

EAST DEVON DISTRICT COUNCIL
Minutes of the Meeting of the Council held at
Knowle, Sidmouth, on Wednesday, 9 April 2014

Present:

Councillors:

Graham Godbeer	(Chairman)
Christine Drew	(Vice Chairman)
David Atkins	Stuart Hughes
Ray Bloxham	Douglas Hull
Susie Bond	Ben Ingham
Roger Boote	John Jeffery
Peter Bowden	Stephanie Jones
Peter Burrows	Sheila Kerridge
Derek Button	Jim Knight
Bob Buxton	Andrew Moulding
Geoff Chamberlain	Frances Newth
David Chapman	John O'Leary
Iain Chubb	Helen Parr
Trevor Cope	Ken Potter
David Cox	Philip Skinner
Deborah Custance Baker	Pauline Stott
Alan Dent	Peter Sullivan
Paul Diviani	Graham Troman
Jill Elson	Phil Twiss
Martin Gammell	Mark Williamson
Steve Gazzard	Tim Wood
Roger Giles	Eileen Wragg
Pat Graham	Steve Wragg
Steve Hall	Claire Wright
Peter Halse	Tom Wright
Mike Howe	

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Henry Gordon Lennox – Principal Solicitor
Diana Vernon, Democratic Services Manager
Hannah Whitfield, Democratic Services Officer

Apologies

Councillors:

Mike Allen
Maddy Chapman
Vivien Duval Steer
Tony Howard
John Humphreys
David Key
Geoff Pook
Brenda Taylor
Ian Thomas
Chris Wale

Honorary Aldermen:

Vivienne Ash
Bernard Hughes
Sara Randall Johnson
Margaret Rogers

The Chairman introduced Revd Jeremy White, former vicar of Uplyme and invited him to say a prayer.

The meeting then started at 6.30 pm and ended 9 pm.

Although engineers had worked on a fault with the sound system in the Chamber that afternoon, the problems had not been resolved and the meeting had to progress without a sound system. There is therefore no EDDC audio recording of this meeting for technical reasons.

***67 Public speaking time**

The Chairman welcomed members of the public to the meeting.

Alistair Handyside said that he had been involved with the campaign to cut tourism VAT for the last 20 years. The campaign aimed to reduce the base rate for VAT in respect of holiday accommodation and attractions. He said that this would attract tourists to Britain and would boost the economy. A cut in the rate of VAT for this purpose could be achieved by Government without consulting Brussels. He said that tourism generated jobs and was positive for youth employment. He asked the Council to support the motion later in the agenda.

Paul Hayward thanked Councillor Ian Thomas and Officers for being instrumental in tweeting meeting information. However he said that should the new regulations come into effect in respect of requiring notice to speak, tweeting meeting reminders the day before a meeting gave insufficient time to register to speak; more notice was needed. Members of the public who did not have twitter accounts would continue to find out meeting information from more traditional sources and it was important for the Council's notice boards to be up to date.

Michael Temple referred to the Overview and Scrutiny minutes from its meeting on 27 February which confirmed the membership of the Business Task and Finish Forum (TaFF). He said that the reasons given for not progressing with this TaFF were that the Council was awaiting the Inspector's verdict on the Local Plan and on the Police investigation into former councillor Graham Brown. The Chief Executive responded by advising that the case was still being investigated and assessed by the Police.

Jacqueline Green also referred to the confirmed membership of the Business TaFF and asked when the meetings would resume. She also asked if the Council's Economic Development Manager would continue to be the Forum's lead officer. The Chairman of the Overview and Scrutiny Committee responded by advising that he was guided by legal advice and, so far as he was aware, the Economic Development Manager would continue to be the lead officer for the TaFF as there was no reason for this not to be the case.

Diana Nason read out a letter which she had sent to the local newspaper about Development Management meetings and the proposed public speaking restrictions. She said that the ability of the public to speak on applications was a very important part of the process. Although interested persons could submit comments in writing, she felt that this was not the same and that the Committee would take greater account of presentations made at the Committee meeting. Speaking at Committee was seen as the last opportunity for the public to state their views. She felt that limiting the number of speakers would mean that the diverse range of arguments would not be covered. She felt that the proposal was weighted in favour of the developer and agreeing to the change would effectively whittle away at the right of the public to be heard. She asked for a recorded vote to be taken when the matter was debated later in the agenda.

***68 Minutes**

The minutes of the meeting of the Council held on 26 February 2014 were confirmed and signed as a true record.

***69 Declarations of interest**

Councillor/ Officer	Minute number	Type of interest	Nature of interest
Stuart Hughes	73 (Cabinet Minute 228)	Personal	Member of Devon County Council involved in this debate (Devon Youth Service)
Jill Elson	73 (Cabinet Minute 217)	Personal	Chairman of Community Transport Group
Trevor Cope	73 (Cabinet Minute 217)	Personal	Trustee of Community Transport Group
Roger Boote	74	Personal	Owner of a tourist business

70 Chairman/Leader notices/announcements*a) Chairman's WW1 project**

The Chairman advised that entries for his WW1 schools' project would now be judged. All entries would be available to be viewed at the Thelma Hulbert Gallery later in the year.

b) Councillor Douglas Hull – 50 years' service to local government

The Chairman congratulated Councillor Douglas Hull for his record of service in local government. As of the first Thursday in May 2014 Douglas Hull would have served 50 years in local government including as a Hawkchurch Parish Councillor, on Axminster Rural District, Devon County Council, Axminster Town and East Devon District Councils. During this time he had served as Vice-Chairman of Devon County Council (and was now a DCC Honorary Alderman) and as Mayor of Axminster.

***71 Long service awards to Council staff**

The Chairman praised the loyalty of long-serving staff and awarded certificates.

Christine McDonald	30 years	Mobile Support Officer
Christine Rose	10 years	Home Safeguard
Karen Jenkins	10 years	Organisational Development

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

10 questions had been submitted.

1. **Rail network.**

In response to a supplementary question, the Leader confirmed that he would keep the Council informed on progress in respect of improvements to the rail network. He was due to attend a meeting of rail users at County Hall the following day and invited Councillor Roger Giles (who had submitted the question) to accompany him. The Leader added that as a member of the Local Enterprise Partnership he was in a good position to help drive through local improvements and improve the resilience of the region.

2-10 **Re- Inspector's Letter – East Devon Local Plan.**

The Leader had responded by advising that all of these questions would be answered in a report to the Development Management Committee in May. The Planning Policy Manager's report would outline the details of a work plan, the resulting workload and issues deriving from the Inspector's letter. In the meantime, he highlighted a paper published by the Royal Town Planning Institute (RTPI) last week and the key points within that publication.

In response to supplementary questions, the following responses were given:

- The questions had been submitted 3 days before the meeting and this had not been enough time to give detailed individual answers. The Policy Manager was preparing a report for consideration by the Development Management Committee on 6 May and would be made available to all Councillors at the earliest opportunity in advance of the meeting.
- The Council was currently preparing a schedule based on the Inspector's comments and this would be discussed with the Inspector. The Council would rely on clear instructions from the Inspector about next steps in the process.
- The Inspector's response to EDDC's submitted Plan was one that was replicated across the country; the Inspectors were looking for objectively assessed information to avoid future challenges and potential judicial reviews.
- The Council would continue to work within the requirements of the National Planning Policy Framework.

***73 Minutes of Cabinet and Committees**

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

Cabinet	Minutes	183-207, 208-229
Development Management	Minutes	60-64, 65-66, 67-70
Planning Inspections	Minutes	20-22, 23-25
Audit and Governance	Minutes	40-50
Licensing & Enforcement	Minutes	12-14
Licensing & Enforcement Sub	Minutes	40-41, 42-49

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

The Cabinet (minutes 189, 215 and 216) had noted or accepted the following Overview/Scrutiny Committees' recommendations with or without amendment.

Overview and Scrutiny Committee	Minutes	52-61, 62-70
Housing Review Board	Minutes	61-76

Arising from consideration of the above minutes:-**a) Declarations of interest (Cabinet Minute 185)**

Correction - The Leader was the Devon County Council appointee on the East Devon AONB Partnership.

b) Forward Plan (Overview and Scrutiny Committee Minute 70)

The scheduled meeting of 24 April had been cancelled due to unavailability of officers. The Committee Chairman, Councillor Tim Wood, advised that this unavailability was of officers and representatives from outside organisations. He reassured Councillors that the May meeting would go ahead and that the activities of the Council and its partners would continue to be appropriately scrutinised.

c) Public speaking and future agenda and meeting management (Development Management Committee Minute 69)

The Portfolio Holder – Corporate Business spoke in support of the recommendations of the Development Management Committee at its meeting on 1 April 2014. The recommendations had been based on a report of an all-party Working Group set up to consider the public speaking arrangements currently in place and to look at improved Development Management Committee agenda and meeting management. The review had been in response to complaints about the length of Development Management meetings; in some cases members of the public who had wished to speak, had to leave before their item was heard and members of the Development Management Committee had also had to leave meetings before they finished due to other commitments. The Working Party's recommendations aimed to improve Development Management Committee meetings for everyone involved.

**d) Public speaking and future agenda and meeting management
(Development Management Committee Minute 69) - continued**

It was anticipated that the volume of applications would continue to be an issue, particularly until the Local Plan had been agreed.

The Working Party had looked at arrangements in place in other Devon authorities, at examples from further afield and had taken into account national advice from the Society of Planning Officers. This research showed that EDDC was out of line with other authorities which had greater controls over public speaking and notice given.

The proposals to amend the current public speaking arrangements would not affect the value already placed on submissions made in writing and included within the officers' reports. Supporters and objectors would continue to have the opportunity to speak at Committee meetings. The proposals would promote the election of spokesperson arrangements and would enable meetings to include timing guides for when applications would be considered.

The Working Party had examined the evidence very thoroughly and discussed the matter extensively before making its recommendations to the Development Management Committee. The report was further debated by that Committee which endorsed the recommendations proposed by the Working Party. It was proposed that the new arrangements would be trialled for a year and then reviewed.

The following points were raised during debate:

- No one wanted to prevent the public from having their say at Committee meetings; there was no question that public speaking would be stopped.
- There had been insufficient time given to debate all the issues.
- There should be public consultation on the proposed changes.
- The proposed changes were too restrictive, prescriptive and complex.
- Members of the public might not be aware of the application in time to submit their comments in writing or register to speak.
- The proposed arrangements seemed unnecessarily bureaucratic and relied on people having access to the internet.
- The Committee should be asked to be more concise and not repeat comments already made. There was usually a point in a debate where it was clear that a consensus was emerging, at which point the Chairman could step in and ask the Committee to move to a decision.
- All issues raised by the public in advance of the meeting were included within the report and were used to inform the debate.
- Councillors should be encouraged to read the reports carefully before the meeting which would mean that the officers presenting the report only need to refer to additional information.
- Currently meetings were too long and it was unlikely that the level of debate at the start of the meeting was the same as at the end.
- The decisions made by the Development Management Committee were all well considered and the quality of decision making was supported by the high percentage of planning appeal decisions where the planning inspector agreed with the Council's decision. This underlined the importance of sound planning reasons for decisions.

**Public speaking and future agenda and meeting management
(Development Management Committee Minute 69) - continued**

- Long meetings were effectively reducing public participation as often members of the public wishing to speak were put off from attending because they didn't know when their application would be considered or were obliged to leave the meeting before their application was considered.
- Maybe the Council should revisit Area Committees.
- The balance of speakers representing supporters and objectors should be reviewed and more opportunities given for people objecting to an application as there would generally be a whole range of reasons for objection. This assumed that all applications were recommended for approval, which was not the case.
- If the Council reduced the opportunity for speaking at Development Management Committees, public dissatisfaction would be inevitable.
- The first come first served approach could cause problems.
- The meetings needed to be either streamlined or the number increased

Councillor Derek Button proposed that the management of Development Management Committee meetings be referred to the Overview and Scrutiny Committee for detailed consideration. This proposal, linked with a request for a recorded vote, was seconded by Councillor Martin Gammell.

Recorded vote:

In favour (26)	Against (22)	Abstention (1)
Susie Bond Roger Boote Derek Button Bob Buxton David Chapman Trevor Cope Deborah Custance Baker Martin Gammell Steve Gazzard Roger Giles Graham Godbeer Pat Graham Peter Halse Mike Howe Stuart Hughes Douglas Hull Ben Ingham John Jeffery Sheila Kerridge Jim Knight Philip Skinner Peter Sullivan Graham Troman Eileen Wragg Steve Wragg Claire Wright	David Atkins Ray Bloxham Peter Bowden Geoff Chamberlain Iain Chubb David Cox Alan Dent Paul Diviani Christine Drew Jill Elson Steve Hall Stephanie Jones Andrew Moulding Frances Newth John O'Leary Helen Parr Ken Potter Pauline Stott Phil Twiss Mark Williamson Tim Wood Tom Wright	Peter Burrows

**Public speaking and future agenda and meeting management
(Development Management Committee Minute 69) - continued**

RESOLVED that the Development Management Committee public speaking arrangements and future agenda and meeting management be referred to the Overview and Scrutiny Committee for detailed consideration and debate.

e) Five year land supply (Audit and Governance minute 41)

The meeting of the Chairman of the Committee with Officers had taken place. The next crucial piece of evidence to include in the Local Plan was the Strategic Housing Market Assessment which was a technical exercise to help determine current and future housing requirement. The Planning Policy Manager would report to the Audit and Government Committee on this technical calculation of the 5 year land supply.

***74 Motion – Tourism VAT**

The following motion (in the names of Councillors Claire Wright, Susie Bond, Trevor Cope, Roger Giles and Ben Ingham) was proposed by Councillor Claire Wright and seconded by Councillor Susie Bond.

"This Council recognises the significant contribution that the local tourism industry makes to the East Devon economy.

It also recognises how local tourism businesses are eager to encourage people to holiday here.

This council therefore resolves to write to its two MPs to urge them to actively lobby for a cut in tourism VAT, with the aim of creating more jobs and attracting more visitors to the area, bringing a welcome boost to the East Devon economy."
(<http://www.cuttourismvat.co.uk/faqs/>)

In proposing the motion, Councillor Claire Wright said that 10% of East Devon's economy was centered on tourism and the area was reliant on the tourist trade for employment opportunities. The campaign to cut tourism-related VAT (businesses and services) had been running for about 20 years. The opportunity for governments to cut VAT under EU rules applied only to tourism and fuel. Most other countries in the EU have taken up the opportunity to cut the tourism VAT rate. The Treasury had tested the proposal and found that its income would increase as some businesses actively operated under the VAT threshold, for example by closing for part of the year. Councillor Wright believed that cutting the tourism VAT would help support the wider local economy.

In seconding the motion, Councillor Susie Bond said that the proposal would bring the UK in line with other countries.

Councillor Sheila Kerridge, Member Champion for Tourism said that many businesses within East Devon were under the VAT threshold and therefore would not benefit from the cut. Councillor Kerridge referred to positive actions taken by the Council to support small businesses within East Devon, including the reduction in business rates. She said that to promote tourism, the Council needed to work with all stakeholders and work together to deliver initiatives.

***74 Motion – Tourism VAT (continued)**

Comments made by Councillors when the motion was opened to debate included:

- Small tourist businesses under the VAT threshold would be disadvantaged by a cut in tourism VAT as they would lose their competitive edge against larger companies which currently paid the full VAT rate.
- East Devon was doing much to promote tourism including the Regeneration projects, Wetlands, arts and culture.
- The Council needed to look at hard evidence – how many businesses in East Devon were subject to VAT?
- The proposed cut was widely supported by local business organisations including the SW Tourism Alliance.

The request for a recorded vote was put to the vote and lost.

The motion as printed was put to the vote and lost.

***75 Leisure East Devon LED Board**

RESOLVED that the following appointments to serve on the Leisure East Devon LED Board be confirmed for a further year:

Councillors Peter Sullivan and Tim Wood

Chairman

Date.....