

EAST DEVON DISTRICT COUNCIL
Minutes of a meeting of the Scrutiny Committee held
at Knowle, Sidmouth on 17 March 2016

Attendance list at end of document

The meeting started at 6pm and ended at 8.08pm.

***54 Public speaking**

There were no public speakers at the meeting.

***55 Minutes**

The minutes of the Scrutiny Committee held on the 18 February 2016 were confirmed as a true record. An update report on the queries raised on the quarterly monitoring report had been circulated to members.

***56 Declarations of Interest**

Councillor Geoff Pook – Personal interest – beach hut tenant.

57 Beach hut update

The committee received an update report showing progress since the decisions by the Cabinet on 7 October 2015. The standard hire charges had been increased for 2016/17 with the aim to work towards market rates in future years. Existing tenants had received an explanation letter setting out the results of the consultation exercise and the current situation with long waiting lists for some areas.

The Chairman of Asset Management Forum, Councillor Geoff Pook, addressed the committee on the background to and the present actions on the rental level of the huts and sites owned by the council. He agreed that the issue was emotive but directly impacted a small percentage of the population of the district; whereas realising a better return on assets helped towards a stronger overall budget that benefitted the whole district.

The issues discussed with officers by both Ward Members and the committee included:

- Provision of beach huts and sites was a discretionary service;
- Testing the market by auction was discounted by members;
- Research had covered six other coastal authorities and a wide range of asset ranging from site only through to luxury permanent buildings;
- Some members challenged the speed in trying to reach market rates over a two year period and felt that a more graduated increase in rent over a longer period would have been better received by tenants. Members were reminded that Cabinet had directed the service to move towards market rates in the medium term which had to fit in the longer term aim of asset transfer negotiation with town and parish councils;
- The decision on raising rent to estimated market value over a two year period was made in collaboration with the Portfolio Holder. Some members challenged if this level of detail should have been consulted with local ward members before the decision was taken;
- Level of uptake for renewal of rents would be monitored and if it was found that the huts or sites were not being rented by either existing tenants or by those on the waiting list, the charge would be reviewed;

- Discussions on asset transfer and management of beach huts had started with town councils through a meeting with the relevant clerks. This would be progressed further and there were still negotiations to work on with the practicalities of how the sites may be run in the future;
- Concern by some members over the legal complexities of a shared asset between the district and a town council;
- Members required a better explanation of the associated service charges relating to beach huts, in particular with the NNDR element;
- Members would welcome the numbers on individual waiting lists to be published;
- Should more beach huts be made available in areas of high demand where space and constraints permit?

The Chairman voiced concern over how the recommendations of the committee on the 17 September were handled at the meeting of the Cabinet on 7 October 2015, at which he was present. The committee debated a recommendation for Cabinet to help ensure that future recommendations of the committee were received and dealt with efficiently at Cabinet.

The Portfolio Holder for Environment reminded the committee of the value of the beautiful coastline the District enjoyed and that members should therefore not undervalue the assets that it held.

RECOMMENDED:

1. that the number of people on individual waiting lists for beach huts and beach hut sites as at 10 March 2016 be published;
2. the Scrutiny Committee expresses concern that its recommendations regarding beach huts, arrived at following detailed consideration at its meeting in September 2015, were not explicit in the officer report to the subsequent Cabinet meeting. Scrutiny Committee therefore recommends that good practice is to include any recommendations from committees who have considered the matter prior to a Cabinet decision, in the report to Cabinet;
3. the Scrutiny Committee reiterates its view that there must be early involvement of relevant Ward Members and Parish or Town Councils in issues concerning them, particularly with regard to what may be contentious issues;
4. that officers explore any potential to expand on beach hut provision where demand is high, bearing in mind the usual constraints of environmental factors and planning considerations.

RESOLVED:

That the committee receive a further explanation of the breakdown of associated service charges for beach huts and beach hut sites

58 Scope for Dunkeswell and Chardstock Built-up Area Boundary (BUAB)

Representatives of Chardstock Parish Council had previously asked members to undertake a review of the decision to include Chardstock and Dunkeswell in the list of settlements (within the Local Plan) with a BUAB. The Committee had agreed that this review would take place when the Local Plan had been adopted. The matter had been scoped by the committee at their last meeting on the 18 February and the committee now had the opportunity to debate lessons to be learned from the previous decision.

The committee had received a written submission from Councillor Andrew Moulding, who had given his apologies for the meeting, which covered his involvement including at Council on 26 March 2015 where the proposal to include Chardstock in the BUAB list was carried on vote.

Former councillor Bob Buxton had also submitted a letter for the committee to consider which outlined his involvement and his understanding that in 2014 there was support for the building of a free school in Dunkeswell.

Councillor David Everett from Chardstock Parish Council addressed the committee about the impact on the parish in the interim period between the decision by the Council to include that settlement in the BUAB and the Planning Inspector's decision. In that period, members had disagreed with officer recommendation on a planning application for five houses in the parish that the parish could not sustain. He advised that, had the parish council been aware that their status would be discussed at full Council, they would have attended to speak to the Council under public speaking to put their view.

The Service Lead Planning Strategy and Development Management reminded the committee that the Development Management Committee and subsequently Council at a special meeting were being asked to comment on amendments to the Local Plan before its submission to the Inspector, and these amendments followed on from further work on sustainability. After the decision by Council, the Local Plan was subject to further consultation, including with town and parish councils, with their responses being sent to the Planning Inspector for his consideration alongside the amendments to the plan. In respect of Dunkeswell, the evidence did not show that a school was imminent to the settlement; even if a school was in prospect, it would not have changed the position because until the school was built, there was no certainty of delivery.

The Vice Chairman spoke of the work of the Development Management Committee and how the perception by members of what was sustainable had changed over time. There was now in place clear criteria to assess sustainability. He felt that as members, they had been persuaded by speakers and made an emotive decision rather than on the evidence provided to them and the officer advice given.

During debate members agreed that decisions should be made based on evidence but had differing views on what action could be taken to ensure that robust decisions were taken without interfering with the sovereign right of elected councillors to make a decision.

RECOMMENDED:

1. the Scrutiny Committee expressed concern with how Development Management Committee (on 23 March 2015) and Council (at extraordinary meeting on 26 March 2015) agreed to designate Chardstock and Dunkeswell in Strategy 27 of the Local Plan, contrary to long standing officer advice. The committee recommends that in similar cases where there is an argument against officer advice, the onus is on councillors to produce evidence to support their motion;
2. that Chairmen and Vice Chairman be offered training and support to help ensure robust decision making which is based on evidence occurs at meetings;
3. that Chairmen seek to ensure the committee or council are aware of who public speakers are, and if they represent a body or organisation, before that individual addresses the meeting.

***59 Scrutiny Forward Plan**

The proposed forward plan for Scrutiny was considered. Portfolio Holder for Economy, Councillor Skinner, had confirmed he would attend the next meeting of the committee.

Scoping work was still to be undertaken on the topics listed on the forward plan, with reports coming back to the committee at future meetings. This included on the council website, where work had already begun on a paper and the Vice Chairman had already been in discussion with officers on an approach. Members were asked to report any difficulties they had in locating information on the website so that action could be taken where necessary.

Cost implications for towns and parishes in responding as consultee on planning applications was requested for inclusion into the report of the Economy Practice Manager.

Members also requested that the final accounts of the Parliamentary Election be pursued with the

Chief Executive for the committee to consider.

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

Scrutiny Members present:

Roger Giles
Alan Dent
Dean Barrow
David Chapman
Maddy Chapman
Cathy Gardner
Alison Greenhalgh
Simon Grundy
Cherry Nicholas
Val Ranger
Marianne Rixson
Brenda Taylor

Other Members present:

Iain Chubb Geoff Pook
Megan Armstrong
Colin Brown
Pauline Stott
Tom Wright
Graham Godbeer

Officers present:

Richard Cohen, Deputy Chief Executive
Henry Gordon Lennox, Strategic Lead Legal, Licensing and Democratic Services; and Monitoring Officer
Ed Freeman, Service Lead Planning Strategy and Development Management
Donna Best, Principal Estates Surveyor
Debbie Meakin, Democratic Services Officer

Scrutiny Member apologies:

Marcus Hartnell
Bill Nash

Other Member apologies:

Ian Thomas
Andrew Moulding
Geoff Jung
Councillor Tim Clewer from Dunkeswell Parish Council

Chairman Date