

Agenda for Cabinet

Wednesday, 5 April 2017; 5.30pm

[Members of Cabinet](#)

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

[View directions](#)

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East Devon District Council
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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 March 2017 (pages 5-14), 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 May 2017 to 31 August 2017 (pages 15-18)
- 8 Notes of the Community Fund Panel held 20 February 2017 (pages 19-20)
Recommendations for Cabinet consideration can be found on page 21
- 9 Minutes of the Recycling and Waste Partnership Board held on 22 February 2017 (pages 22-27)
- 10 Minutes of the Scrutiny Committee held on 2 March 2017 (pages 28-33)
Recommendations for Cabinet consideration can be found on page 34
- 11 Notes of the Asset Management Forum held on 9 March 2017 (pages 35-37)
- 12 Minutes of the Housing Review Board held on 9 March 2017 (pages 38-42)
Recommendations for Cabinet consideration can be found on page 43

Part A matters for key decision

- 13 **Sidmouth and East Beach Management Plan** (pages 44-50)
This report requests Members to adopt the Sidmouth and East Beach Management Plan (SEBMP) in order to proceed to the next stage of the project.
- 14 **Relocation Report** (pages 51-88)
This report advises the latest progress on the relocation plans and to consider options toward achieving full relocation to both Exmouth and Honiton and sale of the Knowle site.
Appendix 1 - Financial Model services for office relocation project
Appendix 2 – Overall Project: Exmouth Town Hall Refurbishment Costs included
Appendix 3 - Access Road Options for the New HQ Office, Honiton
- 15 **Exmouth Regeneration Board report** (pages 89-97)
This report seeks agreement regarding proposed changes to the membership and terms of reference of the Exmouth Regeneration Board.
Appendix 1 – Exmouth Regeneration Programme Board Terms of Reference 2008

Part A matters for decision

- 16 **Enforcement and Prosecution Policy** (pages 98-119)
The Council has a number of service specific policies relating to how it carries out regulatory enforcement action in that service. Not all services that carry out regulatory enforcement have a specific policy. Equally, there is no overarching policy that applies across the whole Council. This policy seeks to overcome these issues by providing a comprehensive policy applicable to all our regulatory enforcement and prosecution actions.
Appendix 1 – Regulatory Enforcement and Prosecution Policy
- 17 **East Devon Parking Places Order Update** (pages 120-124)
To approve changes to the legal Order used by East Devon District Council to manage its public car parks in accordance with Civil Parking Enforcement rules.

- 18 **Greater Exeter Design Support Panel - request for exemption from standing orders** (pages 125-126)
To seek authorisation to enter in to a contract with Design Council/Cabe to establish a Design Support Panel for the Greater Exeter area.
- 19 **Cranbrook Community Questionnaire and Community Development Strategy** (pages 127-141)
This report outlines the results of the Cranbrook Community Questionnaire 2016 which was undertaken jointly between Organisational Development at EDDC and the Cranbrook Community Development Worker at EDVSA.
- 20 **Appointment of Space Syntax to analyse and review the masterplan for Cranbrook** (pages 142-145)
This report is to advise that exemption to standing orders has been applied in order to appoint Space Syntax to model, analyse and provide design and development recommendation on the proposed masterplan for Cranbrook that will underpin the forthcoming Development Plan Document for Cranbrook.
- 21 **Monthly Performance reports – February 2017** (pages 146-148)
Performance information for the 2016/17 financial year for February 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 - February 2017 snapshot
- 22 **Electronic Bathing Water Signs** (pages 149-154)
This report is to advise that exemption to standing orders has been applied in order to install 4 new electronic signs on the East Devon beaches which are designated bathing waters, similar to the sign provided in 2016 at Budleigh Salterton.
- 23 **Alternative models for building repairs and maintenance – request for exemption from standing orders** (pages 155-157)
To agree an exemption request for consultancy work regarding the renewal of the repairs contract and investigation of alternative models for building repairs and maintenance.
- 24 **Urgent removal of asbestos material to enable lift replacement works** (pages 158-162)
This report is to advise that an exemption to standing orders has been relied upon and has been used to deal with the urgent removal of AIB asbestos material, which was discovered during the removal of the existing passenger lift as part of the lift replacement project at Morgan Court, Exmouth.
- 25 **Appointment of Wessex Community Housing Project to support with the allocation of funding from the Community Housing Fund – request for exemption from standing orders** (pages 163-167)
This report is to advise Cabinet that exemption to standing orders has been applied in order to appoint Wessex Community Housing Project, to work with the Council on the allocation of funding from the Community Housing Fund.
- 26 **Appointment of Inspector to Examine the Yarcombe & Marsh Neighbourhood Plan** (pages 168-172)
This report is to advise that exemption to standing orders has been applied in order to appoint an independent examiner to examine the Yarcombe & Marsh Neighbourhood Plan

- 27 **Appointment of Inspector to Examine the Uplyme Neighbourhood Plan**
(pages 173-177)
This report is to advise that exemption to standing orders has been applied in order to appoint an independent examiner to examine the Uplyme Neighbourhood Plan.
- 28 **Appointment of Inspector to Examine the Chardstock Neighbourhood Plan**
(pages 178-182)
This report is to advise that exemption to standing orders has been applied in order to appoint an independent examiner to examine the Chardstock Neighbourhood Plan
- 29 **Appointment of Inspector to Examine the Budleigh Salterton Neighbourhood Plan** (pages 183-187)
This report is to advise that exemption to standing orders has been applied in order to appoint an independent examiner to examine the Budleigh Salterton Neighbourhood Plan.
- 30 **Introduction of a new Public Space Protection Order – Anti-Social Behaviour and Controlled Drinking in Exmouth and Sidmouth** (pages 188-192)
This report introduces a Public Space Protection Order (PSPO) to target antisocial behaviour within Exmouth town centre and the surrounding area, and to replace existing Designated Public Places Orders to control the consumption of alcohol within areas of Exmouth and Sidmouth.
- 31 **Adoption of two new Public Space Protection Orders incorporating existing Dog Controls throughout East Devon and on the Seashores and Promenades** (pages 193-199)
This report introduces two Public Space Protection Orders (PSPOs) to incorporate existing dog control orders. These will include a number of amendments to the existing regime suggested by officers and Town and Parish councils, and a requirement not to feed seagulls on the town beaches and promenades.
- 32 **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

- 33 **1 & 2 Pankhurst Close** (pages 200-203)

Reasons for consideration in Part B:

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

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

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

Attendance list at end of document

The meeting started at 5.30pm and ended at 7.41pm

***154 Public Speaking**

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

***155 Minutes**

The minutes of the Cabinet meeting held on 8 February 2017 were confirmed and signed as a true record.

***156 Declarations**

Councillor Tom Wright – Minute 177

Interest: Personal

Reason: Member of Budleigh Salterton Town Council

Councillor Steve Hall – Minute 177

Interest: Personal

Reason: Member of Budleigh Salterton Town Council

Councillor Geoff Pook – Minute 166

Interest: Personal

Reason: Member of Construction Industry

Councillor Paul Diviani – Minute 181

Interest: Personal

Reason: Member of the LEP Board

Councillor Phil Twiss – Minute 173

Interest: Personal

Reason: Lifetime Member of National Trust

Councillor Ian Thomas – Minute 167

Interest: Personal

Reason: Director of Science Park

Councillor Phil Skinner – Minute 167

Interest: Personal

Reason: Shareholder Representative of Science Park

***157 Matter of urgency**

None

***158 Matters referred to the Cabinet**

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

*159 **Exclusion of the public**

There was one confidential items that officers recommended should be dealt with in this way.

*160 **Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 April 2017 to 31 July 2017.

*161 **Minutes of a Meeting of the Arts and Culture Forum held on 1 February 2017**

Members received and noted the Minutes of a Meeting of the Arts and Culture Forum held on 1 February 2017. The recruitment of the community representatives had been confirmed at the February Council meeting.

*162 **Minutes of the Scrutiny Committee held on 2 February 2017**

Members received and noted the Minutes of the Scrutiny Committee held on 2 February 2017.

*163 **Minutes Notes of the Asset Management Forum on 9 February 2017**

Members received the Notes of the Asset Management Forum on 9 February 2017.

The Chairman of the Asset Management Forum stated he felt the minutes did not reflect the Forum's remit of implementing a detailed study of all the assets owned by the Council, identifying their role and purpose. The study would investigate the benefits of non-strategic assets being devolved to Towns and Parishes or other users.

*164 **Sidmouth Beach Management Plan**

This item was deferred until a later date.

*165 **Local Government Boundary Commission for England (LGBCE) Electoral Review Programme 2015 – 2019**

The Chief Executive asked members to consider the draft recommendations from the LGBCE on the new electoral arrangements for EDDC.

Broadly speaking the LGBCE had agreed with the proposals submitted by the Council. There were some changes but it was confirmed that the new Council in 2019 will comprise 60 Councillors representing some 30 wards. The proposals were for 12 three-councillor wards, six two-councillor wards and 12 one-councillor wards. All the proposed wards would comply with the legal electoral equality requirement. Within the permitted range of +/- 10% each councillor would represent 2,098 electors.

Discussions included debate around ward divisions and shared workloads.

The Chief Executive was thanked for his work on this matter.

RESOLVED:

Confirmation is given to the LGBCE that the draft recommendations relating to East Devon issued on the 7 February are agreed

REASON:

To comply with the timetable and requirements of the LGBCE. The current consultation closes on the 3 April 2017.

***166 Establishing a Local Housing Company for East Devon District Council**

The Chief Executive presented this report which set out the business case for setting up a Local Housing Company to be wholly owned by the Council with the purpose, amongst others, 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 covered the purpose, benefits, legal position, risks, and considerations of operating a Local Housing Company, and specifically what this housing delivery vehicle could do that currently the Council was unable to.

Discussions included the following:

- Looking at other councils who are undertaking a similar venture
- The Housing Review Board and its tenants gave full support to this business case
- A way forward to looking at diversity in the housing market
- Start small to overcome potential difficulties
- The Council had its own land to start providing houses
- No in-house expertise so risks and barriers must be recognised
- Affordable housing was most needed in the District
- Keep an eye on any State Aid barriers
- The venture needed to be supported. It would provide housing for younger people so they could stay in towns and villages
- Would provide healthy competition with private landlords to improve their rental properties
- The Council had built its own council houses in the past as well as buying homes from developers. This was the next stage to provide for its residents
- Fills a gap in the housing market that was vital for small housing in rural areas
- The need for mixed requirements for homes e.g. houses for Key Workers such as teachers and NHS staff
- Need to be as transparent as practically possible
- The Council should feel proud of this new way of providing homes for its residents

The Strategic Lead, Housing Health and Environment was commended for his work in establishing the business case and for providing a thorough and readable report.

RESOLVED:

that the following be agreed:

- (1) the approval of the establishment of 'East Devon Homes', a (wholly owned) Local Authority Housing Company to be incorporated and registered at Companies House as a private company limited by shares;
- (2) 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) the remit and Terms of Reference of the Housing Company Sub-Committee attached at Annex 2 to the report;
- (4) 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;
 1. The Memorandum and Articles of Association for the Company;
 2. Shareholder Agreement between the Company and the Council;
 3. Appointment of Directors, Auditor and (if required) a Company Secretary;

4. Receive and approve the Business Plan prior to the Company commencing trading (noting that Council approval would be required for any borrowing the Council may do on behalf of the Company);
5. Resourcing Agreement for the Company to use Council staff and facilities in furtherance of its business;
6. Agree appropriate loan and draw down facilities to the Company with associated agreements.

REASON:

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

***167 Exeter and East Devon Enterprise Zone**

The Principal Project Manager provided an update on progress towards an operational Enterprise Zone in the West End of the District and sought a nominated representative to sit on the proposed Enterprise Zone Board.

RESOLVED:

1. that the further progress toward an operational Enterprise Zone including the proposed Implementation Plan be noted;
2. that the Implementation Plan (other than the governance arrangements) be approved and delegated authority was granted to the Board and Principal Officers Group to carry out those activities which were within their 'Roles and Responsibilities' (specified in the respective Terms of Reference) and which were in accordance with the approved Implementation Plan,
3. that delegated authority be granted to the Chief Executive, in consultation with the Leader and Strategic Leads (Governance and Licensing) and (Finance), to make appropriate amendments to the Implementation Plan prior to the first meeting of the Board as required,
4. that the Leader be nominated to sit on the proposed Enterprise Zone Board, and
5. that delegated authority be granted to the Leader, Chief Executive and Strategic Lead (Governance and Licensing) to agree with Devon County Council the governance arrangements and to finalise the Terms of Reference for the Board and Principal Officers Group.

REASON:

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 was attached at Appendix 1. A representative was sought for the proposed Enterprise Zone Board, which forms part of the proposed governance arrangements for the Zone

***168 People Strategy 2017-2020**

The Strategic Lead, Organisational Development and Transformation presented the report stating the People Strategy was a vital component of a healthy organisation, as well as fundamental to ensuring delivery to what had been set out in the Council Plan and Transformation Strategy.

RESOLVED:

That the East Devon District Council's People Strategy 2017–2020 was adopted

REASON:

The People Strategy was an important document which had been reviewed and updated in line with all relevant legal obligations.

*169 **Monthly Performance reports – January 2017**

The report set out performance information for January 2017. This allowed Cabinet to monitor progress with selected performance measures and identify any service areas where improvement was necessary.

There were four indicators that showed 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

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 January 2017 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.

*170 **Review of the Equality Policy and Objectives 2017-2020**

The Strategic Lead, Organisational Development and Transformation presented the updated Equality Policy and Objectives 2017-2020. This was a key corporate policy setting out how the legal duties under the equality legislation would be met, and how equality and diversity as a community leader, service provider and employer would be promoted. It was noted by the Strategic Lead that the policy was an overarching policy for all the protected characteristics and that the term 'Disability' covers both physical disabilities (such as wheelchair users) and mental health issues (such as autism and asperger's syndrome).

RESOLVED:

that the refreshed version of the Equality Policy and Objectives be adopted

REASON:

The Equality policy was an important document, which had been reviewed and updated in line with all of the relevant legal obligations.

*171 **Procurement Support**

The report asked members to 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.

RESOLVED:

that an exemption to the Council's contract standing orders be approved to enable the Council entering 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:

To enter into an agreement with Devon County Council to provide support that was seen as an effective and cost efficient option.

***172 Consultation on draft Cemetery Regulations**

The Licensing Manager presented the report that sought approval to undertake a consultation process introducing combined Regulations for the Management and Control of East Devon District Council Cemeteries.

RESOLVED:

that the consultation on the introduction of Regulations for the Management and Control of East Devon District Council Cemeteries be carried out.

REASON:

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

***173 EDDC Green Spaces Plan proposal**

The Service Lead, Countryside & Leisure presented the report that set out the need to adopt a Green Space Plan for East Devon District Council. The report identified the benefits that can 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 play a key role in helping to boost the local economy with their role in attracting visitors and visitor spend in many of the towns as well as their importance to the outstanding natural environment. The Council currently provided 10% of its annual budget to managing its green spaces. The current set of Council plans and strategies did not provide a strategic framework for the management of EDDC's green spaces and this proposal would therefore help shape the future management of these important areas for public recreation and enjoyment.

RESOLVED:

that the Green Space Plan, which would provide the strategic direction and management for those areas owned by East Devon District Council and defined as green spaces, be adopted.

REASON:

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.

***174 Update on Fly Tipping and Review of Fixed Penalty Fines**

The Service Lead, Environmental Health and Car Parks updated members on the use of the new fixed penalty fines introduced by the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016. These fines could be issued against a person who had breached their duty of care and committed a waste deposit offence.

The report asked 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 had been deposited. The current fine of £400 approved by Members in June 2016 had been used by Officers to deal with medium and large scale fly-tipping offences that were 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.

RESOLVED:

1. that the successes achieved to date in the use of fixed penalty fines be noted, and
2. that the use of a 2-tier fixed penalty fine be agreed 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 be approved.

REASON:

To enable officers from both the Environmental Health and Streetscene teams to issue fixed penalty notices to anyone who had committed a fly tipping offence.

***175 Response to Yarcombe & Marsh Neighbourhood Plan Submission**

Members were asked to agree the response by the Council to the current consultation for the Yarcombe & Marsh Neighbourhood Plan.

RESOLVED:

1. that Members note the formal submission of the Yarcombe & Marsh Neighbourhood Plan and congratulate the producers of the plan on their dedicated hard work and commitment in producing the document,
2. that the Council make the proposed representation set out in paragraph 5.2 in the report in response to the consultation.

REASON:

To ensure that the view of the District Council was recorded and informed the consideration of the neighbourhood plan by the Independent Examiner.

***176 Response to Chardstock Neighbourhood Plan Submission**

Members were asked to agree the response by the Council to the current consultation for the Chardstock Neighbourhood Plan.

RESOLVED:

1. that Members note the formal submission of the Chardstock Neighbourhood Plan and congratulate the producers of the plan on their dedicated hard work and commitment in producing the document,
2. that the Council make the proposed representation set out in paragraph 5.2 in the report in response to the consultation.

REASON:

To ensure that the view of the District Council was recorded and informed the consideration of the neighbourhood plan by the Independent Examiner.

***177 Response to Budleigh Salterton Neighbourhood Plan Submission**

Members were asked to agree the response by the Council to the current consultation for the Budleigh Salterton Neighbourhood Plan.

RESOLVED:

1. that Members note the formal submission of the Budleigh Salterton Neighbourhood Plan and congratulate the producers of the plan on their dedicated hard work and commitment in producing the document,
2. that the Council make the proposed representation set out in paragraph 5.2 in the report in response to the consultation.

REASON:

To ensure that the view of the District Council was recorded and informed the consideration of the Neighbourhood Plan by the Independent Examiner.

***178 East Budleigh with Bicton Neighbourhood Plan Examiners Report**

This report provided feedback and set out proposed changes following the examination of the East Budleigh with Bicton Neighbourhood Plan.

RESOLVED:

1. that the Examiner's recommendations on the East Budleigh with Bicton Neighbourhood Plan subject to the further amendments as set out in the table at paragraph 1.7 to the report be endorsed,
2. that a 'referendum version' of the Neighbourhood Plan (incorporating the Examiner's modifications and further amendments outlined in paragraph 1.7) proceed to referendum and a decision notice to that effect be published,
3. that the Neighbourhood Plan group be congratulated on their hard work.

REASON:

The legislation required a decision notice to be produced at this stage in the process. The Neighbourhood Plan was the product of extensive local consultation and had been recommended to proceed to referendum by the Examiner subject to modifications, which subject to additional changes, were accepted by the Parish Council.

***179 Bishops Clyst Neighbourhood Plan to be formally 'made'**

The Bishops Clyst Neighbourhood Plan had now passed referendum and must be formally 'made' by East Devon District Council for it to form part of the development plan.

RESOLVED:

1. that the Bishops Clyst Neighbourhood Plan be 'made' and so now forms part of the development plan.
2. that Members agree to officers writing to congratulate the Neighbourhood Plan group on all their hard work and to confirm the status of the Neighbourhood Plan.

REASON:

The Bishops Clyst Neighbourhood Plan received a majority 'yes' vote in the referendum as required by the regulations and there was no substantive reason not to 'make' the Plan.

180 Exclusion of the public

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 each 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).

***181 Development of workshops at Fosseyway Business Park and Colyford Road Depot, Seaton**

The Council owned two sites in Seaton allocated in the Local Plan as employment land. In May 2014, planning permission was secured for the development workspace units on the sites. Both permissions would expire in 2017. A decision was required to decide whether to carry out necessary preliminary works to satisfy planning conditions on the sites.

RESOLVED:

1. to reallocate the unspent capital programme budget originally for two new units at Manstone Workshops to the Seaton Workshops project to clear the planning conditions and carry out the pre-tender works identified in the report,
2. that a detailed business case, including demand analysis, will be prepared for the project and the intention that a bid be submitted to the LEP's Unlocking Growth Fund for grant funding,
3. that once pre-tender works had been undertaken, the design and build contract for the development of the new workshops would be re-tendered.
4. 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 be given to the Deputy Chief Executive to proceed with the development of the new workspace units in consultation with the Portfolio Holder for Economy.

REASON:

1. To protect the value of the Council's sites through the retention of the planning permissions.
2. To progress the development of workspace on the Council's sites in support of small and start up business and to create jobs.
3. That once pre-tender works had been undertaken, the design and build contract for the development of the new workshops was re-tendered.
4. On receipt of the new tenders, and subject to a variance in the projected cost of development being no more than 5%, that delegate authority was given to the Deputy Chief Executive to proceed with the development of the new workspace units in consultation with the Portfolio Holder for Economy.

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:

David Key
Cherry Nicholas
Helen Parr
Brenda Taylor

Also present (for some or all of the meeting)

Councillors:

Mike Allen
Megan Armstrong
Brian Bailey
Matt Booth
Colin Brown
Paul Carter
Maddy Chapman
Alan Dent
John Dyson
Peter Faithfull
Cathy Gardner
Steve Gazzard
Roger Giles
Graham Godbeer
Simon Grundy
Ian Hall
Steve Hall
Marcus Hartnell
Mike Howe
John Humphreys
Geoff Jung
John O'Leary
Marianne Rixson
Pauline Stott
Mark Williamson

Also present:

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Simon Davey, Strategic Lead – Finance
Henry Gordon Lennox - Strategic Lead - Governance and Licensing
Karen Jenkins, Strategic Lead – Organisational Development and Transformation
Charlie Plowden, Service Lead - Countryside & Leisure
Andrew Ennis, Service Lead - Environmental Health and Car Parks
Jay Lambe, Service Lead – Regeneration and Property
Andy Wood, East of Exeter Projects Director
Naomi Harnett, Principal Project Manager
Donna Best- Principal Estates Surveyor
Steve Saunders – Licensing Manager
Amanda Coombes, Democratic Services Officer

Chairman Date.....

EAST DEVON DISTRICT COUNCIL
Forward Plan of Key Decisions - For the 4 month period 1 May 2017 to 31 August 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.	Street Trading report		Deputy Chief Executive	Licensing and Enforcement 17 May 2017	Cabinet 10 May 2017	18 May 2017	Part A
2.	Cranbrook Healthy New Town		Strategic Lead – Housing, Health and Environment	Council 26 July 2017	Cabinet 10 May 2017	27 July 2017	Part A
3.	Public Toilet Review		Service Lead – Street Scene	Cabinet 5 July 2017	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
5.	East Devon Local Economy		Deputy Chief Executive	Council 26 July 2017	Cabinet 7 June 2017	27 July 2017	Part A

Decision		List of documents.	Lead/reporting Officer	Decision maker and proposed date for decision	Other meeting dates where the matter is to be debated / considered	Operative Date for decision (assuming, where applicable, no call-in)	Part A = Public meeting Part B = private meeting [and reasons]
6.	Exmouth Regeneration Update		Deputy Chief Executive	Council 26 July 2017	Cabinet 7 June 2017	27 July 2017	Part A
7.	Port Royal Update		Deputy Chief Executive	Council 26 July 2017	Cabinet 13 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 (RC)		

Future Decisions		Lead / reporting Officer	Consultation and meeting dates (Committees, principal groups and organisations) To be confirmed	Operative Date for decision To be confirmed
2	Business Support – options for the future	Deputy Chief Executive (RC)		

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.

April 2017

EAST DEVON DISTRICT COUNCIL

Report of a Meeting of the Community Fund Panel held at Knowle, Sidmouth on 20 February 2017

Present: Councillors:
Geoff Jung
David Key
Ian Thomas

Also present: Jamie Buckley, Engagement and Funding Officer
Chris Lane, Democratic Services Officer

Apologies: Councillors:
Paul Carter
Douglas Hull

The meeting started at 10:00am and ended at 10.25am.

8 Notes of Meeting held on 7 November 2016

The notes of the meeting held on 7 November 2016 were accepted as a true record. The Chairman Councillor Ian Thomas wished to highlight the concerns he had raised regarding the operation of the Rent Support Grant scheme and his desire to see changes to this scheme.

9 Declarations of Interest

Councillor Ian Thomas and Geoff Jung wished it recorded that although they were not declaring an interest they were respectively the ward member for the Peek Hall, Combe Pyne Rousdon application and parish councillor for the Woodbury Village Hall application.

10 Background papers

The Community Building Funding Guidance Notes and application form had been included with the agenda papers. Each year EDDC allocated a sum of money to be given in grants for community buildings in villages. The scheme used to be administered by the Community Council of Devon but was now administered by EDDC.

11 Consideration of applications received.

The Engagement and Funding Officer had applied the Community Council of Devon scoring system for guidance and to help summarise the background details of the applications.

The Panel was asked to consider:

- The importance of the project
- Whether match funding arrangements were in place
- What the works would mean for the hall/community shop and its users
- The current stage of the project
- Whether three quotations had been submitted as part of the application and, if not, the reasons given.

Members of the Panel were advised that there was £22,250 was available for 2016-17. To date the Panel had only allocated £2,741. This left £19,509 unallocated. Any further unallocated sum would be taken back into main Council budgets. Jamie

Buckley, Engagement and Funding Officer advised that there would be a similar amount of money available in the scheme for 2017/18.

a) Applications recommended for approval	EDDC recommended contribution
Peek Hall, Combyne Rousdon – new floor in hall area.	£1,675
Clyst Honiton Village Hall - repair flat roof into the storage area at village hall.	£1,558.27 The Panel raised a query about paying to repair damage caused by water in an insured building and whether this could have been covered by the Hall's insurance. They wished to approve the application subject to confirmation that the repair work was not covered under insurance
Woodbury Village Hall – painting and refurbishment works to village hall.	£2,800 The Panel felt that a lot of the proposed costs were for routine maintenance such as painting. In line with the eligibility criteria for the fund routine maintenance could not be funded. They deferred the application for clarification of capital and maintenance costs of the project and subject to this satisfactory confirmation of capital costs and gave delegated authority to the Chairman in consultation with the Engagement and Funding Officer to approve.

Recommendations for Cabinet that will resolve in an action being taken:

Community Fund Panel Committee on 20 February 2017

Minute 11 Consideration of applications received	
RECOMMENDED by the Community Fund Panel Committee:	
1.	
a) Applications recommended for approval	EDDC recommended contribution
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EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the East Devon Recycling and Waste Partnership Board, Committee Room, Knowle, on 22 February 2017

Attendance list at end of document

The meeting started at 2.00pm and ended at 4.05pm.

***56 Minutes**

The minutes of the Recycling and Waste Partnership Board meeting held on 7 December 2016 were confirmed and signed as a true record.

***57 Declarations of interest**

None

***58 Mobilisation update**

The Recycling and Waste Contract Manager and the SUEZ Contract Manager presented the mobilisation report to the Board. This included:

- Vehicle update – refuse collection vehicles (RCVs) and Romaquips had all been delivered. The Romaquip vehicles that had been delivered have been taken to a number of communication events and attracted residents' interest.
- Plant and equipment – CAT loading shovel was on site at Greendale and in operation. New forklifts were due to be delivered in April. Design, selection and pricing of the baling/sorting plant was underway and would be in place for phase 2 of the roll out.
- VT (vehicle technology) was live and broadcasting pictures.
- Communication:
 - successful sack deliveries for phase 1 and additional recycling boxes to flats, with very minimal issues raised by residents.
 - Additional collections carried out on Saturday 11 February for residents facing a four week refuse collection.
 - SUEZ and EDDC Customer Service teams have worked together closely.
 - FAQ for crews – to aide communications with residents.
 - Media briefing session at Camperdown depot and filming at Greendale.
 - Regular meetings with mobilisation champions continue – sharing key messages with peers was working very well.
- Planning – variation of hours to allow additional working hours was granted from 6:30am.
- Core – progress between all parties was going well. Testing to be carried out mid May 2017. The embedded webpage will be carried out by SUEZ as part of the integration.
- Route optimisation (phase one) – very successful so far. Operational supervisors had been assigned teams to each of the new rounds. During the first few weeks of the changes SUEZ would have additional resource to ensure all issues faced are dealt with as efficiently as possible.
- Route optimisation (phase two) – planning with crews will replicate phase one.
- HR – SUEZ had successfully recruited a Recycling Advisor who was making a very positive impact. EDDC had recruited a team of four temporary recycling advisers who were doing engagement work with residents and looking for improvements based on feedback. EDDC had also appointed a Recycling Assistant to provide support to the existing team throughout 2017 as the new service was put in place.

- Mobilisation team support – an experienced mobilisation team was on site as part of the phase one rollout.

The Recycling and Waste Contract Manager then went on to outline the disappointing IT problems experienced. The East Devon app and the website information was found to be incorrect for the Exmouth collections. This resulted in approximately 1000 waste bins being presented for collection in the wrong week in Exmouth. These were collected but effectively meant that two refuse collection rounds were carried out that day, resulting in a very long day for the crews. There had also been problems with the incab technology (Cloud 9) so crews had been working with the old paper based system. The Board were disappointed that months of meticulous mobilisation planning was almost undone by IT problems. It was hoped that the incab tablets would be ready to use for the second week of the phase one roll out. The app and website would not go live again until there was absolute confidence in the data.

The Communications and Public Affairs Manager reported that a letter had been sent to all affected residents the next day and that some good feedback had been received. Twitter and Facebook updates were posted quickly to provide up to date advice to residents. Due to a fantastic team effort what could have been a disaster had turned into a success story. The crews would be rewarded for their efforts and the EDDC Chief Executive had also written to SUEZ to express his appreciation.

The STRATA Business Systems Manager gave sincere apologies on behalf of STRATA and explained that the problem had been due to an incorrect set of dates being used in the data. STRATA were doing everything they could to resolve the issue. An internal STRATA review and an external audit would be held into the data errors and IT problems and the Business Systems Manager would feed the results back to the Board.

Board members reported that they had received very positive feedback about the first week of the phase one collections; about the crews, team working and communications. Exmouth Town Council had also been full of praise. Residents had shown a lot of interest in the mechanics of how the materials were recycled and the Communications and Public Affairs Manager advised the Board that she was planning on producing a few videos on You Tube so that people could see how the material was dealt with. The Recycling and Waste Contract Manager offered to circulate to the Board some photo footage of the start of phase one.

The Waste and Recycling Contract Manager demonstrated the communication tools and materials. These included:

- Posters
- Members pack
- Media pack
- Letters
- Mailer
- Bin hanger
- Flyer – hand delivered to targeted customers by recycling advisers

The emphasis was on face to face contact with residents, along with educational material for various issues. Recycling Advisers would be making as many personal visits to properties as possible.

On behalf of the Board the Chairman thanked all the teams involved in the successful first week of phase one collections and gave particular thanks to SUEZ and their crews.

RESOLVED: that the mobilisation update be noted.

***59 Joint contract review and operational update**

The Recycling and Waste Contract Manager and the SUEZ Senior Contract Manager gave the Board a joint contract review and operational update. Overall operational performance was being kept high, however delivery of new containers within the five day target remained a concern.

Despite resources and focus being on preparations for phase one of the new service roll out, high performance had been maintained on the existing rounds too. Poor weather had not had a significant impact on operations or service levels, although there had been one vehicle accident due to thick fog. There had been minimal disruption caused by changes to collection schedules over the Christmas period.

Base monthly payments were being passed through smoothly. Variable contract items were still being worked on. The performance management framework had been suspended from the start of the phase one roll out (16 February 2017) and would be resumed three months after the full service commencement date (anticipated to be mid/late September 2017). However, performance would be recorded and reported during the suspension period, as if the framework was in place. This information from phase one collection would aid preparations for phase two.

The SUEZ Contract Manager requested that the five day delivery of new containers performance target was reviewed. Increasing the five days would enable more effective and efficient delivery of containers, by allowing delivery days to be matched with collection days. CORE would also eradicate the current manual process for handling requests.

The SUEZ Contract Manager informed the Board of an incident whereby a recycling vehicle was involved in a reversing accident and a member of the public sustained minor injuries. The incident investigation was ongoing but the driver had been dismissed from service as he hadn't followed the reversing protocol. The loaders had also been disciplined as they had not been operating as reversing assistants. Footage of the incident had been captured on the VT (vehicle technology) live system and had been reviewed. This had been shown to all crews in SUEZ and it was also being used at company conferences. An improvement to be made following the incident was that all EDDC fleet would be fitted with an automatic braking system, at SUEZ's expense.

The health and safety and the operational statistics were noted. A full review of the statistics would be presented at the next Board meeting. The recycling rate remained consistent at 46% but this was expected to increase during phase one.

The SUEZ Contract Manager outlined the quarterly development plan. The focus for the next quarter was the successful delivery of new collection services and routes in the phase one area. Improvements had continued with overall missed collections and this would be concentrated on in the future. SUEZ staffing was currently 5% above budgeted numbers in order to ensure continuity during phase one and two mobilisations. Performance data continued to be reviewed monthly, despite the framework currently being suspended.

RESOLVED: that the contract review and operational update be noted.

***60 Performance framework/penalty calculator**

The Recycling and Waste Contract Manager outlined the performance penalty framework and the penalty calculator. The two areas of concern were containers not being delivered in

five days and the number of upheld complaints. The framework was currently being used as a performance measure rather than as a penalty, with the emphasis on partnership working and improving, not imposing penalties. The figures were also updated and examined mid month to highlight any issues and allow focus of effort on key areas.

It was noted that the Cloud 9 incab technology would be used until mid May, at which point CORE would be introduced and embedded ready for phase two roll out in June 2017. The Board were advised that CORE would not go live unless all the data was 100% correct and ready. It was more advanced and more driver friendly than Cloud 9. No problems were anticipated with the roll out; there was an IT team to deal with the mobilisation and it had already been successfully rolled out in four other SUEZ contracts.

***61 Risk register**

The Recycling and Waste Contract Manager reported that the risk register was a work in progress. It was to be looked at in two parts. The main focus was on the roll out and service change, as well as 'business as usual'. As the contract was rolled out one would transfer into the other, with an overlap between the two.

It was noted that many risks were now falling away but other risks were increasing. The new risks were highlighted:

- Lack of STRATA design capacity to meet deadlines, with overreliance on a single employee.
- Lone working for recycling advisers – to mitigate this risk they were now trialing lone working technology which could be applicable elsewhere in EDDC if successful.
- Failing to inform correct customer groups with correct information - this will increase with phase two due to the size of the roll out and the variants of letter required.
- East Devon app not providing correct information – this was now the biggest risk and was wider due to the associated problems with the crew tablets.

Officers were trying to mitigate risks as much as possible. The Board agreed that the risk register was a very helpful document.

RESOLVED: that the risk register be noted.

***62 Customers services feedback on phase one**

The Customer Service Manager reported the customer service centre (CSC) had experienced a very busy period (approximately an extra 200 calls received per day) but that there had been far more positive calls than negative. The biggest issue seemed to be requests for replacement boxes. The Board agreed that the positive customer response was due to the hard preparation work by the teams beforehand.

On behalf of the Board the Chairman thanked all those involved.

***63 Communications programme update**

The Communications and Public Affairs Manager updated the Board on the communications programme and circulated a communications action plan. Overall, from a communications perspective the roll out of the new service had gone very well. Many of the issues had already been covered during the meeting. It was noted no media complaints had been received. Social media was also relatively quiet, which demonstrated a positive response.

The Communications and Public Affairs Manager outlined plans for phase two of the roll out, based on feedback from phase one. This included:

- An extended poster campaign – ‘watch this space’.
- Information days for residents
- Letters and mailers.
- Up to date information on the website, including the separation of materials.

It was also hoped that a journalist could join a SUEZ crew on a new round a report on ‘a day in the life of a SUEZ operative’.

SUEZ were also very pleased with how the roll out of the new service had gone and it was noted that EDDC were being approached by other authorities interested in enhanced recycling and three weekly refuse collection services.

***64 Green waste collection update**

The Recycling and Waste Contract Manager gave the Board a verbal update on the situation with Otter Rotters and green waste collection.

He had received conflicting messages about whether they were operating. It appeared that they were operating on a small scale. The main issues with Otter Rotters were the evidence of the materials collected and health and safety issues.

The Recycling and Waste Contract Manager reported that a DCC colleague had also offered to help Otter Rotters. Otter Rotters had produced figures for the Waste Data Flow which allowed figures to be reported and tonnages paid but were still to invoice EDDC to enable the monies to be paid.

It was suggested that Otter Rotters be invited to attend the next meeting of the Board to discuss the size and area of their customer base and also their plans for the future.

There was the need for a district wide garden waste collection service and this would be reviewed later in the year. It was noted that SUEZ provided various chargeable services elsewhere and would draw up an options appraisal for future consideration by the Board.

RESOLVED: that a representative from Otter Rotters be invited to attend the next meeting of the Recycling and Waste Partnership Board.

***65 Avoided waste disposal costs/shared savings scheme**

The Recycling and Waste Contract Manager gave the Board a verbal update on the avoided waste disposals costs/shared savings scheme. The scheme was in motion and next step was to formally agree the proposal and baseline data. If EDDC signed up to the scheme then from April any savings that Devon County Council made would be halved with EDDC, provided it could demonstrate an increase in recycling rates. This would be offered to all Devon authorities that wished to sign up to it and could encourage an increase in recycling tonnage rates.

***66 Date of next meeting**

RESOLVED: that a programme of meetings of the Recycling and Waste Partnership Board be determined by officers and circulated to Board members.

Present

Councillors:

Iain Chubb – Portfolio Holder, Environment (Chairman)

Steve Gazzard

Geoff Jung
Geoff Pook

Officers:

Gareth Bourton - Recycling and Waste Contract Manager, EDDC
Cherise Foster – Customer Services Manager, EDDC
John Golding – Strategic Lead, Housing, Health and Environment, EDDC
John Hudson – Accountant, EDDC
David Sercombe - Business Systems Manager, STRATA
Alison Stoneham – Communications and Public Affairs Manager, EDDC
Alethea Thompson – Democratic Services Officer, EDDC

SUEZ:

Nick Browning, General Manager – Municipal Operations, SUEZ
Steve Holgate, Director of Municipal Services SUEZ
Stuart Jellings, Contract Manager, SUEZ
Dave Swire – Regional Manager, SUEZ
Nick Browning - General Manager Municipal, SUEZ

Apologies:

Councillor Simon Grundy
Andrew Hancock - Service Lead – StreetScene EDDC
Melvin Dhorasoo, Business Improvement and Mobilisation Manager, SUEZ
Harry McLeman – Assistant Contract Manager, SUEZ

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Scrutiny Committee held at Knowle, Sidmouth on 2 March 2017

Attendance list at end of document

The meeting started at 6.00pm and ended at 8.40pm

***41 Public speaking**

Mr Bill Wrench of Otterton informed the committee about his complaint against the Council in dealing with a housing tenant who is his neighbour. He felt that there were serious shortcomings by the Council in how they had dealt with the tenant, who had breached his tenancy agreement.

The Chairman sympathised with Mr Wrench on his difficulties. He advised that he had spoken with officers but could not give any detail on the case, as it is protected by the Data Protection Act. He assured the committee that the Council was doing all it can on the issue, and that the Housing Ombudsman is actively involved in the case. Whilst the Housing Ombudsman investigation is ongoing, he could make no comment personally or on behalf of the Council in response to Mr Wrench.

Once the Housing Ombudsman has reached a conclusion, this will be reported to the Housing Review Board as the relevant overview and scrutiny committee under the constitution for this issue.

***42 Minutes**

The minutes of the Scrutiny Committee held on the 2 February 2017 were confirmed as a true record. The Chairman voiced his disappointment at the announcement of the Devon and Cornwall Police budget that showed a significant reduction of PCSOs, particularly after the plea by the Committee to the Police and Crime Commissioner.

Two of the three MPs had responded favourably to the letter from the Chairman relating to NHS Property Services.

RESOLVED that the Chairman of the Scrutiny Committee writes to the Chief Constable of Devon and Cornwall Police, and to the Police and Crime Commissioner, on the issue of PCSOs with a request to reverse that decision.

45 Broadband update

Ruth Foster, a resident from Membury, spoke about delivery issues of broadband for her local area due to the limitations of the superfast broadband provision voucher scheme. The area she represented was listed as "out of program" for the CDS roll out of superfast broadband; and the vouchers offered ran out in March, which was not sufficient time to deal with other providers, particularly as they took many weeks to respond to such requests and negotiations. She told the committee that the voucher scheme did not have enough flexibility in that it severely limited consumer choice to expensive tied contracts. She asked the committee to press the CDS on what they could do to find an efficient solution to this issue.

The Chairman welcomed:

- Phil Roberts from Connecting Devon and Somerset (CDS)
- Paul Coles from British Telecom (BT)
- Gary Day from Voneus (fixed wireless broadband provider)

- Portfolio Holder for Corporate Services, Councillor Phil Twiss

The committee were updated on:

- Significant progress towards provision of Superfast Broadband in East Devon, (defined by the Government as 24Mbps downstream) to 95% of premises by the end of 2017;
- The tender process for phase 2, aimed at delivering up to 95% of premises by the end of 2017 has been completed, with a company called Gigaclear, being awarded four of six “lots” in the tender, including the one for parts of East Devon. This will provide fibre to the premises (at higher speeds than the defined measure of 24Mbps for Superfast) with no deterioration in signal, as opposed to the solution of copper cable for the “final mile”, from a green roadside box.
- The committee were reminded that, as with a target figure of 95% of premises being able to receive superfast broadband, 5% of the district will not be able to receive it at that speed (possibly more, if the distance by copper cable to the premises from an “enabled” exchange is over 1.2km/1.4km).
- An increasing number of other technological solutions may be possible to close this gap, including fixed wireless Broadband signals from a point where it connects with the fibre, to mobile carriers using high speed 4G.

Paul Coles of BT outlined the recent purchase of EE and that they were providing a 4G service for the emergency services. This had led to an increased roll out of 4G in the area, with 21 new transmitters with 4G in the district in the last six months. BT still had an offer to assist communities outside of the CDS scheme with co-investment.

Phil Roberts updated the committee that BT were on target for the contracted delivery of coverage under the Phase 1 contract although this had gone over the original timescale, but would be completed by the end of March 2017.

Gary Day outlined the role of the company he was representing as an interim supplier who CDS and BT were aware of in the market. He outlined the level of service offered and some of the areas in the district that his company were actively engaged with. A viable project for them would be a minimum of 65 homes in a 10 kilometre radius.

In discussion and through questioning, the main points covered were:

- 5G technology was not yet a reality as the standards for it were not yet agreed;
- Maps on CDS website showing coverage were not yet updated and further work was underway linked to further funding;
- Further updates on claw back will be given, but in brief funds through claw back would be in two year incremental stages resulting in £10M over eight years;
- Discrepancy between shortfall figures for Phase 1 delivery between CDS and BT. The final estimation given was 6000 homes, requiring installation of 5 cabinets, 4 of which were on target but one still had difficulties;
- Desire of the committee to have clear figures of numbers of homes and end dates;
- 2020 was a more realistic target of achieving the government set 95% rather than 2017;
- With changes in the BT framework for delivery over the course of Phase 1 it was unclear how the allocated EU funding was being delivered where it was intended for. BT declares areas it intends to build commercially 3 year prior to the completion date, so there is the possibility that the framework will change, particularly if viability

options change – but any area not already covered as already built or to be build is classed as commercially unviable. The government target of using the funding to achieve the most amount of homes has forced this approach;

- Copper line length issues were still apparent and a local example of one was given, which totaled 8 kilometres. The delivery under the CDS scheme is dependent on speed, not just on the provision of broadband – so BT will not receive payment under the CDS scheme if the speed is too slow;
- Keen to see all sectors of the community benefit.

RECOMMENDED to Cabinet that the Council continues to work with CDS and other partners with a view to going beyond the government target of 95% to a full coverage for the whole of the District, to benefit every member of society both in their individual and business use in either rural or urban areas

RESOLVED that the Chairman will write to the three local MPs about the government failure in its target of 95% coverage linked to maximum number of properties for the funding provided, and asking that they intercede with the government for future contracts to guard against this. To include in the letter a request to recognise that in both rural and urban communities, businesses are being run from the homes; and to assure the Council that EU funding for the project has been appropriately used.

The Chairman thanked those for attending to update the committee and welcomed future updates.

***46 Communities and Local Government Committee inquiry to consider overview and scrutiny arrangements**

The Communities and Local Government Committee have launched an inquiry to consider whether overview and scrutiny arrangements in England are working effectively and whether local communities are able to contribute to and monitor the work of their councils.

Any individual councillor can of course respond directly with a written submission to the inquiry. Submissions are due by 10 March 2017.

The committee discussed the terms of reference for submission:

- Whether scrutiny committees in local authorities in England are effective in holding decision makers to account
 - Meetings publicised and open to public, with responses to Cabinet as needed. Some question as to whether these comments are heeded not just 'noted'.
- The extent to which scrutiny committees operate with political impartiality and independence from executives
 - The committee were comfortable that they are independent and impartial
- Whether scrutiny officers are independent of and separate from those being scrutinised
 - Democratic Services have high integrity
- How chairs and members are selected
 - Independent Chairman. Politically balanced committee but little attention paid to individual skills, knowledge and aptitude. Consideration could be given to further training to hone scrutiny skills.
- Whether powers to summon witnesses are adequate

- Inadequate for external organisations, with a recent example of the repeated request to NHS Property Services to attend. Some reluctance by members and officers to attend.
- The potential for local authority scrutiny to act as a voice for local service users
 - This was already being undertaken by the committee, with recent examples covering superfast broadband delivery, NHS revision of service delivery, and the Police 101 service;
- How topics for scrutiny are selected
 - Committee Members (and other councillors) invited to be involved. There may be work that the Cabinet require more detailed analysis of and a request made to the Scrutiny committee to carry out that examination – to date this has not occurred. There was often a frustration in not being able to investigate topics because of limitations of the constitution or on issues where so much time had passed that it was not deemed viable to look into;
- The support given to the scrutiny function by political leaders and senior officers, including the resources allocated (for example whether there is a designated officer team)
 - Shared service of an officer within Democratic Services, no dedicated officer
- What use is made of specialist external advisers
 - To date mostly witnesses not advisers invited to attend. A suggestion was made to approach the Local Government Association for a scrutiny advisor.
- The effectiveness and importance of local authority scrutiny of external organisations
 - Mostly a lobbying role passed to MPs and others. More relevant for scrutiny at a county level.
- The role of scrutiny in devolution deals and the scrutiny models used in combined authorities
 - Need to have scrutiny involvement throughout the process, not after the deal has been completed
- Examples where scrutiny has worked well and not so well
 - Effective internally on aspects such as the Tree TaFF and the changes to press releases; less effective on having an impact on beach hut charges. With limited powers, difficult to have an impact on other outside bodies.

RESOLVED that a response be provided by the Chairman on behalf of the Scrutiny Committee to the Communities and Local Government Committee inquiry to consider overview and scrutiny arrangements

***47 Quarterly monitoring of performance quarter three 2016/17**

The committee considered the report for the third quarter, commenting on:

- Welcomed increase in affordable housing being delivered
- Supporting the growth of greater Exeter still on track
- Percentage of invoices paid improved close to target of 95% on time
- New recycling and waste collection service successes in first phase for Exmouth
- Beach Safety Officer post now has an agreed authority to recruit
- Continued work with Strata through the joint scrutiny arrangement, including the customer portal, and the food hygiene rating scheme. Migration to the global desktop had begun for employees of the Council
- Percentage of council tax collected continued to improve
- Random vehicle licence checks will now be replaced with a focus on specific licences and the targets revised
- Planning application targets will be revised in line with government target changes

- Devolving council services and sectors work ongoing with reporting through the Asset Management Forum and the Cabinet
- Alternative delivery models for the environmental health and car park teams included looking at working with neighbouring authorities on the feasibility of establishing a structure for delivering paid for service for training, inspection, coaching and auditing of food premises. This is as a result of the possible new regime under review by the Food Standards Agency to permit private sector auditors, enabling food businesses to opt out of local authority inspection;
- Development of workspace units comes to the Cabinet for decision on 8 March 2017
- Network rail issues relating to the Feniton flood alleviation scheme needs to be kept under review
- District design guide on hold because of workload of the team
- Systems thinking review started for the Governance and Licensing Team
- New procurement strategy before Cabinet on 8 March to approve a Devon County Council arrangement
- Additional days purchased from the external auditor were to cover work following an objection to the accounts – this is fully documented in the minutes of the Audit and Governance Committee of 17 November 2016

***48 Scrutiny Forward Plan**

Additional issues from the review of the performance monitoring report for scoping included:

- Review of official complaints received (as reported to Cabinet)
- Review of Freedom of Information requests received (as reported to Cabinet)
- Food hygiene certificates for mobile catering, including how they are linked to consent street status
- Check on legal issues in making tree preservation orders relating to land ownership (including check back to work covered under the Tree TaFF)

Further updates on the implementation of superfast broadband would also be added to the plan as and when updates became available.

The Chairman requested the committee considers the proposal to change the Manor Pavilion car park to a day and display car park. The budget to cover this proposal was agreed by Council, but could not be implemented until the change to the Parking Places Order (PPO) had taken place (which includes consultation); and the decision to implement those changes to the PPO must be approved by Cabinet. The committee were advised that this presented another two opportunities for interested parties to comment on the proposals. As the decision was not yet made, the committee could not consider the issue but retained the right to exercise call-in a Cabinet decision.

A report on the proposed changes to the PPO is due to Cabinet on the 5 April 2017.

The committee also discussed the anti-social aspects of drone flying but were advised by legal that this was the responsibility of the Civil Aviation Authority.

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

Scrutiny Members present:

Roger Giles
Alan Dent
Colin Brown
Bruce de Saram
Bill Nash

Val Ranger
Maddy Chapman

Other Members

Paul Diviani
Geoff Jung
Brian Bailey
John Dyson
Pauline Stott
Tom Wright
David Barratt
Phil Twiss
Jill Elson
Peter Faithfull

Officers present:

Giles Salter, Solicitor
Debbie Meakin, Democratic Services Officer

Scrutiny Member apologies:

Cathy Gardner
Marcus Hartnell
Marianne Rixson
Simon Grundy
Darryl Nicholas
Cherry Nicholas
Dean Barrow

Chairman Date.....

Recommendations for Cabinet that will resolve in an action being taken:

Scrutiny Committee on 2 March 2017

Minute 45 Broadband update

RECOMMENDED by the Scrutiny Committee:

that the Council continues to work with CDS and other partners with a view to going beyond the government target of 95% to a full coverage for the whole of the District, to benefit every member of society both in their individual and business use in either rural or urban areas.

EAST DEVON DISTRICT COUNCIL

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

Present: Councillors:
Geoff Pook
Philip Skinner
Andrew Moulding
Alan Dent

Officers:
Donna Best
Richard Cohen
Jay Lambe
Chris Lane

Also present: Councillors:
Megan Armstrong
John Dyson
Mike Allen

Apologies: Paul Diviani
Ian Thomas
Graham Godbeer
Pauline Stott
Tom Wright

The meeting started at 9.35am and finished at 11.00am.

*1 **Notes**

Members noted the report of the meeting held on 15 December 2016. The notes were subject to a revision to action 1 of the CAMP Priorities as follows:

“Implement detailed study of all assets owned by the council identifying their role and purpose and investigating the benefits and implications of devolving non-strategic assets to towns and parishes or to the users.

The Beer pilot being a part of the study not the end in its self”

*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 **Organisational and Asset Management - Update**

Members discussed aspects of the Organisational and Asset Management. Jay Lambe, the new Service Lead for Regeneration & Property was introduced to the Forum members. Donna Best, Principal Estates Surveyor reported that following the endorsement of the special item bids made during the budget round, funding had been secured for a corporate property records officer, an apprentice and funding to continue the roll out of the use of the corporate property system across the rest of the authority. Members discussed the issue of apprenticeships throughout the Council and noted that there would be an employer's levy across the payroll to pay for apprentices training.

Donna Best, Principal Estates Surveyor, reported that the Council were members of the CIPFA Asset Management Planning Network and that a recent meeting had highlighted some interesting points relating to asset management.

The Housing & Planning Act had a number of implications for asset management and detailed guidance was expected in the summer. The production of an annual report on improving efficiency and sustainability of buildings owned by local authorities will need to be produced in June 2018. Therefore, the information expected to be required for inclusion, would be collated over the forthcoming financial year.

Members noted that 'One Public Estate' was a programme bringing together a number of public sector property owners to work collaboratively on projects to create new jobs and homes, create more joined up public services to local communities or generally deliver savings to the taxpayer. There was some funding available from joining this programme, which was free to join. However, the nearest member public sector organisation to East Devon was Plymouth City. The Forum also discussed public parks and whether it was in the public interest to enable councils to overturn restrictive covenants, in order to allow sympathetic enhancements such as cafes, which would generate allow an income to pay for some of their cost of maintenance. This was recommendation by a commons Select Committee enquiry into public parks made to government.

RESOLVED: that Donna Best, Principal Estates Surveyor, investigate further the possibility of the Council joining One Public Estate.

*4 **Asset Management Plan Refresh**

Donna Best, Principal Estates Surveyor reported on the progress of the Asset Management Plan refresh. Members noted the Plan and commented favourably on the new layout on one page of A4. The plan was a tool to ensure that the Council's assets were used most effectively.

RESOLVED that the refresh of the Asset Management Plan as presented be endorsed.

*5 **Asset Devolution Programme**

Donna Best, Principal Estates Surveyor reported that Beer Parish Council had now submitted a proposal and she was preparing a draft Cabinet report which would be considered by Strategic Management Team in a couple of weeks. Members noted the TNRP report for Community Centres and that this would come forward as part of the Asset Devolution Programme in due course.

*6 **Schedule of Meetings**

Members discussed a possible revised schedule of meetings for the Asset Management Forum to have meetings on a quarterly basis instead of every month and having other meetings as and when they were required.

RESOLVED that the Asset Management Forum meet on a quarterly basis with other meetings held as and when they were needed.

*7 **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).

*8 **Delivery of Workspace**

- a) Donna Best, Principal Estates Surveyor, reported that a contractor had been appointed to undertake a viability study for the extension to the East Devon Business Centre.
- b) She had no update on employment land at Cloakham Lawns, Axminster. However, Councillor Andrew Moulding, reported that an Employment Needs Survey was required on this land.
- c) Cabinet at its meeting on 8 March 2017 (Minutes *180 refers) had agreed to reallocate the unspent capital programme budget originally for two new units at Manstone Workshops to the Seaton Workshops project to clear the planning conditions and carry out the pre-tender works identified in the report, including a demand analysis.

*9 **Date of next meeting**

The next meeting of the Asset Management Forum would be held on **Thursday 6 April 2017** at 9.30am in the Council Chamber, Knowle, Sidmouth.

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Housing Review Board held at Knowle, Sidmouth on 9 March 2017

Attendance list at end of document

The meeting started at 2.30pm and ended at 4.35pm.

***59 Public Speaking**

There were no questions raised by members of the public. The Chairman welcomed those present to the meeting and invited everyone to introduce themselves.

***60 Minutes**

The minutes of the Housing Review Board meeting held on 12 January 2017 were confirmed and signed as a true record. Victor Kemp requested that the minutes be amended as he was not in dispute with the Council, although he had made a request for his property to be adapted.

***61 Declarations of Interest**

Mike Berridge: Personal interest - family member lives in a Council owned property and a housing tenant.

Cllr Ian Hall: Personal interest – family member lives in a Council owned property and uses Home Safeguard.

Victor Kemp: Personal interest – housing tenant and had made a request for his property to be adapted – this request had not yet been resolved.

Cllr Jim Knight: Personal interest - family member lives in a Council owned property and another family member lives in a housing association property.

Pat Rous: Personal interest - housing tenant.

***62 Urgent item and exclusion of the public**

There was one urgent item that would be considered under part B of the agenda after the public (including press) have been excluded.

***63 Forward plan**

The Strategic Lead, Housing, Health and Environment presented the forward plan and advised Members that the forward plan acted as a reminder of agenda items to come forward to future meetings. Members were reminded that they could add further issues to the next forward plan by informing either himself or the Democratic Services Officer.

RESOLVED: that the forward plan be noted.

***64 Housing White Paper – Fixing our broken housing market**

The Strategic Lead – Housing, Health and Environment's report set out the main elements of the Housing White Paper published in February, setting out the Government's thinking in respect of national housing policy for the future. The four principle themes of the White Paper were:

- Planning for the right homes in the right places
- Building homes faster
- Diversifying the market
- Helping people now

There had not been sufficient time for a detailed analysis but officers would be undertaking this in order to produce a response by the May deadline. The Strategic Lead – Housing, Health and Environment reported that the paper had received mixed reactions. However it

demonstrated a strong motivation to improve the housing market and recognised that there was no single answer to the problems in the housing market. The Council's response to the White Paper would be presented at the next Board meeting.

RESOLVED: that the Housing Review Board note the contents of the Housing White Paper.

***65 Homelessness reduction bill**

The Strategic Lead – Housing, Health and Environment's report set out the contents of the Homelessness Reduction Bill and some of the implications for the Council's duties and approach to early intervention and prevention. Although the contents of the Bill had not yet been passed into law, preparations could be made for the changes in anticipation of more onerous homelessness duties being enacted. There were likely to be greater resource implications for the Council and starting preparations early would help to quantify what the likely impact would be on existing services and to identify additional resources required. It was noted that the driving factor behind the Bill was a desire to improve the position for single homeless people.

RESOLVED: that the Housing Review Board note the contents of the Housing Reduction Bill.

***66 Establishing a Local Housing Company for East Devon District Council**

The Board considered the report of the Strategic Lead – Housing, Health and Environment, which had been presented to, and agreed by, Cabinet the previous day. The report set out the business case for setting up a Local Housing Company to be wholly owned by the Council with the purpose of providing a range of housing including in the general market (outside the Revenue Account) and to generate a profit to provide income to the Council's general fund. The report also covered the purpose, benefits, legal position, risks, and considerations of operating a Local Housing Company, and specifically what this housing delivery vehicle could do that the Council were currently unable to do. The outline business case considered how the Local Company could operate, its objectives, and set out due diligence considerations.

It was noted that the Strategic Lead – Housing, Health and Environment would report back to the Housing Review Board and Cabinet, at appropriate times.

Some concern was expressed about the membership of a sub-committee of the Cabinet, to be called the 'Housing Company Sub-Committee'. The Strategic Lead – Housing, Health and Environment explained that the purpose of this was to allow the company to operate in an agile way and not to get caught up in local government bureaucracy.

RESOLVED: that the Housing Review Board note the Cabinet decision.

(Councillor Jim Knight, Christine Drew and Victor Kemp abstained from voting)

***67 Alternative models for building repairs and maintenance service**

In January the Board approved the appointment of consultants to scope, appraise and advise on a procurement approach which could lead to alternative service delivery options for the repairs and maintenance of tenants' homes. The report of the Strategic Lead – Housing, Health and Environment provided an update on the project which had been initiated through a launch meeting and workshop event to appreciate the current service arrangements, key service drivers, performance indicators and appetite for change.

Strategic Lead – Housing, Health and Environment advised that a final report would be presented to the Housing Review Board which would recommend a procurement strategy to follow and a preferred service delivery option.

RESOLVED: that the progress of the alternative models for building and repairs maintenance service be noted by the Housing Review Board.

68 Charging private users of sewage treatment

The Board was presented with a report which requested an increase to the charges of private users of sewage treatment plants to ensure all the Council's costs were covered, from April 2017, in line with service charges to leaseholders.

RECOMMENDED: that Cabinet agree that private users of sewage treatment works are charged at a 15% management fee on top of the amount charged for the actual costs incurred.

***69 Update on OPENHousing implementation**

The report of the Housing Needs and Strategy Manager brought the Housing Review Board up to date with the progress on the implementation project for Capita's OPENHousing system. It noted what had worked well, the issues faced and recent audit findings. A SWAP audit had identified some areas where project management could be improved and these good practice recommendations would be taken into phase 2 of the project. There was also the need to ensure that financial controls were effective and the system integrated with the Council's accounting system, Cedar.

RESOLVED: that the Housing Review Board note the progress on the implementation of the OPENHousing System.

***70 Quarterly performance indicator report – quarter 3 2016/17**

Consideration was given to the report of the Information and Analysis Officer which detailed selected indicators measuring performance across the housing service. Monthly performance reports to Cabinet were also used to highlight particular performance issues alongside Systems Thinking style capability charts showing key end to end times for voids and tenancy commencement to first rent payment for new tenancies.

The Board thanked the housing service staff for their hard work and high performance.

RESOLVED: that the performance of the housing service be noted by the Housing Review Board.

***71 Housing Revenue Account financial monitoring report 2016/17 and HRA Business Plan update**

The Board was presented with a summary of the overall financial position on the Housing Revenue Account, HRA Capital Programme and the Business Plan for 2016/17 at the end of month nine (December 2016).

Regular monitoring was intended to highlight any areas of concern or unforeseen expenditure in the HRA and associated capital programme, enabling corrective action to be taken as required. Any variances would be reflected in the Business Plan.

Current monitoring indicated that:

- The Housing Revenue Account Balance would be maintained at or above the adopted level.
- The position on the HRA Business Plan remained healthy.

The Board's attention was drawn to the number of affordable homes that had been purchased and it was noted that the Council were always looking for properties coming onto the market that could be let at affordable rents. The Board also noted the amount that was required for Social Services adaptations.

RESOLVED: that the variances identified as part of the HRA revenue and capital monitoring process up to month nine and the HRA Business Plan update be noted by the Board.

***72 Housing Review Board annual report**

Members were asked to note the annual report of the Housing Review Board which highlighted the achievements and detailed the work undertaken by the Board over the last year.

RESOLVED: that the annual report of the Housing Review Board be noted.

***73 Date of the next Housing Review Board meetings**

The Board noted the provisional dates of the HRB meetings for the forthcoming civic year:
Thursday 8 June 2017 – 2:30pm, Council Chamber, Knowle, Sidmouth
Thursday 7 September 2017 – 2:30pm, Council Chamber, Knowle, Sidmouth
Thursday 2 November 2017 – 2:30pm, Council Chamber, Knowle, Sidmouth
Thursday 11 January 2018 – 2:30pm, Council Chamber, Knowle, Sidmouth
Thursday 8 March 2018 – 2:30pm, Council Chamber, Knowle, Sidmouth

***74 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 each Part B agenda item), is likely to be disclosed and on balance the public interest is in discussing the item in private session (Part B).

***75 Tenancy at Otterton**

The Landlord Services Manager briefed the Board on the current position regarding a tenancy in Otterton in light of representations from some neighbours and Council members.

RESOLVED: that the Housing Review Board note the details of the case and action taken so far.

Attendance list

Present:

Cllr Pauline Stott (Chairman)
Cllr Megan Armstrong
Cllr Ian Hall
Cllr Jim Knight
Cllr Brenda Taylor

Co-opted tenant members:

Pat Rous (Vice Chairman)

Mike Berridge

Victor Kemp

Independent community representatives:

Julie Bingham

Christine Drew

Officers:

Sue Bewes, Landlord Services Manager

Emma Charlton, Housing Projects Officer

Danielle Furzey, Housing Options Manager

John Golding, Strategic Lead - Housing, Health and Environment

Andi Loosemoore, Rental Manager

Andrew Mitchell, Housing Needs and Strategy Manager

Mike Purcell, Interim Property and Asset Manager

Jane Reading, Tenant & Communities Section Leader

Giles Salter, Solicitor

Alethea Thompson, Democratic Services Officer

Also present:

Cllr Jill Elson, Portfolio Holder – Sustainable Homes and Communities

Cllr David Barrett

Cllr Bruce de Saram

Apologies:

Angela Bea, tenant

Joyce Ebborn, tenant

Chairman

Date.....

Recommendation for Cabinet that will resolve in an action being taken:

Housing Review Board on 9 March 2017

Minute 68 Charging private users of sewage treatment

RECOMMENDED by the Housing Review Board:

1. that Cabinet agree that private users of sewage treatment works are charged at a 15% management fee on top of the amount charged for the actual costs incurred.

Report to: Cabinet
Date of Meeting: 5 April 2017
Public Document: Yes
Exemption: None

Review date for release None

Agenda item: 13

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:

1. Maintaining the 1990's Sidmouth Coastal Defence Scheme Standard of Service (protection against flooding and erosion);
2. Reducing the rate of beach and cliff erosion to the east of the River Sid (East Beach);
3. 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
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



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 (pre Sidmouth 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. The stakeholder group unanimously indicated their support for the project to move forwards to the next stage of the process at a meeting on the 16 March 2017.

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

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

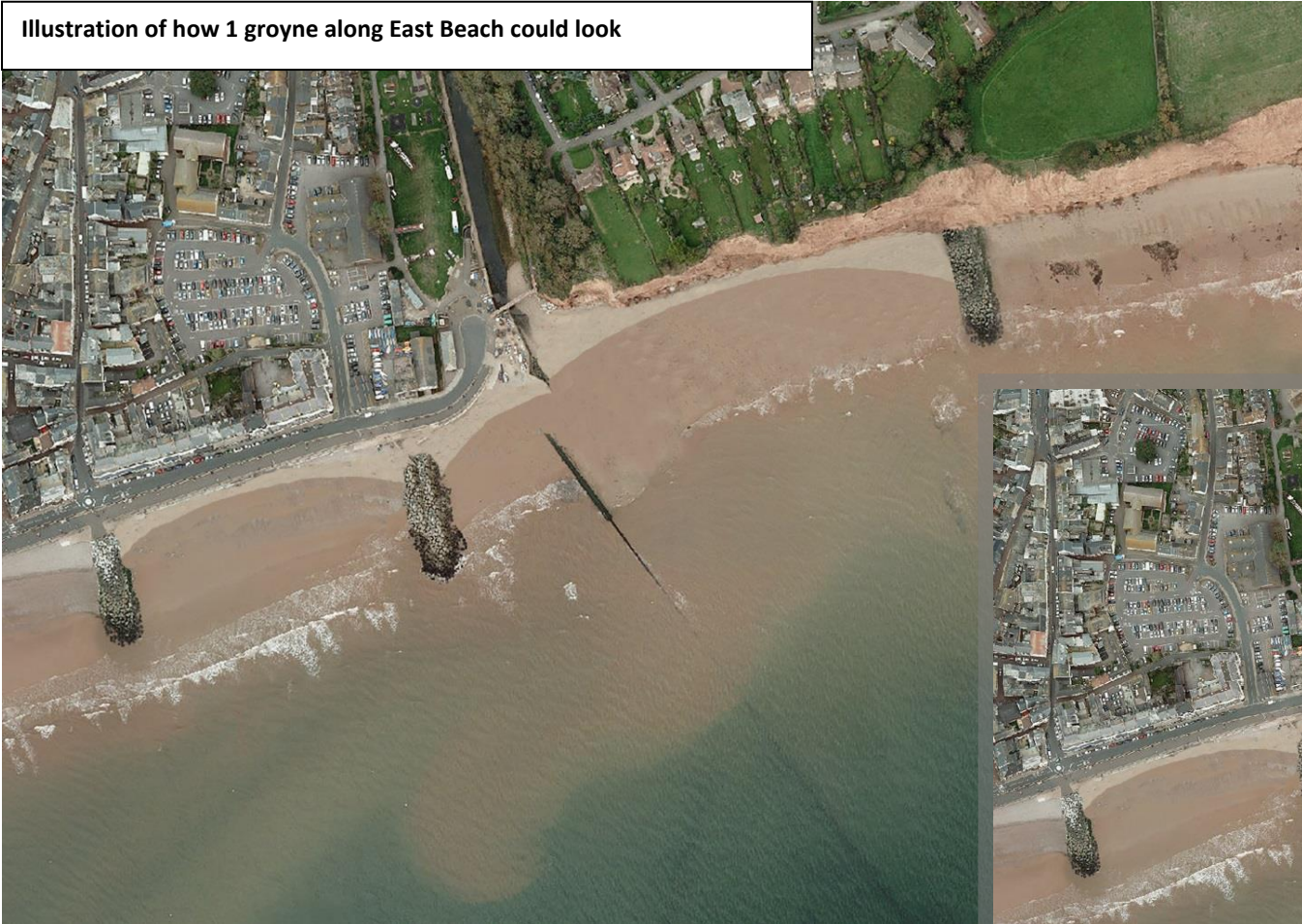


Illustration of how 2 groynes along East Beach could look



ANNEX 3
Option S4

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

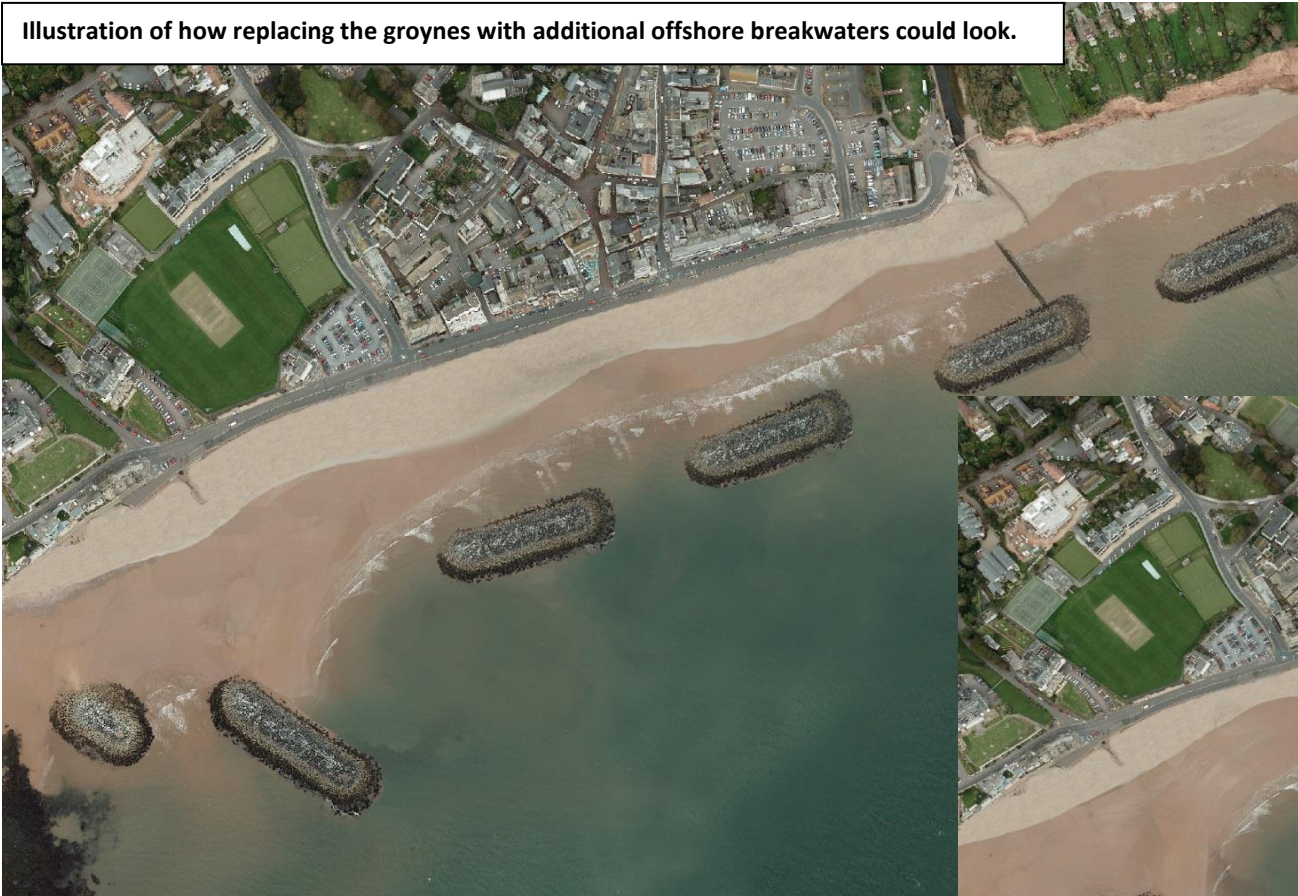


Illustration of how replacing groynes with more angled breakwaters could look.

Report to: Cabinet
Date of Meeting: 5 April 2017
Public Document: Yes
Exemption: None



Review date for release

Agenda item: 14

Subject: Office Relocation Decisions

Purpose of report:

Following the refusal of planning permission and appreciating the continued strategic and operational drivers for relocation, the Office Accommodation Executive Group tasked officers with taking a refreshed review of the Council's options.

To advise Cabinet of latest progress on their relocation plans and to consider options toward achieving full relocation to both Exmouth and Honiton and sale of the Knowle site.

Recommendations

1. Cabinet recommends to Full Council that;

- i. Option 1, as detailed in the report, is adopted and that the Council proceeds with the construction of a new HQ building at Honiton Heathpark, and**
- ii. The Deputy Chief Executive – Development, Regeneration and Partnerships is delegated authority, in consultation with the Office Accommodation Executive Group, to commence works and deliver the new HQ building.**
- iii. A budget is agreed of £8,692,000 to provide a new HQ building at Honiton Heathpark, which when added to the approved Exmouth Town Hall refurbishment budget of £1,669,000 gives a total gross budget of £10,361,000.**

- 2. If Cabinet agrees that it wishes to relocate to a new HQ in Honiton then Cabinet is asked whether it wishes to recommend approval of a further sum of £225,000 to fund the addition of a direct access road to the new HQ building past the East Devon Business Centre This is a more direct approach to the building rather than bringing traffic through the Heathpark business park south of the building and does not affect the conclusions in this report in relation to viability and ranking of options for the sale of the Knowle site.**

Reason for recommendation:

The Council has identified the need to move from its existing premises in Sidmouth to refurbished and new offices in Exmouth and Heathpark respectively. Following the planning refusal of development proposals for the Knowle site in December 2016 officers, on the direction of the Office Accommodation Executive Group, have been considering viability options

with a view to advising Cabinet and Council on ways forward.

Cabinet on 14 December 2016 agreed to take forward the refurbishment of Exmouth Town Hall and this is now underway with a target of reoccupation in November 2017.

It was also agreed that a further report (Gateway 7) would be forthcoming that updated Cabinet on the independent modelling that was originally provided to inform the Cabinet and Council decision in March 2015 to go ahead with relocation.

Officer: Richard Cohen, Deputy Chief Executive rcohen@eastdevon.gov.uk

Financial implications: The report and appendices contain detailed financial information relating to the options considered in this report and support the recommendations made.

Grant Thornton were appointed to develop an updated financial Model of the office relocation business case to follow on from their original Model and cost assumption appraisal. The financial position presented in this report has been taken from the Model prepared by Grant Thornton and their full report is appended for members' consideration.

The Model considers overall relocation costs which for the purpose of completeness includes costs relating to the refurbishment of Exmouth Town Hall which the Council has already resolved to complete and allocated a project budget of £1,669,000. The Model also considers the financial position of Exmouth Town Hall being excluded from the analysis and this is presented within the Grant Thornton Report appended.

The financial analysis modelled do not include the additional costs of £225,000 for the improved access road. The inclusion of these costs would not affect the financial ranking of the options/scenarios presented.

Legal implications: The Council has already decided that it wants to relocate to split sites of Honiton and Exmouth. This was originally on the basis of a back to back deal where the relocation would only progress following a satisfactory capital receipt. It has already been decided to proceed with the Exmouth part of the relocation project. The recommendation in this report seeks to move from this basis so that the relocation is not necessarily predicated on a specific capital receipt (although it may well be if Pegasus are successful at appeal). This is entirely within Members remit and of itself raises no legal issues. Ultimately this is a financial and risk based decision.

Equalities impact: Low Impact

The Council has a general equality duty to advance equality of opportunity and eliminate discrimination. To that end the Council has carried out an extensive equality and best value consultation across the district to gather the views of residents regarding the provision of our services into the future. Investment in our HQ buildings, mobile working, expanding ways to interact with the Council and a commitment to provide services to people in ways that suit them best are all factors that inform our relocation plans as a means to improve service and accessibility.

Works underway at Exmouth Town Hall are being carried out with regard to improving accessibility and the designs for the HQ at Honiton involve equalities and accessibility best practice.

Risk: Medium Risk

Multiple risks are ongoing in a project of this nature. These are managed through a comprehensive risk register that is maintained by dedicated

project management and reviewed on a regular basis. Risk is reported to officers where SWAP are present and to the Executive Group of members including dedicated risk review meetings.

In terms of the recommendations in this report there is a specific risk in relation to moving forward with the construction of the new HQ at Heathpark, Honiton which is addressed in detail in this report.

In summary, the risk involves the agreement to fund and carry out development of new HQ offices in addition to the refurbishment of Exmouth Town Hall without confirmation of the sale of the Knowle site. If the sale of the Knowle did not happen then, in that scenario, the Council would be required to pay for the project costs from reserves or borrowing rather than capital receipt and betterment derived from the sale of the Knowle site.

Links to background information:

The following appendices are attached:

- **Appendix 1** - Independent Modelling Exercise Update Report by Grant Thornton
- **Appendix 2**– Report Dashboard (large format)
- **Appendix 3**– Heathpark roads illustration

Linked documents:

- [3 June 2015 Extra Ordinary Meeting of the Council](#)
- [25 March 2015 Extra Ordinary Meeting of the Council](#)
- [11 March 2015 Cabinet Report – Relocation Decisions](#)

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

1. Background

Relocation Decision

- 1.1 In March 2015 the Council committed to relocation with an independently costed analysis of the project, its future cost savings and efficiencies that selling the Knowle site and moving to Honiton and Exmouth would bring.
- 1.2 This decision was endorsed in June 2015 by the new Council. Since then the Council has been pursuing actions toward the design, planning and preparations for relocation to Honiton and Exmouth and in parallel PegasusLife Ltd was designing, consulting and planning its redevelopment of the Knowle site.
- 1.3 During this time, planning permissions were granted for the new HQ building in Honiton and for the refurbishment of Exmouth Town Hall. Planning permission for the redevelopment of the Knowle site was refused in December 2016 thereby creating further delay and uncertainty for that element of the relocation project.
- 1.4 In December 2016 Cabinet and Council agreed to move forward with the refurbishment of Exmouth Town Hall with the expectation of relocating services, principally Housing and Revenues and Benefits, to the Town Hall from November 2017. Works are now underway.

Knowle Site

- 1.5 Following the refusal of their application, PegasusLife Ltd has been considering their options in relation to the Knowle site. The council as landowner has been in discussion with PegasusLife regarding their intentions and we understand that they are preparing their appeal of the decision of the planning authority to refuse permission.

- 1.6 Any appeal will need to have been lodged before 9th June 2017 (being 6 months from the date of the refusal notice). The likely timetable of an appeal to be determined is currently about 9 months for a hearing and 18 months for an inquiry. So a decision could be expected between January and March 2018 (hearing) and October 2018 and December 2018 (inquiry). The timing would therefore potentially be between 9-21 months to the sale and vacant possession of the Knowle site. This is on top of the 4 months already incurred between the refusal of planning in Dec 2016 and the presentation of this report.
- 1.7 The Knowle site retains its local plan status as a site allocated for residential development and the grounds for refusal of the PegasusLife Ltd application were specific and did not challenge the principle of a residential or care home use. Nevertheless this is the second time that a planning application has been turned down by the Council's Development Management Committee.
- 1.8 Up to this point that Council has pursued a 'back to back' arrangement involving a capital receipt (of £7.505m) on vacating the Knowle site. However, in the light of this second refusal of planning permission it is important that the Council reflects on the current state of play, the reasons for relocation (both operational and strategic) and considers the options it now faces in terms of its relocation plans.

2. Operational and Strategic Reasons for Relocation

- 2.1 Members will recall that the strategic and operational reasons for relocation have been identified and reiterated in the past. It is important that we remind ourselves not only of the financial business case for relocation but also for the benefits and drivers in relation to our service delivery, our customers and staff. These benefits extend beyond that of simply saving money in maintaining an old, large and expensive building. It is worth refreshing our understanding of the grounds for the Council's departure from its current location as these remain the key reasons for relocation:

I. Effectiveness

- More and more, the workforce of the Council is operating in a mobile and technology led manner. The Council does not need space in the same way as before but it does need flexible and modern office space that enables modern ways of working as well as full accessibility and predictable operating costs.
- The public sector is often criticised for not being easy to reach especially its frontline services. At the heart of East Devon's relocation aims has been the desire to make services and staff accessible to residents and businesses both remotely and face to face. Exmouth and Honiton as office locations will deliver that flexibility for our customers far more effectively than trying to keep the Knowle going.
- If the Council is going to spend money on offices it is better to put that money into the right places, in ways that use the investment more cost effectively and in a way that can secure a capital receipt from land sale to offset the cost of borrowing.

II. Transformation

- Across the public sector, the drive for efficiencies is increasingly about more than just making successive cuts. For front-line services to be protected and long term savings to be achieved, East Devon, like other councils, has recognised that traditional ways of working and delivering services have to be the subject of fundamental review and transformation.
- Office space can no longer be accepted as a static overhead. It is important that we recognise that relocation to Exmouth and to Honiton presents us with a unique and timely opportunity to significantly enhance the effectiveness of service delivery for

our customers through a more efficient use of space and new ways of working which is underpinned by mobile and digital technology.

- It is a well-trodden path that many councils across the UK have adopted and already moved away from expensive, outdated offices where employees are tied to their desks, office locations and legacy IT systems.
- Relocation is a key element in the Council's Transformation Strategy and has been included as part of the Strategy approved by members.

III. **Council Plan Delivery**

- For East Devon to deliver the ambition and priorities set out in our Council Plan, work is underway to harness the benefits of technology so that our staff can deliver services in the ways our customers want them, both now and in the future.
- Technology is increasingly an 'enabler' allowing staff to work on a more flexible and mobile basis for the benefit of the customer without the need to return to the office location - making them much more efficient and productive.
- Our demand analysis and consultation shows that most of our customers contact us by phone and that increasingly customers are using our on-line services. Having a mobile and flexible workforce as well as an office presence in our two largest towns will ensure that we are truly 'open for business no matter how our customers want to get in touch.

IV. **Workforce**

- Our workforce is our most valuable asset and without them we cannot deliver on what our customers deserve and expect. Our People Strategy is designed to ensure that we employ, develop and retain high performing people who take pride in their work and care about delivering the Council's priorities.
- To succeed in delivering the aims of our People Strategy, at the very least, we need to provide a fit for purpose, modern working environment which is designed and equipped for individuals and teams who work on a mobile and flexible basis.
- Modern, accessible office environments will be both attractive to our residents and help us to recruit and retain a skilled and contented workforce. At a time of near full employment and a competitive labour market EDDC must offer working environments, workplace accessibility and flexible work arrangements that attract and keep a skilled, productive workforce.

V. **Asset Value**

- As with other public bodies, East Devon is seeking to maintain high quality services, manage costs and make optimal use of its assets. This is at a time when central government grant is diminishing and Council's must find effective and imaginative solutions to cost saving without impact on services.
- The Knowle site is a high value asset in the Council's portfolio and remains an underutilised asset to be realised for a wider benefit. If the Council remains on the Knowle site then the asset and its value are not utilised.

VI. **Cost of Knowle Buildings Repair and Maintenance**

- If the Council were to remain at the Knowle then essential maintenance and repair of the buildings would be £1,939,000. This is an estimate and, as with, older buildings, cannot be guaranteed. There is no capital receipt for this expenditure.
- With the move of service focused teams to the refurbished Exmouth Town Hall the Council would still have to keep any empty Knowle buildings in repair and heated.
- If we remain on the Knowle site then the cost of repair and modernisation would have to be found from elsewhere.

- The Knowle buildings themselves have no capital value therefore any investment in repair of the Knowle will show no return or value uplift.
- As the Council has learnt through its marketing, none of the existing buildings are of interest to the development sector: it is the site that has value.

VII. **Cost of Knowle Buildings Modernisation**

- A key argument for the Council's departure from the Knowle is that the building is not fit for the functioning of a modern, flexible and efficient public authority.
- Beyond the costs of maintenance and repair, if we wished to turn the Knowle offices into an accessible, open planned office with flexible working and meeting spaces, including the inclusion of the existing Chamber, Members Area and Committee Room, then that would be expensive and without the offset of a capital receipt: The order of costs for these works according to building price book calculations would be circa:

○ The former hotel structure	£11,298,000
○ The 19702/80s offices	£ 5,908,000

- Exmouth Town Hall is a building of mixed age that makes sense for refurbishment because of its more modest scale and the fact that its location is in the heart of the community where EDDC services are most in demand.
- The Knowle is twice the size that the Council has needed in its move to new offices. When Exmouth is up and running there will be even greater unused and cost inefficient space at the Knowle.
- A new build HQ at Honiton continues to offer a modern, low energy, operationally cost effective and fully accessible building close to the centre of the district.

VIII. **Knowle Future**

- The appropriateness of a residential use on the Knowle has been established through allocation in the adopted Local Plan.
- The recent refusal of planning permission for the development proposed by PegasusLife accepted the principle of residential / care home development on the Knowle site.

IX. **Benefits to the District**

- Council has already determined that compared to remaining on the Knowle site, a twin site solution of Exmouth and Honiton is a positive outcome in terms of keeping the Council's jobs in the district.
- Sidmouth will gain a legacy of a new living space on the Knowle site and the economic benefit of the spending power of an addition to the town's community.
- Sidmouth Town Council has been offered the ownership of the extensive remaining parkland at the Knowle.
- It brings the benefits of the Council's presence to new East Devon towns after over 40 years in Sidmouth.
- Relocation continues to offer an overall economic benefit to East Devon as a whole.

3. Options Looking Forward

- 3.1 Following the refusal of the PegasusLife application, and with a mind to time delays and costs, we have modelled several scenarios for the way forward in terms both of the sale of the Knowle site and also the impact of delay or remaining in part at the Knowle indefinitely.

There are three principle ways forward for the Council to consider in terms of timing of relocation:

- I. **Option 1** - Take forward the construction of a new Honiton HQ in anticipation of an acceptable combination of capital receipt and prudential borrowing. This is the 'go now' option.
- II. **Option 2** - Delay relocation process from the Knowle for a period of 12-24 mths or more pending resolution of appeal and/or new site marketing to secure a new development proposal and planning permission. Delay pending the sale of the Knowle keeps the 'back to back' arrangements that are currently in place.
- III. **Option 3** - Complete Exmouth Town Hall refurbishment and invest in essential repair and/ or invest in modernisation of a reduced area of Knowle office space.

3.2 The next sections of this report (sections 4, 5 and 6) address the financing and the timing of a relocation decision:

- **Section 4 – Financial Considerations:** considers the different development scenarios and sale values for the Knowle and models these in terms of overall betterment compared to a 'do minimum' option of remaining at the Knowle in part and doing essential repairs only.
- **Section 5 – Timing Considerations:** considers the timing aspects of relocation in terms of the 'go now' approach, a delay pending Knowle sale or to remain indefinitely at the Knowle.
- **Section 6 – Options analysis:** draws together the operational, strategic, financial and timing issues into a 'For' and 'Against' style analysis of the three options summarised above at 3.1.

3.3 Sizing and locating the Council for the 21st Century remains of paramount concern and Members have previously confirmed that they wish to move from the Knowle site. That decision was made on the basis of the strategic and operational drivers set out above and a detailed, independent cost model. As rehearsed above, the strategic and operational drivers remain, hence the Council's decision in December 2016 to move forward with the refurbishment and modernisation of Exmouth Town Hall.

3.4 In light of Options 1 & 2 above, it is necessary to consider the financial implications if Pegasus's appeal is unsuccessful and it is necessary to remarket the Knowle. Various options have been considered by an Independent Valuer using Red Book assessment and the value determined set out below. These schemes are relevant to the appraisal carried out by Grant Thornton, as detailed in the attached report (Appendix 1) and also in the table at paragraph 4.4 below.

Alternative schemes and Projected Capital Receipts

	POTENTIAL ALTERNATIVE SCHEMES	SITE VALUE
Remarketing Option 1	Scheme of 97 flats / units for C2 uses. Does not include affordable, reduced number from current scheme and includes leisure and café facilities.	£ 6.80m
Remarketing Option 2	Scheme of 65 houses / dwellings with 50% affordable, reflecting site capacity and likely Developer ambitions	£ 5.82m

Remarketing Option 3	Local Plan compliant - Scheme of 50 houses / dwellings with 50% affordable.	£ 4.17m
Remarketing Option 4	Scheme of 109 flats / units for C3 uses with 50% affordable, excludes leisure and café facilities	£ 3.22m

4. Financial Considerations

- 4.1 While the strategic and operational details that inform the decision to relocate remain the key drivers, for the purposes of consistency, transparency and reflecting the requirement of the March 2015 Council decision (notwithstanding that circumstances have moved on), this report includes further modelling of the various options to assess the financial case to enable Cabinet and Council to make an informed decision. The modelling explores the up to date cost elements and projections that underpin the financial case.
- 4.2 The modelling has been conducted independently by auditors, Grant Thornton and we are therefore able to conclude that the analyses are robust as they were in March 2015. Their report is attached at Appendix 1.
- 4.3 An extract from the Model's Dashboard is reproduced below and gives the overall position including the associated costs with the refurbishment of Exmouth Town Hall. Key findings to note are:
- Remaining at the Knowle with essential and basic repairs undertaken will cost the Council £4.5m over 20 years. Moving to a new HQ in Honiton which would give a cash saving of £1.4m over the same period. The two together is a difference in options of £5.9m. This is based on a timescale of approval in April 2017 and an assumed sale receipt of £7.5m which reflects a successful appeal action by Pegasus.
 - If the Pegasus appeal is not successful then this report identifies alternative and viable options for a sale value for the Knowle. These other scenarios are explored in more detail within the Grant Thornton model attached. The Model shows four alternative scenarios based on differing levels of sales receipt for the Knowle to give members an understanding of the implications should a decision be made to relocate from the Knowle but the Pegasus receipt is not received. This is in line with the asset valuations identified in 3.4 of this report. Three of the four scenarios still give a better cash position to the Council than the "Do Minimum" option and all four options give a better Net Present Value (NPV) calculation.
 - If Council decide to delay the decision to build a new HQ in Honiton until the outcome of the Pegasus planning appeal is known (assuming a successful appeal and a completed sale contract on the Knowle), and then to approve a move to Honiton - the Model shows the resulting delay reduces the saving sum by £1.0m from £1.4m to £0.4m. The non-financial impacts of delay are also addressed further in the report.
 - The Model shows a ranking based on the net cash position of each option and a Net Present Value calculation of each.
 - It is important to note that Remarketing Option 4 presents a capital receipt which is less than the Local Plan compliant scheme. It is also ranked as the worst option. Clearly the Council would not seek to sell the site for anything less than the value of a Local Plan compliant scheme.

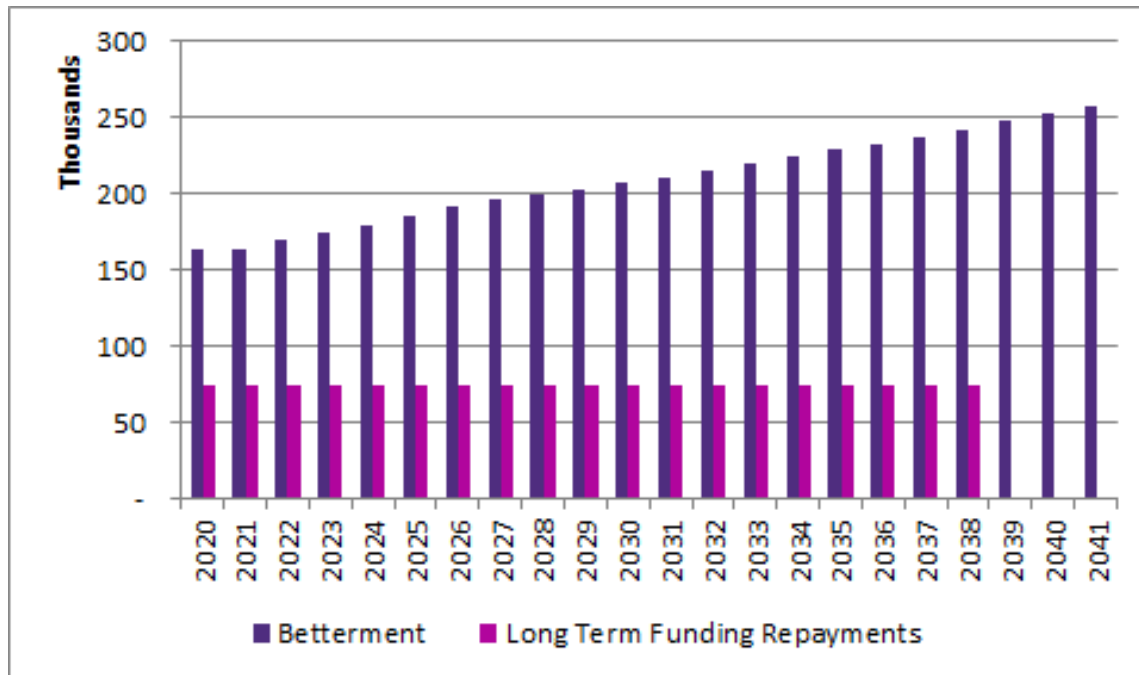
Overall Project – Exmouth Town Hall Refurbishment Costs included (a larger version of this table is included at Appendix 2)

Dashboard

	Current Base	Do Minimum	Pegasus Option	Pegasus Delayed Option as a result of their planning appeal	Alternative capital receipt following remarketing 1	Alternative capital receipt following remarketing 2	Alternative capital receipt following remarketing 3	Alternative capital receipt following remarketing 4
Unit: £								
Total Cost by Option								
NPV - Discounted to 1 January 2017	£	(3,762,238)	789,055	328,870	134,020	(492,444)	(1,615,284)	(2,261,781)
Total Operating Expenditure Betterment	£	904,611	4,648,892	4,388,568	4,388,568	4,388,568	4,388,568	4,388,568
Capital Expenditure	£	(3,608,000)	(10,360,950)	(10,871,454)	(10,871,454)	(10,871,454)	(10,871,454)	(10,871,454)
Operating Expenditure Betterment	£	904,611	4,648,892	4,388,568	4,388,568	4,388,568	4,388,568	4,388,568
Capital Receipts	£	-	7,505,000	7,505,000	6,800,000	5,820,000	4,170,000	3,220,000
Interests								
Internal Council Funding	£	(1,828,139)	(59,316)	(96,940)	(96,940)	(96,940)	(96,940)	(96,940)
PWLB Short-Term Funding	£	-	(49,572)	(66,191)	(66,191)	(66,191)	(66,191)	(66,191)
PWLB Long-Term Funding	£	-	(257,108)	(451,310)	(525,151)	(744,604)	(1,114,090)	(1,326,824)
Council Additional Funding Interests	£	-	(22,326)	(8,582)	(16,452)	(167,078)	(647,498)	(924,122)
Drawdowns								
PWLB Short-Term Funding	£	-	8,218,079	8,907,015	8,907,015	8,907,015	8,907,015	8,907,015
PWLB Long-Term Funding	£	-	1,204,080	2,015,400	2,345,150	3,325,150	4,975,150	5,925,150
Repayments								
PWLB Short-Term Funding	£	-	(8,218,079)	(8,907,015)	(8,907,015)	(8,907,015)	(8,907,015)	(8,907,015)
PWLB Long-Term Funding	£	-	(1,204,080)	(2,015,400)	(2,345,150)	(3,325,150)	(4,975,150)	(5,925,150)
Total Net Council Cash Position vs. Current Base	£	(4,531,529)	1,404,619	399,091	(387,620)	(1,737,699)	(4,237,605)	(5,676,963)
Rank		6	1	2	3	4	5	7
Total Operating Expenditure	£	17,880,815	16,976,203	13,231,923	13,492,247	13,492,247	13,492,247	13,492,247
Incremental Cost vs. Do Minimum								
Incremental NPV	£		4,551,293	4,091,108	3,896,259	3,269,795	2,146,954	1,500,458

4.4 A useful table to consider from the Grant Thornton report and Model is shown below. This emphasises the financial position considering the “Pegasus” option and comparing costs associated with the long term loan required of £1.2m to meet remaining costs once the capital receipt has been received which is more than offset by the annual betterment calculation.

Annual Betterment compared with long term loan repayments



4.5 With regard to the immediate savings and increased savings over time it is worth emphasising the following:

- It is anticipated £135,000 will be saved during the first full financial year on operating costs by moving away from Knowle (with essential repairs) to a new purpose built Office at Heathpark and Refurbished Exmouth Town Hall.
- It is anticipated financial saving will increase with inflation during subsequent years
- Every year after the Council has moved, the savings in operating costs are greater than the loan repayments.
- After twenty years, the loan repayments end and the savings continue to increase.
- Over the twenty year period, the district will be £1.4m better off if the Council moves from Knowle
- This compares with being £4.5m worse off by remaining at Knowle and carrying out only essential maintenance works.

4.6 For members' interest, contained within the Grant Thornton Report (Appendix 1) is another dashboard as above using the same modelling but excluding all cost related to the Exmouth Town Hall refurbishment as councillors had already agreed this expenditure in December 2016. A similar magnitude of benefit is shown.

5. Timing Considerations

- 5.1 A review of the impact upon the project programme's timeline has been undertaken for each of the three options. This has identified the following key milestone dates:

	Description	Full Occupation date of the new facilities
Option 1	Take forward the construction of a new Honiton HQ in anticipation of an acceptable combination of capital receipt and prudential borrowing	Dec 2018
Option 2	Delay relocation from the Knowle pending resolution of appeal and/or new site marketing to secure a new development proposal and planning permission	August 2020
Option 3	Complete Exmouth Town Hall refurbishment and invest in repair and modernisation of a reduced area of Knowle office space	Exmouth TH – November 2017 Knowle - April 2021

6. Options Analysis

- 6.1 As detailed in the financial assessment section of this report, the different scenarios of capital receipt on the sale of the Knowle combined with borrowing produce a range of capital receipt and annual debt repayment sums.
- 6.2 PegasusLife are going to appeal on their existing scheme which would deliver an already agreed and known value to the Council of £7.505m.
- 6.3 Having already agreed that there are multiple strategic and operational reasons to sell the Knowle site and build a new HQ at Honiton to complete the relocation plan, it is for Cabinet and Council to decide on the basis of these variations and the strategic and operational merits of relocation, which way they want to move forward.
- 6.4 Looking at the options in more detail:

Option 1

Take forward the construction of a new Honiton HQ in anticipation of an acceptable combination of capital receipt and prudential borrowing. This would involve either a successful appeal or remarketing the Knowle for sale as a Local Plan compliant development or better.

For	Against
<ul style="list-style-type: none"> • Uncoupling the construction of the Honiton HQ from the sale of the Knowle site and the planning process so that the Council is in control of the timeline of relocation and can move forward with certainty. • The Honiton HQ has planning permission already in place. • Since the original sequence of events was agreed, the Knowle site has been given an allocation for residential development in the adopted Local Plan • The Knowle site remains a valuable and attractive asset. If PegasusLife win their appeal then the Council realises the agreed value. If the appeal is rejected then the site goes back to the market for sale to another developer. • If the Council has separately begun to build a new HQ and vacates the Knowle site then this intent should give confidence to the market regarding the Knowle site. • A period of borrowing without capital receipt was always factored into the original project financial plan. This was for a period of two years to reflect the delay between the Council beginning new office construction works and the developer securing vacant possession on the Knowle at which point they would pay over the capital sum. • Delay to development of a new HQ will make the project vulnerable to construction cost inflation. • The sooner the project is completed the less the cost of project management. • Prudential borrowing is a well-established and sound local government practice. • The independently, professionally assessed range of values for a future sale of the Knowle site all indicate a viable mix of capital receipt and debt repayment. • For staff we minimise uncertainty and demoralisation if we avoid delay. In this scenario the Council would be in its new HQ in December 2018. • Interest rates on borrowing are low at the moment so it is a good time to fix a repayment rate. • Exmouth Town Hall will be operational from Nov 2017. 	<ul style="list-style-type: none"> • The Council is proposing to go forward with the construction of new offices without an unconditional contract for the sale of the Knowle site. This adds an additional element of risk to the project. • If PegasusLife were not to win their appeal then the sale of the Knowle to another developer could be subject to delay that would need to be managed through extended borrowing. • If PegasusLife were not to win their appeal then future development proposals for the Knowle site would still be subject to planning permission. • This is a change from the Council's previously proposed approach to relocation.

Financial Implications:

Best case scenario;

Pegasus obtain their permission on appeal and the Council receives the agreed receipt of £7.505m, this represents a positive cash saving of £1.405m (or positive NPV of £4.551m) and a benefit of £5.937m overall compared to the 'Do Minimum' option.

Worst case scenario;

Remarketing and obtaining the value of a local plan compliant scheme, this represents a cost to the Council

of £4.238m overall, however it still presents a £294k saving (or positive NPV of £2.147m) when compared to the costs of the 'Do Minimum' option.

Timing Implications:

December 2018 – Full occupation date of new facilities.

Option 2

Delay relocation from the Knowle for a period of 12-24 months or more pending resolution of appeal and/or new site marketing to secure a new development proposal and planning permission.

For	Against
<ul style="list-style-type: none"> • Waiting for an agreed sale means that the Council will know the capital receipt involved and can calculate borrowing accurately at a future date. • This option still retains the Council's commitment to relocation. • Exmouth Town Hall will be operational from Nov 2017 and not affected by a delay. 	<ul style="list-style-type: none"> • This option subjects the Council's strategic and operational priorities for relocation to the decisions of the Development Management Committee which has twice previously refused applications for development on the Knowle site. • The cost of construction will increase due to inflation in materials and wages and any other future economic variables. • Furniture, ICT equipment and other elements of the project will also be subject to inflation. • A projected timeline of 1-2 years is a reasonable estimate but not guaranteed. Whilst it is a reasonable expectation that the Knowle will be developed, dependency on developers and the planning process adds an uncertain timeline. • The condition of the Knowle buildings remains a cause of concern. It could be two years or more before a new HQ build begins. In those timelines the Council would not depart from the Knowle until 2019 or 2020 or later. In the meantime we continue to have repair liabilities such as the boiler system, roof and mains electricity to consider. • If the Council remains at the Knowle for several more years then increasingly and with the need for new desktop technology to roll out, the Council will be required to install new technology in an old building and either remove or replace it when a new HQ is built. • Tying the move to site sale and planning permission means that there will also be delays incurred to achieving the cost savings that would arise from moving to a new, energy efficient HQ. • Remaining at the Knowle may give the developer sector less confidence in the Council's commitment if the Council has not vacated the site. • Delay to relocation will impact on staff morale.

Financial Implications:

Best case scenario;

Pegasus obtain their permission on appeal and the Council receives the agreed receipt of £7.505m, this represents a cash saving of £399k (or positive NPV of £4.091m) and a benefit of £4.931m overall compared to the 'Do Minimum' option.

Worst case scenario;

Remarketing and obtaining the value of a local plan compliant scheme, this represents a cost to the Council of £4.238m overall, however it still presents a £294k, saving (or positive NPV of £2.147m) when compared to the costs of the 'Do Minimum' option.

Timing Implications:

August 2020 – Full occupation date of new facilities.

Option 3

Complete Exmouth Town Hall refurbishment and invest in repair and modernisation of a reduced area of Knowle office space.

For	Against
<ul style="list-style-type: none">• The Council will not need to build a new HQ at Honiton.• A reduced area of the Knowle buildings could be retained and modernised and the Council retains the Knowle site.• Sidmouth would continue to benefit from the presence of a proportion of the Council's staff and its operations.• Exmouth Town Hall will be operational as a service hub for Exmouth from Nov 2017.	<ul style="list-style-type: none">• For a combination of operational and strategic reasons the Council decided to sell the Knowle site and relocate to Honiton and Exmouth.• On the basis of previous marketing it is clear that the development industry sees no value in the Knowle buildings. Investment by the Council in the Knowle offices will not add value to the site.• The Council will be required to maintain and repair the fabric of office spaces that are not in use.• To carry out essential repairs and maintenance on the Knowle buildings will cost £1.939m.• To bring remaining parts of the Knowle buildings into a modern, less cellular form that could accommodate modern ways of working would cost between £5.9 and £11.3m.• Retaining the continued use of parts of the Knowle will be an expensive and compromised future for the Council.• Remaining at the Knowle will mean that the site cannot provide a capital receipt to offset investment in essential repairs/maintenance or modernisation.• The disruption of building works on the Knowle including loss of car parking to a construction compound and the costs of temporary office buildings would add cost and impact on both services and the immediate neighbourhood.• The Council would remain in an HQ building that is not central to the district.

Financial Implications:

Best case scenario;

'Do Minimum' option costs the Council £4.532m which is comprised of essential repairs and maintenance of Knowle and refurbishment of Exmouth Town Hall.

Worst case scenario;

Carrying out the modernization programmes at an estimated capital cost of either (i) £5.908m or (ii) £11.298m depending which part of the Knowle is modernised. To this needs to be added the cost of Exmouth Town Hall refurbishment (£1.7m) to enable a like for like comparison to made with other options and scenarios outlined in this report.

Timing Implications:

April 2021 – Full occupation of modernized facilities.

Summary

7.1 In summary, Members may wish to bear in mind the following:

- PegasusLife are preparing their appeal to the previous planning decision. The report also considers alternative sale scenarios using the Grant Thornton model. The scenarios of a future sale of the Knowle are a range of options and all but one are affordable. The option that is Local Plan compliant for the Knowle is among the affordable. The Council would not pursue the non affordable option as the benchmark would always be the Local Plan compliant scheme.
- Retaining the Knowle offices and not building a new HQ at Honiton carries costs in terms of essential repairs and maintenance as a minimum. Modernisation of part of the Knowle offices in a manner that makes the offices fit for future local government such that the Council can operate effectively.
- If the Council wishes to be in control of a project as important and transformational as relocation then it needs to address the case to uncouple the project from the sale of the Knowle site and the planning process.
- The Council needs to consider risk in terms of the probability of sale of the Knowle site, the value of the Knowle site and the associated borrowing requirement.
- At the same time the Council needs to consider risk in terms of not moving forward with the development of the new HQ at Honiton not least in terms of organisational performance, service flexibility and construction cost inflation.
- Staying at the Knowle, even in part, carries with it a high level of compromise, impracticality, expense and risk for a public service provider seeking to optimise its service quality and cost efficiency across the district. In any flexible future the Council would not retain the Knowle site as its HQ operation. The strategic and operational imperative remains as strong as ever.
- The delay or deferral of moving from the Knowle pending a future planning permission and sale of the site brings with it uncertainty and additional expense. Inflation in terms of the construction contract costs is obvious. The energy costs of the Knowle will continue to be an expensive waste. The Council will do minimum repair to the site or alternately have to invest in major items if there is a significant failure and repair requirement among the identified liabilities. Staff uncertainty and low morale are genuine concerns for a Council that already struggles to compete in recruitment and retention with the private and other public sector.
- It was the Council's original intent to 'back to back' the sale of the Knowle with the commencement of development of new and refurbished offices. This has not been possible to date and an evolved approach is needed. The operational and strategic arguments for relocation to Exmouth and Honiton remain. The continuation and/or perpetuation of the Council's residency in its current premises is increasingly impractical in terms of cost, modern office working and service delivery. A solution that involves the Knowle either temporarily or permanently involves risk and compromise.

7.2 On the basis of this and previous reports, Council decisions to date and the findings of the conclusions from Grant Thornton it is the recommendation of officers that Option 1 is pursued and that the Council moves forward with a new build HQ at Honiton with the subsequent sale of the Knowle site.

8. HQ Access Road

- 8.1 This report also offers members the option of whether they wish to include an additional expenditure of £0.225m to develop a direct access road via the East Devon Business Centre (EDBC) entrance and realign EDBC car parking facilities. This would allow the improvement of car parking facilities for EDBC to the side of the new access road and create a more straightforward approach to the new council HQ building for officers, members and visitors. It is not essential and could be added at a later date but there is an operational logic and cost efficiency to carrying out the work during the main construction period.
- 8.2 The figures presented from the Grant Thornton Model do not include the £0.225m to fund the direct access road. If included this would affect the bottom line net cash position by this amount, but does not change the financial conclusion presented in relation to ranking and viability of the timing options and scenarios of different capital receipts.
- 8.3 A drawing showing the two road access options is attached at Appendix 2.

Financial Model services for the Council's office relocation project East Devon District Council

27 March 2017



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Our work has been conducted and our report prepared for East Devon District Council in accordance with a specified set of requirements. Accordingly, any use third parties may choose to make of our report is entirely at their own risk and we accept no responsibility whatsoever in relation to such use.

Glossary of Terms

Due to the technical nature of this review we have included this glossary to explain some of the key terms used.

Term	Description
Additional Council Funding	Contributions to the project by the Council used to cover any cash flow shortfall where Betterment does not fully cover the long term funding costs.
Betterment	Operational savings for each option as compared to the Current Base scenario.
Capex	Capital expenditure on New Buildings and improvements to Knowle.
Cash inflows	Cash receipts to the project. These include sale proceeds from existing buildings and Betterment cash flows.
Cash outflows	Cash payments from the project. These include debt service costs.
Cash flow	The net periodic sum of all cash inflows and outflows.
Council Internal Funding	£5m initial funding by the Council for project costs. This is repaid by short term funding during construction.
Dashboard	Output worksheet included in the Model.
Debt Drawdown	Cash receipt from Debt provider.
Debt Servicing	The payment of debt interest and capital in line with standard loan terms.

Term	Description
Financial Model or the Model	The option appraisal Model developed by Grant Thornton UK LLP.
Inputs (including TB and NTB)	Time Based ("TB") and Non Time Based ("NTB") Input worksheets included within the Model.
Internal Rate of Return or IRR	The return required to provide a net present value of zero
Long Term Funding	Assumed to be a debt repaid on an annuity basis (similar to a mortgage contract with payments covering both interest and principle).
NPV	Net Present Value of future cash flows. The cash equivalent in today's value of future cash flows.
Outputs	Outputs from the Model, included on the Dashboard.
Short Term Funding	Maturity based debt. Short term debt funding used to fund construction costs. This type of debt allows multiple drawdowns on a regular basis. This debt is then repaid via long term funding and capital receipts.
RPI	Retail Price Index.

1. Introduction

1.1 Background

- 1.1.1 In January 2015 East Devon District Council ("the Council") commissioned Grant Thornton to complete an assessment of options for the relocation of the Council offices.
- 1.1.2 At the time the Council was seeking to dispose of the existing Council office (Knowle) in Sidmouth and complete a relocation to two other sites. The Council, with the support of Davis Langdon / Aecom, had compiled a relocation business case and developed an associated financial model. The relocation business case included the development of two other Council sites in Exmouth and Honiton.
- 1.1.3 Under the terms of our engagement letter dated 23 January 2015, Grant Thornton developed a financial model for the Council to independently calculate the projects costs based upon a set of cost assumptions, including sensitivity analysis and a calculation of the NPV of costs. The final version of the updated model was handed over to the Council on the 27 February 2015 together with a supporting report (referred to as the Original Model and Original Report).
- 1.1.4 The Original Model assumed operations would commence in the relocated sites from September 2017 however, this relocation project has been subject to delays. The Exmouth refurbishment has commenced on 13 February 2017, with the Council having previously approved financing for this refurbishment. The Council has asked Grant Thornton to update the previous Model to reflect the current cost estimates and update the project cost calculations on the assumption that the Honiton redevelopment commencing in June 2017. We have also been asked to provide a report to summarise the updated costs and compare the updated costs for the selected option (described as Heathpark 2,776m² VG in the Original Report) against updated costs for the Do Minimum and Current Base from the Original Report.
- 1.1.5 In addition, the Council has asked that Grant Thornton also to evaluate sensitivities on the impact of different capital receipt amounts and a delay in the Honiton redevelopment to commence in January 2019, as well as modelling different capital receipts amounts.

1.2 Scope of our work

1.2.1 Our work focused on the following areas summarised below:

1. The Council has asked Grant Thornton to update the Original Model that was developed in 2015 with the current project costs. As before, the Model will independently calculate the projected costs based upon the set of cost assumptions and will include sensitivity analysis, discounted cash flow analysis including Net Present Value (NPV) and Internal Rate of Return (IRR) calculations. We have passed the Model to the Council, to allow the Council to further update the inputs following the completion of this engagement.

1.3 Period of our fieldwork

1.3.1 Our review was performed in the period between November 2016 and March 2017. We have not performed any further work since 21 March 2017 and, in agreement with the Council, our report may not take into account matters that have arisen after our report. For the avoidance of doubt we have only undertaken the modelling work described above and have not revisited or revised any further aspects of our Original Report including, but not limited to, the Benchmarking exercise.

1.4 Limitation of liability

1.4.1 We draw the Council's attention to the limitation of liability clauses in paragraphs 3.1 to 3.9 contained in appendix 1 of our engagement letter dated 23 January 2015.

1.5 Forms of report

1.5.1 For the Council's convenience, this report may have been made available to the Council in electronic as well as hard copy format, multiple copies and versions of this report may therefore exist in different media and in the case of any discrepancy the final signed hard copy should be regarded as definitive.

1.6 Confidentiality and reliance

1.6.1 Our report will be addressed to the Council. We stress that our report and other communications are confidential and prepared for the addressee only. They should not be used, reproduced or circulated for any other purpose, whether in whole or in part without our prior written consent, which consent will only be given after full consideration of the circumstances at the time.

1.6.2 We agree that an addressee may disclose our report to its employees, officers, directors, insurers and professional advisers in connection with the Purpose, or as required by law or regulation, the rules or order of a stock exchange, court or supervisory, regulatory, governmental or judicial authority without our prior written consent but in each case

strictly on the basis that we owe no duties to any such persons. We also agree that our report may be disclosed to Members of the Council.

- 1.6.3 We have discussed with the Council and agreed that our report can be included on the public part of the council agenda for the Joint Overview & Scrutiny and Audit & Governance Committee on the 18 April 2017. The Council has agreed that the Model will not be included due to issues of commercial confidentiality.

1.7 General

- 1.7.1 The report is issued on the understanding that the management of the Council have drawn our attention to all matters, financial or otherwise, of which they are aware which may have an impact on our report up to the date of signature of this report. Events and circumstances occurring after the date of our report will, in due course, render our report out of date and, accordingly, we will not accept a duty of care nor assume a responsibility for decisions and actions which are based upon such an out of date report. Additionally, we have no responsibility to update this report for events and circumstances occurring after this date.
- 1.7.2 We would like to thank the Council officers for making themselves available during the course of the review.



Will McWilliams
Partner
Grant Thornton UK LLP
March 2017

2. Financial Model

2.1 Financial model options appraised

2.1.1 The Financial Model has been developed to evaluate the following 8 Scenarios:

1. **Current Base** – Under this option the existing site is continued unchanged. This options is calculated to provide comparative figures for operating expenditure and betterment calculation only. This is not considered as a viable option as the Knowle office is in a state of disrepair that requires the corrective actions included in the "Do Minimum" scenario below. The assumptions have been updated since the Original Report.
2. **Do Minimum** – Under the Do Minimum option c£1.9m of capital expenditure, indexation and funding costs, are required to update the existing site to replace windows and other major maintenance. An additional c£1.7m of capital expenditure will be spent developing the Exmouth site to accommodate an additional 90 desks which the Council has previously approved financing for. Operational savings are expected to be small as the nature of the works is essential repair rather than upgrade. The assumptions have been updated since the Original Report.
3. **Pegasus Option** – This reflects the Heathpark development but with work commencing in June 2017. Exmouth is refurbished to accommodate an additional 90 desks. A capital receipt of £7,505,000 is assumed (note we understand 5% has been received and is excluded from the NPV analysis of cash flows from January 2017 onwards)
4. **Pegasus Delayed Option as a result of their planning appeal** – As Scenario 3 but with work being delayed for 19 months, commencing in January 2019.
5. **Alternative Capital Receipt 1 £6.8m following remarketing** – As Scenario 4 but with capital receipt reduced to £6,800,000.
6. **Alternative Capital Receipt 2 £5.8m following remarketing** – As Scenario 4 but with capital receipt reduced to £5,820,000
7. **Alternative Capital Receipt 3 £4.2m following remarketing** – As Scenario 4 but with capital receipt reduced to £4,170,000
8. **Alternative Capital Receipt 4 £3.2m following remarketing** – As Scenario 4 but with capital receipt reduced to £3,220,000

2.1.2 The Model has been developed to compare the cash flows of each of the above options (scenarios 3 – 8) to both the Do Minimum and the Current Base Scenarios cash flows.

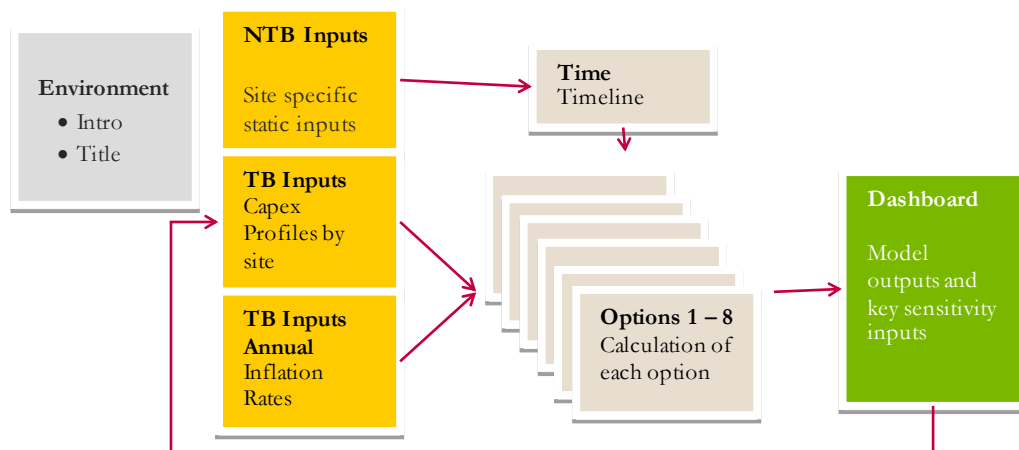
2.2 Overview of the Model development

- 2.2.1 The Model has been prepared to calculate the cash flow impact of the options to the Council. It has been developed in line with generally accepted financial modelling best practice principles (<http://www.icaew.com/en/technical/information-technology/excel/twenty-principles>) and designed with functionality to allow the Council to compare multiple options.
- 2.2.2 The remainder of this report summarises the outputs of the revised model which has the additional functionality to allow for NPV analysis. For information purposes only, Appendix A includes the summary of the results excluding the impact of the development of the Exmouth site, on the grounds that the Council has already approved funding for this and work has commenced.

2.3 Model Structure

- 2.3.1 The Model is structured to calculate the Options (as defined in section 2.1.1 above) simultaneously. Each option is represented by a worksheet, which is identical to all other calculation worksheets contained within the Model. The Model is structured as per the Figure 1 below.

Figure 1: Model Structure

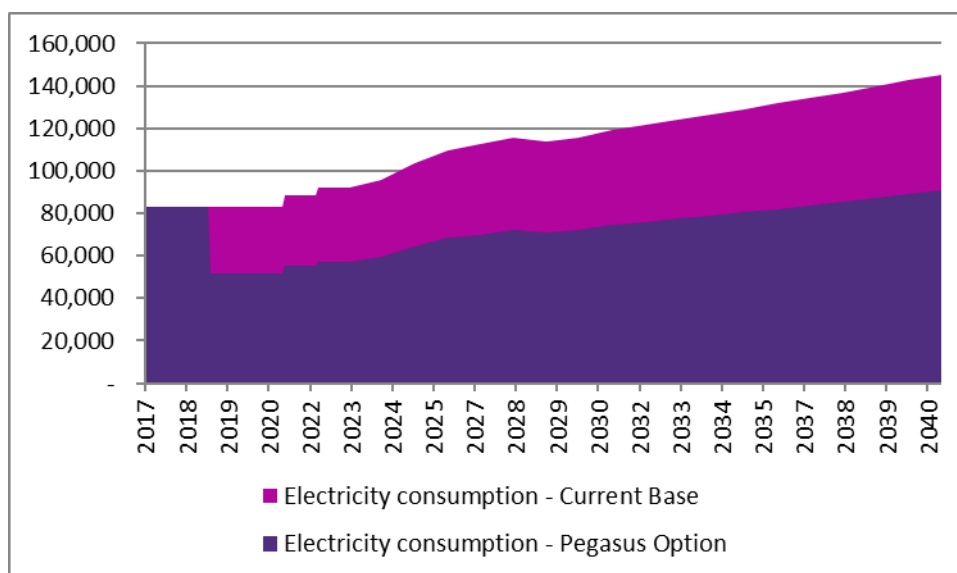


- 2.3.2 The model has been structured so there is a clear separation of worksheets used to capture inputs, worksheets used for calculations and outputs. Inputs are split between Non Time Based ("NTB") and Time Based ("TB").
- 2.3.3 All operational cost inputs were provided by Simon Davey (Strategic Lead - Finance) and Stephen Pratten (Relocation Manager).

2.4 Project Cash flow

- 2.4.1 Project cash flows are defined as the cash flows directly attributable to this project. As capital expenditure is expected to be funded via a combination of debt and internal funding the cash outflows represent debt service plus running costs after the Council has relocated and debt service begins. Prior to this date all capital expenditure and associated costs are funded from internal funding and then debt drawdown resulting in negative cash flow for the Council.
- 2.4.2 The proposed Heathpark buildings provide operational cost savings as compared to the Knowle building. The Model calculates these operational savings ("**Betterment**") for each option as compared to the Current Base scenario.
- 2.4.3 Betterment is calculated as the cash flows under the Current Base Scenario minus the cash flow under the chosen Heathpark option.
- 2.4.4 Figure 2 below shows the Electricity consumption Betterment of the Pegasus option against the Current Base option: This is represented by the pink area in the graph in below:

Figure 2: Electricity consumption Betterment Pegasus option vs Current Base



- 2.4.5 Due to the effects of inflation the Betterment increases over time. Table 1 below shows the Betterment for each option versus Current Base.

Table 1: Betterment vs Current Base

Scenario	Betterment (£)
Do Minimum	904,611
Pegasus Option	4,648,892
Pegasus Delayed Option as a result of their planning appeal	4,388,568
Alternative capital receipt following remarketing 1	4,388,568
Alternative capital receipt following remarketing 2	4,388,568
Alternative capital receipt following remarketing 3	4,388,568
Alternative capital receipt following remarketing 4	4,388,568

2.5 Funding

2.5.1 Construction period cash flows are funded via Council’s internal funding and debt drawdown. The funding structure for all options is as follows:

1. Council internal funding – Up to £5m – fully repaid upon drawdown of short-term funding. Interest applied at an input rate.
2. Short-term funding – drawdown to cover all costs up to the date of capital receipt. Interest charged monthly at an input rate.
3. Long-term funding – Drawn to cover short-term funding less capital receipt. Repaid via annuity profile over 20 years from the date of capital receipt. Interest charged at an input rate.
4. Additional Council funding – Used to cover any shortfall in cash requirement to pay debt service on long-term funding after Betterment. This is discussed further below.

2.5.2 Additional Council Funding is used to cover any cash flow shortfall where Betterment does not fully cover the long term funding costs.

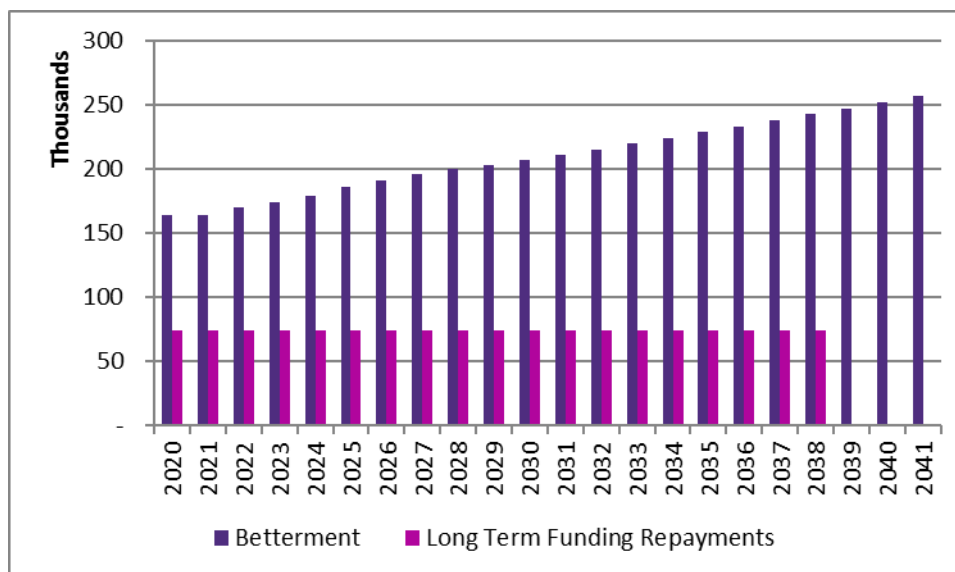
2.5.3 The Additional Council Funding balance represents the net cash flow to the Council. All other cash flows are covered by either funding drawdowns or Betterment.

2.5.4 Short Term Funding is repaid partly by capital receipt. The Council has instructed the provision of an updated RICS Red Book Valuation and Report for Knowle which has identified a range of potential valuations for the Knowle site, varying between £3,220k and £7,505k For the avoidance of doubt we have not undertaken any validation of the quantum of this capital receipt, because this was outside the scope of our work.

2.5.5 Figure 3 below, the Betterment cash flows exceed the long term funding costs. This is primarily driven by savings in utility costs, maintenance related costs and employee costs. There is however, a higher business rates associated with the new offices at Heathpark which offsets against the benefits. Under the Do Minimum option, annual costs are

estimated at approximately £570k. Under the Updated Costs options, these are approximately £435k.

Figure 3: Pegasus Option - Long Term Funding Cash flows vs Betterment



2.5.6 Each option, with the exception of the Current Base and Do Minimum requires external finance as per the table below.

Table 2: Long Term Finance Drawdown

Scenario	Total Short Term Funding	Capital Receipt	Long Term Funding Drawdown
Do Minimum	-	-	-
Pegasus Option	8,218,079	7,505,000	1,204,080
Pegasus Delayed Option as a result of their planning appeal	8,907,015	7,505,000	2,015,400
Alternative capital receipt following remarketing 1	8,907,015	6,800,000	2,345,150
Alternative capital receipt following remarketing 2	8,907,015	5,820,000	3,325,150
Alternative capital receipt following remarketing 3	8,907,015	4,170,000	4,975,150
Alternative capital receipt following remarketing 4	8,907,015	3,220,000	5,925,150

2.6 Results

2.6.1 Results are displayed on the Dashboard of the Financial Model. The sections below summarise the key results in terms on Council Funding Cash flows and Net Present Value (NPV) analysis.

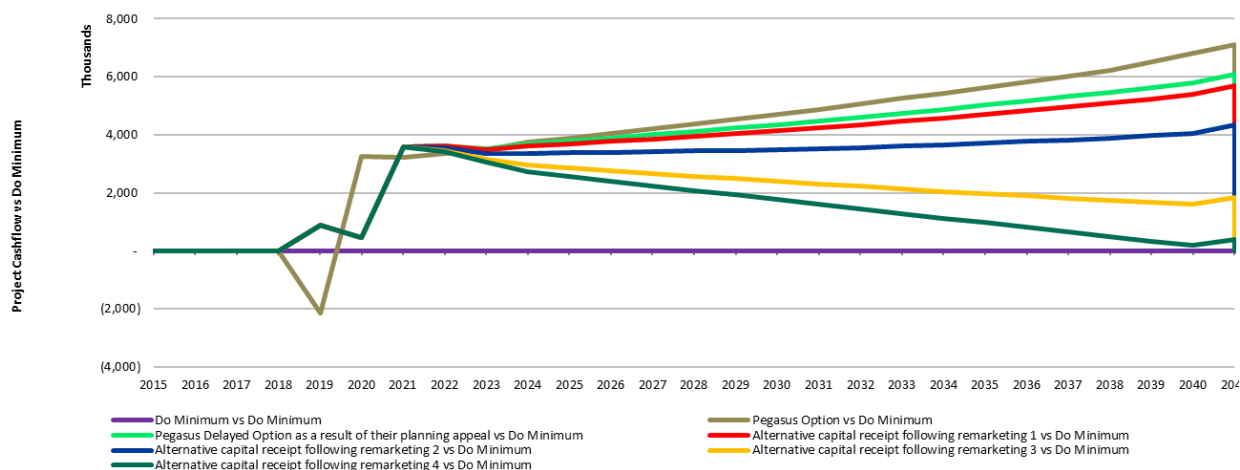
2.6.2 Results are ranked to determine the best option available for the Council solely based upon the financial NPV ranking.

2.7 Cash flow Comparison

2.7.1 Each Heathpark option cash flow has been appraised against the Do Minimum scenario. Under the instructions provided to us, all options have had the same period end for the Betterment calculations from their respective point of inception. Figure 4 shows the net Council Cash flow versus the Do Minimum scenario.

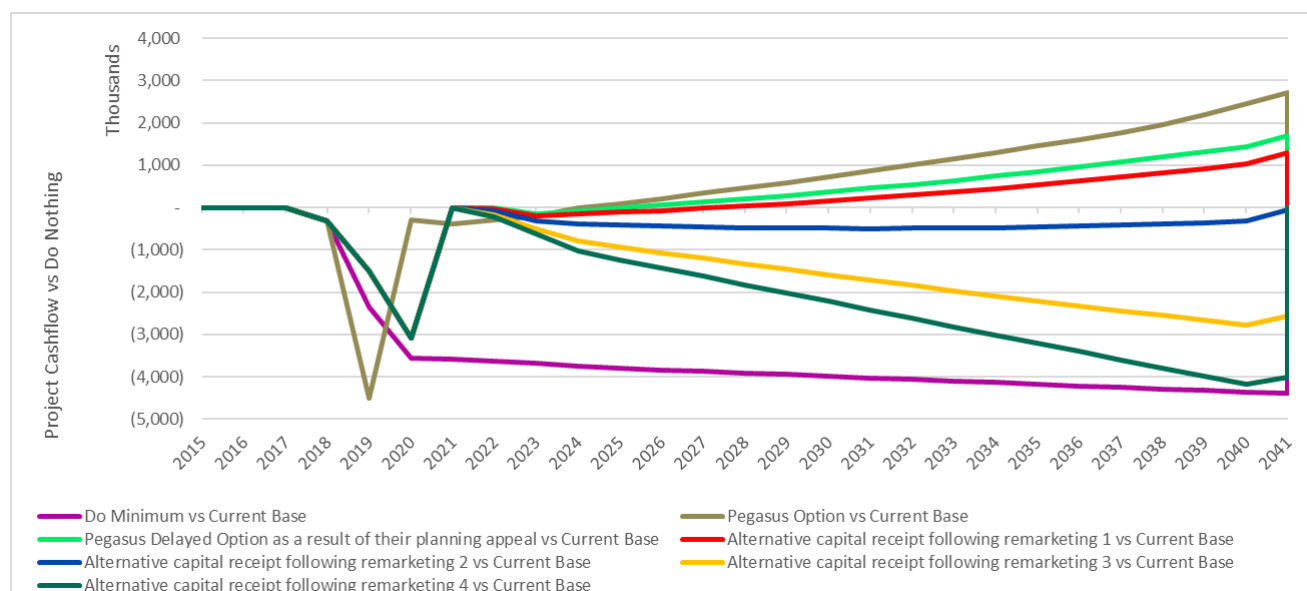
2.7.2 It should be noted that under this assessment the cash flows under the Do Minimum scenario are shown as zero as it is the cash flow profile to which all scenarios are compared. This is represented on the graph in Figure 4. These projected cash flows represent an incremental improvement to the Council from the Do Minimum and, for the avoidance of doubt, does not represent a positive cash balance to the Council.

Figure 4: Summary of Cash flows vs Do Minimum



2.7.3 The net Council position should be considered in comparison to the current position of Current Base. Figure 5 below shows the Net Council Cash flow versus the Current Base, which represents the cash flow incremental to the current position.

Figure 5: Summary of Cash flows vs Current Base



2.7.4 The presentation does not change the results, with both graphs clearly showing an incremental improvement in the Councils cash flow in comparison to the Do Minimum scenario aside from the scenario with capital receipt of £3.2m. The results are summarised in Table 3 below:

Table 3: Cash flow

Scenario	Net Council Cash Position	Incremental Cash flow vs Do Minimum	Ranking
Do Minimum	(4,531,529)		6
Pegasus Option	1,404,619	5,936,148	1
Pegasus Delayed Option as a result of their planning appeal	399,091	4,930,620	2
Alternative capital receipt following remarketing 1	(387,620)	4,143,908	3
Alternative capital receipt following remarketing 2	(1,737,699)	2,793,830	4
Alternative capital receipt following remarketing 3	(4,237,605)	293,924	5
Alternative capital receipt following remarketing 4	(5,676,963)	(1,145,434)	7

2.8 Net Present Value - NPV

2.8.1 NPV analysis is traditionally used to evaluate projects, where a positive NPV is commonly an indication that the project should be committed to. With only Betterment as a "positive" cash flow it is possible for an option to have a negative NPV. In this case, to ensure a fair appraisal, the NPV of each option should be compared to the NPV of the Do Minimum, to take into account the avoided cash flows as discussed above.

Table 4: NPV

Scenario	NPV	Incremental NPV vs Do Minimum	Ranking
Do Minimum	(3,762,238)	-	7
Pegasus Option	789,055	4,551,293	1
Pegasus Delayed Option as a result of their planning appeal	328,870	4,091,108	2
Alternative capital receipt following remarketing 1	134,020	3,896,259	3
Alternative capital receipt following remarketing 2	(492,444)	3,269,795	4
Alternative capital receipt following remarketing 3	(1,615,284)	2,146,954	5
Alternative capital receipt following remarketing 4	(2,261,781)	1,500,458	6

2.9 Modelling Conclusion

- 2.9.1 The results detailed above reflect the outputs from the Model named East Devon Council Relocation – v12.01T provided to the Council via email on 27 March 2017.
- 2.9.2 The key cash flows to the Council are Long Term Funding costs and Betterment Costs. The Long Term Funding requirement under each Pegasus option is directly dependant on the capital receipt amount. There is no difference in Betterment between the four delayed scenarios and approximately £250k difference between the Pegasus Option and the delayed options. However, all scenarios offered a benefit in excess of at least £1,500k when compared to the Do Minimum measured in NPV terms.
- 2.9.3 Both the Cash flow Analysis and the NPV Analysis indicate that the Pegasus Option represents best value from a financial perspective compared to the Do Minimum scenario based upon the stated assumption.
- 2.9.4 The conclusions above are based solely on the results of the Model and therefore do not consider any qualitative aspects of the options, and nor have we considered the extent to which the office relocation project will meet the Council's service of efficiency aspirations/objectives.

3. Appendix A – Analysis excluding Exmouth development

Figure 6: Pegasus Option vs Current Base Electricity Consumption Betterment (excluding Exmouth)

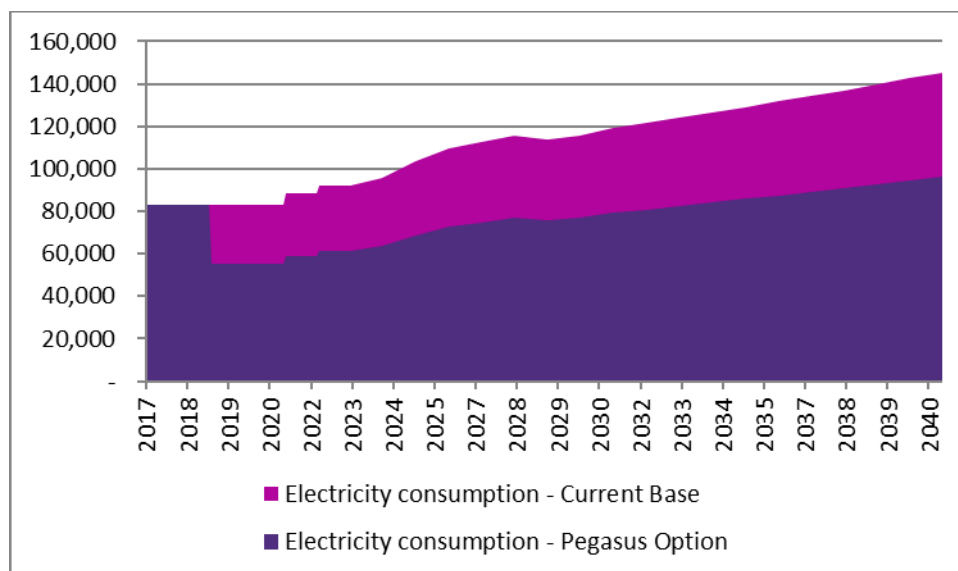
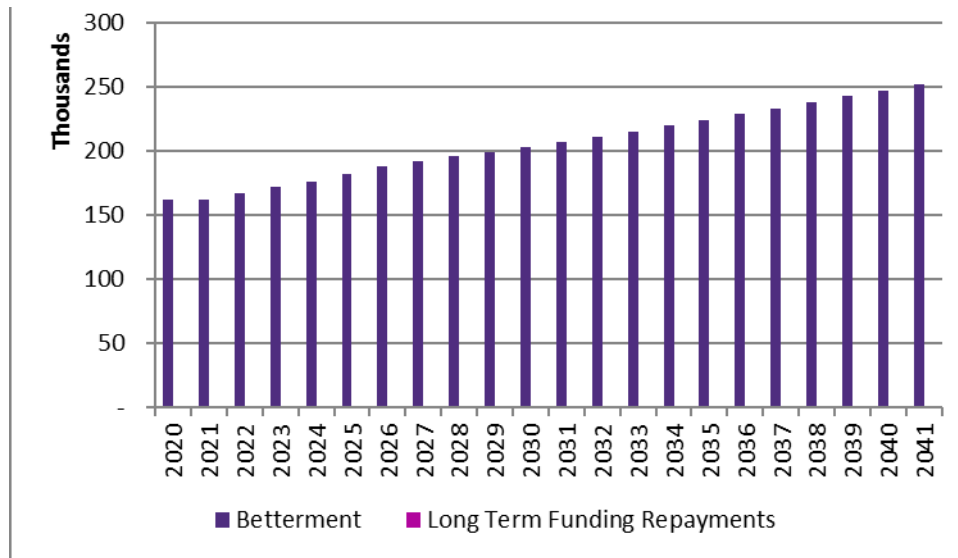


Table 5: 20 year Betterment vs Current Base

Scenario	Betterment (£)
Do Minimum	817,696
Pegasus Option	4,562,167
Pegasus Delayed Option as a result of their planning appeal	4,305,464
Alternative capital receipt following remarketing 1	4,305,464
Alternative capital receipt following remarketing 2	4,305,464
Alternative capital receipt following remarketing 3	4,305,464
Alternative capital receipt following remarketing 4	4,305,464

Figure 7: Pegasus Option - Long Term Funding Cash flows vs Betterment (excluding Exmouth)



As shown in the table below, the Pegasus Option (excluding Exmouth) does not draw on long term funding and consequently there are no long term funding repayments in the graph above.

Table 6: Long Term Finance drawdown (excluding Exmouth)

Scenario	Total Short Term Funding	Capital Receipt	Long Term Funding Drawdown
Do Minimum	-	-	-
Pegasus Option	6,659,879	7,505,000	-
Pegasus Delayed Option as a result of their planning appeal	7,303,232	7,505,000	410,311
Alternative capital receipt following remarketing 1	7,303,232	6,800,000	740,061
Alternative capital receipt following remarketing 2	7,303,232	5,820,000	1,720,061
Alternative capital receipt following remarketing 3	7,303,232	4,170,000	3,370,061
Alternative capital receipt following remarketing 4	7,303,232	3,220,000	4,320,061

Figure 8: Summary of Cash flows vs Do Minimum

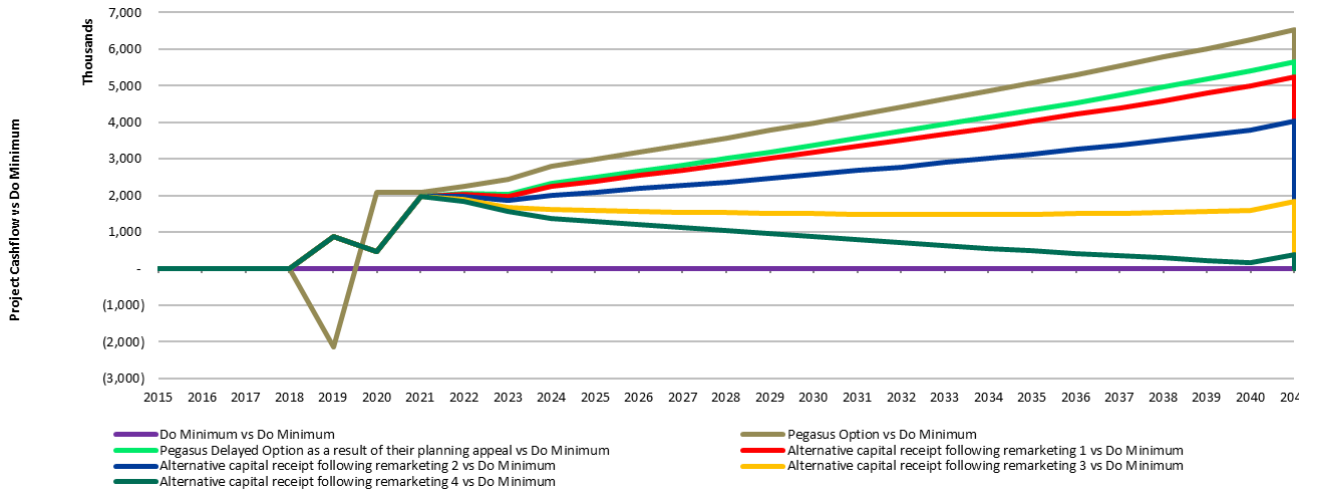


Figure 9: Summary of Cash flows vs Current Base

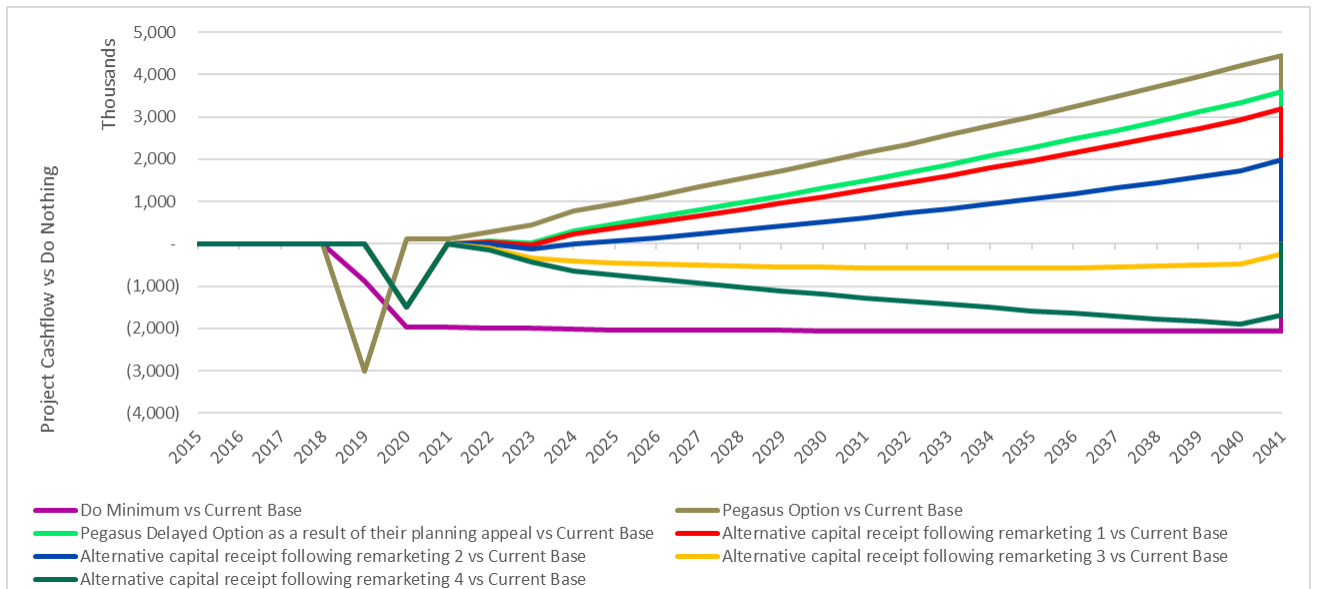


Table 7: Cash flows

Scenario	Net Council Cash Position	Incremental Cash flow vs Do Minimum	Ranking
Do Minimum	(2,050,805)		6
Pegasus Option	3,293,340	5,344,145	1
Pegasus Delayed Option as a result of their planning appeal	2,424,825	4,475,631	2
Alternative capital receipt following remarketing 1	1,645,608	3,696,414	3
Alternative capital receipt following remarketing 2	441,926	2,492,731	4
Alternative capital receipt following remarketing 3	(1,768,927)	281,878	5
Alternative capital receipt following remarketing 4	(3,208,264)	(1,157,459)	7

Table 8: NPV

Scenario	NPV	Incremental NPV vs Do Minimum	Ranking
Do Minimum	(1,879,828)	-	6
Pegasus Option	1,855,731	3,735,559	1
Pegasus Delayed Option as a result of their planning appeal	1,342,387	3,222,215	2
Alternative capital receipt following remarketing 1	1,152,089	3,031,917	3
Alternative capital receipt following remarketing 2	584,412	2,464,240	4
Alternative capital receipt following remarketing 3	(445,564)	1,434,264	5
Alternative capital receipt following remarketing 4	(1,092,046)	787,782	7



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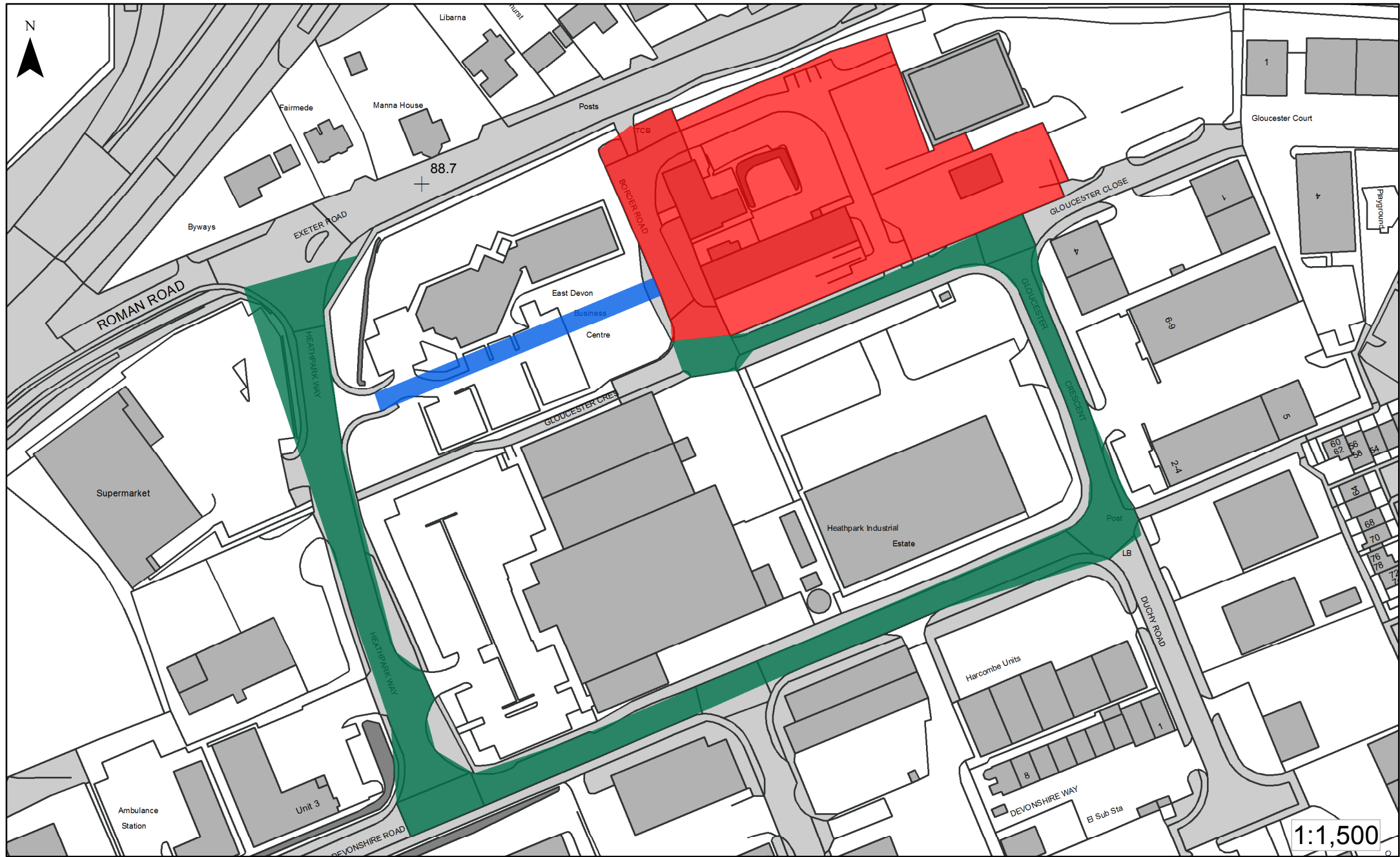
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Appendix 2 - Overall Project – Exmouth Town Hall Refurbishment Costs included

Dashboard

	Current Base	Do Minimum	Pegasus Option	Pegasus Delayed Option as a result of their planning appeal	Alternative capital receipt following remarketing 1	Alternative capital receipt following remarketing 2	Alternative capital receipt following remarketing 3	Alternative capital receipt following remarketing 4
<i>Unit: £</i>								
Total Cost by Option								
NPV - Discounted to 1 January 2017	£	(3,762,238)	789,055	328,870	134,020	(492,444)	(1,615,284)	(2,261,781)
Total Operating Expenditure Betterment	£	904,611	4,648,892	4,388,568	4,388,568	4,388,568	4,388,568	4,388,568
Capital Expenditure	£	(3,608,000)	(10,360,950)	(10,871,454)	(10,871,454)	(10,871,454)	(10,871,454)	(10,871,454)
Operating Expenditure Betterment	£	904,611	4,648,892	4,388,568	4,388,568	4,388,568	4,388,568	4,388,568
Capital Receipts	£	-	7,505,000	7,505,000	6,800,000	5,820,000	4,170,000	3,220,000
Interests								
Internal Council Funding	£	(1,828,139)	(59,316)	(96,940)	(96,940)	(96,940)	(96,940)	(96,940)
PWLB Short-Term Funding	£	-	(49,572)	(66,191)	(66,191)	(66,191)	(66,191)	(66,191)
PWLB Long-Term Funding	£	-	(257,108)	(451,310)	(525,151)	(744,604)	(1,114,090)	(1,326,824)
Council Additional Funding Interests	£	-	(22,326)	(8,582)	(16,452)	(167,078)	(647,498)	(924,122)
Drawdowns								
PWLB Short-Term Funding	£	-	8,218,079	8,907,015	8,907,015	8,907,015	8,907,015	8,907,015
PWLB Long-Term Funding	£	-	1,204,080	2,015,400	2,345,150	3,325,150	4,975,150	5,925,150
Repayments								
PWLB Short-Term Funding	£	-	(8,218,079)	(8,907,015)	(8,907,015)	(8,907,015)	(8,907,015)	(8,907,015)
PWLB Long-Term Funding	£	-	(1,204,080)	(2,015,400)	(2,345,150)	(3,325,150)	(4,975,150)	(5,925,150)
Total Net Council Cash Position vs. Current Base	£	(4,531,529)	1,404,619	399,091	(387,620)	(1,737,699)	(4,237,605)	(5,676,963)
Rank		6	1	2	3	4	5	7
Total Operating Expenditure	£	17,880,815	16,976,203	13,231,923	13,492,247	13,492,247	13,492,247	13,492,247
Incremental Cost vs. Do Minimum								
Incremental NPV	£		4,551,293	4,091,108	3,896,259	3,269,795	2,146,954	1,500,458

Appendix 3: Access Road Options for the New HQ Office, Honiton



- New HQ Office Site
- Proposed Current Access
- Proposed Direct Access through East Devon Business Centre Site

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1:1,500

Report to: Cabinet
Date of Meeting: 5 April 2017
Public Document: Yes
Exemption: None

Review date for release None

Agenda item: 15

Subject: Exmouth Regeneration Board

Purpose of report: To seek Cabinet agreement regarding proposed changes to the membership and terms of reference of the Exmouth Regeneration Board.

Recommendation: **That Cabinet recommend to Council that;**

- 1. The changes to the Terms of Reference and Membership of the Exmouth Regeneration Programme Board proposed in this report be agreed.**
- 2. The Chief Executive be given delegated authority in consultation with the Chair and Vice Chair of the Regeneration Board and Strategic Lead (Governance and Licensing) to prepare and finalise the protocol for eligibility for non-voting membership.**

Reason for recommendation: The Exmouth Regeneration Board has been in existence since 2008. It has provided an important advisory function on the development and delivery of regeneration interventions for Exmouth. To maintain its value in supporting regeneration in Exmouth it is important to review the membership of the Board to maintain its strength and representative scope.

Officer: Richard Cohen, Deputy Chief Executive
rcohen@eastdevon.gov.uk

Financial implications: There are no direct financial implications; any financial considerations recommended by this Board will need to be approved by Council.

Legal implications: There are no direct legal implications arising.

Equalities impact: Low Impact

Risk: Low Risk

Links to background information:

- Appendix 1 (attached) – Exmouth Regeneration Programme Board – Terms of Reference 2008



Link to Council Plan: The Exmouth Masterplan, regeneration projects and the work of the Exmouth Regeneration Board impact upon all key objectives of the Council. Specifically to be outstanding in regard to communities, economy and environment.

Report in full

Since it came into being the Exmouth Regeneration Board has provided an important forum to advise and influence the progress of regeneration activity in Exmouth. The Board includes representation from all three levels of local government as well as private and community sector partners. Regeneration in Exmouth is not about land development alone and the key stakeholders represented on the Regeneration Board have been able to apply a breadth of experience and expertise to make sure that issues of community engagement, local intelligence, commercial awareness, social and cultural concern are also considered and embedded in the regeneration initiatives completed and underway.

With a number of successes to point to including the new assets for Exmouth of the Strand, Premier Inn, Sea Cadets HQ and Mamhead Slipway, it is timely to consider reflecting on the membership and terms of reference of the Board to refresh and prepare it for the coming years and continued delivery of change and investment in Devon's largest town.

This report seeks to simplify the terms of reference of the Board and encourage some new skills and experience to participate especially from the private sector which, to date, has not been as strongly represented as it could be. This report proposes a new balance of membership that reflects changes since the Board was formed in 2008 and seeks to increase the private sector as a proportion of the Board's membership numbers.

Terms of Reference

1. The name of the forum will be '*Exmouth Regeneration Board*';
2. To provide a forum for advice and expertise between public, private and community sectors in the development and delivery of regeneration initiatives in Exmouth;
3. To receive reports from and advise the Exmouth Regeneration Executive Group;
4. To monitor progress on achieving the delivery of the regeneration programme;
5. To provide strategic advice and direction for the regeneration programme;
6. To help overcome barriers to delivering the regeneration programme;
7. To work with local business, landowners, developers and commercial interests to improve Exmouth's economy and deliver regeneration;
8. To promote the objectives and successes of regeneration in Exmouth.

Board Structure

Membership of the Exmouth Regeneration Board will be comprised as follows:

Voting Members

- EDDC Portfolio Holder for Economy (who shall be the Chair)
- EDDC Portfolio Holder for Sustainable Homes and Communities (Vice Chair)
- EDDC Exmouth Champion
- EDDC Tourism Champion
- 2 x Devon County Councillor (one who shall represent Exmouth)
- 2 x Exmouth Town Councillor

And then one representative from each of;

- Clinton Devon Estates
- Exmouth Chamber of Commerce
- Exmouth Licensed Victuallers Association
- Exmouth Community Organisations Liaison Panel
- Exe Estuary Partnership representative

Non-Voting Members

- Alderman Tim Wood

And then one representative from each of;

- Neighbourhood Plan Steering Group representative
- Leisure East Devon representative
- Exmouth tourism business (eg holiday accommodation)
- Food and drink business (eg restaurateur)
- Exmouth landowner
- Exmouth commercial developer

The voting membership of the Board may invite additional non-voting members as detailed above to join the Board as they deem appropriate. The may also remove non-voting members from the Board as they deem appropriate. Eligibility for non-voting membership of the Board will be subject to a protocol that ensures that members are fit and proper persons eg covering matters of criminal record, bankruptcy, not being subject to planning enforcement etc.

To assist the Board they may invite any individuals with particular expertise (including other elected Members) and/or representatives of organisations to attend.

Officers of the District Council, County Council and the Exmouth Town Clerk will attend in an advisory capacity only. The District Council will provide the secretariat service for the Board.

The ethos of the Regeneration Board should be to work through consensus whenever possible and to recognise the fact that each of the councils in particular will need to report matters back to their respective organisations for decisions to be made.

The Board will not be open to the general public and attendance will be by invitation only. This reflects the confidential and sensitive nature of matters discussed at Board meetings. Notes of Board meetings will be publicly available and published as part of EDDC Cabinet papers.

The board will be subject to a further review in three years' time to assess continued need and/or whether any changes are appropriate.

Quorum

Shall be a minimum of five voting members but which must include the Chairman or Vice-Chairman

Frequency of Meetings

The Exmouth Regeneration Board will meet a minimum of four times per year.

Other Arrangements

Substitution of members will be permitted provided written notification has been provided to the Secretariat. However it is expected that the use of substitutes shall only occur in exceptional cases.

Exmouth Regeneration Executive Group

The Board is supported by the Exmouth Regeneration Executive Group. The arrangements for this group will not change. This is chaired by the Exmouth Regeneration Board Chairman and includes officers from the three councils and the EDDC Board members. It meets monthly and its role is to address the detail of regeneration activities, take forward key projects, support the Regeneration Board and respond to the advice and guidance from the Board. EDDC officers will provide a secretariat for the Group.

EXMOUTH REGENERATION PROGRAMME BOARD

Agenda item 1:

Terms of reference and membership of Board

Summary

The Council has firmly established the regeneration of Exmouth as a key Council priority. Project working groups comprising officers of town, district and county councils have been meeting regularly to develop a programme. This work has been led by the Corporate Director – Environment at the District Council principally because the programme has been largely shaped by redevelopment considerations involving land in the ownership of the District Council. However, all three councils have been working in partnership, most recently in bringing forward the gateway visitor centres for Exmouth; and it is now appropriate to move to a structured programme board to shape the regeneration programme and to monitor progress in delivering and achieving the aims of the programme. Whilst land redevelopment will continue to be an important part of the programme, it is apparent that employment growth, community infrastructure, learning and skills, town centre management and environmental enhancement are fundamental elements of a regeneration programme that warrants a more structured approach to engaging key stakeholders in driving a programme of delivery. All three councils have indicated a willingness to participate in a regeneration programme board and this report sets out the terms of reference for the Board.

Recommendation

- 1. That Councillor Peter Halse be accepted as the Chairman of the Exmouth Regeneration Programme Board.**
- 2. That the vision and terms of reference set out in section 2 be approved.**
- 3. That the membership of the Boards set out in section 3 be approved.**
- 4. That at least two individuals from the private sector are sought to serve on the Board, more than two names have come forward and the Board is requested to make a decision.**
- 5. That the Regeneration Programme Board meets once a quarter.**

a) Reasons for Recommendation

Regeneration is a top council priority and there is a need to establish a regeneration programme and to monitor delivery of the programme.

b) Alternative Options

Members could consider more ambitious delivery vehicles such as a regeneration company; however these would normally have significant financial implications. The role of chairman is important to the success of programme boards; members may wish to consider appointing a chairman from outside the local authorities, or to adopt a rotating chairman.

c) Risk Considerations

The Regeneration Boards are a way of managing risk, to reduce the risk of failure to deliver a regeneration programme.

d) Policy and Budgetary Considerations

The programme boards are a result of the priority that members have assigned to regeneration. The Council will need to support the working of the boards with officer support.

e) Date for Review of Decision

May 2011.

1.0 Main Report

- 1.1 The setting up of a Regeneration Programme Board for Exmouth is in many respects a natural development of the partnership working that already takes place between the local authorities and regional bodies in this part of Devon.
- 1.2 The County, District and Town Councils have a track record of working together for environmental enhancements, transport improvements and a range of initiatives over the years. In Exmouth there has been a formal partnership in operation for a number of years known as the Exmouth Joint Forum. Recently, the Council has been working in partnership with the County Council and Town Council to bring forward the gateway visitor centre, and has been supported in this work by SWRDA and community groups.
- 1.3 The Council's new corporate strategy has established a "Thriving economy" as a key priority for the Council and the regeneration of Exmouth identified as a top priority. In recognition of this priority the Corporate Director – Environment has been given responsibility for property and economic development to support delivery of the Council's regeneration objectives.
- 1.4 The Council's regeneration programme, as currently constituted, focuses on redevelopment opportunities and the social/community infrastructure aspirations of the community. A lot of work has gone into bringing forward key sites and taking forward key projects, such as the

gateway visitor centres. Officer regeneration project meetings take place on a fortnightly basis with attendance from county, district and town councils. However, it is becoming increasingly apparent that the scope of these meetings need to be broadened and a formal regeneration programme needs to be constituted with a governance structure put in place to drive the programme.

- 1.5 A regeneration programme should include issues such as learning and skills, employment, environmental enhancement, transport infrastructure, as well as land and planning considerations. These issues require a range of skills and responsibilities not currently captured by the informal working arrangements. The participation of the private sector is an important element of the success of regeneration programmes elsewhere in the country, Exmouth Joint Forum and informal officer working groups do not adequately address the participation of the private sector. Likewise there are important statutory bodies, such as Natural England, the Environment Agency, and the SWRDA that have important roles to play in shaping and/or delivering a regeneration programme.
- 1.6 The primary focus of the Board will be to drive the regeneration programme and to champion the regeneration agenda. To enable this role to be carried out effectively it is important that the private sector be engaged. The meetings will need to address matters that relate to land development and property considerations, some of these issues will be of a confidential nature. It would not be appropriate to have this debate in public and open to the press. Community engagement and public communication will continue to be delivered through the local authorities and local elected representatives. The officers and elected member representatives will be expected to report back to their respective organisations.
- 1.7 Often the problems and issues of coastal towns are not seen as serious as urban deprivation, and it would be fair to say that coastal towns are often over looked in national regeneration programmes. Recently both at a regional and national level there has developed an awareness that issues associated with coastal towns do demand attention, for example the Department of Culture Media and Sports has highlighted the particular issues facing coastal towns, and has recently introduced a £45 million funding programme. A regeneration programme board with private and public sector membership would provide a more effective vehicle to drive delivery and to address regional and national bodies for engagement. Importantly it should enable the development of a broader vision for the communities that go beyond spatial considerations

2.0 **Vision**

- 2.1 To provide strategic leadership for the Exmouth regeneration programme and to champion the regeneration agenda for Exmouth

2.2 **Terms of Reference**

1. To provide a co-ordinating vehicle between the three local authorities and to provide an interface with the SWRDA, and other statutory bodies;
2. To establish a regeneration programme for Exmouth

3. To monitor progress on achieving the delivery of the regeneration programme;
4. To provide strategic leadership for the regeneration programme;
3. Co-ordinating and overseeing major physical development projects;
4. Informing the work of East Devon's Local Development Documents
5. Co-ordinating the efforts of infrastructure providers;
6. Unlocking barriers to delivering the regeneration programme;
7. Co-ordinate procurement of specialist advice/services from the private sector;
8. Identifying opportunities associated with national and regional funding streams and the programmes of other agencies to bring in resources.

3.0 Board Structure

3.1 Membership of the Steering Board will be comprised as follows:

- EDDC 2 seats, plus chairman
- DCC 2 seats
- Town Council 2 seats
- SWRDA 1 seat
- Environment Agency 1 seat
- Natural England 1 seat
- Private Sector 3 seats (including Exmouth Chamber of Commerce)
- Principal of Exmouth Community College 1 seat
- Exmouth Town Management Partnership Board 1 seat
- Primary Care Trust 1 seat.

The following names have been forwarded as private sector members of the Board:

Malcolm Sherry – he runs MSA Consulting and represents the Chambers of Commerce Trade and Industry (SW)

Nigel Wilkinson - Nigel is in his early forties and runs a fast expanding web design company (clients such as Top Gear) in Exmouth and been involved in various projects in Exeter.

Richard Jacobs - Richard is well known in the Exeter property and development market, he has a keen interest with Exmouth and members may feel he has the appropriate skills to bring to the Board.

William Casely,- Otter Nurseries, well known and successful East Devon business, members may consider someone with a strong business background but less obvious connections with Exmouth may have some advantages.

Members may wish to consider the role of key property companies and land owners in the town; from a delivery point of view companies such as Clinton Devon Estates; Eagle One; Eagle Investments; and Exmouth Marina Ltd could play significant roles in unlocking barriers to delivery.

Officers will attend to advise but not to vote. The ethos of the Programme Board should be to work through consensus whenever possible and to recognise the fact that each of the councils will need to report matters back to their respective organisations for decisions to be made.

The Board will not be open to the general public and attendance will be by invitation only.

4.0 Board Chairmanship

4.1 The proposal is that the Regeneration Programme Boards should be set up for an initial duration of three years, i.e. 2008/09 to 2010/11 after which a formal review should be conducted to determine the appropriateness of the delivery vehicle and the effectiveness of the arrangements. The recommendation is that Councillor Peter Halse be appointed as the Chairman of the board for the duration of the three years to give continuity to driving progress of the regeneration programme.

5.0 Frequency of Meetings

5.1 It is proposed that the Regeneration Programme Board meet once a quarter.

Legal Implications

No legal observations.

Financial Implications

The financial implications are in the form of officer time which is already included in the Council's budgets.

Consultation on Reports to the Executive

None

Background Papers

None

Karime Hassan

Corporate Director

Report to: **Cabinet**
Date of Meeting: 5 April 2017
Public Document: Yes
Exemption: None



Review date for release None

Agenda item: **16**

Subject: **Enforcement and Prosecution Policy**

Purpose of report: The Council has a number of service specific policies relating to how we will carry out our regulatory enforcement action in that service. Not all services that carry out regulatory enforcement have a specific policy. Equally, there is no overarching policy that applies across the whole Council. This policy seeks to overcome these issues by providing a comprehensive policy applicable to all our regulatory enforcement and prosecution actions.

Recommendation: **That Cabinet;**

- 1. Adopt the Enforcement and Prosecution Policy (Appendix 1)**
- 2. Authorise the Strategic Lead (Governance and Licensing) in consultation with the Senior Management Team to approve any service specific strategies or procedures to sit under the Enforcement and Prosecution Policy and to update Section 8 of the Policy accordingly as and when appropriate.**

Reason for recommendation: To ensure a consistent and lawful approach to carrying out our regulatory enforcement and prosecution actions.

Officer: Henry Gordon Lennox – Strategic Lead (Governance and Licensing)
hgordonlennox@eastdevon.gov.uk

Financial implications: There appears to be no direct financial implications.

Legal implications: It is important to reiterate that the principles of the overarching policy (and any strategy or procedure sitting below it) need to be followed when considering enforcement action and / or prosecution and moreover are applied consistently and fairly. It will be down to the enforcing officers and those involved in enforcement and prosecution to ensure that on a case by case basis this occurs. The legal implications are otherwise addressed in the report.

Equalities impact: Low Impact

The enforcement policy is to ensure consistency and fairness of enforcement throughout all communities and the commercial sector.

Risk: Low Risk

Links to background information:

- [Regulator's Code \(April 2014\)](#)
- [Enforcement Concordat Good Practice Guide \(March 1998\)](#)

- [Code for Crown Prosecutors \(January 2013\)](#)

Link to Council Plan: Encouraging communities to be outstanding; Developing an outstanding local economy; Delivering and promoting our outstanding environment; Continuously improving to be an outstanding council.

Report in full

1. The Council carries out, or has the ability to carry out, a range of enforcement action and prosecutions through its regulatory functions - planning, building control, environmental health, licensing to name a few.
2. In carrying out these functions the Council has not operated under an overarching policy that guides the approach to, and decision making in respect of, enforcement and prosecutions. Certain services / teams have introduced their own policies that are specific to their own enforcement areas. The current ones are;

Council Tax and Benefits Penalty and Prosecution Policy
 Licensing Enforcement Policy
 Environmental Health Enforcement Policy
 Streetscene Enforcement Policy
 Tenancy Anti-Fraud Policy / Strategy

3. Section 21 of the Legislative and Regulatory Reform Act 2006 (“the Act”) imposes a duty on any person exercising a specified regulatory function to have regard to the five principles of good regulation, which are that regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent and should be targeted only at cases in which action is needed. This requirement covers some, but does not cover all, of our regulatory functions – it is only those specified in the secondary legislation produced under the Act. Moreover Section 22 of the Act requires local authorities when preparing any general policy or principles by reference to which the person exercises their regulatory function then they must have regard to any code of practice issued.
4. The Department for Business Innovation and Skills produced a code of practice, called the Regulator’s Code, in April 2014. Below is a headline summary of the requirements of this Code;

Regulators should carry out their activities in a way that supports those they regulate to comply and grow. *Regulators should avoid imposing unnecessary regulatory burdens through their regulatory activities and should assess whether similar social, environmental and economic outcomes could be achieved by less burdensome means. Regulators should choose proportionate approaches to those they regulate, based on relevant factors including, for example, business size and capacity.*

Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views. *Regulators should have mechanisms in place to engage those they regulate, citizens and others to offer views and contribute to the development of their policies and service standards. Before changing policies, practices or service standards, regulators should consider the impact on business and engage with business representatives.*

Regulators should base their regulatory activities on risk. *Regulators should take an evidence based approach to determining the priority risks in their area of responsibility, and should allocate resources where they would be most effective in addressing those priority risks.*

Regulators should share information about compliance and risk. *Regulators should collectively follow the principle of “collect once, use many times” when requesting information from those they regulate. When the law allows, regulators should agree secure mechanisms to share information*

with each other about businesses and other bodies they regulate, to help target resources and activities and minimise duplication.

Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply. *Regulators should provide advice and guidance that is focused on assisting those they regulate to understand and meet their responsibilities. When providing advice and guidance, legal requirements should be distinguished from suggested good practice and the impact of the advice or guidance should be considered so that it does not impose unnecessary burdens in itself.*

Regulators should ensure that their approach to their regulatory activities is transparent. *Regulators should publish a set of clear service standards, setting out what those they regulate should expect from them.*

5. In addition there remains central Government guidance in the form of the 'central and local government Concordat on Good Enforcement' (March 1998) which, albeit that it is older, is still applicable. In addition, and in relation to the prosecution aspect only, there is the CPS Code for Crown Prosecutors published by the Director of Public Prosecutions, which all prosecutors must have regard to.
6. The Council has had this slightly ad hoc approach to enforcement policies to date. So, while the Regulator's Code applies to only some of our regulatory activity it is felt appropriate to rely on the principles set out therein, in conjunction with the guidance of the other documentation, to produce an overarching Policy which identifies the key principles that will be followed in respect of our approach to all regulatory enforcement and prosecution action. A copy of such a policy is attached at Appendix 1. The Regulator's Code, Enforcement Concordat and Code for Crown Prosecutors have all been taken into account in the preparation of the Policy. The Senior Management Team (both Strategic and Service Leads) have had input into this document.
7. The Policy, if adopted, will supersede all those policies listed above in paragraph 2 and will provide a single composite document describing the Council's general approach to enforcement and prosecution. Any regulatory enforcement action and / or prosecutions will need to be considered in accordance with the key principles set out therein. In that regard it will be crucial for officers, when contemplating enforcement or prosecution action that they have regard to and follow the guidance in the policy in deciding upon individual cases.
8. Notwithstanding the above, it is appreciated that the overarching Policy cannot cover every eventuality or scenario and there are likely to be certain enforcement areas where further explanation or detail should be provided to guide appropriate action. However the key principles would still apply. So in those cases, the service / team can provide specific strategies or procedures that sit underneath the overarching policy to provide further clarity and understanding for the public and officers. These strategies and procedures should not repeat the key principles of the overarching Policy and should be in conformity with them. As such it is felt appropriate for agreement to the service / team specific strategies or procedures be left to officers (effectively this will be the Senior Management Team) together with updating the Policy to refer to them. The proposed recommendation reflects this.

APPENDIX 1

REGULATORY ENFORCEMENT AND PROSECUTION POLICY

Issue details	
Title:	Regulatory Enforcement and Prosecution Policy
Officer responsible:	Strategic Lead – Governance and Licensing
Authorisation by:	Cabinet
Authorisation date:	April 2017
Review date:	April 2020

APPENDIX 1

East Devon District Council's Regulatory Enforcement and Prosecution Policy

1 Previous Policy

There is no previous overarching policy. The following policies are revoked and may be replaced by service area specific strategies or procedure (*cf* to paragraph 2.2 below);

Council Tax and Benefits Penalty and Prosecution Policy
Licensing Enforcement Policy
Environmental Health Enforcement Policy
Streetscene Enforcement Policy
Tenancy Anti-Fraud Policy / Strategy

2 Purpose and scope of the Policy

2.1 This overarching policy sets out the general principles that the Council will follow in relation to the investigation, enforcement and prosecution of its regulatory functions. In particular it sets out what individuals, businesses and the community as a whole can expect from the Council's regulatory services and its officers.

2.2 The overarching policy will be augmented, where appropriate, by service area specific strategies or procedures (listed in Section 8). In the absence of any service area specific policy or procedure the general principles set out in this overarching policy will be followed by any service area carrying out a regulatory function.

2.3 The primary function of the Council's regulatory and enforcement work is to protect the public, public funds, the environment and groups such as individual consumers / residents & tenants, workers / businesses and the community. At the same time, carrying out such activity in an equitable, practical and consistent manner helps to maintain a level playing field for local businesses, individuals and our other service users. Good regulation and enforcement will help to promote a thriving local economy and protect the environment for the benefit of all.

2.4 This policy has been developed with due regard to the 'Principles of Good Enforcement' set out in the following guidance documents:

- Central and Local Government Enforcement Concordat, March 1998
- The Regulators' Code issued under the Legislative and Regulatory Reform Act 2006

and the Code for Crown Prosecutors issued by the Director of Public Prosecutions under the Prosecution of Offenders Act 1985.

2.5 In certain circumstances the Council may conclude that a provision contained in one or more of the above-mentioned documents is either not relevant or is outweighed

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by another provision or relevant factor. We will ensure that any decision to depart from policy guidelines is properly reasoned and based on material evidence.

2.6 For the purposes of this policy the following definitions are given to the terms 'regulatory', 'enforcement' and 'officer':

- 'Regulatory' encompasses the Council's numerous powers and duties enabling the behaviour of individuals, business and/or the community to be controlled in the public interest. Examples of these can be found listed in Part 3 of the Council's Constitution.
- 'Enforcement' includes any action carried out in the exercise of, or against the background of, statutory powers and duties of regulation. This is not limited to formal enforcement action such as prosecution in the criminal Courts or the giving of Statutory Notices. It also includes, among other things, the inspection of premises for the purpose of checking compliance with regulations and conditions, the imposition of conditions on any licence, consent or similar formal permission, the issue of fixed penalty notices, the giving of cautions and the making of applications to the Courts for Orders to control the conduct of individuals and/or organisations
- 'Officer' means any person within the employ of the Council carrying out investigative or enforcement roles within any service with a regulatory function and includes any officer within the legal department who advises on and / or has conduct of enforcement matters on behalf of the Council

2.7 All enforcement activities, including investigation and formal actions, will always be conducted in compliance with the Council's statutory obligations. Council enforcement/investigating officers will act within the scope of their delegated authority (as approved by the relevant committee/Council). The Council's constitution is regularly updated to reflect any changes. Due regard will be given to the provisions of the Police and Criminal Evidence Act 1984, the Criminal Procedures and Investigation Act 1996, the Human Rights Act 1998, the Data Protection Act 1998, the Regulation of Investigatory Powers Act 2000, the Legislative and Regulatory Reform Act 2006, and any other legislation relevant to specific service areas and legislation designed to tackle discrimination and promote equality.

2.8 All officers will have regard to the principles contained in this policy when making enforcement decisions. Regard will also be had to any approved statutory, governmental or other national guidance, and to any internal quality procedures.

3 Principles of Enforcement - Policy

3.1 Key Principle

The Council's aim is to;

- i) protect individuals, businesses and the community at large,
- ii) protect the environment in which people live and work,

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- iii) allow and encourage economic progress provided this does not conflict with i) and ii) above

The Council will achieve this through education, by providing advice and by regulating activities. Provision of clear advice and guidance will be our main approach to secure compliance but securing compliance through legal process, by using all or any enforcement powers available to the Council, is an important part of achieving this.

The Council regards prevention better than cure. Our general approach is to engage with individuals, business or the community to educate and enable compliance. We offer information and advice to those the Council regulates and seek to avoid bureaucracy or excessive cost. The Council encourages individuals, business and the community to adhere to the legal requirements of any regulated activity.

If an individual, business or the community is not complying the Council will provide advice and guidance to help them do so. Where appropriate the Council will agree solutions and timescales for making improvements to secure necessary compliance. The use of formal enforcement powers or sanctions may well be necessary in the event of failure to comply with any regulated activity. In this regard the Council will make a proportionate response to the circumstances.

The Council will seek to secure the principles set out above by way of the provisions set out in the rest of this section below, namely;

3.2 **Supporting Economic Progress through Compliance**

The effectiveness of legislation in protecting individuals, businesses and the community depends crucially on the compliance of those regulated. The Council recognises that on the whole most people and most businesses want to comply with the law. Accordingly the Council will wherever practicable;

- take care to help businesses and others meet their legal obligations without causing unnecessary expense.
- will strive to ensure that when information is needed from businesses that it is assessed to avoid duplication of requests and amended where necessary¹.
- we will promote positive incentives for businesses that comply, such as, for example, 'Scores on the Doors' (a food hygiene initiative).

3.3 **Openness through Clear Accessible Advice and Guidance**

It is important that those affected by regulation are aware that they are regulated, how they will be regulated and also what is expected of them. Accordingly, the Council will;

¹ The Council aims to seek feedback on the forms we use to collect information from business

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- provide information and advice in plain language on the legislation that we enforce and disseminate this as widely as possible, through information leaflets, newsletters, training schemes and on the Council website at www.eastdevon.gov.uk. Translations may be provided to non English speakers where resources permit.
- Within the limits imposed by law, be open about how we carry out our work, including any charges that we make for services.
- We will make a point of seeking appropriate consultation with business, voluntary organisations, charities, landlords, tenants, consumers and workforce representatives about the services that we provide and about our enforcement policies and procedures.
- We will discuss general issues, specific compliance failures or problems with those experiencing difficulties.

3.4 Helpfulness through Clear Accessible Advice and Guidance

We believe that it is in the interests both of regulated businesses and the wider public to get things 'right first time', and that therefore our enforcement role should involve actively working with all those subject to regulation, especially small and medium sized businesses, to guide and assist with compliance. In that regard the Council will;

- provide a courteous and efficient service and our staff will identify themselves by name and carry proof of their identity
- provide a contact point and telephone number for further dealings with us and we will encourage businesses and others to seek guidance, advice or information from us.
- Ensure all requests for service will be dealt with efficiently and promptly within the resources available.
- Ensure that, wherever practicable, our enforcement services are effectively co-ordinated to minimise unnecessary overlaps and time delays. This reflects our approach to delivering services in an efficient way.

3.5 Targeted, Proportionate and Risk-based Enforcement

It is important that the Council's resources are appropriately utilised and that enforcement action is generally targeted at the more significant or damaging cases. The degree of enforcement action required should be commensurate to the risks involved. Accordingly the Council will;

- Minimise the costs of compliance by ensuring that any action we require is proportionate to the risks involved and to the seriousness of any breach of the law.

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- In line with the codes referred to above, we will take account of the circumstances of the case and the response of those subject to regulation when considering action.
- Take particular care to work with small businesses and with voluntary and community organisations, to help them meet their legal obligations without causing unnecessary expense.
- At the same time we will use intelligence and direct resources to identify those who flout the law or act irresponsibly and take firm enforcement action against them, including prosecution where appropriate.

3.6 Consistent Enforcement

Fundamental to the principle of enforcement action is that it is administered fairly and consistently. Accordingly the Council will;

- Carry out our duties in a fair, equitable and consistent manner.
- Ensure that while officers are expected to exercise judgement in individual cases and to treat each case on its own merits, there will be arrangements in place to promote consistency.
- Support and promote arrangements for effective liaison with other authorities and enforcement bodies through schemes such as the Home Authority principle, the Lead Authority principle and the Primary Authority principle.

3.7 Working with other departments and Enforcement Agencies

The Council may well hold information that is relevant to consideration of regulatory enforcement, but not within the enforcing department. Where permissible and appropriate, departments will share information with the view to improving regulatory compliance and enforcement.

Some regulatory activity involves consultation with other agencies before deciding on the most appropriate course of action. Sometimes there is more than one agency that can act in response to a problem. If there is a shared enforcement role with other agencies, whenever possible our enforcement activities will be co-ordinated with these agencies in order to minimise unnecessary duplication or delays and to increase the overall effectiveness of the system. For example, joint working may be carried out with the Police, Fire Service, Health and Safety Executive, Office of Fair Trading, Environment Agency, Revenue and Customs, Gambling Commission, Animal Health and Veterinary Laboratories Agency other local authorities and government departments. Persistent offenders may also be reported, for example, to Revenue and Customs for further action. Equally, there are instances when more than one part of the Authority may have enforcement options in respect of the same issue. We will ensure that appropriate liaison occurs and that the 'best option' for enforcement is taken.

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- Wherever we have a statutory duty to report regulatory matters to another body or agency, we will have procedures in place to ensure that this happens.
- If we become aware of an enforcement issue that would be of legitimate interest to, or more properly be dealt with by, another enforcement agency, we will ensure that the information is passed to that agency in good time.
- Occasionally an offence can be dealt with under more than one statute. In these cases a decision will be made between officers as to which is the most effective course of action.

3.8 Adopting Good Enforcement Procedures

Guidance from an officer will be put clearly and simply. It will explain why any remedial work or action is considered to be necessary and over what time-scale it is expected to be carried out. It will make sure that legal requirements are clearly distinguished from best practice advice. Such guidance will be confirmed in writing as well as a clear indication of the consequences of non-compliance.

3.9 Complaints about service

We provide a dedicated Customer Service Centre to help with any complaint about the Council's services. This team can be contacted by telephone on 01395 516551 or by email at csc@eastdevon.gov.uk.

3.10 Use of information

Any information provided to the Council in connection with its regulatory functions, by those being regulated or those complaining to the Council, will have their information kept confidential, except where the Council has a legal duty to disclose it.

Complainants will be made aware that they may be asked to release in to the public domain information they have provided with a view to further enforcement objectives. This could also include acting as a witness for the Council in any proceedings. Complainants will be made aware that refusal to agree to this may hamper the Council's attempts to secure compliance.

4. PRINCIPLES OF ENFORCEMENT - PROCEDURES

4.1 Key principle

The Council's aim is to;

- i) Wherever possible deal with any compliance issue by seeking to negotiate a resolution before resorting to more formal enforcement action, although this principle will not be a bar to the Council resorting to formal enforcement action where immediate

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action is required in the interests of health and safety, environmental protection, other cases deemed by the Council to require urgent action or cases where it is necessary to prevent evidence being destroyed;

- ii) Ultimately secure regulatory compliance by using any or all of the enforcement powers available to the Council;

In seeking to achieve the above the Council will, when determining the appropriate course of action to ensure compliance, follow the procedures set out below in the rest of this section.

4.2 Initial Steps

Following any complaint regarding an alleged breach or where such a breach is discovered, the initial consideration for officers will be in determining whether the matter warrants further investigation. The council will carry out risk assessments to ensure that our regulatory efforts are targeted where they would be most effective. If it is determined that there is no merit in the complaint or that any breach is so minor that no action is required or justified then the matter will be closed and the complainant (if there is one) will generally be notified in writing of this.

4.3 Investigation

Should the initial consideration be that further investigation is required then the officers will initiate that process. This may be desk based research but may also include a site visit / inspection by officers (which may be by appointment or unannounced and in reliance on powers of entry). Any site visits, inspections and other visits will be in accordance with the risk assessment for the case, except where visits are requested or we are required to investigate. Investigation may include requiring a person or businesses attendance at the Council offices to discuss the case or for an interview under caution to be carried out. Having initiated an appropriate investigation, officers will generally provide an opportunity to discuss the relevant circumstances before any decision on the matter is made, although this will not be appropriate in every case. Where an investigation reveals a breach of the regulatory requirements it may still be determined that no further action is required in accordance with the Key Principles and appropriate risk assessment. Again this decision would be notified to any complainant or interested party together with the individuals, business or the community affected being notified of the decision.

4.4 Further steps

Where any investigation determines that there was a breach of the regulatory requirements and it is the officer's view that there is a workable solution to the non-compliance then the officers will generally provide a further opportunity to discuss the matter and attempt to agree a solution and the timescales in which to secure compliance. Any timescale for compliance will have regard to the extent of the actions to be undertaken and their impact.

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In certain circumstances, such as where immediate action is required, it will not be appropriate for this step to be considered and in such cases moving straight to formal enforcement action will be the appropriate step. Where immediate action is considered necessary, an explanation of why such action is required will be given at the time and where reasonable confirmed in writing within 5 working days.

Similarly where the officers are unable to agree a solution and /or timescale or, having agreed a way of resolving the matter, it is not adhered to (particularly if it is not within the agreed timescales) by the non-compliant party then officers may proceed to initiate such formal enforcement action as is deemed appropriate to resolve the matter.

4.5 Formal Enforcement options

There are a number of enforcement actions available to the Council, including²:

- review of any licence and/or licence conditions
- suspension / revocation of a licence
- written warning
- legal enforcement notice
- fixed penalty notice
- work in default/cost recovery action
- possession proceedings
- seizure/application for forfeiture
- the issue of a caution
- administrative penalty
- Court orders
- prosecution or other legal proceedings including injunctive action
- Proceeds of Crime Act confiscation proceedings

In choosing which enforcement option(s) to take the Council will aim to change the inappropriate behaviour causing the problem and to deter future non-compliance. The enforcement option(s) chosen will be proportionate to the nature of the noncompliance/alleged offence and the harm caused by it, and appropriate to the individual or business which the action is taken against. An appropriate timescale for compliance will be given having regard to the actions required to be undertaken. Enforcement action will be followed up as appropriate and will result in further enforcement options being pursued if the initial action has not achieved the appropriate result.

In some circumstances matters may be referred to another agency for enforcement action, or officers may liaise and take joint action with other Council departments and/or external organisations in order to achieve enforcement aims.

² This is not an exhaustive list and other options may be available under legislation relevant to specific areas

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Where there are rights of appeal against formal action, advice on the appeal mechanism will be clearly set out in writing at the time the action is taken (whenever possible this advice will be issued with any enforcement notice).

5. PROSECUTION

5.1 Overview

The Attorney General's guidelines on criteria for prosecution endorsed the principle that suspected criminal offences should not automatically be the subject of prosecution.

The Council acknowledges that the decision to prosecute a business or an individual is serious. This policy is designed to ensure that the Council makes fair and consistent decisions about prosecutions. In doing so it will pay full regard to the criteria set out in The Code for Crown Prosecutors issued from time to time by the Director of Public Prosecutions.

The decision to prosecute will only be made by an officer not involved with the investigation, and authorised in such a capacity in line with the Council's scheme of delegation ("the Authorised Officer"). Forms for use in dealing with prosecutions are contained at Annex 1.

Council officers charged with investigating alleged offences must give due regard to the provisions of this policy when making recommendations to the Authorised Officers.

5.2 Key Principles

Whilst each case is unique and will be considered on its own facts and merits, there are certain general principles that Authorised Officers will follow in their approach to every case.

They will be fair, independent and objective. They will not let any personal views about a suspect's, victim's or witness's ethnic or national origin, disability, sex, religious beliefs, political views, or sexual orientation influence their decisions.

Authorised Officers have a responsibility to ensure that the right person is prosecuted for the right offence. They will always act in the interests of justice and not solely for the purpose of obtaining a conviction.

5.3 The Decision to Prosecute

In making a decision on a prosecution the Authorised Officer will apply two tests. Application of these tests will ensure that all relevant factors are considered and that fair consistent decisions are made about each potential prosecution.

The first test is consideration of the evidence. If the case does not pass the evidential test a prosecution must not go ahead no matter how serious the case is. If the evidential test is satisfied the authorised officer will then consider if it

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is in the public interest to prosecute. A prosecution will only be taken if both tests are satisfied.

(i) The Evidential Test

Authorised Officers must be satisfied that there is **sufficient admissible reliable** evidence to provide a realistic prospect of conviction.

Sufficient

There is only sufficient evidence to provide a realistic prospect of conviction if, when presented with that evidence, a jury or bench of Magistrates properly directed in accordance with the law, is more likely than not to convict the defendant of the charge alleged. This is an objective test and when applying it to the case the Authorised Officer will aim to be completely impartial. They will also have regard to any statutory defence that is available

Admissible

There are legal rules which might not allow evidence that appears relevant to be given at a trial. If the Authorised Officer believes that some of the evidence falls within this category, he/she will satisfy him/herself that there is enough other evidence for a realistic prospect of conviction.

Reliable

Evidence may be regarded as unreliable for a number of reasons. It may be affected by factors such as age, intelligence or level of understanding, by the background of the witness, for example, a motive that may affect his or her attitude to the case, or a relevant previous conviction, or a general concern over the accuracy or credibility of the evidence.

Where there are such concerns, Authorised Officers will not ignore the evidence, but will look at it closely in conjunction with the other evidence to decide whether there is a realistic prospect of conviction.

(ii) The Public Interest Test

The general principle of this policy is that a prosecution will usually take place unless the public interest factors against prosecution clearly outweigh those in favour of prosecution, or it appears more appropriate in the circumstances to divert the defendant from prosecution.

The public interest factors will vary from case to case. Not all factors will apply to each case and there is no obligation to restrict consideration just to the factors listed.

Public Interest Factors in Favour of Prosecution

The more serious the offence, the more likely it is that a prosecution will be needed in the public interest. While it may be appropriate to refer to the Code for Crown Prosecutors to identify and consider further factors, a prosecution is likely to be needed if:

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- a) Breaches amount to deliberate attempts to deceive or mislead
- b) The risk presented to the public, trade or environment by the commission of the offence was serious or widespread
- c) The safety or health of the public was put at risk unnecessarily
- d) Harm was caused to human health, animal health or the environment
- e) Persistent offending has taken place
- f) Other methods of compliance have been explored but have failed
- g) The defendant has been clearly negligent in their legal responsibilities to consumers or other businesses
- h) The defendant has been unwilling to co-operate with the Council's investigation into the matter or has failed to comply, in part or in full, with a statutory notice
- i) A conviction is likely to result in a significant sentence;
- j) A conviction is likely to result in a confiscation or any other order;
- k) The defendant's previous convictions or cautions are relevant to the present offence
- l) a prosecution would have a significant positive impact on maintaining community confidence
- m) the outcome of the prosecution might establish an important precedent or draw public attention to national or local campaigns or issues

Public Interest Factors against Prosecution

A prosecution is less likely to be needed if:

- a) the alleged offence was committed as a result of a genuine mistake or misunderstanding of the circumstances or of the law;
- b) the loss or harm can be described as minor and was the result of a single incident, particularly if it was caused by a misjudgement;
- c) the defendant has put right the loss or harm that was caused (but defendants must not avoid prosecution simply because they have offered redress);
- d) there has been a long delay between the alleged offence taking place and the decision made to prosecute, unless:
 - i) the alleged offence has only recently come to light;
 - ii) the offence is serious;
 - iii) the complexity of the offence has meant that there has been a long investigation;
- iv) the delay has been caused in part by the defendant;
- e) the Court is likely to impose a very small or nominal penalty;
- f) a prosecution is likely to have a bad effect on the victim's physical or mental health, always bearing in mind the seriousness of the offence;
- g) the defendant is elderly or is, or was at the time of the offence, suffering from significant mental or physical ill health;
- h) details may be made public that could harm sources of information, international relations or national security.

Deciding on the public interest is not simply a matter of adding up the number of factors on each side as some factors will be more important than others. As such Authorised Officers will 'weight' factors in making an overall assessment.

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A conviction can have wide ranging and long lasting effects, and particular care will be taken when deciding whether it is in the public interest to prosecute in cases involving a young person. For the purposes of this policy a young person is someone under the age of 18 years.

5.4 Diversion from Prosecution

When deciding whether a case should be prosecuted Authorised Officers will consider the alternatives to prosecution in pursuit of the aim to change inappropriate behaviour and to deter future non-compliance.

6. COST RECOVERY

Where permitted by law the Council will seek to recover its costs of investigation and enforcement proceedings. Where the Council has incurred costs, for example by carrying out remedial work or direct action, we will seek to recover the fulls costs incurred from the exercise of those powers. The Council will pursue the recovery of costs in the civil courts by mechanism permitted by law if deemed appropriate and / or necessary.

7. PUBLICITY

In order to deter others the Council will aim to publish any prosecution or other enforcement action that it considers will achieve that aim.

8. SERVICE SPECIFIC STRATEGIES

The following service or team specific strategies or procedures sit under and supplement this overarching policy and are relevant to enforcement action in relation to that service or team;

[To be added as and when necessary]

9. REVIEW

This policy will be reviewed every three years, or sooner if necessary, to reflect statutory changes or national guidance.

10 Policy Consultation

This policy has been discussed at the Strategic Management Team.

11 Equality Impact Considerations

The core principles take into account equality impacts.

12 Related Policies/Strategies

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Anti-Bribery Policy

Anti-Fraud Theft and Corruption Policy

Directed surveillance and covert human intelligence sources Policy

Proceeds of Crime Act (Anti-Money Laundering) Policy

Anti Social Behaviour Policy

Rent Management Policy

Corporate Debt Management Policy

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Annex 1

Prosecution pro-formas

INSTRUCTIONS TO LEGAL TO INITIATE A PROSECUTION

Department:

.....

Investigating Officer:

.....

Case Name:

.....

Proposed Defendant(s):

.....

.....

Applicable Legislation:

.....

Proposed Offence(s):

.....

.....

.....

.....

Date / period of offence(s):

.....

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Background

Please provide a short summary of the background to the case and basis for seeking a prosecution including any aggravating or mitigating factors taken into account

Witnesses:

Witness statements and (where applicable) exhibits from the following are included and form the basis for the case against the Defendant(s);

Please list all those persons whose evidence is being provided to Legal

I hereby confirm instruction to Legal to initiate a prosecution against the above mentioned Defendant(s) for the offence(s) specified and on the basis of the

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prosecution bundle hereby provided. I confirm that in taking the decision to prosecute I have had regard to the Council's Regulatory Enforcement and Prosecution Policy.

Investigating Officer:

.....

Date:

I have reviewed the case and recommendation of the Investigating Officer and agree that a prosecution should be initiated. I confirm that I have had regard to the Council's Regulatory Enforcement and Prosecution Policy.

Line Manager:

.....

Date:

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PROSECUTION REVIEW - LEGAL

Case Name:

.....

Proposed Defendant(s):

.....
.....

Applicable Legislation:

.....

Proposed Offence(s):

.....
.....
.....
.....

Date / period of offence(s):

.....

Review

	Yes	No
(i) Whether the evidential test is satisfied? <i>(including whether prosecution is brought 'in time')</i>	<input type="checkbox"/>	<input type="checkbox"/>

Reasons;

	Yes	No
(ii) Whether the public interest test is satisfied?	<input type="checkbox"/>	<input type="checkbox"/>

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Reasons (including aggravating / mitigating factors);

Decision: PROSECUTE / NOT PROSECUTE

Authorised Officer:

Date:

If the decision taken by the Authorised Officer is to 'not prosecute' then this will be reviewed by another legal officer before the decision is notified to the Investigating Officer (together with a copy of this pro-forma).

I have reviewed the decision of the Authorised Officer and agree with the decision made.

Reviewing Officer:

Date:

Report to: Cabinet
Date of Meeting: 5 April 2017
Public Document: Yes
Exemption: None



Review date for release

Agenda item: 17

Subject:

East Devon Parking Places Order Update March 2017

Purpose of report:

To ask Members to approve changes to the legal Order used by East Devon District Council to manage its public car parks in accordance with Civil Parking Enforcement rules.

Recommendation:

- 1. To extend the boundary of Exmouth's Camperdown Terrace long stay car park to offer additional parking spaces and trailer storage by extending the car parking areas onto adjacent land recently vacated by Devon County Council's Highways service.**
- 2. To offer public pay and display parking in Sidmouth's Manor Pavilion car park.**
- 3. To designate Mamhead Slipway, Exmouth as a parking place with just two parking bays and to enforce the remainder of the area for loading and unloading only, allowing vehicles to enter and remain for the purposes of launching and recovering water craft from the slipway but prohibiting the parking of vehicles and the leaving of trailers.**

Reason for recommendation:

Section 122 of the Road Traffic Regulation Act 1984 sets out the duties of all local authorities in respect of a range of traffic related functions including the provision of off-street parking.

We have been careful to consider the needs of our community as a whole in arriving at these recommendations which seek to represent a balance of differing priorities and points of view.

These proposals will not interfere with the security of (or access to) any other premises and we believe that they will not be prejudicial to the amenity of the locality and they are in all other material respects consistent with our legal duties and our responsibilities to our communities.

Officer:

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

- Financial implications:**
1. Camperdown Terrace Car Park – There has been an approved Capital Program budget for these works of £80,660 in 2017-18 to cover the costs involved.
 2. Manor Pavilion Car Park – All costs involved with the set-up of the car park machine and works are to be funded from the existing budget for 2017-18 and off-set by the income generated.

It is difficult to quantify the generation of additional income at this stage; budget assumptions have assumed additional income of between £20,000 to £30,000 per annum.

Legal implications: The land at Camperdown Terrace referred to in this report is currently leased to Devon County Council, whose lease does not contractually expire until 31st March 2017. The proposed changes to this particular parking place cannot therefore be invoked until this lease has been determined. Legal Services are happy to provide further advice to Parking Services in this regard.

The statutory procedure for amending EDDC's Parking Places Order will need to be invoked which will involve consultation with specified organizations as well as the public, together with advertising etc. This will dictate if/when these changes can be brought into effect.

Equalities impact: Low Impact

Risk: Low Risk

Links to background information: <http://eastdevon.gov.uk/media/1184211/combined-agenda-for-031012-public-version.pdf>

Link to Council Plan: Encouraging our communities to be outstanding, delivering and promoting our outstanding environment.

Report

1.0 Camperdown Terrace Car Park

- 1.1 The additional capacity at Camperdown Terrace car park arises following the departure of the Devon County Council Highways Depot from the land adjacent to the car park. This Council is the landowner and the land is currently the subject of a separate application for planning consent to incorporate it into the boundary of the adjacent car park.
- 1.2 If permitted, it will be of value in providing additional car parking for residents of Camperdown Terrace where on- street parking demand clearly outstrips supply along with providing additional parking for vehicles and trailers that we anticipate will park here after launching water craft at the newly reopened Mamhead slipway.

1.3 There will also be increased demand in the autumn of 2017 when approximately seventy of this Council's own staff relocate to Exmouth Town Hall and this will be the closest public car park being made available to those staff.

2.0 **Manor Pavilion Car Park**

2.1 The introduction of new public parking at Manor Pavilion has already been agreed through the Council's budget setting process and the Service Lead for Countryside and Leisure has explained the rationale that underpins the proposal. The income generated from the pay and display arrangement will help to secure the long term future of the theatre in the face of significant Council budget pressures. The arrangement for parking charges to go directly to this Council's operational costs in running the theatre has been agreed by Full Council and will be shown in the budget reporting process and this arrangement will remain in place whilst the theatre remains under the control of this Council.

2.2 The management of the car park has become over the last 5 years increasingly impossible to control with a significant increase in the abuse of it as a free car park by non theatre users. This situation now needs to be brought under proper management.

2.3 The proposed tariff will allow a 3 hour maximum stay between 8am and 8pm on any day so anyone wishing to park there and spend a whole evening in the theatre would be able to do so if they so wish. The vast majority of evening shows start at 7.30 / 7.45pm which means that anyone using the car park will incur an additional £1 to the cost of their evening and still have time if parked at 7pm to have a drink or ice cream within the theatre. There will therefore be no need to worry about having to leave a performance midway to move a vehicle.

2.4 The concerns raised at Full Council about the ability for vans/lorries to get into the lock up area for their sets are misplaced. There will be an independent entrance/exit point for hirers to get their sets in and out as part of a planned segregated "theatre use only" area that will accommodate staff parking where there will be plenty of space for vans to turnaround and park up next to the lock up area without needing to enter the pay and display zone. This was properly considered by the Theatre Manager and EDDC Engineers in the design of the car park before the proposal was formalised.

2.5 The 21 parking spaces here simply can't accommodate an entire theatre audience of 277, many of whom either don't drive there anyway. Those that do already choose to park on-street nearby or make use of our 300+ space Manor Road long stay car park situated a short walk away. Therefore it is proposed that it is in the best interests of the theatre to make good use of the spaces for public parking.

2.6 We should also recognise that a debate concerning the future of this car park has been in the public domain since at least the publication of the Off-Street Car Parks Review 2011/12. This was reported to Cabinet the beginning of October 2012 as follows:

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

See <http://eastdevon.gov.uk/media/1184211/combined-agenda-for-031012-public-version.pdf>

- 2.7 Although so-called “double ticketing” (i.e. allowing customers to present a parking charge refund voucher at the box office) is entirely possible, for the simple reason of its limited capacity, it frankly doesn’t seem fair to adopt it. We don’t offer the same concession to customers who pay to park in Manor Road long stay car park.
- 2.8 The Civil Enforcement Officers (CEOs) will operate a 10 minute grace period to allow customers to park and purchase their tickets from the box office or let those using the Arts Centre to drop off equipment without incurring a penalty. The CEOs will work closely with the Theatre Manager to manage this carefully to ensure customers in a long queue especially for the prestigious Summer Season are not penalised. We recognise that this relationship is absolutely fundamental to making the new arrangements work as smoothly as possible.
- 2.9 There is an acceptance that there will be inconvenience for the users of the Arts Centre however this facility is contributing less than 1% of the overall income to the theatre. However the costs of maintaining and servicing the car park already do not cover the utilities, repairs and management of it. The car park income however will help to keep this facility open despite the additional cost to some of its users if they choose the pay and display parking option.
- 2.10 Also for those who hire the venue for a period of a week and use the venue for rehearsals during the day we accept that there will be inconvenience but most importantly we can guarantee getting stage sets in and out. This will not be affected by the pay and display arrangement as vans can be parked up in front of the lock up/garage all day in the “theatre only” area if required. We accept it will be the performers and those who volunteer their time to support their local dramatic group who will have to make a decision on whether they use the pay and display arrangement or find alternative free on street parking or use the long stay on Manor Road. This scenario is, as already mentioned, the norm for theatres all over the country where car parking income helps to support the running and long term future of the venue.
- 2.11 The additional public parking will be of benefit by adding extra parking spaces to support additional footfall in Sidmouth town centre during peak times. It is proposed that the car park will be managed via a fair and transparent short stay tariff that will ensure turnover of spaces and therefore availability at key times. In consequence, the revenue generated will be reinvested in the work of the adjacent Manor Pavilion Theatre.
- 2.12 The income generated from the car park will help significantly to support the ongoing improvements within the theatre for both its customers and hirers including the planned installation of an on line booking service which will mean the reduction in need to buy tickets manually from the box office as well as help to continue to sell out shows. These improvements will go a long way to help ensure the future survival of the theatre when many similar venues across the country are having to close through uncertainties with their funding.

3.0 Mamhead Slipway Parking Restriction

There has been a problem with unrestricted parking on the newly opened Mamhead slipway and there are currently no straightforward enforcement powers available. However, the Council is able to include the area of Mamhead slipway within its East Devon Parking Places Order. Within the area controlled by the Order we propose to include two marked parking bays up close to the sea wall and these bays will be available for long stay parking at a premium rate. The remaining area will be managed under Civil Parking Enforcement procedures so as to prevent the slipway from being obstructed by vehicles and enabling its intended use for launching and recovering water craft. This will result in safer conditions for legitimate users of the new slipway and will enable our Civil Enforcement Officers to serve penalty charge notices on vehicles that have been left there outside of the marked bays so inconveniencing other customers and inhibiting the safe access to and egress from the slipway.

Report to: Cabinet
Date of Meeting: 5 April 2017
Public Document: Yes
Exemption: None

Review date for release None

Agenda item: 18

Subject: Greater Exeter Design Support Panel

Purpose of report: To seek authorisation to enter in to a contract with Design Council/Cabe to establish a Design Support Panel for the Greater Exeter area.

Recommendation: **That members of Cabinet;**
Authorise entering in to a contract with Design Council/Cabe to establish a Design Support Panel for the Greater Exeter area. That delegated authority be granted to the Strategic Lead (Governance and Licensing), to negotiate and complete the contract in consultation with the Growth Points Project Director.
Agree an exemption from Standing Orders to allow this Panel to be procured.

Reason for recommendation: The Design Support Panel will benefit the delivery of strategic developments in the District and help to ensure high quality development.

Officer: Andrew Wood – Growth Point Projects Director
adwood@eastdevon.gov.uk

Financial implications: Financial details are contained in the report.

Legal implications: The contract value falls below the threshold set out in the Public Contracts Regulations 2015 and therefore the EU procurement procedure does not apply and an exemption can be validly used pursuant to the Council's Contract Standing Orders Rule 3.1. Legal will be involved in the preparation of the contract to ensure the Council's interests are protected. There are no other legal implications requiring comment

Equalities impact: Low Impact

Risk: Low Risk

The Panel will draw on the expertise of Cabe's Built Environment Experts and help to ensure the delivery of high quality developments.



The operation of the Panel is expected to be self-financing although initial start-up costs need to be met.

Links to background information:

Link to Council Plan: Encouraging communities to be outstanding
Continuously improving to be an outstanding Council

Report in full

Design Council/Cabe have been providing support to the development of Cranbrook through regular meetings over the past two years. Chaired by Mike Hayes (one of Cabe's Built Environment Experts) these meetings have focused on progressing both the masterplan for the expansion of the town as well as individual development proposals. At the last meeting it was agreed that the key town facilities that are coming forward will be the subject of a Cabe enabled design review process.

Cabe have considerable experience in providing design support services around the Country. In Oxford for example each strategic project is subject to design review through a locally led Panel. It is proposed to establish a similar Panel for the Greater Exeter area to ensure that we deliver high quality development. This will start with key proposals coming forward at Cranbrook with the intention that this also provides a resource for strategic projects both across the District and the wider Greater Exeter area. As such this Panel would provide support for strategic development proposals emerging from the production of the Greater Exeter Strategic Plan. The existing Devon and Somerset Design Review Panel will continue to be used for smaller scale and non-strategic developments in the District.

Design Council/Cabe has provided a contract for the provision of a design support service It is proposed that EDDC enter in to this contract as the Council has historically acted as the Accountable Body for the Growth Point partnership. It is proposed that initial start-up costs (£10k) are met through the Growth Point budget and recouped on a pro rata basis as other Authorities utilise the Panel. It is the intention that the operation of the Panel is developer funded going forward and as such would be cost neutral.

Authority is sought to enter in to a contract with Design Council/Cabe and to agree an exemption from standing orders to allow the Panel to be established. The exemption will allow the Design Support Panel to be established quickly and efficiently utilising the expertise that has helped to progress the development of Cranbrook over the past 2 years. As such the proposal will provide continuity with the existing role of Design Council/Cabe and allow this expertise to be deployed across a wider area.

Report to: Cabinet
Date of Meeting: 5 April 2017
Public Document: Yes
Exemption: None

Review date for release None

Agenda item: 19

Subject: Cranbrook Community Questionnaire and Community Development Strategy

Purpose of report: This report outlines the results of the Cranbrook Community Questionnaire 2016 which was undertaken jointly between Organisational Development at EDDC and the Cranbrook Community Development Worker at EDVSA. This is the fourth such annual questionnaire it was accompanied by a questionnaire specifically aimed at young people in the town. The paper puts forward a proposal to commission the production of a Community Development Strategy and seeks an exemption from standing orders in order to appoint Action East Devon to coordinate this work.

Recommendation: That members of Cabinet;
Note the results of the latest Cranbrook Community Questionnaire.
Approve the commissioning of a Community Development Strategy for the town and a financial contribution of up to £20,000 towards this; subject to both overall support and a financial contribution being confirmed from Cranbrook Town Council and Devon County Council.
Agree an exemption from standing orders to allow Action East Devon to coordinate this work.

Reason for recommendation: This consultation has been designed to help inform decisions regarding Cranbrook. The first Cranbrook Community Questionnaire was carried out in 2013 and provided us with vital feedback to help us evaluate and plan.

Officer: Andrew Wood – Growth Point Projects Director
adwood@eastdevon.gov.uk

Jamie Buckley – Community Engagement and Funding Officer
jbuckley@eastdevon.gov.uk

Financial implications: It is planned EDDC costs will be met from a combination of existing budgets and grant income.

Legal implications: The contract value falls below the threshold set out in the Public Contracts Regulations 2015 and therefore the EU procurement procedure does not apply and an exemption can be validly used



pursuant to the Council's Contract Standing Orders Rule 3.1. It is within Cabinet's power to agree to progressing a Community Development Strategy if that is the wish. There are no other legal implications requiring comment.

Equalities impact: Low Impact

Risk: Medium Risk

There is a risk to council reputation if we do not seek feedback from Cranbrook residents. Additionally, there is a risk to our reputation if we ask for feedback and do not take action or provide feedback as a result of what people tell us in the survey. We will mitigate this risk by widely publishing the results of the survey and actions we are taking as a result using various forms of media.

Links to background information: [Cranbrook Community Questionnaire 2014 report to Cabinet:](#)
[Cranbrook Community Questionnaire 2015 report to Cabinet:](#)

Link to Council Plan: Encouraging communities to be outstanding

Continuously improving to be an outstanding Council

Report in full

1. Introduction

The first Cranbrook Community Questionnaire was carried out in 2013. The latest questionnaire was devised by Organisational Development at East Devon District Council in collaboration with other Cranbrook stakeholders such as Travel Devon, Cranbrook Town Council, Cranbrook's Community Development Worker, Public Health and the Growth Point Team.

In November 2016 a paper copy of the questionnaire was posted to all the occupied households in Cranbrook with a pre-paid return envelope. Residents also had the option of completing the questionnaire on EDDCs website.

280 copies of the questionnaire were returned and were analysed by EDDC, 60 online and 220 on paper. This compares to 213 that were received in total in 2015. As of the end of October 2016 there were 1,429 completed homes in Cranbrook. There were also 72 responses to the questionnaire aimed at young people (see Appendix 1).

The original survey provided an invaluable insight as to how the first residents of East Devon's new community felt about Cranbrook as a place to live. Uniquely it has also established a baseline from which to monitor progress moving forward against a set of metrics. There are some comparisons available between these results and results from previous years. In some cases the questions were changed for more timely questions relevant to work going on in each year.

The
These surveys are vital to get feedback on the progress of Cranbrook, how people feel about it and what they want to see happen in the future. This can then inform the decision making process.

This report seeks to outline the key messages from the questionnaire results.

2. Summary of results

Where scores don't add up to 100% this is because many people did not express a view either way.

Your community

- 56% feel part of the community, this is 7% less people than in 2014 and a 14% reduction since 2013. 15% do not feel part of their community.
- 61% regularly speak to the people they meet, a gradual 12% fall since 2013. 12% do not regularly speak to people in the local area.
- 93% get out of the house regularly, against 2% who don't. No significant change from previous years.
- 87% feel it is a good place to live. 5% don't feel it is a good place to live. No significant change from previous years.
- 84% get on well with the people they meet, 1% said they didn't. No significant change from previous years.
- 75% trust the people in the local area and 4% don't. No significant change from previous years.

47% of people had moved to Cranbrook from Exeter, 20% from elsewhere in East Devon and 14% from wider Devon. 81% of people moved to Cranbrook from within Devon. No significant change from last year.

21% of respondents moved to Cranbrook from an EX4 postcode, 16% from an EX2 postcode and 10% from an EX1 postcode.

People mainly moved to Cranbrook as it is close to Exeter but still in the countryside, it was an opportunity to have a brand new home, they could afford to buy for the first time and it's close to their place of work. This is the same as last year's result.

- 87% of residents would recommend Cranbrook as a place to live, very similar to the 2015 result. The two most popular reasons for not recommending it were a lack of facilities and not enough on road parking.
- The main things people like most about Cranbrook is the community spirit and friendly people, that it's quiet and in the countryside and it's close to good transport links. These are very similar to the most popular things in all the surveys since 2013.
- What people don't like most about Cranbrook is the lack of facilities and amenities, particularly a pub, leisure centre, large supermarket and more shops, this is the same as last year's results. Other things a lot of respondents really didn't like were the lack of off road car parking and the amount of anti-social behaviour. This is very similar to last year's results but last year there was mention of traveller sites.
- The services and facilities that are most wanted in Cranbrook are (in order); a leisure centre, a swimming pool, a gym, more local shops, Post Office and a big supermarket. This is very similar to last year's comments, apart from the pub mentioned in last year's comments, which is being delivered at the moment.

Health and wellbeing

When asked to score various aspects of their health and wellbeing between 0 and 10 where 0 is 'not at all' and 10 is 'completely':

- 89% of people rated their happiness yesterday as six or more.
- 89% of people gave a score of six or more to 'to what extent do you feel the things you do in life are worthwhile.'
- 83% rated their satisfaction with their life nowadays as six or more.

These results are all very similar to the 2015 results.

- On a scale of 0 to 10 where 0 is 'not at all anxious' and 10 is 'completely anxious' 74% would rate their anxiety level as four or less. This is very similar to the 2015 result.
- 26% ate five or more portions of different fruit and vegetables the day before completing the questionnaire.
- When asked where they get most of their household's groceries from the most popular answers were; 91% of respondents got them from supermarkets outside of Cranbrook, 28% from Cranbrook's Co-op, 13% from supermarkets online and 9% from farm shops.
- 26% felt they consumed more 'free' sugar than the recommended amount, 62% of those with children in their household felt their children consumed more than the recommended amount.
- 30% would like to reduce the amount of 'free' sugar their household consumes.

Travel

- 46% of households have one car or van, 44% have two and 7% have three.
- 64% most regularly travel to and from work by driving, 11% as a car/van passenger, 11% by public transport and 6% by walking or cycling. 8% work from home.
- 67% most regularly travel to and from leisure time by driving or being a passenger in a car or van, 12% by public transport and 17% by walking or cycling.
- 92% most regularly travel to and from food shopping by driving or being a passenger in a car or van.
- 64% most regularly travel to and from non-food related shopping by driving or being a passenger in a car or van. 26% use public transport and 2% walk.
- When asked what would make them walk, cycle or take public transport more the most popular answer was to make public transport cheaper, followed by more frequent trains and buses and later and earlier public transport. Some people also said nothing would make them do this more.
- Postcodes / locations of workplaces were collected, this data will be used by Devon County Council. 74% of respondents that work leave Cranbrook to go to work between 5am and 9am.

Outdoor activity

Residents were asked to estimate the time they spend walking, cycling and jogging or running now, and how long they would spend doing these activities after Country Park and cycleway improvements:

- 83% of residents spend over an hour a week walking now, 90% estimate they will spend over an hour walking a week after the improvements. These results are similar to the results in 2014 and 2015.
- 20% of residents spend over an hour a week cycling now, 64% estimate they will spend over an hour cycling a week after the improvements. Both of these figures have fallen slightly over the last two years. In 2014 28% spent over an hour a week cycling, and 74% estimated they would spend over an hour a week cycling after the improvements.
- 25% of residents spend over an hour a week jogging or running now, 41% estimate they will spend over an hour jogging or running a week after the improvements. These results are similar to the results in 2014 and 2015.

Percentage of people that had visited these local outdoor spaces in their leisure time:

- Pebbled Heaths – 13%
- Taking part in water activity on the estuary – 13%
- Ashclyst Forest – 26%

- Killerton – 52%
- Dawlish Warren – 59%
- Exe Estuary – 73%
- Cranbrook Country Park – 89%
- Exmouth seafront – 91%

All of these results are similar to the results from 2015. When asked if there were any other outdoor spaces they used the most common comments were Haldon Forest, Dartmoor and Sidmouth, the same as in 2015.

- When asked what changes to Cranbrook’s green public spaces would make their household use them more the most common answers were to have more off road cycle paths to and through the open spaces, provision of allotments, better lighting so the green public spaces can be used at more times of the day and more non-flooding parks or stop the country park flooding.

About you

- The majority of respondents were aged 26 to 49, 66%.
- 80% of respondents are employed full or part time.
- According to the survey, 50% of people in Cranbrook are Christian, 48% are of no religion and 2% are of another religion.

3. Analysis

The results of the latest questionnaire give an important insight in to the issues facing the residents of Cranbrook. Access to facilities and services has consistently been identified as an area of concern. Whilst there has been progress each year, for example with the opening of the railway station, the challenge remains of ensuring that facilities and services are delivered in step with the rapidly growing population.

The facilities people most want are a leisure centre, a swimming pool, a gym, more local shops, Post Office and a big supermarket. Cabinet received an initial paper in June 2016 setting out how the delivery of facilities in the town centre, including a leisure centre/swimming pool, could be accelerated. A detailed proposition in this respect will be reported to Cabinet this summer. The Post Office in Cranbrook, part of the Co-op store, became operational at the end of February and the Enterprise Zone covers the Cranbrook Town Centre and will help to attract investment.

In terms of transport and travel to work, when compared to census data for other towns in the area the car drive mode split is one of the highest - akin to Cullompton for example. Conversely 11% public transport mode split is one of the highest recorded across the greater Exeter area (12% in Exeter and Dawlish). The big difference is walking. In other towns this typically accounts for 15-25% of journeys. The Cranbrook figure of 2% is well below this and is probably reflective of a lack of a town centre and small businesses at present. Again this highlights the need to bring forward key facilities in the town.

4. Community Development Strategy

One of the trends that the questionnaire reveals is the ongoing decline in the number of people who feel part of the community. It is evident also, for example through work on the Healthy New Town programme, that there are significant expectations on the community to step up to deliver services including new models of care. There are though potentially significant barriers to achieving this including the demographic structure of the town and the preponderance of young, busy families. The question therefore arises as to how best we can encourage the community to be outstanding in line with priority 1 of the Council Plan.

To answer this it is proposed to commission the production of a Community Development Strategy. There are three specific drivers behind this;

- 1) The need to understand what community spaces need to be provided in conjunction with the expansion plans for the town
- 2) The need to find a sustainable way of commissioning and paying for a community development service – at present the Community Development Worker for Cranbrook is funded by s.106 payments but these are due to end in March 2018.
- 3) The need to consider the best model for delivering services and assets going forward – essentially the town is already part privatised in that each household pays an estate rent charge to a service company the directors of which are also directors of the Consortium.

The Community Development Strategy will provide the opportunity to review different models to find an effective way forward for Cranbrook. For example in Sherford a Community Trust is being established from the outset. This work will need to include consideration of ways of providing an ongoing income to pay for services, for example through asset endowment.

It is proposed to commission the Community Development Strategy in conjunction with the Town and County Councils. The overall budget for this work is expected to be £30k and it is important that all parties contribute. Specific recommendations of this paper are to commit up £20k to this work along as well as to agree an exemption from Standing Orders to allow Action East Devon to facilitate the commissioning of the Strategy.

Action East Devon currently provide the Community Development Worker role for Cranbrook and are therefore considered best placed to facilitate the commissioning of this Strategy. The Exemption will allow the Strategy to be commissioned quickly and efficiently utilising the experience that has been gained from providing the Community Development Worker role over the last four years.

5. Conclusion

The annual Community Questionnaire is an invaluable resource which not only provides an insight into the current mood within Cranbrook but also provides the ability to track progress over time. Overall it highlights that Cranbrook is a young, dynamic and rapidly growing community with the vast majority of people feeling that it is a good place to live. Cranbrook continues to fulfill its purpose of providing local homes for local people.

The results also highlight that there is no room for complacency. The year on year decrease in the proportion of people who feel part of the community highlight that ongoing efforts are required to help support the growth of the town. The commissioning of a Community Development Strategy will provide a clear framework for encouraging the community to be outstanding.

During 2017 further progress is expected to be made in setting a framework for the growth of the town to circa 20,000 population, helping to create a vibrant town centre for Cranbrook and in taking forward the Healthy New Town initiative.

East Devon District Council and EDVSA Cranbrook Community Questionnaire for young people December 2016

Methodology

A questionnaire for young people was devised by Action East Devon and East Devon District Council. A paper copy of the questionnaire was delivered with the Cranbrook Community Questionnaire for adults to all the occupied households in Cranbrook with a pre-paid return envelope. Young people also had the option of completing the questionnaire on EDDCs website. In addition questionnaires were completed by young people at the Cranbrook Youth Van and also at the new secondary school part of the Education Campus in Cranbrook.

Response rate

We don't know how many young people aged 11 to 18 live in Cranbrook, but suspect it is not that many. We received 72 completed questionnaires back.

86% of the respondents were aged 11 to 13, 9% aged 14 to 16 and 5% aged 17 or 18. Caution should be taken as the vast majority of respondents were aged 11 to 13 so the results will mainly reflect their concerns.

Caution should also be taken with the results as only 72 completed questionnaires were received back. Although this is likely to represent a significant amount of the young people that actually live in Cranbrook, it means that a small amount of people's views make a significant difference to the results.

Summary

- The best things about living in Cranbrook are; the friendly people, their friends and the community; the parks and open spaces; the nearby shops. Last year the friendly people, friends and community wasn't even mentioned in the top list.
- The worst things are; the bad behaviour of the teenagers and some kids; there's nothing to do or not enough to do; needs more shops. This is a slight change from last year when the need for more facilities and activities was at the top.
- 74% said there isn't enough for young people to do, this has gone down from 94% last year. When asked what they would like added the most popular requests were for; a skate park; more shops; a swimming pool; a leisure centre and sports pitches and more stuff for older teenagers. This is similar to 2015.
- 83% feel part of the community in Cranbrook, last year this was only 43%.
- 83% were aware that the youth van comes to Cranbrook every Monday and Thursday, 52% of those that were aware of it had visited the youth van. Of those that were aware of it but hadn't been there their largest concern were the teenagers that go there and cause trouble. Not much change since last year.
- 52% are aware of the drop in health clinic, 47% of the people that were aware of it had used it. When asked for comments on the drop in health clinic the most common comments were that it was very good.
- When asked what they would like the facility or space in Cranbrook for young people to be the most popular suggestions were for a swimming pool (19), skate park (9), cinema (9), more shops (8), music rehearsal space (7) and youth centre (7).
- When asked what one small thing they would like to happen in Cranbrook to make it better for young people, the most popular comments were; more parks and play area; more places for teenagers to go; stop teenagers anti-social behaviour.

Full Results

1. What is the one best thing about living in Cranbrook?

65 young people that live in Cranbrook commented.

Most popular comments (those said by three or more people)	Number of people that gave this comment
The friendly people / my friends / the community	22
The parks and open spaces	18
There are shops nearby	7
The schools / there are schools	5
It's quiet and peaceful	5
It's a new community and new buildings	3

Last year the friendly people, friends and community wasn't even mentioned in the top list.

2. What's the one worst thing about living in Cranbrook?

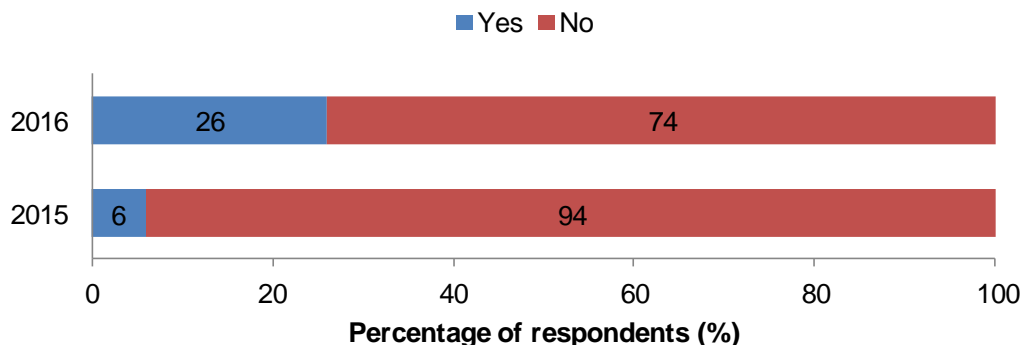
68 young people that live in Cranbrook commented.

Most popular comments (those said by three or more people)	Number of people that gave this comment
Bad behaviour of teenagers / kids	20
There's nothing / not enough to do	16
Needs more shops	8
Roads are not safe (too many cars parked on them / fast traffic)	4
There's no skate park	4
Littering	4
Bullies	3
Construction work	3

This is a slight change from last year when the need for more facilities and activities was at the top.

3. Is there enough for young people to do in Cranbrook?

There were 49 respondents to this question in 2015 and 72 in 2016.



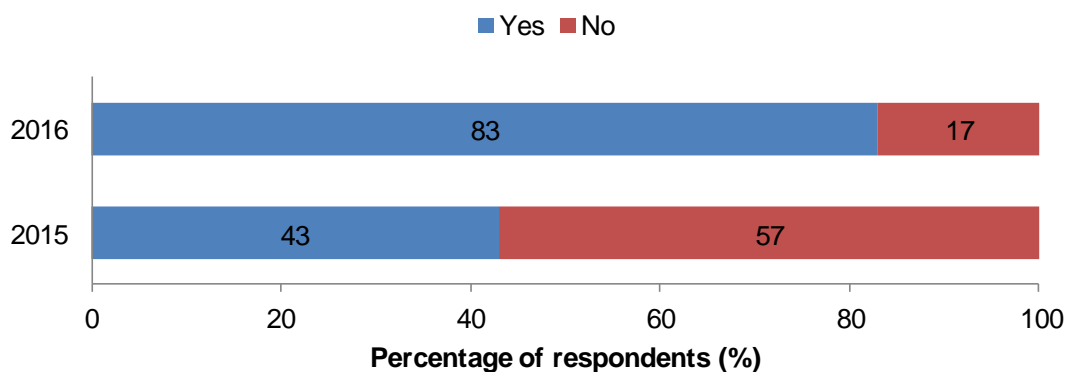
If no, please tell us what else you would like for you to do in Cranbrook:

Most popular comments (those said by three or more people)	Number of people that gave this comment
Skate park	11
More shops	9
Swimming pool	6
Leisure / sports centre / sports pitches	6
More stuff for older teenagers	5
Cinema	4
Ice rink	4
Wider variety of activities, events and clubs	3
More parks	3

This is similar to 2015.

4. Do you feel part of the community in Cranbrook?

There were 51 respondents to this question in 2015 and 70 in 2016.



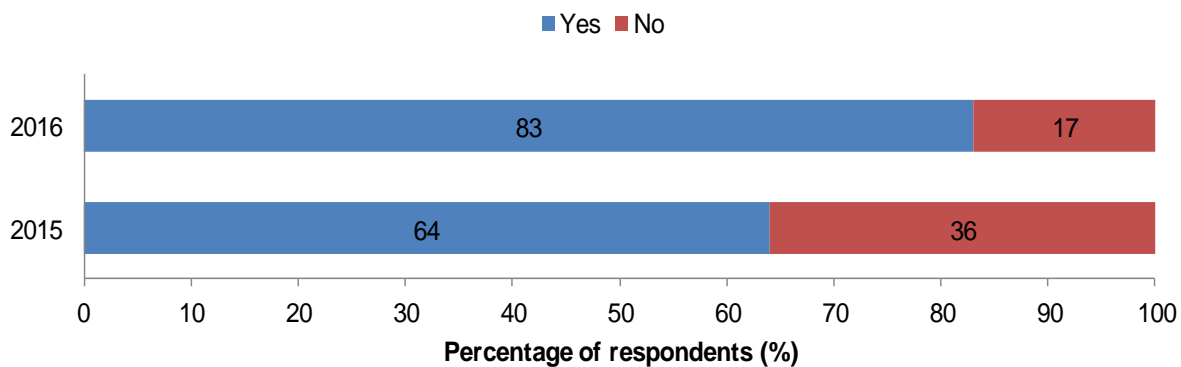
If no, please tell us why you think you don't feel part of the community:

10 young people commented, there were such a variety of comments, all the comments are listed below:

- Not a talkative person and there are no rugby facilities.
- Because people always stick their noses in other people business.
- I am not made to feel welcome.
- Because I think we should half building to save animals lives.
- Because I hate going out because it is really boring.
- There is nothing to do.
- I don't really know.
- Because if you put a problem on the Cranbrook Facebook page they take it down.
- Because I don't go out much.
- Dirty looks from adults.

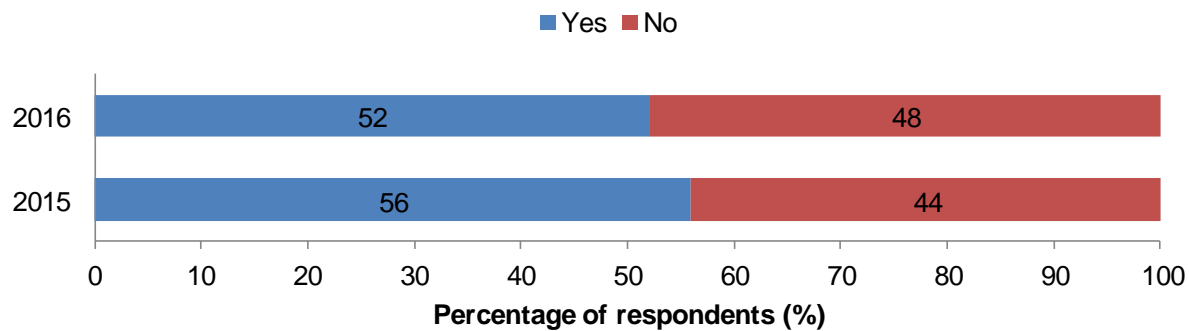
5. Did you know that there is a youth van that comes to Cranbrook every Monday and Thursday evening and parks up near St. Martin’s play area?

There were 50 respondents to this question in 2015 and 72 in 2016.



If yes, have you visited the youth van?

Of those that had heard about the youth van, 32 respondents answered this question in 2015 and 60 in 2016.



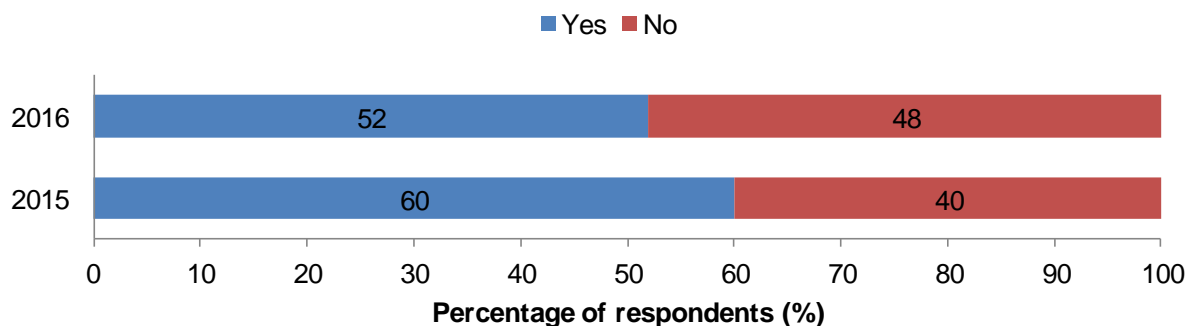
If no, please tell us why not:

Most popular comments (those said by three or more people)	Number of people that gave this comment
Teenagers go there and cause trouble	6
I'm not interested	3
It's on too late	3
It's not for people my age	3

Not much change since last year.

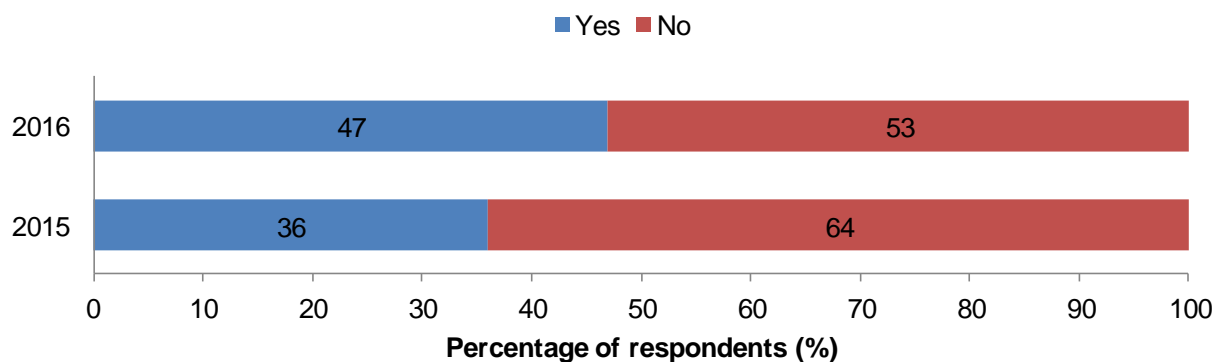
6. Did you know that there is a health clinic at the doctors surgery in Cranbrook on a Wednesday evening from 4pm to 6pm where you can just drop in, you don't need to have an appointment or be registered with the surgery?

There were 48 respondents to this question in 2015 and 69 in 2016.



If yes, have you been to this drop in health clinic?

Of those that knew about it, 28 respondents answered this question in 2015 and 36 in 2016.



Do you have any comments about the drop in health clinic?

There were 5 comments, three of these said it was a really good service.

7. What facilities and spaces for young people would you like to see in the future in Cranbrook?

There were 59 comments.

Most popular comments (those said by three or more people)	Number of people that gave this comment
Swimming pool	19
Skate park	9
Cinema	9
More shops	8
Music rehearsal space	7
Youth centre	7
Ice rink	5
Trampoline park	5
Sports pitches	4
BMX track / biking areas	4

No comparison to last year, the question was asked in a different way in 2015.

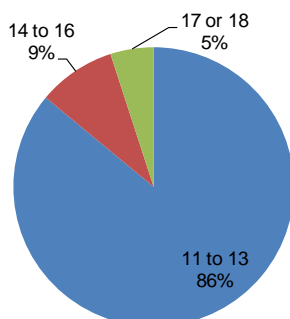
8. If there was one small thing that you could have happen in Cranbrook to make it better for younger people, what would it be?

Most popular comments (those said by three or more people)	Number of people that gave this comment
More parks and play areas	11
A skate park	7
More places for teenagers to go	4
Stop teenagers bullying / stop teenagers anti-social behaviour	4
A ball pit and a sand pit	3
Sports pitches	3

This is similar to 2015.

10. How old are you:

65 respondents answered this question:





REQUEST FOR EXEMPTION TO CONTRACT STANDING ORDERS

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

Name: Andy Wood	Date: 5 th April 2017
Service: Economy	Team: Cranbrook
Total contract value: £30,000	

Background (including product and supplier details, costs etc):

One of the trends that the latest Cranbrook Community Questionnaire reveals is the ongoing decline in the number of people who feel part of the community. It is evident also, for example through work on the Healthy New Town programme, that there are significant expectations on the community to step up to deliver services including new models of care. There are though potentially significant barriers to achieving this including the demographic structure of the town and the preponderance of young, busy families. The question therefore arises as to how best we can encourage the community to be outstanding in line with priority 1 of the Council Plan.

To answer this it is proposed to commission the production of a Community Development Strategy. There are three specific drivers behind this;

- 1) The need to understand what community spaces need to be provided in conjunction with the expansion plans for the town
- 2) The need to find a sustainable way of commissioning and paying for a community development service – at present the Community Development Worker for Cranbrook is funded by s.106 payments but these are due to end in March 2018.
- 3) The need to consider the best model for delivering services and assets going forward – essentially the town is already part privatised in that each household pays an estate rent charge to a service company the directors of which are also directors of the Consortium.

The Community Development Strategy will provide the opportunity to review different models to find an effective way forward for Cranbrook. For example in Sherford a Community Trust is being established from the outset. This work will need to include consideration of ways of providing an ongoing income to pay for services, for example through asset endowment.

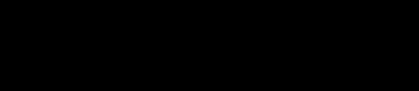

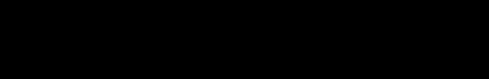
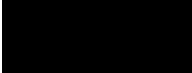
It is proposed to commission the Community Development Strategy in conjunction with the Town and County Councils. The overall budget for this work is expected to be £30k and it is important that all parties contribute. An exemption from Standing Orders is being sought to allow Action East Devon to facilitate the commissioning of the Strategy.

<u>Business Reasons for an Exemption:</u>		
Although the following are justifiably accepted as valid reasons for an exemption to Contract Standing Orders, they are closely monitored and should be applied only in cases where a full procurement exercise is not a viable option. (Tick appropriate boxes)		
	✓	Which CSO rule?
An Emergency		
Goods or Services to existing systems or kit		
Purchase or repair of patented or proprietary articles sold only at a fixed price		
Effective competition is prevented by government control		
Goods and/or Services recommended by a Central Government Department		
Extension to an existing contract for the purpose of achieving Best Value		
Purchase or Sale by Auction		
Where the Contract is with a Public Utility Company or other organisation which will assume liability for the works on completion e.g. sewer adoption		
Other Reasons (please provide details) Action East Devon currently provide the Community Development Worker role for Cranbrook and are therefore considered best placed to facilitate the commissioning of this strategy.	X	

<u>Business Benefits for an Exemption:</u>
The Exemption will allow the Community Development Strategy to be commissioned quickly and efficiently utilising the experience that has been gained from providing the Community Development Worker role over the last four years.

<u>What are the implications to the following:</u>
Finance: EDDC will be making a financial contribution alongside the Town and County Councils.
Human Resources: N/A
ICT: N/A
Asset Management: N/A
Strategic and/or Operational Objectives: N/A

<u>Risk Assessment:</u>
Detail risks here: This is considered to be low risk. Action East Devon already provide the Community Development Worker role for Cranbrook.
Or attach print from the RM system

<u>Signature of line manager or service head</u> 
<u>Supporting signature of Chief Procurement Officer</u> 
<u>Supporting signature of Strategic Lead - Finance</u> 
<u>Supporting Signature of Strategic Lead - Legal, Licensing & Democratic Services</u> 

PLEASE NOTE:

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

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

Report to: Cabinet
Date of Meeting: 5 April 2017
Public Document: Yes
Exemption: None



Review date for release None

Agenda item: 20

Subject: Appointment of Space Syntax to analyse and review the masterplan for Cranbrook

Purpose of report:

This report is written to advise Cabinet that exemption to standing orders has been applied in order to appoint Space Syntax to model, analyse and provide design and development recommendation on the proposed masterplan for Cranbrook that will underpin the forthcoming Development Plan Document for Cranbrook. NHS England have provided grant funding under the Healthy New Towns program to engage Space Syntax specifically. To be in time to model and analyse the masterplan for Cranbrook and provide recommendations to the masterplanning team Space Syntax need to start work by the end of March.

Space Syntax provide a unique service based on research developed over the last 25 years modelling and analysing the streets and spaces in existing and proposed urban areas. They work around five key issues in spatial layout:

- Modelling and understanding the distribution of vehicle, pedestrian and cycle movement
- Understanding the deep level of influence spatial location has on land use
- Identifying areas of risk and showing how places can be made safer
- Demonstrating the influence of movement networks and spatial plans on property economics
- Understanding the contribution of spatial layout on environmental impact

At Cranbrook their focus will be on creating a Healthy New Town and community. Their analysis and recommendations will initially work with the masterplan being developed by the masterplanning team led by Savills Urban Design and will focus on optimising this masterplan to create a Healthy New Town. Their analysis will include the wider determinants of ill-health, such as providing quality jobs and social cohesion so will provide recommendation designed to enhance the social, economic and environmental value of the development.

Space Syntax will work on the next draft of the masterplan for Cranbrook, expected before the end of March, to provide recommendations to the masterplanning team for the next and final

iteration of the design. This needs to be complete by the end of April so that programmed delivery of the Development Plan Document can be achieved.

Recommendation: **To note the exemption to Contract Standing Order to enable the appointment of Space Syntax to undertake modelling and analysis, and provide recommendations to, the draft masterplan for Cranbrook.**

Reason for recommendation: To ensure that Space Syntax is able to carry out the analysis and provide the recommendations necessary to enable the masterplan for Cranbrook to be optimised to enable a healthy, sustainable new town to develop.

Officer: Kenji Shermer, Urban Designer, kshermer@eastdevon.gov.uk
Tel: 01395 571593

Financial implications: The estimated cost of the Space Syntax analysis is £21,000 for which external grant funding from NHS England has been confirmed

Legal implications: The contract value falls below the threshold set out in the Public Contracts Regulations 2015 and therefore the EU procurement procedure does not apply and an exemption can be validly given pursuant to the Council's Contract Standing Orders Rule 3.2.

Equalities impact: Low

Risk: Low Risk
A low impact is identified from the appointment.

Links to background information:

Link to Council Plan: Living in this Outstanding Place.



REQUEST FOR EXEMPTION TO CONTRACT STANDING ORDERS

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

Name: Kenji Shermer	Date: 03/03/2017
Service: Economic Development	Team: Cranbrook
Total contract value: £21,000	

Background (including product and supplier details, costs etc):

Analysis of the existing transport network at Cranbrook alongside proposed transport and movement frameworks within the Cranbrook Masterplan and reserved matters applications for development at Cranbrook.

Business Reasons for an Exemption:

Although the following are justifiably accepted as valid reasons for an exemption to Contract Standing Orders, they are closely monitored and should be applied only in cases where a full procurement exercise is not a viable option. (Tick appropriate boxes)

	✓	Which CSO rule?
An Emergency	X	
Goods or Services to existing systems or kit		
Purchase or repair of patented or proprietary articles sold only at a fixed price		
Effective competition is prevented by government control		
Goods and/or Services recommended by a Central Government Department		
Extension to an existing contract for the purpose of achieving Best Value		
Purchase or Sale by Auction		
Where the Contract is with a Public Utility Company or other organisation which will assume liability for the works on completion e.g. sewer adoption		
Other Reasons (please provide details)	X	

NHSE have provided grant funding within the Healthy New Towns program to engage Space Syntax specifically. Space Syntax provide a unique research based service that cannot be procured from any other provider.

Business Benefits for an Exemption:

Space Syntax provide a unique service that will be applied to the masterplan underpinning the Cranbrook DPD. The masterplan is in the process of being produced and delay to Space Syntax' work will mean they are not able to influence this critical evidence document to the Cranbrook DPD. Space Syntax therefore need to be instructed immediately for their services to be of help.

What are the implications to the following:

Finance: **None.** External grant funding secured.

Human Resources: **Minor impact.** Some management of the consultants will be required.

ICT: **None.**

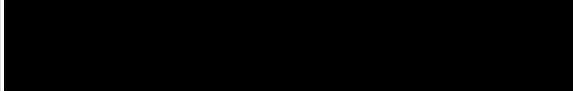
Asset Management: **None**

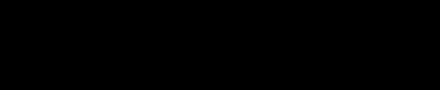
Strategic and/or Operational Objectives: **Positive.** Space Syntax work will help optimise the movement framework and design at Cranbrook to enhance social, economic and environmental value of development there. This will help realise council policy and the development of Cranbrook as a sustainable, healthy new community.


Risk Assessment:

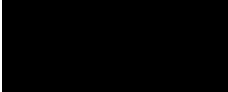
Detail risks here: **None identified**

Or attach print from the RM system

Signature of line manager or service head


Supporting signature of Chief Procurement Officer


Supporting signature of Strategic Lead - Finance


Supporting Signature of Strategic Lead – Governance and Licensing


PLEASE NOTE:

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

Report to: Cabinet
Date of Meeting: 5 April 2017
Public Document: Yes
Exemption: None



Review date for release None

Agenda item: 21

Subject: **Monthly Performance Report February 2017**

Purpose of report: Performance information for the 2016/17 financial year for February 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 February 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 Tel 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:

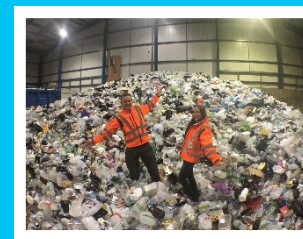
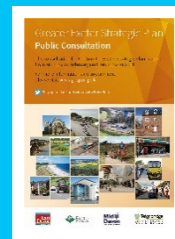
- [Appendix A – Monthly Performance Snapshot for February 2017](#)
- [Appendix B - The Performance Indicator Monitoring Report for the 2016/17 financial year up to February 2017](#)
- [Appendix C – System Thinking Reports for Housing, Revenues and Benefits and Development Management for February 2017](#)

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 five 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
 - % of invoices paid in 10 working days
 - Working days lost due to sickness absence
3. There is one performance indicator showing as concern.
 - Percentage of planning appeal decisions allowed against the authority's decision to refuse - Following a period of receiving a number of disappointing allowed appeals, we have in the last couple of weeks received a number of dismissed appeals that will again reduce the percentage of appeals allowed. If this trend continues then the indicator should not be red when assessed over the whole year. The Development Manager is in the process of assessing all the appeal decisions to establish any trends that can be identified, learnt from and addressed. It is proposed that these findings be presented to the Strategic Planning Committee as part of the annual report into our performance on appeals in the new financial year.
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 – February 2017



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

- **4 days** to process your Housing or Council Tax Benefit claims
- **97%** of invoices received by us are paid within 10 days
- An estimated **47%** of all waste collected was recycled in February

Latest headlines:

- Phase 1 of our new recycling service started on Thursday 16th February in Exmouth. In Just 3 weeks, since the new recycling and waste service began, the residents of Exmouth have recycled a staggering 263 tonnes of materials. On 23rd February alone we collected 91 tonnes or recycling from Exmouth households.
- We dealt with 180 reactive building maintenance cases at EDDC's public buildings during February 2017, this compares with 163 in the previous month, and 183 in February of 2016 including,
 - Enabling works and relocation of EDDC Revs & Bens and Housing Needs staff within Exmouth Town Hall, to enable the refurbishment project, and to ensure EDDC can continue to provide frontline services from there in the interim.
 - Major repairs to historic shelter in Connaught Gardens, Sidmouth, ready for the new season.
 - Internal alterations at Exmouth Leisure Centre to improve staff office and reception corridor.
- The Manor Pavilion Theatre, Sidmouth has started the New Year with great success. The Sidmouth Youth Theatre presented the musical Happy Days and all performances sold out. Followed by Ballet Theatre UK premiered Giselle at the venue to a huge success, and now start their UK tour. Variety by the Sea sold out as well as I Can't Believe It's Not Buddy for the second year running.

Report to: **Cabinet**

Date of Meeting: 5 April 2017

Public Document: Yes

Exemption: None

Review date for release None

Agenda item: 22

Subject: **Notification of an exemption to contract standing orders to provide Electronic Bathing Water Signs at Seaton, Beer, Sidmouth Town and Exmouth beaches.**

Purpose of report: This report is written to advise Cabinet that exemption to standing orders has been applied in order to install 4 new electronic signs on the East Devon beaches which are designated bathing waters, similar to the sign provided in 2016 at Budleigh Salterton.

Recommendation: **That Cabinet note the report and the use of standing orders exemption powers in this case.**

Reason for recommendation: To note the selection of a supplier for these signs who is already working with and approved by the Environment Agency and DEFRA.

Officer: Janet Wallace, Principal Environmental Health Officer
jwallace@eastdevon.gov.uk – 01395 571647, Extn: 1647

Financial implications: Savings from the current budget 2016/17 of approx £7,500 will be carried forward to 2017/18 for the provision of the signs. There is also a budget set for 2017/18 of £4,000

Legal implications: The Council's contract standing orders would normally require three quotes to be obtained given the contract value of circa £10k. 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.

Funding for the signs has been allocated within the 2016/17 and 2017/18 environmental protection team budgets and therefore there will be no unforeseen costs in relation to this expenditure. The signs will be erected by Streetscene.

Links to background information: .



Link to Council Plan: Encouraging communities to be outstanding, delivering and promoting our outstanding environment and continuously improving to be an outstanding Council.

Report

1. The Environmental Protection team working with Streetscene have provided the service of manually posting daily warnings whenever poor bathing water quality is anticipated for the past few years. The Council as beach controller for most of the designated bathing beaches in East Devon is required to do that by responding to warnings issued by the Environment Agency. To date officers have provided the service manually which can impact on service provision, particularly at weekends and on bank holidays. Communication and staff availability issues have sometimes resulted in delays posting and removing the signs, which can be problematic because there is a time constraint on erecting and removing the required information.
2. An electronic sign was provided at Budleigh Salterton in 2016 and this has worked extremely well, resulting in minimal direct officer involvement once it had been installed. A second sign was installed at Ladram Bay by the private owners of that beach, and again is working well, saving officer time. A budget for 4 additional signs has been identified within the Environmental Protection team cost centre, and it is proposed to install these signs at Seaton, Beer, Sidmouth Town and Exmouth beaches.
3. DEFRA have identified a preferred supplier of these signs and this supplier already works with the Environment Agency in transmitting the electronic data they supply. We have been unable to source an alternative supplier who has an established relationship with this system or who is recommended by DEFRA or the EA. Two of these four signs have already been ordered but the teams wish to install all four signs before the next bathing water season which starts in early May so that the warning system will then be completely electronic.
4. The established supplier of the signs is Meteor Communications of St Albans who have provided a quotation of £2,736 plus VAT per sign. The signs are solar powered, thus avoiding the need to establish a mains electricity connection, and incorporate a mobile phone sim card through which the information from the Environment Agency is received. All four signs will be erected by Streetscene near the locations on the beaches used by the Environment Agency as their water sampling points.
5. The signs will be similar to the existing sign at Budleigh Salterton:





REQUEST FOR EXEMPTION TO CONTRACT STANDING ORDERS

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

Name: Janet Wallace, PEHO	Date: 7 th March 2017
Service: Environmental Health	Team: Environmental Protection
Total contract value: £ 11,000	

Background (including product and supplier details, costs etc):

The Environmental Protection team working with Streetscene have provided the service of manually posting daily warnings whenever poor bathing water quality is anticipated for the past few years. The Council as beach controller for most of the designated bathing beaches in East Devon is required to do that by responding to warnings issued by the Environment Agency. To date officers have provided the service manually which can impact on service provision, particularly at weekends and on bank holidays. Communication and staff availability issues have sometimes resulted in delays posting and removing the signs, which can be problematic because there is a time constraint on displaying the required information.

An electronic sign was provided at Budleigh Salterton in 2016 and this has worked extremely well, resulting in minimal direct officer involvement once it had been installed. A budget for 4 additional signs has been identified within the Environmental Protection team cost centre, and it is proposed to install these signs at Seaton, Beer, Sidmouth Town and Exmouth beaches. DEFRA have identified a preferred supplier of these signs and this supplier works with the Environment Agency in transmitting the electronic data they supply. We have been unable to source an alternative supplier who has an established relationship with this system or who is recommended by DEFRA or the EA. Two of these four signs have already been ordered but the teams wish to install all four signs before the next bathing water season which starts in early May so that the warning system will then be completely electronic.

The established supplier of the signs is Meteor Communications of St Albans who have provided a quotation of £2,736 plus VAT per sign. The quotation is attached. The signs are solar powered, thus avoiding the need to establish a mains electricity connection, and incorporate a mobile phone sim card through which the information from the Environment Agency is received. The signs will be erected by Streetscene.

Business Reasons for an Exemption:

Although the following are justifiably accepted as valid reasons for an exemption to Contract Standing Orders, they are closely monitored and should be applied only in cases where a full procurement exercise is not a viable option. (Tick appropriate boxes)

	✓	Which CSO rule?
An Emergency		

Goods or Services to existing systems or kit		
Purchase or repair of patented or proprietary articles sold only at a fixed price		
Effective competition is prevented by government control		
Goods and/or Services recommended by a Central Government Department	✓	
Extension to an existing contract for the purpose of achieving Best Value		
Purchase or Sale by Auction		
Where the Contract is with a Public Utility Company or other organisation which will assume liability for the works on completion e.g. sewer adoption		
Other Reasons (please provide details)		

Business Benefits for an Exemption:

An exemption at this point will enable all four signs to be erected in time for the 2017 bathing water season thereby ensuring that all the parishes and towns benefitting will receive a similar level of service. This will save officer time at the weekends and early each morning. In previous seasons each warning may require an officer to prioritise erecting manual signs over other planned worked. The erection and taking down of signs across the whole district can take in excess of 2 hours. This may have to be repeated on several successive days in the event of continual wet weather.

What are the implications to the following:

Finance: The finance for all four signs is in place.

Human Resources: There will be a saving in unplanned officer time by removing the requirement for the manual erection of signs, particularly at weekends and on bank holidays.

ICT: None identified.

Asset Management: None identified.

Strategic and/or Operational Objectives: The advantages have been outlined above.

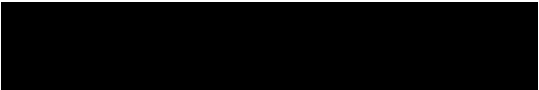
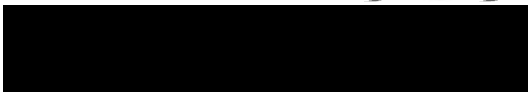
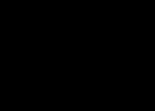
Risk Assessment:

Detail risks here: No risks identified.

Or attach print from the RM system

Signature of line manager or service head



<u>Supporting signature of Chief Procurement Officer</u> 
<u>Supporting signature of Strategic Lead - Finance</u> 
<u>Supporting Signature of Strategic Lead - Legal, Licensing & Democratic Services</u> 

PLEASE NOTE:

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

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



The Electricity Works
Campfield Road
St Albans
Herts
AL1 5HT
United Kingdom

QUOTATION

Quote Number: **0303171**
Date: **03/03/17**

To: Janet Wallace
East Devon District Council

Deliver To: Janet Wallace
East Devon District Council

Prepared by	Contact email address	Contact Phone
Matt Dibbs	mdibbs@meteorcommunications.co.uk	01727 899 990

Beach WQ LED signage

Item	Description	Ref	Quantity	Unit Price	Total
1	LED sign for Beach Water Quality predictions.- Measures 1020mm x 100mm x 80mm - IP66 Sealed for outdoor use - 21 Character display - High brightness Red / Green / Yellow LEDs - 12V DC Supply - Inbuilt GSM modem	MCE-BSIGNDC	2	1480.00	2,960.00
2	Sign Mounting kit consisting of: - Backboard - Twin aluminium poles - Fitting kit		2	180.00	360.00
3	Solar Power Kit consisting of: - 100W Solar Panel - Solar mounting frame - Stainless Steel Enclosure - 72Ah battery - Solar Regulator - Isolators - Gland entry		2	976.00	1,952.00
	Delivery	Delivery	1	200.00	200.00
Delivery timescales: 1st Week May 2017					
Sub Total					£5,472.00
VAT 20%					£1,094.40
Total					£6,566.40

Quote Valid for 30 days from date of issue

Registered Number 1995610 England

Vat Reg No. 452 928822

Report to: Cabinet
Date of Meeting: 5 April 2017
Public Document: Yes
Exemption: None



Review date for release None

Agenda item: 23

Subject: **Alternative models for building repairs and maintenance – exemption from contract standing orders**

Purpose of report: To note the exemption to contract standing orders for consultancy work regarding the renewal of the repairs contract and investigation of alternative models for building repairs and maintenance.

This report is written to advise Cabinet that exemption to contract standing orders has been applied in order to commission the services of echelon consultants to carry out an options appraisal across our repairs and maintenance service.

Echelon are lead consultants operating in a specialist environment and have engaged their services to achieve better value for money as well as improving our services to tenants.

Recommendation: **To note the exemption to Contract Standing Orders to enable the services of echelon consultants to carry out an options appraisal of our repairs and maintenance service.**

Reason for recommendation: To ensure a full review of our service and the options for alternative models for building repairs and maintenance

Officer: Amy Gilbert-Jeans, Property and Asset Manager
agilbert@eastdevon.gov.uk ext 2578

Financial implications: Financial implications are included within the exemption.

Legal implications: The contract value falls below the threshold set out in the Public Contracts Regulations 2015 and therefore the EU procurement procedure does not apply and an exemption can be validly given pursuant to the Council's Contract Standing Orders Rule 3.2.

Equalities impact: Low Impact

Risk: Low Risk

Links to background information: .

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



REQUEST FOR EXEMPTION TO CONTRACT STANDING ORDERS

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

Name: Amy Gilbert-Jeans	Date: 6 th February 2017
Service: Housing	Team: Property and Asset
Total contract value: £ 9,860.00	

Background (including product and supplier details, costs etc):

Please see Agenda item 14- Housing Review Board Paper, 12th January 2017; *Alternative models for building repairs and maintenance* (attached)

Following the approval by the Housing Review Board of the recommendation made in the above report, we intend to commission the services of echelon consultants to carry out an options appraisal across our repairs and maintenance service in relation to the alternative models available to us for responsive repairs and voids contracting arrangements in the future.

The current housing repairs and maintenance contract has been extended for 1 year until July 2018. This allows us sufficient time to explore the different options we have for contracting going forward and also for the necessary procurement exercise to take place in order to appoint future contractors as necessary.

Echelon are lead consultants operating in a specialist environment and we have been impressed with their skills and abilities in showing us the opportunities for us to achieve better value for money as well as improving our services to tenants.

This exemption will cover the services of a procurement review which will see a number of workshops undertaken that will attempt to consult with all of our key stakeholders in order for echelon to prepare and issue us with a procurement strategy report that will set out a series of recommendations based on their findings.

Business Reasons for an Exemption:

Although the following are justifiably accepted as valid reasons for an exemption to Contract Standing Orders, they are closely monitored and should be applied only in cases where a full procurement exercise is not a viable option. (Tick appropriate boxes)

	✓	Which CSO rule?
An Emergency		
Goods or Services to existing systems or kit		
Purchase or repair of patented or proprietary articles sold only at a fixed price		

Detail risks here:

Risk of not having appropriate contracting arrangements in place could place service delivery to tenants at risk.

Risk of not maintaining our homes to the required standard will risk value of stock in the future.

Or attach print from the RM system

<u>Signature of line manager or service head</u>	[Redacted]	9/2/17
<u>Supporting signature of Chief Procurement Officer</u>	[Redacted]	9/2/17
<u>Supporting signature of Strategic Lead - Finance</u>	[Redacted]	9/2/17.
<u>Supporting signature of Strategic Lead - Legal, Licensing & Democratic Services</u>	[Redacted]	9.2.17

PLEASE NOTE:

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

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

Report to: Cabinet
Date of Meeting: 5 April 2017
Public Document: Yes
Exemption: None



Review date for release None

Agenda item: 24

Subject: **Unforeseen and urgent removal of asbestos material to enable lift replacement works to continue.**

Purpose of report: This report is written to advise Cabinet that an exemption to standing orders has been relied upon and has been used to deal with the urgent removal of AIB asbestos material which was discovered during the removal of the existing passenger lift as part of the lift replacement project at Morgan Court, Exmouth.

The lift replacement works are on hold and cannot continue until works to remove the asbestos material and undertake a full environmental clean of the area have been completed.

It is estimated that the works to remove the asbestos material in accordance with the Control of Asbestos Regulations will add approximately 5 weeks to the project. If we were to obtain further quotations to comply with Contract Standing Orders, a further delay of 2-3 weeks would undoubtedly ensue.

A quotation for the removal of the asbestos material has been obtained from S Roberts & Son, of whom have undertaken similar works for us recently and have proved to be competitive and reliable.

Recommendation: **To note the exemption to Contract Standing Order to enable the appointment of S Roberts & Son to undertake the removal of the asbestos material to ensure the area is safe to enable the lift replacement works to recommence and minimise further disruption and inconvenience to tenants.**

Reason for recommendation: The removal works and a full environmental clean of the lift shaft area are urgently required to enable the lift replacement works to recommence, thus reducing the likelihood of any adverse financial, health & safety and reputational impact associated with any further delays.

Officer: Martin Peyton, Programmed Works Officer, 01395 516551 ext 2231, mpeyton@eastdevon.gov.uk

Financial implications: The cost will be met from existing budget resource within the Service.

Legal implications: The contract value falls below the threshold set out in the Public Contracts Regulations 2015 and therefore the EU procurement

procedure does not apply and an exemption can be validly given pursuant to the Council's Contract Standing Orders Rule 3.2.

Equalities impact: Inconvenience to elderly and infirm tenants unable to use the stairs, of whom are dependent on the use of the temporary stairlifts, of which cannot be used for transporting shopping, walking aids, etc.

Risk: Risk of exposure to staff, contractors and residents.
Risk of further inconvenience to tenants by increasing the length of time the lift is out of action.
Elongating the period of temporary fire safety arrangements for the building whilst the lift is out of action, one of the escape staircases is used for temporary stairlifts to transport the most infirm tenants who are unable to use the stairs.

Links to background information:

Link to Council Plan: [Living in this Outstanding Place.](#)



REQUEST FOR EXEMPTION TO CONTRACT STANDING ORDERS

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

Name: Martin Peyton	Date: 16 March 2017
Service: Housing	Team: Property & Asset Management
Total contract value: £ 14,537.00	

Background (including product and supplier details, costs etc:
 Works commenced on 01 March 2017 to undertake the replacement of the existing passenger lift at Morgan Court, Exmouth, a block of 32no sheltered residential flats. A refurbishment and demolition asbestos survey had been commissioned in advance of the works commencing, however that did not reveal any asbestos containing materials within the lift shaft.

On 02 March 2017, whilst the lift entrance doors on the top landing were being removed, a suspect material beneath the door threshold was discovered, which was unidentifiable on an R&D asbestos survey. The contractor, in line with the Control of Asbestos Regulations, ceased works immediately.

An inspection and test of the suspect material revealed AIB asbestos.

It is essential that this AIB asbestos material is removed as a matter of urgency to minimise delay to the lift replacement project. There are numerous tenants dependent on the use of the lift, one of whom is currently in temporary accommodation at a cost of £350.00 per week. Temporary stairlifts are currently installed in one of the two fire escape staircases which will affect the evacuation of the building in the event of a fire.

A quotation of the value listed above has been obtained from S Roberts & Son, for removing the material under controlled conditions. This involves the erection of specialist scaffolding, and enclosures/airlocks for the removal to take place. S Roberts & Son have undertaken similar works for us recently and have proved to be competitive, professional and reliable.

Business Reasons for an Exemption:
 Although the following are justifiably accepted as valid reasons for an exemption to Contract Standing Orders, they are closely monitored and should be applied only in cases where a full procurement exercise is not a viable option (Tick appropriate boxes)

	✓	Which CSO rule?
An Emergency	✓	
Goods or Services to existing systems or kit	✓	
Purchase or repair of patented or proprietary articles sold only at a fixed price		
Effective competition is prevented by government control		

Goods and/or Services recommended by a Central Government Department		
Extension to an existing contract for the purpose of achieving Best Value		
Purchase or Sale by Auction		
Where the Contract is with a Public Utility Company or other organisation which will assume liability for the works on completion e.g. sewer adoption		
Other Reasons (please provide details) see below:	✓	


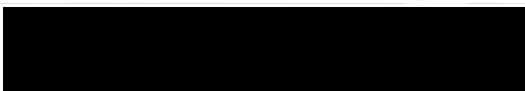


Business Benefits for an Exemption:
 The removal works and a full environmental clean of the lift shaft area are urgently required to enable the lift replacement works to re-commence. It is estimated that, including the two week formal notification to the HSE, the works to remove the asbestos will add at least 5 weeks to the lift replacement project.

If we were to obtain additional quotations in order to comply with Contract Standing Orders, an additional 2-3 weeks would probably be required which would delay the project further. Any savings achieved in doing would most likely be eliminated by the cost of the alternative accommodation for one tenant.

Due to the urgency of the current situation, the inconvenience to tenants and the risk of negative publicity for EDDC, it is proposed to appoint S Roberts & Son to proceed with this work as a matter of urgency.

What are the implications to the following:
<p>Finance: Risk of failure in our duty to manage the removal of this asbestos material in accordance with the Control of Asbestos Regulations 2012 could place EDDC at risk of a monetary fine from the HSE. Delaying the works further could also result in additional Preliminary Costs being charged by the Lift Contractor, Schindler Ltd.</p>
<p>Human Resources: Risks to elderly and infirm tenants using the temporary stairlifts whilst the passenger lift is out of action. Risk of exposure to site personnel if they come into contact with the contaminated area. Completion of the asbestos removal and subsequent environmental clean will ensure the lift replacement works can continue safely.</p>
<p>ICT: None known</p>
<p>Asset Management: The work will ensure EDDC's assets are being managed appropriately and meeting all areas of compliance with the various Legislation with which we are duty bound as a Social Landlord.</p>
<p>Strategic and/or Operational Objectives: To ensure a safe working environment for all users of the building, including residents, site operatives and EDDC Housing staff.</p>

<u>Risk Assessment:</u>
Detail risks here: Risk of exposure to staff, contractors and residents. Risk of further inconvenience to tenants by increasing the length of time the lift is out of action. Elongating the period of temporary fire safety arrangements for the building whilst the lift is out of action, one of the escape staircases is used for temporary stairlifts to transport the most infirm tenants who are unable to use the stairs.
Or attach print from the RM system

<u>Signature of line manager or service head</u> 
<u>Supporting signature of Corporate Procurement Officer</u> 
<u>Supporting signature of Head of Finance</u> 
<u>Supporting Signature of Corporate Legal & Democratic Services Manager</u> 

PLEASE NOTE:

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

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

Report to: Cabinet
Date of Meeting: 5 April 2017
Public Document: Yes
Exemption: None



Review date for release None

Agenda item: 25

Subject: **Appointment of Wessex Community Housing Project to support with the allocation of funding from the Community Housing Fund**

Purpose of report: This report is written to advise Cabinet that exemption to standing orders has been applied in order to appoint Wessex Community Housing Project to work with us on the allocation of funding from the Community Housing Fund. They are the only local organization which has the required knowledge and expertise to work in the community and deliver community led housing.

Recommendation: **To note the exemption to standing orders to appoint Wessex Community Housing Project to support with the allocation of funding from the Community Housing Fund**

Reason for recommendation: To ensure appropriate use of the Community Housing Fund

Officer: Paul Lowe, Housing Enabling and Allocations Manager,
pjlowe@eastdevon.gov.uk

Financial implications: The Exemption outlines the financial details and relates to arrangements on spending of Government Grant.

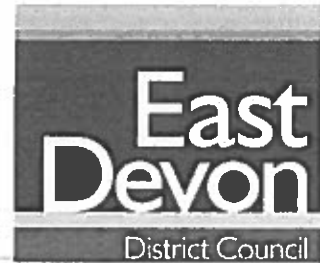
Legal implications: The contract value falls below the threshold set out in the Public Contracts Regulations 2015 and therefore the EU procurement procedure does not apply and an exemption can be validly relied on pursuant to the Council's Contract Standing Orders Rule 3.2.

Equalities impact: Low Impact

Risk: Low Risk

Links to background information: .

Link to Council Plan: Living in this outstanding place



REQUEST FOR EXEMPTION TO CONTRACT STANDING ORDERS

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

Name: Paul Lowe	Date: 18 February 2017
Service: Housing	Team: Strategy
Total contract value: £64,000 (approx)	

Background (including product and supplier details, costs etc):

1. We have been allocated £1.2M from the Community Housing Fund to support community led housing developments in areas where the impact of second homes is particularly acute.
2. We wish to use the services of Wessex Community Housing Project to work in the district and advise us as to the best use of the funding on projects they are working with.
3. Wessex Community Housing Project is being formed by Wessex Community Land Trust to provide a community housing service for district councils across Somerset, Devon and Dorset and the adjacent unitaries of Torbay, Poole and Bournemouth.
4. They will provide end-to-end technical support to local groups, for community housing projects using a range of models eg community land trust, co-housing, self-build and refurb.
5. Wessex Community Land Trust is a social enterprise specialising in community ownership and development of assets. Through their support 12 community led schemes have been completed in Somerset, Devon and Dorset with a further 24 schemes in the pipeline.
6. We have a good track record of working with Wessex CLT.
7. They are the only local organisation which has the required knowledge and expertise to work in the community and deliver community led housing.
8. The cost of their service is in proportion to the relevant community housing fund allocation and for East Devon this is £15,750 (exc VAT) per year for 4 years.
9. This is above the level at which we should seek 3 comparative quotations.
10. We are therefore seeking exemption from standing orders to allow us to work with Wessex Community Housing Project to help deliver much needed local community led housing.

Business Reasons for an Exemption:

Although the following are justifiably accepted as valid reasons for an exemption to Contract Standing Orders, they are closely monitored and should be applied only in cases where a full procurement exercise is not a viable option. (Tick appropriate boxes)

	✓	Which CSO rule?
An Emergency		
Goods or Services to existing systems or kit		
Purchase or repair of patented or proprietary articles sold only at a fixed price		
Effective competition is prevented by government control		
Goods and/or Services recommended by a Central Government Department		
Extension to an existing contract for the purpose of achieving Best Value		
Purchase or Sale by Auction		
Where the Contract is with a Public Utility Company or other organisation which will assume liability for the works on completion e.g. sewer adoption		
Other Reasons (please provide details)	✓	
<p>This is a specialised area of work. Wessex are the only local organisation which has the required knowledge and expertise to work in the community and deliver community led housing.</p>		

Business Benefits for an Exemption:

To enable us to effectively use the government funding to provide community led housing

What are the implications to the following:

Finance: outlined above

Human Resources: if we do not employ Wessex Community Housing Project we would need to consider recruiting a fixed term officer to provide similar in-house support for community groups

ICT: None

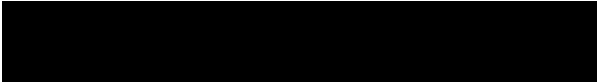
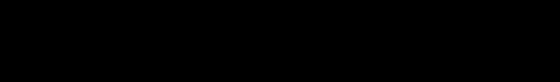


Asset Management: None

Strategic and/or Operational Objectives: Living in this outstanding place

Risk Assessment:

Detail risks here: Not applicable

Or attach print from the RM system

<u>Signature of line manager or service head</u> 
<u>Supporting signature of Chief Procurement Officer</u> 
<u>Supporting signature of Strategic Lead - Finance</u> 
<u>Supporting Signature of Strategic Lead - Legal, Licensing & Democratic Services</u> 

PLEASE NOTE:

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

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

Report to: Cabinet
Date of Meeting: 5 April 2017
Public Document: Yes
Exemption: None



Review date for release None

Agenda item: 26

Subject: **Appointment of Inspector to Examine the Yarcombe & Marsh Neighbourhood Plan**

Purpose of report: This report is written to advise Cabinet that exemption to standing orders has been applied in order to appoint an independent examiner to examine the Yarcombe & Marsh Neighbourhood Plan. In order to secure a speedy examination and to accord with the wishes of the plan producers we have secured the services of Mary O'Rourke. Mary spent 24 years in the Planning Inspectorate and examined various structure and local plans, and nationally significant infrastructure projects. She is also an experienced Neighbourhood Plan Examiner, having recently examined the Coleshill Neighbourhood Plan (North Warwickshire). Early adoption of the Neighbourhood Plan will help with establish a positive planning policy framework for the parish to inform determination of planning applications in Yarcombe. She is scheduled to commence the examination on the 3 April 2017.

Recommendation: **To note the exemption to Contract Standing Order to enable the appointment of Mary O'Rourke to undertake the Examination of the Yarcombe & Marsh Neighbourhood Plan.**

Reason for recommendation: To ensure that an independent examiner is in place and appointed.

Officer: Tim Spurway, Neighbourhood Planning Officer,
tspurway@eastdevon.gov.uk (01395 – 571745)

Financial implications: The estimated cost of the examination is £4,550 - £7,500. We have been provided with a fixed rate of £4,550 if a hearing isn't required and £7,000 if a hearing is required, plus reasonable expenses incurred.

Government funding of £20,000 is available to cover the cost of the examination once a date has been set for referendum for each plan.

Legal implications: The contract value falls below the threshold set out in the Public Contracts Regulations 2015 and therefore the EU procurement procedure does not apply and an exemption can be validly given pursuant to the Council's Contract Standing Orders Rule 3.2.

Equalities impact: Low

Risk: Low Risk

A low impact is identified from the appointment.

Links to background information: No background Documents are linked to this report

Link to Council Plan: Living in this Outstanding Place.



REQUEST FOR EXEMPTION TO CONTRACT STANDING ORDERS

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

Name: Tim Spurway	Date: 10/03/17
Service: Planning	Team: Planning Policy
Total contract value: £4,550 – £7,500	

Background (including product and supplier details, costs etc):

Yarcombe Parish Council have formally submitted their Neighbourhood Plan to EDDC for consideration. There is a legal requirement for us to appoint an Examiner to assess the Plan. We can use any appropriately qualified person, however to assist the process, and Officer assessment is that we wish to choose someone with significant experience of planning in a number of areas, preferably in the planning inspectorate. Were we to use the RPTI founded NPIERS service we would be charged a standard rate of £750/day and be given the names of three Examiners without prior knowledge of their qualifications.

Due to having 3 individual plans submitted to East Devon within the space of a month then it was necessary to appoint 3 different examiners so that each examination could be conducted simultaneously. A service has recently been set up called Intelligent Plans and Examinations which employs individuals with significant experience in planning, mostly those with 10+ years in the planning inspectorate. The organisation advised that they could offer reduced fees to authorities commissioning them to conduct multiple examinations therefore we have negotiated a lower rate of £700/day. They have provided a fixed cost for the examination of £4,550 if a hearing isn't required and £7,000 if a hearing is required. The organisation provided various names of available Examiner's and we selected Mary O'Rourke in consultation with the group as having the appropriate experience.

A DCLG grant of £20,000 should meet all costs associated with the examination, once a date has been set for referendum of the Neighbourhood Plan.

Business Reasons for an Exemption:

Although the following are justifiably accepted as valid reasons for an exemption to Contract Standing Orders, they are closely monitored and should be applied only in cases where a full procurement exercise is not a viable option. (Tick appropriate boxes)

	✓	Which CSO rule?
An Emergency		
Goods or Services to existing systems or kit		

Purchase or repair of patented or proprietary articles sold only at a fixed price		
Effective competition is prevented by government control		
Goods and/or Services recommended by a Central Government Department		
Extension to an existing contract for the purpose of achieving Best Value		
Purchase or Sale by Auction		
Where the Contract is with a Public Utility Company or other organisation which will assume liability for the works on completion e.g. sewer adoption		
Other Reasons (please provide details)	✓	
<p>Examiners have a flat rate charge of £750 + VAT when appointed through NPIERS and we have managed to negotiate a slightly lower fee in this instance. It is important that the right person with suitable experience is appointed and Mary O'Rourke has been selected for this reason.</p>		

Business Benefits for an Exemption:

Employing Ms O'Rourke will enable the examination to proceed without delay. We have negotiated a lower rate of £700 /day as opposed to the standard £750/day charged by NPIERS examiners and that we have previously paid for examinations undertaken in the district by Nigel McGurk.

What are the implications to the following:

Finance: Intelligent Plans and Examinations rate of £700 + VAT (and reasonable expenses) is to be met from the £20,000 DCLG budget. We have been provided with a fixed rate of £4,550 if a hearing isn't required and £7,000 if a hearing is required.

Human Resources: None

ICT: None




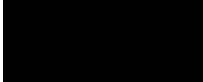
Asset Management: None

Strategic and/or Operational Objectives: None

Risk Assessment:

Detail risks here: That the Plan does not meet the basic conditions and is rejected (with the potential costs of a further examination). We are unable to claim the £20,000 funding from DCLG unless the examination is successful.

Or attach print from the RM system

<u>Signature of line manager or service head</u> 
<u>Supporting signature of Corporate Procurement Officer</u> 
<u>Supporting signature of Head of Finance</u> 
<u>Supporting Signature of Corporate Legal & Democratic Services Manager</u> 

PLEASE NOTE:

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Report to: Cabinet
Date of Meeting: 5 April 2017
Public Document: Yes
Exemption: None



Review date for release None

Agenda item: 27

Subject: **Appointment of Inspector to Examine the Uplyme Neighbourhood Plan**

Purpose of report: This report is written to advise Cabinet that exemption to standing orders has been applied in order to appoint an independent examiner to examine the Uplyme Neighbourhood Plan. In order to secure a speedy examination and to accord with the wishes of the plan producers we have secured the services of John Mattocks who worked for 20+ years in the planning inspectorate, examining the Taunton Deane Core Strategy amongst others. He also has an established a track record for examining Neighbourhood Plans and has undertaken over 10 examinations. Early adoption of the Neighbourhood Plan will help with establish a positive planning policy framework for the parish to inform determination of planning applications in Uplyme. He is scheduled to commence the examination on the 3 April 2017.

Recommendation: **To note the exemption to Contract Standing Order to enable the appointment of John Mattocks to undertake the Examination of the Uplyme Neighbourhood Plan.**

Reason for recommendation: To ensure that an independent examiner is in place and appointed.

Officer: Tim Spurway, Neighbourhood Planning Officer,
tspurway@eastdevon.gov.uk (01395 – 571745)

Financial implications: The estimated cost of the examination is £4,000 - £9,000. John will be providing us with a fixed overall cost once he has assessed the complexity of the Plan upon commencing the examination.

Government funding of £20,000 is available to cover the cost of the examination once a date has been set for referendum for each plan.

Legal implications: The contract value falls below the threshold set out in the Public Contracts Regulations 2015 and therefore the EU procurement procedure does not apply and an exemption can be validly given pursuant to the Council's Contract Standing Orders Rule 3.2.

Equalities impact: Low

Risk: Low Risk

A low impact is identified from the appointment.

Links to background information:

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Link to Council Plan: Living in this Outstanding Place.



REQUEST FOR EXEMPTION TO CONTRACT STANDING ORDERS

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

Name: Tim Spurway	Date: 10/03/17
Service: Planning	Team: Planning Policy
Total contract value: £4,000 – £9,000	

Background (including product and supplier details, costs etc):

Uplyme Parish Council have formally submitted their Neighbourhood Plan to EDDC for consideration. There is a legal requirement for us to appoint an Examiner to assess the Plan. We can use any appropriately qualified person, however to assist the process, and Officer assessment is that we wish to choose someone with significant experience of planning in a number of areas, preferably in the planning inspectorate. Were we to use the RPTI founded NPIERS service we would be charged a standard rate of £750/day and be given the names of three Examiners without prior knowledge of their qualifications.

John Mattocks is an experienced planning professional with over 20 years in the Planning Inspectorate. He undertook the Local Plan examination at Taunton Deane and has recently undertaken a number of Neighbourhood Plan examinations across the Country. By directly approaching John Mattocks we have negotiated a lower rate of £700/day and have the option of fixing the cost once John has assessed whether a hearing will be required. John has advised on his availability, and he can carry out the examination in early April (thus avoiding the need to apply to NPIERS, interview and shortlist and potentially delay the examination around the candidates existing commitments).

A DCLG grant of £20,000 should meet all costs associated with the examination, once a date has been set for referendum of the Neighbourhood Plan.

Business Reasons for an Exemption:

Although the following are justifiably accepted as valid reasons for an exemption to Contract Standing Orders, they are closely monitored and should be applied only in cases where a full procurement exercise is not a viable option. (Tick appropriate boxes)

	✓	Which CSO rule?
An Emergency		
Goods or Services to existing systems or kit		
Purchase or repair of patented or proprietary articles sold only at a fixed price		
Effective competition is prevented by government control		
Goods and/or Services recommended by a Central Government Department		

Extension to an existing contract for the purpose of achieving Best Value		
Purchase or Sale by Auction		
Where the Contract is with a Public Utility Company or other organisation which will assume liability for the works on completion e.g. sewer adoption		
Other Reasons (please provide details) Examiners have a flat rate charge of £750 + VAT when appointed through NPIERS and we have managed to negotiate a slightly lower fee in this instance. It is important that the right person with suitable experience is appointed and John Mattocks has been selected for this reason.	✓	

Business Benefits for an Exemption:

Directly employing Mr Mattocks will enable the examination to proceed without delay. We have negotiated a lower rate of £700 /day as opposed to the standard £750/day charged by NPIERS examiners and that we have previously paid for examinations undertaken in the district by Nigel McGurk.

What are the implications to the following:

Finance: Mr Mattocks' rate of £700 + VAT (and reasonable expenses) is to be met from the £20,000 DCLG budget. We would anticipate the examination lasting up to 75 hours.

Human Resources: None

ICT: None

Asset Management: None


Strategic and/or Operational Objectives: None

Risk Assessment:

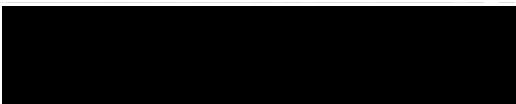
Detail risks here: That the Plan does not meet the basic conditions and is rejected (with the potential costs of a further examination). We are unable to claim the £20,000 funding from DCLG unless the examination is successful.

Or attach print from the RM system

Signature of line manager or service head



Supporting signature or Corporate Procurement Officer



Supporting signature of Head of Finance

[Redacted signature]

Supporting Signature of Corporate Legal & Democratic Services Manager

[Redacted signature]

PLEASE NOTE:

Rule 3.2 requires you to prepare a report for Cabinet to support the action taken. Procurement is required to keep a Register of Exemptions. **Please ensure that your report to Cabinet is copied to Procurement.**

Report to: Cabinet
Date of Meeting: 5 April 2017
Public Document: Yes
Exemption: None



Review date for release None

Agenda item: 28

Subject: **Appointment of Inspector to Examine the Chardstock Neighbourhood Plan**

Purpose of report: This report is written to advise Cabinet that exemption to standing orders has been applied in order to appoint an independent examiner to examine the Chardstock Neighbourhood Plan. In order to secure a speedy examination and to accord with the wishes of the plan producers we have secured the services of Robert Yuille. Robert worked for 19 years in the planning inspectorate, where he focused particularly on examining rural local plans, including Mendip, Mid Suffolk, Rutland and South Wiltshire (as was). He has also recently completed the examinations of the Austrey Neighbourhood Plan (North Warwickshire) and the Bledlow-cum-Saunderton Neighbourhood Plan (Wycombe). Early adoption of the Neighbourhood Plan will help with establish a positive planning policy framework for the parish to inform determination of planning applications in Chardstock. He is scheduled to commence the examination on the 3 April 2017.

Recommendation: **To note the exemption to Contract Standing Order to enable the appointment of Robert Yuille to undertake the Examination of the Chardstock Neighbourhood Plan.**

Reason for recommendation: To ensure that an independent examiner is in place and appointed.

Officer: Tim Spurway, Neighbourhood Planning Officer,
tspurway@eastdevon.gov.uk (01395 – 571745)

Financial implications: The estimated cost of the examination is £3,150 - £5,500. We have been provided with a fixed rate of £3,150 if a hearing isn't required and £4,900 if a hearing is required, plus reasonable expenses incurred.

Government funding of £20,000 is available to cover the cost of the examination once a date has been set for referendum for each plan.

Legal implications: The contract value falls below the threshold set out in the Public Contracts Regulations 2015 and therefore the EU procurement procedure does not apply and an exemption can be validly given pursuant to the Council's Contract Standing Orders Rule 3.2.

Equalities impact: Low

Risk: Low Risk

A low impact is identified from the appointment.

Links to background information: No background Documents are linked to this report

Link to Council Plan: Living in this Outstanding Place.



REQUEST FOR EXEMPTION TO CONTRACT STANDING ORDERS

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

Name: Tim Spurway	Date: 10/03/17
Service: Planning	Team: Planning Policy
Total contract value: £3150 – £5,500	

Background (including product and supplier details, costs etc):

Chardstock Parish Council have formally submitted their Neighbourhood Plan to EDDC for consideration. There is a legal requirement for us to appoint an Examiner to assess the Plan. We can use any appropriately qualified person, however Officer assessment is that we wish to choose someone with significant experience of planning in a number of areas, preferably in the planning inspectorate. Were we to use the RPTI founded NPIERS service we would be charged a standard rate of £750/day and be given the names of three Examiners without prior knowledge of their qualifications.

Due to having 3 individual plans submitted to East Devon within the space of a month then it was necessary to appoint 3 different examiners so that each examination could be conducted simultaneously. A service has recently been set up called Intelligent Plans and Examinations which employs individuals with significant experience in planning, mostly those with 10+ years in the planning inspectorate. The organisation advised that they could offer reduced fees to authorities commissioning them to conduct multiple examinations therefore we have negotiated a lower rate of £700/day. They have provided a fixed cost for the examination of £3,150 if a hearing isn't required and £4,900 if a hearing is required. The organisation provided various names of available Examiner's and we selected Robert Yuille in consultation with the group as having the appropriate experience.

A DCLG grant of £20,000 should meet all costs associated with the examination, once a date has been set for referendum of the Neighbourhood Plan.

Business Reasons for an Exemption:

Although the following are justifiably accepted as valid reasons for an exemption to Contract Standing Orders, they are closely monitored and should be applied only in cases where a full procurement exercise is not a viable option. (Tick appropriate boxes)

	✓	Which CSO rule?
An Emergency		
Goods or Services to existing systems or kit		

Purchase or repair of patented or proprietary articles sold only at a fixed price		
Effective competition is prevented by government control		
Goods and/or Services recommended by a Central Government Department		
Extension to an existing contract for the purpose of achieving Best Value		
Purchase or Sale by Auction		
Where the Contract is with a Public Utility Company or other organisation which will assume liability for the works on completion e.g. sewer adoption		
Other Reasons (please provide details)	✓	
<p>Examiners have a flat rate charge of £750 + VAT when appointed through NPIERS and we have managed to negotiate a slightly lower fee in this instance. It is important that the right person with suitable experience is appointed and Robert Yuille has been selected for this reason.</p>		

Business Benefits for an Exemption:

Employing Mr Yuille will enable the examination to proceed without delay. We have negotiated a lower rate of £700 /day as opposed to the standard £750/day charged by NPIERS examiners and that we have previously paid for examinations undertaken in the district by Nigel McGurk.

What are the implications to the following:

Finance: Intelligent Plans and Examinations rate of £700 + VAT (and reasonable expenses) is to be met from the £20,000 DCLG budget. We have been provided with a fixed rate of £3,150 if a hearing isn't required and £4,900 if a hearing is required.

Human Resources: None

ICT: None

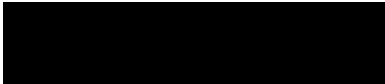

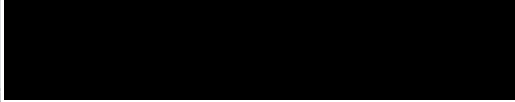
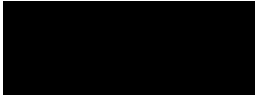
Asset Management: None

Strategic and/or Operational Objectives: None

Risk Assessment:

Detail risks here: That the Plan does not meet the basic conditions and is rejected (with the potential costs of a further examination). We are unable to claim the £20,000 funding from DCLG unless the examination is successful.

Or attach print from the RM system

<u>Signature of line manager or service head</u> 
<u>Supporting signature of Corporate Procurement Officer</u> 
<u>Supporting signature of Head of Finance</u> 
<u>Supporting signature of Corporate Legal & Democratic Services Manager</u> 

PLEASE NOTE:

Rule 3.2 requires you to prepare a report for Cabinet to support the action taken. Procurement is required to keep a Register of Exemptions. **Please ensure that your report to Cabinet is copied to Procurement.**

Report to: Cabinet
Date of Meeting: 5 April 2017
Public Document: Yes
Exemption: None



Review date for release None

Agenda item: 29

Subject: **Appointment of Inspector to Examine the Budleigh Salterton Neighbourhood Plan**

Purpose of report: This report is written to advise Cabinet that exemption to standing orders has been applied in order to appoint an independent examiner to examine the Budleigh Salterton Neighbourhood Plan. In order to secure a speedy examination and to accord with the wishes of the plan producers we have secured the services of Jill Kingaby. Jill spent 20 years in the Planning Inspectorate and was one of the first Inspectors to undertake local plan and community infrastructure levy examinations. She is also a very experienced Neighbourhood Plan Examiner, having recently examined the Marton Village Neighbourhood Plan, Holmes Chapel Neighbourhood Plan (both Cheshire East) and the Hartshill Neighbourhood Plan (North Warwickshire). Early adoption of the Neighbourhood Plan will help with establish a positive planning policy framework for the parish to inform determination of planning applications in Budleigh Salterton. She is scheduled to commence the examination on the 3 April 2017.

Recommendation: **To note the exemption to Contract Standing Order to enable the appointment of Jill Kingaby to undertake the Examination of the Budleigh Salterton Neighbourhood Plan.**

Reason for recommendation: To ensure that an independent examiner is in place and appointed.

Officer: Tim Spurway, Neighbourhood Planning Officer,
tspurway@eastdevon.gov.uk (01395 – 571745)

Financial implications: The estimated cost of the examination is £4,550 - £7,500. We have been provided with a fixed rate of £4,550 if a hearing isn't required and £7,000 if a hearing is required, plus reasonable expenses incurred.

Government funding of £20,000 is available to cover the cost of the examination once a date has been set for referendum for each plan.

Legal implications: The contract value falls below the threshold set out in the Public Contracts Regulations 2015 and therefore the EU procurement procedure does not apply and an exemption can be validly given pursuant to the Council's Contract Standing Orders Rule 3.2.

Equalities impact: Low

Risk: Low Risk

A low impact is identified from the appointment.

Links to background information:

.

Link to Council Plan:

Living in this Outstanding Place.



REQUEST FOR EXEMPTION TO CONTRACT STANDING ORDERS

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

Name: Tim Spurway	Date: 10/03/17
Service: Planning	Team: Planning Policy
Total contract value: £4,550 – £7,500	

Background (including product and supplier details, costs etc):

Budleigh Salterton Town Council have formally submitted their Neighbourhood Plan to EDDC for consideration. There is a legal requirement for us to appoint an Examiner to assess the Plan. We can use any appropriately qualified person, however Officer assessment is that we wish to choose someone with significant experience of planning in a number of areas, preferably in the planning inspectorate. Were we to use the RPTI founded NPIERS service we would be charged a standard rate of £750/day and be given the names of three Examiners without prior knowledge of their qualifications.

Due to having 3 individual plans submitted to East Devon within the space of a month then it was necessary to appoint 3 different examiners so that each examination could be conducted simultaneously. A service has recently been set up called Intelligent Plans and Examinations which employs individuals with significant experience in planning, mostly those with 10+ years in the planning inspectorate. The organisation advised that they could offer reduced fees to authorities commissioning them to conduct multiple examinations therefore we have negotiated a lower rate of £700/day. They have provided a fixed cost for the examination of £4,550 if a hearing isn't required and £7,000 if a hearing is required. The organisation provided various names of available Examiner's and we selected Jill Kingaby in consultation with the group as having the appropriate experience.

A DCLG grant of £20,000 should meet all costs associated with the examination, once a date has been set for referendum of the Neighbourhood Plan.

Business Reasons for an Exemption:

Although the following are justifiably accepted as valid reasons for an exemption to Contract Standing Orders, they are closely monitored and should be applied only in cases where a full procurement exercise is not a viable option. (Tick appropriate boxes)

	✓	Which CSO rule?
An Emergency		
Goods or Services to existing systems or kit		

Purchase or repair of patented or proprietary articles sold only at a fixed price		
Effective competition is prevented by government control		
Goods and/or Services recommended by a Central Government Department		
Extension to an existing contract for the purpose of achieving Best Value		
Purchase or Sale by Auction		
Where the Contract is with a Public Utility Company or other organisation which will assume liability for the works on completion e.g. sewer adoption		
Other Reasons (please provide details) Examiners have a flat rate charge of £750 + VAT when appointed through NPIERS and we have managed to negotiate a slightly lower fee in this instance. It is important that the right person with suitable experience is appointed and Jill Kingaby has been selected for this reason.	✓	

Business Benefits for an Exemption:

Employing Ms Kingaby will enable the examination to proceed without delay. We have negotiated a lower rate of £700 /day as opposed to the standard £750/day charged by NPIERS examiners and that we have previously paid for examinations undertaken in the district by Nigel McGurk.

What are the implications to the following:

Finance: Intelligent Plans and Examinations rate of £700 + VAT (and reasonable expenses) is to be met from the £20,000 DCLG budget. We have been provided with a fixed rate of £4,550 if a hearing isn't required and £7,000 if a hearing is required.

Human Resources: None

ICT: None

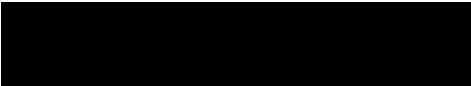

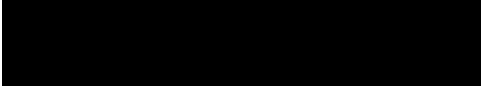
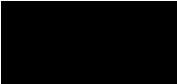
Asset Management: None

Strategic and/or Operational Objectives: None

Risk Assessment:

Detail risks here: That the Plan does not meet the basic conditions and is rejected (with the potential costs of a further examination). We are unable to claim the £20,000 funding from DCLG unless the examination is successful.

Or attach print from the RM system

<u>Signature of line manager or service head</u> 
<u>Supporting signature of Corporate Procurement Officer</u> 
<u>Supporting signature of Head of Finance</u> 
<u>Supporting Signature of Corporate Legal & Democratic Services Manager</u> 

PLEASE NOTE:

Rule 3.2 requires you to prepare a report for Cabinet to support the action taken. Procurement is required to keep a Register of Exemptions. **Please ensure that your report to Cabinet is copied to Procurement.**

Report to: Cabinet

Date of Meeting: 5 April 2017

Public Document: Yes

Exemption: None

Review date for release None



Agenda item: 30

Subject: Introduction of a new Public Space Protection Order – Anti-Social Behaviour and Controlled Drinking etc in Exmouth and Sidmouth

Purpose of report: To seek Cabinet approval to introduce a Public Space Protection Order (PSPO) to target antisocial behaviour within Exmouth town centre and the surrounding area, and to replace existing Designated Public Places Orders to control the consumption of alcohol within areas of Exmouth and Sidmouth. The facility to introduce PSPOs is included within the Anti-Social Behaviour Crime and Policing Act 2014. The required consultation process, agreed by Cabinet in February 2017, has been completed and no changes to the draft order have been found to be necessary or justified.

Recommendation: To introduce the new PSPO as required by the Anti-Social Behaviour Crime and Policing Act 2014.

Reason for recommendation: In order to meet the requirements of the Act to replace existing Designated Public Places Orders with PSPOs.

Officer: Janet Wallace, Principal Environmental Health Officer,
jwallace@eastdevon.gov.uk

Financial implications: There are no identifiable financial implications.

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

Equalities impact: Medium Impact.
The need for appropriate controls on specified anti-social behaviours and the consumption of intoxicants is necessary in order to minimise the impact of these behaviours on other members of the public, and to discourage the irresponsible use of intoxicants to promote health and well-being.

Risk: Low risk.
The main provisions incorporate existing orders, and the additional controls have been included in order to assist Devon and Cornwall Police in addressing evidenced anti-social behaviour issues occurring at times in the centre of Exmouth. This is welcomed by the residents and businesses in that area affected by this behaviour.

**Links
background
information:**

to Anti-Social Behaviour Crime and Policing Act 2014

<http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted/data.htm>

Home Office Statutory Guidance on the Act July 2014

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf

[Anti-Social Behaviour, Crime and Policing Act 2014 and PSPO 2017](#)

[Maps](#)

**Link to Council
Plan:**

Encouraging communities to be outstanding, delivering and promoting our outstanding environment and continuously improving to be an outstanding Council.

1. Report

1. A PSPO is a new tool under the Anti-Social Behaviour Crime and Policing Act 2014 which is intended to deal with a particular nuisance or problem affecting a specified area that is detrimental to the local community's way of life. This provision can be used for a wide range of problems. The area may be as small as a play park or as large as the district of the local authority as a whole.
2. A PSPO can be made by the council if it is satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space:
 - Have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;And that the effect or likely effect of the activities:
 - Is or is likely to be persistent or continuing in nature;
 - Is or is likely to be unreasonable and
 - Justifies the restrictions imposed.
3. There is provision in the legislation to incorporate existing Designated Public Protection Orders (which refer to controlled drinking only) into the new PSPOs, in fact it would happen by default on 20th October 2017 if nothing were done. This process provides an opportunity to review those orders and introduce additional controls if appropriate. There are 2 existing DPPOs in East Devon which apply to Sidmouth Market Place and Seafront and to The Strand and Manor Gardens in Exmouth. Evidence has been provided which shows that additional controls are needed in Exmouth and the only change to the Sidmouth orders is to include "intoxicating substances" along with the existing requirement to surrender alcohol on request.
4. PSPOs may be used to control a range of activities where there is evidence of detriment. The new proposals relate to possession of intoxicating substances (including alcohol), urination and defecation, aggressive begging, and behaving in a way likely to cause harassment or intimidation. They will also give Police Officers the power to disperse groups of people behaving in these ways.

The new proposals have been requested by the neighbourhood policing team in Exmouth. An Impact Statement provided by the Exmouth town Neighbourhood Beat Manager has stated that there were 135 reported incidents of anti-social behaviour of this type in the area of the Magnolia Centre, London Inn car park, Chapel Street and The Strand in the year September 2015 to September 2016. There have been reports of the public use of legal highs, drinking alcohol excessively, urinating in public, smashed bottles and aggressive

begging as well as aggressive behaviour towards members of the public and shop workers. There have also been issues with litter and evidence of drug paraphernalia being left as a result of groups congregating for drinking and drug dealing.

5. The PSPO will remain in force for 3 years at which point it will be reviewed, amended and renewed as appropriate. There is potential for other areas to be included in some or all of the controls if evidence of a persistent problem is provided by the Police. Receipt of sufficient evidence would then lead to a repeat of this process involving drafting new orders, carrying out a new consultation and further reports to Cabinet.
6. A person observed not to be complying with the PSPO is liable to receive a fixed penalty notice of £80. The alternative is to take enforcement action in the Magistrates Court. Police Officers will be able to enforce some of the requirements of the orders at the time of the incidents. Initially this will include providing advice to the offenders and requesting them to surrender substances or move on. Where sufficient evidence of breaches or persistent behaviour are obtained this will be forwarded to the Environmental Health Team for a fixed penalty to be issued. An Enforcement Strategy and Memorandum of Understanding will be implemented to set out how this joint working will be achieved.
7. There is a requirement in the legislation for interested parties to be consulted about the proposals. Following the Cabinet decision on 8th February 2017, the proposal went out for public consultation for one month, the consultation ending on 13th March 2017. Consultees included Exmouth and Sidmouth town councils, all district councillors, and business representatives in Exmouth town centre. Devon County Council, Devon and Cornwall Police and the Police and Crime Commissioner were also consulted. A press release drawing attention to the web based consultation was released, with paper copies being made available on request. 13 responses were received and the comments are summarised below:

Exmouth	4 support – including Town Council	2 objections	2 additional requests for littering controls
Sidmouth	2 support	1 objection	2 additional requests for extended controls

Two of the additional requests referred to littering which is already covered by fixed penalty notice controls, and the extended controls requested in Sidmouth are not supported by data evidence of a serious problem provided by Devon and Cornwall Police.

8. Taking into account the consultation responses, there are no proposed changes to the draft wording of the order and officers within the Environmental Health and Legal teams recommend that the PSPO as presented is adopted by the Council.

EDDC Environmental Health December 2016

General Guidance : Introducing a new PSPO.

1. The Test.

A PSPO can only be made if East Devon District Council is satisfied on reasonable grounds that the activities carried out or likely to be carried out in a public space:

- Have had, or are likely to have, a detrimental effect on the quality of life of those in the locality

And that the effect or likely effect of the activities:

- Is, or is likely to be, persistent or continuing in nature
- Is, or is likely to be, unreasonable
- Justifies the restrictions imposed.

The restrictions can be blanket restrictions or requirements, or they can be targeted against certain behaviours by certain groups at certain times.

The Council can make a PSPO for any public space. A public space is one to which the public have access, on payment, as of right or by virtue of express or implied permission.

The council should consider whether the land falls into the following categories: Registered common land, registered town or village green, or open access land. If land is registered green, it receives considerable statutory protection under the 'Victorian Statutes'. In terms of open access land, there are various national limitations on which activities are included in the access rights.

2. Incorporating requirements into proposed PSPOs.

The Environmental Health team are leading on the introduction of new PSPOs for the council and intend to incorporate existing dog control orders together with some new controls which relate to activities that are currently unregulated and yet have a detrimental effect on the quality of life of people living in the district. An example of this is a control on feeding seagulls on the beaches and promenades of the seaside towns across the district.

3. Configuration of PSPOs.

There will be a number of PSPOs introduced over time. The first three are:

- A PSPO covering the whole of East Devon and including most dog controls.
- A PSPO covering seashores and promenades and incorporating controls on responsible dog ownership and feeding seagulls.
- A PSPO controlling the use of intoxicating substances, including alcohol, and other specified anti-social behaviour in the centre of Exmouth and some areas of Sidmouth.

4. Consultation.

Before making a PSPO, the Council must consult with the local police. This must be done formally through the Chief Officer of the police and the Police and Crime Commissioner.

The Council must also consult whichever community representatives they think appropriate. In East Devon this will include at least all district councillors and all Town and Parish councils.

The Council should discuss any proposed PSPO which might affect a public right of way with the highway authority in advance. The local highway authority can also advise on user rights on the right of way and on which user groups should therefore be consulted.

The Council must publish the draft order on their website.

When the final measures are agreed, the PSPO must be published in accordance with regulations made by the Secretary of State and must:

- Identify the activities having the detrimental effect
- Explain the potential sanctions available on breach
- Specify the period for which the PSPO has effect.

The maximum duration of a PSPO is three years but they can last for shorter periods of time if appropriate.

At any point before expiry, the Council can extend the PSPO by up to three years if necessary. If an extension is carried out, the Council must consult with the local police before this is done.

5. Transitioning from an existing public place order or dog control order.

Where a designated order is already in force, it will be treated as a PSPO from 20th October 2017 and will be valid for a period of three years following commencement of the new power. EDDC intends to introduce PSPOs before that date in order to incorporate amendments to the requirements in the existing orders.

6. Penalties for breach.

It is an offence for a person, without reasonable excuse, to:

- Do anything that the person is prohibited from doing by a PSPO
- Fail to comply with a requirement to which the person is subject under a PSPO.

A person guilty of an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Enforcing officers are more likely to issue a fixed penalty notice of £80 as the most appropriate sanction to discharge any liability to conviction for the offence. If the fixed penalty notice is not paid within the required timescale, court proceedings can be initiated.

7. Enforcement of PSPOs.

Enforcement is the responsibility of a wide group of officers, including council officers, people accredited under the community safety accreditation scheme, police officers and PCSO's. Members of these groups and the local community will be encouraged to provide evidence of breaches for Environmental Health officers to pursue.

Report to: Cabinet
Date of Meeting: 5 April 2017
Public Document: Yes
Exemption: None
Review date for release None



Agenda item: 31

Subject: Adoption of two new Public Space Protection Orders incorporating existing Dog Controls throughout East Devon and on the Seashores and Promenades

Purpose of report: To seek Cabinet approval to introduce two Public Space Protection Orders (PSPOs) to incorporate existing dog control orders. These will include a number of amendments to the existing regime suggested by officers and Town and Parish councils, and a requirement not to feed seagulls on the town beaches and promenades. The facility to introduce PSPOs is included within the Anti-Social Behaviour Crime and Policing Act 2014. A consultation period has now concluded and some additional amendments have been made as a result.

Recommendation: To introduce two new PSPOs under the provisions within the Anti-Social Behaviour Crime and Policing Act 2014.

Reason for recommendation: In order to meet the requirements to incorporate existing dog control orders into new Public Space Protection Orders, and to review them during the process.

Officer: Janet Wallace, Principal Environmental Health Officer, jwallace@eastdevon.gov.uk

Financial implications: There are no identifiable financial implications.

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

Equalities impact: Medium Impact.
The need for appropriate dog controls throughout the district is necessary in order to encourage responsible dog ownership because problems with poorly controlled dogs can impact on other members of the public using open spaces.

Risk: Low risk.
The introduction of new orders is a requirement of the Act in order to retain controls over dogs. If the PSPOs are not introduced then existing dog control orders will by default become PSPOs themselves with no opportunity for necessary clarifications and amendments.

**Links
background
information:**

- to Anti-Social Behaviour Crime and Policing Act 2014
<http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted/data.htm>
Home Office Statutory Guidance on the Act July 2014
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf
PSPOs – [Dogs](#) and [Seashore](#)
Maps - [Control of Dogs](#) and [Seashore and Promenades](#)

**Link to Council
Plan:**

Encouraging communities to be outstanding, delivering and promoting our outstanding environment and continuously improving to be an outstanding Council.

1. Report

1. A PSPO is a new tool under the Anti-Social Behaviour Crime and Policing Act 2014 which is intended to deal with a particular nuisance or problem affecting a specified area that is detrimental to the local community's way of life. They could be used for a wide range of problems. The area may be as small as a play park or as large as the district of the local authority as a whole.
2. A PSPO can be made by the council if it is satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space:
 - Have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;And that the effect or likely effect of the activities:
 - Is or is likely to be persistent or continuing in nature;
 - Is or is likely to be unreasonable and
 - Justifies the restrictions imposed.
3. There is specific provision in the legislation to incorporate existing dog control orders into the new PSPOs, in fact it would happen by default on 20th October 2017 if nothing were done. This process has provided an opportunity to review those orders, introduce additional controls and remove any that are no longer appropriate. In addition to the East Devon wide orders there will now be 180 public open spaces and footpaths across East Devon with some specific dog controls in place.
4. PSPOs may be used to control a range of activities where there is evidence of detriment, and the following controls have been included in the orders. They relate to the control of dogs and the feeding of seagulls.
 - Control of Dogs – incorporating the existing whole district requirements to clear up after dogs, keep dogs on leads in specified places and designate some areas where dogs are not allowed. The order incorporates a new requirement to keep dogs on leads whilst on roads and pavements in order to address concerns relating to loose dogs chasing vehicles and pedestrians, particularly in rural areas. This new requirement is supported by more than 87% of respondents to two recent surveys in East Devon (2016 Viewpoint Survey and 2016 Dogs on Beaches survey).
 - Seashores and Promenades – incorporating controls on the beaches and promenades of East Devon including seasonal dog exclusions, dog on lead areas and a new requirement which will prohibit the feeding of seagulls on the town beaches and promenades.

A table of final changes proposed and accepted during the consultation is included below.

5. The PSPOs will remain in force for 3 years at which point they will be reviewed, amended and renewed as appropriate.
6. A person observed not to be complying with the PSPO is liable to receive a fixed penalty notice of £80. The alternative is to take enforcement action in the Magistrates Court. Some council officers and police officers are authorised to enforce the requirements of the orders.
7. There is a requirement in the legislation for interested parties to be consulted about the proposals, and the consultation arrangements were approved by Cabinet on 7th December 2016. Consultees included all district councillors, town and parish councils, affected land owners, Devon County Council, Devon and Cornwall Police and the Police and Crime Commissioner. There was a press release drawing attention to the web based consultation, and paper copies were made available on request.
8. The consultation was carried out between 12th December 2016 and 31st January 2017. Responses were considered and some minor amendments to the schedules made as a result. There were 114 responses and a full evaluation of the responses is included with the background papers.
9. Final Table of Agreed Changes to the 2009 Dog Control Orders:

Agreed Change	Justification
Dog Exclusion Areas	
Budleigh Salterton – Norman Crescent play area	To bring this play area in line with other play areas throughout the district.
Exmouth Beach – extend dogs allowed area to 2 nd groyne before Orcombe Point	Officer observations have concluded that there is restricted access because there are no steps at the first groyne where the dogs allowed area currently starts. The beach between the first and second groynes is not well used and there are steps onto the beach only at the second groyne. The area of beach where dogs are now allowed is often very crowded. This will still leave over 1 mile of beach with a seasonal dog exclusion.
Exmouth – Redgates play area, Whitman Close play area	To bring these play areas in line with other play areas throughout the district.
Colyford – Whitwell Lane, Play Park	To incorporate a dog exclusion into this new play park.
Cranbrook – Hayes Square, St Martin’s play area, Londinium Way play park.	These are 3 new play parks and a dog ban has been requested by the town council. This would bring these areas in line with all other play parks within the East Devon district.
Cranbrook – Nature reserve south of old A30.	At the request of EDDC countryside team working with the Cranbrook Consortium to designate one area of the country park free of dogs in order to protect, preserve and enhance the area for wildlife.

Luppitt – Sports Field	The parish council has prohibited dogs on this field for many years and it is appropriate to incorporate this within the PSPO in line with other sports areas throughout the district.
Lympstone – Candy’s Field play area	To bring this play area in line with other play areas throughout the district. This area has been designated and signed as a No Dogs area by Lympstone parish council for many years so this change would incorporate this local control into the new PSPOs. The effect of this is that the requirement would become enforceable.
Ottery St Mary - Elliot Close MUGA	To bring this sports area in line with other sports areas throughout the district.
Sidford – Bakers Close play area and Lindemann Close play area	To bring these play areas in line with other play areas throughout the district.
Sidmouth – The Ham play area	To bring this play area in line with other play areas throughout the district.
Stoke Canon – River Close playing field	Requested by Stoke Canon Parish Council and Primary School and supported by 149 residents (100% of those responding) in a locally organized consultation.
Stoke Canon – River Close play area	Requested by Stoke Canon Parish Council and Primary School and supported by 149 residents (100% of those responding) in a locally organized consultation. This would also bring this play area in line with other play areas throughout the district.
Sidmouth Jacobs Ladder beach	Officer observations during the summer of 2016 concluded that the current arrangement to access the “dogs allowed” area by walking close to the cliff over pebbles is hazardous particularly since the cliff is unstable, the profile of the beach has changed and the pebbles are steep. There is no other direct means of access to this area. Officers have accepted a request by the town council to retain the extent of the current dog exclusion area, but will ensure that signage will make clear that dog owners can safely access this area by crossing the beach with their dog on a lead.
Dog on Lead Areas	
Beer - Beer beach from a point immediately below Charlie’s Yard in the west to the last beach hut in the east from 1 st May to 30 th September every year.	Requested by Beer Parish Council who have consulted with visitors and residents during summer 2016.
Lympstone – Candy’s playing field	This area has been designated and signed as a Dog on Lead area by Lympstone

	parish council for many years so this change would incorporate this local control into the new PSPOs. The effect of this is that the requirement would become enforceable.
Sidmouth – The Ham recreation ground	Officer observations have concluded that the recreation ground is used for a variety of entertainment and recreational purposes with a footpath adjacent, and is close to the east end of the beach where dogs can be exercised off lead. It is considered appropriate for dogs to be kept on leads and therefore under close control so that other users of this area are not affected.
Axmouth – From the B3172 to The Old Harbour House	Residents and a business on Axmouth Harbour have requested a dog on lead control because there have been many incidents of dog fouling in this short stretch of path linking to the coast path, and also incidences of dogs running around unaccompanied. This has been evidenced by the Seaton dog warden, but the owners cannot always be identified. A requirement for dogs to be kept on a lead will ensure they are under close control.
Seaton – The walkway adjacent to the beach between Castle Hill and Trevelyan Road between 1 st October and 30 th April every year.	Requested by Seaton Town Council to bring this walkway in line with the West Walk which has an all year round dog on lead restriction. The winter only control is needed because during the seasonal dog ban period no dogs are allowed on this walkway.
Dogs on Lead on the Highway	
Dogs to be kept on leads whilst on roads and pavements.	Two surveys of East Devon residents, visitors and beach users have been carried out during summer 2016. 23% of households owned dogs and of over 1,000 people responding to the surveys more than 87% supported this proposal.
Feeding of Seagulls on the Seashores and Promenades	
Prohibition on providing or depositing food for consumption by seagulls on the seashores and promenades.	Officers of the council receive complaints throughout the summer regarding minor injuries and stress caused by seagulls taking food or flocking onto food litter actively left for them. Many of these incidents would be avoided if residents and visitors using the promenades and beaches did not actively feed the gulls. Signs have been in place requesting no feeding for many years and this control would strengthen the impact of signage and allow the council to pursue identified offenders.

EDDC Environmental Health December 2016

General Guidance : Introducing a new PSPO.

1. The Test.

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And that the effect or likely effect of the activities:

- Is, or is likely to be, persistent or continuing in nature
- Is, or is likely to be, unreasonable
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2. Incorporating requirements into proposed PSPOs.

The Environmental Health team are leading on the introduction of new PSPOs for the council and intend to incorporate existing dog control orders together with some new controls which relate to activities that are currently unregulated and yet have a detrimental effect on the quality of life of people living in the district. An example of this is a control on feeding seagulls on the beaches and promenades of the seaside towns across the district.

3. Configuration of PSPOs.

There will be a number of PSPOs introduced over time. The first three are:

- A PSPO covering the whole of East Devon and including most dog controls.
- A PSPO covering seashores and promenades and incorporating controls on responsible dog ownership and feeding seagulls.
- A PSPO controlling the use of intoxicating substances, including alcohol, and other specified anti-social behaviour in the centre of Exmouth and some areas of Sidmouth.

4. Consultation.

Before making a PSPO, the Council must consult with the local police. This must be done formally through the Chief Officer of the police and the Police and Crime Commissioner.

The Council must also consult whichever community representatives they think appropriate. In East Devon this will include at least all district councillors and all Town and Parish councils.

The Council should discuss any proposed PSPO which might affect a public right of way with the highway authority in advance. The local highway authority can also advise on user rights on the right of way and on which user groups should therefore be consulted.

The Council must publish the draft order on their website.

When the final measures are agreed, the PSPO must be published in accordance with regulations made by the Secretary of State and must:

- Identify the activities having the detrimental effect
- Explain the potential sanctions available on breach
- Specify the period for which the PSPO has effect.

The maximum duration of a PSPO is three years but they can last for shorter periods of time if appropriate.

At any point before expiry, the Council can extend the PSPO by up to three years if necessary. If an extension is carried out, the Council must consult with the local police before this is done.

5. Transitioning from an existing public place order or dog control order.

Where a designated order is already in force, it will be treated as a PSPO from 20th October 2017 and will be valid for a period of three years following commencement of the new power. EDDC intends to introduce PSPOs before that date in order to incorporate amendments to the requirements in the existing orders.

6. Penalties for breach.

It is an offence for a person, without reasonable excuse, to:

- Do anything that the person is prohibited from doing by a PSPO
- Fail to comply with a requirement to which the person is subject under a PSPO.

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Enforcing officers are more likely to issue a fixed penalty notice of £80 as the most appropriate sanction to discharge any liability to conviction for the offence. If the fixed penalty notice is not paid within the required timescale, court proceedings can be initiated.

7. Enforcement of PSPOs.

Enforcement is the responsibility of a wide group of officers, including council officers, people accredited under the community safety accreditation scheme, police officers and PCSO's. Members of these groups and the local community will be encouraged to provide evidence of breaches for Environmental Health officers to pursue.