

## Agenda for Cabinet

**Thursday, 13 July 2017; 5.30pm**

### [Members of Cabinet](#)

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

[View directions](#)

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

- 1 [Public speaking](#)
- 2 Minutes of 14 June 2017 (pages 4-11), 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 August 2017 to 30 November 2017 (pages 12-15)

- 8 Minutes of the Recycling and Waste Partnership Board held on 25 May 2017 (pages 16-22)
- 9 Minutes of Housing Review Board held on 15 June 2017 (pages 25-32)  
**Recommendations for Cabinet consideration can be found on pages 23-24**
- 10 Minutes of the STRATA Joint Scrutiny Committee held on 15 June 2017 (pages 33-39)
- 11 Minutes of the STRATA Joint Executive Committee held on 20 June 2017 (pages 40-46)  
**Strata Additional Staffing Paper** (pages 47-55)
- 12 Minutes of the Scrutiny Committee held on 22 June 2017 (pages 57-64)  
**Recommendations for Cabinet consideration can be found on page 56**

**Part A matters for decision**

- 13 **Electoral Review of East Devon – Final Recommendations** (pages 65-66)  
Members to note that the Local Government Boundary Commission for England has now published its [final recommendations](#) for the new electoral arrangements for East Devon. The publication follows public consultation on its draft proposals earlier this year and draws new boundaries for each council ward across East Devon. The Commission’s final recommendations propose that East Devon should be represented by 60 district councillors in the future: one more than the current arrangement. The recommendations also propose that those councillors should represent twelve three-councillor wards, six two-councillor wards and twelve one-councillor wards across the district. The proposed new arrangements must now be implemented by Parliament. A draft Order – the legal document which brings into force the recommendations – will be laid in Parliament in the coming months. The draft Order provides for the new electoral arrangements to come into force at the council elections in 2019.
- 14 **Monthly Performance reports – May 2017** (pages 67-70)  
Performance information for the 2017/18 financial year for May 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** - May 2017 snapshot
- 15 **Corporate Counter Fraud and Compliance Strategy – 2017-2020** (pages 71-75)  
For Cabinet to approve the new strategy relating to Corporate Counter Fraud and Compliance work.  
**Appendix A – Strategy document** (pages 76-83)
- 16 **Annual Treasury Management Review 2016/17 – 1 April 2016 to 31 March 2017** (pages 84-100)  
This report details the overall position and performance of the Council’s Treasury Management Strategy during 2016/17.
- 17 **Broadclyst Neighbourhood Area – redesignation** (pages 101-109)  
This report seeks to agree that the Broadclyst Neighbourhood Area should be redesignated to cover the whole Parish.
- 18 **Budleigh Salterton Neighbourhood Plan Examiners Report** (pages 110-123)  
To provide feedback and set out proposed changes following the examination of the Budleigh Salterton Neighbourhood Plan.

- 19 **East Budleigh with Bicton Neighbourhood Plan to be formally 'made'** (pages 124-126)  
The East Budleigh with Bicton Neighbourhood Plan has now passed referendum and it must be formally 'made' by East Devon District Council for it to form part of the development plan.
- 20 **Additional capital budget for new recycling and waste collection service mobilisation** (pages 127-130)  
An additional capital budget of £152,116 to complete the capital mobilisation of the new recycling and waste collection contract is being requested.
- 21 **Corporate Health and Safety Policy** (pages 131-147)  
To consider and approve the Council's revised policy setting out how to promote a culture of safe workplaces and safe systems of working throughout the organisation.

**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 14 June 2017**

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

The meeting started at 5.30pm and ended at 6.08pm

#### **\*1 Public Speaking**

David Everett wished to speak on item 16 relating to the Chardstock Neighbourhood Plan; the Cabinet agreed to bring the item forward to enable Mr Everett to depart for another meeting.

#### **\*2 Minutes**

The minutes of the Cabinet meeting held on 10 May 2017 were confirmed and signed as a true record.

#### **\*3 Declarations**

Councillor G Pook – Minute 5; Interest: Personal; Reason: Involved in construction industry.

#### **\*4 Matters of urgency**

##### **a) Planning Obligations SPD**

An urgent report seeking the adoption of the Planning Obligations Supplementary Planning Document (SPD), for reason of requirement in place to inform pending appeal statements, was agreed to be considered.

The Planning Obligations SPD had already undergone one consultation exercise in November 2016, following which the Strategic Planning Committee requested a subsequent 4 week consultation. Their resolution included putting the document before Cabinet for adoption if no substantive comments were received in response to that subsequent consultation. Of the responses received to the subsequent consultation, none were substantive, and the majority of objections relate to viability issues which will be addressed through means of redrafted guidance notes.

Councillor Allen raised concern on two elements of the document: timing of provision affordable housing delivery in new developments; and how section 106 funding could be released in larger phased developments.

In response, the Chief Executive reassured the Cabinet that the issue of affordable housing provision was dealt with in the overarching policies of the adopted Local Plan. He did accept that some councillors had concerns about phased developments, and highlighted paragraph 7.2 of the SPD, specifically “There are established trigger points which are suitable for S106 agreements and triggers selected in each case will be based upon the nature of the obligation and the stage at which the mitigation is required.” Officers would need to be mindful of councillor concerns for such projects. In conclusion, he assured the Cabinet that there was sufficient protection in the document presented before them.

#### **RESOLVED:**

that the Planning Obligations Supplementary Planning Document be adopted.

#### **REASON:**

The Planning Obligations SPD will form a material consideration in the determination of planning applications.

**b) Phase 2 of Recycling and Waste Contract**

Portfolio Holder for Environment reported early statistics on increased recycling following the start of phase two of the contract that had begun that week. He expressed his thanks to the officers and contractors involved for their hard work.

**c) Letter to the Health and Adult Care Scrutiny Committee**

In response to a question about the recent motion at Annual Council regarding the NEW Devon CCG Sustainability and transformation plan, the Chief Executive confirmed that a letter setting out the concerns raised by councillors had been sent to the Chairman of the Health and Adult Care Scrutiny Committee. Cllr Diviani confirmed that he would be sitting on the Committee as the District Councils Network representative and he would be making sure that this Councils views, echoed by other District Councils, would be put to the Committee.

**\*5 Matters referred to the Cabinet**

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

**\*6 Exclusion of the public**

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

**\*7 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 July 2017 to 31 October 2017. The review of public toilets was now delayed following a postponement of the Asset Management Forum meeting. Cllr Pook explained that this delay was due to further working being progressed before reporting to the AMF.

**\*8 Minutes of Scrutiny Committee held on 9 May 2017**

Members received the Minutes of the Scrutiny Committee held on 9 May 2017. The comments and recommendations made relating to the Manor Pavilion car park would be taken on board as part of the statutory consultation.

**RESOLVED that the following recommendations be noted**

**Minute 56 Manor Pavilion Car Park**

1. The Manor Pavilion Car Park fee-paying charges only apply up to 6pm
2. Endorse the maximum stay for the car park at four hours
3. Officers be reminded that there must be early consultation with the local ward member(s) and the relevant town or parish council for any significant service change that affected a local community.

**\*9 Chardstock Neighbourhood Plan Examiner's Report**

David Everett, a Chardstock parish councillor, spoke about the process of producing a neighbourhood plan. He gave specific thanks to the support from the Council, including officers Claire Rodway and Tim Spurway. He had been provided with two possible dates for a referendum on the plan and expressed a preference for the 20 July 2017.

In response, the Chief Executive expressed his willingness to try to accommodate the date requested.

The report provided feedback and set out proposed changes following the examination of the Chardstock Neighbourhood Plan. Chardstock Parish Council had agreed with the

recommendations made by the Examiner, and a new version of the Plan is now ready to be submitted to referendum.

**RESOLVED:**

1. that the examiner's recommendations on the Chardstock Neighbourhood Plan, be endorsed,
2. that a 'referendum version' of the Neighbourhood Plan (incorporating the examiner's modifications) should proceed to referendum and a decision notice to this effect be published, be agreed and,
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.

\*10

**Revenue and Capital Outturn Report 2016/17**

The Strategic Lead – Finance presented his report. During 2016/17, monthly budget monitoring reports had informed members of budget variations and the anticipated year-end financial position. The Council had maintained its net spending within overall approved budget levels.

The report outlined:

- The General Fund position – closing balance as at 31/3/2017 stood at £4.206m. As this was above the adopted range previously agreed by the Council, £0.0606m is transferred into the Council's Capital Reserve;
- Housing Revenue Account – closing balance as at 1/3/2017 stood at £7.070m. The report proposed the introduction of a maximum level for the HRA balance, in line with the principle applied to the General Fund Balance; this maximum level of £3.1m still leaves the HRA balance significantly high, and therefore the report proposed a transfer of £3.970m into a new fund to be used to provide additional dwellings, and to match fund one to one replacement capital receipts. This new fund would be called the Future Housing Development Fund. The HRA Business Plan Volatility Reserve still held a balance of £4.4m and had not been required in the past year; a review of the purpose of this fund would be undertaken once the HRA Business Plan had been refreshed alongside an updated stock condition survey;
- Capital Budget – 2016/17 totalled net expenditure of £19.039m in the budget, but the Outturn position is lower at £16.242m, mainly due to scheme slippage and a need to re-profile expenditure into 2017/18 or later years. The future capital funding position will be debated further with the presentation of the Financial Plan (2018-2023) to Cabinet in early autumn.

The Portfolio Holder for Finance commended the proposals to the Cabinet.

**RESOLVED:**

1. that the Cabinet outturn position for 2016/17 be agreed, and
2. that the level of Reserves detailed in the report and the transfers/use as recommended, namely:
  - a) the transfer of £0.606m from the General Fund as one off savings in 2016/17 to the Capital Reserve to help fund future capital programme commitments;

- b) the transfer of £0.294m from the Business Rates Volatility Fund into the General Fund to meet the shortfall on business rates income against budget in 2016/17;
- c) that an adopted range was determined for the HRA Balance to be held off between £2.1m and £3.1m, and that £3.970m held above this level was transferred to a new Reserve "Future Housing Development Fund";
- d) that £2.8m was transferred from the HRA Business Plan Volatility Fund into the Future Housing Development Fund; and
- e) the Transfers to other earmarked reserves for specific projects (as outlined in the Outturn Booklet 2016/17), where funding contributions had been made in advance of spend and monies were held at year end to fund this work in future years, be agreed.

**REASON:**

To report the Outturn position for the Council's approved budgets for the General Fund, Housing Revenue Account and Capital Expenditure. The final position would be presented in the Council's Statement of Accounts.

\*11 **Monthly Performance reports – April 2017**

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

There were two indicators that were showing excellent performance:

- Percentage of Non-domestic Rates Collected;
- Working days lost due to sickness absence.

There were two performance indicator showing as concern:

- Percentage of planning appeal decisions allowed against the authority's decision to refuse;
- Days taken to process Housing Benefit / Council Tax Benefit new claims and change events.

**RESOLVED:**

that the progress and proposed improvement action for performance measures for the 2016/17 financial year for April 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 Management, Housing and Revenues and Benefits.

\*12 **Axmouth Harbour Quay improvement**

The Chief Executive presented the report, to lead the application for funding of improved fish landing facilities at Axmouth Harbour and to contribute £17,000 towards the project.

The Council own the harbour, which is leased in part to the East Devon Fishermen's Association (EDFA). The EDFA wish to work with the Council to submit a bid to secure

funding for construction of a concrete apron adjacent to the harbour wall. The £17,000 Council contribution would only be provided if the funding application succeeded.

**RESOLVED:**

That Streetscene Engineers assist the East Devon Fishermen's Association in obtaining funding for improved fish landing facilities at Axmouth Harbour, and that £17,000 of capital funding is allocated towards the project in the 2017/18 financial year.

**REASON:**

To improve facilities for local fishermen operating from Axmouth Harbour, improve the viability of their continued operation, and ensure continued income to the Council from leaseholders of the harbour.

\*13 **New Feniton Flood Alleviation Scheme**

Feniton Flood Alleviation Scheme is an ongoing project with approved capital funding. The report sought approval to change the parties involved in some aspects of the project in order to mitigate financial risk to the Council. Specifically, approval was sought to agree the proposed procurement in order to progress Phase 3 (the undertrack crossing) and Phase 4 (remainder of relief culvert) of the scheme.

The Chief Executive reminded members of the original level of risk the Council had been asked to take in their previous contractual arrangements. Following work undertaken by members, representatives, local MPs and officers, a revised scheme was now ready to pursue with Network Rail which reduced the level of risk significantly.

Cllr Susie Bond expressed her gratitude to all involved in helping to progress this scheme.

**RESOLVED:**

1. that the exemptions to contract standing orders for appointment of WSP PB and Network Rail to design and carry out the Feniton UTX respectively be approved; and
2. that delegated authority be granted to the Strategic Lead - Housing, Health and Environment in consultation with the Strategic Lead - Governance and Licensing to enter into contracts for the completion of the Feniton Flood Alleviation Scheme (including Phase 4 following a tender process subject to this being within budget) and the Basic Asset Protection Agreements with Network Rail.

**REASON:**

To progress Phase 3 (the undertrack crossing) and Phase 4 (the remainder of the relief culvert) of Flood Alleviation Scheme for Feniton to reduce the risk of flooding to 72 homes including 63 properties, which were currently considered at very significant risk.

\*14 **Whimble Flood Alleviation Scheme**

DEFRA funding (Flood Defence Grant in Aid) will result in the flood alleviation scheme for Whimble being 100% funded. Consequently, the £30,000 earmarked in the Capital Programme for 2017/18 is proposed to be set aside as a Council contribution to a total contingency of £460,000. The report sought approval to delegate authority to enter into contracts with the successful tenderer to provide the scheme.

**RESOLVED:**

that delegated authority be granted to the Strategic Lead - Housing, Health and Environment in consultation with the Strategic Lead - Governance and Licensing to enter



into contracts for the completion of the Whimble Flood Alleviation Scheme and the Basic Asset Protection Agreements with Network Rail following completion of the tender exercise.

**REASON:**

To progress a Flood Alleviation Scheme for Whimble to reduce the risk of flooding to 53 homes including 19 properties, which are currently considered at very significant risk.

**\*15 Access to information 2016/17**

The summarised requests received under the Freedom of Information Act (and Environmental Information Regulations) between 1 April 2016 and 31 March 2017. The report also looked at steps taken during the last 12 months to improve the accessibility of information.

**RESOLVED:**

that the number and type of requests received under the Freedom of Information Act and the steps being taken to improve access to information be noted.

**REASON:**

To continue to improve the way the Council dealt with requests for information.

**\*16 Leader's annual report on urgent executive decisions**

Under regulation 19 of the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations, there is a requirement to submit a report containing details of each executive decision which was agreed as urgent under Regulation 11 (cases of special urgency) where less than 5 days' notice could be given.

**RESOLVED:**

That the annual report on urgent executive decisions be noted.

**\*17 Yarcombe with Marsh Neighbourhood Plan Examiner's Report**

The report provided feedback and set out proposed changes following the examination of the Yarcombe with Marsh Neighbourhood Plan.

**RESOLVED:**

1. that the examiner's recommendations on the Yarcombe with Marsh Neighbourhood Plan, be endorsed;
2. that a 'referendum version' of the Neighbourhood Plan (incorporating the examiner's modifications) should proceed to referendum and a decision notice to this effect be published, be agreed; and
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.

**\*18 Appointment of Inspector to examine the Dunkeswell Neighbourhood Plan - exemption to standing orders**

This report advised that exemption to standing orders had been applied in order to appoint an independent examiner to examine the Dunkeswell Neighbourhood Plan. Early adoption

of the Neighbourhood Plan would help with establish a positive planning policy framework for the parish to inform determination of planning applications in Dunkeswell.

**RESOLVED:**

that the exemption to Contract Standing Order to enable the appointment of Mary O'Rourke to undertake the Examination of the Dunkeswell Neighbourhood Plan, be noted.

**REASON:**

To ensure that an independent examiner was in place and appointed.

**\*19 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).

**\*20 Branscombe Beach Public Conveniences**

To seek approval to make minor amendments to the recommendations resolved by Cabinet on 7 October 2015.

**RESOLVED:**

that the recommended minor variations to Cabinet's previous resolution as set out in the report be agreed.

**REASON:**

To enable the surrender of the Council's leasehold interest in the land at Branscombe Car Park together with the associated public convenience building.

**Attendance list**

**Present:**

Paul Diviani                      Leader

**Portfolio Holders:**

Jill Elson                      Sustainable Homes and Communities  
Ian Thomas                      Finance  
Tom Wright                      Environment  
Marcus Hartnell                Deputy Portfolio Holder Environment

**Cabinet Members without Portfolio:**

Geoff Pook  
Eileen Wragg

**Cabinet apologies:**

Iain Chubb                      Corporate Services  
Phil Twiss                      Deputy Leader/Strategic Planning and Developments  
Phil Skinner                      Economy

**Non-Cabinet apologies:**

Rob Longhurst  
Mark Williamson  
Ian Hall  
Matt Booth  
Graham Godbeer  
Maddy Chapman  
Darryl Nicholas  
John O’Leary  
Alan Dent

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

**Councillors:**

Megan Armstrong  
Brian Bailey  
Colin Brown  
Jenny Brown  
Bruce de Saram  
John Dyson  
Peter Faithfull  
Steve Gazzard  
Roger Giles  
Steve Hall  
Geoff Jung  
Pauline Stott  
Mike Howe  
Cherry Nicholas  
Mike Allen  
Brenda Taylor  
Dawn Manley  
David Barratt  
Susie Bond  
Andrew Moulding

**Also present:**

**Officers:**

Mark Williams, Chief Executive  
Simon Davey, Strategic Lead – Finance  
Henry Gordon Lennox - Strategic Lead - Governance and Licensing  
John Golding. Strategic Lead – Housing, Health and Environment  
Karen Jenkins, Strategic Lead – Organisational Development and Transformation  
Dave Turner, Engineering Projects Manager  
Debbie Meakin, Democratic Services Officer

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

**EAST DEVON DISTRICT COUNCIL**  
**Forward Plan of Key Decisions - For the 4 month period 1 August 2017 to 30 November 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.	Sports and Activity clubs – Rent and Rent support Scheme Outcomes		Deputy Chief Executive	Council	Cabinet Date tbc		Part A
2.	Public Toilet Review		Service Lead – Street Scene	<b>Cabinet 6 September 2017</b>	Asset Management Forum 6 July 2017 Overview Committee tbc	14 September 2017	Part A
3.	East Devon Local Economy		Deputy Chief Executive	Council	Cabinet date tbc		Part A
4.	Exmouth Regeneration Update		Deputy Chief Executive	Council	Cabinet date tbc		Part A
5.	Port Royal Update		Deputy Chief Executive	Council 25 October 2017	Cabinet 4 October 2017	26 October 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.	Local Discretionary Rate Relief Scheme - Business rates		Service Lead – Revenues and Benefits	Council 25 October 2017	Cabinet 4 October 2017	26 October 2017	Part A
7.	Council Tax Support Scheme 2018/19		Service Lead – Revenues and Benefits	Council 13 December 2017	Cabinet 29 November 2017	14 December 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	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 Phil Twiss (Strategic Development and Partnerships Portfolio Holder), Cllr Iain Chubb (Corporate Services Portfolio Holder), Cllr Philip Skinner

(Economy Portfolio Holder), Cllr Tom Wright (Environment Portfolio Holder), Cllr Marcus Hartnell (Deputy 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.

July 2017

## **EAST DEVON DISTRICT COUNCIL**

# **Minutes of a meeting of the East Devon Recycling and Waste Partnership Board, Room One, Knowle, on 25 May 2017**

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

The meeting started at 10.00am and ended at 12.00pm.

During the meeting a one minute silence was held to honour the victims of the Manchester terror attack.

#### **\*1 Appointment of vice chairman**

The Chairman welcomed those present to the meeting and invited everyone to introduce themselves.

**RESOLVED:** that Councillor Marcus Hartnell be appointed vice chairman of the Recycling and Waste Partnership Board for the ensuing year.

#### **\*2 Minutes**

The minutes of the Recycling and Waste Partnership Board meeting held on 22 February 2017 were confirmed and signed as a true record.

#### **\*3 Declarations of interest**

None

#### **\*4 Otters Rotters**

The Recycling and Waste Contract Manager informed the Board that Mandy Jennings, from Otter Rotters had been unable to attend the meeting and had not provided him with any information on Otter Rotters' future intentions. There was no indication that Otter Rotters were currently operating. Members discussed the risk of bad press but were satisfied that this could be mitigated

It was noted that there was customer demand for a garden waste collection service in East Devon. An options appraisal would be undertaken after phase two of the new recycling service had become embedded.

#### **\*5 Mobilisation update**

The SUEZ Business Improvement and Mobilisation Manager presented the mobilisation report to the Board. This included:

- Route optimisation (phase two):
  - to start on 12 June 2017
  - open door policy for crews to familiarise themselves with the rounds & route display maps through the corridors at the depot.
  - Greatest risk to success to phase two go live remained the interface between Strata's systems and the Cloud9 resident application. SUEZ regarded untested data being uploaded to the Cloud9 application prior to phase two go live as a great risk.
  - Another risk was how Strata's scripts read, interpret and handle data changes and uploads from the automated reports produced by CORE. There also needed to be suitable Strata staff backups in place.
- Communication:



- New recycling sack deliveries would take place throughout the fortnight commencing 22 May 2017.
- Additional collections carried out on Saturday 10 June 2017 for residents facing a four week refuse collection.
- Interim recycling collection on 10 June 2017 for 1221 households in Cranbrook where there would be a two week period between their collections due to day change from Monday to Friday.
- All phase two residents had received a letter about the new service. During the week commencing 22 May 2017 they would receive a mailer with the new collection calendar, and a bin hanger the week after, commencing 29 May.
- Special emphasis on no side waste being collected, but crews to use initiative when handling open topped bins.
- SUEZ external support team were already on site in East Devon for the introduction of CORE and would remain at the East Devon contract through to the conclusion on phase two.
- CORE:
  - Final data testing had been carried out ensuring the data round information was loaded into the format required for the crews' daily workload.
  - Full training supplied to all key stakeholders that would be using CORE
  - Day one of CORE go live was a success, with all crews completing their daily work on time.
- Flats assessment - EDDC Recycling Officers and Advisers had visited 268 blocks of flats in preparation for phase two. The data collected would be handed to SUEZ to plan the delivery of containers to each block and how the required collections were best fitted into the rounds. The assessment exercise had also allowed officers to engage with many residents as an extension of the overall communications programme.
- Recruitment – two new Recycling Advisers had joined the EDDC team since the last Board meeting. There would be four advisers at the start of phase two.

The Board discussed in detail the potential risk posed by Strata and Cloud 9. The risks were hugely damaging reputationally as well as operationally. A normal testing environment was not possible due to daily updates, making it impossible to project forward. However, it was possible to test the app in terms of accuracy of forthcoming bank holiday information. A new Strata IT Director had been appointed and he was extremely aware of the previous problems caused by the app. A HR investigation had been held into the issue and a lessons learnt exercise was being undertaken by Strata. There were approximately 10,000 users of the app, which was promoted by the Council at every opportunity.

It was noted that the information on the EDDC website was up to date and gave a three month view ahead.

The SUEZ Contract Manager explained that old and new route checks would be carried out early in the morning at the start of phase two, and that these would be staggered throughout the rest of the day. SUEZ had allocated a number of stand by resources to deal with any potential problems that could occur.

The Chairman suggested that a team of people check the information provided by the East Devon App on Sunday 11 June 2017, before phase two began on 12 June, to ensure that the information being provided was accurate.

**RESOLVED:** that the mobilisation update be noted.

**\*6 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, particularly in the context of the level of change currently being undertaken, performance and customer service levels remained high.

Phase one of the new service went live on 16 February 2017 and was now in its 14<sup>th</sup> week of collections. The service was bedding in well and becoming 'normal operations'. Initially the Recycling Advisers were making a high level of visits to customers, but this had now reduced and visits had become more targeted.

Tonnages of recycling collected had exceeded expectations. This had stretched crews at times but they had responded tremendously and the Recycling and Waste Contract Manager regarded them as a credit to SUEZ. Customer participation in phase one was high, with the recycling rate increasing from 44% to 59%. Rejection rates for the recycling sacks had stabilised to less than 1%. Few capacity issues relating to three weekly refuse collections had been reported.

The use of customer education/contamination 'tags' were implemented on 17 May 2017 as the last operational stage for phase one. The use of these was being closely monitored by the SUEZ Recycling Officer.

The Recycling and Waste Contract Manager reported that the standard of container returns continued to be a concern and required improvement. This would be built into the monthly performance review. Residents were urged to report the vehicle registration of the crews if there were any issues.

The SUEZ Contract Manager reported that delivery of the new recycling sacks for phase two began on 19 May and would continue until 2 June 2017.

The SUEZ Contract Manager outlined the quarterly development plan. The focus for the next quarter was the successful implementation of the CORE reporting system. The CORE system would enhance customer relations management and assist teams in providing the most efficient service. The camera function would help with customer complaints.

SUEZ were currently working with the preferred supplier finalising the design and specifications of the new Materials Recycling Facility (MRF) at Greendale to enable the sorting of mixed plastics and metals. It was anticipated that the MRF would be installed in August and become operational in September 2017. Members of the Board expressed an interest in visiting the depot to observe the new MRF, as well as the vehicle workshop and to receive a vehicle unloading demonstration. It was suggested that this be arranged for September 2017.

The Board agreed that delivery of phase one had been an overwhelming success for the partnership. Key to this success had been the preparation and commitment put in by the SUEZ and EDDC teams to deliver the mobilisation plan and deal with significant IT issues during rollout. 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:**

1. that a visit to the Greendale depot and a demonstration of its facilities be arranged for the Recycling and Waste Partnership Board.
2. that the contract review and operational update be noted.

**\*7 Detailed statistics review**

The Recycling and Waste Contract Manager explained the detailed statistics which had been provided to the Board. This monthly review information provided officers with a way of identifying movements and the ability to look for issues and improvements. The figures were provided by both EDDC and SUEZ.

The SUEZ Contract Manager highlighted some of the figures and significant items:

- The recycling tonnages collected in phase one were significantly higher compared to figures for the same period of the previous year. A significant increase in tonnage was expected for phase two of the new contract.
- Higher residual waste tonnages had also been collected.
- Projected figures for road traffic accidents were reduced from 2016. This was attributed to improved training and assessment of drivers, and tackling poor behavioral driving.
- A similar number of personal injury accidents were anticipated for 2017. It was hoped that this could be reduced in time. It was noted that crews were encouraged to report issues.
- There had been no interventions by the Health and Safety Executive in 2016 or 2017 to date.
- There was a gradual growth in the number of properties that received collections – approximately 30 additional properties per month.
- The rejection rate from the recycling sacks was around 1%. Crews were trained to kerbside sort from the recycling boxes, but not from the sacks. Following lessons learnt from phase one, the message had been modified to stress to residents the importance of separating their recycling into the correct containers.
- Missed clinical waste collection figures in March were high due to computer error issues.
- A spike in missed collections was to be expected with the roll out of any new service.
- A deviation in normal performance was to be expected. A rise in complaints was also to be expected with the introduction of a new service. The current performance penalty calculator was therefore suspended.
- Sickness management had improved, especially with long term sickness issues. Short term sickness on the phase one, Exmouth collection day was almost none, demonstrating a different culture engrained in the SUEZ employees now.
- Staff turnover in 2016 was 35%. It was currently around 10%. It was thought that the new fleet of vehicles helped with the retention of staff and consistency of crews.

At the previous Board meeting the SUEZ Contract Manager requested that the five day delivery of new containers performance target was reviewed. The five days was temporarily increased to 10 days to enable more effective and efficient delivery of containers, by allowing delivery days to be matched with collection days. A huge number of requests for new containers had been received at the start of phase one, and the same was being experienced with phase two. SUEZ had additional resources and an ample stock of containers to meet demand. It was noted that the 10 days allowed for better co-ordination

of delivery, however performance was still being measured against the five days in the performance calculator.

The SUEZ Contract Manager was thanked for his detailed report.

**\*8 Summer peak working**

It was noted that in 2016 SUEZ had experienced a high level of absenteeism and the use of agency staff. The Contract Manager explained that there had been various issues surrounding the high turnover of staff in 2016, but that the culture at the depot was different now. Absence management had improved. Discipline and staff consistency had consistently improved and additional resources were in place for the start of phase two. SUEZ were presently overstaffed in all operational areas and had access to additional resources if these needed to be deployed.

SUEZ had an excellent management team in place, as well as additional back up support. The Strategic Lead, Housing, Health and Environment commented that he was reassured by the extra, flexible resource available.

**\*9 Performance framework/penalty calculator**

The Recycling and Waste Contract Manager reported that the performance penalty framework and the penalty calculator were currently in a suspension period during the roll out of the new contract. 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.

**\*10 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 risks highlighted were:

- Lack of STRATA design capacity to meet deadlines for communications, with overreliance on a single employee.
- Fleet size not sufficient to deliver service – this was a risk borne out of success. It was too early to judge until phase two was embedded.
- Failing to inform correct customer groups with correct information - this still remained the largest risk.
- Project mailings to customers getting lost in election materials.
- East Devon app not providing correct information – this was one of the biggest risks.

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.

**\*11 Improvement projects/working groups**

Recycling and Waste Contract Manager advised that this standing agenda item was an audit requirement. At present there was nothing to report.

**\*12 Communications programme update**

The Communications and Public Affairs Manager updated the Board on the communications programme and circulated a communications action plan and activities list. Overall, from a communications perspective the roll out of phase one 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. Communications for phase two also appeared to be positive so far. Call numbers to the customer service centre were high but manageable.

The key success was felt to be the information events that had were being held across the district. Face to face communications and feedback had been excellent. Press releases had also proved to work well with residents.

**\*13 'Black plastics' message**

The Recycling and Waste Contract Manager gave the Board an update on the situation with 'black plastics'. Black plastic packaging was increasingly used in the retail sector for ready meal and premium products. However, due to the carbon pigments used in its manufacture, currently black plastic could not be identified and effectively sorted by the optical sorters used to sort the majority of household plastics collected for recycling into each polymer type. The result was that the majority of black plastic ended up being treated as a residual waste.

Although black plastic was not a serious contaminant, it devalued the material and reduces its appeal to reprocessors who have to deal with its disposal. It is not a reason for collection crews to reject plastic presented for recycling (unless it is the only plastic presented) at this point, but its presentation should be discouraged to help maintain material quality.

In order to maintain consistency within the new service communications and not mislead or confuse customers, the communications group recommended that if asked what happens to black plastic and where it should be placed for collection the key messages should be:

- It can be put out in the recycling sack
- We cannot guarantee it will be recycled, as it is a challenge for reprocessors to deal with.
- We have taken this approach to keep things as simple as possible for residents.

While there were risks associated with this messaging, the communications project group agreed that the benefits on minimising confusion outweighed the risks.

Once the phase two service changes had settled and the plant at Greendale was commissioned, this position would be reviewed, as the true position of the levels of black plastic being collected with other plastics from households across the district could be analysed, the potential implications modelled and appropriate action discussed and agreed. It was anticipated that this would take place in late August/September 2017. SUEZ did not anticipate that a widespread campaign would be required to communicate this message, but that would depend on the analysis of the material, once phase two was implemented. In order to avoid information overload and confusion for residents it was suggested that this message would be communicated in the new year.

Both EDDC and SUEZ were monitoring advancements in the processor sector across the wider industry. They were hopeful that an economic means of processing black plastics would become available in the future and would keep this under review.

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

**\*14 Customer services update**

The EDDC Customer Services Manager had given her apologies, but the SUEZ Contract Manager reported that they were in close contact, with daily phone calls between SUEZ and the Customer Service Centre. CORE training could be provided if necessary.

**\*15 Dates of future meetings**

**RESOLVED:** that future meetings of the Recycling and Waste Partnership Board be held on:  
23 August 2017 – 10am  
22 November 2017 – 10am

**Present**

**Councillors:**

Tom Wright – Portfolio Holder, Environment (Chairman)  
Steve Gazzard  
Marcus Hartnell  
Geoff Jung

**Officers:**

Gareth Bourton - Recycling and Waste Contract Manager, EDDC  
John Golding – Strategic Lead, Housing, Health and Environment, EDDC  
Alison Stoneham – Communications and Public Affairs Manager, EDDC  
Alethea Thompson – Democratic Services Officer, EDDC

**SUEZ:**

Melvin Dhorasoo, Business Improvement and Mobilisation Manager, SUEZ  
Stuart Jellings, Contract Manager, SUEZ  
Dave Swire – Regional Manager, SUEZ  
Nick Browning - General Manager Municipal, SUEZ

**Apologies:**

Councillor Brian Bailey  
Councillor Simon Grundy  
Councillor Geoff Pook  
Cherise Foster – Customer Services Manager, EDDC  
Andrew Hancock - Service Lead – StreetScene EDDC  
Nick Browning, General Manager – Municipal Operations, SUEZ  
Steve Holgate, Director of Municipal Services SUEZ  
Harry McLeman – Assistant Contract Manager, SUEZ  
Mandy Jennings, Otter Rotters

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

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

**Housing Review Board on 15 June 2017**

**Minute 7 Procurement of the housing responsive repairs and works to void properties contract**

**RECOMMENDED** by the Housing Review Board:

1. that Cabinet note the final options report from echelon and consider the models proposed for the renewal of the responsive repairs and work to void properties contract
2. that Cabinet adopt the outsourcing option as the preferred approach to procuring a new contract and securing service improvements.

**Minute 9 Housing strategy update:**

**RECOMMENDED** by the Housing Review Board:

that Cabinet approve the Housing Strategy 2017-2020.

**Minute 10 Decommissioning of sheltered housing update**

**RECOMMENDED** by the Housing Review Board:

1. that Cabinet approve the decision to cease the process of decommissioning certain sheltered properties,
2. that those properties already decommissioned are re-commissioned when they become void (unless there are exceptional circumstances).

**Minute 11 Communal cleaning**

**RECOMMENDED** by the Housing Review Board:

1. that Cabinet note the current position and future plans for the cleaning of communal housing areas,
2. that Cabinet approve the appointment of two further members of cleaning staff.

**Minute 12 Spending Right to Buy receipts**

**RECOMMENDED** by the Housing Review Board:

1. that Cabinet note the update report on the use of Right to Buy receipts and Housing Revenue Account funding to secure suitable property to add to the Council's housing stock.
2. that Cabinet give delegated authority to the Strategic Lead – Housing, Health and Environment, Portfolio Holder for Sustainable Homes and Communities, and Chair of the Housing Review Board to approve further purchases to meet 2017/18 and 2018/19 Right to Buy spending deadlines using the Housing Revenue Account funding, or other such funding, as match funding.
3. that Cabinet approve a new form for Right to Buy applications designed to counter fraudulent claims.

### **Minute 13 Housing Revenue Account outturn report 2016/17**

**RECOMMENDED** by the Housing Review Board:

1. that Cabinet agree the Housing Revenue Account outturn position for 2016/17.
2. that an adopted range between £2.1m and £3.1m is determined for the HRA balance, and £3.977m held above this level is transferred to a new reserve called 'future housing development fund', as detailed in the report.
3. That £2.8m is transferred from the HRA business plan volatility fund into the future housing development fund, as detailed in the report.



## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a Meeting of the Housing Review Board held at Knowle, Sidmouth on 15 June 2017**

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

The meeting started at 2.30pm and ended at 4.10pm.

#### **\*1 Public speaking**

There were no questions raised by members of the public.

#### **\*2 Appointment of vice-chairman**

The Chairman welcomed all those present to the meeting and invited everyone to introduce themselves. The Chairman congratulated Amy Gilbert, Property and Asset Manager on the birth of her baby boy.

Nominations for Vice Chairman were received for co-opted tenant member Pat Rous.

**RESOLVED:** that tenant representative Pat Rous be appointed Vice Chairman of the Board for the ensuing year.

#### **\*3 Minutes**

The minutes of the Housing Review Board meeting held on 9 March 2017 were confirmed and signed as a true record.

#### **\*4 Declarations of Interest**

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

Joyce Ebborn: Personal interest – housing tenant.

Pat Rous: Personal interest - housing tenant.

#### **\*5 Urgent item – fire precautions**

Following the terrible Grenfell tower block fire in London, the Strategic Lead - Housing, Health and Environment reported that all responsible landlords would be double checking their fire safety procedures and practices. Compliance with all safety requirements was a priority for EDDC as a landlord, including fire safety, and there were Fire Risk Assessments (FRA) and procedures in place to keep tenants safe. There was the need to be constantly vigilant when it came to fire risk and never become complacent. He reassured the Board that premises and fire evacuation procedures were constantly checked.

There was a programme of undertaking FRAs, identifying any works needed and undertaking those, as well as ensuring tenants knew what to do in the event of a fire. Although there were no tower blocks in the housing portfolio, the Council did have flats, community centres and communal stairs that required proper protection, signage, emergency lighting and fire alarms. There was a zero tolerance approach to possessions and obstructions in communal areas, which was sometimes controversial with tenants, but recent events showed that this element of fire precaution work needed to be rigorously enforced. This advice had been reinforced the previous day in a Devon and Somerset press release following the London fire.

The Housing Review Board last received a fire safety update in September 2015. Following current assurance checks, these would be reported back at the next Board meeting.

The Portfolio Holder – Sustainable Homes and Communities suggested that a letter be sent to residents of the Grenfell tower block, on behalf of the Housing Review Board, expressing their sympathy and hopes that they got all the help they needed as soon as possible.

**\*6 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.

**7 Procurement of the housing responsive repairs and works to void properties contract**

In January 2017 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 Strategic Lead – Housing, Health and Environment's report updated the Board on the progress with work on preparations to renew the housing responsive repairs contract. A project team, consisting of officers, two councillors and a tenant had been working with the appointed consultants echelon to scope the market and assess the current approach to procuring a repairs service for tenants, and work to bring void properties up to a lettable standard. The echelon report was valuable and comprehensive. It usefully identified the strengths in the existing contractual arrangements and service delivery, and areas where service to tenants could be improved.

The echelon report listed several delivery options for consideration, but recommended two specific options for attention, and outlined the advantages and disadvantages of each:

- Option A – outsourcing to a single provider (outsourced).
- Option B – a wholly owned subsidiary model (WOS).

Both solutions would have the capacity to deliver the desired service. The key difference was that the WOS model would drive a different culture in the delivery of the service through the development of an entity with no traditional client/contractor function. The report proposed that going forward there was an 'EDDC core repairs' offer.

The three key drivers for taking the service forward were:

- Greater control over the service
- Cost savings and efficiencies
- Incentives for service improvement

Echelon also proposed the 'price per property' (PPP) and 'price per void' (PPV) model, which built on a fixed price per property for repairs/voids (with a list of what was and wasn't included within this). There would also be a budget for excluded works and a 'risk pot'. In addition, there was the prospect of a 'complete property service' (CPS) by which the service provider undertook an annual physical check of all 'working component parts' and the structure of the property for defects and carried out any required repairs to prevent the need for repairs to be reported by the tenant over the next 12 months.

The Strategic Lead – Health, Housing and Environment's report recommended that the outsourcing option be pursued, primarily because the WOS model did not offer the benefits to justify the additional work required to establish a new company. The financial benefits projected did not justify the risks and energy needed to establish a WOS. Some had used this model to take advantage of VAT savings, but this was not relevant to a local authority

organisation. Employing the workforce would bring additional risks and demands on the service to ensure that it was running efficiently. A WOS was likely to be more beneficial where there were large stock numbers and the prospect of expanding business such as programmed works.

The Board discussed the pros and cons of appointing one or two contractors and the Strategic Lead – Housing, Health and Environment outlined the next steps in terms of developing a service specification, designing a new contract and the EU procurement process. He also advised the Board that he would regularly report back to them on the various stages of the procurement journey.

**RECOMMENDED:**

1. that Cabinet note the final options report from echelon and consider the models proposed for the renewal of the responsive repairs and work to void properties contract
2. that Cabinet adopt the outsourcing option as the preferred approach to procuring a new contract and securing service improvements.

**\*8 Stock condition survey**

The report of the interim Property and Asset Manager informed the Board of the purpose and benefits of stock condition surveys. It also requested authorisation to carry out a new stock condition survey on East Devon's housing stock as the last comprehensive survey was carried out in 2011, on 25% of the stock. This work would inform the financing requirements of future repair and maintenance programmes to be reflected in the Housing Revenue Account Business Plan for the next 30 years. 100% of the stock would be surveyed and the up to date information would be used to base maintenance and improvement programmes on.

Stock condition surveys collated intelligence about the structure and components of the assets of a business. They also provided robust data on the lifecycle and condition of the components in the housing stock, which would deteriorate at different rates. The data would support a planned works approach, obtaining efficiency savings and procuring works over a 3-5 year programme or longer. Information from a stock condition survey could be used in almost every area of work.

**RESOLVED:**

1. that the stock condition survey is started at the earliest opportunity, to be completed within the 22017/18 financial year,
2. that the additional budget required to undertake the survey in one financial year is financed from the Housing Revenue Account surplus,
3. that an in-house survey approach is undertaken, for the reasons set out in the report.

**9 Housing strategy update**

The draft housing strategy was presented to the Board for adoption. It was a shorter and more concise document, under which other key housing policies and plans could sit. The three key themes were:

- providing homes
- improving homes
- improving communities

The strategy was broken into the following sections:

- a) context

- b) the key challenges ahead
- c) meeting priorities to 2020 (providing homes, improving homes and improving communities)
- d) ways forward

**RECOMMENDED:** that Cabinet approve the Housing Strategy 2017-2020.

#### 10 **Decommissioning of sheltered housing update**

The Board considered the report of the Landlord Services Manager, which sought approval to cease decommissioning sheltered properties and to re-commission suitable properties already decommissioned as they become void.

The process of decommissioning sheltered properties was started in 2009 when the sheltered housing task and finish forum drew up criteria for decommissioning that was designed to ensure that sheltered housing was 'fit for purpose' at that time. Following changes to the way in which sheltered housing is funded there was no longer a requirement that tenants must be over a certain age to access sheltered housing. The criteria was now based on the needs of the tenant for support. Because of this there was now an increased demand for supported housing from younger, vulnerable tenants. It had also been felt that some of the sheltered properties were unsuitable for older tenants due to, for example lack of lifts and access problems. However, with a younger clientele with fewer mobility issues these properties could now be used again as supported housing.

A further, more detailed report on the decommissioning/recommissioning process would be brought back to the Board.

**RECOMMENDED:**

1. that Cabinet approve the decision to cease the process of decommissioning certain sheltered properties,
2. that those properties already decommissioned are re-commissioned when they become void (unless there are exceptional circumstances).

#### 11 **Communal cleaning**

The Landlord Services Manager's report updated the Housing Review Board on the current position and future plans for the cleaning of communal areas in housing buildings, community centres and district offices. It also requested approval for the appointment of two additional members of cleaning staff.

The tenancy agreement states that the primary responsibility for the cleaning of communal areas in blocks of flats lay with the tenants in those blocks. However, it was recognised that this would not always be fulfilled and therefore a 'top up' cleaning services in communal areas is provided. Tenants paid for this 'top up' service in their rent and leaseholders paid in the annual service charge.

The cleaning service was provided by StreetScene, with two members of staff employed solely for the service, with Housing paying the costs incurred. There was no contract or service level agreement between Housing and StreetScene. The current specification needed to be reviewed, with a proper specification/service level agreement drawn up.

Tenants had been recently consulted and as a result the following issues needed to be addressed:

- monitoring and management

- standards
- window cleaning
- community centres
- guest bedrooms
- travelling time
- tenant awareness
- decoration

Various options had been considered and officers acknowledged that in order to improve the service in the short term the number of cleaning staff needed to be increased from two to four employees; two for the west side and two for the east side of the district. Two cleaners would travel together and work on different blocks on the same sites, at the same time, so there would be no additional travelling or vehicle costs. The Board agreed the need for an enhanced service specification and service provision and the issue and potential problem of the availability of hot water for the cleaners was discussed.

**RECOMMENDED:**

1. that Cabinet note the current position and future plans for the cleaning of communal housing areas,
2. that Cabinet approve the appointment of two further members of cleaning staff.

**12 Spending Right to Buy receipts -**

The Board was presented with a report which provided an update on property acquired using Right to Buy (RTB) and Commuted Sums. It also set out a proposal for future spending.

In January 2017 the Housing Review Board agreed to match fund the £1.5m RTB receipts with £3.5m of Housing Revenue Account (HRA) funding per year over the next three years, which would provide approximately 25 properties per year. This now formed part of the HRA Business Plan. This would ensure RTB receipts were spent and also stabilise cash flow and provide an income to replace lost income through RTB sales. It was noted that 18 properties were under offer.

In addition, in terms of RTB sales, officers had been working on counter fraud initiatives and a plan to introduce a new form as part of the application process. This supplementary form had been adapted specifically to prevent fraud, in particular money laundering and vulnerability issues such as families or companies placing pressure on vulnerable people to buy their homes.

**RECOMMENDED:**

1. that Cabinet note the update report on the use of Right to Buy receipts and Housing Revenue Account funding to secure suitable property to add to the Council's housing stock.
2. that Cabinet give delegated authority to the Strategic Lead – Housing, Health and Environment, Portfolio Holder for Sustainable Homes and Communities, and Chair of the Housing Review Board to approve further purchases to meet 2017/18 and 2018/19 Right to Buy spending deadlines using the Housing Revenue Account funding, or other such funding, as match funding.
3. that Cabinet approve a new form for Right to Buy applications designed to counter fraudulent claims.

**13 Housing Revenue Account outturn report 2016/17**

The Strategic Lead – Finance presented the final Housing Revenue Account (HRA) position for the year end and compared this outturn position against the budgets set for 2016/17. During 2016/17 monthly budget monitoring reports had informed members of the anticipated year end position.

The outturn position showed an underspend of £1.722m against the budget. The main variants were set out in the report and included good rent collection performance, storm damage insurance claim and underspend on the capital programme.

The HRA had a significant balance of £7.070m. The adopted minimum level for the HRA balance was £2.1m, based on £490 per property and this was considered to be the minimum fund balance that should be held for unexpected/emergency situations. It was sensible to introduce a maximum sum to hold thereby creating an adopted range the Council was comfortable holding the HRA Balance between before members need to make a decision; whether above or below the range. The report proposed to add headroom of £1m to the minimum level to give an adopted range for the HRA balance of between £2.1m and £3.1m. This was in line with the principles agreed with the General Fund Balance.

The HRA balance was therefore significantly above the proposed adopted range by £3.970m and it was proposed that this was transferred into a new fund – ‘Future Housing Development Fund’. This would be used to provide additional dwellings within the HRA and to match fund the one to one replacement capital receipts (Right to Buy) required to be spent within set deadlines or required to be returned to Government with an interest payment.

The HRA also has a HRA Business Plan Volatility Reserve which was created in 2012/13 to provide a cushion for repaying the self-financing loans should adverse fluctuations in spending and/or rent income occur. The balance in the reserve was currently £4.4m. This Reserve has not been required and the HRA continued to meet loan repayments and make annual surpluses. It was therefore questionable whether this Reserve was still required at this level, or at all. This would best be evidenced with a refresh of the HRA Business Plan along with an updated of the stock condition survey. Therefore it was proposed to transfer £2.8m from the HRA Business Plan Volatility Fund into Future Housing Development Fund, funding the next two years of proposed development, thereby still leaving £1.6m to help meet loan repayments should it be required.

**RECOMMENDED:**

1. that Cabinet agree the Housing Revenue Account outturn position for 2016/17.
2. that an adopted range between £2.1m and £3.1m is determined for the HRA balance, and £3.977m held above this level is transferred to a new reserve called ‘future housing development fund’, as detailed in the report.
3. that £2.8m is transferred from the HRA business plan volatility fund into the future housing development fund, as detailed in the report.

**\*14 Housing Revenue Account Business Plan review 2016-17 – SWAP report**

The Board was presented with the South West Audit Partnership (SWAP) audit report on the Business Plan review 2016-17. The audit report made a few recommendations, in particular, that the risks detailed in the Business Plan should be aligned with the corporate risk register. Also missing from the current Business Plan was information from the forthcoming stock condition survey and identification of a future pattern of spending.

It was noted that an update of the Business Plan would be brought to the next meeting of the Housing Review Board.

**RESOLVED:** that the SWAP report be noted by the Board.

**\*15 Dates of the forthcoming Housing Review Board meetings**

The Board noted the dates of the HRB meetings for the forthcoming civic year:  
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

**Attendance list**

**Present:**

Cllr Pauline Stott (Chairman)  
Cllr Megan Armstrong  
Cllr Brenda Taylor

Co-opted tenant members:

Pat Rous (Vice Chairman)  
Mike Berridge  
Joyce Ebborn

Officers:

Graham Baker, Senior Technical Officer  
Sue Bewes, Landlord Services Manager  
Natalie Brown, Information and Analysis Officer  
Emma Charlton, Housing Projects Officer  
Tina Cureton, Senior Housing Support Officer  
Mark Dale, Senior Technical Officer  
Simon Davey, Strategic Lead - Finance  
Danielle Furzey, Housing Options Manager  
Amy Gilbert, Property and Asset Manager  
John Golding, Strategic Lead - Housing, Health and Environment  
Sue Howl, Democratic Services Manager  
Andi Loosemoore, Rental Manager  
Andrew Mitchell, Housing Needs and Strategy Manager  
Mike Purcell, Interim Property and Asset Manager  
Jane Reading, Tenant & Communities Section Leader  
Alethea Thompson, Democratic Services Officer  
Melissa Wall, Housing Projects Officer

**Also present:**

Cllr Jill Elson, Portfolio Holder – Sustainable Homes and Communities  
Cllr David Barrett  
Cllr Simon Grundy  
Harry Roberts, tenant

**Apologies:**

Cllr Jenny Brown

Cllr Ian Hall  
Angela Bea, tenant  
Victor Kemp, tenant  
Julie Bingham, independent community representative  
Christine Drew, independent community representative  
Giles Salter, Solicitor

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



## **STRATA JOINT SCRUTINY COMMITTEE**

Thursday 15 June 2017

### **Present:-**

Councillors Dewhirst, Lyons, Nicholas, Prowse and Jung

### **Also Present**

Strata IT Director, Programme and Resource Manager, Security and Compliance Manager, Business Systems Manager, Document Processing Manager, Chief Finance Officer, Infrastructure and Support Manager, Strata Lead for Human Resources, Strata Board Director and Democratic Services Officer (Committees) (HB)

23

### **ELECTION OF CHAIR**

Councillor Lyons of Exeter City Council was elected as Chair for the next 12 months.

24

### **APOLOGIES**

These were received from Councillors Dent, Haines and Leadbetter and the Teignbridge Strata Director.

Councillor Nicholas was substituting for Councillor Dent.

25

### **MINUTES**

The minutes of the meeting held on 16 March 2017 were taken as read and signed by the Chair as correct.

26

### **DECLARATIONS OF INTEREST**

No declarations of pecuniary interest were made.

27

### **QUESTIONS FROM THE PUBLIC UNDER PROCEDURAL RULES**

None.

28

### **QUESTION FROM MEMBERS OF THE COUNCILS UNDER PROCEDURE RULES**

None.

29

### **PAST CHAIRMAN'S REPORT**

The Chair presented the report of the past Chair and it was noted that it had been agreed with the Strata IT Director that updates would be provided on progress in a format that is readily comprehensible for laypeople.

Strata Joint Scrutiny Committee noted the report.

30

### **STRATA IT DIRECTOR'S REPORT**

The Strata IT Director presented his comprehensive report providing an update on the function of the Strata organisation, the aim being to provide background to the core areas of specialisation within Strata and identifying key activities, successes

and areas for improvement. He detailed a SWOT analysis developed in conjunction with the Strata Board and Strata staff and highlighted the following key areas:-

#### Improved communication

A number of activities had been undertaken both internally within Strata and externally with the three authorities including their respective management teams, major suppliers and Exeter College and he tabled the first edition of the Strata Newsletter.

The HR Lead for Strata emphasised the value of the new approach to communication and welcomed the newsletter. Members asked that the newsletter be distributed wider including all Councillors of the three authorities.

#### Supplier Management

Suppliers were being categorised as either key, strategic or business and there was focus on VMWare (Global Desktop), VMB, Virgin Media Business (performance), Nexus (Global Communications), Midlands HR (HR and Payroll) and Redcentric (credits).

#### Project and Business Change Request -Workload

A review and analysis of workload had shown a lack of progress in some areas including Business Change Requests and problem management and work was continuing in this area. Work over the last two years had been mapped against available staff time identifying issues relating to the management of workload and associated work related stress.

Members noted that the introduction of the Global Desktop project had been a significant contributory factor. Although introduced as a one year project, it had become apparent that a two year implementation period would have been more realistic. A software problem had also proved a major stumbling block. Referring to this and the new data centre as the two major initial projects, the Teignbridge Members were particularly concerned regarding the slowness of the global desktop widely reported at their Council and reference was made to Excel spreadsheets - Excel and other issues were common across the three councils with outlook crashes being a recent phenomena. Members noted that the newly implemented Global Desktop Improvement Programme would seek to progress the project and all migrated users had been surveyed, issues had been categorised and a programme of work underway to address the problems.

#### Security – Cyber threats

Following significant global cyber-attacks in May that had affected, amongst others, the NHS (and with reports of attacks to BA and University College London on this day), Strata had put in place precautions which had protected the three authorities and extra vigilance was being applied. An East Devon Councillor asked how, given the global communications project involved the incorporation of the telephony service into the Global Desktop, could breakdowns be reported by telephone. It was explained that, although telephony was part of the same system, there was inherent resilience in the overall system which prevented total breakdown as a result of a cyber-attack.

Individual managers presented their respective areas as set out below:-

## Compliance and Security – Robin Barlow

The Compliance and Security Manger enlarged on the recent cyber-attacks explaining that hackers were constantly probing systems for weaknesses with up to a million probes a day common and with 20,000 attacks since March. A table detailed the source of attacks by nation. Extra vigilance was therefore vital.

The Compliance and Security team were analysing the requirements of the General Data Protection Regulations which would need to be complied with by May 2018. Strata had agreed a new Public Services Network contract and delivered a saving of £20,000 over a two year term.

The Public Services Network Code of Connection remediation works continued with a number of servers fixed.

## Infrastructure Projects - Adrian Smith

The Infrastructure and Support Manger provided further detail on the Global Desktop implentation, the 15 staff remaining to be incorporated being on long term sick. A significant cause of the delay in the deployment of the Global Desktop project was down to software bugs within the VMWare product

Strata were currently undertaking a review of the Global Desktop environment (Global Desktop Improvement Programme) and looking at a number of issues that had been reported. The most pressing current problem with the Global Desktop was outlook crashing, other issues including wrong printer settings, blank screens, slow login and specific applications slowness including Excel. He assured Members that the problems encountered were being addressed.

The service desk was performing well in supporting both business as usual activities and the Global Desktop roll out. There was a high end user satisfaction.

As a result of the introduction of an external organisation at Teignbridge refurbishment including IT systems was progressing rapidly and it was anticipated that Global Communication installation at Exmouth, as part of the overall relocation of the Council offices, would commence in Exmouth in late August, Virgin Business Media having completed the survey for the fibre links with confirmed delivery dates awaited. A review would be undertaken of Oakwood House in Marsh Barton, Exeter, the location of the backup data centre, with options including:-

- upgrade of current site;
- re-location to another site; or
- move to a cloud system

## Document Centres - Martin Millmow

The Document Centre Manager reported that new printing devices would be rolled out, Ricoh having been the successful of seven tenderers and with the existing 80 printers to be reduced to 53 new devices equipped to cope with recent system upgrades. The Strata web design team had worked on a wide range of communication materials to support the second phase of the new East Devon District Council Waste and Re-cycling scheme.

## Programme and Resources – Steve Gammon

The Programme and Resources Manager detailed the 16 systems convergence projects being undertaken as requested by Council service mangers and as agreed

by the partner Councils and in the annual Strata Business Plan.

He referred to the increase in the cost of the Car Park system which, nevertheless, had been put back by the delay in the system's implementation and to the increase in cost (£13,000) of a new HR and Payroll system at Teignbridge to bring it in line with legislative changes.

He provided a detailed explanation of the new street naming and numbering system which Strata was implementing for the three councils and explained how this would co-ordinate with common systems within the authorities. For the future there was scope to link major property systems such as planning, housing, council tax, environmental health and licensing to the national Unique Property Reference Number.

#### Business Systems – Dave Sercombe

The Business Systems Manager reported that Strata were continuing to deliver the 70 plus system implementation and business case projects currently in progress, such a high demand placing pressure on business change requests. Some of the main projects were HR and Payroll and Garden Waste Renewals for Teignbridge, Firmstep digital transformation and UNiform Planning and Building Control implementation for Exeter, Document Management and Waste and Recycling rollouts for East Devon and Car Parks for East Devon and Teignbridge but not Exeter who were working with Devon County Council. The Strata IT Director would be examining governance including relationships with the respective Council senior management teams.

He provided an update on staff changes.

Strata Joint Scrutiny Committee noted the report, the Chair thanking the IT Director for a comprehensive update.

31

#### **STRATA BUDGET MONITORING OUT-TURN REPORT 2016/17**

The Director responsible for Finance reported that Strata had been set a savings target of £254,052 in the original business case. Following approval to move staff to new Strata terms and conditions, a revenue saving of only £26,964 had been projected at the start of the financial year 2016/17. However, the strata budget had delivered £310,950 of revenue savings for 2016/17 including employee savings of £51,695 resulting from lower than planned redundancies and vacancies and £318,356 from income, notably Central Government funds, especially for Revenue and Benefits systems.

The Company had repaid £100,000 to the Councils and the Board had identified the following options for the Strata Joint Executive Committee:-

- return the additional £200,000 to the Councils; or
- following the IT Director's review, two areas of the business had been identified which would benefit from additional resource in order to strengthen the service provided to Councils and to generate further savings. The Board had recommended the appointment of two Project Managers and one Supplier Engagement Manager on fixed term contracts for two years. The cost was estimated at £132,000 a year, with the balance of funding coming from anticipated additional savings generated by the Supplier Engagement Manager.

The two Project Manager posts would support the Business Analyst teams in delivering IT projects. This would enable the Business Analysts to focus on delivery and allow for better engagement with the client services. It would also alleviate many of the problems identified in the IT Director's report in respect of the strain and excessive workload that the team was currently facing.

The Supplier Engagement Manager post would work more closely with suppliers to drive greater efficiency in contract negotiation, again removing another element of work from the team. By having dedicated experts in project management and supplier engagement, the Company would be better placed to use the skills of its team to match the requirements of the customers.

Members, in debating the proposed option, noted that the importance of training and upskilling was acknowledged and that there were growing links with Exeter College.

Strata Joint Scrutiny Committee noted the report and supported the second of the above options.

32

### **STRATA TRAINING AND DEVELOPMENT PLAN 2017/18**

The HR Lead for Strata presented the report setting out the Training and Development Plan 2017-2018 which was broken down into the following elements:-

- mandatory training for everyone
- mandatory training for managers
- other training
- health and safety training

Training included e-learning, face to face and a health and safety hub as well as NVQ's.

Strata Joint Scrutiny Committee noted and supported the report.

33

### **STRATA PERFORMANCE EXCELLENCE REVIEW FORM**

The HR Lead for Strata presented the report setting out the performance excellence reviews framework.

Strata Joint Scrutiny Committee noted and supported the report.

34

### **STRATA - EMPLOYEE REFERRAL SCHEME POLICY**

The HR Lead for Strata presented the report setting out the referral policy. It had been introduced to incentivise staff to use their personal and professional networks to recommend Strata as a place to work. Where a person was referred to Strata and, had gone through the recruitment process, offered employment by Strata which they accept, the staff member introducing them would receive a £500 net payment.

Strata Joint Scrutiny Committee noted and supported the report.

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

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

36 **UPDATE ON DISCUSSIONS WITH SOFTWARE SUPPLIER**

Strata officers updated the meeting on progress with a compensation package with a software supplier following the identification of a number of faults with the product.

Whilst stating verbally that the system had contained a number of genuine bugs and working with Strata to deliver fixes and then benefitting from upgrades to the system, the company had not legally acknowledged guilt. Unusually for a software supplier of the size of VMWare, they had made a written gesture of goodwill and had offered to extend the five year contract by 12 months and to offer professional support to assist with the upgrade.

The financial details of this offer were detailed, Members noting that this was less than half of the estimated cost to the three Councils. The company had been made aware by the Board that both this Committee and the Strata Joint Executive committee would need to consider their offer.

Members discussed the offer and the way forward proposed by the Strata Board.

Members would be kept updated on progress.

37 **TEIGNBRIDGE DIGITAL PLATFORM**

The Strata IT Director presented the report updating the Committee on changes to the timescales of the Digital Platform project.

Although it had been the intention to implement a Digital Platform for either East Devon or Teignbridge in March 2018, the former had commenced the refurbishment of Forde House to accommodate an external organisation and wished to commence digital convergence by September, the aim being to streamline service delivery to customers by taking a “digital first” approach and making the customer the heart of the process. There were no resource or cost implications for Strata.

Members supported bringing forward this project noting that a detailed business case, whilst nearing completion, was not yet ready

The existing Lagan system at East Devon would continue.

Strata Joint Scrutiny Committee noted the report and supported the order of implementation and proposed change to timescales for the Digital Platform project.

38

### **VIRGIN MEDIA BUSINESS**

The Strata IT Director reported that significant problems had been encountered with the performance of the above supplier, the implementation of a major system taking over 250 working days rather than the originally proposed lead time of 25 working days. It had been necessary to tightly manage the project with ongoing discussions at a senior level with the company.

Strata Joint Scrutiny Committee noted the position.

39

### **STREET NAMING AND NUMBERING POLICY**

The Strata Manager Programmes and Resources presented the report proposing a common Street Name and Numbering policy for adoption by Exeter City Council, Teignbridge District Council and East Devon District Council enabling a consistent and resilient administration of the function by Strata and reducing the risk of challenge and complaint.

It was proposed that East Devon District Council and Teignbridge District Council retain, and Exeter City Council adopt, the Town Improvement Clauses Act 1847 as a single and consistent basis for providing the Street Naming and Numbering function administered on behalf of the Councils by Strata.

Strata Joint Scrutiny Committee noted the report and supported the adoption of a common Street Name and Numbering policy and a revised discretionary charge of £147 with effect from 1 April 2017.

(The meeting commenced at 5.30 pm and closed at 8.20 pm)

Chair

## **STRATA - JOINT EXECUTIVE COMMITTEE**

Tuesday 20 June 2017

### **Present:-**

Cllr Paul Diviani (Chair)  
Councillors Christophers and Edwards

Non-Voting Members  
K Hassan, P Shears and M Williams

### **Also Present**

Strata IT Director, Chief Finance Officer, Strata Board Director, Compliance and Security Manager, Business Systems Manager, Infrastructure and Support Manager, Programme & Resource Manager, Document Centre Manager and Democratic Services Manager (Committees)

29

### **ELECTION OF CHAIR**

Councillor Diviani was elected Chair.

17

### **APOLOGIES**

No apologies for absence were received.

18

### **MINUTES**

The minutes of the meeting held on the 27 March 2017 were taken as read and signed by the Chair as correct.

19

### **DECLARATIONS OF INTEREST**

No declarations of disclosable pecuniary interest were made.

20

### **STRATA IT DIRECTOR'S REPORT**

The Strata IT Director presented his report to update Members on the progress within Strata.

The Strata IT Director presented his comprehensive report providing an update on the function of the Strata organisation, the aim being to provide background to the core areas of specialisation within Strata and identifying key activities, successes and areas for improvement. He detailed a SWOT analysis developed in conjunction with the Strata Board and Strata staff and highlighted the following key areas:-

- Internal and External Communication – the first edition of the Strata Newsletter was tabled
- Supplier Management
- Projects and Business Change Requests - Workload
- Security including Cyber Threats



The Strata IT Director advised that improved management was now in place to give realistic timescales for business change requests (BCR) which would aid with the management of BCR's and the Councils would also know what they could expect.

In response to Members, the Strata IT Director clarified that the majority of issues with the Global Desk Top had been identified and that a recent survey of all Council staff had raised 11 factors including printing, taking a long time to log on, and problems with Microsoft Outlook. These issues were currently being investigated and a Global Desktop Improvement Plan had been compiled to ensure that resolutions were being worked on in a structured fashion.

Members discussed the need to ensure there was capacity to undertake BCR's and that Strata would not need to come back to the Council's for extra resources to take these forward.

The Chief Executive, East Devon District Council, raised concerns regarding the IT installation at Exmouth and that if it would be installed on time and fit for purpose.

Individual managers presented their respective areas as set out below:-

#### Infrastructure Projects - Adrian Smith

The Infrastructure and Support Manager advised that the issues with the data centre at Oakwood House in Marsh Barton, Exeter had been addressed by the installation of a new air conditioning system although a review would be undertaken of Oakwood House regarding its suitability as the location of the backup data centre.

As a result of the introduction of an external organisation at Teignbridge, refurbishment including IT systems was progressing rapidly and it was anticipated that Global Communication installation at Exmouth, as part of the overall relocation of the Council offices, would commence in Exmouth in late August.

Strata were currently undertaking a review of the Global Desktop environment (Global Desktop Improvement Programme) and looking at a number of issues that had been reported. The most pressing current problem with the Global Desktop was outlook crashing, other issues including wrong printer settings, blank screens, slow login and specific applications slowness including Excel. He assured Members that the problems encountered were being addressed. The current feedback satisfaction rate for the service desk was 97%. Strata was now working closely with students from Exeter College who had recently undertaken a project to redesign the Strata web site.

Strata officers clarified that the Housing and Benefits server had already been migrated to Exmouth and the file servers would be migrated in due course.

#### Document Centres - Martin Millmow

The Document Centre Manager reported that new printing devices would be rolled out, Ricoh having been the successful of seven tenderers and with the existing 80 printers to be reduced to 53 the new devices were equipped to cope with recent system upgrades, the roll out to commence with Exeter City Council. The Strata web design team had worked on a wide range of communication materials to support the second phase of the new East Devon District Council Waste and Recycling scheme.

The Document Centre Manager clarified that the printers would be able to use Wi-Fi and this would be rolled out in the second/third phase. Teignbridge District Council felt that this option was vital in light of staff now using laptops and mobile devices.

#### Programme and Resources – Steve Gammon

The Programme and Resources Manager detailed the 16 systems convergence projects being undertaken as requested by Council service managers and as agreed by the partner Councils and in the annual Strata Business Plan.

He referred to the increase in the cost of the Car Park system which, nevertheless, had been put back by the delay in the system's implementation and to the increase in cost (£13,000) of a new HR and Payroll system at Teignbridge to bring it in line with legislative changes.

#### Business Systems – Dave Sercombe

The Business Systems Manager provided an update on staff changes.

He reported that Strata were continuing to deliver the 70 plus system implementation and business case projects currently in progress, such a high demand placing pressure on business change requests. Some of the main projects were HR and Payroll and Garden Waste Renewals for Teignbridge, Document Management and Waste and Recycling rollouts for East Devon and Car Parks for East Devon and Teignbridge, Trade Waste Management for Exeter, the latter having experienced some issues with invoices that were being resolved.

#### Compliance and Security – Robin Barlow

The Compliance and Security Manager enlarged on the recent cyber-attacks explaining that hackers were constantly probing systems for weaknesses with up to a million probes a day common and with 20,000 attacks since March. A table detailed the source of attacks by nation. Extra vigilance was therefore vital.

The Compliance and Security team were analysing the requirements of the General Data Protection Regulations which would need to be complied with by May 2018.

General Data Protection Regulations (GDPR) was now coming forward and Strata would need to consider compliance with the GDPR directives as a priority moving forward.

Strata had agreed a new Public Services Network contract and delivered a saving of £20,000 over a two year term.

In response to a Member, the Compliance and Security Manager clarified that Strata had two firewalls.

Strata Joint Scrutiny Committee considered the report at its meeting on 15 June 2017 and its comments were reported.

**RESOLVED** that the report be noted.

## STRATA BUDGET MONITORING OUT-TURN REPORT 2016/17

The Director Responsible for Finance presented the report on advising on the financial performance of Strata during 2016-17, including both revenue and capital spend.

The Director responsible for Finance reported that Strata had been set a savings target of £254,052 in the original business case. Following approval to move staff to new Strata terms and conditions, a revenue saving of only £26,964 had been projected at the start of the financial year 2016/17. However, the Strata budget had delivered £310,950 of revenue savings for 2016/17 including employee savings of £51,695 resulting from vacancies, £54,000 from the mobile telephone budget and £318,356 from income, notably Central Government funds, especially for Revenue and Benefits systems.

Members were advised that Strata had repaid £100,000 to the Councils and the Board had identified the following options for the Strata Joint Executive Committee:-

- return the additional £200,000 to the Councils; or
- following the IT Director's review, two areas of the business had been identified which would benefit from additional resource in order to strengthen the service provided to Councils and to generate further savings. The Board had recommended the appointment of two Project Managers and one Supplier Engagement Manager on fixed term contracts for two years. The cost was estimated at £132,000 a year, with the balance of funding coming from anticipated additional savings generated by the Supplier Engagement Manager.

The two Project Manager posts would support the Business Analyst teams in delivering IT projects. This would enable the Business Analysts to focus on delivery and allow for better engagement with the client services. It would also alleviate many of the problems identified in the IT Director's report in respect of the strain and excessive workload that the team was currently facing.

The Supplier Engagement Manager post would work more closely with suppliers to drive greater efficiency in contract negotiation, again removing another element of work from the team. By having dedicated experts in project management and supplier engagement, the Company would be better placed to use the skills of its team to match the requirements of the customers.

A Member raised the option of having a compensation plan if Strata did not deliver projects on time. The Executive supported a report from the Strata Board on any possible compensation penalties.

The Director Responsible for Finance clarified the budget position regarding the Council's mobile phone data provision and that any changes to projects in the convergence plan would be reflected when the plan was updated.

Strata Joint Scrutiny Committee considered the report at its meeting on 15 June 2017 and its comments were reported.

**RESOLVED** that:-

- (1) the report be noted; and
- (2) the Board submit a report on compensation penalties for non-delivery of projects on time; and

**RECOMMENDED** that;-

- (3) the three Councils approve the appointment of two Project Managers and one Supplier Engagement Manager on fixed term contracts for two years. The cost is estimated at £132,000 a year, with the balance of funding coming from anticipated additional savings generated by the Supplier Engagement Manager.

22

**STRATA TRAINING AND DEVELOPMENT PLAN 2017/18**

The report of the HR Lead for Strata on Training and Development plan was submitted.

Strata Joint Scrutiny Committee considered the report at its meeting on 15 June 2017 and its comments were reported.

**RESOLVED** that the report be noted.

23

**STRATA PERFORMANCE EXCELLENCE REVIEW FORM**

The report of the HR Lead for Strata on the Performance Excellence Review was submitted.

Strata Joint Scrutiny Committee considered the report at its meeting on 15 June 2017 and its comments were reported.

**RESOLVED** that Performance Excellence Reviews be noted.

24

**STRATA - EMPLOYEE REFERRAL SCHEME POLICY**

The report of the HR Lead for Strata for the Employee Referral Scheme Policy was submitted.

Strata Joint Scrutiny Committee considered the report at its meeting on 15 June 2017 and its comments were reported.

**RESOLVED** that the Employee Referral Scheme Policy be noted.

25

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

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

30

**UPDATE ON DISCUSSIONS WITH SOFTWARE SUPPLIER**

The Strata IT Director updated Members on the discussions with Software Suppliers.

The Infrastructure Projects Manager updated Members on progress with a compensation package with a software supplier following the identification of a number of faults with the product. He advised that, unusually for a software supplier of this size, they had made a written gesture of goodwill and had offered to extend

the five year contract by 12 months and to offer professional support to assist with the upgrade.

The financial details of this offer were detailed.

Members discussed the offer and the way forward advised by the Strata Board Members present. They agreed that the financial offered should be accepted.

Strata Joint Scrutiny Committee considered the report at its meeting on 15 June 2017 and its comments were reported.

**RESOLVED** that the financial settlement, as advised, be agreed.

31

### **TEIGNBRIDGE DIGITAL PLATFORM**

The Business Systems Manager presented the report updating Members on changes to timescales of the Digital Platform project at Teignbridge District Council.

Members were advised that, although it had been the intention to implement a Digital Platform for either East Devon or Teignbridge in March 2018, the former had commenced the refurbishment of Forde House to accommodate an external organisation and wished to commence digital convergence by September, the aim being to streamline service delivery to customers by taking a “digital first” approach and making the customer the heart of the process. There were no resource or cost implications for Strata.

Members noted that the Strata Business Plan would be updated to reflect this change in the scheduling of the Teignbridge Digital Platform.

Strata Joint Scrutiny Committee considered the report at its meeting on 15 June 2017 and its comments were reported.

**RESOLVED** that the order of implementation and proposed changes to the timescales of the Teignbridge District Council Digital Platform be noted.

32

### **VIRGIN MEDIA BUSINESS**

The Strata IT Director updated Members on the position with the Virgin Media Business. He reported that significant problems had been encountered with the performance of the supplier, the implementation of a major system taking over 250 working days rather than the originally proposed lead time of 25 working days. This had meant that it had been necessary to tightly manage the project with ongoing discussions at a senior level with the company.

Members welcomed the update.

Strata Joint Scrutiny Committee considered the report at its meeting on 15 June 2017 and its comments were reported.

**RESOLVED** that the update on the discussion be noted.

33

### **STREET NAMING AND NUMBERING POLICY**

The Strata Manager Programme and Resources submitted a report on the proposal of a common Street Name & Numbering (SNN) policy for adoption by the three councils. The proposal was that East Devon District Council and Teignbridge District Council retain, and Exeter City Council adopt, the Town Improvement

Clauses Act 1847 as a single and consistent basis for providing the Street Naming and Numbering function administered on behalf of the Councils by Strata.

Strata Joint Scrutiny Committee considered the report at its meeting on 15 June 2017 and its comments were reported.

**RESOLVED** that the report be noted; and

**RECOMMENDED** that Exeter City Council approves the adoption of the common Street Name & Numbering (SNN) policy and the revised charge of £147 with effect from 1 April 2017.

(The meeting commenced at 5.30 pm and closed at 7.10 pm)

Chair



Solutions for  
government

# Strata

Additional Staff Requirement

Version 1.1

Date Issued: 3<sup>rd</sup> July 2017

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Working together for East Devon, Exeter and Teignbridge

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## Document Information

<b>Applies To</b>	East Devon District Council, Exeter City Council, Teignbridge District Council, Strata Service Solutions Ltd
<b>Date of Approval</b>	

## Document Control

<b>Title</b>	Strata Additional Staffing Requirements
<b>Originator / Author</b>	Laurence Whitlock
<b>Business Area</b>	Strata Business Systems and Strata Programmes and Resources

## Document History

<b>Version</b>	<b>Date</b>	<b>Changes Made</b>	<b>Document status</b>
1.0	3rd July 2017		Obsolete
1.1	3rd July 2017	Small change to Introduction paragraph	Live

## Document Ownership

The Strata Additional Staffing Requirements document is owned by the Strata IT Director and he is responsible for ensuring that the document is reviewed and authorised by the three authorities prior to the recruitment of staff into the identified roles.

## **Introduction**

Since joining Strata on 10<sup>th</sup> April, Laurence Whitlock the new IT Director has undertaken a review of each of the Strata business areas to understand whether Strata are delivering on the support, project and Business as Usual (BAU) and Business Change Request (BCR) requirements of EDDC, ECC and TDC.

The purpose of this document is to outline the findings of the review and to put forward additional staff requirements in order to address some of the gaps that have been identified.

## **Findings**

Following an initial four week review with Strata employees (including leavers), the Strata Management team and representatives from each authority, it became clear that there was one area of Strata capability was showing signs of struggling to keep up with the daily demands being put upon it. These high demands led to staff resignations (15% of the team during an eight week period) and delays in delivering projects and Business Change Requests (BCR's), there has also been delays in members of the Business Systems team being available to support the work of the Strata Service Desk when required, this has led to both internal and external frustration.

During informal exit interviews with members of the Business Systems team, a common theme identified was that Business Analysts were being expected to wear multiple 'hats' rather than being able to perform what would commonly be considered the key activities of the role. In particular, leavers have stated that Project Management and managing Third Party suppliers was having a major impact on their ability to perform their role effectively. These pressures led to staff seeking alternative employment. Remaining staff in the Business Systems team have also outlined some concerns regarding workload and the ever changing demands of the business and how challenging it can be to deliver effectively and efficiently on all aspects of the role.

The diverse job description also makes it difficult to recruit staff into the Business Systems team. At a time when there is a skills shortage in the industry, recruiting to positions is challenging. Asking new staff to take on multiple roles is a deterrent to applicants and this has been borne out by the limited number of applicants we have received to each advertised position. When conducting interviews, the one thing always mentioned by the candidates is the project management responsibilities, as it appears that nobody wants to take on a role which has both a technical and a project management component.

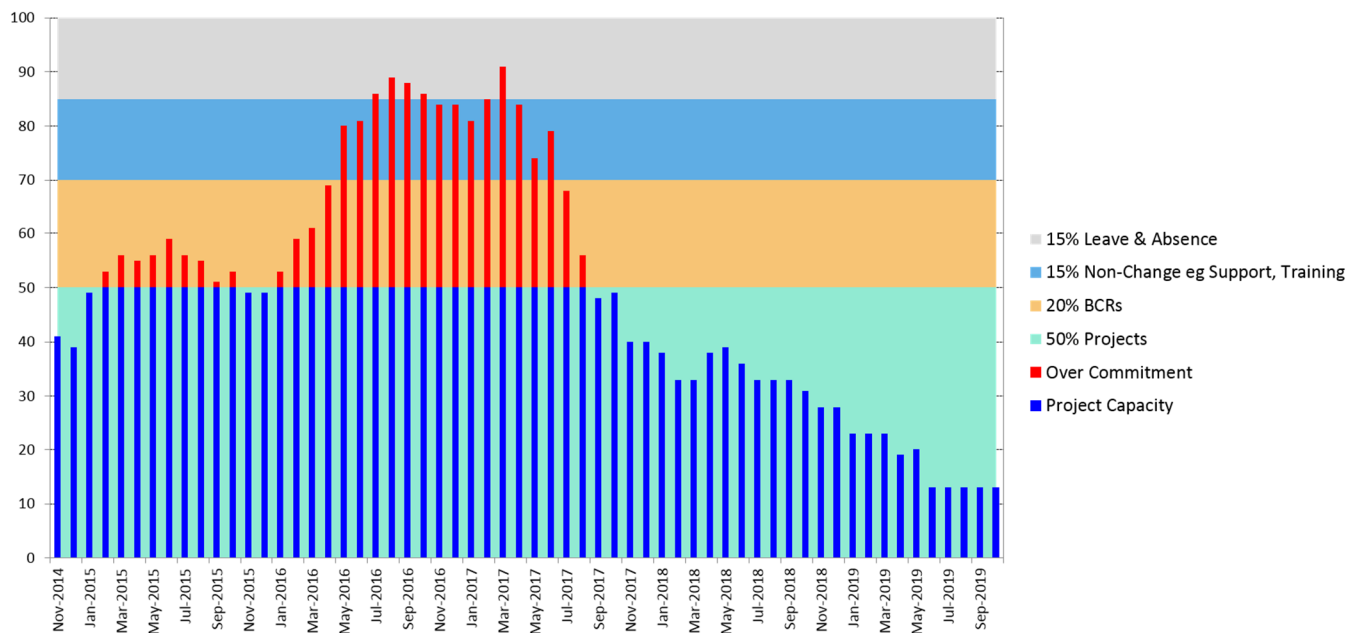
It should also be stated that discussions with representatives from each authority has also highlighted delays in the delivery of BCR's and projects and also an occasional failure in the Project Management capability.

## **Business Systems Team Workload Analysis**

A detailed study has been undertaken to show the demands being put onto the Business Systems team by project work. This study has shown that with such a high level of project work, little time has been available for at least a 14 month period to address both Business Change Requests and Training / Support

this has meant that the level of BCR's has increased to a high level and there has been little time to undertake training or to support the Strata Service Desk. It should also be noted that with a high level of project demand, holiday entitlement has not necessarily been taken and we are exposed to staff having to either take a high number of days at the end of the year or requesting to take days over into 2018.

The graph below shows a graphical representation of the workload analysis



We overlaid a desirable % of time to perform Projects (50%), BCR's (20%), non-Change and training (15%) and Leave / Absence (15%) onto the project workload analysis graphs and this has shown that the level of project work has exceeded the desired 50% level since Jan 2016, this corresponds with the period of time staff in the Business Systems team have been reporting high levels of work related stress.

There are potentially a number of factors which have caused this:

- Higher level of project work that originally expected when Strata was formed
- The Global Desktop deployment project lasted two years and not the expected 12 months.
- Higher level of BCR's being raised
- Business analysts taking too much time on business critical projects
- Strata accepting more project work into the business that the Strata business was capable of dealing with – i.e. not saying 'no'.

Since it is important that Strata staff are able to take holiday, that BCR's are actioned and the BCR backlog is cleared in a reasonable time frame, training is undertaken and non-change work is able to be supported, it is suggested that the following course of action is implemented:

- Strata review all projects requests and agree timescales with the relevant authority at project outset
- The non-core Business Analyst activities are passed to other Strata staff / teams

- All current BCR's are reviewed to understand how much time / resource is required to clear the backlog
- More diligence is required on new BCRs and new projects coming into Strata to ensure resource is available, business impact is understood and timescales set are realistic.

In order to address the backlog, to handle new projects and BCR's, it is felt that the current Business Analyst team needs to focus on core key activities and handover the responsibility for Project Management and Supplier Management to dedicated personnel.

The Project Managers will alleviate the project management aspects of the workload currently being experienced by the Business Analysts and the Supplier Manager will take on responsibility for the day to day interaction with suppliers, this will include contract negotiation, renewal management, and supplier performance management. The aim is to negotiate better deals with suppliers, to manage the procurement process and to negotiate renewals rather than letting contracts simply auto renew for further 12 month periods.

## **Recommendations**

Hence, the recommendation to enable Business Analysts to focus on core activities and clearing the backlog is for two new Project Managers and one Supplier Manager to be recruited for a two year term in the Strata business.

## **Project Managers**

The new Project Managers will report into the Programme and Resources Manager and will be responsible for the delivery of all projects where it is identified that a Strata Project Manager is required. They will be responsible for the end to end management of the project, for keeping the client updated, for ensuring projects follow guidelines and ensuring that Strata teams are supporting the project and attending all relevant meetings. The Strata Project Manager will act as the Strata liaison with the end user client and will provide project feedback on a monthly basis to the Manager of the Programmes and Resources team. This feedback will be included with the Strata monthly performance and indicators report.

It is expected that in addition to project work, the new Project Managers will work in conjunction with the Business Analysts to undertake a programme of work to significantly reduce the numbers of Business Change Requests and Problems that exist at the present time.

## **Keys Aims of the Project Manager Role**

- To remove the overhead of Business Analysts managing projects
- To put a defined structure into the management of projects
- To work with the authorities to ensure projects are delivered on time and to budget

- To provide regular project updates to the authorities and to the Strata Programme and Resource Manager
- To manage the reduction of current BCR's, by working closely with the Business Analysts team

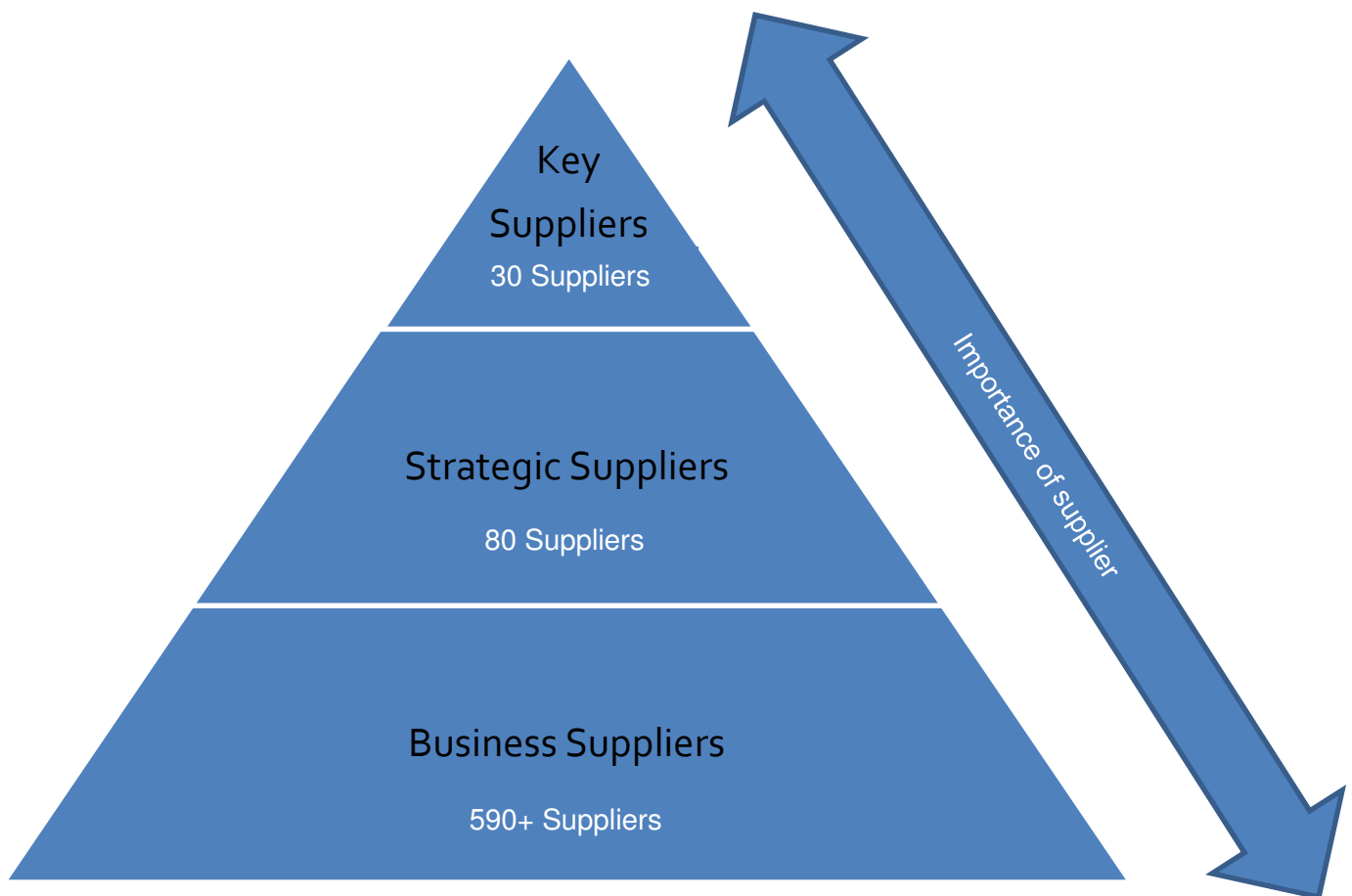
### Supplier Manager

The new Supplier Manager would report into the Programme and Resource Manager and own the relationship with all third party suppliers, which is currently numbering around 700. The aim is to better manage the interaction with third parties, to categorise suppliers into three categories, identifying which are of key importance to the operation of the three authorities, which are strategic and which we have a business relationship with.

Understanding where suppliers fit will enable us to manage them pro-actively, engaging at the right time and giving them a route into Strata and the three authorities Strata service. It has been mentioned that since Strata was set up, the authorities have lost contact with important suppliers and have little exposure to new products and services or enhancements to existing services.

It is envisaged that the Supplier Manager would use / manage the Contracts Database (part of the CMBD) to drive better value out of the 3<sup>rd</sup> party supplier relationships.

The triangle below shows how it is envisaged that 3<sup>rd</sup> party suppliers would be managed:



Key suppliers would be reviewed on a quarterly or six monthly basis

Strategic suppliers would be reviewed on a six monthly or annual basis

Business Suppliers would be reviewed at least once during a contract period.

### Keys Aims of the Supplier Manager Role

- To put into place a structure for 3<sup>rd</sup> party supplier performance management
- To act as a conduit for new suppliers to engage with the three authorities
- To drive down contract price at the time of contract renewal
- To assist with the procurement process for new products or services
- To identify gaps in the portfolio of suppliers that Strata have
- To pro-actively work with authorities and suppliers to improve level of communications
- To work with Strata Management team, the Business Systems team and Infrastructure teams to potentially reduce / consolidate the high number of suppliers which Strata have contracts with.

### Benefits Envisaged

There will be multiple benefits to the three authorities through the introduction of the recommended additional staff. These benefits will include:

- Better interaction with third party suppliers to understand product and service roadmaps and service enhancements
- Cost reduction through better management of contract negotiation at the time of contract renewal
- Management of suppliers in relation to performance which will include fault resolution
- Visibility of new products and services which might be of benefit to the work of the authorities
- Reduction in the number of 3<sup>rd</sup> party suppliers
- Clearer project management strategy and process when engaging with Strata
- Reduction in the level of BCR's as Business Analysts will have time freed up to focus on processing BCR's in a much quicker time frame
- Clearing of the backlog of BCR's as new Project Managers and Business Analysts will be tasked to reduce the high levels of BCR's currently stuck in the Strata process due to lack of Business analyst bandwidth

### Costings

It is envisaged that the posts will cost the following per annum:

Post	Annual Cost	Term	Term Cost
Project Manager 1	£35000	2 Years	£70,000
Project Manager 2	£35000	2 Years	£70,000
Supplier Manager	£35000	2 Years	£70,000
		<b>Total</b>	<b>£210,000</b>

A two year term for the two Project Managers will enable Strata to get on top of current BCR's and Project work and will work to free up Business Analysts from the Project Management overhead. It is believed that this will make the Business Analysts more productive and better able to manage workload.

A two year term for the Supplier Manager will enable Strata to better engage 3<sup>rd</sup> parties, to drive down costs and to deliver cost savings by negotiating better at the time of renewal or during the procurement process. It is expected that the Supplier Manager role could eventually be cost neutral with the savings that could be derived from the management of 3<sup>rd</sup> party suppliers

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

**Scrutiny Committee on 22 June 2017**

**Minute 7 Scrutiny Forward Plan**

**RECOMMENDED** by the Scrutiny Committee that the Chief Executive's pending report to Cabinet on his two priority areas after the Parliamentary Election includes explanation of the postal vote issue of 25 May 2017 that did not have an official security mark visible on the front of the ballot paper.



## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a meeting of the Scrutiny Committee held at Knowle, Sidmouth on 22 June 2017**

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

The meeting started at 6.02pm and ended at 8.49pm. Cllr Maddy Chapman acted as Vice Chairman for the meeting, in the absence of Cllr Alan Dent.

#### **\*1 Public speaking**

Mr Paul Arnott requested that the committee consider their capacity to consider the role of the Returning Officer in the process of all elections. He listed a number of issues in the election process and made reference to the issue of postal votes at the most recent Parliamentary election without an official mark. He made reference to media reports and a report by the Electoral Commission which he felt warranted the committee to examine the process. The Chairman agreed to consider this request under item 10 of the Scrutiny Forward Plan.

Other public speakers present requested to speak before item 8 on the agenda relating to the NEW Devon CCG decision on inpatient beds.

#### **\*2 Minutes**

The minutes of the Scrutiny Committee held on the 9 May 2017 were confirmed and signed as a true record.

#### **\*3 Declarations of interest**

Councillor Cherry Nicholas declared a personal interest for minute 5: her son works for the NEW Devon CCG.

#### **\*4 Matters of urgency**

The Acting Vice Chairman commented on the valuable training presentation that had been provided the previous evening, on modern day slavery. She raised a concern that no council officers were present at that meeting, and would discuss further under item 10 Scrutiny Forward Plan what further work needed to be undertaken.

#### **\*5 NEW Devon CCG decision on inpatient beds consolidation**

The Chairman welcomed Dr Simon Kerr, who currently chairs the Eastern Locality of the NEW Devon CCG; and John Finn, Deputy Chief Operating Officer for Planned Care and Programmes, who was attending on behalf of Rob Sainsbury.

Mr Finn briefly outlined the CCG view, following their attendance at the Health and Adult Care Scrutiny Committee of Devon County Council (HACSC), that the CCG had presented the necessary evidence in the consultation documents; and that agreement had been made at that meeting on 19 June 2017 that the CCG would work with the HACSC with a further meeting scheduled for the end of July. He reiterated the financial challenges facing the NHS and acknowledged that they had to make unpopular choices, but it was no longer possible to ring fence elements of the service; however no bed closures would be made until the new method of care was in place.

Dr Kerr briefly outlined the work currently being undertaken through reference meetings that were drawing up the implementation process, and the work of the implementation assurance panel in assessing the impact the changes would have, along with a check on the gateway questions as set out in the business case.

Martin Shaw, Devon County Councillor for Seaton, spoke about the evidence provided for the decision made. He felt that this was inadequate, in particular in relation to the ageing population, and he circulated some data for the committee to illustrate this. There was also no clear link to estates management. Evidence from constituents indicated that implementation was already underway as hospital beds were being run down. The late change from closures at Sidmouth to Seaton also needed to be questioned, as this impacted on a wide area of the District, including Axminster who had been given assurance that their hospital bed closures would be managed by the retained beds at Seaton.

Gillian Prichett, a resident of Honiton, expressed her view that the care at home method does not work. She outlined the detail of her mother's case, and explained the impact of the use of carers and the shortage of such carers. She felt there needed to be a more robust model. She also stated that she felt implementation had already begun and was dissatisfied with how the HACSC had dealt with the issue on the 19 June.

Stephen Craddock a member of the Hospital Services Honiton Steering group, stated he felt disillusioned with the political process after witnessing the HACSC meeting on 19 June. He also commented that he felt there was inadequate evidence for the decision, and felt the impact for future years was severe. He commented on the lost battle to retain Honiton hospital beds, but asked if the CCG could consider the provision of other services in the space at Honiton that the removal of those beds had created, therefore relieving some of the pressure on RD & E.

Paul Arnott, speaking as a resident of Colyton, questioned whether the financial savings that the CCG had quoted could be made with the move to a new model of care. He recounted his own experiences in medical care and told the committee that avoiding muscle wastage required occupational and physical therapy, not care at home. He stated that local doctors vehemently opposed the decision.

The Chairman requested to hear from local ward members before opening debate for the committee. They raised the following points:

- Consultation should be undertaken at a formative stage, and as wide ranging as possible;
- Advice and guidance from a number of professional sources, including local GPs, was being ignored by the CCG;
- Evidence suggested that referrals were deliberately cut to show low occupancy of targeted hospitals for bed closure;
- No clear evidence of clinical results of the proposed new model of care;
- The proposed changes were disrespectful to the elderly; money spent on nursing agencies would be better invested into convalescent homes;
- The CCG should look to the local community to help develop solutions for future care;
- Patients actively sought community hospitals in preference to being at Exeter, particularly because of transport issues;
- The proposals presented a short term strategy and would fail in the medium to long term.

The Chairman of the Council spoke with regard to the decision to close beds at Seaton, with an Axminster perspective. He, among others, had considered carefully the data presented and believed the decision is still not supported by a balanced examination of the inequality decision criteria, contained in JSNA profiles, that the CCG confirmed had been used.

The main weakness in the data was that some areas of population were not included in the comparison despite being close by and which were placed in Seaton Town in the Devon JSNA Community Profile 2016. Axminster was also not included. This is surprising given that on more than one occasion the CCG and NDHT declared during the consultation on the closure of the Axminster Hospital beds that Axminster had not lost these beds; they had instead been relocated to Seaton.

The Axe Valley Hub Steering Committee, of which the Chairman of the Council is a member, has been asked to lend its weight to a Judicial Review against the decision to close Seaton beds. However, in spite of the concerns about the veracity of the data used to form the decision, the Steering Committee have decided not to do so, as they believe that scarce NHS resources should not have to be used to defend this decision. Instead, the Steering Committee want to see all available resources being committed to the Axe Valley to support the introduction of the New Model of Care.

During a workshop attended by members of the Steering Group at Seaton Hospital, a number of areas of concern were identified – not least end of life care in the Axe Valley. This is particularly relevant given the ageing population of this part of Devon. An ageing population affects the whole of the County but the 2016 ONS figures for the 29 Devon Market and Coastal Towns describe Seaton as having the biggest proportion of people aged 65 and over at 40% and Axminster equal third with 31%, contrasting with a Devon town average of only 25%. In addition to the concentration of ageing people in the Axe Valley it has been acknowledged that Axminster, given its geographical location, requires additional attention as part of implementation planning for the changes.

The Steering Group believe that the Hub (more recently referred to a Health and Wellbeing Centre) is vital to the delivery of the new model of care for the community and planning has been under way for the past 18 months to make this a reality. Despite NDHT declaration of support for the Hub initiative, there has been no real progress to date. However, with the contract having passed to RD&E they are now more confident in the successful development of the Hub which could provide a dedicated comprehensive assessment facility, based in Axminster, to inform the single point of access and rapid response concept. The retention of inpatient beds in Seaton is central to this concept. The Group had a meeting recently with Angela Pedder and Neil Parish, who in particular has shown great interest in and is lending his support to the establishment of the Hub.

The committee then questioned the CCG representatives, including:

- How many additional staff would be required to deliver the new model of care? In response, Mr Finn explained that the RD&E, as provider, will present to the CCG what level of staff would be required but this figure was not known at present and he could not give the Chairman any indication of the scale of staff, other than that it would be more than the current level;
- In response to a supplementary question on this, in how costs could be accurately calculated for the new model of care if staffing levels were not known, Mr Finn responded that the model in use at North Devon provided evidence of the cost;
- Staffing was already an issue for health services with national shortages. The Chairman asked the CCG if it was confident that the necessary number of staff for the care at home package could be recruited, particularly in view of Brexit. He quoted a report that showed that the number of European Union nurses coming to work in the UK had fallen by 96% post Brexit (1,304 in July 2016; 46 in April 2017); Dr Kerr commented that the work of their reference group and implementation

assurance panel would check to ensure that enough staff were in place before implementation;

- Evidence of four cases of discharge of patients with no package of care in place was presented to the CCG representatives; Mr Finn advised he would need details of those individuals to look into why that had occurred;
- Examples of the benefits of implementing the new model were requested; in response Dr Kerr outlined the community connect telephone service that was already in operation whereby a GP or community nurse could expect a response in two hours. He explained that additional community nurses and therapists were already in place;
- In response to concerns raised about time permitted to carers per patient, from personal experience, Dr Kerr reiterated that the current system needed to change as it would only get worse and increase the risk to patients; the new model would free up resource to provide the new model of care;
- The Chairman questioned the figure quoted of 64% of community beds where patients could be looked after at home, when another published figure was 47%. In response, Dr Kerr explained that the 47% was a figure calculated by the Northern Devon Healthcare Trust; the RD&E on as the current provider had calculated 64% on their audit;
- The Chairman and others asked questions relating to the use of carers, including the percentage of patients who would be able to be cared for in the community. Members felt that the care at home model and the use of carers were inextricably linked, and that models used elsewhere would not reflect the rural issues faced by carers of travel times and costs. Despite these questions being pursued, the CCG representatives would not respond on those questions as they deemed these related to the provision of social care provided by Devon County Council (DCC) and therefore should be responded to by them, not the CCG. They did confirm that they work closely with their partners at DCC and were confident that the county had stringent checks in place for carer services provided, including those from private contractors;
- Evidence of implementation already underway had been provided by a number of constituents to their ward members, and therefore considerable indignation at the response that the representatives were not aware of deliberate actions to prevent bed usage at the hospitals set for bed closures;
- In response to a question about what happens to those hospitals once the beds are removed, Mr Finn responded that there was no list of hospital closures – if a property became surplus, it had to be signed off by the CCG as being so. In pushing this point, the Chairman sought to establish, at the point that the CCG made this determination who they informed. Mr Finn could not respond but did state that he would check and report back.

At the end of the debate, Dr Kerr reiterated that current care levels would only get worse if no action was taken, and that no beds would be closed until implementation was confirmed as safe and in place to deploy.

**RESOLVED** that:

1. The Committee reiterates its strongly held view that the existing level of community hospital beds in East Devon should be retained, and that there should be no further closure of community hospitals in East Devon;

2. The Committee expresses its great concern at the proposed drastically reduced level of hospital beds in East Devon, particularly in view of general population growth projections, and projected increases in the population of elderly people - already some of the highest levels in the country;
3. The Committee is greatly concerned that the NEW Devon CCG decision, if implemented, would result in no community hospital beds east of Sidmouth, which would leave residents in a huge swathe of rural East Devon remote from the nearest hospital facility and with poor public transport connections to the nearest hospital;
4. The Committee is greatly concerned that evidence of satisfactory replacement care services, and detailed financial costings, has not been provided by NEW Devon CCG, despite being requested to provide such information by the Devon County Council Health and Wellbeing Scrutiny Committee on 7 March 2017, and by East Devon District Council Scrutiny Committee on 24 November 2016;
5. the Committee is greatly concerned that NEW Devon CCG appears determined to press ahead with closure of beds and hospitals in east Devon, despite lack of evidence to justify closure and establishment of care at home services;
6. the Committee is still of the view that the comparison to Northern and Western Devon areas is unfair as the demographics are not the same in Eastern Devon;
7. the Committee agrees to write to the Devon County Council Health and Adult Care Scrutiny Committee, urging it to refer the NEW Devon CCG decision to the Secretary of State for Health, because of a lack of assurances or evidence of the practicality of the proposals;
8. the Committee agrees to write to the Devon County Council Health and Adult Care Scrutiny Committee, urging it to refer the NEW Devon CCG decision to the Secretary of State for Health, as a matter of urgency, as it is concerned that lack of early submission will result in NEW Devon CCG going ahead with its unpopular, unjustified and damaging proposals;
9. the Committee includes in that letter a reiteration of seeking from the CCG that other health services such as the Minor Injuries Unit and maternity unit in Honiton remain 'ring-fence' protected for a period of time to be determined, before review in 3 years.

The Chairman thanked Mr Finn and Dr Kerr for attending and answering questions; he also thanked the Committee for their robust debate.

**\*6 Quarterly monitoring of performance fourth quarter 2016/17**

The Committee considered the published report. Some council actions and performance indicators were highlighted by the Democratic Services Officer to the committee, including:

- To note the success of the first phase of the roll out of the new recycling and waste collection contract, with Exmouth recycling rate improving from 44% up to 60%; the committee would receive an update in September on the implementation of the full roll out;
- Beach Safety officer post showing as vacant would be filled from 3 July;

- Percentage of council tax collected has improved and exceeds target for the final quarter, following a slip below in target the previous quarter; the percentage of non-domestic rates collected has also improved to exceed target.
- Planning appeal decisions allowed against the authority's decision to refuse shows concern for last quarter. Work is already underway to assess what can be learnt from those and a report will go forward to the Strategic Planning Committee on this issue on 11 July, confirmed by the Chairman of Development Management who was present at the meeting. He outlined his views on why these anomalies had occurred, and assured the committee that appeal outcomes were reported back to the Development Management Committee to keep them up to date;
- Random vehicle checks have previously been flagged up as a perennial problem over the years and previously discussed at Scrutiny on a few occasions – this approach has now been revised to target specific vehicles of concern and the service is now fully staffed, leading to a dramatic improvement in performance;
- Percentage of other planning applications determined within 8 weeks – showing improvement and some notes there on improvements to the service being trialled – The Service Lead for Planning Strategy and Development Management is due to come to the committee with the improvements report;
- Red indicator for days taken to process housing/council tax benefit new claims and change events – month of March has seen high volume of calls to service, following sending out of bills and housing benefit letters, which then impacts on the team capacity to process claims. Steps are taken every year to prepare for this busy time and the Council continues to be one of the top performers in dealing with claims in the country, but this has been flagged up for Cabinet to monitor and the staffing level at predicted busy times is under review;
- To note that the Thelma Hulbert Gallery has exceeded its target of 10,000 people to see the exhibitions – they have reached 11,684.

In addition, the Committee discussed concerns in light of the recent Grenfell fire; the Portfolio Holder for Sustainable Homes and Communities outlined work undertaken by the environmental health teams on council housing and the robust checks undertaken in tendering for work to such properties. Housing Review Board had received a report on this issue at their meeting on the 15 June 2017 and a review of such materials in social housing was in immediate effect.

## **7 Scrutiny Forward Plan**

In response to the request by Mr Paul Arnott, the Solicitor present advised the committee that current legal assessment is that the remit of the Scrutiny Committee does not extend to Parliamentary elections, which is the remit of the Electoral Commission. With District and Town/Parish elections being funded locally, there is scope for the committee to look at how local elections are run, but this needs to be a decision by the committee to decide:

1. if they want to scope that topic as being in the public interest to do so, and
2. what reasons there are for reviewing how they are conducted.

The Chief Executive has already indicated that there are two priority areas he is addressing following the Parliamentary Elections – firstly to ensure that the elections team get back to a full staffing level; and secondly to review the delineation of the polling places and provide clear guidance on where campaigning can and cannot take place on the day of poll. He will report to Cabinet on this in due course, so there is an opportunity for the Scrutiny Committee to look at any decision made by Cabinet on that review.

In discussions the Committee made reference to some examples of the process that they had experienced and felt that it was right to put the subject to scope for the local elections, particularly because there had been complaints about the postal vote issue on two elections. The Democratic Services Officer asked for committee members to provide her with evidence to support the examples given, which would be considered in the scoping process.

Members also felt that a follow up report on modern day slavery, in terms of how officers of the council may discover such slavery, and how they should report it, should go to their next meeting in July.

Broadband and mobile phone coverage would be added and remain as a standing item, scheduled in as and when progress had occurred to report.

The Chairman reminded members that the next meeting in July would cover the East Devon Citizens Advice work.

Other topics suggested at the previous meeting were still to be scoped and a report will be made back to the committee on what topics could proceed.

**RECOMMENDED** to Cabinet that the Chief Executive's pending report to Cabinet on his two priority areas after the Parliamentary Election includes explanation of the postal vote issue of 25 May 2017 that did not have an official security mark visible on the front of the ballot paper.

**RESOLVED** to scope a review of the election process for local elections; add a follow up report on Modern Day Slavery to the July meeting; and retain Broadband and mobile phone coverage as a standing item on the Scrutiny Forward Plan.

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

**Scrutiny Members present:**

Roger Giles  
Dean Barrow  
Maddy Chapman  
Bruce de Saram  
Simon Grundy  
Cherry Nicholas  
Val Ranger  
Marianne Rixson  
Eleanor Rylance

**Other Members**

Megan Armstrong  
David Barratt  
John Dyson  
Peter Faithfull  
Geoff Jung  
Brian Bailey  
Mike Howe  
Iain Chubb  
Andrew Moulding  
Paul Carter  
Mark Evans-Martin

Dawn Manley  
Helen Parr  
Mike Allen  
Ben Ingham  
Susie Bond

**Officers present:**

Giles Salter, Solicitor  
Debbie Meakin, Democratic Services Officer

**Apologies:**

Alan Dent  
Bill Nash  
Cathy Gardner  
John O'Leary  
Tom Wright  
Stuart Hughes  
Phil Twiss

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



Mr Mark Williams  
Chief Executive  
East Devon District Council  
Knowle  
Sidmouth  
Devon  
EX10 8HL

13 June 2016

Dear Mr Williams,

### **ELECTORAL REVIEW OF EAST DEVON: FINAL RECOMMENDATIONS**

The Commission publishes its final recommendations on the future electoral arrangements for East Devon District Council today. The report and interactive mapping of the final recommendations are available at the Commission's consultation portal:

<https://consultation.lgbce.org.uk/> and our main website: [www.lgbce.org.uk](http://www.lgbce.org.uk). We have also arranged for hard copies of the report and map to be sent to the Council.

We have informed the national headquarters of the main political parties, MPs and MEPs with constituency interests in the area, all parish and town councils, the police authority and all respondents to consultation.

The Commission has now completed its review of East Devon. The changes proposed must now be implemented by order subject to Parliamentary scrutiny. A draft Order – the legal document which brings into force the recommendations – will be laid in Parliament. The draft Order will provide for new electoral arrangements for East Devon District Council to be implemented at the local elections in 2019.

We would also like to invite you to participate in our online opinion survey. This survey seeks feedback on the review processes and procedures, in order to identify improvements that can be made. We would be grateful if you could spare some time to visit our website, at <http://www.lgbce.org.uk/about-us/lgbce-opinion-survey> to complete the survey.

Finally, Commissioners and staff wish to join me in thanking you and your colleagues for the co-operation and assistance that has been shown throughout the review. We are very grateful and wish you all the very best in the future.

Yours sincerely



**Jolyon Jackson CBE**  
**Chief Executive**  
[reviews@lgbce.org.uk](mailto:reviews@lgbce.org.uk)  
0330 500 1525

**Report to:** Cabinet  
**Date of Meeting:** 13 July 2017  
**Public Document:** Yes  
**Exemption:** None

**Review date for release:** None

**Agenda item:** 14

**Subject:** Monthly Performance Report May 2017

**Purpose of report:** Performance information for the 2017/18 financial year for May 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 2017/18 financial year for May 2017.

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

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

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

ext 2762

**Financial implications:** There are no direct financial implications

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

**Equalities impact:** Low Impact

**Risk:** Low Risk

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

**Links to background information:**

- [Appendix A – Monthly Performance Snapshot for May 2017](#)
- [Appendix B - The Performance Indicator Monitoring Report for the 2017/18 financial year up to May 2017](#)
- [Appendix C – System Thinking Reports for Housing, Revenues and Benefits and Streetscene for May 2017](#)

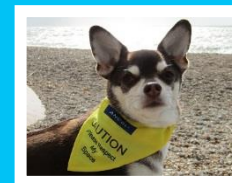
**Link to Council Plan:** Continuously improving to be an outstanding Council



## 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 three indicators that are showing excellent performance:
  - Percentage of Non-domestic Rates Collected
  - Days taken to process Housing Benefit/Council Tax Benefit new claims and change events
  - Working days lost due to sickness absence
3. There is one performance indicator showing as concern.
  - **Percentage of planning appeal decisions allowed against the authority's decision to refuse** - Two appeal decisions were received during May, one appeal was allowed and one was a split decision. Seven decisions have now been received which is only a small sample of the total number of appeals received over the year. The decisions are being monitored, although it is anticipated that as the number of appeal decisions increase, the performance figure will stabilise.
4. Monthly Performance Snapshot for May 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 Streetscene appear in [Appendix C](#).

# Monthly Performance Snapshot – May 2017



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

- **4 days** to process your Housing or Council Tax Benefit claims
- Less than **4** days on average to clear fly tipping cases, dealing with **68** cases in May
- We removed **159** tonnes of grime with our mechanical sweepers from our roads across the district
- We dealt with 186 reactive building maintenance cases at EDDC's public buildings during May 2017, this compares with 155 in the previous month, and 190 in May of 2016.

Latest headlines:

- In Exmouth we are now collecting an average of 90 tonnes of recycling per week. An increase of 15%, which now puts our recycling rate for Exmouth at almost 60%. Phase 2 of our improved Recycling and waste collection rollout starts on the 12th June for the rest of the District.
- Following the decision to remove council tax support for our self-employed customers, the Economic Development team worked closely with Revenues and Benefits to provide assistance in the form of bespoke business support, a valuable option for these customers. We have put in place a system whereby the Revenues and Benefits team are able to direct any enquiries from this group of customers to Business Information Point who can provide 1:1 bespoke business support.
- The Mamhead Slipway in Exmouth is now fully open and being enjoyed by its many water users. We are currently preparing for the formal opening event to be held in the coming month.
- The Brassed Off production has received rave reviews after a very successful run at the Manor Pavilion Theatre, Sidmouth. The Summer Season Launch night at the Manor Pavilion Theatre, was attended by the largest audience ever. Paul Taylor Mills presents the 5th season, which is 12 plays in 12 weeks. The next day tickets went on sale at the theatre and a staggering 14k was taken in just 4 hours trading, making it the most successful rep season in the UK.
- On the wider property projects side, a big highlight was the commencement of demolition works at Colyford Road in Seaton. See; <http://eastdevon.gov.uk/news/2017/05/new-employment-space-for-seaton-on-its-way/>
- Seaton Jurassic is continuing its success and has so far been shortlisted for no less than 8 awards in a wide-ranging variety of categories, including Regeneration, Best use of publicly-owned land, Leisure and Hospitality project of the year, Partnership Working and Best use of arts, sport or

culture in placemaking. We're all keeping our fingers crossed for further good news this month when the winners of the various awards will be announced.

- Countryside events engage over 700 people throughout May. On Monday 1 May the annual Bluebell day at Holyford Woods brought in over 400 people to explore the woods and take part in activities, the month continued to be successful with nearly all events reaching capacity including the first of the summers canoe safari's, a wild luncheon event and over 150 attendees to the Seaton Wetlands plant and cake sale! The team are looking forward to a busy summer of events and educational visits.
- Thelma Hulbert Gallery's current Blooming Marvellous exhibition was featured on both Radio Devon and BBC Spotlight and the gallery's Garden Party was attended by over 200 people who enjoyed the knitted garden exhibition, creating willow bird feeders, making pompoms, facepainting, bluegrass band and locally-sourced food.
- Donations to the Thelma Hulbert Gallery totalled £622 in May , + 171% on May last year, there were 1,027 Visitors + 9% on May last year
- The All Businesses Great and Small report, researched and compiled by our Economic development team, was presented at Overview Committee on 28 March. It was well received and stimulated a number of comments and discussion. Next steps include further Local Economy research; the submission of an Action Plan; a report to Cabinet to agree the direction and detail of the Council's Local Economic Development activity and an autumn 2017 report for 2018/19 budget planning. The report is on page 42 of the Overview Committee Agenda.
- The Exmouth Visitor Survey was completed by The South West Research Company during 2016 and the reports and findings are now available to view on our website. One of the most notable findings was that the average spend of visitors to Exmouth is £15.99 per person per day/ night, compared to an average of £33.97 in East Devon and £35.59 for Devon County as a whole. The findings overall highlight that whilst Exmouth is a popular coastal resort and the current visitor profile has a high level of satisfaction with their visit, there are however, a number of challenges as well as great opportunities for the Exmouth Visitor Economy.
- East Devon Business Centre has filled all but one of its 19 offices, the latest tenant being PC Southwest Ltd, trading as Numberite. Numberite was launched in 2010 by director Mark Bonito and is focused on supplying contract free, fully featured phone systems and virtual tracking numbers which include low cost calling for local, national and international calls. Mark has commented: "We are delighted to have moved to the East Devon Business Centre and look forward to building strong business relationships within East Devon. The short term rental of the offices the Business Centre offer was the initial attraction for me and its location and amenities are a good fit with our requirements."

**Report to:** Cabinet  
**Date of Meeting:** 12 July 2017  
**Public Document:** Yes  
**Exemption:** None

**Review date for release** None

**Agenda item:** 15

**Subject:** Corporate Counter Fraud and Compliance Strategy 2017-2020

**Purpose of report:** For Cabinet to approve the new strategy relating to our Corporate Counter Fraud and Compliance work

**Recommendation:** To approve the Corporate Counter Fraud and Compliance Strategy for 2017-2020.

By not adopting this strategy there will be no clear corporate direction of travel for this area of work. This would risk not reaching the aims of the Anti-Fraud, Theft and Corruption Policy and also Regulatory Enforcement and Prosecution Policy.

Adopting the strategy will give assurance to the Audit and Governance Committee and also give a robust approach to fraud and error within East Devon.

**Officer:** Libby Jarrett, Service Lead - Revenues and Benefits and Corporate Fraud and Compliance 01395 517450

**Financial implications:** There are no direct financial implications contained within the report. The strategy itself ensures that public money and resources are used for its intended purpose.

**Legal implications:** There are no direct legal implications arising from the report. However it is important to note that this Strategy helps underpin the Council's anti-fraud / anti-corruption measures and seeks to help ensure that public money is not used unlawfully.

**Equalities impact:** Medium Impact

**Risk:** Medium Risk

Not having a clear strategy may increase the risk of fraud and error within EDDC.

**Links to background information:**

- [TEICCAF Protecting the public purse report 2016](#)
- [University of Portsmouth Annual Fraud Indicator 2016](#)

- [Behavioural Insights Team in partnership with Cabinet Office](#)
- [Code of Corporate Governance](#)
- [Council House Crackdown](#)

**Link to Council Plan:**

Continuously improving to be an outstanding Council

**1.0 Background**

- 1.1 Each local authority is self-regulating in respect of how it deals with fraud and error.
- 1.2 Principle F of our Code of Corporate Governance states that we will ensure effective counter fraud and anti-corruption arrangements are in place.
- 1.3 We have a dedicated Corporate Fraud and Compliance Officer and to ensure that this resource is effective and targeted we need a strategy for how best to approach this area of work.
- 1.4 The Corporate Fraud and Compliance Officer has been focussing on a number of areas of fraud and error work, such as the National Fraud Initiative, Council Tax Single Person Discount, data matches and some Housing tenancy issues.
- 1.5 It has been estimated that nationally £7.3bn is lost to fraud across local government. (*University of Portsmouth Annual Fraud Indicator 2016*)
- 1.6 From research carried out by The European Institute for Combating Corruption and Fraud (TEICAFF) the top five areas of fraud and error within District Councils are:
- Housing Benefit – investigation of this has now been transferred to the Single Fraud Investigation Service (SFIS), part of the Department for Work and Pensions (DWP).
  - Tenancy
  - Right to Buy
  - Council Tax
  - Business Rates
- See Strategy, para 3.3 for values and other types of fraud and error.
- 1.7 There is no historical data to evidence whether the picture in East Devon mirrors the national picture. The Corporate Counter Fraud and Compliance strategy sets out the direction of travel and priorities for EDDC to identify fraud and error and capture data, so that benchmarking can take place.



## 2.0 Outcomes so far

2.1 The following work has been completed in relation to fraud and error and the outcomes are:

### 2.1.1 Council Tax and Council Tax Support

Following a successful countywide business case major preceptors funded:

- A risk based and targeted review of Council Tax Single Person Discounts, this is a 25% discount on the council tax bill, which is worth on average £400 per year.
- A risk based and targeted review of Council Tax Support (also known as Council Tax Reduction Scheme). This is a means tested discount for council taxpayers who are on a low income.

	Number of Discounts/ Reductions amended	Additional council tax raised	Additional council tax raised projected over 3 years	Penalties imposed for failure to notify <sup>①</sup>
Council Tax Single Person Discount	474	£182,295	£546,885	£11,200
Council Tax Support	829	£87,244	£261,732	
Total	1,303	£269,539	£808,617	£11,200
Additional council tax raised - retained by EDDC (8%) <sup>②</sup>	N/A	£21,563	£64,689	£11,200

Note:

<sup>①</sup>Penalties imposed is income retained in full by EDDC and does not form part of the collection fund.

<sup>②</sup>EDDC receives approximately 8% share of council tax.

### 2.1.2 Housing Benefit

Housing Benefit is a means-tested benefit for people on a low income. In 2016/17 the Department for Work and Pensions (DWP) introduced an optional Fraud and Error Reduction Incentive Scheme (FERIS), which included thresholds for funding for identifying fraud and error and incentive payments for exceeding these thresholds. We identified £200,387 in overpaid Housing Benefit. In addition to identifying fraud and

error we received over £15,000 in incentive payments from DWP along with funding to administer this work.

#### 2.1.3. National Fraud Initiative (NFI)

Data from various systems including Electoral Register, Council Tax and Housing is sent securely bi-annually to NFI (part of the Cabinet Office) for them to data match this data with other data sets. This allows us to identify irregularities in Council Tax Single Person Discounts, Housing Register applications, Housing Benefit claims and Payroll.

Completion of the NFI during 2015/16 resulted in:

- 58 Council Tax Single Person Discounts being removed with an annual income increase of £37,602 per year; over 3 years this equates to £112,806.
- 24 Council Tax penalties being applied totalling £1,680
- 62 cases of Housing Benefit fraud and error have been identified with a value of £28,861.
- 48 Housing Benefit referrals were passed to the SFIS.
- 55 Applications were withdrawn from the Devon Home Choice register.

Work is currently ongoing with the 2016/17 NFI data.

2.2 These are additional targeted activities over and above what is carried out within the service areas and in the majority of cases we are using additional data intelligence to identify fraud and error.

### 3.0 Next steps

3.1 Our work plan sets out the focus of work over the next year.

3.2 We are in the minority of Authorities nationally with a dedicated and qualified 'corporate fraud officer' and within our strategy we want to explore commercial opportunities with other Councils & Housing providers to possibly carry out fraud and compliance activities for them.

### 4. What is our strategy?

4.1 Our strategy is to Promote, Prevent, Respond to fraud and error corporately.

4.2 We acknowledge in our strategy that the majority of work undertaken will be around compliance and to focus on areas that will maximise income by reducing fraud and error. We are unlikely to be conducting many formal fraud investigations; however this option is still available dependent on each case.

4.3 We recognise that we need to measure outcomes and that we need to direct resources to key areas that are at risk to fraud and error and that also supports the work of SWAP (South West Audit Partnership).

4.4 The strategy includes the work programme which sets out the priorities for the first year of the strategy. Future years will depend on the outcome of this and it will be an iterative process to refine and deliver a bespoke fraud and error service.

## 5.0 Conclusion

5.1 The aim of the strategy and work programme is to give clear direction of our approach to tackling corporate fraud and error and to explore opportunities to offer services outside EDDC.

DRAFT

## East Devon District Council

### Corporate Counter Fraud and Compliance Strategy

Issue details	
<b>Title:</b>	<b>Corporate Counter Fraud and Compliance Strategy 2017 - 2020</b>
<b>Version number</b>	<b>Version 1.0</b>
<b>Officer responsible:</b>	<b>Libby Jarrett, Service Lead Revenues, Benefits, Corporate Fraud &amp; Compliance</b>
<b>Authorisation by:</b>	<b>Cabinet</b>
<b>Authorisation date:</b>	<b>13 July 2017</b>

#### 1. Previous Policies/Strategies

- 1.1. This strategy sets out our corporate approach to tackling and reducing fraud and error in EDDC, by using counter fraud and compliance techniques and also how we will develop this service and explore commercial opportunities to supply these services to other local authorities and housing providers.
- 1.2. This strategy sets out how we will promote the profile of fraud and error being present in EDDC, how to prevent fraud and error from entering our systems and, in the event of fraud and error being identified, how we will respond to this.

#### 2. Why has the Council introduced this strategy?

- 2.1 Each local authority is self-regulating in respect of how it deals with fraud and error. EDDC has a zero tolerance approach to fraud and corruption as defined in the Anti-Fraud, Theft and Corruption Policy and also Regulatory Enforcement and Prosecution Policy. This strategy sets out our approach to how we will achieve this.
- 2.2 In introducing this strategy we will maximise EDDC's income. Although this strategy focuses on fraud and error the majority of our resources will focus on using compliance techniques corporately to reduce fraud and error and use the outcomes from this to inform and revise our approach.

#### 3 The National Picture

- 3.1 In 2014/15 English Councils detected £207 million worth of fraud. The annual cost of fraud in the local government (excluding benefit fraud) is estimated at £7.3bn (*University of Portsmouth Annual Fraud Indicator 2016*).

- 3.2 The estimated annual loss to fraud across the two tiers of local government is £7.3bn (based on 2013/14 outturn figures) and comprises the following elements:

Fraud type	Coverage	Income/expenditure (£million)	Fraud (£million)	Fraud %
Blue badge scheme misuse	England	1,547	48	3.10%
Housing tenancy fraud	England	na	1,755	na
Procurement fraud	UK	86,354	4,131	4.78%
Payroll fraud	UK	65,171	1,108	1.70%
Grant fraud	UK	5,063	193	3.91%
Pension fraud	UK	2,023	79	3.91%

Annual Fraud Indicator 2016

In terms of the above fraud types Devon County Council delivers the blue badge scheme, so this service does not form part of our strategy.

- 3.3 The European Institute for Combating Corruption and Fraud (TEICCAF) have analysed the top ten corporate frauds investigated by councils in 2015/16.

Total Value of Fraud Types 2015/16 (The total values by fraud type\*\*)

Fraud Type	No. of Cases Investigated			Value of investigation		
	2014/15	2015/16	% Var	2014/15	2015/16	% Var
Housing Benefit	27,300	13,830	-49.34	£ 109,707,000.00	£ 52,500,000.00	-52.15
Tenancy	2,993	2,787	-6.89	£ 53,874,000.00	£ 50,200,000.00	-7.32
Right to Buy	411	2,253	448.26	£ 30,200,000.00	£ 46,400,000.00	34.91
Council Tax	48,000	79,283	65.17	£ 18,600,000.00	£ 31,400,000.00	68.82
Business Rates	171	233	36.45	£ 1,100,000.00	£ 2,700,000.00	145.45
Procurement	86	167	93.80	£ 2,300,000.00	£ 3,850,000.00	67.39
Insurance	473	787	66.31	£ 9,200,000.00	£ 7,500,000.00	-18.48
NRPF <sup>1</sup>	444	183	-58.71	£ 7,100,000.00	£ 5,700,000.00	-19.72
Other		2,407			£ 11,800,000.00	
Councillor/Employee		367			£ 330,000.00	

\*\* Variable figures used and RTB and Tenancy split in this table.

\*\* Fraud stats are calculated based on the 60% sample we achieved.

\*\* RTB is calculated on the figure provided by the LA, NOT the Notional Figure.

<sup>1</sup>NRPF is No Recourse to Public Funds. Section 115 of the Immigration and Asylum Act 1999 states that a person will have 'no recourse to public funds' if they are subject to immigration control; public funds include welfare benefits and public housing. If a person with no recourse to public funds becomes destitute they might turn to their local social services department for support, this is not a public fund.

Protecting the English Public Purse 2016 report

## 4 The local picture

- 4.1 There is no historical data available to evidence whether the local picture mirrors that nationally. As local authorities are self-regulating in respect of fraud and error there are no national indicators to benchmark against.
- 4.2 Implementing this strategy will provide insight into the local picture and inform our approach to fraud and error.

## 5 Our approach in East Devon

- 5.1 We will use SWAP (South West Audit Partnership), audit reports, emerging fraud risks and the Audit and Governance Committee to inform our approach to corporate fraud and compliance.
- 5.2 Our focus on fraud types are those within a District Council setting.
- 5.3 For the purposes of this strategy fraud is defined using the Civil standard definition as “an intentional act to deceive or damage another for personal gain or to cause loss” and compliance is defined as “ensuring that organisations are adhering to internal procedures and government legislation and putting things right when they are not”.
- 5.4 Fraud diverts valuable and limited resources away from those who need them most. It is therefore not a victimless crime.
- 5.5 The vast majority of people who access EDDC services are honest and law abiding. However, we have to acknowledge that there will be a number of people that will attempt to de-fraud EDDC.
- 5.6 One of the Council’s four priorities Council Plan for 2016-20 is to be continuously improving to be an outstanding council. This strategy supports this priority.

## 6 What is this Council’s strategy?

- 6.1 EDDC recognises that it needs to ensure that it has in place appropriate procedures for preventing and detecting fraud and taking robust action to deal with fraud and error in accordance with The Regulatory Enforcement and Prosecution Policy.

Our strategy is to: **Promote. Prevent. Respond**

- 6.2 **Promote.** Promoting EDDC’s counter fraud and compliance message and culture, both inside and outside of the organisation and sharing best practice within service areas.
  - 6.2.1 Members, employees, contractors and agents understand their responsibilities in preventing fraud and in reporting concerns where they believe fraud may have been committed or is being planned.

- 6.2.2 Managers will ensure that all staff receive Fraud Awareness training. The level and extent of this will depend on the job role of each individual.
- 6.2.3 Relevant awareness training will be provided to keep all appropriate officers up to date with legislative changes, emerging fraud risks and requirements will be communicated to officers. This training will include annual fraud awareness delivered to desktops, new starter training and more in-depth ad-hoc training.
- 6.2.4 Encourage individuals to promptly report suspicions of fraudulent or corrupt behaviour and provide them with the effective means for doing so. A communications plan including using behavioural insight techniques, will deliver key messages, including a publicity campaign to raise public awareness of the Corporate Fraud and Compliance Team and the dedicated email and 24 hour telephone line for reporting concerns.
- 6.2.5 We will publicise both internally and externally the successful outcomes.
- 6.2.6 We will raise the importance of reminding customers of their responsibilities to inform EDDC of changes to their circumstances which affect their entitlement to financial or other assistance they are receiving.
- 6.2.7 An example of promotion in action includes the Revenues and Benefits Team who use behavioural insight and other techniques in promoting the counter fraud and compliance message. This includes:
- An honesty statement at the start of all forms where the customer ticks to confirm that the information they give on the form is honest and accurate and also that the council may take action against them if the information is false or missing from the form.
  - Putting information on all Council Tax bills where the customer receives a discount, exemption or reduction that changes to this entitlement must be reported within 21 days and failure to do so could result in a penalty being applied.
  - Raising awareness of data sharing and the National Fraud Initiative on all Council Tax bills and documentation sent to our customers.
- 6.3 **Prevent.** Preventing fraud and error entering the system.
- 6.3.1 The Corporate Fraud and Compliance Team will work with service departments to “fraud proof” all new and existing policies and processes. The use of Council’s counter fraud resources will be directed to the key areas at risk from fraud and error and information from Fraud and Audit plans will be used as part of the programming process.
- 6.3.2 The Corporate Fraud and Compliance Team activities will include proactive risk-based work from their work plan in addition to reactive activity, to concentrate resources on specific areas of risk and work with individual service areas.
- 6.3.3 EDDC takes a strategic approach to tackling the risk of fraud and error and has targets to reduce fraud and monitors performance against these.

- 6.3.4 Data matching and data sharing will be utilized throughout EDDC to identify cases requiring further investigation. Where this is undertaken Privacy Impact Assessments (PIAs) will be completed and continuously reviewed throughout the data matching process. PIAs can reduce the risks of harm to individuals through the misuse of their personal information and also help to design more efficient and effective processes for handling personal data.
- 6.3.5 The Corporate Fraud and Compliance Team is committed to working in partnership with stakeholders to ensure that best practice in fraud and compliance work is shared.
- 6.3.6 An example of prevention in action is The Revenues and Benefits Team work in this area. This includes:
- Having a robust single person discount application and review process.
  - Raising awareness to our customers of the importance of reporting changes and the consequences of not doing this.
  - Using the Civil penalties imposed for Housing Benefit and Council Tax to change customer behaviours to ensure that changes are reported within the required timescales.
  - Having a robust corporate debt policy which includes dealing with debts and staff training.
  - Ensuring that applications for charitable rate relief are validated against the Charity Commission website.
  - Undertaking compliance activities for Council Tax Support and Housing Benefit applications.
  - Using behavioural insight in our customer contacts, to influence customer behaviour.

#### 6.4 **Respond.** Responding to allegations of fraud and error.

- 6.4.1 We recognise that in the majority of cases our approach to fraud and error will be compliance based. However, in the event of an investigation taking place it will be conducted in accordance with the Police and Criminal Evidence (PACE) guidelines and using due diligence principles of investigation.
- 6.4.2 Members, employees, contractors, residents, service users and agents are aware of and understand that EDDC has a zero tolerance to all forms of fraud and corruption. Our policies and procedures will reflect this, but will also provide a test of reasonableness to the imposition of sanctions and court action, depending on the length of time the fraud has been committed, the monetary value and also the reputational threat/damage that this fraud has caused.
- 6.4.3 We will use the results and outcomes of our approach to inform our future fraud and error activities and use this for continuous learning and improvement.



6.4.4 We will use all data sharing and data matching (where this is in accordance with Data Protection and Privacy Impact Assessments) to identify fraud and error within our systems.

6.4.5 Robust prosecution and sanction policies will be used to prosecute and penalise people where an investigation has been undertaken and fraud has been proven. This may include imposing penalties, restorative justice for some offences, prosecution at Court, notice to quit a property and where applicable a Proceeds of Crime Order, to recover money which has been fraudulently obtained.

## **6.5 Service Performance Indicators and work programme**

6.5.1 This is the first strategy on corporate counter fraud and compliance and before this performance indicators and outcomes had not been corporately collated. This means that setting any SMART Performance Indicators for the service is not possible.

6.5.2 We will capture all outcomes from the work that is done and report on this. We will report annually to the Audit & Governance Committee on cashable and non-cashable savings.

- Non- cashable savings include the right to buy discounts, costs of homelessness associated with the loss of a social housing property.
- Cashable savings includes; overpayments identified, money not paid out as a result of investigations or it represents 'future expenditure saved' as a result of the intervention, for example Council Tax.

6.5.3 The team's work programme builds on the new and emerging fraud risks and also uses risk assessments to highlight business areas to concentrate on.

6.5.4 The outcomes from the work programme will be used to inform future actions and develop SMART Performance Indicators.

## **7 Commercial opportunities**

7.1 We will look to explore and develop opportunities to grow the service to provide corporate fraud and compliance services to other local authorities and housing providers.

**8 Equality impact considerations** – the strategy is high relevance to equality if it has a big impact on residents and users of the service

### **Low**

8.1 The strategy has a high impact on those residents who have committed fraud but the impact for the majority of residents is low. All residents and service users with a specific protected characteristic are not treated differently.

## **9 Appendices and other relevant information**

See work plan at the end of this document

## **10 Who authorised the strategy and date of authorisation.**

10.1 Cabinet on 12<sup>th</sup> July 2017.

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

### **11.1 Related EDDC Policies and Strategies**

- ICO Code of Practice for data-sharing
- ICO Privacy Impact Assessment Code of Practice
- Local code of data matching
- Members code of conduct
- Employee code of conduct
- Regulatory Enforcement and Prosecution Policy
- Code of corporate governance
- Anti-fraud theft and corruption policy
- Anti-bribery policy
- Contract Standing Orders
- Financial regulations procedures
- IT12 - Computer and telephone misuse
- Proceeds of Crime Act (Anti-Money Laundering) Policy
- Procurement Strategy
- Recruitment and Selection Policy
- Whistleblowing Policy
- Devon Social Housing Fraud Forum Sanctions Policy
- Devon Home Choice Fraud Strategy

### **11.2 Legislation related to this Strategy**

- Fraud Act 2006
- Theft Act 1968
- Freedom of Information Act 2000
- Data Protection Act 1998
- HRA
- Police and Criminal Evidence Act 1984
- CPIA
- Regulation of Investigatory Powers Act 2000
- Prevention of Social Housing Fraud Act 2013
- Proceeds of Crime Act 2002
- Money Laundering Regulations 2003 and 2007
- Serious Crime Act 2007

## **12 Strategy date for review and responsible officer**

12.1 The Service Lead for Revenues, Benefits, Corporate Fraud & Compliance is responsible for this strategy which will be reviewed in December 2020.

## Work programme

The work plan sets out the main areas that we will be focussing on during 2017/18 however, this does not mean that we will not be looking at other types of fraud and error.

<b>Business area</b>	<b>Work</b>	<b>Target date</b>	<b>Outcomes</b>
Housing	Right to Buy Fraud	Autumn 2017	May lead to redesign of processes and procedures.
Housing	Tenancy amnesty and data matching	Autumn 2017	To raise the profile of tenancy fraud internally and externally. To use outcomes from this work to benchmark against national picture of tenancy fraud and error and to inform future work plans.
Revenues and Benefits	Council Tax Single Person Discount Review	2017/18	To undertake a rolling review of the Discounts granted.
Corporate and customer awareness	Raise awareness to EDDC residents, Members, staff and new staff members	Winter 2017	To publicise this Strategy and also promote the 24/7 methods of contacting the Corporate Fraud and Compliance Team. To deliver fraud awareness sessions to members. To deliver a paper to News and Views and engage with service managers. To include this in welcome morning for new staff. To deliver awareness sessions to teams.
Insurance	To review processes in place.	Spring 2018	May lead to redesign of processes and procedures.

**Report to:** Cabinet  
**Date:** 13 July 2017  
**Public Document:** Yes  
**Exemption:** None



**Review date for release** None

**Agenda item** 16

**Subject:** **Annual Treasury Management Review 2016/17 – 1 April 2016 to 31 March 2017**

**Purpose of report:** This report details the overall position and performance of the Council's Treasury Management Strategy during 2016/17.

**Recommendation:** **Cabinet is requested to review and note the investment values and performance for the year to 31 March 2017.**

**Reason for recommendation:** The Council is required by regulations issued under the Local Government Act 2003 and the Code of Practice on Treasury Management in Public Services published by the Chartered Institute of Public Finance & Accounting (CIPFA) to produce an annual review of its treasury management activities and performance.

**Officer:** Janet Reeves – Accountant  
[Janet.Reeves@eastdevon.gov.uk](mailto:Janet.Reeves@eastdevon.gov.uk) Tel: 01395 516551

**Financial implications:** Contained within the report.

**Legal implications:** It is understood that the Finance team carries out Treasury Management within the specific legislative framework applicable to local authorities. No further legal comment is required.

**Equalities impact:** Low Impact  
The report is for information only.

**Risk:** Low Risk  
Any depositing of surplus funds exposes the Council to a certain degree of risk relating to the security of deposits, investment return and interest rate risk. However, through the Council's Treasury Management Strategy, the level of risk is proactively managed to an acceptable level.

**Links to background information:** .

# Annual Treasury Management Review 2016/17

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## 1. Introduction

This Council is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2016/17. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management, (the Code), and the CIPFA Prudential Code for Capital Finance in Local Authorities, (the Prudential Code).

During 2016/17 the minimum reporting requirements were that the full Council should receive the following reports:

- an annual treasury strategy in advance of the year (Council 10/02/2016)
- a mid-year (minimum) treasury update report (Council 14/12/2016)
- an annual review following the end of the year describing the activity compared to the strategy; (this report)

The regulatory environment places responsibility on members for the review and scrutiny of treasury management policy and activities. This report is, therefore, important in that respect, as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by members.

This Council confirms that it has complied with the requirement under the Code to give prior scrutiny to all of the above treasury management reports by Cabinet before they were reported to the full Council. Member training on treasury management issues was undertaken during October 2015 in order to support members' scrutiny role.

## 2. The Economy and Interest Rates *(narrative provided by Capita Asset Services – EDDC's Treasury Management Advisors)*

*The two major landmark events that had a significant influence on financial markets in the 2016-17 financial year were the UK EU referendum on 23 June and the election of President Trump in the USA on 9 November. The first event had an immediate impact in terms of market expectations of when the first increase in Bank Rate would happen, pushing it back from quarter 3 2018 to quarter 4 2019. At its 4 August meeting, the Monetary Policy Committee (MPC) cut Bank Rate from 0.5% to 0.25% and the Bank of England's Inflation Report produced forecasts warning of a major shock to economic activity in the UK, which would cause economic growth to fall almost to zero in the second half of 2016. The MPC also warned that it would be considering cutting Bank Rate again towards the end of 2016 in order to support growth. In addition, it restarted quantitative easing with purchases of £60bn of gilts and £10bn of corporate bonds, and also introduced the Term Funding Scheme whereby potentially £100bn of cheap financing was made available to banks.*

*In the second half of 2016, the UK economy confounded the Bank's pessimistic forecasts of August. After a disappointing quarter 1 of only +0.2% GDP growth, the three subsequent quarters of 2016 came in at +0.6%, +0.5% and +0.7% to produce an annual growth for 2016 overall, compared to 2015, of no less than 1.8%, which was very nearly the fastest rate of growth of any of the G7 countries. Needless to say, this meant that the MPC did not cut Bank Rate again after August but, since then, inflation has risen rapidly due to the effects of the sharp devaluation of sterling after the referendum.*

### 3. Overall Treasury Position as at 31 March 2017

At the beginning and the end of 2016/17 the Council's treasury (excluding borrowing by finance leases) position was as follows:

TABLE 1	31 March 2016 Principal per EDDC TM Strategy 2016/17 Document) £'000	31 March 2017 Principal £'000
GF debt	2,037	1,612
HRA debt	83,398	81,908
Total debt	85,435	83,520
GF CFR*	2,529	3,808
HRA CFR*	83,398	81,908
Total CFR*	85,927	85,716
Over / (under/internal) borrowing	(492)	(2,196)
Total investments	35,769	32,323
Net debt	49,666	51,197

\*CFR = Capital Financing Requirement

### 4. The Strategy for 2016/17

The expectation for interest rates within the treasury management strategy for 2016/17 anticipated a low (0.5%) but rising Bank Rate, (starting in quarter 1 2017 with an increase to 0.75% and with a further increase expected in quarter 3 2017 to 1%).

During 2016/17 there was major volatility in PWLB\* rates with rates falling during quarters 1 and 2 to reach historically very low levels in July and August, before rising significantly during quarter 3, and then partially easing back towards the end of the year.

#### 4.1 Change in strategy during the year

The strategy adopted in the original Treasury Management Strategy Report for 2016/17 was subject to revision during the year in relation to the "Specified and Non-Specified Investments" section. Building Societies often quote rates for 6 months which, technically, based on the hitherto existing strategy, the Council could not invest in. A minor change in strategy of one day, amending the term from "internal investments less than 6 months, up to agreed limits, in UK Building Societies..." to "...6 months or less..." has aligned the strategy with readily quoted fixed deposit periods. The change was approved by Cabinet and full Council in June 2016 and July 2016 respectively.

\* PWLB is the Public Works Loan Board – this is the part of H.M. Treasury that provides loans to local authorities to finance capital expenditure.

## 5. The Borrowing Requirement and Debt

The Council's underlying need to borrow to finance capital expenditure is termed the Capital Financing Requirement (CFR).

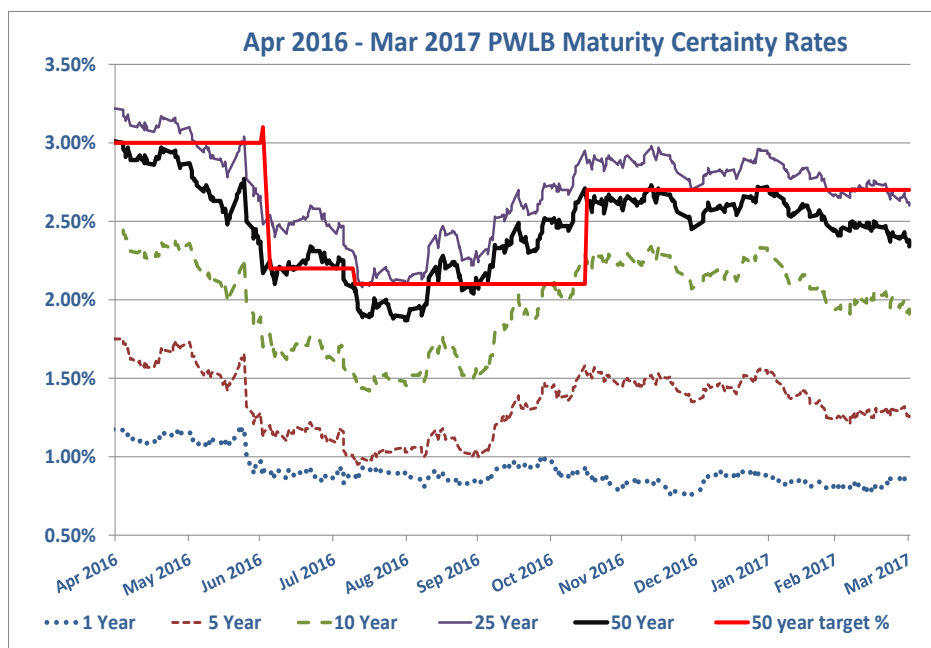
TABLE 2	31 March 2016 Actual per EDDC Annual TM Review 2015/16) £'000	31 March 2017 Budget per EDDC TM Strategy 2016/17 Document) £'000	31 March 2017 Actual £'000
CFR General Fund	2,529	14,467	3,808
CFR HRA	83,398	82,608	81,908
Total CFR	85,927	97,075	85,716

The difference of £11.359m between the 2016/17 budget and actual reflects the following key changes.

TABLE 3 – KEY CHANGES BETWEEN 2016/17 BUDGET AND ACTUAL	£'000
External borrowing not drawn down:	
Queen's Drive, Exmouth	(750)
Office relocation	(5,990)
Refuse Fleet	(6,000)
Expected loans not taken so loan repayments on them no longer required	285
LED planned for 2015/16 made in 2016/17	(400)
Rescheduling of HRA loan not undertaken; (see paragraph 7.3 below)	(700)
Increase in internal borrowing	2,196
	11,359

## 6. Borrowing Rates in 2016/17

**PWLB certainty maturity borrowing rates** - the graph below shows how PWLB certainty rates have fallen to historically very low levels during the year.



## 7. Borrowing Outturn for 2016/17

### 7.1 Temporary Borrowing

The Council did not need to borrow for cash flow purposes, either during the year or over the year end.

### 7.2 Long Term Borrowing

The Council's borrowing is all at a fixed interest rate, via PWLB. No new loans were taken during the year. The borrowing position at 31 March 2017 was as follows:-

TABLE 4	Original Principal £	Principal Owing at 31/03/2017 £	Interest Rate	Maturity
Refuse Loan (GF)	598,500	265,837	3.68%	31 March 2021
LED One (GF)	750,000	688,644	2.49%	30 April 2034
LED Two (GF)	700,000	657,451	2.87%	30 April 2034
<b>Total General Fund Loans</b>	<b>2,048,500</b>	<b>1,611,932</b>		
Self-Financing (HRA)	81,295,336	81,295,336	1.5% to 3.46%	27 March 2018 to 27 March 2038
Affordable Housing (HRA)	646,000	612,550	5.31%	31 March 2051
<b>Total HRA Loans</b>	<b>81,941,336</b>	<b>81,907,886</b>		



The purchase of the major part of the Refuse Fleet during the year, (budget for whole was £6m), was financed internally through a reduction of cash reserves, rather than through external borrowing. (The purchase of the remainder of the fleet will take place in 2017/18). Although the Council had previously approved a fixed interest loan of £ 400k from the PWLB to fund the LED leisure enhancement programme, the drawdown by LED of this amount from EDDC in December 2016 was also financed internally by the Council.

### 7.3 Rescheduling

No rescheduling was done during the year for any treasury items i.e. those which relate directly to the Council, as the average 1% differential between PWLB new borrowing rates and premature repayment rates made rescheduling unviable.

However, a non-treasury management item, the Beer CLT One loan of £ 305k from PWLB, matured during the year and was repaid. £ 15k of this same amount, loaned by EDDC to Beer CLT, was repaid to the Council by the latter and the remainder was refinanced internally by EDDC through a reduction in cash investments.

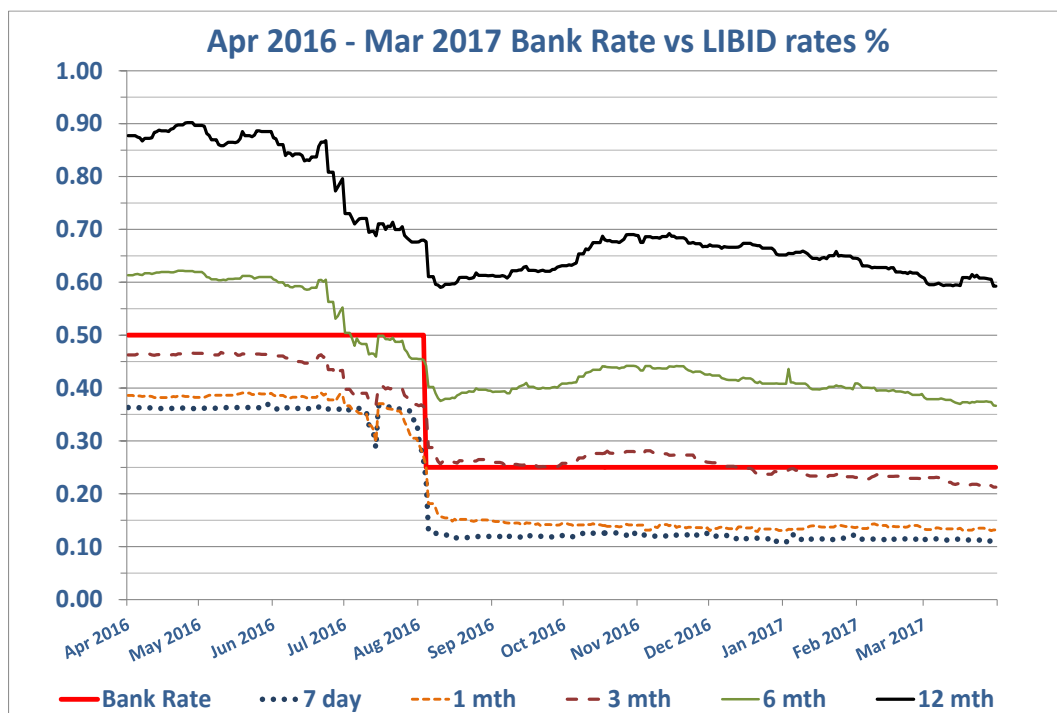
### 7.4 Future Borrowing

There are plans for the Council to borrow £7.43m to fund its capital programme in 2017/18. This borrowing may be from internal resources, PWLB, or from the market, the most cost effective method being selected at the time the funds are required. The 2017/18 borrowing requirement is made up as follows:

TABLE 5	Future Borrowing
£2,842,100	Office Relocation
£2,752,510	Exmouth and other regeneration projects
£2,454,260	Borrowing required to fund the balance on various smaller projects included within the Capital Programme.
£8,048,870	Total

## 8. Investment Rates in 2016/17

After the EU referendum, Bank Rate was cut from 0.5% to 0.25% on 4 August and remained at that level for the rest of the year. Market expectations as to the timing of the start of monetary tightening started the year at quarter 3 2018, but then moved back to around the end of 2019 in early August before finishing the year back at quarter 3 2018. Deposit rates continued into the start of 2016/17 at previous depressed levels but then fell during the first two quarters and fell even further after the 4 August MPC meeting resulted in a large tranche of cheap financing being made available to the banking sector by the Bank of England. Rates made a weak recovery towards the end of 2016 but then fell to fresh lows in March 2017.



## 9. Investment Outturn for 2016/17

### 9.1 Investment Policy

The Council's investment policy is governed by CLG guidance, which has been implemented in the annual investment strategy approved by the Council on 10/02/2016. This policy sets out the approach for choosing investment counterparties, and is based on credit ratings provided by the three main credit rating agencies, supplemented by additional market data, (such as rating outlooks, credit default swaps, bank share prices etc.).

The strategy adopted in the original Treasury Management Strategy Report for 2016/17 was subject to revision during the year in relation to the "Specified and Non-Specified Investments" section. Building Societies often quote rates for 6 months which technically, based on the hitherto existing strategy, the Council could not invest in. A minor change in strategy of one day, amending the term from "internal investments less than 6 months, up to agreed limits, in UK Building Societies..." to "...6 months or less..." has aligned the strategy with readily quoted fixed deposit periods. The change was approved by Cabinet and full Council in June 2016 and July 2016 respectively.

The investment activity during the year conformed to the approved strategy, and the Council had no liquidity difficulties.

## 9.2 Overview

The 2016/17 budget estimated a net return on all General Fund (GF) treasury management investment and borrowing activities of £ 228k. The actual return for 2016/17 was £ 245k. This is summarised in the table below:

TABLE 6 – GENERAL FUND (GF)	Actual 2015/16 £'000	Budget 2016/17 £'000	Actual 2016/17 £'000	Variance 2016/17 £'000
<b>INTERNAL INVESTMENTS</b>				
Interest on Market Investments	(74)	(95)	(65)	30
Other Investment Interest*	36	30	35	5
Return on Internal Investments	(38)	(65)	(30)	35
<b>EXTERNALLY MANAGED FUNDS</b>				
Interest received net of fees	(258)	(236)	(221)	15
Realised gain on disposals	0	0	(5)	(5)
Return on External investments	(258)	(236)	(226)	10
<b>TOTAL RETURN ON INVESTMENTS</b>	<b>(296)</b>	<b>(301)</b>	<b>(256)</b>	<b>45</b>

<b>BORROWING</b>				
Temporary Borrowing	1	1	-	(1)
Long Term Borrowing - PWLB	72	72	11	(61)
Total Payable on Borrowings	73	73	11	(62)
<b>NET RETURN ON TREASURY ACTIVITIES</b>	<b>(223)</b>	<b>(228)</b>	<b>(245)</b>	<b>(17)</b>

\*Includes the net transfer of interest to the Housing Revenue Account (HRA).

The above figures do not include non-treasury management items with a budget value of £ 30k and an actual value of £ (57k). These relate to income and expenditure associated with political decisions, for example interest and principal charges on the loans to Kennaway House, Beer CLT and LED.

The original budget estimate indicated a net position on all investments and loans of £ (198k). This is made up of the £ (228k) per Table 6 and the £ 30k in relation to non-treasury items, as excluded from Table 6.

£30k less income was received on internal market investments than budget. One of the reasons for this was the unexpected cut in Bank Base Rate in early August 2016 from 0.5% to 0.25%, which affected deposit rates on offer.

£15k less income than budget was received from externally managed investments. Again, the cut in Bank Base Rate was one of the factors but also the amount invested was reduced by £ 2m towards the end of the year; further details are given below. A gain of £ (5k) was realised on the disposal.

Historically, investment rates have been at their lowest for several years and so during the year, the purchase of the major part of the Refuse Fleet was financed by reducing our cash reserves as this was cheaper than borrowing. As our internally managed cash generally earns a lower return, the purchase was financed primarily from this although at the year-end when, historically, cash reserves are at their lowest, £ 2m was taken from our externally managed funds.

The 2016/17 budget estimated a net expenditure on all Housing Revenue Account (HRA) investment and borrowing activities of £4.003m. The actual expenditure for 2016/17 was £4.003m. This is summarised in the table below:

TABLE 7 – HOUSING REVENUE ACCOUNT (HRA)	Actual 2015/16 £'000	Budget 2016/17 £'000	Actual 2016/17 £'000	Variance 2016/17 £'000
<b>INTEREST RECEIVABLE</b>				
Investment interest	(35)	(35)	(35)	-
<b>RETURN ON INVESTMENTS</b>	(35)	(35)	(35)	-

<b>LONG TERM DEBT</b>				
PWLB - Capital	6	-	-	-
PWLB - Interest	33	33	33	-
PWLB Self Financing Loans - Capital	1,023	1,490	1,490	-
PWLB Self Financing Loans - Interest	2,526	2,515	2,515	-
<b>TOTAL PAYABLE ON BORROWINGS</b>	<b>3,588</b>	<b>4,038</b>	<b>4,038</b>	<b>-</b>
<b>NET RETURN ON TREASURY ACTIVITIES</b>	<b>3,553</b>	<b>4,003</b>	<b>4,003</b>	<b>-</b>

There were no significant variances on the HRA account in relation to treasury management activities for the year to 31 March 2017.

The table below summarises the Council's net rate of return (after fees and charges) for the key categories of investment expressed as a percentage:

TABLE 8 – NET RATE OF RETURN	2015/16 %	2016/17 %	7 Day LIBID %
EXTERNAL INVESTMENT OF FUNDS	0.82	0.70	0.200%
TOTAL INTERNAL	0.43	0.45	0.200%
MARKET INVESTMENTS – FIXED DEPOSITS	0.45	0.40	0.200%
BANK OF SCOTLAND	0.50	0.42	0.200%
MONEY MARKET FUNDS:			
Amundi	n/a*	0.52	0.200%
CCLA	0.42	0.44	0.200%
Goldman Sachs	0.44	0.48	0.200%
Morgan Stanley	n/a*	0.38	0.200%
AVERAGE RATE OF RETURN ON ALL FUNDS	0.44	0.46	0.200%

*\*Not applicable as not used during 2015/16*

It should be noted that all funds performed above the benchmark 7 day LIBID.

### 9.3 Investments held by the Council

A total of 139 investments were made during 2016/17 ranging from £ 50k to £ 3m. The repayment terms varied from call, (instantly repayable), to fixed periods of up to 365 days. The internally managed funds earned an average rate of return of 0.45%. The comparable performance indicator is the average 7-day LIBID rate, which was 0.20%; further detail on the average LIBID rates throughout the year for comparison are included at Appendix Two.

The benchmarking reports for each of the 4 quarters to 31 March 2017, as provided by Capita, indicated that EDDC's funds were performing "above expectations" when compared to the model benchmark. For example, the expected range for the quarter to 31 March 2017 was 0.25% to 0.37% and EDDC's return was 0.60%.

#### 9.4 Investments held by fund managers

The Council uses two external fund managers to invest part of its cash balances. The performance of the managers against the benchmark return was:

TABLE 9 – FUND MANAGERS	Historic Cost of Investments Held at 31/03/2017	Market Value of Investments Held at 31/03/2017	Return	Benchmark – 7 Day LIBID
Payden and Rygel	£14.463m	£14.508m	0.74%	0.20 %
Royal London Asset Management (RLAM)	£14.460m	£14.465m	0.67%	0.20 %
Total	£28.923m	£28.973m	0.70%	0.20 %

The market value is the amount that would have been received for the investments if they had been sold on 31 March 2017. This is based on the valuation of the assets held by each fund, a value that can vary on a daily basis.

During 2016/17 the Council earned interest of £ (258k), (2015/16 £ (296k)), on its external investments before fees and charges of £ 37k, (2015/16 £ 38k).

During 2016/17 the Council purchased the major part of its new refue fleet. The purchase cost is being funded internally using EDDC's reserves and as a result, towards the end of the year, £1m was disinvested from each of the two external fund managers' holdings. The Council realised £ (5k) gains on the disposal, (£2015/16 £ 0).

The following performance summaries have been compiled using information from the fund manager's quarterly performance reviews for the quarter to 31 March 2017.

#### 9.5 Payden & Rygel Global Ltd – Sterling Reserve

This fund is invested in a diversified range of sterling denominated, high credit quality and liquid government, agency and corporate bonds with fixed and floating rate coupons.

As at 31 March 2017 the portfolio's duration was 1.0 years, (31 March 2016 0.9 years) and its sector allocation was as follows:

TABLE 10 – PAYDEN & RYGEL SECTOR ALLOCATION	At 31/03/2017
Government related	26%
Asset backed securities	24%
Covered bonds	18%
Financials	21%
Industrials	9%
Other	2%
Total	100%

## 9.6 Royal London Asset Management – Cash Plus Fund

As at 31 March 2017 the portfolio's asset allocation was as follows:

TABLE 11 – RLAM ASSET ALLOCATION	At 31/03/2017	Notes
Cash and cash instruments	59.4%	Cash, Certificates of Deposit, Time Deposits, Floating Rate Notes (FRNs)
Covered bonds	26.5%	Covered bonds issued by banks and building societies
Corporate bonds	9.7%	FRNs and short dated bonds with a minimum credit rating of AA-
Gilts and Supranational	4.4%	UK Government securities and treasury bills
Total	100%	

Covered and corporate bonds were the main contributors to positive performance in the period, certificates of deposit providing only incremental performance. This is consistent with the previous year.

With regard to RLAM's investment outlook, they consider the terms of the UK's exit from the EU are likely to remain unclear during 2017 and combined with a squeeze on disposable income as inflation rises, is likely to impact UK growth. Globally, the greatest uncertainty is the direction of US fiscal and monetary policies. UK government bond yields across maturities are expected to rise over 2017 and volatility is expected. Global government bond yields are expected to rise gradually from current levels, as the inflation outlook and global growth picks up. Global inflation linked bonds are believed to offer better value but in the short term there is scope for real yields to fall and the UK to outperform. In overseas government bonds, events in the eurozone, where the situation remains unpredictable, will continue to impact market sentiment and, with elections in France and Germany, volatility around these events is likely to present trading opportunities. In credit, they continue to believe that portfolio diversification is important and a focus on bonds supported by stable income streams and structural enhancements should provide protection in times of market turbulence.

## 10. Update on Refuse Fleet

As reported above, during 2016/17 the Council purchased the major part of its new refuse fleet. The purchase cost has been funded internally using EDDC's reserves and as a result, towards the end of the year, £1m was disinvested from each of the two external fund managers' holdings.

## Appendix 1: Prudential and Treasury Indicators

During 2016/17, the Council complied with its legislative and regulatory requirements. The key actual prudential and treasury indicators detailing the impact of capital expenditure activities during the year, with comparators, are as follows:

TABLE 12 – ACTUAL PRUDENTIAL AND TREASURY INDICATORS	2015/16 Actual £'000	2016/17 Estimate (per EDDC TM Strategy 2016/17 Document) £'000	2016/17 Estimate (per EDDC Final Approved Budget) £'000	2016/17 Actual £'000
Capital expenditure*				
• General Fund	5,064	18,766	10,940	7,932
• HRA	5,243	5,775	8,099	8,310
• Total	10,307	24,541	19,039	16,242
Capital Financing Requirement:				
• General Fund	1,450	13,456	7,150	2,196
• HRA	0	0	0	0
• Total	1,450	13,456	7,150	2,196
Gross borrowing	1,450	12,840	7,150	2,196
Of which external debt =	1,450	12,740	5,400	0

\* Net of external grants and contributions received in the year.

The key changes between the 2016/17 estimated and actual borrowing are as follows:

TABLE 13 – KEY CHANGES BETWEEN 2016/17 ESTIMATED AND ACTUAL BORROWING	£'000
Gross borrowing per EDDC TM Strategy 2016/17 Document	12,840
Borrowing not drawn due to slippage in Capital Programme:	
Queen's Drive Exmouth	(750)
Knowle Office Relocation	(5,224)
Refuse contract fleet	(1,516)
Balance of loans not required as funded through disinvestment of long term cash investments/ internal borrowing instead	
Knowle Office Relocation	(766)
Refuse contract fleet	(4,484)
Net internal borrowing per EDDC TM Strategy 2016/17 Document	100
Increase in net internal borrowing during the year	2,096
Gross borrowing	2,196

**Gross borrowing and the CFR** - in order to ensure that borrowing levels are prudent over the medium term and only for a capital purpose, the Council should ensure that its gross external borrowing does not, except in the short term, exceed the total of the capital financing requirement in the preceding year (2015/16) plus the estimates of any additional capital financing requirement for the current (2016/17) and next two financial years. This essentially means that the Council is not borrowing to support revenue expenditure. This indicator allows the Council some flexibility to borrow in advance of its immediate capital needs, however the Council did not borrow in advance of need during 2016/17.



**The authorised limit** - the authorised limit is the “affordable borrowing limit” required by s3 of the Local Government Act 2003. Once this has been set, the Council does not have the power to borrow above this level. The table below demonstrates that during 2016/17 the Council has maintained gross borrowing within its authorised limit.

**The operational boundary** – the operational boundary is the expected borrowing position of the Council during the year. Periods where the actual position is either below or over the boundary is acceptable subject to the authorised limit not being breached.

**Actual financing costs as a proportion of net revenue stream** - this indicator identifies the trend in the cost of capital (borrowing and other long term obligation costs net of investment income) against the net revenue stream.

TABLE 14	2016/17	
	GF £'000	HRA £'000
Authorised limit	19,827	87,844
Maximum gross borrowing position*	2,037	83,398
Operational boundary	16,827	82,608
Average gross borrowing position*	1,825	82,653

*\*excludes interest accrued but not yet due to be paid*

Financing (income)/costs as a proportion of net revenue stream	(3.15)%	24.84%
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Note the authorised limit and the operational boundary are per the 2016/17 Treasury Management Strategy which was based on 2016/17 estimates. The remainder of the figures are actuals based on 2016/17 outturn.

For the General Fund the headroom is set at £3.0m.

For the HRA a debt cap of £87.844m set by the Government as the authorised limit has been used.

Note the maximum gross borrowing position is the higher of the opening, closing or any intermediate position which would be applicable if a loan is taken for less than one year.

The General Fund ratio of (3.15%) reflects the estimation that a higher level of investment income is received compared to interest paid out on borrowing.

The maturity structure of the debt portfolio was as follows:

TABLE 15		General Fund		HRA	
		Projected Borrowing Amount Maturing £'000	As a % of Total	Projected Borrowing Amount Maturing £'000	As a % of Total
Current year	2016/17	425	20.87%	1,490	1.79%
Under 12 months	2017/18	124	6.09%	1,310	1.57%
12 months & < 5 years	2018/19 to 2022/23	465	22.82%	8,383	10.05%
5 years & < 10 years	2023/24 to 2027/28	369	18.11%	18,750	22.48%
10 years & < 20 years	2028/29 to 2037/38	654	32.11%	52,876	63.40%
20 years & < 30 years	2038/39 to 2047/48	0	0%	449	0.54%
30 years & < 40 years	2048/49 to 2057/58	0	0%	139	0.17%
		2,037	100%	83,397	100%

The maturity structure of borrowing is based on the actual loans in place during the financial year as distinct from the estimated position, the latter being included in the Treasury Management Strategy. Note that £ 425k of principal of General Fund borrowing has been repaid during the year. This includes the £ 390k repayment of the loan taken to fund Beer CLT One. In addition, £1.490m of principal of HRA borrowing has been repaid during the year.

The HRA loan repayments have been structured around the HRA business plan and a significant element of the general fund loan repayments are matched by income from third parties, for example, LED. As such the maturity structure does not highlight any liquidity concerns for the Council.

As regards the maturity structure of the investment portfolio, all investments in 2016/17 were for under one year.

TABLE 16 - INTEREST RATE EXPOSURE	General Fund		HRA	
	Fixed	Variable	Fixed	Variable
2016/17 LIMITS				
Borrowing	100%	20%	100%	20%
Investments	60%	100%	60%	100%

With the exception of the bank overdraft, all borrowing the Council undertakes is at a fixed rate of interest.

Investments have a 100% variable upper limit, as currently the majority of returns are variable, including the external investment funds, "savings" account and money market fund investments.

Policy based investment decisions are all on a fixed term basis, whereby any interest chargeable on a project is then recharged on to the project itself, the idea being that in cash terms there is nil impact on the Council.

The upper limit on variable borrowing at 20% ensures a level of certainty for Council borrowing, and thus cash outflows. The upper limit on fixed investments helps to protect the Council from interest rate risk. For example, it is not in the best interest of the Council to have too much cash tied up in a fixed return investment in the event of an interest rate rise, which would mean better returns may be had elsewhere. Variable rate investments often track the base rate, thus removing the risk associated with interest rate changes.

## Appendix 2: Investment Information for the Financial Year 2016/17

Taken from Capita Asset Services CityWatch for March 2017.

Date	7 Day LIBID (Average for Month)	1 Month LIBID (Average for Month)	3 Month LIBID (Average for Month)	6 Month LIBID (Average for Month)	12 Month LIBID (Average for Month)
01/04/2016	0.36%	0.39%	0.46%	0.61%	0.88%
30/04/2016	0.36%	0.38%	0.46%	0.62%	0.90%
31/05/2016	0.36%	0.39%	0.46%	0.61%	0.89%
30/06/2016	0.36%	0.39%	0.43%	0.55%	0.80%
31/07/2016	0.34%	0.31%	0.37%	0.46%	0.68%
31/08/2016	0.14%	0.15%	0.26%	0.40%	0.61%
30/09/2016	0.12%	0.14%	0.26%	0.41%	0.63%
31/10/2016	0.12%	0.14%	0.28%	0.44%	0.69%
30/11/2016	0.12%	0.14%	0.26%	0.43%	0.67%
30/12/2016	0.11%	0.13%	0.24%	0.41%	0.65%
31/01/2017	0.12%	0.14%	0.23%	0.41%	0.65%
28/02/2017	0.12%	0.14%	0.23%	0.39%	0.61%
31/03/2017	0.11%	0.13%	0.22%	0.38%	0.60%

**Report to:** Cabinet  
**Date of Meeting:** 13 July 2017  
**Public Document:** Yes  
**Exemption:** None



**Review date for release** None

**Agenda item:** 17

**Subject:** **Redesignation of Broadclyst Neighbourhood Area**

**Purpose of report:** To agree that the Broadclyst Neighbourhood Area should be redesignated to cover the whole Parish

**Recommendation:** **That members confirm the designation of the whole Parish of Broadclyst as a Neighbourhood Area**

**Reason for recommendation:** In October 2013 Members agreed to designate part of the parish of Broadclyst as a Neighbourhood Area. The agreed area was smaller than that originally proposed by the Parish Council as Members felt that strategic planning areas should be excluded. Since then, a new Parish boundary has been agreed through a boundary review and the legislation has changed so that the District Council cannot object to the designation of neighbourhood areas which follow parish boundaries.

**Officer:** Claire Rodway, Senior Planning Officer  
[crodway@eastdevon.gov.uk](mailto:crodway@eastdevon.gov.uk) 01395 571543

**Financial implications:** There are no direct financial implications

**Legal implications:** The legal implications are as detailed in the report.

**Equalities impact:** Low Impact

The report proposes an amendment to the Neighbourhood Area which is allowed by legislation without the requirement for consultation. The Neighbourhood Plan however has already gone through wide consultation with the community and has been advertised in a variety of formats to increase accessibility. Neighbourhood Planning is designed to be inclusive and extensive consultation is a fundamental requirement. All electors are invited to vote in the referendum.

**Risk:** Low Risk

Designation of the whole parish as a neighbourhood area is specifically permitted by legislation.

**Links to background information:**

- Localism Act 2011  
<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>
- Neighbourhood Planning Regulations 2012  
[http://www.legislation.gov.uk/uksi/2012/637/pdfs/uksi\\_20120637\\_en.pdf](http://www.legislation.gov.uk/uksi/2012/637/pdfs/uksi_20120637_en.pdf)
- The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulation 2016  
[http://www.legislation.gov.uk/uksi/2016/873/pdfs/uksi\\_20160873\\_en.pdf](http://www.legislation.gov.uk/uksi/2016/873/pdfs/uksi_20160873_en.pdf)
- Neighbourhood Planning Act 2017  
<http://www.legislation.gov.uk/ukpga/2017/20/contents/enacted/data.htm>
- Neighbourhood Planning Roadmap Guide  
<http://locality.org.uk/wp-content/uploads/Roadmap-worksheets-map-May-13.pdf>

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

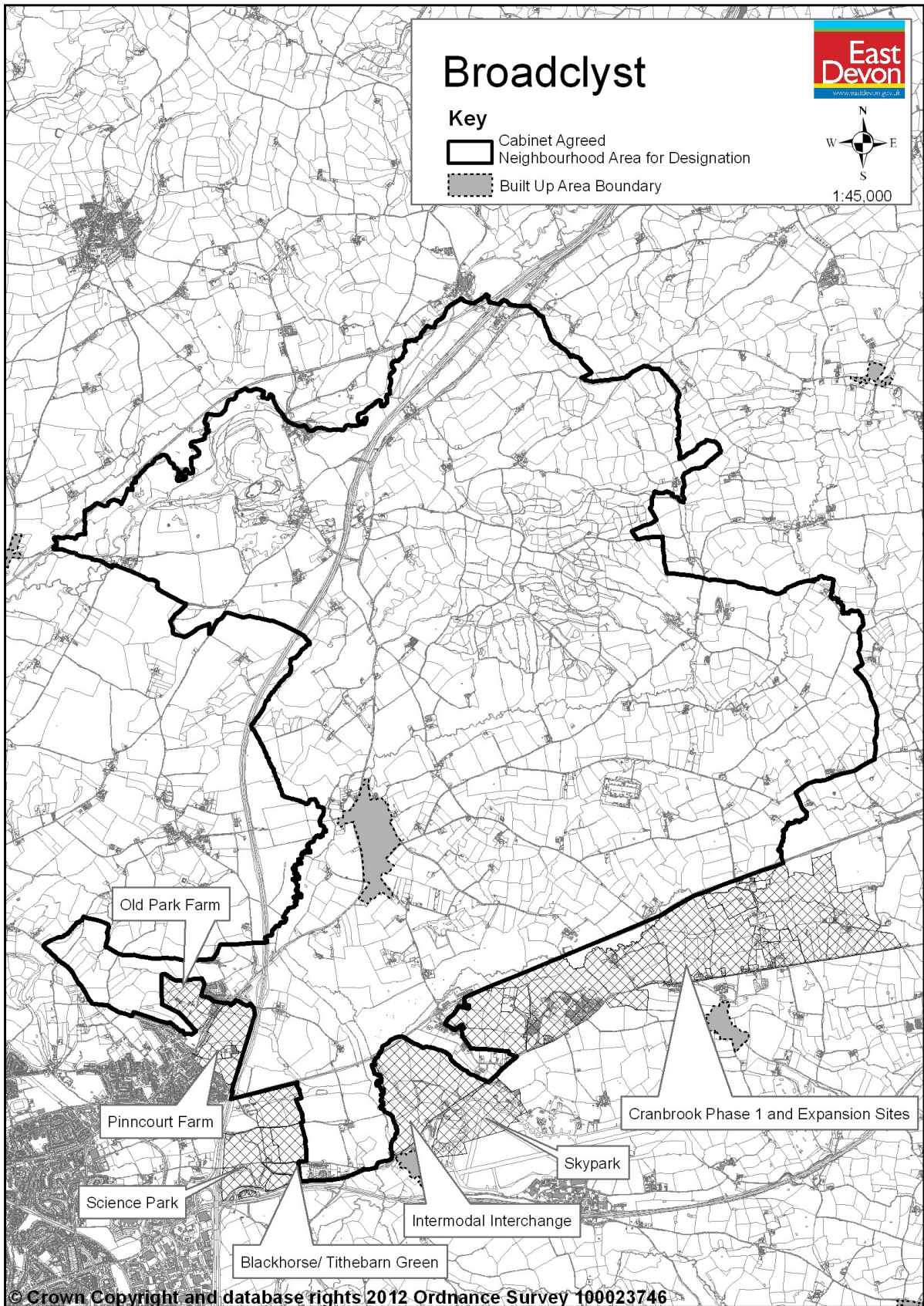
## **1.0 Redesignation of the Neighbourhood Area**

- 1.1 Broadclyst Neighbourhood Area was designated on October 2<sup>nd</sup> 2013. Members will recall that the Parish Council originally applied for designation of the whole parish as a Neighbourhood Area, however, following consultation, the District Council designated a smaller area to exclude the strategic new development proposed in the Parish and allocated in the Local Plan. A map showing the originally designated neighbourhood area is attached at Appendix 1. The decision notice justifying this reduced area is attached at Appendix 2.
- 1.2 In 2016 a new parish boundary was adopted following the Broadclyst Parish Governance boundary review. In 2017 the Neighbourhood Planning Act introduced new legislation which states that “A designation ceases to have effect if (inter alia) a new parish council is created or there is a change in the area of a parish council, and as a result, the neighbourhood area for which the

neighbourhood forum is designated consists of or includes the whole or any part of the area of the parish council.” As a result of this legislation, the Parish Council have requested the District Council to change the boundary of their existing neighbourhood area so that it covers the whole of the (new) parish. Their request is attached at Appendix 3.

- 1.3 The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulation 2016 introduced changes which mean that, where a relevant body proposes their neighbourhood area to follow their parish boundary the local authority must designate the neighbourhood area and is no longer required to advertise and consult on it. This means that the District Council has no basis to object to the Parish Council’s request, and therefore Members are asked to agree to the redesignation of the whole of Broadclyst Parish as a Neighbourhood Area. Members should be aware that there are potential financial implications resulting from this redesignation as, once a neighbourhood plan is adopted for the area, 25% of any CIL raised from new development will become payable to the Parish Council to spend on local infrastructure and this could amount to a considerable sum due to the high level of strategic growth proposed in the area. The proposed new Broadclyst Neighbourhood Area is shown at Appendix 4.

APPENDIX 1





## **Decision in respect of the designation of the whole of Broadclyst Parish as a Neighbourhood Area**

In respect of the application by Broadclyst Parish Council for designation of the whole of the Parish of Broadclyst as a Neighbourhood Area, the following decision has been taken in accordance with the requirements of The Neighbourhood Planning (General) Regulations 2012.

In accordance with the Cabinet Decision on 2<sup>nd</sup> October 2013, the application from the Broadclyst

Parish Council for the designation of the whole Parish as a Neighbourhood Area is

**REFUSED.**

However, East Devon District Council has designated a smaller Neighbourhood Area which excludes strategic sites within the parish but includes their hinterlands. This designated neighbourhood area is identified on the accompanying Plan attached to this notice.

The reasons for refusing the original application and designating a reduced area are as follows:

- (a) The development of strategic site or sites south of the railway and west of the motorway will have implications that impact upon a wider sphere of influence than Broadclyst parish. It is not appropriate for such a site or sites to be planned by, and for, the community with a referendum which involves only Broadclyst residents.
- (b) There is a distinct difference in the nature and character of the Parish between the village of Broadclyst, with its extensive rural hinterland, and the significant new development at the south and western edges of the Parish. It is unlikely that a single approach or set of planning policies could comprehensively address such a diversity of issues.
- (c) The Council has given authority for an electoral review of part of Broadclyst to be carried out with a view to creating a new parish. Progress of a Neighbourhood Plan at this stage might frustrate and conflict with the electoral review process. It could also result in residents of Cranbrook being subject to a Plan which they have not produced and do not agree with.
- (d) At this stage the Neighbourhood Plan would have limited opportunity to positively influence key decisions and could not affect existing planning permissions on strategic sites. Inclusion of strategic sites would unfairly raise the local communities expectations as they have limited influence.
- (e) Parishes with adopted Neighbourhood Plans would be able to claim up to 25% of CIL receipts to fund local infrastructure which could significantly reduce the CIL receipts of the Local Planning Authority and undermine the ability of the District and County Councils to deliver key infrastructure to which they are already committed.
- (f) Supporting a Plan which includes strategic development sites at an advanced stage of delivery is not considered an effective use of resources. A Neighbourhood Plan would have to follow the various statutory stages set out in regulations culminating in an Examination and, after that, a Referendum. The District Council acknowledges its legal duty to support the production of Neighbourhood Plans but considers there is little merit in investing considerable time, energy and finance if, due to the expected timing of planning applications and associated decisions ahead of its adoption, it will be of limited importance.

**Matthew Dickins, Planning Policy Manager**

## APPENDIX 3- REQUEST FROM BROADCLYST PARISH COUNCIL FOR REDESIGNATION OF THE BROADCLYST NEIGHBOURHOOD AREA

# Re designation of Broadclyst Parish Neighbourhood Plan Area.

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### Background.

Population of Broadclyst is rapidly changing. The Census of 2011 the parish was registered as having 1,218 dwellings

Historically there used to be one large settlement within the parish, the village of Broadclyst.

There are now several new settlements in this parish.

- 1. Old Park Farm:439 dwellings (17/5/17 only 18 left to be built)**
- 2. Moonhill Copse : 35 completion 2017**
- 3. Mosshayne 900**
- 4. Tithebarn 580**
- 5. Pinn Court 490**

This will mean that the total number of new dwelling in Broadclyst Parish will be around 1,544 new dwellings, which is an increase of 127%.

If the new emerging communities are to have a say and a voice they need to be included in the NP Area, especially as they represent a substantial increased population (56%) of Broadclyst.

The new communities are housing estates with needs and gaps to fill. If these settlements are not in the Neighbourhood Plan Area, 56% residents of the Broadclyst Parish population will not have a voice until 2031.

The Broadclyst Neighbourhood Plan must extend its NP AREA, if it is to represent the whole population of Broadclyst and to ensure that the policies within the plan are to serve its existing and new population.

Neighbourhood Plan policies will be able to:

- 1) Fills gaps. (What's missing & what's wanted) Developments of the future. (what they are and what they will look like: design)
- 2) Allocate and in some cases, protect what is valued in Broadclyst (what it offers locals, and what can be protected / improved)

In the recent Housing Needs Assessment carried out by Devon Communities Together March 2016, the new settlement in West Clyst was included in the survey as it was thought that this settlement should be included to see if house type and tenure are being provided by this new settlement. The results revealed that this new community already had needs and gaps to be filled if it is to function as a settlement.

## Neighbourhood Plan Area Legislation.

- Broadclyst Neighbourhood Plan Area was designated by EDDC: October 2<sup>nd</sup> 2013
- New Parish boundaries adopted in 2016: Broadclyst Parish Governance boundary review. [The Devon \(Electoral Changes\) Order 2016 No. 657](#) which was laid before Parliament on 22 March 2016 has now come into effect. (Map Appendix 1)
- *Neighbourhood Planning Act 2017 Changes to neighbourhood areas etc*

(1)The Town and Country Planning Act 1990 is amended in accordance with subsections (2) to (4).

(2)In section 61F (authorisation to act in relation to neighbourhood areas) after subsection (8) insert—

“(8A)A designation ceases to have effect if—

(a)a new parish council is created or there is a change in the area of a parish council, and

(b)as a result, the neighbourhood area for which the neighbourhood forum is designated consists of or includes the whole or any part of the area of the parish council.

(8B)The operation of subsection (8A) does not affect the validity of any proposal for a neighbourhood development order made before the event mentioned in paragraph (a) of that subsection took place.”

(3)In section 61G (meaning of “neighbourhood area”) after subsection (6) insert—

“(6A)The power in subsection (6) to modify designations already made includes power—

(a)to change the boundary of an existing neighbourhood area,

(b)to replace an existing neighbourhood area with two or more separate neighbourhood areas, and

(c)to replace two or more existing neighbourhood areas with a single neighbourhood area.

(6B)A neighbourhood area created by virtue of subsection (6A)(b) may have the boundary created by splitting it from the existing area or a different boundary.

(6C)A neighbourhood area created by virtue of subsection (6A)(c) may have the boundary created by combining the existing areas or a different boundary.

(6D)A modification under subsection (6) of a designation already made does not affect the continuation in force of a neighbourhood development order even though as a result of the modification—

(a)it no longer relates to a neighbourhood area, or

(b)it relates to more than one neighbourhood area.”

(4)In section 61J (provision that may be made by neighbourhood development order) after subsection (5) insert—

“(5A)Subsection (5) is subject to section 61G(6D) (effect of modification of existing neighbourhood area).”

(5)The Planning and Compulsory Purchase Act 2004 is amended in accordance with subsections [\(6\)](#) to [\(8\)](#).

(6)In section 38A (meaning of “neighbourhood development plan”) after subsection (11A) (as inserted by section 4) insert—

“(11B)Subsection (11C) applies if, as a result of a modification of a neighbourhood area under section 61G(6) of the principal Act, a neighbourhood development plan relates to more than one neighbourhood area.

(11C)The replacement of the plan by a new plan in relation to one or some of those areas does not affect the continuation in force of the plan in relation to the other area or areas.”

(7)In section 38B (provision that may be made by neighbourhood development plans) after subsection (2) insert—

“(2A)Subsections (1)(c) and (2) are subject to section 61G(6D) of the principal Act (as applied by section 38C(5A) of this Act).”

(8)In section 38C (supplementary provisions) after subsection (5) insert—

“(5A)Section 61G(6D) of the principal Act is to apply in relation to neighbourhood development plans as if it also provided that a modification under section 61G(6) of that Act of a designation of a neighbourhood area does not affect the continuation in force of a neighbourhood development plan even though, as a result of the modification, more than one plan has effect for the same area.”

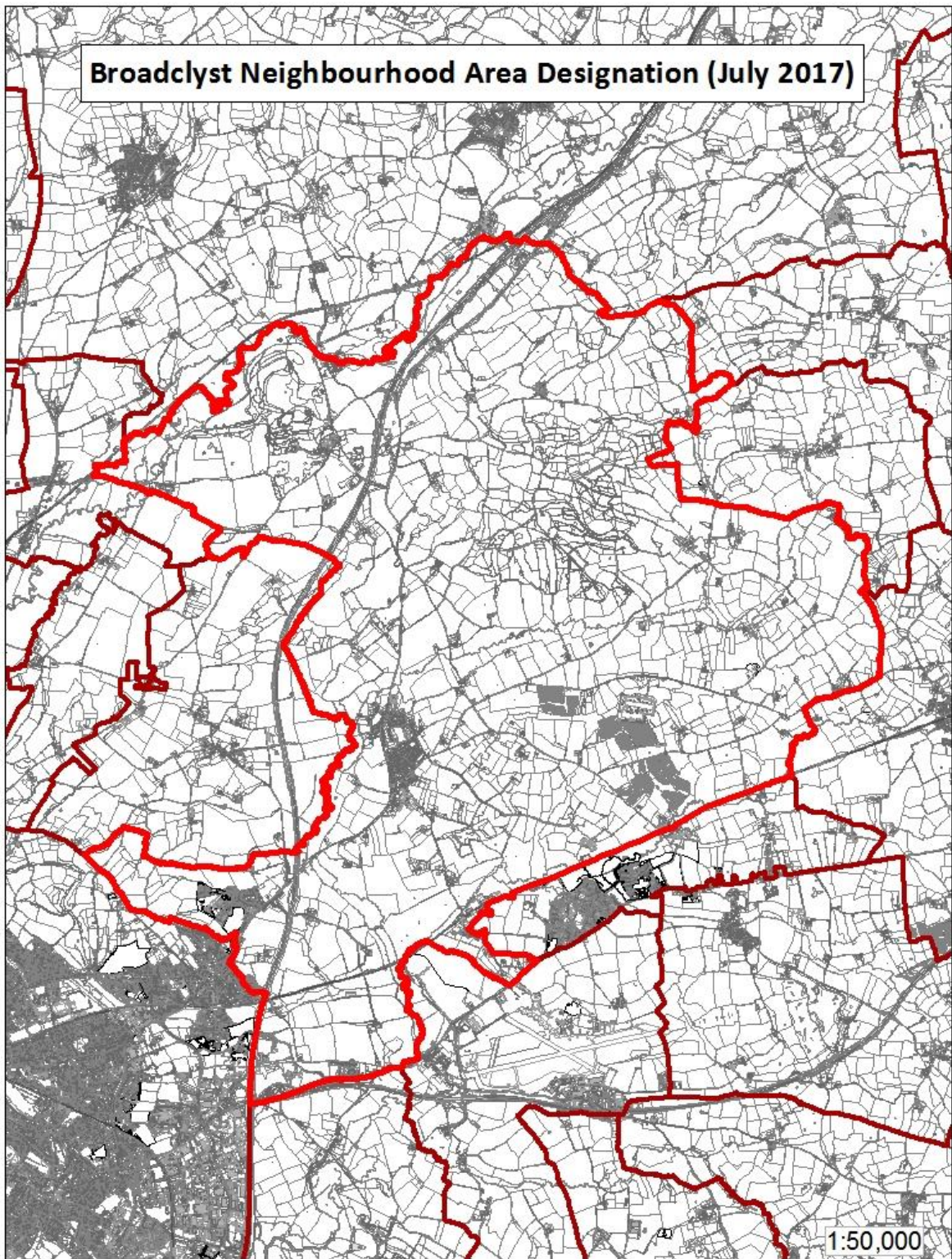
- EDDC Planning are aware of alterations to the Neighbourhood Planning Bill
- The Neighbourhood Planning Act 2017 received Royal Assent on the 27<sup>th</sup> April 2017.

## Next Steps

June 7<sup>th</sup> 2017

- The Broadclyst Parish Council on 5/6/17 were in support of the re – designation of the Neighbourhood Plan and a YES vote was minuted.
- Report sent to EDDC, so that they could compile a report by June 21<sup>st</sup> which will then go to Cabinet on July 12<sup>th</sup>.

APPENDIX 4- PROPOSED BROADCLYST NEIGHBOURHOOD AREA



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**Report to:** Cabinet  
**Date of Meeting:** 13 July 2017  
**Public Document:** Yes  
**Exemption:** None



**Review date for release** None

**Agenda item:** 18

**Subject:** **Budleigh Salterton Neighbourhood Plan Examiners Report**

**Purpose of report:** To provide feedback and set out proposed changes following the examination of the Budleigh Salterton Neighbourhood Plan

**Recommendation :**

- 1. That members endorse the examiners recommendations on the Budleigh Salterton Neighbourhood Plan.**
- 2. That members agree that a 'referendum version' of the Neighbourhood Plan (incorporating the examiners modifications) should proceed to referendum and a decision notice to this effect be published.**
- 3. That members congratulate the Neighbourhood Plan group on their hard work.**

**Reason for recommendation:** The legislation requires a decision notice to be produced at this stage in the process. The Neighbourhood Plan is the product of extensive local consultation and has been recommended to proceed to referendum by the Examiner subject to modifications, which, in most part, are accepted by the Town Council. One modification is not accepted by the Town Council and Members are asked to consider whether there are grounds to disregard the Examiners recommendation in this respect.

**Officer:** Claire Rodway, Senior Planning Officer,  
[crodway@eastdevon.gov.uk](mailto:crodway@eastdevon.gov.uk) 01395 571543

**Financial implications:** There are no direct financial implications

**Legal implications:** As the report identifies, it is a formal requirement for the Council to consider the Examiner's recommendations and satisfy itself that the proposed plan meets the prescribed 'Basic Conditions'. The purpose of the report is to satisfy this formal requirement. Members will note the added considerations in relation to the Hospital Garden and correspondence from the NP Group. Assuming Members agree then the Council is obliged to

publish notice to this effect, pursuant to the applicable Regulations, and Recommendation 2 covers this aspect. The report also identifies that the District Council is responsible for organising the referendum and requires a resolution to progress this. At this stage there are no other legal observations arising other than as set out in the report.

**Equalities impact:** Medium Impact

The Neighbourhood Plan has gone through wide consultation with the community and has been advertised in a variety of formats to increase accessibility. Neighbourhood Planning is designed to be inclusive and extensive consultation is a fundamental requirement. All electors are invited to vote in the referendum. The NP Group have expressed their concern that the Examiner has recommended a proposed Local Green Space be reduced in size and that will detrimentally impact upon users of the proposed health and well-being centre, many of whom will have health problems or disabilities.

**Risk:** High Risk

There is a risk that the Neighbourhood Plan could fail the referendum if a majority of the community vote against it. There is a risk that the decision taken in respect of the Neighbourhood Plan could impact upon the outcome of a current appeal against non-determination of a planning application.

**Links to background information:**

- Localism Act 2011  
<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>
- Neighbourhood Planning Regulations 2012  
[http://www.legislation.gov.uk/uksi/2012/637/pdfs/uksi\\_20120637\\_en.pdf](http://www.legislation.gov.uk/uksi/2012/637/pdfs/uksi_20120637_en.pdf)
- Neighbourhood Planning Roadmap Guide  
<http://locality.org.uk/wp-content/uploads/Roadmap-worksheets-map-May-13.pdf>
- Budleigh Salterton Neighbourhood Plan and Examiners Report  
<http://eastdevon.gov.uk/planning/neighbourhood-and-community-plans/neighbourhood-plans/neighbourhood-plans-being-produced-in-east-devon/budleigh-salterton/>

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

## 1.0 The Examination

- 1.1 The Budleigh Salterton Neighbourhood Plan has now been examined and, subject to modifications, it has been recommended that it proceed to referendum. The Examiner, Jill Kingaby, was chosen by EDDC in consultation with Budleigh Salterton Town Council, due to her extensive experience in the field of Development Plan examinations.
- 1.2 The examination was undertaken on the basis of considering the written material which forms the Plan, its appendices and accompanying statements as well as any representations received in response to the formal consultations. Mrs Kingaby did not consider it necessary to hold a public hearing as there were no issues that she felt warranted it, however she did seek clarification from the Town Council on some points,

particularly the process undertaken to designate local green space (this also generated a response on behalf of the owner of a proposed green space). The neighbourhood plan and examiners report are available to download on our website

<http://eastdevon.gov.uk/planning/neighbourhood-and-community-plans/neighbourhood-plans/neighbourhood-plans-being-produced-in-east-devon/budleigh-salterton/> .

- 1.3 The legislation, reflected in the Council’s Neighbourhood Planning protocol (excerpt below), requires the Policy Team to notify members of the findings and recommendations of the Examiner and how the Council proposes to respond to the recommendations. This response will then be published as a decision notice.

<b>Task in Neighbourhood Plan Production, Commentary and Formal Processes</b>	<b>Role of the Policy Team at the Council</b>	<b>Role of Other Services at the Council</b>
<p><b>12b – Consideration of and response to the Examiner’s Report</b> <i>(Paragraph 12 of Schedule 4B of TCPA 90)</i></p> <p>The legislation requires the Council to consider and respond to the Examiner’s recommendations.</p> <p>In addition, and before moving on to the next stage, the Council must be satisfied that the draft plan;</p> <p>(1) meets the ‘basic conditions’ being,</p> <ul style="list-style-type: none"> <li>-Complies with national policy and guidance from SoS</li> <li>-Contributes to sustainable development</li> <li>-General Conformity with the strategic policy of the Development Plan for the area or any part of that area</li> <li>-Doesn’t breach or is otherwise compatible with EU obligations – this includes the Strategic Environmental Assessment Directive of 2001/42/EC</li> <li>-The making of the NP is not likely to have a significant effect on a European site (as defined in the Habitats Regulations or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats &amp;c) regulations 2007 9(e) (either alone or in combination with other plans or projects))</li> </ul> <p>(2) is compatible with the Convention rights, and (3) complies with the other legal requirements set out in Sections 38A &amp; 38B of the TCPA 90</p> <p><b>12c - Produce and publish a Decision Statement</b> <i>(Regulation 18)</i></p>	<p>Consider each of the Examiner’s recommendations and decide what action to take in response.</p> <p>This could be to accept the Examiner’s recommendations to progress to a referendum or to refuse the proposal. It could be to accept recommendations to make modifications or make our own modifications, so as to make the NP meet the ‘basic conditions’, Convention rights or other legal requirements. It could also be to extend the area for the referendum. We could also decide we are not satisfied that the plan meets the minimum requirements notwithstanding the Examiner’s view.</p> <p>We will need to consider if our proposed decision differs from the Examiner’s recommendations and whether this is as a result of new evidence or new fact. If so, and prior to making the decision, we will notify the plan producers and those making representations on the NP and invite further representations. This may entail referring this matter back to the Examiner.</p> <p>A report will be taken to the Determining Committee notifying members of the findings and recommendations of the Examiner and how the Council proposes to respond to the recommendations. In the event of the Officers recommending refusal of the proposal it will not be necessary for the matter to be considered by the Determining Committee unless a Ward Member requests the committee consider the matter..</p>	<p>The Policy Team &amp; Legal Services will assess each of the Examiner’s recommendations and decide what action to take in response.</p> <p>Legal Services will advise whether they are satisfied that the draft plan meets the basic conditions, is compatible with the Convention rights and complies with the other legal requirements</p>

- 1.4 Essentially the examiner has recommended a number of textual modifications to the Plan (appended to this report) and the deletion of some policies. The Examiners recommendations are as follows:



Examiner's Reason for Change	Recommended change
<p>I consider that the Objective requires some re-wording to clarify its meaning, in particular to avoid a very narrow interpretation of housing need. Budleigh Salterton contains a high proportion of elderly people, so that a purely demographic assessment of the "future needs of the town" for new housing could imply that need for new housing would be negligible. If the town is to develop in a more balanced fashion, with support for employment, retail services, social and community facilities, in general conformity with Strategy 21 of the Local Plan, new wording is required to have proper regard to national policy. Strategy 1 of that Plan expects the main towns, including Budleigh Salterton, to "serve their own needs and the needs of surrounding rural areas" (my underlining). This could usefully be made clear in the Housing Objective in the Neighbourhood Plan, as I recommend in Proposed Modification 1 (PM1).</p> <p>I propose that the objective and paragraph 5.3 are re-written so that they explain the setting of Budleigh Salterton and its very special landscape, coastal, environmental and heritage assets more precisely, having regard for the hierarchy of international, national and local designations. The last sentence requires modification, as it appears to rule out developments of over 5 houses. Policy H1 also requires some re-wording so that it is in general conformity with Strategies 6, 34 &amp; 35 of the Local Plan in respect of development within built up boundaries and affordable housing, as well as with Strategy 21.</p>	<p>PM1- Objective: Housing</p> <p>To meet the future needs of the town and its surrounding rural areas having regard for its demographic profile, sensitive to its demographic needs setting within the EDAONB setting, whilst enhancing the overall character of the town ..... residents.</p> <p>5.3 Budleigh Salterton has unusual and significant ....., we are nestled in an the East Devon AONB. The beach and adjoining coast line form a World Heritage Site with Coastal Preservation Zones Areas to the west and east. Three Devon Wildlife Sites are within the Parish boundary and Otter Estuary Site of Special Scientific Interest (SSSI) lies to the east. Budleigh Salterton is within 10kms of the Pebblebed Heaths which are internationally important as a Special Protection Area/Special Area of Conservation, (SPA/SAC) conservation areas. The town centre and land to its north-west constitute Budleigh Salterton Conservation Areas. Budleigh Salterton is a small town with a population of approximately 5,200, where small housing developments of over 5 houses have the potential to have a significant visual impact on the townscape.</p> <p>Policy H1: Meeting local housing need over the period of the plan</p> <p>Subject to .....will be supported where:</p> <p>a) There is proven need It is of modest scale in compliance with the Local Plan, notably Strategies 1, 6 21, 34 and 35; it will provide good quality local new homes for local people.</p> <p>b) on developments of 5 or over dwellings, that it there should be include a proportion ..... elderly.</p> <p>c) primarily be for provide affordable housing as outlined in Strategies 21, 34 and 35 of the now adopted Local Plan.</p> <p>d) h</p> <p>Housing proposals that exceed current technical standards ..... be encouraged.</p>
<p>Policy H2 is an important policy for Budleigh Salterton which has a very distinctive local character and landscape setting. I consider that the policy requires some re-wording so that it is more specific about the assets and designations which are to be protected, and where possible</p>	<p>PM2-</p> <p>Policy H2: Maintaining local character</p> <p>Presumption that New housing development should maintain the local distinctiveness of the town, the local characteristics and heritage of the various areas in order to conserve and enhance the AONB. Ensure that, and its setting. In particular, it should:</p>

<p>enhanced. <b>PM2</b> would make the policy more direct and precise having regard for national policy (sections 7, 11 and 12 of the NPPF). The modification should secure general conformity with Strategies 48 and 49 of the Local Plan. I recommend that PM2 is made so that the Plan meets the Basic Conditions.</p>	<p>a) Safeguard the character and biodiversity of the Dorset and East Devon WHS as well as the Coastal Preservation Area and the Otter Estuary SSSI;</p> <p>b) Conserve the landscape and scenic beauty of the East Devon AONB;</p> <p>c) Preserve or enhance the character and appearance of Budleigh Salterton Conservation Area and its setting.</p> <p>New housing development should not have a harmful impact on listed buildings or their settings.</p> <p>Ensure that It should also have regard for the scale, massing, density, height, design and materials of buildings in other distinctive areas of the town outside the conservation area.</p>
<p>The District Council pointed out that the parking standards in the Local Plan are presented as a guide rather than a strict requirement, so that criterion e) of Policy H3 should be made more flexible. In addition, some minor re-wording is required, in my opinion, to clarify the policy's criteria and ensure that sustainable development is secured. <b>PM3</b> sets out the necessary modification.</p>	<p>PM3-</p> <p>Policy H3: Infill developments and extensions</p> <p>The effect .... following criteria: ....</p> <p>Intelligent Plans and Examinations (IPE) Ltd, Regency Offices, 3 Portwall Lane, Bristol BS1 6NB</p> <p>Registered in England and Wales. Company Reg. No. 0100118. VAT Reg. No. 237 7641 84</p> <p>20</p> <p>a) not lead to result in overdevelopment ....</p> <p>c) the development, including garden size should reflects the existing ....</p> <p>d) principles of designing out crime should be incorporated</p> <p>e) comply with have regard for the parking ....objectives.</p> <p>f)m Modern design .....or enhanced.</p>
<p>There is no need to amend the thrust of the policy, but the wording requires minor change, as shown in <b>PM4</b>, to ensure that it will achieve sustainable development.</p>	<p>PM4-</p> <p>Policy H4: Built-up area boundary</p> <p>Developments outside the BUAB must be able to demonstrate .... EDAONB. The semi-rural character of the area surrounding of the town, and the gateways to the town outside the BUAB is to be maintained - ie land alongside the B3179 road from Exmouth and the B3018 road from Sidmouth – are to be maintained.</p>

<p>The final sentence refers to “Conservation Areas” and, although there is a quotation from the Budleigh Salterton Conservation Area Appraisal at the bottom of Page 26, it is not explicitly stated that the heart of the town is a designated conservation area. In view of the statutory requirement that the character and appearance of conservation areas should be preserved or enhanced, I consider that paragraph 6.1 and Policy B1 of the Plan should include references to Budleigh Salterton Conservation Area, and the title of the map on Page 72 should be clarified/corrected. Having regard for national policy and the 1990 Listed Buildings and Conservation Areas Act, <b>PM5</b> should be made.</p>	<p>PM5-</p> <p>6.1 The desire by the community .....any new development. Budleigh Salterton Conservation Area is located at the centre of the town as illustrated on the map on Page 72. The town has 40 ....</p> <p>Policy B1: Identity of town and seafront</p> <p>New development should preserve or enhance the character and appearance of Budleigh Salterton Conservation Area and its setting. Developments should take into consideration .....</p> <p>6.2 Para 56 of the NPPF states “The Government .....</p> <p>Change the heading to the map at the bottom of Page 72: Historic Features and Conservation Areas Budleigh Salterton Conservation Area and Listed Buildings</p>
<p>Paragraphs 128 and 129 of the NPPF make clear that the ranking and significance of assets is an important consideration when assessing the likely impact of development proposals; greater weight should be given to protecting assets with designated status.</p> <p>Policy B3 should be modified as set out in <b>PM6</b> in the interests of enabling sustainable development in line with the NPPF.</p>	<p>PM6-</p> <p>Policy B3: Heritage assets</p> <p>Heritage assets and their setting: The special .....consideration. Inappropriate developments ...will not be supported. Proposals for development which have the potential to affect a heritage asset should identify their likely impact relative to its significance. Any harm will be weighed against the merits of the proposed development.</p> <p>Heritage Assets Include:</p> <p>The designated ....., designated Conservation Areas and the World Heritage Site. ....</p>
<p>The justification for the revised text is set out later in the report.</p>	<p>PM7-</p> <p>Policy NE2: Protection of Local Green Spaces</p> <p>Local Green Spaces .....are:</p> <p>(1) Jubilee Fields, (2) The Green (Station Road), Cliff Terrace Gardens, Blueberry Downs (flats), (3) Little Common (Exmouth Road), East &amp; West Terrace Gardens, Hospital Garden (4) Budleigh Salterton Community Gardens, (5) Greenway Gardens, (6) Frewins Gardens, The Spinney,(7) Barn Lane Playing Field, (8) Norman’s Crescent Playing Area, (9) the Burial Ground, Dark Lane Railway Line Amenity walk, Croquet and Bowls Club. Football Ground and (10) Hospital Garden.</p> <p>Map on Page 36: Local Green Spaces</p>

	<p>Modify in accordance with the amended Policy NE2, including a reduced size Hospital Garden site, and add numbers to the map to assist the location of spaces.</p> <p>7.8 The community allotment gardens and the railway line make an unique and .....</p> <p>Cliff Terrace .....road layout.</p> <p>East &amp; West Terrace .....layout.</p> <p>Blueberry Downs .....in garden.</p> <p>Little Common (Exmouth Road) ....</p> <p>Hospital Garden.....</p> <p>Budleigh Salterton Community Gardens .....</p> <p>Frewins Gardens ...</p> <p>The Spinney .....</p> <p>Barn Lane Playing Field .....</p> <p>Norman’s Crescent .....</p> <p>Railway Line .....</p> <p>Croquet and Bowls Club .....</p> <p>Football Ground Justification recreational value.</p> <p>7.12 Para 4.24 says ..... PPG 17 notes that planning for</p>
<p>The introduction to Section 9 of the Neighbourhood Plan, and Policy CLW1, show that Budleigh Salterton includes a range of sports and recreational facilities. Clearly, these are valued by the local community and many, for example, those along the seafront, are appreciated by visitors. East Devon District Council proposed a minor change to the wording of Policy CLW2: Relocation of Budleigh Salterton Cricket Club, which I recommend as <b>PM8</b>, because it clarifies how the policy will ensure that any adverse effect of relocation is satisfactorily mitigated. With this modification in place, the policy contributes to sustainable development and meets the Basic Conditions.</p>	<p>PM8-</p> <p>Policy CLW2: Relocation of Budleigh Salterton Cricket Club</p> <p>Modify criterion d):</p> <p>To ensure that any adverse impact of a new site ..... mitigated.</p>

1.5 Upon publication of the report, Budleigh Salterton Town Council (through the Neighbourhood Plan Group) raised a concern about one of the recommendations made by the Examiner. Following discussions with the Neighbourhood Plan group, and the submission of further

evidence to support their position, it was agreed that further advice would be taken to determine the legal position.

- 1.6 The disputed modification concerns an area of land known in Budleigh Salterton as the 'Hospital Garden'. The Neighbourhood Plan proposed that this open space, along with other areas of recreation and/or amenity land in the town, be designated a Local Green Space. This would protect the area from future development and would ensure it is retained for amenity/recreational benefit. During the Examination, Mrs Kingaby asked for further clarification from the Town Council as to how the Local Green Spaces were identified and justified. They provided a comprehensive response and the owners of the Hospital Garden, Clinton Devon estates, also responded, questioning the methodology used and proposing a revised, smaller, area to be designated on the Hospital Garden site. This correspondence can be viewed here <http://eastdevon.gov.uk/planning/neighbourhood-and-community-plans/neighbourhood-plans/neighbourhood-plans-being-produced-in-east-devon/budleigh-salterton/#article-content>
- 1.7 The Garden has been leased by Clinton Devon Estates to the Hospital (to the NHS and then the league of friends) for many years, for the use of patients and the wider public. Since the closure of the Hospital in 2015, it has remained open to the public and is now proposed to be used as part of the Health and Wellbeing Hub, offering a range of medical and other health services to the public on an out-patient basis, including dementia-care. The lease now runs on an annual rolling basis. Clinton Devon Estates have applied for planning permission (in outline, for two dwellings) on approximately half of the garden area and requested that the Examiner reduce the garden area to exclude the application site. The remainder could then remain as Local Green Space. In respect of the current planning application on the site, an appeal against non-determination has been lodged and, whilst this is not a material consideration to this report, the Neighbourhood Plan will be a consideration in determining that appeal.
- 1.8 The Examiner's report addresses the issue of Local Green Spaces and the sections relevant to the Hospital Garden site are as follows:
- 4.20 Policy NE2: Protection of local green spaces, lists 16 places (or 17 including the Burial Ground) as allocated local green spaces within Budleigh Salterton. These are varied in character and include The Green, Station Road, and Jubilee Fields, as well as more specialist sports grounds, a burial ground and allotments. A brief description and justification for selecting each place is given in paragraph 7.8 of the submitted Plan.
- 4.21 The NPPF, paragraph 76, enables local communities to identify local green spaces which are of special importance to themselves. They should only be designated when a plan is prepared or reviewed and their designation will rule out new development other than in very special circumstances. Thus, policies identifying local green spaces must be consistent with planning for sustainable development and must complement investment in sufficient homes, jobs and other essential services. Paragraph 77 of the NPPF states that local green space designation will not be appropriate for most green areas or open space. As the Neighbourhood Plan identifies so many diverse areas as potential local green spaces but identifies no sites for housing or other development, I questioned the rationale for their inclusion in Policy NE2 (in the Examiner's letter). The NPPF sets out stringent criteria for local green spaces and the PPG gives additional advice. The Town Council replied with proposed modifications to Chapter 7 and to the map on Page 36, providing more detailed information on the proposed sites.

4.26 I have considered carefully the case for including the Hospital Garden site as a local green space. I am aware that the hospital has closed so that the recreational use of the gardens by in-patients has ceased. The hospital is expected to re-open this year as a Health and Wellbeing hub for out-patients, but a recent planning application indicates that part of the site could be used for new housing development whilst the remainder would be retained as open space for out-patients (Age Concern and users of the dementia memory cafe are referenced). I make no comment on the merit of the planning application but, in the interests of sustainable development, consider that the case for designating all the former hospital gardens as local green space is insufficiently robust. Designation would remove flexibility from future use of the site, as paragraph 78 of the NPPF would apply. I have had regard for Bell Cornwell's letter (on behalf of Clinton Devon Estates) to East Devon District Council, following my request for more information on 18th April 2017 about the designation of local green spaces. That letter supports the designation as local green space of the part of the site nearest the Hospital and fronting Boucher Road. I consider that this should secure an area of open space for out-patients that will be special to the community, and accord with national planning policy. The map on Page 36 should be amended to show a smaller Hospital Garden site (site number 10) as illustrated in the Bell Cornwell LLP letter (PM7).

- 1.9 Under para 12 of the Town and Country Planning Act it is for the Local Planning Authority (EDDC) to consider the recommendations made in the report and the reasons for them and decide what action to take in response to each recommendation.
- 1.10 The District Council must be satisfied that the Neighbourhood Plan meets the basic conditions, compatible with the convention rights and complies with the provisions under s 38A and 38B or that the draft Neighbourhood Plan would meet those conditions be compatible with those rights and comply with those provisions if modifications were made to the draft Neighbourhood Plan (whether or not recommended by the examiner) before a referendum is held.
- 1.11 The only modifications the District Council may make are set out in para 12 (6) of the Town and Country Planning Act:
  - (a) modifications that the examiner considers need to be made to secure that the draft order meets the basic conditions mentioned in paragraph 8(2),
  - (b) modifications that the examiner considers need to be made to secure that the draft order is compatible with the Convention rights,
  - (c) modifications that the examiner considers need to be made to secure that the draft order complies with the provision made by or under sections 61E(2), 61J and 61L,
  - (d) modifications specifying a period under section 61L(2)(b) or (5), and
  - (e) modifications for the purpose of correcting errors.
- 1.12 The Neighbourhood Plan Steering Group submitted further information which set out their belief that the Examiner had made an error in reaching her decision to exclude part of the Hospital Garden as a Local Green Space. This letter is attached for information. They assert that the Inspector is wrong to conclude that there will be sufficient space remaining for its intended use by the (Health and Wellbeing) Hub and that she relied on information submitted by Clinton Devon Estates which was incorrect and which they weren't qualified to make a judgement upon.
- 1.13 The written material upon which the Examiner based her view, and her report itself, were considered by Planning and Legal Officers of the District Council in considerable detail and it was concluded that the Examiner's report is not in itself erroneous, rather she has taken a

different view to the Plan producers. None of the respondents has quantified the area of land likely to be required by the Health and Wellbeing Hub, although a range of activities and healthy pursuits are planned for it, so the Examiner has allocated an area which she feels will be special to the local community and accord with National Policy. Whilst this is extremely disappointing for the Plan producers it does not constitute an error and so a modification to the Examiner's report is not justified.

1.14 The regulations go on to state that if-

- a) the local planning authority propose to make a decision which differs from that recommended by the examiner, and
  - b) the reason for the difference is (wholly or partly) as a result of new evidence or a new fact or a different view taken by the authority as to a particular fact,
- the authority must notify prescribed persons of their proposed decision (and reason for it) and invite representations.

1.15 In this instance as set out above it is considered that there has been no error, no new evidence nor is there evidence for the District Council to take a different view on this fact sufficient to propose to make a decision which differs from that recommended by the Examiner.

1.16 Budleigh Salterton Town Council have agreed to all but one of the proposed modifications, and have not yet confirmed whether they would be prepared to accept a reduced 'Hospital Garden', however this is now a decision for the District Council as Local Planning Authority. A new version of the Plan, incorporating all of the proposed modifications, will be submitted to referendum. This will be available prior to the Committee meeting. The original Plan, to which the examiners comments refer can be found at the following link:

<http://eastdevon.gov.uk/planning/neighbourhood-and-community-plans/neighbourhood-plans/neighbourhood-plans-being-produced-in-east-devon/budleigh-salterton/#article-content>

1.17 The legislation, which is reflected in our protocol, requires the Council to consider and respond to this report. The amendments suggested by Ms Kingaby, means that the Council can be satisfied that the Plan:

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- does not breach, and is compatible with European Union obligations and the European Convention of Human Rights and therefore meets the 'Basic Conditions'.

Given that this is the case and the Basic Conditions are met, there are not considered to be any grounds to reject the findings of the report. Members are asked to agree to accept the recommendations of the examiner's report and agree that a notice to this effect be published.

1.18 The District Council will be responsible for arranging a referendum where all electors within the Parish of Budleigh Salterton will be invited to vote on whether the Neighbourhood Plan should be used to make planning decisions in the Parish. If more than 50% of those who vote say 'yes' the Neighbourhood Plan will be made and will form part of the Development Plan for East Devon.

## APPENDIX 1-

### **Further Response Regarding Budleigh Salterton Hospital Garden- Produced by the Budleigh Salterton Neighbourhood Plan Steering Group**

In Section 4.26 the Independent Examiner states that the rationale for her decision to remove land from the proposed green space currently constituting the hospital garden was based on communication received from Bell Cornwall on behalf of Clinton Devon Estates. The examiner concludes:

I consider that this should secure an area of open space for out-patients that will be special to the community, and accord with national planning policy.

The Bell Cornwall letter (dated May 8<sup>th</sup>) makes several claims relating to the proposed development of part of the site:

- i. A substantial area of land within the Site 7 area would remain which can continue to be used in its current role as an amenity open space and which would be unaffected by the development.
- ii. Users of the health and wellbeing hub will still have ready and uninterrupted access to the amenity space. It will be noted from the plan that the land retained for this purpose is more than adequate in size and form to fulfil any role as an amenity space for Hub users.

We believe that these statements are misleading, and hence, have resulted in a factual error in the Independent Examiners conclusions that there would be sufficient space remaining for its intended use by the hub.

The primary error is that the area of land remaining (less than half the current garden site) would be more than adequate in size to fulfil its role as a space for hub users. Bell Cornwall provide no evidence to support this assertion.

Bell Cornwall only made comments after the comment period on the Neighbourhood Plan had closed, as a result the Neighbourhood Plan Steering Group was given no opportunity to challenge its assertions.

In fact the plans for the hub assume that the garden will play an integral role for many patients, and by reducing it by over half it may well not be able to fulfil that function. The portion remaining is small and dominated by trees, and so and may not be suitable for many activities. As the type of patients who will be using the hub will be more active than typical inpatients, the garden is likely to be used considerably more than previously. The main physician involved in the hub development has commented:

When the hospital re opens our expectation is to extend considerably the numbers of patients who will get support from the integrated clinical and social services that will be there. We expect to expand the clinical services available, particularly for those living with dementia and mental health problems. The garden becomes an even more important asset for the work done by the hospital. Wellbeing and social engagement are crucial aspects of health, the exciting thing about the redevelopment of the hospital is the way we plan to make those elements integral to the delivery of clinical services for some of the most vulnerable members of our community. The garden is thus clearly very important.

Therefore we believe that the independent Examiners comments regarding the open space designation for the Budleigh Salterton Hospital Garden be disregarded as factually inaccurate based on uninformed advice by Bell Cornwall who have made a judgement outside the field of their professional competence and expertise.

Roger Saunders (Secretary)



**Initial Response to Proposals by Jill Kingaby the Independent Examiner to reduce the size of the Budleigh Salterton Hospital Garden- Produced by the Budleigh Salterton Neighbourhood Plan Steering Group**

1. At a meeting of the Budleigh Salterton Neighbourhood Plan Steering Group on 23rd May 2017 the Steering Group voted unanimously to accept all the Policy Modifications (PM's) in the Independent Examiner's report with the exception of the section of PM7 relating to the Hospital Garden. The Steering Group unanimously objected to the proposals made in this section of PM7 and para 4.26 and voted to reject it. This green space meets all the criteria for designation as set out in NPPF para. 77 but also has an overwhelming health and benefit need for the community.

"The designation should only be used where green space is reasonably close proximity to the community it serves; where the green area is demonstrably special to the local community and holds particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of wildlife; and where the green area concerned is local in character and is not an extensive tract of land"

2. Budleigh Salterton Hospital was built in 1887. The hospital's foundation was set up by charitable donations led by Rev. Boucher on land donated by the hon. Mark Rolle in honour of Queen Victoria's Golden Jubilee. The hospital was mothballed in 2015 and since then negotiations have taken place to convert the hospital site into a Health and Wellbeing Hub for the community of both Budleigh Salterton and the Lower Otter valley. Throughout the hospital's existence the adjacent garden has been an integral asset used and enjoyed by patients, visitors and employees, as well as by the Hospital League of Friends for fund raising events.

3. Work has now begun converting the hospital site into a Health and Wellbeing Hub (Hub), it is scheduled to open in July 2017. This is a NHS Pioneer project and the Secretary of State has shown a close interest in the development, aspirations and aims of this facility. While the buildings and the site will still be owned by the NHS, the Hub itself will be managed and operated by Westbank Community Health and Care.

4. The focus of the Budleigh Hub is about delivering the Staying Well, Prevention of Ill Health Agenda and generating social capital across the community. Following an extensive programme of engagement with the local health, social, voluntary and commercial sectors, the following activities list provides an indication of the likely expected provision;

Dementia support services, Diabetes and healthy lifestyle services

Cook and chat, healthy cooking style classes and baking lessons

Cafe / bistro with an internet café that all can use

Fitness (gym) and exercise classes for the whole community

Yoga, Spinning and other classes, Holistic therapy services

Support for carers

Volunteer support for patients living at home- driving, befriending, practical support

Volunteer opportunities for people wanting to become involved in the local community

Family time for the pre-school children and their parents/carers

Mother and toddler support and social activities

Art groups and classes, jigsaw, knitting and craft activities

Mental health services and support

Social activities for the whole community

Meeting rooms and conference facilities (bookable for use by a range of services and groups)

A range of NHS outpatient services

Support for Post-Traumatic Stress Disorder and eating disorders

Access to general information and advice on a range of wellbeing, welfare and other subjects. Access to educational resources around Health and Wellbeing

Access to family planning and sexual health services

The Budleigh Hub is not limited to these activities, which are likely to develop and change according to demand and local community need.

5. The proximity of the Hospital Garden to the Hub building makes it a vital and inclusive space in the whole Hub Project as we develop the Well-Being support for the community. With many of those expected to use the Hub, not having access to either transport or their own gardens (living in flats and apartments or sheltered accommodation). The benefits of the outdoor space close to the hospital which they can easily access from the Hub either unaided or with support from volunteers or carers, are immeasurable. Latest NHS advice is that increasing activity levels of all sorts is the most important way of improving the health of all, especially those over the age of 65. Consequently, the hospital garden will become an increasingly important component of the Health and Wellbeing Hub. The garden has been a feature of the planned use of the Hub by many potential user groups outlined in Para 4.

6. With over 2050 residents (39% of the population) over the age of 64, Budleigh Salterton has even greater need than most communities for developing care for the elderly and dementia care. Age Concern will be establishing their base for the town at the Hub. The garden with the provision of comfortable seating will provide an essential outdoor space for many elderly residents who would otherwise have no access to a garden. As mentioned in Para 4 the Hub will provide Dementia support services. With such a high proportion of elderly residents Budleigh Salterton has a proportionally higher than average number of dementia sufferers. It is a proven medical fact that dementia sufferers benefit both mentally and physically from being out in the fresh air. Going out can be stressful for some dementia sufferers, but getting outside has also been found to ease agitation and aggression, the Hub aims to develop a dementia friendly garden which will provide a safe environment for those with dementia and their carers to enjoy. See supporting attachments

7. As Para 4 highlights the Hub will provide support and social care for parents and children. A safe children's play area in the garden is an essential aspect of this facility. While there will be an indoor gym in the Hub, provision of an outdoor gym in the garden will be particularly beneficial in helping those needing rehabilitation following injury or illness.

8. A sensory garden for the visually impaired with raised flowerbeds and scented plants is also planned. In their Community Hub facility in Exminster Westbank have also developed a small community allotment garden which provides both physical and therapeutic benefits. Consideration is being given to developing a similar amenity here. The Hub will also provide Holistic therapy services and classes such a yoga and tai chi. These classes and services are often more beneficial when taken outdoors, as is usually the case in the Far East. With proven long term health benefits for participants especially the elderly.

9. The garden will also provide a centre for groups to gather and hold events. Historically it has been used for fund raising events by the Hospital League of Friends. But it is envisaged that it will be made available to the community at large to enable clubs and societies to hold exhibitions and social events.

10. The proposed planning application by Clinton Devon Estates will substantially reduce the size of the site, thus limiting the range of uses and activities detailed above. The narrow shape of the resulting smaller plot could limit wheelchair access thus precluding those in the community who would benefit most.

11. Budleigh Salterton Town Council met on the 13th March 2017 to consider Clinton Devon Estates application to develop part of the Hospital Gardens site (17/0495/OUT). 3 members of the public spoke objecting to the application. Mrs M De Veill as a member of the Housing and Environment Focus Group which developed the Neighbourhood Plan stated that much thought had gone into which sites should be included as Local Green Spaces. If the application were approved it would make a mockery of the Neighbourhood Plan. The site had been used over many years by hospital patients and relatives and some had scattered their relative's ashes there. Dr R Meznar (Local GP and partner in BS Medical Centre and member of the CCG WEB) felt that the garden would be used more than ever the once the Hub had been completed. Dr Graham Taylor (Retired GP) stated that as Chairman of Age Concern he hoped that part of this improvement would include outdoor activities in the Hospital Garden, be it gardening therapy, exercise, including classes, or just the chance to enjoy the sunshine in convivial company. There was no such facility at the Public Hall and the garden at the Hub was, therefore, a great attraction to our clients. The open space around the hospital would certainly have added to patient's sense of health and wellbeing. Dr Taylor said that the current planning application is disappointing and, if passed, will impact on the activities of our clientele.

12. The Council stated that it was unable to support the application to build housing on this site for the following reasons - a) Members believe the site will be valuable for the future users of the Health and Wellbeing Hub being planned at the hospital. It is also their understanding that such outside space is beneficial to dementia sufferers. b) The proposal is contrary to Policy NE2 of the Emerging Budleigh Salterton Neighbourhood Plan which relates to the protection of Local Green Spaces. c) Members feel that the proposed entrance on to the B3178 is too close to Boucher Rd.

13. I hope that both EDDC and the Independent Examiner will now appreciate the importance of maintaining this Open Space at its current size. As you will appreciate the Health and Wellbeing Hub aims to be an essential and vital community asset for many years to come. This type of development will be viewed with great interest by many Health Authorities throughout the country as it is seen as a core NHS strategy by the Government in its efforts to make the NHS more relevant to the long-term health needs of the population. The Hub's planned use of the garden is also very much in-line with an EDDC core strategy regarding Health and Wellbeing. The Hospital Hub Garden must be maintained in its current size and dimensions as an integral part of this development to ensure the health of the community for generations.

This submission is accompanied by detailed information relating to:

The benefit of outdoor space and gardens to people with dementia

Therapeutic Gardens for the Elderly

Engaging Older People in Parks and Greener Spaces

**Report to:** Cabinet  
**Date of Meeting:** 13 July 2017  
**Public Document:** Yes  
**Exemption:** None



**Agenda item:** 19

**Subject:** East Budleigh with Bicton Neighbourhood Plan to be formally 'made'

**Purpose of report:** The East Budleigh with Bicton Neighbourhood Plan has now passed referendum and it must be formally 'made' by East Devon District Council for it to form part of the development plan.

**Recommendation:** **It is recommended that:**

- 1. The East Budleigh with Bicton Neighbourhood Plan is 'made' so it forms part of the development plan.**
- 2. That the Council write to the Neighbourhood plan group to congratulate them on all their hard work and advise that once 'made' the East Budleigh with Bicton Plan will carry its full weight in the planning decision making process;**

**Reason for recommendation:** The East Budleigh with Bicton Neighbourhood Plan received a majority 'yes' vote in the referendum as required by the regulations and there is no substantive reason not to 'make' the Plan.

**Officer:** Claire Rodway, Senior Planning Officer (01395 571543)  
[crodway@eastdevon.gov.uk](mailto:crodway@eastdevon.gov.uk)

**Financial implications:** There are no direct financial implications

**Legal implications:** Following a majority vote in the referendum the Council must proceed to adopt (or 'make') the plan, unless in doing so it causes a breach of EU obligations or Convention rights. The Independent Examiner concluded that regard has been had to Convention rights. Moreover, the Council has adopted a Screening Opinion, accepted by relevant statutory consultees, which confirms that there is no need for a formal SEA or HRA and accordingly there would be no breach in respect of those obligations under EU legislation. It is not considered that there are any other breaches of EU obligations that can be identified. Accordingly, the legal position is that the Council must 'make' the Neighbourhood Plan. As noted, following being made, it will become part of the Development Plan for decision making on planning applications.

**Equalities impact:** Low Impact  
The Neighbourhood Plan has been produced with considerable community engagement. All persons living in the parish have been

engaged throughout its production and all persons registered to vote in the area could vote in the referendum.

**Risk:** Low Risk

The only reason for the NP not to be made now is if the Council consider that to do so would breach an EU obligation or Convention right. There is a risk that should we take that decision it will be subject to legal challenge and that the Parish Council will feel disenfranchised that their right to produce a Neighbourhood Plan under the Localism Act has been prevented.

**Links to background information:**

- [The Localism Act](#)
- [Plain English Guide to the Localism Act:](#)
- [National Planning Policy Framework:](#)
- [Neighbourhood Planning Regulations:](#)
- [East Budleigh Neighbourhood Plan](#)

**Link to Council Plan:** Living in, working in, enjoying this outstanding place

## Report in full

### 1.0 East Budleigh Neighbourhood Plan Referendum

1.1 On 25 May 2017, a referendum was held on the East Budleigh with Bicton Neighbourhood Development Plan at the East Budleigh Village Hall from 7am to 10pm.

1.2 Voters were asked the following question:

***"Do you want East Devon District Council to use the neighbourhood plan for East Budleigh with Bicton to help it decide planning applications in the neighbourhood area?"***

1.3 The regulations advise that if more people vote 'yes' than 'no' in the referendum, East Devon District Council should use the Neighbourhood Development Plan to help it decide planning applications in East Budleigh and Bicton Parishes. The Neighbourhood Development Plan once adopted will then become part of the Development Plan.

1.4 In East Devon the development plan currently consists of the adopted East Devon Local Plan, 2013-2031; the adopted Devon Waste Plan, December 2014, and the Minerals Local Plan, June 2004.

1.5 The final results of the referendum are shown below:

Yes: 271

No: 35

Voter turnout 37.5%

In favour: 88.56%

1.6 The results show a clear majority in favour so now the cabinet must consider whether it would be appropriate to 'make' the neighbourhood plan.

1.7 Once the Neighbourhood Plan is formally made it will carry its full weight in the planning decision making process. As part of the Development Plan any planning applications in

East Budleigh and Bicton will be judged against it as well as policies of this Council and also the National Planning Policy Framework. Application of the policies of the Neighbourhood Plan will ensure that the hard work that has gone into its production will result in effective application of local community expectations and aspirations in the decision making process.

- 1.8 The only reason for the NP not to be made now is if Cabinet consider that to do so would breach an EU obligation or Convention right. When the Neighbourhood Plan was independently examined the examiner noted the following:

" Taking all of the above into account, I am satisfied that the Neighbourhood Plan is compatible with EU obligations.."

## **2.0 Next stages**

- 2.1 Following the decision whether or not to make the NP (or where the referendum results in a 'no' vote or the NP is refused as it would cause a breach of an EU obligation or Convention right), we will produce a decision notice (detailing the decision and reasons for it and where it may be viewed) and publish it;
- on the NP pages of our website
  - by sending a copy to the plan producer and requesting that the Plan Producer notifies those persons who live, work or carry on business in the NA to which the NP relates
  - by notifying the 'consultation bodies' referred to in the consultation statement
  - by advising those adjoining authorities
  - Anyone who asked to be notified of a copy of the decision
  - All those who made representations on the plan

**Report to:** Cabinet  
**Date of Meeting:** 13 July 2017  
**Public Document:** Yes  
**Exemption:** None

**Review date for release** None

**Agenda item:** 20

**Subject:** **Additional capital budget for new recycling and waste collection service mobilisation**

**Purpose of report:** We are seeking an additional capital budget of £152,116 to complete the capital mobilisation of the new recycling and waste collection contract.

We had originally set a capital budget of £6 mil for the capital elements of the new service roll out. It was looking like we were going to spend under £5mil for all the capital elements, so a portion of the original budget was offered as a saving.

This report shows why we now need to ask for an amount of this saving back to complete the capital parts of this large project; mostly because of additional recycling sacks required for the mobilisation due to high levels of participation and for an improved electricity supply at our Greendale depot to power larger scale bailing equipment; This will cope with the higher than predicted amounts of recyclate being collected under the new scheme (25% higher than modelled).

**Recommendation:** **Cabinet agrees the additional capital spend of £152,116 for the new recycling & waste service roll out for the reasons as set out in the report.**

**Reason for recommendation:** To allow the successful capital mobilisation of the new collection service, giving us the best chance of it succeeding and our collection partner Suez being able to keep on top of processing the recyclate being collected.

**Officer:** Andrew Hancock – Service Lead, StreetScene  
[ahancock@eastdevon.gov.uk](mailto:ahancock@eastdevon.gov.uk) 01395 571611

**Financial implications:** The financial breakdown for this service is provided in tabular form at point 6. The table lists the expenditure already committed, together with the elements identified in this report. The project had been on target to come in within budget for all the original elements. The text of the report explains the requirement to ask for an additional capital budget of £152,116.

**Legal implications:** There are no legal implications arising from the content of the report.

**Equalities impact:** Low Impact

**Risk:** Medium Risk

- If the additional capital budget is not granted we will have overspent our budget on new recycling sacks, as we had to order more to ensure we had enough to deliver to every property



and have spare stock for the expected turnover on these new receptacles.

- Not upgrading the power supply at Greendale will mean that we cannot install the higher capacity sorting equipment. This means we would likely have large backlogs of recyclate at the Greendale depot, would need to work longer and possibly unsustainable hours to process this and ultimately might not realise the recycling income due from the material.
- There is a small risk that one of the unsuccessful bidders may challenge due to the perception that the overall capital budget from the submitted bid has increased. It has not, the overall amount is still within Suez's submitted bid, with additional cost pressures coming from potential East Devon spend (sacks & power supply), or requests for original capital mobilisation budget rebates.

**Links to background information:**

**Link to Council Plan:** Encouraging communities to be outstanding  
Delivering and promoting our outstanding environment  
Continually improving to be an outstanding council

**Report in full**

**1. Materials recovery facility (MRF)**

1.1 As part of Suez's bid for the new contract they included £400k for a MRF at our Greendale Depot. This MRF will allow them to sort and separate the mixed plastics, cans and cartons, maximising the value we can get for the material sales. Suez are going to invest in excess of £100k more into the MRF than was envisaged as part of the submitted bid. This extra investment is at Suez's cost and is to ensure the MRF has the capacity for the extra recyclate we are now collecting (25% higher than predicted in Suez's submission modelling); as well as future growth not just in properties but participation and material volumes. This cost will not be passed onto East Devon and Suez will hold the price submitted within the tender. Suez believe this was the right thing to do to make sure we can process the projected increase in materials. The more expensive bailing plant has a design capacity of 4 tonnes per hour rather than 2.4 tonnes per hour as originally envisaged.

1.2 An impact of this up-scaled bailing plant has been that the electric supply to the depot would not cope with the new loading. Rather than delay the installation of the MRF equipment, Suez have ordered the increased electricity supply. Suez are requesting that East Devon pay the costs of this supply as the investment is in our facility and will have long term benefits for our facility as well as improving processing capacity during this contract. As the head lease holder and owner of the depot buildings it is right that East Devon pay for the costs of the uprated electricity supply.

1.3 The total cost of the electricity installation and improvement is £47,987.

**2. Additional recycling sacks**

2.1 We ordered 70,000 recycling sacks for the mobilisation of the new service. We thought this would be enough to cover our 68,000 households with some spares. However during phase 1 of the roll out for Exmouth we used more sacks than expected due to people wanting more than 1 sack so they could recycle even more.



2.2 We needed to order additional recycling sacks to ensure we had enough for phase 2 and a good stock of spares. We have already ordered these additional sacks as we needed them for phase 2 which started on Monday June 12<sup>th</sup>. We are requesting an additional £54k to cover the purchase of these sacks.

2.3 We have a planned revenue budget for ongoing recycling sack and box replacements. This capital request is for the bulk purchase of sacks for the mobilisation.

### **3. Recycling Sack delivery - one off cost**

3.1 In the Suez submission there was a one off cost listed for the initial delivery of the new recycling sacks to 68,000 properties. Future deliveries as part of the service are included in the base monthly cost.

3.2 The one off cost was £53,720 and was allowed for in the original £6 million capital roll out budget. During a changeover of accountancy personal the need to retain this amount was inadvertently lost. The sacks have been delivered and we now need to reinstate this budget.

### **4. Vehicles**

4.1 Suez identified that we could use a 3.5 tonne vehicle for container deliveries rather than a 7.5 tonne and this saving was passed onto the Council earlier in the capital mobilisation of the contract, saving £20,780. Suez have also identified that for the narrow access recycling vehicles, two 7.5 tonne vehicles would provide better capacity than the original provision of one 7.5 tonne and one 3.5 tonne. As we have shared in the savings from the capital mobilisation, it is logical that we adopt the same principle to work with our partners and cover the increase in cost of changing the narrow access recycling vehicle at a cost of £22,000.

### **5. Summary**

5.1 Suez have invested heavily in this contract to ensure its long term success. They view this contract as one of their key partnerships. The overall investment over and above the tendered sum is in the order of £100k for the bigger MRF, £13k in extra vehicle livery costs, £70k for the new auto braking safety system following the recent reversing incident, £40k in depot improvements such as safety barriers/lineage/offices etc. Suez are planning to invest further in improving the glass bay and installing a wash bay. Many of these investments are long term improvements to the EDDC depot. As true partners we'd like to invest as well to the total sum of £69,987.

5.2 It is worth noting that the tender submitted by Suez included £4.9m for capital mobilisation of plant and equipment. Suez have managed to provide savings of over £60k on their capital mobilisation budget and therefore this increased investment for the Suez capital mobilisation (equipment and plant as described in their submission) would still fall within the total cost described in their bid and allocated as a budget to capital mobilisation.

5.3 The other capital elements of the power supply, one off cost for recycling sack delivery and additional recycling sacks we are requesting budget for are outside of the Suez submission/budget of £4.9m. These additional or rebate budget areas are East Devon cost pressures as described in the report.

## 6. Capital budget allocation

<b>Plant / equipment</b>	<b>Capital mobilisation costs - £</b>
Refuse vehicles x 8	1,108,000
Recycling vehicles x 22	2,763,000
Other vehicles x 9	286,580
Vehicle equipment	271,129
MRF & other equip.	414,800
Narrow access change cost	22,000*
Dark green recycling sacks x 70,000	130,900
Additional 25,000 dark green recycling sacks for phase 2 roll out	54,000*
Recycling Sack delivery - one off cost	53,720*
Upgraded electric supply to Greendale depot	47,987*
<b>Grand total</b>	<b>5,152,116</b>
Additional capital budget requested £177,707 less £25,591 remaining in current budget =	
	<b>152,116</b>

**Report to:** Cabinet  
**Date of Meeting:** 13 July 2017  
**Public Document:** Yes  
**Exemption:** None

**Review date for release** None

**Agenda item:** 21

**Subject:** Corporate Health and Safety Policy

**Purpose of report:** To consider and approve the Council's revised policy setting out how we will promote a culture of safe workplaces and safe systems of working throughout our organisation.

**Recommendation:** To approve the revised policy

**Reason for recommendation:** The Council is a major employer and is legally required to comply with the Health and Safety at Work etc. Act 1974. Alongside general duties to protect the health, safety and welfare of employees and anyone else affected by our activities, there is an express legal requirement for us to produce a written policy. This should set out what arrangements we have made for complying with the law and specify who is responsible for implementing these arrangements. The attached policy fulfils this requirement.

**Officer:** Andrew Ennis, Service Lead - Environmental Health and Car Parks, Environmental Health & Car Parks email: [aennis@eastdevon.gov.uk](mailto:aennis@eastdevon.gov.uk)

**Financial implications:** There are no identifiable financial implications.

**Legal implications:** As the report identifies, it is a legal requirement under Health and Safety legislation for the Council to have a written policy. While the Council has a written policy, as identified in the Policy document itself, this was adopted some time ago and it is good practice to regularly review policies to ensure they remain relevant and up to date. By adopting this Policy the Council will ensure that it is complying with its legal duties and good practice.

**Equalities impact:** Low Impact

**Risk:** Low Risk

**Links to background information:** [Corporate Health and Safety Policy](#)

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



Issue details	
<b>Title:</b>	<b>Health and Safety Policy</b>
<b>Version number</b>	<b>Version 3.1</b>
<b>Officer responsible:</b>	<b>Service Lead for Environmental Health</b>
<b>Approved by:</b>	<b>Strategic Lead for Housing, Health and Environment</b> <b>Signature</b>
<b>Authorisation by:</b>	<b>Cabinet</b>
<b>Authorisation date:</b>	<b>July 2017</b>
<b>Review date:</b>	<b>July 2020</b>

## East Devon District Council Health and Safety Policy

### Reviewed

May 2017

### Policy Approval

The Council's previous policy was approved by Executive Board in 2004 and the Policy statement was approved and signed by the Council's Chief Executive. This review reflects the current management structure and clarifies arrangements for the organisation and delivery of corporate health and safety.

### Why do we need a policy?

The Health and Safety at Work Act 1974, requires employers with five or more employees to produce a written health and safety policy. The policy identifies posts with specific responsibility for health and safety and sets out how to manage and implement the health and safety arrangements in the organisation. This will actively promote a health and safety culture and help reduce accidents and work related ill health.

### Our Policy

Successful health and safety management demands a comprehensive health and safety policy and that policy must be fully implemented and needs to be a relevant consideration in all of our decisions. The Council commits to achieving high standards of workplace health and safety and this policy is intended to promote the safety, health and well-being of our staff and contractors and to protect others who may be affected by our work activities. We believe that all of our employees have a vital role in protecting themselves, their work colleagues and the public from workplace hazards.

### How will we go about it?

This policy is issued to all new employees as a mandatory part of their induction training. It is also referred to in other health and safety training. This revision of the policy will be delivered to (and accepted by) all staff electronically using our "metacompliance" process. In addition to this policy all staff will be provided with suitable and sufficient training in health and safety for the job role under the umbrella of this policy and in accordance with our [Health and Safety Training Matrix](#). Some health and safety advice and guidance is presented here in this policy. Additional health and safety advice will be provided to managers and staff via the Strategic Management Team from time to time by the Service Lead for Environmental Health and Car Parks. Advice on specific areas of concern or uncertainty will be provided on request by the Corporate Health and Safety Team including the Service Lead for Environmental Health and Car Parks, the Principal Environmental Health Officer (Commercial Premises) and the Corporate Safety Officer. Advice is also available directly from line managers and a designated Service safety officer from the relevant service area. Further information for managers is available from our [Manager's guide for new employees](#) and [Managers' checklist for temporary employees](#). Annual

safety inspections of all Council workplaces are organised carried out by members of the Central Joint Safety Panel.

A copy of this policy will be accessible for all staff in the [policy register](#). and on the internet.

## Policy Statement

**East Devon District Council** recognises and accepts its responsibility as an employer, and will provide, as far as is reasonably practicable, a safe and healthy workplace and work environment for all of its employees and those who are not its employees, e.g. contractors, partner organisations and the public, who may be affected by its activities, or in premises it makes available as a place of work. Similarly, the Council will strive to ensure the wellbeing of its employees.

### Principles:

- The workforce is our most important asset.
- Health and Safety is a management responsibility integral to service provision.
- Effective Health and Safety management is based on a common understanding of risks and controlling them through good risk management.
- The preservation of human and physical resources is an important way of minimising costs.
- Accidents, ill health and incidents are usually preventable.

### Aims

The Council will take all reasonable and practical steps to meet its responsibilities. We aim to provide:

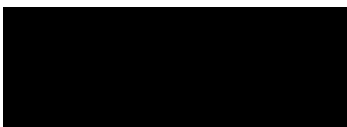
- Safe plant, safe equipment and safe systems of work.
- A safe place to work.
- A healthy working environment that supports wellbeing.
- Suitable and sufficient welfare facilities and arrangements.
- Safe arrangements for the use, handling, storage and transport of articles and substances.
- A system for reviewing procedures and auditing their effectiveness to ensure the proper management of Health and Safety within the authority.

### Every employee has a duty to assist the Council in achieving these aims by:

- Exercising personal care for the health and safety of themselves and others who may be affected by their acts or omissions.
- Co-operating with the Council to enable it to carry out its responsibilities.
- Not intentionally or recklessly interfering or misusing anything provided in the interests of health, safety or welfare.

The Chief Executive is responsible for all matters of health, safety and welfare within the Council and will consequently ensure that arrangements are in place to ensure its successful management.

Signed:



Date: 17 May 2017

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## Section 1 – Responsibility for Health & Safety at East Devon District Council

1.0 Managers and employees should consider the implications for health and safety in any decision they make. Where their decision may compromise health and safety or there is any uncertainty they must discuss this with their Line Manager.

**1.1 Elected Members** have a key role to play in ensuring the health, safety and wellbeing of entire communities. Their decisions can have a major influence on the health and safety of both local authority employees and the public.

**1.2 Our Chief Executive** has overall responsibility for all health, safety and welfare matters within the Council and will ensure their effective and successful management. The Chief Executive is directly responsible for ensuring that the Council's Health and Safety Policy is implemented throughout the Council's undertaking, and is responsible for ensuring that health and safety at work is dealt with on a corporate basis with an appropriate progressive strategy in place.

**1.3 Our Strategic Management Team (SMT)** is responsible for considering and approving policies which ensure the Council has mechanisms designed to fulfil its obligations and responsibilities for health, safety and welfare. They will consider health and safety issues raised by the Central Joint Safety Panel. The SMT will be delegated the responsibility for implementing the Council's health and safety policy in all Services by the Chief Executive.

**1.4 Strategic Leads along with the Chief Executive and Deputy Chief Executive** who make up the SMT, shall be responsible for the application of the Council's Health and Safety Policy within their Services.

**1.4.1 Strategic Lead – Housing, Health and Environment**, is designated as the Health and Safety Champion responsible for promoting Health & Safety, and bringing specific safety issues, to the Strategic Management Team.

**1.4.2 Strategic Lead – Finance** shall ensure that all liability is covered by appropriate insurance.

**1.4.3 Strategic Lead - Organisational Development and Transformation** shall

be responsible for developing and maintaining an overall training policy for mandatory corporate health, safety and welfare matters for all employees. The Human Resources Business Partners will provide information about and publicise corporate. For all non-mandatory local health and safety training identified as necessary by line managers, or through other channels, it will be the responsibility of **The Principal Environmental Health Officer (Commercial Premises)** and **the Corporate Safety Officer** to assist line managers by advising on the suitability and sourcing of possible courses.

- advise the Service Lead – EH & CP on the implications of the Council's Safety Policy insofar as they relate to personnel matters;
- consult and negotiate with Appointed Safety Representatives of recognised Trade Unions on those aspects of the Council's Safety Policy which affect their conditions of employment;
- ensure that Appointed Safety Representatives of recognised Trade Unions are provided with adequate facilities and training to carry out their functions, and that arrangements are made for joint consultation;
- keep records of mandatory corporate Health and Safety training that employees have received. All other Health and Safety Training will be recorded by **The Principal Environmental Health Officer (Commercial Premises)** and **the Corporate Safety Officer**



- deal with matters of staff welfare and occupational health and
- issue the Council's Health and Safety Policy Statement to all new employees.

The definitive list of mandatory training course is held [here](#) but corporate health and safety training currently comprises:

- Health and Safety Induction course
- Fire Safety Awareness (on-line)
- VDU Workstation Assessments (on-line)
- Manual Handling (on-line) and work based for Street Scene seasonals
- Conflict management
- Stress awareness and Stress management

Many other health and safety topics are available and training needs will be assessed annually by line managers through every employee's performance excellence review process and those training needs will reflect the requirements set out in our [training matrix](#) and will be set out in [training and development plan](#) for each employee.

## 1.5 Service Leads

### 1.5.1 The Service Lead – Environmental Health and Car parks (EH & CP) has the overarching responsibility for:

- The Council's Corporate Safety Policy and the Health and Safety Plan;
- Routine inspections of all Council workplaces and practices to ensure the Council's statutory obligations are being met;
- Managing the corporate safety team;
- Advising Members, Chief Executive and Strategic Leads on the Council's responsibilities under the Health and Safety at Work etc. Act 1974 and specifically of the health and safety implications of any unsatisfactory working conditions for District Council staff (since these matters will have personnel implications, the advice will only be given after consultation with the Strategic Lead – Organisational Development and Transformation);
- Liaising with the Health and Safety Executive and through the Strategic Lead – Organisational Development and Transformation with the Council's Occupational Health Provider on relevant matters;
- Maintaining a programme for monitoring and evaluating all hazards in the District Council (Risk Mapping) relating to the prevention of accidents and illness arising from work activities including risks to the public.
- Overseeing the introduction of an internal health and safety audit system over a 3 year period.

**1.5.2 Other Service Leads** are responsible for the application of the policy within their service.

To enable this they will:

- Ensure observance of the requirements of the Health and Safety at Work, etc. Act, 1974 and other relevant legislation and insist that safe working practices are observed at all times;
- Nominate a Service Safety Officer to act as liaison officer for health and safety matters on his/her behalf for day-to-day matters
- Ensure that the responsibilities of the Service Safety Officers are properly assigned, accepted and performed
- Ensure that Appointed Safety Representatives of recognised Trade Unions are provided with such facilities and assistance as they may reasonably require for the purpose of carrying out their statutory functions
- Ensure the allocation of sufficient budget to meet health and safety obligations.
- Ensure that suitable and sufficient assessment are undertaken of risks to the health and safety:-
  - (a) of their employees at work, and
  - (b) of persons not in their employment who may be affected by the conduct of their employees in connection with their undertaking.

Preventative and protective measures should be adopted to combat the risks identified in the course of the risk assessment process.

**1.6 Managers and Supervisors**

**1.6.1 The Principal Environmental Health Officer (Commercial Premises) and the Corporate Safety Officer** will

Act on behalf of the Service Lead for Environmental Health and Car Parks and on request provide advice on all aspects of health, safety and welfare at work to all senior staff, managers, employees, partner organisations and contractors.

- Co-ordinate the Council's approach to fulfilling the terms of its Safety Policy and Arrangements and developing strategies for the effective management of health, safety and welfare.
- Monitor adherence to statutory obligations and the Council's Safety policy against previously agreed goals.
- Be responsible for planning, delivering and reporting on compliance audits, carrying out investigations of reported accidents, incidents, near misses and other workplace hazards that have been reported.
- Ensure the completion and review of the Council's Health and Safety Policy and that satisfactory arrangements are in hand for implementing this policy;
- Assess the effectiveness of the Health and Safety Policy and recommending any changes to it which may be required from time to time;
- Produce a Health and Safety Plan covering all elements of health, safety and welfare and monitoring the compliance of the Council in achieving its targets;

- Ensure, as far as reasonably practicable, that managers are conversant with their responsibilities and are able to develop their knowledge and skills in order to fulfil these obligations;
- Promote and foster, through dissemination of information, training, publicity and other suitable means, cultural improvements within the Council in terms of health, safety and welfare issues applying to normal general working practices;
- Assess risks (and assist others to assess risks) to health and safety of employees, contractors and to the public in Council owned, maintained and occupied premises, depots, work areas, sites and working activities, and ensuring that necessary arrangements are made to prevent danger to health from these risks;
- Notify the Health and Safety Executive of accidents, dangerous occurrences and industrial diseases as prescribed under statutory requirements;
- Advise on the drawing up and implementation of safe systems of work and assist service managers and team leaders in researching, preparing, conducting and drafting suitable and sufficient risk assessments to reflect current best practice and covering the full range of work activity within their service areas.
  - Carry out periodic inspections to identify unsafe plant, unsafe working conditions and unsafe premises;
  - Ensure compliance with COSHH through checks and audits.
  - Advise on the safety and design and use of plant and equipment;
  - Advise on the purchase of protective clothing and safety equipment and ensure that it is issued and used by employees correctly;
  - Provide information about accident prevention techniques;
  - Promoting a health and safety training programme via the H&S Training Matrix and provide safety training for employees;
  - Investigate accidents, incidents and “near misses” to Council employees and other persons on Council premises or caused by a Council activity, record accident statistics and recommend means of preventing recurrences;
  - Organise a fire drill/evacuation not less than twice a year, maintaining an appropriate number of Fire wardens, providing them with regular refresher training and ensuring that all firefighting equipment is regularly serviced and inspected;
  - Attend the Central Joint Safety Panel and provide professional advice on health and safety matters;
  - Provide health and safety training and maintain records of this
  - Advise Strategic and Service Leads on their responsibilities under the Act,
  - Maintaining contact on health and safety matters with the Service Safety Officers, Appointed Safety Representatives, and other local authorities, Fire Brigade, and Health and Safety Executive;
  - Undertake any other health, safety and welfare duties as may be assigned from time to time by the Service Lead – EH & CP

## 1.6.2

**Other Managers and Supervisors** are responsible to their Service Leads for ensuring that working conditions and personnel, employees of partner organisations and contractors under their control comply with statutory obligations relevant to the work being undertaken and also with arrangements under the Council's Safety policy. For the purpose of this policy, Managers and Supervisors are members of staff who have responsibility for managing any of the following:

- other staff (including agency staff and anyone employed by a partner organisation)
- Contractors
- Council property
- Workplaces
- be fully conversant with this policy and be responsible for its implementation within their areas of responsibility;
- have working knowledge of statutory requirements and agreed codes of practice applicable to the work on which they are engaged;
- ensure that applicable safe working practices are incorporated into their methods of work and instruction;
- report any damage or defects in plant and/or equipment immediately and take effective measures to eliminate any hazards from the areas within which employees under their control are working;
- produce written risk assessments of identified hazards to the employees or those affected by their work. These will be signed by their Service Lead and a copy forwarded to the Corporate Safety Team
- restrain employees from, and not require them to take, unnecessary risks that may cause injury to themselves or others;
- ensure that all employees under their control, particularly those undergoing training, are made aware of and adopt safe working practices;
- ensure all employees under their control are issued with and make proper use of personal protective clothing and equipment appropriate to the tasks upon which they are engaged, and
- investigate and report all accidents and dangerous occurrences and take such appropriate measures as may be necessary to prevent a recurrence.
- ensure they have suitable and sufficient health and safety training for example, attending the IOSH, "Managing Safety" course.

- **1.7 Service Safety Officers** are responsible for:

- liaising with the Corporate Safety Officer for advice and assistance on the effects and application of the Council's Health and Safety policy within their service, and
- advising and assisting Service Leads, Managers, Supervisors and other members of staff within their service on health and safety matters.
- co-ordinating and monitoring health, safety and welfare in their Services. These duties should include:
- monitoring the effective application of this policy.

- identifying potential hazards and dangerous practices and reporting on same to appropriate persons with a view to resolving the problems;
- liaison with the Corporate Safety Officer on health, safety and welfare issues which affect the staff of the Service;
- maintaining contact with Appointed Safety Representatives within their Service with the object of resolving local health, safety and welfare problems.
- Attending the quarterly Central Joint Safety Panel.

**1.8 Appointed Safety Representatives** of recognised trade unions will, through their Service Leads be provided with such facilities and assistance as they may reasonably require for the purpose of

- carrying out their statutory functions in accordance with the Regulations on Safety Representatives and Safety Committees 1977, and any arrangements made by or with the Council and
- co-operating with the Council on all aspects of health, safety and welfare at work and assist the Council in promoting accident prevention generally and with the distribution of relevant information to employees.
- Helping the Service Safety Officers carry out their annual safety review.

### **1.9 The Central Joint Safety Panel**

- will consist of equal numbers of representatives of the **employers** and **employees**.
- will meet on a “quarterly basis”, but a special meeting can be convened at the instigation of the Chairman and Vice Chairman to discuss any business requiring urgent attention.

The purpose of the Panel will include:

Monitoring safety matters arising from or affected by the Council’s activities, including

- the study of accident statistics and trends, so that reports can be made to management on unsafe or unhealthy conditions and practices, along with the recommendations for remedial action;
- examination of annual health and safety inspections of all EDDC workplaces and maintaining records of this;
- Consideration of reports from **The Principal Environmental Health Officer (Commercial Premises)** and the **Corporate Safety Officer** setting out the Council’s health and safety compliance audit work plan along with consideration of any completed audit reports.
- analysis of information and reports provided by the Health and Safety Adviser, Corporate Safety Officer or Service Safety Officers;
- consideration of reports from appointed safety representatives;
- the development, introduction and monitoring of safety rules and safe systems of work;
- the appraisal and monitoring of the effectiveness of safety training;
- reviewing of safety and health communication and publicity in the workplace, and
- the provision of a link with the appropriate inspectors appointed by the Health and Safety Executive;

- the extent of coverage of council activities by Corporate Health and Safety risk assessments.
- the review of existing or introduction of new health and safety policies as new legislation dictates.

The Safety Representatives and Safety Committee Regulations 1977 and the Health and Safety (Consultation with Employees) Regulations 1996, require the Council to consult with employees' representatives on certain matters which affect the employees they represent. These matters are:

- the introduction of any measures that may substantially affect the health and safety of employees
- the arrangements for appointing "competent persons"
- any health and safety information that must by law be provided to employees
- the planning and organisation of health and safety training for employees
- the health and safety consequences of new technology to employees

Information on these types of issues should be presented to the Safety Panel in good time so that proper consultation may take place.

**1.10 All employees** shall exercise personal care for their own health, safety and welfare and for the health, safety and welfare of others who may be affected by their work activity. They will co-operate with the Council to enable it to carry out its responsibilities and statutory requirements. They must not intentionally or recklessly interfere or misuse anything provided in the interests of health, safety and welfare. In particular all employees shall:

- familiarise themselves with the District Council's Safety Policy;
- work in accordance with safe working practices relevant to any task undertaken;
- make full use of all appropriate protective clothing and safety equipment provided by the Council;
- report any defects, hazards or other items, (using the on-line Hazard Report form), that could give rise to an unsafe place of work and
- report all accidents and dangerous occurrences, including those which do not result in personal injury or property damage.

**1.11 All Contractors** have a responsibility for their own safety and those affected by their work activity. They must follow agreed method statements, permits to work and any procedures/safe practices required of council employees. This includes adhering to The Management of Contractors policy.

This policy will be reviewed and amended whenever necessary, otherwise a review will take place every three years.

## Section 2 – Arrangements for implementing the Health and Safety Policy

### 2.1 Training

It is the Line Manager's responsibility to ensure that all employees that they line manage are given the appropriate Health and Safety training to enable them to undertake their duties within a safe working environment.

Therefore managers are required to ensure that:

- (i) Regular reviews of appropriate safety training are undertaken. We provide guidance to managers within the [Health and Safety Training Matrix](#), Managers should pay particular attention to the need to review training needs that may arise following the introduction of any new plant or machinery or as a result of implementing new processes, procedures or modified work methods.
- (ii) Employee's annual Performance Excellence Review includes a formal review of any Health and Safety issues and identifies any training needs.
- (iii) Each service will make the necessary arrangements for ensuring that all employees receive sufficient, 'on the job' safety training.
- (iv) Records of all training undertaken are retained on the Trent database by the HR Training team and by the Health and Safety Adviser in accordance with established procedures. The Principal Environmental Health Officer (Commercial Premises) and the Management Information Officer will produce for SMT and service managers regular reports highlighting all cases where a member of staff's current training records do not meet the minimum requirements set out in the Health and Safety Training Matrix for their role.
- (v) All new starters will receive a basic introduction to Health and Safety through an induction course provided by the Health and Safety Adviser or Corporate Safety Officer linking to the mandatory online training delivered during their induction process.

The HR Training team (assisted by the Corporate Health and Safety Team) will promote and publicise the availability of appropriate Health and Safety training courses via the [Teignbridge Training Partnership](#) and the training needs for staff as set out in the [Health and Safety Training Matrix](#).

## 2.2 Safety Inspections and Audits

- (i) SMT will ensure that safety performance is effectively monitored by the Service Leads. This will be achieved through an ongoing risk mapping programme with the outcomes for each service being reported back to SMT on a regular basis.
- (ii) Arrangements for monitoring the safety performance of each Service will include:-
  - (a) An ongoing high level review of arrangements for health, safety and welfare by working with each service manager to cross reference current arrangements with a comprehensive risk mapping checklist.
  - (b) Regular reviews of: Safety Arrangements, Safety Inspection Reports, Hazard Reports, Accident Reports, Unsafe Practices and Measures to improve safety within the Services.
  - (c) Review of current Health and Safety risk assessments.
  - (d) A yearly inspection report of all Council owned workplaces, plant and equipment, coordinated by the Health and Safety Adviser, the Corporate Safety Officer and the Central Joint Safety Panel.
  - (e) An in-house audit programme based on a 3 year workplan to begin with high risk work activities and both the audit plan and audit reports will be subject to scrutiny by both SMT and the Central Joint Safety Panel.

## 2.3 First Aid

- (i) The location and names of qualified "First-Aiders"/Appointed Persons will be displayed on notice boards at The Knowle.
- (ii) First Aiders/Appointed Persons will ensure that First Aid Boxes are provided and maintained at each workplace under their control. A prescribed leaflet "General first-aid guidance for first aid boxes" will be kept in each Box/Cupboard/Room.
- (iii) The majority of our employees currently work out of our headquarters location at the Knowle in Sidmouth. The Principal Environmental Health Officer (Commercial Premises), the Health &

Safety Adviser and the Corporate Safety Officer will develop and maintain a first aid training programme for the Knowle. They will also arrange for the appointment of a sufficient number of qualified First-Aiders (and appointed persons) to meet statutory requirements and the general needs of the organisation at the Knowle.

- (iv) Managers of services provided in other locations (depots, THG, Manor Pavilion, Honiton Business Centre etc.), will be supported with advice from The Principal Environmental Health Officer (Commercial Premises), the Health & Safety Adviser and the Corporate Safety Officer in assessing, reporting and meeting the needs for appropriate first aid cover for their staff.
- (v) Medical advice on matters of occupational health will be sought by the Strategic Lead for Organisational Development and Transformation. The Principal Environmental Health Officer (Commercial Premises), the Health and Safety Adviser and the Corporate Safety Officer may also contact the [Employment Medical Advisory Service](#), where it is appropriate to do so.
- (vi) All employees should seek first aid treatment for injuries received at work.
- (vii) Details of the incident must in all cases be reported and recorded on the on-line Accident Form.

## 2.4 Accident Reporting & Recording Procedures

All accidents/incidents and significant “near misses” must be reported by the line manager responsible for the injured employee (or by a suitable responsible colleague acting in their absence) using the [on-line system](#), and investigated so that the risk of a recurrence is minimised. Our current procedure is set out in this document “[Accident reporting and recording procedure](#)” is available and may also be viewed on the intranet under “Our Council - Health and Safety”. The Principal Environmental Health Officer, the Health and Safety Adviser or the Corporate Safety Officer will receive notifications of all reported accidents, incidents and near misses. They will take appropriate steps to conduct a proportionate investigation and complete a record of all actions taken. If it is appropriate to do so they will make a statutory [RIDDOR report](#) on behalf of the Council either immediately upon receipt of [qualifying accidents or incidents](#) or immediately following a resultant absence period following the accident or incident of more than 7 days.

## 2.5 Hazard Reporting Procedure

- (i) Whenever a health, safety or welfare enquiry or a report of a hazard is made, the appropriate remedial measures to secure health and safety must be taken as soon as possible, if accidents are to be avoided. Normally when an employee makes a report, their supervisor or manager should be informed without delay in order that suitable action may be taken to reduce or remove the hazard. An [on-line Hazard Report Form](#) must be completed unless it is a minor hazard that can be **immediately** dealt with by the employee themselves.
- (ii) Employees are also encouraged to contact their Service Safety Officer to make them aware of their report.



The reporting procedure is as follows:-

- (a) The on-line form is completed and sent which will inform the Principal Environmental Health Officer (Commercial Premises), the Health and Safety Adviser and the Corporate Safety Officer.
  - (b) The Principal Environmental Health Officer (Commercial Premises), the Health and Safety Adviser and the Corporate Safety Officer will contact the employee and the Service Safety Officer to check if the hazard has been dealt with.
  - (c) The Principal Environmental Health Officer (Commercial Premises), the Health and Safety Adviser and the Corporate Safety Officer may need to contact the Service Lead if the hazard requires their intervention.
  - (d) The outcome of each investigation will be reviewed and may lead to changes in the arrangements for ongoing health, safety and welfare in that service (and potentially other related services) including a further risk mapping review of that service, a review of risk assessments or the identification of a training need.
- (iii) Each Service is responsible for ensuring that:-
- (a) all employees are made aware of the enquiry and hazard reporting procedure;
  - (b) action is taken to produce a satisfactory conclusion to each hazard report and that the system is properly monitored.
  - (c) The reports, investigations and outcomes are reported from time to time to SMT for review.

## 2.6 Risk Assessment

- (i) The Management of Health & Safety at Work Regulations 1999, Regulation 3, places a duty on employers to assess risks and hazards to the health and safety of all employees and anyone else who may be affected by their work activity.
- (ii) This written assessment will enable the necessary preventative and protective measures to be identified and undertaken. A corporate Risk Assessment template is available for this purpose; the current version is stored [here](#).
- (iii) The Service Leads will ensure that risk assessments are undertaken by the appropriate managers and will sign the completed assessment forms. All members of staff will be involved in the risk assessment process which will cover areas such as Noise, COSHH (Control of substances hazardous to Health), Work Equipment, Manual Handling, Working at Height, VDU operation, and PPE (Personal Protective Equipment). In addition assessments will be required for Young People at Work, Pregnant and Nursing Mothers, Violence to Staff and Stress.
- (iv) Assessments must be reviewed annually or revised if the situation, task or equipment used changes.

## 2.7 Health And Safety Executive (HSE)

- (i) The Service Lead – EH & CP must receive copies of all correspondence received from or sent to the H.S.E.
- (ii) The Health & Safety Adviser / Corporate Safety Officer must be notified of any visits/inspections to be carried out or undertaken by the H.S.E
- (iii) Whenever possible during the inspection/visit of an H.S.E. Inspector, the Health & Safety Adviser / Corporate Safety Officer and a senior member of the Service being visited / inspected, should be present.

## **2.8 Other Arrangements**

Arrangements are published separately for the following policies/procedures and links to them can be found on the Intranet under “Our Council – Health & Safety – Health and Safety Manual” or “Search – Policy Register”.

**Health and Wellbeing Policy**

**Accident Reporting and Recording Procedures**

**Asbestos Policies (Housing and Property Services)**

**Bomb and other Threats Procedures**

**Fire Arrangements and Procedures \***

**Legionella Policy**

**Lone Working Policy**

**Stress Policy**

**Visual Display Units**

**Violence at Work Policy**

**Young People at Work**

**Vibration Policy**

**The Management of Contractors Policy**

\* This document covers the procedure for Knowle but may be used as a guide for other work places e.g. East Devon Business Centre, to produce their own procedures.

## **3.0 Outcomes**

The policy demonstrates management’s commitment and support and outlines delegated responsibility and arrangements which will:

- ensure better health and wellbeing of employees
- reduce the number of accidents
- reduce sickness due to work related ill health
- help avoid litigation claims as a result of work related accidents and ill health.

## **4.0 Performance Monitoring**

Health and safety is monitored through the Health and Safety Plan, annual inspections, work related ill health, accident statistics and by periodic reports to SMT and the internal auditing programme, scheduled over a 3 year cycle, which will cover relevant health and safety procedures, work instructions, etc.

## **5.0 Policy Consultation**

The Health and Safety Policy has been produced and revised in consultation with the Central Joint Health and Safety Panel, Property Services and the Human Resources Team.

## **6.0 Policy Review**

To be reviewed again in August 2019.

## **7.0 Related Policies and Strategies**

All policies should consider health and safety issues. The Health and Safety Policy refers to other connected policies, for example, Asbestos Policy, Lone Worker Policy, etc. These can be viewed on the Intranet [here](#).