



## **Agenda for Cabinet**

### **Wednesday, 2nd October, 2019, 5.30 pm**

#### **Members of Cabinet**

Councillors: B Ingham (Chairman), S Bond (Vice-Chairman),  
M Armstrong, J Bailey, K Blakey, P Faithfull, G Jung, G Pook and  
I Thomas

**Venue:** Council Chamber, Blackdown House, Honiton

**Contact:** Debbie Meakin, Democratic Services Officer;  
01395 517540 or email [acoombes@eastdevon.gov.uk](mailto:acoombes@eastdevon.gov.uk)  
(or group number 01395 517546)  
Friday, 20 September 2019

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**[www.eastdevon.gov.uk](http://www.eastdevon.gov.uk)**

- 1 Public speaking  
Information on [public speaking](#) is available online
- 2 Minutes of the previous meeting (Pages 4 - 10)  
The minutes of the meeting held on 4 September 2019 were confirmed and 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  
Information on [matters of urgency](#) is available online
- 6 Confidential/exempt item(s)  
To agree any items to be dealt with after the public (including the Press) have been excluded. There are no items which officers recommend should be dealt with in this way.
- 7 Forward Plan (Pages 11 - 12)
- 8 Minutes of Overview Committee held on 29 August 2019 (Pages 13 - 24)
- 9 Minutes of Asset Management Forum held on 2 September 2019 (Pages 25 - 30)

- 10 Minutes of Strata Joint Scrutiny Committee held on 4 September 2019 (Pages 31 - 33)
- 11 Minutes of Joint meeting of Overview and Scrutiny Committees held on 5 September 2019 (Pages 34 - 44)
- 12 Minutes of Capital Strategy and Allocation Group held on 12 September 2019 (Pages 45 - 46)

## **Matters for Decision**

- 13 **EU Exit East Devon District Council preparedness** (Pages 47 - 56)  
To advise members about the work being done by EDDC Officers in preparation for an EU Exit.
- 14 **Asset Devolution Programme Pilot: Beer Parish Council** (Pages 57 - 64)  
This report is seeking Members to approve the business case for transfer of assets to Beer Parish Council. The Parish Council have submitted a proposal to EDDC which seeks the transfer of responsibility for various land and property assets from EDDC to the Parish Council. This report considers the merits and implications of the proposal for the Council and makes recommendations based on these findings.
- 15 **Community Asset Devolution Procedure** (Pages 65 - 67)  
This report is seeking Members support that the Community Asset Transfer Policy approach and the Community Asset Transfer Procedure be endorsed in principle, and the consultation with town and parish councils commence.
- 16 **Annual Review of Public Health Priority Actions 2018-2019** (Pages 68 - 70)  
The purpose of this report is to present the Annual Review of Public Health Priority Actions in 2018-19. The Review celebrates activities by services across the Council which have supported and helped to improve physical health and mental wellbeing across the District.
- 17 **Car Parking Tariff Review** (Pages 71 - 76)  
In the service plan for 2019/20 it set out proposals to engage with the public on proposals to introduce changes to car parking tariffs in some of EDDC's car parks. This report asks Members to consider detailed proposals for better management of car parking assets and to authorise the required statutory advertisement and consultation on the proposals.
- 18 **Loan request by Exmouth Museum** (Pages 77 - 78)  
Exmouth Museum (The Museum Society of Exmouth Chartist No 291311) currently lease their premises from South West Water. The site has been offered to the Museum for purchase before South West Water put the building on the open market.
- 19 **Financial Monitoring Report 2019/20 - Month 5 August 2019** (Pages 79 - 83)  
This report gives a summary of the Council's overall financial position for

2019/20 at the end of month five (31 August 2019).

**20 Complaints to the Ombudsman during 2018/19 (Pages 84 - 87)**

This report provides information on complaints referred to and decided by the Local Government and Housing Ombudsman during 2018/19.

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.

[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 Council Chamber, Blackdown House, Honiton on 4 September 2019**

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

The meeting started at 5.30 pm and ended at 6.52 pm

#### **36 Public speaking**

There were no members of the public wishing to speak.

#### **37 Minutes of the previous meeting**

The minutes of the Cabinet meeting held on 10 July 2019 were confirmed and signed as a true record.

#### **38 Declarations of interest**

Minute 39 Matters of urgency: Exmouth Queen's Drive Delivery Group.  
Councillor Kevin Blakey, Personal, Chairman of the Exmouth Regeneration Board.

Minute 53 Cranbrook Strategic Delivery Board.  
Councillor Kevin Blakey, Personal, Member of Cranbrook Town Council.

#### **39 Matters of urgency: Exmouth Queen's Drive Delivery Group**

The Deputy Chief Executive explained the purpose of the report was to secure approval for a new Project Delivery Group that would replace the existing Exmouth Regeneration Board and Exmouth Regeneration Executive Group. A brief update was included on the work that had taken place over the last year in advance of a more detailed Cabinet report that would come forward in October. The next report would provide information on the outcome of the work undertaken by the project's external professional advisors with recommendations for the next steps that would involve a new public engagement process before the end of this year. There was a discussion concerning the structure of the new Group and whether it should be a formal committee with Part B for when there were confidential items to discuss. The Strategic Lead Governance and Licensing explained that if the Group was to sit under a formal structure of the council it would lose the freedom panels and forums presently have under the constitution. He reminded Members that the Group would always have to feed back to Cabinet.

Further discussions included the following:

- The Exmouth Masterplan was agreed and consulted on in 2011, don't stop the work set out in the Plan and the considerable work that still needed to be done.
- Exmouth shopping centre needed regeneration to include the London Inn car park and Magnolia Centre.
- Local people would be disappointed if this work was not continued.
- There needed to be continuity on the membership of the new Group to share knowledge and previous issues.
- Queen's Drive was the main concern with its issues going on now for 8 years. A fresh approach was needed for Phase 3 of the project.
- There must be areas within Queen's Drive for young working families to enjoy.
- Get the views of community groups, stakeholders and interest and sports groups.

- Queen's Drive car parking needed to be more effective and modern.
- The signage in the town needed to be clear.
- Meetings must be held in Exmouth and open to the public.
- The number of officers in the Group was necessary for their professional input and advice. They would not all attend meetings at the same time but when their attendance was required. They were not voting members of the Group.

The Chairman reminded Members the previous Board's work would still continue and if the new Group was successful it could go on to work on other projects.

**RESOLVED:**

1. that the Exmouth Regeneration Board and Exmouth Regeneration Project Executive be dissolved and that an Exmouth Queen's Drive Delivery Group be established in its place up to 1 January 2020 initially when it will be reviewed on the basis of the terms of reference detailed at Appendix 1, and
2. that the appointment of the Councillors to the Ward Member positions as detailed in paragraph 2.3 of the report and delegated authority to the Leader to appoint replacement members to these positions should the need arise, both be approved.

**REASON:**

To enable appropriate engagement between local Exmouth Ward members, the Town Council, Lead councillors and officers of this council within a group where the project can be discussed in detail and confidentially. This will enable the group's members to have informed discussions relating to this complex project and its delivery. Notes of meetings will be published regularly as part of Cabinet papers.

40 **Confidential/exempt item(s)**

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

41 **Forward Plan**

Members agreed the contents of the forward plan for key decisions for the period 1 October 2019 to 31 January 2020.

42 **Minutes of Strata Joint Executive Committee held on 18 June 2019**

Members received and noted the Minutes of Strata Joint Executive Committee held on 18 June 2019.

43 **Minutes of Housing Review Board held on 20 June 2019**

Members received the minutes of Housing Review Board held on 20 June 2019.

**RESOLVED (1) that the following recommendations be agreed:**

**Minute 11 Housing Revenue Account Year End 2018/19 position**

to add the in-year surpluses to the earmarked reserve for fire related building works.

**Minute 13 Tenancy policy update**

the updated tenancy policy.

**Minute 14 Social housing regulator consumer standards**

to a self-assessment audit against the Regulator of Social Housing's consumer standards applicable to local authority social landlords.

**Minute 15 Homes legislation**

the Housing Service ensures that the properties in the Council's portfolio comply with the Homes (Fitness for Human Habitation) Act 2018.

**Minute 16 Housing complaints**

1. the housing leadership team re-iterate the importance of outstanding customer care, considering additional training and awareness of opportunities where appropriate.
2. the Property and Asset Manager reviews processes to ensure the repairs team are always providing timely responses to issues reported to them.
3. the Landlord Services Manager reviews processes to ensure appropriate communication and response from officers is given when dealing with complaints regarding antisocial behaviour and noise.

44 **Minutes of Housing Review Board held on 12 August 2019**

Members received the minutes of Housing Review Board held on 12 August 2019.

**RESOLVED** that the following recommendations be agreed:

**Minute 28 Proposed purchase of 18A & B St. Andrews Road, Exmouth (known locally as the Sailors Rest) involving the spending of Right to Buy (RTB) receipts for 2019/2020.**

1. delegated authority be given to the Strategic Lead – Housing, Health & Environment, Portfolio Holder for Sustainable Homes & Communities and Chair of Housing Review Board to approve purchases to meet the 2019/2020 spending requirements using HRA funding to compliment the use of Right to Buy receipts;
2. the purchase of 18A & B St Andrews Road, Exmouth using Right to Buy receipts, HRA funding and any commuted sums available be approved;

**RECOMMENDED to Council that:**

3. the Constitution be amended to include a delegated authority for the Strategic Lead – Housing, Health & Environment to purchase land and property for the Housing Revenue Account (including Right to Buy receipts) subject to the funds being from within approved budgets, in consultation with the Portfolio Holder for Sustainable Homes and Communities and the Chair of the Housing Review Board.

45 **Minutes of Exmouth Regeneration Board held on 20 June 2019**

Members received and noted the minutes of Exmouth Regeneration Board held on 20 June 2019.

46 **Minutes of Overview Committee held on 27 June 2019**

Members received and noted the minutes of Overview Committee held on 27 June 2019.

47 **Minutes of Overview Committee held on 25 July 2019**

Members received and noted the minutes of Overview Committee held on 25 July 2019.

48 **Minutes of South and East Devon Habitat Regulations Executive Committee held on 16 July 2019**

Members received and noted the minutes of South and East Devon Habitat Regulations Executive Committee held on 16 July 2019.

49 **Minutes of Scrutiny Committee held on 18 July 2019**

Members received and noted the minutes of Scrutiny Committee held on 18 July 2019.

50 **Minutes of Community Grant Panel held on 24 July 2019**

Members received the minutes of Community Grant Panel held on 24 July 2019.

**RESOLVED** that the following recommendations be supported:

**Minute 7 Hawkchurch Community Shop application to the Community Buildings Fund**

the application for £2,133 from Hawkchurch Village Shop.

**Minute 8 Dalwood Community Shop application to the community Buildings Fund**

the application for £2,500 from Dalwood Community Shop and Post Office to the applicant being able to demonstrate that the other funding had been secured by the end of December 2019.

**Minute 9 Whimble Victory Hall application to the Community Buildings Fund**

the application for £5,000 from Whimble Victory Hall.

**Minute 10 Chardstock Community Hall application to the Community Buildings Fund**

the application for £5,000 from Chardstock Community hall on condition that the Public works Loan Board loan can be confirmed in writing and delegated approval to act be given to the Chairman and Engagement & Funding Officer.

**Minute 11 Parishes Together Fund grant towards drainage in Colyton, request from Parish Council to the Panel for an extension to deadline for spending it**

the application from Colyton Parish Council for an extension for their ditches and drainage project.

51 **Peer Review 2019**

Emily McGuinness of the Local Government Association gave a verbal presentation about the Peer Review scheduled for EDDC from the 23 - 25 September 2019.

52 **Council Tax Reduction Scheme for working age - Change to an income banded discount scheme from 2020/21**

The Service Lead Revenues and Benefits presented the report that sought approval for the draft scheme for public consultation. Members had approved on 12 December 2018 for officers to start scoping and developing an income banded discount scheme to be implemented for 2020/21. The report set out the reasons the need to change the scheme and includes proposals for increasing the amount of council tax support for low income working age households.

**RESOLVED:**

1. that the proposed draft scheme and carry out public consultation on it, be agreed,
2. that following public consultation, the Service Lead for Revenues & Benefits carry out a more detailed review and finalise the scheme in consultation with the Leader, Deputy Leader and Portfolio Holders for Finance, Sustainable Homes & Communities and Corporate Services,
3. that the final scheme be presented to Cabinet at its meeting on 8 January 2020 with a view to obtaining a recommendation to Council, and
4. that information for Members was published on the final scheme to ensure that they were fully informed once the final scheme was approved.

**REASON:**

The report set out the reasons the need to change working age Council Tax Support Scheme. In order to change the scheme it must firstly be agreed to the draft scheme which would need to be consulted on before determining the final scheme to be adopted.

53 **Cranbrook Strategic Delivery Board**

The East of Exeter Projects Director reported the key issues associated with delivering critical community infrastructure in Cranbrook and the subsequent challenges for future service delivery in the town. It was proposed to establish a Strategic Delivery Board with representation from the County, District and Town Councils to improve coordination.

**RESOLVED:**

1. that the key issues associated with the delivery of assets and services in Cranbrook and that a further briefing session is held to explain these in further detail be noted, and
2. establishing a Strategic Delivery Board and the accompanying Terms of Reference be endorsed.

**RECOMMENDED to Council;**

3. that the Portfolio Holder for Strategic Development and the Lead Member for Cranbrook be appointed to the Board and that it receive an annual report detailing the work of the Board and associated progress.

**REASON:**

To support the development of Cranbrook as a sustainable community and ensure that the growing population was supported by the timely provision of assets and services.



54 **Annual Treasury Management Review 2018/19 - 1 April 2018 to 31 March 2019**

The report detailed the overall position and performance of the Council's Treasury Management Strategy during 2018/19. Cabinet reviewed the report.

**RESOLVED:**

that the investment values and performance for the year to 31 March 2019 be noted.

**REASON:**

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

**Attendance List**

**Present:**

**Portfolio Holders**

B Ingham	Leader
J Bailey	Portfolio Holder for Corporate Services
K Blakey	Portfolio Holder for Economy
P Faithfull	Deputy Portfolio Holder for Environment
G Jung	Portfolio Holder for Environment
G Pook	Portfolio Holder for Asset Management
I Thomas	Portfolio Holder for Finance
M Armstrong	Portfolio Holder for Sustainable Homes and Communities

**Cabinet apologies:**

S Bond	Deputy Leader
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**Also present (for some or all the meeting)**

Councillor Dean Barrow  
 Councillor Kim Bloxham  
 Councillor Fred Caygill  
 Councillor Maddy Chapman  
 Councillor Alan Dent  
 Councillor Sam Hawkins  
 Councillor Nick Hookway  
 Councillor Sarah Jackson  
 Councillor Luke Jeffery  
 Councillor Vicky Johns  
 Councillor Dan Ledger  
 Councillor Andrew Moulding  
 Councillor Val Ranger  
 Councillor Jack Rowland  
 Councillor Eileen Wragg  
 Councillor Ian Hall

**Also present:**

**Officers:**

Richard Cohen, Deputy Chief Executive

John Golding, Strategic Lead Housing, Health and Environment

Henry Gordon Lennox, Strategic Lead Governance and Licensing

Karen Simpkin, Strategic Lead Organisational Development and Transformation

Mark Williams, Chief Executive

Andrew Wood, East of Exeter Projects Director

Libby Jarrett, Service Lead Revenues and Benefits

Amanda Coombes, Democratic Services Officer

Emily McGuinness, Peer Challenge Manager - LGA

Chairman .....

Date: .....

## EAST DEVON DISTRICT COUNCIL

### Forward Plan - For the 4 month period: 1 November 2019 to 29 February 2020

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 are shown with a Y in the Key Decisions column.**

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, Blackdown House, Border Road, Heathpark Industrial Estate, Honiton. 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 plan also identifies Key Decisions which are to be considered in the private part of the meeting (Part B) and the reason why. Any written representations that a particular decision should be moved to the public part of the meeting (Part A) 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.**

#### 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) or by calling 01395 517546.

<b>Decision</b>	<b>Relevant Officer</b>	<b>Other meetings where the matter is to be debated / considered</b>	<b>Cabinet meeting date</b>	<b>Council Meeting date (where decision is required by Council)</b>	<b>Key decision (Y/N)</b>	<b>Part A = Public meeting</b>  <b>Part B = private meeting [and reasons]</b>
Heart of the South West Productivity Strategy	HotSW Joint Committee		TBC			
Queen's Drive Regeneration Update	Deputy Chief Executive		2 October 2019	23 October 2019	N	Part A
Beer Pilot	Deputy Chief Executive	Asset Management Forum 2 September 2019	2 October 2019	23 October 2019	N	Part A
Our Towns Study	Deputy Chief Executive	Overview Committee 14 November 2019	<b>2 October 2019</b>		Y	Part A
Council Tax Reduction Scheme - Changing to an income banded scheme from 2020	Service Lead - Revenues and Benefits		8 January 2020	26 February 2020		Part A
Council Tax Base	Service Lead - Revenues and Benefits		<b>8 January 2020</b>		Y	Part A

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 Democratic Services, Council Offices, Blackdown House, Border Road, Heathpark Industrial Estate, Honiton, EX14 1EJ. Telephone 01395 517546.

October 2019

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

**Overview Committee 29 August 2019**

**Minute 24 Council Plan draft**

**RECOMMENDED to Cabinet** to accept the draft Council Plan, subject to revision taking into account the comments made during the debate by the Overview Committee; specifically that that there is reference both to the playing pitch strategy, and to providing opportunities for sport, culture and leisure as part of preparations for the next Local Plan and the GESP.

**Minute 25 East Devon Policies on Poverty**

**RECOMMENDED to Cabinet:**

that in the preparation of the Council Plan, and subsequent service plans and related budgets, the following proposals on dealing with poverty are taken into account:

1. Council should have two basic aims, that:-
  - 1.1. No one in East Devon is destitute without immediate help, and
  - 1.2. Nobody is in poverty for more than two years duration.
2. To achieve this we should address the following key issues:
  - 2.1. Boost incomes and reduce relative housing costs;
  - 2.2. Work with partners to deliver an effective benefit system;
  - 2.3. Deliver actions with Business and Public Sector to improve education standards, raise skills and improve work placements;
  - 2.4. Strengthen families and communities to help those at risk of poverty; and
  - 2.5. Promote long-term economic growth to reduce dependency on agriculture, tourism and catering industries
3. Cabinet should organise lobbying of Government Policymakers by the Council and with Partners Aimed to improve Welfare, Housing Policy and Employment Law using this report as a basis.
4. There is now a general power to give financial assistance for home repairs, providing the Council has a published policy for providing such assistance. Council should develop a clear Private Sector Housing strategy which plays a key part in delivering the various duties and powers the Council has regarding housing, such as:
  - 4.1. assessing the quality, condition and management of the housing stock in the private sector
  - 4.2. tackling poor housing conditions and take action where the meet the requirements of the Decent Homes Standard is not met
  - 4.3. developing measures to bring empty properties back into use
  - 4.4. helping to drive up standards of property management in the private sector
  - 4.5. helping to improve homes through grant assistance in respect of Disabled Facilities Grants (DFGs)
  - 4.6. preventing and reducing homelessness
  - 4.7. improving energy efficiency and reducing carbon emissions from housing. From April 2018, it is unlawful for a landlord to rent out a residential property that does not reach a minimum energy efficiency standard. The intention is for the minimum standard to be set at EPC rating E.;
  - 4.8. administering and enforcing mandatory HMO (house in multiple occupation) licensing

We cannot deliver the aims of such a strategy alone and it will only be achieved with the assistance of partners and with Devon Home Choice

5. Devon Strategic Partnership should report on poverty mapping and should include actions regarding:
  - 5.1. Welfare Benefit Policies
  - 5.2. Homelessness
  - 5.3. Exeter and Heart of Devon local Economy actions on jobs
  - 5.4. Health and wellbeing integrated developments
  - 5.5. Broadband
  - 5.6. Food Banks
  - 5.7. Discretionary funding and match-funding with grants
  - 5.8. Review of Priorities
6. Action with DCC and Skills Agency Can improve skills and employment career advice to schools and links with SMEs through coordination with Jobcentres:-
7. Work with EHOD Partners including Skills Agency to enhance skills in Admin. Food Supply, Wholesale/Retail and Agriculture especially to counter Brexit damage
8. Work with Partners to support low-income residents into higher paid employment and raise skills, attainment and life chances.
9. Encourage Clinical Commissioning Group and County Council focus on poverty alleviation through coordination with the District Council
10. Work with partners to improve health outcomes for people on low incomes, including physical and mental health.
11. Apply rigour with transport licensing to improve rural and town access

**Potential key areas of focus for the Council's own action going forward:**

12. All relevant services and policies to be subject to "poverty proofing" by a report to Overview when each Service Plans and budget is being developed
13. Economic Development to prioritise Business support for Technology, Professional Services and Manufacturing businesses.
14. Economic Development to counter stereotypes of age in employment practises by suitable fact-based engagement with employers
15. Planning to be supportive in Planning applications for Technology, Professional Services and Manufacturing businesses.
16. Contract to AED or similar entity to crowdfund ( and raise donations and legacies) and then administer an emergency help fund to help with catastrophic life events. Find grant funds for emergency bridging loans and signpost help
17. Specific EDDC local action integrated with volunteers to focus on key families based on the success of the Troubled Families Programme including creche, early years and childcare facilities; food clubs to improve nutrition; mums and dads clubs to improve parenting and homework and food facilities for children
18. A specific EDDC action research project to focus on disability and chronic ill health:
  - 18.1. Evaluation by Housing Department of disability affects in our social housing stock
  - 18.2. Research by Policy Planning Department on design standards which inform policies to address poverty amongst disabled people.
  - 18.3. Advisory help on home adaptations grants and methods for the disabled and elderly using Disabled facilities grants, Warm Home grants etc.
19. Mechanisms for mapping and enabling key volunteer agencies with committed 3-year funding support based on performance goals
20. Strengthening Community team action to build self-help among community volunteers
21. A Grant fund contributing to revenue funding of Foodbanks for the next 3 years

22. EDDC Community team to engage the Faith and Voluntary sector in an audit of what help exists in East Devon and plan how to help this sector can efficiently harmonise with statutory bodies
23. Support residents to access benefits and respond to the impacts of welfare reform and Brexit.
24. Work with voluntary sector partners to provide debt advice and financial advice - For example UC claimants are able to access the Jobcentre Plus Flexible Support Fund (FSF)—a discretionary fund, controlled by Work Coaches—to cover the up-front costs of childcare, if these would otherwise present a barrier to work. Universal Credit claimants are required to pay for childcare upfront, and claim the money back from DWP. Initial costs, including deposits, can run to hundreds of pounds: costs that may be prohibitive for people with no savings or immediate income. The Flexible Support Fund can be used to meet these costs.
25. Promote and signpost residents to sources of affordable finance.
26. Support residents in fuel and water poverty to reduce their energy and water bills.
27. Continue to promote the Living Wage to employers through Economic Development.
28. Work with local businesses to identify ways that they might use their skills, capacity and resources to support the achievement of shared objectives around poverty and disadvantage.
29. Continue to promote digital access for residents on low incomes with a PC loan fund.
30. Continue to promote volunteering as a means to develop skills and employability and build communities.
31. Promote community pride and cohesion through supporting a range of community events and celebrations to raise funds to alleviate immediate poverty.
32. Construct new Council homes, working with social landlords and developers to deliver more affordable homes.
33. Provide housing, employment and skills support for homeless people.
34. Deliver a range of projects to support groups of people that are more likely to experience poverty, including women, children and substance abuser.

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Overview Committee held at Council Chamber, Blackdown House, Honiton on 29 August 2019**

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

The meeting started at 6.00 pm and ended at 8.30 pm

#### **19 Public Speaking**

Adam Powell, Secretary for the Tiverton and Honiton Constituency Labour Party, read out the following statement:

“On behalf of the Tiverton and Honiton Labour Party I would like to offer some comments and observations on East Devon’s recent Review of Policies on Poverty. The report is obviously a result of detailed research.

Despite East Devon being an affluent region of the U.K., poverty is a real issue, and getting worse.

To quote:

11,956 households having two or more scores for deprivation,  
7 wards with more serious deprivation [scores on 3 or 4 measures] in over 100 households,  
6344 children growing up in poverty in East Devon,  
Half the people in poverty live with someone registered disabled.

This is clearly not a credit to our affluent East Devon, that people flock to visit.

This report is academic, how many people in this room have experienced:

Not being able to feed their children in the summer holidays,

Not being able to ever afford a family holiday,

Not being able to afford school uniforms,

Not being able to afford to the rent,

Living in damp, housing where the children have no space to do their homework,

Or a case I heard about recently ‘Only being able to afford Weetabix for Sunday lunch for a family of four’.

Firstly this review needs an action plan of how to locate these East Devon people who are clearly needing extra help. A law was passed a few weeks ago in Sweden making it illegal to beg on the streets unless you registered on line for a permit to beg. The aim was not to punish beggars, but to make contact so they can be helped. East Devon we need to identify children, families, disabled people, and even working people who are simply, for what ever reason, are not able to afford their basic needs. The data needs joining up; free schools meals registers, ESA [employment support allowance] claimants, etc.

Secondly this council has failed in its target to build more truly affordable homes, dry and warm, and spacious enough for human beings not just to survive but to thrive. When we have a secure home we can benefit from good education; from the early years to sixth form and beyond to adult education as well. This can break the cycle of poverty and make society richer.



This council has failed to build quality social housing, we have failed to invest in education, the results are a poor society that suffers from physical and mental health prematurely. This is proven, now we need to act.

Many families in poverty are working, individuals holding down two or three low paid jobs are common. These people are not only financially poor, but also short of time to spend with their families. This council needs to positively nudge employers to pay the living wage [at least £10/hour] and champion those that do. East Devon falls short of their own targets on job creation.”

20 **Minutes of the previous meeting held on 25 July 2019**

The minutes of the previous meeting held on the 25 July 2019 were confirmed as a true record.

21 **Declarations of interest**

Minute 25. East Devon Policies on Poverty.  
Councillor Ian Hall, Personal, Devon County Councillor.

Minute 25. East Devon Policies on Poverty.  
Councillor Mike Allen, Personal, Volunteers for local food bank.

22 **Matters of urgency**

There were no matters of urgency.

23 **Confidential/exempt item(s)**

There were no items classified in this way.

24 **Council Plan draft**

The Chairman welcomed the Portfolio Holder for Corporate Services to the meeting, to present the emerging draft Council Plan 2020 – 2024.

The Portfolio Holder explained the purpose of the plan is to set the strategic priorities for the Council. Drawing up the plan was a collaborative process, and she welcomed any input on it from the Committee and other councillors present. The draft plan would also be considered by the Scrutiny Committee, before going to Cabinet on the 30 October, with the final revised version being presented to Council on the 11 December. She specifically thanked the Strategic Lead Organisational Development, Transformation and Equalities for all her hard work in helping prepare the plan.

Questions on the plan, and suggestions for amendments generally, included:

- Summary information in the plan was based on data held by the Council, and information provided by Exeter University specifically on CO<sub>2</sub>;
- That the plan was not sufficiently creative or aspirational;
- That budget shortfall figures should be consistent through the document.

**Specifically on priority one:** outstanding place and environment:

- a. Expand on working with Natural England to include working with East Dorset on a new national park;
- b. What was the latest decision on the Greater Exeter Strategic Plan;
- c. CPRE report wants to build more homes than are needed;
- d. What was meant by promoting open spaces on a commercial basis;
- e. Accessible green space at Cranbrook should be credited to Cranbrook Town Council, not the District;
- f. There is no reference to the playing pitch strategy – suggested that there is reference both to that, and to providing opportunities for sport, culture and leisure as part of preparations for the next Local Plan and the GESP;
- g. Proposals for housing design have drifted and should be a focus for planning
- h. Make specific reference to working with health support groups (there are a number, based in each town and in other areas) across the District, as well as enable links to local community hospitals;
- i. Include cycle paths in future infrastructure, in reference to Cranbrook;

**In response to the points on priority one:** outstanding place and environment:

- a. Building a case for a new national park covering the AONB areas in Dorset and East Devon is expected to take ten years or more, outside the period of the draft plan, and therefore it was deemed sensible to wait for an outcome of the review, before configuring that into a council plan;
- b. No decision has been taken on the GESP; an update report on progress by the new councils on it would be provided to the Strategic Planning Committee in November;
- c. Location of new housing will take into account all evidence, including the CPRE report, as has been set out in previous reports to the Strategic Planning Committee; the GESP and Local Plan are subject to consultation processes;
- d. Events run on council land is what is meant by promoting open spaces on a commercial basis, to help generate additional income;
- i. The development plan document is currently with the Inspector – if cyclepaths are not part of the plan that the Inspector has to consider, there isn't provision to include that – if the plan is found to be sound, the suggestion could subsequently be examined;

**Specifically on priority two:** outstanding homes and communities:

- a. What is the level of tenancy fraud;
- b. What are current levels of deprivation, broken down by town;
- c. How devolution of assets will be delivered – will it be on a town by town basis or collectively across the District;
- d. Divert the budget for an online ticketing service from section 106 funding to delivering the Beach Management Plan (BMP) for Sidmouth;
- e. Not enough affordable homes delivered and no news from the Housing Company; diminishing housing stock issue needs to be addressed and incorporated into the plan.

**In response to the points on priority two:** outstanding homes and communities:

- a. Tenancy fraud level is low, confirmed by an amnesty run in 2018;
- b. Specific data would come forward in a future report to the committee following the work of the Devon Strategic Partnership Welfare Task Group;
- c. Asset Management Forum have a report on the next steps for the agreed devolution of assets, which will come back to Cabinet along with the outcome of the pilot undertaken at Beer Parish Council;

- d. Section 106 funding is limited to where it can be spent by the agreement set up – it must relate directly to tourism and therefore cannot be utilised for the BMP.

**Specifically on priority three:** outstanding economic growth, productivity and prosperity:

- a. Where are the high skilled and better paid job opportunities in the District;
- b. What is the innovative approach to promoting tourism and what are the footfall figures for Seaton Jurassic;
- c. No comprehensive view of the rural and coastal community, the plan could be interpreted as only having focus on higher paid jobs being provided by the science park;
- d. Weighting high skilled/paid jobs to the west of the district meant that those who reside in the east would need to travel – there needs to be an even distribution across the District to reduce travel distances;
- e. Consider expanding on supporting infrastructure providers, as there will be a shortfall in the CDS project in delivering broadband across the District; having a good broadband service in place allows rural communities to better develop local businesses that can operate remotely and therefore helps boost the local economy. There needs to be action to enable a better penetration of broadband in the District;
- f. More promotion of the services available to SMEs, and work to deliver small business units that are needed in the District

**In response to the points on priority three:** outstanding economic growth, productivity and prosperity:

- a. The plan sets out to try to provide different land for different jobs, to encourage higher paid jobs – examples being the airport and the science park;
- b. Number of visitors to Seaton Jurassic can be provided to the councillor; previous attempts had been made to join up the tourism offer to promote the district as a whole, but towns had been reluctant to buy into that and had preferred to promote themselves on a single destination basis, so not pursued by the previous Council. This would be reviewed under the new administration;
- d. The Portfolio Holder for Corporate Services commented that the plan had the aspiration for all towns in the District to be able to offer highly skilled/paid jobs.

**Specifically on priority four:** outstanding council and council services:

- a. In regard to relocating to Blackdown House and Exmouth Town Hall, the savings are less than claimed; was the Project Manager still employed, what is the total consultation bill and the total refurbishment bill for Exmouth Town Hall;

**In response to the points on priority four:** outstanding council and council services:

- a. Cabinet will receive a report one year after the relocation that will outline the savings achieved and various elements related to the relocation;

The Leader explained to the committee his desire, and that of his Cabinet, to work towards delivering for the District's towns to enable them to become as self-sufficient as possible. He also shared his ambition for all towns to have their own business centres in the future, and the expansion of small business units to again help the degree of self-sufficiency each town could develop. Through the Heart of Devon partnership, an economic strategy was due to be presented to Government in the New Year outlining plans to expand growth in the enterprise zone areas.

He also commented that work was underway to try to change the diminishing housing stock, and that it would take time to ensure that the right policies were in place, and that

any new stock built would not be taken away by Government. He looked forward to hearing ideas from Councillors on how to address social housing, weighing up what could be delivered and within the law.

The Chairman brought the debate to a conclusion, adding that three elements would impact what the Council could deliver: Brexit; a general election; and climate change. It was likely that the plan would have to adapt over time to deal with those outcomes.

**RECOMMENDED to Cabinet** to accept the draft Council Plan, subject to revision taking into account the comments made during the debate by the Overview Committee; specifically that that there is reference both to the playing pitch strategy, and to providing opportunities for sport, culture and leisure as part of preparations for the next Local Plan and the GESP.

## 25 **East Devon Policies on Poverty**

Cllr Allen presented his paper to the committee. His paper outlined how poverty is defined currently, and how a new way of measuring poverty the Department of Work and Pensions takes account of factors other than income.

His paper covered the many causes of poverty, and the practical implications for those living in poverty. The paper also covered statistics for the District.

He suggested a number of measures that the Council could use to take action on local poverty, which are detailed in the recommendation to Cabinet below.

Debate on the item included:

- Further discussion should take place on the issue when a report prepared by officers was presented to the committee in November, which included the work undertaken to date alongside the Devon Strategic Partnership Group;
- Data from intelligence already held from council tax and benefit records needed to be presented to get a clear picture of what impact there is on the District;
- Any measures for alleviating poverty must include helping people with dealing with personal debt;
- More officer resource should be considered in order to build on work already undertaken by officers in both revenues and benefits, and the housing service, to help signpost where help could be found;
- Concentrate on the root causes of poverty and look to educate where possible; including working with housing providers to help identify those who need help;
- Not enough housing stock is key issue, as is the impact of universal credit;
- Wait for report in November and consider alongside the proposals in Councillor Allen's paper.

**RECOMMENDED to Cabinet:**

that in the preparation of the Council Plan, and subsequent service plans and related budgets, the following proposals on dealing with poverty are taken into account:

**1. Council should have two basic aims, that:-**

- 1.1. No one in East Devon is destitute without immediate help, and
- 1.2. Nobody is in poverty for more than two years duration.

**2. To achieve this we should address the following key issues:**

- 2.1. Boost incomes and reduce relative housing costs;
- 2.2. Work with partners to deliver an effective benefit system;
- 2.3. Deliver actions with Business and Public Sector to improve education standards, raise skills and improve work placements;
- 2.4. Strengthen families and communities to help those at risk of poverty; and
- 2.5. Promote long-term economic growth to reduce dependency on agriculture, tourism and catering industries
3. **Cabinet should organise lobbying of Government Policymakers by the Council and with Partners** Aimed to improve Welfare, Housing Policy and Employment Law using this report as a basis.
4. There is now a general power to give financial assistance for home repairs, providing the Council has a published policy for providing such assistance. Council should develop a clear Private Sector Housing strategy which plays a key part in delivering the various duties and powers the Council has regarding housing, such as:
  - 4.1. assessing the quality, condition and management of the housing stock in the private sector
  - 4.2. tackling poor housing conditions and take action where the meet the requirements of the Decent Homes Standard is not met
  - 4.3. developing measures to bring empty properties back into use
  - 4.4. helping to drive up standards of property management in the private sector
  - 4.5. helping to improve homes through grant assistance in respect of Disabled Facilities Grants (DFGs)
  - 4.6. preventing and reducing homelessness
  - 4.7. improving energy efficiency and reducing carbon emissions from housing. From April 2018, it is unlawful for a landlord to rent out a residential property that does not reach a minimum energy efficiency standard. The intention is for the minimum standard to be set at EPC rating E.;
  - 4.8. administering and enforcing mandatory HMO (house in multiple occupation) licensing

We cannot deliver the aims of such a strategy alone and it will only be achieved with the assistance of partners and with Devon Home Choice
5. **Devon Strategic Partnership** should report on poverty mapping and should include actions regarding:
  - 5.1. Welfare Benefit Policies
  - 5.2. Homelessness
  - 5.3. Exeter and Heart of Devon local Economy actions on jobs
  - 5.4. Health and wellbeing integrated developments
  - 5.5. Broadband
  - 5.6. Food Banks
  - 5.7. Discretionary funding and match-funding with grants
  - 5.8. Review of Priorities
6. **Action with DCC and Skills Agency** Can improve skills and employment career advice to schools and links with SMEs through coordination with Jobcentres:-
7. **Work with EHOD Partners** including Skills Agency to enhance skills in Admin. Food Supply, Wholesale/Retail and Agriculture especially to counter Brexit damage
8. Work with Partners to support low-income residents into higher paid employment and raise skills, attainment and life chances.
9. **Encourage Clinical Commissioning Group** and County Council focus on poverty alleviation through coordination with the District Council
10. Work with partners to improve health outcomes for people on low incomes, including physical and mental health.
11. Apply rigour with transport licensing to improve rural and town access

**Potential key areas of focus for the Council's own action going forward:**

12. All relevant services and policies to be subject to “poverty proofing” by a report to Overview when each Service Plans and budget is being developed
13. Economic Development to prioritise Business support for Technology, Professional Services and Manufacturing businesses.
14. Economic Development to counter stereotypes of age in employment practises by suitable fact-based engagement with employers
15. Planning to be supportive in Planning applications for Technology, Professional Services and Manufacturing businesses.
16. Contract to AED or similar entity to crowdfund ( and raise donations and legacies) and then administer an emergency help fund to help with catastrophic life events. Find grant funds for emergency bridging loans and signpost help
17. Specific EDDC local action integrated with volunteers to focus on key families based on the success of the Troubled Families Programme including creche, early years and childcare facilities; food clubs to improve nutrition; mums and dads clubs to improve parenting and homework and food facilities for children
18. A specific EDDC action research project to focus on disability and chronic ill health:
  - 18.1. Evaluation by Housing Department of disability affects in our social housing stock
  - 18.2. Research by Policy Planning Department on design standards which inform policies to address poverty amongst disabled people.
  - 18.3. Advisory help on home adaptations grants and methods for the disabled and elderly using Disabled facilities grants, Warm Home grants etc.
19. Mechanisms for mapping and enabling key volunteer agencies with committed 3-year funding support based on performance goals
20. Strengthening Community team action to build self-help among community volunteers
21. A Grant fund contributing to revenue funding of Foodbanks for the next 3 years
22. EDDC Community team to engage the Faith and Voluntary sector in an audit of what help exists in East Devon and plan how to help this sector can efficiently harmonise with statutory bodies
23. Support residents to access benefits and respond to the impacts of welfare reform and Brexit.
24. Work with voluntary sector partners to provide debt advice and financial advice - For example UC claimants are able to access the Jobcentre Plus Flexible Support Fund (FSF)—a discretionary fund, controlled by Work Coaches—to cover the up-front costs of childcare, if these would otherwise present a barrier to work. Universal Credit claimants are required to pay for childcare upfront, and claim the money back from DWP. Initial costs, including deposits, can run to hundreds of pounds: costs that may be prohibitive for people with no savings or immediate income. The Flexible Support Fund can be used to meet these costs.
25. Promote and signpost residents to sources of affordable finance.
26. Support residents in fuel and water poverty to reduce their energy and water bills.
27. Continue to promote the Living Wage to employers through Economic Development.
28. Work with local businesses to identify ways that they might use their skills, capacity and resources to support the achievement of shared objectives around poverty and disadvantage.
29. Continue to promote digital access for residents on low incomes with a PC loan fund.
30. Continue to promote volunteering as a means to develop skills and employability and build communities.
31. Promote community pride and cohesion through supporting a range of community events and celebrations to raise funds to alleviate immediate poverty.
32. Construct new Council homes, working with social landlords and developers to deliver more affordable homes.
33. Provide housing, employment and skills support for homeless people.

34. Deliver a range of projects to support groups of people that are more likely to experience poverty, including women, children and substance abuser.

**RESOLVED** that the proposals be considered alongside a report on Poverty at the November meeting of the committee, with a view to making further recommendations to Cabinet.

**26      Review of the Council's Governance Arrangements - update**

The Chairman advised the committee that circumstances had prevented a meeting between him and the Portfolio Holder for Transformation, but that work would continue on this issue.

An additional meeting for the committee was set for the 17 October 2019 to debate this issue only. Further discussion had also been timetabled in for the scheduled meeting in February 2020.

**27      Overview Forward Plan including update on active scopes**

The Chairman updated the committee on two issues:

- High Streets Task and Finish Forum would get underway later in the year, following discussion with the Portfolio Holder Economy in relation to his plans for a wider economic review of key towns of the District. A [recently published report by Manchester Metropolitan University](#) on the subject would be circulated to councillors;
- Broadband work continued, being actioned by Councillor King. A recent announcement had been made by Government of a [Rural Connected Communities competition](#).

The forward plan for the committee was noted.

**Attendance List**

**Councillors present:**

N Hookway (Chairman)  
V Johns (Vice-Chairman)  
M Allen  
S Chamberlain  
I Hall  
M Hartnell  
S Hawkins  
F King  
M Rixson  
T Woodward

**Councillors also present (for some or all the meeting)**

M Armstrong  
P Arnott  
J Bailey  
K Blakey

K Bloxham  
S Bond  
P Faithfull  
B Ingham  
S Jackson  
A Moulding  
G Pook  
J Rowland

**Officers in attendance:**

Amy Gilbert-Jeans, Service Lead Housing  
Libby Jarrett, Service Lead Revenues and Benefits  
Debbie Meakin, Democratic Services Officer  
Karen Simpkin, Strategic Lead Organisational Development, Transformation and Equalities  
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)  
Mark Williams, Chief Executive

**Councillor apologies:**

B De Saram  
J Loudoun  
C Wright

Chairman .....

Date: .....



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

**Asset Management Forum 2 September 2019**

**Minute 18 Community Asset Transfer**

**RECOMMEND to Cabinet** that the Community Asset Transfer Policy approach and the Community Asset Transfer Procedure be endorsed in principle, and the consultation with town and parish councils commence.

**Minute 21 Review of Business Rate Liability**

**RECOMMENDED that Cabinet** approve an exemption to contract standing orders and appoint Val Williams as consultants to act on the Council's behalf in assessing and appealing (where appropriate) Business Rate Assessments

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Asset Management Forum held at Council Chamber, Blackdown House, Honiton on 2 September 2019**

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

The meeting started at 9.30 am and ended at 12.29 pm

#### **11 Public speaking**

There were no public speakers.

#### **12 Minutes from the previous meeting**

The minutes from the previous meeting held on the 13 June 2019 were confirmed as a true record.

#### **13 Declarations of interest**

#### **14 Matters of urgency**

There was one matter of urgency, agreed by the Chairman to be taken at the meeting. An emergency replacement of the boiler at Sidmouth Swimming Pool was currently underway to prevent closure of the pool. £29,354 would come from the maintenance reserve to cover this cost.

The Chairman commented that the expenditure was necessary and noted that the work was underway.

#### **15 Confidential/exempt item(s)**

There was one item classified in this way and agreed to be considered in private session.

#### **16 Performance dashboard**

The performance dashboard as at end of August 2019 was presented to the Forum. The Senior Manager for Property and Estates highlighted in particular:

- Increase rent roll from let property – this had increased due to recent letting of the café at Phear Park, reviewing the rent of the Savoy Cinema, and further letting from the Business Centre;
- The drop in minor/reactive maintenance activities was due to an inflated figure in the previous report that included a backlog of work;
- Within the Other Key Projects – Service Development section of the dashboard, the 'Incorporate use of Uniform across other key services' project is showing red as progress is stalled pending review of other possible software.

The Chairman explained the continued work to build a comprehensive asset database, which still had no completion date due to a lack of resource, both in officer time and budget.

The Forum noted the performance dashboard.

## 17 **Property Matters Newsletter**

The Senior Estates Surveyor highlighted the successes and general updates in the recently published “Property Matters”, including, to name a few:

- Rent review reports
- Manstone workshop unit let to the Countryside Team
- Swift moving of unauthorised camping on Allhallows Playing Fields in July.

The Forum noted the newsletter.

## 18 **Community Asset Transfer Policy**

The Forum debated the development of a Community Asset Devolution Policy that first reviews the purpose, use and cost of all assets owned by the Council. This review would equip the Council with the information required to:

- Identify those assets required by the Council to discharge its statutory functions;
- Those assets best owned and managed by the Council to deliver the aims of the Council Plan;
- Those assets that may deliver greatest community benefit through ownership and management by the communities in which they lie.

The Forum then considered the draft procedure for requests for asset transfer.

The Chairman explained the dual approach to developing the policy alongside the procedure, in order to clarify to consultees both the Council’s direction of travel but also what the process would look like.

The procedure set out clear objectives, the decision making approach, and expected timeframe. The policy would go out to own and parish councils as consultees, with the feedback taken into account before putting the policy before Cabinet and Council for approval.

The intention was to give as much flexibility as possible to the local community on how the asset can be managed, including if they can generate an income from it. The Council would need to protect the public uses but at same time ensure that others were given the freedom to make those assets work for them. It was envisaged that assets might often be grouped within a locality.

The pilot with Beer Parish Council had helped shape the procedure, using this as a test bed, with a view to applying the approach to other communities.

It was noted that Newton Poppleford Parish Council were also examining how the toilet block and car park could be better managed under their control.

Discussion from the Forum included:

- How prepared, and what resource, town and parish councils had to prepare their submission for an asset transfer, including a clear business case;
- Availability of complete data on assets was key, and there was still outstanding work on pulling together data sets on the assets;
- Basic information on assets was known, but less so on future cost liabilities;

- Need to make clear that assets would not be considered piecemeal – that a community needed to have a holistic approach to their area and the assets contained in it;
- Some elements, such as grounds maintenance, may be contracted back to the Council;
- The policy did not provide the opportunity for local communities to “cherry pick” assets; those that provided an income to the Council would remain in Council ownership;
- Assets would be transferred in a working order, but not necessarily in a refurbished state; however the intention of the policy was not to offload poor assets;
- Producing a definitive asset list at this stage would mean that focus would fall on individual assets, rather than the purpose of the policy or a holistic approach managing assets;
- Assets would be transferred as leasehold or freehold and include consideration of long term retention of the asset. No transfer would take place unless there was confidence that the business case was robust and the local community could deliver it;
- Economies of scale were being considered and taken into account; however once an asset had been transferred, there was a limited ability for the Council to have influence over that asset, such as a standard of décor, unless included in the terms of transfer;
- It was key to have robust, clear criteria and decision making process so all parties are clear what the outcome will look like.

**RECOMMEND to Cabinet** that the Community Asset Transfer Policy approach and the Community Asset Transfer Procedure be endorsed in principle, and the consultation with town and parish councils commence.

**RESOLVED** Report back to the Forum the consultation feedback and any subsequent revision for debate.

## 19 **Asset Devolution Programme Pilot: Beer Parish Council**

Councillor Susie Bond took the role of Chairman for this item.

Beer Parish Council had submitted a proposal to the Council that seeks the transfer of responsibility for land and property assets to their council. The proposal alongside being a project in its own right is also a pilot project in order to assist the Council in considering the potential to roll out an asset devolution programme across the District, subject to Cabinet approval.

The assets for transfer were highlighted on a map to show their location to the Forum. These assets were:

- Beer Head Car Park (southern strip and central areas only)
- Star Bank
- Play area above Pumping Station along with possibly the Underleys play area (HRA still to be consulted and will be subject to separate decision making)
- Jubilee Gardens PC's
- Jubilee Gardens Access ' Hardstanding view point – includes income received currently of £700 per annum from RNLI

- Jubilee Gardens
- Charlies Yard
- Beach Court Car Park

Areas to be retained by the Council include:

- Beach – due to complexities around day-to-day management and because of regularisation of agreements being needed
- Cliff – Parish Council are not prepared to accept this liability. This is a concern to EDDC, has been worked through at length and has now been accepted by Officers as part of this wider asset transfer
- Majority of Beer Head Car Park
- Bottom section of Beach Access Road
- Central Car Park

The Forum had received detail of the market values of the assets to be transferred, and the consequences of transferring was explained. The business case, prepared by Beer Parish Council, was explained in detail by Councillor Pook, including the rational and elements of the plan that would deliver savings to the District Council by year ten of £288,838.

Councillor Pook also outlined some of the future uses of the assets, subject to transfer, in delivering a number of improvements to the village that had been requested by both the local community and visitors to the area.

Considerable negotiations had taken place, including taking into account the fixed costs for the StreetScene service. The business case was now felt to be robust and now needed approval to proceed. There was still further detail to work through for the final agreement between parties, so a recommendation would go forward to delegate this work to the Deputy Chief Executive.

**RESOLVED** that a report be presented to Cabinet for approval to:

- a. Transfer assets as identified, to Beer Parish Council for nil consideration;
- b. Responsibility for agreeing detailed terms and conditions for the freehold/ long leasehold transfers to be delegated to the Deputy Chief Executive.

## 20 **Commercial Investment update**

The Forum received a report giving an update on current work streams on commercial investments, in accordance with the adopted Commercial Investment Framework.

The Forum were reminded of the background to the framework, and the robust decision process within it. The Chairman also echoed the process behind the framework and the need to act swiftly in the commercial market if the opportunity arose. Any decision on spend up to £5m was made by the Deputy Chief Executive after consultation with Leader and 3 identified Portfolio Holders.

In response to questions, the framework was confirmed as looking to invest within the boundaries of the District, with more straightforward investment to begin with, before

considering if partnership investment opportunities warranted investigation. If investments within District are not forthcoming then possibly looking further afield.

**RESOLVED** that the update on commercial investments be noted.

21 **Review of Business Rate Liability**

The Forum received a report on engaging a consultant to undertake a targeted review of business rate liabilities, including appeals where savings are envisaged. The consultant fees will be met from the relevant budget for those properties where savings are achieved.

**RECOMMENDED** that Cabinet approve an exemption to contract standing orders and appoint Val Williams as consultants to act on the Council's behalf in assessing and appealing (where appropriate) Business Rate Assessments.

22 **Seaton Workshops**

The Forum received an update on the project review, which had concluded that a wider strategic review into options and proposals for the land was required.

**RESOLVED** that the update be noted, with further update to the next scheduled meeting of the Forum.

**Attendance List**

**Councillors present:**

G Pook (Chairman)

S Bond

K Blakey

**Councillors also present (for some or all the meeting)**

J Bailey

J Rowland

**Officers in attendance:**

Tim Child, Senior Manager Property and Estates

Matthew Dickins, Planning Policy Manager

Rob Harrison, Senior Estates Surveyor

Colin Whitehead, Principal Building Surveyor

Debbie Meakin, Democratic Services Officer

Andrew Champion, Development Delivery Project Manager

Richard Cohen, Deputy Chief Executive

**Councillor apologies:**

I Thomas

Chairman .....

Date: .....

## **STRATA - JOINT SCRUTINY COMMITTEE**

**WEDNESDAY, 4 SEPTEMBER 2019**

Present:

Councillors Twiss (Chairman), Atkinson, Lyons, Nuttall, Pierce and Swain

Members Attendance:

Councillor Dewhirst

Apologies:

Councillors Clarence, Millar and Eleanor Rylance

Officers in Attendance:

Laurence Whitlock, Strata IT Director

David Hodgson, Strata Service Director

David Sercombe, Head of Business Systems & Business Intelligence

Robin Barlow, Head of Security & Compliance

Martin Millmow, Head of Document Centres

Paul Nicholls, Strata Board Director

Trish Corns, Democratic Services Officer

### **12. MINUTES**

The Minutes of the meeting held on 30 May, 2019 were approved as a correct record and signed by the Chairman.

### **13. DECLARATIONS OF INTEREST**

None.

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

None.

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

None.

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

RESOLVED That, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for Minutes 19 -23 on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act.

**17. IT DIRECTORS REPORT- STRATA PERFORMANCE REPORT COVERING PERIOD MAY TO END JULY 2019**

The Strata IT Director presented the report on the last four months of activity, the aim being to provide background to the core areas of specialisation within Strata and identifying key activities, successes and areas for improvement. 2019 was proving to be a very productive and successful time for Strata.

The successes include: a high level of end user satisfaction, Global Desktop and Global Comms platform having excellent levels of system availability; the migration of staff for Agile working at Exeter City Council is progressing well and initial feedback is very good; the Business Systems team are leading on the discovery phase / requirements gathering phase of the new Finance and Income Management system across the three authorities; the Service Desk team continue to provide an exemplary service; the Infrastructure team have been working with the Supplier Manager to look into the costs of mobile devices and networking. We have already been able to negotiate a £6k per annum saving from Vodafone; the Security and Compliance have deployed 'Mimecast' the new content and email filtering system; the dedicated IT trainer is proving invaluable in assisting Members with their migration to ipads, and is now leading on Climate Change as Strata's Champion; and Strata staff are excelling in supporting the ever growing IT demands and needs of the three authorities.

It was agreed that the Customer Services Plan and glossary of terms be circulated to the Committee.

RESOLVED - The report be received and noted.

**18. FINANCE REPORT**

The Strata Director (Finance) referred to the report circulated with the agenda and advised on the financial position of Strata at the end of the first quarter of 2019-20. Strata had a budget of £6.531 million to run the IT Services in 2019/20 along with funding for various capital projects. An account is also maintained for additional purchases (outside of the existing Strata contract) throughout the year. These are invoiced to each Council based on actual purchases made.

Strata is projected to deliver £812,900 of revenue savings in 2019-20, a projected shortfall currently of around £41,000. The key variations were set out in the report. Strata is working on further opportunities to deliver the extra £40,000, by renegotiating mobile phone contracts. The target for the Company is to deliver the additional shortfall by the end of the financial year.

RESOLVED - The report is noted.

**19. COMMERCIALISATION**



Consideration was given to the report circulated with the agenda in relation to commercial opportunities.

RECOMMENDED - The recommendation as detailed at page 14 of the report be approved.

## **20. PROJECT MANAGEMENT FRAMEWORK**

The Committee considered the report circulated with the agenda which detailed a framework to deliver successful Strata projects. Not all aspects of the framework would be applicable to all projects, and the level of governance would also vary between projects.

RECOMMENDED - The three authorities formally adopt the Strata Project Management framework as set out in the report, and that this framework is followed by the authorities and Strata for all future ICT projects.

## **21. PROJECT MANAGEMENT OFFICE**

The IT Director referred to the report circulated with the agenda, on the creation of a single Strata Project Management Office (PMO) to manage all projects, and to facilitate IT Training, Supplier Management and Customer Advocacy.

RECOMMENDED - The PMO be supported.

## **22. ONGOING DEVELOPMENT OF STRATA FIRMSTEP RESOURCE TO SUPPORT THE NEEDS OF THE THREE AUTHORITIES**

Consideration was given to the report circulated with the agenda which outlined options for the continuation of resources for the One Teignbridge Firmstep project.

RECOMMENDED Option B as detailed at page 12 of the report be agreed by all three authorities. Should no option be agreed, an alternative, acceptable option be prepared by each authority to instruct Strata how to proceed.

## **23. GOVERNANCE**

The IT Director reported on proposals to streamline the Strata governance process, with the formation of an IT Steering Board, whilst maintaining the Executive and Scrutiny democratic process.

RECOMMENDED - The proposals be approved.

COUNCILLOR P TWISS  
Chairman

**EAST DEVON DISTRICT COUNCIL****Minutes of the meeting of Scrutiny Committee held at Council Chamber, Blackdown House, Honiton on 5 September 2019****Attendance list at end of document**

The meeting started at 10.00am and ended at 4.40pm.

**1 Public speaking**

There were no public speakers at the meeting.

**2 Welcome by Chairman**

The Chairman, Councillor Alan Dent, welcomed Councillors and Officers to the meeting. He reported that the priority for Scrutiny was the services provided for the Council and that this was a briefing meeting to form our minds for the budget for the following year 2020/21, for which a meeting would be held in January 2020. This meeting would be chaired by Cllr Nick Hookway, Chairman of Overview Committee.

**3 Declarations of interest**

Cllr Ian Hall; minute 6; Personal interest, chairman of Cloakham Lawn Sports Centre and Devon County Councillor

Cllr Eleanor Rylance; minute 6; Personal interest; Member of Broadclyst Parish Council

**4 Matters of urgency**

There were no matters of urgency.

**5 Confidential/exempt item(s)**

There were no confidential items.

**6 Service Plan Objectives 2019/20**

The Chairman welcomed the Strategic Lead Finance to open the meeting with an overview of the budget position in the context of the Medium Term Financial Plan (MTFP) and the main factors influencing this and future budgets. This showed that if no action was taken the Council would be spending £2.1 m over the monies it had available to it in 2020/21. This funding gap grew each year and in 2023/24 the final year of the new Council the annual gap is £2.7m. It was noted that the Council will take action to reduce its annual expenditure/increase its annual income in order that it can prepare balanced budgets through the term of the new Council.

Members noted that a way forward to bridge this funding gap along the theme outlined previously in the Council's Transformation Strategy, to focus on the following areas: commercialisation, an organisation fit for purpose and our 'careful choices' strategy.

Finance service plan

Councillor Ian Thomas reported that a balanced budget was important and that the current budget made no account for the cost implications for the carbon reduction initiative. Other comments on the service included the following activities:

- Transformation Strategy was looking at ways to change the cost shortfall.
- Fraud and compliance initiatives.
- Band discount scheme for council tax.
- Maintain compliance and legality.
- Audit & Governance function.
- Treasury management.
- Importance of Capital Strategy & Allocations Group. This Group had an important function in looking at capital projects.
- The Budget Working Party – the meeting was needed to provide the right information when looking at capital projects.

Clarification and debate covered:

- Concern that the CAB budget provision had been reduced by £20k. It was noted that there was currently some duplication where payments were made to the Homemaker service and CAB will be asked to cover off this work going forward to reduce the overall cost to the Council.
- The Queens Drive Delivery Group had been specifically appointed to deliver the projects at Queens Drive.
- An annual estimate was made on how much income could be obtained from business rates.

#### Organisational Development & Transformation service plan

Councillor Jess Bailey reported that the three key things to underpin the service plan were:

1. Evolution of the transformation strategy into a commercialisation strategy.

2. Next year looking at the 'careful choices' campaign to consult on services bearing in mind the economic climate.

3. Fit for purpose coming through for the transformation strategy.

Karen Simpkin, Strategic Lead Organisational Development reported that the key challenge for the service plan was moving towards a digital East Devon. The first steps had been introduced which would ask customers to enter through a portal. Similar systems were being introduced in Teignbridge and Exeter. Aligned to this was the content on the website. EDDC's was a big website with a lot of content. The Action Plan was to review this on a monthly basis.

Another element was keeping the show on the road, HR and payroll were important backroom functions which keep the organisation going. There were 500 staff at EDDC and this was looked after by a small number of HR and payroll staff. It was noted that EDDC's staff attrition rates were in line with other public sector organisations and absence rates, once the long term absences were removed was 8 days, which was in line with the public sector average.

Other new initiatives were the upgrade to the Trent system, introducing an upgraded learning management system and achieving the platinum Investor in People award.

Clarification and debate covered:

- What was the % terms for sickness? Sickness rates at the Council were always measured in days.

- Do you undertake early intervention for staff sickness? There was a trigger and then staff underwent a formal absence management and if necessary HR were involved. It was confirmed that sickness was managed very robustly
- It was important that the Council was a good place to work and a supportive environment.
- Are there back to work interview undertaken for all staff sickness absences? Back to work interviews were supposed to be done for each sickness absence and were a vital management tool.
- The attrition rate for staff was 12% and Karen Simpkins confirmed she would like to see it reduced to 10% and it was expected to come down now staff were settled at Blackdown House.

### Governance & Licensing service plan

Henry Gordon Lennox, Strategic Lead Governance & Licensing reported that there were several different elements to his service – legal, democratic services and information and complaints. There were also other roles involving the Monitoring Officer and Data Protection Officer. Licensing came under the Environmental Health portfolio. This was a support service with Licensing the only customer facing service. The three priorities were

1. Customer support
2. Deliver Statutory functions
3. Protect Council's interests

The challenge and issues that were facing the business were issues particular surrounding the need to reduce costs. It is a relatively small team and any staff reductions would impact on service delivery. The sharing of services maybe something to look at and IT software changes, such as Modern.Gov maybe a way to achieve further efficiencies. New case management software for the Legal service was also being introduced.

The Bosch system was being investigated along with Modern.Gov software as there were a number of useful features, such as electronic voting, that had not been used yet.

The review of the Council's governance arrangements was also likely to have an effect on staff resources needed.

Clarification and debate covered:

- Was CCTV for taxis a possibility? The Licensing Authority was aware of this request, but there were issues to overcome regarding putting CCTV in taxis.
- Was the new IT system for cemeteries being introduced? It was in the process of being implemented.
- Had there been an increase in FOI requests? The trend would show a reduction but there had been a change in the way they were reported. The work the Council was doing, such as relocation or Queens Drive developments drove these requests.
- Does the service have any scope for earning money? The legal department had some potential but this would mean additional staff and considerable work in setting up fees and charges and protocols.

### Property & Estates service plan

Councillor Geoff Pook, Asset Management Portfolio Holder, reported that the top three priorities were

1. Corporate Management of Assets
2. Commercial Investment Fund
3. Asset Devolution Policy

Tim Child, Property & Estates Manager reported that the service consisted of the Estates Team who were chartered surveyors, the Property Services team who dealt with planned and reactive maintenance and health & safety compliance and the Facilities Management team which looked after a number of different tasks.

There was the need to improve the strategic management of assets to support the Council's wider business aims. The Commercial Investment Fund had been affected by uncertainty around Brexit.

Clarification and debate covered:

- When will the Asset Register be completed? It had improved a lot in the past few years but was still not completed. It would be nice to think that it could be finished in 12 months' time.
- Are you making good headway in the devolution of Council assets and the streamlining of this? The AMF had discussed this earlier in the week and agreed the first stage of the Beer pilot.
- Has the recent vandalism of Council assets affected the cost of insurance cover? There had been no implications on insurance cover so far, but the insurance cover was provided on a three year term.
- What progress had been made with the commercial investment initiative? It was a difficult at the moment finding suitable investments. There was one property nearing completion and when it was completed then we can go public with a report.

#### Planning & Planning Policy service plan

Ed Freeman, Service Lead Planning Strategy and Development Management reported that the services top three priorities, issues and challenges were:

1. Housing Delivery – To ensure that we have a ready supply of housing sites to meet the housing needs of the district.
2. Development Plan – To develop a clear strategy for the future development of the district including the delivery of homes, jobs and infrastructure.
3. Flexible working – improve service provision and deliver efficiencies through increased mobile working.

It was noted that the New Homes Bonus provided £1.5m of extra income for the Council each year, but the housing land supply was diminishing each year. The service was developing a house design guide, including environmental standards for new homes.

Clarification and debate covered:

- Need for improvement of plans on the website. A number of plans received in the last couple of months for developments that were of a poor standard and could applicants be informed that these were unacceptable? Plans need to be too scale and to show the information needed.
- There were greater attempts being made to engage the community when spending S106 monies.

- Issues around viability issues around housing delivery and affordable housing. Was anything we could do to strengthen this? A Housing Delivery Officer had been appointed to negotiate the best possible outcomes. There was also a policy regarding overage clauses and the CIL charging schedule is currently being consulted on following a review to take account of current viability.
- Investment in the Housing Company was delayed by relatively few sites coming forward.
- Why is there an additional charge for on line planning applications? The Planning portal imposed charges which we have no control over.
- There was preliminary work being undertaken to update the Local Plan
- Could grid references be added to plans to help Parish Council's better identify where sites were? This would be feedback to the Planning Team but all applications should be accompanied by a clear location plan to ensure that sites could be easily identified.
- Regarding the Five Year Land Supply, are we left with the less desirable sites? It was inevitable that the good sites would be built on we have to look at the less desirable sites.
- Will the Design Code include environmental standards? Yes this would be addressed in design guidance to achieve better outcomes but the guide cannot change policy. It can only provide guidance to expand on existing policy requirements.
- There was new Government guidance which put viability issues at the forefront of work. It was hoped to pick this up at the earliest stage.
- There was the need to build resilient communities and not store up problems for future generations.
- What were the chances of changing planning policy to include wildlife corridors? Our approach can only be changed through new policy as part of the local Plan Review. The service was trying to negotiate the best solutions we can within the current policy framework.
- A review of the Local Plan would be likely to take at least 3-4 years as a result of the work involved including consulting and engaging with our communities.

### Regeneration & Economy service plan

Councillor Kevin Blakey, Portfolio Holder for Economy reported that the services top three priorities were:

1. Exmouth Regeneration – Delivery of phase 3.
2. East Devon Business Centre extension and additional locations in East Devon.
3. 'Our Town's' Study and Delivery Plan – Detailed and consultative evaluation of East Devon towns and intervention opportunities.

Members noted that the previous evening Cabinet had appointed a Queens Drive Delivery Group to replace the Exmouth Regeneration Board. It was also intended to have an in depth study of our 8 towns and their needs.

Clarification and debate covered:

- Seaton Regeneration seemed to have stalled. The Town Council had been working on the Seafront Enhancement Scheme, which had funding implications of £4m. Engagement with the Moridunum was acknowledged as an important part of Seaton seafront enhancement.

- Bidding for Coastal Communities Funding need to be carried out in collaboration with Seaton Town Council and more information was needed to improve future bids.
- There was a lot of knowledge amongst Councillor to help with the Town Centre study and the importance of obtaining data from local stakeholders, including Town Councillors was acknowledged.
- When was it intended to start and finish the town centre study as many town centre businesses were suffering? It was hoped to present a report to Cabinet by October and ask for tenders from consultants as soon as possible after.
- It was hoped that Exmouth would be considered as a whole and not just the Queens Drive development and the rest of the town not forgotten as other things in the town needed regenerating.
- Need to engage with local people on the town centre study. Support would be given to community organisations to help with the town centre study. Local engagement and intelligence was vital to the project.
- Hope that the implications of the GESP had been considered to develop the towns.

#### Growth Point service plan

Councillor Kevin Blakey, Portfolio Holder Economy reported that funding for two thirds of the Growth Point team came from non-core funding. There was also a Strategic Delivery Board being established for Cranbrook. Thee three service priorities were:

1. To deliver the Enterprise Zone programme.
2. To deliver the Green Infrastructure and Habitat Mitigation Strategies.
3. To ensure that effective mechanisms are in place to support the delivery of key strategic sites.

Clarification and debate covered:

- How does development at Cranbrook and the Growth Point benefit the wider East Devon community? The higher earners in this area spent money in the rest of the district. This was trickle-down economics.
- The target of 10,000 jobs in the Growth point was acknowledged. But what had been the actual delivery of jobs so far? There had been in the region of 1,000 jobs delivered so far.

#### Streetscene service plan

John Golding, Strategic Lead Housing, Health & Environment reported on the impact of the climate change agenda on the four services he managed and other Services, and the challenges and opportunities there were to influence the Council's climate change outcomes. It was suggested that this could be viewed as the Council's greatest challenge that will need sustained efforts over several decades.

Climate Change has recently been adopted by the Council as a priority, and will need to be reflected more prominently in the next iteration of Service Plans.

Andrew Hancock, Service Lead Streetscene services reported that the three service priorities were:

1. Recycling & Waste.
2. Grounds Maintenance & Cleaning of the public realm.

### 3. Coastal Defence & Asset Maintenance.

The service had a £9m spend, the biggest in the Council and the recycling contract generated £2m of income. The recycling rate was now up to 60% which made the council the top recycling authority in Devon.

The visibility of the Service was highlighted and the contribution towards the outstanding environment priority the council has adopted.

Clarification and debate covered:

- What happens to our recycling when it left East Devon and goes to other areas? The infrastructure does not exist to deal with the recycling in the South West, but it is all dealt with in the UK.
- What progress was being made on recycling other plastics that were not currently able to recycle? It was not easy to recycle these plastics and not commercially viable.
- What progress was being made on On-Street recycling? It was in the service plan and work on this was in-progress.
- The Government was proposing to make the collection of Green Waste a free service. The government strategy had indicated that Council's would be compensated for the costs of this but not for any surplus they made from their current Green Waste scheme. This would reduce EDDC's income generation.
- There were some things that could not currently be recycled. Were the service looking at increasing the things that could be recycled? The service were not looking at doing this as these items could be sent to the waste to energy plant in Exeter and this was a more carbon efficient way of dealing with this items.
- The Council's Green Waste scheme was been effective in carbon reduction as it had reduced car journeys to recycling centres.
- Fly tipping – could Town Council employees be given dispensation to deposit material they had recovered from fly tipping free at recycling centres in the same way as EDDC streetscene employees? This was a Devon County Council issue.

#### Environmental Health & Car Parks service plan

Andrew Ennis, Service Lead Environmental Health & Car Parks reported that the Services three priorities were:

1. Corporate Health & Safety Advice
2. Food and Water Safety and security
3. Public Health & Well Being

In outlining the Service responsibilities Andrew Ennis emphasised the wide ranging activities undertaken that focused around promoting healthy individuals and communities, preventing ill health, and protecting the environment. He also explained that car parking came under his Service, with a different Portfolio Holder.

Clarification and debate covered:

- With regard to electric cars and charging points in car parks. Were hydrogen fuel cell cars now the way forward? There was still the need for the foreseeable future to support electric cars with infrastructure.



- The service was attempting to improve Community Safety and improve communities, particularly in EDDC housing properties. There was money in the budget to tackle some of the anti-social behaviour,
- Campervan and motor van users car parking in Exmouth. Maer Road had proved adequate, but the use of Imperial Road had caused conflict of other users.
- Exmouth was short of playing field provisions. Warren View was not being used due to the unstable nature of the land. The FA had funding available to improve football pitches.
- Coach car parks – how many were there and was there a consistent charging policy? The coach car parks in Exmouth and Sidmouth were successful, but there was the possibility of a pilot Seaton coach policy.
- Would electric buses be considered for East Devon? This was a DCC/ECC issue.
- Should exercise be included in the public health & well-being priority? The importance of physical activity was emphasised in the service plan.
- Some outdoor gyms, provided by S106 funding, appeared to be underused.

### Countryside & Arts service plan

Charlie Plowden, Service Lead – Countryside & Arts reported that the services top three priorities were:

1. Trees
2. Maintaining our nature reserves & green spaces
3. Outdoor health & wellbeing

Other issues included the need to resource dealing with ash die back and art work using recycled plastic. There were 150,000 visitors to the nature reserves and the visitors to Seaton wetlands had increased from 40 to 60,000. There was however, still the need to identify ways to improve the offer. In addition the service had 120 volunteers who contributed 5,000 hours work each year whilst deriving health and wellbeing benefits associated with working outdoors.

Clarification and debate covered:

- Use of Seaton Wetland for social prescribing – there was a problem in obtaining money from NHS primary care to support this work.
- How had the charcoal production gone? It had been very successful this year and 650 bags had been delivered to Darts Farm for sale. They were looking to increase production for next year.
- The service was not directly involved with the reintroduction of Beavers to East Devon, which was a collaboration between Devon Wildlife Trust and Clinton Devon Estates.
- Was there likely to be a social prescribing scheme in Exmouth? There would be a Wild Exmouth scheme introduced which would look to replicate the success of the Seaton Wetlands in Exmouth along with the LED Health coaches.

### Housing service plan

Megan Armstrong, Portfolio Holder – Sustainable Housing & Community reported that the services top three priorities were:

1. More affordable homes – a decent house for all
2. Homelessness & Rough Sleeping.

3. Council homes fit for purpose, tenant safety & satisfied tenants.

Amy Gilbert Jeans highlighted the Service priorities bringing them to life with examples and facts and figures on performance. She explained some of the reasons for an increase in homelessness and the greater prevalence of mental health issues, together with the impact on the Service.

Amy Gilbert Jeans also mentioned the work she was doing on poverty and how this will translate into a series of recommendations when the Council could assist local individuals and communities

Clarification and debate covered:

- Will the service be getting information on poverty across the spectrum in East Devon? Yes. Need to look at prevention work around poverty.
- Concerns about the effect of the 'Right to Buy' scheme in reducing the stock of Council Housing available in East Devon.
- Success of the Littleham project and would provide a quarterly update on progress.
- 4,500 people were on the waiting list, with 56% in need of one bedroomed accommodation.
- Need to look for more innovative solutions to the housing problem.
- There were still opportunities to develop on the limited amount of HRA land available and possible development of garage sites.
- Hope to be able to build more Council houses in the future.
- Enable/acquired 237 new affordable homes in 2018/19 working with Registered Providers.
- Problems caused by HMOs included sharing kitchens and bathrooms. It was recognised that HOs provide an important source of lower cost accommodation, but they needed to be well run and many were not.

## 7 **Update on iPads**

The Chairman welcomed Laurence Whitlock, Strata IT Director to the meeting. He updated members on progress on the iPads. The brief had been given to Strata to improve the experience for East Devon iPad users. There had been a 5-6 week testing period of the new environment using selected Councillors. The challenge was to find a way around the issues reported by Councillors. It was felt that many of the problems presented had been overcome and positive feedback had been given by those Councillors in the test group. Although it was noted that Cllr Ian Thomas had reported a couple of continuing issues.

Laurence Whitlock reported that he was confident that the issues he had been asked to address was now addressed and he hoped to be able to deploy the new environment to the wider Council. He hoped to be able to work with Democratic Services to schedule migration to Councillors alongside the IT Trainer, Clive Newton.

## **Attendance List**

**Councillors present:**

A Dent (Chairman)  
K Bloxham  
T McCollum  
V Ranger  
J Rowland  
E Rylance  
M Chapman  
I Chubb  
B De Saram  
P Jarvis  
F King  
S Hawkins  
V Johns  
Tony Woodward  
Sam Hawkins  
Ian Hall

**Councillors also present (for some or all the meeting)**

Megan Armstrong  
Jess Bailey  
Kevin Blakey  
Peter Faithful  
Ben Ingham  
Geoff Jung  
Andrew Moulding  
Geoff Pook  
Eileen Wragg

**Officers in attendance:**

Tim Child  
Richard Cohen  
Simon Davey  
Andrew Ennis  
Ed Freeman  
Amy Gilbert Jeans  
Henry Gordon Lennox  
Andrew Hancock  
Charlie Plowden  
Karen Simpkins  
Mark Williams  
Chris Lane

**Councillor apologies:**

J Whibley  
C Gardner  
M Allen  
S Chamberlain  
M Hartnell  
Sarah Chamberlain  
Susie Bond  
Marcus Hartnell  
Marianne Rixson  
John Loudon

Chairman .....

Date: .....

**EAST DEVON DISTRICT COUNCIL****Minutes of the meeting of Capital Strategy and Allocation Group held at Council Chamber, Blackdown House, Honiton on 12 September 2019****Attendance list at end of document**

The meeting started at 10.03 am and ended at 11.07 am

**11 Notes of the previous meeting**

The notes from the previous meeting held on 10 July 2019 were agreed.

**12 Review of prioritisation process for capital projects**

The Strategic Lead Finance outlined the current process involved with submission, assessment, prioritisation and evaluation of projects submitted for the Capital Programme.

He explained the documentation and the elements contained within that. The main focus for the Group was the existing scoring matrix used for appraisal and prioritisation. The matrix had to be updated to reflect the new Council Plan priorities, and under a new administration, it was felt timely to review the scoring and weighting of the matrix prior to the Group receiving and discussing submissions in December.

The process had been in place for some time, although there were some existing projects that were underway before this process was in place. The process did include evaluation of a project once it was completed. Only projects classified as “medium” or “large” were put before the Group for monitoring.

Suggestions for amending the current process included:

- Ensuring that relevant Portfolio Holders were kept informed as project submissions were being drafted. This highlighted the current process of lifting information on a project from existing data to the submission documents, and a concern that this may increase the burden on staff in the addition of PH involvement at that stage. The Chairman made clear that there was no intention to increase the workload of officers, only that a means of keeping the relevant PH informed be implemented. Examples included copying in on emails, and briefings in person when time permitted. The issue of protracted reporting would be taken up by the Portfolio Holder for Corporate Services;
- Increase the scoring level for the council plan elements, as it was felt that this was more important than other factors in the matrix that currently had the same scoring;
- Although reference to reducing the Council’s carbon footprint was in the emerging Council Plan, it should be an individual item in the matrix with a score of 25. The individual levels within that scoring would be discussed between officers after the meeting;
- Any project scoring well under the criteria of carbon footprint would be likely to have higher cost implications, so the matrix needs to reflect that;
- The current criteria of the Asset Management Plan objectives was not required, as that was part of the Council Plan;
- Review the weighting overall once the suggested changes had been made.

In other discussion, it was confirmed that:

- The process used was similar to that used by other authorities;
- The outcome of the scoring matrix – the overall score – assisted the Group in ranking the projects to then consider firstly the statutory projects, then other projects and the associated funding they may or may not have;
- Documentation was separated out to handle the different elements of the process, differentiating seeking approval from the detail of running the project.

**RESOLVED**

1. that the scoring matrix used for appraisal and prioritisation be amended to reflect the discussion by the Group, with delegated authority to the Chairman and the Strategic Lead Finance to agree the scoring matrix to be adopted prior to the submission of bids prior to the December in 2019.
2. that the revised version will be circulated to the Group members present at the meeting prior to adoption.

**Attendance List**

**Councillors present:**

I Thomas (Chairman)  
M Armstrong  
J Bailey  
D Barrow  
K Blakey

**Officers in attendance:**

Simon Davey, Strategic Lead Finance  
John Golding, Strategic Lead Housing, Health and Environment  
Andrew Hancock, Service Lead StreetScene  
Debbie Meakin, Democratic Services Officer

**Councillor apologies:**

G Jung  
F King  
S Bond

Chairman .....

Date: .....



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

**Date of Meeting:** 2 October 2019

**Public Document:** Yes

**Exemption:** None

**Review date for release** None

**Subject:** **EU Exit East Devon District Council preparedness**

**Purpose of report:** To advise members about the work being done by EDDC Officers in preparation for an EU Exit.

Specifically:

- 1 Our CEO is our Brexit Lead Officer and sits on the local Brexit Resilience and Opportunities Group (BROG) chaired by Devon County Council's Chief Executive. Through this group we will lobby Central Government to establish an Emergency Welfare fund for our agricultural and rural communities likely to be impacted.
- 2 We will prepare our own staff and Members with key preparedness messages and we will signpost any enquiries to official advisory web pages for businesses and members of the public covering preparation for a no deal EU Exit.
- 3 We will also expected to contribute to a local emergency contingency fund of £25,000 to provide support to the Devon, Cornwall and Isles Of Scilly Local Resilience Forum.

**Recommendation:** **Promote an awareness of the risks of EU Exit to our Members, staff, businesses and residents and to know where current and relevant information can be located via the links included in this report.**

**Reason for recommendation:** Providing community resilience preparing for any future market shock for local businesses

**Officer:** David Whelan [Dwhelan@eastdevon.gov.uk](mailto:Dwhelan@eastdevon.gov.uk) 01395 571588

**Financial implications:** The report highlights the expectation of the Council contributing £25,000 to a local emergency fund to provide support to the Devon, Cornwall and Isle of Scilly Local Resilience Forum, the Council has received £35,000 from Government to help fund Brexit issues that has not been allocated to date. There are no other direct costs highlighted in the report but there could be cost implications that are unknown.

**Legal implications:** While our exit from the EU is clearly a particularly sensitive and emotive topic, this paper, which is to promote awareness on the associated risks, does not raise any specific legal implications requiring further comment.

**Equalities impact:** Low Impact

**Climate change:** Low Impact

**Risk:** High Risk

A number of risk areas risks areas have been identified and considered in relation to businesses and communities so as part of a no deal EU Exit. East Devon District Council continues to work alongside Blue Light Services, other local authorities and others as a partner within the DCIOS Local Resilience Forum. We have looked carefully at how we might mitigate against risk factors and reduce the impact on local businesses and the local community. The national risk factors considered are included within the body of the full report

**Links to background information:**

- <https://eastdevon.gov.uk/business-and-investment/brexit-government-guidance-for-businesses-preparing-for-brexit/>
- <https://www.gov.uk/brexit>
- <https://www.gov.uk/business-uk-leaving-eu>
- <https://www.heartofswgrowthhub.co.uk/start-grow-business/brexit/>
- <https://www.gov.uk/government/collections/how-to-prepare-if-the-uk-leaves-the-eu-with-no-deal>

**Link to Council Plan:** Encouraging communities to be outstanding;  
Developing an outstanding local economy;

## **Report in full**

This is a Brexit Briefing Note for East Devon District Council Members and staff.

Our designated Brexit Lead Officer is our Chief Executive Mark Williams. Within the DCIOS Local Resilience Forum (LRF) our Strategic Delivery representative is the Service Lead for Environmental Health and Car Parks Andrew Ennis and our Operational Delivery representative is our Community Safety Lead David Whelan.

East Devon District Council is a member of the Devon Emergency Planning Partnership (DEPP) which now includes representation from all the Unitary and District councils in Devon and is led by the emergency planning team from Devon County Council.

The LRF is a multi-agency partnership made up of representatives from local public services, including the blue-light emergency services, local authorities, the NHS, the Environment Agency and other partners. These agencies are known as Category 1 Responders, as defined by the Civil Contingencies Act. The LRF is also supported by organisations, known as Category 2 responders, such as the Highways Agency and the public utility companies who have a responsibility to co-operate with Category 1 organisations and to share relevant information with the LRF. We also work in conjunction with other including the Military and the Voluntary Sector who provide a valuable contribution to LRF work in emergency preparedness.





Since October 2018 Officers have been meeting within both LRF and DEPP partnership structures to work on the nationally identified risk register for EU Exit.

The rhythm of planned LRF meetings increases as we approach the end of October; information relevant to identified risks will become available through these meetings and partners will respond accordingly on a local, peninsula and National Level. From September these meetings moved from monthly to two weekly and will eventually become daily at both a Strategic and operational level

The government is responsible for leading the withdrawal process of the UK from the EU, the likely outcome of that process by government remains unclear.

Within the media there have been a number of theories about what the likely impact of different scenarios may or may not be, and central government remains responsible for mitigating many of the potential national risks that are being discussed, such as disruption to food and medical supplies.

Our primary responsibility is to continue to provide our local Council services, and in scenarios where local risks are identified, to focus on them and to work to reduce possible disruption to our residents, local businesses and the area as a whole.

In order to do this we need to remain alive to the impact of different scenarios being discussed with the BROG, LRF and DEPP and, where possible, put measures in place to mitigate any impact.

## Current Risks

The local risk register sets out our broad areas of concern, and the actions we are taking to manage those.

The DCIOS LRF risk register currently includes a number of scenarios and possible impacts in our area. These range from a managed deal between the UK and EU through to no deal, with all the associated uncertainty.

Recognising that residents and business may turn to the council for support, advice and assistance in the weeks and months ahead, we will continue to engage constructively with central government to achieve the least worst impact on East Devon's businesses and residents. However to ensure we can do that effectively Officers remain firmly of the view that it

remains imperative that suitable and sufficient guidance and financial support is provided by central government at this time of great uncertainty for all.

## DCIOS risk register

Issue	Challenge	Progress to date
<b>The border</b>	Ensuring that goods can continue to flow across the UK border (particularly at Dover and in Northern Ireland)	<p>The UK has committed to continuing to recognise most EU standards for goods to ease their transit into the UK. However, the EU has said it will check imports from the UK as it would imports from any other non-member, putting major burdens on businesses.</p> <p>HM Revenue and Customs has been communicating with businesses about the new customs processes they will need to follow if there is no deal, but many businesses are still unaware of the changes they will face. The government has also been vague on its plans for managing the border with Ireland: no new information has been published since March, when a high-level set of temporary measures were announced.</p>
<b>Citizens and migration</b>	<p>Protecting the rights of EU citizens in the UK and UK citizens in the EU</p> <p>Establishing a new migration regime</p>	<p>The UK has made a unilateral offer to EU citizens. Those in the UK on or before 31 October 2019 can gain settled status as they would if there was a deal – but there will be fewer rights for them in areas such as family reunification.</p>

Issue	Challenge	Progress to date
		<p>The Home Office is putting in place a registration scheme for EU citizens who arrive after October 2019, which would in effect see EU citizens able to come to the UK as now for a period. The <a href="#">rights of UK citizens in EU countries</a> are the responsibility of each individual member state.</p>
<b>Agriculture, fisheries and food</b>	Maintaining food supplies and establishing new UK regulatory regimes	<p>The government has said that it will continue to allow EU-approved agri-goods into the UK after a no-deal exit. But UK exporters would need to get approval before being able to export any product of animal or plant origin to the EU. After that, they will face greater checks than now and will have to pass through a border inspection post.</p> <p>There will also be problems exporting animal products to other countries if current EU agreements have not been replaced. The UK has said it will replace EU funding for farmers until the end of the current payment cycle.</p> <p>There is no clarity over the UK's approach to fishing quotas after Brexit.</p>
<b>Health</b>	Maintaining medical supply chains	<p>The government will continue to accept EU-approved medicines and medical products. The EU has said</p>

Issue	Challenge	Progress to date
		<p>that UK companies will need to re-register their medical products in the EU to continue to sell them in the Single Market.</p> <p>The government has <a href="#">asked pharmaceutical companies</a> to build “buffer stocks” of key items to deal with any interruption to supply. It also plans to buy warehouse space and secure additional freight capacity for shipping medical goods to the UK (as it did in March). The government has committed to prioritising medicines at the border and believes that “if everyone... does what they need to do, the supply of medicines and medical products should be uninterrupted”.</p>
<b>Transport</b>	<p>Creating new databases, new infrastructure and ensuring cross-border travel continues uninterrupted</p>	<p>Increased border checks at EU ports will potentially cause traffic delays in Kent, while UK hauliers and coach companies will no longer be able to serve the EU market. The EU has only put in place limited and temporary measures to mitigate road transport disruption, and many of these will expire at the end of 2019.</p> <p>Flights to the EU and many other countries around the world are governed by EU agreements, which the UK is working to renegotiate on its own behalf. The government</p>

Issue	Challenge	Progress to date
		<p>expects to have all these aviation agreements in place by 31 October. The EU has also said it will unilaterally allow some UK–EU flights to continue for 12 months after a no-deal exit, subject to the UK reciprocating.</p>
<b>Services</b>	<p>Preparing for changes to regulatory regimes and terms of access to the EU market</p>	<p>The UK government has committed to unilateral actions to minimise financial disruption in a no-deal scenario, including a temporary permissions regime allowing EU financial services firms to continue operating in the UK for a limited period while seeking UK authorisation.</p> <p>The EU has committed to a similar temporary permissions regime for some key financial services sectors, for a very short time, on a unilateral basis. For non-financial services like telecoms and broadcasting, firms may need to re-register their services in an EEA country.</p>
<b>Energy and environment</b>	<p>Creating a new nuclear safeguards regime, replacing other functions currently carried out by EU agencies</p>	<p>The UK will no longer be bound by EU regulations in these areas, making trade more complicated. It will also lose access to EU regulators and systems governing these areas. The Office for Nuclear Regulation will take over some EU functions and is in the process of</p>

Issue	Challenge	Progress to date
		<p>procuring a new IT system, training new inspectors and has secured funding for its increased role.</p> <p>The UK has <a href="#">promised a new environmental watchdog</a> to replace EU functions. However, this will not be in place until 2021 at the earliest – so any complaints cannot be dealt with until then.</p>
<b>Data</b>	Securing an “adequacy” decision to allow data flows to continue	It will not be possible for organisations inside the EU to send personal data to the UK after a no-deal Brexit, until its data protection regime has been found “adequate” by the European Commission. This process takes several months and cannot start until after the UK has left.
<b>Competition</b>	Beefing up the Competition and Markets Authority	The Competition and Markets Authority is expanding to handle an increase in the volume and complexity of its cases, as it takes on the responsibilities of the European Commission in monitoring state aid and other competition policy in the UK.
<b>Law and justice</b>	Finding replacements for EU tools allowing cooperation in law enforcement	The UK cannot recreate the EU’s existing cooperation mechanisms on its own: it will have to rely on outdated or less secure methods to work with EU counterparts, as the <a href="#">EU’s tools</a> are only for member

Issue	Challenge	Progress to date
		<p>states or countries with special agreements.</p> <p>Sajid Javid, then Home Secretary, <a href="#">wrote to his counterparts</a> asking for contingencies to be in place – there has been no move from the EU to agree these.</p>
<b>EU programmes and funds</b>	Replacing EU funding for research, infrastructure and agricultural subsidies, among other areas	The government has guaranteed that UK beneficiaries of EU funds will continue to receive funding until the end of 2020 – this will be funded by HM Treasury. Many of the payment mechanisms exist already; it will just be the source of funding that changes.
<b>International agreements</b>	Replacing the UK's access to the EU's agreements with countries around the world	<p>The government has 'rolled over' trade agreements with a number of countries, including Switzerland, Chile and Israel, as well as agreements on aviation services with a number of key countries, including the US, Canada and Brazil, and nuclear agreements with partners including Australia and Canada.</p> <p>However, we do not know what, if any, concessions the government is having to make to other countries to secure these rolled-over agreements. Moreover, some countries have refused to roll over</p>

Issue	Challenge	Progress to date
		<p>agreements: Canada for instance has refused to roll over its trade agreement with the EU.</p>





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

**Date of Meeting:** 2 October 2019

**Public Document:** Yes

**Exemption:** None

**Review date for release** None

**Subject:** **Asset Devolution Programme Pilot: Beer Parish Council**

**Purpose of report:** This report is seeking Members to approve the business case for transfer of assets to Beer Parish Council. The Parish Council have submitted a proposal to EDDC which seeks the transfer of responsibility for various land and property assets from EDDC to the Parish Council. This report considers the merits and implications of the proposal for the Council and makes recommendations based on these findings.

The Parish Council proposal is being treated as a pilot project in order to enable the Council to consider further the potential to roll out an asset devolution programme across the district subject to further Cabinet approval.

**Recommendation:** **That Cabinet Recommend to Council**

- a) **The transfer of assets as identified within this report to Beer Parish Council for nil consideration in accordance with the provisions of paragraph 5 of this report.**
- b) **Responsibility for agreeing detailed terms and conditions for the freehold / long leasehold transfers to be delegated to the Council's Deputy Chief Executive in consultation with the Strategic Leads for Finance and for Governance & Licensing.**

**Reason for recommendation:** Consideration and support from Members to the transfer of land and buildings as identified within this report.

**Officer:** Tim Child, Senior Manager – Property & Estates  
01395 571692

**Financial implications:** The financial details are contained in the report. Based on the assumptions detailed in the report there is a cost in the first year to the Council of £2,500 but over 10 years the savings accruing to the Council will be in the order of £300,000. The report also highlights the potential income (possibly as high as £25,000) that this Council is foregoing by transferring assets if it decided to utilise these assets differently itself. The recommendation aligns to the Council's Transformation Strategy.

**Legal implications:** It is permissible for the Council to dispose of assets (whether by freehold sale or granting of a lease) to a parish council and this does not have to be at market value provided there are justified reasons not to do so, which it is considered are satisfied in this case. Legal Services have been involved previously in respect of the proposed transfer and will continue to assist in structuring the transactions and agreeing the

specific heads of terms and disposal requirements as required. More specific legal advice will be provided as the project continues including ensuring compliance with relevant legal duties for disposal of land.

**Equalities impact:**

Low Impact

It is not anticipated that the transfer of assets will have an adverse impact on people with protected characteristics as it is the stated intention of the Parish Council to continue the current service provision and enhance where possible. Contractual documentation will include restrictions around use of assets and services provided to safeguard these continuing uses.

**Climate change:**

Low Impact

Existing uses of the assets will broadly continue. There is the opportunity over time to increase the extent of maintenance and grounds works undertaken by local contractors or volunteers based in the village therefore less travelling.

**Risk:**

Medium Risk

The risk considerations are set out in the main body of the report, along with the steps proposed for mitigation against these risks.

**Links to background information:**

[Cabinet Report dated 11<sup>th</sup> May 2016 – agenda item 16](#)

[Appendix A – plan of land to be transferred \(indicative only\)](#)

[Appendix B – Business Case](#)

[Beer Pilot Asset Transfer Proposal – Supporting Statement](#)

[Beer Assets photographs](#)

**Link to Council Plan:**

Encouraging communities to be outstanding

Continuously improving to be an outstanding Council

**Report in full**

**1.0 Background**

- 1.1 A Cabinet Report dated 11<sup>th</sup> May 2016 recommended a new direction in the management of the Council's property portfolio and focussed in part around empowering and supporting local communities to take on community assets and services. The cost of maintaining the Council's non HRA assets was assessed as £2.3m per annum with the majority of these costs relating to sites providing discretionary services. At the time of the report, Beer Parish Council had already submitted their own business plan with a request to take on services in Beer along with associated assets. The report proposed that this be used as a pilot. The wider recommendation around management and devolution of assets was also supported.

- 1.2 This asset transfer is being driven on behalf of the Parish by Cllr Pook as Chairman of the Parish Council but is also the EDDC Portfolio Holder for Asset Management. Due to this potential conflict Cllr Pook whilst campaigning for progress has distanced himself from an EDDC perspective and will be excluded from EDDC decision making on transfer of assets to Beer Parish Council.
- 1.3 A Cabinet Report for April 2017 was prepared by the Council's then Principal Estates Surveyor recommending the transfer of assets and devolution of services at Beer, subject to detailed terms and conditions still to be agreed. This report was pulled due to insufficient detail and robustness of the then business case. At that stage there was a significant short term cost to EDDC from transferring these assets through fixed costs not being able to be absorbed.
- 1.4 Work on the Beer pilot then progressed during the latter half of 2018 after a period of inactivity over the preceding year due to changes in staffing and in early 2019 Officers (Service Leads for StreetScene, Environmental Health & Car Parks and Senior Manager – Property & Estates) met with Cllr Pook to work through in detail the business case prepared. Concerns by EDDC were slowly but surely worked through and solutions to each found and SMT are now supportive of the business case.
- 1.5 On 2<sup>nd</sup> September 2019 Asset Management Forum considered a report from Senior Manager – Property & Estates and resolved that a report be presented to Cabinet to:
- a. Transfer assets as identified, to Beer Parish Council for nil consideration;
  - b. Responsibility for agreeing detailed terms and conditions for the freehold/ long leasehold transfers to be delegated to the Deputy Chief Executive.
- 1.6 Alongside the Beer Pilot, a draft Community Asset Transfer Policy has been prepared. Once adopted this will help better manage the issues encountered with the Beer Pilot, provide guidance to all parties, a strict but achievable timetable for decision making and generally ensure that contentious issues are identified and addressed at an early stage to avoid the issues faced with the Beer Pilot which we've had to work through.

## **2.0 Proposal**

- 2.1 Transfer of the following assets freehold / or under very long lease to Beer Parish Council:
- Beer Head Car Park (southern strip and central areas only)
  - Star Bank
  - Play area above Pumping Station along with possibly the Underleys play area (HRA still to be consulted and will be subject to separate decision making)
  - Jubilee Gardens PC's
  - Jubilee Gardens Access ' Hardstanding view point – includes income received currently of £700 per annum from RNLI
  - Jubilee Gardens
  - Charlies Yard
  - Beach Court Car Park

These are shown coloured red on the attached plan in Appendix A.

- 2.2 The proposal is for the freehold or long leasehold transfer of those assets. The Parish Council would have flexibility to sell / sublet / assign provided that any financial returns are reinvested in the Beer community and that the uses remain broadly for public enjoyment and benefit and that the key services remain in some form. That said, as an example, Beer

Parish Council would be permitted to convert the public convenience building into a café/ ice cream kiosk provided that a public convenience provision were retained either within the building or close to – it could be smaller and the income generation from the remainder of the building could be used to support ongoing costs. Likewise Charlies Yard could be built on provided that the use benefitted the community.

2.3 For avoidance of doubt, areas to be retained by EDDC include:

- Beach – due to complexities around day-to-day management and because of regularisation of agreements being needed but this does generate a commercial income
- Cliff – Parish Council are not prepared to accept this liability. This is a concern to EDDC, has been worked through at length and has now been accepted by Officers as part of this wider asset transfer
- Majority of Beer Head Car Park
- Bottom section of Beach Access Road
- Central Car Park

### **3.0 Market Values of Assets To Be Transferred**

3.1 In January 2017 Torbay Development Agency were instructed to undertake market valuations of relevant sites in Beer. Valuations to note are as follows:

- Jubilee Gardens Public Convenience - £71,000
  - Shelter adjacent RNLI shop hut - £12,000
  - Charlies Yard & Shelter - £37,000
- Say £130,000 as at 2019.

3.2 Jubilee Gardens is of nominal market value and Beach Court Car Park which generates a net income of circa £12,000 has a market value of £185,000 (est) as at 2019.

3.3 Total market value of assets to be transferred therefore £315,000.

3.4 Under the Local Government Act 1972, Local Authorities are given powers to dispose of property 'in any manner they wish', including the sale of freehold interests. The only constraint is that a disposal must be for the best consideration reasonably obtainable. Under the Local Government Act 1972: General Disposal Consent (England) 2003, powers were conferred to a local authority to sell at less than best value under the following specified circumstances:-

a) The LA considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of the following objectives in respect of the whole or any part of its area, or of all or any persons resident or present in its area:

- i. The promotion or improvement of economic well-being;
  - ii. The promotion or improvement of social well-being;
  - iii. The promotion or improvement of environmental well-being; and
- b) The difference between the unrestricted value of the land and consideration does not exceed £2,000,000.

3.5 The proposals within this report satisfy these requirements.

## **4.0 Consequences to EDDC of Transfers**

- 4.1 It is worth noting that the proposal does involve transferring a number of assets which whilst historically have not been used to generate a significant commercial return other than the £700 per annum from RNLI do have the potential to provide an income to EDDC moving forward should they not be transferred and EDDC look to better 'sweat its assets'. Both Charlies Yard and the hard standing area below Jubilee Gardens have potential to generate income through café / kiosk / pop-up café type propositions. Interestingly EDDC were approached earlier this year by an operator looking for sites for a pop-up café, to be run from a high quality stylish up-cycled shipping container. Uses would be subject to planning but a conservative view would be 50% probability at generating rents of circa £10,000 per annum within 12 months and possibly as high as £25,000 per annum after a few years. These sites really are some of the best in East Devon for providing a restaurant type offering with sea views and could be capitalised on by EDDC to provide additional income along with improving the vibrancy of the area.
- 4.2 As for costs, clearly the transfer of assets reduce the future cost liability for EDDC but many savings are not immediate as most of StreetScene's costs are fixed (staffing/ equipment etc.) and these costs cannot be reduced merely by transferring a small number of assets within a locality. Over an extended time period and with the possibility of other transfers taking place there might be the potential to make savings but these are probably 5 years away if other associated transfers come forward that can be grouped to relinquish staffing resource. This is addressed further in the Business Case section below and a solution has been found whereby the Parish Council buy-back EDDC services but reducing their reliance on EDDC on a tapered basis over 5 years.
- 4.3 A proportion of EDDC's car parking revenue is required to support the Parish Council, reducing to zero on a tapered basis over 7 years.

## **5.0 Business Case**

- 5.1 Development of a Business Case has been driven by Beer Parish Council using data provided initially by EDDC around costs and incomes attached to those assets in Beer, updated where possible. The rationale and figures have been checked by respective Service Leads at EDDC and also reviewed with Strategic Lead - Finance. The rationale is broadly as follows:
- All Beer assets (those being transferred and those not being transferred) currently cost EDDC £106,805 but generate £232,879 therefore providing a surplus income of £126,075 per annum.
  - Of those assets to be transferred there is a nett cost to EDDC of circa £55,000 per annum.
  - Post transfer, nett costs to Parish Council would be circa £57,500 per annum.
  - Parish Council would require an annual payment from EDDC from car parking revenue of circa £57,500 per annum to offset that increase in cost to them, this tapering to zero after 7 years.
- 5.2 Attached as appendix B is the Business Case summary which will be described below following the same order as presented.
1. The proposal is to transfer the Beach Court Car Park to the Parish Council. EDDC will continue to manage this car park for which the Parish Council will pay EDDC's costs, hence including the net income figures within. The Parish Council would be responsible

for signs, lines, surfacing, boundary repairs etc. This will generate the Parish Council £12,000 in year 1.

2. The Parish Council have assumed they will capitalise on rental income opportunities from lettings of shelters and PC's. This is to be phased in and appears reasonable. EDDC to pay Parish Council a dowry of £45,500 in year 1 (this along with the £12,000 income from Beach Court car park equating to the £57,500 referenced above in 5.1), tapering down in equal tranches to £0 in year 8. This is a cost to EDDC but is balanced by the fact that those assets being transferred currently cost EDDC £55,000 per annum. In essence, together with Beach Court Car Park we are providing the Parish Council with £57,500 in year 1, reducing each year.
3. The Parish Council will pay StreetScene £30,000 in year 1 and in exchange StreetScene will provide those same works to those assets to be transferred as pre-transfer. This payment and the associated obligations on StreetScene to do the works will taper to zero after 5 years. This fundamentally addresses the big stumbling block to the previous business case where EDDC were having to carry their fixed costs as a loss. This works as long as the StreetScene fixed costs can in fact reduce over this same period i.e. through not filling vacant posts, restructuring of rotas etc. assisted through other asset transfers also happening across the wider locality. If these savings can't be made, EDDC will need to absorb those costs through a Transformation or other budget but balanced against the significant wider savings to EDDC which increase year on year.
4. The Parish Council have assumed following their own investigation that for those works they take on, they can deliver at 55% of EDDC's costs, taking on these works gradually.
5. The Parish Council have also assumed 15% of Parish Council works will be undertaken by volunteers therefore without cost.
6. The Parish Council have allowed for a contingency / sinking fund of 10% of maintenance costs.
7. The Parish Council make a very modest loss in years 1 and 2, incomes accumulating to circa £5,500 by year 5 but then by year 6 rely on generating commercial income over and above that currently forecast, most likely through Charlies Yard or some new premises on Jubilee Gardens and supported by income from events. If the Parish Council fail to achieve this, there will be a loss to them of circa £29,000 over 10 years. Opportunities do exist to generate additional cashflows of circa £10,000 plus per annum as referenced in 4.1 of this report and possibly as high as £25,000 per annum after time.
8. EDDC lose £2,500 in year 1 but thereafter generate a positive cashflow equating to circa £300,000 over 10 years but have of course relinquished the income at Beach Court car park and any other income generating opportunities from those assets transferred.

5.3 In summary, the Parish Council are taking on a not insignificant risk here but in exchange for giving them local control of the assets, their use, maintenance and management and decision making around changes in use and income generating opportunities. The Parish Council will need to generate real savings and / or additional income to ensure a balanced budget by year 10 or sooner. EDDC will make savings of circa £300,000 over 10 years but to do so are transferring assets of circa £315,000 market value as of 2019.

## **6.0 Key matters for consideration**

6.1 In considering this proposal, the Council have / will satisfy itself of the following:-

- 1) The proposal aligns with the Council's priorities as set out in the Council Plan 2016 – 2020

- 2) The Council will mitigate future financial and operational liabilities
- 3) The Parish Council will evidence and ensure they have the appropriate skills, knowledge and expertise to sustain the service provision in the long term
- 4) The Parish Council will be required under any agreement to have in place clearly defined structures, roles and responsibilities to deliver the services
- 5) The Parish Council will be required under any agreement to have in place clear decision making processes with an approved constitution, governance and management controls
- 6) The Parish Council will be required to meet with all insurance, equality standards, child protection, health and safety and licensing requirements
- 7) The proposal has the support of the local community
- 8) The proposal must evidence that implementation of the devolving of service provision and the assets associated with them promote or improve the economic, social or environmental well-being of the area or residents in order to satisfy best consideration requirements under the Local Government Act 1972
- 9) The Council is satisfied that there is no State Aid given the transfer of public functions between one public body and another(See 6.3 below)
- 10) Potential positive or adverse implications for staff have been considered

6.2 Where and if outstanding, these matters will be addressed prior to entering into any agreement for transfer of assets to the Parish Council.

6.3 In relation to item 9, the rationale behind State Aid is to prevent the distortion of markets as a result of explicit or public subsidies. If the Parish Council carry out purely local activities to meet local community need on a 'not for profit' basis, then any transfer is unlikely to count as State Aid. In certain circumstances if the Parish Council let space out to other bodies, accidental 'leakage' of Aid which inadvertently leads to these other bodies gaining an unfair advantage over their competitors may occur. Any agreement between the Council and the Parish Council will require the Parish Council to seek and obtain the Councils prior approval to any sub-letting for any purpose of the transferred assets in the first five years post transfer.

## **7.0 Pre-Requisites for Transfer**

7.1 Assets to be transferred must be in a serviceable condition with no serious outstanding defects. This might be by undertaking works prior to transfer or attaching a financial sum for the Parish Council to implement but it has been made clear this will not be a large sum and will not allow for works identified as needed in the short term future, something which previously was being requested. There is therefore a further less quantifiable saving to EDDC. In essence if some building component is broken, it will be repaired, but anything that is dated or in poor condition but functioning adequately will not.

7.2 A service level agreement between StreetScene and the Parish Council setting out the scope of works to be undertaken and funded, detailing how this service will then be tapered down over 5 years.

7.3 Agreement of Heads of Terms to include sufficient restrictions to ensure that those expectations within 2.2 of this report are protected.

## **8.0 Risks**

8.1 This asset transfer places the risks of owning and operating these assets very much onto the Parish Council. If they fail to start generating additional income there is a risk that the public use of these assets might be compromised. That said, opportunities to generate this income exists, and the Parish Council are prepared to accept this risk for the greater good of Beer and to deliver their vision. It is not intended to provide any provisions for EDDC to take back the assets should the Parish Council fail in their management of these.

8.2 Other key risks of the proposed asset devolution have been identified as set out below along with mitigation measures:-

	<b>Risk and/or Challenge</b>	<b>Mitigation Measures</b>
1.	Continued standard of service delivery: Failure could reflect on the Council as well as the Parish Council. The overriding concern must be for residents and visitors to Beer and East Devon.	i. Clear service level expectations detailed in a 5 year monitoring agreement. This will document such items as minimum operating hours, scope of activities, quality standards and basis for monitoring and measuring outputs.
2.	Management of land and buildings: statutory compliance, maintenance and repair	i. Testing of Parish Council business case and resources/ specialists to be used. ii. Requirement for Parish Council to enter into service level agreement with Council where deemed necessary.
3.	That the devolution will have a negative impact on the Council's income revenue	i. A requirement for the Parish Council to provide a robust business plan. ii. A detailed assessment of the Parish Council's business plan and implications for the Council





**Report to:** Cabinet

**Date of Meeting:** 2 October 2019

**Public Document:** Yes

**Exemption:** None

**Review date for release** None

**Subject:** **Community Asset Devolution Procedure**

**Purpose of report:**

This report is seeking Members support that the Community Asset Transfer Policy approach and the Community Asset Transfer Procedure be endorsed in principle, and the consultation with town and parish councils commence.

Once the consultation is concluded a further report will come back to Asset Management Forum to consider responses and any amendments needed before coming back to Cabinet before being adopted.

**Recommendation:**

**The Community Asset Transfer Policy approach and the Community Asset Transfer Procedure be endorsed in principle, and the consultation with town and parish councils commence.**

**Reason for recommendation:**

To enable progression of work to conclude in an asset devolution approach and Procedure being adopted to provide Parish and Town Councils and others with a clear understanding of the Council's approach and support towards asset devolution, the process and timelines involved.

**Officer:**

Tim Child  
Senior Manager – Property & Estates  
01395 571692

**Financial implications:**

The overarching financial principle for the Council in the asset transfer policy is to achieve savings for the Council but also to give benefits and opportunities to the local community.

**Legal implications:**

Legal Services are happy to provide additional guidance and advice as individual proposals are brought forward, each proposal is likely to be unique in the issues which it raises and these will need to be considered at the time. Legal Services would like to see the cost of the legal resource required to support each proposal and ultimate transfer being factored into each proposal.

**Equalities impact:**

Low Impact

This recommendation relates to commencing a consultation exercise only. A further recommendation will come forward following consultation and relating then to the adoption of an approach and Procedure.

**Climate change:**

Low Impact

This recommendation relates to commencing a consultation only. Every effort will be made to ensure this consultation is undertaken using electronic means and avoiding printing and postage where possible.

**Risk:** Low Risk

This recommendation relates to commencing a consultation only.

**Links to background information:** [Draft Community Asset Transfer Procedure](#)  
[Appendix A](#)  
[Appendix B](#)

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

## Report in full

### 1.0 Background

1.1 The attached Community Asset Transfer Procedure along with appendices A and B were considered by Asset Management Forum on 2<sup>nd</sup> September to initiate debate into the development of a Community Asset Devolution Policy that reviews the purpose, use and cost of all assets owned by the council to identify those assets required by the council to discharge its statutory duties, those best owned and managed by the council to deliver the aims of the council plan and those that may deliver greatest community benefit through ownership and management by the communities in which they lie. The following resolution was made:

RECOMMEND to Cabinet that the Community Asset Transfer Policy approach and the Community Asset Transfer Procedure be endorsed in principle, and the consultation with town and parish councils commence.

1.2 The Beer Pilot is a pilot project to explore opportunities for asset devolution within a locality. Challenges arose through having no clearly defined procedure, through having limited cost data initially and through creating a sound business case which supported the transfer of assets and worked for all parties. The attached Procedure along with appendices seeks to bring some structure and timetable to the procedure along with making clear the fundamental principles and expectations, encouraging towns, parishes and others to come forward but only if there is a credible business case to do so and it is to be clear that not all assets will be considered i.e. there must be a strong business case for both parties if a transfer is to be considered.

1.3 There are wide opportunities across the District to consider asset devolution at a local level and many opportunities to EDDC, the transferee and the community of doing just this.

1.4 The Asset Transfer Procedure sets out a process for communities to follow, where they wish to initiate asset transfers. Applications must recognise that proposals must be on a broadly balanced basis where an asset with additional revenue earning potential must be balanced against other assets, which may while delivering community value also incur a community cost.

- 1.5 The overall aim of the Community Asset Devolution approach and Procedure should be to deliver benefits and opportunities to communities through the transfer of assets. Financial implications for both parties should be cost neutral in year 1, giving revenue earning and cost saving opportunities to communities and financial savings to the council thereafter.
- 1.6 Community asset transfers will not be appropriate in all instances but where they are appropriate this Procedure seeks to bring clarity and structure to the process and clearly sets out expectations and responsibilities.
- 1.7 Once adopted, EDDC intend to actively engage with others where opportunities clearly exist.



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

**Date of Meeting:** 2 October 2019

**Public Document:** Yes

**Exemption:** None

**Review date for release** None

**Subject:****Annual Review of Public Health Priority Actions 2018-2019****Purpose of report:**

The purpose of this report is to present our Annual Review of Public Health Priority Actions in 2018-19. The Review celebrates activities by services across the Council which have supported and helped to improve physical health and mental wellbeing across the District.

Our public health activities underpin East Devon's overarching ambition to be and remain an outstanding place. The work aligns with the Council Plan, and also with wider-Devon and national priorities for instance ones identified by Devon's Health and Wellbeing Board and by Public Health England.

The Review demonstrates why we should care about our residents' health and wellbeing, and demonstrates ways in which we embrace opportunities for our services to support health and wellbeing across the district.

The Review showcases our partnership work and our focus on individuals and local communities, by providing them with opportunities and the information or support needed to help people lead healthier happier lives as independently as possible.

**Recommendation:****That Cabinet approves the Annual Review of Public Health Priority Actions 2018-2019****Reason for recommendation:**

The Annual review of public health priority actions 2018-2019 is recommended to further encourage services to help support and improve health and wellbeing across the District in 2019 onwards.

**Officer:**

Helen Wharam, Public Health Project Officer.  
[HWharam@eastdevon.gov.uk](mailto:HWharam@eastdevon.gov.uk) : 01395 571651

**Financial implications:**

There are no direct financial implication as the report notes actions taken by services across the Council with no specific recommendation in the report.

**Legal implications:**

There are no direct legal implications which require comment.

**Equalities impact:**

Low Impact

**Risk:**

Low Risk

**Links to background information:**

A yearly implementation plan identifies activities across the council which are designed to meet public health priorities. Progress against these activities is reviewed annually, highlighting particular achievements across the services as in this current Annual Review.

Public health implementation plans, annual reviews, and our public health strategic plan, are all available here:

<http://eastdevon.gov.uk/health-and-wellbeing/east-devons-public-health-plan-and-review-of-progress/>

**Link to Council Plan:**

This report helps to address the four Council priorities:

Encouraging communities to be outstanding

Developing an outstanding local economy

Delivering and promoting our outstanding environment

Continuously improving to be an outstanding council.

**Report in full**

Our Annual review of public health priority actions 2018-2019 is presented in full **here**:

We believe we have an overarching responsibility to consider health and wellbeing in all our council activities. Everything we do aims to ensure that East Devon is a place where people want to live, work, visit and enjoy life, focusing on where there is greatest need.

East Devon is an outstanding place, so it can be easy to feel complacent, but although people are living longer, many are often in poorer health. While that is a national trend, there are health inequalities across our district which we should work to address.

Our Review explains what we mean by public health, and why it matters to us. It outlines why we should care about health and wellbeing; why we believe it is our job to support health and wellbeing; and how we identified our priorities, based on actions stated in service plans.

It illustrates activities and the communities we focused on to most effectively tackle inequalities within the District. It showcases how we can meet our priorities by playing to our strengths. For example our natural open spaces provide valuable opportunities for us to achieve many of our public health priorities, ranging from increasing levels of physical activity, to improved mental wellbeing and reducing social isolation. StreetScene, the Countryside team, our Community Development Workers and others have involved our communities in delivering and deriving benefit from these spaces.

Examples from each service are given in the Annual Review, including a selection listed here:

The Countryside team developed and submitted a Wild Exmouth Heritage Lottery Fund bid for supporting volunteering, outdoor learning and public events programme on the town's LNRs and Valley Parks green spaces.

Thelma Hulbert Gallery worked with EDDC's Housing tenants to run and deliver their own exhibition showcasing the tenants' art.

The Economy and Regeneration Services team led delivery of temporary uses at Queen's Drive Space; involving teams including Streetscene, Property & Estates, Planning, Licensing, Environmental Health, Legal, Finance and Communications. External partners were procured, along with external support and advice for delivery of food, drink and entertainment aspects.

Working within the Environmental Health team, the public health project officer set up an exploratory meeting at Littleham Primary School with the head teacher and WEB Board vice-chair to discuss health and wellbeing priorities, then created a programme for the school's health & wellbeing week - secured input from dental outreach team, nutritionist, public library, online safety consultant, EDDC Countryside & Housing teams, and sponsorship.

Environmental Health's Commercial team performed nearly 700 food inspections, ensuring better quality food production leading to less food-related illness.

Revenues and Benefits team signpost and refer customers to other agencies for help and support where they identify opportunities to address issues associated with financial hardship, social isolation or vulnerability.

The Licensing team prepared safeguarding awareness sessions for the taxi trade in line with protecting safeguarding children and vulnerable adults in our communities.

Furthering Cranbrook Healthy New Town programme work, the Growth Point team provided support to bring forward development in Cranbrook town centre. This included commissioning commercial advice and a business planning exercise for the Town Council building.

The Housing teams delivered four community festivals; a number of 'play days' in rural areas; and extended their community development programme.

For staff, there are a range of 'Happy, Healthy, Here' activities and schemes promoting staff health and wellbeing, including lunchtime staff walks and our occupational health service, coordinated by the Organisational Development and Transformation team.

The Planning team allocated over £350,000 of Section 106 money on infrastructure to address the impacts of development and meet the needs of residents including over £200,000 on play areas in the district.

Property & Estates Service designed new external lighting schemes to external multi-use games area [MUGA] sports pitches to improve the lighting and customer experience at two sites in Honiton and Ottery St Mary.

Streetscene provided ongoing support for Park Runs on EDDC land, maintaining high quality free-to-use green spaces for sports and leisure activities and ample green space for relaxation and mental wellbeing.

Our yearly public health implementation plans, annual reviews, and public health strategic plan are all available here: <http://eastdevon.gov.uk/health-and-wellbeing/east-devons-public-health-plan-and-review-of-progress/>



**Report to:** Cabinet

**Date of Meeting:** 2 October 2019

**Public Document:** Yes

**Exemption:** None

**Review date for release** None

**Subject:** Car Parking Tariff Review

**Purpose of report:** In our service plan for 2019/20 we set out proposals to engage with the public on proposals to introduce changes to our car parking tariffs in some of our car parks. This report asks Members to consider detailed proposals for better management of our car parking assets and to authorise the required statutory advertisement and consultation on the proposals.

**Recommendation:**

**To authorise the statutory advertisement and consultation procedures required to make changes to the East Devon District Council (Off-Street) Parking Places Order 2008 (as amended).**

**To authorise a 12-month trial of free coach parking in Seaton Jurassic coach park effective immediately.**

**To authorise a promotional tariff of £2 all day parking to apply in Canaan Way and Brook Street car parks in Ottery St Mary effective immediately.**

**Reason for recommendation:** To consider more efficient operational management options for our car parks including new or revised tariffs in the context of a strategic objective to maximise the value of our car parking assets whilst continuing to recognise their importance to our communities and town centre economies.

**Officer:** Andrew Ennis, Service Lead

**Financial implications:** The proposals and reasons for the tariff changes are outlined in the report. It is also projected that this will increase revenue income in the region of £300k to £400k but this projection has a number of caveats and is heavily dependent customer reaction to the tariff changes. The recommendation aligns to the Council's Transformation Strategy.

**Legal implications:** There are two statutory procedures, either of which could be adopted, to effect some of the changes referred to in this report. The simplified one (designed for varying parking charges) does not include a formal consultation. Parking Services would therefore need to instruct Legal Services on whether they wish to carry out an informal or formal consultation, before effecting some of the changes set out in this report. Any informal consultation should be conducted by Parking Services before instructing Legal Services. The timeline for Legal Services making such changes would be circa two to four months depending on which procedure is adopted. In either case, costs would be incurred in

advertising these changes in newspapers circulating in the locality of the parking places affected (although only one public notice, as opposed to two, would be required if no formal consultation was required).

**Equalities impact:** Low impact

**Climate change:** Medium Impact

The provision of plentiful affordable car parking is still important for our town centre economies and local communities. However the present climate emergency recognises the significant contribution that the exhaust emissions from petrol, diesel and LPG fuelled private motor cars add to our towns' carbon footprint. Over time we may want to consider incentives and initiatives to encourage alternatives and by inference to discourage the parking of private fossil fuel driven motor cars within our town centres.

**Risk:** Medium Risk

There is a clear risk that in the short term any increases in our car parking tariffs will be unpopular especially if considered in isolation outside of this Council's transformation and evolving commercialisation strategy and our Careful Choices programme.

**Links to background information:** [Environmental Health Service Plan](#)

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

## Report in full

### Section 1 – Review of car park tariffs

East Devon District Council currently manages a portfolio of fifty car parks.

Many of these currently operate on one of our standard £1 per hour tariffs.

Typically these are:

- (a) coastal long stay (maximum £6 for 24 hours)
- (b) inland long stay (maximum £3 for 24 hours) and
- (c) short stay (maximum £3 for 4 hours)

The £1 per hour tariff has been in place now since 2010 and we have consistently resisted increasing it to ensure that we continue to provide the best possible support for our town centre economies. However, we are under increasing pressure to review our activities and move to a position where we are managing all of our car parking assets responsibly and transparently.

Officers have identified a number of opportunities for consideration here that we believe reflect current good management practice in the car parking sector and will assist us in better strategic management of our off-street parking assets. In consequence of these changes we anticipate that some modest increases in charges will deliver a significant increase in the contribution that car parking fees and charges make to our general fund. For the avoidance of doubt, this relates to



increases in income from paid for parking sessions and NOT to any predicted increase in penalty charges.

I am proposing that we should now propose changes to the way in which we manage our car parks under the following headings:

1. Car Parks currently available for public parking free of charge
2. Car Parks in prime areas where demand is high, parking spaces are at a premium and a price increase would assist us in better managing that demand by displacing some customers to a lower tariff car park in a slightly less convenient location nearby.
3. Car Parks that are currently free of charge but busy during the evenings with customers enjoying the attractions of that town or village.
4. In addition we are now open to suggestions that some of the car parks in our portfolio may be suitable for an asset transfer to a Town or Parish Council and that would of course be subject to the usual considerations set out in our asset transfer policy. That policy is currently in draft form and will be brought forward for consideration by Asset Management Forum and Cabinet in due course.
5. Special arrangements in response to a request from Ottery St Mary Town Council for Ottery St Mary's car parks.
6. Free coach parking pilot in Seaton

### **1. Car Parks that are currently available for public parking without charge**

Each of our car parking assets incurs a range of direct and other costs associated with ownership, maintenance and management including business rates, electricity charges, boundary and surface maintenance, tree and landscaping maintenance and insurance liability.

It is suggested that we should now consider the potential for each of the following assets to generate revenue to recover some of these ongoing costs and in some cases to fund overdue repairs and to carry out improvements that will enable us to maximise the potential of each asset:

<b>Car Park</b>	<b>Location</b>	<b>Proposal</b>
Upper Station car park	Budleigh Salterton	end leasing to Town Council and operate as a long stay pay and display car park.
Brook Road car park	Budleigh Salterton	operate as a short stay pay and display car park.
The Green car park	Broadclyst	operate as a long stay pay and display car park.
School Lane car park	Newton Poppleford	operate as a long stay pay and display car park.
Temple Street car park	Sidmouth	operate as a short stay pay

(free for 2 hour spaces)		and display car park.
Manor Farm Estate car park	Sidbury	operate as either a permit holder or resident reserved space car park.
Jarvis Close car park	Littleham Cross, Exmouth	operate as a short stay pay and display car park.
Blackmore Gardens car park	Sidmouth	operate as a short stay pay and display car park with special arrangements for health centre and library users

## 2. Car Parks where demand is high

We manage a number of short stay car parking assets in prime locations that are extremely popular with our customers with consequent congestion as motorists drive around looking for (and waiting for) a parking space. London Inn short stay car park in Exmouth is a good example of this. In all cases we have other less popular car parks in the vicinity that will usually have spaces available.

We are currently giving serious consideration to the challenge of providing suitable and sufficient electric vehicle charging infrastructure around East Devon to support what we believe will become an increasing number of visitors and residents who will be choosing to drive electric (or plug-in hybrid) vehicles over the next few years. At present, charging infrastructure requires a significant investment amounting to around £6,000 per parking bay (subject to the proximity of a 3-phase electricity supply).

Our proposal is therefore to introduce a 50% tariff increase in these most popular car park locations. We anticipate that the higher tariff will encourage some customers to switch to our less popular (and less expensive) car parks thereby alleviating some of the parking stress at the most popular locations. The additional revenue generated will then be of value within our overall careful choices programme and subject to the usual considerations, the council would be able to consider reinvesting some of that money in accelerating our programme of delivering charging infrastructure locally.

We propose to increase the hourly charge in the busiest car parks to £1.50 per hour whilst retaining the current £1 per hour tariff in at least one nearby alternative car park.

Car Park	Location	alternatives at £1 per hour
Lace Walk short stay car park	Honiton	THG long stay car park Silver Street car park King Street car park New Street car park

West Street short stay car park	Axminster	West Street long stay car park South Street car park Poplar Mount car park Coombe Lane car park
Orchard car park	Seaton	Seaton Jurassic car park Underfleet West car park
Central car park (short stay)	Beer	Cliff Top (Beer Head) Central car park (long stay)
Ham East / West / Roxburgh and Mill Street	Sidmouth	Manor Road car park
Rolle Mews car park	Budleigh Salterton	Lime Kiln car park
London Inn car park Imperial Road car park and Queens Drive car park	Exmouth	Estuary car park Imperial Recreation Ground Camperdown Terrace Queens Drive Echelon Foxholes car park Maer Road car park

### **3. Car Parks that are currently available for evening parking without charge**

Our short stay car parking tariff currently allows members of the public to park free of charge between 8pm and 6am. We know that the evening period (typically 5pm to 9pm and beyond) can be busy and is presently unregulated with no need for enforcement officers to visit during non-charging hours. It is proposed to introduce an evening parking charge (initially at a flat rate of just £1) to make a proportionate contribution to management, enforcement and wear and tear costs associated with the facility. The affected car parks would be:

Lace Walk short stay car park	Honiton
West Street short stay car park	Axminster
Orchard car park	Seaton
Central car park	Beer

Ham East / West / Roxburgh  
and Mill Street

Sidmouth

Rolle Mews car park

Budleigh Salterton

London Inn car park

Exmouth

Imperial Road car park

Exmouth Pavilion car park

Exmouth

#### **4. Possible Asset Transfers**

In addition to ongoing work on the Beer pilot, there has been interest in possible asset transfers expressed by other Town and Parish Councils including Sidmouth and Broadclyst. This Council's new asset transfer policy will apply to any such proposals.

#### **5. Ottery St Mary**

Representations from Ottery St Mary Town Council have suggested that the impact of this year's tariff increase in Canaan Way car park is already impacting negatively on the footfall in the town's retail businesses. Our car park transaction data for June and July does suggest a reduction in activity although the situation is significantly more complex with other towns where tariffs had not changed seeing similar reductions. However, in the interests of enabling the town's retailers to re-launch their autumn offer I am proposing that we introduce our usual winter price offer (all day parking for just £2) here with immediate effect rather than waiting for 1 November. It is our experience that this offer does not impact negatively on our own revenue with customers seeing £2 all day as great value. The additional revenue from more £2 tickets being purchased outweighs any loss of revenue from higher value sales.

#### **6. Seaton Coach Parking**

The Ward Member for Seaton has formally requested that we assist the Town Council in branding Seaton as a coach friendly town. Free daily coach parking has been requested. By coincidence the pay and display ticket machine in this coach park is faulty beyond repair and requires replacement. Coach drivers are therefore currently expected to pay using the Park Mobile app. During June and July our coach parking revenue here was less than £100 so the risks associated with responding favourably to this request are minimal. I am recommending that we offer free coach parking for a twelve month trial period starting immediately to enable us to assess whether the offer results in increased coach visits to the town. Local customers who purchase permits to use the coach park regularly will be unaffected by this offer.

#### **Discussion**

The proposals set out above will assist Officers in the more efficient day to day management of our car parking assets. The additional revenue arising from these changes will pass into the general fund and will be available for allocation to providing essential services within the context of our careful choices programme.



**Report to:** Cabinet

**Date of Meeting:** 2 October 2019

**Public Document:** Yes

**Exemption:** None

**Review date for release** None

**Subject:** **Loan request by Exmouth Museum**

**Purpose of report:** Exmouth Museum (The Museum Society of Exmouth Charitiy No 291311) currently lease their premises from South West Water. The site has been offered to the Museum for purchase before South West Water put the building on the open market.

The Chairman of Trustees, Cllr Steve Gazzard, has been in communication with the Council through the Chief Executive, the Leader and Deputy Leader of the Council requesting assistance from the Council to help the Museum meet the purchase price. The details provided to the Council are: The purchase price from South West Water is £150,000 and the Museum has funding available of £45,000.

An option discussed with Cllr Gazzard, subject to Council approval, was that there might be a possibility of loan from the Council to meet up to the current shortfall in funding of £105,000. This would be subject to site valuation to ensure appropriate security can be offered in the building and assurance that the Museum can meet annual interest and principle repayments of such a loan.

The Council would borrow monies from the Public Works Loan Board and enter into a back to back agreement with the Museum at the fixed interest rate obtained. Current this would be 1.71%, resulting in a required annual payment from the Museum of £5,180 (including interest and principle). The Museum would need to consider any other costs involved in terms of legal and purchase fees and ongoing maintenance and ownership costs relating to the building.

**Recommendation:** **That the Chief Executive in consultation with the Leader and Finance Portfolio Holder is given authority to issue a loan to Exmouth Museum up to £105,000 subject to a property valuation to ensure adequate security over the loan and assurance obtained from the Museum of the ability to meet the annual loan payment.**

**Reason for recommendation:** The Council is keen to support Exmouth Museum but there is no grant funding available. The Council could at no cost to itself loan the Museum the balance of funds required to purchase the building as long as repayment sums are met by the Charity.

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

<b>Financial implications:</b>	Details are laid out in the report. Although loan security can be secured against the building, subject to valuation, the reality of the District Council enforcing this needs to be considered. The Museum needs to evidence the ability to meet the loan repayments after considering the costs involved in owning and running the premises along with its existing cost commitments.
<b>Legal implications:</b>	It is perfectly permissible for the Council to arrange and facilitate such a loan and has done so for other bodies in the recent past. Appropriate due diligence will need to take place including on the issue of State Aid as well as through the carrying out of a property valuation. In addition there will need to be appropriate security documentation put in place although the reality of this being enforced does need to be considered, and so while there will be security obtained the most prudent steps will be ensuring that the museum has proper financial predictions in place to give confidence of the annual repayment being made. The Legal Department in conjunction with Finance will ensure that this happens.
<b>Equalities impact:</b>	Low Impact
<b>Climate change:</b>	Low Impact
<b>Risk:</b>	Medium Risk
<b>Links to background information:</b>	
<b>Link to Council Plan:</b>	Funding this outstanding place



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

**Date of Meeting:** 2 October 2019

**Public Document:** Yes

**Exemption:** None

**Subject:** **Financial Monitoring Report 2019/20 - Month 5 August 2019**

**Purpose of report:** This report gives a summary of the Council's overall financial position for 2019/20 at the end of month five (31 August 2019).

Current monitoring indicates that:

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

**Recommendation:** **The variances identified as part of the Revenue and Capital Monitoring process up to Month 5 be acknowledged.**

**Reason for recommendation:** The report updates Members on the overall financial position of the Authority at set periods and includes recommendations where corrective action is required for the remainder of the financial year.

**Officer:** John Symes – Financial Services Manager  
[jsymes@eastdevon.gov.uk](mailto:jsymes@eastdevon.gov.uk)

**Financial implications:** Contained within the report

**Legal implications:** Any legal implications are identified in the report and no further comment is required.

**Equalities impact:** Low Impact

**Risk:** Low Risk

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

**Links to background information:**

## 1. Introduction

- 1.1 The purpose of this monitoring report is to update members of Cabinet on the overall financial position of the Authority following the end of month five. The report considers expenditure to date and projections on year end spend to determine if the Council will maintain it's spending within budget and maintain the General Fund Balance and the Housing Revenue Account Balance within the adopted ranges.

## 2. General Fund Position as at Month 5 August 2019

- 2.1 The following table shows the original budget set for the year and any supplementary estimates approved to date affecting the General Fund position. In year variances have been identified which are likely to alter the outturn position for the year as detailed below:

<b>General Fund Position</b>	<b>£000</b>
<b>Original Budget Requirement (set 27/02/19)</b>	<b>12,330</b>
Month 5 predicted over / (under) spend at year end detailed below	(174)
<b>Predicted Outturn Position 31/3/2020</b>	<b>12,156</b>

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

<b>Predicted over / (under) spends</b>	<b>Predicted Outturn Variation £000</b>
<b><u>Environment Portfolio</u></b>	
<b>Car Parks</b>	
Income from fees above budget, really good summer	(150)
Queens Drive higher works specification	18
<b>Licensing Section</b>	
Increase in the number of alcohol licences. 15% increase of temporary event notices & 26% increase for premises (pub and restaurant) licences	(36)
<b>Recycling and Refuse</b>	
Costs over and above refuse collection contract as indices higher than budgeted	110
Recycling incomes - volatile recycling prices i.e. paper down, plastics up	52
Other cost savings in service area (staff, supplies)	(23)
<b>Street Scene Support Services</b>	
Underspending on Employment costs	(30)
Non achievement of Events income	12



<b>Coast &amp; Flood Prevention</b> Savings on contractors	(35)
<b><u>Streetscene Portfolio</u></b> <b>Cemeteries</b> Burials income down on budget (following £50k increase in forecast for 2019)	84
<b><u>Finance Portfolio</u></b> <b>Financial Services</b> Investment income lower than budgeted (£28k) and Capital Financing Requirement (CFR) charge to General Fund lower than budgeted (219k) following revised methodology to benefit council.	(186)
<b><u>Strategic Development &amp; Partnership Services</u></b> <b>Development Management</b> Planning application fees lower than budgeted however reduction in expenditure being used to mitigate overall reduction.	13
<b><u>Sustainable Homes &amp; Communities Portfolio</u></b> <b>Homeless Persons</b> Implications on new legislation has led to a growing number of homeless situations and increasing approaches to service. Improvements in the two main areas, to reduce overall spending, concentrated on emergency accommodation and prevention fund expenditure.	37
<b><u>Corporate Services Portfolio</u></b> <b>Elections</b> Increase of Royal Mail Pollsort postal service, 70% for postal vote postage and 100% for Poll Card postage. Increases in the electorate and increase payments to polling staff have also added to increased costs.	60
<b>Staffing position across all services</b> Overall savings on budget which includes an assumption that we would save £349k through vacancies in year. Savings are across a number of service areas.	(100)
<b>Predicted Outturn Total Variations General Fund</b>	<b>(174)</b>

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

	<b>£000</b>
<b>General Fund balance as at 1/4/2019</b>	<b>(3,938)</b>
Predicted net over / (under) spend to year end	(174)
<b>Predicted General Fund Balance 31/03/20</b>	<b>(4,112)</b>

The Council has an adopted range for the General Fund Balance to be within £3m to £3.8m. The predicted balance is currently above this range and any required action can be taken at year end.

### 3. Housing Revenue Account Position

- 3.1 The following table shows the variation against the original budget which will affect the Housing Revenue Account year end position.

Predicted over / (under) spends	Predicted Outturn Variation £000
Income	(32)
Responsive Repairs	840
Programme Maintenance	(9)
Special Works	(86)
Supervision & Management	(396)
Other Expenditure	(37)
Major Repairs	(174)
Movement in reserves	27
<b>Predicted Outturn Total Variations HRA</b>	<b>133</b>

Notable items of budget variance are;

- Income is materially in line with the budget both in year to date and forecast terms
- The implementation in the year of the new maintenance contract, the interim contract provided by Ian Williams to cover the shortfall of the previous contractors combined with the clean-up of the residual invoices relating to the old contract has caused a significant challenge in forecasting. The above table has therefore been compiled to show a worst case scenario impacting the HRA with regards to projecting forward Day to Day repairs and voids. Significant savings are expected to crystallise in the second half of the year so this projection should be considered as a control to evaluate future data against.

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

HRA (Surplus)/Deficit	£000
<b>Original Budget surplus (Council 27/2/19)</b>	<b>(1,154)</b>
Month 5 predicted net (under)/overspend to year end	133
<b>Predicted Budget (Surplus)/Deficit HRA</b>	<b>(1,021)</b>

The original approved budget generates a surplus of £1.154m in 2019/20. This sum was to be used to help finance the purchase of properties, continuing with the £5m annual investment programme (£3.5m from reserves/surplus and £1.5m from RTB receipts).

3.3 The following table shows the effect on HRA Reserve:

	£000
<b>HRA balance as at 1/4/2019</b>	<b>(3,100)</b>
Predicted net over / (under) spend to year end	(1,021)
<b>Predicted General Fund Balance 31/03/20</b>	<b>(4,121)</b>

The HRA Balance is required to be maintained within the adopted range of £2.1m and £3.1m, it is currently being projected to be £4.121m at the end of 2019/20. Other reserves held by the HRA are contained in the detailed report to HRB.

4. **Capital Programme Position up to Month 5**

4.1 Below is the current position estimated for the capital programme which reflects a re-profiling of expenditure taking into account carried forward from the 2018/19 budget.

Capital Programme	£000	£000
<b>Net Capital Programme Budget (Council 27/02/19)</b>		<b>9,819</b>
2018/19 outturn position, budget slippage into 2019/20	6,258	
<b>Revised 2019/20 budget</b>		<b>16,077</b>
<b>Capital Programme variations</b>		
-	-	
<b>Predicted Capital Budget Requirement Month 5</b>		<b>16,077</b>

4.2 Details of the capital programme financing is given below:

Capital Programme Financing	£000
<b>Predicted Capital Budget Requirement Month 5</b>	<b>16,077</b>
HRA Financing	(4,906)
General Fund Capital Projects Reserve	(48)
New Homes Bonus	(2,144)
General Fund Capital Receipts	(8,330)
<b>Net Internal/External Borrowing</b>	<b>649</b>

4.3 The Council currently does not hold a general capital reserve and all funding needs to be found. The cash required to fund the expenditure of £0.649m can be met from internal cash balances or through raising loans, this decision is made in line with Council's Treasury Management Strategy. The revenue implications of funding this position has been factored into the revenue monitoring position.



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

**Date of Meeting:** 2 October 2019

**Public Document:** Yes

**Exemption:** None

**Review date for release** None

**Subject:** **Complaints to the Ombudsman during 2018/19**

**Purpose of report:** This report provides information on complaints referred to and decided by the Local Government and Housing Ombudsman during 2018/19

**Recommendation:** That Cabinet notes the report and learning points arising from complaints decided during the year

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

**Officer:** Henry Gordon Lennox, Monitoring Officer

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

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

**Equalities impact:** Low Impact

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

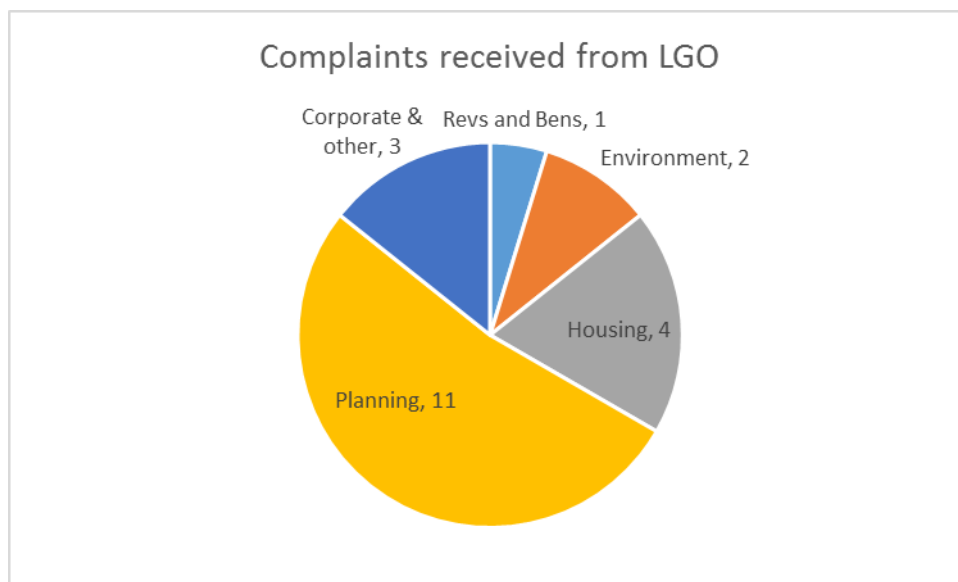
**Links to background information:** <http://eastdevon.gov.uk/feedback-and-complaints/making-a-complaint/complaint-outcomes/>  
<https://www.lgo.org.uk/your-councils-performance/east-devon-district-council/statistics>

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

## Report in full

### 1. Complaints to the Local Government Ombudsman (LGO)

1.1 21 complaints were received by the LGO during the year, compared to 24 received during 2017/18. A summary of the subject of the complaints is provided in the diagram below:



1.2 20 complaints were closed (decided) by the Ombudsman during the year:  
(Key to terms in pie chart below)

**Upheld:** Maladministration – with or without injustice

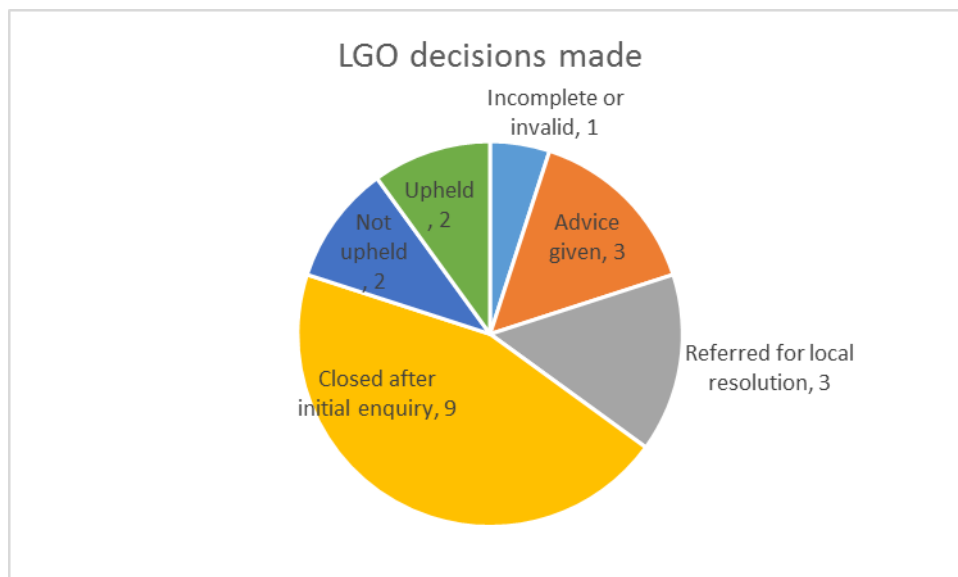
**Not upheld:** No maladministration

**Incomplete or invalid:** Insufficient information to be able to pursue an investigation

**Referred for local resolution:** Premature complaint referred which has not been considered by the council

**Advice given:** Complainant referred to other organisation or back to council for consideration through internal complaints procedure

**Closed after initial enquiries:** Complaint out of time/alternative remedy available or insufficient evidence of injustice



1.3 2 complaints were upheld and a copy of the decision notice for each is published on our website – see links to background information above.

**Complaint 1:** The complainants alleged that the council did not properly inform them of re-sale restrictions on their former council-owned property and that this meant that the property was over-valued at the time of purchase and it refused the number of potential buyers when they came to sell. The Ombudsman concluded that the council was not at fault in the information provided at the time of purchase but that it was at fault for not properly documenting the complainants' request for a review of the restriction. This process is currently being reviewed as part of a wider review of Right to Buy policy.

**Complaint 2:** The complainant alleged fault in the way the council discharged a planning condition relating to the disposal of surface water. The Ombudsman concluded that there was fault in the way the council assessed the proposal to discharge this condition but that the fault did not cause the complainant any injustice. The council was not required to take any steps in terms of remedial action.

## 2. Links to council priorities

- 2.1 The council has agreed to incorporate the recommendation about properly documenting requests for the lifting of s157 re-sale restrictions into a wider review which was already planned of Right to Buy policy.
- 2.2 This complaint links in with the council's priority to continuously improve to be an outstanding council.

## 3. Reporting requirements

- 3.1 The Ombudsman has outlined that the organisation has been taking steps to move away from a simplistic focus on complaint volumes and instead focus on the lessons learned and the wider improvements.

- 3.2 An interactive map has been produced and is available to view on the Ombudsman's website. This is linked with their decisions, annual letters and service improvements and also outlines authority compliance with ombudsman recommendations (currently 100% for EDDC).
- 3.3 It is encouraging to note that, in all but one case, the council was not found to be at fault in respect of the core element of the complaint. The council has not been required to provide any financial remedy to a complainant during the year and the only recommendations have been procedural. Learning points identified are outlined in point 5 below.

#### **4 Housing Ombudsman**

- 4.1 Complaints about the council as social housing landlord are considered by the Housing Ombudsman. This does not include complaints about allocations or bandings as these matters still fall within the jurisdiction of the Local Government Ombudsman. Complaints referred to the Housing Ombudsman tend to focus on matters such as property repairs and maintenance and estate management issues.
- 4.2 In 2018/19, one complaint was decided by the Housing Ombudsman which incorporated a number of elements, most of which did not fall within the responsibility of the Housing Ombudsman. One element of the complaint was that the council had not responded properly to the complainant's concerns about the conduct of a member of staff. The Housing Ombudsman concluded that the council had considered and responded to the complaint appropriately and was not required to take any further steps.

#### **5 Learning points**

- 5.1 As the Local Government points out in his letter, considering volumes of complaints alone is not an effective measure of the quality of services being provided by the Council. The important thing is that the council continuously learns from, and improves, as a result of complaints received.
- 5.2 The complaint outcomes highlighted above show that it is sometimes the process of documenting its actions that can result in the council being criticised. In the two Local Government Ombudsman cases, whilst the council was not found to be at fault in respect of its actions, it was criticised for not formally documenting its decision making in both cases.