

EAST DEVON DISTRICT COUNCIL
Minutes of the Meeting of the Council held at
Knowle, Sidmouth, on Wednesday, 10 April 2013

Present:

Councillors:

Peter Halse (Chairman)
Frances Newth (Vice Chairman)

David Atkins	John Humphreys
Ray Bloxham	Ben Ingham
Roger Boote	John Jeffery
Peter Bowden	Sheila Kerridge
Peter Burrows	David Key
Derek Button	Jim Knight
Bob Buxton	Andrew Moulding
Geoff Chamberlain	John O'Leary
David Chapman	Helen Parr
Maddy Chapman	Geoff Pook
Trevor Cope	Ken Potter
David Cox	Philip Skinner
Iain Chubb	Pauline Stott
Deborah Custance Baker	Peter Sullivan
Alan Dent	Ian Thomas
Paul Diviani	Graham Troman
Jill Elson	Phil Twiss
Steve Gazzard	Chris Wale
Roger Giles	Tim Wood
Graham Godbeer	Eileen Wragg
Pat Graham	Steve Wragg
Steve Hall	Claire Wright
Douglas Hull	Tom Wright

Hon Aldermen:

Ron Mudge

Officers:

Mark Williams, Chief Executive
Karen Jenkins, Corporate Organisational Development Manager
Rachel Pocock, Corporate Legal & Democratic Services Manager
Diana Vernon, Democratic Services Manager

Apologies

Councillors:

Christine Drew
Vivien Duval Steer
Martin Gammell
Tony Howard
Mike Howe
Stuart Hughes
Stephanie Jones
Brenda Taylor
Mark Williamson

Honorary Aldermen:

Vivienne Ash
Bernard Hughes
Margaret Rogers
Barry Willoughby

The Chairman introduced Revd John Sibley from the Crossroad Christian Fellowship, Seaton and invited him to say a prayer.

The meeting then started at 6.36 pm and ended at 7.50 pm.

***62 Public question time**

The Chairman welcomed members of the public to the meeting and invited their questions.

Richard Eley referred to the Local Plan which was shortly to be submitted to the Planning Inspectorate. He said that the Council needed to make changes to the Sidmouth section to reflect concerns raised through the process. He said that the amendments could be submitted along with the 'original' text without requiring the Plan to be delayed for further public consultation.

Kelvin Dent said that following the Special Development Management Committee on 1 March 2013 where the Knowle application had been refused, the Chief Executive had advised him in a letter that the Council would now consider options. Mr Dent asked what the options were so that he could advise the Knowle Residents Association accordingly.

Tony Green asked the Leader of the Council to correct misleading comments made in the 22 March 2013 edition of the Sidmouth Herald. Mr Green had called for the Chief Executive to resign at both the March meeting of the Business Task and Finish Forum and the Overview and Scrutiny Committee. The spokesperson quoted in the Herald article referred to a 'trial by hear-say' which Mr Green said was insulting as he had undertaken research on which to base his allegations. He said that the Chief Executive had failed to respond fully to these allegations. Although the Council spokesperson had said that the complainant could refer the matter to the Local Ombudsman, this was in fact inaccurate; the Ombudsman could not deal with complaints that affected all or most of the people living in a Council's area. Mr Green asked who the spokesperson was and who had briefed him. He asked for a meeting with the Communications Officer so that the Council could issue a press release to put the record straight.

Mr M Temple referred to the current investigation involving the former councillor, Graham Brown. The Chairman stopped Mr Temple from speaking further, warning that this could affect the police investigation. The Chairman adjourned the meeting for 5 minutes to restore order.

Paul Hayward referred to Devon's recycling campaign. Although its slogan was 'Don't let Devon go to Waste', as East Devon did not recycle cardboard, local residents were currently obliged to make a round trip to the local recycling centres - this was increasing the carbon footprint locally. Mr Hayward said that East Devon's neighbouring authorities were now all recycling cardboard. He understood that East Devon was tied into its current recycling and refuse contract until 2016, but asked the Council to make sure that the inclusion of cardboard recycling was put at the forefront in its negotiations for a new contract when the time came.

The Leader advised that much of what Mr Hayward was asking for was already in the pipeline.

The Leader said that those members of the public who had not been given an answer to their questions at the meeting would be sent a written reply. In response to a request, he agreed that copies would also be sent to all Councillors.

In response to a question about the legal definition of 'sub judice', the Corporate Legal and Democratic Services Manager said that the term normally applied when proceedings had been instituted but stressed the key point was that her advice to the Council had been that it should act with caution to avoid prejudicing any Police investigation.

*63 **Minutes**

The minutes of the meeting of the Council held on 27 February 2013 were confirmed and signed as a true record.

*64 **Councillor resignation**

Graham Brown's resignation from the Council on 13 March 2013 was formally recorded. The by-election for the Feniton and Buckerell Ward would be held on the day of the Devon County elections – 2 May 2013.

*65 **Chairman/Leader notices/announcements**

a) Honiton Fire

With great sadness, the Chairman reported on a fire in one of our Honiton Council homes last Friday. Tragically three people died in hospital as a result of the fire. He gave assurance that the Council had taken appropriate action and would invite the Portfolio Holder – Sustainable Homes and Communities to address the Council following his notices.

b) Death of former Prime Minister, Baroness Margaret Thatcher

The Chairman spoke warmly and with respect about Baroness Margaret Thatcher who had died on Monday.

c) Telegraph Family Friendly Museum Award

The Chairman invited Councillors to support the Thelma Hulbert Gallery by putting it forward for the Telegraph Family Friendly Museum Award. This would help achieve wider recognition of the excellent work carried out by the curator of the Gallery and the staff and volunteers.

Nominations for the Award would close on 10 May 2013 and the long-list would be announced in The Sunday Telegraph and on the Kids in Museums website in May 2013. (award@kidsinmuseums.org.uk)

d) Civic Service

The Chairman invited all Members to the Civic Service on 21 April 2013 at 3pm at St Giles Parish Church, Kilmington – the service would be followed by afternoon tea in the village hall.

e) Housing Service up-date

The Chairman invited the Portfolio Holder – Sustainable Homes and Communities, Councillor Jill Elson, to up-date Councillors on a range of housing issues including the rent collection rate, work being carried out in respect of the 'bedroom tax', downsizing and prevention of homelessness.

Councillor Elson began by expressed deep sympathy and sadness for the loss of life in the Honiton house fire. The Housing Team was now working with the Police Liaison Officer and the family to secure alternative housing in their preferred location.

Councillor Elson was able to reassure Members that all of the Council's housing properties had hard wired smoke alarms (some properties also have heat detectors and carbon monoxide detectors fitted) and all had their annual gas safety check undertaken this year.

65 Chairman/Leader notices/announcements (continued)*Housing Service up-date (continued)**

She stressed that the Council took safety in the home very seriously and the Housing Service was completing Fire Risk Assessments on all of the Council's flats with communal areas. The Service provided advice to tenants on home safety in the Tenant Handbook and various publications such as the Housing Matters magazine.

Councillor Elson went on to report that the Housing Revenue Account was in a good position; this had been helped by the housing rental section collecting 99.72% of rent due – one of the best collection rates nationally. This would help the Council to mitigate the effects of Welfare Reform. Councillor Elson gave credit to the rental team and East Devon tenants.

The rate of downsizing had increased and the service now had an officer proactively working with applicants. The Local Welfare Support scheme had been introduced at the beginning of the month (as an alternative to the Department of Work and Pensions Crisis Loan scheme) – the service was prepared to meet the demands of clients in crisis.

Councillor Elson referred to the Council's homeless prevention initiatives and effective multi-agency working. Only 35 households had been accepted as homeless during the last financial year against a recorded 302 cases of homelessness prevention. This was against the national trend of increase in homelessness.

Councillor Elson thanked all staff in the Housing Teams for their work. In reply to a question she gave details of the incentives for downsizing - these had been reported to the Housing Review Board at its last meeting.

The Chairman thanked Councillor Elson for her valued work. He said that the Housing Service was a tremendous asset to the Council.

***66 Equalities**

The Chairman invited the Portfolio Holder – Corporate Business, Councillor Ray Bloxham to introduce this item.

Councillor Bloxham said that the Corporate Organisational Development Manager, Karen Jenkins would advise how the Council was dealing with Equalities legislation and the impact of non-compliance. It was the Council's duty to consider the 10 protected characteristics - age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation – in its decision making.

He said that the Council had a duty to consider whether any changes to service delivery or policies impacted on these protected characteristics. He referred to the importance of undertaking Equality Impact Assessments where the potential impact was high or medium. The work was being supported by the Council's Member Champion for Customer Services and an Officer Equalities Group. The Officer Group was helping to ensure the Equalities legislation was embedded within the organisation. Externally contact was made with the protected groups for the purpose of ongoing consultation.

*66 **Equalities (continued)**

The Corporate Organisational Development Manager, Karen Jenkins, outlined the key issues Members needed to take into account in relation to the Equality Act 2010 in light of recent Judicial Review cases. A paper had been included with the agenda and this, together with the presentation given at the meeting, indicated the progress made by the Council in advancing and promoting equalities.

Members were advised that the Council had a general duty to:

- o Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- o Advance equality of opportunity between people who share a protected characteristic (as defined in the Act).
- o Foster good relations between people who share a protected characteristic and those who do not.

And a specific duty to:

- o Publish information to show compliance with the equality duty across all services on an annual basis.
- o Prepare and publish SMART (specific, measureable, achievable, realistic and time bound) equality objectives.
- o Review and revise equality objectives every 4 years.
- o Take legal responsibility for equality when commissioning or procuring services.

The Council was obliged to ensure that equality information and the outcome of consultation was consistently factored into decision making and to consider practical steps to mitigate any adverse impact. Progress was being made to raise awareness and embed equalities into the everyday work of the Council.

Members were reminded that if a public authority did not comply with the Equality Act 2010 it could be challenged through the High Court for judicial review. It was important and good practice for the Council to keep records of its decision making and give clear reasons for any departures from the equality code or guidance.

In reply to a question the Corporate Organisation Development Manager confirmed that the Union was involved in all work affecting staff and policy changes.

The Chairman thanked Councillor Bloxham and Karen Jenkins for the helpful information.

*67 **Questions (Procedure Rules 9.2 and 9.5)**

Eight questions had been submitted and these, with printed answers, had been circulated before the start of the meeting.

In reply to a supplementary question referring to information provided to the Development Control Committee on the day of meeting, the Leader said that the information had previously been provided by email to a member of the Council and it was thought to be helpful to provide the Committee with the same information.

***67 Questions (Procedure Rules 9.2 and 9.5) (continued)**

In reply to a supplementary question, the Leader advised that the majority of planning authorities did not have Local Plans in place. The Council was progressing the Local Plan as a matter of priority. The Council should be in a position to calculate and report the land supply balance in June.

The Chairman made reference to the 2 recent Feniton area planning applications which had been refused with valid planning reasons at the last meeting of the Development Management Committee. He agreed with concerns expressed that the Government's proposal to relax planning laws would mean certain development would be permitted without input from local councils and neighbours.

In reply to a supplementary question in respect of confidentiality clauses, the Leader confirmed that he was in regular discussion with the Chief Executive but could not always divulge what these were about.

In reply to a supplementary question about the chairmanship of the Local Development Framework Panel (LDFP), the Leader explained that the role had historically been linked with the position of Deputy Leader. When former Councillor Brown was appointed Deputy Leader, he became chairman of the LDFP – this arrangement was changed as soon as possible.

In reply to a supplementary question, the Chairman apologised for the delayed response to Councillor Hull's request for information from the Monitoring Officer. The Chairman had confidence in the Monitoring Officer and assumed that there must be a valid reason for the delay. He would see that a response was made.

***68 Minutes of Cabinet and Committees**

RESOLVED (1) that the under-mentioned minutes be received and the recommendations approved

Cabinet	Minutes	167-188, 189-207
Development Management	Minutes	54-56, 57-60
Audit and Governance	Minutes	41-50
Licensing & Enforcement	Minutes	15-18
Licensing & Enforcement	Minutes	37-42
Sub		

(2) that the under-mentioned minutes be received.

The Cabinet (minutes 173, 194 and 195) had noted or accepted the following Overview/Scrutiny Committees' recommendations with or without amendment.

Overview and Scrutiny Committee	Minutes	57-63
Housing Review Board	Minutes	59-73

Arising from consideration of the above minutes:-

a) Housing Review Board

In presenting the minutes of the Board, Councillor Pauline Stott advised that details of house sales made through the Right to Buy scheme were included at Minute 59.

b) Audit Plan & Interim Audit report (Audit & Governance Min 44)

In presenting the minutes of the Audit and Governance Committee meeting of 14 March 2013, the Committee Chairman, Councillor Ken Potter spoke of the importance of user-friendly information and clearly presented accounts.

***69 Arts and Culture Forum - Constitution**

RESOLVED that the Constitution of the recently formed Arts and Culture Forum which had been included with the agenda papers be approved.

Chairman

Date.....