

Agenda for Cabinet

Wednesday 11 July 2018; 5.30pm



[Members of Cabinet](#)

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

[View directions](#)

Contact: [Amanda Coombes](#), 01395 517543

(or group number 01395 517546)

Issued 28 June 2018

East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507

www.eastdevon.gov.uk

This meeting is being audio recorded by EDDC for subsequent publication on the Council's website.

Under the Openness of Local Government Bodies Regulations 2014, any members of the public are now allowed to take photographs, film and audio record the proceedings and report on all public meetings (including on social media). No prior notification is needed but it would be helpful if you could let the democratic services team know you plan to film or record so that any necessary arrangements can be made to provide reasonable facilities for you to report on meetings. This permission does not extend to private meetings or parts of meetings which are not open to the public. You should take all recording and photography equipment with you if a public meeting moves into a session which is not open to the public.

If you are recording the meeting, you are asked to act in a reasonable manner and not disrupt the conduct of meetings for example by using intrusive lighting, flash photography or asking people to repeat statements for the benefit of the recording. You may not make an oral commentary during the meeting. The Chairman has the power to control public recording and/or reporting so it does not disrupt the meeting.

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

- 1 [Public speaking](#)
- 2 Minutes of 6 June 2018 (pages 3-10), to be signed as a true record
- 3 Apologies
- 4 Declarations of interest
Guidance is available online to Councillors and co-opted members on making [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 August 2018 to 30 November 2018 (pages 11-14)
8. Minutes of the Overview Committee held on 31 May 2018 (pages 16-19)
Recommendations for Cabinet consideration can be found on page 15
9. Minutes of the Scrutiny Committee held on 7 June 2018 (pages 21-28)
Recommendations for Cabinet consideration can be found on page 20
10. Minutes of the Recycling and Waste Partnership Board held on 13 June 2018 (pages 30-38)
Recommendations for Cabinet consideration can be found on page 29
11. Minutes of the Asset Management Forum held on 14 June 2018 (pages 40-43)
Recommendations for Cabinet consideration can be found on page 39
12. Minutes of the Housing Review Board held on 21 June 2018 (pages 45-52)
Recommendations for Cabinet consideration can be found on page 44
13. Minutes of the Exmouth Regeneration Board held on 21 June 2018 (pages 53-57)

Part A matters for decision

14. **Public Consultation – Review of the East Devon and Blackdown Hills AONB Management Plans** (pages 58-59)
East Devon District Council together with other local authorities has authorised the East Devon and Blackdown Hills AONB Partnerships to undertake reviews of the Management Plans for both AONBs by April 2019.

Public consultation on the reviews is scheduled to take place across the summer/autumn 2018 with endorsement by the AONB Partnership’s respectively and final approval from the statutory consultees, Natural England before adoption by East Devon District Council and confirmation with Defra.
15. **Monthly Performance reports – May 2018** (pages 60-63)
Performance information for the 2017/18 financial year for May 2018 is supplied to allow the Cabinet to monitor progress with selected performance measures and identify any service areas where improvement is necessary.
Appendix A - May 2018 snapshot
16. **The Feniton Neighbourhood Plan to be formally ‘made’** (pages 64-66)
The Feniton Neighbourhood Plan has now passed referendum and must be formally ‘made’ by East Devon District Council in order to form part of the development plan.
17. **Rockbeare Neighbourhood Plan Examiner’s Report** (pages 67-72)
To provide feedback and set out proposed changes following the examination of the Rockbeare Neighbourhood Plan.

[Decision making and equalities](#)

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

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Cabinet held at Knowle, Sidmouth on 6 June 2018

Attendance list at end of document

The meeting started at 5.30pm and ended at 7.09pm

***1 Public Speaking**

There were no members of the public present.

Councillor Douglas Hull asked for an update on the question of standards of national house builders. The Chief Executive confirmed that the Council had written again to the Government and was waiting for a reply. The Chairman noted Councillor Hull's comments and assured him there would be an appropriate follow-up

***2 Minutes**

The minutes of the Cabinet meeting held on 2 May 2018 were confirmed and signed as a true record.

***3 Declarations**

None

***4 Matters of urgency**

None

***5 Matters referred to the Cabinet**

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

***6 Exclusion of the public**

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

***7 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 July 2018 to 31 October 2018.

***8 Minutes of the Exmouth Regeneration Board held on 19 April 2018**

Members received the Minutes of the Exmouth Regeneration Board held on 19 April 2018.

***9 Minutes of the South East Devon Habitat Regulations Executive Committee held on 20 April 2018**

Members received the Minutes of the South East Devon Habitat Regulations Executive Committee held on 20 April 2018.

***10 Minutes of the New Homes Bonus Panel held on 14 May 2018**

Members received the Minutes of the New Homes Bonus Panel held on 14 May 2018.

11 Revenue and Capital Outturn report 2017/18

The Strategic Lead Finance presented his report. During 2017/18, monthly budget monitoring reports had informed members of budget variations and the anticipated year-

end financial position. The Council had maintained its net spending within overall approved budget levels.

The report outlined:

- The General Fund position – the 2017/18 budget was set as a balanced budget with no transfer to or from the General Fund Balance. The final outturn position was a underspend of £0.573m against a net budget of £14.142m;
- Housing Revenue Account – the 2017/18 budget was set to achieve a surplus of £0.522m, the outturn position gave a surplus for the year of £0.801m, the closing balance as at 31 March 2018 stood at £3.901m. The adopted minimum level for the HRA Balance was between £2.1m to £3.1m, based on £490 per property with headroom added of £1m. This left the HRA Balance £0.801m above the adopted range and it was recommended that the sum was transferred into the Future Housing Development Fund;
- Capital Budget – 2017/18 totalled net expenditure of £25,333m; the outturn position was lower at £17.021m, a variation of £8.312m. The majority of the underspend was from scheme slippage and a need to re-profile expenditure into 2018/19 or later years.

RESOLVED:

1. that the outturn position for 2017/18 be agreed, and

RECOMMENDED:

2. that the level of Reserves detailed in the report and the transfers/use as recommended, namely:
 - a. the transfer to reserves specific underspends in 2017/18 to be carried forward and spent in later years;
 - b. the transfer of £70,000 from an earmarked reserve in 2018/19 into a new Reserve “Economic and Partnership Initiative Fund”. Delegated authority of spend be given to the Chief Executive in consultation with the Leader and the Portfolio Holders for Finance and Economy, and
 - c. to transfer £801,000 from the Housing Revenue Account into the Future Housing Development Fund.

REASON:

To report the outturn position for the Council’s approved budgets for the General Fund, Housing Revenue Account and Capital Expenditure.

***12 Monthly Performance reports – April 2018**

The report set out performance information for the 2017/18 financial year for April 2018 was supplied to allow Cabinet to monitor progress with selected performance measures and identify any service areas where improvement was necessary.

There were two indicators showing excellent performance:

- Days taken to process changes to Housing Benefit claims
- Working days lost due to sickness absence

There were two performance indicators showing as concern for the month of April:

- Percentage of planning appeal decisions allowed against the authority's decision to refuse - Five appeal decisions were received this month, three of the appeals were allowed. However, this sample of decisions was considered to be too small to formulate any conclusions in respect of overall performance.

- Days taken to process new Housing Benefit claims - Performance always dips around annual billing due to the increased volume of work.

RESOLVED:

that the progress and proposed improvement action for performance measures for the 2017/18 financial year for April 2018 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.

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

RESOLVED:

That the annual report on urgent executive decisions be noted.

- *14 **Communities Together Fund**
The report informed Members that Devon County Council and East Devon District Council had worked together for six years running, to put £1.10 per elector into a fund that communities could apply for - £1 from Devon County Council and 10p per elector from the New Homes Bonus.

Previously the funding was given out by the Parishes Together Fund, which no longer existed. This year the money would be given out through the Communities Together Fund, which was a new and significantly different grants scheme. In East Devon for 2018/19 this amounted to £126,830. Currently, EDDC did not have a way of distributing the funding and were required to develop rules for the scheme in accordance with the formal principles of the Communities Together Fund received from Devon County Council.

Working within these parameters the application form and guidance notes had been drafted. These had been recommended for approval by the New Homes Bonus Panel; the EDDC panel that was responsible for the Communities Together Fund.

There followed a discussion over questions of eligibility to the fund.

RESOLVED:

1. that the Parishes Together Fund had ceased be noted;
2. that the Communities Together Fund application form and guidance notes be approved and adopted;
3. that delegated authority be granted to the Strategic Lead Organisational Development and Transformation, to agree detailed terms for the operation and management of the Communities Together Fund; and
4. that delegated authority be granted to the New Homes Bonus Panel to approve the allocation of grant payments to applicants in accordance with the rules of the scheme set out in the report.

REASON:

To ensure the Council could distribute funding; the majority provided by Devon County Council, to East Devon's communities through an approved grants process.

*15 **Sale of Local Authority garage sites**

Following an agreement in principle to the sale of rural EDDC garage blocks in Luppitt and Plymtree on 10 February 2016, EDDC officers instructed external agents to market the sale of the sites. The report provided details of the process leading up to agreement of Heads of Terms for the sales.

It was noted that the Asset Management Forum would from now on, be involved with the Property & Estates team to sign off any future disposals for non-dwelling assets.

RESOLVED:

1. that authorisation be given to sell the garage sites at Plymtree and Luppitt at the agreed sale prices detailed in 7.2.7 and 7.3.6 in the report; and
2. that delegated authority be granted to Senior Manager, Property and Estates along with Principal Solicitor to negotiate and agree detailed terms.

REASON:

Following an agreement in principle being agreed to the disposal of the garages sites, the report summarised the progress made towards that aim. The position now was to seek formal approval for the sale of the garages sites, subject to detailed terms being negotiated by the delegated officers.

16 **Homelessness in East Devon**

The Strategic Lead Housing, Health and Environment highlighted the challenges faced with rising levels of homelessness and securing temporary accommodation and long-term affordable housing for homeless households. An increase in homelessness consistent with national trends had been experienced and an extended set of statutory duties to tackle homelessness. Homelessness had always been a priority for the Council and had been managed through prevention, timely advice and assistance, early intervention, resulting relatively low numbers of homeless cases and minimal use of temporary accommodation.

There had been an increase in homeless approaches, more complex cases and a reduction in available accommodation, resulting in a build-up of homeless cases in temporary accommodation. This did not appear to be a seasonal or short-term variation and when the impact of the Homelessness Reduction Act 2017 and welfare benefits reductions had been factored in, there was a need to plan for a continuation of this trend.

Discussions included the following:

- the need to keep the whole capital receipt from the sale of council properties
- to establish a Think Tank for Housing
- the use of private properties through compulsory purchase

It was noted that the Chairman and the Portfolio Holder Sustainable Homes and Communities would liaise with the District's two Members of Parliament to discuss all housing issues concerning East Devon.

RESOLVED:

1. that the increase in homelessness and agree the responses proposed to increase the supply of temporary accommodation be noted, and
2. to request an update of the Homelessness Strategy in response to the changes made by the Homelessness reduction Act.

RECOMMENDED:

3. to approve the creation of a Temporary or Homeless Accommodation Officer post to support households in temporary accommodation and source new temporary accommodation for homeless households.

REASON:

To ensure the Council continued to meet its statutory responsibilities and provide a high quality service to meet the needs of homeless households. The report also alerted members to the homeless pressures being experienced by the Housing Service and the implications this was having on service delivery, budgets and staff workloads.

17 **Devon Wide Housing Assistance Policy**

The report from the Environmental Health Manager (Private Sector Housing), presented a revised Housing Assistance Policy under Article 4 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 for consideration. The policy had been agreed across Devon for the delivery of the Better Care Fund.

RECOMMENDED:

that Cabinet recommended to Council the approval of the Devon Wide Housing Assistance Policy.

REASON:

The Housing Assistance Policy set out the forms of financial assistance that may be available subject to available funding. The policy concentrated on disabled adaptations and assisting elderly and vulnerable people to repair their own homes. The policy therefore substantially updated the Housing Assistance part of the presently being refreshed East Devon District Council Private Sector Housing Renewal Plan, which was adopted in 2012. At that time the policy was adopted on a local basis only it operated without the strategic, policy framework and funding landscape now in place with integration under the Better Care Fund.

*18 **Exeter Airport Instrument Landing Systems (ILS) Exemption from Standing Orders**

The East of Exeter Projects Director sought approval for an Exemption from Standing Orders to allow the procurement of an upgraded ILS system to proceed.

RESOLVED:

that the use of an Exemption from Standing Orders to enable the procurement of an upgraded Instrument Landing System to proceed, be noted.

REASON:

Cabinet received a paper on the Enterprise Zone in April 2018 detailing proposed investments that would help to enable and bring forward new commercial development and job creation. The lack of operational headroom in the current ILS system at the Airport was a major barrier to nearby commercial development coming forward. The proposed upgrading of the system had been the subject of a detailed project appraisal.

This demonstrated that it represented very good value for money and will play a key role in helping to unlock future business rate income. The funding of the upgrade would be recouped from nearby development as this comes forward. The total cost was expected to be circa £1.3m and this would be finalised through the procurement process.

Further dialogue with the Airport had confirmed that there were two main suppliers to the UK market with pre-existing CAA regulatory approval. Whilst there would be a competitive tendering exercise it was proposed that this would only be with the two main suppliers. An Exemption from Standing Orders was sought to support this process which would be undertaken by the Airport themselves.

***19 Exclusion of the public**

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

20 Suez additional contract resources request

The report set out Suez's request and reasons for additional resources. During the early stages of the mobilisation for the new recycling and waste collection service, there had been some issues with missed collections and missed dog bins collections. This was due to the resources that had been included in Suez's contract bid, based on the tonnage figures from the Feniton & Exmouth Colony collection trial in 2015. The resources did not seem to be sufficient to cope with the actual tonnages the new service was collecting.

RECOMMENDED:

1. that Cabinet recommend to Council the funding of the additional capital requirements, totalling circa £767k be approved.

RESOLVED:

2. to make the agreement contingent on Suez agreeing not to seek the unrealised revenue overspend when we negotiate tipping point 2;
3. that delegated authority be granted to Strategic Lead Finance to agree final sum +/- £20k and to the Strategic Lead (Governance and Licensing) to make such contractual amendments as are necessary to give effect to the resolution;
4. that revenue savings and efficiency trials (bring site removal, paper sack trial and Metal Matters campaign) be approved; and
5. that prior to progressing any of the above recommendations a forensic accountant be engaged to review Suez's budget working papers which underpin their additional resources request.

REASON:

To ensure the continued success of the new recycling and waste collection system and to maintain high standards of service and recycling quality.

Attendance list

Present:

Portfolio Holders:

Ian Thomas	Leader
Dean Barrow	Finance
Iain Chubb	Transformation
Alan Dent	Corporate Services
Jill Elson	Sustainable Homes and Communities
Marcus Hartnell	Deputy Portfolio Holder Environment
Geoff Pook	Asset Management
Tom Wright	Environment (Acting Vice Chair)

Cabinet apologies:

Phil Skinner	Deputy Leader / Economy
Paul Diviani	Strategic Development

Non-Cabinet apologies:

Ian Hall
Simon Grundy
Matt Booth
David Key
Brenda Taylor
John O'Leary

Also present (for some or all of the meeting)

Councillors:

Brian Bailey
Bruce de Saram
Tim Dumper
Geoff Jung
Andrew Moulding
Mike Howe
Mike Allen
Helen Parr
Mark Williamson
Eileen Wragg
Steve Hall
Pauline Stott
David Barratt
Peter Faithfull
Peter Burrows
Graham Godbeer
Steve Gazzard
Maddy Chapman
Eleanor Rylance
Roger Giles
Douglas Hull
Rob Longhurst
Bill Nash
Cherry Nicholas

Also present:

Officers:

- Mark Williams, Chief Executive
- Richard Cohen, Deputy Chief Executive
- Simon Davey, Strategic Lead – Finance
- John Golding, Strategic Lead – Housing, Health and Environment
- Karen Jenkins, Strategic Lead – Organisational Development and Transformation
- Henry Gordon Lennox, Strategic Lead Governance and Licensing
- Andy Wood, East of Exeter Projects Director
- Andrew Hancock, Service Lead – StreetScene
- Anita Williams, Principal Solicitor
- Amanda Coombes, Democratic Services Officer

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Forward Plan of Key Decisions - For the 4 month period 1 August 2018 to 30 November 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.	Queen's Drive update		Deputy Chief Executive	Cabinet 5 September 2018		13 September 2018	Part A
2.	Port Marine Safety Code		Strategic Lead – Housing, Health & Environment	Cabinet 5 September 2018	Council 24 October 2018	25 October 2018	Part A
3.	Delivery of Cranbrook Town Centre		Deputy Chief Executive	Cabinet 3 October 2018	Council 24 October 2018		Part A
4.	Supporting the Growth of the Airport and its Role as an Economic Driver		Deputy Chief Executive	Cabinet 3 October 2018	Council 24 October 2018		Part A
5.	Commercial Property Investment Framework		Deputy Chief Executive	Cabinet 3 October 2018	Asset Management Forum 6 September 2018 Council 24 October 2018		Part A
6.	Beer Pilot		Deputy Chief Executive	Cabinet 3 October 2018	Asset Management Forum 6 September 2018 Council 24 October 2018		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]
7.	Seaton Seafront		Deputy Chief Executive	Cabinet 3 October 2018	Asset Management Forum 6 September 2018 Council 24 October 2018		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	Port Royal update	Deputy Chief Executive	Cabinet 28 November 2018 Council 12 December 2018	13 December 2018
2	HotSW Joint Committee		Heart of the South West Productivity Strategy	
3	Axmouth Harbour Safety	Strategic Lead – Housing, Health & Environment	Cabinet, Council	

Future Decisions		Lead / reporting Officer	Consultation and meeting dates (Committees, principal groups and organisations) To be confirmed	Operative Date for decision To be confirmed
	Management System			
4	Recycling & Refuse Contract additional resources	Service Lead - StreetScene	Cabinet, Council	
5	Car Parks consultation	Service Lead – Environmental Health & Car Parks	Cabinet	

The members of the Cabinet are as follows: Cllr Ian Thomas (Leader of the Council and Chairman of the Cabinet), Cllr Paul Diviani (Strategic Development Portfolio Holder), Cllr Iain Chubb (Transformation Portfolio Holder), Cllr Philip Skinner (Economy Portfolio Holder), Cllr Tom Wright (Environment Portfolio Holder), Cllr Marcus Hartnell (Deputy Environment Portfolio Holder), Cllr Dean Barrow (Finance Portfolio Holder), Cllr Jill Elson (Sustainable Homes and Communities Portfolio Holder), Cllr Alan Dent (Corporate Services Portfolio Holder), Cllr Geoff Pook (Asset Management Portfolio Holder). Members of the public who wish to make any representations or comments concerning any of the key decisions referred to in this Forward Plan may do so by writing to the identified Lead Member of the Cabinet (Leader of the Council) c/o the Democratic Services Team, Council Offices, Knowle, Sidmouth, Devon, EX10 8HL. Telephone 01395 517546.

July 2018

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

Overview Committee on 31 May 2018

Minute 3 Business Development and Events planning on Council Land

RECOMMENDED to Cabinet:

1. that Cabinet approve the outline Events Strategy, and the recruitment of a Business Development & Events Officer to deliver the ambitions contained in the strategy;
2. that the proposal go back to SMT to discuss where the Business Development & Events Officer would sit within the Council and the duration of Events and report back to a future meeting of the committee.

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Overview Committee held at Knowle, Sidmouth on 31 May 2018

Attendance list at end of document

The meeting started at 6.00pm and ended at 7.35pm.

***1 Public speaking**

There were no public speakers at the meeting.

***2 Minute confirmation**

The minutes of the Overview Committee held on the 13 March 2018, were confirmed as a true record.

***3 Declarations of interest**

Councillor Steve Hall

Minute *3

Disclosable Personal Interest – Chairman of Licensing & Enforcement Committee

Councillor Graham Godbeer

Minute *4

Disclosable Personal Interest – Chairman of East Devon AONB

Councillor Tim Dumper

Minute *4

Disclosable Personal Interest – member of Transition Exmouth

3 Business Development and Events planning on Council land

The Strategic Lead for Housing, Health and Environment set out his case for an Events Strategy and a new post of Business Development and Events Officer.

The proposal has come forward as part of the Transformation Strategy to deliver increased income generation to fund council services. The proposed Events Strategy gives a clear purpose, direction and ambitions to maximise the potential of some of the Council's assets.

The report set out the work already achieved by services of the Council in delivering events, highlights being the Exmouth Big Wheel, Surf Championships, and an outdoor cinema and theatre. There have also been a number of successful events held on the Council's nature reserves, the Manor Pavilion Theatre and the Thelma Hulbert Gallery.

The proposed new post would provide the expertise on a commercial footing to coordinate with other service interests and liaise with event organisers. The expectation was that the post would quickly become self-funding and progress to providing an income to the Council.

The committee discussed the proposal, including:

- Possibility of creating £100k in additional income to the Council;
- The risks were considered to be quite low and the initial investment required quite modest;
- Opportunity to assist business in East Devon;
- Need to look at East Devon as a whole and where each event would be held;
- The need to attract a younger demographic to events in the district;
- Question over the potential profit margins contained in the report;

- Importance of having a third party partner for arranging larger events on Council land;
- East Devon had some significant assets that needed to be better used to create an income stream for the Council;
- Adopt a cautious approach building on what we have already established would be a good approach, particularly to avoid any potential reputational damage;
- Need for a detailed business plan in due course;
- Emphasise the importance of liaising with the Licensing Service when arranging any events;
- The events business could be developed over a number of years at a pace the authority was comfortable with and using an approach that avoided any damage to our reputation by offering a careful explanation of our motives;
- Post required a different skill set and there was the need to provide some additional capacity to realise the full potential from the project;
- Concerns about the level of work expected in the responsibilities and activities of the Business Development, Marketing & Events Officer;
- This was an excellent initiative for East Devon to put in place a person from outside with a professional budget to manage it.

- RECOMMENDED 1. that Cabinet approve the outline Events Strategy, and the recruitment of a Business Development & Events Officer to deliver the ambitions contained in the strategy;**
- 2. that the proposal go back to SMT to discuss where the Business Development & Events Officer would sit within the Council and the duration of Events and report back to a future meeting of the committee.**

***4 Overview forward plan**

Councillor Rob Longhurst put forward a suggestion based on his drafted motion to Council, set out below:

East Devon seeks a 100% conversion to Renewable Energy by 2030

That this Council orders a feasibility study, a cost benefit analysis and a final report, by suitably qualified consultants into the conversion of the whole of East Devon to 100% Renewable Energy (RE100). (This is to be strictly a fact-finding study with proposals and not a commitment by the Council to a full project). Special consideration must be given to AONB.

The study to be detailed and then overseen by the Overview Committee with a final report to be presented to Cabinet by the end of 2018.

- The move to RE100 is inevitable both economically and environmentally
- East Devon has an enviable record in waste management to the benefit of the Environment
- The initiative dovetails with the EDDC “Outstanding” strategic objectives
- The initiative supports the local Economy objectives since East Devon has one of the World’s Leading suppliers of Solar Lighting who manufacture in East Devon and export worldwide
- East Devon could be at the forefront of RE100 and derive income as a provider of services to other Councils
- Government grants are currently freely available as seed corn to this type of initiative.

The committee discussed the scale and extent of the work needed to deliver the study, cost analysis and final report requested. During discussions, the following points were noted:

- Possibility of asking town/parish councils to see what they wanted to do about introducing renewable energy in their parish;
- Government tariffs for renewable energy had reduced significantly in recent years;
- EDDC had plans for PV panels on the roof of Blackdown House and new council houses had a number of renewable energy measures added to their build;
- The Solar Range company was based in Whimble and would be happy to come to talk to the committee;
- Planning policies could reduce the possibilities of wind turbines in some areas;
- Possibility of adding solar panels to council housing properties when the roofs needed replacing.

- RESOLVED 1. that Richard Cohen or Andy Wood be requested to attend a meeting of the Overview Committee to talk about what they have been doing and what could be done regarding the use of Renewable Energy and achieving energy independence I the Growth Point;**
- 2. that Councillor Rob Longhurst be requested to ask Renewable First to attend a meeting of the Committee to discuss Renewable Energy;**
- 3. that the following additional items be added to the Forward Plan: Flat Pack Housing, Help with Seeking Grants, Exmouth Barrage.**

Attendance list

Councillors Present:

Graham Godbeer (Chairman)
Ian Hall (Vice Chairman)
Matt Booth
Tim Dumper
Mark Evans-Martin
Peter Faithfull
Steve Hall
Douglas Hull
Rob Longhurst

Councillors Also Present:

David Barratt
Bruce de Saram
John Dyson
Jill Elson
Pauline Stott
Ian Thomas
Tom Wright

Officers

John Golding, Strategic Lead for Housing, Health and Environment
Anita Williams, Principal Solicitor and Deputy Monitoring Officer
Chris Lane, Democratic Services Officer

Councillor Apologies:

- Dean Barrow
- Chris Pepper
- Mark Williamson

Chairman Date.....

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

Scrutiny Committee on 7 June 2018

Minute 49 Tree Team Update

RECOMMENDED by the Scrutiny Committee:

1. That greater liaison is encouraged between the Development Management Team, Legal Team and the Tree Team in order to implement improvements through the systems thinking process, including pre application processes and enforcement actions.
2. That the Development Management and Legal Teams (with technical support from the Tree Team) investigate effective ways to monitor the future protection of trees when sites are developed, including the securing of landscape and tree protection bonds, to secure compliance and ensure enforcement actions are implemented.

Minute 50 Effectiveness of local authority overview and scrutiny committees

RECOMMENDED by the Scrutiny Committee:

1. That the constitution should be amended to the effect that recommendations would be referred from Scrutiny Committee to Full Council unless there is a matter of such urgency that the Scrutiny Committee decides that the next meeting of Cabinet is more appropriate.
2. That the constitution be amended to the effect that members of Cabinet should only participate by invitation of the committee, making the distinction between participation and attendance.

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Scrutiny Committee held at Knowle, Sidmouth on 7 June 2018

Attendance list at end of document

The meeting started at 6.00pm and ended at 9.00pm.

***46 Public speaking**

There were no members of the public present.

***47 Minutes**

The minutes of the Scrutiny Committee held on the 19 April 2018 were confirmed and signed as a true record, subject to the inclusion of the following wording under minute 43 Election report: In response to a question about printing of electoral papers the Returning Officer confirmed that no printing is done in house now.

Prior to the next item, the Chairman welcomed committee members to the first meeting of the new Council year. He stated that committee had said goodbye to Councillors Douglas Hull, John O'Leary, Dean Barrow and Alan Dent and he wished to thank Councillor Dent for all of his hard work as the previous Vice Chair. The Scrutiny Committee also wished to record their thanks to Debbie Meakin from Democratic Services for all her help and advice over recent years. He now wished to welcome a new Vice Chair, Councillor Cherry Nicholas, and new members to the committee, Councillors Eileen Wragg, Brian Bailey, Stuart Hughes and Graham Godbeer. He emphasized the value of Scrutiny in Local Authorities as being a critical friend of Council and Cabinet, as outlined in the Communities for Local Government Committee Report to be considered later in the meeting. He went on to say that the report had underlined the fact that failings of the Mid Staffordshire NHS Trust in 2013 and Rotherham Council in 2015 had indicated the lack of effective challenge by local authority scrutiny committees.

***48 Declarations of interest**

Councillor Graham Godbeer, Minute 49; personal interest – Chairman of Area of Outstanding Natural Beauty (AONB) Conservation Board

49 Tree Team update

The Chairman introduced Charles Plowden as Strategic Lead for Countryside & Leisure, and David Colman as Senior Arboricultural Officer, and invited them to update the committee on progress since the Tree Task and Finish Forum (TAFF) report was produced in 2015.

Charles Plowden stated that the TAFF had been instrumental in providing support and focus for the Tree Team. Although work had increased rather than reduced, they were more effective in dealing with planning applications and giving advice, but still had workload pressures. He outlined that there have been a number of significant changes and improvements made in the last three years all driven through an ongoing systems thinking review process alongside the team continuing to deliver its front line service. The systems thinking process is still ongoing with the team meeting fortnightly to help manage the changes required from the review process and managing a busy daily workload. This approach, though somewhat drawn out, has helped the team to work through the priorities required for improving the efficiency and effectiveness of the way the team works.

The Chairman suggested going through the recommendations in the progress report and invited members to ask questions.

Recommendation 1 Relating to pre planning application meetings. Questions included:

- What was the block to resolving the issue – was it an issue of resources or needing to adapt ways of working in departments?
- Was Scrutiny Committee in a position to assist with unblocking the issues?
- Who enforced conditions in a planning application?

Members expressed surprise that Recommendation 1 had not been implemented after three years but were informed that there had been dialogue between Development Management and Countryside over this period in seeking to get a more streamlined approach to pre-application. It was a reflection of capacity in the Development Management Department, and the volume of applications which had made it difficult to put the changes in place. However it was acknowledged that pre application advice is the preferred route for the majority of planning applications in due course. Members suggested inviting the Service Lead and Development Manager to a future Scrutiny meeting to discuss the plans for putting in a pre-application advice process and the timelines for this work.

Recommendation 2 relating to national guidance. Questions included:

- What national guidance is EDDC considering?
- What is the number of trees felled by EDDC?
- What is the response from EDDC to an application to trim a tree?
- Do Streetscene have to consult with the tree team before taking any action?
- What is the role of local councils?
- Is there a pre application charge for advice and would it be likely to deter people asking for advice?

In response, members were informed that EDDC does not cut down a lot of trees, as the role of the Council is to look to protect and conserve its tree stock through a managed programme of tree maintenance. The tree officer responsible for Council owned trees will consider a number of factors, such as the assessment of a tree's amenity value compared to the likely cost of undertaking work to keep the tree maintained. Once that assessment has been undertaken a recommendation is passed to the Streetscene operational team to undertake works recommended. Countryside and Streetscene teams work closely together and are reviewing working practices and any tree management policies that are not fully aligned. There was a collective pre application advice charge collected by Development Management. This applies only to pre application advice given for Development Management applications. There is no charge for pre application advice for TPO and Conservation Area applications. Councillor De Saram suggested that an officer from Streetscene be invited to a future meeting to discuss the work of the Streetscene tree operations and how they are managing and maintaining the Council's tree stock.

Recommendation 3 Relating to information provided on the EDDC website relating to arboriculture. This has been implemented.

Recommendation 4 Relating to Tree Protection Order (TPO) systems. This has been implemented.

Recommendation 5 Relating to EDDC developing a Tree Enforcement Policy. Questions or comments included:

- A tree enforcement policy is vital to include the screening of new developments and screening of planting. The use of Parish clerks in this process may be helpful.
- Does Development Management support the Tree Team in dealing with enforcement actions?
- The current level of fines imposed in enforcement actions does not deter tree felling.

- Is it possible to give local councils one week's notice of work being planned by contractors, to prevent breaches occurring of a deliberate or accidental nature?
- What happens in the case of trees being on the land of another council, such as Devon County Council (DCC)?

Councils are considered to be responsible landlords and it is not usually felt necessary to apply TPOs to trees on either the Councils' own land or that of another Council.

- In response, members were informed that a large proportion of requests for enforcement actions are not supported due to lack of resources or it not being considered to be in the public interest. Officers confirmed that the Forum had met recently and been made aware of the changes in the way the Tree team is working and that they were positive about the new on line facilities and plans for the future.

On the matter of fines, breaches can be referred to higher courts which could impose higher fines than in the magistrates court, particularly if 'material gain' was involved in the felling of a tree.

Officers stated that implementation of conditions in dealing with a breach was very difficult, and can only happen once the breach has occurred, that is, after the event.

Another approach to ensuring that enforcement occurs would be to have a greater resource within the Enforcement team that would enable more capacity to take action and prosecute where there were breaches of law. The function of enforcement lies within Development Management and so any additional resource would need to bolster this team and not within the Tree Team. The issue of trees being on the land of another council does not preclude EDDC being able to take enforcement action for breaches, although they are not likely to be TPO trees.

Recommendation 6 Relating to Neighbourhood Planning.

Officers stated that the systems thinking review work has identified that greater engagement with our local communities is key to improving the protection, understanding and management of the district's tree stock as there is not enough Council "resource" available to do it alone.

Councillor De Saram confirmed that he was now the Lead Councillor for Neighbourhood Plans at EDDC since the changes agreed at Annual Council.

Recommendation 7 Relating to protection of trees following site development. Comments included:

Tree protection was required during the development of a site and not just following it, since too many accidental breaches seemed to occur.

Officers reported that this is a significant piece of work to undertake and one that has been identified by the Tree Service as a priority area going forward once the majority of the TAFF recommendations are in place and additional capacity is put into the team.

A number of novel ways to secure compliance on development sites are being investigated, which include securing landscape and tree protection bonds. If development deviates from approved plans there would then be scope for retaining part of the bond, for EDDC to implement landscaping or mitigate for damage to retained trees. Tree protection conditions now also routinely require the applicant to commission their own site monitoring.

Recommendation 8 Relating to data capture across the district. The service is content with progress on this recommendation.

Recommendation 9 Relating to arrangements for Councils with Quality Status. There was discussion about the potential for altering the way TPO applications are dealt with. Currently

with (former) Quality Councils the tree team have to pass the applications to the (former) QC's. This adds time and work into the process as the Parish Council usually agrees with the Tree Officer's report. It was discussed that removing this might save time. Cllr Barratt commented that Sidmouth TC did not deviate from the Tree Officer's advice.

It was considered that no progress had been made on this.

Recommendation 10 Relating to the development of a Tree Strategy for EDDC.

Officers reported that a Tree Strategy is the top priority for the Tree Team because it would rationalise all the issues discussed and outcomes to be achieved.

Recommendation 11 Relating to public awareness of trees and their value within the environment. Questions and comments included:

- Councillor Godbeer expressed surprise that there was no mention of AONB throughout the document, since 66% of East Devon fell within AONB. Officers confirmed that both AONBs are actively engaged in tree related issues such as impacts of Ash dieback, sustainable woodland management, woodland products etc and are an important partner in helping to raise the profile of the importance of the district's trees within the landscape.
- What was the number of trees in East Devon affected by ash dieback? Officers confirmed that there was a tree population of millions in the district with ash trees being approximately 20% of that population. The district had the largest ash population within Devon and the impact of the disease will be considerable on the landscape.
- Was there ongoing liaison between the Tree Team and the Tree Contractor Forum? Officers confirmed that the Forum had met recently and been made aware of the changes in the way the Tree team is working and that they were positive about the new on line facilities and plans for the future.

The Chairman thanked Charles Plowden and the Tree Team for their report and attendance at the meeting.

RECOMMENDED to Council

1. Scrutiny Committee are concerned that a large proportion of requests for enforcement actions from the Tree Team are not agreed and accordingly recommend that Council allocates greater resources to the enforcement team to improve the number of enforcement actions implemented.

RECOMMENDED to Cabinet

2. That greater liaison is encouraged between the Development Management Team, Legal Team and the Tree Team in order to implement improvements through the systems thinking process, including pre application processes and enforcement actions.
3. That the Development Management and Legal Teams (with technical support from the Tree Team) investigate effective ways to monitor the future protection of trees when sites are developed, including the securing of landscape and tree protection bonds, to secure compliance and ensure enforcement actions are implemented.

RESOLVED that

1. The Scrutiny Committee invite Service Leads from Development Management and Streetscene, and the Conservation Officer to a future meeting to discuss how they will implement the outstanding recommendations agreed by the TAFF in 2015.

50 Effectiveness of local authority overview and scrutiny committees

The Chairman stated that he saw no advantage in waiting until new guidance is published by the Government later this year.

Anita Williams as Legal Advisor, pointed out that within the Terms of Reference for Scrutiny Committee within the EDDC constitution, the committee already has powers to go to Council if they wish to do so. To specify that it wishes only to go to Council would effectively reduce the opportunities for the committee to refer items since Council meets less frequently than Cabinet.

Clarification was given that this meeting was only concerned with Scrutiny Committee and not Overview.

The committee considered the report.

In relation to Recommendation 1a) the committee wanted the constitution to be clarified to the effect that most recommendations would go to Full Council unless there is a matter of such urgency that the Committee would decide that the next meeting of Cabinet is more appropriate. This was agreed unanimously.

In relation to Recommendation 1b) the committee agreed unanimously that members of Cabinet should only participate by invitation of the committee, making the distinction between participation and attendance.

In relation to Recommendation 1c) the committee considered that they already had access to information they required.

In relation to Recommendation 1d) the committee was content that the Democratic Services Manager supported their work and that a Legal Advisor would be present in a Politically Exempt Role.

In relation to Recommendation 1e) the committee discussed ways in which the public and service users could play a role in the scrutiny process and how to encourage this. Providing notice to the public that items were going to be discussed in advance was put forward, as was the need to explore how IT could be used to support meetings if they were not held at the Knowle or in a council venue with equipment available. This recommendation was endorsed by the Chairman and agreed by a majority.

In relation to Recommendation 2, the committee did not express a view.

In relation to Recommendation 3, the committee was advised by the Legal Advisor that the council does not record the time taken to perform specific functions, and agreed to move on from this item.

In relation to Recommendation 4, the committee was advised that the role referred to in the CLG committee report would be like a Statutory Monitoring Officer role more applicable within a County Council structure, or a dedicated independent role at senior management team level. Given the discussion above in relation to recommendation 1d) the committee did not express a view.

In relation to Recommendation 5, the committee decided not to express a view.

In relation to Recommendation 6, the committee discussed the principle of being able to require rather than invite the attendance of other organisations providing services to local residents. This recommendation was endorsed.

The issue was raised in relation to how Scrutiny could be involved when councils are tendering contracts with external bodies which could include requirements to ensure transparency and accountability.

The Legal Advisor advised that this would be an issue for Overview Committee at a negotiation stage, and if a problem arises it would then become a Scrutiny issue. Councillor Godbeer confirmed that Overview would look into this and associated issues of how to make commercial companies accountable. It was discussed that it would be very difficult commercially to include a requirement in all contracts that contractors agreed to be subject to attending the Council's Scrutiny Committee. There is more interaction with regard to the larger contracts, such as the Waste Contract where contractors are experienced municipal suppliers but small suppliers are likely to resist.

RECOMMENDED to Cabinet

1. That the constitution should be amended to the effect that recommendations would be referred from Scrutiny Committee to Full Council unless there is a matter of such urgency that the Scrutiny Committee decides that the next meeting of Cabinet is more appropriate.
2. That the constitution be amended to the effect that members of Cabinet should only participate by invitation of the committee, making the distinction between participation and attendance.

RESOLVED that the committee explore ways in which the public and service users could play a role in the scrutiny process and how to encourage this through such mechanisms as giving notice of items in advance and using IT solutions.

- *51 Quarterly monitoring of performance – 4th quarter 2017/18 January to March 2018**
Karen Jenkins, Strategic Lead for Organisational Development and Transformation gave a [presentation](#) for this item.

After the presentation discussion included the following points;

- The snapshot with headline statistics is very useful to take to Parish Councils.
- Unfortunately, Town & Parish Councils rarely have the equipment to show presentations.
- Councillor Nicholas confirmed that she would be taking on the role of looking at the Performance Monitoring reports in advance of Scrutiny meetings in future, and she outlined a number of concerns at present. For example, the term, 'On Track' did not seem to have a useful meaning without a start or end date indicated.
- Stating that 93% of invoices were paid in 10 days raises a number of queries about how many invoices this related to, how much money was involved, what was the value of the outstanding 7% and the reasons for non-payment.

In response, Karen Jenkins referred to the existing system used by EDDC, SPAR, which was very inflexible but would be replaced. An IT project to facilitate this was scheduled to commence in March 2019.

The Chairman suggested at 8.40pm that further discussion on this item be deferred to the next meeting.

***52 Forward plan**

The forward plan was discussed.

It was proposed that members consider requesting reports from Portfolio Holders and inviting them to attend meetings of the Committee throughout the year.

It was also suggested that given that there are a number of Service Plans, Committee could schedule a review of the plans with their associated budgets in advance of the Joint Budget meeting with Overview in January 2019, when there was always too much information to consider in one meeting. In this way, members could become familiar with budgets related to specific services well in advance of the meeting to consider the overall council budget. Members were also invited to suggest items for the Forward Plan alongside issues which may be referred from Cabinet or elsewhere.

Suggestions from members for topics for the Plan included the following;

- Charges for Fly tipping
- Broadband issues
- Community Asset Transfer – this will be picked up at Asset Management Forum on 14 June, with consideration being given to the development of a Policy within the next 6 months
- How health Authorities engage with EDDC and Local Planning Authorities – Councillor Ranger is to send information about a specific issue to the Deputy Monitoring Officer.
- Street trading was suggested as a topic, and would be added to the items to be scoped.

The Chairman reminded members that before items go on the agenda they needed to be scoped which needed the involvement of members and not just left with officers.

An update on the Elections Report was to be scheduled for October.

RESOLVED that the committee would ask the Democratic Services Manager to draft a paper with proposals for facilitating a review of EDDC service plans by both Scrutiny and Overview Committees, separately at meetings throughout the year but in parallel to reflect their respective perspectives on the same functional areas, in advance of the Joint Budget meeting in January 2019. Consideration to be given to the requirement for officer representation at such meetings and how the committee findings would be brought together.

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

Scrutiny Members present:

Brian Bailey
Bruce De Saram
Cathy Gardner
Roger Giles
Graham Godbeer
Stuart Hughes
Bill Nash
Cherry Nicholas
Val Ranger
Eileen Wragg

Other Members

David Barratt
Alan Dent
Jill Elson
Tom Wright

Officers present:

David Colman, Senior Arboricultural Officer
Sue Howl, Democratic Services Manager
Karen Jenkins, Strategic Lead – Organisational Development & Transformation
Charles Plowden, Service Lead – Countryside & Leisure
Tabitha Whitcombe, Democratic Services Officer
Anita Williams, Principal Solicitor & Deputy Monitoring Officer

Apologies from Scrutiny Members:

Maddy Chapman
Simon Grundy
Darryl Nicholas
Marianne Rixson
Eleanor Rylance

Apologies from Non – Scrutiny Members:

Mike Allen
Geoff Jung
Pauline Stott
Ian Thomas

Apologies from Officers:

Henry Gordon-Lennox – Strategic Lead - Governance & Licensing

Chairman Date.....

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

Recycling and Waste Partnership Board on 13 June 2018

**Minute 9 Improvement projects/working groups:
Bring banks removal project**

RECOMMENDED by the Recycling and Waste Partnership Board:

1. that Cabinet approves in principle the introduction of an additional recycling container for cardboard, to be trialled during autumn 2018, with delegated authority being given to the Strategic Lead Housing, Health and Environment and the Environment Portfolio Holder to agree the final details of the trial.
2. that Cabinet approves the permanent removal of all of the EDDC bring banks.
3. that Cabinet approves the EDDC/SUEZ partnership team to plan a programme of removals with the aim of removing all of the EDDC banks by the end of October 2018, with priority being given to the removal of the skip type banks, and a communications process being put in place.

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the East Devon Recycling and Waste Partnership Board, Committee Room Knowle, on 13 June 2018

Attendance list at end of document

The meeting started at 2:00pm and ended at 4:05pm.

***1 Appointment of vice chairman**

The Chairman welcomed those present to the meeting and invited everyone to introduce themselves. He gave particular welcome to Ian Hartley, Service Manager, Waste & Natural Environment for Torbay Council, who had been invited to attend the meeting as an observer.

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

***2 Minutes**

The minutes of the Recycling and Waste Partnership Board meeting held on 31 January 2018 were confirmed and signed as a true record.

***3 Declarations of interest**

None

***4 Matters arising**

None.

***5 Joint contract review and operational update**

The Recycling and Waste Contract Manager and the SUEZ Senior Contract Manager gave the Board a joint presentation on a contract review and operational update. The focus for the last quarter had been on commissioning the RRC (Resource Recycling Centre) and the planning and mobilisation of the new green waste service. The team work approach was again effective with all teams working well as 'one team' to achieve the common outcome. During the implementation of the projects the team had continued to deliver the core services to a high standard and cope with the on-going property growth.

It was noted that the implementation of the green waste service was the third large scale mobilisation (phase 1 recycling, phase 2 recycling, green waste) undertaken by the partnership in a 16 month period. This was testimony to the hard work and commitment of those involved and a measure of the pace at which the service was developing and modernising. The green waste service had successfully completed its first cycle of collections. Over 7,700 customers had subscribed to the service, with bins delivered in April and May and the first collections commencing on 14 May 2018.

The RRC had been successfully commissioned and opened at the end of April. It dealt with sorting metal and plastics and baling these materials, including cardboard kerbside collected from properties. The RRC was already driving better value out of collected materials. Loads had already been sent to re-processors with higher returns from reduced processing and transport costs. Suez were currently reviewing the quality of the materials in order to consider any improvement to increase the price traded on materials. Such considerations included providing a manual 'pick' line to the plastic and metal sorting process, and increasing the amount of internal bale storage areas.

There had been a marked improvement in the number of road traffic accidents. This was attributed to the stabilisation of drivers on the rounds and not using temporary HGV drivers. Four members of staff were currently undertaking apprenticeships to become HGV drivers. Drivers that were trained by SUEZ were then tied in for a two year period.

Performance dropped slightly in the first quarter of 2018, but this was attributable to the post-Christmas catch up period in January and three days where inclement weather conditions suspended the services. Missed collections were approximately 4% higher than the last quarter. Complaints were 6% higher than the previous quarter. Month on month in the quarter missed collections dropped by 30% and complaints dropped 35%. Areas that required improvement in terms of complaints were container returns and litter dropped from vehicles. SUEZ were looking at ideas to tackle these in order to keep complaints down. Anyone with a complaint was urged to make a note of the vehicle registration, date, time and location of the incident and take photos if possible. It was noted that all of the vehicles had technology and video recording systems so that they could be monitored.

Suez were considering a further measure to reduce the number of complaints relating to spilt litter from recycling vehicles which involved fitting a plastic curtain to the inside of the paper bay doors, which would eliminate paper from leaving the bay.

The recycling rate for the first quarter was maintained at 57%. The current average recycling rate was around 59% with this expected to steadily increase with green waste tonnages.

The partnership's success and on-going development continued to be recognised widely, and this continued to enhance the reputation and profile of the partnership, with many other authorities wishing to learn from the experiences.

The Strategic Lead, Housing, Health and Environment commented that with three large scale mobilisations and the installation of the RRC the teams had demonstrated monumental effort to keep business as usual going. All involved had been stretched and made a remarkable effort.

On behalf of the Board the Chairman thanked the teams for all their efforts and thanked the Recycling and Waste Contract Manager and the SUEZ Senior Contract Manager for their report.

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

***6 Performance framework/penalty calculator**

The Recycling and Waste Contract Manager reported that the performance penalty framework and the penalty calculator were now out of the suspension period that they had been in during the roll out of the new contract. The framework was being used as a performance measure rather than as a penalty, with the emphasis on partnership working, improving and getting the correct resources in place. It was noted that performance was improving with more or less all of the contractual thresholds being met. Improvement was needed on both refuse and recycling missed assisted collections. Penalties were not being invoked as it was believed that it would not improve performance. Partnership working should be used to resolve issues.

RESOLVED: that the performance framework/penalty calculator statistics be noted.

***7 Risk register**

The Recycling and Waste Contract Manager reported that the risk register had been reviewed and updated. He was pleased to report that the risks associated with the green waste service were reducing. There was a need to be aware of the interim elderly fleet in use.

After mitigation there was only one risk that stood out. This was lack of Strata design capacity to meet deadlines for communications materials. The service was very communications heavy and there was a growing frustration that the communications materials (posters, labels, leaflets) could not be obtained quickly enough, or on time. The team produced high quality materials, but there were capacity issues and frustrations were increasing. The waste and recycling service was a moving fast area but the Strata design capacity was stalling improvement projects and some aspects of operations which depended upon communications materials.

Another risk that was highlighted was the budget risk, with unpredictable elements that EDDC had little control over and limited mitigation. It was noted that the RRC would improve the value of the materials collected. The Director of Municipal Services, SUEZ updated the Board on material values and how the trade war between USA and China was affecting this.

The issue of black plastics was discussed and the Director of Municipal Services, SUEZ advised that SUEZ would be addressing this and would update the Board at a future meeting. It was hoped that the industry would solve the problem of black plastics with manufacturers moving to the use of clear plastics.

The Director of Municipal Services, SUEZ highlighted a previous risk relating to SUEZ summer staffing issues. A great deal of work had been done on this along with employee engagement. There was now a much better engaged team who were less likely to abuse the system. The company had also been better at managing and monitoring staff since the mobilisation, with less reliance on agency staff.

On behalf of the Board the Chairman thanked the Recycling and Waste Contract Manager for his report.

RESOLVED: that the risk register be noted.

***8 Green waste collection service update**

The Recycling and Waste Contract Manager gave a summary of the service which commenced on 14 May 2018, as planned. The introduction of the new service had gone smoothly so far.

Due to the unpredictable take up in overall terms the implementation of the service had been a fine balancing act between risk management and meeting stakeholder expectations and growth. The main challenges had been around data transfer and the integration of Lagan/CORE. As expected the constant change with continual subscriptions and overall unpredictable customer numbers had made this a difficult task. Close team work and daily communication had overcome the problems to get the systems to a position of improving reliability and accuracy. Customers were now able to access information on green waste collections on the EDDC website and on the EDDC app. CSC staff were well briefed on the service and were backed up by the Recycling and Waste Team when needed. Green waste information was now also on Lagan.

The profit/loss share would be on the basis of 60%/40% EDDC/SUEZ. It was intended that a regular finance statement would be given to the Board in the future.

The team had created a very local environmental business within East Devon where the material was collected from customers in the district, was composted in the district (at the Costal Organics site at Hill Barton Business Park) and went to farms within the district as a soil enhancer.

Approximately 7718 green bins had been sold to around 7500 properties, giving 11% participation of the overall property count. 20 – 50 subscriptions per day were received, with income from subscriptions totaling £370,000. This, along with income from new subscriptions would be drawn down and used to fund the service for the year. The draw down and delivery of bin stock had gone well. Close daily communication and good flexibility by the supplier had ensured that the unpredictable task had been exceptionally well managed.

As planned the fortnightly service was based on ten collection zones with three collection rounds in each zone. The even spread of customers across the district meant that this was working well. It may become necessary in the future to rebalance work between the rounds to even out workloads as new customers subscribed.

EDDC and SUEZ received a weekly report from Costal Organics on tonnes delivered to Hill Barton and this was reported under the Waste Data Flow. EDDC would now be able to report a Recycling and Composting rate in line with the majority of other local authorities in England. It was noted that tonnages would be affected by seasonal weather influences throughout the year. It was too early to evaluate the seasonal peaks and troughs in the service.

The interim fleet had been transferred from the SUEZ Doncaster contract and had been fitted with the 'clipping brilliant' branding. It was supported by the existing RCV fleet when required. The fleet size would be kept under review as the number of bin collections increased. Once the service was bedded in and the long term customer base established a permanent fleet would be procured which would be fitted with RFID reading technology and cameras. It was noted that the tipping point for requiring more than three vehicles was circa. 9000 properties. The Director of Municipal Services, SUEZ advised that there was enough existing fleet whilst the service was growing, but at some point investment would be needed in new vehicles once the regular routes had been built up.

As a commercial venture the crews delivering the service had been selected from the most experienced group of staff in the existing workforce and had been specifically inducted/briefed on working in a customer directly paid for service. There had been very limited missed collections and staff had gone above and beyond their duties. Customer feedback had been positive with the service generally welcomed. A regular comment was that customers were pleased with the size of the bin they received.

Now that the service was in operation focus was on increasing customer numbers further and looking at issues such as narrow access roads and ad hoc collections. It was hoped that the visibility of the service and word of mouth would naturally help increase participation. This would be backed up by the following development plan:

- Short term – continue to publicise through social media and press releases.

- Medium term – series of roadshow events through the summer, beginning on 23 June. Consider paid for advertising in the local press and targeted leaflet drops.
- Long term – review narrow access roads and customer on the margins of narrow access roads to see if they can be included in the service in the near future. Consider marketing plan for Spring 2019.

RESOLVED: that the green waste collection service update be noted.

**9 Improvement projects/working groups:
Additional recycling container proposal**

The SUEZ Recycling Officer/Bid Manager presented a report on the proposal for introducing an additional recycling container and outlined the next steps in the process, which involved running a trial.

SUEZ believed that the introduction of an additional container could provide a more efficient collection method and performed some local testing to determine the impact of this. Sorting of the service using variations of paper and cardboard presentation was timed and the results were noted. Based on research SUEZ expected to generate enough efficiency/improved productivity within the service to remove at least one round, with no loss to service standards. Their research indicated a better service to residents, service efficiencies, improvement in material quality and price received for them, and improved recycling capacity.

Quality was a key factor in generating the most value for the recyclables collected. Currently both paper and cardboard grades were suffering from the current collection system; with paper, cardboard and glass being mixed in the same green box. This also presented time pressures to the crew sorting the material kerb side. Separating paper and cardboard more effectively at kerb side was likely to improve the quality of the materials and have monetary benefit to both the Council and SUEZ.

It was noted that the recycling capacity offered to residents of East Devon was relatively low compared to other similar weekly services SUEZ delivered elsewhere. Adding an additional container to the weekly recycling service would provide extra capacity for recycling to residents. There was concern expressed about another container on the kerbside on collection days and residents ability to store an additional receptacle.

Consideration was given to adding either a green box separator or a sack to go in the green box, but based on a number of reasons outlined in the report SUEZ advocated the use of a sack. A number of considerations were also given to the use of a new container for paper or cardboard. The Board were advised that paper was declining and card increasing so extra capacity would be useful to residents. Taking into account the benefits financially and operationally SUEZ proposed that the additional sack be used for cardboard.

The report proposed that the additional sack be trialed in Woodbury, which involved around 850 properties, with a mix of property types and demographics, and was serviced by a single recycling round. The Parish Council would need to be engaged and willing to undertake the trial.

As with any change in service, effective communication was essential to inform and listen to residents' feedback on the proposed change. A communications programme was outlined in the report and noted by the Board. A six week monitoring period would take place prior to the introduction of the new sack to gather data. Then a two week engagement and

education process would take place. It was proposed that the trial would run for at least eight weeks, therefore the total time for the trial would be 16 weeks. Should the trial be a success there would be no need to stop residents from using the extra container.

SUEZ would cover the costs associated with the trial and had already procured and demonstrated the sacks. SUEZ would also keep all stakeholder updated on its progress, would thoroughly review all data and produce a report based on the outcomes and proposed next steps.

Risks to consider included residents' reactions to another change in service as well as costs to be incurred by SUEZ. Based on the outcomes of the trial and procurement timescales, it was estimated that the new sacks could roll out from March 2019.

The Board expressed concern over the number of receptacles residents were being asked to store and present on the kerb side, as well as the complexities of mixed messages through another change in service. There was the danger of communications fatigue. However, it was acknowledged that the trial gave the service the opportunity to carry on its continuous improvement journey

Bring banks removal project

The Recycling and Waste Contract Manager's report explained that alongside the enhanced kerb side recycling collections service, EDDC continued to provide a small network of bring bank sites across the district. As all of the recyclable materials that could be taken to bring banks were now collected weekly from the kerb side the need for the bring banks was questionable. There was an opportunity to remove the bring banks and focus all the operational resources on the core kerb side collections. Overall across East Devon bring bank provision was low (17 sites) and not readily accessible for most residents.

Although commercial use of EDDC bring banks was unlawful it was acknowledged that there was extensive use of EDDC bring banks by businesses to dispose of their commercial waste. The sites were often the target for fly tipping and littering.

The contract between SUEZ and EDDC included a review of the provision of bring banks once the enhanced recycling system had been embedded. Most of the EDDC bring banks were located in EDDC operated car parks. Removal of the bring banks would free up an estimated 12 car parking spaces and the give the opportunity for them to be revenue earning. Removal of the skip type banks would mean that the skip vehicle would no longer be required, giving a saving of £16,000/year in running costs. This would help close the overall operating cost losses that SUEZ were experiencing. There would also be the additional benefit to the StreetScene team in reducing clear up costs for fly tipping associated with the bring banks.

Bring banks had already been removed (as a trial) from sites in Sidmouth, Seaton and Exmouth, with very little reaction received to their removal. The Chairman asked those present whether there had been any comments on the removal of the Sidmouth, Seaton and Exmouth banks and there were no comments reported.

It was noted that there was a schedule 2 collection service offered for businesses, such a holiday lets to use, in order to dispose of their waste.

RECOMMENDED:

1. that Cabinet approves in principle the introduction of an additional recycling container for cardboard, to be trialled during autumn 2018, with delegated authority being given to the Strategic Lead Housing, Health and Environment and the Environment Portfolio Holder to agree the final details of the trial.
2. that Cabinet approves the permanent removal of all of the EDDC bring banks.
3. that Cabinet approves the EDDC/SUEZ partnership team to plan a programme of removals with the aim of removing all of the EDDC banks by the end of October 2018, with priority being given to the removal of the skip type banks, and a communications process being put in place.

***10 Customer services update**

The Customer Services Manager reported that call volumes were almost back to normal, with a steady trickle of green waste bins requests. The introduction of the green waste collection service had had a big impact on the Customer Service Centre (CSC), with no extra resources available. It had been a challenge but also exciting. The improved and consistent communications with SUEZ had been extremely helpful

A new phone system had been introduced which allowed for much more accurate call statistics, but there were still some outstanding issues with Strata.

On behalf of the Board the Chairman thanked the CSC team for all of their efforts.

RESOLVED: that the customer services update be noted.

***11 Additional resources update**

The mobilisation and delivery of the new recycling and waste services had been an overwhelming success, with 54 more tonnes of recycling being collected per week than expected. This had a direct correlation to the productivity of the rounds in the number of containers that could be sorted and collected during the working day, with the average pick/load rate being lower than anticipated in the SUEZ tender assumptions. This had required the deployment of extra resources (4 additional recycling rounds) to ensure that all allocated work could be collected on the day scheduled.

A productivity study had taken place to review the level of resources required and as a result of this SUEZ recommended that three additional recycling crews and four standard sized Romaquip recycling vehicles were required. To date SUEZ had put additional resources into achieving the service, before discussing the costs with EDDC. SUEZ had suffered the success of East Devon residents' recycling more than anticipated.

SUEZ had put a proposition for additional resources to EDDC. The Strategic Lead, Housing, Health and Environment updated the Board on this request, which was discussed at EDDC's Cabinet on 6 June 2018. Cabinet members had been challenging and questioning, but recognised the importance of the service and how well it was operating. Good support from members was received to enable the Council to make a further capital investment subject to a forensic accounting exercise on the Suez financial assessment. The council were very grateful to SUEZ as a company who showed good will and let the service settle down and got it stabilised before approaching them for additional resources. The partnership was incredibly successful and SUEZ remarked that they were committed to working with EDDC for the long term. The Director of Municipal Services, SUEZ thanked EDDC for all their support.

RESOLVED: that the additional resources request and Cabinet decisions be noted.

***12 Thanks**

The SUEZ Contract Manager wished to record formal acknowledgement of Zoe Harris who had worked as SUEZ Recycling Officer since the start of the service and would now be taking on the role of SUEZ Bid Manager. Both EDDC and SUEZ thanked her for her achievements over the past 18 months and wished her well in her new role.

***13 Dates of future meetings**

RESOLVED: that the forthcoming meetings of the Recycling and Waste Partnership Board be held on:

7 November 2018 – 10am

30 January 2019 – 10am

24 April 2019 – 10am

17 July 2019 – 10am

23 October 2019 – 10am

Present

Councillor:

Councillor Tom Wright – Portfolio Holder, Environment (Chairman)

Councillor Brian Bailey

Councillor Steve Gazzard

Councillor Marcus Hartnell – Deputy Portfolio Holder, Environment (Vice Chairman)

Councillor Geoff Jung

Officers:

Gareth Bourton - Recycling and Waste Contract Manager, EDDC

Lorna Christo – Waste Management Officer, EDDC

Tammy Down – StreetScene Budget and Equipment Monitoring Officer, EDDC

Cherise Foster – Customer Services Manager, EDDC

John Golding – Strategic Lead, Housing, Health and Environment, EDDC

John Hudson, Accountant, EDDC

Alethea Thompson – Democratic Services Officer, EDDC

SUEZ:

Nick Browning - General Manager, Municipal Operations, SUEZ

Zoe Harris - Recycling Officer, SUEZ

Steve Holgate - Director of Municipal Services, SUEZ

Stuart Jellings - Contract Manager, SUEZ

Harry Mcleman - Assistant Contract Manager, SUEZ

Also present:

Councillor

Councillor Bruce de Saram

Councillor Alan Dent

Councillor Tim Dumper

Councillor Eleanor Rylance

Ian Hartley - Service Manager, Waste & Natural Environment, Torbay Council

Apologies:

Councillor Geoff Pook

Andrew Hancock - Service Lead – StreetScene, EDDC

Alison Stoneham – Communications and Public Affairs Manager, EDDC

Matthew Canning - Regional Manager, SUEZ

Chairman Date.....

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

Asset Management Forum on 14 June 2018

Minute 11 Newton Poppleford Public Conveniences
--

RECOMMENDED to Cabinet:

that a long term lease of Newton Poppleford Public Conveniences be granted to Newton Poppleford Parish Council and this matter be dealt with as quickly as possible. This would then provide sufficient security for the Parish Council to invest.

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Asset Management Forum held at Knowle, Sidmouth on 14 June 2018

Attendance list at end of document

The meeting started at 9.30am and ended at 11.30am.

***1 Public speaking**

There were no public speakers at the meeting.

***2 Report of previous meeting**

The report of the previous meeting held on 8 March 2018 was confirmed as a true record.

***3 Declarations**

Councillor Geoff Pook: Minute *5 - personal interest – Member of Beer Parish Council

***4 Role of Asset Management Forum**

Tim Child, Senior Manager - Property & Estates, reported on the way forward and role of the Asset Management Forum. He emphasised the need to centralise asset intelligence and strategically manage the portfolio as a whole. The Property & Estates Service would have responsibility for all EDDC non-dwelling assets along with providing advisory support for HRA dwellings. It would hold the financial and property record data for all council property assets excluding HRA dwellings and be responsible for making strategic property decisions.

Service Departments would record service costs where they included the use of an asset to pass onto the Property & Estates Service (PES) to record the true asset cost and service cost. The Asset Management Portfolio through the Portfolio Holder would be responsible for reporting to Council the action and performance of the PES.

It was noted that there was the need to populate the Asset Register with additional meaningful, key information and there would be an indicative timetable of delivery for this at the next meeting. It should be borne in mind that some of this information maybe confidential and whilst the system itself would be accessible only to Officers. It would enable reporting which would be to a wider audience. A Performance Dashboard would be a useful tool in reporting not only on the performance of the portfolio by extracting data directly from the Asset Register but also on other activities by PES and would be presented to future AMF meetings. Forum members were informed that for future meetings a short briefing note would be provided alongside full reports for some specific items.

It was acknowledged that the lack of available data had been challenging, despite the attempts to draw this together and put it in one place along with challenges around reporting on that data. Tim Child, Senior Manager - Property & Estates, reported that a demo on Uniform, the IT system used by the PES, would be made at the meeting on 6 September.

RESOLVED that Tim Child, Senior Manager - Property & Estates, prepare a report for consideration by Cabinet in September/October on Asset Management in the Council and the importance of centralising asset intelligence to strategically manage the portfolio. The draft to be discussed at the 6 September meeting of the Forum,

***5 Beer Pilot and interim arrangement**

Since the last update to the Forum on work preparing the pilot scheme, interim arrangements had been in place from 1 April 2018 and had been working well. A site meeting had been held with legal services, the Deputy Chief Executive and Cllr Pook to look at all sites in Beer. There were some challenges especially around the beach and cliffs. A project plan would be put to Cllr Pook.

***6 Asset Ownership, mapping and visualisation**

An update was provided on asset data and mapping. The PES were working with Strata on ensuring key information within Uniform could be reported on. Strata had also developed an interface, whereby using emap, basic information from Uniform, IPF and Leader systems could be viewed. The Council had also incorporated its mapping data into EPims ensuring that mapping data could be seen by other Councils and in turn, we could see some of their information. This will help strengthen the synergy and general visibility of publicly owned assets in the district.

***7 Seaton Workshops update**

Colin Whitehead, Principal Estates Surveyor, reported that the re-tendering exercise for the two sites – Colyford Road and Fosseyway Park had been dealt with separately. There had been 73 expressions of interest in total, including some from major south west construction firms. He was looking for a final outcome to the tendering process at the end of July, with construction to start in October assuming satisfactory tenders and overall viability. It was emphasised that the design had been simplified to reduce costs and it was anticipated that the tender prices would be lower to reflect this more appropriate specification. Part of the process included firm's financial stability and previous experience. A more detailed report would be given at the September meeting when tender costs were known. It was confirmed that the Council maintained a register of people interested in these industrial units.

***8 Commercial Property Investment Framework**

The Forum were updated on the current position on the Commercial Property Investment Framework. This was a portfolio of commercial property to be purchased to generate an annual income of £450,000 by investing £20,000,000 of funds, most likely secured through the Public Works Board. Tim Child, Senior Manager - Property & Estates confirmed that he had drafted a draft Property Investment Framework incorporating scoring matrices and that this would be presented to the Forum on 6 September before being taken to Cabinet and Full Council.

Details were given of a prominent commercial property that maybe available shortly in Exmouth as an investment opportunity.

***9 Performance Dashboard**

The Forum were updated on the current position with the Performance Dashboard, which it was hoped would provide information specifically to the Forum regarding performance of the Asset Management portfolio. It will be presented on a single page and would involve extracting data from various Council systems. The first Performance Dashboard would be presented at the next meeting and include – statistics, key risks, successes and key activities of the portfolio. As the availability of data improved this dashboard would be developed further.

***10 Seaton Look-Out Building**

The Forum were updated by Adrian Priest, Estates Surveyor, on the current position with the Seaton Look-Out building which was situated on the cliffs at Seaton. A decision had

been taken by Cabinet in 2015 to dispose of the building and Street Scene were keen to no longer have responsibility for maintenance. The asset will be disposed of at auction.

11 Newton Poppleford Public Conveniences

The Forum were updated on the current position with regard to Newton Poppleford Public Conveniences which had been leased to the Parish Council and who now wished to take them over on a more permanent basis in order to provide sufficient security to carry out a refurbishment programme. Members expressed their support for the Parish Council operating the Public Conveniences, which were extensively used by the public of Newton Poppleford. Although the Parish Council had expressed a preference for freehold transfer of asset, it was thought in this instance that a long-term lease with break provisions would be more appropriate.

RECOMMENDED that a long-term lease of Newton Poppleford Public Conveniences be granted to Newton Poppleford Parish Council and this matter be dealt with as quickly as possible. This would then provide sufficient security for the Parish Council to invest.

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

Councillors:

Dean Barrow
Iain Chubb
Paul Diviani
Geoff Pook (Chairman)
Ian Thomas

Also Present:

Simon Grundy
Mike Howe
Bill Nash
Val Ranger
Marianne Rixson

Apologies:

Andrew Moulding
Philip Skinner
Pauline Stott
Tom Wright

Officers present:

Richard Cohen, Deputy Chief Executive
Tim Child, Senior Manager - Property and Estates
Colin Whitehead, Principal Building Surveyor
Rob Harrison, Principal Estates Surveyor
Adrian Priest, Estates Surveyor
Chris Lane, Democratic Services Officer

Apologies:

John Golding, Strategic Lead – Housing & Environment
Andrew Hancock, Service Lead – Street Scene
John Hudson, Accountant

Chairman Date.....

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

Housing Review Board on 21 June 2018

Minute 9 Rental exchange scheme

RECOMMENDED by the Housing Review Board:

that Cabinet approve that no further (previously agreed) action be taken towards implementation of the Rental Exchange Scheme.

Minute 11 Void property – 4 Camperdown Terrace, Exmouth

RECOMMENDED by the Housing Review Board:

that Cabinet agree to the progression of option 5 – to agree an appropriate level of funding from the HRA to complete necessary works to make the void property habitable, whilst taking into consideration the potential regeneration plans for Exmouth.

Minute 12 Financial monitoring report – HRA draft accounts 2017/18

RECOMMENDED by the Housing Review Board:

that Cabinet agree the recommendation within the narrative report from the Strategic Lead Finance to add the £0.8m in year surplus to the New Housing Development Fund.

Minute 15 Request for exemption to contract standing orders – extension to Homemaker contract

RECOMMENDED by the Housing Review Board:

that Cabinet extend the Homemaker contract, which ended in 2018.

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Housing Review Board held at Exmouth Town Hall, Exmouth on 21 June 2018

Attendance list at end of document

The meeting started at 2.30pm and ended at 4.50pm.

***1 Public speaking**

Councillor Steve Gazzard declared a personal interest as a council tenant. He then raised the issue of the method of payment for tenants to pay their rent. The previous rent book had been replaced by a card, which he reported was causing some tenants problems when paying with the card at the post office. He asked whether the change from rent book to card had ever been consulted with tenants and formally agreed through the committee decision making process.

The Rental Manager explained that the cards had to be implemented quickly as the computer software running the rent books was no longer supported by the IT system, as there was no longer anyone in Strata that could run the interface. It was not possible to put the tenants' rent payment information on the cards as these were produced by an outside company, which raised data protection issues, and the rent amount changed annually.

Officers reported that they were not aware of any problems in terms of tenants paying their rents, as rental income performance remained very high, and would be interested to know of the specific issues experienced by tenants paying rent via the Post Office. The Strategic Lead – Housing, Health and Environment apologised that the Board had not been informed of the change and agreed to bring a report to the next Board meeting to explain the rationale and process behind the change.

RESOLVED: that a report explaining the rationale and process behind changing some tenants from rent books to cards be brought to the next meeting of the Housing Review Board.

***2 Appointment of vice-chairman**

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

Nominations for Vice Chairman were received for co-opted tenant member Peter Sullivan.

RESOLVED: that tenant representative Peter Sullivan be appointed Vice Chairman of the Board for the ensuing year.

***3 Minutes**

The minutes of the Housing Review Board meeting held on 8 March 2018 were confirmed and signed as a true record.

***4 Declarations of Interest**

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

Peter Sullivan: Personal interest – housing tenant.

***5 Forward plan**

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

During the meeting the following items were added to the forward plan:

- Explanation of the change from the use of rent books to rent cards.
- Update report on the integrated asset management procurement exercise.
- Further implications from the Grenfell Tower fire enquiry,
- Modular homes in East Devon.

RESOLVED: that the forward plan be noted and updated.

***6 Tenant Scrutiny Panel report – scrutinising community centres**

Sylvia Martin, tenant representative of the Tenant Scrutiny Panel (TSP) presented the TSP report reviewing the recommendations of scrutinising community centres. The previous review and report had found that community centres had largely been neglected and looked sad, outdated and unwelcoming. Upon review the TSP found a vast improvement, with evidence of efficient management and good organisation. Upcoming events were well advertised and there was an improvement in the use of the premises.

A continuing problem was with the cleaning of the community centres, particularly after events, as cleaning was done on a timetable which did not necessarily always coincide with bookings. It was hoped that the profile of the community centres could continue to be raised as there was a common misconception that they were only available to council tenants.

In conclusion the report made the following recommendations:

1. Make a 5 year plan for the refurbishment and modernisation of community centres a matter of urgency.
2. Make the financial statement easier to comprehend with more detail on individual centres, including utility usage.
3. Clarify the contractual cleaning responsibilities of StreetScene and their implementation.

The TSP thanked and congratulated all the officers that they had worked with on the project for their contribution and support. On behalf of the Board the Chairman thanked the TSP for their fantastic work.

RESOLVED: that the Tenant Scrutiny Panel report and its recommendations be noted.

***7 Homelessness in East Devon**

The Board received the Strategic Lead – Housing, Health and Environment's report which had been presented to Cabinet in June. The report highlighted the challenges EDDC were facing with rising levels of homelessness and securing temporary accommodation and long term affordable housing for homeless households. This had implications on the Housing Revenue Account and was therefore important for the Board to be aware of.

East Devon had experienced an increase in homelessness consistent with national trends, and an extended set of statutory duties to tackle homelessness. Homelessness had always been a priority for the Council and had been managed through prevention, timely advice

and assistance, early intervention, resulting in relatively low numbers of homeless cases and the minimal use of temporary accommodation.

There had been an increase in homeless approaches, more complex cases and a reduction in available accommodation, resulting in a build-up of homeless cases in temporary accommodation. This did not appear to be a seasonal or short-term variation, and when the impact of the Homelessness Reduction Act 2017 and welfare benefits reductions was factored in, there was a need to plan for a continuation of this trend. A careful review of the Homelessness Strategy was also needed.

It was noted that it was costing more to provide temporary accommodation and the budget had increased significantly. There was a shortfall between the amount the benefits system would pay and the actual cost of providing accommodation. However the Council had a statutory duty to meet any overspend resulting from the implementation of homelessness duties. It was essential that good value for money was achieved and to optimise subsidy claims when securing temporary accommodation. There was a need to ensure a greater supply of temporary accommodation available, to expand the rent deposit and bond scheme to get more people into the private rented sector and try to create more shared houses.

Concern was expressed that other agencies were not providing enough support and that a whole review of help and support was needed. East Devon were frequently being asked to provide not just a property, but one 'with help', with no additional support available to offer to people with a greater complexity of needs. For example, for people coming out of prison and hospital discharges. It was noted that the housing officers met with other agencies when there were particular crisis's with individuals, but other agencies tended to refer to EDDC rather than help with solving the issues. There needed to be an awareness with other partner agencies that EDDC was struggling with its duty. In particular it was felt that housing associations could do more to house homeless applicants.

The Strategic Lead – Housing, Health and Environment's report proposed (and Cabinet had agreed) to the creation of a temporary or homeless accommodation officer post to support households in temporary accommodation and source new temporary accommodation for homeless households.

The Strategic Lead – Housing, Health and Environment was congratulated for his excellent report and the housing service was thanked for all the work they undertook.

RESOLVED: that the report on Homelessness in East Devon and the recommendations approved by Cabinet be noted.

***8 Housing and safeguarding report to Devon Safeguarding Adults Board**

The Strategic Lead – Housing, Health and Environment presented to the HRB a report he had produced for the Devon Safeguarding Adults Board on housing and safeguarding. He wanted EDDC to be seen as an exemplar in terms of good practice.

It was noted that safeguarding was the core responsibility and business for a housing provider. There was a lot of good practice amongst housing providers, but there was still room for improvement. Safeguarding for adults was a relatively new responsibility for social housing providers and there was still a lot of learning. This also involved good leadership at a senior level, and good training at all levels, including with partners and contractors.

On behalf of the Board the Chairman thanked the Strategic Lead – Housing, Health and Environment for his report.

RESOLVED: that the report to the Devon Safeguarding Adults Board be noted by the Housing Review Board.

9 Rental exchange scheme

The Landlord Services Manager's report updated the Housing Review Board on the effects of the General Data Protection (GDPR) on the Rental Exchange Scheme.

It was reported that under the new GDPR regulations it was unfair to expect tenants to opt out of the scheme and that Experian were unable to offer a suitable opt in scheme.

RECOMMENDED: that Cabinet approve that no further (previously agreed) action be taken towards implementation of the Rental Exchange Scheme.

***10 Integrated asset management procurement update**

The Board considered the report of the Property and Asset Manager, which updated members on the progress of the integrated asset management procurement process, which was still on track with the timetable.

A three stage procurement process was being used:

- Standard Selection Questionnaire (SQQ)
- Invitation to Submit Initial Tender (ISIT)
- Negotiation stage leading to an Invitation to Submit a Final Tender (ISFT)

A bidders day took place on 28 February 2018, with representatives from seven companies attending. Expressions of interest were received from 21 different companies, with seven bidders submitting their SQQ by the deadline. A successful ISIT bidders day was held on 25 April. Subsequently, one of the incumbent providers announced that they would be withdrawing from the process as they felt the new model did not fit in with their future business plans. The six remaining bidders submitted their ISIT responses by the deadline with the three highest scoring bids moving through to the final stage of evaluation.

The negotiation stage began on 11 June and consisted of an initial one day of negotiations with each bidder. Bidders would then be asked to submit their final tender (ISFT), incorporating any adjustments that had arisen during the negotiation phase. Officers had attended the Tenant Involvement Forum to ensure that tenants were kept informed of progress and thanked those tenants that had been involved to date. Members wanting further information relating to the procurement between HRB meetings were invited to contact the Property and Asset Manager directly with any queries or concerns.

It was noted that additional support had been required from procurement consultants, echelon, and that therefore the procurement costs had increased, but this additional investment was worthwhile and vital to ensure the most suitable partner to work with over the next 10 years was selected.

RESOLVED: that progress made by officers in relation to the procurement of the new integrated asset management contract be noted by the Housing Review Board.

11 Void property – 4 Camperdown Terrace, Exmouth

The Housing Enabling and Allocations Manager's report sought a decision on how to deal with the void process of a council property when taking into consideration possible Exmouth regeneration aspirations.

4 Camperdown Terrace was a three bedroom detached house standing in large grounds. The property was in a poor condition and required almost complete refurbishment, since becoming vacant at the end of October 2017. The property/grounds had always been considered as having the potential to unlock further redevelopment of that part of Exmouth, including demolition and building of affordable homes. Since the property had become vacant officers had been looking into various options: treat as a standard void and rent to a family, to convert into a shared house for single people, or demolish and develop for council housing.

The options outlined in the report for the property were:

Option 1 – Make secure and leave the property empty.

Option 2 - Demolish and leave the site redundant for years whilst waiting for any possible regeneration works to commence. This was likely to cost circa £26,000 plus vat. Plus additional costs to fence off the site.

Option 3 – The housing department / housing company to develop the site independently of any future plans to regenerate this area, this could be to the serious detriment of any future regeneration redevelopment opportunities in this area.

Option 4 – To convert into a shared house for three single people. Conversion costs around £1,200 - £1,800 m2. Estimated area of 90m2 at an average figure of £1,500 m2 = approx. £135,000.

Option 5 - To commit approximately £40,000 and rent it to families under a licence or flexible tenancy agreement. This may only be for five years, but maybe longer. If the potential arose to redevelop the site in conjunction with any regeneration proposal this could then be fully considered without the implications of a standard tenancy being in place. Weekly rent £90.07 = £4,683 per annum over five years = £23,418 less costs for void periods, rent loss and management and maintenance costs. Bed and Breakfast / temporary accommodation costs for a three bedroom property is on average £250 per week, £12,000 per annum with a potential saving to the council over five years of around £52,000.

RECOMMENDED: that Cabinet agree to the progression of option 5 – to agree an appropriate level of funding from the HRA to complete necessary works to make the void property habitable, whilst taking into consideration the potential regeneration plans for Exmouth.

12 Financial monitoring report – HRA draft accounts 2017/18

The Strategic Lead – Housing, Health and Environment presented the Housing Accountant's report which provided the Board with an extract from the draft statement of accounts for 2017/18 for items relating to the Housing Revenue Account (HRA). The HRA showed the main areas of anticipated income and expenditure on landlord activities for the year. Producing a HRA had been a statutory requirement for Councils who manage and own their own stock for some time, and therefore a key document for the Board to influence.

The 2017/18 budget was set to achieve a surplus of £0.522m. The final position gave a surplus for the year of £0.801m. This leads to an increase in the HRA balance of £0.662m. The adopted range for the HRA balance was £2.1m to £3.1, which leaves the HRA £0.801m above the adopted range and it was recommended to members that this sum be transferred to the Future Housing Development Fund.

The main variants in the outturn position were set out in the report and noted.

RECOMMENDED: that Cabinet agree the recommendation within the narrative report from the Strategic Lead Finance to add the £0.8m in year surplus to the New Housing Development Fund.

RESOLVED: that the extract report from the 2017/18 Statement of Accounts relating to the Housing Revenue Account be noted.

***13 Modular homes in social housing**

The Board had previously expressed an interest in learning more about the potential for using modular homes as part of the Council's response to housing need. The Property and Asset Manager presented her report, which raised awareness of this alternative form of housing supply. Modular housing was factory-produced housing, which was fabricated off site, then completed once put into position.

The advantages of modular construction were:

- speed of building
- cost
- efficient use of space
- construction quality

However, there were many issues to be taken into account when considering modular housing for the social housing sector, with much to be learnt from studying the experiences of other providers.

The Chairman commented that it was interesting to know the approaches that other housing providers in the country took with regard to modular homes. There were small parcels of land available in the district and acquisition opportunities available to consider. It was suggested that modular homes be added to the list of housing considerations, particularly in view of the need for urgent accommodation in the district. It was noted that the Overview Committee had also been investigating the provision of modular homes.

RESOLVED: that the modular homes be added to the forward plan and a provider of modular housing be invited to a future meeting of the Housing Review Board.

***14 Dame Judith Hackitt's final report**

Dame Judith Hackitt's final report on her review of Building Regulations and Fire Safety, following the Grenfell Tower tragedy, was brought to the Board's attention. It acted as a reminder to EDDC as a housing authority and responsible landlord of its responsibility for fire safety in its buildings.

The Compliance Surveyor outlined a number of fire safety actions being taken by EDDC to keep tenants safe. She advised that all tenants and leaseholders would be written to and offered guidance. It was suggested that the fire safety checks to be undertaken by a specialist consultant be video recorded and shown to the Board in a future meeting

The Hackitt review showed that in too many cases people who should be accountable for fire safety had failed in their duties. In future, the Government would ensure that those responsible for a building must demonstrate that they have taken decisive action to reduce building safety risks and would be held to account.

RESOLVED: that Dame Judith Hackitt's final report be noted by the Board.

15 Request for exemption to contract standing orders – extension to Homemaker contract

The Board considered the Rental Manager's report, which asked them to recommend to Cabinet the approval for Landlord Services to request an exemption to contract standing orders so that the Homemaker support contract, which came to an end in March 2018, could be extended. This would allow the time needed to prepare for a tender of the service in a years' time. This would mean that residents would not be put at risk by having nothing in place in the meantime. The exemption would give transparency to the decision and involve members in the decision making.

Homemaker was a non-profit organisation who had been providing support services to EDDC's Housing department since 2010. The primary purpose of Homemaker was to prevent homelessness and promote independence. They offered specialist advice and support to individuals and families who may be at risk of losing their home. They also offered support to people who may be moving into new accommodation and living independently for the first time.

RECOMMENDED: that Cabinet extend the Homemaker contract, which ended in 2018.

***16 Dates of the forthcoming Housing Review Board meetings**

The Board noted the dates of the HRB meetings for the forthcoming civic year:
Thursday 20 September 2018 – 2:30pm, Council Chamber, Exmouth Town Hall
Thursday 22 November 2018 – 2:30pm, Council Chamber, Exmouth Town Hall
Thursday 24 January 2019 – 2:30pm, Council Chamber, Exmouth Town Hall
Thursday 28 March 2019 – 2:30pm, Council Chamber, Exmouth Town Hall

The Chairman suggested that a tour of some of the housing estates, community centres, garages and parking issues across the district be arranged for the Housing Review Board, preferably in September 2018.

RESOLVED: that a housing tour be arranged for members of the Housing Review Board.

Attendance list

Present:

Cllr Pauline Stott (Chairman)
Cllr Megan Armstrong
Cllr John O'Leary
Cllr Helen Parr
Cllr Brenda Taylor

Co-opted tenant members:

Mike Berridge
Peter Sullivan

Officers:

Michelle Davidson, Compliance Surveyor
Danielle Furzey, Housing Options Manager
Amy Gilbert, Property and Asset Manager
John Golding, Strategic Lead - Housing, Health and Environment
Andi Loosemoore, Rental Manager
Paul Lowe, Housing Enabling and Allocations Manager
Alethea Thompson, Democratic Services Officer
Debbie Wills, Rental Officer

Also present:

Cllr Jill Elson, Portfolio Holder – Sustainable Homes and Communities
Cllr Brian Bailey
Cllr Alan Dent
Sylvia Martin, tenant
Alek Williams, tenant

Apologies:

Cllr Tom Wright
Cllr David Barratt
Sue Saunders, tenant representative
Heather Salter, tenant
Julie Bingham, independent community representative
Sue Bewes, Landlord Services Manager

Giles Salter, Solicitor
Rob Ward, Housing Accountant

Chairman Date.....

**EXMOUTH REGENERATION BOARD
ACTION POINTS FROM A MEETING
HELD AT EXMOUTH TOWN HALL ON THURSDAY 21 June 2018**

Present:

Cllr Philip Skinner	PJS	EDDC
Cllr Jill Elson	JME	EDDC
Cllr Paul Diviani	PD	EDDC
Cllr Bill Nash	BN	EDDC
Cllr Pauline Stott	PS	Exmouth Town Council
Cllr Richard Scott	RS	Devon County Council
Cllr Jeff Trail	JT	Devon County Council
Cllr Tim Dumper	TD	Exmouth Town Council
Alison Hayward	AH	EDDC
Linda Perry	LP	EDDC
Anthony Chapman	AC	LED
Jim Hill	JH	Propeller Exmouth
Gary Cook	GC	Exmouth Creative
Leigh Rix	LR	Clinton Devon Estates
Roy Pryke	RP	Chairman – Exmouth Neighbourhood Plan Steering Group
Alethea Thompson	AT	East Devon District Council

Apologies:

Richard Cohen	RC	East Devon District Council
Stephen Morton	SM	Deaf Academy
Peter Gilpin	PG	LED
Dave Turner	DT	East Devon District Council
Lisa Bowman	LB	Clerk – Exmouth Town Council
Julian Tagg	JT	Exeter City Football
Jenny Brown	JB	East Devon District Council

Ian McQueen	IM	Exmouth Chamber of Trade & Commerce
-------------	----	-------------------------------------

The meeting started at 9.40am and finished at 12.00pm.

Item	Notes/Decisions	Action
1. Introduction	Those present were welcomed to the meeting. Particular welcome was given to Cllr Paul Diviani, EDDC's Portfolio Holder for Strategic Development.	Noted
2. Report of meeting held on 14 December 2017	The report of the meeting held on 19 April 2018, was confirmed as a true record.	Noted
3. Declarations of interest	Cllr Pauline Stott – Personal interest: she was on the board of the water sports centre.	Noted
4. Coastal Communities team - update	AH reported that East Devon District Council had submitted a Stage 1 application for Coastal Community Fund round 5 monies. The proposal consisted of a number of small infrastructure projects along the coast, including Exmouth. The outcome of whether the bid had got through to stage 2 of the application process would be known in the next few weeks. It was noted that the Jurassic Coast Team had also submitted a bid for this round of funding.	Noted
5. Queens Drive update	<p>AH gave an update on the Queen's Drive development:</p> <p>Phase one – Grenadier Estates had been granted planning consent for the water sports centre. Work would start on delivering the road and car park in September. The construction of the new car park would be delivered first and the existing road and car park would remain open throughout, with all works due to be completed in 2019. Site clearance work would commence on the old golf site at the end of the summer. Meetings had been held with Madeira bowling club and the cricket club to explain the practicalities regarding access arrangements during construction, and that the Queen's Drive car park would remain open throughout the construction programme. There would be signage up to explain the changes to the car park and road layouts. Traffic monitoring systems would be used at certain points.</p> <p>There would be clear communications that at the end of all phases of Queen's Drive redevelopment, there would be more car parking spaces across the entire development. It was noted that the motorhome enforcement</p>	Noted

	<p>changes would come into effect on 2 July and it was suggested that all parking changes along the seafront be communicated at the same time.</p> <p>AH agreed to feedback the board's comments to EDDC's Service Lead for Environment and Car Parks and EDDC's Communications and Public Affairs Manager and to issue a press release regarding the new car parking arrangements for the seafront.</p> <p>It was suggested that this information, along with communications about the success of the Queen's Drive space be sent to key community organisations, namely:</p> <ul style="list-style-type: none"> ○ Exmouth Community Association ○ Civic Society ○ Transition Exmouth ○ Churches Together <p>It was noted that there were FAQs in relation to the Queen's Drive redevelopment available on EDDC's website for all three phases. There would also be a noticeboard on the Queen's Drive Space providing general redevelopment project information as well as advertising events that were happening on the events space. It was hoped that a second notice board would be put up on the former café site.</p> <p>PS reported that since the last board meeting there had been significant changes with Grenadier gaining planning permission and the Queen's Drive Space opening and doing well. A very positive media response had been received and he thanked all councillors and officers involved.</p> <p>A number of different Council departments had been involved in the delivery of Queen's Drive Space, including Street Scene, Licensing and Environmental Health. There had been no noise complaints and very positive feedback following the live screening of Swan Lake. A great deal of work was continuing with putting together a fantastic programme of events and a stage would be completed at the end of the week.</p> <p>Clinton Devon Estates were thanked for sponsoring Swan Lake and it was noted that Exmouth Town Council would be sponsoring La Boheme on 26 June. Stagecoach were promoting the film nights and promoting Queen's Drive Space on buses and at the station. Dyer and Butler were also providing sponsorship and it was hoped that some more organisations would also offer sponsorship. It was encouraging to see the Council operating</p>	<p>AH</p> <p>AH</p>
--	---	---------------------

more commercially.

- Phase two – Grenadier had secured planning permission for the Watersports Centre and would start work on site in 2019, following the six month period required to complete the new road and car park. The build period was around 16 months and the water sports centre was expected to open in 2020. Edge Watersports were the first tenants to be announced for the water sports centre. Grenadier would have an effective communications strategy with the local community throughout the building works. PS commented that he was proud and pleased that EDDC would be working with Grenadier.
- Phase three –East Devon District Council were working with Hemingway Design who were undertaking a visioning exercise. Hemingway Design’s submitted proposals in response to the contract specification had been published on EDDC’s website. Some initial concept thinking had begun and a workshop was being held that evening, with local organisations and entrepreneurs from the creative, hospitality and leisure sectors. Hemingway Design would be invited to attend a future Regeneration Board meeting.
- Discussion followed on about regenerating the town in general and the following issues were raised:
 - The bus and train station was fundamental to how people arrived to the town and could be greatly improved.
 - The key to making Exmouth work was in the infrastructure.
 - Strengthen the link between the seafront and the town centre.
 - The neighbourhood plan contained priorities for the town, which if passed at referendum would become a planning document.
 - It was important that clarity of purpose in terms of regeneration came from the board and its stakeholders.
 - Communications were absolutely essential. There needed to be a strong interactive way of communicating with people.
 - Regeneration plans should be revised on a regular basis and kept refreshed.
 - Future board agendas should start to move away from Queen’s Drive (to

	<p>include updates) and start to look at the next steps of regenerating Exmouth.</p> <ul style="list-style-type: none"> ➤ Focus could be on core geographical areas to take a holistic view of the town, in other words, take a geography based rather than a project based approach. ➤ Consideration of flexible use of space, with 'pop up' events. Although this also required adequate accommodation to be available. ➤ Devote more board time to looking at the different retail sectors for both residents and tourists. ➤ The town centre should be reconsidered once the Hemingway Design proposals for the seafront were known. 	AH/AT/All
6. Communication update	There were no specific issues to communicate.	Noted
7. Dates of future meetings	The dates of future meetings, to be held at the Town Hall, Exmouth, were: 20 September 2018 13 December 2018	Noted AT/All

Report to: Cabinet
Date of Meeting: 11 July 2018
Public Document: Yes
Exemption: None

Review date for release None

Agenda item: 14

Subject: **Public Consultation – Review of the East Devon and Blackdown Hills AONB Management Plans**

Purpose of report: East Devon District Council together with other local authorities has authorised the East Devon and Blackdown Hills AONB Partnerships to undertake reviews of the Management Plans for both AONBs by April 2019, as required under Section IV of the Countryside and Rights of Way Act 2000.

Public consultation on the reviews is scheduled to take place across the summer/autumn 2018 with endorsement by the AONB Partnership's respectively and final approval from the statutory consultees, Natural England before adoption by East Devon District Council and confirmation with Defra.

Recommendation: **Approval to undertake public consultation on the review of the East Devon and Blackdown Hills AONB Management Plans**

Reason for recommendation: Under Part IV of the Countryside and Rights of Way (CROW) Act 2000 the relevant local authorities are required to review the AONB Management Plans (sometimes referred to as a Management Strategy) for the East Devon and Blackdown Hills AONBs at intervals of not more than 5 years. The review for the 2014 - 19 Plans need to be completed by April 2019.

East Devon District with other local authorities has authorised East Devon and the Blackdown Hills AONB Partnerships to review the AONB Management Plans on their behalf.

Officer: Chris Woodruff - Manager, East Devon AONB Partnership
chris.woodruff@eastdevonaonb.org.uk 01404 46663

Financial implications: There appears to be no direct financial implication at this stage.

Legal implications: The legal position is detailed in the report and no further comment is required

Equalities impact: Low Impact

Risk: Low Risk There are no risks associated with this decision



Links to background information:

- [East Devon AONB Management Strategy 2014-19](#)
- [Blackdown Hills AONB Management Strategy 2014-19](#)

Link to Council Plan: Key priority: Delivering and promoting our Outstanding Environment

Report in full

1.1 Under Part IV of the Countryside and Rights of Way (CROW) Act 2000, East Devon District, together with other local authorities is required to produce Management Plans for the East Devon and Blackdown Hills AONBs by 1 April 2004 and review them at intervals of not more than five years. Along with all other relevant local authorities, East Devon District has authorised the East Devon and Blackdown Hills AONB Partnerships to carry out this duty on its behalf; this work has been co-ordinated by the AONB teams.

1.2 The CROW Act 2000 and guidance from Natural England /Defra provides advice on the scale, nature and content of Management Plans. A Management Plan should serve to highlight a vision for the AONB and contain objectives, policies and targets for the delivery of the Plan. The Plan should be reviewed every five years. The delivery of the Plan is subject to availability of funding from the Local Authorities, Defra and other parties.

1.3 The review of both the East Devon and Blackdown Hills AONB Management Plan is following guidance to ensure a broadly consistent approach both nationally and locally. Both Partnerships agreed that the reviews should be conducted with as light a touch as possible given the current status of the UKs relationship with the EU and potential changes over the next five-year period, particularly in environmental policy and programmes, including the proposed Government review of National Parks and AONBs.

1.4 To identify key matters and considerations, an initial review with key partners and Partnership members has been undertaken by both AONB teams, in advance of a wider public consultation on the draft/review.

1.5 In addition, Strategic Environmental Assessment and Habitats Regulations Assessments will run in parallel to the review for Plans and will serve to identify if any of the proposed policies in the Plans need revision in order to meet these assessments.

1.6 Public consultation is proposed to be carried out between July-September (East Devon) and September-November (Blackdown Hills) 2018 for the Draft Plans. Accordingly, the Draft Plans will be revised and a final draft version recommended for consultation with the statutory consultees, Natural England. Following this, the AONB Management Plans will be finalised and recommended by the AONB Partnerships for adoption by the local authorities. The Plans will then be confirmed to Defra by March 31st 2019.

Report to: Cabinet
Date of Meeting: 11 July 2018
Public Document: Yes
Exemption: None

Review date for release: None

Agenda item: 15

Subject: Monthly Performance Report May 2018

Purpose of report: Performance information for the 2017/18 financial year for May 2018 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 May 2018.

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 May 2018](#)
- [Appendix B - The Performance Indicator Monitoring Report for the 2017/18 financial year up to May 2018](#)
- [Appendix C – System Thinking Reports for Revenues and Benefits and Development Management for May 2018](#)

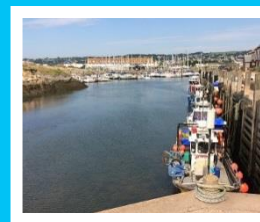
Link to Council Plan: Continuously improving to be an outstanding Council



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 two indicator showing excellent performance:
 - Days taken to process changes to Housing Benefit claims
 - Percentage of Non-domestic Rates collected
3. There are three performance indicator showing as concern for the month of May
Percentage of planning appeal decisions allowed against the authority's decision to refuse - Five appeal decisions received this month and four of those appeals were dismissed.
Days taken to process new Housing Benefit claims - Performance always dips around annual billing due to the increased volume of work.
Working days lost due to sickness absence - We have seen an increase in absence in the first quarter primarily due to ill health related to operations and surgery. Given the age profile of the organisation this is to be expected; however, we continue to monitor absence proactively to ensure that all absences are managed carefully by the line manager will support from HR.
4. Monthly Performance Snapshot for May is attached for information in [Appendix A](#).
5. A full report showing more detail for all the performance indicators mentioned above appears in [Appendix B](#).
6. Rolling reports/charts for Revenues and Benefits and Development Management appear in [Appendix C](#).

Monthly Performance Snapshot – May 2018



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

- An estimated **59%** of all waste collected was recycled in May
- **91%** of invoices received by us are paid within 10 days
- Our council tax collection performance is the best in Devon again for 17/18
- There was 40 Food Hygiene Rating Scheme Inspections. Of which 6 dropped rating (4 by 1 place and 2 by 2 places), 21 stayed on the same score and 13 increased (6 by 1 place, 7 by 2).
- During May 2018 there were 152,608 car park transactions equating to £153,447.49 inc. VAT (Cash - £115,301.84 Card - £12,912.00 Parkmobile cashless - £25,233.65).

Latest headlines:

- Going Local Procurement Event 2018 - The Economic Development team facilitated the delivery of the 6th annual event at The Beehive which enabled local businesses to learn how to access public sector contract opportunities. The East Devon stand was manned by specialists from the Streetscene Engineering and Housing teams who were able to build on existing relationships with suppliers and establish contact with potential new suppliers to the council.
- Queen's Drive Space opens on Exmouth Seafront in time for Spring Bank Holiday - The Regeneration team led on the delivery of this corporate priority which involved a multidisciplinary team from across the council. The area will remain open until September and consists of a new Jurassic-themed play park, an events space featuring live performances and streamed shows from theatres around the UK, and a food village managed by Taste of the West offering high quality local and seasonal food and drink.
- Honiton Gate to Plate delivery project gets underway - This prestigious market style event is being project managed by the Economic Development team and involves a team of experts from across the council, Honiton Town Council, Taste of the West and Devon County Council. The event on 18 July will showcase the best of the district's outstanding food and drink producers and traditional crafts people.
- The Summer Play Season at the Manor Pavilion Theatre, Sidmouth gets bigger and bigger every year. Last year was the most successful season ever. The 2018 season tickets went on sale 25th May and in the first 6 days of sales there has been an increase of over 10k, which is an increase of over 580 tickets and the season does not even open until end of June. On the launch night attend by over 250 people top producer Paul Taylor Mills, thanked the public, the venue and EDDC for all their support.

- Blackdown House construction continues with the roof structure and coverings now almost completed. The window installation is due to commence shortly. M&E first fix and associated builders work continues in areas of temporary waterproofing on the ground and first floors. Contractor continues to advise of some delay following bad weather and is considering mitigation measures to regain the lost time.
- The Planning Application for the New Access road to Blackdown House through the Business Centre car park has been submitted and was validated on 4 June 2018.
- Superstructure works are due to commence 18 June 2018 for the additional building on Manstone Depot to transfer Knowle Depot operations.
- PegasusLife continue to carry out pre-commencement non-intrusive surveys in the Knowle grounds.

Report to: Cabinet
Date of Meeting: 11 July 2018
Public Document: Yes
Exemption: None



Agenda item: 16

Subject: **The Feniton Neighbourhood Plan to be formally 'made'**

Purpose of report: The Feniton Neighbourhood Plan has 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 Feniton Neighbourhood Plan is 'made' so it forms part of the development plan.**
- 2. That the Council writes to the Neighbourhood Plan group to congratulate them on all their hard work and advise them that once 'made' the Neighbourhood Plan will carry full weight in the planning decision making process.**

Reason for recommendation: The Feniton Neighbourhood Plan received a majority 'yes' vote in their referendum as required by the regulations and there is no substantive reason not to 'make' the Plan.

Officer: Phil Twamley, Neighbourhood Planning Officer (01395 571736)
ptwamley@eastdevon.gov.uk

Financial implications: No financial implications.

Legal implications: Following a majority vote in the referendum the Council must proceed to adopt (or 'make') the plan, unless in doing so it causes a breach of EU obligations or Convention rights. The Independent Examiner concluded that regard has been had to Convention rights. Moreover, the Council has adopted a Screening Opinion, accepted by relevant statutory consultees, which confirms that there is no need for a formal SEA or HRA and accordingly there would be no breach in respect of those obligations under EU legislation. It is not considered that there are any other breaches of EU obligations that can be identified. Accordingly, the legal position is that the Council must 'make' the Neighbourhood Plan. As noted, following being made, it will become part of the Development Plan for decision making on planning applications.

Equalities impact: Low Impact
The Neighbourhood Plan has been produced with considerable community engagement. All persons living in the parish have been

engaged throughout the Plans production and all persons registered to vote in the area could vote in the referendum.

Risk: Low Risk

The only reason for the NP not to be made now is if the Council consider that to do so would breach an EU obligation or a Convention right. There is a risk that should we take that decision it will be subject to legal challenge and that the Parish Council will feel disenfranchised that their right to produce a Neighbourhood Plan under the Localism Act has been prevented.

Links to background information:

- [The Localism Act](#)
- [Plain English Guide to the Localism Act:](#)
- [National Planning Policy Framework:](#)
- [Neighbourhood Planning Regulations:](#)
- <http://eastdevon.gov.uk/planning/neighbourhood-and-community-plans/neighbourhood-plans/>

Link to Council Plan: EDDC Local Plan 2013-2031
<http://eastdevon.gov.uk/media/1772841/local-plan-final-adopted-plan-2016.pdf>

1.0 Feniton Neighbourhood Plan Referendum

1.1 On 17 May 2018 a referendum was held on the Feniton Neighbourhood Plan at the Feniton Sports and Social Club from 7am to 10pm.

1.2 Voters were asked the following question:

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

1.3 The regulations advise that if more people vote 'yes' than 'no' in the referendum, East Devon District Council should use Feniton Neighbourhood Plan to help it decide planning applications in Feniton Parish. The Neighbourhood Plan once adopted will then become part of the development plan.

1.4 In East Devon the development plan currently consists of the adopted East Devon Local Plan, 2013-2031; the adopted Devon Waste Plan, December 2014, and the Minerals Local Plan, June 2004.

1.5 The final results of the Feniton Neighbourhood Plan referendum are shown below:

Yes: 462

No: 30

Voter turnout 32.05%

In favour: 93.71%

1.6 The results show a clear majority in favour. The cabinet must now consider whether it would be appropriate to 'make' the Neighbourhood Plan.

- 1.7 Once the Feniton Neighbourhood Plan is formally made it will carry full weight in the planning decision making process. As part of the development plan any planning applications in the Feniton Parish will be judged against the relevant Neighbourhood Plan as well as policies of East Devon District Council and also the National Planning Policy Framework. Application of the policies of the Neighbourhood Plan will ensure that the hard work that has gone into its production will result in effective application of local community expectations and aspirations in the decision making process.
- 1.8 The only reason for the Neighbourhood Plan not to be made now is if Cabinet consider that to do so would breach an EU obligation or Convention right. During the examination process the Examiner 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 Neighbourhood Plan (or where the referendum results in a 'no' vote or the Neighbourhood Plan is refused as it would cause a breach of an EU obligation or Convention right), we will produce a decision notice for the Neighbourhood Plan (detailing the decision and reasons for it and where it may be viewed) and publish it;
- on the Neighbourhood Plan 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 Neighbourhood Plan 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: 11 July 2018
Public Document: Yes
Exemption: None
Review date for release None



Agenda item: 17

Subject: **Rockbeare Neighbourhood Plan Examiner's Report**

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

Recommendation:

- 1. That Members endorse the Examiner's recommendations on the Rockbeare Neighbourhood Plan.**
- 2. That Members agree that a 'referendum version' of the Neighbourhood Plan (incorporating the Examiner's modifications) should proceed to referendum and a decision notice to this effect be published.**
- 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: Phil Twamley, Neighbourhood Planning Officer
ptwamley@eastdevon.gov.uk 01395 571736

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 a 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](#)
- [Neighbourhood Planning Regulations 2012](#)
- [Neighbourhood Planning Roadmap Guide](#)
- [Rockbeare Neighbourhood Plan and Examiner's Report](#)

Link to Council Plan:

[EDDC Local Plan 2013-2031](#)

1.0 The Examination

- 1.1 The Rockbeare Neighbourhood Plan has now been examined and, subject to modifications, it has been recommended that it proceed to referendum. The Examiner, Bob Yuille, was chosen by EDDC in consultation with Rockbeare Parish Council.
- 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. The Examiner did not consider it necessary to hold a public meeting. The Neighbourhood Plan and Examiner's report are available to download on our [website](#).
- 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 <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>

1.4 Essentially the Examiner has recommended a number of textual modifications to the Plan and the deletion of some statements and policies. The Examiner’s recommendations are as follows:

Proposed modification number (PM) and Examiner’s reason for change	Page no./ other reference	Modification
<p>PM1</p> <p>There two respects in which Policy Rock06 does not meet the Basic Conditions. Policy Strategy 10 of the Local Plan allocates land to accommodate the Clyst Valley Regional Park, the purpose of which is to provide high quality Green Infrastructure to complement planned growth in the area including the growth at Cranbrook. Part of the land so allocated extends across the western portion of the Green Wedge in the parish of Rockbeare. This park will provide,</p>	<p>Policy Rock06. Page 21</p>	<p><u>ii) development that supports the objectives of the Clyst Valley Regional Park; or</u></p> <p>Re-number subsequent criteria.</p>

<p>amongst other things, natural green space, natural ecosystems, it will take the pressure away from more environmentally sensitive areas, it will provide new wildlife corridors, enhance cycling and walking opportunities and conserve and enhance heritage assets. All of these uses sit well with the aims of Policy Rock06. In order to achieve general conformity with Policy Strategy 10, Policy Rock06 should refer to the Clyst Valley Regional Park as shown.</p>		
<p>PM2 The policies of the Plan cannot relate to land outside the plan area. However, the designated Green Wedge to which Policy Rock06 refers does extend outside that area. As currently worded Policy Rock06 could be taken to apply to the whole Green Wedge. The policy should, therefore, be amended to correct that interpretation as shown.</p>	<p>Policy Rock06 Page 21</p>	<p>Development proposals in the designated Green Wedge area <u>within the Neighbourhood Plan area</u></p>
<p>PM3 As worded Policy Rock05 and its supporting text refer variously to views to and from the parish and to views beyond the parish. The policies of the Plan cannot relate to land outside the plan area. Such references should, therefore be deleted as shown.</p>	<p>Policy Rock05 Page 18 Paragraph 7.22 Page 18</p>	<p>...vistas and views within Rockbeare, or views to and from the parish that contribute.... visual impact of a development proposal, whether it takes place in the Parish or beyond.</p>
<p>PM4 Policy Rock05 refers variously to the views and vistas not being ‘harmed’ or ‘compromised’ by development. However, any development could be argued to harm or compromise these views and it is not the aim of the policy to prevent all development. In the interests of clarity, the proviso that the harm or compromise is ‘significant’ should be added, as shown.</p>	<p>Policy Rock05 Page 18</p>	<p>....that contribute to its rural character and the quality of the countryside, which should not be harmed by development. Development should not <u>significantly</u> compromise...</p>
<p>PM5 The Settlement Area Boundary for Rockbeare includes within it St Mary with St Andrew’s Church at the northern end of the village. But that church is also within the Green Wedge boundary. The church would, therefore, be subject to both the restrictive approach to development taken in Policy Rock06 and the more permissive approach to development taken in Policy Rock07. Clearly it cannot be the subject of both policies. This anomaly would be removed by deleting the church from the Settlement Area Boundary.</p>	<p>Rockbeare NP Map 6 Page 24</p>	<p>Delete St Mary with St Andrew’s Church from within the Rockbeare Settlement Area Boundary.</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. The Plan would be subject to a six week consultation period to allow representations to be received and a subsequent independent examination.
- 1.8 The legislation, which is reflected in our protocol, requires the Council to consider and respond to this report.

A key issue for the Examiner was the relationship between the Neighbourhood Plan, the Local Plan and the emerging Cranbrook Plan in relation to the Green Wedge. The Local Plan allocates and seeks to protect the Green wedge to the north of the village in order to prevent settlement coalescence. Strategy 8 of the Local Plan restricts development that would "*add to existing sporadic or isolated development or damage the individual identity of a settlement or could lead to or encourage settlement coalescence*".

One of the key policies of the Neighbourhood Plan, Policy Rock06 states that "*Development proposals in the designated Green Wedge area (shown on map 5) will not be supported unless it can be demonstrated that no harm to the character or purpose of this area will occur and development is:*

- i) for the purposes of agriculture, horticulture or forestry; or*
- ii) within an existing residential or employment site curtilage and*
- iii) proportionate to its location in scale and type."*

Whilst submission responses suggested that Policy Rock06 goes beyond the requirements of Strategy 8, the Examiner concluded that 'Policy Rock06 chimes well with the terms of Strategy 8. It refers to not supporting development unless it can be demonstrated that there is no harm to the character and purpose of the area. [The Examiner] takes this as referring to its character and purpose as a Green Wedge as defined in Strategy 8. In this respect Policy Rock06 is in general conformity with Strategy 8.

In relation to the Cranbrook Plan the Examiner concluded 'that Policy Rock06 appears to be in conflict with the emerging Cranbrook Local Plan but that plan has yet to be finalised and the

question of whether the growth needs of Cranbrook can be accommodated without utilising land within Rockbeare parish is far from being resolved. This is a matter on which the Council and the Parish Council have been unable to reach agreement. Clearly this is unsatisfactory insofar as it runs the risk that Policy Rock06 could be superseded or overridden by policies in the Cranbrook Plan if and when it is adopted. However, it is not necessary to test the Plan against the policies of an emerging plan.'

The Examiner concluded that Policy Rock06 conforms to Local Plan strategies, has regard to national policy and makes a contribution to sustainable development in accordance with both local and national policy. The Examiner suggested two minor modifications to policy Rock06, referring to the Clyst Valley Regional Park and to focus policy to the Green Wedge within the parish only.

These and other amendments suggested by the Examiner, 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.

- 1.9 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 Rockbeare 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: 11 July 2018
Public Document: Yes
Exemption: None
Review date for release None



Agenda item: 5

Subject: Request for up to a £50,000 loan to the Norman Lockyer Observatory Society.

Purpose of report:

A request has been received from the Norman Lockyer Observatory Society for a possible loan of up to £50,000 for 10 years.

The purpose of the loan is to meet a projected funding gap for the provision of a classroom extension. The extension is required as stated by the Chairman of the Observatory;

“- for our burgeoning group of young astronomers (Astroscouts) who can no longer be accommodated in our meeting room, as they also attend with parents.

The proposed classroom will also be used by visiting school groups, and as a display/hands-on-science outreach area for activities for Sidmouth Science Festival and British Science Week where we involve pupils from Colyton Grammar.

The extension to the Lockyer Technology Centre (LTC) will enable the observatory to conduct further scientific experiments in radio astronomy, which is proving of much interest to our visitors. We have also been collaborating with Exeter University in the installation of magnetometers at the LTC at NLO. We welcome the support of Exeter University who are also proposing to digitise our glass plate and historic lantern slide collection over the next few years. The classroom extension will also help in the joint workshops which we will be holding with Exeter during the course of this project. Storage of equipment has always been an issue at the NLO as identified in the attached business plan, and so the planned storage area should relieve us of that problem.

We are seeking a loan of £50K for a period of 10 years. However, we are also fundraising and would appreciate if it could be made available on a draw down basis, as and when required, rather than an initial lump sum-“

The total cost of the project is £151,576 (including a contingency sum of £21,052). It is anticipated that £50,000 is the amount of the remaining sum following grant bids to a number of differing organisations.

Recommendation:	To consider making a loan of up to £50,000 to the Norman Lockyer Observatory Society, if agreed, to recommend to Council to make the loan and to delegate authority to the Strategic Lead Housing, Health and Environment to ensure legal compliance and to complete contractual arrangements in consultation with the Strategic Lead Governance and Licensing.
Reason for recommendation:	The Council has supported this society in the past and its further enhancement of facilities meets objectives in the Council Plan
Officer:	Simon Davey Email: sdavey@eastdevon.gov.uk
Financial implications:	<p>The costs of loan repayment and interest costs will be charged to the Society in full, thereby having no financial implications on the Council. Current implications of £50,000 loan over 10 years equates to an interest and principle repayment in total of £5,304 per annum (based on current 2.02% PWLB interest rate).</p> <p>With any loan there is a risk of default in repayment; the Trustees feel confident in meeting the required repayments and the attached accounts at that time do not indicate a risk.</p> <p>The Society wish to use the Council's loan until all funding is in place; there is a risk that not all funding will be achieved resulting in the Council supporting an unfunded project.</p> <p>No security can be given against the loan as the Council currently own the site.</p>
Legal implications:	It is within the Council's powers to offer a loan to the Society if it so chooses. As the report identifies, the loan cannot be secured in anyway and so Members need to be aware that the loan is 'at risk', although it will be subject to a contractual arrangement in the form of a loan agreement. State Aid implications should be addressed in that the loan will attract appropriate interest, but alternatively the loaned sum is likely to fall below the threshold for State Aid – subject to certain confirmations being given by the Society. If required legal will ensure that this issue is addressed when dealing with the contractual arrangements.
Equalities impact:	Low Impact
Risk:	Medium Risk
Links to background information:	<ul style="list-style-type: none"> • Review of the business activities of the Norman Lockyer Observatory Society • Plans of proposed classroom extension and Ground Plan • Society Accounts for year ended March 2017
Link to Council Plan:	Developing an outstanding local economy

Report to: Cabinet
Date of Meeting: 11 July 2018
Public Document: Yes
Exemption: None



Agenda item: 18

Subject: **The Ottery St Mary & West Hill Neighbourhood Plan to be formally 'made'**

Purpose of report: The Ottery St Mary & West Hill Neighbourhood Plan has 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 Ottery St Mary & West Hill Neighbourhood Plan is 'made' so it forms part of the development plan.**
- 2. That the Council writes to the Neighbourhood Plan group to congratulate them on all their hard work and advise them that once 'made' the Neighbourhood Plan will carry full weight in the planning decision making process.**

Reason for recommendation: The Ottery St Mary & West Hill Neighbourhood Plan received a majority 'yes' vote in their referendum as required by the regulations and there is no substantive reason not to 'make' the Plan.

Officer: Phil Twamley, Neighbourhood Planning Officer (01395 571736)
ptwamley@eastdevon.gov.uk

Financial implications: No Financial Implications

Legal implications: Following a majority yes vote in the referendum the Council must proceed to adopt (or 'make') the plan, unless in doing so it causes a breach of EU obligations or Convention rights. The Independent Examiner concluded that regard has been had to Convention rights. Moreover, the Council has adopted a Screening Opinion, accepted by relevant statutory consultees, which confirms that there is no need for a formal SEA or HRA and accordingly there would be no breach in respect of those obligations under EU legislation. It is not considered that there are any breaches of EU obligations that can be identified. Accordingly, the legal position is that the Council must 'make' the Neighbourhood Plan. As noted in this report, following being made, it will become part of the Development Plan for decision making on planning applications.

Equalities impact: Low Impact
The Neighbourhood Plan has been produced with considerable community engagement. All persons living in the parish have been

engaged throughout the Plans production and all persons registered to vote in the area could vote in the referendum.

Risk: Low Risk

The only reason for the NP not to be made now is if the Council consider that to do so would breach an EU obligation or a Convention right. There is a risk that should we take that decision it will be subject to legal challenge and that the Parish Council will feel disenfranchised that their right to produce a Neighbourhood Plan under the Localism Act has been prevented.

Links to background information:

- [The Localism Act](#)
- [Plain English Guide to the Localism Act:](#)
- [National Planning Policy Framework:](#)
- [Neighbourhood Planning Regulations:](#)
- <http://eastdevon.gov.uk/planning/neighbourhood-and-community-plans/neighbourhood-plans/>

Link to Council Plan: [EDDC Local Plan 2013-2031](#)

1.0 Ottery St Mary & West Hill Neighbourhood Plan Referendum

1.1 On 21 June 2018 a referendum was held on the Ottery St Mary & West Hill Neighbourhood Plan at the locations below from 7am to 10pm:

The Institute, Yonder Street, EX11 1HD
Escot Village Hall, Taleford, EX11 1NE
Tipton St John Community Hall, Tipton St John, EX10 0AF
West Hill Village Hall, West Hill EX11 1UQ

1.2 Voters were asked the following question:

"Do you want East Devon District Council to use the Neighbourhood Plan for Ottery St Mary & West Hill to help it decide planning applications in the neighbourhood area?"

1.3 The regulations advise that if more people vote 'yes' than 'no' in the referendum, East Devon District Council should use Ottery St Mary & West Hill Neighbourhood Plan to help it decide planning applications in Ottery St Mary & West Hill Parishes. The Neighbourhood Plan once adopted will then become part of the development plan.

1.4 In East Devon the development plan currently consists of the adopted East Devon Local Plan, 2013-2031; the adopted Devon Waste Plan, December 2014, and the Minerals Local Plan, June 2004.

1.5 The final results of the Ottery St Mary & West Hill Neighbourhood Plan referendum are shown below:

Yes: 1305
No: 120
In favour: 91.6%

Voter turnout: 24.96%

- 1.6 The results show a clear majority in favour. The cabinet must now consider whether it would be appropriate to 'make' the Neighbourhood Plan.
- 1.7 Once the Ottery St Mary & West Hill Neighbourhood Plan is formally made it will carry full weight in the planning decision making process. As part of the development plan any planning applications in the Ottery St Mary & West Hill Parishes will be judged against the relevant Neighbourhood Plan as well as policies of East Devon District Council and also the National Planning Policy Framework. Application of the policies of the Neighbourhood Plan will ensure that the hard work that has gone into its production will result in effective application of local community expectations and aspirations in the decision making process.
- 1.8 The only reason for the Neighbourhood Plan not to be made now is if Cabinet consider that to do so would breach an EU obligation or Convention right. During the examination process the Examiner 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 Neighbourhood Plan (or where the referendum results in a 'no' vote or the Neighbourhood Plan is refused as it would cause a breach of an EU obligation or Convention right), we will produce a decision notice for the Neighbourhood Plan (detailing the decision and reasons for it and where it may be viewed) and publish it;
 - on the Neighbourhood Plan 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 Neighbourhood Plan 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