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Mid Devon District Council

Scrutiny Committee

Monday, 10 October 2016 at 2.15 pm
Exe Room, Phoenix House, Tiverton

Next ordinary meeting
Monday, 7 November 2016 at 2.15 pm

Those attending are advised that this meeting will be recorded

Membership

Cllr F J Rosamond
Cllr Mrs H Bainbridge
Cllr Mrs C P Daw
Cllr Mrs S Griggs
Cllr T G Hughes
Cllr Mrs J Roach
Cllr T W Snow
Cllr N A Way
Cllr Mrs G Doe
Cllr Mrs A R Berry
Cllr J L Smith
Cllr S G Flaws

A G E N D A

Members are reminded of the need to make declarations of interest prior to any discussion which may take place

1 APOLOGIES AND SUBSTITUTE MEMBERS

To receive any apologies for absence and notices of appointment of substitute Members (if any).

2 PUBLIC QUESTION TIME

To receive any questions relating to items on the Agenda from members of the public and replies thereto.

Note: A maximum of 30 minutes is allowed for this item.

3 MEMBER FORUM

An opportunity for non-Cabinet Members to raise issues.

4 **MINUTES OF THE PREVIOUS MEETING** *(Pages 5 - 8)*

To approve as a correct record the Minutes of the last meeting of this Committee (attached).

The Committee is reminded that only those members of the Committee present at the previous meeting should vote and, in doing so, should be influenced only by seeking to ensure that the minutes are an accurate record.

5 **DECISIONS OF THE CABINET**

To consider any decisions made by the Cabinet at its last meeting that have been called-in.

6 **CHAIRMAN'S ANNOUNCEMENTS**

To receive any announcements that the Chairman of Scrutiny Committee may wish to make.

7 **CAR PARKING 6 MONTH UPDATE** *(Pages 9 - 16)*

At the request of the Committee to receive an update regarding changes to parking fees, six months on from the implementation.

8 **PLANNING ENFORCEMENT UPDATE** *(Pages 17 - 22)*

To receive an update following a report to the Committee in May.

9 **CABINET MEMBER FOR FINANCE** *(Pages 23 - 26)*

The Cabinet Member for Finance will update the Committee regarding areas covered by this remit.

10 **FLOOD PREVENTION** *(Pages 27 - 30)*

To receive a report informing Members of the Council's responsibility for flood prevention.

11 **CHANGES TO THE MANAGEMENT STRUCTURE**

At the request of the Chairman the Chief Executive will explain the rationale behind his recent management changes and the role of the Director of Operations.

12 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING**

Members are asked to note that the following items are already identified in the work programme for the next meeting:

Note: - this item is limited to 10 minutes. There should be no discussion on items raised.

Performance and Risk
Section 106 Monies
Questions for the CCG
Member Development Annual Update
Safeguarding update

Stephen Walford
Chief Executive
Friday, 30 September 2016

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Member Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use other forms of social media to report on proceedings at this meeting.

Members of the public are welcome to attend the meeting and listen to discussion. Lift access the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions.

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or

If you would like a copy of the Agenda in another format (for example in large print) please contact Julia Stuckey on:

Tel: 01884 234209

E-Mail: jstuckey@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 12 September 2016 at 2.15 pm

Present

Councillors

F J Rosamond (Chairman)
Mrs H Bainbridge, Mrs A R Berry,
Mrs C P Daw, S G Flaws, Mrs S Griggs,
T G Hughes, Mrs J Roach, J L Smith,
T W Snow and N A Way

Apologies

Councillor(s)

Mrs G Doe

Also Present

Councillor(s)

R M Deed, Mrs M E Squires and R L Stanley

Also Present

Officer(s):

Jill May (Director of Corporate Affairs and Business Transformation), Catherine Yandle (Internal Audit Team Leader) and Julia Stuckey (Member Services Officer)

48 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr Mrs G Doe.

49 **PUBLIC QUESTION TIME**

There were no members of the public present.

50 **MEMBER FORUM**

There were no issues raised under this item.

51 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the last meeting were approved as a correct record and **SIGNED** by the Chairman.

52 **DECISIONS OF THE CABINET**

The Committee **NOTED** that none of the decisions made by the Cabinet at its last meeting had been called in.

53 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman welcomed Cllr S Flaws to the Committee and welcomed Cllr T G Hughes back following an injury.

54 ESTABLISHMENT

The Committee had before it and **NOTED** a report * from the Director of Corporate Affairs and Business Transformation updating Members on numbers of staff, staff movement and any areas of concern. The officer explained that a significant amount of change had been undertaken during the past 12 months and this continued to deliver a more effective and efficient service. It was clear, however, that more needed to be done and changes to the structure of the Council would be ongoing. As a result of service restructures, 16 posts had been removed from the establishment. In addition, 7 employees were dismissed, 5 completed their fixed term contracts, 1 was a non-starter and the remaining 43 were voluntary resignations/retirements. The officer explained the thorough process that had to be completed in order to gain authority to fill a vacancy, which included asking the manager to consider other options such as reduced hours or splitting the role.

Discussion took place regarding:

- Succession planning and the need to ensure that staff had the right skills to move forward in the future;
- 6 apprentices had been taken on and some had been appointed to permanent posts;
- Agency workers and the fact that they could be used to cover annual leave and sickness;
- Discussions that were taking place with Waste and Recycling staff regarding 'catch up' Saturdays following Bank Holidays;
- Managers had been trained to help them identify the signs of stress;
- Staff turnover was 12.75% with the national average being 9%;

It was **AGREED** that a report regarding the establishment be received annually by the Committee.

Members thanked officers for the work that had been done to bring down stress levels from 17% to 10%.

Note: - * Report previously circulated and attached to Minutes.

55 PERFORMANCE AND RISK

The Committee had before it and **NOTED** a report * providing Members with an update on performance against the Corporate Plan and local service targets for 2016-17 as well as providing an update on the key business risks.

The Audit Team Leader explained that the Performance Indicators within the report had been amended to reflect the new Corporate Plan.

Discussion took place regarding:

- An officer had been appointed in conjunction with Exeter City Council to look at initiatives to bring empty homes back into use;
- Planning performance and the fact that 37 applications had exceeded 13 weeks;
- Car parking issues at leisure centres and the options available to relieve the problem;
- Structural issues at the Pannier Market with the glass doors and the potential to make changes to the area.

A staircase in a property at St Andrews Street that did not meet current building regulation standards due to conservation requirements was discussed and it was **AGREED** that further clarification be sought regarding this.

Note: - * Report previously circulated and attached to Minutes.

56 **CABINET MEMBER FOR HOUSING**

The Committee had before it and **NOTED** a briefing paper * from the Cabinet Member for Housing updating it regarding areas covered by his remit.

The Cabinet Member outlined the contents of the report and discussion took place regarding:

- DARS (Deposit and Rents), a loan scheme that provided deposits so that people could rent a property privately;
- The number of repairs that were carried out and procedures that were in place to recharge when appropriate;
- The housing stock was old and therefore expensive to maintain;
- Tenancy Agreements stipulated that properties and gardens must be kept in good order;
- The caretaker service which maintained communal areas;
- The cost of repairs for void properties;
- Rent reductions imposed by Government and the impact on funding available for future repairs and investments;
- The potential future expense of removing asbestos from properties;
- The project at Palmerston Park which had fallen behind schedule and the work that had been undertaken with the contractor in an attempt to resolve issues;

- Waddeton Park and the possibility that the developer would not be progressing the project at this stage;
- The potential to buy 'off plan' from developers;
- 'Pay to Stay' and the difficulties in operating the scheme.

The Committee commended the Cabinet Member for his report.

Note: - * Briefing paper previously circulated and attached to Minutes.

57 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING

- Planning Design Guides – how do Mid Devon Planners agree housing design?
- Flood Prevention, Land drainage responsibilities
- An overview of the expenditure Section 106 monies
- Clinical Commissioning Group

(The meeting ended at 4.15 pm)

CHAIRMAN

SCRUTINY 10 OCTOBER 2016

CAR PARKING UPDATE FOR THE SIX MONTHS TO 30 SEPTEMBER 2016

Cabinet Member Cllr Neal Davey
Responsible Officer Andrew Jarrett – Director of Finance, Assets & Resources

Reason for Report: To present a car parking update after the first 6 months of the new charging strategy.

RECOMMENDATION(S): The Committee note the current position on car parking vends and income for the first 6 months of 2016/17.

Relationship to the Corporate Plan: The Council must ensure that it maximises the opportunity available from all of its property assets, however, it must also be mindful of the associated economic consequences that can be directly or indirectly related to major changes in any charging policy.

Financial Implications: The new car parking strategy targeted better utilisation of the Councils car parks, introduced a more streamlined tariff system and looked to increase overall income from its 10 Pay & Display car parks by £141k.

Legal Implications: None.

Risk Assessment: Regular financial monitoring information will indicate to Members whether this strategy is achieving its objectives.

1.0 Introduction

1.1 During 2015/16 the Managing the Environment Policy Development Group set up an officer and member working group to review our current car park charging policy and then make recommendations on a new one to be implemented on the 1/4/16. This review looked at: usage levels, benchmarked charges against neighbouring Councils, considered more free periods, reviewed concessions, considered economic consequence, etc.

2.0 The new charging strategy for 2016/17

2.1 After an extensive consultation process, reported at all of our 34 car parks and advertised in the local press and at the Council offices, the main changes made to our new charging policy were:

- The removal of the £1 tariff for 5hrs parking in the 3 long stays
- But freezing the £2 tariff for all day parking
- Introducing a 30min free period during the evening and freezing the overnight charge at a £1
- Extending the free period at Westexe and PHouse to 30 mins
- Introducing a 30 mins free period at William St and Wellbrook St

- Reducing Sunday and BH charges to £1

2.2 It was then estimated that if current (15/16) vends remained at the same level for 2016/17 this new charging policy would generate circa £141k more income from the Council's 10 P&D car parks.

2.3 When evaluating the impact of a new charging policy for any product, it is often made harder, as other variables may well have direct/indirect effects/consequences. This is particularly relevant to car parking. Variables such as weather, the economy, fuel prices, provision of alternative parking, availability and range of shops, level of ad hoc concessions granted, road closures, etc. will also affect usage levels and hence income generated.

3.0 Car parking vends and income for 1/4/16 – 30/9/16

3.1 Members of the Scrutiny Committee received an initial update on car parking income and vends after the first 3 months of 2016/17. This has now been updated to include the overall position upto the 30/9/16 (i.e. the first 6 months). This information is shown in the table below.

Month	Income 16/17	Income 15/16	Variance
April	£58,948	£47,349	£11,599
May	£52,273	£48,910	£3,363
June	£56,200	£49,833	£6,367
July	£59,452	£54,616	£4,836
August	£58,514	£51,190	£7,324
September	*****	*****	*****
Total	£285,387	£251,898	£33,489

NB1 - The above table shows an overall income position vs the actual figures achieved in April to August against the same months in 2015/16 for all of the Council's P&D car parks.

NB2 – A further update will be provided at the meeting to include September data, which was clearly not available when this report was produced.

3.2 In addition to the above table, Appendix 1 shows the total vends and income per car park for the first 5 months of 2016/17 and Appendix 2 shows the performance against budget of each car park.

3.3 If we assume that the first 5 months are representative of the rest of 2016/17 the Council would potentially generate circa £685k against a budget of £712k – which was set £141k higher than in 2015/16.

3.4 When evaluating our new charging strategy, we must also look at the vend analysis to establish how it has affected; parking numbers, length of stays, success of increased free parking concessions, etc. This information is also contained in Appendix 1.

3.5 At the previous meeting Members were informed that due to contractor software problems not all vend analysis had been recorded during May and June and it was therefore agreed to bring an additional report back to the October meeting.

4.0 Conclusion

4.1 The first 5 months of income data shows that if fee/charges are maintained at broadly the same level during the remainder of 2016/17 that the Council should achieve some where close to the increased budget of £712k (note the P&D car park income budget was £571.5k in 2015/16).

4.2 Officers will continue to provide monthly updates on car parking income and vend analysis.

4.3 Officers and members will review correspondence/feedback on the new charging strategy and consider whether any changes are required to our current strategy for implementation from 1/4/17.

Contact for more information:

Andrew Jarrett, 01884 23(4242),
ajarrett@middevon.gov.uk

Circulation of the Report:

Cllr Neal Davey, Management Team

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Car Park Vend & Income Analysis

	2016-17												2015-16													
	P&D	Ringo	P&D	Ringo	P&D	Ringo	P&D	Ringo	P&D	Ringo	P&D	Ringo	P&D	Ringo	P&D	Ringo	P&D	Ringo	P&D	Ringo	P&D	Ringo				
	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Aug-15	Jul-15	Jun-15	May-15	Apr-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Aug-15	Jul-15	Jun-15	May-15	Apr-15
	Vends																									
Becks Square Tiverton	5,466	82	5,680	70	6,044	84	6,249	85	6,131	76	6,480	72	6,881	86	6,598	84	6,674	64	7,060	57	6,650	21	7,021	59	6,994	70
High Street Crediton*	4,309	109	4,516	106	4,497	103	3,728	165	3,294	149	3,405	118	3,661	129	3,612	159	4,236	95	4,614	108	4,648	33	4,243	161	4,315	184
Market Place Tiverton	15,643	205	15,117	231	14,374	238	15,465	278	14,628	237	9,440	291	15,521	279	15,376	223	15,556	208	17,074	207	16,157	76	14,974	225	14,316	194
Market Street Crediton	2,192	66	2,172	84	2,249	108	2,291	71	2,211	52	2,485	70	2,463	55	2,587	56	2,249	58	2,545	73	2,322	29	2,306	52	2,240	56
Multi-Storey Tiverton	8,111	209	7,750	230	7,699	247	5,675	274	2,605	266	3,249	310	6,234	348	5,896	331	8,524	174	9,240	255	8,454	77	6,251	142	5,994	165
Phoenix House Tiverton	2,217	-	2,313	3	2,253	4	2,563	9	2,540	4	2,841	3	2,629	8	2,788	3	2,039	4	2,203	8	2,151	3	1,862	1	2,028	1
Station Road Cullompton*	2,641	88	2,965	75	3,418	62	2,449	65	2,295	87	2,269	75	1,962	68	2,048	94	2,290	27	2,557	56	2,495	15	2,257	33	1,964	52
Wellbrook Street Tiverton	960	14	949	18	930	21	943	28	875	28	709	25	976	23	1,036	25	861	14	942	13	898	5	828	9	953	18
Westexe South Tiverton	4,161	69	4,508	85	4,889	66	5,911	59	5,796	53	5,434	38	6,241	50	6,296	63	4,898	43	5,113	65	4,770	21	4,789	59	4,932	63
William Street Tiverton	2,853	68	2,856	141	2,838	114	2,436	86	Not working	69	1,881	67	5,318	51	5,434	69	2,685	105	2,846	127	2,548	38	1,430	106	1,424	79
Totals	48,553	910	48,826	1,043	49,191	1,047	47,710	1,120	40,375	1,021	38,193	1,069	51,886	1,097	51,671	1,107	50,012	792	54,194	969	51,093	318	45,961	847	45,160	882

Fault on William Street as no data received in May. Also MSCP vends look completely wrong and possibly Market Place.
 Faults log with Calebri Weboffice 06.06.16 who are looking into this asap.
 Cale confirmed that data in May on the affected car park machines have been lost due to a driver error and data is available to be retrieved from 20.06.16.

*High Street Free parking Feb 16

*Station Road Free parking

	2016-17												2015-16													
	P&D	Ringo	P&D	Ringo	P&D	Ringo	P&D	Ringo	P&D	Ringo	P&D	Ringo	P&D	Ringo	P&D	Ringo	P&D	Ringo	P&D	Ringo	P&D	Ringo				
	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Aug-15	Jul-15	Jun-15	May-15	Apr-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Aug-15	Jul-15	Jun-15	May-15	Apr-15
	Income (net)																									
Becks Square Tiverton	5,515.58	93.00	5,925.38	77.75	5,757.04	95.92	7,389.17	122.08	6,454.13	94.58	7,615.25	99.58	8,202.67	117.50	7,809.75	105.83	7,080.08	72.58	7,294.83	68.58	6,641.46	59.75	7,260.25	61.75	7,155.87	76.17
High Street Crediton*	3,990.92	152.75	2,687.79	145.34	5,231.12	133.83	5,812.71	228.25	5,539.87	242.17	4,921.54	200.00	6,056.38	224.83	6,017.17	270.67	4,236.54	127.83	4,418.71	145.83	4,672.54	99.67	4,501.92	183.67	3,979.79	232.17
Market Place Tiverton	16,525.00	248.00	15,627.67	256.58	14,500.71	256.58	18,627.21	407.08	15,732.79	321.67	16,993.08	357.92	19,273.54	355.42	18,401.22	274.58	16,943.96	241.33	17,405.38	241.67	15,226.33	238.33	15,938.08	250.08	14,620.35	216.17
Market Street Crediton	2,814.83	94.17	2,658.21	121.01	2,809.58	156.75	3,163.37	109.18	3,206.96	80.42	3,133.37	104.17	3,473.50	85.00	3,456.00	83.33	2,852.25	86.42	3,226.33	107.50	2,909.67	102.42	3,045.75	73.58	2,553.29	81.67
Multi-Storey Tiverton	8,890.83	318.67	8,735.54	392.83	8,041.33	384.83	10,297.38	530.00	8,858.83	493.33	11,105.33	545.00	9,668.17	614.17	9,795.42	605.00	8,413.42	273.50	9,470.04	402.50	9,087.67	288.33	7,965.87	204.67	8,648.96	262.83
Phoenix House Tiverton	274.13	-	264.62	2.33	247.17	2.83	281.37	9.50	313.63	2.00	363.33	3.83	345.50	6.67	391.25	1.50	239.96	2.42	244.75	5.25	253.67	-	240.96	0.50	292.92	0.5
Station Road Cullompton*	1,913.33	157.83	1,926.29	131.33	2,230.67	107.50	3,861.62	108.00	3,728.46	140.00	3,213.08	124.17	3,189.79	109.17	3,038.37	151.67	2,397.04	38.00	2,777.33	78.17	2,812.79	67.67	2,507.75	43.33	1,767.17	79.83
Wellbrook Street Tiverton	1,166.92	19.67	1,265.96	30.75	1,396.71	31.50	1,197.92	43.33	1,099.08	47.50	1,377.08	46.67	1,147.83	45.00	1,341.13	30.00	1,046.96	23.83	1,380.58	18.92	1,097.79	35.00	1,008.75	13.25	1,658.92	27.42
Westexe South Tiverton	3,317.55	70.83	3,596.38	88.83	3,812.71	71.75	4,360.29	90.83	3,729.21	77.17	3,670.75	54.17	4,194.67	80.00	4,360.71	94.17	4,125.00	43.50	4,143.50	75.25	3,519.33	63.08	3,994.25	58.75	4,105.46	67.67
William Street Tiverton	2,857.46	86.25	3,047.17	185.67	2,800.75	135.75	2,184.46	124.17	2,014.62	106.67	2,170.42	100.83	2,180.67	81.67	2,197.21	89.17	2,798.71	147.08	2,944.37	166.58	2,528.54	128.50	1,416.17	140.75	1,428.46	93.67
Totals	47,266.55	1,241.17	45,735.01	1,432.42	46,827.79	1,377.24	57,175.50	1,772.42	50,677.58	1,605.51	54,563.23	1,636.34	57,732.72	1,719.43	56,808.23	1,705.92	50,133.92	1,056.49	53,305.82	1,310.25	48,749.79	1,082.75	47,879.75	1,030.33	46,211.19	1,138.10

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GENERAL FUND FINANCIAL MONITORING INFORMATION FOR THE PERIOD 01 APRIL TO 31 AUGUST 2016

	2016/17		2016/17		Full Year	
	Annual Budget	Profiled Budget	Actual	Variance	Forecast	Variance
	£	£	£	£	£	%
Car Parking Fees - See Below	(814,200)	(313,551)	(304,005)	9,546	0	0%
Beck Square,Tiverton	(83,780)	(36,774)	(37,245)	(471)	40	(2,095)
William Street,tiverton	(30,780)	(10,933)	(11,282)	(349)	45	(684)
Westexe South,Tiverton	(45,800)	(20,129)	(21,026)	(897)	51	(898)
Wellbrook Street,Tiverton	(13,540)	(5,519)	(6,590)	(1,071)	27	(501)
Market Street,Crediton	(36,420)	(14,838)	(16,896)	(2,058)	39	(934)
High Street,Crediton	(79,330)	(33,692)	(31,777)	1,915	190	(418)
Station Road,Cullompton	(34,900)	(14,726)	(17,927)	(3,201)	112	(312)
Multistorey,Tiverton	(167,980)	(68,997)	(51,369)	17,628	631	(266)
Market Car Park,Tiverton	(216,120)	(87,397)	(89,216)	(1,819)	122	(1,771)
Phoenix House,Tiverton	(3,680)	(1,464)	(1,728)	(264)	15	(245)
P&D Shorts & Overs	0	0	56	56	0	0
	(712,330)	(294,469)	(166,943)	9,468	1,272	(8,124)
Day Permits	(31,000)	(2,853)	(1,661)	1,192		
Allocated Space Permits	(26,040)	(1,180)	(1,589)	(409)		
Overnight Permits	(1,000)	(417)	0	417		
Day & Night Permits	0	0	(1,733)	(1,733)		
Market Walk Permits	(9,380)	(4,690)	(3,912)	778		
Other Income	(34,450)	(9,942)	(10,108)	(167)		
	(814,200)	(313,551)	(304,005)	9,546		
Standard Charge Notices (Off Street)	(28,000)	(11,667)	(16,990)	(5,323)		

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SCRUTINY 10TH OCTOBER 2016

REPORT OF JENNY CLIFFORD THE HEAD OF PLANNING AND REGENERATION.

PLANNING AND ENFORCEMENT SERVICE - ASSESSMENT AND IMPROVEMENT REPORT.

Cabinet Member Cllr Richard Chesterton
Responsible Officer Jenny Clifford, Head of planning and Regeneration

Reason for Report: On May 23rd 2016, a paper was brought to the Scrutiny Committee by the Chief Executive, outlining various measures for improvement within the service. This paper updates members on the progress made since that report.

RECOMMENDATIONS:

That the committee note the progress as outlined in this report.

Relationship to Corporate Plan: The primary purpose of the planning system is to regulate the use and development of land in the public interest and be a positive force in protecting what is good in our environment and preventing what is unacceptable. The Planning Service is a statutory service, the effective operation of which is central to the delivery of Corporate Plan priorities of community, housing, economy and environment. The Local Development Plan sets out the strategy and approach to development in the district, together with community and environmental safeguarding / enhancement until 2026.

Financial Implications:

The net budget for the Planning Service for 16/17 has been set at £493,000 with expected income from applications and other sources of £834,000. Activity by the Planning Service also directly results in the award of New Homes Bonus from the government.

Legal Implications:

The Service operates within a highly regulated environment which has been, and continues to be, subject to significant Government changes. The Planning Service including the enforcement of planning control must operate within the legal and performance parameters established through legislation, case law and Government performance indicators, but should also command public confidence in the system. The operation of the Planning System will by its nature often involve making difficult decisions that will not be universally supported within the community.

Risk Assessment: The operation of the Planning Service is by its nature open to what can be high levels of public scrutiny with potential for challenge. It must operate within legislative constraints. Local Planning Authorities are expected to operate in a reasonable way, in accordance with statutory requirements and Government guidance. There is an expectation that the Council will be able to justify its decision making.

1.0 INTRODUCTION.

1.1 Since the initial review, progress has been made in many areas, although it is recognised that this improvement 'journey' is not yet complete and that the service will wish to continue address the actions on this list as well as identifying new areas for continual improvement.

2.0 PREVIOUS RECOMMENDATIONS AND PROGRESS MADE.

2.1 **The Head of Planning & Regeneration brings forward the Local Enforcement Plan for Cabinet to consider as a matter of priority to set the framework for enforcement activity at MDDC.**

2.1.1 This is being taken to the Planning Policy Advisory Group (PPAG), then onto Cabinet in November.

2.2 **The Head of Planning & Regeneration ensures that staff within the enforcement service are invested in through additional training to help provide them with the necessary confidence about sharing information with members (with reference to Data Protection Act constraints).**

2.2.1 All staff have completed the Data Protection Act training; further training on the specifics of Freedom of Information (FOI) and the Environmental Information Regulations (EIR) are to be organised.

2.3 **The Head of Planning & Regeneration take steps to appoint additional resource specifically into the enforcement team to clear any real or perceived backlog, and that consideration is given to the merits of operating this service as a discrete entity to share knowledge, expertise and resource (as opposed to the current area-based model).**

2.3.1 The situation with regards to resourcing demonstrates the challenges in this area: The base level of staff provision is 2.5FTE (which, as was evidenced in the previous report, is in excess of the average level of resourcing in comparable authorities). Upon hiring a specialist enforcement resource on a contract (more expensive) basis, one of our permanent members of staff left prior to his arrival. Since his departure we have recruited a new employee, however they could not start before 1st October – after our contractor had left. In addition the part-time employee left. So the team resource over the past few months to the beginning of October has gone: 2.5, 1.5, 2.5, 1.5, 2 (and we are still carrying a 0.5 vacancy).

2.3.2 On a more positive note, the Planning service as a whole has identified the need for structural change – at a recent team development session it was identified as the top issue that needed improving. The new structure will be co-designed with the staff, however it is our expectation that the enforcement activity will be combined into a 'team' unit to realise the benefits outlined in the previous report (as opposed to working as individuals within the existing Area Planning Officer hierarchy).

- 2.4 **The Head of Planning & Regeneration ensures that ‘Part II’ reports are only ever brought as an exception in order to maintain transparency as far as Data Protection rules allow.**
- 2.4.1 Agreed – to note that there have been no Part II items brought since the improvement report.
- 2.5 **The Chief Executive, in conjunction with the Head of Planning & Regeneration and the Head of Communities & Governance, considers setting a target for the processing and completion of S106 agreements.**
- 2.5.1 Considered, but mindful of potential change by the Government to link the completion of 106 agreements to the timescale for the issuing of consents. However work has been done to draft and agree standardised wording for legal agreements wherever possible in order to make S106s swifter in their completion.
- 2.6 **The Head of Communities & Governance considers reviewing (in conjunction with the Head of Planning & Regeneration) whether the current legal expertise available in-house is appropriate to process planning matters swiftly, and to take steps to re-provision this as opportunity permits.**
- 2.6.1 Efforts have been made to recruit a Planning solicitor without success. Other options are actively being considered in order to increase the staff resources in the legal team to assist with planning related work.
- 2.7 **The Cabinet Member for Planning & Regeneration considers a report investigating the introduction of S106 Monitoring Fees in order to adequately resource the level of required activity.**
- 2.7.1 This was considered and agreed by the Cabinet Member on 9th June 2016 and the appropriate charges are being finalised now to be fully implemented shortly.
- 2.8 **The Chief Executive considers the value of instructing Internal Audit to look at this area before the end of 2016/17 in order to explore further opportunities for service improvement and efficiency.**
- 2.8.1 Done – scheduled for early 2017 (in Audit programme for Q4).
- 2.9 **That local performance indicators for the enforcement service are set and are reported quarterly to the Planning Committee.**
- 2.9.1 This is in progress with exploration undertaken of how performance in planning enforcement is measured in other authorities. Draft performance indicators have been produced and will be taken to the Planning Committee for their consideration.
- 2.10 **That Members are provided with a suite of reports on planning enforcement cases on a monthly basis, and are reported to Planning Committee quarterly.**

2.10.1 The required contents of reports have been scoped out and it is currently being investigated how the relevant information may be generated from the back office system.

2.11 That the Planning Committee considers the level of delegation that exists in relation to enforcement activity.

2.11.1 On hold – it is recognised that sufficient confidence needs to exist in the service before further delegation is sought.

2.12 Officers investigate the possibility of finding a way of updating residents and town/parish councils in relation to complaints regarding enforcement and reporting back to this Committee within 4 months.

2.12.1 A benchmarking exercise has been undertaken in order to understand how other authorities deal with this issue and has found that little information on live enforcement cases is regularly disseminated to Town and Parish Councils. Whilst MDCC Members can be briefed with a legal expectation of confidentiality, when information goes to Towns and Parishes, we cannot work on the same presumption of confidentiality.

3.0 NEXT STEPS.

3.1 The operational scope of the service is at the core of Corporate priorities as expressed within the Corporate Plan. It is a busy time for the Planning Service with significant workstreams and it is anticipated that this will continue with the increasing emphasis on economic growth, housing delivery and work within the wider Greater Exeter area. A recent team development event highlighted concerns from elements of the service in terms of staff satisfaction, motivation and workload pressures which have been contributed to by recent difficulties in recruiting. On a optimistic note, over the last six months increasingly positive member feedback has been received.

3.2 The Planning Service needs structural change in order to respond flexibly to the requirements placed upon it, anticipating future workstreams and in order to ensure that there are appropriate opportunities for staff progression and development. The Planning service as a whole has identified the need for such change and the new structure is being designed with input from staff. The organisation and management of the enforcement team within this wider structure is under review as part of this process. The service is also reviewing opportunities available for efficiencies with support from the Local Government Association (as part of their national 'Productivity Expert' programme) and is introducing more widespread use of tools such as planning performance agreements.

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Circulation of the Report: All Members

List of Background Papers:

Item 129 of Scrutiny Committee dated 22/02/16 provides the context:

<https://democracy.middevon.gov.uk/ieListDocuments.aspx?CId=131&MId=406&Ver=4>

Scrutiny Committee Report 23/05/16

<https://democracy.middevon.gov.uk/documents/s5630/Scrutiny%20230516%20Planning%20and%20Enforcement%20Improvement%20Report%20Final.pdf>

Cabinet Report 09/06/16 S106 monitoring fees

<https://democracy.middevon.gov.uk/documents/b2016/Section%20106%20Agreement%20Updated%2009th-Jun-2016%2014.15%20Cabinet.pdf?T=9>

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Update to Scrutiny Committee on 10 October 2016 from the Cabinet Member for Finance

Since my last briefing to this Committee in March 2015 the Finance Team have closed the 2015/16 Accounts, which not only were the fastest produced in the SW we were one of the first to complete this exercise nationally. Importantly, most service areas closed the year on budget and continued to perform well against national performance indicators. Revenue collection was in the highest national quartile for Council Tax and Rent collection which reflects the effort of these teams. Our external auditors once again commented on our good delivery of value for money in terms of service provision.

Moving forward to 2016/17 we have again managed to set balanced budgets, maintain service provision and keep CTax to an acceptable level (after 5 successive years of CTax freezes!).

To remind members this is set against a backdrop of Govt. reductions in Revenue Support Grant funding of £3.2m since 2010/11.

Here is a flavour of some of the highlights over the 18 months since my last briefing of initiatives/changes/achievements that have been introduced in order to reduce the operational costs of running MDDC:

- Co-location of Dept of Work & Pensions – save circa £45k
- Acquisition of Market Walk and Fore St properties – profit circa £200k
- Secured significant saving on the provision of public conveniences and working on a similar project for parks/playgrounds
- Move to new waste & recycling depot – with further service change opportunities
- Changes to waste collection and recycling collection strategy and introduction of paid for Garden Waste service
- New pricing strategy for P&D car parking charges – extra £141k
- Key property decisions that have happened or are being worked on: 15 year rent of new waste depot at Carlu Close, Premier Inn, Rear of Town Hall site, Exe Valley LC extension, Town Halls, major housing sites, extra Council House units, etc.
- Made further reductions to our staffing costs – circa £200k

- Increased staffing to facilitate step change in economic and tourism areas to meet Corp objectives
- Restructure of leisure management in order to significantly increase membership numbers, fees and charges at our 3 sites in order to reduce operating costs
- Continue to financially support key bodies in the District (Grand Western Canal, Museum, CAB, etc.)
- Increased our CCLA investment to £4m – last yr return of 4.8% = £190k per annum
- Finalising a shared Building Control service with North Devon
- Working on an economic and spatial planning strategy with Exeter, East Devon and Teignbridge
- Have just responded to the Business Rates consultation process and will update members with progress on this.
- Changes to Housing legislation – 1% rent reductions, Right To Buy discounts, Pay to Stay, etc.
- Continued welfare reforms – incl. delays to roll-out of Universal Credit
- Removal of CTax freeze grant and change to capping levels – i.e. £5 for District Councils
- Continued work to enable/promote new housing and commercial developments based on current funding criteria for both NHB and business rates

Key note - Most of the above mentioned work has been completed within existing budgets and some will help deliver future savings and therefore help us deliver balanced budgets in the future (in the knowledge that the Govt's has "offered" us a fixed term funding settlement that will see a further £1m reduction to RSG).

The future

Uncertainty shows no signs of abating.....

Consultation on 2 of our major funding sources is ongoing – BRates and NHB

As we explore more commercial/new opportunities the Council must accept an increased portfolio of risk – which may be more subject to market/demand volatility – and hence need review current/future reserve levels.

We are being offered a fixed 4yr grant settlement – which will then confirm the complete removal of RSG by 2019/20 – an additional loss of just over £1m!

On this basis we are exploring more innovative ways of working, looking to increase income, share resources, prioritise budgets and take on new ways of delivering services.

This will all help move towards bridging our estimated funding gap by 2019/20. The finance team and service managers are currently working on scenarios to reduce the costs of their services by between 10-20% by 2019/20 in order to give our new Leadership Team options that can be discussed and explored by members to ensure the Council can continue to deliver excellent service provision at an affordable level.

Cllr P Hare-Scott

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SCRUTINY
10 OCTOBER 2016

Flood Prevention – What are our land drainage responsibilities?

Cabinet Member(s): Cllrs Neal Davey and Richard Chesterton
Responsible Officer: Nick Sanderson – Head of Housing and Property Services

Reason for Report: To inform Members of the Council's responsibility for flood prevention.

RECOMMENDATION: That Members note the content of the report.

Relationship to Corporate Plan: The report relates to work that supports sustainable development and improves the well-being of our communities.

Financial Implications: None.

Legal Implications: The Council's legal obligations are set out in the report.

Risk Assessment: Failure to fulfil legal obligations will expose the Council to risk and its community at risk.

1.0 Introduction

1.1 This paper advises on the Council's obligations for flood prevention and provides an overview on flood risk management locally. The principal legislation applicable is the Flood and Water Management Act 2010 and the Land Drainage Act 1991.

1.2 It also gives a summary of how the Council fulfils its role operationally and current work.

2.0 Flood and Water Management Act 2010

2.1 Requires the Council to prepare development plans and make decisions on planning applications based on planning policy.

2.2 Requires the Council as a Risk Management Authority to cooperate with the Lead Local Flood Authority (see 5.2) in its investigation of flood events and its conducting of its work.

3.0 Land Drainage Act 1991

3.1 The Council has no responsibility (except where it is landowner) for land drainage.

3.2 Where the Council is the landowner, the responsibility is to maintain ordinary watercourses (non-main river) to allow water to pass without obstruction.

3.3 Provides the Council with powers to implement and maintain flood defences including clearing of obstructions on ordinary watercourses to mitigate the effects of flooding if it chooses to do so.

3.4 Provides the Council with powers to ensure riparian owners fulfil their own obligations to maintain watercourses.

4.0 **Riparian and Private Responsibility**

4.1 The maintenance of land drainage and watercourses on private land to prevent flooding is the riparian responsibility of the owner of the land it crosses.

4.2 The protection of private property from flooding is the responsibility of the owner. The Council has no obligation (and no longer does) to provide sand bags for the protection of private property.

5.0 **Flood Risk Management in Devon**

5.1 Environment Agency

5.1.2 The Environment Agency is responsible for implementing policies set by Defra. The flood risk management activities the Environment Agency are responsible for carrying out include:

- Adopting a strategic overview for all flood risk management issues, as set out by the Flood and Water Management Act
- Developing long-term plans for sustainable flood risk management
- Building physical flood defences
- Maintaining designated main rivers, including flood defences
- Flood forecasting and producing flood risk maps
- Issuing flood warnings and ensuring public awareness of flood risk
- Advising on waste disposal practices to prevent pollution and harm to human health

5.2 Devon County Council – Lead Local Flood and Highway Authority

5.2.1 Devon County Council is responsible for managing local flood risk in Devon from surface water, groundwater and consenting and enforcement on Ordinary Watercourses.

5.2.2 Devon County Council is responsible for maintaining and repairing highway surface water drainage systems and planning for and responding to flood emergencies. It is required to:

- Investigate all significant flooding incidents

- Maintain a register and record of important flood defence assets
- Work towards becoming the Sustainable Urban Drainage (SUDs) Approving Body (SAB) to ensure use of sustainable drainage on new developments, approve, adopt and maintain
- Build effective partnerships between the authorities that have control over flood risk
- Undertake specific tasks associated with the Flood Risk Regulations, including completing a Preliminary Flood Risk Assessment and identifying local Flood Risk Areas
- Develop, maintain and apply a Local Flood Risk Strategy.
- Undertake works to manage flood risk from surface runoff and groundwater, consistent with the local strategy for flood risk management for the area.

5.3 Devon Flood Risk Management Strategic Partnership

5.3.1 The Devon Flood Risk Management Partnership is an informal arrangement which brings together the key stakeholders in flood risk management to meet the Lead Local Flood Authorities statutory duties. The partnership provides a coordinated and collaborative approach to flood risk management across the County. Devon County Council has an overseeing and coordinating role on a local scale within the partnership.

5.3.2 Much of the local knowledge and technical expertise necessary for Devon County Council to fulfil their duties as Lead Local Flood Authority lies with the District Councils and other partner organisations. It is therefore crucial that Devon County Council work alongside these groups and organisations as they undertake their responsibilities to ensure effective and consistent management of local flood risk and to contribute to the provision of a coordinated and holistic approach to flood risk management across the county.

6.0 Mid Devon fulfils its responsibilities by:

6.1 Undertaking routine and pre/post storm event inspections of land drainage assets – these include ordinary watercourses, flood defence grids on our land and others in the interest of public protection. During periods of storm this will include monitoring of critical locations.

6.2 Working with flood victims, those at risk of flooding and partnership agencies to reduce flood risk. This includes administration of grants provided by DeFRA and DCC for the provision of individual property protection measures – flood boards and other measures to prevent water entering property.

6.2 Supporting local flood prevention action groups. Active support currently being given to Newton St Cyres Parish Council.

- 6.3 Encouraging awareness, education and self-protection via Emergency Planning Workshops to reinforce the responsibility for flood prevention of private homes.
- 6.4 Leading on delivery of flood improvement schemes including the sourcing of funding from partner agencies. These include recent works at Arnold Crescent and Newte's Hill/Atherton Way (ongoing) in Tiverton (funding secured from DCC Flood Risk Management and South West Water), commissioning reports and studies for those schemes and schemes at Ashleigh Park Bampton (contribution secured from DCC Highways and seeking implementation via the Environment Agency), Newton St Cyres (contribution secured from DCC Flood Risk Management and Highways), Hemyock and others.
- 6.5 Supporting partner agencies in the delivery of their projects. This includes a financial contribution to a public/private collaborative project led by the Environment Agency at Tiverton Business Park and support in kind to enable Environment Agency works at Rivermead and Knightswood Cullompton protecting our own housing.
- 6.6 Works to maintain and secure the integrity of its own assets – revetments and bank protection to watercourses and clearance of obstructions, dredging and grid maintenance.
- 6.7 Investigation of flood incidences and conducting surveys to establish responsibilities and advise on solutions – ensuring riparian owner responsibilities are fulfilled. Recent and ongoing works include locations at Knowle, Copplestone, Morchard Bishop, Willand and Cullompton.
- 6.8 Preparation of a Strategic Flood Risk Assessment in Forward Planning and embedment of sustainable drainage infrastructure requirements in planning policy for development control.
- 6.9 Applying planning policy in the consideration of planning applications for development.
- 6.10 Property Services support Planning Officers in the consideration of applications for smaller development (the Lead Local Flood Authority is a statutory consultee for larger development) and inspection and enforcement matters relating to drainage infrastructure.

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Circulation of the Report: Cllrs Neal Davey and Richard Chesterton and Management Team