** 19

**Subject:** Monthly Performance Report January 2017

**Purpose of report:** Performance information for the 2016/17 financial year for January 2017 is supplied to allow the Cabinet to monitor progress with selected performance measures and identify any service areas where improvement is necessary.

**Recommendation:** That the Cabinet considers the progress and proposed improvement action for performance measures for the 2016/17 financial year for January 2017.

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

**Officer:** Karen Jenkins, Strategic Lead – Organisational Development and Transformation

[kjenkins@eastdevon.gov.uk](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 January 2017](#)
- [Appendix B - The Performance Indicator Monitoring Report for the 2016/17 financial year up to January 2017](#)
- [Appendix C – System Thinking Reports for Housing, Revenues and Benefits and Development Management for January 2017](#)

**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 four indicators that are showing excellent performance:
  - Percentage of Council Tax Collected
  - Percentage of Non-domestic Rates Collected
  - Days taken to process Housing Benefit / Council Tax Benefit new claims and change events
  - Working days lost due to sickness absence
3. There are no performance indicators showing as concern.
4. Monthly Performance Snapshot for January 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, Revenues and Benefits and Development Management appear in [Appendix C](#).

# Monthly Performance Snapshot – January 2017



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

- **4.6 days** to process your Housing or Council Tax Benefit claims
- **94%** of invoices received by us are paid within 10 days
- An estimated **48%** of all waste collected was recycled in January
- **99.75%** of rent due on council owned homes collected % excluding former tenant arrears (98.69% including former tenant arrears).
- Less than **3 days** on average to clear fly tipping cases, dealing with **52** cases in January
- We dealt with 163 reactive building maintenance cases at EDDC's public buildings during January 2017, this compares with 144 in the previous month, and 181 in January of 2016.
- Paintings sales up +56% for January in current South West Academy Winter Exhibition (£4,363)

Latest headlines:

- From our Housing Service - Tucker Court Residents Association met to discuss issues including parking, dogs and cleaning of communal areas. New flooring chosen by tenants was installed in communal areas of Kendall House and Tucker Court, Honiton. Attended Court and successfully gained repossession of a property at Furzehill, Sidmouth. Our new shared house in Exmouth is now fully occupied.
- Happy Days the new musical sold out for 5 performances at the Manor Pavilion Theatre, Sidmouth. Advanced tickets sales for two shows, 42ND Street and Brassed Off have exceeded all expectations.
- First *Painting4Parkinsons* session of a monthly workshop programme held at THG was a great success welcoming participants with Parkinsons and their carers from across East Devon

**Report to:** Cabinet  
**Date of Meeting:** 8 March 2017  
**Public Document:** Yes  
**Exemption:** None



**Review date for release** None

**Agenda item:** 17

**Subject:** **Review of the Equality Policy and Objectives 2017-2020**

**Purpose of report:** This report introduces the updated Equality Policy and Objectives 2017-2020. This is a key corporate policy setting out how we will meet our legal duties under the equality legislation, and how we will promote equality and diversity as a community leader, service provider and employer.

**Recommendation:** **That the Cabinet considers and approves for adoption the refreshed version of our Equality Policy and Objectives.**

**Reason for recommendation:** Our Equality policy is an important document which has been reviewed and updated in line with all of our relevant legal obligations. We recommend the policy for approval.

**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:** Medium Risk

There could be legal challenges and harm to the councils' reputation if we are seen not to be following an equality policy.

**Links to background information:** • [Appendix A – Equality Policy and Objectives 2017-2020](#)

**Link to Council Plan:** Continuously improving to be an outstanding Council

## Report in full

1. The Equalities Policy and Objectives 2017 – 2020 document sets out our equality objectives which have continued on from the last policy and which we feel are still relevant.

They are:

- know our communities
- serve our communities
- include equalities in all our decision making

The policy highlights key areas of progress that we have made through the last 4 years towards our objectives. The policy also sets out the responsibilities for all within EDDC because as a provider of services and community leader it's important that East Devon District Council staff and Members understand equality and diversity and how to operate in a non-discriminatory and inclusive way.

2. The Equality policy contains a set of principles that we feel will support us in achieving our equality objectives.

These principles are:

- ensure acceptable behaviour
- respond to complaints and incidents in a positive and pro-active way
- provide access to services, facilities and information
- recruit and employ people fairly
- meet specific needs

3. The Equality Policy makes clear our priorities in the main aspects of the Council's equalities work – as community leader, service provider and employer. If we can:

- reduce discrimination by engaging in positive action to celebrate the merits of a diverse community
- employ a workforce that reflects this diversity, and
- deliver services that meet different customer needs

we will go a long way to improving the lives of all our residents, including those with protected characteristics.

4. Following a recent High Court decision, we are reminded that we must comply with our duties under S.149 of the Equality Act 2010, which is also referred to as the public sector equality act duty ("PSED") when making decisions including financial decisions. When making decisions that may have an equalities impact as far as the PSED is concerned there are some key points to bear in mind;

- The PSED is a duty to have 'due' regard to the listed equality needs,
- This duty by implication is a duty of reasonable inquiry,
- What constitutes 'due regard' is such regard as is appropriate in all the circumstances.

**Report to:** Cabinet  
**Date of Meeting:** 8 March 2017  
**Public Document:** Yes  
**Exemption:** None  
**Review date for release:** None



**Agenda item:** 18

**Subject:** Procurement Support

**Purpose of report:** To requests members consider entering into an agreement with Devon County Council Procurement Services to provide procurement advice to this Council from 1<sup>st</sup> April 2017 for an initial period of two years.

**Recommendation:** To approve an exemption to the Council's contract standing orders and to enter into a service level agreement with Devon County Council to provide Procurement Support from 1 April 2017 to 31 March 2019 (subject to detailed review after 9 months).

**Reason for recommendation:** To enter into an agreement with Devon County Council to provide this support is seen as an effective and cost efficient option.

**Officer:** Simon Davey, Strategic Lead Finance

[sdavey@eastdevon.gov.uk](mailto:sdavey@eastdevon.gov.uk)

01395 517490

**Financial implications:** Details are contained within the report and are within existing budget provision.

**Legal implications:** The report identifies the importance of having corporate procurement support, not least to ensure legal requirements are adhered to. There is therefore a strong justification for approving this proposal and to not have such support could leave the Council at risk of being in breach of its legal duties. The Council's contract standing orders would normally require this to be tendered given that it is a 2 year contract worth circa £60k. Cabinet can authorise an exemption to following our contract standing orders under Rule 3.1 where the contract value falls below EU procurement thresholds, which this does. The reasons given are acceptable to permit the exemption.

**Equalities impact:** Low Impact

**Risk:** Low Risk

**Links to background information:** •

**Link to Council Plan:** Continuously improving to be an outstanding Council

## 1. Introduction



- 1.1 The Council needs a corporate procurement support function to ensure the Council complies with legislation and operates best practice in its procurement activities. This support is required on the basis of setting up process, procedures and systems and keeping them updated and legally compliant. To also ensure the Council is efficient and effective in its procurement activities with appropriate training being available and to ensure key standards are met within services. Good procurement practices generate savings, an annual target is set and achieved of saving at least £70,000 per annum through procurement efficiencies throughout the Council.
- 1.2 This corporate support function has been provided in the past by a single Procurement Officer with the post holder being suitably qualified (CIPS – Chartered Institute of Purchasing and Supply). The demands and required span of knowledge for this position made the role difficult to fulfil for just one individual, the position is paid at the Council's Grade 6 (salary of £23,935 to £26,556) which with on costs amounts to an overall cost to the Council of just under £34,000 per annum.
- 1.3 This post is now vacant with the individual having retired, it is highly unlikely we would be able to recruit a suitable replacement for the salary being offered and in reality the span of knowledge and demands required to fulfil this role is greater than one individual.

## **2. The way forward being proposed**

- 2.1 The possibility of sharing this function with other Councils has been explored. The initial consideration was to share with Exeter City and Teignbridge District Councils along the alignment of Strata. Unfortunately Exeter are not in position to share currently and although Teignbridge would be willing to consider options it is not considered this would give the size of procurement function required at a sensible cost.
- 2.2 Conversations have been had with the County Council whom have a significant procurement function and are well respected, a number of procurement frameworks utilised by this Council where set up and are managed by the County Council. In addition to discussions by the Strategic Lead Finance with Devon Procurement Services, officers from County have now been here onsite over 3 days to discuss with our service managers their procurement needs.
- 2.3 Attached is a proposal formulated and agreed with Devon Procurement Services for the provision of procurement support to be provided to East Devon. The cost agreed is £30,000 for 2017/18 then being annually indexed inline with the Local Government pay award.
- 2.4 It is recommended that this proposal is accepted and if approved by members a Service Level Agreement will be put in place. To award this work directly to the County Council will require members to approve an exemption to contract standing orders. This recommendation comes with the support of the Council's Member Champion for Procurement (Cllr G Godbeer).
- 2.5 It maybe useful for members to know that TDDC are now also exploring with the County Council possible procurement support.

# Devon Procurement Services

## Procurement Support Services to be provided for East Devon District Council

(Initial Service Period xx/3/2017 to 31/3/2019, subject to a detailed review after 9 months)

### Service support:

☎ 01392 383 000  
✉ [procure@devon.gov.uk](mailto:procure@devon.gov.uk)  
💻 [www.supplyingthesouthwest.org.uk](http://www.supplyingthesouthwest.org.uk)

### Contacts:

[jon.williams@devon.gov.uk](mailto:jon.williams@devon.gov.uk)  
[justin.bennetts@devon.gov.uk](mailto:justin.bennetts@devon.gov.uk)  
[kevin.balding@devon.gov.uk](mailto:kevin.balding@devon.gov.uk)



**Guidance – Services provided as follows:**

*O = Ongoing in Period of Service*

*D = Discrete one off work packages*

*P = Documents with Periodic Updates – regularity of updates to be agreed*

**A Procurement e-tendering portal:**

1. Provide system administration support - O
2. Create accounts for new users (once approved by EDDC CFO) - O
3. Provide training to new users - O
4. Provide training to all existing users (where agreed training is needed) - D
5. Set Up procurement route map templates within e-tendering portal - O
6. Configure Pro Spend Reports for EDDC to use (provided data is captured in relevant places (subject to data links being available) - O
7. Access to electronic procurement info templates – specific documents to be agreed ? - D

**B Review of current EDDC Policy and Procedure Documents:**

1. Review Contract Standing Orders, including procurement procedure thresholds for which alternative procedures are followed - D
2. Review EDDC Procurement Strategy – D
3. Make recommendations regarding updates to the above for EDDC to accept or reject – D
4. Annual review of spend data to identify any areas of ‘maverick’ spend - O

**C Create new documents:**

**Key documentation to be provided by Devon procurement Services to East Devon District Council, including periodic (to be agreed) updates:**

1. Produce A3 sized summary document to help officers follow Contract Standing Orders - D
2. Provide a checklist of key steps to be completed in managing the core competitive process, (OJEU OPEN and Restricted Procedure, domestic quotations) (see CFO 5 & 6) – D
3. Create a ‘Procurement Notification Form (PNF) to register new EDDC procurements (who will in record PNF’s in EDDC to be agreed - D
4. Provide invitation to tender template documentation as follows and training on use of these templates:-
  - Invitation to Tender & Request for Quotation templates\*, plus Terms and Conditions (Goods and Services), particularly – P
  - Domestic (sub OJEU) requests for quotations\* - P
  - Domestic tender (sub OJEU) requests for tenders\* - P
  - OJEU Open invitation to Tender\* - P
  - OJEU Restricted invitation to Tender\* - P

5. Provide a template for tender evaluation\* - P
6. Provide letter templates\* to inform successful & unsuccessful tenderers of due diligence phase (start of standstill period) - P
7. Provide letter templates\* to inform successful tenderers of award of contract (post Standstill) - P
8. Provide a checklist of things to consider before deciding to use or comparing frameworks - D
9. Provide a set of Terms & Conditions\* for Goods & Services Contracts - D
10. Provide a set of Terms & Conditions\* for Maintenance & Minor Works Contracts (it is recommended that this is used for contracts up to a defined value (tbc) and JCT or NEC3 contracts are used over this value - D
11. Provide an equality & sustainability evaluation matrix\* template - D
12. Provide a procurement risk register template - D
13. Provide a guidance note of levels of insurance that should be required for and level of indemnity from the company in the absence of insurance (proposal to be provided for EDDC to consider but set their own limits) - D
14. Provide procurement Quality Assurance checklist\* to assist officers in overseeing key steps of the process, thus driving compliance - D
15. Provide Contract Award Recommendation report template (including Record of Officer Decision & Benefits realisation Section to record Financial Benefits & Savings) - D

**D Officer support:**

1. Devon Procurement Services to include East Devon District Council within appropriate procurements, thereby enabling EDDC to use each contract, at its sole discretion - O
2. Provide telephone helpline\*\* support to EDDC nominated Officers with appropriate specialist contacts from Devon Procurement Services to provide telephone support - O
3. Provide a face to face project initiation\*\* meeting (to include guidance on conducting market testing & supplier days) for projects over OJEU thresholds for Goods and Services, or Works projects over £500,000 - O
4. For Quality Assurance, provide a Procedural and Documentation review\*\*, prior to Invitations to Tender being issued for all projects over OJEU thresholds for Goods and Services or works projects over £500,000 - O
5. Provide face to face training to project team on tender evaluation\*\* for all projects over OJEU thresholds for Goods and Services or works projects over £500K. Provide a 'train the trainer' service - O

**E Meetings with EDDC Managers and Members:**

1. Meeting with EDDC CFO at a period to be agreed, initially every three months to review service progress - O
2. Ability for EDDC CFO to request additional meeting with DPS senior service lead within a reasonable period of notice - O

3. Support EDDC CFO in meeting with EDDC Procurement Portfolio Holder every three months to review service progress – O

**F Technical Updates:**

1. Provide a concise periodic technical update via Email to nominated EDDC officers, as and where key legislation or practice, requires.

**G Exclusions:**

1. Procurement advice to Strata or projects that Strata will carry out
2. Legal Advice (procurement or otherwise)
3. Misuse of templates, procurement tools or other documents by EDDC who do not use these as intended (particularly those marked with a \* above).
4. Situations arising out of EDDC not following advice provided by DCC (particularly those marked with a \*\* above).
5. Providing on the ground procurement staff to run projects (if resources were available in DCC this would be by separate contract arrangements)

**Appendices Schedule:**

Appendix 1 – Procurement Category Team Portfolios

Appendix 2 – Structure Charts (correct as of 25<sup>th</sup> January 2017)

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**It is agreed that the services listed above will form the delivery to be provided to EDDC by DCC:**

**Name:** Simon Davey

**Designation:** EDDC CFO

**Signature:**

**Date:**

**Name:** Justin Bennetts MCIPS

**Designation:** DDC Strategic Procurement Lead

**Signature:**

**Date:**

# Procurement Category Team Portfolios

Head of Devon Procurement Services

## Accommodation

- Residential and Nursing
- Respite:
- Short Breaks (children)
- Family based Carers
- Supported Lodgings
- Extra Care Housing
- Supported Housing
- Special Schools
- Foster Care

## Representation

- Advocacy
- IMCA & IMHA
- Consultation
- Participation
- Engagement

## Help to live in the Community

- Personal Care
- Meals
- Community Based Support
- Community Support ( it's different from above)
- Equipment and Adaptations
- Telecare,
- Community Alarms
- Home Improvement Agency
- Mobile response service
- Community Mentoring
- Day Opportunities
- Employment
- Sitting services
- Carer Support Services
- Wellbeing (HIV substance misuse, Domestic violence)
- Children's Centres
- Childcare
- Early Years Support
- Childminder Support
- Youth Services
- Parenting
- Personalisation
- Voluntary Sector representation on CTT

## Workforce

- Learning and Development

## Public Engagement

- LINK / Healthwatch
- Public engagement

Nicola  
Tribble

People

## Highways and Bridges

- Construction
- Maintenance
- Street Lighting
- Street Furniture
- Traffic Systems
- Winter maintenance – treatment

## Paths and Public walkways

- Public Paths and Cycle ways
- Public Rights of Way
- Road safety

## Transport and Parking

- Public Transport
- Home to school transport
- Park and Ride

## Environment

- Pollution
- Animal health

## Land and Parks

- Parks and Community Spaces
- Countryside Management
- Sport and Recreational Areas
- Tree Felling

## Municipal Waste Management

- Waste minimisation
- Recycling and disposal
- Environmental Health
- Glass Cullet
- Waste Paper recycling
- Reduce landfill sites

## The Devon Economy

- Economy and Tourism
- Visitor Centres

## Culture

- Arts, Museums, Libraries
- Festivals and Events

## Corporate Property Services

## Building & Construction Services

- Construction framework
- Maintenance panel
- SLOAC
- Property consultancy
- Accreditation services

## Facilities Management Services

- Grounds maintenance
- Tree management

Justin  
Bennetts

Place

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## Business Services

- Legal Services
- Financial and Treasury
- Banking Services
- Actuarial Services
- Insurance Services
- Consultancy
- Marketing and Publicity
- Advertising
- Training and L&D
- British Sign Language
- Agency Staff and Temps
- Conferencing and Events
- Business Accommodation (overnight)
- Business Travel
- Design & Print / Promotional goods
- Scanning and Mapping

## Business Supplies & Equipment

- Uniform and PPE
- Office furniture
- Office equipment and storage (filing, lockers etc)
- Office Stationery
- Post room equipment
- Flooring, blinds and soft furnishings
- Food and catering consumables
- First aid, medical/Hygiene Equipment & accessories
- Feminine Hygiene / H&S
- Audio/Visual (projectors, screens, display equipment)
- Fleet and Fuel Cards

## Facilities Management Services

- Office cleaning, window cleaning and catering
- Removals
- Pest Control
- Commercial laundry Services
- Fire & alarm safety equip/maintenance
- Office recycling
- Energy and fuel
- White goods

## Technology & Communications

### Hardware

- PC's, Laptops and Servers
- Scanners and Printers
- Tablets and PDA's
- Smart screens & AVA
- Network

### Software

- Corporate, curriculum, escrow

### Consumables

- Cartridges and Peripherals

### Security

- Anti Virus, Data Labelling etc

### Maintenance Communications

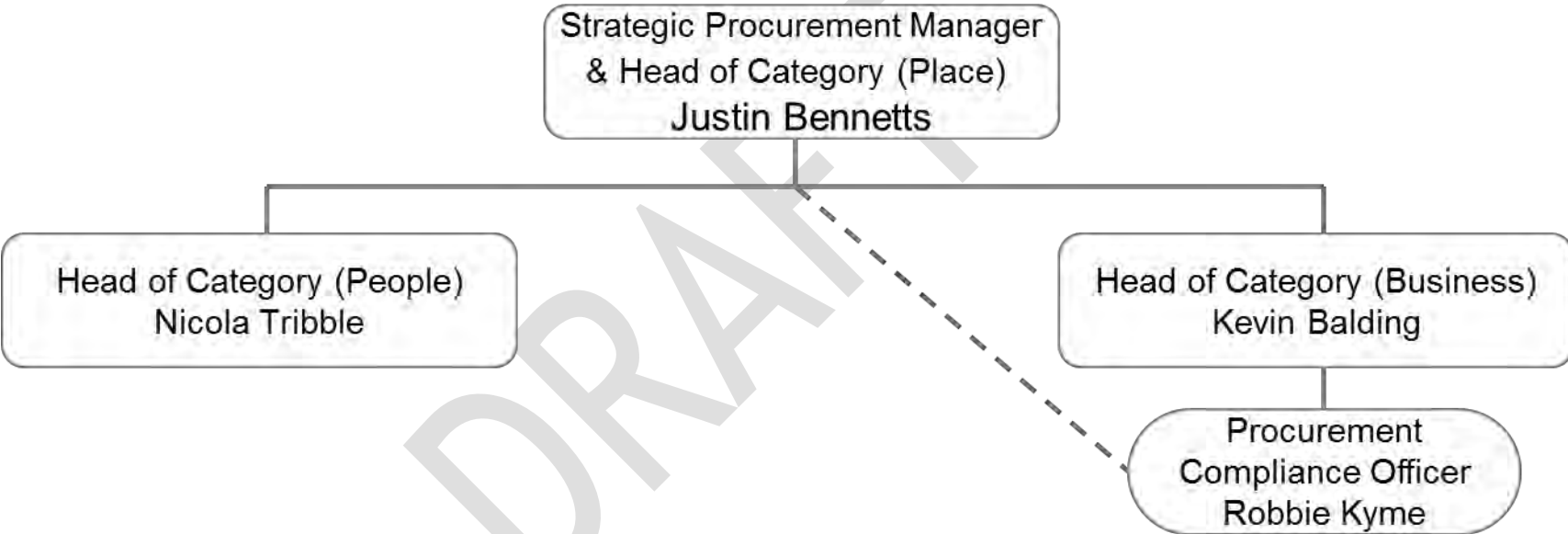
- Landline
- Office Telephony
- Mobiles and Smart Phones
- Voice applications

Kevin  
Balding

Business

# Structure Chart

for the Strategic Procurement Service  
(Correct as of 25<sup>th</sup> January 2017)





**Head of Category (Place)**  
**Justin Bennetts**  
**Strategic Procurement Manager**

Head of Category (Business)

Head of Category (People)

Procurement Category Manager  
**Jon Williams**

Procurement Category Manager  
**Simon Richardson**

Senior Procurement and Contracts Officer  
**Daniela Pleiss**

Procurement and Contracts Officer  
**Matthew Chapman**

Grounds and Trees Officer  
**Bob Stevenson**

Contract Management Support Officer  
 (Vacant)

Senior Procurement and Contracts Officer  
**Alan Palmer**

Senior Procurement and Contracts Officer (Waste)  
**Saeed Mirehsan**

Senior Procurement and Contracts Officer (Highways)  
**Brian Tucker**

Contract Technician (Performance and Monitoring)  
**Garry Palmer**

SCF Apprentice  
**Gabby Stevens**

CFSW Business Development Officer  
**Mike Borkowski**

Contract Relationship Manager CFSW  
**Eleanor Thomas**

Commissioning relationship, category leads, make-or-buy assessment, competition management, joint implementation and link to performance

Implementation, Performance & Monitoring

Commissioning relationship, category leads, make-or-buy assessment, competition management, joint implementation and link to performance

Implementation, Performance & Monitoring

**Property and Estates procurement team**

**Environment and Community Infrastructure procurement team**

**Strategic Procurement Manager**

**Head of Category (People)  
Nicola Tribble**

Head of Category (Business)

**Procurement Category  
Manager  
Leanne Hawkins**

**Procurement Category  
Manager  
Christopher Dorain**

**Senior  
Procurement and  
Contracts Officer  
Andrew Simkin**

**Senior  
Procurement and  
Contracts Officer  
Ben Jones**

**Procurement and  
Contracts Officer  
Jolene Roberts**

**Procurement and  
Contracts Officer  
Abigail  
Muzvimwe**

**Senior  
Procurement and  
Contracts Officer  
Becky Meaton**

**Senior  
Procurement and  
Contracts Officer  
Vacant**

**Procurement and  
Contracts Officer  
Lee Webber**

**Contract  
Technician  
(Performance &  
Monitoring)  
Alex Smith**

Commissioning relationship,  
category leads, make-or-buy  
assessment, competition  
management, joint implementation  
and link to performance

Implementation,  
Performance & Monitoring

Commissioning relationship,  
category leads, make-or-buy  
assessment, competition  
management, joint implementation  
and link to performance

Implementation,  
Performance & Monitoring

**Strategic Procurement Manager**

**Head of Category (Business)**  
**Kevin Balding**

Head of Category (People)

Procurement Category  
Manager  
**Gavin Punchard**

Procurement Category  
Manager  
**Nick Richardson**

Senior  
Procurement and  
Contracts Officer  
**Iain Perkins**

Procurement and  
Contracts Officer  
**Andrea  
Greenhough**

Procurement and  
Contracts Officer  
**Tracey White**

Contracts  
Technician  
**Louise Cohen**

Senior  
Procurement and  
Contracts Officer  
**Louise Baker**

Procurement and  
Contracts Officer  
**Paul Kirby**

Procurement and  
Contracts Officer  
**(Vacant)**

Modern  
Apprentice  
**Euan Forsyth**

Commissioning relationship, category  
lead, make-or-buy assessment,  
competition management, joint  
implementation and link to performance

Implementation,  
Performance, Monitoring  
and asset management

Commissioning relationship, category  
leads, make-or-buy assessment,  
competition management, joint  
implementation and link to performance

Implementation,  
Performance &  
Monitoring

**Technology and Communications**

**Business Supplies and Services**

**Report to:** Cabinet  
**Date of Meeting:** 8 March 2017  
**Public Document:** Yes  
**Exemption:** None



**Agenda item:** 17

**Subject:** **Consultation on draft Cemetery Regulations**

**Purpose of report:** To seek Cabinet approval to undertake a consultation process introducing combined Regulations for the Management and Control of East Devon District Council Cemeteries.

**Recommendation:** **To carry out a consultation on the introduction of Regulations for the Management and Control of East Devon District Council Cemeteries.**

**Reason for recommendation:** In order to meet the requirements to carry out a consultation before introducing the new regulations

**Officer:** Steve Saunders, Licensing Manager: [ssaunders@eastdevon.gov.uk](mailto:ssaunders@eastdevon.gov.uk)

**Financial implications:** There are no financial implications within the report

**Legal implications:** The full legal implications are set out within the text of the report

**Equalities impact:** Low Impact

**Risk:** Low Risk

**Appendices:**

Appendix A - Draft Regulations for the Management and Control of East Devon District Council Cemeteries

Appendix B – Declaration Certificate / Order Issued (Form 18)

Appendix C – Current Cemetery Fee List

**Background Papers:**

- [Provisions of the Local Authorities Cemeteries Order 1977](#)

**Link to Council Plan:** Encouraging communities to be outstanding,  
Delivering and promoting our outstanding environment,  
Continuously improving to be an outstanding Council.

**1 Background**

1.1 The rules and regulations for the control and proper management of the council's cemeteries are made under the provisions of the Local Authorities Cemeteries Order 1977 which replaced all previous rules and regulations. The Council reserves the right to alter, add to or amend the Regulations from time to time as necessary.

- 1.2 The Council manages Seaton, Sidmouth and Sidbury cemeteries and controls all matters relating to notice of burials, selection of grave space, interment fees, rights of burial, exhumations, cemeteries' registers, permissions for monuments and inscriptions. The council also manages security and maintenance of the cemeteries.
- 1.3 Whilst there is no statutory requirement for a Council to provide cemeteries there is a statutory duty to dispose of those who die within the District where no other funeral arrangements are being made. In line with most authorities, the Council provides cemeteries.
- 1.4 All three were 'inherited' by the council in 1974 following the amalgamation of former rural and urban councils into the East Devon District Council. Since that time the three cemeteries have been extended to accommodate further areas for burials. The council also inherited three sets of cemetery regulations relating separately to Seaton, Sidbury and Sidmouth cemeteries.
- 1.5 The control of council cemeteries are set out in regulations agreed by the authority, these being conditions setting out the administration of the cemeteries along with the controls and requirements applicable to burials and the placing of memorials and plaques.
- 1.6 The working arrangements for the council that have evolved over the decades are that the licensing team administers cemetery registers, fees and allocation of burial plots whilst street scene has responsibility for maintenance of the cemetery grounds along with some grave preparation relating to the interment of ashes. The council does not undertake full grave excavations which are arranged and undertaken by the relevant undertaker.
- 1.6 A working draft of the regulations is provided at **Appendix A** together with a draft declaration for Certificate or Order at **Appendix B**. The current fees set by the council for burials and monuments is provided at **Appendix C**.
- 1.7 It is now considered timely and necessary to combine and modernise the regulation of the three cemeteries by producing one set of regulations that apply to all three. The regulations amalgamate the three sets of historic regulations drawing on parts of the old regulations, on recent experience and on best practice from around the country.
- 1.8 Whilst not required by legislation, it is considered good practice for interested parties to be consulted about the regulations. Providing members agree to the consultation being undertaken, it is proposed that the consultation will be carried out over a period of six weeks to include all Town and Parish councils, undertakers, funeral directors and members of the public. There will be a web based consultation, with paper copies available on request, with an opportunity to comment via the council website.
- 1.9 All responses will be duly considered and if appropriate the regulations may be amended prior to the final draft being submitted to Cabinet and Council for approval.

# APPENDIX A



## Regulations for the Management and Control of East Devon District Council Cemeteries

2017

Draft

Seaton Cemetery Colyford Road Seaton Devon EX10 2DQ This cemetery includes a woodland area for woodland burials.	Sidbury Cemetery Deepway Sidbury Devon EX10 0SA	Sidmouth Cemetery Temple Street Sidmouth Devon EX10 9BN
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**Regulations for the Management and Control of Cemeteries**

**INTRODUCTION AND HISTORY**

There is no statutory requirement for a Council to provide cemeteries. The Council is, however, under a statutory duty to dispose of those who die within the District where no other funeral arrangements are being made. This requirement could be satisfied by arranging the burial in another district, without the authority providing burial facilities itself. However, in line with most authorities, the Council has thought it appropriate to provide cemeteries.

Until the early 19th Century, the principal provider had been churches, but with a rapidly expanding population, particularly in built up areas, demand was rapidly outstripping capacity, with the result that many Victorian Churchyards in municipal areas were full and the issue was becoming a threat to public health. The problem was addressed in the 1850's with Acts of Parliament enabling local authorities to provide burial grounds, and many council cemeteries date from this period. At the time they were the focus of great civic pride, and some were even considered commercially viable propositions.

East Devon District Council provides and manages 3 cemeteries. All three were inherited in 1974 following the amalgamation of former rural and urban councils into the East Devon District Council. During the intervening years the three cemeteries have been extended and a woodland section developed at the Seaton Cemetery.

Although the cemeteries are located in Seaton, Sidbury and Sidmouth there is no restriction on those who can be buried in the cemeteries. However, historically the council has charged double fees for the burial and the placing of memorials of those who before their death were not resident in the district. Double fees are also charged for the purchase of exclusive rights for a burial plot by a non-resident.

Traditionally the controls on council cemeteries are set out in 'regulations' agreed by the authority. These are in fact a set of conditions setting out the requirements of the basic administration of the cemeteries and the controls and requirements that apply to burials of bodies and ashes and the erection or placing of memorials within the cemeteries. In 1974 the district council also inherited three sets of cemetery regulations relating separately to Seaton, Sidbury and Sidmouth cemeteries. These had been approved in the case of Sidbury and Sidmouth in 1952 and Seaton in 1974. Whilst there have been minor changes made to these regulations since that time including the introduction of the Seaton Woodland section the existing regulations have not changed greatly since before the 1974 amalgamation.

In order to simplify and modernise the regulation of the three cemeteries it is intended that a single set of regulations apply to all three. Following a review, the regulations now amalgamate the three sets of regulations drawing on the best parts of the old regulations, on recent experience and on best practice from around the country.

## East Devon District Council

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### Regulations for the Management and Control of Cemeteries

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## East Devon District Council

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### Regulations for the Management and Control of Cemeteries

#### Regulations for the Management and Control of East Devon District Council Cemeteries

The District Council manages and controls three cemeteries in East Devon

Seaton Cemetery Colyford Road Seaton Devon EX10 2DQ This cemetery includes a woodland area for woodland burials.	Sidbury Cemetery Deepway Sidbury Devon EX10 0SA	Sidmouth Cemetery Temple Street Sidmouth Devon EX10 9BN
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#### 1. Cemeteries Regulations

The rules and regulations for the control and proper management of the council's cemeteries are made under the provisions of the Local Authorities Cemeteries Order 1977 and replace all previous rules and regulations.

If you need help in interpreting the rules and regulations, please contact the Licensing Office – contact details are within this document.

The Council reserves the right to alter, add to or amend the Regulations from time to time as necessary.

#### 2. General

The cemeteries will normally be open to the public daily between 0900 hours and sunset.

No person other than a person authorised by the Council shall enter or remain in any cemetery at any time when it is closed.

All persons entering any cemetery shall be subject to the orders and controls of the Council or any person authorised by the Council.

The Council will deal with all matters relating to the management and security of the cemeteries.

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**Regulations for the Management and Control of Cemeteries**

**3. Management of Cemetery Services**

The burial authority is East Devon District Council, Council Offices, Knowle, Sidmouth, EX10 8HL. Contact is through the Licensing Office on 01395 517411 or email [licensing@eastdevon.gov.uk](mailto:licensing@eastdevon.gov.uk). The Office is open to arrange burials Monday - Friday (9.30am - 12.30pm) excluding Bank Holidays

None of the following actions can take place without specific permission of the Council:

- (a) Burials or exhumations
- (b) Burial of ashes.
- (c) Erection or fixing of a memorial.
- (d) Inscription on a memorial.
- (e) Renovation of a memorial.
- (f) Removal and /or replacement of a memorial.

East Devon District Council manages all matters relating to notice of burials, selection of grave space, interment fees, rights of burial, exhumations, cemeteries' registers, permissions for monuments and inscriptions. Application forms and forms of notice in connection with burials and interments and memorialisation may be obtained from the Council Offices.

**4. Booking an interment**

Initial reservations for burial services may be made online through the council's website, by telephone during specified office hours, or in writing. Reservations are treated as 'provisional' until receipt of the formal notice application form and payment. The Council will not accept any responsibility for any delay or misunderstanding which may occur if instructions are given by telephone, neither will the Council accept responsibility for the late submission of any documents that are required prior to any interment or scattering of cremated remains taking place.

The time fixed for a funeral must be that when the procession is to arrive at the Cemetery. The time must be strictly kept to prevent one funeral interfering with another. If a funeral arrives late there may be an additional fee to be paid.

The council requires prior notice for extraordinary funeral processions. For example, the use of a horse drawn hearse, a military funeral or a large gathering.

**5. Notice of Interment**

We accept notice of burial (including all burials, interment of cremated remains or scattering of ashes) as 'confirmed' when we receive all forms and certificates required to fulfil statutory requirements, and those required by the Council, at the Licensing Office no later than two full working days before the proposed date of the funeral. This period of time excludes Saturdays, Sundays, Bank Holidays and when

**Regulations for the Management and Control of Cemeteries**

the council offices are closed over the Christmas period. The period of notice may be reduced or waived at the council's discretion for recognised religious reasons or where the body requires immediate burial.

We only accept documents sent by email and fax as temporary notification(s) and they must be confirmed by delivery of the originals to the Licensing Office.

The fees and charges for any burial must be paid at the time of giving notice of booking and all other fees paid before the work to which they relate is started. Facilities are available to take card payments over the telephone. Charges are in accordance with the Councils' published scale of fees for cemeteries; these are available on the council's website at <http://eastdevon.gov.uk/cemeteries/>.

The notice of burial must be in the form prescribed by the Council and must contain the following information:

- (i) Name of person being buried or whose cremated remains are being interred
- (ii) Permanent address prior to death
- (iii) Address at which the death occurred
- (iv) In the event of the length of stay in East Devon District being less than one year the deceased's previous address.
- (v) Date of death (day, month, and year)
- (vi) Age of person (if in years that of their last birthday)
- (vii) Date and time of intended interment
- (viii) Name and address of person to officiate at burial (if any)
- (ix) Situation of the grave or vault, and where relevant the name and address of the owner of the exclusive rights of the grave
- (x) The depth of the proposed grave
- (xi) The dimensions of the coffin
- (xii) The name of the undertaker or the person giving notice of the funeral
- (xiii) The notice must be in writing and plainly signed with the name and address of the person giving it.

**6. Certificate for Burial or Cremation**

A certificate for Burial or Cremation issued by the Registrar for Births, Deaths and Marriages, or in the case of cremated remains a Certificate of Cremation issued by the crematorium, must be delivered to the Council before the burial of a body or interment of cremated remains.

For the burial of a stillborn child a Registrar's Certificate for disposal or if there has been an inquest, an order of the coroner will be required.

In the case of a non-viable foetus, the medical practitioner or midwife's certificate of delivery will be required. The medical practitioner or midwife must have been involved with the delivery.

No interments will take place unless the certificate or order is produced. The only

## Regulations for the Management and Control of Cemeteries

exception is where a burial (not a cremation) is allowed without actual delivery of the Registrar's Certificate or Coroner's Order where the person effecting the disposal is satisfied by a written declaration from the person procuring the disposal that such a Certificate or Order has in fact been issued in respect of the deceased. Regulation 49(3) of the Registration of Births and Deaths Regulations 1987 provides that the terms of the declaration shall be as set out in Form 18. A copy of a Form 18 appears at Appendix B to these regulations.

### 7. Selection of Graves and Ashes Plots

- (a) The selection of any grave or ashes plot for any burial or interment of cremated remains for which exclusive rights have not been purchased will be at the sole discretion of the Council.
- (b) New graves will be allocated in strict rotation. They are not available for selection other than the option of a grave in consecrated or un-consecrated ground.

### 8. Interments

- (a) Interments will take place between the following times (excluding bank or public holidays):

1 October to 30 April	Monday to Friday	0900 to 1400
1 May to 30 September	Monday to Wednesday	0900 to 1530
	Thursday & Friday	0900 to 1500
- (b) The Council may at its discretion grant permission for a burial between the hours of 0900 and 1300 on Saturdays for which an additional fee will be charged.
- (c) Unfortunately we are normally unable to take bookings for interments over the Christmas/New Year period. In special circumstances the council may make an exception for which an additional fee will be charged.
- (d) No burials or interment of cremated remains will normally be permitted to take place within 60 minutes following the time appointed for an earlier funeral at the same cemetery.
- (e) The council must be informed if the deceased to be buried has died of an infectious disease which may require special arrangements.
- (f) The person arranging the funeral is responsible for providing sufficient bearers to convey the coffin reverently from the hearse to the coffin resting place/and/or the graveside.

### 9. Officiating at a Funeral

A person having charge of a funeral who wishes for a person to officiate at any burial or scattering of ashes must make arrangements for that person to attend. The Council takes no responsibility for making such arrangements or collecting any fees for such attendance.

**Regulations for the Management and Control of Cemeteries**

**10. Full Memorial Plots**

Full memorial plots are no longer available in any of the Council cemeteries. These plots are located in the older parts of the cemeteries. Whilst kerbs, railings, posts or chains and similar items to enclose a grave were permitted when these areas were brought into use no further items of this nature are now permitted. However, where these items have been damaged or general wear has taken place they can be replaced providing in all cases that the Exclusive Right of Burial for the grave has not expired and only with the Council's written consent.

**11. Lawn Plots**

All grave plots in the Council cemeteries with the exception of any woodland grave are Lawn Plots. A memorial may be placed at the head of a grave only with the Council's written consent. No other permanent memorial may be placed on the grave. The memorial becomes the Council's property at the expiry date of the period of the grant of the Exclusive Right of Burial for the grave.

All containers left on the grave must be of a non-breakable material. Any items left on the graves are at the owners own risk and the Council cannot be held responsible for any breakages however caused. The Council may remove any articles from any grave that are likely to cause risk, damage or offence or which may interfere with the Councils maintenance of the site.

**12. Dimensions of Graves and Ashes Plots**

- (a) Full Size Graves are 1.20m (4') wide x 2.70m (8' 10") long x 2.00m (6' 6") deep. Where there is the intension of burying two coffins in a grave the initial depth will need to exceed 2.3m (7' 6"). In any woodland area only one coffin is permitted in a grave. A maximum of four sets of cremated remains may be buried in any grave in which two coffins are interred.
- (b) A maximum of four sets of cremated remains may be interred in any full size grave.
- (c) Where two coffins are to be interned in a grave the grave must be sufficiently deep to allow for a minimum of 0.16m (6") of soil between each coffin and in all cases there must be 0.92m (3') of soil between the top of the coffin and the surrounding ground level.
- (d) All ashes plots, from the date of the approval of these regulation, are suitable for the interment of a maximum of two sets of cremated remains in plots measuring 0.45m (18") long x 0.45m (18") wide x 0.45m (18") deep. Single and plots for 4 sets of ashes have been discontinued.

**Regulations for the Management and Control of Cemeteries**

**13. Excavation of Graves**

The undertaker or the person having charge of the funeral must contract the services of a suitably qualified and council approved gravedigger to excavate the grave and will be responsible for paying the gravedigger or contractor the appropriate fee. The Council will not collect grave-digging fees nor undertake to excavate the grave.

Graves must be dug to conform to Health and Safety requirements. All graves exceeding 1m (3' 3") deep must be shored during excavation. Shoring may only be removed when the grave is refilled.

Unattended open graves must be covered by an approved device in order to minimise the risk of injury to any person nearby. The cover will be removed immediately prior to the interment service.

Where a concrete memorial support beam has been built into the ground, the head of the grave must be dug to the extreme edge of the beam.

The surface of the grave will be levelled after six months.

**14. Excavation of Ashes Plots**

The Council will arrange for qualified council technicians to excavate ashes plots for the interment of cremated remains.

**15. Coffins**

- (a) No interment will be permitted unless the body of the deceased person is contained in a coffin considered to be suitably biodegradable. For interment in a vault or brick-lined grave, coffins must be entombed in an airtight manner by concreting, cement, stone or brickwork to the satisfaction of the Council (Vaults and brick-lined graves will only be found in the older cemetery sections).
- (b) Every coffin must bear the details of the deceased person thereon and may only contain one body except in the case of a mother and her baby(ies).
- (c) Cremated remains must be interred in a casket or similar suitable container in graves or ashes plots

**16. Removal of a Body or Cremated Remains (Exhumation)**

- (a) No body or cremated remains (ashes) may be removed from a grave or ashes plot without the prior production of an ecclesiastical faculty and/or a Home Office exhumation licence (Burial Act 1857 section 25 as amended by Criminal Law Act 1977 section 31). Normally both documents will be

**Regulations for the Management and Control of Cemeteries**

required. Only the originals of such documents will be accepted for this purpose. A minimum of seven clear working days' notice must be given for any exhumation once authorised.

- (b) For land that is consecrated, burial is regarded as permanent. Applications for a faculty to authorise exhumation are granted only in special circumstances.
- (c) All costs incurred in relation to an exhumation will be the responsibility of the person making the request and may be in addition to the listed fees.

**17. Exclusive Right of Burial in Earthen Graves**

- (a) With the exception of the Council's Woodland burial areas the Exclusive Right of Burial in an earthen grave or ashes plot may be purchased and is subject to approval by the Council who may give or withhold such approval.
- (b) The period for Exclusive Rights of Burial is fifty years commencing from the date that approval is given. At the expiry of the Exclusive Right the Council may at its discretion offer the holder the opportunity to purchase a further number of years.
- (c) Exclusive rights of burial may not be purchased in any woodland burial area.
- (d) The selection of any grave or ashes plot for exclusive rights will be at the sole discretion of the Council and will be allocated in strict rotation. They are not available for selection other than the option of a grave or ashes plot in consecrated or un-consecrated ground.
- (e) Exclusive Rights will not be sold to undertakers, their agents or other persons for resale.
- (f) Before a grave, in respect of which exclusive right of burial has been granted, can be re-opened to admit a further interment, the Council must be satisfied that the holder of the exclusive right agrees to the interment
- (g) Any right granted may be transferred by deed by a holder to another person but the transfer must be agreed and recorded by the Council. Such right may also be bequeathed by will whose executors must confirm its accuracy in writing. In either case a transfer fee may be payable.
- (h) Upon the death of the holder of the deeds of exclusive rights and where there have been no arrangements made to transfer the deeds the next of kin may apply for the rights to be transferred to them for the remaining period subject to obtaining the Council's permission. The applicant will be required to provide sufficient proof of their relationship with the deceased which will be established by the production of the original copy of the deed of probate, or a signed declaration witnessed by a Commissioner for Oaths.
- (i) Owning an Exclusive Right of Burial for a grave does not give ownership of the actual land, but does give the owner of the Deed the right to:
  - (i) Be buried in that grave if space is available
  - (ii) Authorise further burials in that grave, where space is available, or the interment of cremated remains in that grave
  - (iii) Place a memorial on that grave, subject to the Council's Regulations relating to memorials

**Regulations for the Management and Control of Cemeteries**

- (iv) Have inscriptions, or additional inscriptions, on a memorial on that grave, subject to the Council's Regulations on this.

The Deed of Exclusive Right of Burial, like any other Deed, is an important document and should be kept in a safe place.

**18. Memorials**

- (a) No memorial will be allowed over any grave in which the Exclusive Right has not been purchased.
- (b) No memorial shall be erected or placed in a cemetery without the prior approval of the details by the Council.
- (c) The Council will remove any unauthorised memorial. Unauthorised memorials include but are not limited to items of pottery, tin, plastic or glass, wire mesh, wood or plastic fences or other materials not permitted. The Council will not be responsible for any damage that may be caused to unauthorised memorials during removal. The Council reserves the right to charge the owner for the removal of any unauthorised memorial.
- (d) Purchasers of an exclusive right of burial must employ an approved contractor, stonemason or competent person to carry out any work that has been approved.
- (e) No masons, letter cutters or other workmen engaged in fixing, delivering, erecting or repairing memorials will be admitted to the cemeteries on Saturdays, Sundays, Christmas Day, Good Friday or other public holiday, or on any other day before 0900 hours and must leave the cemetery no later than the official closing time.
- (f) Any memorial removed from a grave to facilitate an interment within that grave shall be replaced as soon as practicable, but in any case no less than 3 months for a headstone, and 6 months for a kerbstone.
- (g) Any person removing a memorial from another grave to permit an interment shall in agreement with the Council, place it in a position indicated by the Council and replace it immediately after the interment has ended.
- (h) All memorials must be completed outside the cemetery, except that inscriptions may be added inside the cemetery.
- (i) All work must be done as quickly as possible and be under the supervision of the responsible council employee who may give directions as appropriate to preserve grass margins, flowers, shrubs and trees in the cemetery.
- (j) After the completion of the work all bricks, stones and other materials, spare soil and rubbish shall be removed, and the grave with the adjoining ground left in neat and proper condition. Masons, tradesmen and others will be held responsible for all damage done to the cemetery, or anything therein by themselves or their workmen.
- (k) Memorials are not permitted in any woodland area.
- (l) Providing an Exclusive Right has been purchased for the grave and the council has approved the design of the temporary memorial a temporary wooden memorial may be erected on a grave (not an ashes plot) for the first



**Regulations for the Management and Control of Cemeteries**

twelve months following an interment. The dimensions of the wooden cross or other religious emblem shall not exceed 91.44 cm (3') in height above ground level and 68.58 cm (2'3") in width and not exceed 10.16 cm (4") in thickness. At the end of the twelve-month period following an interment, the owner of the Grant of Exclusive Right of Burial must remove and dispose of the temporary memorial and reinstate the surface of the grave to the council's satisfaction. If the memorial is not so removed it will be disposed of by the cemetery staff at the expiration of this period following consultation with relatives.

- (m) Sculptures are not permitted.
- (n) Kerbs, railings, posts or chains and similar items to enclose a grave are not permitted (except where these have been approved in the past in the old cemetery sections).
- (o) Chippings and similar materials to cover the surface of a grave are not permitted (except where these have been approved in the past in the old cemetery sections).
- (p) Tree, shrubs and other plants are not permitted unless planted by the council or with its written approval.

**19. Memorial Applications**

- (a) A memorial may only be erected on a grave space within the cemetery with the Council's permission and upon payment of the appropriate fee. The right to erect a memorial rests with the holder of the Exclusive Rights for the grave and will be for the unexpired portion of the grant of the Exclusive Right of Burial.
- (b) All applications relating to erecting or the repair of memorials, or inscriptions thereon must be made in writing to the Council. Application forms are available from the Council.
- (c) The approval of the Council for any application will be confirmed in writing and will be valid for 6 months. No work will be permitted without suitable written authority.
- (d) Prior to commencing work stonemasons must produce, if requested to do so, the written authority to the person appointed at the cemetery for that purpose.
- (e) Any person who undertakes any memorial work for which prior written authority has not been obtained will be required to remove the memorial and pay all costs involved.
- (f) All memorials shall at all times be kept in good repair by the owners, and in the event of the memorial falling into disrepair and the necessary repairs not be carried out within 6 months after notice from the Council, the memorial may be removed. The Council reserves the right to charge the owner of any work deemed necessary to make a memorial safe.

**Regulations for the Management and Control of Cemeteries**

**20. Memorial Inscriptions**

- (a) An inscription will only be permitted on a memorial with the Council's permission and on payment of the appropriate fee. The right for an inscription on a memorial rests with the holder of the Exclusive Rights for the grave and will be for the unexpired portion of the grant of the Exclusive Right of Burial.
- (b) All applications relating to inscriptions on memorials must be made in writing to the Council. Application forms are available from the Council.
- (c) Inscriptions must be simple and reverent.
- (d) The approval of the Council for any inscription will be confirmed in writing and will be valid for 6 months. No work will be permitted without this written authority.
- (e) Prior to commencing work stonemasons must produce, if requested to do so, the written authority to the person appointed at the cemetery for that purpose.

**21. Memorial Design, Construction and Installation**

- (a) All work involving the design, construction, installation of memorials and inscriptions on them in the cemeteries must conform to current British Standards and be carried out by approved contractors.
- (b) In accordance with the condition specified in the application there shall be produced with the application evidence of a policy of insurance to cover the liability of the contractor in the sum of at least £5 million. In the case of an undertaker or stonemason who regularly carries out works in the Council's cemeteries it will be sufficient for the undertaker or stonemason to furnish the council on an annual basis with the necessary evidence of insurance cover.
- (c) All new memorials and where practicable re-fixed memorials are to be fixed in the cemeteries in accordance with the Code of Working Practice from the National Association of Memorial Masons.
- (d) Permanent memorials may not be of wood or metals.
- (e) Foundation bases should be of either best-quarried materials or reinforced concrete conforming to BS 7263.

**22. Lawn Plots**

- (a) Only single grave headstones are permitted on lawn plots and must not exceed the following dimensions: height 1.20m (47.25 inches), width 0.90m (35.5 inches), thickness 0.30m (12 inches).
- (b) All new memorials must have the corresponding grave space number placed conspicuously on the left hand side of the stone's base or the reverse of the memorial.
- (c) All headstones shall be constructed of granite, slate or other similar natural hard stone.

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- (d) Where there is no concrete memorial support beam built into the ground memorials must be placed on undisturbed ground – not on the part of the ground that has been dug. Foundation bases should be of either best-quarried materials or reinforced concrete conforming to BS 7263.

**23. Ashes Plots**

- (a) All ashes sections brought into use following the approval of these regulations and including the ashes plots in Seaton cemetery - section L, Sidbury cemetery - section SA and Sidmouth cemetery - section XO are suitable for the interment of two sets of ashes. Single and plots for 4 sets of ashes have been discontinued (there may still be some unused in the older sections that can be utilized).
- (b) New ashes plots will be designated by the council with a flat concrete slab 0.45m (18") x 0.45m (18") flush with the surrounding grass to mark each plot. The slab will be removed for an ashes burial and replaced afterwards level with the surrounding ground.
- (c) Memorials no larger than 0.45m (18") long x 0.45m (18") wide are permitted and must be laid flat to sit directly over the concrete slab provided by the council.
- (d) Only tablet style memorials are permitted on ashes plots in any of the council's cemeteries. They must either be flat no larger than 0.45m (18") long x 0.45m (18") wide and 5cms (2") high or desk tablet style (wedge) no larger than 0.45m (18") long x 0.45m (18") wide and 5/10 cms (2"/4") high.
- (e) All tablets shall be constructed of granite, slate or other similar natural hard stone.
- (f) Where a vase is required it must be included within the tablet. No memorials, vases, plants, planters etc. may be placed on the grass surrounding the tablet. This restriction will be relaxed immediately following an interment to allow for the extra floral tributes that would be expected at that time. The Council will remove flowers, wreaths or decorations which have become unsightly. Glass, ceramic or plastic containers will not be permitted in the future. No permanent planting will be permitted.

**24. Woodlands Area**

In any area of a cemetery set aside for woodland burial the following applies:

- (a) A maximum of one coffin only may be interred in each grave space.
- (b) The depth of a grave shall be 2.00m (6' 6").
- (c) Exclusive rights of burial will not be available.
- (d) No memorialisation of any kind will be authorised.
- (e) Interment of cremated remains is not permitted in any Woodland grave.

**Regulations for the Management and Control of Cemeteries**

**25. Un-purchased Graves**

The Council reserves the right to bury unrelated bodies in any grave for which no exclusive right of burial has been purchased subject to sufficient depth and provided existing remains are not disturbed.

**26. Gardens of Rest**

**Scattering of Ashes (Seaton and Sidmouth only)**

With prior approval from the Council ashes may be scattered in cemeteries where there is a garden of rest. In all cases a plaque containing the information set out below must be purchased to be placed on the wall of remembrance:

- (i) the deceased person's name
- (ii) the year of birth
- (iii) the year of death

**Unmarked Plots (Sidmouth only)**

With prior approval of the Council ashes may be buried in unmarked plots.

**Wall of Remembrance (Seaton and Sidmouth only)**

A plaque may be purchased to be placed on the Wall of Remembrance as a remembrance. Where the interment has taken place elsewhere a plaque may still be purchased for display on the Wall of Remembrance.

In all cases the plaque will contain the following information:

- (i) the deceased person's name
- (ii) the year of birth
- (iii) the year of death

A space may be reserved on the Wall of Remembrance by purchasing a blank plaque that may be replaced by the purchase of a new plaque containing the deceased person's name, their year of birth and year of death.

**27. Chapel (Sidmouth only)**

A chapel is available for use at a funeral service at Sidmouth Cemetery upon payment of the appropriate fee. No burials may take place within the chapel. At least two clear working days' notice must be given if the use of the chapel is required.

**Regulations for the Management and Control of Cemeteries**

**28. Cemeteries Registers**

- (a) The registers of burials are maintained by the Council.
- (b) Members of the public are entitled to view the cemeteries' registers by prior appointment.
- (c) Searches of the registers will be undertaken by the Council. There is a fee for the search of each entry.

**29. Fees**

The Council will determine fees for all cemetery services. All fees for burials, graves, vaults, interment of cremated remains or scattering of ashes must be paid before any work is commenced. All fees are payable in advance to the Council. No receipts will be valid unless on the official form of receipt issued by the East Devon District Council. Exhumation of remains is a complex matter requiring fees on a case by case basis inline with staff time required.

The cemetery and burial fees will be doubled where:

- (a) at the time of death or immediately before death the deceased was not resident in the District,
- (b) the exclusive rights to a grave are purchased by someone who is not resident in East Devon at the time of purchase.

**30. Non-Residents**

Non-residents for the purposes of these regulations are defined as persons who were not residents of East Devon at the time of the death.

**31. Conduct Within Cemeteries**

- (a) All persons visiting the cemeteries should endeavour wherever possible to keep to the paths or roads except while visiting a grave and refrain from touching any ornaments or anything growing in the cemetery. Any damage must be repaired at the expense of the person responsible for it.
- (b) In any cemetery all persons shall conduct themselves in a decent, quiet and orderly manner having regard to the dignity of any service taking place in the cemetery or any other visitor who may be present.
- (c) All persons entering the cemeteries will be subject to the orders and control of East Devon District Council or any other person authorised by the Council.
- (d) Any person using a motor vehicle in a cemetery shall do so on a carriageway suited to the purpose and with the consent of the Council. In any cemetery without a suitable carriageway no motor vehicle of any description will be permitted other than those used for maintenance of the cemeteries by Council staff or approved contractors
- (e) No person shall ride a bicycle, skateboard or any similar wheeled device or machine in the cemeteries.

### Regulations for the Management and Control of Cemeteries

- (f) No person shall drop, throw or otherwise deposit and leave in the cemeteries any wastepaper or refuse of any kind except in the litter bins provided.
- (g) No person shall operate any sound reproducing equipment or play any musical instrument in the cemeteries without prior written consent of the Council.
- (h) Cremated remains will not be scattered in any cemetery without the prior consent of the Council and the appropriate fee having been paid. The scattering of cremated remains over graves is not permitted.
- (i) Funerals must arrive on time as failure to do so may cause the interference with other funerals.
- (j) No smoking shall take place within or close proximity to any place where an interment is taking place.

### 32. Soliciting of Services within Cemeteries

Any person soliciting orders within the cemeteries for any services or sale of any goods will be required to leave the cemeteries and will not be readmitted without the permission of the Council.

### 33. Dogs

No dog will be permitted to enter or remain in any cemetery unless kept continuously on a lead and under proper control. Any fouling must be cleaned up and removed from the cemetery.

### 34. Floral Tributes and Planting

On the day of a funeral, flowers and wreaths may be placed upon the grave in which the burial takes place and will be removed at the discretion of council staff they become unsightly. **No permanent planting of any kind will be permitted.**

- (a) No persons other than duly authorised officers of the Council shall interfere with or alter the grass area of the grave, which will be maintained by the Council at no cost to the owner of the grave.
- (b) Flowers, shrubs, trees of any kind, wreaths, flower containers or items of similar nature shall not be taken out of the cemetery without the permission of a duly authorised Council officer or the written permission of the owner of the article concerned.
- (c) No trees, shrubs or any other plants shall be planted on any grave or ashes plot whether exclusive right of burial has been purchased or not.
- (d) Artificial flowers are permitted and will be removed when they fade or decay.
- (e) Vases should be placed on the plinth of the memorial or on the cremated remains tablets – not on the grass or soil adjoining the memorial or tablet. Glass, ceramic and plastic vases are not permitted.
- (f) Wreaths and floral tributes may be laid on the graves and cut flowers placed in metal or stone vases placed on the memorial plinth. Glass, ceramic and plastic containers are not permitted. If there is no plinth, a single vase may

**Regulations for the Management and Control of Cemeteries**

be sunk into the ground immediately in front of the memorial – the vase must be sunk below the level of the surrounding ground so that it does not impede and will not be damaged by a mower.

**35. Maintenance and Upkeep**

With the exception of some of the older sections of the cemeteries all graves and ashes plots are laid to grass. Permanent plantings, shrubs, saplings or trees may be planted on graves only by the Council in the woodland areas. The Council has sole discretion about the distribution and variety selected. No other plants of any description are permitted to be planted on any grave or ashes plot.

1. The Council will not accept any responsibility for any damage caused through the maintenance and upkeep of the cemetery.
2. Stability checks are conducted every three years and any monument found to be unsafe will laid down to be rectified and repaired by the owner at their own expense.

**36. Offences in Cemeteries (Local Authority Cemeteries Order 1977, Section 18)**

1. No person shall:
  - (a) wilfully create any disturbance in a cemetery
  - (b) commit any nuisance in a cemetery
  - (c) wilfully interfere with any burial taking place in a cemetery
  - (d) wilfully interfere with any grave or vault, any tombstone or other memorial, or any other flowers or plants on any such matter; or
  - (e) play at any game or sport in a cemetery
2. No person not being an officer or servant of the burial authority or another person so authorised by or on behalf of the burial authority shall enter or remain in a cemetery at any hour when it is closed to the public.

(The Local Authorities' Cemeteries Order 1977 articles 18 (1) and (2))

**37. Miscellaneous**

1. Undertakers shall give special notice to the Council whenever they have a funeral which is likely to be attended by an unusually large number of mourners.
2. Issues arising for which no provision is made in these Regulations shall be referred to the Council, or any Committee or Officer of the Council to which the Council has delegated its powers on its behalf, whose decision shall be final.
3. The Council reserves the right to revise these regulations at any time.

**Regulations for the Management and Control of Cemeteries**

**38. Revocation**

All other regulations for cemeteries made by this Council are hereby revoked.



## Regulations for the Management and Control of Cemeteries

### Definitions

“Cemetery” and “Cemeteries” refer to the cemeteries provided by the Council at:  
Temple Street, Sidmouth  
Deepway, Sidbury  
Colyford Road, Seaton

“Council” means East Devon District Council

“Grave” means a burial place formed in the ground by excavation without any internal wall, brickwork or stonework or any other artificial lining.

“Full Memorial Plot” means a grave plot where the entire area of the grave may be used for memorialisation and or planting flowers. New Full Memorial Plots are no longer available in any of the District Council’s cemeteries.

“Lawn plot” means a grave where only the head of the grave may be used for memorialisation.

“Ashes plot” means a grave reserved solely the interment of cremated remains.

A “memorial” is any object placed upon the ground above a grave. It may be an engraved stone, a plant, cut flowers in a vase or any other object. The term also refers to benches, trees and other items donated to the Cemetery *in memoriam*.

“Vault” means an underground burial place of any description except a grave as defined above.

“Resident” means a person residing within the District of East Devon or in a property owned or provided by the Council outside East Devon during the twelve months immediately preceding the ‘resident’s’ death.

“Un-purchased, public or common grave” means a grave in which no exclusive right of burial has been or will be granted by the Council and in which unrelated persons may be interred.

“Woodland Grave” means any grave in an area of a cemetery set aside for woodland burials.

Regulations for the Management and Control of Cemeteries

Form 18

Appendix B

Declaration that Certificate or Order has been issued

Regulation 49(3) Births and Deaths Registration Act 1926, Section 1(1)

I, .....

of .....

in pursuance of the Births and Deaths Registration Act 1926, declare:

(1) That I am the person procuring the burial of the body

of .....

who died at ..... on the .....

(2) that a registrar's certificate/coroner's order \* authorising burial was issued by

the registrar/coroner \* at .....

to .....

living at .....

on .....; and

(3) that the reason why the said document cannot be delivered before burial is

that .....

.....

I make this declaration believing the same to be true.

Signature of the declarant .....

Date .....

\* Strike out whichever does not apply

## EAST DEVON DISTRICT COUNCIL

### Seaton, Sidbury and Sidmouth Burial Grounds Fee List

#### INTERMENTS

Interments to take place between:

1 October to 30 April Monday to Thursday 9.00 am to 2.00 pm (interment of ashes 2.30 pm)

1 May to 30 September Monday to Thursday 9.00 am to 4.00 pm (interment of ashes 4.30 pm)

Fridays – 9.00 am to 1.00 pm

The Council does not undertake the digging of graves with the exception of ashes interments. The digging and backfill of graves must be arranged by the Undertaker. Depth of graves must not to exceed 6 foot.

For the interment of the body of a stillborn child or a child whose age at the time of death did not exceed 16 years	Nil
For the interment of the body of a person whose age at the time of death exceeded 16 years (different fee applies to a woodland burial plot)	£491.00
For the interment in a woodland burial plot of the body of a person whose age at the time of death exceeded 16 years	£870.00
For the interment of cremated remains	£143.00
For the scattering of cremated remains	£102.00

#### EXCLUSIVE RIGHTS OF BURIAL IN EARTHEN GRAVES

Exclusive Right of Burial to be for a period of 50 years

For the Exclusive Right of Burial for a stillborn child or a child whose age at the time of death did not exceed 16 years in a child's grave	Nil	
For the Exclusive Right of Burial for a person whose age at the time of death exceeded 16 years in a grave size 9 ft x 4 ft	£870.00	
For the Exclusive Right of Burial in an ashes plot for a person whose age at the time of death exceeded 16 years	Ashes plot X 4	£358.00
	Ashes plot X 2	£205.00
	Ashes plot X 1	£102.00
For Exclusive Rights of Burial in the Garden of Rest areas at Sidbury or Seaton	£102.00	

#### MONUMENTS, GRAVESTONES, TABLETS AND MONUMENTAL INSCRIPTIONS

Only a headstone, which must be of a prescribed design, may be erected in Seaton Cemetery

For the right to erect or place on a grave in respect of which the Exclusive Right of Burial has been granted.

(b) A headstone not exceeding 4 ft in height and 3 ft in width	£174.00
(a) A flat stone not exceeding 7 ft x 3 ft *	£174.00
(c) A footstone not exceeding 1 ft in height *	£174.00
(d) Kerbstones or border stones not exceeding 7 ft x 3 ft * (not at Seaton)	£174.00
Vase (not at Seaton)	£82.00
Tablet on any grave * (not at Seaton) or in Sidmouth Chapel	£82.00
For each additional inscription	£82.00
For the erection of a plaque on the wall in the Garden of Rest in Sidmouth or Seaton Cemetery (inclusive of Value Added Tax)	£198.00

\* Only permitted on some of the very old burial plots – please check before requesting

#### SEARCHES IN REGISTERS

Every Search (other than Personal Searches which are free)	£31.00
Every certified copy of any entry or burial in the register books	£17.50

#### SIDMOUTH CHAPEL

For every service held in the Chapel	£123.00
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The fees set out above are doubled where:

- (a) at the time of death or immediately before death the deceased was not resident in the District,
- (b) the exclusive rights to a grave are purchased by someone who is not resident in East Devon at the time of purchase.

**Report to:** Cabinet  
**Date of Meeting:** 8 March 2017  
**Public Document:** Yes  
**Exemption:** None



**Agenda item:** 20

**Subject:** **EDDC Green Spaces Plan proposal**

**Purpose of report:** The report sets out the need to adopt a Green Space Plan for East Devon District Council. The report identifies the benefits that can be derived from adopting a Plan that will help prioritise the Council's management of its green spaces over the next ten years especially the opportunities for closer working between key service areas such as Streetscene, Housing and Countryside. The future management of these green spaces is of critical importance as their contribution to the district's quality of life indices including health and wellbeing for local residents is significant.

Green spaces also play a key role in helping to boost our local economy with their role in attracting visitors and visitor spend in many of our towns as well as their importance to our outstanding natural environment. The Council currently provides 10% of its annual budget to managing our green spaces which is excellent value when our annual household survey shows 78% of all local residents regard our green spaces as of vital importance to the work of the Council (Viewpoint Survey 2016). The current set of Council plans and strategies does not provide a strategic framework for the management of EDDC's green spaces and this document will therefore help shape the future management of these important areas for public recreation and enjoyment.

**Recommendation:** **That Cabinet approves the adoption of a Green Space Plan which will provide the strategic direction and management for those areas owned by East Devon District Council and defined as green spaces.**

**Reason for recommendation:** To enable the work to begin in delivering the Plan and bringing together those key services involved in green space management across the Council in helping to shape and inform the document.

**Officer:** Charlie Plowden, Service Lead- Countryside & Leisure Manager: x2068  
[cplowden@eastdevon.gov.uk](mailto:cplowden@eastdevon.gov.uk)

**Financial implications:** Any Financial resource requirements should be funded from the individual Service budgets. Should additional funding be required, then each responsible Service would be required to submit bids for further funds or make savings within their Service areas to cover the additional expenditure.

**Legal implications:** There are no direct legal implications arising from the report. Clearly future management and delivery of Green Space may well have legal implications and so relevant legal advice / assistance will be given at the appropriate time.

**Equalities impact:** High impact – if there is a reduction in the level of expenditure on managing our green spaces and the disposal of sites without a proper assessment it may compromise opportunities for local communities to access and enjoy green spaces for recreation.

**Risk:** High Risk  
The increasing pressures on the management of the Council’s green spaces means that without an overarching Plan for their future there could be a decline in both quality and accessibility of sites.

**Links to background information:** • [EDDC Green Space Plan](#)

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

## Report in full

### 1. [Introduction](#)

- 1.1 Green spaces are integral to the life of all East Devon’s urban settlements – they provide breathing space and are crucial to the successful functioning of urban communities. Green spaces are places to relax and enjoy the natural environment away from the stresses of everyday life, to take children to play, and for sport and recreation. Green spaces are typically the most widely used facility provided by a local authority. Green spaces are also important for people’s health and well-being and for reducing the negative effects of climate change.
- 1.2 East Devon has outstanding areas of green space and they help define the character of our district which we should be proud of and we would endeavour to encourage more people to enjoy them. The ongoing squeeze in budgets has meant that there is more pressure in continuing the funding and investment in our green spaces which could lead to their decline. This is a national problem, not just a tension within East Devon.
- 1.3 The Green Space Plan identifies what East Devon DC will need to do to stop any future decline and ensure that the district is provided with the quantity and quality of accessible green space that meets the needs of our local residents.

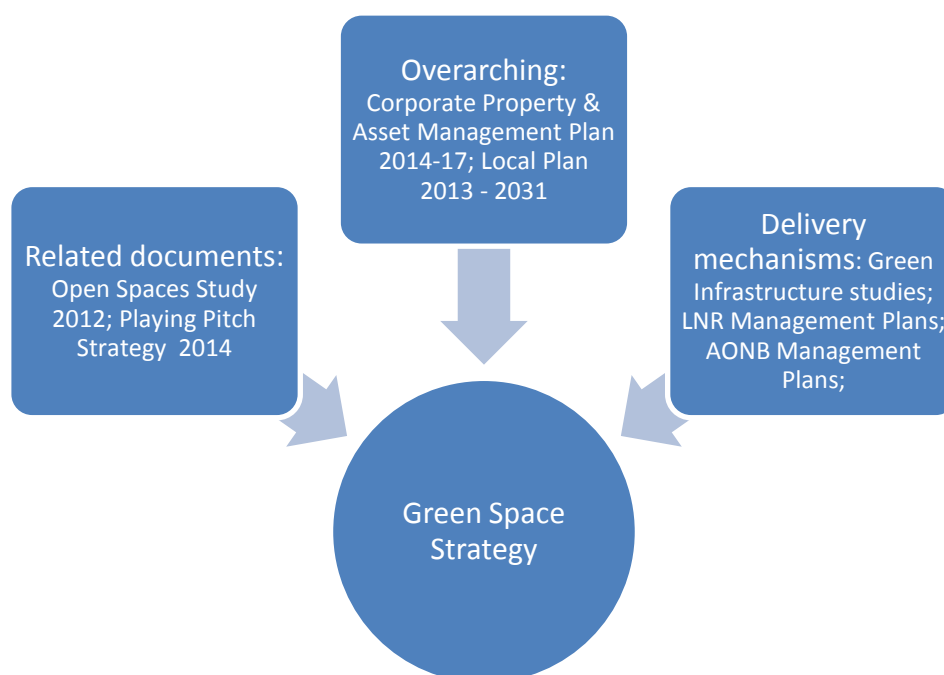
### 2. [How does it fit with other EDDC Plans?](#)

- 2.1 To clarify for the purposes of this report the definition of open space which under the Town and Country Planning Act 1990 is “open space is defined in the Town and Country Planning Act 1990 as land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground. However, in applying the policies in this Guidance, open space should be taken to mean all open space of public value, including not just land, but also areas of water such as rivers, canals, lakes and reservoirs which offer important opportunities for sport and recreation and can also act as a visual amenity”.
- 2.2 The scope of open space is therefore both varied and multiple but the focus of the Plan is on green space within the district that is freely available to the public for informal recreation activities such as walking, playing and relaxing. It is concerned with all green spaces that are available for informal recreation, allotment sites and play spaces that are managed by East Devon DC. It includes green spaces that are managed specifically for recreation, such as our parks and gardens, and other green spaces which are more informally managed or managed for wildlife such as Local Nature Reserves.
- 2.3 The Green Space Plan will cover those sites managed by East Devon DC:
  - Parks and gardens

- Nature Reserves
- Land associated with current or former Council owned and managed housing
- Allotments
- Outdoor play space
- Areas for play
- Areas for sport
- Access areas for informal recreation e.g. footpaths, bridleways, cycle paths etc.
- Beaches & foreshores
- Suitable Alternative Natural Green Space (SANGs)

2.4 The Council has already produced an Open Space Study in 2012 which has recently been reviewed and this provides an evidence base in deciding planning applications, negotiating Section 106 Agreements and to an extent influences investment in open spaces. This document also provides the understanding of open space supply across the district and the setting of local quality standards for the majority of typologies proposed within the Green Space Plan. The Open Space Study provides an overview of open space provision and need across all towns and parishes and is therefore an important document for the proposed Green Space Plan to reference especially on quality, quantity and access standards.

2.5 The Council's Corporate Property Asset (CPA) Management Plan 2014-17 is the overarching strategic document that amongst other assets covers the Council's green spaces (parks, gardens, LNRs, allotments etc). The CPA Management Plan has identified a review of existing costs, projected future costs and exploration of alternative delivery options for these green spaces and so the development of a Green Space Plan is both timely and relevant to help inform that process. The implications of the review in 2016 are likely to have an impact upon how the Council will look to manage these assets going forward.



2.6 Finally the EDDC Playing Pitch Plan will also provide an important evidence base for the Green Space Plan as there are many areas for play and sport managed by East Devon DC that also provide an important function for local communities as an area for informal

recreation. These facilities therefore double up both as a resource for local sports clubs but also as green space for multiple uses when not in active use. Therefore their ongoing management and future use will need to be considered within the scope of the Green Space Plan.

### 3. Green Space Plan purposes

- 3.1 This Plan will help towards protecting and improving East Devon's accessible green space. It provides a vision, aims and a set of policies that together will provide a strategic framework for the planning and management of East Devon DC's green spaces. The Plan will aim to coordinate and improve decision-making in relation to the planning and management of the Council's green space.
- 3.2 It will seek to help deliver the Local Plan policy on green space and provide a strategic framework to guide and inform investment and management of green space by East Devon DC. The Plan will identify ways in which our green spaces can be improved.
- 3.3 The Plan will set out to balance accessible green space provision with community needs and aspirations that is informed by the Open Spaces Study and the CPA Management Plan. Applying this Plan will allow EDDC to coordinate efforts and resources to improve the quantity, quality, use and appreciation of green spaces. The Plan will reinforce and promote the key role green space plays in supporting our health and wellbeing, providing access to nature, responding to climate change, and providing an educational resource.
- 3.4 The Plan will also be a key document to be used in association with the District's Open Space Study to help determine standards for the provision and quality of new green spaces as well as a potential source of income for their management.

### 4. Corporate aims

- 4.1 The process of pulling together this Plan has required the input from key officers from Housing, Streetscene, Countryside, Planning Policy, Estates and Finance to ensure the evidence base is robust and reflects the direction of travel of each service area with their involvement with our green spaces.
- 4.2 The Plan has identified the following corporate aims to be delivered:
  - Provide and maintain quality green spaces in appropriate locations, which are protected for future generations.
  - Ensure that our green spaces are safe, welcoming and well managed.
  - Encourage local people to use our green spaces to benefit their health and well being.
  - Maximise the income potential of our green space assets.
  - Support, encourage and develop a network of voluntary groups that can help with the management of our green spaces.
  - Enhance the biodiversity of all our green spaces.
  - Deliver both high quality management of EDDCs green spaces and also excellent value whilst keeping our customers/users integral to all that we do.

- To produce a Green Space Plan that identifies potential new open spaces for management, and develop a hierarchy of sites that enables consideration of alternative options for future management.

## 5. Benefits of a Green Space Plan

- 5.1 Green space is a vital part of our day-to-day lives, whether we spend time in it, pass through it or simply view it from a distance. The extent to which it impacts our lives can be seen in the findings of a national survey which revealed that 91% of people believe that public parks and open spaces improve their quality of life (CABE, 2004 *'Public Attitudes to Architecture and Public Space'*).
- 5.2 Green space forms a vital part of EDDC's service provision, offering a broad and varied range of facilities and opportunities to all its residents and visitors. This level of attachment and importance within people's lives is unsurprising given the range of benefits green spaces can offer. A significant body of research identifies that the benefits of providing well managed green spaces that promote diverse usage and high ecological value are widespread.
- 5.3 Green Space also delivers significant economic benefits if well managed. The quality of green spaces provides an excellent marketing tool to attract businesses into the district as evidence has shown that high quality natural environments are a strong attractor for employees and customers. Also high quality green spaces attract higher property values, already evidenced with the impact of the Seaton Wetlands on new build close to the Reserve.
- 5.4 The provision of high quality green spaces encourages significant health and wellbeing benefits a growing body of research supports this across both physical and mental health areas. The link between active use of green spaces and improvements in conditions such as obesity, dementia and depression are now becoming scientific fact and have the potential to save considerable spending within the NHS.

## 6. So why do we need a Plan?

- 6.1 The critical issue to determine is the actual purpose and need for such a document in view of the Council having other documents that are related to this area of work. Where is the added value of such a Plan to East Devon DC? The report outlines the obvious benefits of having well managed and used green spaces for local residents to access and enjoy, plus the health and wellbeing benefits they bring as well as helping to provide a boost for local economies.
- 6.2 However the Council does not have one single overarching Plan/document that identifies all these benefits together within a Plan for their future management. Strategically we have a gap in how we look at all our green spaces in terms of their social value and how we will prioritise/sustain their future resourcing and site management in line with our future budget challenges.
- 6.3 The purpose of this Green Space Plan will be to make it clearer to all our users of green space what the benefits are of East Devon DC managing them and where opportunities lie in being more engaged in their management such as volunteering or being community run.

The Plan will seek to deliver the following key policies for East Devon DC:

### **Corporate Green Space (CGS) Policy**

- **CGS policy 1** – Survey, plot and categorise all council managed green/open space across the



district (Including housing land, and allotment sites); assess sites based on a range of criteria including; strategic importance, accessibility, alternative or additional use, levels of use, amenity value, ability to protect our outstanding environment and cost. Identify which sites are suitable for retention, community transfer or disposal taking into account our corporate objectives, our Local Plan and open space study.

- **CGS policy 2** - Carefully manage the provision and acquisition of new green spaces including SANGs by having early involvement in strategic planning /development management processes and a sound business case to ensure it can be managed in perpetuity. This includes the rejection of green spaces that don't meet our corporate aims and objectives.
- **CGS policy 3** – Continue to work with the Planning Policy Team's strategic approach to identifying open space needs and projects across the District, which will benefit from Community Infrastructure Levy (CIL) contributions.
- **CGS policy 4** - Ensure ongoing maintenance costs over min. 20yrs are included as a consideration within Planning Policy when new open space areas and infrastructure are developed.
- **CGS policy 5** – Ensure that devolved open space adopts the management standards as described in this Green Space Plan and signs up to a minimum standards agreement.
- **CGS policy 6** – Ensure that costs of green space asset management are fully understood and balanced against the economic, social and ecological value of the sites.
- **CGS policy 7** – Working with the Joint Habitat Regulations Delivery framework to identify suitable areas of green space within East Devon that can help fulfil our requirements under the Habitat Regulations directive and meet our needs for Suitable Accessible Natural Green Space (SANGS).

6.4 It is the intention of all those Services involved in the preparation of this Plan that we will work through the identified corporate policies as well as those policies identified against each type of green space over the lifetime of the Plan.

## 7. Summary

- 7.1 The future budget uncertainties require an overarching Plan that can inform decisions over future provision and management of our green spaces. The Council does not have this in place currently which makes decisions over future investment in our green spaces a matter more of subjectivity than from a robust evidence base.
- 7.2 The overarching corporate green space policies provide a clear 'direction of travel' for gathering information currently missing that can then be actively used as part of the Council's wider review of its asset portfolio.
- 7.3 The Plan needs to be a "fluid" document that can respond to the unforeseen challenges that lie ahead within the ten year lifespan of the document. It is important to ensure that there is a continuity in both the decision making process on the future of our green spaces and also how we retain our commitment to ensuring all those green spaces we manage are of the highest quality for all our residents to enjoy.

**Report to:** Cabinet  
**Date of Meeting:** 8 March 2017  
**Public Document:** Yes  
**Exemption:** None



**Review date for release** None

**Agenda item:** 21

**Subject:** **Update on Fly Tipping and Review of Fixed Penalty Fines**

**Purpose of report:**

To update members on the use of the new fixed penalty fines introduced by the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016. These fines can be issued against a person who has breached their duty of care and committed a waste deposit offence.

The report asks Members to note the action already taken and approve the introduction of a more flexible 2-tier penalty system so that the fixed penalty notice can be used for very small fly tips as well as situations where large amounts of waste have been deposited. The current fine of £400 approved by Members in June 2016 has been used by Officers to deal with medium and large scale fly-tipping offences that are being committed by householders or small scale "man and a van" operations. The investigation of very large scale (more than 20 tonnes) and hazardous fly tips remains the responsibility of the Environment Agency.

**Recommendation:**

That members note the successes achieved to date in the use of fixed penalty fines.

That members approve the use of a 2-tier fixed penalty fine as follows:

- a) £200 fine (reduced to £120 if paid within 10 days of service of the notice) for very small fly tips of 180 litres (a standard wheeled bin) or less:
- b) £400 fine (reduced to £200 if paid within 10 days of service of the notice) for medium and large fly tips.

**Reason for recommendation:**

To enable Officers from both the Environmental Health and Streetscene teams to issue a fixed penalty notice to a person who has committed a fly tipping offence.

**Officer:**

Andrew Ennis, Service Lead - Environmental Health and Car Parks  
[aennis@eastdevon.gov.uk](mailto:aennis@eastdevon.gov.uk)  
Andrew Hancock, Service Lead - StreetScene  
[ahancock@eastdevon.gov.uk](mailto:ahancock@eastdevon.gov.uk)

**Financial implications:**

In terms of the fine income generated there is likely to be minimal impact. Any additional monies generated by the introduction of the 2 tier fixed penalty system can contribute to towards the unfunded clear-up costs.

<b>Legal implications:</b>	The approach advocated would appear to be permissible under the legislation and the rationale for the tiered approach seems logical. It is for Members to determine the level of fine (and reduced level for prompt payment) but, again, the advocated levels seems sensible. There are no other legal implications arising.
<b>Equalities impact:</b>	Low Impact
<b>Risk:</b>	Low Risk
<b>Links to background information:</b>	<ul style="list-style-type: none"> <li>• None</li> </ul>
<b>Link to Council Plan:</b>	Encouraging our communities to be outstanding; delivering and promoting our outstanding environment.

## Report

1. The purpose of this report is to advise members of recent successes in the investigation and enforcement of fly tipping offences.
2. Since the introduction of new regulations allowing the issue of fixed penalty notices in May 2016 the Environmental Protection team have issued 4 fixed penalty notices (with 3 pending) for fly tipping following the receipt of evidence obtained by the Streetscene React team. They have also issued 15 fixed penalty notices for littering.
3. In any case where React are able to find information relating to the potential origin of fly tipped waste they take photographs at the scene of a fly tip and refer their evidence and a statement of their findings to the Environmental Protection team.
4. The EP technical officers then carry out extensive further enquiries to enable them to assemble an enforcement file. This will include tracing and contacting the householder responsible, locating any third parties involved and preparation of a file with evidence sufficient to refer for a prosecution in the Magistrates Court if required. The team often liaise closely and share intelligence with colleagues at Exeter City Council and other local authorities.
5. In a case of fly tipping which is not linked to a commercial waste carrier one of the new £400 fixed penalty notices is served. 3 of the 4 cases described in 2 above were in this category. If the penalty is paid then no further action is taken other than to issue an invoice covering the costs incurred for collection and disposal of the waste. If the penalty is not paid the team make every effort to secure payment.
6. For example there is one fly tip which occurred in Exmouth. The householder involved has refused to pay either the fine or clear up costs and this case is currently the subject of proceedings in the Magistrates Court.
7. Commercial carriers of waste must hold a licence and officers from Streetscene or Environmental Health will serve fixed penalty notices where waste has not been carried or disposed of in accordance with a licence. These fixed penalties are set by regulation at £300 and have been in use for some years.
8. Over the last two years or so 22 cases of littering and fly tipping have had sufficient evidence to support a further investigation by Officers. Whilst some of these fly-tips have involved a significant quantity of material or large items such as mattresses and white goods, many of them amounted to just two or three black bags, fast food packaging or one or two small electrical items.
9. A £400 fixed penalty has been served in just three of these cases. One did pay promptly at the reduced rate. In the other two cases the fine has not been paid. In one the circumstances failed to meet the crown prosecutor's code of practice standard for "public

interest” (as the offender could not be traced) and in the other, the matter is still proceeding. In both cases the clean up costs amounted to just £180 but the costs of the investigation and preparing the case were many times that amount. In the second case, if it is successful we will of course ask the Court to make an award to meet our costs but this is unlikely to amount to a full reimbursement.

10. In contrast eleven of these other investigations with clean up costs typically in the range £50 to £180 were dealt with either via a warning or a littering fixed penalty of £80. In almost all of these cases the fine and clean up costs were paid in full and the matter resolved. The littering fixed penalty notice can only be issued if the offence is actually witnessed.
11. It seems fair to propose that a £400 fixed penalty for smaller offences (where clean up costs are substantially less than the fine itself) is disproportionate and anyone served with such a penalty will at the very least pause to consider their options including the possibility of a sympathetic hearing in Court.
12. The outcome is therefore inevitably going to be increased officer and legal costs to prepare a case with an uncertain outcome. Officers could just issue a Caution and recharge the cost of clearing up the waste (the minimum charge is currently £50) but this feels like a signal to offenders that the matter is less serious than say littering or dog control offences.
13. We are therefore asking Members to approve a 2-tier system for fixed penalties for fly tipping offences. We propose the following definition to avoid any misunderstandings:
  - (i) Retain the current fixed penalty of £400 (reduced to £200 if paid within 10 days) for medium and large fly tips.
  - (ii) Introduce a lower fixed penalty amount of £200 (reduced to £120 if paid within 10 days) for small fly tips (defined as less than 180litres in volume, this is roughly the amount which would fill a standard wheeled bin).
14. A fixed penalty notice will generally be used only in response to a first (or in exceptional circumstances a second) offence committed by an individual or company. Even a £120 penalty plus clean up costs (of £50 to £180) will act as a proportionate punishment and deterrent in most cases. Prosecution proceedings in the Magistrates Court are likely to be in the public interest in response to repeated offenders.

**Report to:** Cabinet  
**Date of Meeting:** 8 March 2017  
**Public Document:** Yes  
**Exemption:** None



**Review date for release** None

**Agenda item:** 22

**Subject:** Response to Yarcombe & Marsh Neighbourhood Plan Submission

**Purpose of report:** To agree the response by this Council to the current consultation for the Yarcombe & Marsh Neighbourhood Plan.

**Recommendation:**

- 1. That Members note the formal submission of the Yarcombe & Marsh 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 5.2 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) (01395 – 571745)

**Financial implications:** None

**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 Yarcombe Parish Council submitted their Neighbourhood Plan to the District Council and publication of the submission commenced on the 23<sup>rd</sup> January 2017. The District Council is required to formally 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.
- 1.2 During this consultation 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 the formal representation on the plan, which is set out at the end of this report.

## **2.0 Background to the Yarcombe & Marsh Neighbourhood Plan**

- 2.1 Yarcombe Parish Council commenced work on their Neighbourhood Plan following their Neighbourhood Area being designated on the 4 June 2014.
- 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 The plan itself contains a total of 11 policies and tackles various issues across different topics.
- 2.4 Prior to submitting the Plan to East Devon District Council, Yarcombe 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 group 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.

### **3.0 Submission of the Yarcombe & Marsh Neighbourhood Plan**

- 3.1 The District Council has received a Neighbourhood Plan from Yarcombe 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 seventh completed (ready for final consultation) Neighbourhood Plan in the District. The Parish Council has received regular support from the District Council and additional financial support from DCLG.
- 3.3 The statutory regulations require that the District Council organise and undertake a consultation on a plan when it reaches this stage. This is commonly referred to as the post-submission or 'formal' 6 week consultation. The consultation period commenced on 23<sup>rd</sup> January 2017 and is due to finish on 8<sup>th</sup> March 2017. The Plan proposal has been publicised on notice boards within the Parish, notices on the EDDC and Parish Council websites and an email to all the bodies mentioned in the consultation statement, including adjoining authorities and the statutory consultees of 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 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 Yarcombe 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 Discussions with the Parish Council have indicated that they have no particular preference as to who to appoint to conduct the examination. Previous examinations in East Devon have been conducted by a Mr Nigel McGurk but in this instance, due to there being 4 Neighbourhood Plans in the District that will require examination at similar times; we have had to look for alternative Examiners. Officers have identified Mary O'Rourke, who is an experienced planning professional with over 24 years in the Planning Inspectorate on a

wide variety of planning cases including determining proposals and appeals for large scale residential, minerals and commercial development. She has also examined structure and local plans and has recently started examining Neighbourhood Plans, currently undertaking one at Coleshill in North Warwickshire. Officers have contacted North Warwickshire Council and they have provided a strong recommendation.

- 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 Yarcombe & Marsh Neighbourhood Plan Response**

- 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 **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. A number of matters have previously been raised through the plan-making process and these comments relate to outstanding issues,**



the majority of which the group are aware of. 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 Yarcombe & Marsh 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 Cmnt No	Issue / Policy In Plan	Comment
1.	Policy NE1	Consideration should be given to including an additional criterion to ensure that development proposals take into account the Landscape Character Assessment.
2.	Policy BHE1: Criterion i)	A recent examination undertaken for the Stockland Neighbourhood Plan commented on a criterion for a similar policy stating that <i>'the Policy sets out a requirement for development to comply with guidance outside the control of the Neighbourhood Plan. I also note that design guidance is simply that. Notwithstanding this, I recognise that the Blackdown Hills Area of Outstanding Natural Beauty Design Guide for Houses provides helpful and locally distinctive guidance.'</i> And subsequently recommended changes to the plan so that the guidance should be 'taken into account' rather than requiring strict compliance.
3.	Policy PH1	The use of the term exception sites could be clarified to indicate whether specifically it is referring to sites brought forward through strategy 35 of the Local Plan.
4.	Policy PH1	The term 'will be considered for support' does not provide a decision maker with a clear indication how to react to a development proposal. This should be amended to 'will be supported'.
5.	Policy PH1: Criterion b	As with our comments on Policy BH1, consideration should be given to the Examiner's comments for the Stockland who indicated that you cannot require strict compliance with design guidance outside of the Neighbourhood Plan's control.
6.	Policy TRA1: criterion iii)	This criterion doesn't make it clear what motorised vehicles should be prevented from doing. A small amendment to read 'from using public rights of way' should be included.
7.	Policy EE1	It should be noted that the Bishops Clyst Neighbourhood Plan included an identical policy (BiC18) within their Neighbourhood Plan which was suggested for amendment on the basis that the word 'unacceptable' was undefined and consequently imprecise. Consideration should be given to included an amended policy using the wording promoted by the Examiner in that instance.
8.	Policy ELC2	It should be noted that the Stockland Neighbourhood Plan included an identical policy in their plan (ELC2) which the Examiner recommended removal of on the basis that <i>'it comprises a negative Policy and, in conflict with Planning Practice Guidance, is based on vague and imprecise terms.'</i>

EDDC Cmnt No	Issue / Policy In Plan	Comment
		<p><i>For example, no indication is provided as to when a scheme might be “likely to have” an adverse impact and consequently, this phrase does not provide clarity. Furthermore, no indication is provided with regards how “the enjoyment of the natural and built environment” can be measured, who by and on what basis.</i></p> <p><i>The Policy does not provide a decision maker with a clear indication of how to react to a development proposal.</i></p> <p><i>Taken as a whole, the Policy does not have regard to national policy, which requires: “...a positive strategy to promote energy from renewable and low carbon sources” (Paragraph 97, the Framework).’</i></p>

**Report to:** Cabinet  
**Date of Meeting:** 8 March 2017  
**Public Document:** Yes  
**Exemption:** None



**Review date for release** None

**Agenda item:** 23

**Subject:** Response to Chardstock Neighbourhood Plan Submission

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

**Recommendation:**

- 1. That Members note the formal submission of the Chardstock 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 5.2 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) (01395 – 571745)

**Financial implications:** None

**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 Chardstock Parish Council submitted their Neighbourhood Plan to the District Council and publication of the submission commenced on the Friday 3<sup>rd</sup> February 2017. The District Council is required to formally 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.
- 1.2 During this consultation 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 the formal representation on the plan, which is set out at the end of this report.

## **2.0 Background to the Chardstock Neighbourhood Plan**

- 2.1 Chardstock Parish Council commenced work on their Neighbourhood Plan following their Neighbourhood Area being designated on the 16 October 2012.
- 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 The plan itself contains a total of 4 policies, on topics covering local employment, home-working, heritage and the environment. It is the shortest plan with the fewest number of policies to be submitted to East Devon so far, focusing only on the issues that the community feel are most important.
- 2.4 Prior to submitting the Plan to East Devon District Council, Chardstock 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 group 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. As such, our response is limited to only a single comment on the first policy of the plan.

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

- 3.1 The District Council has received a Neighbourhood Plan from Chardstock 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 sixth completed (ready for final consultation) Neighbourhood Plan in the District. The Parish Council has received regular support from the District Council and additional financial support from DCLG.
- 3.3 The statutory regulations require that the District Council organise and undertake a consultation on a plan when it reaches this stage. This is commonly referred to as the submission or 'formal' 6 week consultation. The consultation period commenced on 3<sup>rd</sup> February 2017 and is due to finish on 20<sup>th</sup> March 2017. The Plan proposal has been publicised on notice boards within the Parish, notices on the EDDC and Parish Council websites and an email to all the bodies mentioned in the consultation statement, including adjoining authorities and the statutory consultees of 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 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 Chardstock 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 Discussions with the Parish Council have indicated that they have no particular preference as to who to appoint to conduct the examination. Previous examinations in East Devon have been conducted by a Mr Nigel McGurk but in this instance, due to there being 4 Neighbourhood Plans in the District that will require examination at similar times; we have had to look for alternative Examiners. Officers have identified Robert Yuille, who is an experienced planning professional with 19 years in the Planning Inspectorate, dealing

largely with Local Plan examinations. He also has experience examining Neighbourhood Plans, having recently completed the Bledlow-cum-Saunderton Neighbourhood Plans (Wycombe) and is currently examining the Austrey Neighbourhood Plan (North Warwickshire). Officers have contacted North Warwickshire Council and they have provided a strong recommendation.

- 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 Chardstock Neighbourhood Plan Response**

- 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 **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 we make at this**

stage 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 Chardstock 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.	CPNP01	Criterion c) promotes home working where the enterprise is 'appropriate' but no clarification is provided as to what enterprises would meet this definition.
2.	CPNP03	Consideration should be given to including an additional criterion to ensure that development proposals take into account the Landscape Character Assessment.

**Report to:** Cabinet  
**Date of Meeting:** 8 March 2017  
**Public Document:** Yes  
**Exemption:** None



**Review date for release** None

**Agenda item:** 24

**Subject:** Response to Budleigh Salterton Neighbourhood Plan Submission

**Purpose of report:** To agree the response by this Council to the current consultation for the Budleigh Salterton Neighbourhood Plan.

**Recommendation:**

- 1. That Members note the formal submission of the Budleigh Salterton 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 5.2 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) (01395 – 571745)

**Financial implications:** None

**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 Budleigh Salterton Town Council submitted their Neighbourhood Plan to the District Council and publication of the submission commenced on the Friday 3<sup>rd</sup> February 2017. The District Council is required to formally 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.
- 1.2 During this consultation 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 the formal representation on the plan, which is set out at the end of this report.

## **2.0 Background to the Budleigh Salterton Neighbourhood Plan**

- 2.1 Budleigh Salterton Town Council commenced work on their Neighbourhood Plan following their Neighbourhood Area being designated on the 26 August 2015.
- 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 The plan itself contains a total of 20 policies, on a variety of different topics.
- 2.4 Prior to submitting the Plan to East Devon District Council, Budleigh Salterton Town 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 group 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.

## **3.0 Submission of the Budleigh Salterton Neighbourhood Plan**

- 3.1 The District Council has received a Neighbourhood Plan from Budleigh Salterton Town Council. The Plan and its supporting documents can be viewed at the following link:

- 3.2 This is the eighth completed (ready for final consultation) Neighbourhood Plan in the District. The Parish Council has received regular support from the District Council and additional financial support from DCLG.
- 3.3 The statutory regulations require that the District Council organise and undertake a consultation on a plan when it reaches this stage. This is commonly referred to as the submission or 'formal' 6 week consultation. The consultation period commenced on 3<sup>rd</sup> February 2017 and is due to finish on 20<sup>th</sup> March 2017. The Plan proposal has been publicised on notice boards within the Parish, notices on the EDDC and Parish Council websites and an email to all the bodies mentioned in the consultation statement, including adjoining authorities and the statutory consultees of 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 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 Budleigh Salterton Town 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 Discussions with the Town Council have indicated that they have no particular preference as to who to appoint to conduct the examination. Previous examinations in East Devon have been conducted by a Mr Nigel McGurk but in this instance, due to there being 4 Neighbourhood Plans in the District that will require examination at similar times; we have had to look for alternative Examiners. Officers have identified Jill Kingaby, who spent over 20 years in the Planning Inspectorate, amassing experience of over 20 local plan and community infrastructure levy examinations. She also has examined approximately 10 Neighbourhood Plans, most recently undertaking the Hartshill Neighbourhood Plan examination (North Warwickshire). Officers have contacted North Warwickshire Council and they have provided a strong recommendation.

- 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 Budleigh Salterton Neighbourhood Plan Response**

- 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 **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 we make at this stage 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 Budleigh Salterton 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 H1: criterion c)	It is not entirely clear what is meant by applicants having to demonstrate a proven need in compliance with Strategy 21 of the Local Plan, as the Local Plan strategy does not require applicants to meet any particular need other than stating that affordable housing will be given priority over other uses- and this is covered in criterion c).
2.	Policy H1: criterion c)	The start of the criterion should be amended so they grammatically follow the first sentence of the policy. i.e. ...will be supported where... C) the proposal is primarily for affordable housing...
3.	Policy H1: criterion d)	This criterion should be a separate statement within the policy as it is encouraging something rather than setting a particular requirement.
4.	Policy H3: criterion a)	The use of the term 'lead to' does not provide sufficient clarity and should be amended to 'result in'.
5.	Policy H3: criterion d)	In the interests of clarity the words 'should be incorporated' should be added onto the end of the sentence.
6.	Policy H3: criterion e)	The parking standards in policy T9 of the Local Plan are provided as a guide rather than requiring strict compliance. There are instances where applicants could potentially be able to justify a lower level of parking provision.
7.	Policy H4	In the final sentence, remove the word 'of'.
8.	Policy CLW2: criterion d)	Remove 'to ensure that'.

**Report to:** Cabinet  
**Date of Meeting:** 8 March 2017  
**Public Document:** Yes  
**Exemption:** None



**Review date for release** None

**Agenda item:** 25

**Subject:** East Budleigh with Bicton Neighbourhood Plan Examiners Report

**Purpose of report:** To provide feedback and set out proposed changes following the examination of the East Budleigh with Bicton Neighbourhood Plan

**Recommendation:**

- 1. That members endorse the examiners recommendations on the East Budleigh with Bicton Neighbourhood Plan subject to the further amendments as set out in the table at paragraph 1.7.**
- 2. That members agree that a 'referendum version' of the Neighbourhood Plan (incorporating the examiners modifications and further amendments outlined in paragraph 1.7) should proceed to referendum and a decision notice to this effect be published.**
- 3. That members congratulate the Neighbourhood Plan group on their hard work.**

**Reason for recommendation:** The legislation requires a decision notice to be produced at this stage in the process. The Neighbourhood Plan is the product of extensive local consultation and has been recommended to proceed to referendum by the Examiner subject to modifications, which, subject to additional changes, are accepted by the Parish Council.

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

**Financial implications:** None

**Legal implications:** As the report identifies, it is a formal requirement for the Council to consider the Examiner's recommendations and satisfy itself that the proposed plan meets the prescribed 'basic conditions' and the purpose of the report is to satisfy these formal requirements. Legal advice has been given on the further amendments proposed which are considered acceptable and permissible. Assuming Members agree then the Council is obliged to publish notice to this effect, pursuant to the applicable Regulations, and Recommendation 2 covers this aspect. The report also identifies that the District Council is responsible for organising the referendum and requires a resolution to progress this – it should be noted

that the DCLG grant, provided upon the submission of the neighbourhood plan, will contribute towards the cost of the referendum. At this stage there are no other legal observations 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 referendum if a majority of the community vote against it.

**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>
- East Budleigh Neighbourhood Plan and Examiners Report  
<http://eastdevon.gov.uk/planning/neighbourhood-and-community-plans/neighbourhood-plans/neighbourhood-plans-being-produced-in-east-devon/east-budleigh-and-bicton/#article-content>

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

## 1.0 The Examination

- 1.1 The East Budleigh Neighbourhood Plan has now been examined and, subject to modifications, it has been recommended that it proceed to referendum. The Examiner, Nigel McGurk, was chosen by EDDC in consultation with East Budleigh Parish Council, due to his extensive experience in the field of Neighbourhood Plan examinations. He appears on the NPIERS (neighbourhood planning independent examiner referral service) panel of recommended examiners and has previously undertaken various Neighbourhood Plan examinations in East Devon.
- 1.2 The examination was undertaken on the basis of considering the written material which forms the Plan, its appendices and accompanying statements as well as any representations received in response to the formal consultations. Mr McGurk did not consider it necessary to hold a public hearing as there were no issues that he felt warranted it. The neighbourhood plan and examiners report are available to download on our website <http://eastdevon.gov.uk/media/1947589/east-budleigh-examiners-report.pdf>.
- 1.3 The legislation, reflected in the Council's Neighbourhood Planning protocol (excerpt below), requires the Policy Team to notify members of the findings and recommendations of the

Examiner and how the Council proposes to respond to the recommendations. This response will then be published as a decision notice.

<b>Task in Neighbourhood Plan Production, Commentary and Formal Processes</b>	<b>Role of the Policy Team at the Council</b>	<b>Role of Other Services at the Council</b>
<p><b>12b – Consideration of and response to the Examiner’s Report</b> <i>(Paragraph 12 of Schedule 4B of TCPA 90)</i></p> <p>The legislation requires the Council to consider and respond to the Examiner’s recommendations.</p> <p>In addition, and before moving on to the next stage, the Council must be satisfied that the draft plan;</p> <p>(1) meets the ‘basic conditions’ being,</p> <ul style="list-style-type: none"> <li>-Complies with national policy and guidance from SoS</li> <li>-Contributes to sustainable development</li> <li>-General Conformity with the strategic policy of the Development Plan for the area or any part of that area</li> <li>-Doesn’t breach or is otherwise compatible with EU obligations – this includes the Strategic Environmental Assessment Directive of 2001/42/EC</li> <li>-The making of the NP is not likely to have a significant effect on a European site (as defined in the Habitats Regulations or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats &amp;c) regulations 2007 9(e) (either alone or in combination with other plans or projects))”</li> </ul> <p>(2) is compatible with the Convention rights, and (3) complies with the other legal requirements set out in Sections 38A &amp; 38B of the TCPA 90</p> <p><b>12c - Produce and publish a Decision Statement</b> <i>(Regulation 18)</i></p>	<p>Consider each of the Examiner’s recommendations and decide what action to take in response.</p> <p>This could be to accept the Examiner’s recommendations to progress to a referendum or to refuse the proposal. It could be to accept recommendations to make modifications or make our own modifications, so as to make the NP meet the ‘basic conditions’, Convention rights or other legal requirements. It could also be to extend the area for the referendum. We could also decide we are not satisfied that the plan meets the minimum requirements notwithstanding the Examiner’s view.</p> <p>We will need to consider if our proposed decision differs from the Examiner’s recommendations and whether this is as a result of new evidence or new fact. If so, and prior to making the decision, we will notify the plan producers and those making representations on the NP and invite further representations. This may entail referring this matter back to the Examiner.</p> <p>A report will be taken to the Determining Committee notifying members of the findings and recommendations of the Examiner and how the Council proposes to respond to the recommendations. In the event of the Officers recommending refusal of the proposal it will not be necessary for the matter to be considered by the Determining Committee unless a Ward Member requests the committee consider the matter..</p>	<p>The Policy Team &amp; Legal Services will assess each of the Examiner’s recommendations and decide what action to take in response.</p> <p>Legal Services will advise whether they are satisfied that the draft plan meets the basic conditions, is compatible with the Convention rights and complies with the other legal requirements</p>

1.4 Essentially the examiner has recommended a number of textual modifications to the Plan (appended to this report) and the deletion of some policies. The Examiners recommendations are as follows:

<b>Reason for Change</b>	<b>Recommended change</b>
<p>The Introduction provides in informative opening section, but contains some factual inaccuracies.</p>	<p><b>Paragraph 1.4, change to “...These procedures take into account the Neighbourhood Planning...Compulsory Purchase Act 2004.” (delete remainder of sentence)</b></p> <p><b>Paragraph 1.5, change to “The EBB NP has been considered in the light of European Regulations...”</b></p> <p><b>Paragraph 1.6, change to “...A Consultation Statement was submitted alongside the Neighbourhood Plan and is available...gov.uk.” (delete final sentence)</b></p>

<p>Paragraphs 1.11 to 1.13 have been overtaken by events and I recommend</p>	<p><b>Delete Paragraphs 1.11 to 1.13</b></p>
<p>The Methodology chapter is a helpful inclusion. However, some of the wording is unclear and introduces confusion, therefore, for clarity, I recommend:</p>	<p><b>Paragraph 2.2, first line, delete “(Submission)” and “current”</b></p> <p><b>Paragraph 2.6, final bullet point, change to “The need to be transparent and provide Objectives that are robust.”</b></p> <p><b>Paragraph 2.9, change to “...in relevant cases, considered how the...”</b></p> <p><b>Paragraph 2.10, change to “The Consultation Statement demonstrates the extent of the engagement undertaken, leading the Working Party to...”</b></p>
<p>The first Paragraph of the “Policies and proposals” section on Page 15 is confusingly worded and this detracts from the precise nature of the Neighbourhood Plan. I recommend:</p>	<p><b>Paragraph 4.6, delete first sentence (there are many things that a Neighbourhood Plan does not do and the reference in this sentence adds unnecessary confusion) and delete the last sentence, which is inaccurate. Paragraph 4.6 therefore to comprise a single sentence “The Neighbourhood...Period will help to achieve the...Parish.”</b></p>
<p>The Policy chapters of the Neighbourhood Plan contain “Conformity Reference” information underneath each Policy. Whilst I acknowledge that the information provided may have comprised helpful references as the plan emerged through consultation, it appears as a subjective and limited selection of District--wide policies and National Planning Policy Framework references. As such, it is not comprehensive and is an unnecessary and potentially confusing inclusion.</p>	<p><b>Delete all “Conformity Reference” sections from beneath each Policy in the Neighbourhood Plan</b></p> <p><b>Paragraph 4.7, delete “...and is accompanied...development plan.”</b></p>
<p>Following each Community Action is a “Responsibility.” Whilst I acknowledge that East Budleigh with Bickton Parish Council can carry out its own responsibilities, the Neighbourhood Plan does not provide a mechanism for Community Action responsibilities to be imposed upon third parties.</p>	<p><b>Delete “Responsibility” after each Community Action</b></p>
<p><b>Policy P1</b>  The Framework, in Chapter 3 “Supporting a prosperous rural economy,” promotes the growth and diversification of rural businesses. In addition, Policies E4 (Rural Diversification) and E5 (Small Scale Economic Development in Rural Areas) of the East Devon Local Plan 2013--2031, support business and economic development proposals that respect their rural surroundings.</p> <p>Policy P1 sets out a positive, supportive approach to business development. It has regard to national policy and is in general conformity with local strategic policies. Whilst the criteria set out in the second part of the Policy serve to protect business development from causing undue harm, they fail to include reference to heritage assets.</p> <p>Elsewhere in the Neighbourhood Plan, the heritage of East Budleigh with Bickton is identified as “a fundamental quality of the Parish.” Given this and the comprehensive approach adopted in the latter part of Policy P1</p>	<p><b>Policy P1, add criteria “e) heritage assets.” ( and change “” to “;” at the end of the preceding bullet point)</b></p>



<p><b>Policy P2</b></p> <p>The second part of Policy P2 seeks to establish an onerous requirement, whereby all forms of development will be required to provide for broadband and other communication networks and produce a connectivity statement. No evidence is provided to demonstrate that such a requirement will be viable, having regard to Paragraph 173 of the Framework, which requires that:</p> <p>“Plans should be deliverable. Therefore, the...scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.”</p> <p>In this regard, I am mindful that provision for broadband and other communication networks may be neither possible nor relevant in the case of some development proposals – for example, new windows in a Listed Building, or a household extension.</p> <p>I also note that the Framework requires that the provision of information to support a planning application should only be that which is:</p> <p>“relevant, necessary and material to the application in question.” (Paragraph 193)</p>	<p><b>Policy P2, delete second paragraph “All new development...into account.”</b></p> <p><b>Delete Paragraphs 5.14 and 5.15</b></p>
<p><b>Policy P3</b></p> <p>Policy P3 seeks to protect Grade 1 agricultural land from development, other than in prescribed circumstances. Whilst distinctive to the Neighbourhood Area, this approach has regard to national policy and it is in general conformity with Local Plan Policy EN13, subject to clarification in regard of a proposal not needing to meet every criteria. Were this the case, development would be limited to that for agriculture or forestry. This would conflict with national and local policy and result in Policy P3 failing to meet the basic conditions.</p> <p>Further to the above, the second part of criterion c) is unjustified. It effectively states that development as set out may take place on Grade 1 agricultural land as long as the Grade 1 agricultural land has not been used for five years and it could not be brought into agricultural use. This does not make any sense as Grade 1 agricultural land is simply that. In any case, criterion c) refers to Policy D2 and I recommend the deletion of that Policy later in this Report.</p>	<p><b>Policy P3, replace full stop after each of a) and b) with “; or it”</b></p> <p><b>Delete criterion c) and delete “and c)” from the first line of the final paragraph of the Policy</b></p>
<p><b>Policy C1</b></p> <p>the Policy is confusing in its use of the terms “facilities” and “assets.” The supporting text provides a definition of an Asset of Community Value. No evidence is provided to demonstrate that the facilities protected by Policy C1 appear on East Devon District Council’s Register of Community Assets and that they are, therefore, Assets of Community Value.</p> <p>Consequently, I find that the reference to assets leads the Policy to appear imprecise and consequently, the Policy does not have regard to Planning Practice Guidance, which requires planning policies to be precise and concise.</p> <p>Policy C1 also includes a requirement relating to Local Plan Policy RC6 (Local Community Facilities). The Neighbourhood Plan does not control the management of Local Plan Policies and the reference is therefore inappropriate.</p>	<p><b>Policy C1, change first line to “...following community facilities as...”</b></p> <p><b>Change first line of second paragraph to “...community value of the facilities will be...”</b></p> <p><b>Last line of second paragraph, delete “...which meet criteria...Plan.”</b></p> <p><b>Next line, change to “The loss of these community facilities...”</b></p> <p><b>Last word, change to “...facility.”</b></p>
<p><b>Policy E1</b></p> <p>the Policy criteria are imprecise in parts and having regard to Paragraph 173 of the Framework, there is no evidence to demonstrate that, in all circumstances, it would be viable, reasonable or even relevant for development to enhance the College’s position as a school and major local employer.</p> <p>The Policy refers explicitly to the “central built core” of the Bicton College campus. However, the plan referenced does not show any central built core, but rather, simply refers to “Bicton College.” This results in an imprecise Policy.</p>	<p><b>Policy E1, change first bullet point to “are sympathetic to the Listed Building and its rural setting;”</b></p> <p><b>Change second bullet point to “avoid impacts on the AONB, including locally and historically significant views, and where this is not achievable, mitigate any harm arising;”</b></p> <p><b>Change penultimate bullet point to “are landscaped having regard to local character;”</b></p> <p><b>Delete final bullet point.</b></p>

	Change reference in Key to Map 7.25 to “Bicton College central built core”
<p><b>Policy L1</b> Policy L1 simply states that outdoor sport and recreation facilities “will be protected.” However, it fails to set out how this will occur and consequently, the Policy is imprecise and fails to meet the basic conditions in this regard.</p> <p>All Policies of the Neighbourhood Plan should be read together and there is therefore no need for Policy L1 to include a reference to one other Policy in the document.</p>	<p><b>Title of Policy L1, change to “Enhancing Recreational Facilities”</b></p> <p><b>Policy L1, change first line to “Proposals to enhance and improve outdoor sports and recreation facilities will be supported where they:”</b></p> <p><b>Delete “The following outdoor...” and delete a) to d)</b></p> <p><b>Delete the last line of the Policy</b></p>
<p><b>Policy G1</b> the Policy then goes on to state that the rural setting, biodiversity and views from public rights of way will be protected.</p> <p>No detailed information in respect of precisely what the “rural setting” of all public rights of way comprises is provided. Similarly, there is nothing setting out what the biodiversity of public rights of way actually is. Furthermore, “important locally significant views” from public rights of way are not defined.</p> <p>Taking the above into account, part of Policy G1 is imprecise and fails to provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.</p>	<p><b>Policy G1, delete “This includes the...wildlife corridors.”</b></p>
<p><b>Policy N1</b> Policy N1 is a long Policy. Its opening sentence comprises a sweeping statement that presents an onerous requirement for all development to enhance landscape, biodiversity and countryside character wherever possible. No definition of “wherever possible” is provided, rendering this first part of the Policy unmanageable. It is imprecise and does not provide a decision maker with a clear indication of how to react to a development proposal.</p> <p>The first criterion requires all development to enhance the components of natural beauty within the AONB. As these are not defined, it is unclear how every proposal for development can achieve this requirement.</p> <p>The second criterion seeks to prevent any development outside the Built Up Area Boundary and requires all development to “be of a scale to complement the historic core” of East Budleigh. It goes on to require a Local Plan Policy to be taken into account, although this is not within the capabilities of a Neighbourhood Plan. There is nothing in national or local planning policy which prevents any form of development outside a built--up area boundary. Furthermore, no indication is provided of what scale of development would complement East Budleigh’s historic core.</p> <p>The third criterion seeks to prevent development on prominent sites on the edge of the village, but does not set out what these sites are. The village has an edge all around it and there is nothing to indicate what leads a site to be “prominent” in Policy terms.</p> <p>The fourth criterion refers to locally significant views, but it provides no indication of where such views are from and/or what they include.</p> <p>Whilst the remaining criteria generally provide for the protection and enhancement of biodiversity and local character, they include imprecise and onerous requirements without having regard to the requirements of Paragraph 173 or 193 of the Framework, identified earlier in this Report.</p> <p>Further to the above, it is not clear why all forms and processes that constitute and shape the earth (“geodiversity”) must be enhanced. This Policy criterion effectively comprises a sweeping requirement. It lacks appropriate detail and is imprecise.</p>	<p><b>Policy N1, delete first sentence.</b></p> <p><b>Delete criteria a), b), c), d) and g)</b></p> <p><b>Criteria f), change to “Development should seek to protect and enhance existing wildlife and habitats and where this is not possible or practical, lost habitats should be replaced within the development. New...new habitats and...”</b></p> <p><b>Criteria f), delete “A biodiversity appraisal...rural buildings.”</b></p> <p><b>Criteria h), change to “The provision of a landscaping scheme to ensure that development complements local character and enhances biodiversity.”</b></p> <p><b>Delete Paragraph 11.9, which reads as though it is a Policy, but is not.</b></p>
<p><b>Policy N2</b> the final sentence of the text introduces a form of development control</p>	<p><b>Policy N2, delete last sentence and replace with “Development within Local Green Space</b></p>

<p>that fails to have regard to national policy. With regards Local Green Space, national policy is explicit:</p> <p>“Local policy for managing development within a Local Green Space should be consistent with policy for Green Belts.” (Paragraph 78, the Framework)</p> <p>Policy N2 is not consistent with Green Belt policy and there is neither any evidence to the contrary nor any justification for the different approach Policy N2 seeks to introduce.</p> <p>I note that the supporting text to the Policy describes Local Green Space 6 as a “conservation area,” which it is not and I address this in the recommendations below.</p>	<p><b>is ruled out other than in very special circumstances.”</b></p> <p><b>Local Green Space 6 description on Page 60, delete “(used as a conservation area outside the curtilage of nearby dwellings)”</b></p>
<p><b>Policy N3</b> East Devon District Council has identified a small error in the text</p>	<p><b>Page 65, annotation to photograph, delete “be”</b></p>
<p><b>Policy N4</b> no evidence is provided to demonstrate that Policy N4 is viable or deliverable, having regard to Paragraph 173 of the Framework. Whilst the supporting text states that “funding can be obtained” to create a green wildlife corridor, there is no evidence to demonstrate that this is the case.</p> <p>There is no reference in the Neighbourhood Plan to the ownership of the proposed land allocation, or to the willingness of the landowner to provide the land as a “green corridor,” nor is there any evidence that the Parish Council has negotiated an agreement to purchase the land so allocated. The Policy simply sets out an aspiration, rather than a land use planning policy that the Neighbourhood Plan can control.</p> <p>Taking the above into account, Policy N4 does not meet the basic conditions.</p> <p>However, in Chapter 11 of the Framework, “Conserving and enhancing the natural environment,” national policy promotes net gains in biodiversity planning positively for green infrastructure. Part of the purpose of Policy N4 is to promote the conservation and enhancement of biodiversity</p>	<p><b>Policy N4, change to “The provision of a green wildlife corridor, to include a green informal open space planted with native trees and wildflowers, to protect and enhance the biodiversity and character of Footpath EB14 that links Middletown Lane to EB15 and the open countryside, will be supported.”</b></p>
<p><b>Policy B1</b> The first part of Policy B1 seeks to introduce a new requirement for heritage assets and their settings not referred to in either national or local strategic planning policy. It requires any development affecting heritage assets to enhance the assets, and their settings, and any special features. No justification is provided for this departure from national or local strategic policy and there is no substantive evidence to demonstrate that such an onerous requirement would be viable or deliverable, having regard to national policy.</p> <p>The second paragraph of Policy B1 does not set out any land use planning requirement but seeks to establish that the Policy applies to designated and non--- designated heritage assets. However, this then conflicts with the final part of the Policy, which seeks to protect any “properties” that make a contribution to local character, whether heritage assets or not. This is all very confusing and ultimately results in an unclear and imprecise Policy.</p> <p>The first sentence of the last paragraph of the Policy seeks to prevent “inappropriate” development, but only where it impacts on both a designated or undesignated heritage asset, or any property that makes a contribution to local character, and the setting of that asset, or non--asset. As such, it fails to protect against harm to say, just the setting, or just the “property.” The Policy then becomes even more confusing, by stating that development must not harm the setting of “important heritage sites” (but does not refer to harm to the heritage asset itself). No indication of what an “important heritage site” might comprise, as opposed to an unimportant heritage site, is provided.</p> <p>Altogether, Policy B1, as worded, is unclear and imprecise. It does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.</p>	<p><b>Delete the wording of Policy B1 and replace with “Development that results in harm to, or the loss of, the significance of designated and undesignated heritage assets or their settings will not be supported.”</b></p> <p><b>Delete Paragraph 12.2 (there is only one heritage Policy)</b></p>
<p><b>Policy B2</b> it is a very unusual Policy, given that it lists fourteen different criteria, all of which “development” is expected to “demonstrate compliance” with. The nature of many of the criteria is such that they relate to reasonably sized residential developments, whereas the Neighbourhood</p>	<p><b>Policy B2, delete opening paragraph and replace with “All new development should incorporate good design. Development proposals should, where appropriate, demonstrate that they have taken the</b></p>

<p>Plan only seeks to allocate one very small site for up to three dwellings.</p> <p>It is therefore very difficult to understand what Policy B2 is actually trying to achieve. It may not be relevant to many forms of development within the Neighbourhood Area and yet it applies to “all developments.” In this regard, it is entirely unclear why, say, an application for a new shop sign must demonstrate compliance with criteria b), c), d), e), f), g) h), k), l), m) or n). Similar questions could be asked of other forms of development.</p> <p>Taking the above into account, Policy B2 fails to have regard to Paragraphs 173 and 193 of the Framework.</p> <p>The title of the Policy refers to “General Design Principles” and yet the Policy does not set out general principles, but ones that are largely very specific to reasonably large residential development schemes. I also note that Paragraph 12.16 is worded as though it is a Policy, which it is not</p>	<p><b>following into account:”</b></p> <p><b>Paragraph 12.16, change opening sentence to “The Parish Council would like to seek all new buildings and extensions:”</b></p>
<p><b>Policy B3</b></p> <p>Whilst Policy B3 supports “infill development on previously developed land” it fails to set out what is actually meant by “infill.” No definition is provided in the Neighbourhood Plan. This is of fundamental importance – for example, the Policy goes on to refer to “inappropriate ‘back land’ development, but it does not distinguish how this differs from “infill” development and under what circumstances (other than those referred to in Policy D1, elsewhere in the Neighbourhood Plan)</p> <p>‘back land’ development might be appropriate. As a consequence, this part of the Policy is imprecise and fails to provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.</p> <p>Further, the supporting text to Policy B3 provides no clarity in terms of what “infill” comprises and includes a significant amount of text that is written as though it was a Policy, which it is not. Also, it is not clear what “planning permission will be supported” actually means in land use planning policy terms. Once a development has planning permission, support for it or otherwise is not a land use planning consideration. I address this absence of clarity and precision below.</p>	<p><b>Change title of Policy B3 to “Previously Developed Land”</b></p> <p><b>Policy B3, change opening sentence to “Within the Built---up Area Boundary, the development of previously developed land will be supported, subject to the following being taken into account:”</b></p> <p><b>Delete Paragraphs 12.19 to 12.24 inclusive. Replace with a new paragraph “Paragraph 17 of the National Planning Policy Framework recognises the effective use of previously developed land as a core planning principle. The Neighbourhood Plan supports the regeneration of brownfield land and establishes a specific policy for its reuse within the Built Up Area.”</b></p>
<p><b>Policy B4</b></p> <p>Policy B4 is not a land use planning policy. It specifically relates to what East Budleigh with Bicton Parish Council will “usually recommend.” In any case, the Policy does not provide a decision maker with a clear indication of how to react to a development proposal as no indication is provided of under what circumstances the Parish Council will not “recommend permission” despite the various criteria being met. The Policy does not meet the basic conditions.</p>	<p><b>Delete Policy B4</b></p> <p><b>Replace Policy B4 with a “Community Action” and replace all of the text of the former Policy 4 within the new Community Action.</b></p>
<p><b>Policy F1</b></p> <p>The final sentence of Policy F1 requires development to contribute to the overall reduction of flood risk in the Parish. This is an onerous requirement for development that has otherwise demonstrated that it will be safe from flood risk and not increase flood risk anywhere else. No evidence is provided to demonstrate that such a requirement has regard to Paragraph 173 of the Framework.</p> <p>A Neighbourhood Plan must meet the basic conditions. Consequently, it is unnecessary for Policies to state that they are “in line” with the Framework or the Local Plan.</p>	<p><b>Policy F1 – end first sentence “...in an area subject to flooding.” (delete rest of sentence)</b></p> <p><b>Policy F1 – last sentence, change to “...lifetime and not increase the flood risk elsewhere.” (delete rest of sentence)</b></p>
<p><b>Policy F2</b></p> <p>The second sentence of the Policy unnecessarily repeats the content of the first sentence and as noted previously, it is unnecessary for Policies to state that they are “in line” with the Framework or the Local Plan.</p>	<p><b>Policy F2, begin first sentence “The impact from any additional...”</b></p> <p><b>Delete second sentence (“Planning...development.”)</b></p>
<p><b>Policy D1</b></p> <p>The wording of Policy D1 is confusing. The Policy suggests that the very presence of a Built---up Area Boundary will “ensure the proven housing needs of the Parish are met up to 2031.” However, this is not the purpose of a Built---up Area Boundary and furthermore, no substantive evidence of “the proven housing needs of the Parish” is provided.</p> <p>Taking into account the Local Plan and having regard to Paragraph 17</p>	<p><b>Policy D1, delete and replace with “The Built---up Area Boundary for East Budleigh is shown on the Proposals Map and on the Map on Page 84. Appropriate new development within the Built---up Area Boundary will be acceptable.”</b></p> <p><b>Delete Paragraphs 14.8 and 14.9 and replace with, “Together, the policies of the</b></p>

<p>of the Framework, the provision of a Built-up Area Boundary helps to provide for:</p> <p>“...thriving rural communities...”</p> <p>The purpose of a Built-up Area Boundary is to focus appropriate development within it. Such an approach can help to sustain the settlement whilst affording protection to the countryside around it.</p> <p>In the above regard, I am mindful of East Devon District Council’s comment that:</p> <p>“The policy should include a statement advising that housing development will be acceptable within the proposed boundary.”</p> <p>As worded, Policy D1 suggests not only that the Built-up Area Boundary, by representing “limits to development,” serves to prevent any development elsewhere, but introduces uncertainty re: the whole point of designating a Built-up Area Boundary by stating that some areas “will not necessarily be assumed to fall within the developable confines of the village.” Further reference to “areas on the edge of the village” adds to the confusion.</p> <p>This results in the Policy appearing imprecise.</p> <p>The final sentence of the Policy is unnecessary as it is a requirement that applications for development must be considered against the development plan as a whole.</p> <p>Whilst part of the supporting text to Policy D1 is informative and accurate, other parts are confusing and detract from the clarity of the Neighbourhood Plan. For example, Paragraph 14.8, which states that the Built-up Area Boundary will be defined at some stage in the future, is in direct conflict with Policy D1, which designates the Built-up Area Boundary.</p> <p>Paragraph 14.9 comprises unnecessary historic information that adds little but confusion and much of the text from Paragraph 14.10 to 14.12 is repetitive. For example, a drafting error by East Devon District Council is referred to on six separate occasions. Also, some of the language, for example “admitted,” appears inappropriate in the context of land use planning. Also, part of Paragraph 14.13 reads as though it is a Policy, which it is not.</p> <p>The Plan on page 84 refers to “Preferred Approach Boundary” whereas the Policy relates to the “Built-up Area Boundary” designated in the Neighbourhood Plan.</p>	<p><b>development plan, which includes the Neighbourhood Plan and the East Devon Local Plan, seek to ensure that development is only permitted where it is appropriate. The Parish Council will expect proposals for development within the Built-up Area Boundary to demonstrate due regard for residential amenity, local character -- including the appropriate safeguarding of heritage assets and their settings – and highway safety, amongst other things.”</b></p> <p><b>Paragraph 14.10, line 6, change to “...has confirmed in writing...” Paragraph 14.10, delete “EDDC had previously...this Submission Plan.”</b></p> <p><b>Paragraph 14.11, from line 4 onwards, change to “...the corrected Draft East Devon Villages Plan, July 2016. The map above illustrates the Built-up Area Boundary and compares it to the previous boundary shown.”</b></p> <p><b>Paragraph 14.12, line 4, delete “(except on the eastern edge...is not supported by this Plan.”</b></p> <p><b>Paragraph 14.12 first bullet point, change to “EDDC’s confirmation that they intended for the boundary to be drawn tighter...”</b></p> <p><b>Delete from line 8 of the third bullet point “It is considered...” to the end of the last bullet point “...extend the built form).”</b></p>
<p><b>Policy D2</b></p> <p>Policy D2 is confusing. Whilst it clearly draws from Local Plan Strategy 35, it commences by allocating a “rural exception site.” By definition, a rural exception site is one that does not comply with, and is an exception to, policy. The allocation of a site would mean that its development would be policy compliant and would not therefore, comprise an exception.</p> <p>Were an application to come forward at “Frank’s Patch” for two affordable dwellings and one market house, then it could do so on the basis of Local Plan Strategy 35, as the site is adjacent to the Built-up Area Boundary. However, for the reasons set out above, the allocation of the site as a “rural exception site” does not make sense. It results in Policy D2 appearing imprecise and it does not provide a decision maker with a clear indication of how to react to a proposal – for example, would an application be policy-compliant, or would it comprise an exception to policy ?</p> <p>The Policy goes on to partially repeat elements of Local Plan Strategy 35, but in a less clear and less comprehensive manner. For example, Policy D2 simply refers to dwellings only being available to people with “a connection to the Parish.” Unlike Local Plan Strategy 35, no detail is provided in respect of what such a connection might comprise – lifelong residency or enjoying the occasional pint at the Sir Walter Raleigh? The Policy is imprecise and is not made significantly less so by the text provided in 14.32.</p>	<p><b>Delete Policy D2</b></p> <p><b>Delete Paras 14.14 to 14.34</b></p> <p><b>Remove “Allocated Site” from Proposals Map</b></p>

<p>Further to the above, Policy D2 applies to “all rural exception sites.” Such an approach is not in general conformity with Local Plan Strategy 35, which, very specifically, will allow the development of exception mixed market and affordable housing development. By way of contrast, Policy D2 seeks to require any application for a rural exception site --- which is not necessarily the same thing as a mixed market and affordable housing scheme – to demonstrate something; and is not in general conformity with Local Plan Strategy 35’s positive planning context, whereby development that meets the criteria will be allowed.</p> <p>Taking all of the above into account, Policy D2 is confusing. Rather than provide for a more detailed and locally distinctive approach than Local Plan Strategy 35, it is considerably less precise, to the point that its inclusion within the development plan would provide for obfuscation rather than clarity. The Policy does not meet the basic conditions.</p>	
<p>Paragraphs 14.39 to 14.61 comprise an assessment of various sites and conclude with opinions on whether the development of the sites considered would be appropriate or supported. However, this section does not contain any Policies and consequently, it does not contain any Policy requirements.</p> <p>As a consequence, the inclusion of Paragraphs 14.39 to 14.61 is confusing, as it seems to be prioritising development sites and establishing requirements, without any Policy basis upon which to do so. The text is largely background information more commonly found within an evidence base and the recommended deletion of Policy D2 results in of these paragraphs appearing even more confusing.</p> <p>Taking the above into account, Paragraphs 14.39 to 14.61 detract from the clarity of the neighbourhood plan and I recommend</p>	<p><b>Delete Paragraphs 14.39 to 14.61.</b></p>
<p><b>Policy D3</b> There is no need for the Policy to refer to other Policies in the Neighbourhood Plan</p>	<p><b>Policy D3, change first sentence to “New residential development should...”</b></p>
<p><b>Other Matters</b> I note that the recommendations made in this Report will have a subsequent impact on page numbering and Contents.</p>	<p><b>Update the Contents page (page 1) to reflect the recommendations above</b></p>

- 1.5 Upon publication of the report, East Budleigh Parish Council raised a number of concerns with some of the recommendations made by the Examiner. Following discussions with the Neighbourhood Plan group many of these complaints have been resolved, however there were a few points raised that officers of this Council considered and felt that satisfactory alternative amendments could be made to the Plan, which would sufficiently take into account the concerns of both the Neighbourhood Plan group and Examiner.
- 1.6 These alternative agreed amendments comprise of three separate changes to supporting text within the document. No differing amendments have been made to policy wording and in each instance advice provided by the Examiner has been taken into account.
- 1.7 The table below sets out these agreed changes and provides commentary on why each amendment was considered to be appropriate. All changes which differ from the Examiner’s recommended modifications and the original submission neighbourhood Plan have been highlighted in red.

<u>Examiners comments</u>	<u>Examiner's recommendation</u>	<u>Commentary</u>	<u>Agreed alternative amendment</u>
<p><b>Policy P3</b></p> <p>Whilst Policy B3 supports “infill development on previously developed land” it fails to set out what is actually meant by “infill.” No definition is provided in the Neighbourhood Plan. This is of fundamental importance – for example, the Policy goes on to refer to “inappropriate ‘back land’” development, but it does not distinguish how this differs from “infill” development and under what circumstances (other than those referred to in Policy D1, elsewhere in the Neighbourhood Plan)</p> <p>‘back land’ development might be appropriate. As a consequence, this part of the Policy is imprecise and fails to provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.</p> <p>Further, the supporting text to Policy B3 provides no clarity in terms of what “infill” comprises and includes a significant amount of text that is written as though it was a Policy, which it is not. Also, it is not clear what “planning permission will be supported” actually means in land use planning policy terms. Once a development has planning permission, support for it or otherwise is not a land use planning consideration. I address this absence of clarity and precision below.</p>	<p><b>Delete Paragraphs 12.19 to 12.24 inclusive. Replace with a new paragraph “Paragraph 17 of the National Planning Policy Framework recognises the effective use of previously developed land as a core planning principle. The Neighbourhood Plan supports the regeneration of brownfield land and establishes a specific policy for its reuse within the Built Up Area.”</b></p>	<p>The reason the Examiner deleted much of the supporting text to this policy was because of various references to the term ‘infill’ which he felt wasn’t sufficiently defined. Rather than remove the entirety of the supporting text to Policy P3, we have reached an agreement to retain paragraphs 12.19 -12.21 but remove references to ‘infill’ and replace with ‘within the built-up area boundary’. The group felt it was important to retain these paragraphs in order to provide sufficient justification to a revised Policy P3.</p>	<p><b>Development within the built-up area boundary</b></p> <p>Paragraph 17 of the National Planning Policy Framework recognises the effective use of previously developed land as a core planning principle. The Neighbourhood Plan supports the regeneration of brownfield land and establishes a specific policy for its reuse within the Built-Up Area</p> <p>12.19 <del>Infill (defined as the development of a relatively small gap between existing buildings)</del> Development within the built-up area boundary can lead to developments being crammed in, often on pre-existing gardens, at inappropriate densities and with inappropriate layouts. This can have a detrimental impact on the amenity of existing residents. It can also result in a reduction in the openness of the village, increase on-road parking and lead to new buildings which are often out of keeping with the character of the village.</p> <p>12.20 Adverse impacts can include the following:</p> <ul style="list-style-type: none"> <li>• Loss of amenity, overshadowing, overlooking.</li> <li>• Loss of sunlight/daylight.</li> <li>• Noise.</li> <li>• Loss of green links/trees/hedges/vegetation.</li> <li>• Lack of visual cohesiveness.</li> <li>• Loss of space between buildings.</li> <li>• Loss of parking.</li> </ul> <p>12.21 It is considered important that <del>infill</del> development, <del>whilst generally acceptable</del> within the village Built-up Area Boundary, must be designed so that it sits appropriately within its surroundings.</p>
<p>Whilst part of the supporting text to Policy D1 is informative and accurate, other parts are confusing and detract from the clarity of the Neighbourhood Plan. For example, Paragraph 14.8, which states that the Built--up Area Boundary will be defined at some stage in the future, is in direct conflict with Policy D1, which designates the Built--up Area Boundary.</p> <p>Paragraph 14.9 comprises unnecessary historic information</p>	<p><b>Delete Paragraphs 14.8 and 14.9 and replace with, “Together, the policies of the development plan, which includes the Neighbourhood Plan and the East Devon Local Plan, seek to ensure that development is only permitted where it is</b></p>	<p>The group wanted to include a specific mention of the high quality natural environment in the Examiner’s recommended new paragraph and this was considered acceptable.</p>	<p>“Together, the policies of the development plan, which includes the Neighbourhood Plan and the East Devon Local Plan, seek to ensure that development is only permitted where it is appropriate. The Parish Council will expect proposals for development within the Built--up Area Boundary to demonstrate due regard for residential amenity, local character --- including the appropriate safeguarding of heritage assets and their settings, <b>the high quality natural</b></p>

<u>Examiners comments</u>	<u>Examiner's recommendation</u>	<u>Commentary</u>	<u>Agreed alternative amendment</u>
that adds little but confusion	<b>appropriate. The Parish Council will expect proposals for development within the Built-up Area Boundary to demonstrate due regard for residential amenity, local character --- including the appropriate safeguarding of heritage assets and their settings – and highway safety, amongst other things.”</b>		<b>environment</b> and highway safety, amongst other things.”
<p>Policy D2 is confusing. Whilst it clearly draws from Local Plan Strategy 35, it commences by allocating a “rural exception site.” By definition, a rural exception site is one that does not comply with, and is an exception to, policy. The allocation of a site would mean that its development would be policy compliant and would not therefore, comprise an exception.</p> <p>Were an application to come forward at “Frank’s Patch” for two affordable dwellings and one market house, then it could do so on the basis of Local Plan Strategy 35, as the site is adjacent to the Built-up Area Boundary. However, for the reasons set out above, the allocation of the site as a “rural exception site” does not make sense. It results in Policy D2 appearing imprecise and it does not provide a decision maker with a clear indication of how to react to a proposal – for example, would an application be policy-compliant, or would it comprise an exception to policy ?</p> <p>The Policy goes on to partially repeat elements of Local Plan Strategy 35, but in a less clear and less comprehensive manner. For example, Policy D2 simply refers to dwellings only being available to people with “a connection to the Parish.” Unlike Local Plan Strategy 35, no detail is provided in respect of what such a connection might comprise – lifelong residency or enjoying the occasional pint at the Sir Walter Raleigh? The Policy is imprecise and is not made</p>	<b>Delete Paras 14.14 to 14.34</b>	<p>Paras 14.14 to 14.34 comprised the supporting text justification to deleted policy D2 and therefore the Examiner recommended its deletion on these grounds. However, as a community action is to be retained within this section it was felt that four of the paragraphs could be retained (with some minor amendments in red) in order to provide some context and justification for the remaining community action.</p>	<p>14.13 The Adopted East Devon Local Plan identifies the need to plan for 17,100 additional housing growth across the district over the plan period to 2031. Strategy 2 indicates an allocation of 206 dwellings remained to be delivered in smaller towns, villages and rural areas in the period 2013-2031. The emphasis in the Local Plan is for development to be ‘sustainable and community led’ to meet local needs.</p> <p>14.14 Strategy 27 of the Adopted East Devon Local Plan names 15 villages including East Budleigh that are considered to be ‘sustainable’ as they offer a reasonable range of accessible services and facilities, some or many of which meet the everyday needs of the local residents and have reasonable public transport. These settlements will have a Built-up Area Boundary that will be designated in the East Devon Village DPD although land is not specially allocated for development. No housing allocations are included in the Local Plan with this being left to communities to promote through Neighbourhood Plans.</p> <p>14.15 On 15th January 2016 the Inspector reported on the examination into the East Devon Local Plan. In paragraph 30 the report states “The number remaining to be delivered through Strategy 27(206 dwellings) is relatively small compared to the overall target and lack of delivery does not pose a significant threat to meeting the overall target”. Meanwhile in paragraph 33 the inspector agreed that the District has “a housing land supply in excess of 5 years”. This removes</p>



<u>Examiners comments</u>	<u>Examiner's recommendation</u>	<u>Commentary</u>	<u>Agreed alternative amendment</u>
<p>significantly less so by the text provided in 14.32.</p> <p>Further to the above, Policy D2 applies to "all rural exception sites." Such an approach is not in general conformity with Local Plan Strategy 35, which, very specifically, will allow the development of exception mixed market and affordable housing development. By way of contrast, Policy D2 seeks to require any application for a rural exception site --- which is not necessarily the same thing as a mixed market and affordable housing scheme – to demonstrate something; and is not in general conformity with Local Plan Strategy 35's positive planning context, whereby development that meets the criteria will be allowed.</p> <p>Taking all of the above into account, Policy D2 is confusing. Rather than provide for a more detailed and locally distinctive approach than Local Plan Strategy 35, it is considerably less precise, to the point that its inclusion within the development plan would provide for obfuscation rather than clarity. The Policy does not meet the basic conditions.</p>			<p>the need for the East Devon District Council to allocate additional housing numbers to the East Budleigh and Bicton Parish and especially to East Budleigh village. Hence the village can rigorously defend against developers wishing to build outside the Built-up Area Boundary. However if <del>the Neighbourhood Plan</del> evidence of an affordable housing need through a robust housing needs survey <b>is proven</b> a small number of additional homes could be considered under Strategy 35 of the Adopted East Devon Local Plan. It is <del>however</del> intended that a newly formed Community Land Trust or the Parish Council will carry out a robust housing need survey every 5 years to keep this information up to date.</p> <p>14.16 The Parish Council will actively explore the formation of a Community Land Trust (CLT) run by local people to develop and manage community led affordable housing development in the Parish and to manage other assets of importance to the local community. This will enable full advantage of the new rules outlined in the Budget in March 2016, whereby the extra stamp duty paid on second homes will be used to help fund community led affordable housing schemes. A Community Land Trust will also enable greater control to ensure that affordable dwellings are genuinely affordable and retained in perpetuity for people with a local affordable housing need and a connection with the Parish.</p>

- 1.8 The regulations state that if-
- a) the local planning authority propose to make a decision which differs from that recommended by the examiner, and
  - b) the reason for the difference is (wholly or partly) as a result of new evidence or a new fact or a different view taken by the authority as to a particular fact,
- the authority must notify prescribed persons of their proposed decision (and reason for it) and invite representations.
- 1.9 In this instance it is felt that none of the criteria in point b) has been met, as all of the Examiners views have been agreed with and there have been no new facts or evidence which has prompted the changes.
- 1.10 East Budleigh Parish Council have agreed to all of the proposed modifications (being those proposed by the Examiner and the further changes outlined in para 1.7) and have produced a new version of the Plan to be submitted to referendum. This will be available prior to the

Committee meeting. The original Plan, to which the examiners comments refer can be found at the following link:

<http://eastdevon.gov.uk/media/1834018/submission-plan-august-20161.pdf>

1.11 The legislation, which is reflected in our protocol, requires the Council to consider and respond to this report. The amendments suggested by Mr McGurk, with the further amendments outlined in para 1.7, means that the Council can be satisfied that the Plan:

- has regard to national policies 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 of the development plan for the area;
- does not breach, and is compatible with European Union obligations and the European Convention of Human Rights and therefore meets the 'Basic Conditions'.

Given that this is the case and the Basic Conditions are met, there are not considered to be any grounds to reject the findings of the report. Members are asked to agree to accept the recommendations of the examiner's report with the additional amendments outlined in para 1.7 and agree that a notice to this effect be published.

1.12 The District Council will be responsible for arranging a referendum where all electors within the Parish of East Budleigh will be invited to vote on whether the Neighbourhood Plan should be used to make planning decisions in the Parish. If more than 50% of those who vote say 'yes' the Neighbourhood Plan will be made and will form part of the Development Plan for East Devon.

**Report to:** Cabinet  
**Date of Meeting:** 8 March 2017  
**Public Document:** Yes  
**Exemption:** None



**Agenda item:** 26

**Subject:** **Bishops Clyst Neighbourhood Plan to be formally 'made'**

**Purpose of report:** The Bishops Clyst Neighbourhood Plan has now passed referendum and it must be formally 'made' by East Devon District Council for it to form part of the development plan.

**Recommendation:**

**It is recommended that:**

- 1. The Bishops Clyst Neighbourhood Plan is 'made' so it forms part of the development plan.**
- 2. That the Council write to the Neighbourhood plan group to congratulate them on all their hard work and advise that once 'made' the Bishops Clyst Plan will carry its full weight in the planning decision making process;**

**Reason for recommendation:** The Bishops Clyst Neighbourhood Plan received a majority 'yes' vote in the referendum as required by the regulations and there is no substantive reason not to 'make' the Plan.

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

**Financial implications:** None

**Legal implications:** Following a majority vote in the referendum the Council must proceed to adopt (or 'make') the plan, unless in doing so it causes a breach of EU obligations or Convention rights. The Independent Examiner concluded that regard has been added to Convention rights. Moreover, the Council has adopted a Screening Opinion, accepted by relevant statutory consultees, which confirms that there is no need for a formal SEA or HRA and accordingly there would be no breach in respect of those obligations under EU legislation. It is not considered that there are any other breaches of EU obligations that can be identified. Accordingly, the legal position is that the Council must 'make' the Neighbourhood Plan. As noted, following being made, it will become part of the Development Plan for decision making on planning applications.

**Equalities impact:** Low Impact

The Neighbourhood Plan has been produced with considerable community engagement. All persons living in the parish have been engaged throughout its production and all persons registered to vote in the area could vote in the referendum.

**Risk:** Low Risk

The only reason for the NP not to be made now is if the Council consider that to do so would breach an EU obligation or Convention

right. There is a risk that should we take that decision it will be subject to legal challenge and that the Parish Council will feel disenfranchised that their right to produce a Neighbourhood Plan under the Localism Act has been prevented.

**Links to background information:**

- [The Localism Act](#)
- [Plain English Guide to the Localism Act:](#)
- [National Planning Policy Framework:](#)
- [Neighbourhood Planning Regulations:](#)
- [Bishops Clyst Neighbourhood Plan](#)

**Link to Council Plan:** Living in, working in, enjoying this outstanding place

**Report in full**

**1.0 Bishops Clyst Neighbourhood Plan Referendum**

1.1 On 26 January 2017, a referendum was held on the Bishops Clyst Neighbourhood Development plan at the Clyst St Mary Village Hall from 7am to 10pm.

1.2 Voters were asked the following question:

***"Do you want East Devon District Council to use the neighbourhood plan for Bishops Clyst to help it decide planning applications in the neighbourhood area?"***

1.3 The regulations advise that if more people vote 'yes' than 'no' in the referendum, East Devon District Council should use the Neighbourhood Development Plan to help it decide planning applications in Bishops Clyst. The Neighbourhood Development Plan once adopted will then become part of the Development Plan.

1.4 In East Devon the development plan currently consists of the adopted East Devon Local Plan, 2013-2031; the adopted Devon Waste Plan, December 2014, and the Minerals Local Plan, June 2004.

1.5 The final results of the referendum are shown below:

Yes: 243

No: 27

Voter turnout 25.4%

In favour: 90%

1.6 The results show a clear majority in favour so now the cabinet must consider whether it would be appropriate to 'make' the neighbourhood plan.

1.7 Once the Neighbourhood Plan is formally made it will carry its full weight in the planning decision making process. As part of the Development Plan any planning applications in Bishops Clyst will be judged against it as well as policies of this Council and also the National Planning Policy Framework. Application of the policies of the Neighbourhood plan will ensure that the hard work that has gone into its production will result in effective application of local community expectations and aspirations in the decision making process.

1.8 The only reason for the NP not to be made now is if Cabinet consider that to do so would breach an EU obligation or Convention right. When the Neighbourhood Plan was independently examined the examiner noted the following:

***"I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary."***

## **2.0 Next stages**

2.1 Following the decision whether or not to make the NP (or where the referendum results in a 'no' vote or the NP is refused as it would cause a breach of an EU obligation or Convention right), we will produce a decision notice (detailing the decision and reasons for it and where it may be viewed) and publish it;

- on the NP pages of our website
- by sending a copy to the plan producer and requesting that the Plan Producer notifies those persons who live, work or carry on business in the NA to which the NP relates
- by notifying the 'consultation bodies' referred to in the consultation statement
- by advising those adjoining authorities
- Anyone who asked to be notified of a copy of the decision
- All those who made representations on the plan