

Agenda for Cabinet

Wednesday 6 September 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 13 July 2017 (pages 4-10), to be signed as a true record
- 3 Apologies
- 4 [Declarations of interest](#)
- 5 [Matters of urgency](#)
- 6 Confidential/exempt items – there are no items which officers recommend should be dealt with in this way.
- 7 Forward Plan for key decisions for the period 1 October 2017 to 31 January 2018 (pages 11-14)

- 8 Notes from the Exmouth Regeneration Board held on 13 July 2017 (pages 15-20)
- 9 Notes of the New Homes Bonus Panel held on 19 July 2017 (pages 22-23)
Recommendations for Cabinet consideration can be found on page 21
- 10 Minutes of the Scrutiny Committee held on 20 July 2017 (pages 25-27)
Recommendations for Cabinet consideration can be found on page 24
- 11 Minutes of the Overview committee held on 25 July 2017 (pages 29-31)
Recommendations for Cabinet consideration can be found on page 28
- 12 South East Devon Habitat Regulations Executive Committee held on 25 July 2017 (pages 32-35)
- 13 Notes of the Community Fund Panel held on 8 August 2017 (pages 37-38)
Recommendations for Cabinet consideration can be found on page 36
- 14 Notes of the Asset Management Forum held on 10 August 2017 (pages 39-41)

Part A matters for decision

- 15 **Monthly Performance reports – June and July 2017** (pages 42-48)
Performance information for the 2017/18 financial year for June and July 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 - June 2017 snapshot
Appendix 2 – July 2017 snapshot
- 16 **Chardstock and Yacombe Neighbourhood Plan to be ‘made’** (pages 49-51)
The Chardstock Neighbourhood Plan and the Yacombe and Marsh Neighbourhood Plan have now passed referendum and must be formally ‘made’ by East Devon District Council in order to form part of the development plan.
- 17 **Dunkeswell Neighbourhood Plan Examiners Report** (pages 52-60)
To provide feedback and set out proposed changes following the examination of the Dunkeswell Neighbourhood Plan
- 18 **Uplyme Neighbourhood Plan Examiners Report** (pages 61-71)
To provide feedback and set out proposed changes following the examination of the Uplyme Neighbourhood Plan.
- 19 **Acquisition of former Reservoir, Holyford Woods, Colyton** (pages 72-75)
To determine whether to accept the offer of a reservoir known locally as ‘Top Pool’ or ‘Lambs Pool’ as part of the Holyford Wood Local Nature Reserve.
- 20 **Disclosure and Barring Service Checks** (pages 76-81)
To consider whether it is necessary and appropriate for all Councillors to be subject to a Disclosure and Barring Service check in respect of the performance of their duties.
- 21 **Temporary Accommodation Policy** (pages 82-86)
To ensure a policy is set out of how to procure temporary accommodation and how responsibilities are met to provide temporary accommodation to eligible people who are homeless or threatened with homelessness.

- 22 **Driving at Work Policy** (pages 87-112)
To consider and approve the Council's policy for staff and Members who drive on council business, providing controls and guidance for people driving as part of council duties.
- 23 **Financial Monitoring report; Month 4, July 2017** (pages 113-117)
This report gives a summary of the Council's overall financial position for 2017/18 at the end of month four (31 July 2017).
- 24 **Footprint Ecology - Exemption from Standing Orders** (pages 118-121)
To inform of an exemption to standing orders in order to appoint the consultancy firm, Footprint Ecology, to undertake Habitat Regulations assessment work in support of the Greater Exeter Strategic Plan.
- 25 **Manor Pavilion Car Park** (pages 122-160)
To report the outcome of the public consultation exercise carried out alongside the statutory consultation relating to the proposed arrangements for managing 21 spaces as a public pay and display car park.
- 26 **Ombudsman complaints 2016/17** (pages 161-164)
This report provides information on complaints referred to the Local Government Ombudsman during 2016/17.

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 13 July 2017

Attendance list at end of document

The meeting started at 5.30pm and ended at 6.04pm.

***21 Public Speaking**

Mr Roger Sherriff and Councillor Chris Kitson wished to speak on agenda item 18 relating to Budleigh Salterton Neighbourhood Plan Examiner's report.

***22 Minutes**

The minutes of the Cabinet meeting held on 14 June 2017 were confirmed and signed as a true record.

***23 Declarations**

None

***24 Matters of urgency**

None

***25 Matters referred to the Cabinet**

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

***26 Exclusion of the public**

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

***27 Forward Plan**

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

***28 Minutes of the Recycling and Waste Partnership Board held on 25 May 2017**

Members received the Minutes of the Recycling and Waste Partnership Board held on 25 May 2017. The prospect of future green waste collections for the district was discussed.

***29 Minutes of Housing Review Board held on 15 June 2017**

Members received the Minutes of Housing Review Board held on 15 June 2017.

RESOLVED (1) that the following recommendations be noted:

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

1. the final options report from echelon and consider the models proposed for the renewal of the responsive repairs and work to void properties contract.

Minute 11 Communal cleaning

1. the current position and future plans for the cleaning of communal housing areas.

Minute 12 Spending Right to Buy receipts

1. 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.

RESOLVED (2) that the following recommendations be agreed:

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

2. the outsourcing option as the preferred approach to procuring a new contract and securing service improvements.

Minute 9 Housing strategy update

Minute 10 Decommissioning of sheltered housing update

1. the decision to cease the process of decommissioning certain sheltered properties,
2. those properties already decommissioned were re-commissioned.

Minute 11 Communal cleaning

2. the appointment of two further members of cleaning staff.

Minute 12 Spending Right to Buy receipts

2. 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. a new form for Right to Buy applications designed to counter fraudulent claims.

Minute 13 Housing Revenue Account outturn report 2016/17

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

***30 Minutes of the STRATA Joint Scrutiny Committee held on 15 June 2017**

Members noted the Minutes of the STRATA Joint Scrutiny Committee held on 15 June 2017

***31 Minutes of the STRATA Joint Executive Committee held on 20 June 2017**

Members noted the Minutes of the STRATA Joint Executive Committee held on 20 June 2017.

RESOLVED (1) that the following recommendation be agreed:

Minute 21 Strata Budget Monitoring Out-Turn Report 2016/17

3. the three Councils approved 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.

***32 Minutes of the Scrutiny Committee held on 22 June 2017**

Members received the Minutes of the Scrutiny Committee held on 22 June 2017.

RESOLVED (1) that the following recommendation be noted:

Minute 7 Scrutiny Forward Plan

the Chief Executive's report to Cabinet on his two priority areas after the Parliamentary Election included 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.

33 Electoral Review of East Devon – Final Recommendations

Members noted the Local Government Boundary Commission for England had now published its final recommendations for the new electoral arrangements for East Devon.

***34 Monthly Performance reports – May 2017**

The report set out performance information for the 2017/18 financial year for May 2017. This allows Cabinet to monitor progress with selected performance measures and identify any service areas where improvement is necessary.

There were three indicators that showed 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

There was 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 had now been received which was only a small sample of the total number of appeals received over the year. The decisions were being monitored, although it was anticipated that as the number of appeal decisions increase, the performance figure would stabilise.

RESOLVED:

that the progress and proposed improvement action for performance measures for the 2017/18 financial year for May 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.

***35 Corporate Counter Fraud and Compliance Strategy – 2017-2020**

The Strategic Lead - Finance presented the report, which asked Members to approve the new strategy relating to the Council's Corporate Counter Fraud and Compliance work. Not adopting this strategy would mean there would be no clear corporate direction of travel for this area of work. This would risk the aims of the Anti-Fraud, Theft and Corruption Policy and also Regulatory Enforcement and Prosecution Policy not being met.

RESOLVED:

that the Corporate Counter Fraud and Compliance Strategy for 2017-2020 be agreed.

REASON:

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

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

The Strategic Lead - Finance highlighted the report, which detailed the overall position and performance of the Council's Treasury Management Strategy during 2016/17.

RESOLVED:

that the investment values and performance for the year to 31 March 2017 be reviewed and noted.

REASON:

The Council was 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.

***37 Broadclyst Neighbourhood Area – redesignation**

The report proposed that the Broadclyst Neighbourhood Area should be redesignated to cover the whole Parish.

RESOLVED:

that the designation of the whole Parish of Broadclyst as a Neighbourhood Area be agreed.

REASON:

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 had been agreed through a boundary review and the legislation had changed so that the District Council could not object to the designation of neighbourhood areas which followed parish boundaries.

***38 Budleigh Salterton Neighbourhood Plan Examiners Report**

Mr Roger Sheriff Chairman of Budleigh Salterton Neighbourhood Plan Steering Group, thanked EDDC for all the help and support they had received, especially Tim Spurway and Claire Rodway who responded to their requests of support quickly and professionally.

Councillor Chris Kitson said he was not mandated to speak on behalf of the Town Council although there were no adverse comments from the Town Council on the Examiner's report. He repeated the Plan's aims to support housing and business development as well as improve medical services.

Councillor Steve Hall, Ward Member stated this was a well-executed document. Although the Steering Group would have liked control of 100% of the hospital gardens, they were happy to work with the 50% set by the Examiner.

Councillor Tom Wright, Ward Member congratulated Roger Sherriff and his team for getting the Plan to this stage.

The Budleigh Salterton Neighbourhood Plan referendum would be held in September 2017 to avoid the August holidays where participation could be affected.

The report provided feedback and set out proposed changes following the examination of the Budleigh Salterton Neighbourhood Plan.

RESOLVED:

1. that the examiners recommendations on the Budleigh Salterton Neighbourhood Plan, be endorsed,
2. 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, be agreed,
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, in most part, were accepted by the Town Council. One modification was not accepted by the Town Council and Members were asked to consider whether there were grounds to disregard the Examiners recommendation in this respect.

***39 East Budleigh with Bicton Neighbourhood Plan to be formally 'made'**

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

RESOLVED:

1. that the East Budleigh with Bicton Neighbourhood Plan was 'made' so it forms part of the development plan,
2. that the Neighbourhood plan group be congratulated on all their hard work and advised that once 'made' the East Budleigh with Bicton Plan would carry its full weight in the planning decision making process.

REASON:

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

***40 Additional capital budget for new recycling and waste collection service mobilisation**

The Strategic Lead – Housing, Health and Environment requested an additional capital budget of £152,116 in order to complete the capital mobilisation of the new recycling and waste collection contract. Originally a capital budget of £6m was set for the capital elements of the new service roll out. It looked like the original spend was going to be under £5m for all the capital elements, so a portion of the original budget was offered as a saving.

The report showed why the request for an amount of this saving back to complete the capital parts of this large project was being asked for. This was mostly because of additional recycling sacks required for the mobilisation due to high levels of participation and for an improved electricity supply at the Greendale depot to power larger scale bailing equipment. This would cope with the higher than predicted amounts of recycle being collected under the new scheme (25% higher than modelled).

RESOLVED:

that the additional capital spend of £152,116 for the new recycling & waste service roll out be agreed.

REASON:

To allow the successful capital mobilisation of the new collection service, giving the best chance of it succeeding and collection partner Suez being able to keep on top of processing the recyclate being collected.

*41 **Corporate Health and Safety Policy**

The Service Lead - Environmental Health and Car Parks asked Members to consider and approve the Council's revised policy, which set out how a culture of safe workplaces and safe systems of working throughout the organisation would be promoted.

RESOLVED:

that the revised policy be approved.

REASON:

The Council was a major employer and was 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 its activities, there was an express legal requirement to produce a written policy. This should set out what arrangements were made for complying with the law and specify who was responsible for implementing these arrangements.

Attendance list

Present:

Paul Diviani Leader

Portfolio Holders:

Ian Thomas Finance
Tom Wright Environment
Marcus Hartnell Deputy Portfolio Holder Environment
Iain Chubb Corporate Services
Phil Twiss Deputy Leader/Strategic Planning and Developments

Cabinet Members without Portfolio:

Geoff Pook
Eileen Wragg

Cabinet apologies:

Jill Elson Sustainable Homes and Communities
Phil Skinner Economy

Non-Cabinet apologies:

Rob Longhurst
Mark Williamson
Roger Giles
Simon Grundy
Alan Dent
John Dyson

Steve Gazzard
Colin Brown
Jenny Brown
Brenda Taylor

Also present (for some or all of the meeting)

Councillors:

Brian Bailey
Bruce de Saram
Steve Hall
Geoff Jung
Pauline Stott
Mike Howe
Cherry Nicholas
Ian Hall
Maddy Chapman
John O’Leary
Cathy Gardner
Marianne Rixson
Helen Parr
David Barratt
Andrew Moulding
Eleanor Rylance

Also present:

Officers:

Mark Williams, Chief Executive
Simon Davey, Strategic Lead – Finance
John Golding, Strategic Lead – Housing, Health and Environment
Karen Jenkins, Strategic Lead – Organisational Development and Transformation
Andrew Ennis, Service Lead - Environmental Health and Car Parks
Ed Freeman, Service Lead - Planning Strategy and Development Management
Anita Williams, Principal Solicitor (& Deputy Monitoring Officer)
Amanda Coombes, Democratic Services Officer

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Forward Plan of Key Decisions - For the 4 month period 1 October 2017 to 31 January 2018

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	Cabinet tbc	Asset Management Forum tbc Overview Committee tbc		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.	Homeless Reduction Act 2016		Housing Needs and Strategy Manager	Council 25 October 2017	Cabinet 4 October 2017	26 October 2017	Part A
8.	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.

August 2017

**EXMOUTH REGENERATION PROGRAMME BOARD
ACTION POINTS FROM A MEETING
HELD AT OCEAN, ESPLANADE, EXMOUTH ON THURSDAY 13 JULY 2017**

Present:

Councillor Philip Skinner	PJS	EDDC
Cllr Jill Elson	JME	EDDC
Cllr Pauline Stott	PS	Exmouth Town Council
Cllr Tim Dumper	TD	Exmouth Town Council
Jay Lambe	JL	Service Lead – Regeneration & Property
Lisa Bowman	LB	Clerk – Exmouth Town Council
Alison Hayward	AH	EDDC
Lee Cranmer	LC	Devon County Council
Peter Gilpin	PG	CEO – LED Leisure
Tim Wood	TW	Honorary Alderman
Richard Jacobs	RJ	EIC Group
Deborah Hallett	DH	Propeller Exmouth/ECF
Jim Hill	JH	Propeller Exmouth
Neil Downes	ND	EEMP
Jeff Trail	JT	DCC Exmouth
Roy Pryke	RP	Chairman – Exmouth Neighbourhood Plan Steering Group
Julian Tagg	JT	Exeter City Football Club/Football in the Community

Apologies:

Ian MacQueen	NM	Exmouth Chamber of Commerce
Stuart Barker	SB	Devon County Council
Andrew Ardley	AA	Devon County Council
Chris Rose	CR	East Devon District Council
Cllr Jenny Brown	CB	East Devon District Council
David Turner	DT	East Devon District Council

Richard Cohen	RC	Deputy Chief Executive, EDDC
Cllr Richard Scott	RS	Devon County Council
Jamie Vittles	JV	Exeter City Football
Leigh Rix	RX	Clinton Devon Estates

The meeting started at 2.15pm and finished at 5.05pm.

Item	Notes/Decisions	Action
1.Introduction	Councillor Phillip Skinner welcomed all those present to the meeting and invited everyone to introduce themselves.	
2. Report of meeting held on 30 March 2017	The report of the meeting held on 30 March 2017, was confirmed as a true record.	To note
3. New Terms of Reference	The new terms of reference for the Board were noted and the Chairman highlighted the voting members. It was emphasised that the Board was a reference group and gave the opportunity for different sectors to air their views, formulate ideas, draw together a vision and take matters forward.	
4. Update on Mamhead Slipway	<p>AH reported that the Mamhead Slipway was now open and positive feedback had been received from users. There were some outstanding issues including parking and tomb stoning. Signs were being put up regarding these.</p> <p>An official opening event was being arranged for midday on 1 August and would include the launching of boats and lunch provided by Rockfish.</p> <p>A member raised the issue of deep holes where the rings were, which could be a trip hazard when concealed by water. ACTION AH to raise the issue of the holes again with the engineers.</p> <p>A member raised the issue of the land train blocking traffic as the last carriage went over the slipway. ACTION AH to email the land train operator and suggest moving the land train stop so that it did not block the entrance to the slipway.</p>	<p>Noted</p> <p>AH</p> <p>AH</p>
5. Rolle College site	Members noted that a pre-application enquiry had been received from the Deaf Academy and that it was anticipated that a planning application would come forward within the next month or so. The Deaf Academy hoped to be operational in Autumn	Noted

	<p>2019, with building beginning in March 2018.</p> <p>Local councillors had had a very positive meeting with the Deaf Academy, who had indicated that they wanted to open up part of the site for community use and were keen to share the Owen Building with the community. The Town Council welcomed the Deaf Academy and would offer as much support as possible. The people of Exmouth should help the pupils of the Academy to move into the local economy.</p>	
6. Thomas Tucker	AH reported that builders were on site and work had begun on converting the Thomas Tucker building to a restaurant on the ground floor and 7 apartments above.	Noted
7. Orcombe Point	<p>JL reported that a three year temporary catering provision had been marketed and received a lot of interest, with returns expected by 21 July 2017. It was unrealistic to expect anything to be operating on the site this summer season, but it could be a year round offer. The successful tender would be decided on the price/quality offer. The visitor survey had provided evidence for demand for the type of offer at Orcombe Point.</p> <p>There was an issue with no direct water or electricity services on site, although it was possible that these could be overcome.</p> <p>It was likely that the provision would be in the form of a containerised structure. The planning conditions were fairly light, including the need to clad any structure to be in keeping with the environment.</p> <p>An adapted containerised catering provision for an initial three period would be useful in terms of assessing the level of interest in the site, before further investigation was undertaken to provide longer term catering provision.</p>	Noted
8. Relocation and the Town Hall	<p>JL reported that work was underway on modernising Exmouth Town Hall to enable up to 80 EDDC staff to move there in November 2017.</p> <p>Exmouth Town Council would be returning to the Town Hall by January 2018 and would occupy the first floor and the ground floor space vacated by the CAB. The Town Council would have prominent signage and branding so that people were aware that the Hall was not just an EDDC building.</p>	Noted
9. Coastal Community Team/Exmouth Visitors	AH advised that the Regeneration Officer had given a well-received presentation on the outcome of the	Noted

<p>Survey</p>	<p>Visitors Survey and would continue to share the findings.</p> <p>The survey document was evidence based and undertaken by an independent group. It was noted that people were spending less than half in Exmouth compared to everywhere else in Devon. Many people returned to Exmouth, therefore it could be concluded that there was not enough of an offer in the town for people to spend their money.</p> <p>Members noted that there was the need to look at the retail plan for the town centre. However, it was acknowledged that there was a problem with the disparate ownership of property throughout the town centre, and whether EDDC should consider investing some of its reserves in the purchase of land, such as Magnolia Centre.</p> <p>During discussions the following points were noted:</p> <ul style="list-style-type: none"> • Need to invest in hotel accommodation in Exmouth; • LED were meeting the leisure needs of resident and catchment area populations; • Improvements needed to the town centre. • Issue of getting visitors into the town centre; • Improve the range of shops/retail experience; • Areas of the town were not being blended into each other; • Make Bath Road an attractive link between the sea front and town centre; • Moving the outdoor market to Bath Road – although problem of no utility services. <p>Members discussed in depth the master plan document and agreed that it should be an active, working document, and used as a monitoring plan. It was suggested that the master plan be reviewed after Queens Drive was delivered. Communications were felt to be defensive rather than proactive, and could be much more positive to ‘sell the story’ of regeneration in Exmouth.</p> <p>ACTION AH to circulate the master plan to Board members to be reviewed and ideas brought back to the next meeting, in order to review and work with the master plan for Exmouth.</p>	<p>AH/all</p>
<p>10 Transport hub</p>	<p>PS reported that the vegetation on land between M&S and LED which was owned by DCC would be cut back so that that bus stop could be clearly seen</p> <p>LC updated the Board that GWR were due to start train station improvements in September, but were still in discussions regarding the toilets and the lease of Stagecoach there.</p>	<p>Noted</p>

	<p>LS reported that DCC had been reviewing the pedestrian crossing at M&S, were interrogating the data and would come back with the details of the full survey in due course.</p> <p>Members discussed moving the train station and road and options for an integrated transport interchange.</p>	
11. Queens Drive update	<p>AH gave an update on the Queens Drive development:</p> <ul style="list-style-type: none"> • Phase one had gone out to tender on the car park. • The Harbour View lease would end at the end of September and come back to EDDC in October 2107. Members discussed what to do with the building in the short term. • The fun park lease would expire at the end of August 2017. • There were a number of ideas being explored to see if any temporary use could take place but there were license agreement constraints to this. • The development agreement and lease had not yet been completed with Grenadier, although it was hoped that points could be finalised with the legal times the following week. It was hoped that an application would come in September. • Income from the car parks was vital, therefore one car park would be completed before work began on the next. • The existing road would be fully utilised and functioning whilst other construction activities were taking place. • There was a programme of consultation events, but the dates of these were not fixed. 	Noted
12. Warren View	<p>JT from Football in the Community outlined an opportunity through the charity to bring investment in from outside and present an excellent cork based sports pitch at Warren View for matches, local training and community use. It was not about making profit, but was about providing a sport for all excellence facility.</p> <p>PG was keen to discuss this with JT to work together with LED in a joined up approach and not have the pitch as an isolated facility.</p>	Noted
13. Communication Update	<p>AH had no specific issues to report. She would take the messages arising from the Board meeting back to the Communications team.</p>	AH

14. Dates and times of future meetings	The next calendared meetings to be held on Thursday 14 September 2017 and 14 December 2017. All at Ocean, Esplanade, Exmouth.	CL/All
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Recommendations for Cabinet that will resolve in an action being taken:

New Homes Bonus Panel on 19 July 2017

Application from Kilmington Parish Council – Drainage project - £766.70
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RECOMMENDED: that the Kilmington Parish Councils application for £766.70 for ditching and drainage work required in the parish, be supported.
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EAST DEVON DISTRICT COUNCIL

Notes of a Meeting of the New Homes Bonus Panel held at Knowle, Sidmouth on Wednesday 19 July 2017

Present: Councillors:
Mike Allen (In the Chair)
David Barratt
Iain Chubb
Simon Grundy
Douglas Hull
Geoff Jung

Apologies: Councillor Phil Twiss
Ali Eastland, Locality Development Officer, DCC

Officers: Jamie Buckley, Community Engagement and Funding Officer
Chris Lane, Democratic Services Officer

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

*1 Election of Chairman

RESOLVED that Councillor Phil Twiss be elected Chairman of the Panel for the ensuing year. Councillor Mike Allen agreed to be Chairman of the meeting in the absence of Councillor Twiss.

*2 Minutes

The notes of the previous meeting of the New Homes Bonus Panel held on 23 March 2017 were confirmed as a true record.

*3 Declarations of interest

Councillor Simon Grundy declared a personal interest in Minute *6 as a member of Brampford Speke Parish Council.

*4 Documentation

The Parishes Together Fund guidance notes and application form, circulated with the agenda, were noted.

5 Application from Kilminster Parish Council – Drainage project - £766.70

The Community Engagement and Funding Officer outlined the project which was to pay for ditching and drainage work required in the parish.

RECOMMENDED: that the Kilminster Parish Councils application for £766.70 for ditching and drainage work required in the parish, be supported.

*6 Feedback from previous Parishes Together fund projects for Panel's information and comment

The Community Engagement and Funding Officer outlined feedback for the following projects:

- a) Axminster Youth Netball
- b) Brampford Speke footpath
- c) Broadclyst PA system for community events

- d) Dunkeswell paperless planning
- e) Ottery St Mary public toilets
- f) Ottery St Mary Scout hut
- g) Rewe footpath
- h) Stockland benches
- i) All Saints ditches and drainage
- j) Beer ditches and drainage
- k) Cotleigh ditches and drainage
- l) Farway ditches and drainage
- m) Gittisham ditches and drainage
- n) Luppitt ditches and drainage
- o) Lympstone ditches and drainage
- p) Payhembury ditches and drainage
- q) Plymtree ditches and drainage
- r) Uplyme ditches and drainage
- s) Uppottery ditches and drainage

Jamie Buckley, Community Engagement and Funding Officer raised the issue with members of which projects they felt should be involved in a press release. A number of projects were proposed as appropriate for publicising in the press releases. This included the project led by All Saints Parish council in 2016/17 and Jamie Buckley, Community Engagement and Funding Officer, agreed to investigate whether all defibrillators funded by the Parishes Together Fund were widely accessible to those who may need it.

- RESOLVED:**
1. that the feedback from the previous Parishes Together fund projects be noted;
 2. that Jamie Buckley, Community Engagement and Funding Officer send out press releases on the projects suggested over the next few months.

*7 Any other business

Jamie Buckley, Community Engagement and Funding Officer, explained that Ali Eastland, DCC, was going to come and give the Panel an update on the future of the Parishes Together Fund, but unfortunately had to send her apologies for this meeting.

- RESOLVED:** that a meeting of the New Homes Bonus Panel be arranged with Ali Eastland, DCC, when appropriate to receive the update on the future of the Parishes Together Fund.

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

Scrutiny Committee on 20 July 2017

Minute 11 Citizens Advice East Devon

RECOMMENDED

1. That Cabinet request an investigation into a longer term arrangement for grant funding, in order to give more security to the CAED, such as a three year agreement with the inflation increase as per previous grant awards;
2. that the Council is kept informed of the progress of review of the CAED, and actively involved as a stakeholder.

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Scrutiny Committee held at Knowle, Sidmouth on 20 July 2017

Attendance list at end of document

The meeting started at 6.00pm and ended at 7.27pm.

***8 Public speaking**

There were no questions from the public.

***9 Minutes**

The minutes of the Scrutiny Committee held on the 22 June 2017 were confirmed and signed as a true record.

***10 Declarations of interest**

Cllr Bruce De Saram; minute 11; personal interest as member of the Exeter Citizens Advice.

11 Citizens Advice East Devon

The Chairman welcomed Hilary Nelson, Chief Executive Officer for Strategy and Development of Citizens Advice East Devon (CAED); alongside Edwina Bradshaw, Chairman of the CAED; and Nevil Sailsburyrood, CEO handling operations of the CAED. The committee had been provided with the report that set out the context of the working of the CAED.

The CAED receives no central government funding, operating as a local charity that is funded by the Council, as well as Devon County Council, an element from Town and Parish Councils, and received funding through fundraising and project specific grants. The Council provided just over 35% of the income the CAED receive. This figure had remained relatively constant over the past five years with an inflation increase of 1% for the coming year.

The CAED aims to provide free, confidential and impartial help to anyone who needs it. The report touched on the range of issues raised and the number of client contacts over the past year, which has seen a significant increase in complex cases. CAED is currently undertaking a review of its services, to produce a new service development plan.

Questions and discussion from the committee covered:

- Clarification of numbers of salaried staff, and work already carried out to cut back overheads to try to retain a balanced budget;
- Good value for money in terms of the cost of dealing with an issue averaging out at £13.32, discounting income for specific projects; this has reduced from previous years where that figure was approximately £18;
- Positive view of the work undertaken by the CAED and the difference it made both for those individuals helped and the wider community;
- Expanding the excellent service could be considered if additional funding was available, but the CAED were not prepared to undertake any funding risk presently;
- Concern of the impact of Universal Credit, including the impact on a number of individuals who current receive credits automatically but under the new system would need to undertake an application. The DWP had not given any predicted figures to the CAED and there was concern about how the requirement for their service would

increase dramatically, once the system had been introduced in Exmouth from November, and in Honiton from April 2018;

- CAED are looking to explore how they can use the extensive expertise of the volunteers and staff for training others as an income opportunity; however their primary concern was the core work and dedicating time to undertaking that;
- CAED had a different client base to Age Concern; they also had the national principal of not charging and could only accept donations that are given freely;
- Exmouth Town Council operated a three year service level agreement; it was not clear that the Council operated any commitment to the grant given over one year. The committee felt that it might give more stability to the CAED if a three year commitment of grant was in place with the inclusion of the standard 1% increase, as had been applied in previous years;
- Comparisons with other branches of Citizens Advice had been made – grant levels varied, with Exeter granting more than double the grant of East Devon; the cost per issue was the cheapest in comparison with comparable rural district authorities;
- Success rates for appeals under the new personal independence payment system were between 90% and 95% which highlighted the problem with this new process that replaced the disability allowance.

The Committee were in agreement that the service provided by the CAED was invaluable, and all Ward Members could have a part to play in encouraging as much contribution from town and parish councils as possible for the charity. Raising awareness of the work of the CAED could also be included in the regular newsletter produced by the Council.

RESOLVED that a press release be issued, covering the incredible work undertaken by the CAED with EDDC as its largest contributor and to encourage more funding to the CAED

RECOMMENDED

1. That Cabinet request an investigation into a longer term arrangement for grant funding, in order to give more security to the CAED, such as a three year agreement with the inflation increase as per previous grant awards;
2. that the Council is kept informed of the progress of review of the CAED, and actively involved as a stakeholder.

The Chairman thanked the CAED representatives for attending and affirmed that as a committee, they would do what they could to assist the service.

***12 Modern Day Slavery awareness update**

The committee received an update report on how Council employees were made aware of modern day slavery. This formed part of the work across the council in safeguarding vulnerable adults and children, where clear procedures are in place for reporting any concerns, as set out in the adopted safeguarding policy. A further training session for staff is in place for September as part of the continued development of staff.

RESOLVED To investigate if the recording of any cases logged could be included in the performance monitoring reporting.

***13 Scrutiny Forward Plan**

Two topics previously put forward for scoping were set out with a preliminary view in the report to the committee:

- The review of the procurement approach agreed by the Housing Review Board will fall under the remit of the Board as an overview and scrutiny committee in its own right, and therefore does not fall under the remit of this committee;
- Building regulations relating to internal room sizes only relate to buildings of student accommodation, hotels and schools. The only option identified at that time was the option for the committee to lobby government about their concerns.

Other topics listed were still due to be scoped. The Chief Executive would be reporting to the Cabinet in September with an election update and the committee had an opportunity to attend that meeting, as well as receive a report back at a future meeting. Cllr Gardner suggested linking that with the report from the Electoral Commission that was due out in the autumn.

RESOLVED

1. To include an election update at the 16 November 2017 meeting of the committee;
2. To scope the topic of health and safety in the workplace
3. To add to the scheduled report of the Service lead Planning Strategy and Development Management for 19 October for comment on the issue of room sizes under building regulations.

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

Scrutiny Members present:

Roger Giles
Bruce de Saram
Simon Grundy
Cathy Gardner
Bill Nash
Cherry Nicholas
Val Ranger
Marianne Rixson
Eleanor Rylance

Other Members

David Barratt
John Dyson
Steve Gazzard

Officers present:

Anita Williams, Principal Solicitor
Debbie Meakin, Democratic Services Officer

Apologies:

Alan Dent
Dean Barrow
Tom Wright
Andrew Moulding
John O’Leary
Jill Elson
Maddy Chapman
Darryl Nicholas

Chairman Date.....

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

Overview Committee on 25 July 2017

Minute 24 Local Government Boundary Committee for England Electoral Review

RECOMMENDED by the Overview Committee:

1. A clear map showing boundary overlays is accessible from the Council's website;
2. application on the East Devon App that shows information on address entry on the change of boundary;
3. Press release to town and parish clerks on the boundaries for both County and District in early 2019;
4. Information on the responsibilities of each level of local government in a clear and easily accessible format on the Council website.

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Overview Committee held at Knowle, Sidmouth on 25 July 2017

Attendance list at end of document

The meeting started at 6.00pm and ended at 7.31pm.

***1 Public speaking**

There were no public speakers at the meeting.

***2 Minute confirmation**

The minutes of the Overview Committee held on the 28 March 2017, were confirmed as a true record.

***3 Declarations of interest**

Councillor Rob Longhurst; Minute 6

Personal Interest – May no longer be able to stand in 2019 due to the boundary changes, which therefore affects his ability to claim allowance/expenses;

Councillor John Dyson: Minute 5

personal interest – Trustee of Sidmouth Folk Festival.

***4 Council Plan 2016 - 2020**

The Chairman prefaced this item by outlining how he understood the Committee should be operating at a strategic level; whereby the Committee could recommend to Cabinet and Strategic Planning Committee on elements such as policy and direction of travel. Cabinet and Strategic Planning Committee would be the decision makers, with Scrutiny keeping a watch over the implementation.

The purpose of the Council Plan was to lay out the strategic direction of the Council for future years, covering both the statutory services and those discretionary services that helped provide a balance for both the environment and quality of life for the District's residents and visitors

The Committee discussed the Plan, including:

- Retaining the ability to publish hard copies for those not able to access online;
- Look to more focus on:
 - Neighbourhood plans and how they fit into the suite of plans
 - Health and Wellbeing, particularly in light of the impending changes to delivery of health care and how that might impact on other services; how the funding of leisure services helps the community;
 - Cover what areas of service have been identified for improvement and how that is going to be implemented;
- Build in a facilitating role of the Council in helping local community groups to link up and help themselves, either in terms of avoiding duplication of work, or act as mediator;
- Look to provide the plan in a format that meets the current social media appetite, so that the Council Plan becomes an easily digestible document for those using such media;
- Add in reference to the Greater Exeter Strategic Plan (GESP) and how the plans link to that;

- Add in reference to the AONB plan so that it does become part of the Council's planning process in setting service plans.
- Add in how the Council have listened to public opinion through community engagement and what has been done as a result.

RESOLVED that the comments made on the Council Plan be submitted to the Strategic Lead Organisational Development and Transformation to take into account in the Council Plan refresh in 2018.

***5 Investigating impact of introducing charges for clearing up after events**

The Committee were reminded of the original transformation saving identified in the draft 2017/18 budget process of £9K for clear up of major events such as the Tar Barrels in Ottery St Mary; and the Sidmouth Folk Festival. The amount was added back into the approved current budget but selected for a review.

The Committee discussed their own experiences with varying events around the District, whereby many stall holders and festival volunteers undertook the vast majority of the clear up immediately after the event. Some event clear up costs were already recharged by Streetscene to the local town or parish.

Such events had additional cost implication of increased bin emptying and opening hours of public toilets. Many charitable and voluntary organisations would not be able to bear additional costs for clearing up. Many Councillors felt that the saving identified was not such a sufficient amount that it should be recharged, particularly when the District as a whole benefited from the event in term of economic and social terms.

The committee concluded that a report be brought before them identifying what events the £9K saving related to; as well as a view from Streetscene operators on the impact of clearing up after events and if those costs were likely to increase in future years. Whilst the current level of saving identified might be acceptable to include in the budget now, it may increase significantly and therefore had to be sufficiently investigated.

RESOLVED that a report be brought to the committee on recovering clear up costs from major events.

6 Local Government Boundary Committee for England Electoral Review

The committee discussed options for raising awareness of boundary changes that would impact on constituents from 2019. Suggestions included:

- Clear map showing boundary overlays accessible from the Council's website;
- Investigate having an alternative application on the East Devon App that shows information on address entry on the change of boundary;
- Press release to town and parish clerks on the boundaries for both County and District.

The committee also discussed how the responsibilities of the respective councils were often not fully understood by the public, and therefore information on the Council website should be developed to provide a clear understanding of the roles of each local government level.

RECOMMENDED to Cabinet :

That the Chief Executive consider the following suggestions of the Overview Committee in raising awareness of the pending boundary changes:

1. Clear map showing boundary overlays accessible from the Council's website;

2. application on the East Devon App that shows information on address entry on the change of boundary;
3. Press release to town and parish clerks on the boundaries for both County and District in early 2019;
4. Information on the responsibilities of each level of local government in a clear and easily accessible format on the Council website.

***7 Overview Forward Plan**

Topics put forward to be scoped were:

- Neighbourhood plans and reviews
- Workforce planning
- Examination of Strata business case to see if originally forecast savings would still be delivered

The Committee also requested follow up on issues already agreed to check on progress, including the Design Guide and safeguarding issues, to ensure that the decisions were being monitored.

Attendance list

Councillors Present:

Graham Godbeer (Chairman)
Ian Hall (Vice Chairman)
Peter Faithfull
Rob Longhurst
John Humphreys
Mike Allen
Mark Evans-Martin
Jim Knight

Councillors Also Present:

John Dyson
David Barratt

Officers

Anita Williams, Principal Solicitor
Debbie Meakin, Democratic Services Officer

Councillor Apologies:

Paul Diviani
Jill Elson

Officer Apologies:

Karen Jenkins, Strategic Lead Organisational Development and Transformation

Chairman Date.....

Minutes of the meeting of the South East Devon Habitat Regulations Executive Committee held at Civic Centre, Exeter, on Thursday 27 July 2017

Attendance list at end of document

The meeting started at 2.17pm and ended at 3.05pm.

*1 Public speaking

The Chairman, Cllr Daniel Gottschalk, welcomed everyone present to the meeting.

Mr Chris Rogers, who resided close to the Exe Estuary, queried the published visitor figures to the Exe Estuary on which the proposed Voluntary Exclusion Zones had been based upon. He felt the figures were grossly over estimated, particularly when compared with visitor numbers to other popular world-wide attractions. He questioned the belief that households within the designation visited the Exe Estuary every other day – this was not behaviour he had personally witnessed. He asked that the published visitor numbers be scrutinised.

In response, the Habitat Mitigation Manager advised that he had been in correspondence with Mr Rogers regarding his comments. The proposed Voluntary Exclusion Zones (renamed Wildlife Refuges) had been drawn up following two studies and were driven by the need to mitigate against additional recreation, which would have a significant impact on wildlife on the Estuary.

Amanda Newsome commented that the disturbance study undertaken showed that the increased development in area would lead to greater disturbance and impact on wildlife on the Exe Estuary, which the partner authorities had a duty to mitigate against. The household study undertaken had covered the special protection areas in East Devon, Teignbridge and Exeter.

*2 Declarations of interest

There were none.

*3 Matter of urgency

There were none.

*4 2016-17 Annual Business Plan – Annual report

The Executive Committee considered the Habitat Regulations Delivery Manager's annual report updating on progress made in delivery of the mitigation measures set out in the 2016-17 Annual Business Plan.

The report highlighted the following progress:

- The introduction of a Delivery Manager, Habitat Mitigation Officers, Project Officer (Devon Loves Dogs) and the review of Voluntary Exclusion Zones on the Exe Estuary.
- Significant progress in the delivery of the Sustainable Alternative Natural Green Space (SANGS) Strategy. The Partnership had agreed prioritisation of sites, secured land for SANGS at Dawlish and delivery of SANGS South West of Exeter was also being progressed.

- Following an investment of £2.9m, 26 hectares of newly accessible countryside in Dawlish was due to open to the public at the end of the summer.
- A complete reassessment of the assumptions made by the Strategy had been undertaken.
- A new Visitor Management Plan for the Pebblebed Heaths.
- There had been a significant reappraisal of mitigation project costs, which had lead to new per dwelling contributions.
- Sustained, meaningful and important progress had been achieved through local authorities and stakeholder organisations working together in partnership.

With the agreement of the Chairman, the Habitat Regulations Delivery Manager invited the Habitat Mitigation Officers, Project Officer and Exe Estuary Officer to give a brief update on their work:

Habitat Mitigation Officers

- Through positive engagement, the Officers provided education to encourage responsible behaviour of visitors to the sites and nature reserves covered in the Mitigation Strategy. They had made over 1000 interactions with members of the public since the project had started 9 months ago.
- The Officers attended a number of local events – these were a good way to engage with members of the public.
- The Officers had met with other mitigation teams across the UK and would be arranging a Mitigation Officer meet up – this was good for networking and an opportunity to discuss best practices with other officers. An online forum was in the process of being set up, which Mitigation Officers would be able to use to share knowledge.

Project Officer (Devon Loves Dogs)

- The Project Officer had worked with partners to develop the Devon Loves Dogs project and learnt from similar projects across the country. A brand had then been established.
- The Project Officer had worked with partners to develop a Code for dog owners which could be used across the SANGS sites.
- A website for the project was now live (although still be developed) and there had been a lot of interactions through social media. A top twenty dog walks leaflet was being produced to encourage members of the public away from protected sites.
- The Project Officer had worked with the Green Spaces Team at Teignbridge District Council on the event to open the new SANGS in Dawlish.
- The Project Officer had attended events, such as family festivals and guided walks, to promote the Code and engage with members of the public.

Exe Estuary Officer - The Exe Estuary Officer spoke of her work on the zone proposals on the Estuary.

- Initial zone proposals covered critical locations which were important bird habitats – the proposals only covered 9% of the Estuary. A public consultation had been held at the end of last year through to the beginning of this year, with an online survey still ongoing. All consultation responses had been taken into consideration; however there was a need to balance wildlife interest with human interest. As a result of the consultation the exclusion zones, renamed Wildlife Refuges, had been reviewed and now covered 7.2% of the Estuary for 14 weeks of the year and 3.58% of the Estuary for the remainder of the year. The new proposals were considered to have a limited impact on users of the Estuary. A final report on the Wildlife Refuge proposal would be brought to the next Committee meeting in October. The Refuge areas would be clearly marked out.

- Existing codes of conduct for water users were currently under review.

RESOLVED: that the progress made towards delivering the 2016-17 Annual Business Plan be noted.

***5 Rebasing the South East Devon European Site Mitigation Strategy – the strategic response**

The Executive Committee considered the Habitat Regulations Delivery Manager's report outlining the work that had been undertaken to re-validate the core assumptions underpinning the Mitigation Strategy. This built on work which had revealed discrepancies between the quantum of new homes that would be making a full financial contribution to the Strategy with those that had assumed when the Strategy was finalised in 2014. In order to ensure that there was a credible and secure financial approach which enabled ongoing delivery, the report outlined a revised financial position. In order to meet legal obligations it was imperative that new per dwelling contributions were based on re-validation of income, cost and expenditure were adopted and implemented by each of the partner authorities.

RECOMMENDATION to the partner authorities:

that the revised per dwelling contributions (as per the committee report and detailed in Appendix 1) should be adopted by each of the partner authorities as soon as possible. The contribution rates to be index linked with an annual increase to be applied from April 2018; Infrastructure charges to be increased annually by BCIS (Building Cost Information Service) and non-Infrastructure charges to be increased annually by RPI (Retail Price Index).

RESOLVED:

1. that the work undertaken to rebase the South-East Devon European Site Mitigation Strategy be noted. The significant deviations from the original assumptions that had been revealed from the work undertaken were acknowledged by the Executive Committee.
2. that the approach to mitigation for CIL exempt development, as detailed in the committee report, be endorsed.
3. that the proposed arrangement to cover the shortfall in funding at Dawlish Warren (as detailed in paragraph 12 of the committee report), subject to the anticipated S106 receipts actually being received by Exeter City Council, be agreed.

***6 Pebblebed Heaths Visitor Management Plan**

The Executive Committee considered the Habitat Regulations Delivery Manager's report summarising the requirement for the Pebblebed Heaths Visitor Management Plan (VMP) as a partial replacement of (and addition to) the South East Devon European Site Mitigation Strategy. There was a high risk that delivery of the Strategy would be significantly compromised or delayed if the VMP was not endorsed.

RESOLVED:

that the Pebblebed Heaths Visitor Management Plan, noting that estimated costs have been adjusted as part of recent rebasing work (outlined in the separate report "Rebasing the SEDESMS – the strategic response"), be adopted.

***7 2017-18 Annual Business Plan**

The Habitat Regulations Delivery Manager presented the report setting out the principles for the on-site projects which had been recommended as a priority in conjunction with the Officer Working Group to ensure delivery of the Mitigation Strategy. These projects were appended to the Annual Business Plan.

RESOLVED:

1. that the 2017 Annual Business Plan (Appendix 1 to the committee report) and commitments and actions set out therein be approved.
2. that the changes to the operational year as specified in the committee report be approved.
3. that the Executive Committee receive a progress update on the delivery of the Annual Business Plan at the next meeting (quarterly basis).

Attendance list

Committee Members:

Cllr Daniel Gottschalk, Exeter City Council (Chairman)
Cllr Humphrey Clemens, Teignbridge District Council
Cllr Phil Twiss, East Devon District Council

Amanda Newsome, Natural England

Officers

Colin Acton, Waterways Team Manager
Stephanie Clark, Exe Estuary Officer
Amelia Davies, Habitat Mitigation Officer
Sama Euridge, Habitat Mitigation Officer
Henry Gordon Lennox, Strategic Lead – Governance and Licensing (EDDC)
Ed Freeman, Service Lead – Strategic Planning and Development Management (EDDC)
Neil Harris, Habitat Regulations Delivery Manager – Growth Point Team
Naomi Hartnett, Principal Projects Manager – Growth Point Team
Anne Mountjoy, Growth Point Communications Officer – Growth Point Team
Julie Owen, Projects Officer (Devon Loves Dogs)
Fergus Pate, Principal Growth Point Officer (TDC)
Andy Robbins, City Development Manager (ECC)
Hannah Whitfield, Democratic Services Officer (EDDC)

Apologies:

Simon Davey, Strategic Lead – Finance (EDDC)
Peter Hearn, Strategic Infrastructure Planning (ECC)
Peter Lacey, Green Infrastructure Board

Chairman Date.....

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

Community Fund Panel on 8 August 2017

Minute 11 Consideration of applications received	
RECOMMENDED by the Community Fund Panel Committee:	
1.	
a) Applications recommended for approval	EDDC recommended contribution
Brampford Speke Village Hall–new entrance gates to the village hall grounds, new fencing and a handrail.	£1,772
Newton Poppleford Pavilion – replace kitchen and make bigger.	£5,000 The Panel were concerned that the application was incomplete and further information was required. They deferred the application for demonstration of match funding, receipt of the correct number of quotes and demonstration that the scheme met the correct criteria for the scheme and gave delegated authority to the Chairman in consultation with the Engagement and Funding Officer to approve, subject to other members being notified by email.

EAST DEVON DISTRICT COUNCIL

Report of a Meeting of the Community Fund Panel held at Knowle, Sidmouth on 8 August 2017

Present: Councillors:
Paul Carter
Douglas Hull
Geoff Jung
David Key
Ian Thomas

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

Apologies: Councillor Marianne Rixson

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

*1 Election of Chairman

RESOLVED that Councillor Ian Thomas be elected Chairman of the Panel for the ensuing year.

*2 Notes of Meeting held on 20 February 2017

The notes of the meeting held on 20 February 2017 were accepted as a true record. The Chairman Councillor Ian Thomas wished to highlight the concerns he had raised regarding the operation of the Rent Support Grant scheme and his desire to see changes to this scheme.

*4 Background papers

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

5 Consideration of applications received.

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

The Panel was asked to consider:

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

Members of the Panel were advised that there was £21,250 was available for 2017-18. To date the Panel had not allocated any funding.

a) Applications recommended for approval	EDDC recommended contribution
Brampford Speke Village Hall–new entrance gates to the village hall grounds, new fencing and a handrail.	£1,772
Newton Poppleford Pavilion – replace kitchen and make bigger.	£5,000 The Panel were concerned that the application was incomplete and further information was required. They deferred the application for demonstration of match funding, receipt of the correct number of quotes and demonstration that the scheme met the correct criteria for the scheme and gave delegated authority to the Chairman in consultation with the Engagement and Funding Officer to approve, subject to other members being notified by email.

EAST DEVON DISTRICT COUNCIL

Report of a Meeting of the Asset Management Forum held at Knowle,
Sidmouth on Thursday, 10 August 2017

Present: Councillors:
Geoff Pook
Philip Skinner
Ian Thomas
Paul Diviani

Officers:
Richard Cohen
Chris Lane
Anita Williams
Simon Allchurch
Rob Harrison
Andrew Hancock
Adrian Priest

Also present: Councillors:
Megan Armstrong
John Dyson
Mike Allen
Pauline Stott
Geoff Jung
Tom Wright

Apologies: Alan Dent
Rob Longhurst
Laurelie Gifford
John Golding
John Hudson

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

- *1 Notes
Members noted the report of the meeting held on 9 March 2017.
- *2 Declarations of interest
Councillor Geoff Pook
Minute 4
Disclosable Personal Interest – Member of Beer Parish Council
- *3 Seaton industrial units
Simon Allchurch reported that tenders had been received for the development of industrial units on land owned by the Council at Colyford Road and Fosseyway Seaton. Adrian Priest reported that there was clear evidence gathered by officers showing that demand for small business units in the district was strong with all of the Council's units let and a lengthy waiting list. There was also specific interest in new units were these to be built at the Seaton sites.

During discussions the following points were noted:

- The design of the units had been simplified in order to reduce costs and the build would enable flexible use of units including adding in mezzanine units or joining units together;
- Concern over the costs of the tenders and the effect this might have on the viability of the scheme and level of return to the Council;
- Need to undertake further market assessment for the units and closer scrutiny on the prices and to ensure that the Estates Service review the specification and costings;
- Importance of involving the Finance Service in the proposals;
- Strong demand for industrial units throughout the District.

RESOLVED: that appropriate Councillors and Officers meet to discuss ways to progress the Seaton industrial units, in particular the tender prices and to prepare a specific model for the development of industrial units that could be applied District wide.

4 Beer pilot

Members noted that Beer Parish Council had developed a proposal for the transfer of certain land and assets to be managed by Beer Parish Council. These were to be assets that were not to be strategic to EDDC and which could be maintained at a parish level. The target date for the transfer was 1 April 2018 and any transfer should be cost neutral to EDDC. Beer Parish Council felt they could make operational savings to the way these assets were run and also make them work better for the village.

Members discussed whether the best way to progress this transfer was by freehold or leasehold. Concern was expressed that EDDC may be left with assets such as the cliffs and foreshore which potentially had some big financial liabilities associated with them. It was proposed that the best way forward would be to transfer the assets via a Service Level Agreement (SLA) format.

Beer Parish council would write to EDDC to further clarify its preferences. EDDC officers would then meet to progress detail of proposals for an agreement with the Parish Council.

RECOMMENDED that the proposed transfer of assets to Beer Parish Council be progressed using a Service Level Agreement format.

*5 Toilets review update

Andrew Hancock reported on the need to take the toilet review forward and circulated a report on proposals to those present. Members noted that toilets were a non-statutory service that cost the Council £800K per annum. There were 27 EDDC run toilets across the district with the Council maintaining another 4. The report suggested that toilets in the district be divided into categories A & B. There was a need to reduce the costs of toilets to EDDC as the current cost was unsustainable in the long term

The report was also an opportunity to improve the standard of toilets in the District and also make a charge for entry to these improved facilities. Some toilets could be offered to Town/Parish Councils to help pay for them with information provided on usage and costings.

A draft report had been presented to a meeting of Cabinet and SMT and it was decided that the 'Principles of Provision' should be consulted on with Town & Parish councils, and that the idea that the council needed to make some savings on toilet provision be introduced and the towns and parishes asked for their opinions.

RECOMMENDED that a consultation regarding the 'Principles of Provision' be conducted with Town & Parish Councils

*6 Asset Management Plan

Members noted and welcomed the Corporate Asset Management Plan which had been refreshed to fit on an A4 page.

*7 Estates resourcing/scope

Richard Cohen reported that both Donna Best and Jay Lambe had now left the Council and he would be looking to recruit to the Principal Estates Surveyor post in September. He would discuss the Service Lead post with the SMT with a view to changing the role to include a more project delivery focus.

*8 Any other business

Councillor Megan Armstrong reported her concerns regarding businesses being closed on Queens Drive, Exmouth and the sites remaining vacant. She asked that the businesses be allowed to occupy those sites on a licence until they were needed for redevelopment. Councillor Philip Skinner reported that a strategic approach was taken to the development of Exmouth and not on a site specific basis. This was part of a larger strategic plan.

Report to: Cabinet
Date of Meeting: 6 September 2017
Public Document: Yes
Exemption: None
Review date for release: None



Agenda item: 15

Subject: Monthly Performance Report June 2017

Purpose of report: Performance information for the 2017/18 financial year for June 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 June 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

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 June 2017](#)
- [Appendix B - The Performance Indicator Monitoring Report for the 2017/18 financial year up to June 2017](#)
- [Appendix C – System Thinking Reports for Housing and Development Management for June 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** - Seven appeal decisions were received during June, five of which were dismissed. This equates to 28.6% appeals allowed over the month which has resulted in an improvement to the cumulative figure for the year.
4. Monthly Performance Snapshot for June 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 and Development Management appear in [Appendix C](#).

Monthly Performance Snapshot – June 2017



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

- **4 days** to process your Housing or Council Tax Benefit claims
- An estimated **57%** of all waste collected was recycled in June
- We dealt with 208 reactive building maintenance cases at EDDC's public buildings during June 2017, this compares with 186 in the previous month, and 211 in June of 2016. Building maintenance also saw the completion of the replacement of the all-weather pitch at Ottery St Mary
- Donations to the Thelma Hulbert Gallery totalled £273, + 84% on June last year, there was also 1,057 Visitors, + 7% on June last year

Latest headlines:

- We won an award for Seaton Jurassic in the Leisure and Hospitality category at the Michelmores Property Awards event. We were among a shortlist of 4, against other high quality projects from across the south west region. The judges were particularly complimentary about the community involvement and partnership from the outset and that it was "simply just a fun project".
- The Summer Play season has opened at the Manor Pavilion Theatre to a great success. Tickets sales at this early stage are up by 20k on last year. The opening play Caught in the Net, by Ray Cooney has received rave reviews, many members of the public stating it was the best comedy play they have seen in years. There has also been a large increase in season tickets holders as the quality of the productions are of a very high standard.
- Since the start of 2017 110 volunteers have contributed nearly 2,000 hours of service to the Countryside team.
- In June 9 kestrel chicks successfully fledged at Seaton Wetlands. The Discovery Hut at Seaton Wetlands was opened daily by volunteers, through their incubation period, allowing visitors to watch one brood of 5 chicks on the kestrel-cam.
- The East Devon District Council Countryside Surveys and Monitoring scheme is well underway, there are 25 volunteers involved in the scheme, gathering valuable data on bird, reptile, butterfly, dragonfly, wildflower bio-diversity and water quality.
- Finally over 100 vintage cyclists visited Seaton Wetlands on Saturday 1 July. The Velo Vintage bike riders who used old-fashioned bikes and wore fancy dress, stopped at the Discovery Hut for tea and cake before cycling to Seaton for a picnic.
- Thelma Hulbert Gallery has been selected for the TESCO *Bags of Life* vote in store for July and August and stands to win up to £4,000 to develop a sensory trail in their community garden.

Report to: Cabinet
Date of Meeting: 6 September 2017
Public Document: Yes
Exemption: None
Review date for release: None



Agenda item: 15

Subject: Monthly Performance Report July 2017

Purpose of report: Performance information for the 2017/18 financial year for July 2017 is supplied to allow the Cabinet to monitor progress with selected performance measures and identify any service areas where improvement is necessary.

Recommendation: 1. That the Cabinet considers the progress and proposed improvement action for performance measures for the 2017/18 financial year for July 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

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 July 2017](#)
- [Appendix B - The Performance Indicator Monitoring Report for the 2017/18 financial year up to July 2017](#)
- [Appendix C – System Thinking Reports for Housing, Revenues and Benefits and Development Management for July 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 is one indicator showing excellent performance:
 - Percentage of Non-domestic Rates Collected
3. There is one performance indicator showing as concern.
 - **Percentage of planning appeal decisions allowed against the authority's decision to refuse** - One appeal decision received this month which was dismissed.
4. Monthly Performance Snapshot for July is attached for information in [Appendix A](#).
5. Performance highlight - Council Tax and Benefits performance 2016/17
 - Our Council Tax collection rate of 99% is the highest out of all Devon, Cornwall & Somerset authorities.
 - We have the lowest amount of Council Tax arrears per dwelling out of all Devon, Cornwall & Somerset authorities at £29.65 The nearest to us is Mid Devon District Council at £50.36.
 - We have the 18th highest in-year Council Tax collection rate in England out of 325 authorities
 - We are the quickest to process new benefit claims out of all Devon and Cornwall authorities – 13 days. We are in joint 16th position out of 378 authorities in England, Scotland & Wales.
 - We are also the quickest to process changes in circumstances out of all Devon and Cornwall authorities – 3 days. We are in joint 4th position out of 378 authorities in England, Scotland & Wales.
 - Our combined performance for processing both new benefit claims and changes in circumstances is the quickest out of all Devon and Cornwall authorities – 3.93 days. We are in joint 14th position out of 378 authorities in England, Scotland & Wales.
6. A full report showing more detail for all the performance indicators mentioned above appears in [Appendix B](#).
7. Rolling reports/charts for Housing, Revenues and Benefits and Development Management appear in [Appendix C](#).

Monthly Performance Snapshot – July 2017



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

- **4.5days** to process your Housing or Council Tax Benefit claims
- An estimated **58%** of all waste collected was recycled in July
- We dealt with 149 reactive building maintenance cases at EDDC's public buildings during July 2017, this compares with 208 in the previous month, and 233 in July of 2016.
- Thelma Hulbert Gallery Sales were £ 2,115 11% up on July 2016, Donations to the gallery totalled £332, 49% up on July 2016, we also have 948 visitors 38% up on July 2016

Latest headlines:

- Social Media Quarterly report has been published and we are still on average gaining 2 new followers a day. Our total followers are now 6146, which is an increase of 204 (3.4%) since the end of the 2016/17 financial year. Our daily retweets are still at a massive 6 retweets per day! This means more people are seeing @eastdevons tweets-even if they aren't following us. This also should mean our impressions are up, which they are this quarter by 10,800 (3.9% increase). Our top posts are both to do with the general election and registering to vote. This shows Twitter is a good way to communicate vital information, as thousands of people have been it.
- In terms of Facebook this year so far our likes have increased by 104, which is an 8% increase. Our posts are also increasing which is great. HR now use the page to post their current vacancies, so this gets the post rate up. We have lots of Recycling and Waste questions coming through via social media now, so we have a designated staff member from Recycling and Waste monitoring our page now too.
- Top 2016/17 performance for our Council Tax and Benefits
 - Our Council Tax collection rate of 99% is the highest out of all Devon, Cornwall & Somerset authorities.
 - We have the lowest amount of Council Tax arrears per dwelling out of all Devon, Cornwall & Somerset authorities at £29.65 The nearest to us is Mid Devon District Council at £50.36.
 - We have the 18th highest in-year Council Tax collection rate in England out of 325 authorities
 - We are the quickest to process new benefit claims out of all Devon and Cornwall authorities – 13 days. We are in joint 16th position out of 378 authorities in England, Scotland & Wales.
 - We are also the quickest to process changes in circumstances out of all Devon and Cornwall authorities – 3 days. We are in joint 4th position out of 378 authorities in England, Scotland & Wales.

- Our combined performance for processing both new benefit claims and changes in circumstances is the quickest out of all Devon and Cornwall authorities – 3.93 days. We are in joint 14th position out of 378 authorities in England, Scotland & Wales.
- From the Family Festival Day at Woodbury Castle through to the Big Wild Sleep Out the Countryside team, Pebblebed Heaths Conservation Trust, RSPB and Devon Wildlife Trusts have delivered another successful week of Heath Week activities, attracting over 500 people to the East Devon Heaths.
- The Countryside team are enjoying a busy summer of events across the nature reserves and with Rockpool rambles in Sidmouth, Exmouth and Ladram still to come as well as trails at Seaton Wetlands there is plenty to get involved with.
- Dial M for Murder, part of the Summer Play season sells out at the Manor Pavilion Theatre. One night 22 people were turned away as all seats were sold. There has also been a large increase in season ticket holders as all 12 plays prove extremely popular.
- Top Ballet Company, Ballet Theatre UK have just confirmed they will be returning to the venue in Nov with 3 performances of a brand new production of The Nutcracker.
- Thelma Hulbert Gallery is thrilled to have received £50K funding from Arts Council England for new exhibitions and coordinating activities over the next 15 months

Report to: Cabinet
Date of Meeting: 6 September 2017
Public Document: Yes
Exemption: None



Agenda item: 16

Subject: **The Chardstock Neighbourhood Plan and the Yarcombe and Marsh Neighbourhood Plan to be formally 'made'**

Purpose of report: The Chardstock Neighbourhood Plan and the Yarcombe and Marsh Neighbourhood Plan have now passed referendum and must be formally 'made' by East Devon District Council in order to form part of the development plan.

Recommendation: **It is recommended that:**

- 1. The Chardstock Neighbourhood Plan is 'made' so it forms part of the development plan.**
- 2. The Yarcombe and Marsh Neighbourhood Plan is 'made' so it forms part of the development plan.**
- 3. That the Council writes to the Neighbourhood plan groups to congratulate them on all their hard work and advise them that once 'made' the Neighbourhood Plans will carry full weight in the planning decision making process.**

Reason for recommendation: The Chardstock Neighbourhood Plan and the Yarcombe and Marsh Neighbourhood Plan received a majority 'yes' vote in their respective referendums as required by the regulations and there is no substantive reason not to 'make' the two Plans.

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

Financial implications: No financial implications

Legal implications: Following a majority vote in favour of each of the neighbourhood plan referendums the Council must proceed to adopt (or 'make') the plans, unless in doing so it causes a breach of EU obligations or Convention rights. Both of the Independent Examiners concluded that regard has been had to Convention rights in each neighbourhood plan. Moreover, the Council has adopted Screening Opinions for each neighbourhood plan, accepted by relevant statutory consultees, which confirm 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 for both plans. 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' both the Neighbourhood Plans. As noted, following being made, they will become part of the Development Plan for decision making on planning applications in their respective areas.

Equalities impact: Low Impact

Both the Neighbourhood Plans have been produced with considerable community engagement. All persons living in the parishes have been engaged throughout the Plans' production and all persons registered to vote in the areas could vote in each of the referendum.

Risk: Low Risk

The only reason for the NP's not to be made now is if the Council consider that to do so would breach an EU obligation or a Convention right. There is a risk that should we take that decision it will be subject to legal challenge and that the Parish Councils 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:](#)
- <http://eastdevon.gov.uk/planning/neighbourhood-and-community-plans/neighbourhood-plans/>

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

Report in full

1.0 Chardstock and Yarcombe and Marsh Neighbourhood Plan Referendums

1.1 The Chardstock Neighbourhood Plan

1.2 On 20 July 2017, a referendum was held on the Chardstock Neighbourhood Development Plan at the Chardstock Village Hall from 7am to 10pm.

1.3 Voters were asked the following question:

"Do you want East Devon District Council to use the neighbourhood plan for Chardstock to help it decide planning applications in the neighbourhood area?"

1.4 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 Chardstock Parish. The Neighbourhood Development Plan once adopted will then become part of the Development Plan.

1.5 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.

1.6 The final results of the Chardstock Neighbourhood Plan referendum are shown below:
Yes: 314
No: 38
Voter turnout 46.9%
In favour: 89.2%

1.7 Yarcombe and Marsh Neighbourhood Plan

- 1.8 On 27th July 2017, a referendum was held on the Yarcombe and Marsh Neighbourhood Development Plan at the Yarcombe Village Hall from 7am to 10pm.
- 1.9 Voters were asked the following question:
- "Do you want East Devon District Council to use the neighbourhood plan for Yarcombe and Marsh to help it decide planning applications in the neighbourhood area?"***
- 1.10 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 Yarcombe Parish. The Neighbourhood Development Plan once adopted will then become part of the Development Plan.
- 1.11 The final results of the Chardstock referendum are shown below:
 Yes: 87
 No: 17
 Voter turnout 25.42%
 In favour: 83.65%
- 1.12 In both the Chardstock referendum and the Yarcombe and Marsh referendum the results show a clear majority in favour so now the cabinet must consider whether it would be appropriate to 'make' the neighbourhood plans.
- 1.13 Once each of the Neighbourhood Plans 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 the Chardstock or the Yarcombe parishes will be judged against the relevant Neighbourhood Plan as well as policies of this Council and also the National Planning Policy Framework. Application of the policies of the Neighbourhood Plans will ensure that the hard work that has gone into their production will result in effective application of local community expectations and aspirations in the decision making process.
- 1.14 The only reason for the Neighbourhood Plans not to be made now is if Cabinet consider that to do so would breach an EU obligation or Convention right. In both cases, when the Neighbourhood Plans were independently examined the examiners stated that they were satisfied that the relevant Neighbourhood Plan was 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 for each neighbourhood plan (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 Neighbourhood Area 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 relevant plan

Report to: Cabinet
Date of Meeting: 6 September 2017
Public Document: Yes
Exemption: None



Review date for release None

Agenda item: 17

Subject: **Dunkeswell Neighbourhood Plan Examiners Report**

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

Recommendation:

- 1. That members endorse the examiners recommendations on the Dunkeswell 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 Parish Council.

Officer: Claire Rodway, Senior Planning Officer,
crodway@eastdevon.gov.uk 01395 571543

Financial implications: No financial implications

Legal implications: As set out within the report, it is a formal requirement for the Council to consider the Examiner's recommendations and satisfy itself that the proposed modified plan meets the prescribed 'Basic Conditions'. The purpose of this report is to satisfy this formal requirement. Assuming Members agree then the Council is obliged to publish notice to this effect, pursuant to the applicable Regulations, and Recommendation 1 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.

Equalities impact: Low Impact

The Neighbourhood Plan has gone through wide consultation with the community and has been advertised in a variety of formats to increase accessibility. Neighbourhood Planning is designed to be inclusive and extensive consultation is a fundamental requirement. All electors are invited to vote in the referendum.

Risk: Medium Risk

There is a risk that the Neighbourhood Plan could fail the referendum if a majority of the community vote against it.

Links to background information:

- Localism Act 2011
<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>
- Neighbourhood Planning Regulations 2012
http://www.legislation.gov.uk/uksi/2012/637/pdfs/uksi_20120637_en.pdf
- Neighbourhood Planning Roadmap Guide
<http://locality.org.uk/wp-content/uploads/Roadmap-worksheets-map-May-13.pdf>
- Dunkeswell Neighbourhood Plan and Examiners Report
<http://eastdevon.gov.uk/planning/neighbourhood-and-community-plans/neighbourhood-plans/neighbourhood-plans-being-produced-in-east-devon/dunkeswell/#article-content>

Link to Council Plan: Living in this Outstanding Place.

1.0 The Examination

- 1.1 The Dunkeswell Neighbourhood Plan has now been examined and, subject to modifications, it has been recommended that it proceed to referendum. The Examiner, Mary O'Rourke, was chosen by EDDC in consultation with Dunkeswell Parish Council, due to her extensive experience in the field of Development Plan examinations and her recent experience with Yarcombe Neighbourhood Plan (particularly relevant as both are located in the Blackdown Hills AONB).
- 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. Ms O'Rourke did not consider it necessary to hold a public hearing as there were no issues that she felt warranted it. 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/dunkeswell/#article-content>.
- 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.

1.4

Task in Neighbourhood Plan Production, Commentary and Formal Processes	Role of the Policy Team at the Council	Role of Other Services at the Council
<p>12b – Consideration of and response to the Examiner’s Report <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"> -Complies with national policy and guidance from SoS -Contributes to sustainable development -General Conformity with the strategic policy of the Development Plan for the area or any part of that area -Doesn’t breach or is otherwise compatible with EU obligations – this includes the Strategic Environmental Assessment Directive of 2001/42/EC -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 &c) regulations 2007 9(e) (either alone or in combination with other plans or projects)) <p>(2) is compatible with the Convention rights, and (3) complies with the other legal requirements set out in Sections 38A & 38B of the TCPA 90</p> <p>12c - Produce and publish a Decision Statement <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 & 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>

1.5 Essentially the examiner has recommended a number of textual and related mapping modifications to the Plan and the deletion of some policies. The Examiners recommendations are as follows:

Examiner’s Reason for Change	Recommended change
<p>Paragraph 3.14 of the Plan refers to the protection of ancient woodland and that its loss should be ‘wholly exceptional’. However, neither Local Plan policies D2 and D3 nor the NPPF use those words, and in the absence of any information as to their provenance, I regrettably feel I have no option but to recommend</p>	<p>PM1 Page 11 Paragraph 3.14 line 3 delete ‘where its loss should be ‘wholly exceptional’’</p>

<p>that they are deleted from the NP (PM1).</p>	
<p>In the interests of consistency and the achievement of sustainable development, I am recommending a modification to the policy to replace in the first line 'development will only be supported where they demonstrate...' with 'development should demonstrate...', and similarly in the last part of the policy, to make it clearer how the policy will be applied.</p>	<p>PM2 Page 12 Modify policy NE1 to read: Proposals for development should demonstrate that there would be no significant adverse impacts on the natural environment (landscape and biodiversity) and its tranquillity, or any significant adverse impacts can be satisfactorily mitigated. Applicants are encouraged to enhance the natural environment where there is an opportunity to do so. 2nd part as in submitted NP Proposals for development which affect traditional Devon hedges should demonstrate that: i) Alternative options are impractical and the proposal is the least damaging option (to the hedgerow/bank, setting in the landscape, biodiversity and habitats): and ii) as in submitted NP</p>
<p>A minor modification is proposed to clarify how the policy would be applied in the interests of clarity and consistency and to contribute to the achievement of sustainable development</p>	<p>PM3 Page 13 Modify policy NE2 to read: After planning permission, delete 'will only be supported where they are' and replace with 'should be... '</p>
<p>Minor modifications are recommended to make clear how the policy would be applied in the interests of clarity and consistency</p>	<p>PM4 Page 13 Modify policy BE1 as follows: In line 2 delete 'will be only supported where they' and replace with 'should: ' In the last sentence delete the word 'also'.</p>
<p>I have serious concerns that, as drafted, policy BE2 fails to have sufficient regard to national policy in the NPPF (paragraphs 126 - 141) on the staged approach that must be taken to determining the impact of a proposed development on, and the weight to be given to any harm to, the significance of a heritage asset, and the separate balancing exercises that need to be undertaken for designated and non-designated heritage assets. For this reason, I also am not satisfied that policy BE2 is in general conformity with the strategic policies of the East Devon Local Plan, more particularly Strategy 49 and policies EN6 to EN10. Furthermore, in my view, the NPPF and Local Plan policies provide sufficient protection for heritage assets. I am therefore proposing to modify the NP to delete policy BE2 (PM5) to ensure that the Plan meets the Basic Conditions.</p>	<p>PM5 Page 14 Delete policy BE2 and renumber policy BE3 as BE2</p>
<p>In the interests of consistency and the achievement of sustainable development, I am recommending a</p>	<p>PM6 Page 15 Modify policy BE3 (new policy BE2) by replacing 'will only be supported:' with 'should demonstrate that:'</p>

<p>modification to the policy to replace 'will only be supported:' with 'should demonstrate that:' which makes it clearer to prospective applicants how the policy would be applied</p>	
<p>Policies should be clear as to how they will be applied. For this reason, and in the interests of consistency and the achievement of sustainable development, I am recommending modifications to the wording of policy LE2</p>	<p>PM7 Page 15 Modify policy LE2 as follows: First sentence delete 'will be supported subject to proposed changes being' and replace with 'should be' Third sentence delete 'will only be supported where the uses do not' and replace with 'should not'. Criterion iv) traffic generation. Where there would be an increase in traffic movements, including HGVs, that cannot be safely accommodated on the rural road network, the proposal should include mitigation measures;....</p>
<p>The District Council in commenting on the submission version of the NP noted the need in developing new live-work units to ensure that the residential use is compatible with the neighbouring uses. I agree that this should be addressed in policy LE1 and I am proposing a modification to criterion iv) to add after 'unacceptable nuisance to' the words 'and would be compatible with' before 'neighbouring premises/properties'. However, in the absence of any justification as to why a local economic need for the units is required to be demonstrated and why they need to be occupied within 6 months of completion, I am deleting criterion i). I am also deleting criterion v), as drafted, as unnecessary and contradictory. The last part of the policy relates to applications to change the use of livework units to wholly residential. As drafted it includes justification as well as policy and I am recommending it be simplified to make clear how it would be applied. In the interests of clarity and consistency and the achievement of sustainable development, I am recommending that the three distinct parts of policy LE1 are clearly identified as A, B, and C and other minor modifications to clarify how it would be applied</p>	<p>PM8 Page 16 Modify policy LE1 to read: A. Proposals for development to enable or facilitate working or living in the same building or site should demonstrate that: i) The proposed units would be well related to the uses of the surrounding land and building (preferably located on the existing industrial estate); ii) The employment floorspace would be equal or greater than that of the residential living space; iii) The proposed uses would not cause unacceptable nuisance to and would be compatible with neighbouring premises/properties; iv) The proposed development would provide satisfactory living conditions for future occupants; and v) There would be no adverse impact on: a. The character of the built environment; b. The character of the natural environment and setting; c. Residential amenity; d. Traffic conditions; e. Noise; and f. Light pollution. B. Proposals which seek the change of use of existing employment space to form a live-work unit must demonstrate that such changes: i) Retain existing ground floor employment space; and ii) The occupancy of the living space is restricted to a person directly involved with the business being operated. C. Applications to change a livework unit to wholly residential use must demonstrate that the unit has been actively marketed for live-work for two years; that no demand exists for its continued use for live-work; and the proposed change of use would be well related to the uses of surrounding land and buildings.</p>

<p>The roads between the main housing estate, the old village and the industrial estate and airfield do not have footways and are often busy with traffic including heavy goods vehicles travelling to and from the industrial estate, discouraging walking or cycling. It is a long-held ambition of villagers to have a safe footpath link to the industrial estate. This is also supported by local businesses and the NP sets out the Parish Council's intention to be proactive on this matter. Subject to a modification to clarify that the route is to link Highfield and the old village to the industrial estate (PM9), I am satisfied that policy TA2 relates to the use or development of land and is in general conformity with the sustainable transport policies of the Local Plan</p>	<p>PM9 Page 16 Modify policy TA2 by inserting 'and' after 'Highfield'</p>
<p>there is nothing in the NP, Basic Conditions Statement, or the written evidence, that I see as giving an expressly local dimension or any explanation as to what makes policy HP2 distinct. Moreover, I am concerned that, as drafted, policy HP2 is unclear and ambiguous in that it requires the conversion, extension and sub-division of existing homes to comply with Local Plan policy D8, when that policy deals only with the reuse and conversion of buildings in the countryside. If the intent of policy HP2 is to help bring dis-used buildings back into use, as paragraph 5.11 of the Plan suggests, then I consider that Local Plan policies provide sufficient guidance. For these reasons, I am not satisfied that policy HP2 has had sufficient regard to advice on policy drafting contained in national guidance and so fails to meet that Basic Condition and I am modifying the Plan to delete it</p>	<p>PM10 Page 18 Delete policy HP2 and supporting text in paragraph 5.11</p>
<p>I am deleting the reference in the policy to registered Assets of Community Value as there are no facilities or buildings in Dunkeswell on the East Devon List of such Assets. I am also modifying the wording of the policy to make it clear how it would be applied, in the interests of clarity, consistency and the achievement of sustainable</p>	<p>PM11 Page 18 Modify policy CFS1 to delete 'and registered Assets of Community value will only be supported where:' and criteria i) and ii) and replace by: 'should demonstrate that: i) There is no reasonable prospect of a viable continued use of the existing building or facility which will benefit the local community; ii) There is a need for the proposed development; and</p>

development	iii) There would be no significant adverse impact on the special character of the area's natural and built environment.'
The East Devon Audit of Open Space in 2014 indicated that Dunkeswell was under-provided with outdoor sports pitches and amenity space and many of the existing spaces were in need of better maintenance or updating. I therefore see no reason why policy CFS2, which is supportive of improved facilities and accessibility, requires a need for proposed improvements to be demonstrated, subject to there being no adverse impact on nearby residents.	PM12 Page 19 Modify policy CFS2 by deleting 'where there is a demonstrable need for them and' and inserting the word 'significant' before 'adverse impact'.
Minor modifications to the wording of the policy are recommended to clarify how it would be applied	PM13 Page 19 Modify policy TA3 by: Deleting 'will be supported where they do' and insert 'should' In i) replace 'our' with 'the' In the second part of the policy, delete the word 'dedicated'.
As drafted policy LE3 requires that 'the benefits of such development (should) outweigh any harm to local character, residential amenity or highway safety'. But it is unclear as to what would constitute 'benefits' and benefits to whom? This would leave an applicant, and the decision maker, without a clear indication as to how an application might be considered and determined. Having regard to the advice in the PPG on the need for clarity and precision in policy drafting, I am recommending that policy LE3 is modified to delete the reference to 'benefits' and to make clear the matters to be considered	PM14 Page 21 Modify policy LE3 to read: When considering proposals for the conversion of existing agricultural buildings for business or business related purposes, regard will be had to any impact on local character, residential amenity, and highway safety; and whether the conversion would require substantial rebuilding or result in disproportionate extension.
Minor modifications to the wording of the policy are recommended to clarify how it would be applied	PM15 Page 21 Modify policy LE4 by deleting part v)
Minor modifications to the wording of the policy are recommended to clarify how it would be applied. Although the 2010 study provides useful information, it is not adopted guidance, is now of some age in a fast-moving sector and, in any event, is already referred to in the policy justification	PM16 Page 22 Modify policy ELC1 by deleting the last sentence.
I have considered whether policy W1 is 'excluded development' and whether it should be removed from the NP. However, it seems to me after careful reading that what the policy is seeking to achieve is to	PM17 Page 23 Modify the title of Chapter 10 by deleting Waste and replace with Recycling

<p>encourage proposals for new development to include some form of physical provision that would help future occupants to take action to minimise their waste. For example, it might be the provision of a rain water butt or compost bin in the garden of a new home, larger bin stores to accommodate recycling and composting as well as refuse bins, or landscaping to incorporate reed beds to take surface water drainage off a car park. This list is not exclusive or exhaustive. On this interpretation, I am satisfied that policy W1 should not be deleted as it does not relate to excluded development. However, I am recommending a modification to the NP to clarify that Chapter 10 is about Recycling and not Waste.</p>	
<p>Chapter 11 is entitled Delivering Priorities and refers to priorities set out in the Neighbourhood Plan Community Action Plan for projects which could draw on funding made available through Section 106 obligations and/or Community Infrastructure Levy contributions. The Community Action Plan is not part of the NP. Policies in the NP should relate to the use or development of land. As I do not know what the local priority community projects are, and therefore whether or not they relate to the use or development of land, I am modifying the Plan to delete policy DP1</p>	<p>PM18 Page 24 Delete policy DP1</p>

- 1.6 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.
- 1.7 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.
- 1.8 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.

- 1.9 The legislation, which is reflected in our protocol, requires the Council to consider and respond to this report. The amendments suggested by Ms O'Rourke, mean 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.

- 1.10 A revised version of the Plan (known as the 'Referendum Version'), incorporating the recommended changes, will be available to view on the EDDC website before the Cabinet meeting. The District Council will be responsible for arranging a referendum where all electors within the Parish of Dunkeswell will be invited to vote on whether the Neighbourhood Plan should be used to make planning decisions in the Parish. If more than 50% of those who vote say 'yes' the Neighbourhood Plan will be made and will form part of the Development Plan for East Devon.

Report to: Cabinet
Date of Meeting: 6 September 2017
Public Document: Yes
Exemption: None



Review date for release None

Agenda item: 18

Subject: Uplyme Neighbourhood Plan Examiners Report

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

Recommendation :

- 1. That members endorse the examiners recommendations on the Uplyme 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 Parish Council.

Officer: Claire Rodway, Senior Planning Officer,
crodway@eastdevon.gov.uk 01395 571543

Financial implications: No 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. 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.

Equalities impact: Low Impact

The Neighbourhood Plan has gone through wide consultation with the community and has been advertised in a variety of formats to increase accessibility. Neighbourhood Planning is designed to be inclusive and extensive consultation is a fundamental requirement. All electors are invited to vote in the referendum.

Risk: Medium Risk

There is a risk that the Neighbourhood Plan could fail the referendum if a majority of the community vote against it.

Links to background information:

- Localism Act 2011
<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>
- Neighbourhood Planning Regulations 2012
http://www.legislation.gov.uk/uksi/2012/637/pdfs/uksi_20120637_en.pdf
- Neighbourhood Planning Roadmap Guide
<http://locality.org.uk/wp-content/uploads/Roadmap-worksheets-map-May-13.pdf>
- Uplyme Neighbourhood Plan and Examiners Report
<http://eastdevon.gov.uk/planning/neighbourhood-and-community-plans/neighbourhood-plans/neighbourhood-plans-being-produced-in-east-devon/uplyme/#article-content>

Link to Council Plan: Living in this Outstanding Place.

1.0 The Examination

- 1.1 The Uplyme Neighbourhood Plan has now been examined and, subject to modifications, it has been recommended that it proceed to referendum. The Examiner, John Mattocks, was chosen by EDDC in consultation with Uplyme Parish Council, due to his 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. Mr Mattocks did not consider it necessary to hold a public hearing as there were no issues that he felt warranted it, however he did seek clarification from the Parish and District Councils on some points, particularly the relationships between Uplyme and Lyme Regis and the Neighbourhood Plan and emerging Villages Plan. 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/uplyme/#article-content>

- 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.

Task in Neighbourhood Plan Production, Commentary and Formal Processes	Role of the Policy Team at the Council	Role of Other Services at the Council
<p>12b – Consideration of and response to the Examiner’s Report</p> <p>(Paragraph 12 of Schedule 4B of TCPA 90)</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"> -Complies with national policy and guidance from SoS -Contributes to sustainable development -General Conformity with the strategic policy of the Development Plan for the area or any part of that area -Doesn’t breach or is otherwise compatible with EU obligations – this includes the Strategic Environmental Assessment Directive of 2001/42/EC -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 &c) regulations 2007 9(e) (either alone or in combination with other plans or projects))” <p>(2)is compatible with the Convention rights, and (3)complies with the other legal requirements set out in Sections 38A & 38B of the TCPA 90</p> <p>12c - Produce and publish a Decision Statement</p> <p>(Regulation 18)</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 & 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 and related mapping 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>Section 9 in the plan dealing with transport matters and including two policies (TR1 and TR2) is dealing with matters which are either not land-use related at all or are aspirational in nature and should be moved to an annex or companion document. Recognising the strength of feeling locally, the Examiner has allowed a degree of flexibility in how this is carried out.</p>	<p>Recommendation 1 Ensure that the whole of section 9 in the plan – ‘Transport, highways and pedestrian access’ is presented in such a way that it is clearly identifiable as representing community aspirations on such matters and is distinct from those sections which together make up the statutory neighbourhood development plan. Delete the ‘policy’ headings for TR1 and TR2. Omit the Crogg Lane scheme (TR2) from the Proposals Map (Appendix I).</p>
<p>A Neighbourhood Plan is not the appropriate mechanism for designating a Conservation area. The text should be amended to clarify that it is a community aspiration and the maps should be amended for clarity.</p>	<p>Recommendation 2 Ensure that paragraph 10.1.2 entitled ‘Proposed Conservation Area for Uplyme’ is clearly identifiable as a community aspiration in so far as there is no formal plan proposal, as part of the statutory plan, that such a designation be made.</p>
<p>There is a lengthy justification for the changes, in the Examiners report. Essentially, the policy clarifies the relationship between the EDLP and NP with regard to built-up area boundaries to ensure that it is clear which boundary should apply.</p>	<p>Recommendation 3 a. Replace Policy UHG1 by the following modified policy:- The Built-up Area Boundary (BUAB) for Uplyme is shown on the Proposals Map. Proposals for development within the BUAB will be approved, provided that the requirements of Policy Strategy 6 of the Local Plan and other policies in this Neighbourhood Plan are met. b. In the supporting text, paragraph 6.1.1., lines 9 to 15, delete the sentence: ‘The suggested revised BUAB is ... the revised boundary.’ And substitute: ‘Following publication of this Plan, the EDDC subsequently selected this reviewed boundary as their preferred approach for the Villages Plan. This revised BUAB is shown on the Proposals Map (Appendix I).’</p>
<p>There is a lengthy justification for the changes, in the Examiners report. Essentially, they clarify the position with regard to affordable</p>	<p>Recommendation 4 a. In the first line of Policy UHG2 delete the words ‘within the BUAB and on exception sites’. b. Remove the bracketed comment commencing ‘Although this policy is part of the EDLP ...’ from the</p>

<p>housing, exception sites and the relationship to EDLP Policy.</p>	<p>blue box of Policy UHG3 and place it in the accompanying text.</p> <p>c. Insert a cross-reference to EDLP Policy Strategy Policy 35 under both policies UHG3 and UHG4.</p> <p>d. Delete the second paragraph in the text under paragraph 6.1.3 that is ‘Exception sites (outside the boundary) ... can be justified.’</p> <p>e. Amend the heading of Policy UHG4 to read ‘Exception mixed market and affordable housing outside the Built-Up Area Boundary’ and on the first line of the policy delete ‘exception’ and insert ‘mixed market and affordable’.</p>
<p>It is unusual to find a policy such as this within a neighbourhood plan. It is very closely modelled on paragraph 14 of the NPPF although that applies to the consideration of planning applications against the development plan as a whole not individual parts of it. It is also not for a neighbourhood plan policy to state that decisions should be taken in accordance with another statutory planning document, in this case the EDLP. It is for the LPA in taking decisions to weigh the different parts of the development plan in the light of paragraph 14 of the NPPF. There is no difficulty, however, if the policy refers simply to ‘this plan’ and the NPPF. In view of the fact that the plan area is within an AONB a reference to specific national policies which restrict development is an important addition.</p>	<p>Recommendation 5</p> <p>In the second line of Policy USD1 replace the words ‘the Neighbourhood Plan and the Local Plan’ by ‘this plan’; in line 5 replace ‘the Neighbourhood Plan’ by ‘this plan’; at the end of the policy, replace the words ‘and Local Plan’ by ‘taken as a whole’ and add ‘or specific policies in the Framework indicate that development should be restricted.’</p>
<p>In order to ensure maximum flexibility for the siting of the dwellings on this site to minimise visual impact, the area shown on the Proposal Map should be re-drawn to include the frontages to the two lanes down to the Lime Kiln Lane junction with the Carswell farm track. Policy UHG4 should include a requirement for a flood risk assessment to ensure that adequate regard has been had to meeting the requirements</p>	<p>Recommendation 6</p> <p>a. Include an additional requirement for a flood risk assessment within the site-specific policy provisions for the Lime Kiln Lane site under Policy UHG4.</p> <p>b. Amend the area shown on the Proposals Map (Appendix I) for the Lime Kiln Lane allocation to show the site abutting the lanes on the south and east sides.</p>

<p>of national and local policy for dealing with the effects of climate change and thus fully meeting the basic conditions.</p>	
<p>The inclusion of a statement referring to a potential housing site at Raymond's Hill, intended as a 'suggestion' or not, introduces uncertainty for plan-users. The statement would almost certainly be put forward as a 'material consideration' should an application be made for planning permission. Such a statement the plan would fail to meet the basic conditions and deletion would overcome that difficulty.</p>	<p>Recommendation 7 Delete the last paragraph in section 6.1.5 of the plan, page 19, referring to possible market housing on the south side of Harcombe Road, Raymond's Hill.</p>
<p>Bearing in mind the need for the plan to contribute to sustainable development, leaving the reference to isolated locations in the text would result in uncertainty for the decision-taker which would be contrary to practice guidance. Also, as this factor is covered by EDLP Policy D8, it should be included in the UNP policy to avoid ambiguity in policy interpretation.</p>	<p>Recommendation 8 In policy UHG5, line 2, replace the words 'in rural areas' by 'outside the built-up area boundary' and, in line 3, replace the words 'favourably considered' by 'approved'; modify the second criterion to commence 'the buildings are not in an isolated location with no nearby built development and' (are capable ...)</p>
<p>In summary, these policies provide positive and general support to development for businesses in the parish (not the development of businesses). Policy should be amended to reflect Paragraph 28 of the NPPF which, whilst strongly supportive of the rural economy, stresses the need for development to be sustainable. An additional criterion is required in both policies UEM1 and 2. There is no clear justification for the requirement in UEM3 for there to be a specific need for the residential element of a live-work unit, although that would be the case if the site was outside the village BUAB. That requires clarification in the policy.</p>	<p>Recommendation 9 a. In policies UEM1 and UEM2 insert the following additional criterion: 'the development is in an accessible and sustainable location'; b. preface the provision within Policy UEM2 for live-work units by the words 'Outside of the built-up area boundary'; c. in policy UEM3, line 2 and 3, replace the words 'in rural areas' by 'outside the built-up area boundary' and 'favourably considered' by 'approved'; modify the second criterion to commence 'the buildings are not in an isolated location with no nearby built development and' (are capable ...)</p>

<p>Policy UEM3 is almost identically worded to Policy UHG5. The same considerations apply, including the undesirability of the development of business uses in isolated, unsustainable locations. Therefore, the same recommendation for modification applies to that policy.</p>	
<p>There is an extensive justification for the rewording and merging of these two policies. In summary, they relate to the same site and objectives so should be combined into an unambiguous land use policy. The Examiner is unable to recommend that the Policy go beyond saying that a business centre will be permitted on the site (he does not have the power to state eg. That other uses would be refused as this is not supported by the evidence, would not meet the basic conditions and would require further consultation)</p>	<p>Recommendation 10 Delete the first part of Policy UCF2 and combine it with a re-worded Policy UEM5, the new policy to read as follows: Policy UEM5 – Re-use of the Primary School buildings as a Business Centre A site is allocated in the plan adjacent to the village hall, as shown on the Proposals Map, for the development of a new primary school. The re-use of the current school land and buildings as a small business centre (for Classes A2 and B1) will be permitted subject to compliance with other relevant policies in this plan.</p>
<p>I accept the point made by the Parish Council that recreational facilities should serve the needs of all within the parish, not just Uplyme village itself. However, as the EDDC state the indication in the policy that the provision of new facilities will be ‘supported’ but if new sites are accessible by sustainable means they will be ‘especially supported’ is confusing for the decision-maker. As I indicate in paragraph 4.06 of this report it is possible for the approach which may be taken by the Parish Council when consulted on applications to be spelt out in the plan text but not in the policies themselves. The EDDC have suggested revised wording for the last part of this policy. The recommendation is based on that but takes account of the need to serve Raymond’s Hill as well as Uplyme. It is helpful to expand on the meaning of ‘sustainable means’.</p>	<p>Recommendation 11 Modify the last sentence in Policy UCF3 to read: New sites should be easily accessible by sustainable means, including by public transport, bicycle or on foot.</p>

<p>The second part of this policy applies to 'new housing or development schemes' but the first part more generally to 'development proposals'. As the EDDC have pointed out the term 'development schemes' is confusing as it may not be appropriate to require tree planting for minor development or the re-use of existing buildings, which is still 'development'. The UPC have accepted that.</p> <p>The first part of the policy is ambiguous. It is not clear whether it is addressing the protection of trees during development or in the long term given the importance of the landscape within an AONB. However, the long-term protection of trees can only be achieved by the use of Tree Preservation Orders. Rephrase the policy for clarity.</p>	<p>Recommendation 12 Modify Policy UEN5 to read: Proposals for new housing or business development should include measures for the protection during the course of development of existing trees/hedgerows of significant landscape, amenity, historic or conservation value. Where appropriate, such proposals should include provision for additional planting of trees and hedges to enhance the landscape character of the immediate neighbourhood and wider parish.</p>
<p>Clarify the terminology to reflect the NPPF and that individual spaces are being designated (as a larger area would not comply with the NPPF). Clarify the types of development which may be acceptable, in the justification.</p> <p>An appeal lodged against the EDDC's refusal of an application for the erection of a dwelling on area E was allowed on appeal in January this year. If implemented the development would negate the purpose of identifying most of area E as a Local Green Space. In the circumstances, including Area E as LGS would not meet the basic conditions and the area should be deleted.</p>	<p>Recommendation 13 a. Modify policy UEN7 as to read as follows:- Policy UEN7 – Local Green Spaces in Uplyme The areas of Local Green Space defined in Appendix F and on the Proposals Map provide an important green link and green corridor within the built-up area of Uplyme. These areas are to be retained as undeveloped land which physically links important landscape and/or open areas; the areas will be protected for their landscape, recreational and/or amenity value, as well as for benefits to wildlife. Notwithstanding the location of part of this corridor within the Built-Up Area Boundary for Uplyme, proposals for inappropriate development within these areas of Local Green Space will not be permitted except in very special circumstances. b. Include a statement in the supporting text that 'permanent built development' is inappropriate within an area of Local Green Space but that the erection of temporary or permanent buildings and structures which would result in a community benefit directly related to the function and purpose of the Local Green Space and which would retain their openness will not be inappropriate. c. Delete area E from the list of Local Green Spaces in the table in paragraph 10.6.1 of the plan, from the plan</p>

	of the Green Space Area(s) in Appendix F and from the Proposals Map.
<p>Some of the introductory sections of the plan, in particular, were related to the pre-examination submission stage and make references to the examination which will be superfluous at the final stage. I indicate below those sections of the plan which will need to be revised in that light. I also make a 'catch-all' recommendation to authorise amendments which will be necessary consequentially upon my recommendations for modifications to the policies in the plan.</p>	<p>Recommendation 14 Ensure that all procedural references in the plan are up-to-date and make any amendments to the supporting text in the plan which is required as a consequence of modifications to the policies made in response to the recommendations in this report.</p>

- 1.5 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.
- 1.6 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.
- 1.7 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.
- 1.8 The legislation, which is reflected in our protocol, requires the Council to consider and respond to this report. The amendments suggested by Mr Mattocks, 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.

- 1.9 A revised version of the Plan (known as the 'Referendum Version'), incorporating the recommended changes, will be available to view on the EDDC website before the Cabinet meeting. The District Council will be responsible for arranging a referendum where all electors within the Parish of Uplyme will be invited to vote on whether the Neighbourhood Plan should be used to make planning decisions in the Parish. If more than 50% of those who vote say 'yes' the Neighbourhood Plan will be made and will form part of the Development Plan for East Devon.

Report to: Cabinet
Date of Meeting: 6 September 2017
Public Document: Yes
Exemption: None



Review date for release None

Agenda item: 19

Subject: Acquisition of former Reservoir, Holyford Woods, Colyton

Purpose of report: To determine whether to accept the offer of a reservoir known locally as 'Top Pool' or 'Lambs Pool' as part of the Holyford Wood Local Nature Reserve.

Recommendation: It is recommended that EDDC decline the offer of the reservoir.

Reason for recommendation: It is recommended to decline the offer due to the ongoing management and maintenance liabilities of the reservoir.

Officer: Dave Turner, Engineering Projects Manager
dturner@eastdevon.gov.uk tel: 01395 571619

Financial implications: No further details to add to those contained in the report.

Legal implications: Given the recommendation in the report there are no legal implications arising. Should Members take a contrary view to the recommendation then there will be implications for maintenance, management and ongoing liabilities which are detailed in headline terms within the report but which have not been fully assessed. Similarly, Recommendations 2 & 3 from the 11th May 2016 Cabinet report have not been carried out and prior to any decision being made to acquire the reservoir, it is advised that these will need to be covered off.

Equalities impact: Low Impact

Risk: Low Risk

Links to background information: .

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

1 Background

- 1.1 The reservoir at Holyford Woods near Colyford was originally constructed in the 1930's as part of the potable water supply system for the area. Subsequent works were undertaken in 1941 to increase the capacity of the reservoir, and in 1956 piling to the upstream face.

The reservoir was transferred into private ownership in the 2000's as it was no longer required by South West Water.

- 1.2 It is unclear what (if any) inspection or maintenance has been undertaken by the subsequent owners of the reservoir.
- 1.3 The reservoir was constructed with an earth core, although this has been in part reinforced in 1956 with by the piling works. Although the reasons for these works don't appear to have been recorded, there is a strong possibility that was in response to seepage through right-hand side (looking upstream) of the dam.
- 1.4 The reservoir has a volume of between 1,500 and 2,000 m³, and so does not come within the remit of the Reservoirs Act 1975 (amended by the Floods and Water Management Act 2010) as it is below the 25,000m³ threshold for large reservoirs.
- 1.5 However operators of smaller reservoirs such as this would still be liable if the reservoir failed and cause harm to people or property.
- 1.6 A report was commissioned in 2012 to inspect the condition of the reservoir; the inspection was limited to the exposed downstream face as the reservoir was not drained for the inspection.
- 1.7 The 2012 inspection raised a number of concerns with its condition, namely:
 - 1.7.1 An area of spongy damp ground adjacent to three large trees at the toe of the right hand embankment which could indicate seepage
 - 1.7.2 A number of small trees growing on the face of the embankment
 - 1.7.3 A vertical crack in the left hand wing wall where clayey residue can be seen indicating wash through of dam material. It is probable that the water coming from this crack is seepage from the reservoir.
- 1.8 A report was made to Cabinet on 11 May 2016 regarding the acquisition of the above reservoir.
- 1.9 The meeting resolved that :

The Council accept the transfer of 'Top Pool' or 'Lambs Pool', Holyford Woods to incorporate into the Holyford Wood Local Nature Reserve subject to the Senior Management Team being satisfied as to:

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

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

2 Further survey and investigation

- 2.1 Subsequent to this, a topographic survey of the reservoir and the area potentially at risk downstream has been undertaken.

- 2.2 A further inspection of the structure has showed that the concerns as raised previously with the condition of the reservoir broadly remain, although its condition has not deteriorated greatly, vegetation of the embankment has continued.
- 2.3 Therefore further flood modelling and hydrological studies were planned following the topographic survey, however given the condition of the reservoir it was not considered good value to continue with this work.
- 2.4 A desktop study was undertaken of flood risk downstream, utilising publically available information including flood maps for planning, OS mapping and surface water flood maps has been undertaken and it was concluded:
 - 2.4.1 The flood plain of the Holyford Brook is relatively steep sided and well defined
 - 2.4.2 Little or no residential properties lie within the flood plain
 - 2.4.3 Failure of this reservoir could threaten the integrity of a second reservoir downstream
 - 2.4.4 Failure of the reservoir through breach or overtopping is likely to pose a significant hazard to road users and the public due to the volumes of water and nature of the flood plain
- 2.5 Should EDDC take on the reservoir, as a minimum the following works would need to be undertaken:
 - 2.5.1 Removal of all trees and significant vegetation on or near to the embankment and spillway structure.
 - 2.5.2 Pumping out of the reservoir (the mechanism for draining down the reservoir has not been maintained) with full structural inspection of the upstream, and downstream faces.
 - 2.5.3 As part of the above works, contingency plans to reinstate the dam to its design height as the lowering of the water levels may result in settlement of the dam itself.
 - 2.5.4 Regular visual inspection of right hand embankment toe
 - 2.5.5 Geotechnical investigation of the left hand (looking upstream) dam to confirm whether further piling is required to prevent seepage which could threaten the structural integrity of the structure
 - 2.5.6 Scheduling of monthly visual inspections of the structure
- 2.6 Should EDDC take on the reservoir, it is likely the following works will be required in the medium term:
 - 2.6.1 Testing of the 1950's steel sheet piles (it may be more cost effective to undertake this work in conjunction with the draw down and inspection above).
 - 2.6.2 Geotechnical investigation of the area of possible seepage downstream of the right hand dam.
 - 2.6.3 Major remedial works to the left hand end of the dam to prevent seepage and restore the integrity of the left hand wing wall. Likely to involve either sheet piling, or a grout curtain.

2.6.4 Removal of render from the downstream wing walls, inspection of the underlying concrete and repairs as necessary.

2.6.5 Reinstatement of the draw down pipework and penstock.

3 **Recommendations**

3.1 It is recommended EDDC do not proceed with the acquisition of Holyford Reservoir due to the ongoing management and maintenance liabilities.

3.2 It is recommended that EDDC continue to work with and support the Holyford Wood Trust, reservoir owner and others as appropriate to help them improve the condition of the reservoir, the quality of habitat it offers and its amenity contribution to the Holyford Local Nature Reserve.

Report to: Cabinet
Date of Meeting: 6 September 2017
Public Document: Yes
Exemption: None
Review date for release: None



Agenda item: 20

Subject: Disclosure and Barring Service Checks

Purpose of report: To consider whether it is necessary and appropriate for all Councillors to be subject to a Disclosure and Barring Service check in respect of the performance of their duties.

Recommendation: It is recommended that;

- (1) the Council does not require councillors to have a basic criminal records check, and**
- (2) all Council Members receive or attend appropriate training in respect of our responsibilities in relation to protecting and safeguarding as detailed in related policies.**

Reason for recommendation: Given the nature of Member's roles and other safeguards that exist and with the potential risks in terms of data protection and human rights there is no basis to be applying a blanket approach to requiring and then disclosing any sort of DBS checks in relation to the Council's safeguarding and protecting role. However, given that we do have responsibilities (detailed in one of our Key Policies) there is a basis for requiring Members to have training.

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

Financial implications: At present there are no financial implications. If DBS Checks were introduced then these costs are detailed in the report see section 5.1 for cost implications.

Legal implications: The legal implications have been identified in the report

Equalities impact: Low Impact

Risk: Low Risk

Links to background information: .

Link to Council Plan: .

Report in full

1. Background

- 1.1 Following a motion to Council on 22nd February 2017, members agreed the following resolution;

'RESOLVED

- 1. that a protocol for Councillors for safeguarding vulnerable adults and children in the community be introduced - this Council recognises the importance of putting the correct safeguarding measures in place and, in so doing, setting an example within the community;***
- 2. that, in the light of this intention and the legal duties falling on this Council in respect of the safeguarding of vulnerable adults and children, the Chief Executive be requested to prepare a report on the appropriateness of requiring all Councillors to be the subject of a DBS (Disclosure and Barring Service – formerly CRB) check and attending specific safeguarding training.'***

- 1.2 This report comprises the assessment of the appropriateness of requiring all Councillors to be the subject of a DBS check and attending specific safeguarding training.

2. Legal position

- 2.1 The Safeguarding Vulnerable Groups Act 2006 ('the 2006 Act') introduced the Criminal Records Bureau and Independent Safeguarding Authority and provided a significant set of 'regulated activities' in relation to working with children or vulnerable adults. The regulated activities covered various activities, establishments and positions. Where a person met the relevant criteria (such as being convicted of certain offences) so that they were put on either of the children or adult barred lists, it created a criminal offence for that person to be carrying out a regulated activity. Clearly the carrying out of a criminal records check before a person was able to engage in the regulated activity was designed to support this objective. In 2006 the definition of regulated activity specifically included councillors who "discharged functions" relating to the education and / or social services in respect of vulnerable adults and children frequently or for two or more days in any 30 day period. This was understood by many of the councils to include all executive members, relevant scrutiny members and those serving on fostering and adoption panels. However, the provisions were limited to the certain 'local authorities' only - namely county councils, unitary authorities, metropolitan borough councils and London boroughs. Notably it did not apply to non-metropolitan district councils, as one would expect given that they do not discharge functions in respect of education or social care.
- 2.2 The Protection of Freedoms Act 2012 made changes to the regime of vetting and barring individuals from working with children and vulnerable adults. It abolished both the Criminal Records Bureau and Independent Safeguarding Authority and created the Disclosure Barring Service. The changes also reduced significantly the scope of what constitutes a regulated activity. In that regard, it specifically removed the provisions relating to councillors who "discharged functions" relating to education and / or social services. While some authorities (notably Cornwall Council) are of the view that these provisions have been 'saved' (i.e. they continue to have effect), it doesn't affect the position of councillors at district council level as the provisions didn't apply to them anyway.

2.3 As amended the provisions now only relate to those persons who have close and unsupervised contact with children or vulnerable adults. In essence, the definition of regulated activity now means;

With regard to children, regulated activities are unsupervised activities involving teaching, training, instructing, caring for or supervising children, or providing advice/guidance on their well-being, or driving a vehicle only for children – if done frequently or three days in any thirty day period; and relevant personal care (even if only done once); registered child-minding and foster caring.

With regard to vulnerable adults, regulated activities involve the provision of healthcare or personal care by healthcare professionals; the provision of social work by social care workers; assistance with cash, bills or shopping or the conduct of their personal affairs; conveying persons because of their age, illness or disability even if only done once.

2.4 While somewhat convoluted (and complex), the ability to apply for a criminal records check sits within separate legislation from that detailed above. In England, the Rehabilitation of Offenders Act 1974 and the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975 and the Police Act 1997. Under these pieces of legislation, one can apply for a 'Standard' check or an 'Enhanced' check. The difference in the checks relates to the level of information that can be made available. Standard checks covers spent and unspent convictions plus cautions, reprimands and final warnings. Enhanced checks covers the same but also includes checks on the information held by local police force and, depending on the role, can include specific checks against the barred lists. However, in order to be able to apply for the check, the eligibility criteria (as set out in the legislation) has to be met. The need to ensure eligibility to carry out a check is reinforced in the DBS Code of Practice to registered persons (i.e. those who seek the checks).

2.5 In addition to the above, Disclosure Scotland offer a 'basic' check where there are no prescribed eligibility criteria. The basic check is limited to obtaining detail on whether a person has any unspent criminal convictions.

2.6 It is worth also noting that under paragraph 1 (d) of Section 80 of the Local Government Act 1972, a person shall be disqualified from being elected or being a member of a local authority if he:

“has within five years before the day of election or since his election been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine.”

2.7 All candidates for election to any local authority are required to confirm in their consent to nomination form that, to the best of their knowledge and belief, they are not disqualified from being elected by reason of any disqualification - including a disqualification under Section 80 (1) (d) referred to above.

3. Assessment

- 3.1 Prior to 2012 the role of councillor was specifically referred to as being a position that could constitute a regulated activity, the nature of the role determining whether it was a regulated activity or not. However, these provisions did not apply to district councillors. While these provisions were 'saved' following the changes in 2012, as they didn't apply to district councillors in the first place, this is of little relevance. The more restricted definition now means that a councillor would need to be engaged in the type of specified activity (as set out in paragraph 2.3 above) in order to be carrying out a regulated activity. From the perspective of East Devon District Council it is important to bear in mind, it is not that the activity is being carried out in its own right, some councillors may well be carers or involved in care for friends or family, but that it is occurring in the context of their district councillor role.
- 3.2 The circumstances where a councillor would be carrying out any of the regulated activities (set out in paragraph 2.3 above) in their role as district councillor seems highly unlikely. It is worth pointing out at this juncture too, that membership of outside bodies where any regulated activity may occur (although this too seems highly unlikely) would be the responsibility of that outside body to ensure compliance and not the responsibility of East Devon District Council. Similarly, any voluntary activity by a Councillor which constitutes a regulated activity would be subject to checks by the body for whom the volunteering was being carried out.
- 3.3 With the above in mind there is therefore no legal basis to require a blanket approach for all councillors to be subject to standard or enhanced check through the DBS. In essence there is no regulated activity being carried on and therefore the eligibility requirement for the check is not being met. This is not to say that there will never be an occasion where a councillor is required to have a check, for instance where the circumstances arose where they were carrying out a regulated activity, but as officers understand councillor activity and nature of the roles, there is no regulated activity occurring at this time.
- 3.4 The possibility of councillors having a basic disclosure (through Disclosure Scotland) remains an option. However the information this reveals is limited in that it is basically unspent convictions. The information this would reveal, given the severity of offences relating to safeguarding of children and adults, is already likely to have been effective in 'safeguarding' given the requirements of the S.80 Local Government Act 1972, which precludes, or acts to disqualify, anybody convicted of an offence where they receive a 3 month custodial sentence (suspended or otherwise). It is worth noting in passing that the effect of this requirement does not, in itself, create the right to any standard or enhanced DBS check simply because of the position of being an elected member. The DBS have confirmed this to others by saying;
- "There is no eligibility for the role of councillor to undergo a DBS check, unless they are specifically undertaking specified activities with children or vulnerable adults. Just because there is a piece of legislation that states a councillor should not have convictions less than five years old, this does not mean there is entitlement for a DBS check."*
- While this means that a standard or enhanced check can't be carried out in respect of simply being an elected a member, a basic check could therefore be carried out in the context of confirming that the declarations given on the election nomination form are true and accurate. However this is beyond the scope of this report.
- 3.6 Notwithstanding the ability to adopt an approach of requiring all councillors to have a basic check, this would raise issues in respect of human rights and data protection particularly in

respect of how the information was used. The 3rd Principle of the Data Protection Act 1998 enshrines that the use of personal data shall be adequate, relevant and not excessive. The Human Rights Act 1998 enshrines the right to respect of private and family life. In my view a blanket policy requiring councillors to be subject to and then have disclosure of the outcome of a basic (or any) check would be contrary to these principles and the Council would in all likelihood be acting unlawfully in so doing. Moreover, any councillor refusing to comply (where their consent was required) would have little, if any, recourse against them. It could potentially be a breach of the Code of Conduct but subsequent action under that regime is unlikely to provide positive outcomes.

- 3.6 While the imposition of a blanket approach poses the question of lawfulness, a voluntarily adopted scheme where councillors agree to the undertaking of checks and the publication of the results would be acceptable as it is effectively by consent. Anyone not wanting to be a part of it would not be subject to any form of sanction for the reasons already identified.
- 3.7 It is worth bearing in mind that as elected members, there is the requirement to adhere to the member Code of Conduct which seeks to ensure appropriate behaviour of councillors when carrying out their public duties. This can be seen as another positive safeguarding measure. Consequently, any concerns people may have regarding a councillor's behaviour can be referred to the Monitoring Officer. Equally, referrals can be made to the Police or to the County Council through the Local Authority Designated Officer or Devon Multi-Agency Safeguarding Hub (MASH).
- 3.8 Ultimately, this goes to the question of what is trying to be achieved. Clearly the resolution from Council was about protecting / safeguarding children and vulnerable adults. As identified, the checks which Government have deemed appropriate to achieve that aim, in the overwhelming number of cases, will not apply to district councillors. This simply leaves the ability to carry out a basic check which reveals unspent convictions only, and not the wider information that the standard or enhanced checks provide. With the preclusion on councillors being an elected member if they have a conviction with a punishment of a three month custodial sentence or more, plus the members Code of Conduct and options for referral, it does seem as if the purpose for which a basic check would be carried out is already satisfactorily covered.

4. Benchmarking

- 4.1 It is interesting to note that Cornwall do require all of their Councillors to have a basic criminal records check and an enhanced check for the Cabinet Members (decision in July 2015). However, it must be remembered that Cornwall Council are operating under the 'saved' provisions and the original regulated activity definition. The rationale for all members having a basic check is not clearly set out. Devon County Council state (in their Constitution) that it is not normal custom or practice for all county councillors to be automatically subject to checks. Their approach is that DBS checks (so enhanced or standard checks) are carried out for members on an exceptional basis where required in the exercise of their duties and in the opinion of the County Solicitor. It appears as if the Cabinet Members are the only members to be routinely checked.
- 4.2 It is perhaps more appropriate to compare the position with other district councils. None of the Devon district councils (noting this doesn't include Exeter City Council as they didn't reply) require any sort of checks (basic, standard or enhanced) in respect of their members.

5. Cost implications

- 5.1 The current cost of a basic disclosure check is £25. Therefore for all councillors the cost would be £1,475 in terms of fees plus there would be a relatively small amount of officer time in assisting with the process.

6. Safeguarding training

- 6.1 The Council has adopted the [Devon District Council's Joint Safeguarding Policy](#) as a Key Policy the purpose of which is to '*outline our responsibilities towards safeguarding children and vulnerable adults and the actions our staff must take if they suspect abuse*'. However it does go further than this and apply to Members too as detailed more specifically in the Policy itself. So, notwithstanding the conclusion above and recommendation below that there is no basis for standard / enhanced DBS checks and that there shouldn't be a blanket approach to requiring basic DBS checks in relation to protecting and safeguarding, given that we do have a Policy that Members are subject to, it would be appropriate for there to be training. This should be for all Members given the overarching nature and importance of this issue.

7. Recommendation

- 7.1 Notwithstanding the relatively small costs, the inability to carry out the most meaningful checks and the minimal benefit the basic checks will provide, particularly in the context of other safeguarding aspects (election rules, Code of Conduct and referral to other authorities), it is the recommendation that the Council does not adopt the approach of requiring councillors to have basic checks from a protecting / safeguarding point of view.
- 7.2 Should Members be of the view that basic checks should be carried out, then it is recommended that this is a voluntary requirement (both as to taking part and revealing results) given the potential issues over human rights and data protection.
- 7.3 That in light of the importance of the Council's responsibilities in terms of protecting and safeguarding that all Members attend or receive training.

Report to: Cabinet
Date of Meeting: 6 September 2017
Public Document: Yes
Exemption: None
Review date for release: None



Agenda item: 21

Subject: Temporary accommodation policy

Purpose of report: To ensure we have a policy setting out how we will procure temporary accommodation and how we will meet our responsibilities to provide temporary accommodation to eligible people who are homeless or threatened with homelessness. Further information is contained in the policy.

Recommendation: To approve the temporary accommodation policy

Reason for recommendation: It is good practice to have a temporary accommodation policy in place

Officer: Andrew Mitchell, Housing Needs and Strategy Manager
email: amitchell@eastdevon.gov.uk

Financial implications: None

Legal implications: The legal implications of the recent case *Nzolameso v City of Westminster April 2015* are set out within the policy update and require no further comment.

Equalities impact: Low Impact

Risk: Low Risk

Links to background information: .

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

Temporary Accommodation procurement and allocation policy

Issue details	
Title:	Temporary Accommodation procurement and allocation policy
Version number	Version 1.0
Officer responsible:	Danielle Furzey, Housing Options Manager
Authorisation by:	Cabinet
Authorisation date:	tbc

1 Previous Policies/Strategies

None

2 Why has the council introduced this policy?

It is good practice to have a written policy on the procurement and allocation of temporary accommodation, as highlighted in recent case law – Nzolameso v City of Westminster April 2015

3 What is the council's policy?

3.1 Background

3.1.1 This policy sets out how we will procure temporary accommodation and how we will meet our responsibilities to provide temporary accommodation to eligible people who are homeless or threatened with homelessness.

3.1.2 The Council has a statutory duty to provide temporary accommodation to homeless applicants in certain circumstances as set out in legislation.

3.1.3 Current legislation means that individuals are deemed to be 'threatened with homelessness' if they are going to be evicted from their home within the next 28 days. The proposed new Homelessness Reduction Bill is likely to see this time period extended to 56 days.

3.1.4 This policy should be read in conjunction with our Homelessness Strategy.

3.1.5 The policy has been written taking into account current legislation and guidance and will be amended to include changes to legislation / guidance where necessary in future.

3.2 Procuring temporary accommodation

3.2.1 We will ensure that there is sufficient temporary accommodation available to allow us to fulfil our duties to households faced with homelessness.

3.2.2 Within the district we have:

- temporary accommodation available at Gissage House, Honiton, run by Independent Futures (part of DCH). There are 6 rooms for single people and 2 small flats for

families. Gissage House provides low level support and therefore a risk assessment will be undertaken and consideration given to any risk factors identified and the suitability of the placement.

- a list of bed and breakfast accommodation within the district that will accept referrals from us, but this is only used in an emergency and can be expensive
- accommodation in our own housing stock if suitable and available at the time of need
- accommodation in other RP housing stock if suitable and available at the time of need.

3.2.3 We can only place families in shared facility bed and breakfast accommodation for a maximum of six weeks. There is no legal time limit for single people staying in bed and breakfast.

3.2.4 We rarely place people outside the district but there are times and certain circumstances when it is necessary to do so. If necessary we can:

- use accommodation in Cullompton provided by Independent Futures (two flats for families)
- use suitable bed and breakfast accommodation outside the district.

3.3 Allocating temporary accommodation

3.3.1 We will work to prevent homelessness wherever possible. Where this is not possible we will relieve homelessness by working to find alternative housing options.

3.3.2 If we are aware that someone is likely to become homeless and is in priority need and unintentionally homeless we will place their Devon Home Choice application in a higher band, giving them more opportunity to bid for suitable properties.

3.3.3 We will only use temporary accommodation where absolutely necessary and only for as short a period of time as possible.

3.3.4 All applicants will be assessed to establish the type and location of temporary accommodation which should be offered. Staff will review the options available at the time and offer the most suitable accommodation.

3.3.5 Exceptional circumstances such as severe medical or mental health needs will always be considered by the Housing Options Manager.

3.3.6 We will:

- place clients within the district if at all possible and where reasonably practicable
- consider the location of the accommodation when assessing its suitability for the client
- place clients as near to their existing support network (family, work, schools) as possible
- try to minimise disruption to children's schooling, particularly at critical points of a child's education
- use accommodation which is close to shops, public transport and other facilities wherever possible

3.3.7 We reserve the right to move clients between different units of temporary accommodation if necessary. We will try as much as we can to avoid moving clients but it may at times be necessary so that we can make best use of the limited temporary accommodation we have available.

3.3.8 We keep detailed records of where people have been placed and our reasons for placing them in that particular accommodation.

3.4 Allocation of temporary accommodation outside of the district

- 3.4.1 We usually have sufficient temporary accommodation within the district but we do some times have to place outside the district when temporary accommodation may not be available, particularly during the holiday seasons and summer months, or where individuals have more complex needs. For example we do at times use bed and breakfast accommodation in Taunton which offers some support and will consider people presenting with more complex needs.
- 3.4.2 Accommodation options within the district are limited and while we will try to place applicants with very specific needs within or as near to the district as possible, we may in some circumstances have to look further afield for suitable placements.
- 3.4.3 Where it is not possible to secure accommodation within the district, and accommodation has been secured outside of the district, we will take into account the distance of that accommodation from our district. Where accommodation which is otherwise suitable and affordable is available nearer to our district than the accommodation which has been secured, the accommodation which has been secured is not likely to be suitable unless we have a justifiable reason or the applicant has expressed a preference.
- 3.4.4 We will try to secure accommodation that is as close as possible to where the applicant was previously living. We will take into account the significance of any disruption with specific regard to employment, caring responsibilities or education of the applicant or members of their household. Where possible we will seek to retain established links with schools, doctors, social workers and other key services and support.
- 3.4.5 We will accommodate within our area so far as this is reasonably practicable. "Reasonable practicability" imports a stronger duty than simply being reasonable. But if it is not reasonably practicable to accommodate within our area we will, where possible, try to place the household as close as possible to where they were previously living. There will be some cases where this does not apply. For example where there are clear benefits in placing the applicant outside of the district, because of domestic violence or to break links with negative influences within the district, and others where the applicant does not mind where he/she goes or actively wants to move out of the area.

3.5 Type of agreement

- 3.5.1 The type of tenancy agreement or licence used will depend on the type of temporary accommodation available.
- EDDC owned stock – non secure tenancy agreement
 - Gissage House – licence agreement with Independent Futures
 - B&B – no licence or tenancy agreement but there is a set of standard rules which must be signed and followed.

3.6 Pets:

- Pets may be allowed in some temporary accommodation at the discretion of the landlord
- Where clients have pets but cannot take them to the temporary accommodation we will assist with finding alternative accommodation for the pet(s). We will not pay to board any pets.
- If there is an assistance dog (such as guide dog for the blind) then this animal will be counted as an essential part of the household and suitable temporary accommodation found.

3.7 Appeals and complaints

- 3.7.1 The Housing Options Manager is responsible for overseeing the placing of clients in temporary accommodation.
- 3.7.2 The Housing Needs and Strategy Manager has overall responsibility for ensuring that the right people are placed in the right property on the right type of tenancy.
- 3.7.3 In making an offer of temporary accommodation we will have taken in full consideration the requirements of the applicant and their family. We will therefore have met our duty to the applicant and if our offer is refused we are not required to make a further offer.
- 3.7.4 There is no statutory right of review to our decision other than by a county court judicial review. However if an applicant has concerns about any adverse affect the accommodation may have on them or their family we ask that they discuss this with us.
- 3.7.5 The Housing Service will deal with any complaints in accordance with the East Devon District Council corporate complaints policy. For full details please contact the Complaints Officer, East Devon District Council, Knowle, Sidmouth EX10 8HL, email complaints@eastdevon.gov.uk or phone 01395 517528.

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

High

We will fully assess the needs of the applicant and the family. We will offer the nearest and most suitable accommodation which is available and which meets these needs. In certain circumstances we may require another person in temporary accommodation with lesser needs to move to different accommodation so as to allow us to accommodate a more vulnerable client in a suitable environment.

5 Appendices and other relevant information

[Click here to enter appendices and other information](#)

6 Who authorised the policy/strategy and date of authorisation.

Cabinet – 2nd August 2017

7 Related Policies/Strategies, Procedures and Legislation

Housing Act 1996

Homelessness (Suitability of Accommodation) (England) Order 2012 (SI2012/2601)

Homelessness Code of Guidance for Local Authorities (Department for Communities and Local Government, 2006)

Homelessness Strategy 2013-2018

Quote legislation and applicable guidance

8 Policy date for review and responsible officer

May 2019 Housing Options Manager

Report to: Cabinet
Date of Meeting: 6 September 2017
Public Document: Yes
Exemption: None
Review date for release None



Agenda item: 22

Subject: Driving at Work Policy

Purpose of report: To consider and approve the Council's policy for staff and Members who drive on council business, providing controls and guidance for people driving as part of council duties.

We have 59 Members and 186 staff all of whom drive over 1000 business miles a year and another 69 who cover fewer business miles but are still driving on Council business. This policy makes explicit the systems and procedures we expect to ensure driver safety is considered as part of the work throughout our organisation.

Recommendation: That the Driving at Work Policy be approved

Reason for recommendation: More than a quarter of all road traffic incidents involve somebody who is driving as part of their work according to the Department of Transport. In 2015 there were 186,000 people killed and injured on the road, and accidents will often require significant time and resource to deal with afterwards.

The Council is a major employer and is legally required to comply with the Health and Safety at Work etc. Act 1974. There is an expectation that work-related road safety is integrated into the arrangements for managing occupational safety and health. It should be clear 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 aennis@eastdevon.gov.uk

Financial implications: Financial implications are included within the report.

Legal implications: The covering report and Policy clearly detail the legal implications, being the need to ensure the safety of those working in, on and around roads as an employer under the Health and Safety legislation. The policy is written to help ensure we meet our obligations in this regard.

Equalities impact: Low Impact

Risk: Low Risk

Links to background information: [Health and Safety Policy](#)

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

Driving at Work Policy

Issue details	
Title:	Driving at Work Policy
Version number	Version 1.0
Officer responsible:	Service Lead Environmental Health & Car Parks
Authorisation by:	Cabinet
Authorisation date:	September 2017

1 Previous Policies/Strategies

There are systems in place for vehicle safety checks and drivers of council owned vehicles. Drivers of lease cars and employees claiming mileage expenses provide evidence that they have valid car insurance, an MOT, vehicle tax and a valid driving licence.

This is a new policy which incorporates these requirements with other controls and guidance for employees who drive as part of their council duties.

2 Why has the Council introduced this policy?

Driving is often the most dangerous activity people do for work. The HSE estimate that up to a third of all road traffic accidents involve somebody who is at work at the time which may account for over 20 fatalities and 250 serious injuries each week.

In recent years the enforcement authorities have shown an increasing interest in occupational road risk and this is reflected in the courts with a number of successful prosecutions under health and safety law.

It is not sufficient that employees comply with traffic law requirements; Health and Safety at work law applies to on-the-road work activities and must be effectively managed.

Quick Reference Guide

- Work related driving must be considered in 'workplace' risk assessments;
- Any vehicle used to drive for Council business must be fit for purpose and adequately maintained, taxed, insured and have a valid MOT Certificate where necessary;
- Anyone driving on Council business should be fit to drive, possess a valid driver's licence and obey the Highway Code at all times;
- Use of public transport should be considered where practicable;
- Journeys should be planned to ensure sufficient travel time has been allocated;

- Overnight stays should be considered where necessary;
- No one should drive if fatigued or suffering from any condition that may affect their ability to drive safely;
- Driving on Council business without a valid driving licence, or under the influence of alcohol or drugs will be considered gross misconduct;
- The Council will make regular checks to ensure people required to drive for work purposes have valid driving licences and insurance and will keep a record of them.

3 What is the Council's policy?

Introduction

The responsibility on employers to ensure the health and safety of employees applies at all times when the employees are at work. This includes when driving and employers are expected to include risks from driving in general risk assessments. Commuting travel to and from the normal place or places of work before or after work is not included.

The Health and Safety Executive recommend that work-related road safety needs to be integrated into the arrangements for managing occupational safety and health. Employers must therefore set policy and implement procedures for addressing work related driving risks.

Wherever possible alternatives to driving should be considered. This particularly applies to longer journeys where conference calls, car sharing, or public transport should be considered.

If a journey involves a risk of fatigue and public transport is not used, consideration for overnight stay must be made.

Commuting to and from work is not covered by this legislation or Policy.

Legislation

In addition to the Road Traffic Act which is enforced by the Police, the Health and Safety at Work Act, 1974 also applies. Under the Management of Health and Safety at Work Regulations 1999, employers have a responsibility to manage health and safety and carry out risk assessments.

The Police carry out initial investigations into road traffic accidents, and in the event that an incident involves an employee driving on council business, the Police will check the mechanical condition of the vehicle (regardless of ownership), the physical condition of the driver including signs of fatigue, their driving licence, vehicle tax status, MOT, insurance, etc.

The Corporate Manslaughter Act 2007 makes organisations more accountable for the actions of their employees and makes it easier for those organisations to be prosecuted if it can be shown that they have been negligent in the management of their safe systems of work.

Individuals affected

Health and Safety legislation applies to on-the-road work activities as they do to all other work activities. Those affected include:

- Employees and Members who drive a vehicle (regardless of ownership) as part of their work activity; this includes driving from home to a place other than their normal place of work (e.g. a meeting or training course) or vice versa.
- Passengers in vehicles which are being used on the council's business.
- Other road users who may be affected by Council employees at work.

Organisation and Arrangements

Employers' Responsibilities

The **Strategic Leads along with the Chief Executive and Deputy Chief Executive** will be responsible for the application of the policy within their Services.

The **Strategic Lead - Organisational Development and Transformation** will ensure that:

- Recruitment procedures take into account any requirement for driving at work
- Licences of all employees required to drive for work have been checked before they commence driving and are checked annually thereafter
- Employees and Members are reminded that they must satisfy the eyesight requirements of the Highway Code
- Any vehicle used by an employee in the course of their duties has a current MOT certificate, is appropriately taxed and insurance which covers business use.

Service Leads are responsible for the application of the policy within their service.

Line Managers will:

- Check licences to ensure they are valid for the specific class of vehicle being driven and that any specific training, e.g. CPC or trailer training.
- Ensure that risk assessments carried out and reviewed as necessary in areas and for activities under their control give adequate consideration to the risk from driving at work.
- Ensure that any vehicles under their control are properly maintained, serviced and MOT tested as necessary.

- Take steps to ensure that employees under their control are not permitted to drive at work if they are unfit to do so through sickness or through drink or drugs, and report to Organisational Development any injury, illness or impairment declared by a driver that may impact on the person's ability to safely drive the vehicle.
- Allow drivers sufficient travelling time in order that they arrive at appointments in good time and can adhere to speed limits. If employees are running late the party being met should be informed by telephone by office based staff, or by the travelling officer parking in a safe place to telephone the party on their mobile phone.
- Discuss with Organisational Development and the Insurance officer what appropriate action should be taken if an employee accumulates nine penalty points or has a fault accident causing property damage or injury.
- Consider the safety rating of vehicles when purchasing new vehicles.
- Make sure all drivers under their supervision are aware of the Driving at Work Policy.
- Ensure that all travelling officers adhere to the Lone Working Policy and that procedures to monitor lone workers in their teams are in place.
- Consider overnight accommodation, as part of a risk assessment, for extraordinary long distance driving that might be required

Employees and Members responsibilities

Employees and Members will:

- Ensure that while driving any vehicle on the council's business they are in possession of a full and valid UK driving licence.
- Make sure that any vehicle (regardless of ownership) provided for use at work is properly maintained, is in a roadworthy condition, is appropriately taxed, has a valid MOT certificate and insurance covering business use.
- Comply with Road Traffic legislation, including speed limits, while at work
- Familiarise themselves with the current edition of the Highway Code (it has been revised over the years), and drive in accordance with it.
<https://www.gov.uk/guidance/the-highway-code>
- Be a considerate driver to other road users and pedestrians
- Do not drive if unfit through illness, exhaustion, or through drink or drugs (medication).
To drive on council business whilst under the influence of alcohol, recreational drugs or prescribed medication known to cause driver impairment will be regarded as gross misconduct and will be subject to disciplinary action.
- On request, provide all relevant documents and electronic links as appropriate to the Council's representative (Payroll/Street Scene Admin), on an annual basis and every time there is a change in circumstances, such as a change of vehicle.

- Inform their Line Manager, Payroll or, if applicable, Streetscene Finance Officer of any change in circumstances such as loss (disqualification) of a licence or development of a medical condition that could affect safety while driving. **To drive on council business as a disqualified driver will be regarded as gross misconduct and will be subject to disciplinary action.**
- Carry out basic checks on any vehicle used by them at work (**Appendix 2 and Appendix 3 – Vehicle Checklists**) and take appropriate action before driving. Promptly report any defects to Council owned vehicles to the Line Manager.
- Drivers must notify the Council's Insurance section of all accidents (RTAs), including non-injury accidents, while driving at work, regardless of vehicle ownership.
- Drivers must ensure all accidents, incidents and near misses whilst driving are recorded on the Councils Accident and Incident reporting system on the intranet. (http://10.204.1.126/CitizenPortal/form.aspx?form=Accident_report)
- Use safety equipment such as seatbelts and head restraints. Any goods or equipment carried for work purposes must be effectively secured.
- Ensure while driving at work that they are able to satisfy the eyesight requirements of the Highway Code.
- Do **NOT** use a mobile phone while driving. This is against the law and contravenes the Council's Mobile Phone Policy.
- Drivers of Council vehicles must complete the daily and weekly checks required and record these in the specified format for their service, for example with driver vehicle checklists as in Appendix 2, or by use of the mobile application provided.
- All employees driving a council owned vehicle must comply with the Driver Handbook developed for their activities.

Members and employees should note that with their agreement, the council may check with the DVLA if there is any doubt over the validity of the licence provided.

Outcomes

The Council will comply with the Health and Safety at Work Act by providing safe places of work and safe systems of work for its' employees and it will meet its duty of care for those driving on council business.

The potential dangers to employees and members and the public from road traffic accidents will be minimised. The number of damage only accidents will be reduced thereby reducing insurance costs.

Who is responsible for delivery?

The Chief Executive, the Strategic Management Team and the Service Leads are responsible for promoting and enforcing this policy within their service.

The commitment of all employees and members who drive vehicles on council business is essential to make the policy work.

The Strategic Lead - Organisational Development and Transformation and the Insurance Officer will ensure that all employees and members who drive on council business have the required documents, i.e. appropriate insurance, driving licence, current MOT, etc.

Performance Monitoring

This will be achieved by:

- Routine checks on driver's documentation, e.g. appropriate insurance
- Checking that regular vehicle inspections are undertaken, e.g. MOTs
- Monitoring vehicle accidents

Policy Consultation

- Central Joint Safety Panel
- Strategic Management Team
- Middle Management Forum (News and Views)

6 Who authorised the policy/strategy and date of authorisation?

Cabinet – September 2017

7 Related Policies/Strategies, Procedures and Legislation

- Health and Safety Policy
- Mobile Phone Policy
- Smoking Policy
- Accident Reporting Procedure
- Department of Transport "Driving at Work", managing work-related road safety

8 Policy date for review and responsible officer

The Corporate Safety Team will review the Policy in July 2020.

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

Low

10 Appendices and other relevant information

Appendix 1 Risk assessment template and guidance

Appendix 2 Driver's Weekly Vehicle Checklist and Fault Report

Appendix 3 Basic vehicle checks recommended for non-council vehicles, daily and weekly

Appendix 4 Advice and guidance on driving

Appendix 5 Driver's Handbook

Work related driving risk assessment

A generic driver risk assessment is attached to be completed by each Line Manager who must consider if the risks are appropriate to the tasks their staff carry out.

For example the generic assessment does not consider

- specific task adapted vehicles, mowers, tractors etc., which may have additional hazards in their use,
- the use of cycles or motorbikes which staff may use instead of cars for some journeys related to work,
- where passengers may be carried for work purposes
- if staff have to travel as passengers in other vehicles.

Carrying out the risk assessment is only part of managing the work related risk effectively. On a regular basis, considering the elements in this checklist and thinking about the three areas of safe driver, safe vehicle and safe journey will help you continue to manage work-related road safety effectively.

Safe driver

- Are your drivers competent and capable of doing their work in a way that is safe for them and other people?
- Are your drivers properly trained?
- Do you ensure your drivers have clear instructions about how to keep themselves safe while on the road?
- Are your drivers sufficiently fit and healthy to drive safely and not put themselves or others at risk?

Safe vehicle

- Are vehicles fit for the purpose for which they are used?
- Are vehicles maintained in a safe and fit condition?
- Are you sure that drivers' health, and possibly safety, is not being put at risk, eg from an inappropriate seating position or driving posture?

Safe journey

- Do you plan routes thoroughly?
- Are work schedules realistic?
- Do you allow enough time to complete journeys safely?
- Do you consider poor weather conditions, such as snow or high winds, when planning journeys?

APPENDIX 1

RISK ASSESSMENT FORM



Task/Premises:

Directorate/Service:

Location:

Assessment No:

Date:

Assessed By:

Signed by Head of Service:

Review Date:

Activity/plant/materials etc.	List significant hazards	People at risk	Assessment of Risk			Existing controls i.e. Safety procedures
			*Severity 1-4	*Likelihood 1-4	Risk Rating	
Driving for work	Accidents and incidents on the road, in car parks and on Council property	Driver, passengers, cyclists, pedestrians and other road users				Competent driver. Vehicle checks before starting. Comply with highway code. Only undertake necessary journeys. Avoid periods of peak traffic flow. Take regular breaks on long journeys.
Driving without valid <ul style="list-style-type: none"> • licence • Insurance • MOT • tax 	Driver not safe, vehicle not safe	As above				Regular document checks. Clear employee duty to have valid licence. Clear employee duty to have a road legal and properly maintained vehicle.

Journey assessment	Unknown/long route. Getting lost.	As above					Vehicle checks before starting. Map/GPS Allow sufficient time. Carry mobile phone. Overnight accommodation if necessary.
Lone working	As lone working risk assessment	Driver					Follow lone working procedures. Carry mobile phone.
Inclement weather, ice, snow, heavy rain, high winds	Increased risk of accident, slippery road surfaces	Driver, passengers, cyclists, pedestrians and other road users					Consider cancelling travel plan. Prepare vehicle for cold weather i.e. shovel, blanket etc. Clear windows and mirrors before starting. Driver should have suitable cold/wet weather clothing. Carry mobile phone.
Breakdown	Increased risk of accident. Stress	Driver					Carry mobile phone. Recommend breakdown package to drivers of own vehicles.

Driver becomes unwell	Increased risk of accident. Stress	Driver, passengers, cyclists, pedestrians and other road users						Pull over to a safe stopping place and phone for help. Tell Line Manager if on medication likely to affect driving capability.
Use of mobile phone whilst driving	Increased risk of accident.	Driver, passengers, cyclists, pedestrians and other road users						Mobile phone use whilst driving forbidden under Mobile Phone policy, including hands free kits.
Driving under the influence of alcohol, drugs or medication	Increased risk of accident.	Driver, passengers, cyclists, pedestrians and other road users						Driving under the influence is a criminal offence and will be regarded as gross misconduct.

*Severity – Fatality/s = 4 Major Injury = 3 Lost Time Injury = 2 Minor Injury = 1

*Likelihood – Certain = 4 Likely = 3 May Happen = 2 Unlikely = 1

Driver's Weekly Vehicle Checklist and Fault Report (Council owned vehicles)

Checks to be conducted before use of the vehicle at the beginning of each week.

Vehicle registration no: Odometer reading:

Driver: Date:

MARKING KEY	
✓	Satisfactory/available
-	Defective/missing
X	Critical Fault
N/A	Not applicable

NB: If any items are deemed critical, the driver must not drive the vehicle until the fault has been rectified.

EXTERNAL VEHICLE CONDITION		
Item	Mark	Comments
Condition of vehicle bodywork, windscreen, window, lights		
Condition of windscreen wiper blades		
Cleanness of windscreen, windows, mirrors, lights, number plate		
Security of roof rack		
Condition of tyres, tyre pressure, tyre wear		
FLUIDS		
Item	Mark	Comments
Engine oil level		
Windscreen wash level		
Leaks		
VEHICLE INTERIOR AND EQUIPMENT		
Item	Mark	Comments
Condition & function of seat belts		
Head restraint adjustment		
Mirror adjustment		
First aid kit		
Fire extinguisher		
Torch		
Warning triangle		
Vehicle handbook		
FUNCTIONAL CHECKS BEFORE STARTING THE JOURNEY		
Item	Mark	Comments
Warning lights in instrument panel working		
All lights		
Horn		
Washers & wipers		
Brake		
Fuel		
FUNCTIONAL CHECKS DURING THE JOURNEY		
Item	Mark	Comments
Warning lights in instrument panel off		
Abnormal noise		
Abnormal vibration		
Abnormal smell		

All the items above have been checked and any defects and omissions reported to the vehicle champion

Driver's signature:

Manager's signature:

Basic Vehicle Safety Checks recommended for non-council vehicles.

The following checks are recommended each day before moving off for the first time:

- visual check on tyres;
- visual check on externals (integrity of bodywork, mirrors, lights, etc.);
- check on correct adjustment of mirrors;
- adjustment of driver's seat;
- adjustment of headrest;
- correct functioning and adjustment of seat belt;
- correct functioning of panel warning lights and check for any warnings.

The following checks should be carried out on a weekly basis:

- tyre pressure including spare;
- condition of tyres, tread depth, cuts, nails, etc.;
- correct operation of all lights;
- brake fluid level;
- screen washer fluid level;
- correct functioning of windscreen wipers and condition of blades;
- other routine checks as recommended by the vehicle manufacturer (oil, clutch fluid, power steering fluid, coolant level, etc.).

Note on tread depth:

For cars and light vans the tread depth must be at least **1.6mm** across the centre three quarters of the breadth of the tread and around the entire circumference.

For motorcycles and large vehicles the tread depth must be at least **1mm** across three quarters of the breadth of the tread and in a continuous band around the circumference

3mm of tread is recommended for winter motoring, and certainly no less than 2mm.

Advice and Guidance

Driving Practices

Working long hours which include driving can increase the possibility of accidents, especially in poor driving conditions such as bad weather.

Wherever possible, car sharing or alternatives to driving must be considered e.g. by using conference calls or public transport.

When driving long distances, all drivers should take a rest, when appropriate and safe to do so, of at least 15 minutes in every two hours of continuous driving.

Drivers are personally responsible for their own motoring offences e.g. speeding, dangerous driving, and parking fines.

Drivers must comply with traffic laws at all times, drive within speed limits and take account of the prevailing weather and traffic conditions. Always allow sufficient time for journeys, especially taking account of likely traffic congestion.

Winter motoring requires special care and a little preparation if you're to avoid a breakdown or accident. Keep your 'Emergency Contact' telephone number, (Breakdown Service provider), in a safe/visible place in the vehicle.

Mobile Phones

If using a mobile phone as a GPS, do not make or receive calls while driving.

(Extract from the Council's Mobile phone Policy)

As of 1 December 2003 it has been illegal to use a hand held mobile phone whilst driving. The Council has taken the position that **mobile phones**, whether Council supplied or your own and whether **hands free or not, must not be used whilst driving** on Council business.

This is out of concern for your wellbeing. You are four times more likely to have an accident when using a mobile phone and evidence exists that it is not just holding the phone that is the distraction but the conversation itself.

Hands free kits will not be supplied by the Council and must not be installed in Council vehicles (including lease cars) even if bought by you.

Mobile phones should normally be switched off whilst driving; if necessary stop and pull in periodically to check for messages. If left on, pull in when convenient and safe to make or receive a call. Do not answer a call and then pull in.

Smoking

Do not smoke any form of e-cigarette or vapour device while driving

(Extract from the Council's Smoking Policy)

The Smoking Policy prohibits smoking in Council owned vehicles and lease vehicles at any time (except where leases vehicles are used by a single smoker and will not be used to transport other employees or members of the public)

Driver's Handbook

Contents

1. Purpose of the handbook
2. Driving advice
3. Driving Licences and Council issued driving permits
4. Driver's responsibilities as fitted to all council's road legal vehicles
5. Fuelling of Council vehicles
6. Insurance cover
7. Hiring & fuelling of replacement or additional vehicles, including pool vehicles
8. Towing trailers behind vans and 4x4s

1. Purpose of the handbook

The purpose of this drivers' "E" handbook is to provide guidelines to Council employees who drive a vehicle as a part of their normal duty, or drives a car / van for occasional use.

This is an important document as, it is estimated that between 25% - 33% of road accidents involve someone who is driving for work.

If any item is not clear in this handbook then the driver must speak to their Line Manager / Supervisor.

This "e" handbook is a quick and easy guide to the main driving rules and requirements. Print a copy if needed; keep it convenient so that guidance is on hand whenever you need it. The contents are divided into relatively small, clearly signposted sections to make it as easy as possible for you to find the particular information you are looking for quickly.

A document of this size cannot cover absolutely every point in relation to the driving of Council vehicles. If you are still unsure, please speak to your Line Manager / Supervisor.

2. Driving Advice

2.1 Vehicle condition and driver checks

Before setting out – **YOU** are responsible for undertaking the first use checks.

Give yourself enough time to do the following checks each day before the vehicle is used. They may save your licence from endorsement or being withdrawn, which may affect your job or even your life!

As a driver **you are legally responsible** for the roadworthiness of the vehicle that you are driving. For example, although it is the Council's responsibility to see that brakes are properly maintained, you could be prosecuted as well as the Council if you drive with defective brakes.

You must report any defects on your vehicle to your Line Manager / Supervisor as soon as possible, on the defect form in the vehicle. There is a planned system of preventative maintenance and inspection in place to maintain the Council's fleet of vehicles; this is managed by the StreetScene Finance Officer.

Our systems ensure that:

1. Vehicles are checked by you the driver on a daily basis.
2. Safety related items are inspected regularly.
3. Defects **must** be reported on the vehicle defect form to your Line Manager / Supervisor for remedial repairs.
4. Vehicles are serviced according to the manufacturer's schedules which are managed by the StreetScene Finance Officer.

Examples of the Daily Driver Checks and the Defect Form are in Section 4. Cars / Vans & LGV vehicles

2.2 Defensive driving

Defensive driving means safe driving, it is the art of driving to avoid preventable accidents and avoid contributing to others being involved in accidents.

A preventable accident is one that **you** as a professional driver **can prevent** by doing everything you reasonably can. This means always being alert to what other road users are doing and taking appropriate action to prevent an accident.

Observe speed limits: No-one benefits from speeding.

2.3 Take account of conditions

You must adjust your driving to the weather and visibility. Fog, snow and heavy rain reduce your ability to control your vehicle. Bright sunlight can reduce your ability to see, and high temperatures can affect the road surface. You must adjust your driving accordingly, paying attention to the distance between yourself and the vehicle in front. Traffic conditions can vary from hour to hour, day to day and week to week the defensive driver must be considerate, even to inconsiderate drivers who persist in trying to force their way into the stream of traffic. This requires a calm temperament, which you, as a defensive driver, need to cultivate. You should accept the irritations and the behaviour of other drivers as part of your normal driving job. Keep cool.

2.4 National Speed Limit Chart

	Motorways	Dual Carriageways	Other Roads
Car derived van	70	70	60
Car derived van when drawing a trailer	60	60	50
Rigid goods vehicle (not a car derived van) up to 7.5 tonnes MPW and not drawing a trailer (for example Transit)	70	60	50
Goods vehicle up to 7.5 tonnes (not a car derived van) drawing a trailer where their combined MPW does not exceed 7.5 tonnes (for example Transit and trailer)	60	60	50
Goods Vehicle over 7.5 tonnes	56	56	40
Maximum Permitted Weight (MPW)			
Maximum authorized Mass (MAM)			

2.5 Speed limits for vehicles

Speed limits are set for roads and for vehicles. Where these two differ the lower always applies For example, a Transit van is limited to 50mph on a single carriageway (de-restricted) road. However, if the road has a 30mph limit, this lower limit applies. Irrespective of the speed limit for the vehicle on the road, always match your speed to the prevailing conditions.

3. Driving licenses and Council issued driving permits

The driver of a vehicle used on the public road must hold a valid licence for that type of vehicle they wish to drive. Using a vehicle without the appropriate licence is an offence (that is likely to result in you being prosecuted) and will invalidate the Council's insurance policy; you will not be covered for insurance in the event of an accident.

EDDC may also get into serious trouble if they allow employees to drive who do not hold the appropriate licence.

In the UK the Driver and Vehicle Licensing Agency (DVLA), Swansea issue driving licenses after the driver has passed the driving test, the driver is authorised to drive all vehicles categories as listed on the driver licence card and a number of provisional entitlement under instruction with "L" plates.

3.1 Car licence holders

Holders of car (category B) licenses can drive vans, but there are differences depending on the date the test was passed i.e.:

A - Holders of a car licence who first passed their test prior to 1 January 1997

Holders will usually have the following categories issued by the DVLA in Swansea: AM, A, B1, B, C1, D1, C1E, D1E and D1E. F, K, L, N, P, Q. This means that you can drive vans and goods vehicles Category C1 up to 7.5 tonnes MAM (for example, a 7.5 tonnes DAF 45) you can also tow a trailer as long as the MAM of the combination does not exceed 8.25 tonnes.

B - Holders of a car licence who first passed their test on or after 1 January 1997

Holders will usually have the following categories issued by the DVLA in Swansea: B, B1, F, K, P.

You can drive a vehicle of category B, i.e. up to 3.5 tonnes MAM (for example, a Ford Transit).

You can also tow a smaller trailer up to 750kg MAM behind such a vehicle.

You can only tow a bigger trailer Category BE if the total MPW of the trailer and vehicle added together do not exceed 3.5 tonnes. The MPW of the trailer must not exceed the unladen weight of the towing vehicle.

Minimum age

The minimum age limit of a category B (car) licence is 17. This covers small passenger vehicles capable of carrying up to nine persons including the driver, for example Ford Tourneo (Transit size) 'people carrier' or small goods vehicle up to 3.5 tonnes MAM.

Car licenses remain valid until your 70th birthday after which they may be renewed at intervals from one to three years depending on any medical conditions.

Details on the plastic card include a photographic image of the driver, complete with signature, license number, address, and date of birth and categories of vehicle that the holder is entitled to drive.

The paper counterpart has been withdrawn by the DVLA in 2015; a new system has been introduced to check driving licenses, provisional categories, endorsements and disqualifications.

Whatever form of licence you have, Make sure your correct address is shown. Changes of address should be notified immediately to DVLA. Failure to do so is an offence.

4. Driver's responsibilities as fitted to all council's road legal vehicles

Production of licence

A driver, or a learner driver's supervisor, must produce their licence on demand to any police officer. A licence not produced on demand must be produced within seven days, at a police station of the holder's choice. The police can ask you to state your date of birth if you fail to produce your licence.

Notify your employer

If you are charged with any driving related offence – including fixed penalty speeding tickets – it is extremely important that you notify your Line Manager / Supervisor as soon as possible. If you are disqualified from driving **you must tell your Line Manager / Supervisor immediately and you must not drive**. The Council will have to notify their insurers of the conviction. Failure to do so could invalidate the Council's insurance policy.

This applies whether the offence relates to driving in the course of your employment or privately.

DVLA & Your Employer Notifiable Conditions

All drivers are required by law to disclose to the DVLA medical conditions that can affect driving, these conditions are listed on the DVLA Web site.

5. Fuelling of Council Vehicles

The Council has a procurement agreement set up to allow fuel to be purchased at beneficial rates.

Fuel for Council vehicles is managed by agency fuel cards, card Provider is ALLSTAR Business Solutions Ltd

All Council owned vehicles have fuel cards; these are issued and managed by the StreetScene Finance Officer. The cards will normally be issued against the vehicle registration number.

In selected cases the card will be issued against the operator's name, i.e. small plant users will have cards to fuel up small plant against the operator's name.

When drawing fuel at the fuel station for road vehicles the card should be presented, the driver will need to confirm fuel drawn, the registration number and mileage to the sales person. The driver will be asked to sign the sales receipt and the receipt should be given to their Line Manager / Supervisor as soon as possible for retention purposes.

Driver must ensure that they select the correct grade of fuel for the vehicle they are driving, **Petrol** or **Diesel**

The supply of fuel has been streamlined and preferred suppliers are now a part of the fuel buying process.

Our preferred supplier is Tesco's supermarkets where possible Tesco's should be used to fuel council vehicles.

Using other suppliers will incur an additional cost; the cost is to cover Transaction of the additional invoice.

This transactional cost will only occur if suppliers other than Tesco's are used

If there is a problem with using your fuel card at any petrol station please advise the cashier that they need to call Allstar (number is on the back of the card) so they can send a payment through the phone. You should NOT pay for fuel yourself as it costs the council to carry out BACS payments. If the cashier refuses to call Allstar (which they shouldn't if they have agreed to take these fuel cards) please ask them to fill out and give you an Intention to Pay form which needs to be handed to the StreetScene Finance Officer so they can forward this to Allstar for a same day payment to the petrol station.

6. Insurance cover

The Council has full comprehensive cover for motor vehicles that are used on official Council business only. You are not allowed to use the vehicle for private/personal reasons, should you do so then the insurance cover is invalid.

If you have an accident the policy number is **Y083939FLT0116A** , which must be exchanged with others involved with the accident.

Our current policy excess is £250.00, which your unit has to pay each time a claim is made.

6.1 Accident reporting procedure for road registered vehicles

If you have an accident – **STOP!** The golden rule is not to panic. Keep your head and be polite. **Do not argue and do not make any admissions.**

Your priorities are:

1. Your own safety;
2. The safety of anybody else involved;
3. The safety of other road users.

This may include calling the emergency services. If it is safe to do so, move your vehicle to a place of safety. If you have been trained, administer first aid, if necessary. If the accident causes an obstruction or traffic hazard, call the police. Warn other motorists (for example, use a warning triangle and/or hazard lights).

Get an independent witness if available.

If you are involved in an accident that causes:

1. Injury to another person; or
2. Injury to certain animals (including dogs, sheep, horses and cows, but not cats) not carried in your vehicle; or
3. Damage to another vehicle; or
4. Damage to fixed roadside property and furniture (such as lampposts, trees or gateposts),

You must stop and give your name and address, the Council's name and address and the vehicle's registration mark to any person having reasonable grounds to ask for the information. You must also provide the insurance policy number if any other person is injured (on page 12).

If, having stopped, you have not followed this procedure for any reason you must report the accident to the police as soon as reasonably practicable and in all cases within 24 hours, otherwise you may be convicted for failing to report an accident, and produce the insurance policy, if applicable. If the certificate cannot be produced it can be submitted to a nominated police station within seven days.

This does not mean you are entitled to wait the full 24 hours before reporting an accident, for the main obligation is to report as soon as reasonably practicable' unnecessary delay could lead to prosecution, even if the accident was reported within 24 hours.

You should also report full details of any accident or road traffic accident to your Line manager / supervisor without delay.

An accident / incident form needs to be completed as soon as practicable and handed to you Line Manager / supervisor. This is available from EDDC Insurance or the StreetScene Finance Officer.

Statements

No statement should be made admitting liability or fault regarding your driving, the condition of the vehicle, or security of the load. **No** offers or promises should be made to third parties without the prior consent of your insurer and without taking legal advice.

The police should otherwise be given all reasonable assistance.

You MUST obtain these details:

In both your own and the Council's interests you should try to obtain:

1. Names and addresses of drivers and owners, and registration marks, of all other vehicles involved in the accident;
2. Details of insurance companies of the owners of the other vehicles;
3. Names and addresses of witnesses;
4. Shoulder number of any police constable present;
5. Road and weather conditions, position of vehicles involved and of any other traffic, skid marks, position of traffic signs, traffic islands, turnings, etc, in the area. Try to show these details in a sketch or take a photograph (if you have a mobile camera phone).

Third Party damage only- This is when an officer causes damage to a third party vehicle but none to ours, for example, reverses into a stationary vehicle but EDDC van unscathed damage to bodywork of third party vehicle.

Damaged by third party-This is when a third party causes damage to EDDC vehicle but theirs is unscathed, for example, if our vehicle is parked and third party damages it whilst remains undamaged themselves.

Own and third party damage- both vehicles are damaged, for example, a head on car crash or shunt to the rear by either EDDC or third party.

Insurance claims procedure

All accidents must be recorded on the Motor Accident Form. If your Line manager / supervisor do not have a form they are available from the fleet department. The form must be completed out in full and sent to the fleet department immediately.

7. Hiring & fuelling of replacement or additional vehicles, including pool vehicles

Short term hired vehicles will be fuelled using the following systems:

1. You can obtain a fuel card from your Line manager / Supervisor specifically for fuelling hired vehicles.
2. The card and receipt for the fuel drawn, is to be given to their Line Manager / Supervisor as soon as possible for retention purposes.

Hired vehicles should be returned at the end of the contract with the same amount of fuel as when the vehicle was supplied, (usually a full tank). If you are unsure, check with the Fleet Office, Hire companies charge a premium for this service – normally 130% – this cost is recharged to the operating department who hired the vehicle.

Please ensure that you fuel the vehicle with the correct fuel, **Petrol** or **Diesel**

The supply of fuel has been amended and preferred suppliers are now a part of the fuel buying process

Our preferred supplier is Tesco's supermarkets where possible Tesco's should be used to fuel council vehicles.

Using other suppliers will incur an additional cost; the cost is to cover Transaction of the additional invoice.

This transactional cost will only occur if suppliers other than Tesco's are used

TOWING TRAILERS SECTION

8. Towing trailers behind vans and 4x4s

This section covers items specifically for when towing a trailer. You need to have the appropriate category on your driving licence for towing trailers. The categories for towing are B, BE, C1E and CE these are listed in section 3.4 on page 9.

Check with your Line manager / Supervisor which trailers you are allowed to tow.

Tachograph legislation allows derogation for vehicles or combinations not over 7.5 tonnes, used within a 50 km (31 miles) radius from the vehicle's base and where driving does not constitute the driver's main activity. See section 9, page 18.

The addition of a loaded trailer to a vehicle will inevitably affect the vehicle's performance. Starting, particularly on hills, can be much more laboured; stopping can take longer distances; cornering and negotiating sharp bends requires extra care.

Vehicle manufacturer's recommended towing limit, this will be found on the Vehicle Identification Number (VIN) plate. If not sure Speak to the fleet Officers

Speed limits when towing with trailers are in Section 2.2, pages 4.

Always attach the safety breakaway cable(s) to the rear of vehicle. This cable will apply the hand brake if for any reason the trailer becomes detached whilst towing. Clip the breakaway cable onto the special rings some tow bars have or loop it around the bar, making sure it cannot foul the coupling head. Do not loop it round the tow ball neck. Check that the breakaway and lighting cables have enough slack for cornering but will not touch the ground.

Loads must be securely tied down or restrained. If not sure speak to your Line manager / Supervisor.

There must be no load projections outside the trailer sides that might cause danger to other road users.

When loading a trailer ensure the weight is distributed appropriately. Nose weight is a very important factor in making your vehicle and trailer combination stable during towing. Inadequate nose weight can cause snaking problems. Too much nose weight could cause loss of control.

Nose weight should be at least 50kg when the outfit is stationary. Refer to the recommendations of the vehicle and trailer manufacturers. Fleet Have a nose weight checking tool.

It is your responsibility as the driver to ensure all lights work and the tyres are legal.

Adjust both external mirrors so that a view down both sides of the trailer can be obtained.

If you feel you are not competent to tow a trailer, **do not**. Tell your Line manager / Supervisor.

It is your responsibility, as the driver, to ensure that your vehicle or trailer is not overloaded.

Report to: Cabinet
Date of Meeting: 6 September 2017
Public Document: Yes
Exemption: None



Agenda item: 23

Subject: **Financial Monitoring Report 2017/18 - Month 4, July 2017**

Purpose of report: This report gives a summary of the Council's overall financial position for 2017/18 at the end of month four (31 July 2017).

Current monitoring indicates that:

- The General Fund Balance is being maintained at or above the adopted level.
- The Housing Revenue Account Balance will be maintained at or above the adopted level.

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

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

Officer: Laurelie Gifford lgifford@eastdevon.gov.uk
Rob Ward RWard@eastdevon.gov.uk

Financial implications: Contained within the report

Legal implications: No legal observations are required

Equalities impact: Low Impact

Risk: Low Risk

In compiling this report we have looked at all large, high risk and volatile budget areas. Predicted spending patterns have been linked to operational activity and all material budgets have been subject to thorough risk assessments by operational managers and finance staff. Any continuing variances in spending patterns will then be considered as part of the medium term financial strategy

Links to background information:

Link to Council Plan: Funding this outstanding place

1. Report in full Introduction

- 1.1 The purpose of this monitoring report is to update members of the Cabinet on the overall financial position of the Authority following the end of month four.

2. Investment Income

The latest information, (9 August 2017), from Capita Asset Services, EDDC's treasury management advisors, is that they continue to forecast base rate to remain at 0.25% until it rises to 0.50% in quarter two of 2019, and to 0.75% in quarter four of 2019. However, Capita Asset Services stress that economic forecasting remains difficult with so many external influences weighing on the UK. Capita Asset Services' Bank Rate forecasts, (and also Bank of England Monetary Policy Committee decisions), will be liable to further amendment depending on how economic data and developments in financial markets transpire over the next year. Because there are so many variables at this time, caution must be exercised in respect of all interest rate forecasts. The general expectation for an eventual trend of gently rising gilt yields and PWLB rates is expected to remain unchanged. Negative, (or positive), developments could significantly impact safe-haven flows of investor money into UK, US and German bonds and produce shorter term movements away from Capita Asset Services' central forecasts.

EDDC's average forecast net annual return (i.e. after deducting fees) on external investments at 0.55% and internal investments of 0.23% is better than the June 2017 average LIBID rates of 0.11% for 7 Days.

The decision to proceed with the office relocation from Knowle to Honiton is likely to have an impact on the amount of investment income earned, on the assumption that the Honiton premises will be financed internally from existing cash reserves, prior to securing sale of the Knowle premises. At this stage the use of internal funding rather than external borrowing (as modelled in the relocation business case) is seen as a cheaper option.

	Annual Budget £000	Predicted Outturn Variation £000
Investments		
External investments (Net of Fees)	(238)	74
Internal investments	(48)	32
Total	(286)	106

3. General Fund Position as at Month Four

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

	£000
Original Budget Requirement (set 22/02/17)	11,398
Revenue projects funded from 2016/17 earmarked reserves	2,044
Month 4 predicted over / (under) spend at year end detailed below	(24)
Predicted Budget Outturn	13,418

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

Predicted over / (under) spends	Variation as at Month 4 £000	Predicted Outturn Variation £000
Environment Services - Car park income	(130)	(130)
All other Portfolios, too early to identify trends.		
Investment Income variations as above	42	106
Predicted Outturn Total Variations GF	(88)	(24)

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

	£000
General Fund balance as at 1/4/2017	(4,198)
Transfer to Capital reserve Outturn CAB 14/6/2017	606
Predicted net over / (under) spend to year end net of Year end transfers to Earmarked Reserves (from above)	(24)
Predicted General Fund Balance 31/03/18	(3,616)

The Council has an accepted adopted range for the General Fund Balance to be within the range of £2,800k to £3,600k. The predicted balance is currently above this range. The final position will be considered at outturn reported in June 2018.

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

	Annual Budget £000	Variation at Month 4 £000	Predicted Outturn Variation £000
Building Control fees	(484)	0	0
Car Park income	(3,210)	(130)	(130)
Local Land Charges income	(264)	0	0
Planning fees Income	(1,445)	0	0
Recycling income	(1,639)	0	0

3.4 Summary of Other Reserves:

	Balance B/f 2017/18 £000	Spend to date £000	Estimated additional Spend/ (Income) £000	Predicted Balance C/f to 2018/19 £000
Asset Maintenance Reserve	(997)	6	0	(991)
Business Rates Volatility Reserve	(639)	0	0	(639)
Community led Housing Reserve	(1,210)	0	0	(1,210)
New Homes Bonus Volatility Reserve	(1,431)	0	0	(1,431)
Transformation Reserve	(483)	0	0	(483)

4. Housing Revenue Account Position up to Month 4

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

	Variation at Month 4 £000	Predicted Outturn Variation £000
Income	(214)	60
Repairs & Maintenance and contribution to Major Repair costs - underspend is expected as in 2016.	(687)	(2,061)
Other	(27)	68
Predicted Outturn Total Variations HRA	(928)	(1,933)

The income variance at month 4 is simply a timing issue and is expected to be on budget at year end with the government reduction in rents within both budgeted and actual income. A repairs and maintenance detailed review programme is underway with each of the officers to analyse past, current and predicted spend patterns to enhance the forecasting process.

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

	£000
Original Budget surplus	(521)
Month 4 predicted net (under)/overspend to year end	(1,933)
Predicted Budget (Surplus)/Deficit HRA	(2,454)

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

	£000
Housing Revenue Account Balance (01/04/17)	(7,070)
Predicted budget requirement as above	(2,454)
Predicted HRA Balance (31/03/18)	(9,524)

The recommended level for the HRA balance has been agreed at £2.1m (£500 per property) with an adopted headroom of £1m. With the transfer of £3.970m into the Future Housing development Fund this leaves an additional excess of £2.5m with the additional £4.4m held in volatility reserve.

5. Capital Programme Position up to Month 4

5.1 The following tables currently estimate the total required from the Capital reserve is £606k. It is estimated that the reserve will be replenished in 2019/20 after the sale of The Knowle.

	£000	£000
Net Capital Programme Budget (Council 22/02/17)		13,087
2016/17 projects slipped into 2017/18	4,655	
Revised 2017/18 budget		17,742
Capital Programme variations		
Camperdown Seawall - CAB 10/5/17	30	
Northacres play area - S.106 funded	46	
Additional refuse vehicles - CAB 7/6/17	152	
North Street Play area Axminster – from 2018/19 budget due to vandalism and health and safety	60	
		288
Predicted Capital Budget Requirement Month 4		18,030

Capital Programme financed by	£000	£000
Use of Capital Receipts	(1,187)	
External Loans/Internal borrowing	(7,635)	
S.106 funding	(46)	
Other grants and contribution	(272)	
General Fund contribution	(5)	
HRA Contribution	(5,499)	
New Homes Bonus	(2,780)	
Predicted Capital Reserve (Requirement) / Contribution	(606)	
Total Funding		(18,030)

Report to: Cabinet
Date of Meeting: 6 September 2017
Public Document: Yes
Exemption: None



Review date for release None

Agenda item: 24

Subject: **Footprint Ecology - Exemption from Contract Standing Orders**

Purpose of report: To inform Cabinet of the use of an exemption to Contract Standing Orders.

Recommendation: **To note the use of an exemption to Contract Standing Orders to enable the appointment of Footprint Ecology to undertake a Habitat Regulations Assessment of the Greater Exeter Strategic Plan.**

Reason for recommendation: To enable the appointment of Footprint Ecology on behalf of the five local authorities collaborating in production of the Greater Exeter Strategic Plan for the reasons detailed in the attached exemption form.

Officer: Simon Bates, Green Infrastructure Project Manager,
sbates@eastdevon.gov.uk, 07875-280540

Financial implications: The partner local authorities have a budget of £30,000 for this work.

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

Equalities impact: There are no equalities impact considerations identified in respect to appointment of the consultants.

Risk: Low Risk

Links to background information: The signed exemption from Contract Standing Orders form is appended.

Link to Council Plan: Living in this Outstanding Place.



REQUEST FOR EXEMPTION TO CONTRACT STANDING ORDERS

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

Name: Simon Bates	Date: 26 th August 2017
Service: Economy	Team: Growth Point
Total contract value: £30,000	

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

This exemption is being sought to help facilitate production of the Greater Exeter Strategic Plan (GESP). Where plans or proposal could impact upon the worth or value of the most important wildlife sites there is a requirement under the Habitat Regulations that a process called Appropriate Assessment is undertaken. The assessment and the work of the consultants will be to review possible adverse impacts of the GESP proposal, make recommendations in respect of draft and final versions and set out recommendations on appropriate mitigation measures to address adverse impacts that would otherwise be expected to occur.

East Devon District Council will commission the work on behalf of the authorities collaborating in production of the GESP. The authorities partnering in GESP production do not have the skills or time to undertake this work in-house and use of external consultants provides an independence to the work.

Business Reasons for an Exemption:

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

	✓	Which CSO rule?
An Emergency		
Goods or Services to existing systems or kit		
Purchase or repair of patented or proprietary articles sold only at a fixed price		
Effective competition is prevented by government control		
Goods and/or Services recommended by a Central Government Department		
Extension to an existing contract for the purpose of achieving Best Value	✓	

Purchase or Sale by Auction		
Where the Contract is with a Public Utility Company or other organisation which will assume liability for the works on completion e.g. sewer adoption		
Other Reasons (please provide details)	✓	

Business Benefits for an Exemption:

Footprint Ecology have:

- a) already undertaken a considerable amount of work for the partner authorities;
- b) a detailed understanding of the subject matters;
- c) a track record in producing high quality work at competitive prices; and
- d) immediate availability to undertake the contract.

It is considered that going to competitive tender would delay appointment, and therefore plan production, and would be unlikely to result in a more appropriate or better appointment.

What are the implications to the following:

Finance: The partners authorities producing the GESP (and this explicitly includes East Devon District Council) have already committed funds to support plan production. Monies for this work will be drawn from this fund.

Human Resources: There are no identified implications.

ICT: There are no identified implications.

Asset Management: There are no identified implications.

Strategic and/or Operational Objectives: The appointment will help ensure that GESP production can proceed in a timely manner.

Risk Assessment:

Detail risks here: there are no specific risks to appointment identified.

Or attach print from the RM system

Signature of line manager or service head

[Redacted Signature]

Supporting signature of Chief Procurement Officer

[Redacted Signature]

Supporting signature of Strategic Lead - Finance

[Redacted Signature]

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



PLEASE NOTE:

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

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

Report to: **Cabinet**
Date of Meeting: 6 September 2017
Public Document: Yes
Exemption: None



Review date for release

Agenda item: **25**

Subject: **Manor Pavilion Car Park, Sidmouth**

Purpose of report: To report to Members the outcome of the public consultation exercise carried out alongside the statutory consultation relating to the proposed arrangements for managing 21 spaces as a public pay and display car park.

Recommendation:

- 1. To note the outcome of the public consultation exercise.**
- 2. To confirm the earlier decision made by Cabinet on 5 April 2017 Cabinet [resolving](#) that “public pay and display parking in Sidmouth’s Manor Pavilion car park be offered”.**

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

We have reconsidered the needs of our community as a whole based on responses to this public consultation exercise and have arrived at these recommendations.

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

Officer: Andrew Ennis, aennis@eastdevon.gov.uk - 01395 517452

Financial implications: Manor Pavilion Car Park – All costs involved with the set-up of the Car park machine and works are to be funded from the existing budget for 2017-18 and off-set by the income generated.

It is difficult to quantify the generation of additional income at this stage.

Legal implications: Governance advice has been provided throughout this process. No further comments of a legal nature arise as a result of this report.

Equalities impact: Low Impact

Risk: Low Risk

Links to background information: [Minutes of Cabinet meeting 05.04.17](#)
[Item 17 East Devon Parking Places Order Update \(pages 120-124\)](#)

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

Report

Statutory and additional public consultation

1. On 5 April 2017 Cabinet [resolved](#) that “public pay and display parking in Sidmouth’s Manor Pavilion car park be offered”.
2. The matter was then considered by Scrutiny Committee on 9 May 2017 where it was noted that the Chairman, along with five other members of the Scrutiny Committee, had requested a call-in of the Cabinet decision of 5 April 2017 “that public pay and display parking in Sidmouth’s Manor Pavilion car park be offered”.
3. The Chief Executive had determined that the call-in was not valid and the Chairman explained to the committee the reasons given.
4. The committee still had the opportunity to discuss the issue and put forward a representation to the parking places order before a formal variation to the order is made
5. The subsequent debate has been captured [here](#) (minute 56) and the recommendations of Scrutiny Committee were:
6. The Manor Pavilion Car Park fee paying charges only apply up to 6pm;
7. Endorse the maximum stay for the car park for four hours;
8. Officers are 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 affects a local community.

9. The minutes were reported to Cabinet on [14 June](#) where Members were reassured by the Strategic Lead for Housing, Health and Environment that the undertaking given to Scrutiny Committee would be honoured. The minutes state that “there would be a statutory consultation period on the parking places order, and comments made would be taken into account, including the debate at this meeting.”
10. The Strategic Lead for Governance and Licensing wrote to all Ward Members and other statutory consultees on 6th June 2017 setting out the proposals in detail.
11. On 7th July 2017 the proposals were advertised in the Sidmouth Herald and laminated notices were displayed on site throughout the statutory consultation period ending on 28th July 2017.
12. At the same time our Consultation and Engagement Officer carried out an additional engagement and consultation exercise inviting the public to give us their views on the proposal via an on-line questionnaire and ten guiding questions.
13. We received seven formal objections to our proposals from the “statutory” process and seventeen responses to our engagement questionnaire.
14. The statutory objections all included issues and arguments that had already been comprehensively debated and in my view they do not alter the findings and recommendations of the report that was considered by Cabinet in April. The seven objections and our formal response to them have been reproduced in appendix A.
15. The engagement questionnaire results have been reproduced in appendix B. One response was completely blank. Seven of the respondents stated that they were in favour of our proposals. Nine objected to the proposals, the majority of those citing arguments that again had already been addressed in the report to Cabinet in April. In addition, new arguments raised merited further consideration and these comprised:
16. That public car parking in general (and at Manor Pavilion in particular) should not be used to provide revenue. It was suggested that car parking in Sidmouth is perceived as expensive and that it should be provided free of charge. My response to this is that whilst the principle has merit, the reality is that fair and reasonable charges provide a proven method of managing limited car parking resources effectively and that any attempt to replace car parking revenue with other sources of income would be problematic.
17. Another respondent made another good point relating to other ways in which we might seek to raise revenue to support the theatre. Our view is that the car park revenue will be an important source of revenue and sits alongside other revenue streams, this being a case of maximising the support we are able to

provide to underpin the sustainability of the theatre and arts centre. In this context it would frankly be irresponsible to fail to manage this car parking asset efficiently

18. Finally, one respondent expressed the view that the Council ought to concentrate on other “free” car parking assets including the Blackmore Gardens car park opposite Sidmouth library and health centre. This again is not a case of one or the other. We are currently in correspondence with the current leaseholder concerning the day to day use of this car park
19. In summary, we believe that all of the matters raised have been addressed by the original Cabinet report or in subsequent debates in Cabinet and Scrutiny Committee. In light of the debates we did modify our proposals by:
 - (a) agreeing to extend the maximum stay from three to four hours as recommended by Scrutiny Committee
 - (b) confirming an undertaking not to serve a penalty charge notice on a vehicle left by anyone who is genuinely engaged in buying (or waiting in a queue to buy) tickets from the theatre box office,
 - (c) offering a further concession to allow vehicles to enter the car park free of charge to drop off and pick up equipment and
 - (d) an offer of parking concessions direct from EDDC’s Parking Services team for theatre groups to use Manor Road long stay car park during rehearsals and performances
20. We have also confirmed that the proposal remains that the charging hours of the car park will extend to 8pm (and not 6pm) in order to ensure turnover of spaces continues, increasing the chances of some theatre customers finding parking here at around 7pm if they so wish. We expect the car park to become popular with local residents and their visitors during its free overnight period and felt that it would be a mistake to offer that facility to them prior to the start time of the theatre’s evening productions.

EDDE
KNOWLE
SIDMOUTH
PARKING SERVICES
CONSULTATION

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dear Sirs

MANOR THEATRE CARPARK

I have attended painting sessions at the Art Centre for many years. I need to park because of heavy equipment. The proposed special deal for groups at Manor Car Park "half a mile away" is of no use. If the scheme is approved it will be the end of the Art Centre.

Sidmouth needs its Theatre as part of its resort image.

The residents need the Art Centre.

Yours Sincerely

[REDACTED]
[REDACTED]

1. $x^2 + 2x + 1 = (x+1)^2$
2. $x^2 - 4 = (x-2)(x+2)$
3. $x^2 + 5x + 6 = (x+2)(x+3)$
4. $x^2 - 7x + 12 = (x-3)(x-4)$
5. $x^2 + 8x + 15 = (x+3)(x+5)$
6. $x^2 - 9 = (x-3)(x+3)$
7. $x^2 + 10x + 25 = (x+5)^2$
8. $x^2 - 16 = (x-4)(x+4)$
9. $x^2 + 12x + 36 = (x+6)^2$
10. $x^2 - 25 = (x-5)(x+5)$

11. $x^2 + 14x + 49 = (x+7)^2$
12. $x^2 - 36 = (x-6)(x+6)$
13. $x^2 + 18x + 81 = (x+9)^2$
14. $x^2 - 49 = (x-7)(x+7)$
15. $x^2 + 20x + 100 = (x+10)^2$
16. $x^2 - 64 = (x-8)(x+8)$
17. $x^2 + 22x + 121 = (x+11)^2$
18. $x^2 - 81 = (x-9)(x+9)$
19. $x^2 + 24x + 144 = (x+12)^2$
20. $x^2 - 100 = (x-10)(x+10)$

E.D.D.C
KNOWLE
SIDMOUTH
PARKING SERVICES
ATHA CHRIS HALL

[REDACTED]
[REDACTED]
[REDACTED]
26-2-17.

CAR PARK AT MANOR THEATRE

As a user of the above Art Centre I am concerned by the proposal to levy charges for parking

I need to park during painting sessions because of the equipment I use. At 4000 standard parking charges it will double my costs.

This car park is not convenient for local shoppers or beach visitors. The only users will be theatre workers and arts or dance classes

The classes can move to alternative venues in town with free parking.

If the car park is marked out with parking bays it will be inadequate for the number of cars the classes need

This scheme will not produce income
Please abandon it

Yours sincerely

[REDACTED]
[REDACTED]

1. Bestimmung der Grundfläche
2. Bestimmung der Höhe
3. Bestimmung des Volumens
4. Bestimmung der Oberfläche

1. Bestimmung der Grundfläche
2. Bestimmung der Höhe
3. Bestimmung des Volumens
4. Bestimmung der Oberfläche

SIDMOUTH TOWN COUNCIL
WOOLCOMBE HOUSE
WOOLCOMBE LAVE
EX10 9BB

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dear Sirs

MANOR THEATRE CARPARK

I have attended painting sessions at the Art Centre for many years I need to park because of heavy equipment. The proposed special for groups at Manor Car Park (half a mile away) is a no use if the scheme is approved it will be the end of the Art Centre

Sidmouth needs its Theatre as part of its resort image

The residents need the Art Centre

Yours sincerely

[REDACTED]

RECEIVED BY [REDACTED]
SIDMOUTH TOWN COUNCIL [REDACTED]
20 JUL 2017



Sidmouth Town Council

Woolcombe House
Woolcombe Lane
SIDMOUTH
Devon
EX10 9BB

With compliments

Phone: 01395 512424
Website: www.sidmouth.gov.uk

Email: enquiries@sidmouth.gov.uk
Tourism Website: www.visitsidmouth.co.uk

Date: 16th August 2017
Contact number: 01395 517522
E-mail: rheal@eastdevon.gov.uk
Our Reference: CAR.2-0060/LEGAL/RAH/RAH
Your Reference:



East Devon District Council
Knowle
Sidmouth
EX10 8HL
DX 48705 Sidmouth
Tel: 01395 516551

[Redacted]

Dear Sir/Madam

Proposed Amendment Order 1 of 2017: incorporation of Manor Pavilion car park, Sidmouth in East Devon District Council (Civil Enforcement Off-Street Parking Places) Order 2008

I write further to your following correspondence:

1. letter addressed to Sidmouth Town Council, undated, passed to East Devon District Council ('EDDC') Legal Services on 24th July 2017;
2. letter addressed to EDDC Parking Services dated 26th February 2017, passed to EDDC Legal Services on 24th July 2017; and
3. letter addressed to EDDC - Parking Services Consultation, undated, passed to EDDC Legal Services on 7th August 2017,

to confirm that I have now met with the Service Lead for EDDC Parking Services to discuss the points you have raised.

I am instructed that the issues that you have identified have all been voiced and fully debated in Cabinet. Without hard evidence to substantiate these concerns, it is therefore unlikely that they would alter the outcome of these debates.

Whilst there is no absolute certainty, it is believed that incorporation of the theatre's car park into EDDC's Parking Places Order, together with the introduction of charges for use of the same, will be of value to the Theatre.

Yours faithfully

R. A. Heal (Ms)
Solicitor
For Strategic Lead – Governance and Licensing
Document Code 147728v2

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It includes a detailed description of the experimental procedures and the statistical analysis performed.

3. The third part of the document presents the results of the study, including a comparison of the different methods and a discussion of the implications of the findings. It also includes a conclusion and a list of references.

E.D.D.C. CHIEF EXECUTIVE RECEIVED 27 JUL 2017		
REFUSED TO CIRCULATE	CIRCULATE	FILE

Ref CAR.2-0050

25th July 2017

Dear Sir/Madam,

I wish to comment on the application to change the parking arrangements at the Manor Pavillion Theatre car park in Sidmouth.

I consider this to be a potentially bad move and detrimental to the Theatre and its users.

1. I have driven or walked past this car park on many occasions at all hours and on different days of the week and have never seen the written instruction to only park on Theatre business abused. An occasional car, but no more, except on days when there are meetings or performances at the Theatre.
2. I have done "front-of-house" duties on many occasions and need to be at the theatre at about an hour and a half before the performance commences. Often there is a need to carry milk, coffee etc. and cash floats. Therefore the choice is to pay £1 an hour (£2) approx. for an evening performance but for a matinee where people tend to stay at the theatre between performances a whacking £7. This from volunteers who provide teas and coffees and show people to their seats, a job that would otherwise need to be done by the theatre staff. We also sell ice-creams (lots and lots of them) for the direct profit to the theatre. Again a job that would need to be done by paid staff.
3. A few years ago parking on the road outside was restricted to evenings only with none during the day at any time of the year, again matinees would be badly affected and also other day users.
4. The Sidmouth Town Band put on several daytime concerts. imagine them having to carry their instruments from any other car park, especially in the winter
5. As already stated, the protocol of not parking except for theatre use has been largely respected. If the car park becomes a paying facility, anyone will be able to park there. It is an easy walk to the town and especially to the Parish church for funerals etc. I fear that the theatre users will quite often not be able to park there at all. The Manager of the theatre has always been happy to allow double parking by performers etc. as he knew the cars but will obviously not be able to do this so the amount of parking will in fact be reduced.
6. There has been a suggestion of an "amnesty" of 10 minutes for people booking. With an inability to book online at this theatre people will have to go in person or book by 'phone (which costs yet more money with the fee that is charged) It will be a person who knows exactly what they want, gets exactly what they want and hasn't got to wait in a queue or multi book for various shows that will just about be out in 10 minutes!
7. The cost of this whole operation does not appear to add up. Work will have to be done if the fantasy of driving a large delivery vehicle in to scenery dock and getting out again with a full car park is to be achieved. The number of spaces will not raise much revenue, the cost of putting in a parking machine, marking the spaces, monitoring the 10 minute "amnesty" and other parking will all cost money and I fear that the expectation of the Manager that he will gain big bucks for the theatre from this plan will be dashed, after all these costs are

calculated(not to mention any future re-surfacing which will undoubtedly be taken from any profit that may be forthcoming)

8. We are the only theatre left who stages a Summer Repertory season. Surely the price will be prohibitive for them, their vehicles and their personnel. I sincerely trust that no "special deals" will be reached for them regards the parking when our local amateur companies and their helpers are penalised. This can be monitored with a F.O.I request.
9. The Folk Festival who use it during their week, will be very disadvantaged. With parking already at a premium in the town during Folkweek, people not actually performing or attending the Manor Pavilion theatre events will fill the car park completely.
10. I understand that a limited time will be put on the period for parking. This will strongly disadvantage those performing, those doing "front of house" and those just wanting a drink at the bar before the performance.
11. I am strongly against this proposal. It has not been thought out, I don't believe it has been properly costed. No thought has been given to the local amateur societies who give so much to entertain the people of the town and of East Devon. The voice of the users The Manor Pavilion Theatre Steering Committee has been peremptorily disbanded after protesting about the proposed parking measures. Please think again.

yours faithfully

[REDACTED]

[REDACTED]

Date: 16th August 2017
Contact number: 01395 517522
E-mail: rheal@eastdevon.gov.uk
Our Reference: CAR.2-0060/LEGAL/RAH/RAH
Your Reference:



East Devon District Council
Knowle
Sidmouth
EX10 8HL
DX 48705 Sidmouth
Tel: 01395 516551

[REDACTED]

Dear Madam

Proposed Amendment Order 1 of 2017: incorporation of Manor Pavilion car park, Sidmouth in East Devon District Council (Civil Enforcement Off-Street Parking Places) Order 2008

Thank you for your letter dated 25th July 2017, received on 27th July 2017.

I have now met with the Service Lead for EDDC Parking Services to review the points raised in your letter and, as a result, I would answer them as follows (using the same numbering that you have adopted):

1. Anecdotally we believe this not to be the case. The Theatre Manager has confirmed often and extensive misuse of this facility.
2. The Theatre Manager believes that the position under the proposed new parking regime would be acceptable ultimately being for the greater good namely, to generate revenue for the theatre.
3. It would be impossible to accommodate the patrons of an entire matinee performance within a twenty space car park (which is what Manor Pavilion car park is). Manor Road car park is just a short walk away (5- 10 minutes), so patrons have always been at liberty to park there instead.
4. Equipment/instruments can always be dropped off and, if a space in Manor Pavilion car park is unavailable, then vehicles can be parked in Manor Road car park;
5. The Theatre Manager has been consulted about the new proposals and believes that the new proposals are in the best interests of the theatre.
6. EDDC has undertaken not to issue a penalty notice if the vehicle owner is actually in the queue to buy a ticket. The Civil Enforcement Officer will go into the theatre to check the queue only and if the vehicle owner is in the queue to purchase a ticket, then a penalty ticket will not be issued.

7. Whilst your comments are noted they are not agreed. It is estimated that the revenue from the car park will generate significant revenue for the theatre. A business case has been put forward to this effect, which has been accepted by members.
8. This is a matter for the Theatre Manager. As you correctly identify, you can monitor this by submitting a Freedom of Information Act request if you so wish.
9. This is a possibility but there is no entitlement to use.
10. The maximum stay is to be four hours and there will be free parking after 8pm so it would be possible to have a drink either before or after a performance. Manor Road car park is also an alternative car park that patrons can park in and, as stated above, this is only a short walk away from the theatre.
11. EDDC has applied much thought, with the proposals costed. Amateur societies have been considered as well as the views of the former steering committee.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'R. A. Heal', with a stylized, wavy flourish extending to the right.

R. A. Heal (Ms)
Solicitor

For Strategic Lead – Governance and Licensing

Document Code 147756v2



Proposed Short Stay Car Park Manor Pavilion

Ref: CAR .20060

E.D.D.C. CHIEF EXECUTIVE		
RECEIVED		
24 JUL 2017		
PASSED TO	CIRCULATE	FILE
		CAR.2 Scanned

[Redacted]

Legal Dept.

20th July 17

Dear Sir/Madam

The proposed Scheme of the Manor Pavilion Car Park to become a short stay chargeable car park would be detrimental to the users of the theatre car park ,therefore I wish to strongly object to the proposal as follows.....

1. It will do great damage to the amateur groups that put shows on at the theatre, there are many youngsters that are between leaving school and having jobs/ students that cannot afford the charges proposed especially when there are matinees that mean parking in the car park from 1pm-10.45pm
2. There are times when societies hire the Theatre for 3 weeks and have rehearsals at the theatre for those weeks charging will destroy the hiring of the Manor Pavilion and may be forced elsewhere.
- 3.The car park could be full of those not using the theatre therefore patrons will not be able to park close to the theatre and they will not park in the Manor Road Car park as its too far away especially when it's raining.
4. The timing of this car park to be charged from 8am till 8pm is totally out of keeping with other E.D.D.C. car parks and is therefore extremely unjust. It could have a detrimental effect on pre bar drinks at the theatre.
5. When patrons want to book their tickets at the theatre it takes a time, therefore more cost if they have to pay for the car park.
6. There will be a need for those that hire the theatre or Arts centre to bring delivery lorries with equipment necessary for shows/ artistry ,to create the car park spaces you claim it would be very difficult to turn a furniture lorry around as it would be dangerous to reverse out onto manor road.
7. The Summer rep company will find it an extra burden to have to pay for car park spaces if they could find spaces, it also would be grossly unfair if they had special treatment as it would not be a level playing field to other users.
- 8.Volunteers that come to help front of house at the theatre will be put off helping in the way they do that is so important to the societies that carry out important roles such as selling programmes ,showing people to their seats and importantly selling ice creams for the theatre and not for the society.
9. Other members of the public will use the car park including ticket holders, therefore having no regard to those that are using the theatre or Arts Centre.
- 10 By going ahead with this proposal could force users of the theatre /arts centre to look elsewhere and would have a damaging effect on the theatre/arts centre that everyone treasures, all theatres are subsidised. The users have helped build up the good reputation of the Manor pavilion as well as the management and staff ,by this proposal going ahead could undo all that has been done ,therefore please think again!

[Redacted]

[Redacted]

Date: 16th August 2017
Contact number: 01395 517522
E-mail: rheal@eastdevon.gov.uk
Our Reference: CAR.2-0060/LEGAL/RAH/RAH
Your Reference:



East Devon District Council
Knowle
Sidmouth
EX10 8HL
DX 48705 Sidmouth
Tel: 01395 516551

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dear Sir

Proposed Amendment Order 1 of 2017: incorporation of Manor Pavilion car park, Sidmouth in East Devon District Council (Civil Enforcement Off-Street Parking Places) Order 2008

Thank you for your letter dated 20th July 2017, received on 24th July 2017.

I have now met with the Service Lead for EDDC Parking Services to review the points raised in your letter and, as a result, I would answer them as follows (using the same numbering that you have adopted):

1. & 2. These points have been debated in Cabinet, who did not believe that it was necessary to provide free parking to support the Theatre. The Theatre Manager also accepts this. Theatre groups can request a parking concession in Manor Road car park (via EDDC Parking Services), which is only a 5-10 minute walk away.
3. This is not agreed. As stated above, Manor Road car park is only a short walk away. The Theatre car park would, in any event, be nowhere near large enough to accommodate an entire audience (circa 100 people and only 20 parking spaces).
4. The rationale behind charging for spaces is so that there can be an enforced turnover of spaces if necessary with the aim that there are spaces available for the start of theatre productions at circa 7 – 7.30pm. If the car park were free from 6pm there is a risk that local residents could park which would then give patrons no opportunity to park.
5. EDDC have given an express undertaking that if a vehicle owner is queuing for a theatre ticket then their vehicle will not be issued with a parking ticket. The Civil Enforcement Officer will check if the person concerned is queuing to buy a ticket and only desist from issuing a penalty ticket if they are actually in the queue for a ticket.
6. This is not agreed. The turning area has been assessed and deemed adequate and the Theatre Manager is happy with the arrangements.

7. The Theatre Manager is happy with the proposed arrangements which are not regarded as unfair.
8. This is a matter for the Theatre Manager and he has confirmed that he is happy with the proposed arrangements.
9. This is proposed to become a public car park and not specifically a theatre car park. This has already been agreed with members. The Theatre Manager has accepted that it is not necessary for the car park to be dedicated for theatre use.
10. EDDC is of the opinion that the value of the income generated will make the theatre/art centre more sustainable.

Yours faithfully,



R. A. Heal (Ms)
Solicitor
For Strategic Lead – Governance and Licensing

Document Code 147744v2

CAPS OFFICER SCAN

EAST DEVON DISTRICT COUNCIL
ECONOMY

18 JUL 2017

ACK	CIRC	SEEN	FILE

17.07.17

E.D.D.C.
CHIEF EXECUTIVE

RECEIVED

25 JUL 2017

REF?

SEARCHED	INDEXED	FILE

• CAN. 2-6360
• SCAN
• LUMINANCE - OBJECT

Dear Sirs,

As a resident of Sidmouth I am much concerned about the future plans for the Manor Pavilion Arts Centre car park.

We all know that good management of taxes and funds is very important and therefore value for money is a key element in local Council plans. However, I do feel that residents and council tax payers should be given preference when it comes to parking locally. The Arts Centre is used by many groups, including Mr. Peter Goodhall's Art classes, one of which I attend each week. I am fortunate

and can walk there but others come by car often bringing easels and carrying bags with their art equipment. If they arrive and find all the parking spaces taken, then they would have to return home and perhaps cancel their course. Will you be considering this problem? Can you reserve a certain number of spaces for users of the Arts Centre? Much as the theatre needs money for improvements, parking space is at a premium. Sidmouth could start an appeal for the Theatre but there is no way you can find more parking space except by building upwards or out to sea!

I sincerely hope that you will not proceed with proposals to open and charge to open the car park to all and sundry.

Yours faithfully

Barbara Caldwell

Date: 16th August 2017
Contact number: 01395 517522
E-mail: rheal@eastdevon.gov.uk
Our Reference: CAR.2-0060/LEGAL/RAH/RAH
Your Reference:



East Devon District Council
Knowle
Sidmouth
EX10 8HL
DX 48705 Sidmouth
Tel: 01395 516551

[REDACTED]

Dear Madam

Proposed Amendment Order 1 of 2017: incorporation of Manor Pavilion car park, Sidmouth in East Devon District Council (Civil Enforcement Off-Street Parking Places) Order 2008

Thank you for your letter dated 17th July 2017, received on 25th July 2017.

I have now met with the Service Lead of EDDC Parking Services to discuss the points raised in your letter and, in response, would comment as follows:

- Residents and local council tax payers are given preference in terms of the cost of parking by virtue of the parking permit scheme. This equates to £1 per hour for visitors versus less than £3 per week for permit holders. Whilst permits will not be offered for use in Manor Pavilion car park (due to the size of the car park), the permit scheme is available in other car parks within Sidmouth including Manor Road car park, which is only a short walk away from Manor Pavilion Theatre, as well as the car parks located at Roxborough, The Ham and Mill Street.
- Consideration has been had to those patrons of the theatre/art classes arriving with equipment. Essentially, they are free to pull in and unload their equipment before parking in the long stay car park at Manor Road if they cannot find a short stay space in the Manor Pavilion car park. Manor Road car park is only a 5- 10 walk away from the Manor Pavilion theatre.
- If anyone (or any groups) wishes to raise funds for the Theatre then I am sure this would be much appreciated and would make the theatre even more sustainable. However, in the interim, a business plan has been compiled with a view to generating

revenue for the theatre and this includes incorporating the theatre's car park into EDDC's Parking Places Order and charging for use of the spaces.

Yours faithfully



R. A. Heal (Ms)

Solicitor

For Strategic Lead – Governance and Licensing

Document Code 147752v2



[REDACTED]

From: [REDACTED]
Sent: 28 July 2017 14:41
To: Legal EDDC
Subject: Manor Pavilion Car Parking Questionnaire

I have tried to find this questionnaire with no results. You are my alternative although you will probably say this is too late. However it has not been made easy to comment any other way.

1. Car Parking charges will go directly to the theatre.? What about the costs of maintaining it, altering it and the overtime payment to the meter man.

Other Theatres charge for parking? Why should you have to do what other theatres do? Be proud of the amenity that brings visitors to the town and visiting theatricals.

2. I visit the Manor a lot as an actor, in the stage management team and as an audience member. I have never noticed a large number of cars parked in the car park except for evening performances and for art classes. Most of the time it is virtually empty.

Free to park for 10 minutes to unload and buy tickets?

This is not long enough. I have never managed to buy a ticket in 10 minutes!! Unloading my car of props, furniture etc. when helping a production takes much much longer than that. What about a drummer in the band have you thought of that.

You mention spaces reserved for workers in the theatre. Would that be for actors, stage management etc.? A 4 hour limit on parking would be a considerable inconvenience. Cars having to be removed during rehearsals, performances etc. It costs a considerable amount of money to hire and use the theatre and the additional cost of parking would be an added burden. I know of small companies hiring the theatre for less time because of the expense. The car park will be used as a public car park and at certain times will probably be full of people not using the theatre making it more difficult for those who are.

I think you will lose a considerable amount of goodwill if you go ahead with this scheme. There are many other reasons than the ones I have stated that make this a very bad plan but I am sure they have been mentioned by many other people.

2015-16-2016-17-2017-18-2018-19-2019-20

20

2015-16-2016-17-2017-18-2018-19-2019-20

Date: 16th August 2017
Contact number: 01395 517522
E-mail: rheal@eastdevon.gov.uk
Our Reference: CAR.2-0060/LEGAL/RAH/RAH
Your Reference:



East Devon District Council
Knowle
Sidmouth
EX10 8HL
DX 48705 Sidmouth
Tel: 01395 516551



Dear Madam

Proposed Amendment Order 1 of 2017: incorporation of Manor Pavilion car park, Sidmouth in East Devon District Council (Civil Enforcement Off-Street Parking Places) Order 2008

Thank you for your email dated 28th July 2017 (timed at 14:41).

I have now met with the Service Lead for EDDC Parking Services to review the points raised in your email and, as a result, I would answer them as follows (using the same numbering that you have adopted):

1. The theatre will receive the revenue and will be responsible for paying the overheads. EDDC are proposing to act in a way that it believes is in the best interests of the theatre, in a world of financial constraints.
2. The car park is empty from time to time. However, the Theatre Manager has indicated a problem with misuse.

EDDC has undertaken to check that a vehicle owner is in the queue to buy a ticket before issuing a penalty notice. If they are, then no notice will be issued.

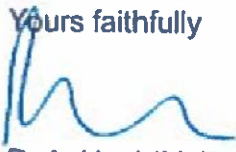
Vehicles will also be allowed to un/load equipment for the theatre and if a space is not then available to park the driver can park in Manor Road car park, which is only a 5-10 minute walk away.

There are to be no reserved spaces in the proposed pay and display car park itself. Whether the Theatre Manager will make any spaces available for staff etc. within the confines of the theatre's own area will be a matter for the Theatre Manager.

Concessionary parking rates for rehearsals may be available in Manor Road car park – a request should be lodged with EDDC Parking Services.

Whilst it is appreciated that there may be some inconvenience it is felt that the proposed changes are for the greater good of the theatre.

Yours faithfully



R. A. Heal (Ms)

Solicitor

For Strategic Lead – Governance and Licensing

Document Code: 147758v2

Document Code: 147758v2
Page 1 of 1

[REDACTED]

From: Andrew Ennis
Sent: 23 June 2017 15:03
To: [REDACTED]
Cc: Rebecca Heal; Cllr Marianne Rixson; Cllr Roger Giles
Subject: Manor Pavilion short stay car park Sidmouth = Order No 1 2017

Dear [REDACTED]

I am responding to your comments on our proposals for Manor Pavilion car park. I should also add that we will be publishing the first public notice in the Sidmouth Herald on 7th July 2017. This is the legal bit – but there should also be an editorial explaining the reasons for the proposal and our consultation arrangements in the same edition of the Herald.

After having given the matter some serious thought, our proposal provides for free parking between 8pm and 8am (and of course, paid for parking between 8am and 8pm). We believe that the car park will be popular with residents and their visitors for free overnight parking. We propose that this should not start until 8pm to increase the likelihood that customers arriving at the theatre at around 7-7:30pm will find a parking space here if they want one. The maximum charge that any of these customers would pay would be £1 which we feel is reasonable bearing in mind the extra convenience of having an off street parking space so close to the venue.

Similarly we believe that the free parking period should end at 8am. This should encourage a turnover of parking spaces throughout the working day to maximize the value of the asset in supporting the local retail and visitor economy and in consequence, we can use the revenue earned to support the work of the theatre and arts centre. Allowing free parking until 10am would align with the on-street restrictions of course but we feel that it is more important to ensure that parking spaces are available for people who arrive in Sidmouth at 8am or 9am and are looking for a convenient parking space for say the next 3 hours.

I hope this makes sense but I'm happy to discuss it further if that helps?

Kind regards

Andrew

Andrew Ennis
Service Lead for Environmental Health and Car Parks
East Devon District Council
Knowle
Sidmouth EX10 8HL

tel: 01395 517452
mobile: 07814 226718
web: www.eastdevon.gov.uk

Hi,

This notice does not take account of the points made by the Scrutiny committee on this topic, for example limiting the hours to end at 6pm, to mirror on street parking in the town. I'm also not clear why charging would start before 10am, as street parking is free until 10am.

Thank you
[REDACTED]

Sent from [Mail](#) for Windows 10

From: [Rebecca Heal](#)

Sent: 06 June 2017 10:34

To: [REDACTED]

Subject: Proposed Amendment 1 of 2017: incorp of Manor Pavilion car park, Sidmouth in PPO [ID=CAR.2-0060]

Dear [REDACTED]

Please see the correspondence attached.

Regards

Rebecca A. Heal

Solicitor

For Strategic Lead – Governance & Licensing

East Devon District Council

Council Offices, Knowle, Sidmouth, Devon, EX10 8HL

Ext.: 2722

DD: 01395 517522

Email: RHeal@eastdevon.gov.uk

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[Email disclaimer](#)

[REDACTED]s

From: Andrew Ennis
Sent: 23 June 2017 15:04
To: [REDACTED]
Cc: Rebecca Heal
Subject: Manor Pavilion short stay car park Sidmouth = Order No 1 2017

Dear [REDACTED]

This is my response to Sidmouth Town Council's comments on our proposals for a Parking Places Order for Manor Pavilion car park.

I have again been asked to point out that although the issue of charging for the car park was discussed in 2012, the Town Council and local Chamber of Commerce supported this only as a dual ticketed system and with a charging period which allowed for free evening parking. That suggestion was never discussed further with the Town Council and what has been proposed is not a dual ticket system and does not allow for free evening parking until after 8pm. Members would therefore like to see the hours amended from 8am until 6pm with an advertised 15 minutes grace period for purchasing tickets at the very least, to help mitigate a negative impact on the Theatre. This would still allow for charging and bring the time limits in line with the roadside outside the Theatre whilst allowing evening theatre goers and production staff free parking. Members expressed the view that there is little point in ring-fencing monies from car parking charges if people cannot park to purchase tickets or if hirers are put off putting on events.

The possibility of "dual ticketing" was raised and considered. This does not feature in our proposal because we don't believe it to be workable in practice. With only 21 car parking bays we know that the majority of customers will park elsewhere and a number of those will park on Manor Road and in Manor Road long stay car park. Offering a refund to the few customers who are fortunate enough to find a parking space here frankly feels unnecessary and unfair to those who have to park elsewhere or travel to the venue by other means.

We have undertaken to ensure that no one waiting in a queue to buy theatre tickets will be penalized with a penalty charge notice and our Enforcement Officers will verify this prior to serving any penalty charge notices in this car park.

Our proposal is for free parking after 8pm. We believe that the car park will be popular with residents and their visitors for free overnight parking and we propose that this should not start until 8pm to increase the likelihood that customers arriving at the theatre at around 7-7:30pm will find a parking space here if they want one. The maximum charge any of these customers would pay would be £1 which we feel is reasonable bearing in mind the extra convenience of having an off-street parking space so close to the venue. We do not believe that this will have a negative impact on the theatre, in fact we believe that the opposite will be true.

Members are concerned that small local theatre groups and volunteers who help make the Theatre a success and a vibrant and thriving centre for the arts will be penalised for the good work they do with the loss of the car park to general pay and display. Members have asked me to convey their severe doubts as to whether spending to refurbish the small car park which caters for volunteers, local performing cast and supporting staff will be economically viable. Their position on this issue is

based on advice from the Parking Services Team of the District Council who advised some time ago that the larger Sidmouth Temple Street car park was not economically viable and far too small to make Pay and Display work.

We have considered the viability of the proposal and based on our experience elsewhere we remain confident that at this location the car park will be viable. The comparison with Temple Street is misleading and the viability is not simply about the size of the car park. We recently established with great success a new pay and display car park in Beer comprising just ten car parking spaces. In addition we have absolutely no desire to harm small local theatre groups and we have stated that we are entirely happy to support them with special group rates for parking in Manor Road long stay car park for both rehearsals and performances if needed. Please note that this will be available through EDDC's Car Parks team and not the theatre.

**Andrew Ennis
Service Lead for Environmental Health and Car Parks
East Devon District Council
Knowle
Sidmouth EX10 8HL**

tel: 01395 517452
mobile: 07814 226718
web: www.eastdevon.gov.uk

East Devon District Council

Manor Pavilion Car Park Consultation

July 2017

How we did it

This consultation was undertaken at the request of Councillors in addition to a formal legal level of consultation on the proposal. The results below are only those from the additional questionnaire.

The consultation information and consultation was placed online on our website. It was advertised in a press release sent out to all of our media contacts and was also placed on our social media pages.

We received 17 responses to the formal questionnaire.

Summary of results

There were only 17 respondents to the questionnaire, so the results are only a snapshot of a few people's views. As a result when looking at the responses, rather than take account of them as a whole, we looked at each individual's response separately.

However, in order to be transparent we have also produced these results for them as a whole.

- The majority of responses were from Sidmouth residents.
- Responses from 7 of the responses were generally positive and 10 were generally negative.
- Those who were generally positive stated that they would be pleased to see more public car parking spaces in Sidmouth, it would be more of an efficient use of the car park to raise income and / or there is no reason the car park should be free.
- The most common comments from those who were generally negative were:
 - It would be an additional cost to people who go to the theatre / arts centre.
 - It will be too costly for people that put on shows or entertainment at the theatre / arts centre as they need to park there frequently.
 - Car parking in East Devon is too expensive.
 - It's not going to raise any / enough money to help fund the Manor Pavilion.
 - Theatre ticket holders / people meeting at the Arts Centre should be allowed to park for free.

Results

1. Which one of the following best describes the capacity in which you are completing this questionnaire:

17 respondents answered this question:

- 9 were Sidmouth residents.
- 5 were people who go along to see events at the Manor Pavilion Theatre and Arts Centre.
- 2 were representatives of organisations. These were Sidmouth Musical Theatre and the Lecture Society.
- 1 was a visitor to Sidmouth.

2. If Manor Pavilion Theatre and Arts Centre car park was to become a pay and display car park as described, would this have any benefits for you or your organisation?

16 respondents answered this question. 25% said it would have benefits, 75% said it wouldn't have benefits.

Please explain what the benefit for you or your organisation would be, and why you think these benefits will happen:

Four respondents commented:

- At present this car park is used inefficiently and raises to income. The proposals correct this.
- Any increase in spaces welcome for frequent visitors to Sidmouth. Residents of Tipton St John/West Hill are poorly served by bus timetables and reluctantly have to use car. Spaces are limited especially in summer months.
- For myself - an extra place to park in Sidmouth - at the moment I would not park there as it is supposed to be used for theatre use only.
- Personal use for parking (with EDDC permit).

Please tell us about any suggestions you have for how we could improve our proposal to increase the benefit to you or your organisation, and explain how this would increase the benefit:

Two respondents commented:

- The proposal is fine.
- The charges certainly should not apply until 8.00pm, which is certain to discourage use of the Manor Pavilion. It is obvious that income from the car park will not go to the Manor Pavilion, but will simply go into the general funds of the Council. What is needed is a comprehensive review of car parking charges that examines the impact of very high car parking charges upon the local economy. Other Districts are much cheaper than East Devon. The income should be used to address Sidmouth's long term chronic parking problem which EDDC has failed to address.

3. If Manor Pavilion Theatre and Arts Centre car park was to become a pay and display car park as described, would this cause any problems for you or your organisation?

16 respondents answered this question. 44% said it would cause problems, 56% said it wouldn't cause problems.

Please explain what the problems for you or your organisation would be, and why you think these problems will happen:

5 respondents commented:

- All Sidmouth's car parks are too expensive, and this greatly undermines the local economy. EDDC is only interested in income for itself, and is not concerned about the impact upon residents and businesses. The Manor Road car park has been an opportunity for visitors and local workers to park for free, and it is a shame that this opportunity is to be taken away. Clearly removing free parking from Sidmouth is bound to be detrimental to a town centre that, like others, is clearly struggling.
- Additional cost to entertainment
- Taking place in the mornings, the 10 a.m. to 12.15 p.m. lectures are attended by members who are retired. Of the 200+ who regularly attend, including a number from Budleigh Salterton, Cullompton, Honiton, West Hill etc., some 25 to 30 suffer from limited mobility. At present, such a number can park double banked during the lectures: there are no problems in leaving, because all leave at the end of each lecture at the same time. Marking up the Car Park will enforce the inability of some 9 members to fulfil their membership. The charge for 3 hours each month will mean that the Society Subscription is effectively increased by 75%. With our members being pensioners, this will enforce a savage cut to quality of life, with those of limited mobility (unable to walk from the Manor Road Car Park, by the way) having to discontinue their membership.
- I represent a group that regularly books the theatre for two weeks in the spring and sometimes for one week in the autumn. Our shows usually involve around 50 people including cast, stage crew and front of house helpers, all volunteers. Your proposal will have a significant financial impact on our productions. Our stage crew regularly work in the theatre from 9.00 am through to 11.00 pm during the "set up" stage of the show and could therefore be faced with a daily charge of £11 for car parking or £55 for the first week. Our cast are required to be in the theatre an hour before "curtain up" and will therefore incur a daily charge of £2 or £14 per week (£28 for the run of the show). Moreover, when we do a matinee performance each member of the cast who parks in the car park will have to pay £7 to do so. Considering that we pay EDDC around £3,000 to hire the theatre for the two weeks and around £2,000 commission to the box office for selling our tickets the proposed car parking charges seem to be a penalty we should not incur. It is expensive to put on a musical show. Our production costs are usually in the region of £25,000 - £28,000 and you have to sell a lot of tickets to recoup that kind of money. Mention has been made of allowing members of societies like ours a concessionary rate at the Manor Road car park but this is 10 minutes walk away and not a really suitable alternative. There is also the problem of scenery and props being delivered by large furniture vans. It will be necessary for these vehicles to have clear access to the stage dock and this could be very difficult if the car park is full of cars whose owners are not involved with a production. Other organisations will also have problems when they hire the theatre. The dance schools and the Youth Theatre with casts of 60 -100 need the parking facility to make their shows work. The Town Band have to bring their instruments so cannot be expected to park elsewhere and, as most of their concerts are for charity, it seems mean to place an extra financial burden upon them. Making the car park "Pay and display" will also reduce the capacity. It is accepted practice to double and triple-park during performances because everyone accepts that those parking are in the theatre and will not leave until the show finishes. In fact, there is a notice saying that the car park is for users of the theatre only. At times there are as many as thirty-five cars there. This will not be possible with "Pay and display". In my view the car park is part of the theatre and should be regarded as such. You rightly say in your online consultation document that any proposal

will not affect theatre goes very much because of the limited size of the car park. Your proposal will, however, have a significant effect on those who present the shows in the theatre and, without us, there would be no audience! Many of our performers come from a 15-20 mile radius. Do you really expect them to drive for half an hour and then have a 10 minute walk on top of that?

- Sometimes it takes a lot longer than 10 minutes to buy tickets at the box office, there's often a queue and too few staff to process customers more quickly

Please tell us how we could improve our proposals so they would cause fewer problems for you or your organisation, and explain how this would decrease the problems caused:

5 respondents commented:

- The most important thing would be for EDDC to stop thinking only of its own finances and to begin considering the communities that it is supposed to serve. It is quite obvious that a more generous parking charge regime would impact very beneficially upon local residents and businesses.
- All ticket holders should be able to park free
- 1. Make available a Free Exit Pass (as many hotels do) for those members of Sidmouth Decorative and Fine Arts Society (Siddfas) who need to use the Manor Pavilion Car Park to be able to attend the monthly lecture (i.e. exchange the Exit Pass or counter for the Car Park tickets issued for that morning (the first Wednesday of each month) as the members leave the lecture at 1200 - 1215 h. 2. Allow double bank parking between 1000 h and 1215 h on the first Wednesdays of each month
- Please reconsider this proposal. Please reconsider the proposed concessions to large users like ourselves, perhaps allowing the car park to be closed off to the public during our productions so that it can be used by our members as it is now. This is especially pertinent for matinee performances. Since EDDC took over active management of the theatre it has grown from strength to strength but this proposal could deter potential hirers from using it. Sidmouth needs more people to use it, not less.
- The free parking period to allow people to buy tickets, should be 30 minutes.

4. Please tell us about any other comments you have on our proposals, and any other suggestions you have for improving our proposals that you have not already mentioned:

11 respondents commented:

- I think that this would put people off going to the shows as the extra cost on top of the price of the tickets to the show starts to make what would and should be a great night of entertainment more expensive.
- There is no reason why this car park should be free. All long-term parking close to the town centre should be charged for during the working day.
- It is frankly ludicrous to pretend that the money raised from this car park will go to supporting the Manor Pavilion. Everybody in Sidmouth knows that this is not the case.
- It is not true that most theatres and arts centres have paid car parks. If you must have paid parking make it 7am- 7pm so it doesn't penalise theatre patrons. Those who work at the building need reserved free parking. I would look v. carefully at if, once you've paid for enforcement, you are really going raise enough money to help the manor pavilion or if you have simply put off visitors and regular hirers. There are other ways to make money- e.g. Up the

room bookings, get some corporate sponsorship, access arts council grants, hire better managers.

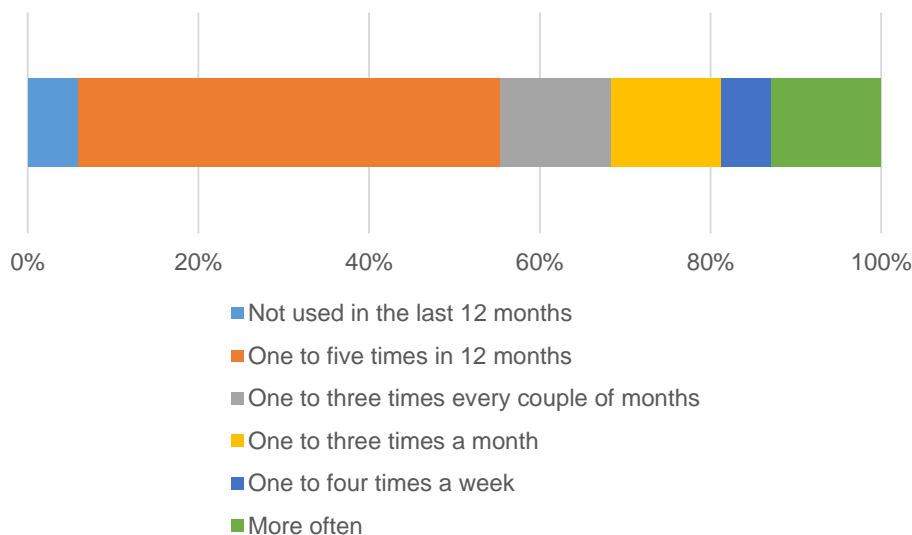
- Your proposals are well thought out and good. I can't think of any other body in Sidmouth which has sole free use of a council owned parking facility.
- Generally support along lines suggested..... > the space is wasted when locked over-night > alleviates parking pressures in town - even if slightly > no reason why theatre-goers shouldn't pay a reasonable charge
- I think in this day and age people should be prepared to pay to park. The most important factor is that the revenue will help towards the cost of the theatre. The 10 minutes grace for dropping off equipment is a great idea.
- I object to parking charges at the Manor Pavilion. If it is a private site why is there no parking control? If parking money is required, may I suggest a Pay-and-Display at the Blackmore Car Park, where I have had trouble parking to visit the Surgery and Library. More than once I have sat in the car and watched cars arrive and drivers and passengers head straight to the High Street. A bit late now that EDDC are thinking of moving, but £1 a day to park in the Knowle Car Park would help the Finance.
- I appreciate the need for increasing the Theatre income. My proposals in (3) would lead to little loss of Car Park income - it is highly unlikely that the Theatre Car Park would experience heavy or moderate demand at the times the Society operates.
- I can only see plays at the manor pavilion because other people put the plays on. Those people have to be there during the day (e.g. box office, constructing stage sets, rehearsing, etc) and their jobs are generally not well paid so they should all be allowed to park for free when they're working at the theatre.
- The majority of people attending the theatre can afford to pay parking fees and the proposal is necessary to prevent parking during the day without presently paying a fee.

5. Are you completing this questionnaire as an individual or the official representative of an organisation?

The 6% that stated they were completing it as the representative of an organisation were asked to move to the end of the questionnaire.

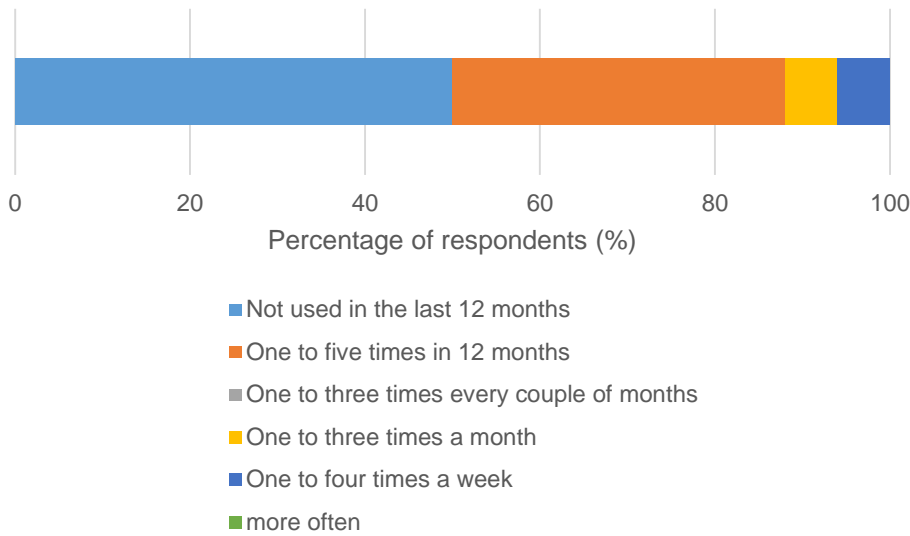
6. On average, how often have you visited the Manor Pavilion Theatre and Arts Centre in the last 12 months?

16 respondents answered this question.



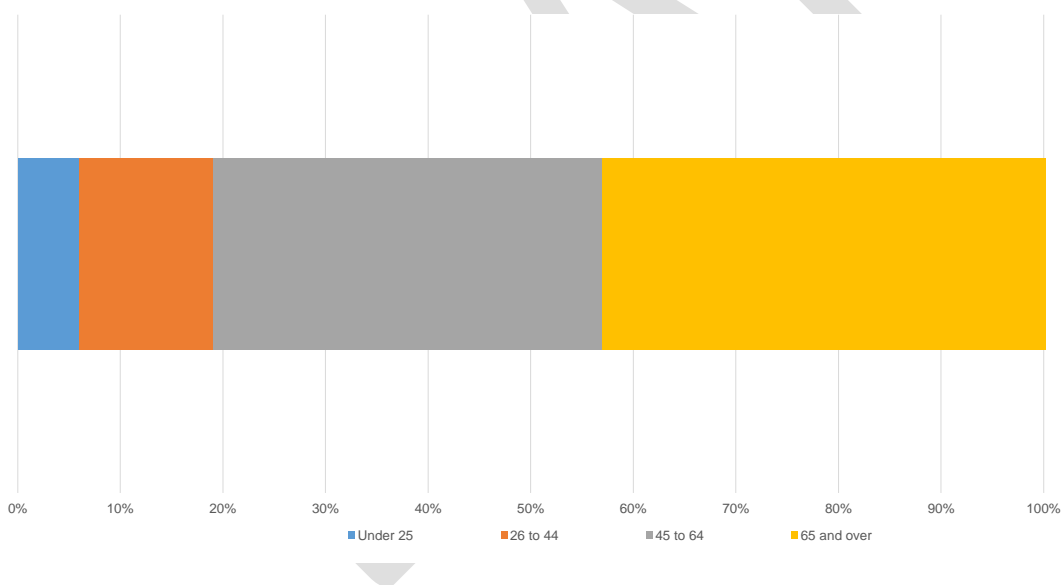
7. On average, how often have you parked in the car park next to Manor Pavilion Theatre and Arts Centre in the last 12 months?

16 respondents answered this question.



8. Which age group are you in?

16 respondents answered this question



9. Which town or village do you live in?

13 of the respondents live in Sidmouth, one from Newton Poppleford, one from Axminster and one from Tipton St John.

10. Do you have a long-standing illness, disability or infirmity that limits your day to day activities in any way?

2 of the respondents stated that they did. Of those 2 respondents one stated they had a physical disability and the other one had a physical disability, chronic illness and mental health illness.

Report to: **Cabinet**
Date of Meeting: 6 September 2017
Public Document: Yes
Exemption: None
Review date for release None



Agenda item: **26**

Subject: **Ombudsman complaints 2016/17**

Purpose of report: This report provides information on complaints referred to the Local Government Ombudsman during 2016/17.

Recommendation: **That Cabinet considers the number of complaints dealt with and their outcomes.**

Reason for recommendation: To continue to improve the way we handle, and learn from, complaints

Officer: Henry Gordon Lennox, Monitoring Officer hgordonlennox@eastdevon.gov.uk

Financial implications: There are no direct financial implications. Costs incurred have been identified in the report.

Legal implications: As the report is for information there are no direct legal implications arising. However, the outcomes do highlight some learning points which should be taken on board to avoid similar complaints in the future.

Equalities impact: Low Impact

Risk: Medium Risk

Potential criticism, deterioration in reputation and failure to improve.
Loss of credibility in complaints procedure.

Links to background information: <http://eastdevon.gov.uk/feedback-and-complaints/making-a-complaint/complaint-outcomes/>

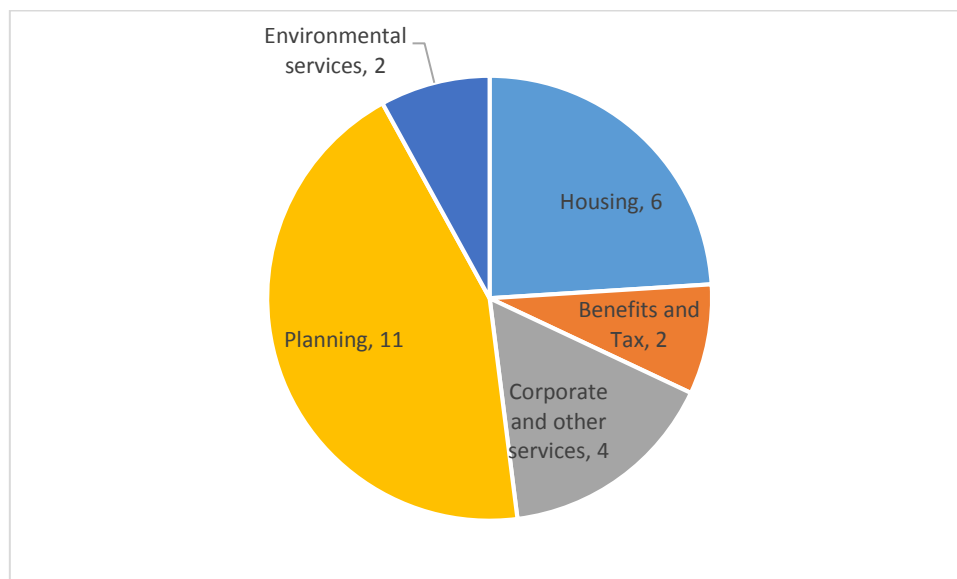
Link to Council Plan: Continuously improving to be an outstanding council

Report in full

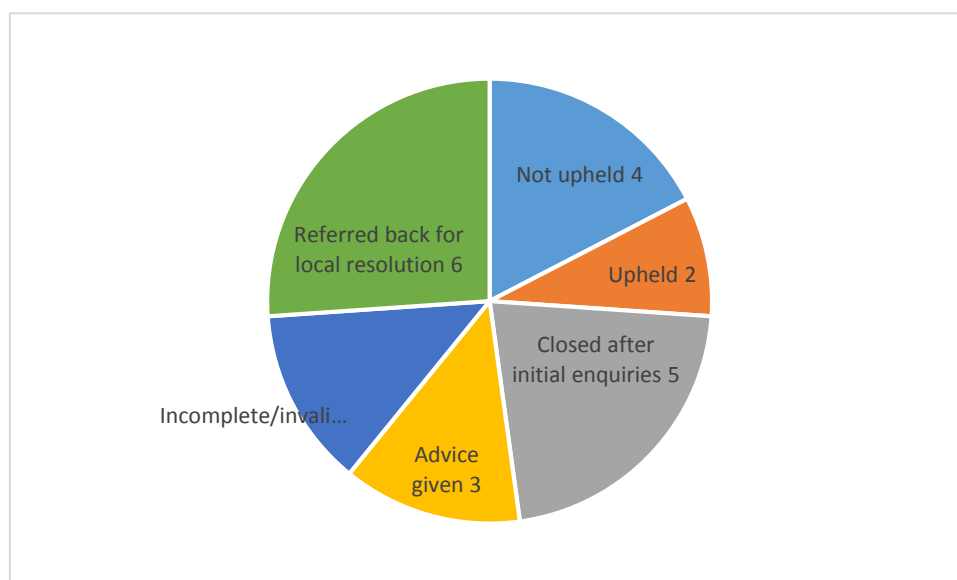
1. Background

1.1 The council has received the annual summary of statistics on the complaints made to the Local Government Ombudsman during the year 2016/17

1.2 25 complaints were received during the year, compared to 23 received during 2015/16. A summary of the subject of the complaints is provided in the diagram below:



1.3 23 complaints were closed (decided) by the Ombudsman during the year



1.4 2 complaints were upheld and a copy of the decision notice for each is published on our website – see links to background information above.

Complaint 1: The council was at fault for refusing to allow tenants the right to buy their property. The council felt that the property was exempt from the right to buy because it was suitable for occupation by tenants with disabilities. During our consideration of the complaint we re-considered whether or not the exemption applied to this property and concluded that the right to buy did apply. We apologised to the complainant for any inconvenience caused and offered a small payment to reflect their time and trouble in bringing the complaint.

Complaint 2: During the bidding process for the lease of industrial units, an officer of the council wrongly accepted a bid outside of the stated time period. This was fault but it did not cause the injustice claimed by the complainant.

2. Links to council priorities

- 2.1 The council made one small payment of £300 to reflect the time and trouble one complainant had gone to in pursuing their complaint. This reflected the fact that the council's decision in the matter had changed and provided clarity in terms of this aspect of the Right to Buy process.
- 2.2 This complaint links in with the council's priority to continuously improve to be an outstanding council. We re-considered our policy position and gained clarity in dealing with this type of right to buy application in the future. This also links in with our priority of encouraging outstanding communities by providing good quality homes for local people.
- 2.3 No other procedural changes were identified by the two upheld complaints and so there is no further impact upon the council's priorities.

3 Reporting requirements

- 3.1 The Ombudsman has outlined some general guidance in terms of reporting findings of fault. At present, the council reports on individual findings of maladministration to Cabinet and also provides Members with this report, summarising complaints received, on an annual basis.
- 3.2 As Monitoring Officer, I will continue to ensure that Members are appraised annually in terms of numbers of complaints and that any significant findings are reported to Members separately. A significant finding is one which affects large numbers of people; has policy considerations; or any case where we consider acting against the recommendation of the Ombudsman.

4 Housing Ombudsman

- 4.1 Complaints about the council as social housing landlord are considered by the Housing Ombudsman. This does not include complaints about allocations or bandings as these matters still fall within the jurisdiction of the Local Government Ombudsman. Complaints referred to the Housing Ombudsman tend to focus on matters such as property repairs and maintenance and estate management issues.
- 4.2 In 2016/17, two complaints were decided with no finding of maladministration in either case. At the time of writing this report, one complaint remains open.
- 4.3 In one complaint a tenant alleged that the council did not provide adequate repairs or redress following reports of the malfunction of the warden pull system in the property and reports of damp.
- 4.4 The Ombudsman decided that the council had acted reasonably in offering a refund of the service charge paid and in offering an alternative alarm system as a temporary measure. The Ombudsman also stated that it was reasonable for the council to rely on the opinion of a maintenance surveyor who concluded that the damp in the property was caused by condensation and to provide a new central heating programmer to resolve the problem.

- 4.5 The second complaint was about the council's handling of works to remove cavity wall insulation. The Ombudsman concluded that the insulation needed to be removed due to it becoming damp and that there had now been agreement with the tenant that the insulation would be replaced.