

Agenda for Cabinet

Wednesday 2 May 2018; 5.30pm



[Members of Cabinet](#)

Venue: Council Chamber, Knowle, Sidmouth, EX10 8HL

[View directions](#)

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Issued 23 April 2018

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

- 1 [Public speaking](#)
- 2 Minutes of 4 April 2018 (pages 3-7), to be signed as a true record
- 3 Apologies
- 4 Declarations of interest
Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)
- 5 [Matters of urgency](#)
- 6 Confidential/exempt items – there are no items which officers recommend should be dealt with in this way.

7. Forward Plan for key decisions for the period 1 June 2018 to 30 September 2018 (pages 8-10)
8. Minutes of the Scrutiny Committee held on 22 February 2018 (pages 12-16)
Recommendations for Cabinet consideration can be found on page 11
9. Minutes of the Scrutiny Committee held on 22 March 2018 (pages 18-23)
Recommendations for Cabinet consideration can be found on page 17
10. Minutes of the Scrutiny Committee held on 19 April 2018 (pages 25-28)
Recommendations for Cabinet consideration can be found on page 24
11. Minutes from the Arts and Culture Forum held on 14 March 2018 (pages 29-34)
12. Minutes of the New Homes Bonus Panel held on 27 March 2018 (pages 39-43)
Recommendations for Cabinet consideration can be found on page 35-38

Part A matters for decision

13. **Proposed temporary car park, rear of Old Lifeboat Station, Exmouth** (pages 44-48)
To seek approval of the creation of a temporary car park at this location (subject to Officers obtaining the relevant planning consent).
14. **Monthly Performance reports – March 2018** (pages 49-52)
Performance information for the 2017/18 financial year for March 2018 is supplied to allow the Cabinet to monitor progress with selected performance measures and identify any service areas where improvement is necessary.
Appendix A - March 2018 snapshot
15. **Data Protection Policy** (pages 53-56)
To outline the forthcoming changes to data protection and seek adoption of an updated policy that takes account of the change in legislation.
Appendix A – Data Protection and Document Retention Policy (pages 57-64)
16. **Response to Beer Neighbourhood Plan Submission** (pages 65-70)
To agree the response by this Council to the current consultation for the Beer Neighbourhood Plan.
17. **Response to Clyst St George Neighbourhood Plan Submission** (pages 71-77)
To agree the response by this Council to the current consultation for the Clyst St George Neighbourhood Plan.
18. **Ottery St Mary & West Hill Neighbourhood Plan Examiner's Report** (pages 78-86)
To provide feedback and set out proposed changes following the examination of the Ottery St Mary & West Hill Neighbourhood Plan.

[Decision making and equalities](#)

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

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Cabinet held at Knowle, Sidmouth on 4 April 2018

Attendance list at end of document

The meeting started at 5.30pm and ended at 5.59pm

***193 Public Speaking**

There were no members of the public who wished to speak.

***194 Minutes**

The minutes of the Cabinet meeting held on 7 March 2018 were confirmed and signed as a true record.

***195 Declarations**

None

***196 Matters of urgency**

The Chairman agreed to this late item for Minutes of the Budget Working Party held on 27 March 2018, requested by the Strategic Lead, Finance. The recommendations in the minutes were a matter of urgency for budget recommendations for additional resources that required Council approval at the meeting on 25 April 2018.

RESOLVED (1) that the following recommendations be agreed:

Minute 3 - Update on Medium Term Financial (MTFP)

1. the actions set out in Table 2 of the update report paragraph 2.2 and that they be included in the Transformation Strategy, be endorsed;
2. £350k of New Homes Bonus be set aside to be used in 2020/21 as reserve funding to the General Fund position, with the balance of £1.080m being transferred into the Transformation Fund;
3. £700k of 100% Business Rate Pool be transferred into an Economic Growth/Safeguarding Fund to either support growth or to safeguard the existing business base in the District.

Minute 5 - Business case for Digital Services Officer

the new post of Digital Services Officer be implemented, initially funded from the Transformation Reserve for a three year period.

Minute 6 - Asset Investment Strategy

1. to make available £120k in 2018/19 from the Transformation Fund to explore commercial property income opportunities to enable recommendation (2) to come forward, along with exploring opportunities for Cranbrook Town Centre;
2. a strategy be prepared by September 2018 to detail and seek approval for:
 - a. a capital funding/borrowing stream of up to £10m (income only fund) where justified by business case and strategic considerations. This investment was to be purely for income generation,
 - b. a capital funding/borrowing stream of up to £10m (income plus fund) where justified by business case and strategic considerations, this investment was for wider District benefits and with different assessment criteria,
 - c. covers a preference for investment in the District unless there was a significant greater return in investing in property outside of the District boundary.

*197 **Matters referred to the Cabinet**

There were no matters referred to the Cabinet by the Overview and Scrutiny Committees.

*198 **Exclusion of the public**

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

*199 **Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 May 2018 to 31 August 2018.

*200 **Minutes of the Staff Joint Forum held on 8 February 2018**

Members received the Minutes of the Staff Joint Forum held on 8 February 2018.

*201 **Minutes of the Capital Strategy and Allocation Group held on 7 March 2018**

Members received the Minutes of the Capital Strategy and Allocation Group held on 7 March 2018.

Councillor Susie Bond wished to thank Dave Turner, Engineering Projects Manager for all his work on the Feniton Flood Alleviation scheme especially with his patience while working with Network Rail.

*202 **Minutes of the Asset Management Forum held on 8 March 2018**

Members received the Minutes of the Asset Management Forum held on 8 March 2018.

*203 **Minutes of the Housing Review Board held on 8 March 2018**

Members received the Minutes of the Housing Review Board held on 8 March 2018.

RESOLVED (1) that the following recommendations be agreed:

Minute 55 Review of housing policies

Minute 56 Credit Union consideration

advising tenants of the City of Plymouth Credit Union if asked for a replacement service for Plough and Share.

*204 **Minutes of the Overview Committee held on 13 March 2018**

Members received the Minutes of the Overview Committee held on 13 March 2018.

205 **Exeter and East Devon Enterprise Zone**

The Principal Projects Manager presented the report that sought approval to borrow against future ring fenced business rate income to invest in projects that would enable the delivery of new commercial space and jobs in the Enterprise Zone. The East of Exeter Projects Director stated that the initial investments were targeted at either overcoming barriers to delivery or catalysing wider investment that would bring forward enhanced business rates income.

RESOLVED:

1. that the progress with the operation of the Enterprise Zone designation be noted,

2. that the principle of borrowing up to £8m against ringfenced business rate income to fund the delivery of projects be agreed and this recommendation be made to Council, and
3. Cabinet received further papers setting out specific investment proposals in relation Cranbrook town centre and Exeter Airport.

RECOMMENDED:

4. that the initial expenditure of up to £3.4m to take forward four specific projects detailed in the report be approved and give delegated authority to the Chief Executive to make payments in respect of the projects, subject to the completion of appropriate legal documentation in consultation with the Strategic Lead Governance and Licensing.

REASON:

Cabinet last received a paper on the Enterprise Zone in November 2017. During the intervening period work had focused on developing projects to both overcome identified barriers to delivery and scoping catalytic investments that could increase the pace at which new commercial space and jobs were delivered.

***206 Monthly Performance reports – February 2018**

The report set out performance information for the 2017/18 financial year for February 2018 was supplied to allow Cabinet to monitor progress with selected performance measures and identify any service areas where improvement was necessary.

There were three indicators showing excellent performance:

- Percentage of Non-domestic Rates Collected
- Days taken to process Housing Benefit/Council Tax Benefit new claims and change events
- Working days lost due to sickness absence

There was one performance indicator showing as concern:

- Percentage of planning appeal decisions allowed against the authority's decision to refuse – Two appeal decisions had been received, one dismissed and one allowed. A detailed assessment of the appeal decisions from 1 April 2017 to 31 March 2018 would be reported to the Strategic Planning Committee following receipt of all of decisions.

RESOLVED:

that the progress and proposed improvement action for performance measures for the 2017/18 financial year for February 2018 be noted.

REASON:

the performance reports highlighted progress using a monthly snapshot report; SPAR report on monthly performance indicators and system thinking measures in key service areas including Development Management, Housing and Revenues and Benefits.

***207 Feniton Neighbourhood Plan Examiner's Report**

Members were provided feedback and proposed changes following the examination of the Feniton Neighbourhood Plan.

RESOLVED:

1. that the Examiner's recommendations on the Feniton Neighbourhood Plan be endorsed,
2. that a 'referendum version' of the Neighbourhood Plan (incorporating the Examiner's modifications) should proceed to referendum be agreed; and a decision notice to this effect be published, and
3. that the Neighbourhood Plan group be congratulated on their hard work.

REASON:

The legislation required a decision notice to be produced at this stage in the process. The Neighbourhood Plan was the product of extensive local consultation and had been recommended to proceed to referendum by the Examiner subject to modifications which, in most part, are accepted by the Parish Council.

Attendance list

Present:

Portfolio Holders:

Paul Diviani	Leader
Phil Twiss	Deputy Leader/Strategic Planning and Developments (in the Chair)
Tom Wright	Environment
Iain Chubb	Corporate Services
Phil Skinner	Economy
Marcus Hartnell	Deputy Portfolio Holder Environment

Cabinet Members without Portfolio:

Geoff Pook
Eileen Wragg

Cabinet apologies:

Ian Thomas Finance
Jill Elson Sustainable Homes and Communities

Non-Cabinet apologies:

Ian Hall
John O'Leary
Brenda Taylor
Colin Brown
Jenny Brown
Douglas Hull
Rob Longhurst
Bill Nash
Bruce de Saram
Simon Grundy
Mark Williamson
Mike Howe
Cherry Nicholas
Darryl Nicholas

Also present (for some or all of the meeting)

Councillors:

Mike Allen
Brian Bailey
Alan Dent
John Dyson
Steve Hall
Andrew Moulding
Pauline Stott
David Barratt
Dean Barrow
Peter Faithfull
Graham Godbeer
Steve Gazzard
Maddy Chapman
Eleanor Rylance
Roger Giles
Helen Parr
Susie Bond
John Humphreys

Officer apologies:

Mark Williams, Chief Executive
Henry Gordon Lennox, Strategic Lead Governance and Licensing

Also present:

Officers:

Richard Cohen, Deputy Chief Executive
Simon Davey, Strategic Lead – Finance
John Golding, Strategic Lead – Housing, Health and Environment
Anita Williams, Principal Solicitor & Deputy Monitoring Officer
Andy Wood, East of Exeter Projects Director
Naomi Harnett, Principal Projects Manager
Amanda Coombes, Democratic Services Officer

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Forward Plan of Key Decisions - For the 4 month period 1 June 2018 to 30 September 2018

This plan contains all the (i) important decisions that the Council and (ii) Key Decisions that the Council's Cabinet expects to make during the 4-month period referred to above. The plan is rolled forward every month.

Key Decisions are defined by law as “**an executive decision** which is likely:–

- (a) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the Council's area

In accordance with section 9Q of the Local Government Act 2000, in determining the meaning of “significant” in (a) and (b) above regard shall be had to any guidance for the time being issued by the Secretary of State.

A public notice period of 28 clear days is required when a Key Decision is to be taken by the Council's Cabinet even if the meeting is wholly or partly to be in private. Key Decisions and the relevant Cabinet meeting are shown in bold.

The Cabinet may only take Key Decisions in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of the Constitution and the Local Authorities (Executive Arrangements)(Meetings and Access to information)(England) Regulations 2012. A minute of each key decision is published within 2 days of it having been made. This is available for public inspection on the Council's website <http://www.eastdevon.gov.uk>, and at the Council Offices, Knowle, Sidmouth, Devon. The law and the Council's constitution provide for urgent key decisions to be made without 28 clear days' notice of the proposed decisions having been published. A decision notice will be published for these in exactly the same way.

This document includes notice of any matter the Council considers to be Key Decisions which, at this stage, should be considered in the private part of the meeting and the reason why. Any written representations that a particular decision should be moved to the public part of the meeting should be sent to the Democratic Services Team (address as above) as soon as possible. **Members of the public have the opportunity to speak on the relevant decision at meetings (in accordance with public speaking rules) unless shown in *italics*.**

Obtaining documents

Committee reports made available on the Council's website including those in respect of Key Decisions include links to the relevant background documents. If a printed copy of all or part of any report or document included with the report or background document is required please contact Democratic Services (address as above).

Decision		List of documents.	Lead/reporting Officer	Decision maker and proposed date for decision	Other meeting dates where the matter is to be debated / considered	Operative Date for decision (assuming, where applicable, no call-in)	Part A = Public meeting Part B = private meeting [and reasons]
1.	Queen's Drive update		Deputy Chief Executive	Cabinet 5 September 2018		13 September 2018	Part A

Table showing potential future important / key decisions which are yet to be included in the current Forward Plan

Future Decisions		Lead / reporting Officer	Consultation and meeting dates (Committees, principal groups and organisations) To be confirmed	Operative Date for decision To be confirmed
1	Port Royal update	Deputy Chief Executive	Cabinet 28 November 2018 Council 12 December 2018	13 December 2018
2	HotSW Joint Committee		Heart of the South West Productivity Strategy	
3	Axmouth Harbour Safety Management System	Strategic Lead – Housing, health & Environment	Cabinet, Council	

Future Decisions		Lead / reporting Officer	Consultation and meeting dates (Committees, principal groups and organisations) To be confirmed	Operative Date for decision To be confirmed
4	Recycling & Refuse Contract additional resources	Service Lead - StreetScene	Cabinet, Council	
5	Car Parks consultation	Service Lead – Environmental Health & Car Parks	Cabinet	

The members of the Cabinet are as follows: Cllr Paul Diviani (Leader of the Council and Chairman of the Cabinet), Cllr Phil Twiss (Strategic Development and Partnerships Portfolio Holder), Cllr Iain Chubb (Corporate Services Portfolio Holder), Cllr Philip Skinner (Economy Portfolio Holder), Cllr Tom Wright (Environment Portfolio Holder), Cllr Marcus Hartnell (Deputy Environment Portfolio Holder) Cllr Ian Thomas (Finance Portfolio Holder), Cllr Jill Elson (Sustainable Homes and Communities Portfolio Holder), and Cabinet Members without Portfolio - Cllr Geoff Pook and Cllr Eileen Wragg. Members of the public who wish to make any representations or comments concerning any of the key decisions referred to in this Forward Plan may do so by writing to the identified Lead Member of the Cabinet (Leader of the Council) c/o the Democratic Services Team, Council Offices, Knowle, Sidmouth, Devon, EX10 8HL. Telephone 01395 517546.

May 2018

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

Scrutiny Committee on 22 February 2018

Minute 31 Crime and Disorder Update

RECOMMENDED to Cabinet that the post of Community Safety and Anti-Social Behaviour Officer be retained beyond 2018/19, for reasons of continued support in this key area, particularly in maintaining the successful Local Action Groups in the District.

Minute 32 Quarterly monitoring of performance for third quarter 2017/18

RECOMMENDED to Cabinet that:

- 1. The Overview Committee be requested, as part of reviewing the Council Plan, to also review the Council Actions listed under each Council Priority, to ensure that the action is clear in its intention, and is measurable;**
- 2. That future reports on Performance Overview, Council Action Plans and Key Performance Indicators contain comments on every item listed, regardless of action status classification, for reason of providing clear information on progress in that quarter.**

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Scrutiny Committee held at Knowle, Sidmouth on 22 February 2018

Attendance list at end of document

The meeting started at 6.00pm and ended at 8.40 pm.

***29 Public speaking**

There were no public speakers at the meeting.

***30 Minutes**

The minutes of the Scrutiny Committee held on the 16 November 2017 were confirmed and signed as a true record subject to two typographical errors for correction.

31 Crime and Disorder Update

The Chairman welcomed Gerry Moore, the Community Safety and Anti-Social Behaviour Officer, alongside Councillor Tom Wright who is the Council's representative on the Police and Crime Panel.

The update covered the work of the East and Mid Devon Community Safety Partnership (CSP), which has a Steering Group, and a number of multi-agency Local Action Groups (LAGs). The LAGs continue to operate successfully and are well attended; additionally a LAG for Cranbrook had been set up. Some examples of local initiatives and problem solving of the LAGs were provided to the committee.

The priorities of the CSP for the current year are:

- Anti-social behaviour
- Domestic and Sexual Violence and Abuse
- Scams and Online Safety
- Substance Misuse
- Crime Prevention
- Child Sexual Exploitation
- Modern Day Slavery
- Preventing Violent Extremism
- Hate Crime
- Local Priorities
- Have a communications strategy

These priorities are expected to be carried forward into 2018/19 with the addition of raising awareness of County Lines, the term used for organised drugs networks.

Gerry Moore highlighted in particular the success of the RISE hub, a support for persons with addiction problems, operating one day a week in Axminster until the end of September 2018. RISE, the agency contracted for this area of work, will be replaced by another agency EDP in April. In response to a question, Gerry was happy to promote this work more widely to towns and parishes. He also highlighted a number of excellent initiatives that funding available to him from the Office of the Police and Crime Commissioner (OPCC) had been spent on. Examples included the hard hitting play 'Last Orders' delivered to secondary schools about the dangers of alcohol misuse.

The CSP hold their Annual Conference in April, details of which had been circulated to Members previously. This year's theme is 'Protecting Vulnerable People' and there will be

presentations on adverse childhood experiences, domestic and sexual violence and abuse, dangerous drugs networks and child exploitation.

Councillor Tom Wright had provided an update from the Police and Crime Panel, highlighting the increase in precept and still proposed cuts in PCSO numbers. The committee had previously requested a degree of protection for PCSO numbers from the Police and Crime Commissioner, and continued to champion the importance of retaining them in the District, particularly for the smaller towns and rural areas.

Exmouth Ward Members on the committee sought further information on connecting up their CCTV with a monitoring hub, for which money was available from the OPCC; however the Town Council would have to fund replacement of hardware. They also sought an update on localised anti-social behaviour in the town, which was reported as vastly improved after some intervention.

The Chairman had previously circulated a recently published LGA guidance on modern slavery, which he was keen to explore further. The committee had already received a presentation on the topic and some further awareness training had been undertaken more widely. The committee were informed that the existing safeguarding policy covers the protection element referenced in the LGA guidance, but the position on procurement would need to be checked in more detail. Recent RIPA training received by officers had also highlighted the need for a co-ordinated approach for information sharing, again as referenced in the LGA guidance. This was currently being explored.

The Chairman welcomed the offer from Chief Inspector Johns to attend a future meeting, as she was unable to attend this committee, to talk further on the topic.

RECOMMENDED to Cabinet that the post of Community Safety and Anti-Social Behaviour Officer be retained beyond 2018/19, for reasons of continued support in this key area, particularly in maintaining the successful Local Action Groups in the District.

(At the time of making the recommendation, the post was part of the draft Budget for 2018/19 that had yet to be agreed by Council on 28 February 2018, but had been recommended by the Scrutiny Committee at their joint meeting with the Overview Committee on the 17 January 2018)

RESOLVED that a paper exploring the LGA guidance “Modern slavery – a council guide” is provided at a future meeting to establish where the Council can improve upon existing practices in safeguarding and procurement to help raise awareness and work to prevent modern slavery.

32 Quarterly monitoring of performance for third quarter 2017/18

The committee had received the report for the third quarter and noted comments against those items showing variation or concern, including comments added to update on some of those because of the historical nature of the report covering October to December 2017.

Questions on the report had been submitted prior to the meeting, with written responses subsequently provided. These [additional questions and responses](#) are available online.

Comments were made from some committee members that there were quality issues with the report each time it was presented – both in the ability to measure the items under each

Council priority, and a lack of officer comment or lack of clarity in officer comment against the item. Many examples were quoted from the report to underline this.

Specific issues discussed included:

- The quality of applications for CIL money was not sufficient, and applicants had been advised of the evidence base that was required;
- Some objectives, such as the Green Space Strategy, had been achieved, but now Members wished to see performance monitoring against the implementation of that strategy;
- Information on air pollution was widely available online;
- Explanation on what information councillors are entitled to be provided with – only information that is relevant to the role can be provided, as stipulated in the Constitution;
- Terminology of “on track” could be misinterpreted – some preferred the term “work in progress” or “ongoing”, but the SPAR software used for performance monitoring does not permit this change in terminology; this should be investigated to see if it can be changed;
- Understanding that delivery of the flood alleviation scheme at Feniton was now dependent on an external body, Network Rail, and therefore was expected to be an issue marked as “concern” for some time;
- Welcoming the use of local heritage asset data when considering planning applications;
- “Paper light” initiative also included digitising paper files as well as reducing printed copy.

The Strategic Lead – Governance and Licensing would refer the issues raised on the quality of the performance monitoring report with the Strategic Management Team.

RECOMMENDED to Cabinet that:

- 1. The Overview Committee be requested, as part of reviewing the Council Plan, to also review the Council Actions listed under each Council Priority, to ensure that the action is clear in its intention, and is measurable;**
- 2. That future reports on Performance Overview, Council Action Plans and Key Performance Indicators contain comments on every item listed, regardless of action status classification, for reason of providing clear information on progress in that quarter.**

***33 Scrutiny Forward Plan**

Additional items to allocate to the forward plan were:

- Update on Broadband provision to the March meeting, following confirmation that the representative from Connecting Devon and Somerset could attend. Once confirmed, parish and town council clerks would be notified of this meeting.

The election report, due to this meeting, had been deferred due to purdah concerns, as a by-election had been called for a vacant ward seat in Exmouth. The Chief Executive was unable to attend the next scheduled meeting of the committee in March; therefore the item was set for the 19 April meeting.

An issue relating to a change to the car park near Exmouth Pavilion had been raised by councillor Rob Longhurst directly to the Chairman. Following some discussion on what the committee specifically wished to explore, there was agreement to receive a paper outlining

the circumstances of that specific car park. This would permit the committee to examine if further scrutiny was required.

The Chairman raised the issue of a need to review the process of the joint meeting with the Overview Committee to consider the draft service plans and budget in January each year. This has been highlighted following his request to call in a decision on an additional post position by the Cabinet after the joint meeting; the additional post had subsequently been agreed to put to Council as part of the agreement of the draft budget for 2018/19. There was general support for a review of how the draft service plans and budget is considered. The Portfolio Holder for Finance advised that he was going to review the process himself alongside the Strategic Lead Finance; but suggested that if the committee were to pursue it, it would be a sensible approach to undertake a rolling review of the services and associated costs to build an understanding of the budget over time, as to undertake the service plans as a whole was a large undertaking.

Following on from a national press article relating to meat, the committee agreed that an information paper on how the council undertakes food safety and hygiene would be helpful to ascertain if further scrutiny work was required. A request would be made for this through the Portfolio Holder for Environment.

Information would also be submitted in relation to complaints about disruption caused by building developments, to ascertain if this fell into the remit of the committee to scrutinise further.

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

Scrutiny Members present:

Cathy Gardner
Cherry Nicholas
Maddy Chapman
Roger Giles
Alan Dent
Bill Nash
Marianne Rixson
Bruce de Saram
Simon Grundy
John O'Leary
Darryl Nicholas
Val Ranger
Douglas Hull

Other Members

Susie Bond
Brian Bailey
Tom Wright
John Dyson
Geoff Jung
Paul Diviani
Andrew Moulding
Ian Thomas
Eileen Wragg

Officers present:

Henry Gordon Lennox, Strategic Lead Governance & Licensing and Monitoring Officer
Tabitha Whitcombe, Democratic Services Officer
Debbie Meakin, Democratic Services Officer

Apologies from Scrutiny Members:

Dean Barrow
Eleanor Rylance

Apologies from Non – Scrutiny Members:

Jill Elson
David Barratt
Pauline Stott

Chairman Date.....

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

Scrutiny Committee on 22 March 2018

Minute 37 Broadband update

RECOMMENDED to Cabinet

1. That Cabinet recommend to Council that a letter be sent to all local MPs seeking their support to help secure superfast broadband provision for all communities despite their rurality;
2. Promote to local parish and town councils the options available to them including the CDS voucher scheme once open again, fixed wireless solutions, and the recent success at Talaton;
3. That a letter be sent to the Diocese asking for their continued support using church premises in providing the infrastructure necessary for a broadband solution for rural parishes.

Minute 39 Exmouth Pavilion Car Park

RECOMMENDED to Cabinet that:

1. That there must be early consultation with Ward Members for any matter of substance in their local ward;
2. That the proposed concession of refunding £2 parking charges for the Exmouth Pavilion car park customers subject to a minimum spend in the Pavilion of £3.50 be a permanent concession, for reason of ensuring existing local people who are regular café customers are not discouraged from continuing to support the Pavilion.

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Scrutiny Committee held at Knowle, Sidmouth on 22 March 2018

Attendance list at end of document

The meeting started at 6.00pm and ended at 8.59pm.

***34 Public speaking**

There were no public speakers at the meeting.

***35 Minutes**

The minutes of the Scrutiny Committee held on the 22 February 2018 were confirmed and signed as a true record.

***36 Declarations**

Councillor Rob Longhurst – minute 39 – pecuniary interest – user of Exmouth Pavilion.
Councillor Pauline Stott – minute 39 – personal interest – user of Exmouth Pavilion.
Councillor Bill Nash – minute 39 - personal interest – council representative on LED Board.
Councillor Alan Dent – minute 39 - personal interest – council representative on LED Board.
Councillor Phil Twiss – minute 37 – personal interest - client and supplier to Voneus.

37 Broadband update

The Chairman welcomed Graham Rooms of the Talaton Broadband Committee; Paul Laurence the Director of Strategic Relationships at Voneus; and Phil Roberts from Connecting Devon and Somerset (CDS).

Mr Rooms outlined to the committee the story behind Talaton seeking a local solution to their poor broadband speed, beginning in 2016. Preliminary exploration of a BT community solution was too expensive to pursue, but the community were able to take advantage of the CDS scheme as many residents met the necessary criteria for the voucher scheme. They liked the approach to delivery that Voneus offered, and ended up with 120 residents coming forward to be part of the scheme. With infrastructure set up at the Exeter Science Park, Talaton was now able to see speeds between 20 and 25 MB/s. He illustrated with some local examples the difference that had made to the local community.

Mr Rooms also thanked Voneus and CDS for the help in delivering the scheme.

The committee asked a number of questions relating to the fixed wireless solution that Talaton had in place. Discussion included:

- The infrastructure was delivered by the fixed wireless solution provider (in this case Voneus), with that provider covering the capital cost of the infrastructure to provide the service;
- Fixed wireless worked on the need for line of sight, so solutions had to be found to get around the topography of an area;
- Voneus did promote their service to local parishes; the Talaton example had received local press coverage;
- Having better broadband speed allowed the use of mobile provider boosters to help improve mobile phone reception in areas where reception was poor;
- Other fixed wireless solutions were available;
- Internal wireless setup within the home was also key to good broadband speed.

In terms of an update from CDS, Phil Roberts reported that:

- 85% of premises had been delivered so far, with the wholesale network holding a kitemark to ensure that a minimum standard for speed was maintained at all times;
- The current voucher scheme was suspended until the completion of Phase 2, after which it would open again for those not covered by that phase and meeting the necessary criteria;
- Phase 2 was due for completion within days and an update from CDS covering statistics on delivery would be issued shortly after that completion;
- Claw back threshold was clarified as at 20% with predicted funds back over a seven year period, starting from a two year period after completion – therefore the trigger point for that money had not yet been reached;
- Gigaclear, contracted for the Phase 2 project, were investing large sums in the infrastructure and implementing points of termination (POTs) at each home, so that it avoided the limitations of copper wire;
- There would always be some remote areas where it was difficult to support a business case because of high cost of connecting up few properties. Some areas could be linked up if on the periphery of an existing broadband solution;
- Residential service is offered to small businesses up to 3 or 4 employees; service level agreements were required for medium to large businesses where a shorter call-out response time was needed;
- There was a provision to business too, with the Gigaclear role out with 2,500 businesses expected to be added in the current phase of work. Statistics on businesses delivered would be provided after the meeting;
- Focus on business need was important, as has been highlighted in the national report “Connected Nations 2017”;
- EDDC had bid for funding in helping to deliver a service for Northleigh, Southleigh and Gittisham;
- Gigabit voucher scheme was available for businesses providing up to £3000 towards costs if meeting the criteria;
- The Church of England is embracing the desire for use of existing structures for fixed wireless.

RESOLVED that the Committee welcomed the progress to date on delivery and congratulated the Talaton Broadband Committee on their successful work.

RECOMMENDED to Cabinet

1. That Cabinet recommend to Council that a letter be sent to all local MPs seeking their support to help secure superfast broadband provision for all communities despite their rurality;
2. Promote to local parish and town councils the options available to them including the CDS voucher scheme once open again, fixed wireless solutions, and the recent success at Talaton;
3. That a letter be sent to the Diocese asking for their continued support using church premises in providing the infrastructure necessary for a broadband solution for rural parishes.

***38 Strata update**

The Chairman welcomed Laurence Whitlock, IT Director for Strata. The committee had received an extensive report outlining the work on delivering the expected savings in the business plan.

The target was to deliver £252K of savings across the three authorities of Exeter City Council, Teignbridge District Council and East Devon District Council. This had been

exceeded in the previous year, and a target had been set for next year at £382K. A strong management team was in place within the company.

A number of key solutions had been put in place and continued to be rolled out across the three authorities, including global desktop and Skype telephony, in order to deliver a modernised infrastructure and a better level of resilience. A recent example of this was the ability of staff to continue working from home and other locations during recent inclement weather.

Members discussed:

- Expectation of Members in reaching officers by telephone, suggesting more use of direct numbers instead of through the switchboard, which may be receiving a high volume of calls;
- Merits of exploring provision of equipment to Members rather than use of own devices, and related IT support to Members;
- Strata were well placed to deal with cyber attacks, and a team of four were in place to cover this area of work. Mr. Whitlock assured the committee that the level of protection was excellent and compared well with other local authorities;
- Well planned and executed migration of officers to the Exmouth office; planning was in place for Honiton, where the majority of existing equipment was being relocated, so a phased approach was being arranged;
- Strata staff engagement had substantially increased and the quality of staff was excellent;
- Future challenges for Strata included a redesign of their business case request process, as currently they were asked to deliver anything and everything – establishing a mechanism to understand the priority of the work, and if it had delivered a business benefit once completed, was underway;
- Councillors had the opportunity to be involved by attending the Strata Joint Executive or Joint Scrutiny Committees who meet regularly at Exeter Civic Centre;
- The Lead Member for Member Development would work with Democratic Services on the issue of managing expectation of Members in contacting officers and access to committee papers.

The Chairman thanked Mr. Whitlock for his report.

RESOLVED that the committee acknowledges the savings to the Council made by Strata and thank the Strata staff for their continued efforts, in particular in keeping the council operating during recent inclement weather.

39 Exmouth Pavilion Car Park

The committee had received a comprehensive paper on the background to the Exmouth Pavilion Car Park. It outlined that the car park had been included in the Parking Places Order since 2008 with a charging regime applied from April to October, but the charging tariffs for that and the Elizabeth Hall car parks were not implemented at that time. During the car park review of 2012, this was picked up as part of the order and noted that it was used exclusively for the patrons of the Pavilion.

Cabinet, following consideration by the Overview and Scrutiny Committee, recommended that “the arrangements for LED to control and manage the Esplanade Car Park, Exmouth, be formalised in consultation with the Portfolio Holder, Economy – following which, negotiations took place between LED and the Council.

The need to resurface the car park brought back focus to the issue of the land still being in the ownership of the Council. The Council, as well as LED, had not identified a budget to undertake such work, and neither party was managing the car park on a charging tariff that would generate income against which to offset maintenance cost. Detail on continued discussions between the Council and LED were set out in the report.

A consultation exercise for a number of car parks was approved by Cabinet in February, covering such aspects as extending charges to throughout the year, and on concessions to support events. This consultation will now include the concession proposed for the Exmouth Pavilion car park of refunding up to £2 parking charges for the Exmouth Pavilion customers subject to a minimum spend in the Pavilion of £3.50. Charging for use of the car park does not form part of the consultation because it is already in place under the existing Parking Places Order. Dialogue had already been undertaken with users of the Pavilion, including Councillor Longhurst whom had requested an examination of the issue to the Scrutiny Chairman.

Member discussion included:

- Confirmation that a concession for free parking for dance class users was in place for a year but would then be reviewed; this was seen as a reasonable measure to ease patrons into paying a charge for use of the car park;
- Concern from Exmouth members that there was continued pressure on parking locally whilst the redevelopment of the area was underway, and it would be better to defer any charge until the regeneration work was complete;
- Concern that introducing a charge would lead to some groups not using the Pavilion and therefore impact on LED and the council's asset;
- An additional 13 spaces had been found nearby that, although small in number, would help alleviate some demand;
- The consultation covered the level of concessions, not that the car park would become fee paying;
- The area was a public car park that should have been a fee paying area for many years;
- Concessions were not intended to become permanent but as a means of phasing towards a car park that aligns with all other fee paying car parks owned by the Council;
- Authority to resurface the car park as the liable landowner is covered in the Council's standing orders with a delegated authority, and therefore does not require Cabinet or Council agreement;
- Consultation period runs after Easter for a month and will be publicised;
- Lack of Ward Member and Exmouth Town Council involvement was acknowledged and it was conceded that it would have been better to do so; it was hoped that adding in the concession proposal for the car park into the consultation exercise went some way to amend that error;
- Detail on when the contract to resurface the car park, which was part of a larger contract for a number of works, would be provided after the meeting;
- Desire from some Members to see a concession on the Exmouth Pavilion car park to be a permanent concession.

RESOLVED that the committee regret the failure to consult with Ward Members on the changes to the Exmouth Pavilion Car Park

RECOMMENDED to Cabinet that:

1. That there must be early consultation with Ward Members for any matter of substance in their local ward;
2. That the proposed concession of refunding £2 parking charges for the Exmouth Pavilion car park customers subject to a minimum spend in the Pavilion of £3.50 be a permanent concession, for reason of ensuring existing local people who are regular café customers are not discouraged from continuing to support the Pavilion.

The Chairman thanked Andrew Ennis for his honest and forthright approach in responding to questions from Members and commented on his quality as an officer, as excellent.

*40 **Forward plan**

The forward plan was noted. The Tree Team would attend the committee's June meeting to provide an update on their work.

Information on beach huts was requested in relation to impact since the phasing in of the fee changes. Some of this information had already been reported to the committee through updates.

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

Scrutiny Members present:

Dean Barrow
Cherry Nicholas
Maddy Chapman
Roger Giles
Alan Dent
Bill Nash
Marianne Rixson
Bruce de Saram
Simon Grundy
Val Ranger

Other Members

Brian Bailey
Tom Wright
Geoff Jung
Ian Thomas
Pauline Stott
Peter Faithfull
Megan Armstrong
Rob Longhurst
David Barratt
Steve Hall

Officers present:

Andrew Ennis, Service Lead Environmental Health and Car Parks
Simon Davey, Strategic Lead Finance
Laurence Whitlock, IT Director for Strata
Giles Salter, Solicitor
Debbie Meakin, Democratic Services Officer

Apologies from Scrutiny Members:

Cathy Gardner
Darryl Nicholas

Apologies from Non – Scrutiny Members:

Jill Elson
Iain Chubb
Mike Howe
Graham Godbeer

Chairman Date.....

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

Scrutiny Committee on 19 April 2018

Minute 43 Election report

RECOMMENDED to Cabinet

1. That the excellent and hard work of the RO, Electoral Services Team, and staff in place for polling stations, verification and counts, be acknowledged;
2. To consider additional budget provision to undertake recruitment of staff for polling stations;
3. To consider the use of a suitable venues that deliver the necessary space for the counts to be conducted;
4. To consider further integration of existing staff from the Council in helping to deliver electoral services during peak periods.

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Scrutiny Committee held at Knowle, Sidmouth on 19 April 2018

Attendance list at end of document

The meeting started at 6.00pm and ended at 8.04pm.

***41 Public speaking**

There were two members of the public who spoke prior to minute 43 Election report.

***42 Minutes**

The minutes of the Scrutiny Committee held on the 22 March 2018 were confirmed and signed as a true record, subject to the addition of Councillor Eleanor Rylance in attendance and with the inclusion of the following wording under minute 39 Exmouth Pavilion Car Park: Mr Salter questioned Councillor Longhurst on his relationship with the Pavilion and after hearing his replies concluded that as Councillor Longhurst had a contract with the Pavilion to rent on certain Sundays that meant he had a pecuniary interest in the car park. Councillor Longhurst left the meeting for the item as requested.

43 Election report

Prior to the item, the Chairman asked for Members to be respectful in their questioning and debate.

Mr Paul Arnott spoke about the report that the committee had received in July 2015, and the issues highlighted by an Electoral Commission, some of which he listed, issues that he stated were a breach. He felt that those issues were not explained in the July 2015 report and therefore had concerns that that report at this meeting would also have omissions. He was of the opinion that at least two Councillors were not properly elected and he suggested that the committee commission an independent enquiry into the matter.

Jacqueline Green felt that there was a breach of the Council's code of conduct in that section 1.2 of the report attempts to politicise statements and this was not permitted by that code. She made reference to a report by the late Jo Frith, outlining Jo's credentials and she spoke on her behalf to illustrate with an example when Jo Frith was a candidate. She told the committee that Jo's motives were of probity for every voter to be confident that their vote was dealt with correctly.

In response the returning officer highlighted the legal position and the difference between objective and subjective / biased assessments.

In presenting his report, the Returning Officer highlighted three issues:

- Nationally there has been a mixed response in the press on the move from householder to individual registration. He reported that in the District, individual registration had been very successful, with the public taking the opportunity to take personal responsibility for their vote. This did impact on resource, as the move to individual registration had increased the administration of maintaining the register and associated issues.
- Following the resolutions of the committee in July 2015, he had reported back to staff the resolution "that the Scrutiny Committee recognises the hard work of all staff involved in the running of the national and local elections on 7 May 2015" and that was appreciated by the team. That appreciation unfortunately only lasted for a couple of months;

- Seeking the views of Members on a centralised count arrangement. There were advantages to decentralised counts in that candidates would receive the results relatively swiftly after the close of poll, but it might be beneficial to hold a centralised count to address various issues, balanced against a longer wait for the poll result.

Discussion by Members on undertaking the count included:

- Appreciation of the work ethic of the staff involved in a count under difficult conditions;
- Current council chamber had space issues and could easily become crowded, particularly during multiple counts, which could make it difficult for the candidates themselves to easily observe the count taking place;
- Consider if a combination of Blackdown House and the Exmouth Pavilion would deliver the balance between the necessary space and ability to control;
- Comment that Blackdown House would be too small as a count venue
- Ensuring fresh counters, even if that meant the count taking place on subsequent days;
- Comment that observations made by Elizabeth Gorst of the Electoral Commission on providing guidance hadn't been undertaken; and there did not appear to be a consistent approach to undertaking recounts;

In response, the Returning Officer acknowledged that the inadequacies of the current Council Chamber were well known, and so a compromise had to be reached to undertake counts from that location. Using an example from Teignbridge District Council, the RO outlined the importance of ensuring that adequate IT was available in the count venue, which was far less of a risk when held at Council Offices where IT support was on hand. Exmouth Pavilion had been used in the past, but needed to be reviewed again as the internal structure may have changed. He assured the committee that fresh counters are always used the following day; and that there was pressure on the counters switching between two methods for counting – one for a single seat, and another for multiple seats – that can be difficult to adjust between and therefore may initially slow the process down.

The Returning Officer also confirmed that whilst a two or more centre count may be feasible for Town, Parish and District Elections, a centralised venue would have to be deployed for a Parliamentary Election – that election would take precedence. Holding the count in a Council owned venue for a parliamentary or county election permitted the RO to claim for hire of that venue as, effectively, additional income for the Council – hiring another venue would only be claiming for hire to then pay the owner of that venue.

The observations by Elizabeth Gorst of the Electoral Commission were discussed with count supervisors and used for training purposes. Not all the observations were shared by the supervisors.

Discussion by Members on staffing, covering the existing Electoral Registration Team, and staff used at polling stations and count venues, included:

- Concern about recruiting staff to polling stations;
- Considering if an increase in the fee paid to polling staff would help as an incentive to retain existing, and attract new, staff;
- Look to recruit apprentices in the electoral registration team;
- Look to pushing recruitment to bank and retired bank staff, because of their skills as tellers;
- Look to recruit local people to minimise travel time for them and help reduce the cost of covering those claims for travel;

- Remind agents and candidates again of the rules they should follow in dealing with election staff; intimidation is not acceptable;
- Use of the Customer Service Centre (CSC) to assist with workload of the electoral services team;
- Why the employment of casual staff needed review to ensure all legal responsibilities were being met.

In response, the Returning Officer reminded the committee of the extent of preparation for polling station staff before polling day, as well as the long day itself, including training, travel, and dealing with confrontation. That was why a collaborative approach by the political parties and others was essential to help minimise the stress on those staff. Polling staff fees could now be set by the RO (in past years this had been prescribed) and across Devon they had reached a consensus on that fee, balanced against the overall budget. Rates of pay had an effect on recruitment to a degree, but staff also have made clear that they look for an element of enjoyment in being part of the democratic process, which has been impaired in recent elections.

Apprentices had been employed in the electoral services team, but had now moved onto other jobs. Recruitment to the team to bring it to four staff members was underway. The other suggestions for recruitment were noted. Work was already underway in enabling the CSC to assist during busy periods of both canvass and elections. Casual staff employment was under review because of the requirement to include elements such as pension and holiday pay. This was difficult to reconcile for staff employed for one day per year.

In response to questions about printing of ballot papers, the Returning Officer outlined the difficulties in dealing with a parliamentary election where a small number of printers had the capacity to deal with printing high volumes – and therefore all ROs would be competing for those printers. He also outlined the steps taken to have local printer as a failsafe option that the team could call on if a problem arose. He also outlined the tight timescale between the close of nominations and the guidance to send out postal votes ten days before the election, and how changes to the register for postal votes are still ongoing up to the deadline of a final register for the election.

The Returning Officer confirmed that he took personal responsibility for any errors associated with elections consistent with his legal powers and the ability to challenge in the courts his declarations.

RECOMMENDED to Cabinet

1. That the excellent and hard work of the RO, Electoral Services Team, and staff in place for polling stations, verification and counts, be acknowledged;
2. To consider additional budget provision to undertake recruitment of staff for polling stations;
3. To consider the use of a suitable venues that deliver the necessary space for the counts to be conducted;
4. To consider further integration of existing staff from the Council in helping to deliver electoral services during peak periods.

RESOLVED that

1. The Scrutiny Committee endorses the recommendations of the Association of Electoral Administrators in their report of February 2018 and receives an update on progress against those recommendations in October 2018;
2. The Scrutiny Committee endorses the proposed increase in permanent staff in the Electoral Registration Team.

***44 Draft Annual Report of the Scrutiny Committee**

The committee considered the draft report. The Chairman thanked the Democratic Services Officer for preparing the draft on behalf of the committee.

RESOLVED that final version of the Annual Report be agreed by the Chairman and Vice Chairman before submission to Annual Council.

***45 Forward plan**

The forward plan was noted and progress on outstanding items given. Street trading was suggested as a topic, and would be added to the items to be scoped.

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

Scrutiny Members present:

Eleanor Rylance
Cherry Nicholas
Maddy Chapman
Roger Giles
Alan Dent
Bill Nash
Marianne Rixson
Bruce de Saram
Douglas Hull
Val Ranger

Other Members

Geoff Jung
Pauline Stott
Megan Armstrong
Rob Longhurst
David Barratt
Dawn Manley

Officers present:

Mark Williams, Returning Officer
Anita Williams, Principal Solicitor & Deputy Monitoring Officer
Debbie Meakin, Democratic Services Officer

Apologies from Scrutiny Members:

Dean Barrow
Cathy Gardner
Darryl Nicholas

Apologies from Non – Scrutiny Members:

Ian Thomas
Jill Elson

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Arts and Culture Forum held at the Beehive, Honiton on 14 March 2018

Attendance list at end of document

The meeting started at 10.00am and ended at 12.50pm.

***13 Minutes**

The minutes of the Arts and Culture Forum meeting held on 11 October 2017 were confirmed and signed as a true record.

The Chairman welcomed everybody to the meeting and invited those present to introduce themselves.

***14 Declarations of Interest**

Councillor Tom Wright - Personal interest: He was a friend of the Fairlynch Museum, Budleigh Salterton.

***15 Villages in Action programme 2018/19**

The Chairman introduced and welcomed Tim Smithies, Chief Executive for Carn to Cove to the meeting. Carn to Cove was Cornwall's performing arts touring scheme similar to Villages in Action (VIA) which operated in East, West and South Devon. It enabled rural communities to bring something 'different' to their village hall and to create a social event to bring the village together. The scheme offered professional acts at competitive prices, reducing the financial risk to the hall and giving it the chance to make some money to contribute to the sustainability of the hall in the community.

The Service Lead – Countryside and Leisure explained that EDDC put £10,000 funding annually into VIA, and it was well supported and appreciated in East Devon. He would like to see the programme continue as commitment to this type of activity was a key feature of the culture strategy. Funding for VIA was outlined in the presentation and included a grant from the Arts Council as well as a contribution from EDDC.

Tim explained that Carn to Cove and VIA had put together a menu of artistic events including dance, theatre, music, puppetry, storytelling, poetry and film. Voluntary promoters from the network of community venues chose which events they would like to host in their local hall. Carn to Cove then administered, underwrites and co-ordinated the tours. The voluntary promoters would run the event, build an audience and look after the artists on the day. It was critical to be responsive to local needs and identify what worked and what did not work.

A brochure for the spring season had been published, containing 45 events. This was also available online. Devon performers had been employed, a volunteer promoter network maintained and the Locomotor Project launched. The Locomotor project would:

- Stabilise rural touring in south Devon.
- Expand international programming content.
- Introduce new systems for IT and ticketing.
- Organisational development – test new models of working with new stakeholders for sustainable system: Options Appraisal Panel

The options appraisal for what the future shape of VIA should be involved trialling:

- Hub & Spoke collaborative working
- Made in Devon Developing Project in the Community

- New partnerships: The Pub is the Hub; DanceLab Dementia Cafes; Outdoor Work

The Countryside Service Lead suggested that some of the promoters from the Locomotor bid be invited to attend a future forum meeting to feedback on activity and progress. The Chairman thanked Tim on behalf of the forum for his interesting presentation.

***16 Jurassic Coast Trust: where we have come from and where we are going**

The Chairman welcomed Dr Sam Rose, Chief Executive of the Jurassic Coast Trust to the meeting. He explained that the bid for the trust was led by Dorset and Devon County Councils and the Dorset Coast Forum. UNESCO (United Nations Educational, Scientific and Cultural Organisation) created the idea of World Heritage (WH) to protect sites of outstanding universal value through the principles of peace and co-operation. The World Heritage Convention (1972) linked together the concepts of nature conservation and the preservation of cultural properties:

- Look after the site for now and for the future (article 4).
- It needs to be of value to people (article 5).
- Tell everyone about it in a meaningful and interesting way (article 27).

What made the concept of World Heritage exceptional was its universal application. World Heritage sites belonged to all the peoples of the world, irrespective of the territory on which they were located. They were to be inclusive. To be of outstanding universal value the site must:

- Meet one or more criteria.
- Show integrity and (if cultural) authenticity.
- Have effective protection and management.

It must therefore be unique and the best of the best, complete, real and well looked after.

Between 2001-2017 the Jurassic Coast Steering Group and Team had been looking after the WH site. A great deal had happened over that time, including developing centres and facilities, arts projects, interpretation panels, 2012 Jurassic Coast Earth Festival and the Jurassic Coaster (Jurassic Coast bus). The WH site designation brought up to £111m of economic output and up to 2000 jobs per year to Dorset and East Devon.

From 2017 the Jurassic Coast Trust was entrusted with looking after the Dorset and East Devon WH site and status. The site management plan was at the heart of what the Jurassic Coast Trust did, but for most people the Jurassic Coast was not 'a Plan'. The Trust was an independent cause led charity. It had over 50 volunteer ambassadors (led by East Devon) and a Management Plan Advisory Committee (which included EDDC). It had big plans for the future, including:

- Creating publications
- Community engagement
- Fossil conservation
- Support for education projects
- Go Jurassic Rangers
- Business partners

The vision for the future was 'that everyone loves, understands and values the Jurassic Coast World Heritage Site'. The mission was 'to enable everyone to have the best possible experience of England's only natural World Heritage Site, whether they want to learn, enjoy, work or study. The aims were:

- To protect the Jurassic Coast and its setting.
- To engage people and organisations with the World Heritage Site.
- To deepen everyone's understanding of the Jurassic Coast.
- To sustain the organisation financially and demonstrate exemplary governance.

This would be achieved in many different ways, working with many different people who loved and valued the coast and wanted to make a difference. The Trust did not work to administrative boundaries, just geological ones. It was there for the benefit of everybody who worked, lived and played there.

On behalf of the Forum the Chairman thanked Dr Rose for his presentation. It was noted that all the information and events were on the Jurassic Coast Trust website.

***17 East Devon's museum programme review and future plans**

The Chairman introduced and welcomed Victoria Harding, South West Museum Programme Manager to the meeting. Victoria began her presentation by setting the wider regional context of the museums in the southwest, and then locally. There were seven accredited museums in East Devon. Five museums were run entirely by volunteers and two were major National Trust properties. The museums received over 270,000 visits per year and the visits contributed £6 million to the local tourism economy. 3,926 participants engaged in education, activity and outreach sessions run by the museums. Volunteers were incredibly important to the museums, with 87,741 hours contributed by 1,024 volunteers. The value of volunteer contributions to museums and their surrounding communities was £626,721.

South West Museum Development (SWMD) was established in 2006 and restructured in 2012 under Arts Council England. It was one of nine regional Museum Development Providers. In 2015-18 the south west received 15% of the national allocation. From 2018-2020 it would receive 16.9% of the national allocation. This funding was based on a formula and the budget had increased due to the dominance of volunteer run museums. A new version of the SWMD programme for 2018-2022 would be published.

SWMD was hosted by Bristol City Council and consisted of a team of 17 staff who delivered development and technical services, including:

- 9 area based Museum Development Officers.
- 5 Technical/Thematic Officers.
- 3 Programme Administration Projects.

They also influenced and facilitated access to nationally funded programmes, which all contributed to organisational resilience.

In 2015 – 2017:

- 244 museums benefitted from collection care advice, site visits, loan of environmental equipment and conservation advice.
- Sustainable volunteering development support was provided to 62 museums.
- Digital engagement support was provided to 77 museums.
- £267,488 was contributed by local authority partners to support the enhanced museums access programme.
- 453 museums benefitted from support.
- £1.306m was invested in museums by Arts Council through SWMD.
- £86,016 was awarded in small grants to 78 museums.
- 726 delegates attended the museums skills training.

Victoria went on to explain what had been delivered for East Devon. There had been a 34 fold increase in EDDC investment from £1,500 to £50,517. There had also been investment from Sidmouth and Budleigh Salterton town councils, and external grants from Art Fund, John Ellerman, Heritage Lottery and Arts Council England. A wide range of SWMD technical and thematic support services had also been provided. This included a

conservation development officer, a fully subsidised training programme (south west museum skills) and 'Small Grant: Big Improvement'.

The presentation also included the reasons why EDDC should continue funding SWMD, as the core offer provided access to:

- Technical accreditation advice.
- MDO support.
- Free high quality training.
- Subsidised 'In Depth Skills'.
- Online advice and support in programme thematic services.
- Sector data/benchmarking.

In addition the enhanced offer provided:

- Increased MDO capacity to support fundraising and partnership development.
- Grant programme £1-£7k.
- Development grants up to £5k.
- Increased investment through external funded projects.
- Access to micro consultancy, development support in collections, audiences, volunteering and digital engagement.

On behalf of the forum the Chairman thanked Victoria for her presentation.

***18 Blackdown Hills AONB cultural heritage activities**

The Blackdown Hill's AONB (Area of Outstanding Natural Beauty) Manager gave a presentation on the AONB cultural heritage activities in East Devon, much of which overlapped with the cultural strategy, and worked in partnership with many organisations:

- Engagement to celebrate cultural, natural and historic heritage: the natural futures project and other engagement.
- Historic England project – an integrated approach to valuing heritage.
- Fragile beauty exhibition and events, celebrating Robert Bevan and the Camden Town artist's work of the early 1900s.

Key features of the Blackdown Hills natural futures project included:

- Over 150 sites were surveyed by the team.
- All 9 trainees secured employment after training.
- Rare plants and the UK's first black dormouse were discovered.
- 17 community projects were supported and sites improved for wildlife and communities.
- Ecological 'expert' visits were organised.
- Rural skills and land management training events were held.
- There was support from Neroche Conservation Volunteers.
- AONB support for projects would continue.
- 60 events were run over 3 years, including 3 annual bio-blitz events.
- Over 2,500 people engaged in wildlife and nature conservation activities.
- 24 primary school visits were made.
- Over 1,000 children and teachers engaged in wildlife activities.
- AONB led school visits would continue.
- 14 art sessions were run based on environmental education themes of different habitats of the Blackdown Hills. An exhibition of the children's final work was produced.

- Dormouse nest boxes were now sited at new locations across the Blackdown Hills AONB. Long term monitoring would be sustained through the Somerset Mammal Group.

The Blackdown Hills AONB Partnership was 75% funded through DEFRA and 25 funded by local authorities, including EDDC.

On behalf of the forum the Chairman thanked the AONB Manager for his presentation.

***19 EDDC What's On website update**

The Countryside Service Lead reminded that the forum that the Business Systems Manager, Strata had attended the last meeting to discuss the aspirations for a 'what's on' page on the EDDC website. It had since been decided that this was a communications issue. The Countryside Service Lead suggested that if members had any further ideas or views that they discuss these with the Strategic Lead - Organisational Development and Transformation, particularly with regard to expectations of the website and the format.

Annette Ladbrook, Environment Service web author lead explained to the forum that she was in the process of creating a hub page for 'what's on' in the district. This would signpost people to existing websites that EDDC supported, but were not hosted by EDDC. Any town or parish councils could be added to the 'what's on'. Annette suggested that members look at the Visit South Devon website which allowed events to be advertised.

On behalf of the forum the Chairman thanked the Environment Service web author for attending the meeting and explaining the 'what's on' hub page.

***20 EDDC Countryside team update on project work**

It was agreed to consider this agenda item at the next forum meeting.

***21 Future of the Arts and Culture Forum**

The Countryside Service Lead asked the forum to consider how it had evolved and the way that the forum worked, in the absence of an Arts Development Officer. The presentations received demonstrated a huge amount of overlap and common ways of working across different sectors, and a great deal of activity. The forum had the opportunity to explore areas of joint working and identify a critical mass of activities across different sectors. It had a role in helping to support cultural activities in the area.

It was suggested that consideration be given to how future meetings were structured and how the agendas were formulated; around cross cutting themes designed to stimulate more meaningful discussions and create opportunities for collaboration. Bringing together relevant parties could help better resolve resource issues, by working together to help each other and being more proactive.

The Chairman thanked all those present for attending the meeting and gave particular thanks for the presentations that had been given.

***22 Date of next meeting**

The next meeting of the Arts and Culture Forum would be confirmed in due course.

Attendance list

Present:

EDDC Councillors:

Cllr John O’Leary – Culture Champion (Chairman)

Cllr Peter Faithfull

Community representative:

Sally Twiss

Town representatives:

Cllr Kim Bloxham – Cranbrook

Cllr Bruce de Saram - Exmouth

Cllr John Dyson - Sidmouth

Cllr Douglas Hull – Axminster

Cllr Tom Wright – Budleigh Salterton

Officers:

Tim Dafforn, Countryside Team Leader

John Golding, Strategic Lead - Housing, Health and Environment

Annette Ladbrook, Environment Service web author lead

Charlie Plowden, Service Lead – Countryside and Leisure

Alethea Thompson, Democratic Services Officer

Also present:

Cllr Paul Diviani – Leader, EDDC

Victoria Harding – South West Museum Programme Manager

Dr Sam Rose – Chief Executive, Jurassic Coast Trust

Tim Smithies – Chief Executive, Carn to Cove

Tim Youngs – AONB Manager

Apologies:

Cllr Kim Bloxham - Cranbrook

Cllr Jenny Brown – Tourism Champion, EDDC

Carla Hiley – Exmouth Arts Manager

Cllr Duncan Sheridan-Shaw - Honiton

Graham Whitlock, Manor Pavilion Theatre Manager

Chairman

Date.....

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

New Homes Bonus Panel on 27 March 2018

Minute 17 Application from Newton Poppleford Parish Council,- Bolt on for Defibrillators - £1,876.80

RECOMMENDED by the New Homes Bonus Panel Committee that the application for £1,876.80 be supported for defibrillators for the parishes of Combyne Rousdon and Dunkeswell as a bolt on to the previously approved Newton Poppleford application.

Minute 18 Application from Exmouth Town Council – Publicity - £30,200

RECOMMENDED by the New Homes Bonus Panel that the application for £30,200 from Exmouth Town Council be supported on the condition that the EDDC and DCC logos and mention of the Parishes Together Fund is on the leaflets and panels.

Minute 19 Application from Gittisham Parish Council– Defibrillators- £1,586.50

RECOMMENDED by the New Homes Bonus Panel that the application from Gittisham Parish Council for a defibrillator, be supported.

Minute 20 Application from Honiton Town Council - Creative workshops - £3,722

RECOMMENDED by the New Homes Bonus Panel that the application for the provisions of creative workshops by Honiton Town Council, be supported.

Minute 21 Application from Ottery St Mary Town Council – Young Person’s mental health project - £8,362.40

RECOMMENDED by the New Homes Bonus Panel that the Ottery St Mary Town Council application for a young person’s mental health project be supported.

Minute 22 Plymtree Parish Council - £2,311

RECOMMENDED by the New Homes Bonus Panel that that Plymtree, Talaton, Broadhembury and Payhembury Parish Council’s request for funding for a heli-pad, be supported.

Minute 23 Application from Seaton Town Council – Brown Tourism Signage - £3,500

RECOMMENDED by the New Homes Bonus Panel that the application from Seaton Town Council for brown tourism signs, be supported.

Minute 24 Application from Shute Parish Council – Asphalt Project - £716

RECOMMENDED by the New Homes Bonus Panel that that the Shute Parish Council application for an asphalt project in the parish, be supported.

Minute 25 Application from Sidmouth Town Council – Help Scheme - £5,000

RECOMMENDED by the New Homes Bonus Panel that the application from Sidmouth Town Council for funding for the Sid Valley Help Scheme, be supported and the grant be increased to £7,155.60, this on the condition that the Sid Valley Help Scheme contact and share best practice with other towns in East Devon, and that publicity is gained for the Panel's support of this project. .

Minute 26 Application from Buckerell Parish Council – Drainage - £246.40

RECOMMENDED by the New Homes Bonus Panel that Buckerell Parish Council's application for drainage and ditch work, be supported.

Minute 27 Clyst St George Parish Council – Drainage - £683

RECOMMENDED by the New Homes Bonus Panel that Clyst St George Parish Councils application for funds for drainage and ditch work, be supported.

Minute 28 Colyton Parish Council Drainage - £1,292.90

RECOMMENDED by the New Homes Bonus Panel that Colyton Parish Council's request to carry out drainage and ditch work, be supported.

Minute 29 Cotleigh Parish Council- Drainage - £200

RECOMMENDED by the New Homes Bonus Panel that the request from Cotleigh Parish Council for drainage work, be supported.

Minute 30 Feniton Parish Council - drainage - £1,650

RECOMMENDED by the New Homes Bonus Panel that Feniton Parish Council request to undertake drainage and ditching work in the parish be supported.

Minute 31 Honiton Town Council - drainage - £7,411.90

RECOMMENDED by the New Homes Bonus Panel that Honiton Town Council's request for funding to undertake drainage work be supported.

Minute 32 Luppitt Parish Council – Drainage -£415.80

RECOMMENDED by the New Homes Bonus Panel that that Luppitt Parish Council's request for funding to carry out ditch and drainage work in the parish be supported.

Minute 33 Lympstone Parish Council – Drainage - £1,475

RECOMMENDED by the New Homes Bonus Panel that Lympstone Parish Council's request for funding for drainage work, be supported.

Minute 34 Membury Parish Council – drainage - £466.40

RECOMMENDED by the New Homes Bonus Panel that Membury Parish Council's request to provide drainage work, be supported.

Minute 35 Musbury Parish Council – Drainage - £513.70

RECOMMENDED by the New Homes Bonus Panel that Musbury Parish Council's request for funding for drainage work, be supported.

Minute 36 Offwell Parish Council–Drainage - £387.20

RECOMMENDED by the New Homes Bonus Panel that Offwell Parish Council's request to fund drainage work, be supported.

Minute 37 Upottery Parish Council - drainage - £669.90

RECOMMENDED by the New Homes Bonus Panel that that Upottery Parish Council's request to apply for funding for drainage work, be supported.

Minute 38 Yarcombe Parish Council – Drainage - £433.30

RECOMMENDED by the New Homes Bonus Panel that that Yarcombe Parish Council's request to carry out drainage work, be supported.

Minute 39 Seaton Town Council – Natural Seaton Festival Project - £1,550

RECOMMENDED by the New Homes Bonus Panel that Seaton Town Council's request (supported by Colyton Parish Council) for funding to organise workshops for the Natural Seaton Festival project, be supported.

Minute 40 Seaton Town Council – Walkers leaflet project - £750

RECOMMENDED by the New Homes Bonus Panel that that Seaton Town Council's request to provide a walkers leaflet project, be supported, providing that the Town Council send in a quotation for the whole project by Friday 6 April. If the quotation did come through the leaflet should feature the EDDC and DCC logos and Parishes Together Fund wording on it.

Minute 41 Broadclyst Parish Council - £4,869.30

RECOMMENDED by the New Homes Bonus Panel that that Broadclyst Parish Council's request for funding for a befriending project, be supported.

EAST DEVON DISTRICT COUNCIL

Notes of a Meeting of the New Homes Bonus Panel held at the Knowle, Sidmouth on Tuesday 27 March 2018

Present: Councillors:
Phil Twiss (Chairman)
David Barratt
Douglas Hull
Geoff Jung

Officers: Jamie Buckley, Community Engagement and Funding Officer
Steve Robinson, Locality Development Officer, DCC
Chris Lane, Democratic Services Officer

Apologies Councillors:
Mike Allen
Iain Chubb
Simon Grundy
Christopher Pepper

The meeting started at 10.00am and finished at 11.30am.

***14 Minutes**

The notes of the previous meeting of the New Homes Bonus Panel held on 29 January 2018 were confirmed as a true record.

***15 Declarations of interest**

Councillor Geoff Jung

Minute 17

Disclosable Pecuniary Interest – Had been involved with the application

Councillor Roger Giles

Minute 21

Personal Interest – Member of Ottery St Mary Town Council

Councillor David Barratt

Minute 25

Personal Interest – Member of Sidmouth Town Council

***16 Documentation**

The Parishes Together Fund guidance notes and application form, circulated with the agenda were noted.

17 Application from Newton Poppleford Parish Council – Bolt on for Defibrillators – £1,876.80

The Community Engagement and Funding Officer outlined the project which was to provide funding for defibrillators for Combyne Rousdon and Dunkeswell Parish Councils.

Councillor Douglas Hull raised a number of concerns about the scale of purchase of defibrillators across East Devon and their use. In response other members of the

Panel highlighted the amount of training and number of times they had effectively used in the area. However, it was requested that a map be prepared showing the sites across the District where defibrillators were available.

RESOLVED: that information be found or produced that showed community access defibrillators in East Devon.

RECOMMENDED: that the application for £1,876.80 be supported for defibrillators for the parishes of Combpyne Rousdon and Dunkeswell as a bolt on to the previously approved Newton Poppleford application.

18 **Application from Exmouth Town Council – Publicity - £30,200**

This was a project from Exmouth town Council with support of Lypstone Parish Council to produce interpretation panels and leaflets providing information on the Exe Estuary. An issue regarding cyclists speeding through villages was raised.

RECOMMENDED: that the application for £30,200 from Exmouth Town Council be supported on the condition that the EDDC and DCC logos and mention of the Parishes Together Fund is on the leaflets and panels.

19 **Application from Gittisham Parish Council– Defibrillators- £1,586.50**

The Community Engagement and Funding Officer outlined the application from Gittisham Parish Council and Honiton Town Council to fund a defibrillator.

RECOMMENDED: that the application from Gittisham Parish Council for a defibrillator, be supported.

20 **Application from Honiton Town Council – Creative workshops - £3,722**

The Community Engagement and Funding Officer outlined the application by Honiton Town Council with support from Beer and Colyton Parish Council for the provision of workshops by the Thelma Hulbert Gallery along the East Devon Way to celebrate their 25th anniversary.

RECOMMENDED: that the application for the provision of workshops by Honiton Town Council, be supported.

21 **Application for Ottery St Mary Town Council – Young person’s mental health project - £8,362.40**

The Chairman explained the application from Ottery St Mary Town Council with support from West Hill and Aylesbeare Parish Council.

RECOMMENDED: that the Ottery St Mary Town Council application, be supported.

22 **Application from Plymtree Parish Council – Helipad - £2,311**

The Community Engagement and Funding Officer outlined the application from Plymtree, Talaton, Broadhembury and Payhembury Parish Councils for a community helipad to enable landing at night.

RECOMMENDED: that the application from Plymtree Parish Council for a helipad, be supported.

23 **Application from Seaton Town Council – Brown Tourism signage - £3,500**

The Community Engagement and Funding Officer outlined the application for brown tourism signage.

RECOMMENDED: that the Seaton Town Council and Axmouth Parish Council application for brown tourism signage, be supported.

24 **Application from Shute Parish Council – Asphalt project - £716**

The Community Engagement and Funding Officer explained the application from Shute Parish Council and Woodbury Parish Council for funding an asphalt project in the parishes. Members noted that Devon County Highways had been informed of and agreed with this project.

RECOMMENDED: that the application from Shute Parish Council for funding for an asphalt project in the parish, be supported.

25 **Application from Sidmouth Town Council – Help Scheme - £5,000**

The Community Engagement and Funding Officer explained the application from Sidmouth Town Council which was a help scheme. The Panel recognised the importance of the community model presented by this project and suggested that funding be increased to £7,155.60 which would also fund the shortfall the project had. The Panel felt that lessons learnt here could be spread around the district.

RECOMMENDED: that Sidmouth Town Council's application for the Sid Valley Help Scheme, be supported, and the grant be increased to £7,155.60. this is on the condition that the Sid Valley Help Scheme contact and share best practice with other towns in East Devon, and that publicity is gained for the Panel's support of this project.

26 **Buckerell Parish Council – Drainage - £246.40**

The Community Engagement and Funding Officer explained the application from Buckerell Parish Council for drainage and ditch work within the parish.

RECOMMENDED: that Buckerell Parish Councils application for funds to carry out drainage and ditch work within the parish, be supported.

27 **Clyst St George Parish Council Drainage - £683**

The Community Engagement and Funding Officer explained that Clyst St George Parish Council wished to carry out gully and drain cleaning in the parish.

RECOMMENDED: that Clyst St George Parish Council's request to carry out drainage and ditch work, be supported.

28 **Colyton Parish Council- Drainage - £1,292.90**

A request from Colyton Parish Council was for drainage work.

RECOMMENDED: that the request from Colyton Parish Council for drainage work, be supported.

29 **Cotleigh Parish Council- Drainage - £200**

A request from Cotleigh Parish Council was for drainage work.

RECOMMENDED: that the request from Cotleigh Parish Council for drainage work, be supported.

30 **Feniton Parish Council drainage - £1,650**

A request from Feniton Parish Council for drainage and ditching work in the parish was considered.

RECOMMENDED: that Feniton Parish Council request to undertake drainage and ditching work in the parish be supported.

31 **Honiton Town Council- Drainage - £7,411.90**

A request from Honiton Town Council was for drainage work.

RECOMMENDED: that the request from Honiton Town Council for drainage work, be supported.

32 **Luppitt drainage - £415.80**

The Community Engagement and Funding Officer explained that Luppitt Parish Council wished to undertake drainage work in the parish

RECOMMENDED: that Luppitt Parish Council's request for funding to undertake drainage work be supported.

33 **Lympstone Parish Council – Drainage -£1,475**

The application from Lympstone Parish Council was to help fund a feasibility study for ditch and drainage works in Lympstone and Woodbury.

RECOMMENDED: that Lympstone Parish Council's request for funding for a flooding feasibility study be supported.

34 **Membury Parish Council – Drainage - £466.40**

The Community Engagement and Funding Officer explained that Membury Parish Council wished to have funding to undertake drainage work.

RECOMMENDED: that Membury Parish Council's request for funding for drainage work, be supported.

35 **Musbury Parish Council – drainage - £513.70**

The application from Musbury Parish Council was to provide drainage work.

RECOMMENDED: that Musbury Parish Council's request to provide drainage work, be supported.

36 **Offwell Parish Council – Drainage - £387.20**

The Community Engagement and Funding Officer explained that Offwell Parish Council wished to apply for financial support for drainage work.

RECOMMENDED: that Offwell Parish Council's request for funding for drainage work, be supported.

37 **Upottery Parish Council–Drainage - £669.90**

The Community Engagement and Funding Officer explained that Upottery Parish Council wished to apply for funding for drainage work.

RECOMMENDED: that Upottery Parish Council's request to fund drainage work, be supported.

38 **Yarcombe Parish Council drainage - £433.30**

The Community Engagement and Funding Officer explained that Yarcombe Parish Council wished to apply for funding for drainage work.

RECOMMENDED: that Yarcombe Parish Council's request to apply for funding for drainage work, be supported, once a quotation had been received for the works.

39 **Seaton Town Council – Natural Seaton Festival Project - £1,550**

The Community Engagement and Funding Officer explained that Seaton Town Council wished to fund workshops to increase the awareness and engagement of children and young people with the Natural Seaton Festival project.

RECOMMENDED: that Seaton Town Council's request (supported by Colyton Parish Council) for funding to organise workshops for the Natural Seaton Festival project, be supported.

40 **Seaton Town Council – Walkers leaflet project - £750**

The Community Engagement and Funding Officer explained that Seaton Town Parish Council with support from Axmouth Parish Council, wished to provide a walkers leaflet project. She also explained that as yet the town Council hadn't sent in a quotation with their application, which we must have first before approving it.

RECOMMENDED: that Seaton Town Council's request to provide a walkers leaflet project, be supported, providing that the town Council send in a quotation for the whole project by Friday 6 April. If the quotation did come through the leaflet should feature the EDDC and DCC logos and Parishes Together Fund wording on it.

41 **Broadclyst Parish Council – befriending services - £4,869.30**

The Community Engagement and Funding Officer explained that Broadclyst Parish Council wished to support Clyst Caring Friends undertaking a befriending services project. The project was also supported by Clyst Honiton, Farringdon and Whimple Parish councils. There were some concerns raised by the Panel about the organisations past by the Panel felt that with the recent changes to CCF and support from Broadclyst Parish Council that the project was worthy of funding.

RECOMMENDED: that Broadclyst Parish Council's request for funding for a befriending services project, be supported.

42 **Dates of future meetings**

Tuesdays 10am – 17 July, 11 December and 21 March 2019.

Report to: Cabinet
Date of Meeting: 2 May 2018
Public Document: Yes
Exemption: None
Review date for release: None



Agenda item: 13

Subject: Proposed temporary car park, rear of Old Lifeboat Station, Exmouth

Purpose of report: To ask Members to approve the creation of a temporary car park at this location (subject to Officers obtaining the relevant planning consent).

Recommendation:

1. To approve the temporary use of land to the rear of the Old Lifeboat Station in Exmouth as a car park and to authorise the statutory advertisement and consultation process for the inclusion of the land in the East Devon (Off Street) Parking Places Order.
2. To delegate to the Chief Executive and relevant Portfolio Holders the authority to proceed with the creation of this temporary car park subject to the outcome of the statutory advertising, consultation and the planning application.

Reason for recommendation: In order to fast-track the creation of a useful temporary car park (to enable the car park to be open for business during the summer of 2018) a planning application has already been submitted for consideration. Officers propose to commence the statutory process for a Parking Places Order to run in parallel because both processes will take 2-3 months to complete.

Officer: Andrew Ennis, Service Lead, Environmental Health & Car Parks
aennis@eastdevon.gov.uk, 01395 517452, Extn: 2382

Financial implications: The Financial implications are contained within the report, though please note that no provision has been made in the 2018/19 budget for the works required, therefore the cost of works will need to be recovered from the income receipts of this temporary carpark.

Legal implications: Title to the area of land in question has not yet been checked by Legal Services to establish the extent of EDDC's ownership, what (if any) third party rights exist over the land and whether there are any covenants restricting use etc. This work needs to be carried out before the procedure for including this area of land in the Council's Parking Places Order is commenced and ideally, before planning permission is applied for.

As previously advised, a minimum period of three months should be allowed for Legal Services to seek an amendment to the Council's Parking Places Order. This period does not include the time it may take to address any objections arising from the statutory consultations.

Equalities impact: Low Impact

Risk: Low Risk

Links to background information: [Figure 1 – Disused area of land in EDDC ownership](#)
[Figure 2 – Layout of temporary off road vehicle parking spaces](#)

Link to Council Plan: Encouraging communities to be outstanding; developing an outstanding local economy, continuously improving to be an outstanding Council

Report in full

Proposed temporary car park

1. As a result of discussions arising out of our preparation for temporary uses on the Queens Drive phase 2 site, our car parks management team has been asked to find a solution to the unregulated car parking that takes place on the access road adjacent to the old lifeboat station in Exmouth.
2. The road itself is not adopted highway but is within the ownership of EDDC.
3. The road provides access to the rear (entertainment zone) of our temporary uses site and also provides access to a storage container on land let on a short lease to the RNLI and to the Old Lifeboat Station itself, rear compound and parking bays leased to the Exmouth Rowing Club.
4. It has become custom and practice locally that a number of motorists use the road for unauthorised car parking. We understand that it is also used extensively (but not officially sanctioned) by members of the Exmouth Rowing Club, especially on Sunday mornings. It is perceived by the Regeneration team that this parking could prove inconvenient for larger vehicles needing access to our entertainment zone once we start to promote temporary uses in earnest and the car parks team was asked to consider whether it would be possible to prohibit car parking here under the terms of our East Devon Parking Places Order.
5. Having considered similar scenarios previously, it is clear that the Council may only include land in its Parking Places Order if that land is in fact intended to be used for vehicle parking. In other words, we cannot lawfully use Civil Parking Enforcement procedures to make an order simply to prohibit parking on an area of land.
6. Our investigation established that there is currently a disused area of land in our ownership to the rear of our public toilets and the Exmouth Rowing Club ([figure 1](#) attached) that is of sufficient size to conveniently lend itself to the creation of thirteen temporary off road vehicle parking spaces ([figure 2](#) also attached).
7. One of the principal costs of creating a temporary parking area is the necessary advertising of the proposed Parking Places Order, initially for public consultation and then a second time for commencement of the Order. Other costs will include ground clearance, temporary surfacing and signage. In this case we estimate these (in total) to be of the order of £5,000 - £6,000.

8. Our experience from managing our main Queens Drive car park is that car parking spaces in this area generate income of around £1000 per annum (gross) each. This leads to the conclusion that the proposed temporary car park here has the potential to produce around £13,000 per year for (say) two or three years pending decisions on Queens Drive phase 2 and phase 3 regeneration.
9. I am therefore proposing that we create a new 13 space temporary car park (subject to planning) to sit alongside and support the temporary uses and of course existing local facilities including Ocean, the Budgens convenience store, our public toilets and it would also offer customers easy access to the esplanade, beach and foreshore. We would envisage managing the car park on the Council's usual short stay tariff which is currently £1 per hour, charges apply between 8am and 6pm every day, maximum stay 4 hours for £3.
10. If implemented this proposal would empower the Council to prohibit parking on the access road (and to effectively police that prohibition) thereby facilitating access to our temporary uses site by authorised vehicles.
11. This proposal takes a disused and dilapidated area of land and creates another temporary use that should be of value to the community and that may also generate a useful residual revenue income for the Council to use in connection with ongoing regeneration projects depending on the duration of this temporary phase in the regeneration of Queens Drive.
12. Prior to implementation this proposal will need to be subject to public scrutiny through both a planning application for this temporary use and via advertised changes to our Parking Places Order.

Figure 1 – Disused area of land in EDDC ownership

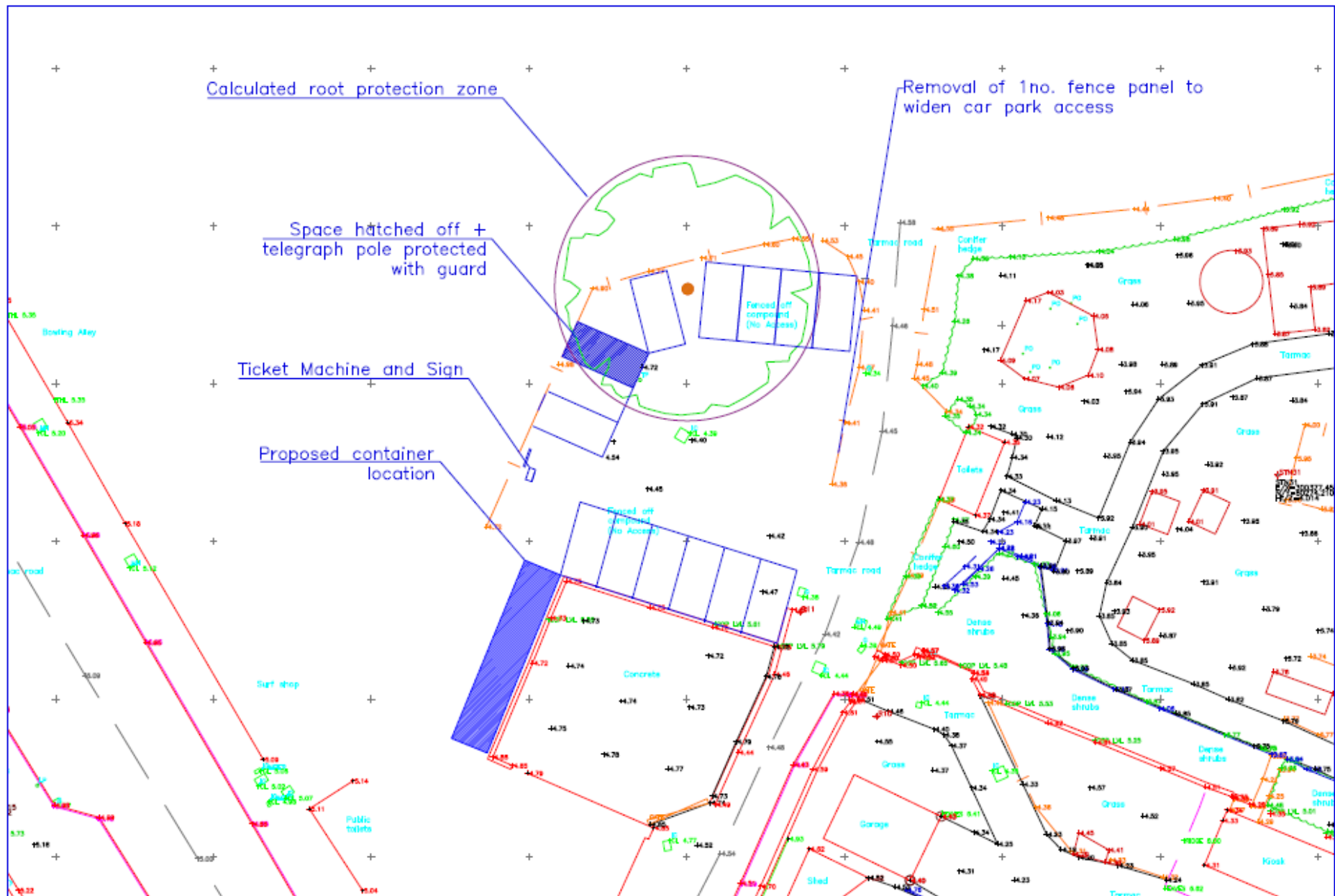


1:367

Map Tile: SY0080SW Full Reference: SY00340 80266



Figure 2 - Layout of temporary off road vehicle parking spaces



Report to: Cabinet
Date of Meeting: 2 May 2018
Public Document: Yes
Exemption: None
Review date for release: None



Agenda item: 14

Subject: Monthly Performance Report March 2018

Purpose of report: Performance information for the 2017/18 financial year for March 2018 is supplied to allow the Cabinet to monitor progress with selected performance measures and identify any service areas where improvement is necessary.

Recommendation: That the Cabinet considers the progress and proposed improvement action for performance measures for the 2017/18 financial year for March 2018.

Reason for recommendation: This performance report highlights progress using a monthly snapshot report; SPAR report on monthly performance indicators and system thinking measures in key service areas including Development Management, Housing and Revenues and Benefits.

Officer: Karen Jenkins, Strategic Lead – Organisational Development and Transformation
kjenkins@eastdevon.gov.uk ext 2762

Financial implications: There are no direct financial implications

Legal implications: There are none arising from the recommendations in this report

Equalities impact: Low Impact

Risk: Low Risk
A failure to monitor performance may result in customer complaints, poor service delivery and may compromise the Council's reputation.

Links to background information:

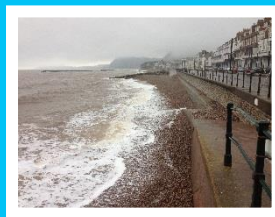
- [Appendix A – Monthly Performance Snapshot for March 2018](#)
- [Appendix B - The Performance Indicator Monitoring Report for the 2017/18 financial year up to March 2018](#)
- [Appendix C – System Thinking Reports for Housing, Revenues and Benefits and Development Management for March 2018](#)

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

Report in full

1. Performance information is provided on a monthly basis. In summary most of the measures are showing acceptable performance.
2. There are three indicators showing excellent performance:
 - Percentage of Non-domestic Rates collected
 - Percentage of Council Tax collected
 - Days taken to process Housing Benefit/Council Tax Benefit new claims and change events
3. There are is one performance indicator showing as concern for the month of March. **Percentage of planning appeal decisions allowed against the authority's decision to refuse** - A detailed assessment of the appeal decisions from 1 April 2017 to 31 March 2018 is currently being prepared and will be reported to the Strategic Planning Committee.
4. Monthly Performance Snapshot for March is attached for information in [Appendix A](#).
5. A full report showing more detail for all the performance indicators mentioned above appears in [Appendix B](#).
6. Rolling reports/charts for Housing, Revenues and Benefits and Development Management appear in [Appendix C](#).

Monthly Performance Snapshot – March 2018



This monthly performance snapshot shows our performance over the last month:

- **5 days** to process your Housing or Council Tax Benefit claims
- An estimated **57%** of all waste collected was recycled in March
- **92%** of invoices received by us are paid within 10 days
- The Thelma Hulbert Gallery saw total visitor numbers for this financial year increase by +6% (12,403 visitors). This means the gallery has more than doubled their visitors over the last five years (5,882 in 2012/2013). Visitor Figures have broken records for the new 'A Curious Turn' exhibition: **1,442, up +20% on March 17**. The highest monthly figure of the whole year and the fourth highest month ever!

Latest headlines:

- We have started taking the subscriptions for the new Green waste service and have had 3000 customers take up this new service.
- Great progress being made with the commencement of the foundations and groundworks for the new building for Council Streetscene operations at Manstone Depot in Sidmouth.
- We have updated and improved our meeting rooms at our Honiton business centre with new interactive flat screens. These will greatly enhance our collaborative capabilities so we can offer both our tenants and hirers the facilities for high quality, professional presentations and audio visual conferencing.
- The second edition of the Business & Economy Bulletin features stories, events and funding opportunities relevant to East Devon's business community. You can sign up to receive future quarterly bulletins [here](#).
- The Making it Local, Local Action Group (LAG) works with local people and businesses to develop opportunities for improving the rural economy and quality of life for people living and working in the area through a targeted grants programme called LEADER. Project Sponsor support from us has directly led to Making it Local being the most successful LAG in the country, with a higher proportion of EU funding being secured for East Devon organisations and individuals to develop rural economic growth projects.

- We are funding a free support package for rural businesses which do not qualify for funded business support under other established schemes such as ERDF and ESF. More rural businesses in East Devon can now receive the same high quality and tailored business support package available through the existing Growth Hub, meaning that none of our local business support or guidance needs should go unanswered.
- The Economic Development team has directly facilitated the provision of new employment units and supported funding bids to bring additional development revenue into the district. Planning approval has been secured for a mixed use scheme and European Funding is now being sought to convert a number of redundant barn buildings into office / workshop space.

Report to: Cabinet
Date of Meeting: 2 May 2018
Public Document: Yes
Exemption: None



Review date for release None

Agenda item: 15

Subject: Data Protection and Document Retention Policy

Purpose of report: To outline to Members the forthcoming changes to data protection and seek adoption of an updated policy that takes account of the change in legislation.

Recommendation: **Members are asked to;**

- 1. note the content of the report and actions being taken to implement the General Data Protection Regulations, and**
- 2. approve and adopt the revised Data Protection and Document Retention Policy contained at Appendix A with effect from 25th May 2018.**

Reason for recommendation: To ensure the Council has a robust policy by which to ensure it is compliant with its legal duties.

Officer: Henry Gordon Lennox, Data Protection Officer
Email hgordonlennox@eastdevon.gov.uk

Financial implications: There are no financial implications identified.

Legal implications: The legal implications are detailed in the report.

Equalities impact: Low Impact

Risk: High Risk

It is important that the Council handles / processes a person's personal data in accordance with the legislative requirements. A failure to do so would be an infringement of a person's fundamental rights and freedoms. This may give rise to legal

Links to background information:

- [EDDC website pages on data protection](#)
- [Current Data Protection Policy](#)

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

Report in full

1. The Data Protection Act 1998 ('DPA') has governed how organisations handle personal data for virtually 20 years now. With the changing landscape of the world today with significant technological advancement and greater online activity, data protection obligations are having to play catch-up.

2. This has been addressed through the General Data Protection Regulations 2016 ('GDPR') which are European Regulations that have direct effect on Member States, meaning that they don't need separate legislation in the UK to be legally binding. While these are European, and we are bound by being part of the European Union, Parliament is currently considering the Data Protection Bill (a new data protection act) that will enshrine the principles of the GDPR into UK legislation. This is to ensure, in part, that we maintain the high standard of data protection that is expected of Member States when we leave the European Union following Brexit. It is expected that the Bill will be enacted in the early part of the summer.
3. In the meantime the GDPR comes in to force on 25th May 2018. While, from EDDC's perspective, there are not dramatic changes to the way we handle / process personal data there are some changes that we need to address.
4. It is worth noting that the definition of 'personal data' has been expanded so that it covers '*any information relating to an identified or identifiable natural person, including being identified, directly or indirectly, through – an identifier such as a name, ID number, location data, an online identifier or one or more factors specific to physical, physiological, genetic, mental, economic, cultural, or social identity of the person.*'. This is wider than the definition in the DPA. Sensitive personal information (now known as special category information) covers the same information as before – such as race, religious belief, health information, sexual orientation – but now also includes biometric or genetic data where used to identify an individual.
5. As with the DPA the GDPR does not apply to businesses / organisations or the deceased and not does it cover de-personalised or statistical information.
6. Two of the main changes relate to transparency and accountability. In essence the new requirements require a data controller to be able to demonstrate that they comply with the six data protection principles, these being that someone's personal data should be;
 - processed lawfully, fairly and in a transparent manner (**lawfulness**),
 - ...collected for specified, explicit and legitimate purposes and not further processed in a manner incompatible with those purposes (**purpose**)
 - ...adequate, relevant and limited to what is necessary in relation to purposes for which processed (**data minimisation**)
 - ...accurate and kept up to date (where necessary) and every reasonable step must be taken to ensure that inaccurate personal data (having regard to purposes for which processed) are erase or rectified without delay (**accuracy**)
 - Kept in a form which permits identification for no longer than is necessary for purpose for which being processed (can be kept for longer if archived, for research or statistical purposes) (**storage**)
 - Processed to ensure appropriate security including protection against unauthorised or unlawful processing and against accidental loss, destruction / damage using appropriate technical or organisational measures (**security**)

The underlined italicised wording reflects where the DPA principles have been expanded by GDPR.

7. What accountability means in practice is that should there be any problems, such as a data breach, then the ICO as regulator is able to request evidence of all the documentation we are obliged to keep to demonstrate that we are, as far as reasonably possible, putting data protection at the forefront of what we do and are taking our obligations seriously. To this end, there is a requirement to appoint a Data Protection Officer whose responsibility it is to

ensure that the framework is in place for compliance and that the Council meets its accountability and more general obligations under GDPR. This has been done and the post holder, with the Complaints and Information Team, is currently working on ensuring that EDDC is meeting all of our obligations come 25th May. Alongside this is the transparency obligation, which requires us to be open about what we do with a person's personal data and provide a significant amount of information to individuals in respect of our processing activities. This includes being very clear about our lawful basis for processing – these are that is on the basis of consent, contract, legal obligation, vital interests, public task or legitimate interests. This obligation will be achieved generally be through privacy notices which will be available on our website.

8. In addition to the main changes in terms of accountability and transparency, the rights of individuals have been increased. The right to know what data we hold and why we are processing it remain along with the right to access that data. There is a right to rectification (correction where the data is wrong), to erasure (also known as the right to be forgotten), to restriction on processing (prevention of processing) and to object (to stop processing).
9. Which rights are available depend on the lawful basis for processing. The individual's rights to exercise their rights will also be contained in the privacy notices on the website. The timescale for compliance with individuals wishing to exercise their rights has been reduced so that we are obliged to comply without undue delay but in any event within one month of the request.
10. Other changes include;
 - a. Privacy by design – this means ensuring that data protection is at the forefront of our activities which includes keeping the data we hold to the minimum necessary, pseudonymisation and meeting our transparency objectives.
 - b. Data Protection Impact Assessments – ensuring that where significant projects or new projects involving a high risk to the rights and freedoms are subject to DPIAs to ensure that implications for data protection are properly considered and addressed.

Data breaches

11. Another of the main changes relates to breach reporting and the availability of financial sanctions to the regulator where breaches have occurred.
12. A breach occurs where there is the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to someone's personal data. In short it is an incident affecting the confidentiality, integrity or availability of personal data.
13. Where a breach poses a risk to the rights and freedoms of an individual then the breach must be reported to the ICO. If it also poses a high risk then the individuals must also be notified.
14. Notification to the ICO must be within 72 hours of becoming aware of the breach and to the individual without delay.
15. The Regulator has significant financial penalties available where breaches occur – up to €20m.

Training Programme

16. Ensuring appropriate training is one of the key responsibilities of the Data Protection Officer. There has been initial training for middle and senior managers and this is being followed by training for all staff, which is already underway. In addition to the bespoke training by the Data Protection Officer, there is online training that all staff are required to

complete. Should the policy be adopted, then the Council's metacompliance system will be used to ensure that all staff confirm that they are aware of and have read the new policy.

17. Councillor training is also being provided to ensure that Councillors understand their responsibilities as data controllers.

Policy update

18. The attached policy takes into account all the changes that are being introduced and clearly sets out the Council's approach to our obligations under the GDPR. In addition it includes our approach to document retention – this is because not keeping personal data for longer than is necessary is one of the principles we need to adhere to. Work is ongoing in terms of finalising our document retention schedule which will form the basis for how long we hold an individual's personal data. The policy, the document retention schedule, privacy notices for all services, breach reporting forms and forms for exercising an individual's rights will all be available on our website.
19. The Committee is requested to approve the revised Data Protection and Document Retention Policy (Appendix A) with effect from 25th May 2018.

East Devon District Council

Issue details	
Title	Data Protection and Document Retention Policy
Version	Version 1.0
Officer responsible	Data Protection Officer
Authorisation	Cabinet
Authorisation date	April 2018
Review date	April 2019

History of Policy Changes

Date	Page	Change	Origin of change (eg change in legislation)

1 Previous Policies/Strategies

This Policy supersedes the following two policies;

- Data Protection Policy (April 2016)
- Retention and Disposal of Documents Policy (undated)

2 Why has the council introduced this policy?

The processing of personal data is essential to many of the services and functions we carry out. In so doing we recognise the importance of the need to comply with the requirements of the data protection legislation and other relevant legislation which seeks to protect an individual's fundamental rights and freedoms. This policy seeks to help ensure compliance with the relevant legislation when we process an individual's personal data in relation to those services and functions and also when an individual seeks to exercise their rights in respect of their personal data. An important part of compliance relates to the retention of documentation, and therein an individual's personal data, and so this policy also covers our approach to document retention and disposal.

3 Scope

This policy applies to the collection and processing of all personal data by all services within the Council, the sharing of information between services and other parties and how we will act when using third parties who may process personal data on our behalf. It covers all formats (including paper, electronic, audio and video) and covers both manual and automated filing systems. The policy applies to all employees (including temporary staff), Councillors and all people or organisations acting on our behalf.

4 Policy Statement

4.1 Data Protection Principles

4.1.1 We will, by putting in place appropriate policies and procedures, be responsible for ensuring that an individual's personal data is;

- Processed lawfully, fairly and in a transparent manner,
- Collected for specified, explicit and legitimate purposes and not further processed in a manner incompatible with those purposes,
- Adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed,
- Accurate and kept up to date (where necessary) and every reasonable step taken to ensure that inaccurate personal data (having regard to purposes for which it is processed) is erased or rectified without delay,
- Kept in a form which permits identification for no longer than is necessary for the purpose for which it is being processed,
- Processed with appropriate security which will include protection against unauthorised or unlawful processing and against accidental loss, destruction / damage using appropriate technical or organisational measures.

4.1.2 In addition we will, through this policy and other measures, ensure that we are accountable in that we can demonstrate compliance with the responsibilities detailed above.

4.2 Individual's rights

4.2.1 We recognise that an individual has rights in relation to the way we obtain and process their personal data. Accordingly, and as part of our responsibilities detailed above, we will ensure that an individual is able to exercise them where permitted.

4.2.2 Individuals have the right to be provided with information about how we process their personal data. The information to be provided varies depending on whether we obtain the personal data from the individual or from a third party. We will generally satisfy this requirement through the use of privacy notices. We will ensure that the information provided is concise, transparent, intelligible and easily accessible and written in clear and plain language.

4.2.3 In addition we will ensure that individuals are able to exercise the following rights (where permitted);

- Right of access
- Right to rectification
- Right to erasure
- Right to restriction of processing
- Right to data portability
- Right to object
- Rights in relation to automated decision-making (including profiling)

4.2.4 Detail in relation to each of the above rights and the processes / procedures for exercising them will be clearly detailed on our website and we will treat any request to exercise the rights in accordance with the legal requirements and the specific detail below.

5. Specific policy areas

5.1 Purpose and Processing

5.1.1 We will only collect information that is necessary for what we do by ensuring that there is a specific, explicit and legitimate purpose to be doing so. We will endeavour to ensure that information about individuals is accurately recorded when we collect it and up to date when we use it and that only the minimum necessary personal information is used to assist in the performance of its functions.

5.1.2 We will ensure that there is at least one lawful basis for processing an individual's personal data. Given what we do, on the whole this will be because the processing is necessary to comply with a legal obligation or because we are performing a task in the public interest / in the exercise of official authority. However, other lawful basis may apply depending on the circumstances.

5.1.3 We will make sure that the purpose for processing and the lawful basis are properly recorded and provided to individuals, generally through our website and in other formats on request.

5.1.4 We may carry out further processing provided it is not incompatible with the original purpose for which we collected the personal data. This would include processing for archiving purposes in the public interest, scientific or historical research or statistical purposes.

5.1.5 Where staff may have access to systems for more than one purpose, they will be given very clear advice about using data only in connection with the specific and authorised purpose. Just because they may have access to other information about a customer, does not imply that they can use it for more than one purpose.

5.2 Special categories of information

5.2.1 Certain personal data is particularly sensitive (this covers information relating to race, religious belief, political opinion, health information, sexual orientation, trade union membership and (where processed to uniquely identify an individual) genetic and biometric data). We are not permitted to process this type of information unless one of the special conditions are met. By way of examples, the special conditions include situations where an individual gives their consent to the processing or an individual cannot give consent but processing is necessary to protect their vital interests.

5.2.2 We will ensure that we do not process special categories of information without one of the special conditions being met.

5.3 Data Security

5.3.1 In order to ensure the security of personal data, we will ensure we have appropriate physical, technical and organisational security measures in place. We will process personal data in accordance with our Information Security Policy – S01 (January 2018) and other related policies and procedures. Our employees are required to comply with the Information Security Policy – S01 (January 2018).

5.3.2 These measures will keep an individual's information secure and will protect it against unauthorised use, damage, loss and theft.

5.4 Data sharing

5.4.1 We are permitted in appropriate circumstances to share data within the organisation and also with external bodies. This is most likely to occur when we are required to disclose personal data by a court order, to comply with other legal requirements including prevention or detection of crime, preventing fraud¹ / gathering of taxation and carrying out our other

¹ The Cabinet Office's National Fraud Initiative is one such example.

regulatory functions. For instance, it would be acceptable to share data between services if we had good reasons to believe that fraudulent activity was taking place or if we had reason to believe that a crime had been (or was going to be) committed.

- 5.4.2 We will only share personal data internally or externally where we are permitted to do so and individuals will be made aware the circumstances in which this will occur through privacy notices. Any new system access requests from staff or services within the Council will be considered by the DPO.
- 5.4.3 We will use any relevant codes of practice on data sharing issued by the Information Commissioner to help with implementing these aims. Data matching techniques will only be used for specific lawful purposes and will also comply with any relevant codes of practice.
- 5.4.4 Where we obtain personal data from a third party rather than directly from an individual, we will, wherever possible, make sure they know that we have done this.

5.5 *Third Party processing*

- 5.5.1 We do on occasion ask external agencies or companies to carry out processing of personal data on our behalf. While such bodies are now also subject to detailed requirements regarding those processing activities, we are also under an obligation to ensure that those third parties are able to provide sufficient guarantees that their processing complies with legal requirements and protects the rights of an individual.
- 5.5.2 We will therefore ensure that there is a contract in place with any third party processors which complies with the legal requirements governing how a third party carries out the processing on our behalf.
- 5.5.3 We will endeavour to use only those third party processors who have signed up to and adhere to any relevant code of practice or certification scheme relevant to the processing activities they will be carrying out.
- 5.5.4 All contracts with third parties for the processing of personal data will be reviewed by the Data Protection Officer (or by the legal department on his behalf) to ensure it meets the relevant requirements.

5.6 *Privacy by design and data protection impact assessments*

- 5.6.1 We will ensure that an individual's rights in relation to privacy and data protection are a key consideration in the formulation and early stages of production of any project, process or policy as well as seeking to integrate them into existing project management and risk management methodologies and policies. Privacy and data protection will remain relevant throughout the lifecycle of any project, process or policy.
- 5.6.2 Having regard to certain factors, including the nature, scope, context and purposes of processing and related costs, we will implement appropriate technical and organisational measures to ensure we have integrated privacy and data protection into our processing activities.
- 5.6.3 Carrying out data protection impact assessments can help identify the most effective way to comply with our data protection obligations and meet individuals' expectations of privacy. Again having regard to the nature, scope, context and purposes of processing, where we are considering introducing a new technology or to carry out processing in either case which is likely to result in a high risk² to the rights and freedoms of individuals then we will carry out an impact assessment.

5.7 *Transparency*

- 5.7.1 We are under obligations to provide individuals with certain information regarding how we will use their personal data and their rights. The information to be provided varies depending on whether we have obtained the information directly from an individual or from a third party. The

² This includes systemic evaluation based on automated decision making which results in decisions that produce legal effects or significantly affect an individual, large scale processing of special categories of information or systemic monitoring of a publicly accessible area on a large scale (CCTV).

information provided should be concise, transparent and intelligible. We will comply with our obligations primarily through the use of Privacy Notices (which are on our website) or by directly contacting the individual concerned, in either case using clear and plain language.

- 5.7.2 In addition, we are also under an obligation to keep records of our processing activities and information relating to it so that we are able to demonstrate to the Information Commissioner that we are complying with our obligations overall. We will ensure that we maintain the records as required.

5.8 Document retention

- 5.8.1 We will hold information about individuals for as long as is necessary and, subject to any statutory retention periods, we will ensure that the information is disposed of in a secure and proper manner when it is no longer needed.
- 5.8.2 It is important that we understand what documents to keep and for how long and that we don't keep unnecessary documentation nor keep documentation for longer than is necessary. This is not only from the data protection point of view but also good administration (in the sense of resources for keeping documentation, whether electronic or manual files).
- 5.8.3 Any decision taken in respect of the retention / disposal of documents will be taken in accordance with the Council's Document Retention Schedule (available on our website) and the key retention / disposal considerations set out in Appendix 1.
- 5.8.4 We will ensure that when disposing of papers which may contain personal or confidential data, we will use the confidential waste bins provided or place the documents in the confidential sacks. It is permissible to shred papers on-site (with a cross cutting device). Employees shall not dispose of personal or confidential papers in normal refuse or recycling bins.
- 5.8.5 Where the Council uses an external shredding contractor for the destruction of records or information, there shall be a contract which specifies clearly what is required, including transmission of records off-site and what constitutes destruction. Where possible, the Council shall inspect the premises of external contractors, both before the contract is awarded and periodically thereafter, to ensure security is adequate and that records are destroyed soon after they are received. This is particularly important if the records are confidential in any way. The contractor shall be required to supply a certificate of destruction and, for confidential records, a certificate of confidential destruction. Destruction certificates shall be kept by the Council for a period of one year.
- 5.8.6 Disposal of computer equipment / electronic media are outside the scope of this policy and will be covered in a separate policy.

5.9 Data subject's rights

- 5.9.1 We recognise the importance of individuals being able to exercise the fundamental rights available to them in respect of their personal data. These rights are identified in section 4.2 above. We will ensure that all requests from individuals to exercise their rights are dealt with as quickly as possible and in any event within one month of receipt unless we consider it necessary, due to the complexity or number of requests, to extend the time period by two months. Any extension of time will be notified to the individual within one month of the receipt of the request.
- 5.9.2 The exercise of an individual's rights will be provided free of charge unless, in our view, requests are manifestly unfounded or excessive (including where this is due to repeat requests) in which case we may choose to either charge a fee for providing the information / taking the action requested or to refuse to act on the request. Additional copies of information already provided may be subject to a reasonable charge at our discretion.
- 5.9.3 Where there is an exemption which would permit us not to progress any request or which may limit the application of any right, we will normally apply the exemption unless it is appropriate or reasonable not to do so and, in any event, will always do so in circumstances where it is deemed necessary to the effective operation of our tasks, for the prevention and detection of crime, to protect an individual or is required by law.

- 5.9.4 Where we are not confident of the identity of an individual making a request we may ask for information (or additional information) in order to confirm the identity before progressing their request to exercise their rights.
- 5.9.5 The Council will inform individuals of its decisions in respect of any requests and any further rights there may be in terms of lodging a complaint with the Information Commissioner and / or seeking remedy through the Courts.

5.10 Breach reporting

- 5.10.1 A personal data breach occurs when (whether deliberate or accidental) there is a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. In broad terms this means a security incident that has affected the confidentiality, integrity or availability of personal data.
- 5.10.2 We will implement a process to ensure all staff handling personal data know when and how to report any actual or suspected data breach(es) and we will also provide a process for breach reporting by an individual and any third party processors that we may use.
- 5.10.3 Appropriately trained staff will deal with the reports of any breaches and where appropriate we will take steps to deal with the breach including measures to mitigate any adverse impacts.
- 5.10.4 Where a breach results in a risk to an individual's rights and freedoms we will ensure the breach is appropriately reported to the Information Commissioner and / or the individual(s) concerned in accordance with the legal requirements and prescribed timeframes.
- 5.10.5 Individuals also have the right to progress a complaint under the Council's complaints procedure.

5.11 Training

- 5.11.1 Data protection training is crucial so that all staff understand their responsibilities relating to data protection and the use of personal data. Failure to comply with the data protection principles and our legal obligations could lead to serious problems and result in the rights and freedoms of an individual being adversely affected. This could lead to significant fines or criminal prosecution.
- 5.11.2 It is therefore our policy that all individuals handling personal data will be trained to an appropriate level in the use and control of personal data. This may include employees that do not have internet or email access and line managers will be responsible for ensuring that these staff members complete an appropriate training course. Training will be given to all staff on a periodic basis to refresh existing staff and educate new staff. In addition to the corporate training, some post-holders are required to undertake further data protection training where appropriate for a particular role or within a specific service area.
- 5.11.3 Councillors will be furnished with a copy of this Policy and all future elected Members will receive a copy as part of their information pack on beginning their duties along with appropriate training.

6 Who is responsible for delivery?

- 6.1 The Data Protection Officer will be accountable for ensuring compliance with our legal requirements. In so doing he will ensure that this policy is followed across the Council and that there is an appropriate training programme for staff and identification of those members of staff who require enhanced training.
- 6.2 All staff are also responsible for ensuring compliance - the commitment of all Council Members and staff is essential to make this policy work. Employees should check with their line manager or the Data Protection Officer if they are unsure about their responsibilities or the handling of an individual's personal data, particular if it relates to disclosing such information.
- 6.3 All staff are expected to comply with our other policies relating to the management and security of information, including personal data, and to follow any good practice guidance that we issue.

7 Disciplinary action and criminal offences

- 7.1 Where an employee breaches this Policy and where caused by deliberate, negligent or reckless behaviour then the normal consequence will be an appropriate disciplinary sanction (which could include dismissal) and may even give rise to criminal offences.
- 7.2 The person concerned may also become liable for any financial consequences resulting from a breach of the Policy.

8 Policy Consultation and review

- 8.1 This policy has been consulted upon with relevant officers and the Strategic Management Team.
- 8.2 The Data Protection Officer will review this policy in 2019 or in the light of any legislative changes or relevant guidance issued, particularly by the Information Commissioner.

9 Equality impact considerations

The equality impact considerations relating to this policy have been considered. It is not considered that this is a high impact policy in relation to adverse impacts relating to the protected characteristics outlined in the Equality Act 2010.

10 Related Legislation, Policies and Strategies

- General Data Protection Regulations 2016 / Data Protection [Act 2018]
- Freedom of Information Act 2000
- Human Rights Act 1998
- Environmental Information Regulations 2004
- Local Government (Access to Information) Act 1985
- Equality Act 2010
- Data sharing code of practice (Information Commissioner's Office)
- Cabinet Offices' National Fraud Initiative
- East Devon District Council's Data Protection & Information Handling Good Practice Guide
- The Council's Complaints Procedure
- Information Security Policy – S01 (January 2018)

Appendix One

Disposal / Retention Considerations

There are some documents that do not need to be kept at all and staff may routinely destroy such information in the normal course of their duties. However, staff are advised to refer to the Council's Document Retention Schedule to ensure that they are not destroying any documents prior to their normal destruction date. Unimportant documents or information include:

- 'with compliments' slips
- catalogues and trade journals
- telephone message slips
- trivial email or notes that are not related to the business activities of the Council
- requests for stock information such as maps, plans or advertising material
- out-of-date distribution lists
- working papers which lead to a final report
- duplicated or superseded material

In addition the following will be considered prior to destruction;

1. Has the document been appraised?

Once a document has been initially highlighted for disposal it should be appraised to ensure it is suitable for disposal. In most cases this should only take a few minutes or even less, but it is a skilled task depending on the documents involved. It should therefore only be undertaken by officers who have sufficient operational knowledge to be able to identify the document and its requirements for continued need within the service.

2. Is retention required for evidence?

Any document which may be required for legal proceedings should be kept until the threat of proceedings has passed. While this should be covered in the timeframes set out in the Council's Document Retention Schedule, in the event it isn't then it is important to have regard to the fact that the Limitation Act 1980 specifies time limits for commencing litigation and therefore the starting point should be whether that period has now expired. The main time limits that are directly relevant to local government are as follows:

- Claims founded on simple contract or tort (other than personal injury claims) cannot be brought after the expiration of **6 years** from the date on which the cause of action occurred. This areas includes such matters as debt recovery actions, and compensation claims in respect of sub-standard work, negligent advice, and damage to property.
- Compensation claims for personal injury are barred on expiry of **3 years** from the date on which the cause of action occurred (this will usually be the date when the incident causing the injury occurred; **or**
- the date when the injured person first had knowledge of the injury
- Claims that are based on provisions contained in documents that are 'under seal' are barred after the expiration of **12 years** from the date on which the cause of the action occurred

3. Is retention required to meet the operational needs of the service?

In some cases retention may be desirable (whether permanent or otherwise) even though no minimum retention period applies, or has expired. Documents might be useful for future reference purposes (e.g. training), as precedents, or for performance management (performance indicators, benchmarking and comparison exercises). A professional judgment needs to be made as to the usefulness of a particular document. This decision should be made by the relevant Manager or his/her designated officer. In this case it will not be appropriate for any attributable personal data to be retained.

4. Is the document of historic interest or intrinsic value?

In most cases this consideration will not be applicable. However, some documents currently in Council storage may be of historic interest and/or even have some monetary value. Even if the document is of historical or monetary value disposal, rather than retention by the Council, it may well be the appropriate option to transfer to the County Archivist or even sale to an external body. There should be no processing of personal data in relation to any document in this category.

Report to: Cabinet
Date of Meeting: 2 May 2018
Public Document: Yes
Exemption: None



Review date for release None

Agenda item: 16

Subject: Response to Beer Neighbourhood Plan Submission

Purpose of report: To agree the response by this Council to the current consultation for the Beer Neighbourhood Plan.

Recommendation :

- 1. That Members note the formal submission of the Beer Neighbourhood Plan and congratulate the producers of the plan on the dedicated hard work and commitment in producing the document.**
- 2. That this council make the proposed representation set out at paragraph 5.2 in this report in response to the consultation.**

Reason for recommendation: To ensure that the view of the District Council is recorded and informs the consideration of the Neighbourhood Plan by the Independent Examiner.

Officer: Phil Twamley, Neighbourhood Planning Officer,
ptwamley@eastdevon.gov.uk (01395 571736)

Financial implications: No additional financial implications.

Legal implications: The legal implications are fully set out within the report. It is important that EDDC comment on the content of the Neighbourhood Plan (given that it will form part of the Development Plan and therefore help guide decision making on planning applications) to ensure it sits within the strategic requirements of the District Council's Local Plan.

Equalities impact: Low Impact

The Neighbourhood Plan has gone through wide consultation with the community and has been advertised in a variety of formats to increase accessibility. Neighbourhood Planning is designed to be inclusive and

extensive consultation is a fundamental requirement. All electors are invited to vote in the referendum.

Risk:

Low Risk

There is a risk that the Neighbourhood Plan could fail the examination if it is considered to conflict with the Basic Conditions.

Links to background information:

- Localism Act 2011
<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>
- Neighbourhood Planning Regulations 2012
http://www.legislation.gov.uk/uksi/2012/637/pdfs/uksi_20120637_en.pdf
- Neighbourhood Planning Roadmap Guide
<http://locality.org.uk/wp-content/uploads/Roadmap-worksheets-map-May-13.pdf>

Link to Council Plan:

EDDC Local Plan 2013-2031

<http://eastdevon.gov.uk/media/1772841/local-plan-final-adopted-plan-2016.pdf>

1.0 Report Summary

- 1.1 Beer Parish Council submitted their Neighbourhood Plan to the District Council and publication of the submission commenced on the 23 March 2018. The District Council is required to formally consult on the Plan for 6 weeks before appointing an independent Examiner to inspect the plan against a series of conditions that the plan must meet in order for it to proceed to a referendum.
- 1.2 During this consultation the District Council has the opportunity to comment on the Neighbourhood Plan and this report is brought before members with a request that they endorse the Officers observations as the formal representation on the plan, which is set out at the end of this report.

2.0 Background to the Beer Neighbourhood Plan

- 2.1 Beer Parish Council commenced work on their Neighbourhood Plan following their Neighbourhood Area being designated on the 2 October 2013.
- 2.2 Since then, the Parish Council and volunteers from the local community have spent considerable time and effort consulting with residents of the parish and producing a plan which reflects the aspirations of the community with regards to the use of land until 2031.
- 2.3 The Beer Neighbourhood Plan is a sizeable plan containing 38 policies (split over 9 topics) designed to protect and enhance the special qualities of the Parish of Beer. The Plan aims to secure a sustainable future for the area in environmental, economic, and social terms. It proposes a Local Gap to prevent coalescence between Beer and Seaton and supports the retention and improvement of facilities and services in the village centre. The Plan makes

one housing allocation (Land at Short Furlong for up to 31 dwellings) with an objective of providing additional affordable housing within the Parish.

- 2.4 Prior to submitting the Plan to East Devon District Council, Beer Parish Council have held their own 6 week public consultation on a draft version of the plan; a step which is also required by the neighbourhood planning regulations. The group took into account comments made during this stage and made various amendments to the version that has now been submitted to East Devon District Council.

3.0 Submission of the Beer Neighbourhood Plan

- 3.1 The District Council has received a Neighbourhood Plan from Beer Parish Council. The Plan and its supporting documents can be viewed at the following link:
<http://eastdevon.gov.uk/planning/neighbourhood-and-community-plans/neighbourhood-plans/neighbourhood-plans-being-produced-in-east-devon/beer>
- 3.2 This is the fourteenth completed (ready for final consultation) Neighbourhood Plan in the District. The Parish Council has received regular support from the District Council and additional financial support from DCLG (Now MHCLG).
- 3.3 The statutory regulations require that the District Council organise and undertake a consultation on a plan when it reaches this stage. This is commonly referred to as the submission or 'formal' 6 week consultation. The consultation period commenced on 23rd March and is due to finish on 4th May 2018. The Plan proposal has been publicised on notice boards within the Parish, notices on the EDDC and Parish Council websites and an email to all the bodies mentioned in the consultation statement, including adjoining authorities and the statutory consultees of Devon County Council, Natural England, Historic England and the Environment Agency.
- 3.4 One of the statutory roles of the District Council is to consider whether the plan meets, in production process terms, the legislative requirements. Cabinet has previously endorsed a protocol for District Council involvement into Neighbourhood Plans and in accordance with this protocol an officer review has been completed. Officer assessment is that legislative requirements are met.
- 3.5 Anyone may comment on a Neighbourhood Plan. It is particularly important that the District Council comments, given that the Neighbourhood Plan (if adopted) will form part of the Development Plan, and should conform to the strategic policies of the Local Plan. This report provides a summary overview of the Plan and recommends comments of this authority on the Plan to be submitted to the Examiner undertaking the Plan Examination.

4.0 Neighbourhood Plan Examination and Referendum

- 4.1 Following the consultation the District Council must appoint an 'appropriately qualified and independent Examiner' agreed with Beer Parish Council. All responses from the six week consultation (including any made by this council) will be forwarded to the Examiner who will consider them, either by written representations or at an oral hearing (if s/he decides one is necessary). The District Council is responsible for paying the costs of the examination

although the District Council can recoup these expenses by claiming funding from Central Government of £20,000 once a date has been set up for referendum following a successful examination.

- 4.2 Discussions with the Parish Council have indicated that they have no particular preference as to who to appoint to conduct the examination. Previous examinations in East Devon have been conducted by a variety of Examiners, all very experienced and well qualified and, whilst a decision has yet to be made, it is likely that we will use one of these Examiners again.
- 4.3 The Neighbourhood Plan Examination is different to a Local Plan Examination. The Examiner is only testing whether the plan meets the Basic Conditions and other relevant legal requirements – they are not testing the soundness of the plan or looking at other material considerations. The Examiner will be considering whether the plan:
- has appropriate regard to national policy and advice contained in guidance issued by the Secretary of State
 - contributes to the achievement of sustainable development.
 - is in general conformity with the strategic policies in the development plan for the local area.
 - is compatible with human rights requirements.
 - is compatible with EU obligations.
- 4.4 As part of the Development Plan used in future planning decisions, it is in the interests of the District and Parish Councils to produce a high quality Neighbourhood Development Plan.
- 4.5 Following the examination the Examiner's report will set out the extent to which the draft plan proposal meets the Basic Conditions and what modifications (if any) are needed to ensure it meets the Basic Conditions. The Examiner has 3 options for recommendation:
- A. That the Plan proceeds to referendum as submitted.
 - B. The Plan is modified by the District Council to meet Basic Conditions and then the modified version proceeds to referendum.
 - C. That the Plan/ does not proceed to referendum.

If the Examiner chooses A or B above they must also consider whether the referendum area should be extended beyond the boundaries of the Plan area (this could be applicable if plan proposals could impact on a larger area). The report must give reasons for each recommendation and contain a summary of its findings. It is the responsibility of the District Council to accept or decline the modifications suggested by the Examiner.

- 4.6 Once the Plan has been modified it will be subject to a referendum where everyone on the electoral roll (for the defined area) will have a right to vote for or against it. If at least half of votes cast support the Plan then it can be brought into legal force.

5.0 The Beer Neighbourhood Plan Response

- 5.1 During the current 6 weeks consultation the District Council can comment on the Plan. In terms of meeting the Basic Conditions, the Parish Council has produced a statement setting out how the Plan complies with the conditions which the Examiner will assess.
- 5.2 After reviewing the Neighbourhood Plan contents, it is recommended that the following representation of East Devon District Council be submitted to the Neighbourhood Plan consultation. It should be noted that comments we make at this stage are primarily restricted to land use planning policy matters rather than background text/reasoned justification or the community policies and are made on the basis of:
- Does a Beer Neighbourhood Plan policy comply with strategic policies in our adopted Local Plan and have appropriate regard to National Planning Policy?
 - Do we have concerns about policy given wider objectives of the council?
 - Are the policies workable and enforceable - could they be reasonably applied through the Development Management process? and
 - Are they otherwise appropriate or desirable?

EDDC Cmmt No.	Policy / Plan Reference	Comment
1	Policy HBE4	We suggest an amendment to include a definition of 'large scale' and 'small scale' renewable provision. Policy does not support 'large scale' renewable and low carbon technologies. Policy is not in accordance with Strategy 39 of the Local Plan where 'renewable of low-carbon energy projects in either domestic or commercial development will in principle be supported' subject to criteria specified within the strategy. Proposals should be judged on identified merits and not ruled out simply because of scale. Criteria i) seems unnecessary as the whole Plan is considered by default.
2	Policy H1	From discussions with the NPSG the 40% minimum threshold was justified primarily for the allocation of the land at Short Furlong outlined in Policy H3. Whilst we support the ambition for the 40% minimum threshold within the BUAB as a whole, we feel this may be difficult to justify and manage in practice outside of Short Furlong.
3	Policy H3	<p>The steering group expressed an ambition to extend the BUAB to include the land at Short Furlong to encourage development including affordable housing to come forward. The landowners, Clinton Devon Estates, indicated in a prior application that 43% affordable housing was achievable. This application was refused in accordance with Strategy 35 of the Local Plan.</p> <p>The BUAB shown on p49 of the Neighbourhood Plan does not include the land at Short Furlong. As such the site would continue to require 66% affordable provision in accordance with Strategy 35 of the Local plan and policy H1 in the Neighbourhood Plan.</p> <p>We suggest updating the BUAB plan on p49 to include the land at Short Furlong as suggested by the landowner and agreed with the Steering Group. This change would supersede the Built-up Area Boundary shown in the Villages Plan.</p>

EDDC Cmmt No.	Policy / Plan Reference	Comment
		We agree with the NPSG that development below 40% undermines support for the site allocation and BUAB extension to meet the local need identified by the Neighbourhood Plan. The minimum 40% threshold of affordable housing indicated in policy H1 should be contained in the main text of policy H3 to support the approach at Short Furlong.
4	Policy TP2	We suggest further definition of an 'on-street' car parking space. Is this a designated painted space or just an unregulated (i.e. non-yellow line) section of road? Does the 'equivalent or increase capacity' to be provided have to be publicly useable? For instance, if someone put in a drive to their house they would probably take away an on-road space but provide another for their own use. Does this meet this policy? Needs clarification.
5	Policy CFS1	First criterion – What is 'within the area'? Should there perhaps be some requirement to be able to serve the same spatial demand for that asset? Needs clarification.
6	Policy T3	Might this result in quite large/numerous developments? Whilst the environmental policies would likely restrict some development, T3 seems to leave significant opportunity for development. Not clear if each criterion should be met or just one, we suggest updating with and / or to i) and ii).
7	Policy T4	We suggest adding more detail on viability/market testing to avoid abuse by firstly getting permission for holiday units under policy T3 and then removing holiday occupancy restrictions under policy T4, resulting in dwellings where you would not have permitted them in the first place. We would suggest adding some market testing to assess potential viability as per LP policy E18.

Report to: Cabinet
Date of Meeting: 2 May 2018
Public Document: Yes
Exemption: None



Review date for release None

Agenda item: 17

Subject: Response to Clyst St George Neighbourhood Plan Submission

Purpose of report: To agree the response by this Council to the current consultation for the Clyst St George Neighbourhood Plan.

Recommendation :

1. That Members note the formal submission of the Clyst St George Neighbourhood Plan and congratulate the producers of the plan on the dedicated hard work and commitment in producing the document.
2. That this council make the proposed representation set out at paragraph 5.2 in this report in response to the consultation.

Reason for recommendation: To ensure that the view of the District Council is recorded and informs the consideration of the Neighbourhood Plan by the Independent Examiner.

Officer: Phil Twamley, Neighbourhood Planning Officer,
ptwamley@eastdevon.gov.uk (01395 – 571736)

Financial implications: No additional financial implications.

Legal implications: The legal implications are fully set out within the report. It is important that EDDC comment on the content of the Neighbourhood Plan (given that it will form part of the Development Plan and therefore help guide decision making on planning applications) to ensure it sits within the strategic requirements of the District Council's Local Plan.

Equalities impact: Low Impact

The Neighbourhood Plan has gone through wide consultation with the community and has been advertised in a variety of formats to increase accessibility. Neighbourhood Planning is designed to be inclusive and extensive consultation is a fundamental requirement. All electors are invited to vote in the referendum.

Risk: Low Risk

There is a risk that the Neighbourhood Plan could fail the examination if it is considered to conflict with the basic conditions.

Links to background information:

- Localism Act 2011
<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>
- Neighbourhood Planning Regulations 2012
http://www.legislation.gov.uk/uksi/2012/637/pdfs/uksi_20120637_en.pdf
- Neighbourhood Planning Roadmap Guide
<http://locality.org.uk/wp-content/uploads/Roadmap-worksheets-map-May-13.pdf>

Link to Council Plan:

EDDC Local Plan 2013-2031

<http://eastdevon.gov.uk/media/1772841/local-plan-final-adopted-plan-2016.pdf>

1.0 Report Summary

- 1.1 Clyst St George Parish Council submitted their Neighbourhood Plan to the District Council and publication of the submission commenced on the 23 March 2018. The District Council is required to formally consult on the Plan for 6 weeks before appointing an Independent Examiner to inspect the plan against a series of conditions that the plan must meet in order for it to proceed to a referendum.
- 1.2 During this consultation the District Council has the opportunity to comment on the Neighbourhood Plan and this report is brought before members with a request that they endorse the Officers observations as the formal representation on the plan, which is set out at the end of this report.

2.0 Background to the Clyst St George Neighbourhood Plan

- 2.1 Clyst St George Parish Council commenced work on their Neighbourhood Plan following their Neighbourhood Area being designated on the 11th March 2015.
- 2.2 Since then, the Parish Council and volunteers from the local community have spent considerable time and effort consulting with residents of the parish and producing a plan which reflects the aspirations of the community with regards to the use of land until 2031.

- 2.3 The plan itself contains a range of policies, on topics covering local employment, housing, heritage and the environment.
- 2.4 Prior to submitting the Plan to East Devon District Council, Clyst St George Parish Council have held their own 6 week public consultation on a draft version of the plan; a step which is also required by the neighbourhood planning regulations. The group took into account comments made during this stage and made various amendments to the version that has now been submitted to East Devon District Council. The group are keen to facilitate additional affordable development in the Parish and have allocated a site to meet this need.

3.0 Submission of the Clyst St George Neighbourhood Plan

- 3.1 The District Council has received a Neighbourhood Plan from Clyst St George Parish Council. The Plan and its supporting documents can be viewed at the following link: <http://eastdevon.gov.uk/planning/neighbourhood-and-community-plans/neighbourhood-plans/neighbourhood-plans-being-produced-in-east-devon/clyst-st-george>
- 3.2 This is the fifteenth completed (ready for final consultation) Neighbourhood Plan in the District. The Parish Council has received regular support from the District Council and additional financial support from DCLG.
- 3.3 The statutory regulations require that the District Council organise and undertake a consultation on a plan when it reaches this stage. This is commonly referred to as the submission or 'formal' 6 week consultation. The consultation period commenced on 23rd March and is due to finish on 4th May 2018. The Plan proposal has been publicised on notice boards within the Parish, notices on the EDDC and Parish Council websites and an email to all the bodies mentioned in the consultation statement, including adjoining authorities and the statutory consultees of Devon County Council, Natural England, Historic England and the Environment Agency.
- 3.4 One of the statutory roles of the District Council is to consider whether the plan meets, in production process terms, the legislative requirements. Cabinet has previously endorsed a protocol for District Council involvement into Neighbourhood Plans and in accordance with this protocol an officer review has been completed. Officer assessment is that legislative requirements are met.
- 3.5 Anyone may comment on a Neighbourhood Plan. It is particularly important that the District Council comments, given that the Neighbourhood Plan (if adopted) will form part of the Development Plan, and should conform to the strategic policies of the Local Plan. This report provides a summary overview of the plan and recommends comments of this authority on the plan to be submitted to the Examiner undertaking the Plan Examination.

4.0 Neighbourhood Plan Examination and Referendum

- 4.1 Following the consultation the District Council must appoint an 'appropriately qualified and independent Examiner' agreed with Clyst St George Parish Council. All responses from the six week consultation (including any made by this council) will be forwarded to the Examiner who will consider them, either by written representations or at an oral hearing (if s/he

decides one is necessary). The District Council is responsible for paying the costs of the examination although the District Council can recoup these expenses by claiming funding from Central Government of £20,000 once a date has been set up for referendum following a successful examination.

- 4.2 Discussions with the Parish Council have indicated that they have no particular preference as to who to appoint to conduct the examination. Previous examinations in East Devon have been conducted by a variety of Examiners, all very experienced and well qualified and, whilst a decision has yet to be made, it is likely that we will use one of these Examiners again.
- 4.3 The Neighbourhood Plan Examination is different to a Local Plan Examination. The Examiner is only testing whether the plan meets the Basic Conditions and other relevant legal requirements – they are not testing the soundness of the plan or looking at other material considerations. The Examiner will be considering whether the plan:
- has appropriate regard to national policy and advice contained in guidance issued by the Secretary of State
 - contributes to the achievement of sustainable development.
 - is in general conformity with the strategic policies in the development plan for the local area.
 - is compatible with human rights requirements.
 - is compatible with EU obligations.
- 4.4 As part of the Development Plan used in future planning decisions, it is in the interests of the District and Parish Councils to produce a high quality Neighbourhood Development Plan.
- 4.5 Following the Examination, the Examiner's report will set out the extent to which the draft plan proposal meets the Basic Conditions and what modifications (if any) are needed to ensure it meets the Basic Conditions. The Examiner has 3 options for recommendation:
- A. That the Plan proceeds to referendum as submitted.
 - B. The Plan is modified by the District Council to meet Basic Conditions and then the modified version proceeds to referendum.
 - C. That the Plan does not proceed to referendum.

If the Examiner chooses A or B above they must also consider whether the referendum area should be extended beyond the boundaries of the Plan area (this could be applicable if Plan proposals could impact on a larger area). The report must give reasons for each recommendation and contain a summary of its findings. It is the responsibility of the District Council to accept or decline the modifications suggested by the Examiner.

- 4.6 Once the Plan has been modified it will be subject to a referendum where everyone on the electoral roll (for the defined area) will have a right to vote for or against it. If at least half of votes cast support the Plan then it can be brought into legal force.

5.0 The Clyst St George Neighbourhood Plan Response

5.1 During the current 6 weeks consultation the District Council can comment on the Plan. In terms of meeting the Basic Conditions, the Parish Council has produced a statement setting out how the Plan complies with the conditions which the Examiner will assess.

5.2 **After reviewing the Neighbourhood Plan contents, it is recommended that the following representation of East Devon District Council be submitted to the Neighbourhood Plan consultation. It should be noted that comments we make at this stage are primarily restricted to land use planning policy matters rather than background text/reasoned justification or the community policies and are made on the basis of:**

- **Does a Clyst St George Neighbourhood Plan policy comply with strategic policies in our adopted Local Plan and have appropriate regard to National Planning Policy?**
- **Do we have concerns about policy given wider objectives of the council?**
- **Are the policies workable and enforceable - could they be reasonably applied through the Development Management process? and**
- **Are they otherwise appropriate or desirable?**

EDDC Cmmt No.	Policy / Plan Reference	Comment
1.	Para 2.10	Amend 'County Wildlife Area' to 'County Wildlife Site'
2.	Para 2.15	It should also be noted that much of the area west of the A376 is Green Wedge (Local Plan - Strategy 8).
3.	Para 7.15	There is a lack of evidence in any of the reports accompanying this plan for the assertion that flooding has been made worse due to development. The community survey shows 39% of people are worried that further development will increase flood risk, but this is not evidence for a link. It could in fact be the poor state of agricultural soils (compaction) that is the principal cause of flooding. The reference to development should be deleted.
4.	Para 7.2	Amend 'Costal Protection Zone' to 'Coastal Protection Zone'.
5.	Aims and Objectives Box	There is clearly considerable community support for protecting the landscape and wildlife of the parish. However, as it stands, the natural environment objectives will not achieve this as they only require 'mitigation'. The first objective should be re-worded as: "Require all new development to achieve a net gain for biodiversity" (this also makes it consistent with the NPPF).
6.	Policy No. CSG5	We suggest the following amendments are made to strengthen the policy: Development proposals on land outside the confines of the settlement areas will usually be supported if they are necessary for the purposes of agriculture, or farm diversification or outdoor recreation, without harming the countryside. Such development proposals should be shown to be making make a positive contribution to the preservation of the countryside and its

EDDC Cmnt No.	Policy / Plan Reference	Comment
		<p>biodiversity and enhancing its setting, or its responsible use and enjoyment by the public.</p> <p>Development proposals will not be supported that result in the net loss of:</p> <ul style="list-style-type: none"> i. publicly accessible open space, footpaths or bridleways; ii. important views from the settlement areas; iii. landscape features; iv. biodiversity features; v. higher grade agricultural land; or vi. damage to the essential character of the area.
7.	Policy No. CSG6	<p>We suggest the following amendments are made to strengthen the policy:</p> <p>Development proposals should avoid the loss of or damage to trees, woodland or hedgerows that contribute positively to the character, amenity and biodiversity of the area. Development proposals which could result in loss or damage to aged or veteran trees will not be supported. Where it is unavoidable, development proposals must provide for appropriate replacement planting on the site, together or as close as possible to it, with a method statement for the ongoing care and maintenance of that planting. Such replacement planting will be in the ratio of three trees for loss of a large tree, two for a medium size tree, and one for a small size tree.</p> <p>New development within the proximity... (no further changes to this policy).</p>
8.	Policy No. CSG7	<p>We suggest the following amendments are made to strengthen the policy:</p> <p>The loss of hedgerows with visual, historic or wildlife importance will be resisted. Existing hedgerows should be retained, especially those on the side of roads, along historic boundaries and lanes within the Parish. Sections of hedgerows, regardless of length, should only be removed or realigned to provide proper road and footpath access to development sites. Where loss of hedgerows is such measures are unavoidable, required for development to be acceptable, they replacement planting should include the use of native hedgerow species to achieve a net gain in quantity will be wherever planting is required.</p> <p>New hedgerows, using native hedgerow species, are preferred as boundary treatments around and within new developments.</p>
9.	Policy No. CSG8	<p>We suggest referencing the 'Clyst St. George Schedule of Local Heritage Value' in this policy, serving to identify those non-statutory heritage assets.</p>
10.	Policy No. CSG11	<p>We suggest the following amendments are made to strengthen the policy:</p> <p>Development which would result in the loss of any existing sports or recreation facility to a non-sports or recreation use will not be supported unless:</p> <ul style="list-style-type: none"> i. the applicant satisfactorily demonstrates that there is no continuing demand for the facility and it is not possible to use the facility for other sports; or ii. alternative provision of at least an equivalent quality, size, suitability, convenience and accessibility within the neighbourhood area is made.

EDDC Cmmt No.	Policy / Plan Reference	Comment
11.	Policy No. CSG17	This policy requires 3 off-road parking spaces for development of any dwelling of more than 2 bedrooms and is therefore contrary to Local Plan policy TC9. The policy specifies that domestic garages cannot be counted as parking spaces, this is also contrary to national policy. In the absence of local evidence to justify the approach, we suggest the policy is removed or amended to conform with Local Plan policy TC9.
12.	Policy No. CSG18	We suggest the following amendments are made to strengthen the policy: Development proposals specifically aimed at reducing the traffic and parking problems on Clyst Road, that have the support of the local community and enhance the safety of pedestrians and cyclists, will be supported.
13.	Policy No. CSG19	Relating to business development policy related to local business parks. Several business development sites are in or close to sensitive waterways and there is a real risk of damage to them as a result. We suggest the additional criteria are added to the current list: vi. promote access on foot or bicycle; and vii. reduce flooding and improve water quality in main rivers.

Report to: Cabinet
Date of Meeting: 2 May 2018
Public Document: Yes
Exemption: None
Review date for release None



Agenda item: 18

Subject: **Ottery St Mary & West Hill Neighbourhood Plan Examiner's Report**

Purpose of report: To provide feedback and set out proposed changes following the examination of the Ottery St Mary & West Hill Neighbourhood Plan

Recommendation:

- 1. That Members endorse the Examiner's recommendations on the Ottery St Mary & West Hill Neighbourhood Plan.**
- 2. That Members agree that a 'referendum version' of the Neighbourhood Plan (incorporating the Examiner's modifications) should proceed to referendum and a decision notice to this effect be published.**
- 3. That Members congratulate the Neighbourhood Plan group on their hard work.**

Reason for recommendation: The legislation requires a decision notice to be produced at this stage in the process. The Neighbourhood Plan is the product of extensive local consultation and has been recommended to proceed to referendum by the Examiner subject to modifications which, in most part, are accepted by the Parish Councils.

Officer: Phil Twamley, Neighbourhood Planning Officer
ptwamley@eastdevon.gov.uk 01395 571736

Financial implications: No additional financial implications.

Legal implications: As the report identifies, it is a formal requirement for the Council to consider the Examiner's recommendations and satisfy itself that the proposed plan meets the prescribed 'Basic Conditions'. The purpose of the report is to satisfy this formal requirement. Assuming Members agree then the Council is obliged to publish a notice to this effect, pursuant to the applicable Regulations, and Recommendation 2 covers this aspect. The report also identifies that the District Council is responsible for organising the referendum and requires a resolution to

progress this. At this stage there are no other legal observations arising.

Equalities impact: Low Impact

The Neighbourhood Plan has gone through wide consultation with the community and has been advertised in a variety of formats to increase accessibility. Neighbourhood planning is designed to be inclusive and extensive consultation is a fundamental requirement. All electors are invited to vote in the referendum.

Risk: Medium Risk

There is a risk that the Neighbourhood Plan could fail the referendum if a majority of the community vote against it.

Links to background information:

- Localism Act 2011
<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>
- Neighbourhood Planning Regulations 2012
http://www.legislation.gov.uk/uksi/2012/637/pdfs/uksi_20120637_en.pdf
- Neighbourhood Planning Roadmap Guide
<http://locality.org.uk/wp-content/uploads/Roadmap-worksheets-map-May-13.pdf>
- Ottery St Mary & West Hill Neighbourhood Plan and Examiner's Report (you may need to copy and paste the link into your browser search):
<http://eastdevon.gov.uk/planning/neighbourhood-and-community-plans/neighbourhood-plans/neighbourhood-plans-being-produced-in-east-devon/ottery-st-mary-and-west-hill>

Link to Council Plan:

EDDC Local Plan 2013-2031

<http://eastdevon.gov.uk/media/1772841/local-plan-final-adopted-plan-2016.pdf>

1.0 The Examination

1.1 The Ottery St Mary & West Hill Neighbourhood Plan has now been examined and, subject to modifications, it has been recommended that it proceed to referendum. The Examiner, Mary O'Rourke, was chosen by EDDC in consultation with Ottery St Mary & West Hill Parish Councils.

1.2 The examination was undertaken on the basis of considering the written material which forms the Plan, its appendices and accompanying statements as well as any representations received in response to the formal consultations. The Examiner did not

consider it necessary to hold a public meeting. The Neighbourhood Plan and Examiner’s report are available to download on our website (you may need to copy and paste the link into your browser search):

<http://eastdevon.gov.uk/planning/neighbourhood-and-community-plans/neighbourhood-plans/neighbourhood-plans-being-produced-in-east-devon/ottery-st-mary-and-west-hill/#article-content>

1.3 The legislation, reflected in the Council’s neighbourhood planning protocol (excerpt below), requires the Policy Team to notify members of the findings and recommendations of the Examiner and how the Council proposes to respond to the recommendations. This response will then be published as a decision notice.

Task in Neighbourhood Plan Production, Commentary and Formal Processes	Role of the Policy Team at the Council	Role of Other Services at the Council
<p>12b – Consideration of and response to the Examiner’s Report <i>(Paragraph 12 of Schedule 4B of TCPA 90)</i></p> <p>The legislation requires the Council to consider and respond to the Examiner’s recommendations.</p> <p>In addition, and before moving on to the next stage, the Council must be satisfied that the draft plan;</p> <p>(1) meets the ‘basic conditions’ being,</p> <ul style="list-style-type: none"> -Complies with national policy and guidance from SoS -Contributes to sustainable development -General Conformity with the strategic policy of the Development Plan for the area or any part of that area -Doesn’t breach or is otherwise compatible with EU obligations – this includes the Strategic Environmental Assessment Directive of 2001/42/EC -The making of the NP is not likely to have a significant effect on a European site (as defined in the Habitats Regulations or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats &c) regulations 2007 9(e) (either alone or in combination with other plans or projects)) <p>(2)is compatible with the Convention rights, and (3)complies with the other legal requirements set out in Sections 38A & 38B of the TCPA 90</p> <p>12c - Produce and publish a Decision Statement <i>(Regulation 18)</i></p>	<p>Consider each of the Examiner’s recommendations and decide what action to take in response.</p> <p>This could be to accept the Examiner’s recommendations to progress to a referendum or to refuse the proposal. It could be to accept recommendations to make modifications or make our own modifications, so as to make the NP meet the ‘basic conditions’, Convention rights or other legal requirements. It could also be to extend the area for the referendum. We could also decide we are not satisfied that the plan meets the minimum requirements notwithstanding the Examiner’s view.</p> <p>We will need to consider if our proposed decision differs from the Examiner’s recommendations and whether this is as a result of new evidence or new fact. If so, and prior to making the decision, we will notify the plan producers and those making representations on the NP and invite further representations. This may entail referring this matter back to the Examiner.</p> <p>A report will be taken to the Determining Committee notifying members of the findings and recommendations of the Examiner and how the Council proposes to respond to the recommendations. In the event of the Officers recommending refusal of the proposal it will not be necessary for the matter to be considered by the Determining Committee unless a Ward Member requests the committee consider the matter.</p>	<p>The Policy Team & Legal Services will assess each of the Examiner’s recommendations and decide what action to take in response.</p> <p>Legal Services will advise whether they are satisfied that the draft plan meets the basic conditions, is compatible with the Convention rights and complies with the other legal requirements</p>

1.4 Essentially the Examiner has recommended a number of textual and related mapping modifications to the Plan and the deletion of some policies. The Examiner’s recommendations are as follows:

Examiner's Comment / Reason for Change	Recommended change
<p>Policy NP1 - I am not satisfied that policy NP1, as drafted, has had adequate regard to national guidance and policy. Moreover, it lacks the necessary clarity to enable a decision maker to be able to apply it consistently and with confidence when determining planning applications.</p>	<p>PM1, p25</p> <p>Delete the first sentence. Replace the word 'it' in the second sentence with 'development in the countryside'.</p>
<p>Policy NP3 - As drafted the policy is not well laid out with the two sets of criteria sitting side by side, and I am recommending a modification to the Plan to clarify that policy NP3 is in two parts, to be set out as policy NP3 (A) and NP3 (B) (PM2).</p>	<p>PM2, p29</p> <p>Insert (A) before 'Planning permission ...' and include under policy NP3 (A) the four criteria on the left hand side of page 29. Insert (B) before 'Proposals' and after 'Proposals' insert 'for residential development for one or more dwellings on infill, backland and residential garden sites' before the words 'will be resisted if:' and then include under policy NP3 (B) the 5 criteria listed on the right hand side of page 29.</p>
<p>Policy NP4 – The proposed plan for the settlement containment area was ambiguous, covering a wide expanse of land indicated by two green lines. The Working Group, with the assistance of the District Council, has clarified the area to which policy NP4 would apply by reference to physical features on the ground. I am satisfied, from what I saw on my site visit, that the area shown cross hatched on the new plan that would be subject to policy NP4 is appropriately drawn, having regard to the objective of the policy and its detailed wording.</p>	<p>PM3, p30</p> <p>Amend Appendix 1 to the Plan to remove the green lines shown on the Ottery St Mary and West Hill Inset Maps and include the new plan (http://eastdevon.gov.uk/media/2421958/osm-settlement-containment.pdf) showing the NP4 settlement containment area at a scale of 1:12,500.</p>
<p>Policy NP6 - In response to my letter of 16 January 2018, the District Council, on behalf of the Working Group, has reworked the field notes and provided maps showing the direction and extent of 35 views to which policy NP6 is proposed to apply around Alfington, Ottery St Mary, Tipton St John and West Hill and Higher Metcombe.</p> <p>I am satisfied from what I saw on my site visit that the identified views are special to the area and justify policy protection.</p>	<p>PM4, p34</p> <p>Amend policy NP6 to replace 'these are listed at Appendix 2' by 'these are shown on the Key Viewpoints maps in Appendix 1'.</p> <p>Include the 4 Key Viewpoints maps in Appendix 1.</p> <p>Delete Appendix 2 and renumber accordingly.</p>
<p>Policy NP8 - I am not satisfied that there is the proportionate, robust</p>	<p>PM5, p37</p>

<p>evidence needed to support the approach taken in policy NP8 towards the protection of local wildlife sites. Nor is there anything distinct about the policy to indicate that it is reflecting and responding to any particular unique characteristics or planning context local to the neighbourhood area.</p> <p>Having said that, given the number of potential wildlife sites in the area that are still to be surveyed, it seems to me there is a case to be made for all new development proposals to consider potential ecological impacts at an early stage in their design, as described in paragraph 6.31.</p>	<p>Delete the text of policy NP8 and replace with the text of paragraph 6.31.</p>
<p>Policy NP22 supports proposals that would enhance or conserve the character, appearance, assets and setting of the Conservation Area. However as drafted the second part of the policy fails to have sufficient regard to national policy in the NPPF of the staged approach that must be taken to determining the impact of a proposed development on, and the weight to be given to any harm to, the significance of the Conservation Area as a heritage asset.</p>	<p>PM6, p67</p> <p>Delete the second sentence of policy NP22.</p>
<p>Policy NP23 is supportive of proposals to enhance the public realm and buildings in the town centre. As the policy refers only to proposals that will enhance the public realm and buildings, I am modifying the policy title.</p>	<p>PM7, p70</p> <p>Delete the words 'and highway improvements' from the title of policy NP23.</p>
<p>Chapter 10 of the Plan deals with West Hill, which is the largest village in the Plan area and identified in the emerging Villages Plan as a sustainable settlement with a range of accessible services and facilities, for which a BUAB is defined. The Villages Plan has been the subject of examination with consultation on the Inspector's main modifications ending on 2 February 2018 and the Working Group has confirmed that no modifications were recommended to the West Hill BUAB, shown on the Inset map at Appendix 1. Suggested update to ensure the Inset map accords with that contained in the Villages Plan.</p>	<p>PM8, p86</p> <p>Ensure that the up to date BUAB is shown on the West Hill Inset in Appendix 1.</p>
<p>Policy NP26 is specific and detailed, giving clear guidance on the design</p>	<p>PM9, pp.74 and 104 onwards</p>

<p>principles to be incorporated into new residential proposals in West Hill. The supporting text in para. 10.5 refers to a reviewed Village Design Statement for West Hill with further detail provided in Appendix 6. The reviewed content was felt to have the potential to cause confusion and undermine the policy's clarity.</p>	<p>Delete paragraph 10.5 and Appendix 6</p>
<p>Policy NP5 – Local Green Spaces. The play areas at the new housing developments at Gerway Nurseries (v) and at the Kings Reach site (w) probably do not meet the LGS criteria.</p>	<p>PM10, p32 Delete spaces (v) and (w) from policy NP5.</p>
<p>Policy NP5 - As to Barton Orchard, Tipton St John (x), the PPG does not preclude new green areas, planned as part of a new residential development, being designated as LGS if they are demonstrably special and hold particular local significance¹⁷. The Barton Orchard development is on the edge of the village, on a sloping site within the AONB. I am satisfied that both the open play area at the entrance to the development and the attractive area of hillside which is to be informally laid out as open space meet these criteria. However, a minor modification is needed (PM11) to the Tipton St John Inset map to ensure the areas are delineated accurately.</p>	<p>PM11, p87 Redraw the Barton Orchard LGSs on the Tipton St John Inset to reflect the areas of open space shown on the permitted development scheme.</p>
<p>Policy NP5 / NP17 - There is considerable overlap between policy NP5 and policy NP17 which strongly resists the loss of community facilities of value listed in Appendix 5. The Appendix lists places like the Hospital, Old Town Hall, scout huts, village stores, but it also includes many of the outdoor sports' facilities that are also proposed to be designated as LGSs. Sports' clubs do change over time and may seek to invest in features such as new clubhouses, indoor sports' facilities and floodlighting to enhance their facilities. Whilst the PPG does not preclude LGSs including sports' pavilions, proposed additions or changes to them may not be seen as consistent with maintaining the land as 'Local Green Space'. In my view, it would benefit the Ottery St Mary Cricket Club (a), the Ottery St Mary Town Council sports facility (b), the</p>	<p>PM12, p32 Delete spaces (a), (b), (c), (d), (e), (f) and (k) from policy NP5 and renumber accordingly.</p>

<p>Ottery St Mary Football Club (c), the football pitch and playground on Clapps Lane, Ottery St Mary (d), the Tennis Courts off Winters Lane (e), the Kings School sports pitches (f), and the Skate Park, off Cadhay Lane (k), in the future if they were protected by policy NP17 and not also by policy NP5. This would achieve greater consistency with the NPPF, paragraph 77, and I propose a modification accordingly (PM12).</p>	
<p>Policy NP27 - In accord with Local Plan Strategy 35, the NP through policy NP27 allocates a small exception site in Alfington for a development of up to 5 homes, of which 3 are to be affordable. The policy would benefit from an Alfington inset map.</p>	<p>PM13, p87</p> <p>Include the Alfington Inset Map.</p>
<p>Paragraph 7.18 - It is recognised in the Local Plan that in the past infrastructure has not always kept 'in step' with development and Strategy 50 deals with infrastructure delivery and the production of an Infrastructure Delivery Plan for East Devon (IDP). The IDP was reviewed in November 2017.</p>	<p>PM14, p52</p> <p>Rewrite paragraph 7.18 to reflect most recent information in the Infrastructure Delivery Plan Review of November 2017.</p>
<p>Policy NP25 - The NP25 allocation of land to the west of The King's School, as shown on the Neighbourhood Plan Proposals Map, is not justified and should be deleted.</p>	<p>PM15, p72</p> <p>In Policy NP25 delete the words 'as shown on the Neighbourhood Plan Proposals Map' and replace with 'as shown on the East Devon Local Plan 2013-2031 Proposals Map'.</p>
<p>Policy NP17 - Given that the Local Plan already includes a strategic policy that resists the loss of employment, retail and community sites and buildings (Strategy 32), I am not satisfied that the second part of policy NP17 adds anything that is locally distinctive.</p>	<p>PM16, p56</p> <p>Delete the second part of policy NP17.</p>
<p>Policy NP18 - The second part of policy NP18 seeks to address the re-use of already redundant and unoccupied former employment, social or community premises. However, it adds nothing locally distinctive or different to Local Plan Strategy 32 which includes criteria on listed buildings and on the marketing of unoccupied premises. When made, the Neighbourhood Plan will form part of the development plan</p>	<p>PM17, p60</p> <p>Delete the second part of policy NP18 from 'In addition to'.</p>

<p>and with two policies saying nearly the same thing there is inevitably potential for confusion that can be exploited.</p>	
<p>Policy NP19 - It seems to me that what the policy is seeking to secure is not a Travel Plan per se, but that applications are accompanied by a Transport Assessment, described in the PPG as a thorough assessment of the potential transport implications of development, and which could include mitigation measures to promote sustainable development including the preparation of a Travel Plan. A Transport Assessment should also consider the impact of traffic from any new development on the strategic road network (A30).</p>	<p>PM18, p61</p> <p>Delete the second part of policy NP19 and replace with the following: <i>'Applications for employment development at Finnimore Industrial Estate should be accompanied by a Transport Assessment, to include the assessment of the impact of traffic on the A30 and on Ottery St Mary town centre, and include measures to direct HGV traffic to access the Estate from Daisymount to the west.'</i></p>
<p>Policy NP21 - Paragraph 15.9 of the Local Plan refers to the District Council's keenness to promote employment opportunities in rural areas and I do not consider that policy NP21, by limiting new or converted live-work units to existing settlements and precluding, for example, the conversion of rural buildings for such purposes, has sufficient regard to national and strategic policy for rural areas.</p>	<p>PM19, p64</p> <p>In policy 21 remove in lines 3 and 8 the words 'within existing settlements'.</p>
<p>Policy NP7 - Whilst policy NP7 of the Neighbourhood Plan is supportive of proposals for flood defences and alleviation measures, I am concerned at the use of the word 'usually' before 'be encouraged and supported'. Without any further detail in the supporting text to explain or justify that qualification, it undermines the policy and I am recommending that it be deleted (PM20).</p>	<p>PM20, p36</p> <p>In policy NP7 delete the word 'usually' in the third line.</p>

- 1.5 Under para 12 of the Town and Country Planning Act it is for the Local Planning Authority (EDDC) to consider the recommendations made in the report and the reasons for them and decide what action to take in response to each recommendation.
- 1.6 The District Council must be satisfied that the Neighbourhood Plan meets the 'Basic Conditions', compatible with the convention rights and complies with the provisions under s 38A and 38B or that the draft Neighbourhood Plan would meet those conditions be compatible with those rights and comply with those provisions if modifications were made to the draft Neighbourhood Plan (whether or not recommended by the Examiner) before a referendum is held.
- 1.7 The regulations go on to state that if-
 - a) the Local Planning Authority propose to make a decision which differs from that recommended by the Examiner, and

- b) the reason for the difference is (wholly or partly) as a result of new evidence or a new fact or a different view taken by the authority as to a particular fact, the authority must notify prescribed persons of their proposed decision (and reason for it) and invite representations.

1.8 The legislation, which is reflected in our protocol, requires the Council to consider and respond to this report. The amendments suggested by the Examiner, mean that the Council can be satisfied that the Plan:

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the Development Plan for the area;
- does not breach, and is compatible with European Union obligations and the European Convention of Human Rights and therefore meets the 'Basic Conditions'.

Given that this is the case and the 'Basic Conditions' are met, there are not considered to be any grounds to reject the findings of the report. Members are asked to agree to accept the recommendations of the Examiner's report and agree that a notice to this effect be published.

1.9 A revised version of the Plan (known as the 'Referendum Version'), incorporating the recommended changes, will be available to view on the EDDC website before the Cabinet meeting. The District Council will be responsible for arranging a referendum where all electors within the Parishes of Ottery St Mary & West Hill will be invited to vote on whether the Neighbourhood Plan should be used to make planning decisions in the Parish. If more than 50% of those who vote say 'yes' the Neighbourhood Plan will be made and will form part of the Development Plan for East Devon.

Report to: Cabinet
Date of Meeting: 2 May 2018
Public Document: Yes
Exemption: None

Review date for release None

Agenda item: 5

Subject: National pay award 2018/19 and 19/20

Purpose of report:

This reports takes the opportunity to advise Members that agreement has been reached between the National Employers and the NJC Trade Union Side on rates of pay applicable to staff covered by National Joint Committee terms and conditions from **1 April 2018** and **1 April 2019**.

The report also outlines the anomalies arising for those employed on Chief Executive and Chief officer terms and conditions and makes recommendations to deal with these.

Recommendation:

That Members note the national pay award for 2018-20.

That Members agree to the recommendations that this same rate of 2% per year for two years is applied to the Chief Executive and Chief Officers of the Council.

That Members agree the recommendation to deal with the slight inequity created in different pay offers for 2015 for NJC staff and Chief Officers. This created an anomaly such that our Strategic Lead for Finance is being paid 0.2% less than the Strategic Lead for Housing, Health and Environment.

Reason for recommendation:
Officer:

To ensure fair pay across the Council structure.

Karen Jenkins - Strategic Lead Organisational Development and Transformation

Financial implications:

The financial implication for 2018/19 is to increase the pay and on costs of the Chief Executive and two Chief Officers of the Council by the amounts set out in paragraphs 6 and 9. If, in due course, a 2% increase is also applied in 2019/20, then pay and on costs will rise by a similar amount to that of 2018/19.

Legal implications: There are no legal implications requiring comment.

Equalities impact: Low Impact

Risk: Low Risk



Links to background information: • None

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

Report in full

- 1 New rates of pay have been agreed nationally and have been implemented effective 1 April 2018. These provide for a 2% increase in each year for all staff employed on National Joint Committee (NJC) terms and conditions.
- 2 The pay offer for Chief Executives and Chief Officers made by the Employers' Side for staff covered by the Joint Negotiating Committee for Chief Executives of Local Authorities has been rejected.
- 3 The offer was made on 10 April and is for 1% for 2018/19 only.
- 4 The Chair of ALACE has said "Our claim made clear that the pressures facing heads of paid service in leading their organisations through very challenging times continue unabated. Chief executives are asked to provide leadership of the highest quality and resilience in transforming councils, delivering public service reform and securing economic and housing growth. These factors informed our claim which was for pay increases for 1 April 2018 and 1 April 2019 that matched increases for the generality of staff covered by the National Joint Council for Local Government Services."
- 5 This report seeks to ensure that within East Devon District Council we retain parity for all levels of staff in respect of pay increases and therefore apply the same offer to the Chief Executive and Chief Officers as has been made to staff.
- 6 The costs of this are shown in the table below:

	Current Salary	Salary + 1% (rejected)	Salary + 2% (NJC)	Difference between 1 and 2% Increase
Mark Williams	£113,575	£114,711	£115,847	£1,136
Richard Cohen	£89,587	£90,483	£91,379	£896
Simon Davey	£79,078	£79,869	£80,660	£791
Additional salary costs		£2,823	£5,646 + on costs of 30%: £7,340	

- 7 Due to different pay offers being agreed in 2015 by NJC and Chief Executive/Officer pay bodies, we have a situation where the Strategic Lead for Finance is being paid 0.2% less than the Strategic Lead for Housing and Housing and Environment.
- 8 Our structure was implemented in 2015 with the view that these jobs should be equal and job evaluation confirmed this.
- 9 This report therefore recommends that we deal with this small anomaly by increasing the pay of the Strategic Lead for Finance in the amount of 2.2% for 2018/19. This will cost an additional £158 plus on costs of 30% = £205