

Agenda for Council

Wednesday, 23 July 2014; 6.30pm



To: [All elected Members of the Council](#); Honorary Aldermen

Venue: Council Chamber, Knowle, Sidmouth, EX10 8HL
[View directions](#)

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Issued 14 July 2014

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Prior to the formal start of the meeting, the Chairman will invite Revd Jeremy White, former vicar of Uplyme, to say a prayer.

Dear Sir/Madam

Meeting of the Council of the District of East Devon on Wednesday 23 July 2014 at 6.30 pm

You are called upon to attend the above meeting to be held in the Council Chamber, Knowle, Sidmouth. It is proposed that the matters set out on the agenda below will be considered at the meeting and resolution or resolutions passed as the Council considers expedient.

Yours faithfully

A handwritten signature in black ink, appearing to read "Mark Williams".

Chief Executive

Agenda:

- 1 [Public speaking](#)
- 2 Minutes of the Annual Meeting of the Council held on 14 May 2014.
(The minutes of last Ordinary Meeting of the Council held on 9 April 2014 were referred to the Annual Meeting and signed – but have been included in the Minute Book for information and ease of reference).
- 3 Apologies
- 4 [Declarations of interest](#)
- 5 [Matters of urgency](#) – none identified
- 6 Announcements from the Chairman and Leader

7 Confidential/exempt items – there are no items which Officers recommend should be dealt with in this way but if confidential minutes from Cabinet and/or the Council's Committees are being discussed, Officers may recommend consideration in the private part of the meeting.

8 Presentation of Long Service Awards

9 To answer questions asked by Members of the Council pursuant to Procedure Rules No 9.2 and 9.5.

10 Reports from the Cabinet and the Council's Committees and questions on those reports:

Cabinet	Minutes	230-246, 1-25, 26-50
†Overview and Scrutiny Committee	Minutes	71-78, 1-5, 6-17
†Housing Review Board	Minutes	1-20
Development Management Committee	Minutes	71-72, 73-77, 78-79, 1-5, 6-11
Planning Inspections Committee	Minutes	26-28, 1-3, 4-6
Audit and Governance Committee	Minutes	1-13
Standards Committee	Minutes	37-45
Licensing and Enforcement Committee	Minutes	1-3
Licensing and Enforcement Sub Committee	Minutes	50-51, 52-53, 54-56, 57-60, 1-2, 3-5

†The recommendations of these meetings have already been referred to Cabinet for consideration

11 **Motion 1 - Land Supply**

The lack of an adopted Local Plan and the lack of a 6 year housing land supply has created an uncertain planning position with a consequential risk of housing development being approved over and above the numbers the Council believes is justified and in locations that the Council believes are inappropriate. This Council notes the decision of 7 April 2014 by Planning Inspector Jessica Graham to impose a 2 year start condition in allowing a planning appeal at Feniton.

This Council therefore asks Development Management Committee to give careful consideration to the Feniton Appeal decision, and when giving approvals that are being granted *specifically* to address 6-year land supply issues, agree that approval should be conditioned such that work should commence within 2 years of approval being granted, instead of the current 3 years. This will allow the Council to address the shortfall in the 6 year land supply in a timely fashion.

Proposed by Councillor Susie Bond, Seconded by Councillor Ben Ingham and supported by Councillors Roger Giles, Claire Wright and Martin Gammell.

12 **Motion 2 – Democratic process**

This council believes wholeheartedly in democracy and the fundamental right of its citizens to be fully represented by their elected members. This council also believes in the democratic process and commits to do everything within its power to enhance the role of the elected member.

Proposed by Councillor Claire Wright, Seconded by Councillor Ben Ingham and supported by Councillors Trevor Cope, Susie Bond and Roger Giles.

Please note that under Procedure Rule 9.2, Councillors may submit written questions to Council Leader or specific Portfolio Holders

[Declarations of interest reminder](#)

[Decision making and equalities](#)

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

Meeting of the Council – 23 July 2014

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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 Governance 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.....

EAST DEVON DISTRICT COUNCIL
Minutes of the Annual Meeting of the Council held at
Knowle, Sidmouth, on Wednesday, 14 May 2014

Present:

Councillors:

Michael Allen
David Atkins
Ray Bloxham
Susie Bond
Roger Boote
Peter Bowden
Derek Button
Bob Buxton
David Chapman
Iain Chubb
Trevor Cope
David Cox
Deborah Custance Baker
Paul Diviani
Christine Drew
Jill Elson
Martin Gammell
Steve Gazzard
Roger Giles
Graham Godbeer
Pat Graham
Steve Hall
Peter Halse
Tony Howard

Douglas Hull
John Humphreys
Ben Ingham
John Jeffery
Stephanie Jones
Sheila Kerridge
Jim Knight
Andrew Moulding
Frances Newth
John O'Leary
Helen Parr
Geoff Pook
Ken Potter
Philip Skinner
Pauline Stott
Peter Sullivan
Brenda Taylor
Ian Thomas
Graham Troman
Chris Wale
Mark Williamson
Tim Wood
Steve Wragg
Tom Wright

Honorary Aldermen:

Ann Liverton
David Scott

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Denise Lyon, Deputy Chief Executive
Rachel Pocock, Corporate Legal and Democratic Services Manager
Diana Vernon, Democratic Services Manager

Apologies

Councillors:

Peter Burrows
Geoff Chamberlain
Maddy Chapman
Alan Dent
Vivien Duval Steer
Mike Howe
Stuart Hughes
David Key
Phil Twiss
Eileen Wragg
Claire Wright

Honorary Aldermen

Vivienne Ash
Bernard Hughes
Graham Liverton
Bob Peachey
Sara Randall Johnson
Margaret Rogers
Tony Wilkinson

The Chairman invited Revd Jeremy White, former vicar of Uplyme to say a prayer before the formal start of the meeting.

The meeting then started at 6.30 pm and ended at 7.45 pm.

***1 Election of Chairman**

Councillor Graham Godbeer (Chairman) invited nominations for the office of Chairman of the Council for the ensuing year.

Councillor Andrew Moulding proposed and Councillor David Cox seconded Councillor Graham Godbeer being elected Chairman of the Council for a second year.

In proposing, Councillor Moulding said that Councillor Godbeer had carried out his role as Chairman over the last year with pride, integrity and good humour. He said it was a great pleasure to propose Councillor Godbeer as Chairman for a further year.

In seconding, Councillor Cox endorsed the comments made by Councillor Moulding and added that Councillor Godbeer had lived and worked in East Devon for most of his life and was an active and effective Chairman who had risen to the challenges of the role.

Councillor Douglas Hull added that Councillor Godbeer had chaired the Council meetings with honour and reasonableness over the preceding year.

There were no other nominations.

RESOLVED that Councillor Graham Godbeer be elected Chairman of the Council for the ensuing year.

Following the election Councillor Godbeer read and signed the Declaration of Acceptance of Office and then spoke in response to his election. He thanked the Councillors for their confidence in him and their support. Over the past year as Chairman he had striven to uphold the standards expected of him and had promoted East Devon positively. He thanked those who had supported his chosen charity and advised that he had now sent a cheque of £900 to the C Group (the Royal Marines charity inspiring business to support Royal Marines in need whilst they are serving, in transition to civilian life and thereafter) on behalf of the Council. He thanked Council officers for their support and gave particularly thanks to the Democratic Services team.

***2 Appointment of Vice Chairman**

Councillor Steve Hall proposed and Councillor David Chapman seconded Councillor Christine Drew being appointed Vice-Chairman of the Council for a second year.

In proposing, Councillor Hall said that Councillor Drew had achieved a great deal in her year of office as Vice Chairman and acknowledged her strengths and qualities. He said that she had been very supportive to the Chairman and had deputised at various events when called upon to do so.

***2 Appointment of Vice Chairman**

In seconding, Councillor Chapman said that he believed that Councillor Drew had done everything right over the last year and knew that she would continue to do so for a second year.

There were no other nominations.

RESOLVED that Councillor Christine Drew be appointed Vice-Chairman of the Council for the ensuing year.

Following the election, Councillor Drew read and signed the Declaration of Acceptance of Office and then spoke in response to her appointment. She thanked her proposer and seconder for their kind words and congratulated the Chairman for his appointment. She said that she had enjoyed her first year as Vice Chairman of the Council and pledged to continue supporting the Chairman and promoting East Devon at every opportunity.

***3 Public Speaking**

The Chairman welcomed Councillors, Honorary Aldermen and members of the public. No issues were raised.

***4 Minutes**

The minutes of the meeting of the Council held on 9 April 2014 were confirmed and signed as a true record.

***5 Chairman's announcements**

Chairman's WW1 schools initiative

This special competition was sponsored by Councillor Godbeer as Chairman to commemorate the centenary of the outbreak of the Great War. The competition brief was for groups or individuals from a school to produce work reflecting the impact of WWI on the local communities or families in their town or village. The winners were the entries that in the opinion of the judges were ably researched, well presented and captured the impact of the war on the local community.

Winners were

St Peter's School Budleigh Salterton (Primary School category)

Axe Valley Community College (the Secondary School category)

The Chairman presented certificates to the winning schools and referred to the exceptionally high standard of entries. The main prize for both schools was a one-day interactive theatre workshop with the group 'Stories and More'.

In accepting their awards, the school representatives thanked Councillors for their support and said how glad they were that the talents within their schools had been recognised. The Chairman advised that the entries would be exhibited at the Thelma Hulbert Gallery later in the year and urged Councillors to visit.

***6 Leader of the Council**

Councillor Paul Diviani had been elected Leader of the Council at the 2011 Annual Meeting for a 4 year term – that is until the Annual Meeting following the May 2015 elections.

***7 Appointment of Deputy Leader**

The Leader confirmed his appointment of Councillor Andrew Moulding as Deputy Leader of the Council. He said that his Deputy had been a rock to him and looked forward to working with him for a further year.

***8 Cabinet Members and Portfolio Holders**

The Leader proposed no changes to the titles of the Portfolio Holders or remit other than for Rural Broadband to be included within the Corporate Services Portfolio and for the responsibility for car parks to sit entirely within the Economy Portfolio.

The membership of the Cabinet would continue to comprise 10 Conservative Members, including 7 Portfolio Holders and 2 Deputy Portfolio Holders and would continue to be held by the current post holders.

The Leader advised that, (in compliance with Articles 6.02 and 6.04 of the Constitution), he appointed the following Members (additional to the Leader and Deputy Leader) to the Cabinet, namely:

Ray Bloxham	(Corporate Business),
Iain Chubb	(Environment),
David Cox	(Finance),
Jill Elson	(Sustainable Homes & Communities),
Ian Thomas	(Economy),
Phil Twiss	(Corporate Services)

with the Deputy Leader being appointed Strategic Development and Partnerships Portfolio Holder

and Stephanie Jones as Deputy Portfolio Holder, Sustainable Homes and Communities and Tom Wright as Deputy Portfolio Holder, Environment.

***9 Committees**

Particular thanks were extended to the Independent Persons who were consulted by the Monitoring Officer on Code of Conduct issues. One of the Independent Persons, Alison Willan was present at the meeting and was invited to speak. Ms Willan said that she was impressed with Councillors' response to the work of the Standards Committee. She said that positive progress was being made and that she was proud of the Council and its work. She appreciated the support given to her by Officers.

*9 **Committees (continued)**

RESOLVED

- (1) that Committees be established for the municipal year as set out in Articles 7, 8, 9 and 10 of the Constitution ,
- (2) that the size and terms of reference for those Committees be as set out in Articles 7, 8, 9 and 10 of the Constitution.
- (3) that the membership of the Standards Committee be confirmed, namely:

Council representatives: Chairman of the Council, Councillors Susie Bond, Geoff Chamberlain, Tony Howard and Frances Newth.

Substitute members: Councillors Alan Dent and Douglas Hull.

Non-voting Independent representatives: Ray Davison and Tim Swarbrick.

Non-voting Parish/Town Council representatives: Councillors David Mason and Courtney Richards.

Non-voting Independent persons – Alison Willan and John Walpole – not members of the Standards Committee but are consulted by the Monitoring Officer on Code of Conduct Complaints

- (4) To confirm the non District Council membership of the Housing Review Board:

Tenant and/or leaseholder representatives (to serve a further year on the Board)

Mike Berridge, John Powley and Pat Rous. There are currently two tenant and/or leaseholder vacancies which are being advertised; appointments made will be reported to Council.

Independent Community representatives (to serve a further year on the Board)

Julie Adkin and Rob Finch

*10 **Report of the Chief Executive**

a) Allocation of seats to different political groups on Committees, Sub Committees, Advisory Panels/Forum

b) Amendments to the Council's Constitution

The report and proposed amendments to the Constitution were set out within the agenda papers (Pages 24-29). These had already been considered and recommended for approval by the Cabinet at its meeting on 7 May 2014. The Chief Executive proposed amendments to the Officer Scheme of Delegations appended to the report and asked Council to await the outcome of a systems review of elements of the Countryside Service including functions relating to trees. The Officer Scheme of Delegations would be further updated following the outcome of the review.

Councillor Roger Giles proposed an amendment to delete the recommended change to clarify motions on notice at Council. This amendment was seconded by Councillor Ben Ingham.

In proposing the amendment Councillor Giles said that the motions on notice to Council facilitated discussion and that there had been good debates over the last year as a result.

Councillor Ray Bloxham, Portfolio Holder – Corporate Business, said that the proposal was not made to prevent discussion but to achieve more informed debate in respect of matters which were not immediately relevant to the business of the Council. He said that referring the matter in the first instance to a relevant committee or the Overview and Scrutiny Committee would allow research to be carried out and that this would allow a properly informed debate.

In seconding the motion, Councillor Ingham said that he believed that there was already sufficient time for a motion on notice to be researched before the meeting of Council. He said that there had been no complaints about the conduct of debates over the last 12 months in respect of motions.

Other comments raised included:

- Debate needed to be open and frank on issues that mattered;
- Referring relevant motions to another committee in the first instance would not stifle debate as all Councillors had the opportunity to contribute even if they were not members of the committee.
- The proposed recommendation would promote debate.
- Debates needed to be carried out based on proper information.
- If all motions were referred to Council in the first instance, the Council could decide whether the matter should be debated or referred to another committee for research.
- Specific examples where given of good debates at Council in respect of motions submitted and where a supporting paper had been produced in time to be considered with the motion.

*10

Report of the Chief Executive (continued)**b) Amendments to the Council's Constitution (continued)**

The Chief Executive explained that it was the role of the Council's Proper Officer to ensure that the Council agenda was legally compiled. He said that if a motion submitted was immediately relevant to the business of the Council, it would be fully debated. However where this was not the case, the presumption was to refer it to a committee for research to be carried out. If this was not required and the matter could be dealt with straight away by Council then it could be. Paragraphs 1 and 3 of the proposal set out in the report would simply regularise good practice and current ways of working.

The amendment was put to the vote and lost.

c) Annual report of Overview and Scrutiny

Councillor Tim Wood, Chairman of the Overview and Scrutiny Committee, said that the Committee had undertaken useful work throughout the year and referred particularly to the useful Officer reports, the presentations by Portfolio Holders on their work and the reviews of performance. He believed that overall the Council was doing a good job. There were elements of disappointment including being unable to progress the Business Task and Finish Forum and limited ability to influence Rural Broadband issues despite the efforts of the joint EDDC/SSDC Task and Finish Forum.

He spoke very positively about the scrutiny of the 2014/15 budget, its focus on discretionary items of expenditure and how the work of the Budget Scrutiny Task and Finish Forum would continue through the coming year. He also referred to the useful review of the committee timetable which had resulted in a revised timetable being prepared for 2014/15; his Committee's recommendations would be referred to the following meeting of Cabinet for consideration.

Councillor Wood said that the Committees had generated public interest and were well supported.

d) Annual report of Housing Review Board

Councillor Pauline Stott, Chairman of the Housing Review Board highlighted the excellent rent collection rates, Home Safeguard's renewed accreditation and that team's efforts to increase its business, the work of the tenant scrutiny panel on voids, the excellent work of the Community Support Officers and the significant achievements of the Housing Enabling Officer.

She thanked the Housing Review Board for its valued work and tenants for their support. She referred to John Golding, Head of Housing as the anchor man and thanked him and his team for their work and achievements. She concluded by encouraging Members to attend meetings of the Housing Review Board.

*10

Report of the Chief Executive (continued)**e) Member Champions**

The Chairman invited Councillor Peter Sullivan, Member Champion for Health and Wellbeing to present the annual Champion report on behalf of the Council's Member Champions.

Councillor Sullivan advised that Member Champions (first appointed in 2007) helped the Council achieve its priorities. Their role was to make sure that the interests that they championed were taken into account during decision making and that, working with their relevant Portfolio Holder, they promoted and supported their champion area. The report helped to highlight the range of work of all Champions and gave a wider understanding of what they do.

In response to this report, a number of issues were raised, including:

- Flooding issues and associated insurance problems. Councillor Peter Bowden, Flood Alleviation Champion referred to a number of government initiatives and opportunities open to the District and County Councils to guard against future flooding incidents. He said that it was important for everyone to have insurance in place but that some people were experiencing difficulties with insurance companies as when steps were taken to alleviate flooding problems, this was taken as acknowledgement of risk. Steps continued to be taken to help resolve this issue.
- The Portfolio Holder – Economy highlighted the need for the Council to be more engaged with agricultural based industry and suggested that the Leader consider appointing a Member Champion to this role.
- The excellent work of the Countryside Team, which was supported and promoted by the Culture Champion, was highlighted. In response to an invitation to visit the galleries in Axminster, the Culture Champion confirmed that he had already visited the Axminster galleries and others within the district and would continue to do so in the ensuing year.
- The Tourism Champion was encouraged to visit the Axminster Tourist Information Centre.

f) Council Structure

The Council structure (as agreed at the 2011 Annual Council meeting) to be retained subject to Rural Broadband being included within the remit of the Corporate Services Portfolio Holder and responsibility for car parks to now sit entirely within the Economy Portfolio.

*10 **Report of the Chief Executive (continued)**

RESOLVED (1) (a) that the allocation to different political groups of seats to be filled by the Council, in accordance with political balance rules, be determined as follows in respect of Overview/Scrutiny, Regulatory and other Committees:

Conservative Group	(42 Members)	71%	65
Liberal Democrats Group	(10 Members)	17%	16
Independents	(7 Members)	12%	11

Total	(59 Members)		<u>92</u>
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(The political balance rules do not apply to the Cabinet).

- (b) that the allocation of seats on individual overview, scrutiny, regulatory and other committees be as set out on Page 21 of the agenda,
- (2) that the political balance for Advisory Panels/Forum/Steering Boards and Joint Bodies set out at Pages 22-23 of the agenda, be agreed,
- (3) (a) that the following amendments to the Constitution be agreed,
- (i) The Constitution reverts to the position before the four year term for the Council Leader was introduced – so that there is no longer any mention of a four year term and elections of Leader will take place at Annual Council;
 - (ii) The changes to the officer scheme of delegations be as set out in the amended appendix attached – **Appendix A.**
(The content identified within square brackets [] was awaiting the outcome of a systems review of elements of the Countryside Service including functions relating to trees. The officer scheme of delegations would be further updated following the outcome of the review.)

Report of the Chief Executive (continued)

- (3) (a) (iii) A new Procedural Standing Order (10.3) be added:

Where a motion on notice has been submitted in accordance with this standing order, and prior to the despatch of the agenda, the Chief Executive may seek to clarify the purpose and/or wording of such a motion (such action may include recommending its rewording) so as to ensure that any such motion, if approved, is compliant with the Council's legal and administrative powers.

Where the wording of the motion is not immediately relevant to the business of the Council, the presumption is that it will be referred to the relevant committee or Overview and Scrutiny Committee in the first instance to enable research to be properly carried out into the issue to facilitate a relevant and informed debate.

The Leader, at his discretion, may invite a Portfolio Holder to respond to a motion or a question (under Procedural Rule 9.2).

- (iv) The following functions be delegated to the Audit and Governance Committee:
- the function of approving the annual Statement of Accounts
 - approval of the annual governance statement, following review of the effectiveness of the system of internal control
 - review of the effectiveness of internal audit
- (b) The Monitoring Officer be given delegated authority to amend the Constitution accordingly and also to keep it updated to comply with statutory requirements.
- (4) that the annual reports of the Corporate Overview and Scrutiny Committee and the Housing Review Board be received and noted,
- (5) that the joint report of the Member Champions on key areas of work be received and noted,
- (6) that the Council structure (as agreed at the 2011 Annual Council meeting) be agreed subject to Rural Broadband being included within the remit of the Portfolio Holder – Corporate Services and responsibility for car parks to sit entirely within the Economy Portfolio - **Appendix B** to these minutes.

***11 Chairmen and Vice Chairmen of Committees**

RESOLVED that the following be appointed as the Chairmen and Vice-Chairmen of the Committees indicated below for the ensuing year:-

Committees	Chairman	Vice-Chairman
Overview and Scrutiny	Tim Wood	Graham Troman
Housing Review Board	Pauline Stott	To be appointed by the HRB
Development Management and Planning Inspections	Helen Parr	David Key
Audit and Governance	Ken Potter	Peter Bowden
Standards	Chairman of the Council – Graham Godbeer	
Interviewing (Chief Officers)	Leader	Deputy Leader
Employment Appeals	Deputy Leader	David Cox
Licensing and Enforcement	Steve Hall	Jim Knight

***12 Appointment of Member Champions**

RESOLVED that the following Councillors be appointed as Member Champions to assist the Portfolio Holders in driving service improvements in key areas:

Asset Management	Bob Buxton
Business	Mike Allen
Culture	John O'Leary
Customer Services	Vivien Duval Steer
Exmouth Town	John Humphreys
Flood Alleviation	Peter Bowden
Health and Wellbeing	Peter Sullivan
Member Development & Engagement	Maddy Chapman
Planning Design and Heritage	Alan Dent
Procurement	Mark Williamson
Rural Broadband	Mike Howe
Rural Communities (including Post Offices)	Ken Potter
Seaton Town	Stephanie Jones
Tourism	Sheila Kerridge
Youth	Christine Drew

***13 Appointment of Members to Committees**

Members of the Council considered the nominations, put forward by the political groups, for membership of various committees.

RESOLVED that the membership of Committees for 2014/15 be as set out on **Appendix C** to these minutes.

***14 Appointment of Members to Leader's/Portfolio Holders 'think tanks'**

RESOLVED that the membership of the Leader's/Portfolio Holders 'think tanks' for 2014/15 be as set out in **Appendix D** to these minutes.

***15 Appointment of Steering Boards, Forum, Panels, and Joint Bodies**

RESOLVED that appointments be made to Steering Boards, Forum, Panels, Joint Bodies for 2014/15 as set out in **Appendix E** to these minutes.

***16 Outside Bodies**

RESOLVED that appointments be made to Steering Boards, Forum, Panels, Joint Bodies for 2014/15 as set out in **Appendix E** to these minutes.

***17 Council and Committee Meetings 2014/15**

RESOLVED that the programme of ordinary meetings of the Council, Cabinet and Committee meetings for 2014/15 be approved as set out in **Appendix G (a and b)** to these minutes.

Chairman Date

Appendix A	
Constitution Part 3 - Functions	Proposed change
Head of Housing	<p>Add:</p> <ul style="list-style-type: none"> • To lead on health and wellbeing strategies for the Council. • To act as lead officer for safeguarding children and vulnerable adults • To maintain an up to date Housing Revenue Account business plan • To determine transfer applications by tenants on management grounds. • To set statutory service charges under the Housing Acts
Head of Environment	<p>Add: Streetscene matters:</p> <ul style="list-style-type: none"> ➤ To vary refuse and recycling collection schedules for bank holidays and other operational reasons. ➤ To progress the Devon Integrated Waste Strategy. ➤ To manage and maintain public conveniences, street furniture and fixtures. ➤ To undertake grounds maintenance and the management of the Councils parks and gardens. ➤ To undertake engineering projects on public assets. ➤ To undertake flood prevention and coastal defence works. ➤ To implement emergency responses and recovery operations in accordance with the Emergency Plan. <p>Countryside matters:</p> <p>Add:</p> <ul style="list-style-type: none"> ➤ To manage local and community nature reserves in accordance with the adopted management plans. ➤ To set charges for visitors events and the marketing and promotion of activities on nature reserves. ➤ To organise and run events and activities to protect habitat and encourage green learning. ➤ To appoint and supervise volunteers to support the work on nature reserves. ➤ To lead for the Council on matters affecting the Areas of Outstanding Natural Beauty. ➤ To act as client officer for LED and monitor performance. ➤ To agree theatre bookings and the gallery programme. <ul style="list-style-type: none"> ➤ Production of AONB Management Plans under the Countryside and Rights of Way Act 2000 ➤ To take action to conserve and enhance the natural beauty of an AONB under the National Parks and Access to the Countryside Act 1949 ➤ Exercise powers and duties for the protection of wildlife under the Wildlife and Countryside Act 1981 [including recommending prosecution for offences] ➤ To appoint wardens and manage public access to Local Nature Reserves and run education and information programmes under the National Parks and Access to the Countryside Act 1949 and Wildlife and Countryside Act 1981 ➤ Carry out works to a Local Nature Reserve ➤ [Stopping up or diverting public footpaths under the Highways Act 1980]

	<ul style="list-style-type: none"> ➤ Entering into management or access agreements over land under the National Parks and Access to the Countryside Act 1949 and Wildlife and Countryside Act 1981 <p>[Pass from Head of Economy to Head of Environment [or senior officer carrying out relevant functions]:</p> <ul style="list-style-type: none"> ➤ Functions relating to Tree Preservation Orders under the Town and Country Planning Act 1990. The confirmation/non- confirmation and revocation of Tree Preservation Orders is delegated to the Head of Environment where the Head of Environment/ward member are in agreement. Where a contrary view is received the decision is delegated to the Head of Environment in consultation with the chairman/vice-chairman of Development Management Committee. ➤ Enforcement of tree controls, including serving Tree Replacement Notices, and prosecution ➤ Determining Tree Notifications in Conservation Areas ➤ Dealing with dangerous trees under the Local Government (Miscellaneous Provisions) Act 19776 ➤ Determination of hedgerow removal notices and enforcement of hedgerow controls, and dealing with associated appeals under the Environment Act 1995] <p>Add to Car Parking</p> <ul style="list-style-type: none"> ➤ To manage, patrol and collect income from Council car parks. ➤ To authorise minor amendments to the Parking Places Orders ➤ In consultation with the portfolio holder, agree alternative temporary uses of car parks <p>Add to Environmental Health</p> <ul style="list-style-type: none"> ➤ To provide a pest control service ➤ To carry out the Council's functions under the Scrap Metal Dealers Act 2013
Head of Finance	<p>Replace current scheme of delegations with:</p> <p>Powers Delegated to the Head of Finance or the Senior Officer who has for the time being been allocated all or any of the statutory functions referred to below following reorganisation, changes of job title or responsibilities</p> <ol style="list-style-type: none"> 1. To determine any matters in relation to applications for grants that are ancillary to the scheme approved by the Council. 2. The administration and payment of Housing Benefit (rent allowances and rent rebates) and the Council Tax Reduction Scheme and all related functions. 3. The administration, collection and recovery of Council Tax and all related functions 4. The administration, collection and recovery of Business Rates and all related functions 5. The administration, collection and recovery of Housing Benefit overpayments.

	<p>6. To carry out officer reviews of council tax and housing benefit decisions in accordance with regulations.</p> <p>7. To undertake Housing Benefit and Council Tax Reduction fraud investigations and to make appropriate determinations including issuing sanctions and penalties, and to take such proceedings as may be necessary subject to consulting with the Corporate Legal and Democratic Services Manager where appropriate.</p> <p>8. The administration, collection and recovery of sundry debts due to the Council and all related functions</p> <p>9. To take such proceedings as may be necessary to recover monies due to the Council subject to consulting with the Corporate Legal and Democratic Services Manager where appropriate.</p> <p>10. To write off bad and irrecoverable debts and stores other than those which might involve action by the District Auditor.</p> <p>11. To raise individual loans to the Council in accordance with rates from time to time settled by the Head of Finance and repay such loans as necessary.</p> <p>12. To negotiate short term loans at such rate of interest as appears to the Head of Finance to be proper to be paid.</p> <p>13. To make investment in respect of capital receipts and fund balances either presently held or from time to time received.</p> <p>14. To make payments on behalf of the Council as necessary</p> <p>15. To appoint enforcement agents for the recovery of any outstanding debts.</p> <p>16. To provide all necessary information regarding the Council Tax base and precepts except where the determination must be made by the Council.</p> <p>17. In consultation with Senior Officers to effect such insurances as are considered necessary</p> <p>18. To implement systems and procedures across the Council necessary to comply with the Head of Finance's role as the Authority's Chief Finance Officer (s151 officer) including the operation of an internal audit function.</p> <p>Authority for Court Attendance Authority under Section 223 of the Local Government Act 1972 for the following officers to prosecute or defend on the Council's behalf, or to appear on the Council's behalf in proceedings for the recovery of Council Tax or Non-Domestic Rates before a Magistrates Court: Head of Finance Revenues and Benefits Manager Team Leader posts within Revenues and Benefits</p>
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Council structure:

APPENDIX B

Chief Executive	Dep. Ch. Exec. Transformation & Systems Thinking	Dep. Ch. Exec. Development, Regeneration & Partnerships	Head of Service Housing	Head of Service Economy	Environment Managers: Environmental Health& Parking, Countryside & Culture and Streetscene	Head of Service Finance
CX Corporate Services Corporate Managers of HR Legal and Licensing Democratic Services Elections IT Communications	Monitoring Officer Corp Business Corp Strategy Performance Service transformation Customer Focus	Contracts Assets Project Delivery Big Society Localism Partnerships	Homelessness Council homes Housing enabling Private Sector / Affordable Homes	Economy Planning Building Control Estates / Property Waste to power	Regulatory (Env. health/Protection) Car Parks Streetscene/waste Countryside/engineering Emergency Planning Health & Safety Culture and Arts	s.151 Officer Revs & Bens Land charges Audit & Corporate Governance Customer Service Centre Leisure East Devon

Portfolio Holders (with Think Tanks)

Corporate Services	Corporate Business	Strategic Development & Partnerships	Sustainable Homes and Communities	Economy	Environment	Finance
Communication and Consultation Strategies Democratic Renewal Democratic Services & Cllr. Development Electronic Govt. HR ICT Strategy Legal Services Rural Broadband	Branding & Marketing Complaints and Ombudsman Corporate Strategy Data quality Equal access to services Equalities Service Delivery & Performance	Asset Transfer Big Society Growth Point LDF Localism Partnerships Project Delivery Regeneration Strategic Planning & Major Projects	Active Villages Affordable Homes Council Housing Community development Community transport Gypsies and Travellers Homelessness Housing enabling Independent Living Social inclusion	Agriculture Building Control Business enabling Car Parks Climate Change Conservation Areas and Listed Buildings Economy Estates and Property(inc rents and estates' revenue streams /pricing) Tourism Waste to power	Allotments Beaches & foreshores Burial Grounds Culture and Countryside Emergency Planning Grounds maintenance Health and Safety [Employer capacity] Health equality Land Drainage Control Parks & pleasure grounds Public toilets Refuse & Recycling Streetscene Services Street cleaning Water safety	Asset management Benefits Council tax Customer Service Centre Investments Insurance Land Charges Procurement Revenue Value for money

Champions

Member development & engagement Rural Broadband Rural Communities	Customer Service (Inc. equality of access)	Exmouth Town Seaton Town	Health and Wellbeing Youth	Business Tourism Planning Design & Heritage	Culture Flood Alleviation	Asset management Procurement
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Appendix C - Membership of Committees 2014/15

Members of Cabinet and Committees 2014/15	Cabinet 10	Overview/ Scrutiny 21	Housing Review Board 5	Development Management 16	Planning Inspections 8	Standards 5	Audit & Governance 8	Interviewing (Chief Officers 7	Employment Appeals 7	Licensing & Enforcement 15
Allen Michael										
Atkins David										
Bloxham Ray										
Bond Susie										
Boote Roger										
Bowden Peter							Vice Chairman			
Burrows Peter										
Button Derek										
Buxton Bob										
Chamberlain Geoff										
Chapman David										
Chapman Madeleine										
Chubb Iain										
Cope Trevor										
Cox David									Vice Chairman	
Custance Baker Deborah										
Dent Alan						substitute				
Diviani Paul	Chairman							Chairman		
Drew Christine										
Duval Steer Vivien										
Elson Jill										
Gammell Martin										
Gazzard Steven										
Giles Roger										
Godbeer Graham						Chairman				
Graham Pat										
Hall Steve										Chairman
Halse Peter										
Howard Anthony										
Howe Michael										
Hughes Stuart										
Hull Douglas						substitute				
Humphreys John										
Ingham Ben										
Jeffery John										
Jones Stephanie										

Appendix C - Membership of Committees 2014/15

Members of Cabinet and Committees 2014/15	Cabinet 10	Overview/ Scrutiny 21	Housing Review Board 5	Development Management 16	Planning Inspections 8	Standards 5	Audit & Governance 8	Interviewing (Chief Officers 7	Employment Appeals 7	Licensing & Enforcement 15
Kerridge Sheila										
Key David				Vice Chairman	Vice Chairman					
Knight Jim										Vice Chairman
Moulding Andrew	Vice Chairman							Vice Chairman	Chairman	
Newth Frances										
O'Leary John										
Parr Helen				Chairman	Chairman					
Pook Geoffrey										
Potter Ken							Chairman			
Skinner Philip										
Stott Pauline			Chairman							
Sullivan Peter										
Taylor Brenda										
Thomas Ian										
Troman Graham		Vice Chairman								
Twiss Phillip										
Wale Christopher										
Williamson Mark										
Wood Tim		Chairman								
Wragg Eileen										
Wragg Steve										
Wright Claire										
Wright Tom										

Portfolio Holders: Strategic Development and Partnerships (and Deputy Leader) – Andrew Moulding, Corporate Business – Ray Bloxham, Corporate Services – Phil Twiss, Economy – Ian Thomas, Environment – Iain Chubb (Deputy Environment – Tom Wright) Finance – David Cox, Sustainable Homes and Communities – Jill Elson (Deputy Sustainable Homes and Communities – Stephanie Jones).

Planning Inspections – Substitute Members: Mike Allen (for Helen Parr), Vivien Duval Steer (for David Key), Roger Boote (for Alan Dent and Peter Sullivan), Ken Potter (for Mark Williamson and David Atkins), Geoff Chamberlain (for Martin Gammell – Lib Dem), Ben Ingham (for Geoff Pook - Independent)

Appendix D: Leader's/Portfolio Holders' Think Tanks

		Appointments - 2014/15 (Champions indicated)
1.	Strategic Development and Partnerships Andrew Moulding	Mike Allen David Atkins Susie Bond Derek Button Steve Gazzard John Humphreys - Exmouth Champion Stephanie Jones - Seaton Champion Frances Newth Geoff Pook
2.	Corporate Business Ray Bloxham	Geoff Chamberlain Trevor Cope Deborah Custance Baker Vivien Duval Steer - Customer Services Steve Hall Tony Howard Douglas Hull Helen Parr
3.	Corporate Services Phil Twiss	Maddy Chapman - Member Dev & Engagement Pat Graham Michael Howe - Rural Broadband Champion Graham Troman Chris Wale Tim Wood
4.	Economy Ian Thomas	Mike Allen - Business Champion Alan Dent - Planning Design & Heritage Martin Gammell Peter Halse Sheila Kerridge - Tourism Champion Ken Potter - Rural Communities Champion
5.	Environment Iain Chubb (Deputy: Tom Wright)	Peter Bowden - Flood Alleviation Champion David Chapman Roger Giles Stuart Hughes John O'Leary - Culture Champion Eileen Wragg Claire Wright
6.	Finance David Cox	Roger Boote Peter Burrows Bob Buxton - Asset Management Champion Ben Ingham Ken Potter Philip Skinner Mark Williamson - Procurement Champion
7.	Sustainable Homes and Communities Jill Elson (Deputy: Stephanie Jones)	Christine Drew - Youth Champion Douglas Hull David Key Jim Knight Geoff Pook Pauline Stott Peter Sullivan - Health & Wellbeing Champion

The Chairman and Vice Chairman of the Council to be ex-officio and can attend any meetings of the Think Tanks.

Appendix E – membership of Panels, Forum & Joint Bodies 2014/15

Panels and Forum	Appointments 2014/15
1. Asset Management Forum	<p>Portfolio Holders – Strategic Development & Partnerships, Economy Finance Asset Management Champion</p> <p>ex officio: Leader Chairman of the Council</p>
2. Budget Working Party	<p>Leader of the Council Portfolio Holders: Strategic Development and Partnerships (Deputy Leader) Corporate Business Economy Finance Sustainable Homes and Communities Deputy Environment Peter Burrows Geoff Chamberlain Tony Howard Geoff Pook Tim Wood</p>
3. Capital Strategy and Allocation Group	<p>Portfolio Holders: Strategic Development and Partnerships, Finance, Economy, Corporate Business Corporate Services</p>
4. Community Fund Panel	<p>Portfolio Holder - Finance Cllrs: Derek Button Trevor Cope David Key Jim Knight Frances Newth</p>
5. Disciplinary Panel – to consider disciplinary matters relating to statutory officers	<p>Cllrs: David Atkins David Cox Martin Gammell Pauline Stott</p>
6. Manor Pavilion Theatre Management Steering Committee	<p>Cllr Frances Newth</p> <p><i>Culture Champion to be invited to attend as a valued contributor but is not a Member of the Committee</i></p>

Panels and Forum

Appointments 2014/15

- | | | |
|-----|---|---|
| 7. | Member Development Working Party | Portfolio Holder – Corporate Services
Cllrs:
Maddy Chapman
Trevor Cope
Christine Drew
Pat Graham
Stephanie Jones |
| 8. | New Homes Bonus Panel | Portfolio Holders:
Corporate Business
Strategic Development and Partnerships
Trevor Cope
Douglas Hull
Stephanie Jones
Graham Troman |
| 9. | New Office Executive Group | Leader of the Council
Portfolio Holders –
Strategic Development and Partnerships
Corporate Business
Finance |
| 10. | Public speaking and future agenda management (Development Management Committees) Working Group | Chairman Development Management Committee (DMC)
Vice Chairman DMC
Portfolio Holder – Corporate Business
Geoff Pook
Brenda Taylor
Mark Williamson |

Joint Bodies

Nominations 2014/15

- | | | |
|----|---|--|
| 1. | Arts and Culture Forum | Deputy Portfolio Holder – Environment
Culture Champion
Customer Services Champion
(plus 2 Community & 7 town representatives)

ex officio Portfolio Holder – Corporate Services |
| 2 | East and Mid Devon Community Safety Partnership | Cllr Steve Gazzard |
| 3 | East and Mid Devon Crime and Disorder Scrutiny Panel | Chairman and Vice Chairman of Overview and Scrutiny Committee
Peter Halse
Substitute:
Chris Wale |

Joint Bodies

Appointments 2014/15

- | | | |
|-----|---|--|
| 4 | County Committees including:
East Devon Highways and Traffic Orders Committee | Cllrs:
Susie Bond
Bob Buxton
Pauline Stott |
| 5. | East Devon 'Stakeholder Panel'
re East Devon Strategic Housing Land Availability (SHLAA) | Portfolio Holder – Strategic Development and Partnerships |
| 6. | Exmouth Regeneration Programme Board | Portfolio Holders Strategic Development & Partnerships and Sustainable Homes & Communities
Plus 2 local Exmouth Members (Exmouth Member Champion and Tim Wood) |
| 7. | Seaton Regeneration Programme Board | Portfolio Holders – Economy and Environment
Plus 2 Seaton Ward Members (Seaton Champion and Peter Burrows)
(Portfolio Holder – Economy is Axmouth Ward Member) |
| 8. | LED Leisure Management Ltd | Peter Sullivan
Tim Wood
<i>(agreed at April 2014 Council)</i> |
| 9. | LED Leisure Joint Working Party | David Chapman
Pat Graham
Tony Howard
Geoff Pook
Tim Wood |
| 10. | Local Joint Panel | Leader
Portfolio Holders:
Finance
Corporate Services
Geoff Chamberlain
Vivien Duval Steer |
| 11. | Lower Exe Mooring Authority Management Committee | Mike Howe
Brenda Taylor
(substitute:
John Humphreys) |
| 12 | New Growth Point Delivery Team Steering Board | Leader of the Council
(substitute:
Deputy Leader) |
| 11. | Lower Exe Mooring Authority Management Committee | Mike Howe
Brenda Taylor
(substitute:
John Humphreys) |

Joint Bodies		Appointments 2014/15
12	New Growth Point Delivery Team Steering Board	Leader of the Council (substitute: Deputy Leader)
13	Recycling and Refuse Partnership Board	Portfolio Holder – Environment Deputy Portfolio Holder - Environment David Cox Steve Gazzard Geoff Pook
14	Sidmouth Main and East Beaches Working Party	Deputy Leader of the Council Portfolio Holder - Environment Deputy PH Environment Sidmouth Ward Members Geoff Pook
15	Waste Project Board for Devon	Portfolio Holder - Environment

NOTES:

1. It is anticipated that a Community Infrastructure Levy Working Group will be required during the year and will be set up through Council at the appropriate time.
2. Councillors Deborah Custance Baker, Mike Howe and Sheila Kerridge are the Council's 'designated persons' to comply with the new arrangements for dealing with complaints by tenants – the designated persons to work alongside the Tenant Complaint Panel.
3. Further to the 2012 review undertaken initially by the Corporate Business Portfolio Holder's Think Tank and recommendations of the Overview and Scrutiny Committee which were supported by Cabinet at its meeting on 4 April 2012, the allocation of places to the various Leisure East Devon Partnership Forum throughout the district is no longer made formally through Council. Instead Leisure East Devon is provided with a list of Ward Members and meeting arrangements are made direct.

Appendix F - REPRESENTATION ON OUTSIDE BODIES 2014/15

	Name of Outside Body	Councillor appointments 2014/15	Portfolio Holders/ Champion – reporting link
1	Blackdown Hills (AONB) Joint Advisory Committee	Paul Diviani	Environment
2	Devon and Exeter Area Rail Working Party	David Atkins Peter Sullivan	Economy
3	Devon Authorities Waste and Recycling Committee	David Cox	Environment
4	Devon Youth Service	Member Champion - Youth	Sustainable Housing/ Communities
5	East Devon AONB Partnership	Graham Godbeer Geoff Pook	Environment
6	East Devon Citizens' Advice Bureau	Trevor Cope Alan Dent	Sustainable Housing/ Communities
7	East Devon Transport, Research and Information Project (TRIP) Working Party/Management Group	Stephanie Jones	Sustainable Housing/ Communities
8	East Devon Volunteer Support Agency (EDVSA) – Trustee Board	Tom Wright	Sustainable Housing/ Communities
9	Exe Estuary Management Group	Michael Howe (substitute: Eileen Wragg)	Environment
10	Exeter International Airport Consultative Group	Phil Twiss	Economy/ Environment
11	Exeter Science Park Board of Directors: Exeter Science Park – Shareholder representative	Portfolio Holder – Economy Portfolio Holder – Finance	Economy

	Name of Outside Body	Councillor appointments 2014/15	Portfolio Holders/ Champion – reporting link
12	Exmouth Town Management Partnership Panel	Jill Elson	Economy
13	Local Government Association General Assembly	Leader (substitute: Deputy Leader)	Council
14	Local Government Association Rural Commission and elected representative on LGA group	Leader (with vote) Rural Communities Champion (who can vote in the absence of Leader)	Council
15	Local Government Association People and Places Board	Leader (substitute: Deputy Leader)	Council
16	Police and Crime Panel – Devon and Cornwall	Tom Wright Substitute: Leader	Council
17	Seaton Town Hall Board of Management	Seaton Champion	Economy
18	SWAP (South West Audit Partnership Ltd)	Shareholder – Audit and Governance Chairman Director – Section 151 Officer	Finance
19	South West Councils - including Employers' Panel	Leader Deputies: Portfolio Holders – Corporate Services and Corporate Business	Council
20	SPARSE – Rural Special Interest Group	Rural Communities Champion and Leader	Council

OUTSIDE BODIES - NOTE:

Further to the 2012 review undertaken initially by the Corporate Business Portfolio Holder's Think Tank and recommendations of the Overview and Scrutiny Committee which were supported by Cabinet at its meeting on 4 April 2012, formal appointment of councillor representatives to outside bodies will only now be made where the outside body meets one or more of the following criteria:

- a) The Council makes a financial contribution to the outside body;
- b) There is a clear need for the business of the outside body to be reported back to Council;
- c) The Council has a partnership relationship with the outside body

Council representatives formally appointed to outside bodies will engage with the relevant Portfolio Holder to ensure information is both fed back, and fed into, each outside body, panel and forum that meets the criteria for formal appointment.

In the case of outside bodies falling outside the criteria (including those listed below), the Democratic Services team will provide the contact details of the ward member(s)/member champion so that arrangements can be made direct;

- Active Honiton
- Budleigh Salterton Traffic Group
- Campaign to Protect Rural England (Devon Branch)
- Devon Conservation Group
- Devon County Agricultural Association's Council
- Devon Historic Buildings Trust
- East Devon Local Children's Trust
- Exmouth Local Nature Reserve Management Committee
- Honiton Community & Arts Centre Project Working Group
- Honiton Development Trust
- Norman Lockyer Observatory Management Committee
- Salisbury – Exeter Line side Consortium of Authorities
- Sidmouth Traffic Management Plan
- World Heritage Site Management Plan Steering Group

PATROLAJC – Parking and Traffic Regulations Outside London Adjudication Joint Committee (re Traffic Management Act 2004). No member appointment but the Council will continue to subscribe to this quasi-judicial body which appoints adjudicators to hear formal appeals against parking tickets in all councils (including EDDC) that use civil parking enforcement process.

App G(a) DATES FOR COUNCIL, CABINET & COMMITTEE MEETINGS 2014/2015

(Unless otherwise indicated meetings will normally be held at Knowle, Sidmouth. Not all meetings are open to the public and not all business at other meetings can be considered in the public part of the meeting - members of the public can be asked to leave meetings on specified grounds.

Please check the weekly newsletter 'The Knowledge' for details of forthcoming meetings.

MAY 2014

Wednesday	14	ANNUAL COUNCIL	6.30 pm
Thursday	15	Overview and Scrutiny Committee (if required)	6.30pm

JUNE

Tuesday	3	Development Management	2.00 pm
Wednesday	4	Cabinet	5.30 pm
Thursday	5	Housing Review Board	6.00 pm
Wednesday	11	†† Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	11	† Licensing and Enforcement Committee	9.30 am
Thursday	12	Overview and Scrutiny Committee	6.30 pm
Friday	13	Planning Inspections	#
Tuesday	17	Standards Committee	10.00 am
Wednesday	18	†† Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	25	†† Licensing and Enforcement Sub (if required)	9.30 am
Thursday	26	Asset Management Forum	9.30am
Thursday	26	Audit and Governance Committee (DO NOT MOVE)	2.30 pm

JULY

Tuesday	1	Development Management	2.00 pm
Wednesday	2	†† Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	2	Cabinet	5.30 pm
Wednesday	9	†† Licensing and Enforcement Sub (if required)	9.30 am
Friday	11	Planning Inspections	#
Wednesday	16	†† Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	23	†† Licensing and Enforcement Sub (if required) (Cttee Room)	9.30 am
Wednesday	23	COUNCIL	6.30 pm
Tuesday	29	Development Management	2.00 pm
Wednesday	30	†† Licensing and Enforcement Sub (if required)	9.30 am

AUGUST

Wednesday	6	†† Licensing and Enforcement Sub (if required)	9.30 am
Friday	8	Planning Inspections	#
Wednesday	13	†† Licensing and Enforcement Sub (if required)	9.30 am
Thursday	14	Asset Management Forum	9.30 am
Thursday	14	Overview and Scrutiny Committee	6.30 pm
Wednesday	20	†† Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	26	Development Management	2.00 pm
Wednesday	27	†† Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	27	† Licensing and Enforcement Committee	9.30 am

SEPTEMBER

Wednesday	3	†† Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	3	Cabinet	5.30 pm
Thursday	4	Asset Management Forum	9.30 am
Thursday	4	Housing Review Board	6.00 pm
Friday	5	Planning Inspections	#
Wednesday	10	†† Licensing and Enforcement Sub (if required)	9.30 am
Thursday	11	Overview and Scrutiny Committee	6.30pm
Wednesday	17	†† Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	23	Development Management	2.00 pm
Wednesday	24	†† Licensing and Enforcement Sub (if required)	9.30 am
Thursday	25	Audit and Governance Committee	2.30 pm

OCTOBER

Wednesday	1	†† Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	1	Cabinet	5.30 pm
Friday	3	Planning Inspections	#
Tuesday	7	Standards Committee	10.00 am
Wednesday	8	†† Licensing and Enforcement Sub (if required)	9.30 am
Thursday	9	Asset Management Forum	9.30 am
Wednesday	15	†† Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	15	COUNCIL	6.30 pm
Thursday	16	Overview and Scrutiny Committee	6.30pm
Tuesday	21	Development Management	2.00 pm
Wednesday	22	†† Licensing and Enforcement Sub (if required) Cttee Room	9.30 am
Wednesday	29	†† Licensing and Enforcement Sub (if required)	9.30 am
Friday	31	Planning Inspections	#

NOVEMBER

Wednesday	5	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	5		Cabinet	5.30 pm
Thursday	6		Asset Management Forum	9.30 am
Thursday	6		Housing Review Board	6.00 pm
Wednesday	12	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	13		Overview and Scrutiny Committee	6.30pm
Tuesday	18		Development Management	2.00 pm
Wednesday	19	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	19	†	Licensing and Enforcement Committee	9.30 am
Thursday	20		Audit and Governance Committee	2.30 pm
Wednesday	26	††	Licensing and Enforcement Sub (if required)	9.30 am
Friday	28		Planning Inspections	#

DECEMBER

Wednesday	3	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	3		Cabinet	5.30 pm
Thursday	4		Asset Management Forum	9.30 am
Wednesday	10	††	Licensing and Enforcement Sub (if required) Cttee Room	9.30 am
Tuesday	16		Development Management	2.00 pm
Wednesday	17	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	17		COUNCIL	6.30 pm

JANUARY 2015

Wednesday	7	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	7		Cabinet	5.30 pm
Thursday	8		Asset Management Forum	9.30 am
Thursday	8		Audit and Governance Committee	2.30 pm
Friday	9		Planning Inspections	#
Tuesday	13		Development Management	2.00 pm
Wednesday	14		Overview and Scrutiny Committee Service Planning and Budget (all day meeting)	9.00 am
Wednesday	14	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	15		Housing Review Board	6.00 pm
Tuesday	20		Standards Committee	10.00 am
Wednesday	21	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	22		Overview and Scrutiny Committee	6.30pm
Friday	23		Planning Inspections	#
Wednesday	28	††	Licensing and Enforcement Sub (if required)	9.30 am

FEBRUARY

Wednesday	4	††	Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	10		Development Management	2.00 pm
Wednesday	11	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	11		Cabinet	5.30 pm
Thursday	12		Asset Management Forum	9.30 am
Wednesday	18	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	18	†	Licensing and Enforcement Committee	9.30 am
Friday	20		Planning Inspections	#
Wednesday	25	††	Licensing and Enforcement Sub (if required) Cttee Room	9.30 am
Wednesday	25		COUNCIL – setting Council Tax and agreeing budgets	6.30 pm
Thursday	26		Overview and Scrutiny	6.30pm

MARCH

Tuesday	3		Development Management	2.00 pm
Wednesday	4	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	5		Audit and Governance	2.30 pm
Wednesday	11	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	12		Asset Management Forum	9.30 am
Friday	13		Planning Inspections	#
Wednesday	18	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	18		Cabinet	5.30 pm
Thursday	19		Housing Review Board	6.00 pm
Wednesday	25	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	26		Overview and Scrutiny	6.30pm
Tuesday	31		Development Management	2.00 pm

APRIL

Wednesday	1	††	Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	7		Standards Committee	10.00 am
Wednesday	8	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	9		Asset Management Forum	9.30 am
Friday	10		Planning Inspections	#
Wednesday	15	††	Licensing and Enforcement Sub (if required) Cttee Room	9.30 am
Wednesday	15		Cabinet	5.30 pm
Tuesday	21		Development Management Committee	2.00 pm
Wednesday	22		Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	29	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	29		COUNCIL	6.30 pm

MAY

Friday	1		Planning Inspections	#
Thursday	7		DISTRICT COUNCIL ELECTIONS	
Wednesday	27		Annual meeting of the Council – to be confirmed	6.30 pm

Time to be arranged

† The Licensing and Enforcement Committee includes within its functions the Licensing Act 2003, Gambling Act 2005, and all matters relating to hackney carriages and private hire.

†† Sub-Committees of the Licensing and Enforcement Committee whose functions are primarily to deal with hearings under the Licensing Act 2003 and Gambling Act 2005.

Note:

- ❑ Devon County Council Budget meeting time tabled for February 2015 (date to be confirmed)
- ❑ Meetings of the Standards Sub Committees will be arranged as required.
- ❑ Budget/ Rates Consultation with the Business Community – to be arranged as required in January.

App G (b) List of meetings 2014/2015 (matrix)

Unless otherwise indicated meetings will normally be held at Knowle, Sidmouth. Not all meetings are open to the public and the public can be asked to leave other meetings on specified grounds.

			2014								2015				
Meeting	Day	Time	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Annual Council	Wed	6.30pm	14												27
Council	Wed	6.30pm			23			15		17		25		29	
Cabinet	Wed	5.30pm		4	2		3	1	5	3	7	11	18	15	
Overview & Scrutiny Committee	Thu	6.30pm	15	12		14	11	16	13		22	26	26		
Overview & Scrutiny Service Plan & Budget Meeting	Wed	9.00am									14				
Development Management Committee	Tue	2.00pm		3	1 29	26	23	21	18	16	13	10	3 31	21	
Planning Inspections Committee	Fri	tba		13	11	8	5	3 31	28		9 23	20	13	10	1
Audit & Governance Committee	Thu	2.30pm		26			25		20		8		5		
Housing Review Board	Thu	6.00pm		5			4		6		15		19		
Licensing & Enforcement Committee	Wed	9.30am		11		27			19			18			
Licensing & Enforcement Sub Committee	Wed	9.30am		11 18 25 23 30	2 9 16 23 30	6 13 20 27	3 10 17 24	1 8 15 22 29	5 12 19 26	3 10 17	7 14 21 28	4 11 18 25	4 11 18 25	1 8 15 22 29	
Standards Committee	Tue	10.00am		17				7			20			7	
Asset Management Forum	Thu	9.30am		26		14	4	9	6	4	8	12	12	9	
Rates Consultation (with business community)	Mon	6.30pm													

NOTES

- ☐ Devon County Council Budget meeting time tabled for February 2015 (date to be confirmed)
- ☐ Sub-Committees of the Licensing and Enforcement Committee are timetabled for every Wednesday on a 'if required' basis
- ☐ Meetings of the Standards Sub Committees will be arranged as required.
- ☐ Budget/ Rates Consultation with the Business Community – to be arranged as required in January.

EAST DEVON DISTRICT COUNCIL
Minutes of a meeting of the Cabinet
held in the Council Chamber, Knowle, Sidmouth
on Wednesday, 7 May 2014

Present:

Councillors:

Paul Diviani
 Andrew Moulding

Leader/Chairman
 Deputy Leader/Portfolio Holder
 Strategic Development and
 Partnership

Portfolio Holders:

Ray Bloxham
 Iain Chubb
 David Cox
 Jill Elson
 Ian Thomas

Corporate Business
 Environment
 Finance
 Sustainable Homes & Communities
 Economy

Deputy Portfolio Holders

Stephanie Jones
 Tom Wright

Sustainable Homes & Communities
 Environment

**Also
 present:**

Councillors:

Mike Allen
 David Atkins
 Roger Boote
 Peter Bowden
 David Chapman
 Maddy Chapman
 Deborah Custance Baker
 Alan Dent
 Christine Drew
 Martin Gammell
 Steve Gazzard
 Graham Godbeer

Pat Graham
 Steve Hall
 Peter Halse
 John Humphreys
 Sheila Kerridge
 Frances Newth
 John O'Leary
 Ken Potter
 Pauline Stott
 Tim Wood
 Eileen Wragg

**Also
 present:**

Officers:

Mark Williams, Chief Executive
 Richard Cohen, Deputy Chief Executive
 Denise Lyon, Deputy Chief Executive
 Simon Davey, Head of Finance
 John Golding, Head of Housing
 Karen Jenkins, Corporate Organisational Development Manager
 Rachel Pocock, Corporate Legal & Democratic Services Manager
 Carol Austin, Communications & Information Officer (Regen)
 Linda Bennett, Blackdown Hills AONB Manager
 Andrew Ennis, Environmental Health & Parking Services Manager
 Alison Hayward, Principal Regeneration Project Manager
 Charlie Plowden, Countryside and Leisure Manager
 Diana Vernon, Democratic Services Manager

Apologies**Cabinet member**

Phil Twiss

Non-Cabinet members

Peter Burrows

Derek Button

Geoff Chamberlain

Jim Knight

The meeting started at 5.30 pm and ended at 7.15 pm.

In compliance with The Local Authorities (Executive Arrangements) Meetings and Access to Information) (England) Regulations 2012, during consideration of items on the agenda, alternative options were considered by Members when making decisions.

***230 Public speaking time**

There were no public questions/statements.

***231 Minutes**

The minutes of the meeting of the Cabinet held on 2 April 2014 were confirmed and signed as a true record.

***232 Declarations of interest**

Councillor/ Officer	Minute number	Type of interest	Nature of interest
Cllr Paul Diviani	241	Personal	EDDC appointee on Blackdown Hills AONB Joint Advisory Committee and the Devon County Council appointee on the East Devon AONB Partnership

***233 Exclusion of the public**

RESOLVED: that the classification given to the documents to be submitted to the Cabinet be confirmed; there were three items which officers recommended should be dealt with in Part B.

***234 Forward plan**

Members noted the contents of the forward plan for decisions for the period 1 May to 31 August 2014.

***235 Matters referred to the Cabinet**

There were no matters referred to the Cabinet by the Overview and Scrutiny Committee or the Council.

***236 Overview and Scrutiny Committee – 27 March 2014**

Members received and noted the minutes of the meeting of the Overview and Scrutiny Committee held on 27 March 2014.

In response to a request to give parish and town councils time to plan for any transfer of responsibility for the maintenance of play areas from the district council to local councils, the Cabinet was assured that any such transfers would be carried out appropriately through negotiation at local level. The issues were understood and the need for flexibility and awareness of local circumstances were acknowledged.

***236 Overview and Scrutiny Committee – 27 March 2014 (continued)**

RESOLVED 1 that the following recommendations be approved

Minute 75 that concern be expressed regarding the Chancellor's Autumn statement and the suggestion that the New Homes Bonus be withheld from local authorities who had opposed a planning application for a development that was granted on appeal because local authority development decisions should be based solely on planning grounds and not on financial considerations.

Minute 77 (in respect of the recommendations from the interim report of the Budget Scrutiny Task and Finish Forum)

- (1) that the Street Scene service proactively approaches parishes where appropriate to offer their grounds maintenance service for parks/gardens/amenity areas;
- (2) that the Asset Management Forum review the current leases with markets and assess the viability of continuing to run them;
- (3) that the Asset Management Forum review all assets under the budget heading of Public Halls, Pavilions and Cinemas and, in particular, pursue the possibility of transferring some assets to the relevant town council;
- (4) that the Council prioritise and encourage opportunities to provide further industrial sites for small and new starter businesses to develop;
- (5) that the method of provision of theatrical and related activities at the Exmouth Pavilion and the Manor Pavilion be further reviewed;
- (6) that serious consideration and negotiation take place in an endeavour to transfer the responsibility for the maintenance of play areas to the relevant town and parish councils. In addition where new play areas and equipment is provided via S106 agreements, agreement should be reached with the relevant parish or town council so that they then provide the funding for maintenance;
- (7) that the legal agreement to maintain the private drive of Peak House be reviewed again to consider contesting it, in light of the significant budget spend of public money on private property.

***236 Overview and Scrutiny Committee – 27 March 2014 (continued)**

RESOLVED 2 that the following recommendations be taken into account

- Minute 76** (in respect of the Local Enterprise Partnership (LEP)'s Strategic Economic Plan to 2030 which is currently being prepared)
- (1) Endorse the issues already identified by Cabinet for promotion to the LEP in its strategic economic planning to 2030;
 - (2) Strengthen in particular the importance of item 7 skills and access to jobs for young people, item 9 recognition of tourism and economic development, and item 10 intentions towards farming, agriculture and land management;
 - (3) Emphasize the growth hubs and business support delivery spokes for the whole of the District.

***237 Proposal for underwriting of Seaton Jurassic Project – key decision**

Members considered the report of the Principal Regeneration Project Manager seeking approval for £165,000 to underwrite the Seaton Jurassic Project. This would meet the identified shortfall in budget for the total project costs for delivering Seaton Jurassic and demonstrate to the Heritage Lottery Fund that the project had all funding in place. Members were advised that the shortfall was anticipated to be temporary as the Devon Wildlife Trust was seeking to secure funding from other Charitable Trusts. However Members were made aware of the risks associated with underwriting the project. The report set out progress made, costs and funding in place.

The Portfolio Holder – Economy praised the efforts of the teams involved in the project and referred to the competence and dedication of the Devon Wildlife Trust. The Member Champion for Seaton added her appreciation of the work being carried out and the efforts being made to realise the vision for the area.

RESOLVED that the underwriting of the capital cost of the Seaton Jurassic project for the sum of £165,000 be approved.

REASON There is a shortfall of £165,000 in the budget for the total project costs for delivering Seaton Jurassic. It is anticipated that, on the basis of their successful track record, Devon Wildlife Trust (DWT) will secure this funding through applications to other Charitable Trusts. However, in order to maximize the Council's chances of success in securing the £621,000 bid to Heritage Lottery Fund, it is beneficial for the Project to be able to advise the Heritage Lottery Fund (HLF) when they visit Seaton and meet with the Project Team on 12 May that the entire remaining budget is in place. All funding will have to be in place for the HLF to release the funds to the Project at the time of start on site in July.

238 **Constitution – annual update**

The Council's Constitution is updated regularly to reflect legislative changes and to assist organisational effectiveness. Members considered the proposed amendments to the Constitution set out in the report of the Deputy Monitoring Officer. Cabinet's recommendations would be referred to the annual meeting of the Council on 14 May 2014.

The Deputy Monitoring Officer identified the key proposed amendments as:

- The Term of Leader – Changes in legislation meant that there was no longer a requirement for the Leader to be offered a term of four years following the District Council elections.
- Changes to the Officer scheme of delegations – set out in the appendix to the report. The aim was to facilitate day to day decision making with a clear audit trail within the context of the Council's policy framework and Portfolio Holder scheme of delegations.
- Motions on notice to Council - Chief Executive to be able to seek clarification of their purpose and recommend amendment to the wording to ensure that they comply with the law. The proposed amendment also gave the opportunity for motions to be referred to an appropriate committee for initial consideration in instances where the subject/issue was not immediately relevant to the current business of the Council.
- Approval of statement of accounts to be delegated to the Audit and Governance Committee.

- RECOMMENDED**
- (1) that the proposed amendments to the Constitution set out in the report, including the updated scheme of delegations, be recommended for approval by Council;
 - (2) that the Monitoring Officer be given delegated authority to amend the Constitution accordingly, and also to keep the Constitution updated to comply with statutory requirements.

REASON The Constitution states it should be regularly reviewed and updated. It is obviously a significant part of the Council's governance framework.

*239 **Axminster car parks promotional offer**

Members considered the report of the Environmental Health and Parking Services Manager in respect of a request from the Axminster Chamber of Commerce to introduce a special promotional car parking tariff for 2014. The proposal was to cap the maximum daily charge in all Council car parks in Axminster at £2 (the offer starting from 10am), with the intention of helping to support the economy of the town.

The proposal was similar to the special Christmas car parking arrangements in the town which had received positive feedback.

The report addressed potential loss of income to the Council and whether the promotional offer would prompt other towns to seek similar arrangements.

***239 Axminster car parks promotional offer (continued)**

Debate on the proposal included the following points:

- The trial was welcomed and feedback would be used when considering similar proposals for other towns.
- Axminster was close to the Somerset border – Chard parking charges were lower than in East Devon.
- Similar arrangements in other towns could block car park spaces and reduce turnover.
- The Council would remain open to requests for further reviews and the possibility of special offers in other locations – each approach would be considered on its own merits.
- Giving the fourth hour free in the London car park (Exmouth) had resulted in a significant proportion of spaces being taken up by part time workers rather than visitors to the town.
- Being able to use a day ticket in various locations within a town was welcomed.
- The proposal would be a departure from the Council's previous intention to standardise car parking charges across the district.
- Currently there was unified pricing of £1per hour, the special offer tariffs and trials were to achieve best balance between meeting the requirements of the towns and protecting the Council's revenue stream.

RESOLVED that for a trial period commencing 8 May 2014 until 31 October 2014 and subject to an option for EDDC to withdraw the offer without prior notice, to introduce a special promotional offer car parking tariff of £2 maximum charge for parking after 10am for the rest of that day in any of EDDC's pay and display car parks in Axminster.

REASON To implement a car parks pricing initiative at the request of Axminster Chamber of Commerce designed to better serve the needs of the town.

***240 Flood Resilience scheme**

The Head of Housing presented this report which explained the Government schemes to be administered locally to assist flooded households and businesses in protecting their property from future flood risk. The report set out the proposed local scheme based on Government guidelines and local circumstances. Details of the scheme would be uploaded onto the Council's website.

The Council's Flood Alleviation Member Champion welcomed the scheme but recognised some of the concerns raised by the Association of British Insurers. He hoped that the scheme would help to alleviate the stress and disruption to people who had already experienced recent flooding of their property.

RESOLVED that the draft Flood Resilience Scheme be approved with delegated authority being given to the Chief Executive to administer the scheme.

*240 **Flood Resilience scheme (continued)**

REASON The scheme will help owners affected by recent flooding to protect their residential/ business properties from future flood events.

241 **Adoption of the revised Blackdown Hills AONB Management Plan 2014-2019**

The Blackdown Hills Area of Outstanding Natural Beauty (AONB) Manager, Linda Bennett, presented the review of the Management Plan as was required under Part IV, Section 89 of the Countryside and Rights of Way Act 2000.

The review followed a similar formula and process as in the past although this time there had been more focus on the special qualities/characteristics within the AONB which the Plan would help to conserve and enhance. There had been public consultation on the reviewed document and feedback had been taken into account. The statutory consultee, Natural England, had approved the revised Plan which was now presented for adoption by EDDC. Members were advised that the Plan had already been adopted by Devon County Council and South Somerset District Council.

The AONB Manager extended thanks to EDDC for its funding contribution and for Member and Officer support. In turn EDDC's Countryside and Leisure Manager thanked Linda for the huge difference made by the work and efforts of her team.

The Sustainable Homes and Communities Portfolio Holder raised the issue of sustainable farming (including solar panel farms) and the importance of allowing villages to grow and evolve so that they remained viable.

The Deputy Environment Portfolio Holder welcomed the catchment sensitivity policy which would help protect rivers and beaches from agricultural pollution.

In reply to concerns about the apparent increased incidents of fly tipping since the reduction in the opening hours of DCC recycling centres, the Portfolio Holder – Finance said that this had been raised as a concern by the recycling and refuse service. The Portfolio Holder – Environment said that he would initiate research and if relevant would present the findings and evidence to the County Council for recompense.

RECOMMENDED that the Blackdown Hills AONB Management Plan 2014-2019 be formally adopted.

REASON Under Part IV, Section 89 of the Countryside and Rights of Way (CRoW) Act 2000 Devon and Somerset County Councils, East Devon, Mid Devon and South Somerset District Councils and Taunton Deane Borough Council were required to produce a Management Plan for the Blackdown Hills AONB by 1 April 2004 and review it at intervals of not more than five years.

The local authorities covering the Blackdown Hills AONB area authorised the Blackdown Hills AONB Partnership to review the Blackdown Hills AONB Management Plan (2009-2014) on their behalf.

***242 Performance management report March 2014**

The Cabinet considered the report of the Corporate Organisational Development Manager setting out performance information for the 2013/14 financial year for March 2014.

The following indicators showed excellent performance.

- percentage of planning appeal decisions where the planning inspector has agreed with the Council's decision
- days taken to process Housing Benefit/Council Tax Benefit new claims and change events
- percentage of invoices paid within 30 days
- a reduction in working days lost due to sickness absence

No Performance Indicators showed concern.

The Portfolio Holder – Corporate Business suggested that the 'snapshot' information should include examples of joint working through the Villages Together initiative.

RESOLVED that the progress and proposed improvement action for performance measures for the 2013/14 financial year for March 2014 be noted.

REASON The performance monitoring report highlights progress using a monthly snapshot report; SPAR reports on monthly indicators and systems thinking measures in key service areas including Streetscene, Housing, Development Management and Revenues and Benefits.

***243 Exclusion of the public**

RESOLVED that under Section 100(A) (4) of the Local Government Act 1972 and in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public (including the press) be excluded from the meeting as exempt and private information (as set out against each Part B agenda item), is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B).

***244 Redevelopment of Exmouth Rugby Club for Supermarket use – key decision**

Members considered the report regarding the relocation of Exmouth Rugby Club to an alternative site. The Principal Regeneration Project Manager advised that negotiations were continuing with interested parties and updated Cabinet on the current position. The Cabinet appreciated the commercial sensitivity of the negotiations. The aim was to redevelop the current Rugby Club site for supermarket use as a means of implementing the Exmouth Masterplan. The report set out options for relocation following discussion with the Rugby Club and how this could be achieved. The report also included interest from supermarket operators in respect of the Rugby Club's current site and next steps needed to facilitate the relocation.

***244 Redevelopment of Exmouth Rugby Club for Supermarket use – key decision (continued)**

The Cabinet was asked for approval to continue with the negotiations regarding the relocation of the Exmouth Rugby Club.

The Leader encouraged Cabinet and Exmouth members to comment on the current position and to raise any concerns.

- RESOLVED**
- (1) that the Deputy Chief Executive – Development, Regeneration and Partnerships be given delegated authority to enter into further negotiations and appropriate legal agreements with interested parties subject to further valuation and legal advice as required;
 - (2) that it be noted that the relocation of the Rugby Club and subsequent redevelopment of the Club's current site would be conditional upon securing detailed planning permission;
 - (3) that, if appropriate to the negotiations, the Council pays a non-refundable sum (specified in the confidential report), payable in instalments to be agreed, for the duration of the proposed Option Agreement.

REASON Council Officers have been working with Exmouth Rugby Club and professional advisors to identify an alternative location for the Rugby Club facilities.

***245 Exmouth Regeneration Programme Board**

Members of the Cabinet noted the action points from a meeting of the Exmouth Regeneration Programme Board which had been held on 27 March 2014.

Members noted the good progress being made with various regeneration projects within Exmouth. Issues raised by those present would be taken to future meetings of the Board or to the Overview and Scrutiny Committee where an item on use of Section 106 funding was already included in its forward plan.

***246 Seaton Regeneration Programme Board**

Members of the Cabinet noted the action points from a meeting of the Seaton Regeneration Programme Board which had been held on 27 February 2014.

Again good progress was noted, particularly in respect of the Jurassic Centre.

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of a meeting of the Cabinet
held in the Council Chamber, Knowle, Sidmouth
on Wednesday, 4 June 2014

Present:	Councillors:	
	Paul Diviani	Leader/Chairman
	Andrew Moulding	Deputy Leader/Portfolio Holder Strategic Development and Partnership
	Portfolio Holders:	
	Ray Bloxham	Corporate Business
	Iain Chubb	Environment
	David Cox	Finance
	Jill Elson	Sustainable Homes & Communities
	Ian Thomas	Economy
	Phil Twiss	Corporate Services
	Deputy Portfolio Holders	
	Stephanie Jones	Sustainable Homes & Communities
	Tom Wright	Environment
Also present:	Councillors:	
	Mike Allen	Sheila Kerridge
	David Atkins	Frances Newth
	Peter Bowden	John O'Leary
	Deborah Custance Baker	Helen Parr
	Alan Dent	Geoff Pook
	Christine Drew	Ken Potter
	Steve Gazzard	Pauline Stott
	Tony Howard	Peter Sullivan
	John Humphreys	Graham Troman
	Ben Ingham	Tim Wood
		Eileen Wragg
Also present:	Officers:	
	Mark Williams, Chief Executive	
	Richard Cohen, Deputy Chief Executive	
	Denise Lyon, Deputy Chief Executive	
	Simon Davey, Head of Finance	
	John Golding, Head of Housing	
	Karen Jenkins, Corporate Organisational Development Manager	
	Rachel Pocock, Corporate Legal & Democratic Services Manager	
	Laurelie Gifford, Financial Services Manager	
	Steph Lewis, Assistant Democratic Services Officer	
	Steve Pratten, Relocation Manager	
	Claire Read, Accountant	
	Kenji Shermer, Urban Designer, Cranbrook	
	Darren Summerfield, New Community Projects Officer	
	Andy Wood, East of Exeter Projects Director	
	Diana Vernon, Democratic Services Manager	

Apologies**Non Cabinet members**

Geoff Chamberlain
David Chapman
Maddy Chapman
Steve Hall

Peter Halse
Brenda Taylor
Mark Williamson

The meeting started at 5.30 pm and ended at 8.45 pm.

In compliance with The Local Authorities (Executive Arrangements) Meetings and Access to Information) (England) Regulations 2012, during consideration of items on the agenda, alternative options were considered by Members when making decisions.

***1 Public speaking time**

The Leader welcomed members of the public present. There were no public questions/statements at this part of the meeting.

***2 Leader announcement re remit of Portfolio Holders**

The Leader is responsible for allocating portfolios to members of the Cabinet. At Annual Council in May this year, responsibility for car parks was placed within a single portfolio. However for practical reasons the Leader advised that he had decided that responsibility for asset management of car parks including pricing, will now rest with the Economy Portfolio Holder. Car park operational issues will rest with the Environment Portfolio Holder. This reflects historical arrangements (pre May Annual Council 2014) in respect of car parks. The change will be reported through to the July full Council for information in line with the Council's Constitution requirements.

***3 Minutes**

The minutes of the meeting of the Cabinet held on 7 May 2014 were confirmed and signed as a true record.

***4 Declarations of interest**

Councillor/ Officer	Minute number	Type of interest	Nature of interest
Cllr Jill Elson	14	Personal	Chairman of Community Transport Group and Governor of Exmouth Community College
Cllr Ray Bloxham	16	Personal	Cranbrook resident
Cllr David Cox	23	Personal	Seconded (non-voting) member of LED Leisure Management Ltd
Cllr Peter Sullivan	23	Personal	EDDC representative on LED Leisure Management Ltd
Cllr Tim Wood	23	Personal	EDDC representative on LED Leisure Management Ltd

***4 Declarations of interest (continued)**

Richard Cohen, Denise Lyon, Simon Davey, John Golding, Karen Jenkins, Rachel Pocock	25	Disclosable Pecuniary	Senior Officers would be directly affected by the proposed restructure of the organisation. All listed Officers left the Chamber during discussion and voting on this item.
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***5 Exclusion of the public**

RESOLVED: that the classification given to the documents to be submitted to the Cabinet be confirmed; there were three items which officers recommended should be dealt with in Part B.

***6 Forward plan**

Members noted the contents of the forward plan for decisions for the period 1 June to 30 September 2014.

***7 Matters referred to the Cabinet**

There were no matters referred to the Cabinet by the Overview and Scrutiny Committee or the Council.

***8 Overview and Scrutiny Committee – 15 May 2014**

Members received and noted the minutes of the meeting of the Overview and Scrutiny Committee held on 15 May 2014.

Councillor Tim Wood, Chairman, advised that at its meeting the Committee had debated arrangements for speaking by the public at Development Management and Planning Inspection Committees in detail and had made some modest amendments which he trusted would be accepted.

RESOLVED 1 that the following recommendation be approved

Minute 3 that, recognising the restrictions on funding available to district councils, and the difficulty in finding and providing open space provision, efforts are made to maximise opportunities for acquiring appropriate funding from developers, and as part of this process Ward Members should be kept informed at an early stage regarding s106 agreements, once legal negotiations are completed.

RESOLVED 2 that the following recommendations be referred to Council for consideration:

Minute 4 (1) that Council considers the following changes to the arrangements for speaking by the public for Development Management Committee and Planning Inspections Committee to be introduced following **next Council**, trialed for one year:

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Overview and Scrutiny Committee – 15 May 2014 (continued)

- (a) Introduction of pre-registration of all public wishing to speak at Development Management Committee on planning applications so that the public (meaning those who have submitted written comment on an application prior to agenda publication) are required to register, with Democratic Services, their wish to speak on an item **3 or more** working days before the meeting.
- (b) We will welcome speakers but, due to time constraints the number of speakers is to be limited to:
 - Parish/Town Council representative, **up to 2** objectors, **up to 2** supporters, applicant or agent, Ward Member(s) on minor applications
 - Parish/Town Council representative **up to 5** objectors, **up to 5** supporters, applicant or agent, Ward Member(s) on major applications

Speakers will be registered on a first come, first served basis. Registered speakers will be advised that their contact details, unless they tell Democratic Services otherwise, will be posted on the Council's website to allow others, who may have wished to speak, to contact them. Speaking by the public to remain limited to 3 minutes per contribution and 5 minutes for Ward Member(s).

- (c) Planning applications to be numerically ordered on the published agenda, with a revised order to be published by 12 noon the day before the meeting prioritising applications on which people have registered to speak (all items where there are registered speakers to be taken before items where there are no registered public wishing to speak. Where there are registered speakers for major applications these be taken first.)
- (d) Non-committee members be allowed to speak on Part A non-planning applications, limited to 3 minutes per contribution.

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Overview and Scrutiny Committee – 15 May 2014 (continued)

- (e) A maximum of two speakers from the public (to register 3 **or more** working days in advance of the meeting) to be permitted on non-planning application items on which DMC is making a decision (this does not include items where a recommendation will be made to Council, items for information or items responding to government guidance). To be made clear on the agenda the items on which the public can register to speak.
- (f) In respect of planning applications, to hear from adjacent Ward Members or other non-committee members if there is time and subject to Chairman's discretion.
- (g) Development Management Committee (special meetings for non-planning application items)
Speaking arrangements appropriate to the meeting continue to be put in place for special meetings at the discretion of the Chairman in consultation with Democratic Services, Legal Services and the Development Manager.

Minute 4

- (2) that the following changes be made to future Development Management Committee agendas and meeting management:
 - (a) No meeting on one day should exceed 2 sessions each of up to 3 hours in length. Where more time is likely to be needed, the business to be split into two meetings.
 - (b) Meetings to be timetabled to include breaks and to list items as 'not before' a set time/ scheduled break to avoid unnecessary waiting for members of the public.
 - (c) A new timing clock be sourced which allows changeable time limits and a bell/buzzer to sound at the end of the allotted time to alert the speaker that their time is up.
 - (d) Guidance on speaking arrangements for members of the public, including an overview of planning considerations which can and cannot be taken into account by the Committee to be shown on the projector screen 20 minutes before the meeting starts.

***8 Overview and Scrutiny Committee – 15 May 2014 (continued)**

- (e) The guidance on speaking by the public be included on agendas with a list of the key planning considerations that can be taken into account by the Committee together with those that cannot.
- (f) **Where appropriate, planning officers should introduce the application by stating that they have nothing to add to the report.**
- (g) The guide to the Development Management and Planning Inspections Committees and the relevant web-site pages to be updated to reflect the recommendations, if agreed, above.

9 Independent Remuneration Panel – 13 May 2014

Members received and noted the recommendations of the Independent Remuneration Panel from a meeting held on 1 May 2014. The recommendations would be referred to Council for consideration.

Councillor Ken Potter who had been invited to the meeting of the Panel to discuss his role as Member Champion asked for an omission in the minutes to be noted - at the meeting Councillor Potter had also talked about EDDC's support for the Fairer Funding Campaign.

RECOMMENDED that no change be made to the Member Basic Allowance for 2014/15.

***10a East Devon Recycling and Refuse Partnership Board**

Members considered the minutes of a meeting of the Partnership Board held on 29 April 2014.

Councillor Iain Chubb, Environment Portfolio Holder and Chairman of the Partnership Board highlighted the Board's recommendations in respect of cardboard recycling options; a further report would be referred to the July meeting of Cabinet. He also advised that the Board had supported the Citizen App and encouraged Members to promote its use.

In reply to a question, Councillor Chubb advised that the introduction of bigger bins (Big Belly Bins) in Exmouth was progressing – some modifications were being made so that they would be able to withstand salt air.

ITN called them the "Brainiest Bins in the UK"

Click here... <http://vimeo.com/49175535>

Have you seen us on BBC Newsround?

Click here... <http://www.bbc.co.uk/newsround/17671518>

10a East Devon Recycling and Refuse Partnership Board (continued)*RESOLVED****that the following recommendations be approved**

- (1) that a contribution of £5,000 be given to Devon County Council toward the cost of research and a business plan into the Devon Integrated Waste project, with a caveat that this be withdrawn if other district councils do not offer the same contribution,
- (2)
 - (a) that a report be taken to Cabinet detailing the options available for card collections,
 - (b) that the Waste and Recycling Manager discuss with Devon County Council grants available to help fund card collections and increase recycling rates in the district.
- (3) that it be agreed that waste and recycling collections do not take place on 27 December and that the conclusion of the 'catch up' period be completed on 17 January 2015 and that SITA make every effort to ensure that any overtime cost are kept to acceptable levels.

***10b Presentation – Exeter Energy from Waste (EFW)**

The Leader invited Wendy Barratt, County Waste Manager to give a presentation on Exeter Energy from Waste as this plant had started taking East Devon's waste.

The presentation outlined the drivers for developing the new facility, these included the European directive (with targets) to divert biodegradable waste from landfill, the increasing cost of use of landfill, environmental reasons and the political will to reduce 'waste' miles. The new plant was based in Marsh Barton and served Exeter and the surrounding area. The County Waste Manager explained the plant's processes and efficiencies, emphasising the pollution controls in place.

Issues raised following the presentation included:

- EDDC's commitment to the District Heating initiative
- The need to achieve savings in disposal of waste so that the Council could be in a position to include cardboard in its recycling options. Savings had yet to be quantified but would include reduction in wear and tear on vehicles and miles travelled. The gate fee at the plant was comparable with the cost of landfill but the plant's power generation helped to off-set these costs. Currently the ash residue was sent to landfill but the aim was to recycle this waste for road aggregate.
- There was a cost benefit in recycling cardboard rather than sending it to the energy from waste plant.
- The plant would not accept separately collected clinical waste which was currently transported to Cornwall. This position was being reviewed.

The Leader thanked the County Waste Manager for her informative and interesting presentation.

***11 Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations**

RESOLVED that the Leader's annual report containing details of each executive decision which was agreed as urgent under Regulation 11 (Cases of Special Urgency) - where less than 5 days' notice could be given – was noted.

REASON To comply with legislation.

***12 Revenue and Capital Outturn report 2013/14 – key decision**

Members considered the report of the Head of Finance giving the budget outturn position at year end, comparing this position with budgets set for the financial year 2013/14 in respect of the General Fund, Housing Revenue Account and the Capital Programme. This information was set out in the Outturn Book provided to all Councillors in advance of the meeting.

The report included the main variations against budget (report paragraph 2.3) which had led to overall savings and which would be paid into balances. The report similarly showed overall savings in the Housing Revenue Account. An amendment was reported by the Head of Finance to the figures shown in the report (3.1) with the surplus against budget increasing by a further £126,000 to £419,000 as the HRA was no longer required to make a capital contribution; this was now to be met from a capital receipt. Part of the surplus would be transferred to a Debt Repayment Volatility Reserve which provided a cushion for repayment of the self financing loans.

The Head of Finance drew Members' attention to the Capital Budget underspend (4.1), largely as a result of scheme slippage. The Capital Reserve would be used to fund the Capital Programme in 2015/16, and future years and looked healthy at this stage, but Members were given the health warning - that further projects would come forward to call upon this Reserve.

Financial monitoring reports had kept members informed during the year so that they were aware of any budget variations and projected financial outturn position at year end. Members noted that predetermined balance and reserve levels had been maintained above the adopted minimum levels. Members were asked to consider future policy for holding these sums.

- RESOLVED**
- (1) that the outturn position for 2013/14 be agreed;
 - (2) that the level of Reserves detailed in the report and the transfers recommended be agreed; namely
 - The transfer of £0.397m from the General Fund into the Transformation Reserve.
 - The Transfer of £1.190m from the Housing Revenue Account into the Debt Repayment Volatility Reserve (HRA Reserve).
 - The Transfers to other earmarked reserves for specific projects where funding contributions have been made in advance of spend and monies are held at year end to fund this work in future years. The Outturn Book contains full details of these transfers in 2013/14.

***12 Revenue and Capital Outturn report 2013/14 – continued**

- REASON**
- (1) To note the Outturn position for the Council's approved budgets for the General Fund, Housing Revenue Account and Capital Expenditure. This final position will flow through to the Council's Statement of Accounts
 - (2) To note the variations from the budgets identified within the report and consider the final position.
 - (3) To reflect on the reserves and balances held by the Council and determine if these are the right reserves at the right levels going forward.

***13 2013/14 Annual Treasury Management Review – key decision**

Members considered the report of the Head of Finance setting out the overall performance of the Council's Treasury Management Strategy during 2013/14.

Members' attention was drawn to the performance of investment (external and internal) activities in respect of the General Fund and Housing Revenue Account. The variances in General Fund (Report paragraph 2.1) and in the Housing Revenue Account (2.2) were not significant and were largely due to interest rates not increasing to predicted levels during the year. The report also set out information on borrowing.

RESOLVED that the investment return for 2013/14 be noted.

REASONS The Council is required by regulations issued under the Local Government Act 2003 and the Code of Practice on Treasury Management in Public Services published by the Chartered Institute of Public Finance & Accounting (CIPFA) to produce an annual review of its treasury management activities and performance.

***14 Honiton Beehive Centre – key decision**

Cllr John Zarczynski, Deputy Mayor of Honiton, thanked EDDC on behalf of the Town Council for its financial contribution to the Honiton Community Centre project. He set out how funding had been used and relevant timings. The Centre was now open. Overall feedback was positive and any problems identified were being addressed. The Town Council had now received a request from the Directors of the Company, set up to manage the Centre, to allow them to seek charitable status in order to access additional funding. The Council was still considering this request. EDDC was currently considering the future use of the New Street building and Cllr Zarczynski asked Cabinet to allow the Town Council to wait for a decision on the future of the building before progressing repair work. Cllr Zarczynski ended by praising the new facility and the way that the Town and District Councils had worked together for the benefit of the local Community.

A letter from Jill McNally had been circulated to Cabinet members in advance of the meeting. The letter set out concerns in respect of the use of the facility as an arts centre, hire costs and management of the building. The Cabinet was urged to clarify the finance and management of the project to lay current rumours to rest.

***14 Honiton Beehive Centre – continued**

The report of Richard Cohen, Deputy Chief Executive updated Cabinet on progress of the Honiton Beehive Centre and how EDDC's investment and other funding had been used. EDDC would continue to monitor the Centre and its usage. Members recognised the need for the Centre to have a sound and appropriate system of management.

Members discussed the advantages and disadvantages of the proposal to seek charitable status/community interest organisation for the facility. The Chairman of the Overview and Scrutiny Committee was recommended to invite representatives from the Beehive and Town Council to a future meeting to discuss its achievements and future plans.

In addition to the development of the Centre, EDDC and Honiton Town Council had agreed the deed of transfer for the Dowell Street site and a surrender agreement for New Street – the Town Council now occupied the Beehive having vacated New Street. Discussions were currently taking place between EDDC and HTC in respect of the return of the New Street premises to EDDC.

The report listed the facilities at the Beehive Centre which was now open for business.

- RESOLVED**
- (1) that the progress of the project to completion and operation be noted;
 - (2) that the hard work of District and Town in the delivery of the project be acknowledged;
 - (3) that updates from Honiton Town Council in future regarding the effective use, operation and management of the Centre be sought;
 - (4) that the surrender of lease on the former Honiton Town Council offices in New Street be secured, with it being noted that officers will be considering the future of the premises.

REASON To confirm that EDDC funds have been appropriately spent, reflect on the successful completion of the Beehive Centre development and monitor its usage and operation into the future.

***15 Office relocation update**

Richard Cohen, Deputy Chief Executive, presented his report which updated Members on progress on the EDDC Relocation project. The timeline for the project had been extended due to a Town and Village Green application in respect of the Knowle grounds. A tendering exercise had been carried out to market the Knowle and Manstone but this would not be progressed until the outcome of the Town and Village Green application was known. In addition the Council had lodged objections to a Right of Way Order for 2 routes through the Knowle grounds. Despite these delays, progress was being made including negotiations which were continuing regarding Skypark.

***15 Office relocation update (continued)**

The report also included updates on the Heathpark Supermarket proposal and Business Space review. The budget for project management and development to date was set out within the report together with projected requirements for the remainder of 2014/15.

Members were reminded that the purpose of relocating the main office was to facilitate a transformation of the Council and its service delivery. Specific projects which would help achieve this were the mobile device policy rollout and Open for Business web channel.

Comments made during the debate included:

- The considered and careful approach was welcomed. The way in which the Knowle was to be marketed was vital to achieve best return.
- Further clarification was needed on how local communities would be served by the Council. The Council was currently drawing up proposals to firm up what service provision would be available for customers across the district following relocation. There would be public consultation on any proposals – particularly including disabled users, community groups and business. The arrangements in Exmouth had yet to be agreed but Members were aware that Devon County Council had given notice to vacate the Town Hall in September.
- The Council was aiming to transform its service delivery – modernising its approach, achieving efficiencies and improvements. The plans would include ‘smarter’ and mobile working opportunities. The actual physical location of the offices was not the most important consideration.
- Members were reminded that the Council’s sheltered housing included community centres that could be used for small meetings.
- The Business Space review would help to identify opportunities across the district.

RESOLVED

- (1) that progress since Feb 2014 Cabinet and Council meetings including extended timeframe of future decision making be noted;
- (2) that delegated authority be given to the Deputy Chief Executive in consultation with the Relocation Executive Group to:
 - (a) Formally commission Savills as agent and take forward marketing of Knowle and Manstone Depots as soon as advisable,
 - (b) Commission specialist expertise as required to advise on the detail of appropriate procurement, value for money and legal matters in relation to Skypark.
- (3) that it be noted that exchange of conditional contracts for the sale of the Heathpark site is expected very shortly;

***15 Office relocation update (continued)**

- (4) that the next phase of project funding be approved - a further £203,882 is projected to be required for the remainder of 2014/15 bringing total project development cost to £705,568;
- (5) that a report be referred to Cabinet later in the year seeking approval of any final decisions regarding the Skypark move.

REASON To continue progress on key elements of delivering the Council's relocation plans.

***16 Achieving the vision for Cranbrook**

Richard Cohen, Deputy Chief Executive introduced the up-date report on Cranbrook, emphasising the importance of building a community. The New Community Projects Officer and Urban Designer gave a presentation on progress in delivering key infrastructure and main themes including Garden City principles/ideals. The focus was on how the Council's vision for the new community could best be achieved. Proposals would include consultation with the new Cranbrook community residents. Members noted the proposal for a new partnership group to act as guardian for the vision and to provide strategic direction, including how to establish a sustainable local economy.

Members were advised that the major application for the expansion of Cranbrook beyond 3,500 homes was expected later in the year and were asked to approve a master planning exercise which would focus on all future phases of development including the town centre and expansion areas. Discussion included:

- Change in expectations of what people want from a viable town centre;
- Garden city principles were welcomed and had key similarities with the Council's strategic vision;
- Consideration should be given to providing a bridge between 'home-based' businesses and taking on a commercial unit. An indoor market was suggested. Use of business mentors and support from the Prince's Trust were possible options.
- The community needed an information focus where they could find out what was happening in their town and where they could feed in their views and information;
- It was recognised that the involvement of the community in shaping Cranbrook would be vital to the success of the town
- The co-ordination of the efforts of all involved and leadership was key.
- Broadclyst Parish Council supported the new community and the recommendations within the report.
- It was vital to achieve a sustainable housing balance. Emphasis needed to be on local housing for local people. Providing a community structure would save Cranbrook from being a dormitory town of Exeter. Members had a key role to play in helping achieve a quality development.

On behalf of the Cabinet, the Leader gave wholehearted support to the work of the Cranbrook project team.

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Achieving the vision for Cranbrook (continued)**RESOLVED**

that to achieve the vision for Cranbrook, the following steps be approved:

- (1) hold workshops to revise the Cranbrook Vision, in light of government promotion of Garden Cities' principles;
- (2) support the preparation of a Development Brief for the remainder of the outline permission, and an Area Action Plan covering all future phases of Cranbrook, including the extension areas, informed by an Enquiry by Design master planning process based around the reviewed vision;
- (3) organise and manage internal resources to support the achievement of the vision along with any budgetary considerations;
- (4) endorse the establishment of a new partnership group specifically responsible for achieving the vision for Cranbrook, delegating the responsibility for finalising the detail of this to the Deputy Chief Executive;
- (5) agree the assessment of a number of mechanisms to support the delivery of the vision for Cranbrook, which could include direct investment and will be the subject of a future report to Cabinet;
- (6) Cabinet refers this report and its recommendations to the Development Management Committee for consideration;
- (7) discuss this report and its recommendations with the East Devon New Community Partners and agree next steps.

REASON

To support the delivery of the vision for Cranbrook.

*17

Affordable housing – restricted staircasing for non-grant funded shared ownership units in Designated Protected Areas

The Head of Housing presented the report of the Housing Development and Enabling Officer seeking approval to lift the Designated Protected Area (DPA) status on a number of developments in the west of the district on land that is being developed for housing. Members noted that DPA status has the effect of restricting 'staircasing' on shared ownership properties which prevents their outright sale. Members were informed that a limited number of lenders were prepared to provide mortgage funding where a DPA restriction was in place. The proposal would help to address this lender resistance.

- *17 Affordable housing – restricted staircasing for non-grant funded shared ownership units in Designated Protected Areas (continued)**
- RESOLVED**
- (1) that approval be given to lift DPA status (for non grant funded schemes) which currently exists on the identified development sites in the West of the District, but that the S106 agreement secures that any staircasing receipts be recycled for the provision of affordable housing in the District;
 - (2) that delegated authority be given to the Head of Housing (in consultation with Portfolio Holder) to approve the lifting of the DPA status (for non grant funded shared ownership unit schemes) elsewhere in the District where it can be shown (through Housing Needs evidence) that there is a surplus of shared ownership units, or that they can be easily replaced provided that in any case where a waiver is given the S106 agreement secures that any staircasing receipts be recycled for the provision of affordable housing in the District.
- REASON** to help ensure that purchasers are found for all the shared ownership homes and lenders will offer mortgages on such affordable housing.

- *18 Community Land Trust start up loans for affordable housing**
- The Head of Housing presented the report of the Housing Development and Enabling Officer on a proposal to provide a 'start up' loan facility for newly forming or established Community Land Trusts (CLTs) wanting to provide affordable housing in East Devon. Members were advised that the proposal was for a loan of up to £5,000 per CLT to be made available from the Council to qualifying CLTs to cover the initial start up costs such as legal fees, surveys and other related costs incurred by new CLTs or further in-depth site investigations, employing architects or preparing offers for established CLTs.

- RESOLVED**
- (1) that the Community Land Trust start up loan application form be agreed;
 - (2) that the Head of Housing be given authority to approve individual loans when they have been assessed as suitable by the Housing Development and Enabling Officer;
 - (3) that the Head of Finance be given authority, at his discretion, to 'write off' any loans, where the CLT fails to deliver the affordable housing for whatever reason.
- REASON** To encourage local groups to come together to form a Community Land Trust and deliver affordable housing.

***19 Proposed designation of Yarcombe, Newton Poppleford and Monkton Neighbourhood Areas**

Members gave consideration to the report of the Senior Planning Officer on proposals received to designate the above parishes as Neighbourhood Areas. Members noted that the requisite six week consultation period had been carried out and that no objections had been received.

RESOLVED that the following parishes be approved as individual designated Neighbourhood Areas:

- Yarcombe
- Newton Poppleford
- Monkton

REASON The legal requirements for the applications for designation as Neighbourhood Areas had been properly made and advertised and the areas applied for were appropriate.

***20 Monitoring of formal complaints 2013/14**

The Corporate Organisational Development Manager presented the report of the Information and Complaints Officer which provided information on formal complaints dealt with during 2013/14 together with complaints referred to the Council by the Local Government Ombudsman. Members also noted the number of compliments logged during the year.

The Corporate Manager explained the Council's internal two-stage complaint process and how lessons were learnt from complaints made.

In response to an issue raised, the Chief Executive advised that the planning team would be advised to consider complaints made more impartially (rather than defensively) and to recognise that approved plans could include inaccuracies that generated complaints.

RESOLVED that the nature of complaints dealt with and learning points arising be noted.

REASONS To continue to improve the way that the Council handles complaints and to learn from them.

***21 Freedom of Information Act requests 2013/14**

The Corporate Organisational Development Manager presented the report of the Information and Complaints Officer which provided information on requests received under the Freedom of Information Act (and Environmental Information Regulations) during 2013/14. The report identified subject matter and origin of requests. There had been a rise in the number of requests and a growing number had been received from commercial organisations. Five cases had been decided by the Information Commissioner's Office during the year.

The Chief Executive read out communication received from Mr Todd referring to a specific complaint made to the Information Commissioner's Office. Mr Todd advised that in a letter from the ICO, the Council had been criticised for the handling of this request as less than satisfactory in a number of respects.

***21 Freedom of Information Act requests 2013/14 (continued)**

The Chief Executive advised that the report included all complaints where a decision notice had been issued (and published) by the ICO. In the case of Mr Todd's complaint, the matter had been resolved informally and therefore no decision notice had been issued. The report was slightly misleading in referring to cases 'considered' by the ICO and should have more accurately said 'decided'. There had not been an intention to mislead and future reports would use the term 'decided'.

The Chief Executive re-iterated the Council's practice of learning from complaints to achieve improvements, legal requirements in respect of the Act and Council policy regarding persistent complaints.

RESOLVED that the number and types of requests received under the Freedom of Information Act be noted.

REASONS To continue to improve the way that the Council deals with requests for information.

***22 Performance management report April 2014**

The Cabinet considered the report of the Corporate Organisational Development Manager setting out performance information for the 2014/15 financial year for April 2014.

The following indicators showed excellent performance.

- percentage of planning appeal decisions where the planning inspector has agreed with the Council's decision
- percentage of Council Tax collected
- days taken to process Housing Benefit/Council Tax Benefit new claims and change events
- percentage of invoices paid within 30 days
- percentage of invoices paid within 10 working days (new indicator for 2014/15)

One Performance Indicator showed concern – working days/shifts lost to the local authority due to sickness absence. Members noticed the reasons included in the report and positive action being taken.

Although further information was included in the linked appendices, the Overview and Scrutiny Committee Chairman suggested that the covering reports could include targets and a comparison with last year's performance. It was also suggested that some of the service reports could include more detail.

The Portfolio Holder for Sustainable Homes and Communities congratulated the Housing Rental team on their performance.

RESOLVED that the progress and proposed improvement action for performance measures for the 2014/15 financial year for April 2014 be noted.

***22 Performance management report April 2014 (continued)**

REASON The performance monitoring report highlights progress using a monthly snapshot report; SPAR reports on monthly indicators and systems thinking measures in key service areas including Streetscene, Housing, Development Management and Revenues and Benefits.

***23 Thelma Hulbert Gallery Trust status**

Members considered the report of Denise Lyon, Deputy Chief Executive and Monitoring Officer providing an update to Cabinet on progressing Trust status for the Thelma Hulbert Gallery. Talks had taken place with LED Leisure Trust and potential synergies which would benefit both organisations had been identified. The LED Leisure Trust Chief Executive was taking a similar report to his Board. Negotiations with the Trust would include some protection should the Gallery Business Plan not be achieved.

Comments on this item included the following:

- Trust status was the best way forward for Gallery and would help to maintain the quality of its exhibitions;
- There would be a body of professional support available to the Gallery from the Trust;
- The Audit and Governance Committee would consider a further report in September to ensure that the auditor's recommendations on the Gallery were being actioned.
- LED Leisure Trust would view the proposal with appropriate caution.

RESOLVED that a transfer of the Thelma Hulbert Gallery to the LED Leisure Trust be agreed in principle, with the transfer taking place subject to

- successful grant applications which mean the Gallery can still function with a reduced financial support package from the Council,
- satisfactory detailed transfer arrangements being agreed between the Council and LED, with delegated authority being given to the Chief Executive, in conjunction with the Portfolio Holder - Environment to approve them, and subject to further legal, financial and valuation advice as required.

REASON At its March 2014 meeting, the Cabinet agreed that Trust status was appropriate for the Thelma Hulbert Gallery. Since then, the Deputy Chief Executive has been in conversation with the LED Leisure Trust which identified the potential synergies between the Gallery and the Leisure Trust. There is a good strategic fit for the Gallery with the Trust's ambition to support and embrace the local wider cultural offer in addition to the traditional pay and play services. Trusts elsewhere in the country are very successful at this - the strategic vision for the Trust, together with the combined skills of the Trustees and the Chief Executive, could well enable similar success in this area.

***24 Exclusion of the public**

RESOLVED that under Section 100(A) (4) of the Local Government Act 1972 and in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public (including the press) be excluded from the meeting as exempt and private information (as set out against each Part B agenda item), is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B).

25 Budget constraints and impact on organisational design and structure – key decision

Members considered the report of the Chief Executive on proposed proactive steps to pre-empt possible future budget issues. The content had been considered in detail by the Budget Working Party – the minutes from this meeting on 19 May 2014 were attached to the report and indicated support for the proposals now referred to Cabinet. The report would be referred to the Overview and Scrutiny Committee the following week and the Committee's comments would be considered by Cabinet at its July meeting. The recommendations would then be referred to Council for decision (23 July 2014).

The proposed management restructure would achieve a flatter and leaner structure with 4 strategic leads assisting the Chief Executive and clearer accountability for service delivery being supported by its service leads. The savings that would be achieved from the restructure were included within the report.

RECOMMENDED that the proposed management structure be agreed and that delegated authority be given to the Chief Executive in consultation with the Leader to fully implement the proposals (this delegation to include the conclusion of consultations, any minor changes and consequential revisions).

REASON This proposal is designed to present a clear management structure which addresses current gaps and recognises the broader remits that staff have already taken on.

Chairman

Date

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Cabinet held at Knowle, Sidmouth on 2 July 2014

Attendance list at end of document

The meeting started at 5.30pm and ended at 8.47 pm.

***26 Public Speaking**

There were no questions from the public at this part of the meeting.

The Leader invited Councillor Peter Sullivan to address the meeting. Councillor Sullivan, Member Champion for Health and Wellbeing and a Sidmouth Ward Member advised that the Sid Valley Memory Cafe had applied for National Lottery Funding. The 'Moments in Time' project helped those with dementia and similar long-term memory problems to feel valued for who they are through reminiscence and shared stories. It encouraged new friendships and helped to trigger long-forgotten memories. Volunteers trained in reminiscence work had facilitated a 'Moments in Time' Memory Book and website as a lasting and important legacy, forming a unique local history collection of stories for the wider community. The success of the application was dependent upon a public vote. Councillor Sullivan urged Members to vote for this only local good cause in a national shortlist of seven.

Members, staff and parish and town councils were encouraged to vote for this excellent cause and to 'spread the word' to give the project the best chance of success.

<http://www.lotterygoodcauses.org.uk/awards/heritage>

***27 Minutes**

The minutes of the Cabinet meeting held on 4 June 2014 were confirmed and signed as a true record.

***28 Declarations**

Cllr Ray Bloxham; min no. 26; Personal interest: a close friend of the person bidding for National Lottery Funding (Sid Valley Memory Cafe).

***29 Exclusion of the public**

Agenda item 22 – Seaton Jurassic had been included within Part B when the agenda was issued to comply with a Heritage Lottery Fund requirement to embargo its grant offer for the Seaton Jurassic Project until 26 June 2014. As this date had now passed, it was appropriate to bring the agenda item forward for consideration in Part A of the meeting.

Agenda item 27 – Additional car parking – Underfleet, Seaton. The Cabinet brought this item forward into the public part of the agenda at the request of the Proper Officer.

RESOLVED:

that the classification given to the documents to be submitted to the Cabinet (other than the Seaton Jurassic and Underfleet parking reports) be confirmed; there were now 4 items which officers recommended should be dealt with in Part B.

***30 Forward Plan**

Elected Members noted the contents of the forward plan for key decisions for the period 1 July to 31 October 2014.

The Chief Executive advised that Forward Plan items - Cardboard recycling and Integrated Waste Strategy for Devon would be referred to a later Cabinet when all contractual matters had been fully assessed.

***31 Matters referred to the Cabinet**

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

***32 Housing Review Board – 5 June 2014**

Members received and noted the minutes of the meeting of the Housing Review Board held on 5 June 2014.

In respect of minute 8, Councillor Cox again raised concern about the water/damp penetration to tenants' homes which he said related to the use of cavity wall insulation in some cases. He was assured by the Head of Housing that the first priority was to dry out the properties and then specialist advice would be taken in respect of any insulation programme.

RESOLVED:

1. that the following be noted:

Minute 2: Appointment of Vice Chairman

Tenant representative Mike Berridge was appointed Vice Chairman of the Board for the ensuing year.

Minute 3: Minutes

The Chairman's offer to write to Victor Kemp thanking him for all his hard work and valuable contributions over the past 8 years as a member of the Housing Review Board.

Minute 6: Housing Review Board forward plan.

Minute 7: Fire Risk Assessments and blocks of flats

The report of the Housing Needs and Strategy Manager regarding fire regulations, fire risk assessments and blocks of flats.

Minute 8: Inclement weather and damp/water penetration to our tenants' homes.

The report of the Housing Needs and Strategy Manager.

Minute 13: Supporting People contract position

Officers to email all District Councillors to inform them of the changes taking place to older persons' targeted support.

Minute 15: Agreeing the Housing Revenue Account Outturn statement 2013/14

Minute 17: Annual report of the Housing Review Board

2. that the following recommendations be approved

Minute 10: Robert Heath Heating – contract extension

that a one year extension to the existing gas servicing contract to 30 September 2015 be approved.

Minute 13: Supporting People contract position

that Officers provide further charging details for Option 2 in the report to the Housing Review Board and that Options 3, 4 and 5 be progressed together.

Minute 16: Centenary Fields programme

That the housing recreation land adjacent to Rodney Close, Exmouth, be approved as a centenary field.

3. that the following recommendations be referred to Council for consideration:

Minute 7: Fire Risk Assessments and blocks of flats

that approval be given for additional funding being found (from the Housing Revenue Account) for essential fire protection work.

Minute 8: Inclement weather and damp/water penetration to our tenants' homes

that additional funding for unforeseen work to repair damaged Council homes be approved and an overspend on the Responsive Repairs budget be acknowledged.

Minute 9: Decoration Scheme for vulnerable elderly and disabled tenants

that the introduction of a decoration scheme for qualifying vulnerable elderly tenants over 70 years of age and disabled tenants be agreed as set out in the report to the Housing Review Board.

Minute 11: Property and Asset team – staffing

that a new Building Surveyor post be approved in the Property and Asset team at an annual cost of £32,000.

Minute 12: Estate Management Review

that approval be given to the recruitment of an additional Estate Management Officer at a cost of £25,500 (scale 5 plus 25% on costs) and to increasing the annual Estate Management budget by £10,000.

Minute 14: Devonwide occupancy restrictions – Section 157 policy

that the Council maintains the existing policy and allows Ward Members to support or reject applications in their wards for a consent certificate to purchase a property where the factual matters relate to the circumstances set out in the current policy.

***33 Overview and Scrutiny Committee**

Elected Members received and noted the minutes of the meeting of the Overview and Scrutiny Committee held on 12 June 2014. Councillor Cox asked Members to note that he had given his apologies for the meeting - these had not been included in the minutes.

Councillor Tim Wood highlighted the anticipated review of community hospital arrangements and proposals coming forward. He said that Councillors should keep a watching brief; Members needed to be alert to any changes and to push for genuine consultation with the Clinical Commissioning Group. Members referred to local concerns, the support given to community hospitals and the importance of adequate care in the community provision.

RESOLVED:

that the Committee's support of the management restructure, including minor changes and consequential revisions be noted together with support for delegated authority being given to the Chief Executive in consultation with the Leader to implement the proposals.

34 Revenue and Capital Outturn 2013/14 – key decision

The recommendations of the Audit and Governance Committee meeting on 26 June 2014 had been forwarded to Members before the meeting. The Committee had considered the Revenue and Capital Outturn 2013/14 position in detail. The Committee had been satisfied with the prudent measures that were being put in place and with the excellent forward planning.

The Committee asked for further monitoring to be carried out on projects drawing money from the Transformation Budget and any savings that had arisen because of this expenditure.

The Committee noted the technical amendments made to the reported outturn position (in respect of the General Fund and Housing Revenue Account) presented to Cabinet on 4 June. The amendments showed an improved position and were reflected in an additional recommendation to Council.

RESOLVED:

that the Audit and Governance Committee's endorsement of the outturn position for 2013/14 be noted.

RECOMMENDED:

That £0.454m be transferred to the Council's Business Rates Volatility Fund.

REASON:

The Committee had considered late amendments made to the Outturn position when the accounts were being finalised and reflected this change in the recommendation to Council.

***35 Upper Station Road Car Park, Budleigh Salterton**

The report of the Principal Estates Surveyor set out a proposal to serve notice - to terminate the expired lease of the Upper Station Road Car Park, Budleigh Salterton – on the Town Council and create a Council-run, permit-holders' car park. This followed the strategic review of the Council's off-street car parks and a recommendation of Cabinet in November 2012. The practical and budgetary implications of the proposal were set out in the report.

The Leader invited members of the public to speak on this item.

Jeremy Townley spoke on behalf of the Budleigh Salterton Drama Club, which he said put on 4 plays a year in addition to ad hoc events. The Club was reliant on volunteers and local audiences who used the Upper Station Road Car Park. He said that the plan to change the status of the car park would put the future of the Club in jeopardy. He asked for the car park to be free after 6pm.

Councillor Caz Sismore-Hunt, Chair of the Budleigh Salterton Town Council said that there had been a lot of discussion about changes to the Car Park arrangements. Three options had been proposed which had the full support of the Town Council – these were to be put forward by Councillors Alan Dent and Tom Wright.

Christine Bentley, Chairman of the Budleigh Salterton Chamber of Commerce said that she spoke on behalf of the Chamber's 70 members, their employees and local people. All were concerned about the potential impact of the car park proposals on local businesses. Members were advised that the land had been gifted by Lord Clinton to commemorate the 1953 Coronation together with the adjoining Green. The land had not been exempted when EDDC was set up in 1974. She said that recent applications had been approved for homes within the town with no parking provision. She asked the Council to renegotiate with the Chamber and not to make the car park permit holder only as this would deter visitors.

County Councillor Christine Channon said that the only justification for the proposed change was to raise money. She believed that funds raised would be used up through administration and maintenance costs. She said that limiting the car park use would keep people away from Budleigh and that would have an impact on the viability of the town. She asked the Council to consider raising money from elsewhere.

Angela Yarwood, owner of the Brook Gallery and Chair of Budleigh in Business advised that Budleigh in Business had about 70 members who strongly opposed making the Upper Station Road car park fee-paying. She said that Budleigh Salterton did not have the same facilities as other towns and had a higher than average aged population. Local people wanted to support the town but the cost of parking could deter them from visiting and therefore increase their isolation. She said that it was important to attract people to the high street and to provide parking for staff.

Emilia and Olivia were regular visitors to Budleigh Salterton. They said that surrounding communities and villages relied on the facilities of the town. If the local people were travelling anyway, they might consider going to places, such as Tescos, where parking was free. They said that local shops would suffer from a reduction in income, which could result in the loss of businesses. They asked the Cabinet to help Budleigh keep its unique character and independent shops.

Harry Carter, a local trader, said that his family had been in business in Budleigh Salterton for 101 years. The last 5 years had been difficult. He said that the loss of the free car park would be 'the last nail in the coffin' and further reduce visitors to the town.

Councillor Alan Dent, a Budleigh Salterton Ward Member and Town Councillor stated that the district council had been in negotiation with the town council since 2007 in respect of the Upper Station Road car park. He emphasised the need to attract new businesses and visitors to the town. Due to Budleigh's age profile, it was important to have car parking close to the local facilities. A suggestion from EDDC for the car park to be made permit holders only was not supported locally as this approach would not attract visitors and would

penalise those who worked in the town. It was important to attract new businesses and customers to help keep Budleigh viable.

Councillor Dent presented 3 proposals which had the support of the local council. The first was to make no changes to the current arrangements and the second was to increase the town council's contribution. However, he said that the district council was aiming to run the car park itself and had not accepted either of these options. A third proposal which Councillor Dent believed would satisfy both councils was for the car park to be long stay (rather than permit holders only) as it could then be used by permit holders and visitors – a similar arrangement to that in place for the Lime Kiln car park.

Councillor Tom Wright, also a Budleigh Salterton Ward Member and Town Councillor said that it was not correct to refer to the car park as being free as the district council received income annually from the town council. He said that the town provided and maintained a number of local facilities without support from the district council. There were limited opportunities for off-street parking in the town and there were now parking meters along the seafront. He asked EDDC to consider options 1 and 2 as presented by Councillor Dent but that if these preferred proposals were unacceptable for option 3 to be agreed.

General discussion supported the proposal for a long stay car park rather than for permit holders and for the facility to be free after 6pm. Members recognised the importance of providing affordable parking close to the centre as a means of helping to sustain the local economy and community. Equalities issues had been addressed – disabled parking bays with easy access were already provided elsewhere in the town.

RESOLVED:

- 1) that notice be served on Budleigh Salterton Town Council to end their existing lease on Upper Station Road Car Park, Budleigh Salterton,
- 2) that Upper Station Road Car Park, Budleigh Salterton be established as a long stay car park and for the facility to be free after 6pm.

REASONS:

- 1) The Car Park has been subsidised by both the Council and the Town Council to provide a 'free at point of use' parking facility for many years. The work on the car parks' review determined that it was not equitable for the Council to subsidise 'free' town centre car parking for just one town in East Devon,
- 2) The Town Council was offered the option to take a lease based on a rent established by an independent valuer. This would have enabled a renewal of the lease and the choice for them to continue the precepted subsidy for a 'free at point of use' car park. However, this offer was refused.
- 3) A long stay car park, free after 6pm, had the support of the town council and local businesses.

***36 Environmental Health Service**

The Environment Portfolio Holder presented the report of the Environmental Health and Parking Services Manager. He referred to the valued and essential work being undertaken by the Council's Environmental Health Service. Although much of the work was 'behind the scenes', he referred to high profile cases and initiatives which were helping to maintain and improve the quality of life in East Devon.

On behalf of the Council, Councillor Chubb thanked the teams responsible for commercial premises (led by Allison Ferrero) and environmental protection (led by Janet Wallace) and their service manager, Andrew Ennis.

RESOLVED:

that the work and many achievements of the Environmental Health teams over the last year be recognised including:

- inspecting food businesses and investigating complaints about the safety of food;
- resolving complaints about workplace health and safety and promoting good practice;
- investigating infectious diseases and preventing their spread within the community;
- preventing and controlling environmental pollution including controlling smoke, odours, flies and noise;
- promoting and enforcing public health and pest control legislation;
- providing advice on the likely impact of new development and on a variety of licensing matters;
- introducing new pest control and dog warden services;
- a range of other duties including reporting bathing water quality and arranging funerals (where no other arrangements are being made to dispose of the body of a deceased person in the district).

REASONS:

The Council's Environmental Health services regulate a range of environmental and behavioural areas that help people in East Devon to live in, work in and enjoy this outstanding place. The report helped increase Member understanding of the work of the service, both reactive and proactive and the standards maintained.

- *37 **Lease purchase of Big Belly bins – exemption from Standing Orders**
- The Portfolio Holder – Environment referred to the introduction of bins to replace the existing litter stations in seafront areas. The Big Belly bins had 8 times the capacity of those currently used and employed smart technology. Councillors watched a presentation on the bins and noted their advantages, which included improving the look of the seafronts, the potential use for wi-fi hot spot advertising, reducing incidents of litter created by seagulls scavenging in bins and reducing costs in respect of emptying/maintenance.

Consideration was being given to use of the bins in the Strand, Exmouth. Smart reader technology on the bins indicates if the bins were being filled at specific times – such as by traders at the end of business in the evenings.

Big Belly Solar was the sole supplier in the UK offering this type of bin and therefore the Cabinet was asked to agree exemption from Standing Orders for lease of the bins from this company.

RESOLVED:

that the exemption from Standing Orders for entering into a lease arrangement for 21 Big Belly bins, be approved for the reasons set out.

REASONS:

Big Belly bins are the only solar compactor bins on the market with a compactor that allows the bin to accept up to 8x the volume of a regular bin. The bins are constructed to a high standard with simple and strong manufacturing, so there is little to go wrong. All the bins have self-diagnostics, so will alert the Council and Big Belly to any potential issues. The

lease includes full servicing and warranty cover for 2 years - extended cover can be purchased if required.

***38 Bathing water quality at Budleigh Salterton beach**

Consideration was given the report of the Principal Environmental Health Officer on issues affecting bathing water quality at Budleigh Salterton beach. Partnership working was being carried out to help trace the source of the contamination, which was reducing water quality at Budleigh Salterton. The beach was at risk of having its bathing water designation downgraded because of tighter EC standards – this could affect local businesses and the status of Budleigh Salterton as a visitor destination. The proposed campaign would ask the public to help by reporting misconnected sewers and leaking private treatment works.

RESOLVED:

that the £3000 additional expenditure on an information campaign to raise public awareness as a way of helping to address the reduction in water quality at Budleigh Salterton beach be approved – costs to be met by cumulative under-spends elsewhere within the service.

REASONS:

The Council is working in partnership with the Environment Agency, South West Water and larger landowners to try to identify and remedy the causes of reduced water quality at Budleigh Salterton. A major role of East Devon District Council is to raise awareness and to encourage the public to report misconnected sewers and leaking private treatment works. The Council has begun work on an information leaflet and the production and distribution of this to all households and commercial premises in Budleigh Salterton, East Budleigh, Otterton, Colaton Raleigh and Newton Poppleford is going to cost around £3,000.

39 Mitigation of impacts on highest tier of wildlife sites

The report of the Planning Policy Manager sought approval for a joint approach - with Exeter City and Teignbridge District Councils - to secure the mitigation of adverse impacts that could arise from development at the key wildlife sites of the Exe Estuary, the Pebblebed Heaths and Dawlish Warren. The report was written within the context of housing development and the residents of those houses only – further work would be needed in respect of other forms of development, including tourism accommodation.

It was noted that this report had also been referred to Development Management Committee on 2 July 2014. The Committee had endorsed the specific charging schedule and the recommendations.

The report set out why the identified wildlife sites were significant, the increased threats to these sites from housing development and human disturbance and a proposed 10 kilometre buffer around the designated sites within which new residential development should contribute to mitigation. Members noted the proposed approach to mitigation measures and how these would affect areas within East Devon. The importance of ensuring that mitigation was effective and proportionate to the potential impact was emphasised.

Cabinet was advised that the measures could only be provided with additional staff resource to serve the three authorities (East Devon, Exeter and Teignbridge) and to work with partners including Natural England and the RSPB. The suggestion was that the post could sit within the New Growth Point Team and be responsible to a cross-authority Committee with decision-making powers. The initial contract for a three-year post would be funded from mitigation monies collected from developers based on a new charging schedule. The Leader said that this was a good example of partnership working.

Councillor Peter Bowden, Member Champion – Flood Alleviation was concerned that the initiatives could be in conflict with flood alleviation measures. Whilst recognising the importance wider environmental issues, they must not increase flooding risk.

Councillor Ray Bloxham said that the South East Devon European Site Mitigation Strategy, which had been included in the report as a background paper, strategically balanced all the needs of sites; the proposal would deliver this approach.

RECOMMENDED:

1. that this Council agrees to the principle of the formation of a joint Committee with Exeter City Council and Teignbridge District Councils to agree on the detailed habitat mitigation schemes and the prioritisation and funding of the projects;
2. that this Council agrees to the appointment of a Mitigation Delivery Officer, reporting to a cross-authority committee and jointly working for East Devon District Council, Exeter City Council and Teignbridge District Council for a three year period to assess, promote, implement and manage mitigation schemes. The post to be funded using monies collected from developers for habitat mitigation.
3. that the proposed charging schedule for habitat mitigation (tabled at Paragraph 6.5 of this report) be adopted by the Council with effect from 1 August 2014 with all monies to be secured through Section 106 agreements until such time as the Community Infrastructure Levy is adopted by the Council.

REASONS:

The Exe Estuary, the Pebblebed Heaths and Dawlish Warren fall in the highest tier of designated wildlife sites in the country. The sites all show signs of damage because of human activity; if unchecked the integrity of these sites could be undermined. Under the Habitat Regulations, a legal responsibility rests on all three Councils, as competent statutory planning authorities, to ensure that adverse unacceptable impacts will not arise from development and that appropriate mitigation is secured through the planning process. The recommendations seek to ensure that appropriate mechanisms are put in place so that effective mitigation, that is supported by robust evidence and applied on a consistent basis, is established across the three local authority areas.

***40 Sheltered housing schemes' alarm equipment – exemption from Standing Orders**

Cabinet was requested to approve an exemption from Standing Orders in respect of works on the alarm equipment of two sheltered housing schemes for reasons set out in the report.

RESOLVED:

To agree for two sheltered housing schemes (Jarvis Close and Kay Close) to be upgraded immediately and not as part of the wider procurement exercise that is taking place across equipment in sheltered housing.

REASONS:

An exemption for these two schemes from the larger scale contract will ensure the immediate safety of the residents living on the schemes who have been subject to risk following the recent break down of the scheme equipment.

41 **Open for Business – web channel project**

The Corporate Organisational Development Manager presented a project update and set out the requirement for additional fixed term ICT resource to develop the Council's on-line services and communication. Members recognised the importance of facilitating on-line services to meet public expectations and noted the financial implications. The Council had been working closely with its equalities partners to promote access for all.

RECOMMENDED:

1. that the aims and progress of this project be noted;
2. that an additional ICT resource be recruited on a fixed term basis to deliver this project and additional costs for software upgrades be agreed – making a total capital project cost of £396,250, including contingency costs. (To be funded from previously approved budgets and savings, with the balance to be met from the Council's Transformation Fund. Annual cost implications relating to software of £4,000 per annum will be built into future budgets).

REASONS

To support the Council's continued transformation and improvement in catering for customers who expect to be able to do their business on-line. The additional resource is required to develop 230 web based services so that customers can do their council business on-line as an option.

*42 **Monthly performance report – May 2014**

The Cabinet considered the report of the Corporate Organisational Development Manager setting out performance information for the 2014/15 financial year for May 2014.

The following indicators showed excellent performance.

- percentage of Council Tax collected
- days taken to process Housing Benefit/Council Tax Benefit new claims and change events
- percentage of invoices paid within 30 days
- percentage of invoices paid within 10 working days (new indicator for 2014/15)

Two Performance Indicators showed concern

- working days/shifts lost to the local authority due to sickness absence. (This was being closely monitored and further analysis would be undertaken).
- Percentage of planning appeal decisions where the Planning Inspector has disagreed with the Council's decision. (This was seen as an exception rather than a trend).

Members noted the explanations given.

RESOLVED:

that the progress and proposed improvement action for performance measures for the 2014/15 financial year for May 2014 be noted.

REASON:

The performance monitoring report highlights progress using a monthly snapshot report; SPAR reports on monthly indicators and systems thinking measures in key service areas including Streetscene, Housing, Development Management and Revenues and Benefits.

***43 Seaton Jurassic – key decision**

The Heritage Lottery Fund (HLF) decision in respect of funding this project had been embargoed from public announcement until 26 June 2014 and therefore had been included within Part B of the agenda. As this date had now passed, the report was considered within the public part of the meeting.

The Deputy Chief Executive advised that the Seaton Jurassic Project Team had been successful in securing HLF funding of £621,000 towards the cost of the project subject to normal HLF conditions and a requirement for the Council to produce a document demonstrating its decision to accept the terms of the grant.

The funding would enable the Seaton Jurassic Centre project to achieve its £4m total cost figure for construction, fit out and full opening. The Devon Wildlife Trust was continuing to fund raise, steadily reducing the sum that the Council had agreed to underwrite.

The Portfolio Holder – Economy congratulated all of the teams, Councillors (past and present including Honorary Alderman Ray Franklin and Councillor Graham Godbeer) and the partners involved with the project for the benefit of Seaton.

Seaton Member Champion, Councillor Stephanie Jones welcomed the Heritage Lottery announcement and reiterated Councillor Thomas's congratulations. She also acknowledged Councillor Thomas's contribution to the success of the project. The Centre would be the best facility along the whole Jurassic Coast and would help to support the local economy. The Portfolio Holder – Economy confirmed that plans to market the Centre were now well in hand.

RESOLVED:

1. that the Heritage Lottery Fund grant offer of £621,000 for the Seaton Jurassic Project together with its terms and conditions be accepted;
2. that the Deputy Chief Executive be given delegated authority to sign any necessary documentation relating to the acceptance of the grant and its conditions;
3. that the Devon Wildlife Trust be granted a lease with terms to comply with HLF requirements; approval of detailed terms and conditions to be delegated to the Principal Regeneration Project Manager.

REASON:

The HLF require that the Council provides evidence of its approval process for accepting the grant conditions for the offer of the £621,000 grant that has now been made to the Council for the Seaton Jurassic Project. The Council is the accountable body for the project.

***44 Additional car parking – Underfleet, Seaton**

Elected Members considered the report of the Environmental Health and Parking Services Manager with options to address the net reduction in off-street car parking spaces resulting from the development of Seaton Jurassic.

The Portfolio Holder – Economy thanked the Environmental Health and Parking Services Manager and his team for the practical solution proposed.

The Member Champion for Seaton – Stephanie Jones – said that facilities needed to be put in place for the long-term future of Seaton and for the needs of local people, visitors and businesses to be met.

RESOLVED:

that the creation of a new 70 space pay and display car park at Underfleet, Seaton, be approved in principle.

REASONS:

The development of Seaton Jurassic on the site of Harbour Road car park will cause the number of available car parking spaces on at this location to immediately reduce from 367 to just 150. With a prediction of some 60,000 new visitors per year to Seaton, the Council is already anticipating a need for additional car parking spaces locally. Section 122 of the Road Traffic Regulation Act 1984 sets out the duties of all local authorities in respect of a range of traffic related functions including the provision of off-street parking. The recommendation takes into account the needs of Seaton's residents, visitors and the Council's support of the town centre economy.

***45 Exclusion of the public**

RESOLVED

that under Section 100(A) (4) of the Local Government Act 1972 and in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public (including the press) be excluded from the meeting as exempt and private information (as set out against each Part B agenda item), is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B).

46 Updated business case and implementation plan for shared ICT service – key decision

The Corporate ICT Manager gave a presentation updating the Cabinet on progress in creating a shared ICT service with Exeter City and Teignbridge District Councils. A separate limited company (co-operative arrangement) would be established with a joint executive committee and joint scrutiny arrangements. Progress had been subjected to legal, HR, financial and technical checks together with external audits and technical advice. The importance of shared political will to success and a strong project leadership was emphasised.

The report and appendices included an updated Business Case following a completed due diligence exercise. Conclusions set out were that the initial business case was sound and that the potential savings identified were substantial; the creation of a new organisation effectively would act as a catalyst for business transformation. Members were advised that the business case finances had been developed with a prudent and conservative approach.

The Leader said that he had been involved with the project from the start; the Council was looking to work smarter. Congratulations on progress made were extended to Chris Powell (Corporate ICT Manager), Simon Davey (Head of Finance), Councillor Ian Thomas, Councillor Phil Twiss and South Somerset District Council Leader, Councillor Rik Pallister.

Discussion included:

- Recognition of the challenges and risks involved.
- Costs were likely to be higher than anticipated – a strong project management was needed to control costs and risks during roll out.
- The risks involved with the partnership working approach were not necessarily any higher than ‘going alone’.
- The level of anticipated savings
- The aim of the project was to generate a means of reinvesting in new software and approaches – this being more important than the level of savings.
- The checks that had been undertaken by professionals.
- Good political accord, mutual co-operation and positive attitude of staff involved.
- There was room for expansion in the business model.
- All Councillors needed to understand the principles of the project – a briefing for all Councillors would be arranged.

The Corporate ICT Manager was asked to leave the Chamber to enable the Cabinet to discuss recommendation 8 (below).

RECOMMENDED:

1. that the Council implements a shared ICT service between Exeter, Teignbridge and East Devon Councils, according to the detail set out in the Updated Business Case and Implementation Plan identified in the report. This proposes to transfer the ICT function to a stand-alone limited company (called Strata Service Solutions Ltd) which is wholly owned and controlled equally by the three councils. The company will be treated as the “in-house” ICT resource for the Council and is not an outsourced arrangement;
2. that the technology plans for the shared service which includes a new data centre and associated server equipment in the Civic Centre, Exeter; disaster recovery site and operations at a site on Marsh Barton, Exeter, be agreed;
3. that delegated authority be given to the Chief Executive, in consultation with the Leader of the Council, to finalise and sign legal agreements in line with the Updated Business Case Implementation Plan details;
4. that delegated authority be given to the Section 151 Officer in consultation with the Chief Executive to transfer the remaining ICT budgets for Fy14/15 as at go live date (expected to be 1 November 2014) to Strata and to transfer future budgets as per the payment plan in the Updated Business Case.
5. that the budget for this Council’s share of the implementation costs be approved as set out in the report;
6. that ICT staff be transferred to the new company under TUPE law at go-live date with the expectation that the company will join the local government pension scheme as an ‘admitted body’;
7. that all ICT assets be transferred to the company at the go-live date;
8. that the appointment of Chris Powell as the interim Chief Operating Officer (COO) of the company from 1 August 2014 be agreed, with recruitment to the permanent post to be delegated to the Chief Executive and Leader in negotiation with the other local authority partners.

9. that line responsibility for all ICT staff be transferred from 1 August 2014 to COO;
10. that the governance arrangements for Strata relating to the Joint Executive Committee: Joint Scrutiny; and Constitution amendments will be brought to Council for approval in October prior to go-live of the company.

REASONS:

The recommendations have been made in order for the Council to progress with an ICT shared service with two other local authorities.

The reason in respect of recommendation 8 is:

Members considered that in the interests of providing reassurance and certainty for the ICT teams during this significant and critical period of change, the continuity offered by appointing Chris Powell to the interim COO post from 1 August was important. In providing guidance to the Chief Executive and Leader, Members further considered that a trial period of six months should then ensue from the date of transfer (currently 1 November 2014). During this period, key SMART objectives must be agreed by all 3 councils for achievement by the end of the 6 month trial. At the end of the trial period, if it is not agreed that these objectives have been achieved and there is not unanimous agreement to appoint Chris Powell to the post, it is proposed that an external/competitive recruitment process should begin. Members concluded that this provides a solution with less risk to the project than the previous proposal and provides some stability and continuity during a particularly critical period for the project.

***47 Seaton Regeneration Programme Board**

Members of the Cabinet noted the action points from a meeting of the Seaton Regeneration Programme Board which had been held on 29 May 2014.

***48 Exmouth Regeneration Programme Board**

Members of the Cabinet noted the action points from a meeting of the Exmouth Regeneration Programme Board which had been held on 16 June 2014.

49 Leisure East Devon Joint Working Group

Members of the Cabinet considered the notes of a meeting of the Joint Working Group held on 11 June 2014 and the issues raised including the proposals for the Ocean Blue facility on Exmouth sea front. Members were mindful of the strategic partnership they had with LED and the financial and other implications associated with that partnership and the properties that LED operated on behalf of the Council.

The Chief Executive gave an up-date subsequent to the Working Group meeting on 11 June 2014 for Members' information.

RECOMMENDED:

that Council support the lease agreement between LED and Harlequin Leisure in respect of the Ocean Blue facility as set out in the confidential notes. The agreement to cover LED's responsibility for the internal repair of the building only (Harlequin Leisure to retain responsibility for the external structure including windows and doors) with the Council providing a stand-alone initial rent guarantee for the first 5 years of the 25 year lease agreement - subject to the first year of the agreement being rent free and subject to LED being fully satisfied with the detail of the lease agreement before signing; delegated authority be given to EDDC's Chief Executive to conclude the matter.

***50 Reserved car parking spaces – Sidmouth town centre**

The Cabinet considered the options for the future management of 58 reserved off-street parking spaces in Sidmouth. Existing space holders would be given first option to take up this offer before contacting those on the waiting list.

RESOLVED:

To approve a revised rental charge for Sidmouth town centre reserved parking bays of £1500 + VAT + business rates per annum.

REASONS:

Section 122 of the Road Traffic Regulation Act 1984 sets out the duties of all local authorities in respect of a range of traffic related functions including the provision of off-street parking. Reasons set out in the report included the aim to find the right balance between the needs of residents, the potential impact on the local economy resulting from the revised charge, access, local amenity, and the Council's asset management responsibilities.

Attendance list**Present:**

Paul Diviani Leader/Chairman

Andrew Moulding Deputy Leader/Portfolio Holder Strategic Development and Partnership

Portfolio Holders:

Ray Bloxham Corporate Business

Iain Chubb Environment

David Cox Finance

Ian Thomas Economy

Phil Twiss Corporate Services

Deputy Portfolio Holders

Stephanie Jones Sustainable Homes and Communities

Tom Wright Environment

Also present:**Councillors:**

Peter Bowden

Peter Burrows

Deborah Custance Baker

Alan Dent

Christine Drew

Martin Gammell

Graham Godbeer

Peter Halse

Douglas Hull

Frances Newth

Helen Parr

Geoff Pook

Peter Sullivan

Tim Wood

Ric Pallister, Leader, South Somerset District Council

Also present:

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Simon Davey, Head of Finance
John Golding, Head of Housing
Karen Jenkins, Corporate Organisational Development Manager
Chris Powell, Corporate ICT Manager
Matt Dickins, Policy Manager
Andrew Ennis, Environmental Health and Parking Services Manager
Allison Ferrero, Principal Environmental Health Officer
Paul McHenry –Recycling and Waste Contract Manager
Diana Vernon, Democratic Services Manager
Janet Wallace, Principal Environmental Health Officer
Andy Wood, East of Exeter Projects Director

Apologies:

Cabinet:

Jill Elson - Sustainable Homes and Communities

Non Cabinet

David Atkins
Geoff Chamberlain
David Chapman
Maddy Chapman
Steve Hall
Tony Howard
Sheila Kerridge
Jim Knight
John O’Leary
Ken Potter
Pauline Stott
Mark Williamson

Officer apologies:

Denise Lyon, Deputy Chief Executive and Monitoring Officer
Rachel Pocock, Corporate Legal & Democratic Services Manager

Chairman Date.....

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the
Overview and Scrutiny Committee held
at Knowle, Sidmouth on 27 March 2014

Present:

Tim Wood (Chairman)	
Graham Troman (Vice Chairman)	
Mike Allen	Sheila Kerridge
Peter Bowden	Frances Newth
Vivien Duval Steer	John O'Leary
Roger Giles	Eileen Wragg
Peter Halse	Claire Wright

Officers:

Richard Cohen, Deputy Chief Executive
Debbie Meakin, Democratic Services Officer
Giles Salter, Solicitor

Also Present

Councillors:

Ray Bloxham
David Cox
Paul Diviani
Christine Drew
Jill Elson

Stephanie Jones
Pauline Stott
Peter Sullivan
Phil Twiss

Apologies:

Committee Members

Derek Button
David Chapman
Maddy Chapman
Deborah Custance Baker
John Humphreys
David Key
Brenda Taylor
Chris Wale

Non-Committee Members

Iain Chubb
Steve Gazzard
Graham Godbeer
Tom Wright

The meeting started at 6.30pm and ended at 9.05pm.

***71 Public Speaking**

The Chairman welcomed Councillors to the meeting. There were no questions from the public at this part of the meeting.

***72 Minutes**

The minutes of the Overview and Scrutiny Committee meeting held on 27 February 2014 were confirmed and signed as a true record.

***73 Declarations**

Councillor/ Officer	Minute number	Type of interest	Nature of interest
Cllr Peter Bowden	75	Personal	Flood forum member
Cllr Vivien Duval Steer	75	Personal	Development Management Committee member

***74 Cabinet agenda**

No items on the Cabinet agenda for the meeting to be held on 2 April 2014 had been raised in advance for discussion.

***75 Portfolio Holder update – Strategic Development and Partnerships**

The Chairman welcomed Councillor Andrew Moulding to the meeting to give a presentation on his recent work as Portfolio Holder.

The Portfolio Holder highlighted a number of key areas of work, including:

- Asset management
- Localism agenda
- Growth Point
- Local Plan feedback
- Community Infrastructure Levy
- Partnerships including the LEP and Leadership Academy
- Regeneration in Seaton, Exmouth and Axminster

Asset transfer and management

Documentation for applying for an asset transfer had been recently updated and the Portfolio Holder urged Ward Members to advise their local parish that such documentation was available. The Asset Management Forum had recently received a presentation on the concept of “whole life costing”, covering the entire life of an asset from conception, construction, operation and disposal. This would be built into the costings for each asset as part of the work of the asset management plan, leading to an ability to rank assets and better informed maintenance programmes.

Big society

Around fifteen parishes were considering or had undertaken a neighbourhood plan. Axminster Town Council is hosting a forum on the topic on the 16 April between 9.30am and 3.30pm, which includes representatives from all over the southwest.

Growth Point

The Committee were shown a number of slides covering the work achieved so far and work planned for the future, including aerial photographs of Cranbrook as it currently stands. The pupil numbers at the newly built St Martins Primary School had steadily increased from below 100 in April 2012 to more than double that in January 2014. There was also evidence on the origin of residents of Cranbrook, with 61% from the Exeter area, 22% from elsewhere in East Devon, 11 % from elsewhere in the county, leaving 6% from outside Devon – contrary to rumours about the town being populated by a majority of people from outside the South West.

Skypark Business Park was outlined:

- A gross total of 107 acres of land with 1.4 million sq ft of office and industrial/manufacturing space
- Potential to create around 6000 new jobs

***75 Portfolio Holder update – Strategic Development and Partnerships (cont.)**

- A joint venture agreement between Devon County Council and St. Modwen
- CHP Energy Centre located on site
- First commercial building under construction
- Preferred site for East Devon DC relocation

Exeter Science Park was outlined:

- Extensive new facilities encouraging enterprise, science, research and development-related activity
- With the potential to create around 3000 jobs by 2030
- First building occupied, second underway
- High quality space for businesses ranging from start-ups to major corporate headquarters
- A new business hotel and conferencing facilities
- Infrastructure work complete: including dedicated access from M5 and cycle / pedestrian bridge over motorway

Local Plan

The next step of the process was explained by the Portfolio Holder:

- Examination started at Submission Aug 13 and ends on receipt of Inspector's final report
- Oral hearing sessions ran from Feb to March 2014
- Inspector considers all evidence and makes recommended changes to plan
- Inspector's feedback report expected end March 2014
- Report to Development Management Committee in May 2014

Community Infrastructure Levy updated included:

- Examination oral hearing session was on 13 March 2104
- Inspectors initial report expected in Mid April 2014
- On adoption a charge will be levied against new residential and non-town centre retail development
- Charge will be calculated against each new sqm of floor space built
- Monies raised will help pay for infrastructure needed to support development

Regeneration

Seaton regeneration was progressing well and the Jurassic Visitor Centre was now being delivered. The Seaton Regeneration Board was also considering seafront enhancements. Exmouth Regeneration work continued, with work on the hotel set to begin in April; facilities were being marketed for the "splash" area; and Mamhead slipway construction had been brought forward due to the deterioration of the existing slipway.

In Axminster, recent permission for changing Websters Garage to a temporary car park had been given.

Other areas

The Committee was reminded of the role of the Exeter and East Devon Growth Point Board and the Exeter and Heart of Devon Growth Board.

***75 Portfolio Holder update – Strategic Development and Partnerships (cont.)**

Members discussed the area of the portfolio, including:

- Concern over the Chancellor's Autumn Statement that that the government will consult on measures to "improve further the incentive of the New Homes Bonus" that could in particular include "withholding payments where local authorities have objected to development, and planning approvals are granted on appeal". The Portfolio Holder agreed that any decision must be made on planning reasons, not on financial incentive;
- Regular updates on the six year land supply are provided as the latest figure given is for December 2013, and a number of sites have been before the Development Management Committee since then;
- Request for discussion with Honiton to stimulate discussion and ideas for regeneration in that area;
- Concern by some Committee members on the scale of development of settlements outside Cranbrook leading to an urban sprawl in the countryside of the District. Debate took place over the difficult balance to be struck between maintaining the current environment and providing the homes needed for the growing population;
- Second homes impact on housing provision.

RECOMMENDED: that concern be expressed regarding the Chancellor's Autumn statement and the suggestion that the New Homes Bonus be withheld from local authorities who had opposed a planning application for a development that was granted on appeal because local authority development decisions should be based solely on planning grounds and not on financial considerations.

***76 Council relationship with Local Enterprise Partnership**

Richard Cohen, Deputy Chief Executive, reminded the Committee of the role of the LEP. The Heart of the South West Local Enterprise Partnership (HotSW LEP) has assumed many of the responsibilities of the Regional Development Agencies, including involvement with strategic investment and funding streams. The HotSW LEP is currently developing its strategic plan to secure a proportion of the Single Growth Fund 2015-16 spending round, funded at £2bn per year nationally.

The HotSW LEP Board consists of both private and public sector, with an emphasis on being privately led. Representation of unitary and Tier 1 authorities has been recently expanded to include representation of district councils; Devon and Somerset have a district representative each. The Leader had been elected by Devon districts to represent their interests on the Board.

The LEP is currently preparing its Strategic Economic Plan to 2030, and the report sets out a number of priorities identified for the Council in consideration of East Devon and wider economic area issues as well as the view of Cabinet for inclusion in any discussion with the LEP and the desire for recognition in the LEP's plans. 11 terms were set out, of which the Committee felt there should be particular emphasis on the following:

- Item 7 A focus on skills and access to jobs for our young people who are not university inclined, Apprenticeships and colleges (Bicton in particular) to be developed, resourced, and promoted;

***76 Council relationship with Local Enterprise Partnership (cont.)**

- Item 9 Recognition of Tourism and Economic Development. Other than a small mention of job growth in the hotel/bar industry there is an absence of strategic analysis of the opportunity for improvement and LEP intervention;
- Item 10 The Strategic Economic Plan is unclear about the LEPs intentions towards farming, agriculture and land management.

In addition the Committee felt that reference in the full draft strategic plan to growth hubs and business support delivery spokes needed particular emphasis. The plan currently stated that one of the priority objectives under Business – Transformational Investment was “using our growth hub and business support delivery spoke’s across the Heart of the SW, support ALL ambitious businesses to move up the innovation ladder – including in major employment sectors such as visitor economy, retail, care, and land-based industries”.

The committee discussed some elements of the Plan and the role of the LEP, including:

- Dispute over the role of the LEP in delivering homes; the Deputy Leader made clear to the Committee that it was not the role of the LEP to plan the number of homes in the District, but they did have a role in helping deliver homes across Devon and Cornwall for the next 16 years;
- The Member Champion for Tourism proposed approaching LEP to work with the council to develop a strategy that will help promote existing business and encourage new business to the area, particularly in the area of tourism;
- Reminder that the LEP were working at a strategic level, and therefore specific and more local projects would not necessarily be listed but would fit in with the overall economic plan.

RECOMMENDATION:

1. Endorse the issues already identified by Cabinet for promotion to the LEP in its strategic economic planning to 2030;
2. Strengthen in particular the importance of item 7 skills and access to jobs for young people, item 9 recognition of tourism and economic development, and item 10 intentions towards farming, agriculture and land management;
3. Emphasise the growth hubs and business support delivery spokes for the whole of the District

***77 Interim report of the Budget Scrutiny Task and Finish Forum**

The Chairman presented the interim report of the Forum, including seven recommendations arising from the work done so far. Comments by the Forum had already been fed back through meetings to inform the draft budget process before the final budget was agreed on.

The Chairman highlighted from the report the discussions on play areas, outlining the accounting practice of costing for depreciation and the significant increase in the value, following a re-evaluation, of the play areas in the district. There had also been debate over the value of a play area being with the immediate parish rather than of district benefit, and therefore some merit in the argument of responsibility of play areas resting with the local parish.

***77 Interim report of the Budget Scrutiny Task and Finish Forum (cont.)**

The Committee endorsed the interim report and agreed to put forward the recommendations listed within it.

RECOMMENDATION:

1. that the Street Scene service proactively approaches parishes where appropriate to offer their grounds maintenance service for parks/gardens/amenity areas;
2. that the Asset Management Forum review the current leases with markets and assess the viability of continuing to run them;
3. that the Asset Management Forum review all assets under the budget heading of Public Halls, Pavilions and Cinemas and, in particular, pursue the possibility of transferring some assets to the relevant town council;
4. that the Council prioritise and encourage opportunities to provide further industrial sites for small and new starter businesses to develop;
5. that the method of provision of theatrical and related activities at the Exmouth Pavilion and the Manor Pavilion should be further reviewed;
6. that serious consideration and negotiation should take place in an endeavour to transfer the responsibility for the maintenance of play areas to the relevant town and parish councils. In addition where new play areas and equipment is provided via S106 agreements, agreement should be reached with the relevant parish or town council so that they then provide the funding for maintenance;
7. that the legal agreement to maintain the private drive of Peak House be reviewed again to consider contesting it, in light of the significant budget spend of public money on private property.

***78 Overview and Scrutiny Forward Plan**

The Engagement and Funding Officer was available to attend the June meeting of the Committee.

In response to a question on the start date for the Tree TaFF, the Chairman informed the Committee that staff resource would not permit a start date in the immediate future due to the heavy workload of the service.

In response to a request for the Committee to debate the office relocation either before Cabinet received the next report in July, or between Cabinet and Council, the June meeting of the Committee was flagged for an update report on the topic.

***78 Overview and Scrutiny Forward Plan (cont.)**

In response to a request for the Committee to debate a Development Management Committee report on its public speaking arrangements, the Committee was informed that the remit of the Committee did not permit this to take place; the Committee were not able to insist, under the current terms of the constitution, that the report went back to the Standards Committee. The Portfolio Holder for Corporate Business highlighted the work undertaken by a working party at Council's request, to research and provide recommendations to the Development Management Committee, which would go before Council for a decision where all Members would have an opportunity to comment if they wished.

Chairman Date.....

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the
Overview and Scrutiny Committee held
at Knowle, Sidmouth on 15 May 2014

Present:

Tim Wood (Chairman)

Graham Troman (Vice Chairman)

Peter Bowden

David Chapman

Deborah Custance Baker

Roger Giles

Tony Howard

John Humphreys

David Key

Sheila Kerridge

Frances Newth

Brenda Taylor

Eileen Wragg

Steve Wragg

Claire Wright

Officers:

Henry Gordon Lennox, Principal Solicitor

Debbie Meakin, Democratic Services Officer

Giles Salter, Solicitor

Also Present

Councillors:

Ray Bloxham

Susie Bond

Roger Boote

Iain Chubb

David Cox

Christine Drew

Jill Elson

Helen Parr

Pauline Stott

Peter Sullivan

Tom Wright

Apologies:

Committee Members

Derek Button

Maddy Chapman

Vivien Duval Steer

Peter Halse

Chris Wale

Non-Committee Members

Graham Godbeer

Stephanie Jones

Andrew Moulding

Mark Williamson

The meeting started at 6.30pm and ended at 8.42pm.

*1

Public Speaking

There were no questions from the public at this part of the meeting.

*2

Minutes

The minutes of the Overview and Scrutiny Committee meeting held on 27 March 2014 were confirmed and signed as a true record.

***3 Section 106 Open Space Spend**

The Chairman welcomed Sulina Tallack, Section 106 Officer, to the meeting. The report before the Committee outlined the spend process of open space contributions secured by section 106 agreements. She reminded the Committee of the role of section 106 agreements to mitigate the impact of a development on an area. From 2003, these agreement included reference to items such as play areas; following a policy change, implemented in May 2013, new agreements included reference to open space, allowing the opportunity to combine receipts in an area to spend on a parish or town.

Members debated issues related to the legal agreements, including:

- The need for all weather sports pitches in many areas in the District. Should future policies cover a specific need for more of these types of pitches as opposed to traditional grass pitches? In response, the officer outlined the high cost of such pitches but commented that some requests had already come forward for 3G pitches;
- Specific cases were raised by one member relating to negotiations for a reduction in s106 funding. It was stated that the matters were not brought to the attention of the local ward member until a very late stage. In response, the Committee was advised that caution should be exercised before involving a ward member in legal negotiations. However, when s106 funding had been secured, the overall process of member involvement and local community consultation was praised by many members for its effectiveness and helpfulness;
- The impact on maintenance budgets from the increasing number of play areas. It was stated that new agreements under the new policy sought to include maintenance;
- The lack of clarity of the role and responsibility of either Devon County Council (DCC) or the Council when requesting sports pitches for expanding educational facilities. In response, the s106 officer outlined that the open space strategy indentifies educational need for such provision, which DCC can use. Currently sports pitch provision is requested by DCC for new schools.

RECOMMENDED: that, recognising the restrictions on funding available to district councils, and the difficulty in finding and providing open space provision, efforts are made to maximise opportunities for acquiring appropriate funding from developers, and as part of this process Ward Members should be kept informed at an early stage regarding s106 agreements, once legal negotiations are completed.

Members praised the s106 officer for her dedicated work in the delivery of many projects, and the Chairman thanked her for helpful contributions to the meeting.

***4 Development Management Committee public speaking arrangements and future agenda and meeting management**

Council agreed on the 9 April 2014 that the Committee should consider and debate the arrangements for members of the public wishing to speak, agenda, and meeting management of the Development Management Committee (DMC).

A covering report set out the work carried out to date on reviewing the current arrangements of the DMC and suggested recommendations. The recommendations discussed at Council on 9 April 2014 (as set out in Minute 69 of the Development

Management Committee minutes of 1 April 2014) had minor amendments as presented to the Committee. These were:

- Recommendation 1 b) "Thresholds for the number of speakers on applications are" was amended to "We will welcome speakers but, due to time constraints, the number of speakers is to be limited to";
- Recommendation 1 b) "Registered speakers will be advised that their contact details will be posted on the Council's website to allow others, who may have wished to speak, to contact them" was amended to "Registered speakers will be advised that their contact details, unless they tell Democratic Services otherwise, will be posted on the Council's website to allow others, who may have wished to speak, to contact them".

Debate by the Committee included:

- Differing opinion as to the impact reducing of reducing the number of members of the public invited to speak would have on the overall length of planning meetings. Many Members voiced concern about members of the Development Management Committee being repetitive during debate. It was, however, pointed out that while measures leading to shorter planning meeting discussion should be considered it was necessary to ensure that there was sufficient debate to ensure that it was appropriately balanced and full when considering an application;
- The role of the Chairman of Development Management Committee (DMC) was one of the most demanding roles within the Council;
- Providing speaking opportunities for members of the public who had been absent for other reasons but still wished to speak. This was debated for both recommendation 1a) speaking to planning applications, and 1e) speaking to non-planning applications. It was pointed out that the DMC Chairman has, as has always been the case, discretion on permitting an individual to speak if exceptional circumstances had arisen;
- In response to a question, Members were reminded that the only legal right for members of the public was to be able to comment on an application during the consultation period. Anything offered beyond that, including speaking at a DMC meeting, was a concession;
- Suggested rewording of "requested to register" instead of "required to register" in recommendation 1a) was discussed, but advice given to the Committee highlighted the possibility of disenfranchising some members of the public who may have assumed, if they had not complied with the request, that they would still be able to speak;
- Concern that the system was set up in favour of the developer;
- Comment that the requirement to have already commented on an application during the consultation period, before being permitted to register to speak, as set out in recommendation 1a) was unacceptable. The reason given for this was the possibility of a resident being unable to comment during the consultation period due to holiday or sickness;
- Suggestion that recommendation 1a) be amended from "3 working days before the meeting" to "3 or more working days before the meeting" to make clear that registration could begin earlier;
- Suggestion that recommendation 1b) include "up to" prior to the number of objectors and supporters;
- Recognition that registration helped facilitate better meeting management in ordering the agenda items to cover applications where member of the public had indicating their wish to speak first, leaving those with no speakers until last. This would be a departure from the traditional alphabetical (or reverse alphabetical) order used;

- In response to comment that officer advice took too long at DMC, it was pointed out to the Committee that officer guidance was important to ensure that the DMC members had all necessary information before reaching a decision. The Chairman of DMC outlined to the Committee the importance of the decision being reached fairly and with all information available, not only for the benefit of the public, the local community relating to the application, and the applicant, but also to prevent a decision being open to judicial review. She reminded the Committee that the public expected an **informed** debate before a decision was reached;
- Additional training for the DMC was suggested to help improve meeting management of repetition by members but no specific recommendation was proposed.

A proposal was put to delete any reference to a requirement to have previously submitted written comment on an application for registration, and to amend the word “required” to “requested” in recommendation 1a). This amendment was put to the vote and lost.

A proposal was put for recommendation 1f) to delete the wording “if there is time and subject to the Chairman’s discretion”. This amendment was put to the vote and lost.

An additional recommendation was proposed of “Where appropriate, planning officers should introduce the application by stating that they have nothing to add to the report”. The additional recommendation was put to the vote and carried.

An additional recommendation was proposed of “When it is clear that all Members of the Committee (DMC) are in agreement on an application, the Chairman moves to a vote”. The additional recommendation was put to the vote and lost.

The recommendations are set out with amendments agreed at the Committee to those on the printed agenda highlighted in bold for ease of reference.

RECOMMENDATION

- 1 that Council considers the following changes to the arrangements for speaking by the public for Development Management Committee and Planning Inspections Committee to be introduced following **next Council**, trialed for one year:
 - a) Introduction of pre-registration of all public wishing to speak at Development Management Committee on planning applications so that the public (meaning those who have submitted written comment on an application prior to agenda publication) are required to register, with Democratic Services, their wish to speak on an item 3 **or more** working days before the meeting.

- b) We will welcome speakers but, due to time constraints the number of speakers is to be limited to:
- Parish/Town Council representative, **up to 2** objectors, **up to 2** supporters, applicant or agent, Ward Member(s) on minor applications
 - Parish/Town Council representative **up to 5** objectors, **up to 5** supporters, applicant or agent, Ward Member(s) on major applications

Speakers will be registered on a first come, first served basis. Registered speakers will be advised that their contact details, unless they tell Democratic Services otherwise, will be posted on the Council's website to allow others, who may have wished to speak, to contact them. Speaking by the public to remain limited to 3 minutes per contribution and 5 minutes for Ward Member(s).

- c) Planning applications to be numerically ordered on the published agenda, with a revised order to be published by 12 noon the day before the meeting prioritising applications on which people have registered to speak (all items where there are registered speakers to be taken before items where there are no registered public wishing to speak. Where there are registered speakers for major applications these be taken first.)
- d) Non-committee members be allowed to speak on Part A non-planning applications, limited to 3 minutes per contribution.
- e) A maximum of two speakers from the public (to register 3 **or more** working days in advance of the meeting) to be permitted on non-planning application items on which DMC is making a decision (this does not include items where a recommendation will be made to Council, items for information or items responding to government guidance). To be made clear on the agenda the items on which the public can register to speak.
- f) In respect of planning applications, to hear from adjacent Ward Members or other non-committee members if there is time and subject to Chairman's discretion.

Development Management Committee (special meetings for non-planning application items)

- g) Speaking arrangements appropriate to the meeting continue to be put in place for special meetings at the discretion of the Chairman in consultation with Democratic Services, Legal Services and the Development Manager.

RECOMMENDATION:

- 2 that the following changes be made to future Development Management Committee agendas and meeting management:
 - a) No meeting on one day should exceed 2 sessions each of up to 3 hours in length. Where more time is likely to be needed, the business to be split into two meetings.
 - b) Meetings to be timetabled to include breaks and to list items as 'not before' a set time/ scheduled break to avoid unnecessary waiting for members of the public.
 - c) A new timing clock be sourced which allows changeable time limits and a bell/buzzer to sound at the end of the allotted time to alert the speaker that their time is up.
 - d) Guidance on speaking arrangements for members of the public, including an overview of planning considerations which can and cannot be taken into account by the Committee to be shown on the projector screen 20 minutes before the meeting starts.
 - e) The guidance on speaking by the public be included on agendas with a list of the key planning considerations that can be taken into account by the Committee together with those that cannot.
 - f) Where appropriate, planning officers should introduce the application by stating that they have nothing to add to the report.
 - g) The guide to the Development Management and Planning Inspections Committees and the relevant web-site pages to be updated to reflect the recommendations, if agreed, above.

*5 **Overview and Scrutiny Forward Plan**

An update was given outlining future meetings. There was also an update on the Cranbrook surgery issue, raised at the January meeting of the committee during the GP Commissioning update. Details of the press release by NHS England on the surgery would be circulated to the committee, as requested.

A request was also made to invite back the New Devon CCG following news on community hospitals under the New Devon CCG consultation on community services.

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Overview and Scrutiny Committee held at Knowle, Sidmouth on 12 June 2014

Attendance list at end of document

The meeting started at 6.30pm and ended at 9.33pm.

***6 Public Speaking**

There were no questions from the public at this part of the meeting.

***7 Minutes**

The minutes of the Overview and Scrutiny Committee meeting held on 15 May 2014 were confirmed and signed as a true record.

***8 Declarations**

Cllr Frances Newth; min no. 10; Personal interest: Member of Sidmouth Hospital Comforts Fund Committee.

Cllr Jill Elson; min no. 10; Personal interest: Exmouth District Community Transport.

***9 Exclusion of the public**

RESOLVED:

that the classification given to the document to be submitted to the Overview and Scrutiny Committee be confirmed; there was one item which officers recommended should be dealt with in Part B.

***10 “Integrated, personal and sustainable: Community Services for the 21st Century” strategic framework document for Northern, Eastern and Western Devon Clinical Commissioning Group**

The Chairman welcomed Tamara Powderley and Dr Rob Daniels from the NEW Devon Clinical Commissioning Group (CCG).

The CCG had issued a document outlining a framework for transformation of services, and were seeking views through consultation up to 8 July 2014.

The CCG was looking to improve the service provided to give a ratio of one registered nurse to eight beds – current levels did not match this standard. There was also a degree of unused and empty beds, with some in the wrong location. With pressures on budgets for other valuable services, there was a need to resolve the empty bed issue.

Dr Daniels gave the committee a presentation on research undertaken to date to establish where the need for services and the provision of local hospital beds lay, before examining options for placing care in the correct places to cater for that need. The presentation was centred around the Wakley area, with slides covering Axminster, Honiton, Ottery St Mary, Seaton and Sidmouth. These included:

- Comparison by demography
- Comparison by morbidity
- Comparison by admission rates

***10 “Integrated, personal and sustainable: Community Services for the 21st Century” strategic framework document for Northern, Eastern and Western Devon Clinical Commissioning Group (continued)**

From this research, an option of a three cluster provision of community service beds seemed most closely to meet the demands identified in the research. The slides also explored a 2 site option to work alongside the “hospital at home” service.

The CCG was set on providing more detailed proposals for specific localities by the end of July 2014, and consult widely on them over a 15 to 16 week period, with a view to a decision being taken in October of this year.

The Portfolio Holder for Homes and Sustainable Communities echoed the message of the need for change, and for councillors to work with the CCG to bring about those changes.

During debate, discussion included:

- Praise for the “hospital and home” service
- Concern being expressed that some community hospitals might no longer support in-patient care when residents in those areas might have made financial contributions to enable such care
- Hospital closures were not planned. The services provided by community hospitals were highly valued by both GPs and patients
- Exploring private sector care options for recuperative care, part of which involved identifying care homes that people have confidence in;
- Need to identify and assess appropriate care for patients suffering from severe mental health issues, as well as care for milder cases where key work relates to understanding and dealing with their triggers;
- Minor injuries units, termed as “urgent care centres” within the consultation documentation, were highlighted as an excellent service and should be expanded;
- Research had included reviewing planning applications and land identified for further homes, but this showed a much higher percentage of family homes being built; whereas the need for care research showed that patients admitted to community hospitals were elderly, living on their own.

The Chairman thanked the representatives for their helpful discussion with elected members, and welcomed future discussions as the proposals took shape in the coming months.

***11 New Waste Contract development**

The Chairman welcomed the newly appointed Refuse and Recycling Manager, Paul McHenry, to the meeting. A briefing note was provided to the Committee, outlining recent developments with the Integrated Devon Project; the current recycling and waste collection contract; and kerbside cardboard collection.

Members welcomed news that the initial report on the business case for a Devon integrated service was being reviewed, with a second report commissioned to evaluate several factors based on three collection authorities and Devon County Council. The committee will receive a further update when this second report has been received.

The option of extending the current SITA contract for recycling and waste by one year was being considered in light of the integrated Devon project.

A proposal from SITA on kerbside collection of cardboard is currently being examined by the Recycling and Refuse Partnership Board, with a report due to Cabinet on their findings.

***12 Update on corporate engagement work**

Jamie Buckley, Community Engagement and Funding officer presented her report giving an update on recent consultation carried out by the Council, including:

- “Viewpoint” – questionnaire of 3,000 randomly selected residents on the council’s services, last sent out in 2013. Following analysis of the results, a feedback booklet was sent to residents that responded to the survey outlining what actions were being taken as a result of the survey results;
- “Viewpoint – equalities” consultation was carried out by a number of means to reach different groups with protected equalities characteristics;
- “Viewpoint – towns and parishes” questionnaire responded to by 38 of the district’s towns and parishes, with a feedback booklet being sent to respondents on actions planned. The next consultation is due in 2015;
- Sustainable Communities Act – two proposals were received at the last round, with the reasons for acceptance of one, and refusal of another, set out in the report;
- Participatory budgeting – the spend of section 106 funds from developments on sport and play;
- Office relocation
- Open for business – web channel
- Speak now residents panel and East Devon Editors;
- Parks and Gardens questionnaires

Discussion took place on:

- The current residents’ panel having become far less representative of the demography of the District. Other authorities had disbanded their panels, and a report will go forward to SMT recommending the same option. Other methods of consultation were available and more effective as an alternative to the panel format;
- Thresholds for community consultation, in terms of how effective a decision was based on low responses. Proposals, such as for spending on play areas, were taken to events, highly publicised, and voting encouraged for visitors to the event. There was a good statistical basis from low numbers – an example of 500 responses for the population of Exmouth was quoted;
- Viewpoint survey responses on planning were as expected, because of the nature of the public perception of planning being a “win” or “lose” situation. Work had been done to reinforce the message that all objections are taken into account, and that conditions are intended to deal with many of those objections raised.

The Community Engagement and Funding Officer received high praise from the committee for her excellent work, with a number of local examples outlined by elected members.

***13 Quarterly monitoring of performance for fourth quarter Jan to Mar 2014**

The committee had previously noted the continued missed target for the percentage of minor planning applications determined within 8 weeks, and recommended in February that the contract for an agency planner should be extended to assist with workload. The Chief Executive confirmed that this had been considered by Cabinet and amended to give him delegated authority to appoint fixed term planners, which was in hand.

***14 Update on joint working initiatives**

The Chief Executive reminded the committee of the history to the shared chief executive experience. He also outlined the bigger picture in the form of sharing involving the local LEP, Devon and Somerset County Councils, and also various district councils in the wider south west. Examples of shared thinking on provision of services were given, and the positive outcomes both of improved services and reduced cost of the sharing exercise. The current contract for a shared chief executive had been extended, with the agreement of both councils, beyond the district council elections in 2015.

The corporate ICT manager outlined the progress of a shared ICT provision, in the form of an independent company named Strata. He outlined the potential savings over a 10 year period, totalling £2,262,421 for the council, with implementation costs of £813,784. The committee discussed the implications for staff, location of data, and percentage share amongst the three participating councils, Teignbridge, Exeter and East Devon. Discussion was still to take place over the arrangements for a joint scrutiny provision between the three councils to oversee the performance of the company as implementation progressed.

***15 Forward Plan**

The committee noted the forward plan having discussed various elements within it.

***16 Exclusion of the public**

RESOLVED:

that under Section 100(A) (4) of the Local Government Act 1972 and in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public (including the press) be excluded from the meeting as exempt and private information (as set out against each Part B agenda item), is likely to be disclosed and on balance the public interest is in discussing the items in private session.

***17 Update on strategic management team review**

A revised management structure was considered by the Committee. A number of points were clarified in relation to reporting mechanisms and capacity of officers. The Committee was in agreement that the revised structure would deliver savings to the Council as well as meeting service needs.

RECOMMENDED:

That the proposed management structure, including minor changes and consequential revisions, be agreed and that delegated authority be given to the Chief Executive in consultation with the Leader to fully implement the proposals.

Attendance list

Present:

Tim Wood (Chairman)
Graham Troman (Vice Chairman)
David Chapman
Maddy Chapman
Deborah Custance Baker
Vivien Duval Steer
Roger Giles
Peter Halse
Tony Howard
John Humphreys
Sheila Kerridge
Frances Newth
Chris Wale

Jamie Buckley, Community Engagement and Funding officer
John Golding, Head of Housing
Paul McHenry, Refuse and Recycling Manager
Debbie Meakin, Democratic Services Officer
Chris Powel, Corporate ICT Manager
Giles Salter, Solicitor
Mark Williams, Chief Executive

Ray Bloxham
Iain Chubb
Paul Diviani
Christine Drew
Jill Elson
Martin Gammell
Stephanie Jones
Pauline Stott
Peter Sullivan
Phil Twiss
Tom Wright

Apologies:

Mike Allen
Peter Bowden
David Key
Brenda Taylor
Eileen Wragg
Steve Wragg
Claire Wright
David Cox
Alan Dent
Steve Gazzard
Ian Thomas

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Housing Review Board held at Knowle, Sidmouth on 5 June 2014

Present:

Councillors:

Pauline Stott (Chairman)

Susie Bond

Christine Drew

Douglas Hull

Jim Knight

Co-opted tenant members:

Mike Berridge

John Powley

Pat Rous

Co-opted independent community representative:

Rob Finch

Officers:

Sue Bewes, Landlord Services Manager

Dennis Boobier, Housing Needs and Strategy Manager

Amy Gilbert, Support Services Manager

John Golding, Head of Housing

Paul Lowe, Housing Development and Enabling Officer

Peter Richards, Rental Manager

Giles Salter, Solicitor

Mandy White, Housing Accountant

Stephanie Lewis, Assistant Democratic Services Officer

Also present:

Councillors:

Jill Elson - Portfolio Holder for Sustainable Homes and Communities

Stephanie Jones – Deputy Portfolio Holder for Sustainable Homes and Communities

Steve Gazzard

Apologies

Councillors:

Paul Diviani

Phil Twiss

Co-opted independent community representative:

Julie Adkin

Tenants:

Eric Howard, Tenant Scrutiny Panel

The meeting started at 6.00pm and ended at 8.00pm.

***1 Public question time**

There were no questions raised by members of the public.

***2 Appointment of Vice Chairman**

Nominations for Vice Chairman had been received for co-opted tenant members Pat Rous and Mike Berridge.

Cllr Drew explained that Pat Rous would bring a lot of experience to the role having served on the Housing Review Board for several years.

Cllr Knight indicated that Mike Berridge had served well on other tenant groups and would be able to gain experience by having the opportunity to serve as Vice Chairman.

RESOLVED that tenant representative Mike Berridge be appointed Vice Chairman of the Board for the ensuing year.

***3 Minutes**

The minutes of the meeting of the Housing Review Board held on 6 March 2014, were confirmed and signed as a true record.

The Chairman advised the Board that tenant representative Victor Kemp had served the maximum two four year terms, as set out in the constitution. The Board was now looking to recruit two new tenant members to the Board and had received several applications. The Chairman read out the following statements from Victor:

"I thank members for putting up with me for 8 years and I hope the Board will continue effectively for the tenants' interests foremost in partnership with the Council. I will miss you all."

In turn the Chairman spoke in appreciation of Victor's contribution and dedication to the Board.

RESOLVED that the Chairman sends a letter to Victor Kemp thanking him for all his hard work and valuable contributions over the past 8 years as a member of the Housing Review Board.

***4 Declarations of interest**

Board Member	Minute number	Type of interest	Nature of interest
Mike Berridge		Personal	Family member lives in a Council owned property.
Rob Finch	22	Disclosable Pecuniary	Employed by the Housing Association (remained in chamber for debate but abstained from vote)

***4 Declarations of interest (Cont'd)**

Douglas Hull		Personal	Sister lives in a Council owned property.
Jim Knight		Personal	Daughter lives in a Council owned property. He was also a Devon County Council Councillor.
	9	Personal	Member of the Fire Authority
Pat Rous		Personal	Housing tenant
John Powley		Personal	Sheltered housing tenant; daughter in law lives in a council property; part of Reading Panel committee and a member of the Repairs and Maintenance Committee.

***5 Exclusion of the public**

RESOLVED: that the classification given to the documents to be submitted to the Board be confirmed; there was one item which officers recommended should be dealt with in Part B.

***6 Housing Review Board forward plan**

The Head of Housing presented the forward plan and advised Members that reports would be presented on the work around updating tenant profiling and the tenant satisfaction survey known as STAR.

RESOLVED: that the forward plan be noted.

***7 Fire Regulations, Fire Risk Assessments and Blocks of Flats**

The Board considered the report from the Housing Needs and Strategy Manager which set out the current position relating to the Council meeting Fire Regulations in Council owned blocks of flats. The report also detailed the Fire and Rescue Service enforcement action in respect of Dray Court, Exmouth. A recent inspection had resulted in the Fire Officer issuing the Council with an "Enforcement Notice" (The Regulatory Reform (Fire Safety) Order 2005) giving the Council 6 months to bring all aspects of Fire Safety up to standard.

The Housing Needs and Strategy Manager explained to the Board that they were working closely with residents at Dray Court to ensure the building met fire safety regulations. A zero tolerance approach had been taken to remove all personal belongings from the communal areas and staircases intended as a means of escape. This was a key part of the fire safety measures that must be imposed in all blocks of flats for the safety of residents.

The Board noted that in most cases tenants had responded well to the Council's request to stop storing personal items and combustible materials in communal areas, including wheelchairs, mobility scooters and walking aids.

***7 Fire Regulations, Fire Risk Assessments and Blocks of Flats (Cont'd)**

The Housing Team was working with the Planning Department to find the best location for the provision of a buggy store with charging facilities at Dray Court, Exmouth. This facility would be considered at other sites as necessary. However, the buggy store may take 3-4 months to provide and the team was currently looking at the cost implications of this facility.

The Board discussed issues which could arise for tenants in flats should they have to keep their mobility scooters outside their property. Residents were often worried about leaving their scooters outside and the implications of accessing their scooter if stored further away from their flat. Other issues raised by Members included the cost implications of implementing storage facilities at all blocks of flats and if a charge could be made to tenants. The Chairman highlighted to the Board that the Council was under no obligation to provide these facilities as it was similar to residents owning a car. A tenant member advised that he owned a mobility scooter and was given an allocated space in a covered area with recharging facilities; however he did not contribute toward electricity costs. He advised that this should be reconsidered by the council and a charge made to tenants to help cover the cost.

The Head of Housing stressed to the Board that he was concerned that the Fire Service had served an enforcement notice on the Council as landlord to Dray Court, and that the Council would be liable should any harm come to tenants as a result of fire safety issues. He advised that the Housing Department had tried a 'managed' approach to ensure stair cases and communal areas were kept clear; however they had now been forced to take a 'zero tolerance' approach in order to ensure the safety of all residents. The Fire Safety Officer had visited Dray Court to explain this to residents and the Chief Executive had also sent a letter to the Dray Court Residents Association outlining the reasons why the Council had taken this approach.

RESOLVED: that the Board note the report from the Housing Needs and Strategy Manager regarding Fire Regulations, Fire Risk Assessments and Blocks of Flats

RECOMMENDED: that approval be given to additional funding being found (from the Housing Revenue Account), for essential fire protection work.

***8 Inclement weather and damp/water penetration to our tenant's homes**

The Housing Needs and Strategy Manager's report provided the Board with an update on the work carried out to Council homes after the bad weather experienced over the winter period.

The Council was aware of over 300+ properties and garages that needed work completed on them because of damp/water penetration which had in many cases damaged internal walls and cavity wall insulation.

***8 Inclement weather and damp/water penetration to our tenant's homes (Cont'd)**

Most tenants were being very helpful, co-operative and patient. It was important for Members and tenants to be aware of the potential cost to the Council of around £1m in dealing with the impact of the prolonged wet weather and finding permanent solutions to the problem at each property.

The Board was informed that the current cost of undertaking essential repairs/making good, the provision of dehumidifiers, reimbursement of electricity and removal of cavity wall insulation was being funded from the day to day repairs budget. The estimated cost of the work was £980,000, with an identified average cost per property of £5,000. An insurance claim had been made to recover some of the cost of the work. Members were asked to consider how they would wish the damp penetration work to be funded. Options included:

- a. Acknowledge the overspend on Responsive Repairs budget for the time being;
- b. Reduce the programmed works budget and transfer part or all of the funding required, or
- c. Approve additional funding from HRA reserves.

RESOLVED: that the report on Inclement Weather and water/damp penetration to our tenant's homes be noted

RECOMMENDED: that additional funding for unforeseen work to repair damaged Council homes be approved and an overspend on the Responsive Repairs budget be acknowledged.

***9 Decoration Scheme for vulnerable elderly and disabled tenants**

The Board considered a report presented by the Housing Needs and Strategy Manager which detailed a new proposal to introduce a decoration scheme for qualifying vulnerable elderly and disabled tenants. The criteria proposed for being included in the decoration scheme would be similar to the criteria currently in place for the Individual Garden Maintenance Scheme.

The scheme would offer tenants the opportunity to have two rooms decorated every three years at a nominal charge of £50 per year. The Board agreed that this was less than the current market value offered by contractors. Members discussed the qualifying age limit and agreed that the scheme should be offered to tenants over the age of 70 years, as set out in the report.

RECOMMENDED: that the introduction of a decoration scheme for qualifying vulnerable elderly tenants over 70 years of age and disabled tenants be agreed as set out in the report.

***10 Robert Heath Heating - Contract Extension**

The Housing Needs and Strategy Manager presented the report and requested approval to extend the existing gas servicing contract by one year, from 1 October 2014 to 30 September 2015. Officers and tenants were generally happy with the performance and service provision of Robert Heath Heating – the current contractor.

The Board noted that the current contract term was from 1 October 2010 for a four year period with the option to extend by up to two years on an annual basis. Officers were in discussion with Mid Devon District Council to try and pursue another joint tender approach to this contract when it is due for renewal in 2015.

RECOMMENDED: that a one year extension to the existing gas servicing contract to 30 September 2015 be approved.

***11 Property and Asset Team – Staffing**

The Board considered a report presented by the Housing Needs and Strategy Manager which outlined proposals to increase the staffing of the Property and Asset team to enable programmed works, flood/damp penetration work and Fire Risk Assessment work to be undertaken during the financial year.

The inclement weather experienced this winter and the work required as a result of the Fire Risk Assessments has impacted on the ability of the team to deliver the annual improvement programmes of work including kitchen and door replacements. To enable the identified and budgeted programmes of work to be completed this financial year an additional Building Surveyor post was required.

RECOMMENDED: that a new Building Surveyor post be approved in the Property and Asset team at an annual cost of £32,000.

***12 Estate Management Review**

The Landlord Services Manager presented a report which outlined the valuable work that the Estate Management team had undertaken. The Board was updated with the many different functions the team now had responsibility for. The report proposed that the temporary officer post be made permanent.

The Board noted the valuable work the Estate Management Officers do to be more proactive in managing the increased demand on their time and the serious issues which affected tenants' lives and safety including anti-social behaviour, communal areas, tenancy fraud and nuisance behaviour.

RECOMMENDED: to note the work of the Estate Management Team and approve the recruitment of an additional Estate Management Officer at a cost of £25,500 (scale 5 plus 25% on costs) and to increase the annual Estate Management budget by £10,000.

*13 **Supporting People Contract Position**

The Board received a report from the Landlord Services Manager which detailed recent developments with regard to the future of Older Persons Targeted Support in Devon, and outlined options for the future of the Council's support service for sheltered housing residents. The Board noted that as a result of the Devon County Council (DCC) consultation on the future of Targeted Support for older persons, from 14 April 2014 DCC had served notice that they will not be re-extending the Targeted Support contracts with sheltered housing providers for 2015/16.

The Landlord Services Manager explained the options available to the Board, as set out in full in the report, which included the following:

1. Discontinuance of the Council's Support Service.
2. Charge all customers (but with transitional arrangements for those already in receipt of the support service as at 31 March 2015).
3. Accessing funding for sheltered housing management through the Housing Benefit system.
4. Introducing a flat rate charge for the alarm service.
5. Help@Home - delivering low level service to sheltered tenants as standard, charging all customers in non sheltered homes.
6. Accessing funding for short term enabling or 'home from hospital' support through the Health Service.

The Board thoroughly discussed all of the options available and the points raised during the debate included:

- The need to provide a service to residents to enable them to feel safe knowing they have the option to call for assistance when needed.
- Residents are able to use personal budgets in order to help fund this service.
- Low level service was defined by the amount of time spent with an individual and not the type of care given. This equated to 20 minutes per week.
- The possibility that the Council may have to increase charges in order to provide a viable service to residents.

RESOLVED: that Officers email all District Councillors to inform them of the changes taking place to older persons targeted support,

RECOMMENDED: that Officers provide further charging details for option 2 and that the Board recommend to move forward with options 3,4 and 5 together.

*14 **Devonwide occupancy restrictions – Section 157 policy**

The Solicitor presented a report to the Board which updated Members on the Council's Section 157 policy and advised about recent concerns relating to ward members using their discretion in supporting or rejecting applications for consent to

***14 Devonwide occupancy restrictions – Section 157 policy (Cont'd)**

purchase properties which have an occupancy restriction. This applied specifically to rural areas.

The Solicitor explained the two options available to members, as laid out in the report, to either maintain the current status quo or for members to recommend that a new delegated authority be given to the Head of Housing so that a consistent approach can be kept on issuing consents.

The Board discussed concerns including:

- properties which had been sold to individuals who had not lived in the area for the required amount of time or did not have family in area.
- there was no definition of a key worker within the policy.
- a number of Councillors had questioned the current system as ward members had the potential to be pressurised into decisions.
- the Head of Housing would not consult ward members on applications but would look to see if the applicant met the set criteria.

RECOMMENDED: that the Council maintain the existing policy and allow ward members to support or reject applications in their wards for a consent certificate to purchase a property where the factual matters relate to the circumstances set out in the current policy.

***15 Housing Revenue Account Outturn Statement 2013/14**

The Board noted that during 2013/14 the monthly budget monitoring reports had informed members of the anticipated year end position. This report contained the final position for the year end and compared this outturn position against the budgets set for 2013/14.

The Board was advised that the HRA balance at the beginning of 2013/14 was £2.970m with the recommended adopted level being £2.148m. With the surplus in 2013/14 of £1.939m this had raised the 2013/14 year end balance to £4.909m; £2.761m above the minimum level.

A minor update was reported in that the contribution to capital was financed through capital receipts. A Debt Repayment Volatility Reserve was created in 2012/13 to provide a cushion for repaying the self financing loans should adverse fluctuations in spending and/or rent income occur. The balance in the reserve was currently £1.710m. It was suggested that a further £1.19m be transferred into this Reserve from the HRA giving a total sum of £2.9m.

The Board thanked the Housing Accountant for doing an excellent job in preparing the accounts for the year.

RESOLVED: that the Housing Revenue Account outturn position for 2013/14 be agreed .

***16 Centenary Fields Programme**

The Head of Housing presented the report to the Board which invited the Council to nominate a piece of recreational space to be dedicated as a Centenary Field to commemorate World War 1. The Board noted that the piece of land put forward was adjacent to Rodney Close, Exmouth. It had previously been agreed for development, but it now had Village Green status which effectively prevented any development on the site.

Members of the Board agreed that this was a worthwhile cause and discussed the maintenance of the land. The Board was advised that it would remain Council owned land and that the district council would be responsible for cutting the grass. It was agreed that this should not come out of the Housing Revenue Account, as had been proposed by the Grounds and Maintenance TaFF.

RECOMMENDED: that the Housing recreation land adjacent to Rodney Close, Exmouth, be approved as a centenary field.

***17 Annual Report of the Housing Review Board**

Members were asked to note the annual report of the Housing Review Board which had been agreed at Annual Council and which detailed the work undertaken over the last year.

RESOLVED: That the annual report of the Housing Review Board be noted.

***18 Home Truths National Housing Federation Publication**

Members of the Board noted the Home Truths National Housing Federation publication as presented by the Head of Housing.

RESOLVED: that the Home Truths National Housing Federation publication be noted.

***19 Exclusion of the public**

RESOLVED: that under Section 100(A) (4) of the Local Government Act 1972 and in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public (including the press) be excluded from the meeting as exempt and private information (as set out against each Part B agenda item), is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B).

*20 **Affordable Housing – Proposed Acquisition of a Property in Exmouth**

The Housing Development and Enabling Officer's report sought permission to purchase a property using Housing Revenue Account funding and Right to Buy receipts. The property was a former council house situated in Exmouth and would provide much needed additional Council owned accommodation.

- RECOMMENDED:**
- 1 that it is agreed that this type of accommodation would be a beneficial addition to the current Council property portfolio.
 - 2 that funding from the Housing Revenue Account and Right to Buy receipts be used to purchase the proposed property.

Chairman

Date

EAST DEVON DISTRICT COUNCIL
Minutes of a meeting of the additional Development
Management Committee held at the Council Chamber, Knowle,
Sidmouth, on Thursday 3 April 2014

Committee Members Present: Councillors:
Helen Parr (Chairman)
David Key (Vice Chairman)

Mike Allen
David Atkins
Peter Burrows
Alan Dent
Martin Gammell
Ken Potter
Mark Williamson

Also present: Councillors:
Ray Bloxham
Susie Bond
Roger Giles
Andrew Moulding
Frances Newth
Phil Twiss
Claire Wright

Officers: Ed Freeman, Development Manager
Henry Gordon Lennox, Principal Solicitor
Linda Renshaw, Senior Planning (Policy) Officer
Gavin Spiller, Principal Planning Officer
Ross Sutherland, Planning (Policy) Officer
Hannah Whitfield, Democratic Services Officer

Apologies:	<u>Committee Members</u>	<u>Non-Committee Members</u>
	Councillors:	Councillor Peter Bowden
	Geoff Chamberlain	
	Tony Howard	
	Mike Howe	
	Ben Ingham	
	Vivien Duval Steer	
	Geoff Pook	
	Peter Sullivan	

The meeting commenced at 9.30am and ended at 12.27pm.

*71 **Planning Performance and Planning Contributions Consultation**

The Chairman agreed for the Development Manager's report to be taken as an urgent item in order for the Council to submit responses to the government consultation by the set deadline (this date was before the next scheduled Committee meeting).

The Development Manager outlined that the government had published a consultation which sought to make two key changes to the planning process. These were:

1. To raise the threshold for the designation of authorities as underperforming based on the speed of deciding applications for major developments, from 30% or fewer decisions made on time to 40% or fewer decisions made on time. The Committee was advised that the Council was currently determining 60% of applications within the required timeframe.
2. To introduce a 10 unit and 1000 square metres gross floor space threshold for affordable housing contributions through section 106 planning obligations – under this proposal affordable housing could not be secured on sites below this threshold.

The Committee was advised that officers' main concerns related to the second proposed change as this would lead to a reduction in the amount of affordable housing that could be sought from a developer. This would therefore impact on the Local Plan strategy for meeting affordable housing needs in East Devon. The proposed change would make it particularly difficult to secure affordable housing in rural areas.

The change was advised to be a result of government's concerns regarding the delivery of small scale housing sites and the assumption that affordable housing contributions were affecting the viability of schemes. However the viability work undertaken to support the proposed policies in the Council's new Local Plan which sought to secure affordable housing contributions from all the housing sites demonstrated that they were viable and would therefore not prevent the delivery of small scale housing sites. The proposed response to this particular change was an objection in principle, but with a note that, if the change was to be introduced, it should only apply to Councils whose Local Plan hadn't been through viability testing.

The Committee noted that a letter to government objecting to the second change had also been sent directly from the Council's Head of Housing.

Members welcomed the responses to the consultation questions in the report and commented that a very strong message needed to be sent to government. Introducing the proposed threshold for affordable housing would lead to a reduction in the provision of much needed affordable housing, particularly in the rural settlements within the district.

RESOLVED: that the responses to the consultation detailed in the Committee report be endorsed and used to form the Council's formal response to the consultation.

***72 Applications for Planning Permission and matters for determination**

RESOLVED: that the applications before the Committee be determined as set out in Schedule 13 – 2013/2014.

The following declarations of interest were made during consideration of the applications:

Councillor/ Officer	Application Ref. / Minute number	Type of interest	Nature of interest
Cllr Mike Allen	13/2744/MOUT 13/2641/MFUL	Personal Interest (remained in the Chamber for the debate and vote)	Honiton Town Councillor
Cllr Helen Parr	13/2744/MOUT	Personal Interest (remained in the Chamber for the debate and vote)	Husband attended an annual shoot which was also attended by the landowner
Cllr David Key	13/0156/FUL	Personal Interest (remained in the Chamber for the debate and vote)	Stockman manager was known to the councillor

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of a meeting of the Development Management
Committee held at the Council Chamber, Knowle, Sidmouth, on
Tuesday 6 May 2014

Committee Members Present: Councillors:
Helen Parr (Chairman)
David Key (Vice Chairman)

Mike Allen
Geoff Chamberlain
David Atkins
Peter Burrows
Alan Dent
Vivien Duval Steer
Martin Gammell
Mike Howe
Geoff Pook
Ken Potter
Peter Sullivan
Mark Williamson

Also present: Councillors:
Iain Chubb
Steve Gazzard
Graham Godbeer
Andrew Moulding
Pauline Stott
Eileen Wragg

Officers: Jamie Buckley, Engagement and Funding Officer
Ed Freeman, Development Manager
Henry Gordon Lennox, Principal Solicitor
Hannah Whitfield, Democratic Services Officer

Apologies: Committee Members

Councillors:
Tony Howard
Ben Ingham

Non-Committee Members

Councillors:
Derek Button
Trevor Cope
Jill Elson
Pat Graham
Phil Twiss

The meeting commenced at 11am and ended at 3.38pm.

***73 Minutes**

The Chairman advised Members of a correction to the Schedule for the Development Management Committee meeting held on 25 March. The Committee had agreed the following recommendation in respect of application 13/2447/MOUT (Pinn Court Farm, Pinn Court Lane, Pinhoe) which had been omitted from the Schedule:

- that the Development Management Committee agrees to reason 1 for refusal (highways) in respect of determined application 12/0795/MOUT not being determined at the current appeal.

With the inclusion of the above resolution in the Schedule for the meeting of the 25 March, the minutes of the Development Management Committee meetings held on 25 March, 1 April and 3 April 2014 were agreed and signed as a true record.

***74 Annual Appeals Status Report**

The Committee considered the Development Manager's report which provided an overview of the results of planning appeals for the year from April 2013 to March 2014.

The Committee Members noted that of 57 appeals decided in the last year (up from 40 decisions the previous year) only 26.3% had been allowed, compared with the national average of 35%. 73.7% of appeals had been dismissed. The Committee considered that this reflected the consistency and the quality of the decision making process.

The Development Manager advised that the majority of planning appeals were dealt with by written representations. One appeal dealt with by Public Inquiry was dismissed. Six appeals were dealt with by means of a Hearing of which four were dismissed and two were allowed.

The importance of analysing Inspector's decisions and the implementation of any necessary changes in policy in accordance with the National Planning Policy Framework, during the decision making process was highlighted. Reason given to refuse a planning application needed to be both justified and defensible – if an appeal was lodged and a reason could not be justified it was likely that an application for an award of costs against the Council would be successful. The financial implications related to cases where application for costs had been made and granted were outlined.

In response to questions from Committee members the Development Manager advised that:

- Of the 15 appeals allowed, 12 were delegated decisions and 3 were Committee decisions. Of the 3 Committee decisions, 2 were refused against officer recommendation.
- The total cost, including officer time, for dealing with appeals was not calculated. The Committee was advised that limited officer resource was required for appeals dealt with through written representations compared with those that were dealt with through a Hearing or Public Inquiry which could involve officers for days.
- Inspector's decisions were noted and lessons were learnt from those cases that had been allowed on appeal.

***74 Annual Appeals Status Report cont...**

RESOLVED: that the Development Management Committee notes the Annual Appeals Status report.

***75 Planning appeal statistics**

The Committee received and noted the report of the Development Manager setting out appeals recently lodged and appeal decisions notified.

The Development Manager advised that of the 6 appeals decided, 2 had been allowed and 4 had been dismissed. The Committee had noted the outcome of the Public Inquiry for the 4 appeals for major housing developments in Feniton at the last meeting; Members were encouraged to read the decision.

The Committee's attention was drawn to the appeal allowed in Ebford for the construction of a detached dwelling. The Inspector had overruled the countryside protection and sustainability reasons for refusal. An application of costs had been dismissed.

The Committee also noted that an appeal to vary a condition to allow the provision of 6 additional residential pitches at Hawkwell Park in Hawkchurch was dismissed. The Inspector had upheld sustainability reasons.

76 Sustainable Communities Act Proposals 2013

The Committee considered the Community Engagement and Funding Officer's report outlining a proposal submitted under the Sustainable Communities Act and inviting the Committee to consider recommending to Council that the proposal be submitted to national government for consideration.

The Sustainable Communities Act offered communities the opportunity to put forward proposals which contributed to the sustainability and wellbeing of local areas. Having taken part in this opportunity in 2009, the Council had decided to take part again in 2013. Members were advised that of the two eligible proposals put forward by East Devon communities, one had been approved by the East Devon Community Panel. The proposal sought to ask national government to consider setting a maximum amount the Council and appellant could spend on a planning appeal – the amount to be determined by an independent review. The aim of the proposal, which was set out in detail in the Committee report, was to rebalance the planning system and save the Council money. The Principal Solicitor and Development Manager's views on the proposal were contained within the Committee report.

Points raised during discussion on the proposal included:

- Costs associated with individual appeals varied – appeals dealt with through written representation generally did not require significant officer resource whereas a public inquiry could involve a number of officers.
- There was no fee for making an appeal, however the applicant had to cover their own costs.
- The current appeal system was considered to be undemocratic.
- If a developer had acted unreasonably the Council had the ability to submit an application for costs. The Council had made successful applications in the past.
- Any decision for refusal needed to be robust and defensible – the risk of costs should not inform decision making.

76 **Sustainable Communities Act Proposals 2013 cont...**

- Applicants legally had the right to appeal and that it should be their choice as to who represented them.
- There was an opportunity to limit the costs awarded against either Council or the appellant for unreasonable behaviour rather the total amount that could be spent of a planning appeal.
- The Council should submit the communities' proposal as written.

RECOMMENDATION: that the Development Management Committee recommends to Council that the proposal around planning appeal costs outlined in the Committee report be submitted to government using the Sustainable Communities Act, subject to an amendment that the limitation on costs should apply to cost awards for unreasonable behaviour only.

*77 **Applications for Planning Permission and matters for determination**

RESOLVED: that the applications before the Committee be determined as set out in Schedule 14 – 2013/2014.

The following declarations of interest were made during consideration of the applications:

Councillor/ Officer	Application Ref. / Minute number	Type of interest	Nature of interest
Vivien Duval Steer	13/2589/OUT 14/0636/FUL 13/2446/FUL 13/2507/FUL 14/0617/MFUL	Personal Interest (remained in the Chamber for the debate and vote)	Exmouth Town Councillor
Mark Williamson	13/2589/OUT 14/0636/FUL 13/2446/FUL 13/2507/FUL 14/0617/MFUL	Personal Interest (remained in the Chamber for the debate and vote)	Exmouth Town Councillor
Eileen Wragg	13/2507/FUL	Personal Interest (spoke as Ward Member)	Lives on the same road as the application site.

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of an additional meeting of the Development
Management Committee held at the Council Chamber, Knowle,
Sidmouth, on Thursday 8 May 2014

Committee Members Present: Councillors:
Helen Parr (Chairman)
David Key (Vice Chairman)

David Atkins
Alan Dent
Martin Gammell
Mike Howe
Geoff Pook
Ken Potter
Peter Sullivan

Also present: Councillors:
Susie Bond
Peter Bowden
Paul Diviani
Roger Giles
Stephanie Jones
Andrew Moulding
Philip Skinner
Chris Wale

Officers: Matt Dickins, Planning Policy Manager
Ed Freeman, Development Manager
Henry Gordon Lennox, Principal Solicitor
Ross Sutherland, Planning (Policy) Officer
Hannah Whitfield, Democratic Services Officer

Apologies:	<u>Committee Members</u>	<u>Non-Committee Members</u>
	Councillors:	Councillors:
	Mike Allen	Derek Button
	Peter Burrows	Jim Knight
	Geoff Chamberlain	Frances Newth
	Vivien Duval Steer	Ian Thomas
	Tony Howard	
	Ben Ingham	
	Mark Williamson	

The meeting commenced at 10am and ended at 3.45pm.

78 **East Devon Local Plan – Inspector’s letter and future action**

The Committee considered the Planning Policy Manager’s report outlining proposed further actions arising from the Local Plan Inspector’s letter dated 31 March 2014 and seeking a recommendation to Council to adopt a Devon wide Duty to Cooperate Protocol. The report also included an update on the East Devon Villages Development Plan Document.

The Planning Policy Manager drew the Committee’s attention to the action plan within the report, highlighting the main issues raised by the Inspector and action or consideration proposed in response.

In respect of questions raised by Members during debate, the Planning Policy Manager advised:

- It would be premature to progress further with the production of the Villages Development Plan Document, including discussions with the parishes, until the outcomes of the Strategic Housing Market Assessment (SHMA) were known.
- Five year housing land supply figures were currently calculated on a bi-annual basis and involved significant officer resource to calculate. Regular updates would be less critical when the Council was in a position where it could demonstrate that it had a five year supply (plus 20%).
- The type and length of further public consultations required would be dependent on the outcomes of the SHMA and gypsy and traveller study.
- Trends over the last 50 years had shown that household sizes were decreasing and therefore there would be a need for more housing even if the population remained the same. East Devon had a growing population.
- Further work was required on sustainability. The Inspector’s reports in respect of recent appeals would inform this work.
- The Council had a duty to cooperate; discussions were ongoing with neighbouring authorities on each of the district’s ability to accommodate growth. Analysis and assessment of the options available were required.
- Local Plan Examination Oral Hearings were hoped to resume in October with a target of adopting the Local Plan in early 2015. Increasing weight could be afforded to the Plan as it progressed through examination.
- The Council would continue to remain vulnerable to unplanned development until it could demonstrate a five year housing land supply (plus 20%). There were some National Planning Policy Framework policies that could not be applied without a five year land supply, however the Council had successfully defended appeals on other grounds. It would not be possible to update the Development Management Committee on the latest position in respect of the five year land supply before each Committee meeting due to the work involved, however a steer could be given in light of significant permissions granted.
- Plan period – looking forward a possible option could be for the Local Plan to have a start date of 2014.

The Chairman’s thanks, echoed by the Committee, were extended to Planning Policy Manager for his detailed report.

78 **East Devon Local Plan – Inspector’s letter and future action cont...**

RECOMMENDATION: that Council adopts the Devon Duty to Cooperate Protocol. The protocol was endorsed by the Development Management Committee.

RESOLVED:

1. that the Development Management Committee endorses the proposed draft Local Plan Action Plan for completion.
2. that the Development Management Committee notes the position in respect of the production of the East Devon Villages Development Plan Document.
3. that the Planning Policy Manager send a letter to Parish Councils to update on the current position in respect of the production of the East Devon Villages Development Plan Document.

*79 **Applications for Planning Permission and matters for determination**

RESOLVED: that the applications before the Committee be determined as set out in Schedule 15 – 2013/2014.

The following declarations of interest were made during consideration of the applications:

Councillor/ Officer	Application Ref. / Minute number	Type of interest	Nature of interest
David Atkins	13/0316/MOUT	Personal interest (left the Chamber while the item was considered)	Clerk to Newton Poppleford and Harpford Parish Council
Peter Sullivan	14/0274/FUL 14/0430/MFUL 13/0851/FUL	Personal interest (remained in the Chamber while the item was discussed and voted)	Sidmouth Town Councillor

Cllr Ken Potter declared that he felt he was predetermined in respect of application 13/0316/MOUT and would therefore only speak as Ward Member when the application was considered (Cllr Potter did not speak as a member of the Development Management Committee or vote).

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of the Development Management Committee held at
the Council Chamber, Knowle, Sidmouth,
on Tuesday 3 June 2014

Committee Members Present: Councillors:
Helen Parr (Chairman)
David Key (Vice Chairman)

David Atkins
Roger Boote
Peter Burrows
Alan Dent
Vivien Duval Steer
Martin Gammell
Mike Howe
Ben Ingham
Geoff Pook
Ken Potter
Peter Sullivan

Also present: Councillors:
Peter Bowden
Derek Button
Paul Diviani
Roger Giles
Tony Howard
Phil Twiss
Eileen Wragg
Claire Wright

Officers: Ed Freeman, Development Manager
Matt Dickins, Planning Policy Manager
Henry Gordon Lennox, Principal Solicitor
Graeme Thompson, Planning (Policy) Officer
Hannah Whitfield, Democratic Services Officer

Apologies:	<u>Committee Members</u>	<u>Non-Committee Members</u>
	Councillors: Mike Allen Geoff Chamberlain Mark Williamson	Councillors: David Cox Jill Elson Steve Gazzard Steve Hall Andrew Moulding

The meeting commenced at 2.04pm and ended at 5.15pm.

***1 Minutes**

The minutes of the meetings of the Development Management Committee held on the 6 May 2014 and additional Development Management Committee held on 8 May 2014 were agreed and signed as a true record.

***2 Planning appeal statistics**

The Committee received and noted the report of the Development Manager setting out appeals recently lodged and appeal decisions notified. The Committee's attention was drawn to the seven appeals decided, six of which had been dismissed.

The Development Manager drew the Committee's attention to the one appeal allowed for the retention of a change of use of part of the existing first floor mezzanine area to a hair and beauty salon and creation of an additional mezzanine area to facilitate nursery use at the Play Dome on Healthpark Industrial Estate in Honiton. The Inspector had overruled the viability reasons for refusal, concluding that it was highly unlikely that the use would affect the vitality or viability of the town centre by diverting significant trade. The hair and beauty salon was likely to be predominantly used by parents using the play zone and proposed nursery and was therefore ancillary to that primary use.

***3 Open Space Study Review 2014**

The Committee considered the Planning (Policy) Officer's report outlining the review undertaken of the Open Space Study which was endorsed by the Council in June 2012 for use as evidence in determining planning applications and for the standards incorporated into the Local Plan. The review updated the Study to a current position by removing obsolete open space sites, adding in new or previously missing sites, and reclassifying others.

The review superseded elements of the Open Space Study and its appendices C and D, however needed to be read in context with the original Study and other evidence which was not superseded. Committee endorsement of the review was sought to ensure the most up to date and robust evidence was being used to determine planning applications and help in directing investment of S106 and potentially Council and other funds.

The Planning (Policy) Officer advised that he had received an email by Cllr Andrew Moulding, Ward Member for Axminster Town, who was unable to be present at the meeting, regarding the open space sports provision at Axminster. The Planning (Policy) Officer summarised the issues raised by Cllr Moulding and suggested amendments to the review to address these. Members were also advised of an amendment made to the classification of a site in Sidford. Councillors were encouraged to email the Planning (Policy) Officer directly with any other comments/queries.

In response to questions raised by Members, the Planning (Policy) Officer clarified the following:

- In the original Study the whole of the Byes had been classified as parks and recreation. Following the review, the section of the Byes owned by the Sid Vale Association had been reclassified as natural and semi-natural open space.
- The figures in the Open Space Study parish chart indicated provision against the Open Space Standards.
- The Quality Audit (appendix C) highlighted whether a facility needed improving or replacing.

***3 Open Space Study Review 2014 cont...**

- Section 6 of the committee report explained how open space contributions were calculated to ensure that the impact of a new development on existing open spaces sites were adequately mitigated against.
- Developing on open spaces was addressed in Policy RE1 of the Local Plan.

RESOLVED: that the Development Management Committee endorses the use of the Open Space Study Review 2014 as evidence in determining planning applications.

***4 Delegated authority for Deeds of Variation and minor post decisions**

The Committee considered the Development Manager's report which sought to clarify delegated powers and process for considering deeds of variation requests and request delegated authority to make minor changes to the wording or conditions and heads of terms imposed through a resolution by the Committee, where they were inconsequential.

Deeds of Variation

The Development Manager advised that in recent months the authority had received a number of deeds of variation. A majority of these sought to amend Section 106 agreements and unilateral undertakings attached to new dwellings granted over the last few years. The report detailed common reasons for deeds of variation being sought, such as to reduce open space contributions which when calculated based on updated Open Space Study were significantly lower than first sought and technical legal changes to wording of S106 agreements in relation to matters such as affordable housing.

Minor Post Resolution Changes

Members heard that under the current arrangements decisions made by the Committee had to be issued as they appeared in the committee papers unless it was resolved to amend or change the recommendation. Occasionally there were instances where it was necessary for a change to be made to the wording of a condition or the heads of terms; these changes did not change the intent of the condition or what was sought. Currently where these instances occurred a further report had to be taken via the Committee or to a Chairman's delegation meeting depending on the significance of the change. It was considered that both officer and Member time could be saved by delegated authority being given to the Development Manager to make minor changes to amend wording (not the purpose) of conditions and heads of terms.

Comments and questions raised during debate included:

- Could all planning obligations be reviewed if a deed of variation was submitted?
The Committee was advised that the Council could only consider the deed of variation being sought, for example to reduce the open space contribution – the Council couldn't review all other obligations unless the deed of variation formed part of a new application.
- Requested that ward members be notified of 'significant' delegated decisions.
- Where any change in a deed of variation did not comply with policy the change would be considered at the level of the original decision.

***4 Delegated authority for Deeds of Variation and minor post decisions cont...**

- Ward Members should be consulted on minor post resolution changes with ability to refer to a Chairman's delegation meeting where the ward member view disagrees with the officers.
- Concern was raised by a non-committee member that agreeing to the recommendations would reduce the involvement of ward member and parish/town council influence in the planning process.

RESOLVED:

1. that requests for a deed of variation be delegated to the Head of Economy where the change complies with the adopted policy of the Council, unless a ward member takes a contrary view to the officers within 3 working days of receipt of a draft report detailing officer's views. In the event of a contrary view being taken the matter to be reported to a Chairman's Delegation Meeting for a decision. Where any change included in a deed of variation does not comply with policy the change to be considered at the level of the original decision on the application.
2. that delegated authority be given to the Head of Economy to amend and add to the conditions and heads of terms contained within any report on an application considered by the Development Management Committee or the Chairman's Delegation Meeting where such changes do not conflict with the purpose of the draft condition or heads of terms, unless a ward member takes a contrary view to the officers within 3 working days of receipt of a draft report detailing officer's views. In the event of a contrary view being taken the matter to be reported to a Chairman's Delegation Meeting for a decision.

***5 Applications for Planning Permission and matters for determination**

RESOLVED: that the applications before the Committee be determined as set out in Schedule 1– 2014/2015.

***5 Applications for Planning Permission and matters for determination cont...**

The following declarations of interest were made during consideration of the applications:

Councillor/ Officer	Application Ref. / Minute number	Type of interest	Nature of interest
Geoff Pook	*3 - Open Space Study Review 2014	Personal interest (remained in the Chamber to speak and vote)	Involved in the construction industry
Vivien Duval Steer	14/0930/FUL 14/0367/FUL	Personal interest (remained in the Chamber to speak and vote)	Exmouth Town Councillor
Peter Sullivan	14/1111/GPD 14/1071/CPL	Personal interest (remained in the Chamber to speak and vote)	Sidmouth Town Councillor
Alan Dent	14/0657/COU	Personal interest (remained in the Chamber to speak and vote)	Budleigh Salterton Town Councillor
David Key	14/0471/FUL	Personal interest (remained in the Chamber to speak and vote)	Father of the applicant is an acquaintance

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of the Development Management Committee held at the Council Chamber, Knowle, Sidmouth, on Tuesday 1 July 2014

Committee Members Present: Councillors:
David Key (Chairman for the meeting)
Alan Dent (Vice Chairman for the meeting)

Mike Allen
David Atkins
Roger Boote
Peter Burrows
Geoff Chamberlain
Martin Gammell
Ben Ingham
Peter Sullivan
Mark Williamson

Also present: Councillors:
Peter Bowden
Graham Godbeer
Stephanie Jones
Andrew Moulding
Ian Thomas

Officers: Simon Allchurch, Senior Building Surveyor
Carol Austin, Communications & Promotions Officer, Regeneration
Donna Best, Principal Estates Surveyor
Andy Carmichael, Major Projects Team Leader
Richard Cohen, Deputy Chief Executive
Matt Dickins, Planning Policy Manager
Henry Gordon Lennox, Principal Solicitor
Alison Hayward, Principal Regeneration Projects Manager
Kenji Shermer, Urban Designer
Gavin Spiller, Principal Planning Officer
Darren Summerfield, New Community Projects Officer
Hannah Whitfield, Democratic Services Officer
Andy Wood, East of Exeter Projects Director

Apologies: Committee Members

Councillors:
Vivien Duval Steer
Mike Howe
Helen Parr
Geoff Pook
Ken Potter

Non-Committee Members

Councillors:
Derek Button
Christine Drew
Jim Knight

Ed Freeman, Development Manager

The meeting commenced at 1.00pm and ended at 4.27pm.

***6 Appointment of Vice Chairman**

In the absence of the Chairman, the Vice Chairman chaired the meeting; Councillor Alan Dent was Vice Chairman for the meeting.

***7 Minutes**

The minutes of the Development Management Committee meeting held on the 3 June 2014 were agreed and signed as a true record.

***8 Planning appeal statistics**

The Committee received and noted the Development Manager's report setting out appeals recently lodged and appeal decisions notified.

9 Mitigation of impacts on highest tier of wildlife sites

The Committee considered the Planning Policy Manager's report seeking endorsement of the recommendations to Cabinet (2 July) for a joint approach, working with Exeter City Council and Teignbridge District Council, to secure mitigation of the adverse impacts that could arise from development at the key wildlife sites of the Exe Estuary, the Pebblebed Heaths and Dawlish Warren. Under the Habitat Regulations the three Councils had a legal responsibility to ensure that, through the planning process, appropriate mechanisms were in place so that there was effective mitigation, supported by robust evidence, against any adverse impact from development on these wildlife sites.

In response to questions raised during debate, the Planning Policy Manager clarified the following:

- The proposed Mitigation Delivery Officer post would be funded using monies collected from developers for habitat mitigation;
- The charging schedule was in line with the costs applied elsewhere in the country.

Concern was raised by a non-Committee member that mitigation against the impact of development on designated sites, could result in an adverse impact on non-designated sites.

RECOMMENDATION:

that Cabinet adopt the proposed charging schedule for habitat mitigation with effect from the 1 August 2014 with all monies to be secured through section 106 agreements until such time as the Community Infrastructure Levy is adopted by the Council.

RESOLVED:

that the Development Management Committee endorses the recommendations in the report to Cabinet (2 July 2014) in respect of the Council's proposed approach to habitat mitigation.

***10 Achieving the vision for Cranbrook**

At its meeting on 4 June 2014 Cabinet considered the report of the New Community Officer outlining how the vision for the new community could be best achieved following a review of progress at Cranbrook and the Council's corporate approach to the project. Cabinet resolved to approve the recommendations, one of which referred the report and the recommendations to the Development Management Committee for consideration.

The New Community Officer advised that development at Cranbrook had been rapid since it commenced in the summer of 2011. To date there had been starts on over 900 homes; approximately 600 of those homes were completed and occupied. The vision for Cranbrook as a sustainable community was being progressed. A number of notable steps towards the vision were highlighted, including the opening of the primary school, the Younghayes Centre hosting its first community event, and the commissioning of the E.On energy centre. As work was now underway to open up phase 2 of the new community, including the town centre, it was felt timely to review progress towards the achievement of the vision and the Council's corporate approach. Recommendations resulting from the review included:

- Achieving the vision by rooting it in a modern interpretation of Garden City principles;
- Establishing a new partnership group to act as the guardian of the vision and to provide strategic direction;
- Realigning resources to support the delivery of the vision;
- Undertaking a masterplanning exercise focusing on the town centre and expansion areas.

The Committee noted that following Cabinet's endorsement, work had already commenced to implement the recommendations. The Urban Designer advised that discussions had been held with the New Community Partners about the masterplan. Work had started on preparing associated briefs, along with reviewing evidence documents to ensure that these were still relevant and adequate.

The Portfolio Holder for Strategic Development and Partnerships endorsed the report and spoke of the rapid build rate and the importance of focusing on creating a community.

Comments and questions raised during debate included:

- Important to learn from the positives and negatives of other towns/city that had adopted the Garden City principles. In response Members were advised that Officers were working on developing an economic strategy – this was an important piece of work. The town centre needed to have the ability to grow.
- Would like there to be a unique character to the town centre. In response Members were advised that this would be delivered through small businesses and with this there was some risk involved; this risk needed to be shared.
- Concern raised about the lack of GP provision. In response Members were advised that a purpose built surgery had been constructed. Commissioning of a GP service by NHS England was underway and it was hoped that the service would be in place by early 2015.
- A masterplan for the town centre and extension areas was welcomed.

The Chairman, echoed by the Committee, thanked the New Community Officer and Urban Designer for the report and for attending the meeting.

***10 Achieving the vision for Cranbrook cont...**

RESOLVED: that Development Management Committee notes the report on achieving the vision for Cranbrook and the resolutions of Cabinet on 4 June 2014.

***11 Applications for Planning Permission and matters for determination**

RESOLVED: that the applications before the Committee be determined as set out in Schedule 2– 2014/2015.

The following declarations of interest were made during consideration of the applications:

Councillor/ Officer	Application Ref. / Minute number	Type of interest	Nature of interest
Cllr Geoff Chamberlain	14/1020/FUL	Personal interest (remained in the Chamber but did not take part in the debate and abstained from the vote)	Applicant was an old acquaintance of the Councillor
Cllr Peter Burrows	14/0046/FUL	Personal Interest (remained in the Chamber for the debate and vote)	Seaton Town Councillor and member of Seaton Carnival Committee (carnival float stored on the site)
Cllr Peter Sullivan	14/1045/COU	Personal Interest (remained in the Chamber for the debate and vote)	Sidmouth Town Councillor
Cllr Mark Williamson	14/1020/FUL	Personal Interest (remained in the Chamber for the debate and vote)	Exmouth Town Councillor
Cllr Ben Ingham	14/0264/FUL	Pecuniary Interest (left the chamber during the debate and vote)	Applicant
Cllr Mike Allen	14/0405/VAR	Personal Interest (remained in the Chamber for the debate and vote)	Has previously spoken in support of allotments on the site

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Planning Inspections Committee held at Knowle, Sidmouth on Friday 25 April 2014

- Present:** Councillors:
Helen Parr (Chairman)
David Key (Vice Chairman)
- David Atkins
Alan Dent
Martin Gammell (substitute for Cllr Geoff Chamberlain)
Geoff Pook
Peter Sullivan
Mark Williamson
- Ward Members:** Councillors:
Susie Bond
Mike Allen
Phil Twiss
- Officers:** Henry Gordon Lennox, Principal Solicitor
Gavin Spiller, Principal Planning Officer
Stephanie Lewis, Assistant Democratic Services Officer
Jeremy Upfield, Devon County Council Highways
- Apologies:** Councillor:
Geoff Chamberlain

The meeting started at 1.30pm and ended at 3.54pm.

***26 Minutes**

The minutes of the meeting of the Planning Inspections Committee held on 14 March 2014 were confirmed and signed as a true record.

***27 Declaration of Interests**

Councillor/ Officer	Application Ref. / Minute number	Type of interest	Nature of interest
Cllr Helen Parr	13/2744/MOUT	Personal Interest (remained in the Chamber for the debate and vote)	Husband attended an annual shoot which was also attended by the landowner

***28 Application referred to the Planning Inspections Committee**

The Committee considered the following applications referred to it by the Development Management Committee.

Committee reports, including recommendations, can be viewed at:

http://www.eastdevon.gov.uk/combined_dmc_agenda_030414.pdf

Feniton and Buckerell: Application No: 13/2744/MOUT – Outline application comprising residential development (up to 300 units 40% of which would be affordable) including a new access onto Hayne Lane, highway improvements, open space, allotments and drainage (access only to be considered at this stage) at land west of Hayne Lane, Honiton

- RESOLVED:** APPROVED as per recommendation subject to a Section 106 agreement and the conditions below and delegated authority given to the Development Manager to include two additional conditions related to :
- Condition 18 inclusion of Highways Agency condition requiring that no more than 50 houses can be occupied until the necessary road improvements are completed at Turks Head.
 - Condition 19 that no development shall commence until Network Rail's approval to the proposed footpath works around the railway bridge has been obtained

Honiton St Michaels: Application No: 13/2641/MFUL - Demolition of existing motel buildings and erection of replacement 66 bedroom hotel building with ancillary restaurant/bar and associated car park and landscape works at Honiton Motel, Turks Head Lane, Honiton, EX14 1EW

- RESOLVED:** APPROVED as per recommendation subject to a legal agreement to secure the dedication of land back to Highway Authority for Turks Head junction improvements and a contribution towards public art and a variation of condition 6 to secure mature planting on the boundaries with residential properties, details to be agreed in consultation with Ward Member(s) prior to commencement of development.

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Planning Inspections Committee

held at Beehive Centre, Honiton on Friday 23 May 2014

Present: Councillors:
Helen Parr (Chairman)
David Key (Vice Chairman)

David Atkins
Alan Dent
Geoff Pook
Peter Sullivan
Mark Williamson

Officers: Henry Gordon Lennox, Principal Solicitor
Ed Freeman, Development Manager
Charlie McCullough, Senior Development Control Officer
Stephanie Lewis, Assistant Democratic Services Officer

Apologies: Councillor:
Martin Gammell
Graham Godbeer
Chris Wale

The meeting started at 12.13pm and ended at 1.22pm.

***1 Minutes**

The minutes of the meeting of the Planning Inspections Committee held on 25 April 2014 were confirmed and signed as a true record.

***2 Declaration of Interests**

Councillor/ Officer	Application Ref. / Minute number	Type of interest	Nature of interest
Cllr Peter Sullivan	14/0430/MFUL	Personal Interest (remained in the Chamber for the debate and vote)	Member of Sidmouth Town Council

***3 Application referred to the Planning Inspections Committee**

The Committee considered the following applications referred to it by the Development Management Committee.

Committee reports, including recommendations, can be viewed at:
http://www.eastdevon.gov.uk/combined_dmc_agenda_060414.pdf

http://www.eastdevon.gov.uk/combined_dmc_agenda_080514.pdf

***3 Application referred to the Planning Inspections Committee (cont'd)**

Sidmouth Rural: Application No: 14/0430/MFUL – Installation of ground mounted photovoltaic solar array to provide 7MW generation capacity together with inverter systems; transformer station, internal access track; landscaping; heathland re-instatement, deer fencing and associated access gate (resubmission of previously refused application reference number 13/1817/MFUL) at Land at East Hill Strips (Burrow Wood), Ridgeway, Sidbury

RESOLVED: REFUSED as per recommendation.

Coly Valley: Application No: 13/0505/FUL - Conversion of disused reservoir tanks to form residential dwelling at land adjacent to The Firs, Ridgeway Lane, Colyton

RESOLVED: APPROVED as per recommendation subject to a variation of Condition 5 to include further details of the retaining structure to the car park area and delegated authority given to the Development Manager to include an additional condition relating to the requirement for a Construction and Environment Management Plan, details of which to be agreed in consultation with Ward Member(s) prior to commencement of development.

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Planning Inspections Committee
held at Knowle, Sidmouth on Friday 13 June 2014

- Present:** Councillors:
Helen Parr (Chairman)
David Key (Vice Chairman)
- David Atkins
Alan Dent
Martin Gammell
Peter Sullivan
Mark Williamson
- Officers:** Henry Gordon Lennox, Principal Solicitor
Ed Freeman, Development Manager
Stephanie Lewis, Assistant Democratic Services Officer
- Apologies:** Councillor:
Ben Ingham
Geoff Pook

The meeting started at 10.21am and ended at 10.52am.

***4 Minutes**

The minutes of the meeting of the Planning Inspections Committee held on 23 May 2014 were confirmed and signed as a true record.

***5 Declaration of Interests**

There were none.

***6 Application referred to the Planning Inspections Committee**

The Committee considered the following applications referred to it by the Development Management Committee.

Committee reports, including recommendations, can be viewed at:
http://www.eastdevon.gov.uk/combined_dmc_agenda_030614items9-18.pdf

Ottery St Mary Rural: Application No: 14/0160/FUL – construction of 2 no. detached bungalows at land to the rear of Crantock, West Hill Road, Ottery St Mary, EX11 1TU

RESOLVED: APPROVED with conditions as per recommendation but with the first sentence of condition 4 reading “No development shall take place until a scheme of hard and soft landscaping.....”

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Audit and Governance Committee
held at Knowle, Sidmouth, on Thursday 26 June 2014

Present:	Councillors: Ken Potter (Chairman) Peter Bowden (Vice Chairman) Roger Boote Bob Buxton Tony Howard
Also present:	Councillors: David Cox – Portfolio Holder for Finance Alan Dent
Officers:	Jo Avery, Management Information Officer Simon Davey, Head of Finance Richard Cohen, Deputy Chief Executive Graeme Thompson, Planning Officer Chris Lane, Democratic Services Officer
Internal Auditors:	Andrew Ellins, Audit Manager, South West Audit Partnership (SWAP)
External Auditors:	Barrie Morris, Public Sector Assurance Director, Grant Thornton Ashley Allen, Senior Audit Manager, Grant Thornton
Apologies	Councillors: Steve Gazzard Steve Hall Geoff Pook

The meeting started at 2.30 pm and ended at 5.20 pm.

*1 Public questions

No questions were raised by members of the public.

*2 Minutes

The minutes of the meeting of the Audit and Governance Committee held on 13 March 2014 were confirmed and signed as a true record.

*3 Declarations of interest

There were no declarations of interest.

*4 Grant Thornton update

External auditors, Grant Thornton, presented a report which provided Committee members with a report on progress in delivering their responsibilities as the Council's external auditors. Members noted that Ashley Allen had been appointed to replace David Bray as the Council's nominated external auditor.

The paper included:

- A summary of emerging national issues and developments that may be relevant to EDDC;
- A number of challenging questions in respect of these emerging issues which the Committee may wish to consider.

Barrie Morris, Grant Thornton, reported on the Council's £1m loan to a community land trust, having borrowed the money itself from the PWLB. The Council had raised the issue of how this should be accounted for in its financial statement for the year ended 31 March 2014.

Members noted that the bid from Grant Thornton to the Audit Commission to remain as the Council's External Auditors had been unsuccessful. KPMG had been successful with their bid to the Audit Commission to be External Auditor from 2015. This would mean a further 25% reduction in External Audit fees for EDDC. The last Grant Thornton audit on behalf of EDDC would be for the 2014/15 accounts and Barrie Morris reported that the last Audit & Governance Committee he would be attending would be December 2015.

Councillor Ken Potter, Chairman of the Committee wished to thank Barrie Morris from Grant Thornton for all the audit work he had undertaken on behalf of EDDC and also the Head of Finance for the excellent report now received from Audit. Simon Davey, Head of Finance confirmed that he would discuss with the Chairman of the Committee and Chief Executive the consultation letter received on the replacement of the Council's Auditors and determine if we should request to keep Grant Thornton as External Auditors for the next 2 years, the Committee expressed a general view that this would be preferred if possible,. Grant Thornton had overseen ongoing improvements in EDDC's processes and audit position.

5 Internal Audit Charter

Members considered the report of the Audit Manager, South West Audit Partnership, concerning the Internal Audit Charter.

As a key element of its Governance arrangements the Council had a partnership arrangement with South West Audit Partnership Limited (SWAP). The new governance arrangements for SWAP Limited, together with new Public Sector Internal Audit Standards and some changes in role titles had been incorporated in to the Charter. The changes were highlighted for ease of reference.

RECOMMENDED: that the Internal Audit Charter revisions be approved.

*6 Internal Audit Plan - Review of 2013/14

The report of the Audit Manager, South West Audit Partnership (SWAP) provided the outturn position for the Internal Audit Plan at the end of 2013/14 and also provided Internal Audit's overall opinion on the systems of internal control at East Devon District Council (EDDC).

In total 26 audits were undertaken for EDDC in 2013/14. There were 5 reviews which were 'non-opinion', 3 follow up audits (for areas that had received partial assurance in 2012/13), 1 ICT consultancy audit and 1 ongoing consultancy in relation to office relocation. There were 2 audits in progress at the time of the report and for the completed 19 audits where a reported audit opinion was given, 4 received 'Substantive Assurance', 14 were given "Reasonable Assurance" and only 1 required a 'Partial Assurance'. The review that received Partial Assurance was Corporate Procurement Cards

In total SWAP had provided management with 87 recommendations for improvement in order to assist the effective internal control of the Council. 11 of these were high priority findings although there were no significant corporate risks identified.

RESOLVED: that the content of the Internal Audit Annual Report and Opinion be noted.

7 Revenue and Capital Outturn Report 2013/14

The Head of Finance presented his report on the Revenue and Capital outturn 2013/14, which had been received by Cabinet on 4 June 2014.

During 2013/14 monthly budget monitoring reports had informed Members of the budget variations and the anticipated yearend financial position. The outturn report contained the final position for the year and compared this outturn position against the budgets set. The report outlined the implications of these results on the Council's reserves.

The Head of Finance summarised the:

- General Fund position – savings against budget of £0.807m resulting in £0.449m being available to transfer into the General Fund Balance, rather than requiring £0.358m to be taken from the Balance.
- Housing Revenue Account (HRA) position – the 2013/14 budget was set to achieve a surplus of £1.696m, during the course of the year. Members agreed to £0.050m expenditure through supplementary estimates; thereby giving a revised budget surplus for the year of £1.646m to be paid into the HRA Balance. The outturn position gave an overall saving of £0.419m against the budget resulting in £2.065m being available to pay into the HRA Balance.
- Capital Budget - the revised Capital budget for 2013/14 was £21.1m net expenditure; the outturn position was significantly lower at £12.6m (£8.5m variation). The majority of this under spend was from scheme slippage with expenditure now moved into 2014/15. The Capital Reserve at the end of 2013/14 was £2.510m; the use of the Reserve in 2013/14 was £0.085m.

7 Revenue and Capital Outturn Report 2013/14 (Cont)

The Committee was satisfied with the prudent measures that were being put in place and with the excellent forward planning.

A request was made that further monitoring be carried out on the projects drawing money from the Transformation Budget and any savings that had arisen as a result of this expenditure. A report would be made to the Committee at the end of the year on this issue.

The Head of Finance then summarised amendments that had been made to the reported outturn position presented to Cabinet on 4 June, detailed in Section 5 of the report to the Audit & Governance Committee - this is copied below to update Cabinet.

5. Amendments to General Fund Outturn Position

5.1 Since presenting the Outturn report to Cabinet on 4 June amendments had been made to the Outturn position whilst finalising the accounts, these are detailed below:

Amendments to General Fund

- £0.184m grant is paid to the Parish and Town Councils to mitigate the loss of council tax income through the introduction of the local Council Tax Support scheme which, had at outturn stage, been shown as a cost to the collection fund. This is in fact a cost to the General Fund and therefore is an additional cost not included in the outturn to Cabinet.
- East Devon's element of the business rate collection fund loss for 2013/14 totalled £0.684m and had been charged against the revenue account (General Fund) in 2013/14. Statutory provision requires this cost to be reversed out of the revenue account in year and held in a reserve for the deficit to be made good in the following year. This therefore reduces the Council's expenditure shown in the outturn to Cabinet.

The outturn position for Cabinet is taken at a time before many of the technical accounting entries are made to create the Statement of Accounts. Some of these technical entries had been made at the time the outturn report was required for publication and this led to a misunderstanding on the above terms and how they should be treated for outturn. These entries will be "flagged" in the finance system differently in future to reduce the risk of this error occurring again.

In setting the 2014/15 budget it was assumed we would be setting aside monies into the Business Rates Volatility Fund, however taking the deficit position of £0.684m now to be recovered in 2014/15 this will leave only £0.044m. It is therefore recommended that £0.454m (the net of the two adjustments above) is transferred at the end of 2013/14 into the Business Rates Volatility Fund to mitigate any future losses, this then leaves the General Fund balance in the position as agreed at Cabinet on 4 June 2014.

7 Revenue and Capital Outturn Report 2013/14 (Cont)
Amendments to Housing Revenue Account Outturn Position - continued

- The outturn position stated that no contribution would be required from the HRA to finance capital schemes for the year as housing capital receipts were sufficient to meet the full cost. The final position will however require a small sum of £0.032m to be used.
- A calculation is undertaken to reverse notional depreciation and replace it with an actual contribution to the Major Repairs Reserve, the final calculation results in a reduced sum of £0.078m being charged against the HRA than was presented at outturn.

The net effect of the above is to increase the HRA balance at year end from £5.035m as reported to now being £5.081m - this is a small difference and no change is being suggested to the recommendations made by Cabinet.

RESOLVED: that the following recommendations made by Cabinet on 4 June 2014 be endorsed by the Audit & Governance Committee.

Cabinet recommendations:

1. that the Cabinet agree the outturn position for 2013/14;
2. to agree with the level of Reserves detailed in the report and the transfers recommended: namely
 - ◆ The Transfer of £0.397m from the General Fund into the Transformation Reserve.
 - ◆ The Transfer of £1.190m from the Housing Revenue Account into the Debt Repayment Volatility Reserve (HRA Reserve).
 - ◆ The Transfers to other earmarked reserves for specific projects where funding contributions have been made in advance of spend and monies are held at year end to fund this work in future years. The Outturn Book contains full details of these transfers in 2013/14.

RECOMMENDED that £0.454m is transferred to the Council's Business Rates Volatility Fund.

*8 Draft Annual Governance Statement

Members considered the report of the Head of Finance on a Draft Annual Governance Statement. Members noted that the final version of this Statement would be included in the Council's Statement of Accounts for 2013/14 which would be presented for formal approval to the Committee in September. Members had requested that a draft version should be considered at an early stage by the Committee before finalising. Councillor Ken Potter, the Chairman of the Committee, had been involved in the preparation of the draft statement. The draft statement included reference to the Committee's concern during the year in the risk of the Council not having processes in place to regularly monitor a 5 year

*8 Draft Annual Governance Statement (Cont)

land supply for strategic planning purposes. Members of the Committee had also requested a review of Members' governance arrangements following a Councillor's resignation and police investigation into allegations made against the former councillor concerning planning influence.

Members requested that the Head of Finance obtain a definitive answer as to whether these investigations were still ongoing or had been concluded. It was also pointed out that the Audit and Governance Committee also held Cabinet to account over financial issues and this should be added to the draft statement.

RESOLVED: that the Draft Annual Governance Statement for the year ended 31 March 2014 be noted.

*9 Office relocation assurance

The Audit Manager, South West Audit Partnership (SWAP) provided a verbal report on assurance over the Office relocation project. He reported that he was a member and was actively involved in overseeing the Office Accommodation Working Group. Andrew Ellins, Audit Manager, SWAP, confirmed that he would give regular reports back to the Committee to give assurance on the Office Relocation project from an internal audit point of view.

The Office Accommodation Working Group met every 4 – 6 weeks and Andrew Ellins, Audit Manager sat on it as an independent observer. He gave advice in terms of best practice and in terms of audit issues. He confirmed that the Office Relocation project had an up to date Risk Register and risks in the project were well managed. The job of the Audit & Governance Committee was to ensure that there was a Risk Register in place and that the project was properly managed.

The Audit Manager, SWAP was thanked for his report and asked to make a report on the Office Relocation project at each meeting of the Committee.

*10 Risk Management Review

Members considered the report of the Management Information Officer setting out risk information for the 2013/14 financial year until April 2014. Members were reminded that the Council's Risk Management Policy required all risks identified by the Council to be reviewed bi-annually. All risk owners had been asked to reassess the overall risk, update their control actions and re-score the risk. The Committee was pleased to note that the Risk Management process was becoming more embedded within the Council and that the risks in some services were being updated more regularly.

There were currently 12 strategic and 108 operational risks. The three risks which currently scored as high risk were:

- Significant loss or non collection of rental income will have a major impact on the Housing Revenue Account and our ability to deliver housing services to our tenants.

*10 Risk management review (cont'd)

- Loss of Supporting People contracts would mean a significant loss of income that in part pays for the housing related support service received by our tenants.
- Potential move to an ICT shared service may disrupt the service.

All services were asked to highlight any new and emerging risks. Following this there were two new risks being put forward:

- The financial viability of the future operation of the Thelma Hulbert Gallery.
- The Council's income now relies on income from new homes bonus monies that were directly related to new house building in the district. There was a risk of lower growth than estimated or the Government changing the mechanism for payment.

Following the risk review three operational risks were archived,

- Localisation of Council Tax Benefit - This is now operational and part of our normal controls on benefits.
- New Microsoft Technologies – this has now progressed to implementation.
- A failure to effectively manage on-street and off-street Civil Parking Enforcement - the on-street enforcement role passed to Devon County Council on 1 April. There were risks associated with car parks management overlap but there was a different emphasis and this risk will now be archived.

An update on the office relocation project risk register was also given. On this project there are currently 38 Open Risks, comprising of 9 Red Risks, 20 Orange Risks and 9 Blue Risks.

RESOLVED: that the current status of risks until October 2014 be noted.

On behalf of the Committee the Chairman thanked the Management Information Officer.

*11 Proceeds of Crime (Anti-Money Laundering) policy

Consideration was given to a report which provided details of an Anti Money Laundering Policy. Money laundering was a term used for a number of offences which made money from an illegal origin appear legal. The policy applied to all employees, including Members of the Council - its objective was to make everyone aware of their responsibilities and the consequences of non compliance. Training would be provided for staff who handled money.

RESOLVED:

- 1 that the Anti Money Laundering Policy be agreed.
- 2 that the Money Laundering Reporting Officer be the Head of Finance and the Deputy Financial Services Manager.

*12 Five Year Land Supply update report

Members considered a report that advised Members of the current five year land supply situation, to note the ongoing local plan work and the importance of robust evidence and to highlight potential future initiatives to help understand land supply considerations and blocks to housing delivery. Key facts were that :

- housing land supply for East Devon was below the required five years in the range 3.51 years to 3.83 years worth of supply;
- once the new Local Plan had been adopted post examination, there would in fact be a 4.54 years to 4.95 years worth of supply against a requirement of five years.

The main reason for the Council's lack of a five year supply was that it did not have an up to date Plan. Officers believed that provided the Plan was kept up to date and sufficient appropriate schemes were granted permission then there should not be a reason to fall short of housing land supply requirements in the future. The Audit & Governance Committee was concerned over the risk that the lack of an adopted Local Plan caused to EDDC.

The Chairman reported that the Chief Executive had informed him that he was working with Teignbridge Borough and Exeter City Councils to help improve EDDC's processes for developing a robust Five Year Land supply. As soon as these meetings had taken place then a report would be produced to help improve EDDC's systems.

In his absence it was noted that Councillor Geoff Pook had given the view that the Development Management Committee and officers should not buckle under the Five Year Land Supply argument . Where an undesirable development was put forward, the Council should robustly oppose and reject it and let the applicant appeal. This point of view should be more clearly stated in the application's summary and recommendations. Furthermore, this should relate not only to permissions but applications for changes to conditions, specifically reduction of affordable homes on viability grounds.

During discussions the following points were noted:

- EDDC is not alone - many other local authorities do not currently have a demonstrable five year land supply;
- the five year land supply figures provided were against the requirement of 15,000 homes over the period 2006 – 2026 in the emerging Local Plan. Members were made aware that the awaited results of the new Strategic Housing Assessment (SHMA) may produce a different requirement and also that the ongoing work to bring the Local Plan in line with the Inspector's concerns means that the five year land supply figures may change significantly in the future;
- the need to plan and promote processes going forward;
- the need for more detailed monitoring of the process for those developments already given planning approval but not developed;
- promoting good sites in the district to encourage the right development in the right places;
- the Chief Executive was working closely with Teignbridge District and Exeter City Councils to develop joint approaches to housing monitoring;

*12 Five Year Land Supply update report (Cont)

- there were a number of other actions and recommendations that the Committee could take, other than merely noting the supply position as per the officer recommendation;
- A lack of five year land supply did not mean that there was a free-for-all for developers – EDDC had successfully refused and had appeals dismissed on multiple sites recently showing that there was still a way to refuse inappropriate sites;
- once officers had addressed the Inspector's concerns and the Local Plan was adopted then EDDC would have a 5 year land supply;
- the build-out rate for the Council depended heavily on the build at Cranbrook;
- issue of whether developers can meet targets and concern that they may run out of materials and labour, due to weakness in the supply chain. This raised the issue of the need for a proactive action group or committee within the Council that monitored development matters;
- the Council shouldn't be putting all our eggs in the Cranbrook basket. Other sites need monitoring and encouraging for development as well;
- Teignbridge District Council had a good system for monitoring and had a 6 year land supply;
- Housing monitoring systems were advised to be archaic and unable to keep up with demands for more frequent or on-demand five year land supply updates. More automated systems are required for these reasons and to free up officer time to be more proactive in encouraging the right development and removing blocks stalling development;
- concerns that a new level of bureaucracy was not created;
- what was needed was a more regular and proactive knowledge of what was happening on major sites in East Devon;
- importance of telling developers what development we need and where we want it;
- the Committees concern was that EDDC's reputation was maintained.

Until the Local Plan is in place EDDC will need to focus on encouraging appropriate development.

RESOLVED:

1. that the current position on the Five Year Land Supply and the importance of ongoing initiatives be noted;
2. that a more detailed, more robust and more proactive monitoring process for development be established;
3. that the Deputy Chief Executive be encouraged speak to the Chief Executive and planning colleagues to help introduce/mirror the systems adopted by Teignbridge District Council in this Council;
4. that the internal restructuring of the Senior Management Team should enable focus on how to encourage more proactive and less reactive systems.

The issues raised above would be discussed by the meeting of the Audit & Governance Committee on 25 September 2014.

*13 Audit and Governance Committee – Forward Plan

The Committee noted the contents of the forward plan for 2014/15, which was updated during the meeting.

Items to be considered at the September Committee included:

- Internal Audit Activity – Quarter 1 & 2 2014/15
- Statement of Accounts
- Report to those charged with Governance
- Audit Committee update
- Office Relocation project update.
- Thelma Hulbert Gallery update
- Risk Management Review
- Five year land supply

RESOLVED: that the updated forward plan be noted.

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Standards Committee held at Knowle, Sidmouth on Tuesday, 8 April 2014

- Present:** Councillors:
Graham Godbeer (Chairman)
Susie Bond
Peter Bowden
Graham Chamberlain
Frances Newth
Co-opted non-voting members:
Cllr Courtney Richards, Co-opted Parish/Town Council member
Ray Davison, Independent member
Tim Swarbrick, Co-opted Independent member
- Also present:** Alison Willan, Independent Person
- Councillors:
Ray Bloxham
Alan Dent, substitute Committee Member
Paul Diviani
Roger Giles
Douglas Hull, substitute Committee Member
Claire Wright
- Officers:** Denise Lyon, Monitoring Officer and Deputy Chief Executive
Hannah Whitfield, Democratic Services Officer
- Apologies:** Councillor David Mason, Co-opted Parish/Town Council member
John Walpole, Reserve Independent Person

The meeting started at 9.30 am and ended at 10.46am

***37 Public question time**

There were no questions asked.

***38 Minutes**

The minutes of the meeting of the Standards Committee held on 21 January 2014 were confirmed and signed as a true record subject to options 2, 3 and 4 in the guidance on how the Monitoring Officer will deal with complaints being amended to read:

‘The subject member has the option to request that details of the complaint and outcome be published on the EDDC website. If not, details of the complaint remain confidential.’

***39 Declarations of interest**

There were none.

***40 Standards review 2013/14**

Members considered the review of the work of the Standards Committee during 2013/14, which outlined:

- the key areas of work for committee members
- the standards training
- local review of our processes since the Localism Act 2011 changes
- analysis of Code of Conduct complaints.

Members noted the increase in the complaints' caseload. The report gave a useful breakdown of complaints into categories and outcomes. The Committee noted the wide range of development opportunities undertaken by Councillors including specific Code of Conduct training sessions. The Monitoring Officer advised that a repeat Code of Conduct training session was scheduled for May 2014 and the invitation to attend was extended to parish and town council clerks. The report also included a table of annual events in the life of the Standards Committee – this was a useful prompt for key activities in the normal cycle of Committee work.

The Committee, at its previous meeting, had enquired about the cost of assessing complaints - this information was included in the report. The annual cost for assessing Monitoring Officer type complaints was £64,934 and had been calculated based on an estimate of officers' time spent assessing, investigating and administering complaints as part of their role.

The Monitoring Officer advised that she had approached the Standards Exchange (the body that supported Monitoring Officers) for information on the caseloads of other authorities. The Standards Exchange had provided details of a survey they had undertaken, however there had unfortunately been a low return and the results were not felt to be robust enough to allow a comparison to be made.

In response to a question, the Monitoring Officer clarified that Ombudsman complaints were separate from Code of Conduct complaints. A customer might refer a complaint to the Ombudsman after they have exhausted the Council's internal complaints process but still felt that a resolution was required. Historically East Devon's figure for complaints being made to the Ombudsman had been one of the highest in the area largely due to the size of the district, its population and demographics. The Committee was advised that the Ombudsman's decisions rarely found against the Council.

The Chairman thanked the Monitoring Officer for her report.

RESOLVED: that the review of the 2013/14 year and the annual events schedule be noted.

***41 Definition of a friend or close associate**

The Committee noted the clarification of the term 'friend or close associate' within the context of the Code of Conduct, namely:

'a person with whom you have a close association is someone that you are in either regular or irregular contact with over a period of time who is more than an acquaintance. It is someone a reasonable member of the public might think you would be prepared to favour or disadvantage when discussing a matter that affects them. It may be a friend, a colleague, a business associate or someone whom you know through general social contacts.'

***41 Definition of a friend or close associate cont...**

Questions used by Investigators into Code of Conduct complaints worked to that definition and in practice asked questions such as:

- How long have you known each other?
- In what context?
- Do your families know each other?
- Do you socialise with each other?
- Are they someone who you would pop round to have a cup of tea with?
- Are they someone you feel loyalty towards?
- Would you be invited to their daughter's wedding?

These questions helped to differentiate between an acquaintance and a close associate/friend in the context of the Code of Conduct.

The Committee discussed the definition and particularly the inclusion of the reference to 'disadvantage'. Some members of the Committee questioned whether someone would try to disadvantage a friend or close associate. The Monitoring Officer advised that the word 'friend' was sometimes used loosely and gave the example of Facebook friends.

RESOLVED: that the clarification of the term 'friend or close associate' within the context of the Code of Conduct, be noted.

***42 Guidance/advice on Councillors meeting with developers**

At its last meeting the Committee had requested that the Monitoring Officer circulate the guidance/advice regarding Councillors meeting with developers; this had now been done. The Committee was now presented with advice given to town and parish councils by the Monitoring Officer in consultation with the Devon Association of Local Councils.

Members' discussions focussed on the last paragraph of the advice which referred to the Information Commissioner's decision that 'pre-application' meetings between the District Council and developers were confidential until the application was actually made. At that point, any notes of the pre-application meetings were included on the public documents. The Monitoring Officer's advice was that the same principles applied to parish and town councils, although it was acknowledged that they were not in a position to be advising professionally and may not have taken notes given the nature of the meetings, which were usually more akin to a briefing. A non-member of the Committee raised that parish and town councils should be taking notes of any meetings with developers and these should be published when an application was made. Points raised during discussion on this issue included:

- Meetings without notes created suspicion;
- The actual application made might be very different from the initial discussions with the parish/town council;
- A record of any meetings protected the council;
- Last couple of sentences of the advice were ambiguous and should be clarified;
- Taking notes should be mandatory as transparency and openness in the planning process was essential;

***42 Guidance/advice on Councillors meeting with developers cont...**

- Suggestion that a disclaimer be added to notes to advise that they were parish/town councils' preliminary views based on the information before them;
- It was not appropriate or the role for the Monitoring Officer to mandate that parish/towns take notes of meetings/briefings;
- There were situations where taking notes would not be practical, such as site visits.

In light of the Members' discussion, the Monitoring Officer advised that she would review the last paragraph of the advice.

RESOLVED: that the Monitoring Officers review the last paragraph of the advice to town and parish councils in respect of meeting with developers in light of the Committee's discussions on whether parish and town councils should take notes of any meetings with developers. The Monitoring Officer to report back with any changes to the next Committee meeting.

***43 Lobbying**

At the Council meeting on 26 February 2014, Members agreed that a motion on lobbying be referred to the next meeting of the Standards Committee for clarification and debate.

The motion was proposed by Councillor Claire Wright, seconded by Councillor Roger Giles and supported by Susie Bond, Ben Ingham and Trevor Cope.

"Openness and transparency in the planning process is vital. This Council therefore agrees to include an item on the agenda of all Development Management Committee and Planning Inspections Committee meetings, requiring Members of those committees to declare if and who they have been lobbied by, about items on the agenda."

Councillor Douglas Hull had proposed that the motion be referred to the next meeting of the Standards Committee to discuss and clarify its intention.

The Committee was advised that there had not been sufficient time to prepare a report for this Committee meeting and that it would be referred to the June meeting. Members' views were invited on what should be included in the report.

Members discussed the definition of lobbying at length and the proposal that an agenda item be added to the agendas of Development Management and Planning Inspections Committee requiring Members of those Committees to declare if they had been lobbied. It was suggested that the report to the Committee should include the guidance already available to Councillors, for example in the Council's constitution, and it should be explored whether any other authorities provided additional guidance on lobbying in relation to the planning process.

RESOLVED: that a report on lobbying, specifically in relation to Councillors and the planning process, be brought to the next Committee meeting.

***44 Complaints update**

The Committee considered and noted the report of the Monitoring Officer, which detailed the level and types of complaints received by the Monitoring Officer since the last meeting.

The Monitoring Officer reported that the current level and complexity of complaints received continued to be high. The Committee raised frustration at the limited sanctions that could be imposed under the new standards arrangements.

RESOLVED: that the complaints update report be noted.

***45 Forward Plan**

The Committee noted the contents of the forward plan and future meeting dates.

The Chairman corrected that the meeting listed as 7 September 2014 should be 7 October 2014.

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Licensing & Enforcement
Committee held at Knowle, Sidmouth on Wednesday, 11
June 2014

Present: Councillors:
Steve Hall (Chairman)
Jim Knight (Vice Chairman)
Peter Burrows
Steve Gazzard
Pat Graham
John O'Leary
Frances Newth
Ken Potter
Pauline Stott
Peter Sullivan
Tom Wright

Officers: John Tippin, Licensing Manager
Stephen Saunders, Licensing Officer
Chris Lane, Democratic Services Officer

Apologies: Councillors:
Maddy Chapman
John Jeffery

The meeting started at 9.30 am and ended at 10.40 am.

***1 Minutes**

The minutes of the meeting of the Licensing & Enforcement Committee held on 25 February 2014, were confirmed and signed as a true record.

***2 Declarations of interest**

Councillor/ Officer	Minute number	Type of interest	Nature of interest
Councillor Steve Hall	*3	Disclosable Pecuniary	Private Hire Licence Holder.
Councillor John O'Leary	*3	Disclosable Pecuniary	Personal Licence Holder.

***3 Committee update – Licensing Act 2003, Gambling Act 2005 and
General Licensing**

The Licensing Manager presented his report and highlighted activities undertaken by the Licensing Service. Details of the work undertaken were included as appendices to the report.

Members raised and discussed a number of issues from the report:

1. Licensing Act 2003

Officers have completed visits to all the high risk premises in the District Council area for the year 2013/14 without any issues or concerns being found by the visiting officers. Visits to high risk premises for 2014/15 would not commence with a completion date for all the visits being the end of March 2015.

*3 Committee update – Licensing Act 2003, Gambling Act 2005 and General Licensing (cont) – issues raised

On 4 February 2014 an officer accompanied by the Police Licensing Officer checked three licensed premises in Exmouth Town area that had recently been subject of licensing applications and whose proposed operation had been cause for concern by local residents. In particular CCTV systems in all three premises were checked and advice given.

On 4 April 2014 officers attended two premises in Budleigh Salterton following information that the layout of the premises had been changed without the required authority under the Licensing Act 2003 being obtained. It was found that both premises had been altered and both licence holders were requested to submit variation applications to regularise the plans to that of the current layout of the premises.

Officers were still offering thirty minute advice slots for applicants who need guidance and advice for licensing applications. These slots were very popular and the demand from applicants was fairly high. These advice slots were coupled with pre-event meetings that officers organised and ran were mainly held for the larger scale events. Examples of recent advice/meetings held were the Honiton Sausage & Cider Festival, Blackdown Hills Beer Festival, events to be held at Bicton College and the proposed resurrection of the Caribbean Night.

2. Gambling Act 2005

Members noted that a programme of visits to licensed premises and other premises where gaming was permitted continued. It was reported that no Gambling Act offences had been detected; a result that confirmed that regular inspections were a valuable tool to ensure compliance.

3. Taxis

The Licensing Team had continued the education based enforcement and monitoring approach to the Hackney Carriage and Private Hire drivers and vehicles as had happened with the Licensing Act. Close liaison was maintained with partner agencies and the taxi trade to ensure the principles of consistency, transparency and proportionality were maintained.

There had been three Sub Committee hearings during the past quarter. The first hearing related to an existing licence holder with a recent conviction and in this instance his Hackney Carriage Drivers licence was revoked. He has subsequently appealed to the Magistrates Court and the hearing is on 30 July 2014. The second hearing was an application to licence a Hackney Carriage that fell outside the District Council's policy in that it was more than four years old from the date of first registration and on this occasion the licence was granted as the vehicle was in exceptional condition. The third application was of a similar nature to the second except that it related to the licensing of a Private Hire vehicle. This again was more than four years old and again the licence was granted as the vehicle was considered by the Sub Committee to be in exceptional condition.

Members requested that the policy relating to the licensing taxis be reviewed and considered at a meeting of the Committee before the end of 2014.

*3 Committee update – Licensing Act 2003, Gambling Act 2005 and General Licensing (continued) – issues raised

Members noted that the work to lower the kerb stones at the new Strand taxi rank had still not been completed by Devon County Council. John Tippin, Licensing Manager informed members that it was hoped that DCC would start work on the Taxi Rank shortly and this would be considered at a forthcoming HATOC meeting.

A Councillor raised the issue of AJ's Taxis parking on the pavement outside their offices in Exmouth and the Licensing manager agreed to investigate this matter.

4. General Licensing including Animal Licensing and skin piercing
Members noted that on 4 April 2014 a Notice of Intention to apply for a zoo licence was received by the Council from Bicton College. This was a first step in the process of the College obtaining a licence to keep a zoo. Public notices of this intention had been posted outside the College and in both a local newspaper and the London Gazette. At the close of a two month consultation period with various responsible authorities and local residents able to make representations the college will then be able to apply for a zoo licence.

Currently the District Council had pending a second zoo application. This was for land located outside the Greendale Farm Shop, Sidmouth Road, Farringdon. This application had already gone through the two month consultation period and the Council was currently awaiting for an inspection to be carried out by a government nominated inspector. There were already four zoo licences in existence in East Devon. These are at Crealy Park, Escot, Axe Valley Animal Park and World of Country Life.

The Committee noted that following the successful combined police and Council operation on Wednesday 22 January 2014 on the Exeter outskirts there had been further checks conducted in more central parts of Devon and Cornwall along with a joint agency operation being held on the A30 north of Honiton on 24 March 2014. Licensing staff, working in conjunction with police officers and other agencies were involved in stopping and checking 55 vehicles during the morning with 4 scrap dealers' sites being visited and inspected in the afternoon. On this occasion one unlicensed scrap dealer was reported at the roadside. His load of scrap was disclaimed and sold with the proceeds being placed in police funds. These joint agency operations have led to an increase over the following weeks of unlicensed scrap metal collectors contacting the licensing authority. The Council had issued 15 collectors licences and has 4 further applications pending issue.

As planned earlier in the year the application forms for pitches on the Esplanade at Sidmouth during Sidmouth Folk Week were made available on the Council's website on the 1 April. This had proved very popular and had already been oversubscribed for all the available 60 pitches. A waiting list was being run should any consents be returned before the event.

Over recent years all councils had seen changes to the type and extent of collections being carried out in town and city centres throughout the country. Councils have the authority to control and 'police' certain types of 'charitable collections' but not others. Collecting for charity or other good causes on a public street is illegal unless approved by the District Council. These include collecting in the street with sealed collecting receptacles and house to house collections, normally the collection of clothing. However, some of more developed types of collecting which include Direct Debt Collection (face to face) and Sale of Periodicals

*3 Committee update – Licensing Act 2003, Gambling Act 2005 and General Licensing (cont) – issues raised

do not require authorisation and are generally legal. There are concerns however around some 'collections' which claim to be selling periodicals with the proceeds going to charity.

Councillor Steve Gazzard raised the issue of organisations collecting in Magnolia Centre, Exmouth and the sometimes collectors.

5. Consultation and Partnership working

A taxi liaison meeting with the taxi trade was held on Thursday 3 April 2014 a copy of the minutes of that meeting was attached to the agenda. The next liaison meeting had been arranged for Thursday 30 October 2014 commencing at 2.30pm in the Council Chamber, Knowle, Sidmouth.

RESOLVED that the report be noted.

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Licensing &
Enforcement Sub-Committee held at Knowle, Sidmouth on
Tuesday, 1 April 2014

Present: Councillors:
Steve Hall (Chairman)
Jim Knight

Officers: Giles Salter - Solicitor
Neil McDonald – Licensing Officer
Chris Lane – Democratic Services Officer

Apologies: Councillors:
(from Non John Jeffery
Members of Tom Wright
Sub Ctte)

The meeting started at 9.15am and ended at 9.20am.

*50 Minutes

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 18 March 2014.

*51 Schedule of applications for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary

Consideration was given to the report of the Licensing Officer which set out a schedule of applications for Sub Committee approval where an agreed position had been reached and all parties had agreed that a hearing was unnecessary.

The Licensing Officer explained the background of the applications and the negotiations carried out.

Type of Application	Name of premises and address	Agreed position reached by the parties
Application for the variation of a premises licence	The Stables, Cowley, Exeter, Devon, EX5 5ER.	<p>Following mediation the applicant and the Devon & Cornwall Constabulary have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application be approved as submitted subject to the following conditions:</p> <ol style="list-style-type: none"> 1. CCTV must be installed, operated and maintained to the satisfaction of the Licensing Authority and the Chief Officer of Police in accordance with the

Application for the variation of a premises licence	Popplefords, Hillside House, Exeter Road, Newton Poppleford, Sidmouth, Devon, EX10 0DE.	<p>requirements set out in the EDDC Licensing Policy.</p> <ol style="list-style-type: none"> 2. CCTV images must be retained for a minimum of 14 days and to be produced on the request of the Police or a Licensing Officer of East Devon District Council. Recording media must be set to a minimum of 25 frames per second. 3. The CCTV system must be operational at all times whilst the premises are trading. If the system is faulty or not working then the Police and East Devon Licensing Service must be informed immediately. Details of the malfunction must be recorded in the premises incident book. 4. A4 sized warning notices must be displayed in public areas of the premises and at all entrances advising that CCTV is in operation. The signs located at entrances should be located on the exterior of the building at, and adjacent to, all public access doors. All signs must comply with the requirements of the Data Protection Act 2002. <p>Following mediation the applicant, the Devon & Cornwall Constabulary and the Devon & Somerset Fire & Rescue Service have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application be approved as submitted subject to the following amendment:</p> <ol style="list-style-type: none"> 1. The Licence Holder must ensure that all doors and windows are kept closed during periods of regulated entertainment. 2. The Licence Holder must control the volume of regulated entertainment taking place at the premises by the installation of a noise limiter which shall be set by and to the satisfaction of an Environmental Health Officer of East Devon District Council. 3. The room marked 'extra dining area' on the plan submitted to the Licensing Authority must not be opened for use by
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		the public until the doors have been either upgraded or replaced to FD30s standard (30 minutes of fire resistance and self closing). The Devon & Somerset Fire & Rescue Service and the Licensing Authority must be advised when works are complete before the room is used by the public.
	Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003	

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Licensing &
Enforcement Sub-Committee held at Knowle, Sidmouth on
Tuesday, 22 April 2014

Present: Councillors:
Steve Hall (Chairman)
Jim Knight

Officers: Giles Salter - Solicitor
Neil McDonald – Licensing Officer
Chris Lane – Democratic Services Officer

Apologies: Councillors:
(from Non Steve Gazzard
Members of Tom Wright
Sub Ctte)

The meeting started at 9.30am and ended at 9.40am.

***52 Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 1 April 2014 were signed as a true record.

***53 Schedule of applications for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary**

Consideration was given to the report of the Licensing Officer which set out a schedule of applications for Sub Committee approval where an agreed position had been reached and all parties had agreed that a hearing was unnecessary.

The Licensing Officer explained the background of the applications and the negotiations carried out.

Type of Application	Name of premises and address	Agreed position reached by the parties
Application for the variation of a premises licence	Salterton Road Service Station, 87- 89 Salterton Road, Exmouth, Devon, EX8 2NE.	<p>Following mediation the applicant and the Devon & Cornwall Constabulary have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application be approved as submitted subject to the following conditions:</p> <ol style="list-style-type: none"> 1. CCTV must be installed, operated and maintained to the reasonable satisfaction of the Licensing Authority and the Chief Officer of Police in accordance with the requirements set

		<p>out in the current EDDC Licensing Policy.</p> <ol style="list-style-type: none"> 2. The CCTV system must be operational at all times whilst the premises are trading. If the system is faulty or not working then the Police and East Devon Licensing Service must be informed via email within 24 hours of discovery. Details of the malfunction must be recorded in the premises incident book. 3. CCTV images must be retained for a minimum of 14 days and to be produced on the request of the Police or a Licensing Officer of East Devon District Council. Recording media must be set to 25 frames per second. 4. A4 sized warning notices must be displayed in public areas of the premises and at all entrances advising that CCTV is in operation. The signs located at entrances should be located on the exterior of the building at, and adjacent to, all public access doors. All signs must comply with the requirements of the Data Protection Act 2002.
Application for the variation of a premises licence	Froginwell Vineyard & Cider Barn, Woodbury Salterton, Exeter, Devon, EX5 1EP.	<p>Following mediation the applicant and the Council's Environmental Health Team have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application be approved as submitted subject to the following conditions:</p> <ol style="list-style-type: none"> 1. The licence holder must control the volume of regulated entertainment taking place at the premises, by the installation of a noise limiter which shall be set by and to the satisfaction of an Environmental Health Officer of East Devon District Council. 2. The licence holder must ensure that all doors and windows are kept closed at all times during regulated entertainment except for access and egress to the premises.
	Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003	

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Licensing &
Enforcement Sub-Committee held at Knowle, Sidmouth on
Tuesday, 6 May 2014

Present:	Councillors: Steve Hall (Chairman) Steve Gazzard Pat Graham
Officers:	Giles Salter – Solicitor Elizabeth Schofield – Assistant Licensing Officer Neil McDonald – Licensing Officer Chris Lane – Democratic Services Officer
Also Present:	Councillor: Jim Knight
Apologies: (from non members of the Sub Committee)	Councillor: Tom Wright

The meeting started at 9.30 am and ended at 10.00am.

***54 Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 22 April 2014, were confirmed and signed as a true record.

***55 Application for the grant of a premises licence to allow the supply of alcohol off the premises at Martin McColls, 16 Fore Street, Sidmouth**

The Sub Committee gave consideration to an application for a Premises Licence to allow the supply of alcohol off and on the premises at Martin McColls, 16 Fore Street, Sidmouth.

The Sub Committee carefully considered the application with the amendments the applicant proposed for the variation of licensable activities and the extension of proposed hours of operation with a view to deciding whether the application promoted the licensing objectives, as required by the Licensing Act 2003. Government Guidance, the Council's own licensing policy and the Human Rights Act 1998 were also taken into account in making the decision.

The Sub Committee carefully considered the relevant representations that all parties had made and the written representations and other documentation put before the Sub Committee. They considered the particular locality of the premises in a town centre and its physical relationship with other residential and commercial properties in the vicinity.

- *55 Application for the grant of a premises licence to allow the supply of alcohol off the premises at Martin McColls, 16 Fore Street, Sidmouth **(Cont)**

The Sub Committee considered it relevant that no representations had been received from the police in relation to the Licensing Act objectives that had been the subject of representations, which were, public nuisance. From this the Sub Committee concluded that the police did not consider that there were currently any significant problems associated with the current operation of the premises, or that there was likely to be if the amended application was granted.

The applicant's case, represented by David Crank, Solicitor, Keith Westerly, Area Manager and Pauline Evenly, Senior Manager was that the applicant had traded as a newsagent and tobacconist for some time and that there were a large number of stores across the country, but the digital age had changed the nature of the business and there was now the need to diversify the business.

The company business model was based on convenience goods, goods that could be picked up on the way home, for example chilled foods, coffee, tea and alcohol. The model was not based on price competition. The local store would undergo refurbishment and £50K of investment.

There would be considerable responsibilities on the operators and, with that in mind, the company was happy to agree to the CCTV condition imposed by the Devon and Cornwall Constabulary. There would be that addition of new cameras monitoring the goods of high value. The system would be linked to head office where a digital readout could be produced.

The company already operated the Challenge 25 policy. Staff were trained and there was a refresher every 14 weeks plus seasonal refreshers. The tills were linked to CCTV and there was a till prompt and procedures when challenging customers between the ages of 18 – 25 years. All ID and refusals were recorded and the manager could check that each member of staff was following the procedures. There was a back-up system in place; an independent company regularly tested the procedures in place by undertaking test purchases.

The company was happy to liaise with both responsible authorities and residents to ensure that all complaints were dealt with swiftly and effectively. The company wanted the business model to succeed and understood its responsibilities under the Act. Currently the DPS was the company's licensing manager but would be replaced by the local manager.

The interested parties' case on paper was that there would be public nuisance in East Street and potential littering problems. No interested parties attended the hearing.

The Sub Committee carefully considered the operating schedule put forward by the applicants and the likely impact of the application. In relation to the evidence the Sub Committee had heard regarding the history of the premises, they considered that the establishment was well managed with good policies in place and adequate supervision from line management.

- *55 Application for the grant of a premises licence to allow the supply of alcohol off the premises at Martin McColls, 16 Fore Street, Sidmouth (Cont)

The Sub Committee considered that CCTV had an important role in preventing crime and disorder, identifying offenders and in managing public behaviour on the premises and when leaving.

The Sub Committee did not accept that there was evidence of a significant public nuisance, arising from the current operation of the premises. This was because of a lack of evidence of a history of complaints to the statutory authorities. The Sub Committee had however taken into account the concerns of local residents about the future operation by ensuring that suitable conditions were imposed. At the present time there was no real evidence that the operation the applicant proposed to run would cause the unacceptable impact local residents suggested.

All parties were reminded of the closure and review powers which the Government brought into force when the new licences were operational from 24 November 2005. Premises which did not operate in an acceptable way in terms of the licensing objectives may in extreme cases be closed down by police action or have their scope of operation reduced by the licensing authority.

- RESOLVED 1. that the Premises Licence be granted as follows:
- a) The extent of the areas within which the various licensable activities will be permitted as indicated by the legends on the applicant's plan.
 - b) Permitted hours for the various licensable activities will be as set out in Appendix B.
 - c) The conditions in the operating schedule as set out in the amended appendices F and G will also apply.
 - d) The mandatory conditions of section 19 of the Licensing Act 2003 will be imposed.

- *56 Schedule of applications for Sub Committee approval where an agreed position has been reached and all Parties have agreed a hearing is unnecessary

Consideration was given to the report of the Licensing Officer which set out a schedule of applications for Sub Committee approval where an agreed position had been reached and all parties had agreed that a hearing was unnecessary.

The Licensing Officer explained the background of the applications and the negotiations carried out.

- RESOLVED that the that the application be granted as below, subject to the agreed position set out in the schedule and any relevant statutory conditions and the applicants having complied with relevant statutory requirements.

Type of Application	Name of premises and address	Agreed position reached by the parties
Application for the grant of a premises licence	The Grange Court Hotel, London Road, Rockbeare, Exeter, Devon, EX5 2EP.	<p>Following mediation the applicant and the Rockbeare Parish Council have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application be approved as submitted subject to the following amendment:</p> <ol style="list-style-type: none"> 1. Reduce the licensing hours applied for to end at 12 midnight on Sundays to Thursdays and 1am on Fridays and Saturdays.
	Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003	

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Licensing &
Enforcement Sub-Committee held at Knowle, Sidmouth on
Wednesday, 14 May 2014

Present: Councillors:
Steve Hall (Chairman)
Pauline Stott
Tom Wright
Jim Knight (Minute No *59 only)

Officers:
Giles Salter – Solicitor
Stephen Saunders –Licensing Officer
Neil McDonald – Licensing Officer
Chris Lane – Democratic Services Officer

The meeting started at 9.30 am and ended at 11.40am.

***57** Minutes

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 6 May 2014, were confirmed and signed as a true record.

***58 *** Declarations of interest

Councillor/ Officer	Minute number	Type of interest	Nature of interest
Councillor Steve Hall	*59	Disclosable Pecuniary	Private Hire Licence Holder.

***59** Determination of an application to licence a Hackney Carriage Vehicle which does not comply with the Council's vehicle age policy

Consideration was given to the report of the Licensing Officer which set out the District Council's policy that on initial licensing as a hackney carriage a vehicle should be no more than four years old from date of first registration. Vehicles should not normally be licensed in the case of ordinary cars beyond eight years old and purpose built hackney carriages beyond ten years of age. Members were asked to consider licensing a vehicle as a hackney carriage which was fourteen years old and had done over 300,000 miles.

- *59 Determination of an application to licence a Hackney Carriage Vehicle which does not comply with the Council's vehicle age policy (Cont)

RESOLVED

that the Sub Committee was minded to refuse the application to licence a 14 year old London TXI as a hackney carriage vehicle, as it fell outside the criteria required by East Devon District Council as it was not an exceptional example and therefore was not an exception to the policy. The Sub Committee were concerned as to the vehicles' capability to be a reliable and safe vehicle in which to convey the public, especially wheelchair users who were very often vulnerable.

The Sub Committee was further concerned by the extensive rust spots and evidence of previous repairs to the body work.

Members were disappointed to reach this decision because the Council was keen to promote more wheelchair accessible vehicles.

- *60 Application for Club Gaming Machine Permit issued Under the Gambling Act 2005 for Social Clubs located at:

- a) Tesco Store at Honiton
- b) Tesco Store at Seaton
- c) Tesco Store at Axminster

The Sub Committee gave consideration to an application for a Club Gaming Machine Permit issued under the Gambling Act 2005 for Social Clubs located at Tesco Stores in Honiton, Seaton and Axminster.

The District Council's case was that Mr John Richards was a gaming machine supplier licensed by the Gambling Commission; he was making application to install gaming machines to be sited in each of the staff canteen rooms at Tesco store at Honiton, Seaton and Axminster. There was no entitlement under the Gambling Act 2005 to have gaming machines at supermarket stores, cafes and canteens. However, under the current legislation Section 273 of the Gambling Act will allow up to three gaming machines on a premises for which a 'members club' operates under the provision of a club machine permit. It was this aspect of the legislation that Mr Richards based the application under whilst acting as agent for each store. These canteens also acted as social clubs.

In the course of considering the applications licensing staff had visited each staff canteen to view the location, security and supervision arrangements for the rooms where gaming machines were requested. It was the Council's case that these social clubs did not constitute properly constituted members clubs under Section 273 of the Gambling Act 2005.

- *60 Application for Club Gaming Machine Permit issued Under the Gambling Act 2005 for Social Clubs located at:
- a) Tesco Store at Honiton
 - b) Tesco Store at Seaton
 - c) Tesco Store at Axminster **(Cont)**

John Richards, applicant stated that the Gambling Act 2005 had a 28 day consultation period and it was expected that an application would normally be determined immediately after that period. However, he did indicate that he would have no objection to the application being deferred at this meeting for further information. He further stated that the Gambling Commission can only give guidance and Section 266 of the Act defined what could be a members club.

He reiterated that it was the intention to only put Category D machines in the Social Clubs in Honiton, Seaton and Axminster, which would limit the payout to £8 and the pay per play to £0.10p. With regard to Section 273 of the Gambling Act 2005, Tesco had induction procedures which meant that staff had to be well trained before they started their employment meaning they did not start work immediately on being employed.

Tesco Social Clubs were members' clubs for the benefit of the members of that club and had no input from Tesco.

Councillor Tom Wright questioned that there was no evidence of the stores being properly constituted clubs. John Richards confirmed that he had never been asked to provide details of this for the large number of Tesco Social Clubs elsewhere where he had installed gaming machines. There were no other gaming machines in the Social Clubs and he confirmed that he could provide a list of members of social clubs for each store if required.

RESOLVED

that the application for a Club Gaming Machine permit issued under the Gambling Act 2005 for Social Clubs located at Tesco Stores at Honiton, Seaton and Axminster be adjourned to a date after the Sub Committee had seen evidence that a members' club existed for each premise, this included documents that evidenced that there were elected officers, minutes of meetings and particularly annual general meeting and at least two years of accounts for each club.

The applicant offered to liaise with the Licensing Authority and Tesco employees to help convene a single meeting for the three premises

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Town Hall, Exmouth on Tuesday, 20 May 2014

Present: Councillors:
Jim Knight (Vice Chairman in the Chair)
Maddy Chapman
Frances Newth

Also present: Councillors:
Steve Gazzard
Steve Hall

Officers:
Giles Salter - Solicitor
Chris Lane – Democratic Services Officer
Neil McDonald – Licensing Officer

The meeting started at 9.30 am and ended at 10.20 am.

*1 Declarations of interest

Councillor/ Officer	Minute number	Type of interest	Nature of interest
Councillor Jim Knight	*3	Personal	Was a former Council colleague of an interested party.
Councillor Frances Newth	*3	Personal	Was a former Council colleague of an interested party.

*2 Application for a grant of a premises licence to be granted under the Licensing Act 2003 to allow the supply of alcohol on and off the premises at Lily Farm Vineyard, Dalditch Lane, Knowle, Budleigh Salterton

The Sub Committee gave consideration to an application for the grant of a premises licence to allow the supply of alcohol on and off the premises at Lily Farm Vineyard, Dalditch Lane, Knowle, Budleigh Salterton.

The Sub Committee carefully considered the application for the premises licence and the proposed hours of operation with a view to deciding whether the application promoted the licensing objectives, as required by the Licensing Act 2003. Government Guidance, the Council's own licensing policy and the Human Rights Act 1998 were also taken into account in making the decision.

The Sub Committee carefully considered the relevant representations that all parties had made and the written representations and other documentation put before the Sub Committee. They considered the particular locality of the premises on the edge of a small village and its physical relationship with other residential and commercial properties in the vicinity.

- *2 Application for a grant of a premises licence to be granted under the Licensing Act 2003 to allow the supply of alcohol on and off the premises at Lily Farm Vineyard, Dalditch Lane, Knowle, Budleigh Salterton(Cont)

The Sub Committee considered it relevant that representations had been received from the police in relation to the Licensing Act objectives that had been the subject of representations, which were, public safety and public nuisance. From this the Sub Committee concluded that the police did not consider that there would be any significant problems associated with the operation of the premises, if the amended application was granted.

The applicant's case was presented by Mr Graham Gover, Solicitor; he considered this to be a straightforward application. The current licence was for off-sales of wine between 10.00am and 6.00pm. The vineyard was now on the international wine map having recently received a silver award from the International Wine Challenge. The premises now included a refreshment area as the business had evolved. The application for increased hours of sale was to allow the business to develop so that the vineyard produced wine could be sold following a wine tasting. Currently there was a weekly wine/vineyard tour on a Saturday afternoon at 2.30pm, but the extension of hours would allow as hoc parties to visit and wine to be tasted and sold. The extended hours were not going to be used on a regular basis but were there 'just in case' they were needed for flexibility. The applicants had no intention to work any longer hours than were necessary.

The applicants reassured the Sub Committee that they did not intended to operate a wine bar, wine sales were linked to the marketing of their own vineyard produced wine. The applicant's accepted the Sub Committee's requirements for a CCTV condition on the licence.

The interested parties' case on paper was related principally to two of the four licensing objectives. Regarding public safety, the location of the premises along a narrow lane with no street lighting and an increase in visitor traffic made it unsuitable for a retail outlet. Regarding the prevention of public nuisance, they consider there was the intrusion of artificial light pollution in the AONB, leading to urbanisation of a rural setting. Also the increased potential of noise pollution in the evening and weekends. No interested parties attended the hearing.

The Sub Committee carefully considered the operating schedule put forward by the applicants and the likely impact of the application. In relation to the evidence the Sub Committee had heard regarding the history of the premises, they considered that the establishment was well managed and controlled with good policies in place. This was a minimal operation and the application as set out in the agenda was accepted. At present there was no real evidence that the operation the applicant now proposed to run would cause the unacceptable impact local residents suggested.

The Sub Committee reminded all parties of the closure and review powers which the Government brought into force once the new licences were operational from 24 November 2005. Premises which did not operate in an acceptable way in terms of the licensing objectives may in extreme cases be closed down by police action or have their scope of operation reduced by the licensing authority.

- *2 Application for a grant of a premises licence to be granted under the Licensing Act 2003 to allow the supply of alcohol on and off the premises at Lily Farm Vineyard, Dalditch Lane, Knowle, Budleigh Salterton(Cont)

RESOLVED 1. that the Premises Licence be granted as follows:

- (a) The extent of the areas within the various licensable activities will be permitted is as indicated by the legends on the applicant's plan.
- (b) Permitted hours for the various licensable activities will be as set out in Appendix B to the report.
- (c) The conditions in the operating schedule as set out in the amended Appendix F will apply.
New Condition to read – "There will be a CCTV system installed which has the ability to retain images for up to 30 days".
- (d) The mandatory conditions of Sections 19, 20 and 21 of the Licensing Act 2003 will be imposed.

2. The Designated Premises Supervisor will be:
Alan Leslie Pratt, 7 Moormead, Budleigh Salterton, EX9 6QA.

Whilst the Sub Committee acknowledged the concerns expressed by the interested parties, they believed the concerns expressed in representations had been addressed by the hours of operation for the licensable activities and the conditions we have imposed which have been tailored to the size, characteristics and activities on the premises, and which they believed were necessary and proportionate.

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Licensing &
Enforcement Sub-Committee held at Knowle, Sidmouth on
Wednesday, 11 June 2014

Present: Councillors:
Steve Hall (Chairman)
Jim Knight

Officers: Giles Salter - Solicitor
Neil McDonald – Licensing Officer
Chris Lane – Democratic Services Officer

Also Present: Councillors:
Tom Wright

The meeting started at 11.00am and ended at 11.05am.

***3 Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 14 and 20 May 2014, were confirmed and signed as a true record.

***4 Declarations of interest**

Councillor/ Officer	Minute number	Type of interest	Nature of interest
Councillor Steve Hall	*3	Personal	Resident of Budleigh Salterton.

***5 Schedule of applications for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary**

Consideration was given to the report of the Licensing Officer which set out a schedule of applications for Sub Committee approval where an agreed position had been reached and all parties had agreed that a hearing was unnecessary.

The Licensing Officer explained the background of the applications and the negotiations carried out.

Type of Application	Name of premises and address	Agreed position reached by the parties
Application for the variation of a premises licence	The King Billy, 53 High Street, Budleigh Salterton, Devon, EX9 6LE.	Following mediation the applicant and the Budleigh Salterton Town Council have agreed that they consider a hearing to be unnecessary if the following agreed position is approved. The application be approved as submitted subject to the following amendments:

		1. That the hours for the sale of alcohol be reduced to end at 12 midnight on Monday to Sunday.
	Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003	

Chairman Date