

Date: 21 January 2014
Contact name: Debbie Meakin
Contact number: 01395 517540
E-mail: dmeakin@eastdevon.gov.uk



To:
Members of the Overview and Scrutiny Committee
(Councillors Tim Wood (Chairman); Graham Troman (Vice Chairman);
Mike Allen; Peter Bowden; Derek Button; David Chapman;
Maddy Chapman; Deborah Custance Baker; Vivien Duval Steer;
Roger Giles; Peter Halse; John Humphreys; Sheila Kerridge;
David Key; Frances Newth; John O'Leary; Brenda Taylor; Chris Wale;
Eileen Wragg; Steve Wragg; Claire Wright)
Portfolio Holders
Chief Executive; Deputy Chief Executives

East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL
DX 48705 Sidmouth
Tel: 01395 516551
Fax: 01395 517507

www.eastdevon.gov.uk

Overview and Scrutiny Committee
Thursday 30 January 2014 at 6.30pm
Council Chamber, Knowle, Sidmouth

AGENDA

Page/s

1. **Public question time** – standard agenda item (15 minutes)
Members of the public are invited to put questions to the Committee through the Chairman. Councillors also have the opportunity to ask questions of the Leader and/or Portfolio Holders during this time slot whilst giving priority at this part of the agenda to members of the public
2. To confirm the minutes of the meeting of the Overview and Scrutiny Committee held on the 21 November 2013 and 15 January 2014. 4- 8
9 - 11
3. To receive any apologies for absence.
4. To receive any declarations of interest relating to items on the agenda.
5. To consider any items which, in the opinion of the Chairman, should be dealt with as matters of urgency because of special circumstances.
(Note: Councillors please notify the Chief Executive in advance of the meeting if you wish to raise a matter under this item, who will then consult the Chairman).
6. To agree any items to be dealt with after the public (including the press) have been excluded. There are **no** items that the officers recommend should be dealt with in this way.
7. Decisions made by the Cabinet called in by Members for scrutiny in accordance with the Overview Procedure Rules under Part 4.5 of the Constitution. There are **no** items identified.

| | | |
|-----|---|--------------------------------|
| 8. | Cabinet Agenda Members are asked to notify in advance the Chairman or the Democratic Services Officer any Cabinet items they wish to debate. Members to debate any issues of concern on the current Cabinet agenda in order for the Chairman to feed this back to the Cabinet at its meeting on the 5 February 2014. The website link to the Cabinet agenda will be e-mailed to Members on 27 January 2014. | Please refer to Cabinet agenda |
| 9. | GP Commissioning Update Presentation from the local GP Commissioning groups | Verbal presentation |
| 10. | Office Relocation Update An update report from the Deputy Chief Executive on the options for relocation. | 12 - 16 |
| 11. | Changes to Committee Timetable Plus Appendix 1 and 2 | 17 - 20 |
| 12. | Budget Task and Finish Forum notes 8 January 2014 Plus Appendix 1 and 2 | 21 - 27 |
| 13. | Pre-application advice – report for information Plus Appendix | 28 - 38 |
| 14. | Letter from Parliamentary Under Secretary for State – for information | 38 |
| 15. | Forward Plan | 40 |

Public Information

- There is a period of 15 minutes at the beginning of the meeting to allow members of the public to ask questions.
- The Chairman has the right and discretion to control questions to avoid disruption, repetition and to make best use of the meeting time. The Chairman is entitled to interrupt the speaker to ask for their question to be put.
- In addition, the public may speak on items listed on the agenda. After a report has been introduced, the Chairman (Leader of the Council) will ask if any member of the public wishes to speak and/or ask questions.
- All individual contributions will be limited to a maximum period of 3 minutes – where there is an interest group of objectors or supporters, a spokesperson should be appointed to speak on behalf of the group.

This meeting is being recorded for subsequent publication on the Council's website. Audio recording is permitted by press representatives and members of the public from the public area, subject to their notification to the Chairman prior to the start of the meeting of a wish to record all or part of that meeting. If you are exercising your right to speak during Public Question Time, but do not wish to be recorded, please inform the Chairman who will instruct those taking a recording to cease while you speak.

Should anyone have any special needs or require any reasonable adjustments to assist them in making individual contributions, please contact Debbie Meakin (contact details at top of page). A hearing loop system will be in operation in the Council Chamber. Councillors and members of the public are reminded to switch mobile phones to silent during the meeting.

Decision making and equality duties

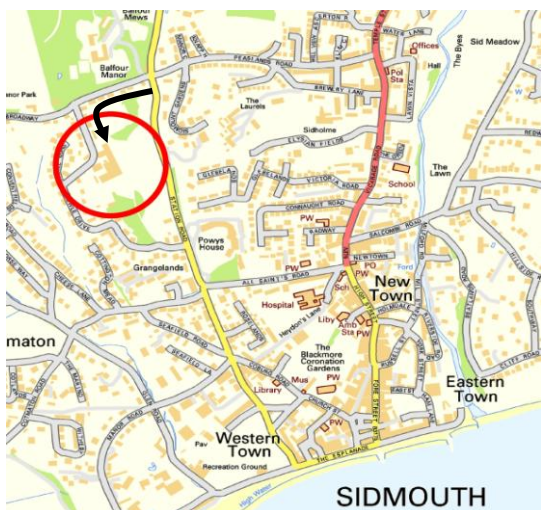
The Council will give due regard under the Equality Act 2010 to the equality impact of its decisions.

- An appropriate level of analysis of equality issues, assessment of equalities impact and any mitigation and/or monitoring of impact will be addressed in committee reports.
- Consultation on major policy changes will take place in line with any legal requirements and with what is appropriate and fair for the decisions being taken.
- Where there is a High or Medium equalities impact, Members will be expected to give reasons for decisions which demonstrate they have addressed equality issues.

Members and co-opted members remember!

- ❑ You must declare the nature of any disclosable pecuniary interests. [Under the Localism Act 2011, this means the interests of your spouse, or civil partner, a person with whom you are living with as husband and wife or a person with whom you are living as if you are civil partners]. You must also disclose any personal interest.
- ❑ You must disclose your interest in an item whenever it becomes apparent that you have an interest in the business being considered.
Make sure you say what your interest is as this has to be included in the minutes. [For example, 'I have a disclosable pecuniary interest because this planning application is made by my husband's employer'.]
- ❑ If your interest is a disclosable pecuniary interest you cannot participate in the discussion, cannot vote and must leave the room unless you have obtained a dispensation from the Council's Monitoring Officer or Standards Committee.

Getting to the Meeting – for the benefit of visitors



© Crown Copyright. All Rights Reserved. 100023746.2010

The entrance to the Council Offices is located on Station Road, Sidmouth. **Parking** is limited during normal working hours but normally easily available for evening meetings.

The following **bus service** stops outside the Council Offices on Station Road: **From Exmouth, Budleigh, Otterton and Newton Poppleford – 157**

The following buses all terminate at the Triangle in Sidmouth. From the Triangle, walk up Station Road until you reach the Council Offices (approximately ½ mile).

From Exeter – 52A, 52B; From Honiton – 52B
From Seaton – 52A; From Ottery St Mary – 379, 387 (Please check your local timetable for times)

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

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the
Overview and Scrutiny Committee held
at Knowle, Sidmouth on 21 November 2013

Present: Tim Wood (Chairman)
Graham Troman (Vice Chairman)

| | |
|------------------------|---------------|
| Peter Bowden | David Key |
| David Chapman | Frances Newth |
| Maddy Chapman | John O’Leary |
| Deborah Custance Baker | Brenda Taylor |
| Vivien Duval Steer | Chris Wale |
| Roger Giles | Steve Wragg |
| Peter Halse | |
| John Humphreys | |

Officers:

Andrew Ennis, Environmental Health and Parking Services Manager
Paul Deakin, Waste & Recycling Manager
Henry Gordon Lennox, Principal Solicitor
Tim Harris – Area Manager Streetscene East
Andrew Harris – Area Manager Streetscene West
Debbie Meakin, Democratic Services Officer

Also Present

Councillors:

| | |
|----------------|-----------------|
| Peter Burrows | Tony Howard |
| Iain Chubb | Stephanie Jones |
| David Cox | Pauline Stott |
| Alan Dent | Phil Twiss |
| Paul Diviani | Tom Wright |
| Christine Drew | |
| Graham Godbeer | |

Apologies:

Committee Members:

| | |
|-----------------|-----------------|
| Mike Allen | Ray Bloxham |
| Derek Button | Jill Elson |
| Sheila Kerridge | Steve Hall |
| Eileen Wragg | Andrew Moulding |
| Claire Wright | Ian Thomas |

The meeting started at 6:30pm and ended at 8.40pm.

***39 Public Question Time**

There were no questions from the public at this part of the meeting.

***40 Minutes**

The minutes of the meeting of the Overview and Scrutiny Committee held on 24 October 2013 were confirmed and signed as a true record.

*41 **Consultation on Local Flood Risk Management Strategy for Devon**

The Chairman welcomed Martin Hutchings and Jessica Bott from Devon County Council to discuss with the Committee the pending consultation on the Local Flood Risk Management Strategy for Devon.

The consultation begins on the 27 November 2013 for two months and Members were encouraged to read the Strategy and submit their comments. The strategy, worked on with several partner agencies, covered:

- Legislation
- Risk management responsibilities
- Flood risk data and relevant documents
- Investment and funding opportunities
- Planning controls (SuDS)
- Watercourse regulation
- Emergency planning and flood response
- Environmental impact and equality
- Action plan

Members raised issues including:

- Devon County Council Highways recent decision to revise gully clearing. In response, Mr Hutchings reassured Members that no gullies would be ignored but there would be more targeted clearing of those areas that needed it most, providing clearing on a more frequent basis, whilst others would be cleared less often because they did not require it. Overall some reduction in clearing had to be made due to budget pressures;
- Flood funding opportunities continued to reduce due to the criteria being set for covering a large number of homes. Partnership funding was the only way forward where some local communities had to put towards funding costs (match funding of sorts) to realise local flood alleviation schemes;
- Land management continued to be a key factor in helping to alleviate run off from surrounding agricultural land onto roads;
- SuDS approval body may need to be in place by April 2014 but this was not yet officially confirmed;
- Reference to a DEFRA select committee report recommendation. Many reports had been produced on flooding and the strategy consisted of a number of elements brought by the partners involved;
- Insurance issues for flood affected homes were being addressed where individuals were now able to get insurance, but in future this may become a market feature of a home;
- In response to a question on the effectiveness of the consultation period over the Christmas holiday, Mr Hutchings felt that an eight-week period was sufficient.

The Chairman thanked the County representatives for their attendance and encouraged Members to consider and respond to the consultation on the Strategy.

42 **Car Park Management Review**

The Committee had identified the report on car park management from the Cabinet agenda for discussion prior to consideration by Cabinet.

42 **Car Park Management Review (continued)**

Richard Eley, from Sidmouth, quoted a number of increased tariffs and how increases had affected the local economy. He asked Members, in considering the proposals, to respect the needs of local businesses and residents in keeping charges low.

Angela Yarwood, from Budleigh in Business, commented that some improvements to the proposals had been made, but felt that the proposal to drop the all day winter charge and replace with the higher summer charge was not suitable and would affect local businesses and residents. She asked for more consultation with local people before tariffs were finalised.

In response to the public comments, the Environmental Health and Parking Services Manager outlined research that showed the primary concern of a car park user was the location and availability of space, with the cost being a secondary consideration. Shopping trips were also at a two-hour maximum, based on ticket sales, so a change to the tariff for over a three-hour period would not be affecting those using the car park to undertake a two-hour shopping trip. He reiterated the continuing commitment to obtain a balance between a reasonable charge with the need to provide an income element that contributed significantly to the Council's budget.

The Committee discussed some aspects of the District's car parks, including:

- Agreement with many of the recommendations in the report;
- Not introducing a large increase to the tariff at Sidford car park;
- Biggest problem for high street shops was competition from internet sales, not the price of car parking;
- Consideration of a concession for some car parks for the run up to Christmas in order to boost high street use during the winter afternoons, which were often quiet;
- Maer Road car park and Land Train initiative needed supporting and therefore a cheaper tariff would be more beneficial to help the initiative develop initially;
- Take up of the trial tariffs were disappointing;
- The need to consider longer parking times for train users;
- Spaces of correct size with higher charge needed for motor home parking to encourage visitors to the Towns;
- High Street Task and Finish Forum findings were still valid.

RECOMMENDATION: that a policy be drafted for motor home parking to clarify where motor homes can park, including the provision in some East Devon car parks of motor home spaces of adequate size at a higher tariff than a standard vehicle; and clarity on overnight parking .

*43 **Portfolio Holder Update - Environment**

The Chairman welcomed the Portfolio Holder for Environment back to the Committee for part two of his update, this time covering the Streetscene service.

Members discussed the service, with points of discussion including:

- New East Devon App for reporting broken bins or missed collection;
- Water saving measures for public toilets – this had been undertaken some time ago using “hippos”;

*43 **Portfolio Holder Update – Environment (continued)**

- The fact that the Housing Revenue Account paid grounds maintenance for gardens and land relating to housing stock. A grounds maintenance task and finish forum was underway to review this arrangement;
- Bus shelter options varied – attempts were for a company to take on some Exmouth shelters, funded by including advertising boards, but the company has not followed up. Some towns, such as Seaton, pay for cleaning of shelters themselves;
- The installation of recycling bins on Exmouth seafront should be considered. Trial at Sidmouth had proved unsuccessful and another trial in another location may be considered;
- Food waste continues at same level of 5.5 to 6 tonnes per year;
- Recycling containers have been improved in design and duty but some factors still impacting on durability of bins;
- Trial with Keep Britain Tidy initiative had failed because of unknown individuals cleaning up overnight.

The Members voiced their support of the Streetscene service particularly relating to how quickly and efficiently they responded to issues, and the quality of their work.

44 **Fees and Charges Task and Finish Forum Final Report**

The Chairman presented the final report of the Fees and Charges task and finish forum, outlining the remaining recommendations for consideration in the draft budget process. The recommended charge for a woodland burial had been amended to be the same fee as an exclusive burial.

- RECOMMENDATION:**
- (1) Introduce new charging regime for legal services recovery of costs from third parties from 2014/15 (already partially introduced for 2013/14);
 - (2) that the Manor Pavilion Steering Group agree a venue hire increase for the facilities at the Manor Pavilion Theatre at 5% for 2014/15;
 - (3) Increase in parking permit price for EDDC's car parks; along with further promotion of the permits to boost take up;
 - (4) Increase Cemetery Fees for 2014/15 as follows:
Woodland burial plot from £415 to £850
 - (5) Retain the current Street name and numbering charge at £129 for 2014/15 due to its higher level than many neighbouring authorities;
 - (6) that review of the Council's assets and their associated charges be completed as a priority, as the Forum felt work on this was not progressing quickly enough and there is scope to increase income from those assets;

44 **Fees and Charges Task and Finish Forum Final Report (continued)**

(7) that the Policy proposed on Fees and Charges be recommended for adoption by Council.

*45 **Quarterly Monitoring of Performance – Second quarter 2014/15**

The quarterly report was noted. Further reports were provided on two indicators showing problems to inform Members of the action taken to resolve the issues.

*46 **Budget Scrutiny Task and Finish Forum**

The notes from the last TaFF meeting held on 7 November 2013 were noted.

*47 **Overview and Scrutiny Forward Plan**

A report on ICT Shared Services would be presented to the Committee in the spring of next year prior to Cabinet consideration on a decision to proceed. The plan was noted.

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of a Special Meeting of the
Overview and Scrutiny Committee held
at Knowle, Sidmouth on 15 January 2014

Present: Tim Wood (Chairman)
Graham Troman (Vice Chairman)

| | |
|--------------------|---------------|
| David Chapman | Frances Newth |
| Maddy Chapman | Brenda Taylor |
| Vivien Duval Steer | Eileen Wragg |
| Roger Giles | Claire Wright |
| Peter Halse | |
| John Humphreys | |
| Sheila Kerridge | |

Officers:

Simon Davey, Head of Finance
Ed Freeman, Development Manager
Laurelie Gifford, Financial Services Manager
John Golding, Head of Housing
Nigel Harrison, Economic Development Manager
Karen Jenkins, Corporate Manager Organisational Development
Denise Lyon, Deputy Chief Executive
Debbie Meakin, Democratic Services Officer
Rachel Pocock, Corporate Manager Legal, Licensing &
Democratic Services
Mark Williams, Chief Executive

Also Present

Councillors:

| | |
|----------------|-----------------|
| Ray Bloxham | Stephanie Jones |
| Peter Burrows | Ken Potter |
| David Cox | Pauline Stott |
| Paul Diviani | Ian Thomas |
| Christine Drew | Phil Twiss |
| Jill Elson | |
| Graham Godbeer | |

Apologies:

Committee Members:

Mike Allen
Derek Button
David Key
John O'Leary
Chris Wale
Steve Wragg

Geoff Chamberlain
Tony Howard
Tom Wright

The meeting started at 10.00am and ended at 11.14am.

*48

Public Question Time

There were no questions from the public at this part of the meeting.

***49 Declarations**

| Councillor/ Officer | Minute number | Type of interest | Nature of interest |
|----------------------------|----------------------|-------------------------|---|
| Jill Elson | 51 | Personal | Community Transport Chairman |
| Frances Newth | 51 | Personal | Member of Manor Pavilion Steering Group |

***50 Budget Task and Finish Forum Notes of 11 December 2013**

The notes taken from the Forum meeting on 11 December 2013 were noted.

51 Draft Budget and Service Plans for 2014/15

The Head of Finance took the Committee through the prepared Cabinet report on the draft budget for 2014/15. He reminded them of the work, over the past few months, of the Budget Working Party, the Fees and Charges Task and Finish Forum, and the Budget Task and Finish Forum. Portfolio Holder savings had been identified and shared with the Committee in September, and changes in charges had also previously been agreed by the Cabinet. These changes and other proposals, assuming taking a settlement for a council tax freeze, provided an improved budget with an approximate £72K surplus that would benefit the 2015/16 budget position.

Portfolio Holder savings listed met with agreement of the Committee. Savings included identified areas towards the 2015/16 budget.

A further report on measures for the 2016/17 budget, which still had a predicted shortfall, would come before the Committee and the Cabinet in due course.

Specific queries on the budget were raised by the Committee and by other members present, including:

- £200K for 2014/15 and 2015/16 for relocation project management. These figures were challenged by some Members as excessive and on the grounds that they did not reflect any identified expenditure. The sums were explained as an initial estimate of costs placed as a marker in the event of a decision to relocate the offices which if approved was within the timeframe of the forward capital programme. These sums were offset in the programme by an assumed capital receipt, and shown in the capital programme if the project was agreed. Other Members felt it was prudent to indicate possible expenditure related to the probability of relocation. The Chairman reminded the Committee that the relocation project was still to be authorised by the Cabinet and Council.
- While there was funding for legal action that needed to be taken against those removing protected trees, there was no indication of income resulting for the Council. It was pointed out that, whilst some of the legal costs can be recovered, fines given to developers are paid to the Government rather than the local authority.
- Civic expenses showed a significant increase. It was pointed out that civic secretarial and administrative costs had previously rather inaccurately been charged against other activities. Thus, the change shown reflected a correction in accounting procedures for officer administration time for Chairman related work with a reduction in budget for the same amount under

51 **Draft Budget and Service Plans for 2014/15 (continued)**

other employee sections. The actual proposed expenditure overall showed no actual increase, only more accurate accounting.

- There appeared to be no decrease in the budget for public halls despite the removal of the Elizabeth Hall in Exmouth. It was indicated that an increase in business rates and depreciation were among factors leading to the proposed budget. The Chairman also reminded members that the LED working group, that was just getting underway, would lead to a review of some of these expenditures.
- Reduction in homelessness budget at a time when many facing hardship in the current economic climate – the ongoing reduction in this budget was clarified as a clear success story, brought about by proactive work by the service, and changes in the service to reduce costs – an example being no longer using expensive and ineffective bed and breakfast accommodation. It was also pointed out that the proposed figures were estimates and the expenditure was, in fact, demand driven, with no budgetary constraint.
- Reduction in refuse and recycling – this was due to an improved contract for recycled items which had resulted in increased income for recycled materials.
- Reduction in flood defence maintenance – the decrease over the previous was due to one off items of expenditure, which were now excluded from the budget. The Chief Executive assured the Committee that, should circumstances arise, necessary works would be carried out and the budget adjusted accordingly;
- In relation to the budget for bus shelters, it was clarified that the budget only covers monitoring of shelters and any action required to deal with unsafe shelters, including their possible removal. Council owned shelters were no longer replaced.

RECOMMENDATION: that the Draft Revenue and Capital Estimates be recommended to Council for adoption.

Chairman Date

Agenda Item 10

Overview & Scrutiny

30 January 2014

RC



Office Accommodation- Update

Summary

An update on progress on new office accommodation following a) Cabinet/Council agreement in July 2013 to look for a financially viable alternative to existing Knowle buildings and b) Cabinet agreement in September 2013 to gauge market interest in developing EDDC's Heathpark land ownership.

Recommendation

Discuss the contents of this report with a view to providing advice and offering any recommendations to Cabinet.

a) Reasons for Recommendation

Non specific

b) Alternative Options

Options are addressed within the body of this report.

c) Risk Considerations

Risks remain those that have been analysed in the previous Cabinet reports in July and September 2013. The Project Manager maintains and updates a detailed risk register.

d) Policy and Budgetary Considerations

The project development budget was agreed and enhanced in the Cabinet report of July 2013. Further recommendations will follow regarding forward project funding. There are no additional finance implications contained within this report.

e) Date for Review of Decision

The new office accommodation project has and will continue to be subject to Cabinet and Council decision.

1 Main Body of the Report

Office Accommodation – Choice of location

EDDC Cabinet on 17 July considered a report related to the Office relocation. Members voted unanimously in support of the recommendations as set out in the Cabinet report, including:

- that Council agree that the costs of maintaining, refurbishing or building new offices on the Knowle site are not sustainable and EDDC should therefore look at alternative locations for a new headquarters
- that the Deputy Chief Executive – Development, Regeneration and Partnerships - be given delegated authority to enter into formal conditional negotiations on the acquisition and/or development of a suitable site for EDDC's new offices
- that a future recommendation be made for consideration by Cabinet and determination by Council that EDDC relocate from the Knowle to a new location and premises subject to a satisfactory and financially viable proposition

During the Cabinet meeting the Project Team was asked to further examine not only those sites that had been identified as being financially viable, but also any other potential sites within the District.

At the EDDC Council Meeting of 24 July the Cabinet decisions were debated and endorsed. It was subsequently reaffirmed that the EDDC Project Team were working to the following set of principles;

- any move to new offices would place no extra burden on taxpayers
- any new buildings will be flexible, fit for purpose and meet the highest energy efficiency standards
- any new offices will be located somewhere viable for a modern, forward looking council offering services that are accessible for all our customers and working practices that mean they can access services in the ways that suit them best (Open for Business principles)
- any new office space will maximise the use of space and technology for the benefit of customers and the productive working of staff and councillors.

Subsequently, a first Stakeholders meeting was held at the Flybe Training Academy on 26 July. Invitees were County, local Parishes, local Chambers of Commerce, business groups, district-wide community organisations and pressure groups.

Following Cabinet and Council approval, the Project Manager contacted local Commercial Land Agents via a telephone calls and e-mails. Agents we asked to consider whether they had, or were aware of, any suitable sites based upon previously agreed key site criterion. It was stressed that whilst four parcels of land at Cranbrook and Honiton had been identified as part the Viability Report, the opportunity was now being taken to consider any other potential sites within the District that could be suitable for the relocation of the Councils Head Office.

Fifteen sites were identified. The nature of the sites varied quite considerably, from simple freehold land sales, through to Developers offering to also build a new HQ, otherwise known as a 'turnkey' proposal. There was also an option of an existing office,

in need of some refurbishment, that provided an interesting range of potential further opportunities and associated revenue streams.

Two of the fifteen originally identified sites were not considered to be suitable for the Council's new office. These sites - the EDDC owned land to the west of Hayne Lane, Honiton and Heathpark, Devonshire Road (North side).

At a Project Executive Board Meeting on 2 October the four elected members were asked to score each site against set criteria. Five sites scored significantly higher than others and were proposed for further investigation:

- Clyst House, Winslade Park
- Cranbrook Town Centre
- Skypark
- Heathpark, Honiton - EDDC property (former Sita Depot)
- Heathpark, Honiton - Devonshire Road (South Side)

Measures were also taken during the period to ensure Members, Staff, Stakeholders and Members of the Public were kept informed of the progress of the reviews being undertaken

- An interim presentation was provided to Members on 30 October 2013, providing an update on recent progress, site selection and advice on the next steps of the process.
- A similar presentation was provided to EDDC staff on 5 and 6 November 2013.
- On 8 November, a press briefing, an EDBC occupiers meeting and a Stakeholders Meeting were provided
- On the same day the latest version of the East Devon Extra was published exclusively discussing Relocation progress.

Now that the options of alternative sites have been identified, analysed and shortlisted, further research and investigation is required into the specific five site options and individual costs and attributes now associated with those options. This includes both the actual building/refurbishment costs and the anticipated annual running costs. This information is required to enable Members to make an informed, balanced decision on the location of a new office.

It remains the case as detailed in the July 2013 Cabinet Report that staying at the Knowle in a new build or reconfiguration of existing buildings will be highly expensive and with the certainty that any capital receipt to fund the project from a part sale of the Knowle will be much reduced. Add to this the cost of temporarily relocating the Council's workforce while any repair and refurbishment were underway and the partial demolition/redevelopment of parts of the site for residential development, and relocation remains the most cost effective proposition.

Now that we have drilled down to five shortlisted locations we are able to analyse in detail the likely running costs of each. This is a step forward in detail from the existing estimation of new build running costs on a BREEAM Excellent and Very Good basis. Some of the specific information for the annual running costs of each of the five preferred sites remains to be fully extracted and evaluated from the relevant parties. Cabinet, Group and SMT visited all five shortlisted sites on 18 November 2013 and also met with the agents/owners of the non-Heathpark sites. It was apparent to members

that there are a mix of aspects to the sites, both financial and non-financial. This feedback will now be added into a detailed evaluation matrix to assist in prioritising the options with a view to a report to February Cabinet and Council.

The next earliest opportunity to table an office accommodation review report will be Cabinet on 5 February and Council on 19 February 2014.

Heathpark Honiton

Cabinet on 4 September 2013 accepted the recommendation to market the Heathpark site by way of an informal bidding process. Heathpark had been factored in as a possible contribution to the cost of a new HQ if the Heathpark site itself were not to be our new headquarters location. The urgency of marketing the site was in response to the emerging availability for development of a similar site close by. Any decision to sell Heathpark or otherwise will be made, by Members via Cabinet then Council decision.

The site was advertised through the Estates Gazette on 27 September with bids being returned on 1 November. The Agents handling the process, Thomas Lister Associates, recorded a total of 39 requests for the Heathpark Information Pack.

A total of eight Expressions of Interest (Bids) were received by the deadline on Friday 1 November. Proposals for the site included both Food Retail and Non Food retail uses – including a Restaurant, a Hotel (Travel Lodge), drive through McDonalds, and other outlets such as Home Bargains and Pets at Home.

Following a short review of the received bids, the four most financially advantageous proposals were identified and the associated Developers were invited to an interview at EDBC on Tuesday 12 November.

All of those interviewed have been asked to further investigate /review aspects of their submissions including build costs and programme. Improved gross bids have since been received following interviews.

One of the most critical aspects identified was the date when vacant possession of the Heathpark could be provided. Ideally EDDC would require the provision of a replacement building of the Business Centre to ensure continuity of accommodation for EDBC occupiers. Even if the process of replacing the Business Centre was to commence immediately it is unlikely that vacant possession could follow until Q1 2015. The Council would very much prefer not to lose any of its occupiers and alternatives could be considered that involve their temporary relocation. This would both give continuity and allow a quicker sale of our land subject to planning approval.

Of the four bidders interviewed and subject to further detail emerging from follow up negotiations between now and February we expect to come back to Cabinet in February 2014 with a recommendation regarding viability of sale of the Heathpark site. If the recommendation is to sell the site then it will also include consideration of the single preferred developer, proposals for the current Business Centre, its occupiers and next steps.

It is important that any potential sell of Heathpark is considered alongside the Office Relocation proposals, since the selling of Heathpark can a) contribute to the capital receipt toward the cost of a new HQ development, b) reduce the number of site options available for relocation from five to four c) Potentially be our preferred new HQ site if we decide not to sell it.

A report is expected to be brought back to Cabinet in February 2013 with further recommendations on both our Heathpark site and on the relocation site options.

Legal Implications

The Local Government Act 1972 provides that the Council should dispose of land for the best consideration reasonably obtainable, although there are some potential exceptions to this rule. A local authority should take reasonable steps to investigate how far opposing bidders would go to commit themselves to the highest offer they are prepared to make; the report reflects the recommendation by the council's consultant surveyor to negotiate further.

Legal advice will be required throughout this project, including the arrangements for disposal and acquisition of land.

Financial Implications

Details of the various options identified and the full cost implications need to be presented to Members for careful consideration. This work is ongoing at the moment and being carried out within the budget approved of £410,000, the costs incurred will be included when assessments are made to determine the full cost of this project and are being met in the first instance from the Council's Transformation Fund.

Consultation on Reports to the Cabinet

Events preceding this report included an all-member presentation, two staff update meetings, a second stakeholder meeting and an EDBC occupiers meeting.

Background Papers

- None

Richard Cohen
Deputy Chief Executive
Ext 1552

Overview & Scrutiny
15 January 2014

Agenda Item 11

Overview and Scrutiny Committee

30 January 2013

DM



Changes to Committee timetable

Summary

Recommendation

1. Consult with Strategic Management Team to assess the impact of increasing full Council meetings to seven per civic term, with a view to making an informed decision on a recommendation on the committee timetable to come into force for the 2014/15 civic term;
2. Receive a further report in due course to explore options for modernising the full Council meeting.

a) Reasons for Recommendation

Impact on the decision process of altering the Council cycle is still to be properly considered by officers, in particular the impact on decisions before the Cabinet.

b) Alternative Options

Make no change to the current timetable arrangements.

c) Risk Considerations

Changes to meeting cycle may adversely impact on decision making, so further consultation with officers is recommended.

d) Policy and Budgetary Considerations

Increase in the number of meetings will impact on resources for officer time and potentially increase expenditure claimed by Members for increased attendance.

Main Report.

Amending the meeting timetable was previously discussed by the Committee on the 24 October 2013. The intention was to explore a change to the number of Council meetings held to avoid the sometimes long delay before the minutes of a committee are put before a full Council meeting.

Set out in the appendices of this report are:

The current proposed schedule of meetings operating with full Council meeting six times in the civic term (one being the AGM)

The proposed schedule of meetings operating with full Council meeting seven times in the civic term (one being the AGM)

The current proposed schedule has already taken account the desire to have a wider gap between the Cabinet meetings and the following Council so that the minutes aren't issued separately from the minute book. This schedule is being presented to the Cabinet on 5 February 2014.

The impact of increasing Council meetings by one per year will still need assessment to decide if it adversely affects the work of the Cabinet. I would recommend that this is discussed by the Strategic Management Team in the first instance, for a view on what that impact might be.

The Committee could also consider exploring the effectiveness of the full Council meetings. Generally all elected Members are present, but is the current format a best use of time? Some statutory restrictions need to be taken into account, such as the presentation of the minutes, but Members may like to explore how this could be dealt more effectively. As an example, Members could be presented with key highlights from the minutes presented. Any suggestions from Members at this stage are welcome and if modernising the council meetings is to be considered, these suggestions can be included in the possible research and reported, showing possible options and including legal comments, to a future meeting of the Committee. Liaison with the Portfolio Holder for Corporate Business on this research would be beneficial, to link closely with the "paperlite" project.

Legal Implications

The Council's constitution provides that meetings of full Council will take place in accordance with a programme decided at the Annual meeting. Key functions of Overview and Scrutiny relate to its 'challenge' role to Cabinet, including 'call in'. Although the point made in the report is understood to be that more frequent full Council meetings would enable a shorter delay in minutes being reported to full Council, it does not automatically follow this would increase the effectiveness of the Overview and Scrutiny function. Effective Overview and Scrutiny is largely dependent on the interaction between Overview and Scrutiny and Cabinet, not Overview and Scrutiny with Council. Increasing the number of Council meetings will carry an additional cost/resource demand within the Democratic Services team, and it is suggested members will want to be clear about the benefit of this before recommending an increase in the number of Council meetings.

On the second recommendation, looking at modernising Council meetings is a potential way of making the meeting time more effective.

Financial Implications

By increasing the number of full Council meetings from 6 to 7 will potentially increase expenses claimed by Members for increased attendance. There could also be increased overtime from Caretaking for setting up the room prior to the meeting.

Debbie Meakin
Democratic Services Officer

Overview and Scrutiny Committee
30 January 2014

List of meetings 2014/2015

Unless otherwise indicated meetings will normally be held at Knowle, Sidmouth. Not all meetings are open to the public and the public can be asked to leave other meetings on specified grounds.

| Meeting | Day | Time | 2014 | | | | | | | | 2015 | | | | |
|--|-----|---------|------|------|------|-----|------|-----|-----|-----|------|-----|-----|-----|-----|
| | | | May | June | July | Aug | Sept | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May |
| Annual Council | Wed | 6.30pm | 14 | | | | | | | | | | | 27 | |
| Council | Wed | 6.30pm | | | 23 | | | | 22 | 3 | | 25 | | 8 | |
| Cabinet | Wed | 5.30pm | | 4 | 9 | | | 3 | 1 | 26 | | 7 | 4 | 4 | |
| Overview & Scrutiny Committee | Thu | 6.30pm | 29 | | 3 | 28 | 25 | 23 | 20 | 18 | 29 | 26 | 19 | 23 | |
| Overview & Scrutiny Service Plan & Budget Meeting | Wed | 9.00am | | | | | | | | | 14 | | | | |
| Development Management Committee | Tue | 2.00pm | | 10 | 15 | 19 | 16 | 14 | 11 | 9 | 6 | 3 | 3 | 28 | |
| | | | | | | | | | | | | | 31 | | |
| Planning Inspections Committee | Fri | tba | | | | | | | | | | | | | |
| Audit & Corporate Governance Committee | Thu | 2.30pm | | 26 | | | | 25 | | 13 | | 15 | | 12 | |
| Housing Review Board | Thu | 6.00pm | | 19 | | | | 4 | | 6 | | 8 | | 5 | |
| Licensing & Enforcement Committee † | Wed | 9.30am | | 11 | | | 27 | | | 19 | | | 18 | | |
| Licensing & Enforcement Sub Committee †† * | Tue | 9.30am | | | | | | | | | | | | | |
| Standards Committee | Tue | 10.00am | | 17 | | | | | 7 | | | 20 | | 7 | |
| Asset Management Forum | Thu | 9.30am | | 26 | | | 14 | 4 | 9 | 6 | 4 | 8 | 12 | 12 | |
| Rates Consultation (with business community) | Mon | 6.30pm | | | | | | | | | | | | | |

NOTES

Time to be arranged

† The Licensing and Enforcement Committee includes within its functions the Licensing Act 2003, Gambling Act 2005, and all matters relating to hackney carriages and private hire.

†† Sub-Committees of the Licensing and Enforcement Committee whose functions are primarily to deal with hearings under the Licensing Act 2003 and Gambling Act 2005.

* Meetings of the Licensing and Enforcement Committee are timetabled for every Wednesday on a 'if required' basis.

- Devon County Council Budget meeting time tabled for February 2015 (date to be confirmed)
- Meetings of the Standards Sub Committees will be arranged as required.
- Budget/ Rates Consultation with the Business Community – to be arranged as required in January.

List of meetings 2014/2015 revised Full Council cycle

Unless otherwise indicated meetings will normally be held at Knowle, Sidmouth. Not all meetings are open to the public and the public can be asked to leave other meetings on specified grounds.

| Meeting | Day | Time | 2014 | | | | | | | | 2015 | | | | |
|--|-----|---------|------|------|------|-----|------|-----|-----|-----|------|-----|-----|-----|-----|
| | | | May | June | July | Aug | Sept | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May |
| Annual Council | Wed | 6.30pm | 14 | | | | | | | | | | | 27 | |
| Council | Wed | 6.30pm | | | 23 | | | 17 | | 12 | | 21 | 25 | 15 | |
| Cabinet | Wed | 5.30pm | | 4 | 9 | | | 3 | 1 | 26 | | 7 | 4 | 4 | |
| | | | | | | | | | 29 | | | | | 25 | |
| Overview & Scrutiny Committee | Thu | 6.30pm | 29 | | 3 | 28 | 25 | 23 | 20 | 18 | 29 | 26 | 19 | 23 | |
| Overview & Scrutiny Service Plan & Budget Meeting | Wed | 9.00am | | | | | | | | | 14 | | | | |
| Development Management Committee | Tue | 2.00pm | | 10 | 15 | 19 | 16 | 14 | 11 | 9 | 6 | 3 | 3 | 28 | |
| | | | | | | | | | | | | | 31 | | |
| Planning Inspections Committee | Fri | tba | | | | | | | | | | | | | |
| Audit & Corporate Governance Committee | Thu | 2.30pm | | 26 | | | 25 | | 13 | | 15 | | 12 | | |
| Housing Review Board | Thu | 6.00pm | | 19 | | | 4 | | 6 | | 8 | | 5 | | |
| Licensing & Enforcement Committee † | Tue | 9.30am | | 11 | | 27 | | | 19 | | | 18 | | | |
| Licensing & Enforcement Sub Committee †† * | Tue | 9.30am | | | | | | | | | | | | | |
| Standards Committee | Tue | 10.00am | | 17 | | | | | 7 | | 20 | | | 7 | |
| Asset Management Forum | Thu | 9.30am | | 26 | | 14 | 11 | 9 | 6 | 4 | 8 | 12 | 12 | 9 | |
| Rates Consultation (with business community) | Mon | 6.30pm | | | | | | | | | | | | | |

NOTES

Time to be arranged

† The Licensing and Enforcement Committee includes within its functions the Licensing Act 2003, Gambling Act 2005, and all matters relating to hackney carriages and private hire.

†† Sub-Committees of the Licensing and Enforcement Committee whose functions are primarily to deal with hearings under the Licensing Act 2003 and Gambling Act 2005.

- Devon County Council Budget meeting time tabled for February 2014 (date to be confirmed)
- Meetings of the Standards Sub Committees will be arranged as required.
- Budget/ Rates Consultation with the Business Community – to be arranged as required in January.

Notes of a Meeting of the Budget Scrutiny Task and Finish Forum held at Knowle, Sidmouth on 8 January 2014

Present: **Forum Members:** **Other Councillors:**
Tim Wood (Chairman) David Cox
Peter Halse Tom Wright
Tony Howard
Geoff Pook

Also present: Simon Davey – Head of Finance
Laurelie Gifford – Financial Services Manager
Debbie Meakin - Democratic Services Officer

Apologies: Ken Potter

The meeting started at 10.00am and ended at 12.57pm.

16. Public Questions

There were no questions from the public.

17. Discretionary activity costs summary

Corporate Services

Civic Expenses – £15,270

The Forum agreed with the Chairman's view that further scrutiny was not necessary. The increase in the budget set reflected the correction of allocation of employee costs – the administration being part of the duties of another post.

Economy Portfolio

Beach properties – (£51,850)

These properties were under review by the Asset Management Forum as part of the Asset Management Plan. Lease properties for kiosks were under regular review. Deputy Environment Portfolio Holder Tom Wright updated the Forum on some recent adjustments to beach hut rents, which had reduced costs in some areas due to huts being left up all year. The Forum agreed that this area should receive an update on progress later in the year.

Building Control – £85,190

In relation to nearly all of the charges, previous investigation had shown that they were constrained either by regulation or by competition and so the Forum felt no further review was worthwhile. Discussion took place on past comparisons with other authorities and the previous discussion with the service in the Fees and Charges TaFF.

A breakdown of the budgetary split between mandatory and discretionary activities was requested. This broadly divides between chargeable and non-chargeable activities and that breakdown is shown below:

| 2013/14 | | | | | |
|----------------|----------------|--------------------------------------|---------------------------------|-------------------------------------|------------------------|
| Original | Revised | Building Control | 44001 Build Control Fee Earning | 44005 Build Control Non Fee Earning | Building Control Total |
| 417,970 | 417,970 | Employees | 279,160 | 142,100 | 421,260 |
| 39,700 | 39,700 | Transport | 29,070 | 11,010 | 40,080 |
| 33,620 | 29,270 | Supplies & Services | 20,910 | 7,020 | 27,930 |
| 15,790 | 15,790 | Service Recharges | 25,260 | 14,480 | 39,740 |
| 106,290 | 106,290 | Corporate Support Services | 64,660 | 22,900 | 87,560 |
| 613,370 | 609,020 | Total Expenditure | 419,060 | 197,510 | 616,570 |
| (515,900) | (515,900) | Fees and charges Income | (531,380) | 0 | (531,380) |
| 97,470 | 93,120 | Net Cost of Service - Revenue | (112,320) | 197,510 | 85,190 |

RESOLVED that the Forum receive confirmation that debts raised for dangerous structures have been paid

Economic Development – £390,940

This element of the budget covers some growth point activities and also other activities in relation to the regeneration of Exmouth and Seaton. The Forum discussed:

- The budget spend to invest in the future of the District;
- Some elements of regeneration costs that may be worth closer scrutiny, such as the large cost of environmental assessments – and whether such costs are reasonable;
- Cost allocation to revenue and capital budgets: these matters were explained by the Head of Finance - until a project is confirmed to go ahead, costs must be charged to revenue and not capital due to specific rules on accounting;
- The provision of regular information on key projects outlining costs incurred and progress made which the Forum thought would be beneficial to Members.

Breakdown of this budget area was requested, and is set out in appendix 1.

Industrial Sites – (£61,750)

Councillor David Cox reminded the Forum that the Council had already recognised the need to provide for smaller businesses, and refurbish some existing sites to provide additional units. The current Asset Management Plan showed an approximate 7% return on capital value. The Forum felt that some further detail on how the units are performing should be provided to allow them to consider both the level of return, as well as the benefit to the community of the provision of such units. There was agreement that there was a case for providing more units in the District.

Markets – £10,800

The question arose of why should the Council continue to run the markets – currently two, based at Sidmouth and Honiton. Councillor David Cox confirmed that this area had not been marked by the Asset Management Forum (AMF) for review. Lease issues for the sites would need further investigation.

RESOLVED that the Asset Management Forum review the current leases with markets and assess the viability of continuing to run them.

Public Halls, Pavilions and Cinemas – £37,310 (Manor Pavilion – £65,310)

The Forum requested more detailed breakdown of the budget for each element, in order to better assess the merits of each. The Forum felt that review of these assets by the AMF would be beneficial to determine which should remain under Council control. Social benefit as well as revenue costs needed to be kept in mind.

Councillor David Cox reminded the Forum of the finite resources available to the AMF but agreed that scrutiny should be pursued. Cinema leases have previously been reviewed. The LED working group, recently set up, would involve review of some of the assets held by the Council.

More detailed breakdown of the halls' finances has been provided in the appendix 1.

RECOMMENDED that the Asset Management Forum review all assets under this budget heading.

Environment Portfolio

AONB & Countryside – £373,360

Planned discussion between Councillors Howard and Halse with the Countryside and Leisure Manager was due to take place the following day. Questions for further consideration included:

- What provision other authorities made – many appeared not to have their own service, but give financial support to others;
- Could volunteer numbers be increased;
- Could contribution to the AONB be reduced, as had happened by other contributing bodies;
- Are there any other income opportunities to explore.

The Forum agreed to hold further discussion following feedback from Councillors Howard and Halse.

Arts Development – £34,630 and Thelma Hulbert Gallery – £124,820

A report is due to Cabinet on the Gallery. The Forum agreed to leave discussion on this until the report had been considered.

Car Parks – (£2,171,150)

Car parks have been debated both by the Fees and Charges TaFF, and the Overview and Scrutiny Committee. Options are still being explored for other income, by means of advertising in car parks. In light of the extensive debate to date, the Forum agreed not to pursue these matters further at the current time.

Sports Centres & Swimming Pools – £1,828,590

The LED working group, currently underway, will undertake a general review of the arrangements between the Council and LED regarding leisure provision and its financing. Therefore the Forum felt that no further scrutiny was necessary pending the outcome of that group.

Streetscene

Amenity – £79,090

This budget head covers a wide variety of maintenance activities involving the Norman Lockyer Observatory, Axmouth harbour, seats and other facilities. A breakdown to highlight the Observatory was requested, which may be reviewed further by the Forum in the future.

Beaches and Foreshores – £217,280

Due to the nature of the work, consisting predominately of clearing up the areas, the Forum felt there were no significant changes worth pursuing in this area.

Bus Shelters – £23,350

A small number of District Council owned shelters remain, with the budget limited to ensuring that existing bus shelters are in safe condition, and, if not, removed. The support of some bus shelters is financed by advertising but there is only a very limited market for such advertising revenue. The Forum felt that continued efforts to request town and parish councils to take on remaining shelters should be pursued.

Parks & Pleasure Grounds – £918,240

The Council now only pays for the maintenance and flower displays in those garden and park areas that it owns. In many cases, town and parish councils are now covering the costs of the work that continues to be done by EDDC. There has been investigation of alternative planting arrangements but no significant savings would result without a noticeable reduction in appearance.

This remains a substantial budget figure, and the Forum felt it may be worth pursuing in the future. A request was made for a breakdown at individual park and pleasure ground level if that level of detail existed.

Play Equipment – £819,270

The Forum agreed that there was a case for suggesting to local councils that new play equipment facilities should be provided only if the relevant town or parish would consider maintaining them or making a significant contribution to their maintenance (as part of the agreement to release section 106 or other funding to pay for equipment purchase and installation). The social benefit was significant to the area, but Members felt that the cost, or part cost, should be met locally for what was effectively a local facility. This option had already been discussed with the Streetscene service.

Public Conveniences – £795,350

The Forum agreed to defer further discussion on this topic until a meeting of services on 21 January to draw up specifics on maintenance and running costs for the toilets still owned by the authority.

Security Lighting – £66,790

Security lighting was confirmed to cover lighting in parks and car parks across 19 sites in the district. No further action from the Forum at this time.

Sports Grounds – £204,650

Grounds operated by LED will be the subject of discussion under the LED working group already underway. A joint review of the Playing Pitches Strategy is underway with Exeter City Council, with a steering group meeting set for 17 January. The steering group includes representatives from national sport governing bodies, including Sport England. The Forum agreed to defer discussion on this until a report back was received on progress with the strategy.

18. Future meetings

The Forum agreed, subject to agreement from the Overview and Scrutiny Committee, that it should continue to meet during the year to look at the budget with a view to the 2015/16 budget and beyond.

An interim report will be produced on the work by the Forum to date and submitted to the Overview and Scrutiny Committee for debate on the recommendations so far, and to determine the form that budget scrutiny should take for future years.

The next meeting of the Forum will be in early March to agree the interim report and recommendation of continuation of the Forum to the Committee.

| 2013/14 | | | | | | | | | | | | | |
|------------------|------------------|---|------------------------------------|----------------------------------|--|--------------------------------|---------------------------|---|-----------------------------|---|--------------------------------------|-----------------------|----------------------------|
| Original | Revised | Economic Development | 23010 LA Business Growth Incentive | 23020 Tourst Info Centre Support | 23060 Business Support/ Advice Service | 23061 Exmouth Town Manmt Pship | 23066 Seaton Town Manager | 23320/ 55007 East Devon Business Centre | 50006 Asset Management Plan | 55008 Tourist Info Centres - Property Maintenance | 58220 Estates & Economic Development | Exmouth Regen Schemes | Total Economic Development |
| 398,020 | 402,200 | Employees Recharged Capital Salaries | | | | | | 57,270 | | | 297,550 | 102,220 | 457,040 |
| | | | | | | | | | | | | 0 | 0 |
| 79,410 | 75,340 | Premises | | 11,040 | | | | 68,290 | | 1,000 | | 0 | 80,330 |
| 14,940 | 14,940 | Transport | | | | | | 140 | | | 12,100 | 500 | 12,740 |
| 451,770 | 486,270 | Supplies & Services | 25,000 | 10,050 | 25,000 | 10,820 | 33,000 | 36,150 | 40,000 | | 4,470 | 56,000 | 240,490 |
| 76,210 | 76,210 | Service Recharges Corporate Support Services | | 6,740 | 14,550 | | | 9,890 | 9,840 | | 14,380 | 3,360 | 58,760 |
| 151,570 | 151,570 | | | | | | | 9,760 | | | 137,660 | 5,620 | 153,040 |
| 1,171,920 | 1,206,530 | Total Expenditure | 25,000 | 27,830 | 39,550 | 10,820 | 33,000 | 181,500 | 49,840 | 1,000 | 466,160 | 167,700 | 1,002,400 |
| (157,770) | (157,770) | Fees and charges Income Grants/Contributions/ Other | | | | | (33,000) | (154,350) | | | (46,160) | 0 | (200,510) |
| (33,000) | (33,000) | Less: Recharges to Other Services | | | | | | (6,500) | | | (373,520) | 0 | (380,020) |
| 506,250 | 540,860 | Net Expenditure | 25,000 | 27,830 | 39,550 | 10,820 | 0 | 20,650 | 49,840 | 1,000 | 46,480 | 167,700 | 388,870 |
| | | Loan Repayment | | | | | | | | | | 0 | 0 |
| 4,440 | 4,440 | Capital Charges | | 430 | | | | | | | 1,640 | 0 | 2,070 |
| 510,690 | 545,300 | Net Cost of Service - Revenue | 25,000 | 28,260 | 39,550 | 10,820 | 0 | 20,650 | 49,840 | 1,000 | 48,120 | 167,700 | 390,940 |
| | | Add Capital programme 2014/15 | | | | | | | | | | 0 | 0 |
| 35,000 | 35,000 | External Capital funding | | | | | | | | | | 3,928,000 | 3,928,000 |
| | | Total cost of Service/Asset | | | | | | | | | | 0 | 0 |
| 545,690 | 580,300 | | 25,000 | 28,260 | 39,550 | 10,820 | 0 | 20,650 | 49,840 | 1,000 | 48,120 | 4,095,700 | 4,318,940 |

| 2013/14 | | | | | | | | | | | | |
|---------------|---------------|--------------------------------------|-----------------------------------|-------------------------------------|------------------------|------------------------------------|-----------------------------|-------------------------------|----------------------------|--|----------------|----------------|
| Original | Revised | Public Halls, Pavillions & Cinemas | 32001 Pblc Halls PvlN And Cinemas | 32002 Drill Hall Demolition, Sidmth | 32191 Seaton Town Hall | 32250 Exmth Littleham Village Hall | 32253 Savoy Cinema, Exmouth | 32640 Radway Cinema, Sidmouth | 32336 Honiton Cncl Offices | Total Public Halls (Exc Manor Pavillion) | Manor Pavilion | Grand Total |
| £ | £ | | | | | | | | | | | |
| 78,490 | 78,490 | Employees | | | | | | | | 0 | 83,700 | 83,700 |
| 80,260 | 80,260 | Premises | | 50 | 39,620 | | 600 | | 10,400 | 50,670 | 54,520 | 105,190 |
| 101,700 | 101,700 | Supplies & Services | | | 270 | | | | | 270 | 264,490 | 264,760 |
| 44,640 | 44,640 | Service Recharges | 21,830 | 1,650 | 3,300 | | | | | 26,780 | 14,860 | 41,640 |
| 27,710 | 27,710 | Corporate Support Services | 5,900 | | | | | | | 5,900 | 20,540 | 26,440 |
| 332,800 | 332,800 | Total Expenditure | 27,730 | 1,700 | 43,190 | 0 | 600 | 0 | 10,400 | 83,620 | 438,110 | 521,730 |
| | | Fees and charges Income | | | (1,970) | | | | | (1,970) | (380,360) | (382,330) |
| (255,210) | (255,210) | Grants/Contributions/Other | | | (17,950) | (130) | (21,000) | (13,730) | (2,000) | (54,810) | | (54,810) |
| 77,590 | 77,590 | Net Expenditure | 27,730 | 1,700 | 23,270 | (130) | (20,400) | (13,730) | 8,400 | 26,840 | 57,750 | 84,590 |
| 12,900 | 12,900 | Capital Charges | 70 | | 4,030 | | 1,040 | 5,330 | | 10,470 | 7,560 | 18,030 |
| 90,490 | 90,490 | Net Cost of Service - Revenue | 27,800 | 1,700 | 27,300 | (130) | (19,360) | (8,400) | 8,400 | 37,310 | 65,310 | 102,620 |
| 0 | 0 | Add Capital programme 2014/15 | | | | | | | | 0 | 50,000 | 50,000 |
| | | External Capital funding | | | | | | | | 0 | 0 | 0 |
| 90,490 | 90,490 | Total cost of Service/Asset | 27,800 | 1,700 | 27,300 | (130) | (19,360) | (8,400) | 8,400 | 37,310 | 115,310 | 152,620 |

| 2013/14 | | Thelma Hulbert Gallery | 2014/15 | |
|----------------|----------------|------------------------------------|----------------|---------------|
| Estimate | | | Estimate | Variance |
| Original | Revised | | | |
| £ | £ | | £ | £ |
| 62,010 | 62,010 | Employees | 76,390 | 14,380 |
| 23,790 | 23,790 | Premises | 18,480 | (5,310) |
| 480 | 480 | Transport | 1,260 | 780 |
| 22,990 | 22,990 | Supplies & Services | 26,710 | 3,720 |
| 10,040 | 10,040 | Service Recharges | 13,400 | 3,360 |
| 16,320 | 16,320 | Corporate Support Services | 17,680 | 1,360 |
| 135,630 | 135,630 | Total Expenditure | 153,920 | 18,290 |
| (17,710) | (17,710) | Fees and charges Income | (23,660) | (5,950) |
| 0 | 0 | Grants/Contributions/Other | (1,000) | (1,000) |
| 117,920 | 117,920 | Net Expenditure | 129,260 | 11,340 |
| 0 | 0 | Capital Charges | 0 | 0 |
| 117,920 | 117,920 | Net Cost of Services | 129,260 | 11,340 |
| 0 | 0 | Add Capital programme 2014/15 | 50,000 | 50,000 |
| 0 | 0 | External Capital funding | 0 | 0 |
| 117,920 | 117,920 | Total cost of Service/Asset | 179,260 | 61,340 |

| 2013/14 | | Manor Pavilion | 2014/15 | |
|---------------|---------------|------------------------------------|----------------|---------------|
| Estimate | | | Estimate | Variance |
| Original | Revised | | | |
| £ | £ | | £ | £ |
| 64,840 | 64,840 | Employees | 83,700 | 18,860 |
| 45,230 | 45,230 | Premises | 54,520 | 9,290 |
| 101,700 | 101,700 | Supplies & Services | 264,490 | 162,790 |
| 0 | 0 | Service Recharges | 14,860 | 14,860 |
| 20,610 | 20,610 | Corporate Support Services | 20,540 | (70) |
| 232,380 | 232,380 | Total Expenditure | 438,110 | 205,730 |
| (200,700) | (200,700) | Income | (380,360) | (179,660) |
| 31,680 | 31,680 | Net Expenditure | 57,750 | 26,070 |
| 3,850 | 3,850 | Capital Charges | 7,560 | 3,710 |
| 35,530 | 35,530 | Net Cost of Services | 65,310 | 29,780 |
| 0 | 10,580 | Add Capital programme 2014/15 | 50,000 | 39,420 |
| 0 | 0 | External Capital funding | 0 | 0 |
| 35,530 | 46,110 | Total cost of Service/Asset | 115,310 | 69,200 |

Agenda Item 13

Overview and Scrutiny Committee

30 January 2014

DM



Pre-application advice – report for information

Summary

This report has been prepared as a follow up to the report presented to Committee on 26 September 2013. At that meeting, the Committee resolved to await the response of the Information Commissioner to a pending complaint on the withholding of pre-application advice requested under the Freedom of Information Act. The Information Commissioner has now concluded the investigation. As this report has been produced for information, no officer recommendation is included.

Main Report.

The decision notice on the complaint made against the Council to the Information Commissioner is reproduced as appendix A. In it, it sets out the consideration of the case and the findings that uphold the decision taken by the Council to withhold the pre-application advice in that instance.

The pre-application advice relating to the application subsequently made has now been published.

In light of the Information Commissioner's findings, the Council will continue to retain pre-application advice as confidential, unless:

- during the consideration of any Freedom of Information request, the information does not meet one or more of the exemptions under the Act, or;
- consent is given for its release, or;
- a relevant application has been received.

Pre-application advice will be published as and when appropriate once an application has been received and resources permit.

Legal Implications

For the reasons set out in the report, the position adopted is an appropriate one in advance of the review to be carried out by the Development Manager

Financial Implications

There are no financial implications.

Debbie Meakin
Democratic Services Officer

Overview and Scrutiny Committee
30 January 2014

Reference:

**Freedom of Information Act 2000 (FOIA)
Environmental Information Regulations 2004 (EIR)
Decision notice**

Date: 9 October 2013

Public Authority: East Devon District Council
Address: Council Offices
Knowle
Sidmouth
Devon
EX10 8HL

Complainant:
Address:

Decision (including any steps ordered)

1. The complainant has requested correspondence between the council and a developer regarding pre planning advice which was requested. The council has applied Regulation 12(5)(f) to the information.
2. The Commissioner's decision is that the council correctly applied the exception in Regulation 12(5)(f). His decision is also that the public interest in exception being maintained does outweigh the public interest in the information being disclosed.
3. The Commissioner does not require the council to take any steps.

Request and response

4. On 7 March 2013 the complainant wrote to the council and requested information in the following terms:

"The Freedom of Information Act and the Environmental Information Regulations apply to pre-application consultations and therefore I believe that I am entitled to know (a) whether there was a pre-application consultation and (b) if there was a pre-application consultation then to be provided with copies of all minutes of meetings, advice given and details of any fees paid (c) copies of all correspondence relating to this this property concerning planning. If you do hold any information then please can I pop into the office and review it. Please accept this email as a formal request under the Freedom of Information Act and the Environmental Information Regulations."

5. The council responded on 27 March 2013. It stated that the information was exempt under Regulation 12(5)(f) (voluntary supply) and Regulation 13.
6. Following an internal review the council wrote to the complainant on 17 April 2013. It stated that it upheld its initial decision.

Scope of the case

7. The complainant contacted the Commissioner to complain about the way his request for information had been handled.
8. The Commissioner considers that the complainant's complaint is whether the council correctly applied the exceptions or whether the information should have been disclosed to her.

Reasons for decision

Regulation 12(5)(f) of the Regulations states that information can be withheld where its disclosure would have an adverse affect upon:

(f) the interests of the person who provided the information where that person –

(i) was not under, and could not have been put under, any legal obligation to supply it to that or any other public authority;

(ii) did not supply it in circumstances such that that or any other public authority is entitled apart from these Regulations to disclose it; and

(iii) has not consented to its disclosure;

9. The council has submitted its arguments in favour of the exception applying.

Was the information supplied on a voluntary basis

10. The Commissioner is satisfied that the information was submitted on a voluntary basis. It was issued to the council as a pre planning advice request. The authority would not have had the right to require the organisation to provide this to it as no formal application had been made by the developer at that time. Requests for pre planning advice are provided voluntarily by a developer in order identify issues early enough to take these into account in any formal planning applications.

Is the council entitled to disclose the information other than under the Regulations?

11. As part of a pre planning request for advice the Commissioner is satisfied that the developer would have submitted the request with the expectation that that information would not be disclosed more widely by the council. Pre-planning advice requests are not planning applications and are not subject to the normal formal reporting of plans as planning applications are. The Commissioner is therefore satisfied that the council would not be able to disclose this information other than in response to a request under the Regulations or the Act.

Did the developer consent to the disclosure of the information?

12. The council confirmed that in response to the request it asked the developer whether the information could be disclosed. The developer however did not consent to the information being disclosed. The Commissioner is therefore satisfied that this criterion has been met.
13. The complainant raised an issue with the Commissioner stating that she did not believe that the council should have contacted the developer and told him about the request, The Regulations are clear however that consent is a valid issue to be considered in response to the application of this exception and the council acted appropriately by seeking the consent of the developer.

Would a disclosure of the information have an adverse affect upon the interests of the developer?

14. Subsequent to the request being received and responded to by the council the developer submitted a planning application to the council which has received a number of objections from interested parties. The general consensus of the objectors is that the development will cause significant damage to the area around the planned properties. This will include damage to hedgerows and established 'Devon bank'.
15. Additionally four oak trees had already been cut down on the area of the development. The objectors consider that if the development goes ahead a number of other trees will be likely to be damaged and potentially destroyed.
16. The Commissioner accepts that due to the nature of the development any planning application which was submitted was likely to attract a number of strong objections due to the rural character of the village and the landscape surrounding the proposed site.
17. The request was made by the complainant prior to the formal planning application being submitted. A disclosure of this information would therefore have acted against the interests of the developer. It would have been likely to have raised tensions in the area and resulted in objectors speaking out against the developer as it would have revealed his intentions to develop the area at a time when that was not a certainty.
18. It is always possible that following the receipt of advice a developer takes a decision that no formal application should be made. In effect disclosing the information at the time of the request would have potentially raised tensions in the area whereas the developer may have taken a decision not to submit a formal application. At the time that the request was responded to the council would not have had the formal planning application submitted.
19. A disclosure of the advice would therefore have provided potential objectors with information which would be subsequently used to formulate objections against the developer's plans at a time when no formal planning application had been submitted. The developer may then have faced significant objections to plans which he may have decided not to formally submit. This would clearly have had an adverse effect upon his interests. If, as was the case, the developer was continuing to consider his options as regards the land, further delays and costs may have been incurred as interested parties sought to

prevent any development occurring prior to the planning application being submitted.

20. Once formal planning applications are submitted the public has a right to raise objections and have their arguments heard. In the initial stages of preplanning there is less of a reason for this to occur as no formal plans have been submitted. The Commissioner is therefore satisfied that a disclosure of the information prior to the formal planning applications being submitted was likely to have an adverse effect upon the interests of the developer.
21. The Commissioner is therefore satisfied that all of the criteria for Regulation 12(5)(f) have been met by the council.
22. Regulation 12(1) requires the authority to carry out a public interest test to ascertain whether the information should be disclosed in spite of the exception being engaged. The test is whether the public interest in the exception being maintained outweighs the public interest in the information being disclosed. If it does not then the information should be disclosed in spite of the exception being engaged.
23. Regulation 12(2) also provides a specific presumption in favour of the information being disclosed.

The public interest in the exception being maintained

24. The central public interest in the exception being maintained is that individuals and organisations should be able to seek advice from their planning authorities on a confidential basis for ideas that they have for potential future developments free from the public eye initially. A pre planning advice request is a way for developers to 'test the waters' as regards particular types of developments in particular areas. They can also receive advice as to what the issues would be likely to be prior to drawing up formal plans for approval, thereby saving time and money themselves, but also time and costs to the council by lowering the issues that a formal application might raise.
25. The public has a right to object to planning issues once formal planning applications are submitted for approval. They therefore do have a forum in which to register their objections to planning applications, and these will be taken into account when planning applications are being considered.
26. Prior to that time however developers should be able to seek informal advice from authorities without disclosing their development plans to their neighbours or to their competitors. In many cases pre planning

applications may result in no formal applications being submitted, or significantly different plans being submitted. A disclosure of the information prior to the formal applications being received may therefore result in objections being received to plans which are never formally submitted. This would waste both council time dealing with the objections, as well as potentially causing concerns to neighbours or neighbouring properties and, potentially, for some developments affecting house values in the . A disclosure of pre planning advice requests would also potentially alert commercial competitors to early development plans within the area.

27. The council argues that if pre planning advice is disclosed on a regular basis then developers may decide not to engage with councils in the future at such an early stage. This would have the effect of increasing the costs of planning applications as the developers may submit inappropriate plans which would have been identified earlier had advice been sought. This could slow the planning process down as far as the council is concerned, increasing costs and delaying planning decisions being taken.
28. The complainant has pointed to guidance published by the Local Government Association (the 'LGA') created by the Planning Advisory Service which suggests that in order to increase transparency on pre-planning advice provided by planning authorities, pre-planning advice should be recorded and published unless there is a reason for the information to remain confidential. This is in order to demonstrate probity in planning decisions, and particularly in councillor's involvement in pre planning discussions. The advice in question 'Probity in Planning for Councillors and Officer' was published by the LGA in April 2013.
29. The Commissioner considers that the complainant's argument does hold weight, but he considers that the circumstances prior to a planning application formally being submitted are different to the time where the full planning application has been submitted and the documents published for objections to be made. At the time of the complainant's request that was not the case.
30. The Commissioner is required to make a decision on a request based upon the circumstances of the case at the time that the request is received, or at the latest at the time that a review of the decision is carried out by the authority. In this case the initial request was sent by the complainant on 13 March 2013, and the decision reviewed on 17 April 2013. The formal application was not received until 30 May 2013.
31. The Commissioner considers that the most appropriate time for pre planning information to be published on a development of this type was

likely to be at the time that the formal planning documents were published. In this way the interests of the potential applicant are protected prior to the formal application being submitted, whilst the subsequent disclosure of the pre-planning advice would ensure that the public is assured of the probity of council employees and councillor's prior to the decision on the application taking place.

32. He notes in passing that the council has said that it will publish the advice once a decision has been taken on the planning application. It said that at that point the arguments for the exception applying are weakened as the interests of the developer are less likely to be affected by a disclosure of the information.

The public interest in the information being disclosed

33. The central public interest in the information being disclosed is to create transparency about the advice provided by the council to the developer. As noted above a disclosure will also provide assurances of probity in planning decisions where planning applications are subsequently submitted.
34. The complainant considers seeing the advice might shed light as to why the developer cut down 4 oak trees on the land which is the subject of a current planning application. The complainant and others consider that this has significantly damaged the landscape of the area, as well as causing damage to the environment and the rural 'leafy' character of the village in this area. A number of objectors to the planning application which was subsequently submitted have raised this as an issue of concern. In their view it would not be appropriate for the developer to obtain planning approval due to the destruction of the trees.
35. The Commissioner does not know whether a destruction of the trees prior to the application being submitted is a relevant consideration for the authority to take into account when making its planning decision. He is also not aware of any evidence to suggest that the destruction of the trees was unlawful. The council planning portal shows no record of any enforcement being taken against the property owner or any other party for the destruction of the trees specifically. The council has registered an enforcement complaint about a destruction of Devon Bank and hedgerow on the property, however the council's enforcement record shows its decision that no further action would be taken over this by the council.

36. Although the planning application had not been submitted at the time of the request it was more than possible that a planning application would be submitted and this was therefore a relevant consideration at the time of the request. The Commissioner is satisfied that this falls within one of the central reasons for the introduction of the Regulations. Damage has been caused to the environment, potentially because of an intended future planning application, and there is a strong public interest in shedding light shed on whether the council's advice had anything to do with that.

Conclusions

37. The Commissioner accepts that there are strong arguments in favour of the information being withheld. At the time of the request no formal planning application had been submitted and the Commissioner is not aware of any evidence to suggest that the actions of the developer in cutting down the trees was unlawful, even if they were unpopular with other residents.
38. The council has however said that it will disclose the information it holds once the planning decision has been taken. Its actions will be transparent once the planning decision has been made. The Commissioner notes however that this does not necessarily accord with the LGA guidance which suggests that pre planning advice should be disclosed in order to assure the public of the probity councillors and officers' actions.
39. The Commissioner is restricted to considering the circumstances of the case at the time that the request was received and the review was carried out. At that time no formal planning application had been submitted to the council and as outlined above there are strong reasons why pre planning discussions should not be disclosed prior to a formal application being submitted. These do however need to be considered on a case by case basis and decisions made based upon the circumstances in each individual case.
40. The Commissioner notes that even without access to the pre planning advice residents did have the opportunity to object to the formal planning application and to voice their objections to the destruction of the trees during the formal planning consultation period. The Commissioner does not therefore consider that a failure to disclose the advice has significantly affected the ability to object to the formal planning application in this respect, or to voice concerns about the destruction of the trees if that is relevant to the planning decision.

Reference:

41. After considering the above, the Commissioner considers that the public interest in the exception being maintained outweighs the public interest in the information being disclosed.

Right of appeal

42. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

43. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.

44. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed 

Andrew White
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF



Department for
Communities and
Local Government

Brandon Lewis MP
Parliamentary Under Secretary of State

**Department for Communities and Local
Government**
Eland House
Bressenden Place
London SW1E 5DU

Councillor Tim Wood
Overview and Scrutiny Chairman
East Devon District Council
Knowle
Sidmouth
EX10 8HL

Tel: 0303 444 3430
Fax: 0303 444 3986
E-Mail: Brandon.lewis@communities.gsi.gov.uk

www.gov.uk/dclg

Our Ref: ER/BL/031641/13
Your Ref: CllrTW/SD

Dear Cllr Wood

12 NOV 2013

Thank you for your letter of 21 October to the Rt Hon Eric Pickles MP setting out your concerns around funding for East Devon. I am responding to your concerns as local authority funding falls under my Ministerial responsibilities.

I note the points you make about the challenges councils face, particularly in regard to the localisation of Council Tax support and the costs associated with rurality. We are currently considering the responses to the Technical Consultation on the 2014-15 and 2015-16 local government finance settlements ahead of the settlement announcement later this year, but we set a direction of travel in 2013-14 with a reduction in spending power per head for rural local authorities that is less than that for urban. Rural authorities, like urban, must now take full advantage of the new powers given them to increase their revenue by going for local growth, both in housing development and by expanding their business base. Moreover, on 1 recently announced the successful bids to the Transformation Challenge Award. Eighteen local authorities, many of them rural, will share £7 million to look at ways of bringing their services and management together and working in innovative ways

In regard to your concerns around the New Homes Bonus and the Local Growth Fund we are carefully considering all responses received to the consultation proposals and will announce a way forward in due course. I would also note that the Spending Round set out significant funding and measures that will support councils in delivering better outcomes with fewer resources, including a £3.8bn pool for integrated health and social care which will help to ensure that service levels in the care and support system can be protected and will enable authorities to invest in prevention and early intervention. There will also be a new fund of £330m for Transforming Services, and there are protections that we have built into business rates retention, especially to prevent councils' funding falling significantly below a baseline funding level.

BRANDON LEWIS MP

Agenda Item 15

Overview and Scrutiny Committee

30 January 2014



Overview and Scrutiny Committee Forward Plan 2013/14

| Date of Committee | Report | Lead Officer |
|-------------------|---|----------------|
| 27 February 2014 | Portfolio Holder Update – Corporate Business Portfolio Holder Update – Corporate Services Corporate Asset Plan update (tbc) Performance monitoring Quarter 3 2013/14 | Nigel Harrison |
| 27 March 2014 | Portfolio Holder Update – Strategic Development and Partnerships Council relationship with LEPs (tbc) | Richard Cohen |
| 24 April 2014 | Draft Overview and Scrutiny Annual Report | |

Topics for scoping and allocation to the Forward Plan or to Task and Finish Forum:

| Proposed date | Topic |
|---|---|
| Waiting for confirmation | Poltimore House update presentation |
| May or June 2014 | Shared ICT Services |
| Start once Inspector's report published | Review of production process of Local Plan |
| April 2014 | National Parks research findings and debate |
| May 2014 and May 2015 | New waste contract 2016 |
| On completion of TaFF | Business Task and Finish Forum final report |
| As and when available | Updates from Portfolio Holders |
| March or April 2014 | Crime and Disorder update, including visit from Police Area Commander |