

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of the Council held at Knowle, Sidmouth on 23 July 2014**

#### **Attendance list at end of document**

The meeting started at 6.30pm and ended at 8.35 pm.

#### **\*18 Public Speaking**

Paul Freeman criticised the Council's Electoral Registration Officer. He said that the Council's administration of Individual Electoral Registration had resulted in over six thousand people in East Devon being removed from the register. He added that the Council's doorstep canvassing had been incomplete over the last three years and asked if canvassers had now been recruited.

The Chief Executive responded as Electoral Registration Officer. He advised that Mr Freeman first check his facts. The Council was in transition from a householder electoral registration system that the Government had deemed unfit for purpose. In any change process, it is the end position, rather than where you start from, that counts. The first new register involving Individual Elector Registration would be published in December this year.

Paul Arnott referred to the minutes of the Overview and Scrutiny Committee and its recommendation to change the existing public speaking arrangements at future Development Management Committee meetings. The recommendations had been referred to Cabinet where there had been no debate.

The Chief Executive assured Mr Arnott that the recommendations would be considered at this meeting and in fact, the minute had been 'called'.

#### **\*19 Minutes**

The minutes annual meeting of the Council held on 14 May 2014 were confirmed and signed as a true record.

(The minutes of the ordinary meeting held on 9 April 2014 had already been referred to annual council and signed then but were included in the Council minute book for information and ease of reference.)

#### **\*20 Declarations**

Cllr Andrew Moulding declared a personal interest in Housing Review Board minute 12 (Supporting People) because he had a disabled relative who was in receipt of the service provided by mobile support.

#### **\*21 Chairman/Leader notices/announcements**

##### **a) Ken Potter**

The Chairman advised that Councillor Ken Potter was unwell and had been taken to hospital; he would write a letter of best wishes on behalf of the Council.

**b) Fire at Woodbury Car Breakers' Yard**

The Chairman invited Councillor Jill Elson, Portfolio Holder for Sustainable Homes and Communities to address the Council. Councillor Elson advised that the blaze had started in the yard in Woodbury at about 14.30 on Sunday, 20 July 2014. At least 10 fire crews were called to deal with this very serious and significant fire. Housing Officers were called out and about 30 homes next to the yard were evacuated. A rescue centre was set up in the village hall. Honorary Alderman Bernard Hughes also attended the scene to see if he could help. Environmental Health was also involved due concern about asbestos.

Councillor Elson thanked the staff for their valued efforts but gave particular praise to the local people who had rallied to help and support residents temporarily evacuated from their homes.

**c) Denise Lyon – Deputy Chief Executive and Monitoring Officer**

The Chairman advised that Denise Lyon was leaving the Council and that this would be her last Council meeting. He invited Members to a small reception for Denise in the Members' Area at the close of the meeting and hoped that all Members would join him.

**d) Cranbrook Planning Submission award**

The Leader announced that he had collected a prestigious award on behalf of the Council that day from the Royal Town and Planning Institute. The award presented was for best submission in planning excellence. He suggested that the award be given pride of place at the Younghayes Centre, Cranbrook.

**\*22 Long service awards**

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

Diane Rowland, Interventions Officer, Revenues and Benefits – 20 years

Michael Wakefield, Building Cleaner, Property Services – 10 years

**\*23 Questions (Procedure Rules 9.2 and 9.5)**

Seven questions had been submitted.

**a) Timetable for the Strategic Housing Market Assessment**

In response to a supplementary question, the Chief Executive advised that the consultation referred to in the printed answer was in respect of the Strategic Housing Market Assessment and as this covered 945 square miles, 452,200 residents and 195,000 households, it was a very complex process.

**b) Estimated cost of proposed Office relocation**

In response to a supplementary question, the Leader said that the Council publicised as much information as it could but elements had to remain confidential due to their commercial sensitivity.

**c) Progress re police investigation into former councillor Graham Brown**

The Chief Executive advised that the Council had contacted the Police for a progress report and a response was awaited.

**d) Support for cut in Tourism VAT**

In response to a supplementary question, the Leader advised that the local MPs had not supported this proposal.

- e) **Request for update on first meeting of Trees Task and Finish Forum**  
Councillor Iain Chubb, Environment Portfolio Holder, responded to a supplementary question by advising that much work was being progressed in respect of trees, including a tree-planting scheme. However, he questioned why Councillor Wright had not contacted him direct for this information; he would have been happy to discuss the current situation over the phone.
- f) **Council's appeal re publishing the survey on Knowle buildings**  
No supplementary question was asked.
- g) **Cost to EDDC of Information Commissioner's public hearing on publishing survey.**  
In response to a supplementary question, the Chief Executive advised that the cost was dependent on the length and complexity of the hearing; this was the first time the Council had ever been involved in this type of hearing.

\*24 **Minutes of Cabinet and Committees**

**RESOLVED**

1. that the under-mentioned minutes be received and the recommendations approved

**Cabinet**

Minutes 230-246, 1-25, 26-50

**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

**RESOLVED**

2. that the under-mentioned minutes be received.

Cabinet (minutes 236, 8, 32 and 33) had noted or accepted the following Overview/Scrutiny Committees' recommendations with or without amendment.

**Overview and Scrutiny Committee**

Minutes 71-78, 1-5, 6-17

**Housing Review Board**

Minutes 1-20

**Arising from consideration of the above minutes:-****a) Recommendations of the Overview and Scrutiny Committee re public speaking arrangements at Development Management Meetings (Cabinet minute 8)**

Councillor Claire Wright said that the proposed amendments to the public speaking arrangements were controversial. The proposed new arrangements included pre-registering to speak, limiting the number of speakers, appointing a spokesperson and re-ordering the published agenda. Councillor Wright suggested that a contributing problem was that debate was not moved on to a vote even when general agreement was apparent. She asked that the current arrangements be retained for a year; that public speaking be monitored but not restricted until the Local Plan was in place. If the problem continued after that time, then there should be a full review.

Councillor Ben Ingham seconded Councillor Wright's proposal to retain the status quo.

Councillor Ray Bloxham, Portfolio Holder – Corporate Business referred to the package of recommendations, which he said would extend the public involvement in Development Management Committees, help address the problem of the length of planning meetings and increase their effectiveness. The proposals would allow the Council to be much more specific about when those interested in an application should arrive; this was not possible under the present arrangements.

During the debate, the following points were raised:

- There had been a full debate at the Overview and Scrutiny Committee on the proposed changes.
- There had been opportunity to debate the proposals at the Overview and Scrutiny Committee and Cabinet.
- The proposals were not restrictive but gave the public more opportunities to speak than at other councils.
- The Development Management Committee meetings were currently far too long
- Improvements could be achieved without changing the public speaking arrangements.
- Development Management Committee members should not repeat points already made.
- Councillors were democratically elected to make decisions on behalf of everyone. Those serving on the Development Management Committee had to be trained before they could take part in the meetings. If the debate on applications was limited and if Committee members were not seen to debate an issue fully, the Council would be open to judicial review. It was vital to allow proper debate.
- The views of the public were already included in the Officer reports to Committee.
- It would be difficult for individuals to co-ordinate their response and appoint a spokesperson.
- Meetings could be split – such as east and west or strategic and non-strategic applications. This change could effectively involve local Ward Councillors
- Information and opinions needed to be drawn from all sources and therefore public speaking arrangements should not be changed.
- There was still the opportunity to hold special meetings to discuss significant single applications.
- It could be useful to look at different ways of working and involve the Royal Town and Planning Institute in assessing members' training needs.

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

Members voted on the amendment to the recommendations; namely that any changes to the current public speaking arrangements for Development Management Committee meetings be deferred for a year.

Councillors voting in favour of the amendment (16):

Mike Allen, Susie Bond, Derek Button, Trevor Cope, Steve Gazzard, Pat Graham, Stuart Hughes, Douglas Hull, Ben Ingham, John Jeffery, Sheila Kerridge, Jim Knight, Frances Newth, Brenda Taylor, Graham Troman, Claire Wright.

Councillors voting against the amendment (29):

Graham Godbeer, Christine Drew, Paul Diviani, Ray Bloxham, Roger Boote, Peter Bowden, Bob Buxton, David Chapman, Maddy Chapman, Iain Chubb, David Cox, Deborah Custance Baker, Martin Gammell, Steve Hall, Peter Halse, Tony Howard, John Humphreys, David Key, Andrew Moulding, John O'Leary, Helen Parr, Philip Skinner, Pauline Stott, Peter Sullivan, Phil Twiss, Chris Wale, Mark Williamson, Tim Wood, Tom Wright.

Councillors abstaining (4):

Peter Burrows, Jill Elson, Stephanie Jones, Ian Thomas.

#### **RESOLVED**

that the recommended changes to Development Management Committee arrangements including in respect of public speaking as set out in Cabinet Minute 8 be agreed.

#### **b) Budget constraints and impact on organisational design and structure (Cabinet Minute 25)**

The Leader asked Council to note and approve the interim appointment of Ian Clarke, Monitoring Officer at South Somerset District Council as EDDC's Monitoring Officer.

#### **RESOLVED**

that as an interim measure, SSDC's Monitoring Officer be appointed as EDDC's Monitoring Officer with immediate effect.

#### **c) Mitigation of impacts on highest tier of wildlife sites (Cabinet Minute 39)**

The Leader's statement in respect of recommendation 3 of this minute had been circulated to all Councillors prior to the meeting. This had been produced because following Cabinet's endorsement, it was noted that there were two anomalies in respect of the proposed charging zones for land in East Devon and north of Exeter. The stated amendments were that:

1. A small part of the District was not specifically labelled and this should have its own specific charging zone - an Exe only area; and
2. A table in the Cabinet report referred to a charge in the 'Exe only' (this should have read 'Pebblebed only' and it would, therefore, correspond with the correctly labelled map that was also contained in the report.

The amended table reads:

Pebblebeds only – charge for on-site measures £149, charge for SANGs £477 with total charge per new dwelling being £626.

Exe and Pebblebeds – charge for on-site measures £272, charge for SANGs £477 with total charge per new dwelling being £749.

Exe only – charge for on-site measures £123, charge for SANGs £477 with charge per new dwelling being £600.

To be adopted by 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 Council.

**d) Supporting People (Housing Review Board Minute 12)**

Councillor Jill Elson, Sustainable Homes and Communities Portfolio Holder advised that the withdrawal of County Council funding for mobile support would have an impact on EDDC's 1,342 tenants in sheltered housing schemes. Many of the Council's sheltered housing tenants relied on the support service to maintain their independence; EDDC would try to ensure that this valued service was maintained. EDDC had written to its tenants who would be affected by this cut to make them aware of the situation and give assurance that the Council would work with them to achieve a solution, including ensuring that they claimed the benefits that they were entitled to. The Housing Review Board wanted to make sure that its elderly and vulnerable tenants felt safe. EDDC wanted to continue to provide an alarm system and a mobile support service and would explore options available to achieve this. The Council's position had been made clear to the local media and it was hoped that the Council's intentions would be properly reported to avoid vulnerable tenants becoming unnecessarily anxious.

**e) Five year land supply (Audit and Governance Committee Minute 12)**

In presenting the Committee's minutes, Vice Chairman, Councillor Peter Bowden, drew Council's attention to the Audit and Government Committee's drive for more detailed robust and proactive monitoring of the five-year land supply on an on-going basis. Councillor Bowden also advised that he had attending an audit and governance training seminar that morning and was pleased to report that EDDC's audit team was very effective and, as a result, EDDC was well placed in terms of its governance arrangements.

**f) Draft Annual Governance Statement (Audit and Governance Committee Minute 8)**

In response to a request from Councillor Susie Bond for clarity and an up-date on the former councillor Graham Brown Police enquiry, the Chief Executive advised that the Police were the arbiters of the case and would provide an update when the investigation had been completed.

**g) Standards Committee**

In presenting the minutes, the Chairman, Councillor Graham Godbeer, particularly thanked the co-opted members of the Committee for their wise counsel and input.

**\*25 Motion 1 – Land Supply**

The following motion was proposed by Councillor Susie Bond, seconded by Councillor Ben Ingham and supported by Councillors Roger Giles, Claire Wright and Martin Gammell.

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.

In proposing, Councillor Bond asked the planning service to make use of a power that already existed – namely to condition specific applications in respect of the timing of start of development. She said that this would stop the practice of land banking and also help address the Council's required land supply. A significant number of outstanding permissions existed at a time when there was a desperate need for more housing.

In seconding, Councillor Ben Ingham said that as the Local Plan was not yet in place and the Council did not have an adequate land supply, areas outside the Area of Outstanding Beauty designation were at risk of inappropriate development.

Councillor Helen Parr, Chairman of the Development Management Committee agreed that the power to add such a condition was already being used. She gave a list of examples in support where permission had been granted subject to the development commencing within 2 years of approval being given. The Committee would consider this option but determined all applications on their own merit, taking a wide range of other issues into account. It was a problem when a developer made a material start to a development and then stopped.

The debate included the following:

- The Development Management Committee did not determine an application simply on the land supply issue.
- Sometimes there was a good reason why developers were unable to commence – such as funding or time taken to address the conditions attached to the permission.
- Development must be delivered where it was needed.
- The district was doing a good job of delivering affordable housing with improving numbers year on year.

In summing up, Councillor Bond thanked the Chairman of the Development Management Committee for the examples given of where the power had been used.

The motion was put to the vote and lost.

## \*26 **Motion 2 – Democratic process**

The following motion was proposed by Councillor Claire Wright, seconded by Councillor Ben Ingham and supported by Councillors Trevor Cope, Susie Bond and Roger Giles.

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.

In proposing, Councillor Claire Wright suggested that the Council's reputation was under threat and gave a number of examples including the changes to public speaking arrangements at Committee, the Local Plan not yet in place, the lack of progress of the East Devon Business Forum and lack of transparency in respect of the proposed office relocation. She also referred to a joint Corporate Business and Corporate Services Think

Tank, which she alleged was discussing ways to further restrict public and non-majority group contribution. She wanted the Council to have a greater respect for public opinion and encourage public involvement. Councillor Wright thought that in her opinion the matter should be referred to Overview and Scrutiny Committee for a full debate about her concerns.

In seconding, Councillor Ben Ingham referred to decisions made by the controlling group, which he said were reducing public and member participation in the democratic process.

The debate included the following points:

- Chairmen always invite debate at meetings from all Members – whether or not they are appointed to those committees.
- Attendance at meetings of the Overview and Scrutiny is often low.
- The words of the motion were supported but not for the reasons suggested or for the manner in which it had been proposed.
- Democratic agreement is achieved through debate; not everyone will agree with the outcome.
- Councillors represent democracy – they are elected to represent their electorate.
- The Joint Corporate Business and Corporate Services Think Tank had been set up to discuss how to make best use of Council meetings. All Councillors had been invited and the associated paperwork had been presented to stimulate debate and question.
- As the Cabinet was single party, the only place where there could be a proper debate was at meetings of the Council.
- Motions at Council were a useful way of exploring ideas and wider issues.

After a full debate, it was proposed by Councillor Philip Skinner and seconded by Councillor Phil Twiss that the motion as printed be put. This proposal was carried and the consequential vote on the motion was unanimously in favour.

## **RESOLVED**

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.

## **Attendance list**

### **Councillors present:**

Graham Godbeer, Chairman  
Christine Drew, Vice Chairman  
Mike Allen  
Ray Bloxham  
Susie Bond  
Roger Boote  
Peter Bowden  
Peter Burrows  
Derek Button  
Bob Buxton  
David Chapman  
Maddy Chapman  
Iain Chubb



Trevor Cope  
David Cox  
Deborah Custance Baker  
Paul Diviani  
Jill Elson  
Martin Gammell  
Steve Gazzard  
Pat Graham  
Steve Hall  
Peter Halse  
Tony Howard  
Stuart Hughes  
Douglas Hull  
John Humphreys  
Ben Ingham  
John Jeffery  
Stephanie Jones  
Sheila Kerridge  
David Key  
Jim Knight  
Andrew Moulding  
Frances Newth  
John O'Leary  
Helen Parr  
Philip Skinner  
Pauline Stott  
Peter Sullivan  
Brenda Taylor  
Ian Thomas  
Graham Troman  
Phil Twiss  
Chris Wale  
Mark Williamson  
Tim Wood  
Claire Wright  
Tom Wright

**Also present:**

**Honorary Aldermen**

Vivienne Ash  
Ray Franklin  
Mike Green  
Bernard Hughes  
Ann Liverton  
Ron Mudge  
Bob Peachey  
Tony Reed  
Dr Bill Waterworth

**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  
Hannah Whitfield, Democratic Services Officer  
Edward Chubb, Work Experience Student

**Councillor apologies:**

David Atkins, Geoff Chamberlain, Alan Dent, Vivien Duval Steer, Mike Howe, Geoff Pook,  
Ken Potter, Eileen Wragg, Steve Wragg

**Honorary Alderman apologies:**

Graham Liverton  
Margaret Rogers

Chairman ..... Date.....