



## Agenda for Scrutiny Committee Thursday, 21st November, 2019, 6.00 pm

### Members of Scrutiny Committee

Councillors: A Dent (Chairman), K Bloxham (Vice-Chairman),  
T McCollum, K McLauchlan, C Pepper, V Ranger, J Rowland,  
E Rylance, J Whibley, M Chapman, I Chubb, B De Saram,  
C Gardner, P Jarvis and F King

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

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Tuesday, 12 November 2019

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- 1 Public speaking  
Information on [public speaking](#) is available online
- 2 Minutes of the previous meeting (Pages 3 - 8)
- 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 Decisions made by Cabinet called in by Members for scrutiny in accordance with the Overview and Scrutiny Procedure Rules  
There are no items identified
- 8 Representatives of the Office of the Police and Crime Commissioner

Please note that Overview Committee members are specifically invited to attend the Committee to ask questions of the representatives of the Police & Crime commissioner for Devon & Cornwall.

9 Section 106 Funding (Pages 9 - 12)

10 Presentation from Waste and Recycling Team with Suez

To receive a presentation from the Waste and Recycling Team and Suez.

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.

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

[Decision making and equalities](#)

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\*EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Scrutiny Committee held at Council Chamber, Blackdown House, Honiton on 3 October 2019

**Attendance list at end of document**

The meeting started at 6.00 pm and ended at 7.30 pm

21 Public speaking

John Radford, Sidmouth Resident, wished to address the Committee on the issue of the Council Plan regarding the Sidmouth Beach Management Plan. He reported that there appeared to have been changes made to the Council Plan relating to the Sidmouth Beach Management Plan. The Council had agreed to carry out work to East Beach. A press release dated 22 August had stated that the Council would progress East Beach to maintain coastal defences and reduce coastal and beach erosion.

This question would be passed on to the relevant officer at EDDC.

22 Minutes of previous meeting

The minutes of the previous meeting held on 18 July 2019 were agreed as a true record.

23 Declarations of interest

Minute 24 Matters of urgency: Kathy McLauchlan Manor Pavilion car park, Sidmouth Personal interest.

Minute 24 Matters of urgency: Tony McCollum Dowell Street car park, Honiton Personal Interest

24 Matters of urgency

Car Parking Tariff Review

Councillor Paul Millar wished to address the Committee on the issue of increases to car parking charges in the district which had been the subject of debate and decision at the previous evening's Cabinet meeting. He was deeply concerned that very important policy proposals which will affect very many residents seemed to be being decided arbitrarily and without providing a cost/benefit analysis, and that the report Cabinet were presented with provided insufficient evidence for such a consultation, and for Members to make an informed decision. He was concerned there was no background information with revenue and usage statistics for all car parks with which the Cabinet could reasonably consider the wider implications of a blanket rise in tariffs in popular car parks. He believed the correct approach would have been for the Cabinet to re-look at the proposed tariff rise, rather than amend the proposals on the spot. He was also concerned that East Devon did not consult with the County Council.

He was disappointed that the views of East Devon residents had not been taken into account. Raising car park tariffs could actually reduce the Council car park income as

there were many East Devon residents who would not be able to afford the increases proposed.

Councillor Mike Howe also wished to address the Committee on the issue of increases to car parking charges in the district which had been the subject of debate and decision at the Cabinet meeting. He felt there was the need for a TAFF to consider car parking in total to see the impact and viability and costs of car parking. Other issues were around CCTV and lighting in car parks.

Councillor Maddy Chapman reported that she agreed with the idea of a TAFF and the review of car parking. She would like campervan parking considered and asked how this was progressing. Other issues for discussion could include the level of fines, maintenance costs and revenue. There was a need to know the number of new smart parking meters and whether they were working correctly.

Councillor Jack Rowland agreed with the establishment of a TAFF to consider car parking and suggested that there was synergy with the work of the High Street TAFF as car parking was important to the High Street.

During discussion the following points were noted:

- ) Was there an equality impact assessment on car parks and if so this should be included in a TAFF.
- ) Need to include the possibility of improving advertising revenue in car parks in the TAFF's terms of reference.
- ) Charges for Manor Pavilion car park should be used for the benefit of the theatre.
- ) Consultation on the Cabinets proposals to increase car parking tariffs should go ahead and inform the work of the suggested TAFF, unless there is a call-in on this decision.

**RESOLVED** that a TAFF be established to consider Car Parking Tariffs in East Devon car parks comprised of representatives from each of the political groups and to include the following membership: Val Ranger, Bruce De Saram, Joe Whibley, Eleanor Rylance and a representative of the Green Party, to consider Car Parking Tariffs in East Devon car parks. Each member to invite an additional Scrutiny representative from their group.

25 Confidential/exempt item(s)

There were no matters that officers recommended should be dealt with requiring the exclusion of the public or press.

26 Decisions made by Cabinet called in by Members for scrutiny in accordance with the Overview and Scrutiny Procedure Rules

There were no decisions called in.

27 Quarterly monitoring of performance 1st Quarter 2019-20 April to June 2019

Members received the report of Karen Simpkin, Strategic Lead – Organisational Development and Transformation which provided performance information and progress against our promises and priorities as outlined in our Council Plan and Service Plans. Members noted that this cumulative quarterly information will be used to provide an annual review of our performance against our Service and Council Plan in the Annual Report. This information would provide a clear view of progress against what we said we would deliver in our Council Plan and Service Plans and deal with performance issues arising.

Councillor Kim Bloxham reported that she would like Detailed updates on the following for November Scrutiny Meeting:

Council Priority 1 - Encouraging communities to be outstanding Empty Homes.

Council Priority 2 - Developing an outstanding local economy £20mn Commercial Investment Fund.

Council Priority 4 - Continuously improving to be an outstanding council Percentage of Council Tax Collected is sliding downwards.

A request was also made that an update be made on the use of robotic mowers in the Council's parks and green spaces.

Cllr Jack Rowland raised his concern about the way some of the things were being measured. Providing a date for completion of a project would also be useful. Karen Simpkins reported that there was an ongoing challenge to make the performance measures SMART. The Council did report on milestones for large projects such as IT.

**RESOLVED** that the report on performance against delivery of the key service objectives from service plans and performance measures for the 1<sup>st</sup> quarter of 2019-20 be accepted.

## 28 Council Plan 2020-2024

Members considered the report of Karen Simpkins, Strategic Lead – Organisational Development, on the first draft of the new Council Plan for 2020-2024. This was to assist with the ongoing development of our new Council Plan.

During discussions the following points were noted:

- ) An issue was raised over the continuous use of the word outstanding in the Plan. Karen Simpkins reported that we live in an outstanding area and the word outstanding would be kept in the Council Plan as it was important to staff morale. We aim to be a high performing Council and achieve Platinum Investor in People status. In reality the Council Plan was mainly read by Staff and Councillors, although it was the aim was that it would be more widely read by the public and business community.
- ) Question of the use of the words carbon neutrality rather than carbon neutral.
- ) Issues around Rural Broadband delivery.
- ) Would like to explore the creation of jobs across the district rather than just the Growth Point
- ) Concern about the trickledown theory from higher paid jobs created by the Growth Point.

- ) The West Country has traditionally relied too much on low paid jobs and developing the Growth Point was a way to increase the number of higher paid jobs in the district.
- ) Concern that many of those council houses sold under Right to Buy were now in the private rented sector and that the receipts the Council receives should be spent on building more council housing. A higher percentage of the money received from the Right to Buy policy needs to be available for building more council housing.

**RESOLVED** that the comments above be provided as feedback on the priorities and actions for the draft of the new Council Plan 2020-2024:

29 Update from the Working Party on Section 106 funds

Members noted that due to personal issues, Cllr Cathy Gardner had not been able to make any progress on this issue and the Working Party whose other members were Maddy Chapman and Jack Rowland had not had a chance to meet. Cllr Rowland reported that he had met with Sulina Tallack, s106 Officer to discuss s106 in the Seaton area and would encourage other members to do the same. Work was in progress to make s106 receipts for each ward available on line, which should help keep members better informed.

Maddy Chapman was concerned that the information provided by the Section 106 Officer changed over time and appeared to be incorrect. She was a very busy officer and needed more support with her work. It was suggested that the officer and her line manager attend Scrutiny to give a report on progress on s106, but it was thought that this would delay her work even further and the provision of s106 information availability on line.

**RESOLVED** that Councillors Maddy Chapman and Jack Rowland follow up the issues raised at the meeting with Sulina Tallack, s106 Officer

30 Forward Work Plan

**Scrutiny Forward Work Plan**

<p>21 November 19</p>	<p>PCC Alison Hernandez                  ) Modern Day Slavery                  ) County Lines                  ) Closure of Police Stations                  ) Provision of additional police officers                  Review of Waste and Recycling presentation                  Review of S106 monies                   Note: members of Overview invited to attend for PCC presentation</p>
<p>15 January 20</p>	<p>Joint meeting with Overview                  ) Annual review of Service Plans and Budget setting</p>

6 February 20	) Website Review ) Street Cleaning and Furniture ) Replacement of Public Bins
5 March 20	Presentation for Citizens Advice
2 April 20	Report on move of EDDC from Sidmouth to Honiton

## Items for future consideration

- ) LED Leisure
- ) Housing Company
- ) Single use Plastic
- ) Commercial investment
- ) Climate Change action (possibly with Overview)
- ) Review of Planning Portal

Cllr Alan Dent, Chairman, reported that he had prepared a form for all members to complete to provide items for Scrutiny to consider and asked that members fill it in and send to Democratic Services. It would also be circulated electronically to all members so they could fill it in online.

## Attendance List

**Councillors present:**

A Dent (Chairman)  
 K Bloxham (Vice-Chairman)  
 T McCollum  
 K McLauchlan  
 V Ranger  
 J Rowland  
 E Rylance  
 J Whibley  
 M Chapman  
 B De Saram  
 P Jarvis  
 F King

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

P Millar  
 M Howe  
 M Armstrong  
 S Bond  
 P Faithfull  
 N Hookway  
 B Ingham  
 S Jackson  
 G Jung  
 D Ledger  
 A Moulding  
 H Parr  
 T Wright  
 J Bailey

**Officers in attendance:**

Christopher Lane  
Karen Simpkin, Strategic Lead Organisational Development and Transformation  
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

**Councillor apologies:**

I Chubb  
C Gardner

Chairman .....

Date: .....



**Report to:** **Scrutiny Committee**

**Date of Meeting:** 21<sup>st</sup> November 2019

**Public Document:** Yes

**Exemption:** None

**Review date for release** None

**Subject:** **Section 106 funds and CIL Update**

**Purpose of report:** This report is designed to provide Members with an update on progress with changes to the systems and processes regarding the collection and spend of monies secured through Section 106 agreements and CIL. The report relates to both the Council response to the Finance audit of these issues published in 2016 and also concerns previously expressed by Members.

**Recommendation:**

- 1. That Members note the progress that has been made and the resources that have been made available to support the implementation of the new system for monitoring Section 106 and CIL monies.**
- 2. That note that STRATA will be tasked to progress implementation of the public portal into the Exacom system to permit public access to the data held as a matter of urgency once officers are satisfied that the data held is complete and accurate.**

**Reason for recommendation:** To enable the completion of the project to provide a new fit for purpose system for monitoring the collection and spend of Section 106 and CIL monies.

**Officer:** Ed Freeman – Service Lead – Planning Strategy and Development Management

**Financial implications:** Report highlights no further resource requirement in completion of the project over and above those available. There will be a requirement for continued reconciliation to financial records to ensure accurate balances are maintained.

**Legal implications:** As set out in the NPPG “reporting on developer contributions helps local communities and developers see how contributions have been spent and understand what future funds will be spent on, ensuring a transparent and accountable system”. The proposed online public portal will supplement the requirement for developer contributions received to be reported annually. There are no legal implications flowing from this information report.

**Equalities impact:** Low Impact

If choosing High or Medium level outline the equality considerations here, which should include any particular adverse impact on people with protected characteristics and actions to mitigate these. Link to an equalities impact assessment form using the [equalities form template](#).

**Climate change:** Low Impact

Comments

<b>Risk:</b>	Low Risk  Click here to enter text on risk considerations relating to your report.
<b>Links to background information:</b>	Click here to enter links to background information; appendices online; and previous reports. These must link to an electronic document. Do not include any confidential or exempt information.
<b>Link to Council Plan:</b>	Encouraging communities to be outstanding, Delivering and outstanding local economy, Delivering and promoting our outstanding environment, Continuously improving to be an outstanding council.

## **Background**

This report is presented further to minute 29 of the Scrutiny Committee meeting of the 3<sup>rd</sup> October 2019. Members of the working party were asked to follow up concerns with the S106 and CIL systems and processes with officers. Following this a meeting was held on the 11<sup>th</sup> November to discuss these issues. This report is intended to summarise these and the associated discussion.

The issues with the S106 and CIL system were highlighted in the KPMG “Management of S106 Contributions” report of November 2016 although the deficiencies with the existing system were already understood and measures in place to address them at this time. One of the main weaknesses highlighted in the audit was the “absence of summarised financial information to facilitate the monitoring of S106 contributions”. At that time the relevant information was held in a series of spreadsheets, however the audit highlighted that this did not enable the information to be summarised such that the total amounts of monies due, received and spent could be determined. The system did not readily enable users to identify S106 triggers and when these had been met and therefore there was also concern regarding the monitoring of agreements against the implementation of development on the ground.

Prior to the auditor’s report an IT system known as Exacom had already been purchased to enable the implementation of the Community Infrastructure Levy (CIL) and this was implemented from September 2016. Exacom also has the functionality to enable all Section 106 agreements to be input into the system and then for the data to be extracted to produce the reports referred to in the auditors reports. During 2017/18 a project was undertaken to input the data held in the previous spreadsheet system and the thousands of Section 106 agreements held by the council. Subsequently the system has also been updated to include data on the monies received and spent by application and project. This has been a massive project which has taken much longer than was originally envisaged but it is hoped that it will yield significant benefits in the long term aside from satisfying the auditors concerns.

It is understood that Members had a number of concerns regarding this project in relation to the resources that have been committed to it, the source and accuracy of the data and the understanding of the data by Councillors and others. These issues are discussed below:

## **Resources**

During the whole of 2017 and much of 2018 two temporary full time officers were appointed to support the Section 106 Monitoring Officer with the inputting of data on each of the

Section 106 agreements onto the new Exacom system. Unfortunately it was not possible to transfer the data directly through IT systems and so this had to be done manually. There were several thousand agreements many of them with multiple and complex obligations which had to be understood and then input into the correct fields in Exacom and so this was a very time consuming task. Once the data on each agreement and obligation was in the system it was then necessary to go through them and identify where the monies had been received and if so what they had been spent on. If the monies had not been received it was necessary to determine if the development had progressed up to one or more of the trigger points and if so whether the monies had been paid and if not issue invoices for the outstanding funds. Where monies had been received but not spent it was also important to determine a project for the monies to be spent on to eliminate the risk of developers asking for the monies back as most agreements require a project for spend to be identified within 5 years of receipt. In many cases all of this work had already been done and had been recorded in the previous system, however the transfer to the new system identified a number of cases where this work had not been completed and also a need to audit the previously held data to ensure that it was accurate. Unfortunately this element of the project could only be completed by the S106 Monitoring Officer as the only person with sufficiently detailed knowledge of the previous system and the particular Section 106 agreements. Regrettably this meant that she had to be taken out of doing her usual work in supporting town and parish councils in the spend of Section 106 monies so that this work could be completed. By earlier this year the work was largely completed but there was rising pressure to re-engage with the town and parish councils who were keen to deliver projects and concerned that if they did not progress that the monies would be lost. As a result the Section 106 Monitoring Officer re-commenced this work and significant work has been undertaken with a number of town and parish councils to move projects forward that had been stalled. As this work has become more manageable again work has continued on completing the data held on Exacom and it is hoped that by the time of the Committee's meeting that this will be completed.

Looking to the future having the data held in the new Exacom system will not only address the auditors concerns but will enable direct public access to the data through an interface with our website. This is a project that STRATA are aware of and once the data is complete they will be asked to install the interface. This will limit demands on the Section 106 Monitoring Officer in the future both in terms of requests from town and parish councils and Councillors for data but also from Freedom of Information (FOI) requests which are many and time consuming. It is considered that with the new system in place the Section 106 Monitoring Officer will have sufficient time to undertake her remaining duties which include:

- Supporting Planning Officers in identifying requirements and negotiating Section 106 agreements;
- Monitoring the delivery of developments against S106 obligations and invoicing where trigger points have been met;
- Supporting town and parish councils in engaging with communities on projects for spend;
- Dealing with information requests regarding Section 106 and CIL monies;
- Supporting the process for the collection of CIL, bidding for CIL monies and the spend of CIL monies.

It is important to remember that we also employ an officer who undertakes the calculation and collection of CIL monies and supports the Monitoring Officer and so between these two posts it is considered that there are sufficient resources to administer these processes moving forward.

## **Source and Accuracy of the data**

The data that has been input into the system was held by the Council in a variety of spreadsheets and other systems. When inputting the data this has been checked and then subsequently the data held in Exacom has been examined and checked for errors. It is clearly important that the data is accurate and while it is impossible to eliminate all errors in the data it is considered that the data is reliable.

The intention is to have the information available to the public through the web-site and so it is important that we have confidence in the data. It is however important to understand that the data is evolving and changing over time and therefore may show different data depending on when it is scrutinised. This is because the obligations are all index linked and this indexation will be added to the amounts on a regular basis automatically through the system. There are also monies being received and spent on a regular basis as well and so the system will be updated by officers on a regular basis as well. This should not be a concern of users of the system although it will be important for the data to be caveated to make this clear to users when the system goes live. In so doing we hope to make it clear that it is only a guide to the scale of monies available and what it can be used for so that communities have a guide as to when it would be appropriate to plan a public engagement exercise to identify projects and consult on them. The Section 106 Monitoring Officer will still be available to support communities through this process and ensure that they have 100% up to date and accurate data before any spend commitments are made.

## **Understanding of the data**

It is acknowledged that it will be important to ensure that users of the system understand the data that is being presented through the new system and so we would envisage running training sessions for Members and town and parish council representatives to show them the system and help them to understand how it works when it goes live. It is not considered to be beneficial to show users the main Exacom back office system as this is not designed for wider useage and there is a danger of data overload as the system presents a lot of information which can be hard to understand. The web-site portal into the system will help to isolate the data that the user is seeking and present this in a more helpful format.

The on-line portal into Exacom is a project that STRATA are aware of and it sits in their workload awaiting instructions when we are satisfied that the data is complete and clean. With this in mind it is hoped that the system will be available to go live early next year STRATA resources permitting.