

Agenda for Council

Wednesday, 29 April 2015; 6.30pm



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

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

[View directions](#)

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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 29 April 2015 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

Note: This meeting is being audio recorded by EDDC for subsequent publication on the Council's website.

Under the Openness of Local Government Bodies Regulations 2014, any members of the public are now allowed to take photographs, film and audio record the proceedings and report on all public meetings (including on social media). No prior notification is needed but it would be helpful if you could let the democratic services team know you plan to film or record so that any necessary arrangements can be made to provide reasonable facilities for you to report on meetings. This permission does not extend to private meetings or parts of meetings which are not open to the public. You should take all recording and photography equipment with you if a public meeting moves into a session which is not open to the public.

If you are recording the meeting, you are asked to act in a reasonable manner and not disrupt the conduct of meetings for example by using intrusive lighting, flash photography or asking people to repeat statements for the benefit of the recording. You may not make an oral commentary during the meeting. The Chairman has the power to control public recording and/or reporting so it does not disrupt the meeting.

Agenda:

- 1 [Public speaking](#)
- 2 Minutes (with Council Tax Schedules 1,2, 3) of the meeting of the Council held on 25 February 2015 and minutes of the Extraordinary meetings of the Council held on 25 March 2015 (Office Relocation) and 26 March 2015 (Local Plan).
- 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 To answer questions asked by Members of the Council pursuant to Procedure Rules No 9.2 and 9.5.
- 9 Reports from the Cabinet and the Council's Committees and questions on those reports:

Cabinet	Minutes	181 - 199, 200 - 218
†Overview and Scrutiny Committee	Minutes	68 - 80, 81- 88
†Housing Review Board	Minutes	74 - 91
Development Management Committee	Minutes	57 - 62, 63 - 65, 66 - 71
Planning Inspections Committee	Minutes	22 - 24, 25 - 27
Audit and Governance Committee	Minutes	46 - 56
Licensing and Enforcement Committee	Minutes	10 - 11
Licensing and Enforcement Sub Committee	Minutes	26 - 28, 29 - 31, 32 - 36
Combined meeting of Audit and Governance and Overview and Scrutiny Committee	Minutes	1 - 5
- †The recommendations of these meetings have already been referred to Cabinet for consideration
- 10 Presentations to retiring Members of Council

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

[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 – 29 April 2015

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EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of the Council held

at Knowle, Sidmouth on 25 February 2015

Attendance list at end of document

The meeting started at 6.30pm and ended at 8.40pm.

***47 Councillor Derek Button**

The Chairman formally announced with great sadness that Derek Button, a serving member of the Council had passed away last month. Derek was much respected and would be greatly missed.

Derek was elected in 1984 and had represented Broadclyst for 31 years. He was a strong member of the largest opposition group and was its leader from 1998 until ill health forced him to relinquish that role. He had served on a number of Committees over the years but had always been involved with planning. Planning was an issue that Derek had felt passionately about and was one of his main reasons for standing for election in the first place – he wanted to ensure that a local voice was heard in the planning process.

Derek had debated hard against the new town but, when permission was finally granted, he made sure that Cranbrook was the best that it could be for the benefit of the local community and East Devon as a whole. He managed to balance strategic decision making with grass roots involvement. For example, he served on the Rural Aid Committee and Rate Relief Committee, recognising the effectiveness of targeted help at a local level. He could be a formidable debater at meetings and was a man of high principles.

All those who had worked with Derek had witnessed and respected his brave fight against illness and his resilience. He is a loss to this Council and sympathy and best wishes were extended to his friends and family.

The Chairman invited Councillor Brenda Taylor, Leader of the Liberal Democrats Group to address the Council. Councillor Taylor referred to Derek as a 'good guy' and a driving force in the late 1980s and 1990s. He was passionate and sincere and he would be greatly missed.

Later in the meeting, Councillor Giles said that Derek's passing was a devastating shock and a loss to the Council and East Devon as a whole. He referred to him as a wonderful councillor.

The Chairman invited Members to stand in silence as a mark of respect.

***48 Public Speaking**

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

Richard Eley spoke against the proposed office relocation. He said that there were errors in the energy predictions and site measurements and that the true size of the

newer buildings at Knowle was exactly right for the Council's needs. He said that a better option would be to stay put as if there was a future reorganisation of local government, Exeter would be the logical centre for its headquarters. He said that the decision should not be made on inaccurate data and that Councillors should look again at their decision with an open mind.

In response Mark Williams, Chief Executive advised that the Council did not agree Mr Eley's position and had addressed the matter in correspondence with him.

Paul Freeman questioned why the motion at agenda item 12 relating to the Local Plan was not going to be debated that evening. He read out the Council Chairman's purpose and role as set out in EDDC's Constitution and said that allowing debate on the motion was consistent with the Chairman's responsibilities.

The Chief Executive advised that the first part of the motion was already going to be considered by the Corporate Business Portfolio Holder Think Tank and Overview and Scrutiny Committee. However, he said that Councillors had the opportunity to ask for the motion to be debated this evening if they felt that sufficient research had been carried out into the matter for it to be considered in a relevant and informed way. He said that had the proposer of the motion contacted him before submitting the motion, he could have given advice on wording.

The Chairman recommended Mr Freeman to attend other meetings of the Council, such as Cabinet and Overview and Scrutiny, to listen to debates.

Marianne Rixson asked why meetings had been brought forward to decide on office relocation when she understood at the December meeting of the Council that the decision would be delayed until after the May elections.

In response, the Chief Executive advised that the agenda for the 11 March Cabinet would set out the office relocation proposals and this would give reassurance.

***49 Minutes**

The minutes meeting of the Council held on 17 December 2014 were confirmed and signed as a true record.

***50 Declarations**

Cllr Jill Elson – Min no. 52

Personal interest

Reason: Trustee and Chair of Exmouth and District Community Transport Group

Cllr Trevor Cope – Min no. 52

Personal interest

Reason: Trustee of Exmouth and District Community Transport Group

Cllr Trevor Cope – Min no. 54

Personal interest

Reason: Education Authority employee

***51 Chairman/Leader notices/announcements**

The Chairman asked Members to note dates of forthcoming meetings:

The Cabinet meeting, scheduled for 18 March, had been brought forward a week and would now be held on **Wednesday 11 March at 5.30 pm.**

A joint meeting of Overview and Scrutiny Committee and Audit and Governance Committee would be held on **Thursday 12 March at 5pm.** This was an additional single-issue meeting to discuss and make recommendations on the office relocation report, which will have been discussed by Cabinet the previous evening. The recommendations of Cabinet would be referred to that joint meeting. The Chief Executive would be issuing detailed arrangements for this joint meeting in due course.

An Extra Ordinary meeting of the Council was going to be held on **Wednesday 25 March at 6.30 pm** to make a decision on the office relocation proposals. Recommendations from Cabinet and the combined Overview and Scrutiny and Audit and Governance Committee would be reported to that meeting.

***52 Revenue Estimates, Capital Programme and Council Tax 2015/16**

The Chairman advised that in line with legislation that came into force on 25 February 2014, The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a recorded vote would be taken on the budget decision.

Members considered the report of the Section 151 Finance Officer and the recommendations of the Cabinet from its meeting on 11 February 2015 relating to the Revenue and Capital Estimates – the purpose of the report was to enable the Council to calculate and set the Council Tax for 2015/16.

The precepts from Devon County Council, Police and Crime Commissioner for Devon and Cornwall, Devon & Somerset Fire & Rescue Authority and town and parish councils (preceptors) had been added to EDDC's Council Tax requirement. This Council, as billing authority would formally set the Council Tax for the area to include all the amounts to be collected.

The Chairman invited the Leader of the Council, Councillor Diviani, to present the Revenue Estimates and Capital Programme together with proposals for the Council Tax for 2015/16.

Councillor Diviani thanked Officers for preparing the budget and the excellent work undertaken throughout the year to provide Councillors with regular updates on expenditure and revenue generation to help with budget monitoring. Particular thanks were also paid to Councillor Cox, Finance Portfolio Holder. The valued work of Cabinet and the Chairmen of Overview and Scrutiny, Licensing and Enforcement, and Audit and Governance was also acknowledged.

The Leader advised that this was the first time since he had taken office that there had been an increase in overall central Government funding to the Council; this increase equated to 2.7%. However, he reminded that we were still in austere times and this was unlikely to change for the next few years, therefore firm measures were required to respond to anticipated future cuts to Government funding.

The budget presented was the Council's continued defence against any economic downturn; to ensure we were well-placed to take advantage of any upturns in the

economy when they arose. It was recognised that the Public Sector needed to work more closely together for the benefit of all by reducing running costs, sharing services and systems, where a dedicated local team can best deliver.

During his presentation the Leader referred to the following:

- Revenue Income - The Council's income was made up of roughly a quarter in Council Tax, a quarter in Central Government Grant, and just over half in fees and charges.
- Council Tax - For the sixth year, Council Tax was recommended to be frozen at the 2010 level, with the Council continuing to deliver a wide range of important services to the communities in the district. The Council had the lowest Council Tax in Devon and was currently the 15th lowest in the country.
- Members' Allowances - It was recommended that Members' allowances be frozen for a further year.
- Central Government Grant - East Devon, as a sparsely populated rural Authority, had been penalised by the Government formula, which favoured urban areas. MP Neil Parish had been at the forefront in pressing Government for fairer funding. There was an indication that Government expected councils to move away from reliance on government grant towards self-sufficiency through use of the New Homes Bonus (NHB) monies and the business rate, NNDR.
- Capital Developments & the New Growth Point - A Capital budget of £9.860m was proposed for approval. The NHB contributed £1.031m this year; housing delivery in the New Growth Point was accelerating. In the next few months 1000 homes would be occupied, together with delivery of some key infrastructure and community facilities. The second stage in housing and the town centre would be the next challenge.
- Economy - Skypark, Science Park and the new super computer at the Met Office were all proceeding despite difficult times.
96 % of invoices received by the Council were paid within 10 days, mostly to local firms.
The Council's record on appeals was one of the best in the country at 75%.
Credit was paid to the Chairman of Development Management Committee and the planning teams for achieving this result.
Visitors to the area contributed significant amounts to East Devon's economy and investment in both the Countryside and AONB Teams recognised the importance of providing access to and enhancement of the district's nationally and internationally important landscape.
The Council also supported Tourist Information Centres (TICs) throughout the District by funding the premises and NNDR costs of locally operated TICs. In Exmouth funding had been made available from the Council to local management groups to sustain this activity in the current financial year.
Examples of where the Council had looked to use its assets to generate renewal, investment and economic were outlined.
- Recycling - The budget presented made provision for the expansion of recycling and improving collection levels. The waste collection contract was due for renewal next year; the Council's aspiration for kerbside collection of plastic and cardboard was likely to form an integral part of the tendering process.
- Culture - A Council Grant of £40,000 had been received by the Thelma Hulbert Gallery to continue and expand their award winning work with schools and community groups (including hard-to-reach audiences). The Manor Pavilion Theatre also continued to achieve great success.

- Housing - Council houses continued to be built, helping to reduce waiting times and homelessness. Thanks were paid to the Strategic Lead for Housing and his teams for all their work on the Health and Wellbeing agenda.

In conclusion, the Leader thanked Officers and Councillors for their co-operation and input into the preparation of this budget, which aimed to give the people of East Devon the best possible service at the lowest possible price.

The Leader proposed that the Council Tax requirement for 2015/16 be set at £6.73m with a resulting Council Tax Band D of £121.78 and that the budget be agreed as presented in the Council papers and moved the printed recommendations set out in Appendix A to the report.

The proposal was seconded by Councillor David Cox, Portfolio Holder – Finance who was pleased to support the budget as presented. He highlighted the Council's achievement in freezing the EDDC's Council Tax precept for a sixth consecutive year. The Council would benefit from directly associated Government grants and reported that this funding would be added to future grant allocation. However, the Government's Deficit Reduction Programme affected the Formula Grant and because of this on-going reduction and increasing demand for services, the Council had to plan for future austerity. He spoke out against the unfair allocation of Government Grant – rural authorities were underfunded compared with urban authorities and questioned why this was the case when rural workers were generally lower paid.

He said that effective work had been carried out by the finance team, Cabinet and Overview and Scrutiny Committee to deliver a balanced budget for 2015/16. He said that the budget process was much more transparent and inclusive than in the past. More detailed information had been made available and helpfully presented. However, looking ahead, the predicted increasing budget gap to 2020/21 would mean that the Council had to adopt new ways of working and make tough choices so that essential services would continue to be delivered.

In supporting the proposal, Councillor Ken Potter, Chairman of Audit and Governance Committee and his Vice Chairman, Peter Bowden, highlighted the very positive comments made in the Annual Audit letter. This stated that the Council had achieved value for money and showed a good record of financial management. Councillor Potter thanked those involved with this achievement, the good housekeeping, and referred to the detailed and thorough work carried out by his Committee.

Other points raised included:

- The increase in the civic budget reflected a different apportionment of overheads; the actual cash value of the budget remained as in previous years.
- Money was being wasted on the proposed relocation.
- Being able to retain a Council Tax freeze whilst maintaining service delivery was regarded as a real achievement in difficult times.
- Improvement to the budget process – increased transparency including information on the number of people employed, clarification of discretionary and non-discretionary activities and extent of use of external consultants.
- Credit was given to the Strategic Lead – Finance and his team for their work on the budgets and the way financial information had been presented.

- The Council's prudent approach to financial management had enabled a balanced budget to be presented and allowed the Council to progress a number of projects despite challenging financial times.
- Homes being delivered in Cranbrook were helping to serve the rest of the district's housing needs; the Council was benefiting from new homes bonus monies as a result.
- The proposal to increase the in-house legal team would help to reduce the requirement to buy-in legal advice.

The proposal as printed in Appendix A to the report was put to the vote and carried.

RESOLVED:

1. that it be noted that on 7 January 2015 the Cabinet (minute reference 143 refers) calculated the Council Tax Base 2015/16
 - a) for the whole Council area as 55,289 [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; and
 - b) for dwellings in those parts of its area to which a Parish precept relates as detailed in Schedule 1 attached.
2. that as a preliminary step, calculate that the Council Tax requirement for the Council's own purposes for 2015/16 (excluding Parish precepts) is £6,733,090
3. that the following amounts be calculated for the year 2015/16 in accordance with Sections 30 to 36 of the Act
 - a) £92,015,137 - being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.
 - b) £82,955,508 - being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
 - c) £9,059,629 - being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act).
 - d) £163.86 - being the amount at 3(c) above (Item R), all divided by Item T (1(a) above), calculated by the Council in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).
 - e) £2,326,539 - being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act (as per the attached Schedule 1).
 - f) 121.78 - being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by Item T (1(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.
 - g) The amounts stated in column 5 of the schedule 1 attached given by adding to the amount at 3(f) above the amounts of the special item or items relating to dwellings in those parts of the Council's area specified in column 1 of Schedule 1 divided in each case by the amount at 1(a) above, calculated by the Council in accordance with Section 34(3) of the Act, as the basic amounts of its Council tax for the year for dwellings in those parts of its area set out in column 1 of Schedule 1 to which one or more special items relate.

- h) The amounts set out in Schedule 2 attached given by multiplying the amounts at 3(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.
4. That it be noted that for the year 2015/2016 Devon County Council, Police and Crime Commissioner for Devon and Cornwall and Devon and Somerset Fire and Rescue Authority have stated the following amounts in precepts issued to the District Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

Precepting Authority

Valuation Bands	Devon County Council	Police and Crime Commissioner for Devon & Cornwall	Devon & Somerset Fire & Rescue
A	£774.18	£112.98	£52.28
B	£903.21	£131.81	£60.99
C	£1,032.24	£150.64	£69.71
<u>D</u>	<u>£1,161.27</u>	<u>£169.47</u>	<u>£78.42</u>
E	£1,419.33	£207.13	£95.85
F	£1,677.39	£244.79	£113.27
G	£1,935.45	£282.45	£130.70
H	£2,322.54	£338.94	£156.84

5. that, having calculated the aggregate in each case of the amounts at 3 (h) and 4 above, the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the amounts set out in Schedule 3 attached as the amounts of council tax for the year 2015/2016 for each of the categories of dwellings shown in Schedule 3.
6. that the Council has determined that its relevant basic amount of Council Tax for 2015/16 is **not** excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992. As the billing authority, the Council has **not** been notified by a major precepting authority that its relevant basic amount of Council Tax for 2015/16 is excessive and therefore the billing authority is not required to hold a referendum in accordance with Section 52ZK Local Government Finance Act 1992.

Recorded vote on the budget:

(in compliance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014)

Councillors Susie Bond, Peter Burrows, Trevor Cope, Martin Gammell, Roger Giles, Douglas Hull, Ben Ingham, Brenda Taylor and Claire Wright voted against the proposal - (9).

Councillors Bob Buxton and Graham Troman abstained from voting - (2).

All other Councillors present voted in favour of the budget (Majority – 39)

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

Eleven questions had been submitted in accordance with Procedure Rule 9.2 - the printed [questions and answers](#) were circulated at the meeting. Councillors submitting questions are entitled to put a related supplementary question (Procedure Rule 9.5). The responses to the supplementary questions are set out below.

- a) **Question 7** – In response to a supplementary question about the future opening of the Chine Cafe in Seaton, the Chairman advised Councillor Peter Burrows that he would contact the relevant officer and ask her to send a response to him direct.
- b) **Question 10** – In response to a supplementary question about tourism activity, Councillor Sheila Kerridge, Member Champion for Tourism advised that she had attended a presentation in July 2012 at Seaton Town Hall given by the Jurassic Coast Marine Heritage Team promoting the Jurassic Coast Marine Link. Councillor Kerridge had subsequently met with the now retired Economic Development Manager to discuss holding a meeting at Knowle to which all interested Stakeholders - including East Devon's Chambers of Commerce - could be invited. For various reasons, this meeting has yet to be held and so to progress the initiative, Councillor Kerridge had now asked for the Jurassic Coast Marine Heritage Link presentation to be included on the agenda of the Overview and Scrutiny Committee. All Members and interested parties would be invited to attend.

***54 Minutes of Cabinet and Committees**

RESOLVED

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

Cabinet

Minutes 134 - 155, 156 - 180

Development Management Committee

Minutes 41 - 46, 47 - 51, 52 - 56

Planning Inspections Committee

Minutes 19 - 21

Standards Committee

Minutes 11 - 18

Audit and Governance Committee

Minutes 36 - 45

Licensing and Enforcement Sub Committee

Minutes 17 – 19, 20 – 22, 23 - 25

RESOLVED

2. that the under-mentioned minutes be received.

Cabinet (minutes 163, 164) had noted or accepted the following Overview/Scrutiny Committees' recommendations with or without amendment.

Overview and Scrutiny Committee

Minutes 55 – 57, 58 - 67

Housing Review Board

Minutes 57 - 73

Arising from consideration of the above minutes:-

a) Office relocation update (Minute 61 Overview and Scrutiny Committee)

Councillor Claire Wright questioned why the decision to relocate the Council offices was being considered before the May elections. She said that costs were escalating and that there were inaccuracies in the base data – including in respect of the site footprint and predicted energy costs. She said that there had been insufficient consultation and that not enough information had been made publicly available. She asked for the decision to be deferred until after the elections.

Councillor Tim Wood, Chairman of the Overview and Scrutiny Committee assured Members that the joint Committee on 12 March 2015 would objectively scrutinise the whole relocation project and confirmed that the item would be considered in public. Internal and external auditors would be present to answer questions on financial information and governance. There would be a full and detailed debate on the merits or otherwise of the proposed relocation.

b) Housing Review Board

In presenting the minutes, Chairman, Councillor Pauline Stott said that the Council was meeting its housing priority by increasing the housing stock and number of affordable homes within the district. She invited Councillors to help local people put their names on the waiting list for Council accommodation so that they could benefit from the Devon Home Choice scheme if they met the necessary criteria. Councillor Stott also referred to the valued Men's Shed initiative in Exmouth, which was directly benefiting the community.

c) Development Management Committee

In presenting the minutes, Chairman, Councillor Helen Parr referred to the Council's successful record in winning appeals made against its planning decisions. She said that the statistics were very impressive and clearly indicated Planning Inspectorate support for decisions made and the Council's effective use of sound planning reasons and policy. The Council's position would be further strengthened when the Local Plan was approved and in place.

d) Implications of changes to Government guidance on infrastructure contributions through planning obligations (Minute 43 Development Management Committee)

Councillor Helen Parr advised that despite the Council's robust opposition to the proposed changes during the consultation process, Government had made changes to guidance on infrastructure contributions.

The Portfolio Holder for Sustainable Homes and Communities advised that she had advised the local MPs of the Council's concerns about this change in guidance and asked for their support in trying to get contributions through planning obligations reinstated for the benefit of local communities. She added that the greatest impact was on rural areas and spoke of the need to sustain communities and the viability of schools. However, she advised that alternative funding to extend and refurbish schools was available and gave examples within the district.

e) Councillor attendance at committee meetings (Minute 17 Standards Committee)

RESOLVED

that the proposal to find a suitable system for recording Councillor attendance at committee meetings be referred to the Corporate Business Task and Finish Forum to be considered as part of the wider work on improving and modernising the Council's meetings' procedures.

f) Audit and Governance Committee

In presenting the minutes, Chairman, Councillor Ken Potter advised that the Annual Audit Letter was positive with unqualified opinion in respect of Council's accountancy function, its delivery of value for money and its benefits systems. This put the Council in a unique position of which Councillors should be duly proud. Councillor Potter proposed that the Strategic Lead – Finance and his teams be congratulated for their excellent work on the Council's behalf.

g) Office Relocation project assurance (Minute 42 Audit and Governance Committee)

Councillor Potter confirmed that office relocation cost details would be included in the reports taken to the Combined Committee meeting on 12 March.

h) Licensing and Enforcement Committee

In presenting the minutes, Chairman, Councillor Steve Hall said that licensing and enforcement was a vital function of the Council. The Council's licensing team had excellent relations with the Police, other local authorities and licensed businesses. He was proud to announce that the licensing service had been awarded Customer Service Excellence for an unprecedented sixth consecutive year running. Feedback had praised the commitment of the team across the board and included seven areas of Compliance Plus.

Councillor Hall also referred to the successful challenge of the veracity of supermarket employees' members' clubs. This had gained the interest and support of the Gambling Commission who, as a result, was seeking talks with the main supermarket chains to provide guidance.

Councillor Hall complimented the team for their valued efforts and for maintaining such high standards.

***55 Motion – East Devon District Council Scrutiny**

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

“This council strongly recommends a future district council (after 7th May 2015) to create a new committee to deal with development strategy for East Devon. Its primary ongoing role will be to ensure East Devon has an adopted local plan in place at all times and which will ensure that housing development takes account of local need, the desires of local people, and environmental and other constraints. The new strategic planning committee should as a matter of the utmost urgency address the previous administration’s failure to deliver an adopted local plan, which has placed East Devon under threat from rapacious developers, and has resulted in inappropriate development in many parts of East Devon.”

RESOLVED

that in the light of changes made to the Council’s Constitution at the annual meeting of the Council in May 2014 and similar deliberations already being undertaken by the Corporate Business Think Tank and the Overview and Scrutiny Committee, the first part of this motion be considered by these meetings within the wider brief of reviewing and modernising committee procedures.

***56 STRATA Joint Scrutiny Committee**

RESOLVED

that Councillors Mike Allen and Mike Howe (Conservative Group), Steve Gazzard (Liberal Democrats Group) and Geoff Pook (Independent) be appointed as substitute members of the STRATA Joint Scrutiny Committee

(The Committee’s constitution allowed use of substitute members if at least 24 hours notice has been given to the Proper Officer.)

Attendance list

Councillors present:

Graham Godbeer, Chairman
Christine Drew, Vice Chairman
David Atkins
Ray Bloxham
Susie Bond
Peter Bowden
Peter Burrows
Bob Buxton
David Chapman
Maddy Chapman
Iain Chubb
Trevor Cope
David Cox
Alan Dent
Paul Diviani
Vivien Duval Steer
Jill Elson
Martin Gammell
Steve Gazzard
Roger Giles
Pat Graham
Steve Hall
Tony Howard
Mike Howe
Stuart Hughes
Douglas Hull
John Humphreys
Ben Ingham
Stephanie Jones
Sheila Kerridge
David Key
Jim Knight
Andrew Moulding
Frances Newth
John O'Leary
Helen Parr
Geoff Pook
Ken Potter
Pauline Stott
Peter Sullivan
Brenda Taylor
Ian Thomas
Graham Troman
Phil Twiss
Mark Williamson
Tim Wood
Eileen Wragg
Steve Wragg
Claire Wright
Tom Wright

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Simon Davey, Strategic Lead – Finance
John Golding, Strategic Lead – Housing and Environment
Rachel Pocock, Corporate Legal and Democratic Services Manager
Henry Gordon Lennox, Service Lead – Legal
Diana Vernon, Democratic Services Manager
Hannah Whitfield, Democratic Services Officer

Councillor apologies:

Mike Allen
Roger Boote
Geoff Chamberlain
Deborah Custance Baker
Peter Halse
John Jeffery
Philip Skinner
Chris Wale

Honorary Aldermen apologies:

Vivienne Ash
Ann Liverton
Graham Liverton
Bob Peachey

Chairman

Date.....

SCHEDULE 1 2015/16

Parish	Parish Precept	Tax Base	Basic Parish Tax	Basic Tax Parish + EDDC	Basic Tax + DCC + Fire Authority + Police & Crime Comm D&C
	£		£	£	£
All Saints	8,019	250	32.08	153.86	1,563.02
Awliscombe	3,732	229	16.30	138.08	1,547.24
Axminster	138,817	2449	56.68	178.46	1,587.62
Axmouth	11,078	242	45.78	167.56	1,576.72
Aylesbeare	6,200	257	24.12	145.90	1,555.06
Beer	15,584	654	23.83	145.61	1,554.77
Bishops Clyst	21,730	512	42.44	164.22	1,573.38
Brampford Speke	6,214	145	42.86	164.64	1,573.80
Branscombe	7,255	326	22.25	144.03	1,553.19
Broadclyst	116,478	1263	92.22	214.00	1,623.16
Broadhembury	7,568	296	25.57	147.35	1,556.51
Buckerell	2,857	112	25.51	147.29	1,556.45
Budleigh Salterton	95,251	2716	35.07	156.85	1,566.01
Chardstock	5,656	404	14.00	135.78	1,544.94
Clyst Honiton	3,370	100	33.70	155.48	1,564.64
Clyst Hydon	2,281	121	18.85	140.63	1,549.79
Clyst St George	5,930	351	16.89	138.67	1,547.83
Clyst St Lawrence	-	44	0.00	121.78	1,530.94
Colaton Raleigh	6,263	296	21.16	142.94	1,552.10
Colyton	46,988	1409	33.35	155.13	1,564.29
Combe Raleigh	1,160	93	12.47	134.25	1,543.41
Combpyne-Rousdon	3,425	193	17.75	139.53	1,548.69
Cotleigh	3,530	104	33.94	155.72	1,564.88
Cranbrook	44,148	849	52.00	173.78	1,582.94
Dalwood	6,047	209	28.93	150.71	1,559.87
Dunkeswell	25,724	557	46.18	167.96	1,577.12
East Budleigh with Bicton	20,015	494	40.52	162.30	1,571.46
Exmouth	372,757	12250	30.43	152.21	1,561.37
Farringdon	3,556	146	24.36	146.14	1,555.30
Farway	1,741	131	13.29	135.07	1,544.23
Feniton	14,958	622	24.05	145.83	1,554.99
Gittisham	7,143	238	30.01	151.79	1,560.95
Hawkchurch	6,831	248	27.54	149.32	1,558.48
Honiton	206,859	3725	55.53	177.31	1,586.47
Huxham	-	38	0.00	121.78	1,530.94
Kilmington	10,151	392	25.90	147.68	1,556.84
Luppitt	10,569	208	50.81	172.59	1,581.75
Lymptone	36,400	813	44.77	166.55	1,575.71
Membury	4,495	265	16.96	138.74	1,547.90
Monkton	5,068	77	65.82	187.60	1,596.76
Musbury	4,629	225	20.57	142.35	1,551.51
Netherexe	-	25	0.00	121.78	1,530.94
Newton Popleford	37,500	885	42.37	164.15	1,573.31
Northleigh	2,191	86	25.48	147.26	1,556.42
Offwell	3,062	185	16.55	138.33	1,547.49
Otterton	10,100	291	34.71	156.49	1,565.65
Ottery St Mary	162,651	3545	45.88	167.66	1,576.82
Payhembury	5,453	292	18.68	140.46	1,549.62
Plymtree	3,709	250	14.84	136.62	1,545.78
Poltimore	5,660	127	44.57	166.35	1,575.51
Rewe	6,352	188	33.79	155.57	1,564.73
Rockbeare	19,937	331	60.23	182.01	1,591.17
Seaton	203,886	2997	68.03	189.81	1,598.97
Sheldon	986	82	12.02	133.80	1,542.96
Shute	4,634	284	16.32	138.10	1,547.26
Sidmouth	413,328	6855	60.30	182.08	1,591.24
Southleigh	1,918	103	18.62	140.40	1,549.56
Stockland	5,048	329	15.34	137.12	1,546.28
Stoke Canon	7,725	232	33.30	155.08	1,564.24
Talaton	8,353	247	33.82	155.60	1,564.76
Uplyme	20,247	852	23.76	145.54	1,554.70
Uptontery	11,528	310	37.19	158.97	1,568.13
Upton Pyne	5,935	214	27.73	149.51	1,558.67
Whimble	19,079	703	27.14	148.92	1,558.08
Widworthy	2,103	135	15.58	137.36	1,546.52
Woodbury	59,757	1344	44.46	166.24	1,575.40
Yarcombe	4,920	213	23.10	144.88	1,554.04

**SCHEDULE 2 2015/16
EAST DEVON DISTRICT COUNCIL INCLUDING SPECIAL ITEMS (Town and Parish tax)**

Parish	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
	£	£	£	£	£	£	£	£
All Saints	102.58	119.67	136.77	153.86	188.05	222.24	256.44	307.72
Awliscombe	92.06	107.40	122.74	138.08	168.76	199.44	230.14	276.16
Axminster	118.98	138.80	158.63	178.46	218.12	257.77	297.44	356.92
Axmouth	111.71	130.33	148.94	167.56	204.79	242.03	279.27	335.12
Aylesbeare	97.27	113.48	129.69	145.90	178.32	210.74	243.17	291.80
Beer	97.08	113.25	129.43	145.61	177.97	210.32	242.69	291.22
Bishops Clyst	109.48	127.73	145.97	164.22	200.71	237.20	273.70	328.44
Bramford Speke	109.76	128.06	146.35	164.64	201.22	237.81	274.40	329.28
Branscombe	96.02	112.03	128.03	144.03	176.03	208.04	240.05	288.06
Broadclyst	142.67	166.45	190.22	214.00	261.55	309.11	356.67	428.00
Broadhembury	98.24	114.61	130.98	147.35	180.09	212.83	245.59	294.70
Buckerell	98.20	114.56	130.93	147.29	180.02	212.75	245.49	294.58
Budleigh Salterton	104.57	122.00	139.42	156.85	191.70	226.56	261.42	313.70
Chardstock	90.52	105.61	120.69	135.78	165.95	196.12	226.30	271.56
Clyst Honiton	103.66	120.93	138.21	155.48	190.03	224.58	259.14	310.96
Clyst Hydon	93.76	109.38	125.01	140.63	171.88	203.13	234.39	281.26
Clyst St George	92.45	107.86	123.26	138.67	169.48	200.30	231.12	277.34
Clyst St Lawrence	81.19	94.72	108.25	121.78	148.84	175.90	202.97	243.56
Colaton Raleigh	95.30	111.18	127.06	142.94	174.70	206.46	238.24	285.88
Colyton	103.42	120.66	137.89	155.13	189.60	224.07	258.55	310.26
Combe Raleigh	89.50	104.42	119.33	134.25	164.08	193.91	223.75	268.50
Compyne-Rousdon	93.02	108.53	124.03	139.53	170.53	201.54	232.55	279.06
Cotleigh	103.82	121.12	138.42	155.72	190.32	224.92	259.54	311.44
Cranbrook	115.86	135.16	154.47	173.78	212.40	251.01	289.64	347.56
Dalwood	100.48	117.22	133.97	150.71	184.20	217.69	251.19	301.42
Dunkeswell	111.98	130.64	149.30	167.96	205.28	242.60	279.94	335.92
East Budleigh with Bicton	108.20	126.24	144.27	162.30	198.36	234.43	270.50	324.60
Exmouth	101.48	118.39	135.30	152.21	186.03	219.85	253.69	304.42
Farringdon	97.43	113.67	129.90	146.14	178.61	211.09	243.57	292.28
Farway	90.05	105.06	120.06	135.07	165.08	195.10	225.12	270.14
Feniton	97.22	113.43	129.63	145.83	178.23	210.64	243.05	291.66
Gittisham	101.20	118.06	134.93	151.79	185.52	219.25	252.99	303.58
Hawkchurch	99.55	116.14	132.73	149.32	182.50	215.68	248.87	298.64
Honiton	118.21	137.91	157.61	177.31	216.71	256.11	295.52	354.62
Huxham	81.19	94.72	108.25	121.78	148.84	175.90	202.97	243.56
Kilmington	98.46	114.86	131.27	147.68	180.50	213.31	246.14	295.36
Luppitt	115.06	134.24	153.41	172.59	210.94	249.29	287.65	345.18
Lypmstone	111.04	129.54	148.05	166.55	203.56	240.57	277.59	333.10
Membury	92.50	107.91	123.33	138.74	169.57	200.40	231.24	277.48
Monkton	125.07	145.91	166.76	187.60	229.29	270.97	312.67	375.20
Musbury	94.90	110.72	126.53	142.35	173.98	205.61	237.25	284.70
Netherexe	81.19	94.72	108.25	121.78	148.84	175.90	202.97	243.56
Newton Popleford	109.44	127.67	145.91	164.15	200.63	237.10	273.59	328.30
Northleigh	98.18	114.54	130.90	147.26	179.98	212.70	245.44	294.52
Offwell	92.22	107.59	122.96	138.33	169.07	199.81	230.55	276.66
Otterton	104.33	121.72	139.10	156.49	191.26	226.04	260.82	312.98
Ottery St Mary	111.78	130.40	149.03	167.66	204.92	242.17	279.44	335.32
Payhembury	93.64	109.25	124.85	140.46	171.67	202.88	234.10	280.92
Plymtree	91.08	106.26	121.44	136.62	166.98	197.34	227.70	273.24
Poltimore	110.90	129.39	147.87	166.35	203.31	240.28	277.25	332.70
Rewe	103.72	121.00	138.29	155.57	190.14	224.71	259.29	311.14
Rockbeare	121.34	141.57	161.79	182.01	222.45	262.90	303.35	364.02
Seaton	126.54	147.63	168.72	189.81	231.99	274.17	316.35	379.62
Sheldon	89.20	104.07	118.93	133.80	163.53	193.26	223.00	267.60
Shute	92.07	107.41	122.76	138.10	168.79	199.47	230.17	276.20
Sidmouth	121.39	141.62	161.85	182.08	222.54	263.00	303.47	364.16
Southleigh	93.60	109.20	124.80	140.40	171.60	202.80	234.00	280.80
Stockland	91.42	106.65	121.89	137.12	167.59	198.06	228.54	274.24
Stoke Canon	103.39	120.62	137.85	155.08	189.54	224.00	258.47	310.16
Talaton	103.74	121.02	138.31	155.60	190.18	224.75	259.34	311.20
Uplyme	97.03	113.20	129.37	145.54	177.88	210.22	242.57	291.08
Upottery	105.98	123.65	141.31	158.97	194.29	229.62	264.95	317.94
Upton Pyne	99.68	116.29	132.90	149.51	182.73	215.95	249.19	299.02
Whimple	99.28	115.83	132.37	148.92	182.01	215.10	248.20	297.84
Widworthy	91.58	106.84	122.10	137.36	167.88	198.40	228.94	274.72
Woodbury	110.83	129.30	147.77	166.24	203.18	240.12	277.07	332.48
Yarcombe	96.59	112.69	128.78	144.88	177.07	209.27	241.47	289.76

SCHEDULE 3 2015/16
EAST DEVON DISTRICT COUNCIL INCLUDING SPECIAL ITEMS, DEVON COUNTY COUNCIL, POLICE AND CRIME COMMISSIONER
FOR DEVON & CORNWALL and DEVON & SOMERSET FIRE & RESCUE AUTHORITY

Parish	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
	£	£	£	£	£	£	£	£
All Saints	1,042.02	1,215.68	1,389.36	1,563.02	1,910.36	2,257.69	2,605.04	3,126.04
Awliscombe	1,031.50	1,203.41	1,375.33	1,547.24	1,891.07	2,234.89	2,578.74	3,094.48
Axminster	1,058.42	1,234.81	1,411.22	1,587.62	1,940.43	2,293.22	2,646.04	3,175.24
Axmouth	1,051.15	1,226.34	1,401.53	1,576.72	1,927.10	2,277.48	2,627.87	3,153.44
Aylesbeare	1,036.71	1,209.49	1,382.28	1,555.06	1,900.63	2,246.19	2,591.77	3,110.12
Beer	1,036.52	1,209.26	1,382.02	1,554.77	1,900.28	2,245.77	2,591.29	3,109.54
Bishops Clyst	1,048.92	1,223.74	1,398.56	1,573.38	1,923.02	2,272.65	2,622.30	3,146.76
Bramford Speke	1,049.20	1,224.07	1,398.94	1,573.80	1,923.53	2,273.26	2,623.00	3,147.60
Branscombe	1,035.46	1,208.04	1,380.62	1,553.19	1,898.34	2,243.49	2,588.65	3,106.38
Broadclyst	1,082.11	1,262.46	1,442.81	1,623.16	1,983.86	2,344.56	2,705.27	3,246.32
Broadhembury	1,037.68	1,210.62	1,383.57	1,556.51	1,902.40	2,248.28	2,594.19	3,113.02
Buckerell	1,037.64	1,210.57	1,383.52	1,556.45	1,902.33	2,248.20	2,594.09	3,112.90
Budleigh Salterton	1,044.01	1,218.01	1,392.01	1,566.01	1,914.01	2,262.01	2,610.02	3,132.02
Chardstock	1,029.96	1,201.62	1,373.28	1,544.94	1,888.26	2,231.57	2,574.90	3,089.88
Clyst Honiton	1,043.10	1,216.94	1,390.80	1,564.64	1,912.34	2,260.03	2,607.74	3,129.28
Clyst Hydon	1,033.20	1,205.39	1,377.60	1,549.79	1,894.19	2,238.58	2,582.99	3,099.58
Clyst St George	1,031.89	1,203.87	1,375.85	1,547.83	1,891.79	2,235.75	2,579.72	3,095.66
Clyst St Lawrence	1,020.63	1,190.73	1,360.84	1,530.94	1,871.15	2,211.35	2,551.57	3,061.88
Colaton Raleigh	1,034.74	1,207.19	1,379.65	1,552.10	1,897.01	2,241.91	2,586.84	3,104.20
Colyton	1,042.86	1,216.67	1,390.48	1,564.29	1,911.91	2,259.52	2,607.15	3,128.58
Combe Raleigh	1,028.94	1,200.43	1,371.92	1,543.41	1,886.39	2,229.36	2,572.35	3,086.82
Compyne-Rousdon	1,032.46	1,204.54	1,376.62	1,548.69	1,892.84	2,236.99	2,581.15	3,097.38
Cotleigh	1,043.26	1,217.13	1,391.01	1,564.88	1,912.63	2,260.37	2,608.14	3,129.76
Cranbrook	1,055.30	1,231.17	1,407.06	1,582.94	1,934.71	2,286.46	2,638.24	3,165.88
Dalwood	1,039.92	1,213.23	1,386.56	1,559.87	1,906.51	2,253.14	2,599.79	3,119.74
Dunleswell	1,051.42	1,226.65	1,401.89	1,577.12	1,927.59	2,278.05	2,628.54	3,154.24
East Budleigh with Bicton	1,047.64	1,222.25	1,396.86	1,571.46	1,920.67	2,269.88	2,619.10	3,142.92
Exmouth	1,040.92	1,214.40	1,387.89	1,561.37	1,908.34	2,255.30	2,602.29	3,122.74
Farringdon	1,036.87	1,209.68	1,382.49	1,555.30	1,900.92	2,246.54	2,592.17	3,110.60
Farway	1,029.49	1,201.07	1,372.65	1,544.23	1,887.39	2,230.55	2,573.72	3,088.46
Feniton	1,036.66	1,209.44	1,382.22	1,554.99	1,900.54	2,246.09	2,591.65	3,109.98
Gittisham	1,040.64	1,214.07	1,387.52	1,560.95	1,907.83	2,254.70	2,601.59	3,121.90
Hawkchurch	1,038.99	1,212.15	1,385.32	1,558.48	1,904.81	2,251.13	2,597.47	3,116.96
Honiton	1,057.65	1,233.92	1,410.20	1,586.47	1,939.02	2,291.56	2,644.12	3,172.94
Huxham	1,020.63	1,190.73	1,360.84	1,530.94	1,871.15	2,211.35	2,551.57	3,061.88
Kilmington	1,037.90	1,210.87	1,383.86	1,556.84	1,902.81	2,248.76	2,594.74	3,113.68
Luppitt	1,054.50	1,230.25	1,406.00	1,581.75	1,933.25	2,284.74	2,636.25	3,163.50
Lymptone	1,050.48	1,225.55	1,400.64	1,575.71	1,925.87	2,276.02	2,626.19	3,151.42
Membery	1,031.94	1,203.92	1,375.92	1,547.90	1,891.88	2,235.85	2,579.84	3,095.80
Monkton	1,064.51	1,241.92	1,419.35	1,596.76	1,951.60	2,306.42	2,661.27	3,193.52
Musbury	1,034.34	1,206.73	1,379.12	1,551.51	1,896.29	2,241.06	2,585.85	3,103.02
Netherexe	1,020.63	1,190.73	1,360.84	1,530.94	1,871.15	2,211.35	2,551.57	3,061.88
Newton Popleford	1,048.88	1,223.68	1,398.50	1,573.31	1,922.94	2,272.55	2,622.19	3,146.62
Northleigh	1,037.62	1,210.55	1,383.49	1,556.42	1,902.29	2,248.15	2,594.04	3,112.84
Offwell	1,031.66	1,203.60	1,375.55	1,547.49	1,891.38	2,235.26	2,579.15	3,094.98
Otterton	1,043.77	1,217.73	1,391.69	1,565.65	1,913.57	2,261.49	2,609.42	3,131.30
Ottery St Mary	1,051.22	1,226.41	1,401.62	1,576.82	1,927.23	2,277.62	2,628.04	3,153.64
Payhembury	1,033.08	1,205.26	1,377.44	1,549.62	1,893.98	2,238.33	2,582.70	3,099.24
Plymtree	1,030.52	1,202.27	1,374.03	1,545.78	1,889.29	2,232.79	2,576.30	3,091.56
Poltimore	1,050.34	1,225.40	1,400.46	1,575.51	1,925.62	2,275.73	2,625.85	3,151.02
Rewe	1,043.16	1,217.01	1,390.88	1,564.73	1,912.45	2,260.16	2,607.89	3,129.46
Rockbeare	1,060.78	1,237.58	1,414.38	1,591.17	1,944.76	2,298.35	2,651.95	3,182.34
Seaton	1,065.98	1,243.64	1,421.31	1,598.97	1,954.30	2,309.62	2,664.95	3,197.94
Sheldon	1,028.64	1,200.08	1,371.52	1,542.96	1,885.84	2,228.71	2,571.60	3,085.92
Shute	1,031.51	1,203.42	1,375.35	1,547.26	1,891.10	2,234.92	2,578.77	3,094.52
Sidmouth	1,060.83	1,237.63	1,414.44	1,591.24	1,944.85	2,298.45	2,652.07	3,182.48
Southleigh	1,033.04	1,205.21	1,377.39	1,549.56	1,893.91	2,238.25	2,582.60	3,099.12
Stockland	1,030.86	1,202.66	1,374.48	1,546.28	1,889.90	2,233.51	2,577.14	3,092.56
Stoke Canon	1,042.83	1,216.63	1,390.44	1,564.24	1,911.85	2,259.45	2,607.07	3,128.48
Talaton	1,043.18	1,217.03	1,390.90	1,564.76	1,912.49	2,260.20	2,607.94	3,129.52
Uplyme	1,036.47	1,209.21	1,381.96	1,554.70	1,900.19	2,245.67	2,591.17	3,109.40
Upottery	1,045.42	1,219.66	1,393.90	1,568.13	1,916.60	2,265.07	2,613.55	3,136.26
Upton Pyne	1,039.12	1,212.30	1,385.49	1,558.67	1,905.04	2,251.40	2,597.79	3,117.34
Whimble	1,038.72	1,211.84	1,384.96	1,558.08	1,904.32	2,250.55	2,596.80	3,116.16
Widworthy	1,031.02	1,202.85	1,374.69	1,546.52	1,890.19	2,233.85	2,577.54	3,093.04
Woodbury	1,050.27	1,225.31	1,400.36	1,575.40	1,925.49	2,275.57	2,625.67	3,150.80
Yarcombe	1,036.03	1,208.70	1,381.37	1,554.04	1,899.38	2,244.72	2,590.07	3,108.08

EAST DEVON DISTRICT COUNCIL

Minutes of the Extra Ordinary meeting of the Council held

at Knowle, Sidmouth on 25 March 2015

Attendance list at end of document

The meeting started at 6.30pm and ended at 9.12pm.

***57 Public Speaking**

The Chairman welcomed members of the public to the meeting and invited all those who had indicated their wish to speak to address the Council on matters relating to office relocation.

Jeff Turner said that the proposed relocation project was full of risk and contradiction. He referred to the statement of the Council's achievements sent out with the Council Tax bills and questioned that, if the Council was providing such good services and value for money, why was it planning to change. The Council had been at the Knowle site for 40 years; why was there such a hurry to push the relocation through before the election? He said that the Council was incurring unnecessary risk, that staff should be consulted and greater consideration given to the affect on service delivery. He said that the models used could give a distorted argument and questioned the rationale behind splitting the operation onto two sites. The Council was planning to refurbish Exmouth Town Hall but said that the Knowle was not fit for purpose. He asked Members to reconsider the decision over a longer timeframe.

Dr Gardner said that the risks identified in the document were grossly inaccurate. She said that more detail was needed to assess the risks properly. Only a small number of Councillors had been privy to the decision making process. The original Office Working Party set up to consider the matter had not met for a long time, instead a much smaller group had progressed the project. She said that the Council debt in respect of Council House self-funding was not comparable with that which would be incurred by relocation. She asked how Councillors could assure residents on the risk of financial loss.

Peter Whitfield referred to the application to develop the Knowle site, which had been refused by the Development Management Committee and the reasons for that refusal. He said that the defined development boundary was in defiance of the Local Plan and that the upper terrace area, currently included within the development site, should be excluded; this had not been fully debated. Although the proportion of parkland included within the development site was not great in terms of acreage, the quality of the land should be taken into account. The vistas from the terraces were of the sea and parkland. He referred to the Open Spaces study, which gave a minimum requirement as guidance; that did not mean that open space above that minimum should be described as excessive. Data used for comparison and usage was out of date. He asked that the development site boundary be re-drawn to exclude the terrace area.

John Hollick, Chairman of Sidmouth Town Council, spoke on behalf of his Council. He said that Sidmouth Town Council had consistently opposed the relocation project due to the impact of the move on the town's economy and its businesses and due to the loss of open space and parkland. Loss of business to the town would be to Sidmouth's detriment. Developing part of the site would damage the parkland, would put the

character of the town at risk and deter visitors. He said that the business case for the move was full of contradictions. The development of the Knowle site should only be on the current built footprint. The Knowle land had been handed to the district by Sidmouth Urban Council and disposing of the site was asset stripping Sidmouth and, although may be legally allowed, was not morally right. He did not accept the proposals as they stood.

Paul Arnott asked that when the district council was abolished, what will happen to the new building in Honiton? In response, the Chairman advised that there was no sign of such change but that if the move was shelved for this reason and there was a reorganisation of local government, any successor authority would be likely to sell the whole of the Knowle site without the safeguards that EDDC had currently put in place.

Keith Northover, Chairman of the Knowle Residents Association said that the proposals ignored key issues and failed to meet Council priorities. He asked if Councillors were happy that all options had been considered. He suggested the option of refurbishing the newer part of the Knowle Offices and the Exmouth Town Hall. He said that the value of the Council's assets would be significantly reduced by the proposed move – this was throwing money away as from an investment point of view there would be an immediate £3.5m deficit. There was therefore no compelling investment argument. He said that taking out a loan when the future was so unsure was unwise and that the Council should think ahead about what was best for its customers. He anticipated that the costs would over-run and referred to decisions being made with indecent haste at the end of a period of administration. He asked the Council to reject the relocation plans.

Jeremy Woodward referred to the Council's involvement in a costly case with the Information Tribunal – the Council had appealed the decision. The Information Tribunal was to give its final decision on Friday this week in respect of information on the relocation project currently unavailable to the public. He said that this information would throw a clearer light on the project but that the Council had belittled the information, saying that it was not worthy of current consideration. If that was the case, he questioned why it had been kept from public consideration and deduced that it was to quash public debate and consultation. He asked the Council to wait until the reports were publically available to avoid bringing itself into disrepute.

Michael Temple spoke for the Knowle Residents' Association advising that an application to register Knowle Parkland as an asset of community value had been delivered. The Association had been in discussion with Save Britain's Heritage, which aims to list assets that would otherwise be lost or damaged. The priority was to protect valued amenity from the ravages of development. The application was to secure the whole parkland site for the local community. If the application failed, the Association would go to appeal. He asked the Council to make note of this intention.

Richard Thurlow said that Save Our Sidmouth had written to the Council to advise that the procedure being adopted for appropriation of open space was inaccurate and suggested that the Cabinet should meet again to follow the correct procedure. If this suggestion was rejected, the matter would be taken further. The public should be able to challenge and should have been properly consulted. He urged the Council to reject the proposals but if to be agreed, to exclude the precious area of the terraces from the development site.

Richard Eley said that the problem was the cost analysis. Knowle would be worth more over time as land prices were rising and it was a valuable asset. The relocation model

assumed that the prices would remain static. The report also assumed that reorganisation of local government was unlikely and he questioned this. He said that the decision to relocate would make the future of the Council more uncertain. He asked the Council to use common sense. He referred to Cornwall Council, which was devolving decision making to local communities; by ignoring the wishes of Sidmouth, the Council was hastening the unitary option.

Jacqueline Green referred to the importance of achieving best value. She said that EDDC's negotiating position had been compromised as the Heads of Terms had yet to be agreed with the developer but the Council had accepted the sale price. Other factors such as overage (sums to be paid by the developer in the event that the site was sold on for a profit; this was linked to the sale price) had yet to be agreed. She said that by agreeing the sale price without negotiation in respect of overage first, the Council would not achieve best value.

***58 Declarations**

Cllr Trevor Cope – Min no. 59

Personal interest

Reason: Citizen's Advice Bureau Trustee

***59 Office relocation**

The proposals for relocation of its offices from Knowle, Sidmouth had been considered by Cabinet at its meeting on 11 March 2015 and by the combined meeting of the Audit & Governance and Overview & Scrutiny Committees on 12 March 2015. The recommendations from Cabinet had been supported at the combined meeting, the only amendment (from the Overview and Scrutiny Committee) being an additional recommendation in respect of the proposed land transfer of the Knowle parkland to Sidmouth Town Council. The recommendations from both of these meetings were set out in full on the agenda.

Although present, the Leader was unwell and therefore the Deputy Leader presented this item on his behalf.

In presenting this item, Councillor Andrew Moulding, Strategic Development and Partnerships Portfolio Holder and Deputy Leader said that East Devon had been considering the office relocation carefully and in detail through a variety of options for several years. Throughout that time, the consistent finding has been that the Knowle was not the location for a cost effective or operationally successful local government function and the Council needed to look to the future to provide and deliver the best possible services to all of the people of East Devon. He referred to a site visit to the purpose built offices of West Dorset. These gave an excellent example of effective modern ways of working.

He reminded Councillors that at the Council meeting in December 2014 two things had been made clear and accepted, namely to continue to make progress and engage independent testing of the process, the financial modelling and the assumptions in the project. The numbers had been subject to detailed modelling developed with Grant Thornton, the Council's external auditors. In addition, SWAP, the Council's internal auditors had assessed the project's processes and governance in place. The independently tested modelling had given a comparison between the dual-site option and remaining at Knowle.

Councillor Moulding said that the findings had been supported by Cabinet and the combined meeting of Audit and Governance and Overview and Scrutiny committees; at both meetings, the internal and external auditors had been present to be questioned on their work. A workshop had subsequently been held for Councillors to further consider the financial modelling, raise any concerns and ask questions of the Strategic Lead - Finance and the Relocation Project Manager.

Councillor Moulding emphasised the cost savings that would be achieved and highlighted key figures:

- The Knowle Site offer price agreed is £7-8m
- Exmouth Town Hall modernisation will cost in the region of £1m
- New Offices at Honiton will cost in the region of £7m
- The Council will secure relocation in total for under £10m

Independently verified modelling of whole life costs showed the following:

- Comparing operational expenditure over 20 years between Knowle and the twin site solution of Honiton and Exmouth, the twin sites will save the Council £6m.
- From day 1 of the move and thereafter in the new and modernised offices the Council will be saving on operational expenditure including repayment of borrowing; after 20 years the Council would have cleared the debt.
- To make the move to modern offices £2.1m of long-term borrowing was needed - to stay at the Knowle and do minimum repairs, £2.6m would need to be spent.

What that meant for the future was:

- A Council that can deliver continued quality of service, manage its operational costs and make best use of its assets.
- New and modernised offices based in the heart of the district and in the district's most populace town with a guarantee of availability of services in other towns as people need them.
- A split site operation on land already owned by the Council and sufficiently flexible for what the future might hold.
- A new level of financial certainty for a Council that is in control of its assets not in fear of unpredictable repair or running costs.
- A new asset for Sidmouth both in terms of 3.5 ha of parkland for the Town Council to own as well as a high quality retirement and independent living facility for a town that has a retired population nearly three times the national average.

Councillor Moulding ended the presentation of the proposals by advising that the recommendations for debate addressed a number of actions toward relocation including:

- The reassurance that auditors have given the Council regarding the process, governance and modelling of this project.
- The legal decision to appropriate and dispose of the Knowle site for housing use.
- The various actions and funding agreement that will enable the move to happen including contract for sale of the Knowle and agreeing the project budget for design and contracting of Honiton and Exmouth offices.

- In addition, Council would be tasking officers with investigating whether Exmouth Town Hall modernisation could be brought forward and negotiating the transfer of the extensive remaining Knowle Park to Sidmouth Town Council.

The Chairman invited Councillor Ken Potter, Chairman of Audit and Governance Committee to address the Council. Councillor Potter advised that his Committee had been very much involved in the relocation project over a long period of time. Meetings with auditors as part of the process had been reassuring and as a result, the Audit and Governance Committee had unanimously supported Cabinet's recommendations.

The Chairman invited Councillor Tim Wood, Chairman of Overview and Scrutiny Committee to address the Council. Councillor Wood said that his Committee had scrutinised the figures and asked questions of the auditors and relevant officers present to ensure that an in-depth analysis was properly carried out into the proposals. All relevant information had been made available for the Committee to make a decision on Cabinet's recommendations. An additional recommendation had been put forward by the Committee – that as part of the negotiations with Sidmouth Town Council on land transfer, a covenant is proposed to ensure that the land is not built on and remains as public open space. He added that although the terrace area of the parkland was included within the development site, there was every expectation that the developer would incorporate this area within the design for the benefit and enjoyment of the residents of the new development.

The Chairman invited Councillors to debate on the recommendations set out in the agenda papers. Points raised included:

- The driver for the move was not just that the Knowle offices were old and deteriorating but that they were no longer suitable for the Council operation.
- Honiton was the geographical centre of the district and Exmouth was the largest town – there were therefore logical reasons for the twin-site approach.
- The loss of jobs would have an adverse impact on Sidmouth.

Councillor Graham Troman proposed that the newer part of the Knowle building plus the Civic Suite (Chamber and Members' Area) be retained with the remainder of the old part of Knowle demolished. He said that this, in addition to the refurbished Exmouth Town Hall, would be sufficient for the Council's needs. He asked for the suggestion to be costed.

The proposal was:

'That any decision on the move be deferred to await a full and detailed report on an alternative Knowle model, with this being prepared and reported in the first cycle of meetings of the new Council.'

The amendment was seconded by Councillor Stuart Hughes who questioned why the proposal had not been costed as requested. The proposal would safeguard the jobs in Sidmouth. He referred to the motion which he had proposed in December 2012 which had yet to be debated – 'In the light of the recommendation to abolish District Authorities in the Michael Heseltine report 'No Stone Unturned', this Council puts on hold its Honiton relocation plans until Government has ruled on the recommendations.'

Councillor Hughes said that he believed that whichever Government was in power, that unitary government was likely within 7-8 years. If Devon County Council became a unitary authority, power would be devolved to Sidmouth and a scaled down Knowle office building would probably fit the bill. He said that the grass terraces in front of the current Knowle offices were one of the finest features.

In response to the amendment, the following points were made:

- The proposal would be costly and would not generate the essential capital receipt on which to base borrowing for the necessary refurbishment.
- Sidmouth Ward Councillors were accused of using delaying tactics.
- Knowle was too costly to maintain.
- Unitary authorities were not the solution but if such a reorganisation was to be carried out, the new authority would not be as sympathetic and accommodating to the wishes of Sidmouth.
- The amendment was not a practical solution.
- The 'newer' part of the building was still out of date and not suitable for modern working.
- Staff would suffer in the chaos of the refurbishment that would be required.

It was proposed and supported that a recorded vote be taken on the amendment.

Those in favour – Susie Bond, Roger Boote, Peter Burrows, Bob Buxton, Trevor Cope, Martin Gammell, Roger Giles, Stuart Hughes, Ben Ingham, Sheila Kerridge, Peter Sullivan, Graham Troman, Claire Wright. (13)

Those against – Graham Godbeer, Christine Drew, Paul Diviaini, David Atkins, Ray Bloxham, Peter Bowden, David Chapman, Maddy Chapman, Iain Chubb, David Cox, Deborah Custance Baker, Alan Dent, Vivien Duval-Steer, Jill Elson, Pat Graham, Steve Hall, Peter Halse, Tony Howard, Douglas Hull, John Humphreys, Stephanie Jones, David Key, Andrew Moulding, Frances Newth, John O'Leary, Helen Parr, Geoff Pook, Ken Potter, Pauline Stott, Brenda Taylor, Ian Thomas, Phil Twiss, Chris Wale, Mark Williamson, Tim Wood, Steve Wragg, Tom Wright. (37)

Abstention – Mike Allen (1)

The amendment was lost. Councillors were invited to continue to debate on the recommendations and made the following additional points:

- The Cabinet was a one-party group without opposition.
- The loss of local amenity was fundamental and should not be supported.
- The consultation carried out was not always listened to or was not acted upon. It was not meaningful to carry out consultation after a decision had been made.
- There were mixed opinions in respect of the adequacy of car parking for Exmouth Town Hall.
- There were air quality issues at Honiton.
- Other services used the Town Hall and needed to be accommodated – this included the Citizen's Advice presence.

- The option to use the Town Hall as a twin site had only arisen due to Devon County Council's move from that site. The Council had been flexible enough to take advantage of this opportunity.
- Savings and improved mobile working would mean that the Council would have a greater presence across the district.
- The level of debt was a concern. There was a danger that the Council would have to cut its services.
- The contingency had been reduced from 20% to 15% on advice from the auditors. The aim was to pay a lesser debt in a shorter time.
- There was concern over the financial data and measurements being used.
- Overage and Heads of Terms had yet to be agreed. What penalty clauses were in place should the new Council make a different decision or if local government was reorganised?
- The move would have a serious detrimental effect on Sidmouth.
- The economic impact on Sidmouth was overstated – only about 80 EDDC staff lived in Sidmouth and were likely to continue to do so. The new development with 100 residents would bring more revenue to the town.
- The state of the Knowle buildings was questioned – an independent surveyor had not been allowed to undertake a survey.
- The proposed relocation had not been included in the 2011 manifestos and so the public had been denied the opportunity to influence the decision through the ballot box.
- Why had there not been a maintenance programme for Knowle over the last 15 years so that it remained fit for purpose?
- The Knowle site was not achieving its full market value.
- Knowle was not fit for disabled staff or visitors.
- Doing nothing was not an option, the cost of maintaining the Knowle would inevitably rise; cutting running costs would help to protect services delivered to the public. The costs of remaining at Knowle were greater than moving.
- Having a professional and adaptable workplace would mitigate the risk of change.
- The decision was being made in the best interests of all of the residents of East Devon – this was the Council's duty.
- The transfer of the majority of the parkland to Sidmouth Town Council was a generous offer.
- The Chief Executive had yet to have sight of an application to register the Knowle grounds as an asset of community value.

In summing up Councillor Moulding highlighted the following key points:

- The parkland at Knowle would be retained for public enjoyment.
- The move was for the benefit of the wider district.
- The economic impact was positive – the development would add value to the town.
- If the Knowle building had been maintained in the last 4 years whilst the debate on relocation was on-going, this would have been a waste of taxpayers' money
- If there was a reorganisation of local government, the whole of the Knowle site would be sold off without the protections currently in place for the benefit of Sidmouth.
- Options had been fully explored but this work had come at an inevitable cost.

- The importance of access for disabled people had been taken into account.
- Parking at Exmouth Town Hall would be for visitors and staff with a disability – other staff would park elsewhere.
- £2.8M would be saved over 20 years compared with £3.8M spend if the Council opted to stay at Knowle. This meant that the Council would be in a position to spend the savings on service provision and delivery.

He asked the Council to be brave and bold and make the right decision that would benefit the town and district as a whole.

It was proposed and supported that a recorded vote be taken on each proposal.

Proposal A – 1-3

Those in favour – Graham Godbeer, Christine Drew, Paul Diviani, Mike Allen, David Atkins, Ray Bloxham, Peter Bowden, David Chapman, Maddy Chapman, Iain Chubb, David Cox, Deborah Custance Baker, Alan Dent, Vivien Duval-Steer, Jill Elson, Pat Graham, Steve Hall, Peter Halse, Tony Howard, Douglas Hull, John Humphreys, Stephanie Jones, David Key, Andrew Moulding, John O’Leary, Helen Parr, Geoff Pook, Ken Potter, Pauline Stott, Brenda Taylor, Ian Thomas, Phil Twiss, Chris Wale, Mark Williamson, Tim Wood, Steve Wragg, Tom Wright. (37)

Those against – Susie Bond, Peter Burrows, Trevor Cope, Martin Gammell, Roger Giles, Stuart Hughes, Ben Ingham, Sheila Kerridge, Frances Newth, Peter Sullivan, Graham Troman, Claire Wright. (12)

Abstention – Bob Buxton (1)

Proposal B – 4-5 (subject to clarification that the Knowle site referred to at B4 is that which is defined in the reports submitted to Cabinet – namely the site included within the red line and separate from the ground identified at C13)

Those in favour – Graham Godbeer, Christine Drew, Paul Diviani, Mike Allen, David Atkins, Ray Bloxham, Peter Bowden, David Chapman, Maddy Chapman, Iain Chubb, David Cox, Deborah Custance Baker, Alan Dent, Vivien Duval-Steer, Jill Elson, Pat Graham, Steve Hall, Peter Halse, Tony Howard, Douglas Hull, John Humphreys, Stephanie Jones, David Key, Andrew Moulding, John O’Leary, Helen Parr, Geoff Pook, Ken Potter, Pauline Stott, Brenda Taylor, Ian Thomas, Phil Twiss, Chris Wale, Mark Williamson, Tim Wood, Steve Wragg, Tom Wright. (37)

Those against – Susie Bond, Peter Burrows, Bob Buxton, Trevor Cope, Martin Gammell, Roger Giles, Stuart Hughes, Ben Ingham, Sheila Kerridge, Frances Newth, Peter Sullivan, Graham Troman, Claire Wright. (13)

Proposal C 6-14 (subject to an amendment proposed by Councillor Geoff Pook and seconded by Councillor Phil Twiss that C11 be amended to indicate the target of achieving a break-even position)

The Chief Executive gave assurance that delegated authority to the Deputy Chief Executive to agree Heads of Terms and authority to enter into contract for the sale of Knowle with conditions was based on the price given in confidence to all Councillors. If

there was any change to this price, the Deputy Chief Executive would not have delegated authority and the matter would have to be referred back to Cabinet – the Deputy Chief Executive could not act outside his delegation.

Those in favour – Graham Godbeer, Christine Drew, Paul Diviani, Mike Allen, David Atkins, Ray Bloxham, Peter Bowden, David Chapman, Maddy Chapman, Iain Chubb, David Cox, Deborah Custance Baker, Alan Dent, Vivien Duval-Steer, Jill Elson, Pat Graham, Steve Hall, Peter Halse, Tony Howard, Douglas Hull, John Humphreys, Stephanie Jones, David Key, Andrew Moulding, John O’Leary, Helen Parr, Geoff Pook, Ken Potter, Pauline Stott, Brenda Taylor, Ian Thomas, Phil Twiss, Chris Wale, Mark Williamson, Tim Wood, Steve Wragg, Tom Wright. (37)

Those against – Susie Bond, Peter Burrows, Bob Buxton, Trevor Cope, Martin Gammell, Roger Giles, Stuart Hughes, Ben Ingham, Sheila Kerridge, Frances Newth, Peter Sullivan, Graham Troman, Claire Wright. (13)

RESOLVED:

A) that the following be agreed:

1. the findings of the audit exercises conducted by South West Audit Partnership and Grant Thornton in response to issues raised by December 2014 Full Council and the conclusions set out therein be accepted.
2. the analysis and conclusions on the financial basis for relocating contained within the report be accepted
3. On the basis of the valuation advice and price offered, the Knowle site be disposed of as this would represent ‘best value’ in accordance with the requirements of Section 123 of the Local Government Act 1972.

B) that the following be approved:

4. the Knowle site (as defined in reports submitted to Cabinet within the red line and excluding land identified at C13 below) is no longer required for the purpose of public walks or as a pleasure ground under the Public Health Act 1875.
5. On the basis that the land is no longer required for those purposes to appropriate the Knowle site to housing purposes pursuant to the powers contained in Section 122 of the Local Government Act 1972.

C) that the following be approved:

6. To dispose of the Knowle site for housing / extra care assisted living pursuant to Section 32 of the Housing Act 1985.
7. The Deputy Chief Executive – Development, Regeneration and Partnership in consultation with the Office Accommodation Executive Group be authorised to agree on behalf of EDDC appropriate Heads of Terms with Pegasus Life Ltd.
8. Subject to agreeing the Heads of Terms the Deputy Chief Executive – Development, Regeneration and Partnership be given delegated authority to enter into contract for sale of the Knowle site conditional upon subsequent satisfactory planning approval and such other matters as the Service Lead (Legal and Democratic Services) may advise.
9. EDDC operations be located to Honiton and Exmouth.

10. The Council to conduct consultation with relevant and interested parties to ensure Best Value outcomes are addressed within the relocation to Honiton and Exmouth.
11. A net project budget of £2,221,445 be noted and agreed, (the target being to achieve a break even position) , this being the estimated cost for a new build office accommodation in Honiton (BREEAM very good option) and for the modernisation of Exmouth Town Hall as identified in the table in paragraph D5.6 (of the Cabinet and combined meeting report) less the Capital Receipt for the Knowle. In addition, a budget of £900,630 is required to meet loan interest costs relating to short term and long term funding. Short term cash flow funding will be required totalling £9.2m to meet design and build costs prior to receiving the sale proceeds of £7-8m from the Knowle (financial risks are mitigated by Gateway 7 process detailed in the report). Once the capital receipt is received, the balance of funding required is £2.1m to be funded from a long-term loan over a 20-year period.
12. Officers investigate and progress the opportunity to bring forward the refurbishment of Exmouth Town Hall and take forward new offices in Honiton.
13. Commence detailed discussions on the Council's intention to transfer the retained 3.5196ha of Knowle parkland and the lower car park to Sidmouth Town Council following disposal of the Knowle site and if the principle is accepted by Sidmouth Town Council to progress such transfer including compliance with the relevant statutory procedures for disposal of open space.
14. As part of the negotiations with Sidmouth Town Council on land transfer, a covenant be proposed to ensure that the land is not built on and remains as public open space.

Attendance list - Councillors present:

Graham Godbeer, Chairman
Christine Drew, Vice Chairman
Mike Allen
David Atkins
Ray Bloxham
Susie Bond
Roger Boote
Peter Bowden
Peter Burrows
Bob Buxton
David Chapman
Maddy Chapman
Iain Chubb
Trevor Cope
David Cox
Deborah Custance Baker
Alan Dent
Paul Diviani
Vivien Duval Steer
Jill Elson
Martin Gammell
Roger Giles
Pat Graham
Steve Hall
Peter Halse
Tony Howard
Stuart Hughes
Douglas Hull
John Humphreys
Ben Ingham
Stephanie Jones
Sheila Kerridge
David Key
Andrew Moulding
Frances Newth
John O'Leary
Helen Parr
Geoff Pook
Ken Potter
Pauline Stott
Peter Sullivan
Brenda Taylor
Ian Thomas
Graham Troman
Phil Twiss
Chris Wale
Mark Williamson
Tim Wood
Steve Wragg
Claire Wright
Tom Wright

Honorary Aldermen

Bernard Hughes

Officers:

Mark Williams, Chief Executive

Richard Cohen, Deputy Chief Executive

Simon Davey, Strategic Lead – Finance

Henry Gordon Lennox, Strategic Lead – Legal, Licensing and Democratic Services

Steve Pratten, Office Relocation Manager

Diana Vernon, Democratic Services Manager

Hannah Whitfield, Democratic Services Officer

Councillor apologies:

Geoff Chamberlain

Steve Gazzard

Mike Howe

John Jeffery

Jim Knight

Philip Skinner

Eileen Wragg

Honorary Aldermen apologies:

Ann Liverton

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of the Extra Ordinary meeting of the Council held at Knowle, Sidmouth on 26 March 2015

Attendance list at end of document

The meeting started at 2pm and ended at 5.30pm.

***60 Public Speaking**

The Chairman welcomed members of the public to the meeting and invited all those who had indicated their wish to speak to address the Council on matters relating to the proposed amendments to the Local Plan and Community Infrastructure Levy (CIL) Draft Charging Schedule.

David Mortimer spoke of the need to allow 'organic' growth, through mixed development schemes, in the rural villages in order to support existing facilities and services. He supported the Development Management Committee's recommendation to include Dunkeswell as a sustainable village in revised Strategy 27 of the Plan. He asked that Members also consider the inclusion of Chardstock, which had an undersubscribed village school and a number of other facilities/services, and other villages which had the same or more services/facilities.

Cllr David Mason raised concerns about the defined Cranbrook Plan Study Area, which currently encompassed Rockbeare village, and the proposed allocation of an additional 1550 houses to be accommodated within the defined area. He advised that assurances had been made that there would be no coalescence between the surrounding villages and Cranbrook and therefore requested that the Study Area be amended to exclude the agreed Neighbourhood Areas for Rockbeare, Clyst Honiton and Broadclyst.

Lynne Askew spoke of the importance of having a Masterplan for the whole of the West End to allow for cohesive development and avoid sporadic development. She referred to infrastructure concerns, including junctions 29 and 30 being at near capacity, an insufficient bus service and lack of healthcare provision at Cranbrook. The importance of a clear management plan for the River Clyst and provision of community facilities was also highlighted.

Dr Cathy Gardner spoke of profit being the main incentive for developers, whether building one house or hundreds, and the Council being responsible for managing development in order to protect the District's landscapes for future generations. Housing needed to be balanced with adequate services and infrastructure.

Honorary Alderman Vivienne Ash asked that the consultation on the proposed changes be extended or delayed to take into account the election period. She raised concern that parish and town councils would not be able to respond under the current proposed timetable and that an extension to, or delaying the start, would ensure a more meaningful consultation.

***61 Declarations**

Cllr Stuart Hughes – Min no. 63 & 64

Personal interest

Reason: DCC Cabinet Member for Highway Management and Flood Prevention

Cllr Ray Bloxham – Min no. 63 & 64

Personal interest

Reason: Resident of Cranbrook

Cllr Helen Parr – Min no. 63

Personal interest

Reason: Landowner of the Rowan Drive site in Seaton was secretary to the local Conservative Association

Cllr Jim Knight – Min no. 63

Personal interest

Reason: Grazed horses on the Rowan Drive site in Seaton.

***62 Proposed amendments and supporting evidence to the New East Devon Local Plan**

The proposed amendments and supporting evidence to the new East Devon Local Plan had been considered in detail by the Development Management Committee at its special meeting on 23 March 2015. The recommendations of the Committee, which had been circulated to all Members, were considered by Council in reaching its decisions.

The Chairman of the Council invited the Chair of the Development Management Committee, to address the Council. Prior to presenting the recommendations, Cllr Parr briefly set out the background to how the Council had reached the current stage of the Local Plan process.

She advised that the Plan, shaped through extensive public consultation and having evolved over a number of years, set the blueprint for how the Council wished to see East Devon develop over the years ahead. The Plan sought to strike the right balance between development needs and conservation.

The Plan accommodated substantial growth in the West End with far more modest levels of development in the rest of East Devon, which was primarily focused on serving and meeting local needs, as sought by the town and rural communities. Higher levels of growth were proposed in Axminster, reflecting the wishes of the Town Council.

Following the Examination Oral hearing sessions in early 2014, the Inspector had written to the Council asking for further work on aspects of the Plan. This work had unfortunately taken longer than hoped, however was now completed to the point where proposed changes were identified in the Plan. The Committee, at its special meeting, had concentrated its efforts on a series of proposed changes which primarily arose from changes that the Inspector himself identified were relevant.

The Chairman asked the Chief Executive to highlight the key recommended changes to the Plan.

The Chief Executive referred to the four main stages in the production of the Local Plan and numerous stages of consultation. Members were reminded that in his letter to the Council in March 2014, the Inspector had asked for further work on:

- Housing numbers
- 5 year housing land supply and housing distribution
- Plan period
- Provision for gypsy and travellers

The key changes to the Plan, as recommended by the Development Management Committee, were outlined as:

- Amending the Plan to run from 1 April 2013 to 31 March 2031 in line with the SHMA;
- Providing for an Objectively Assessed Housing Need figure of 950 homes per year (17,100 new homes over the 18 year period). In the recommended policy changes it was projected that the Plan would provide for 18,241 new homes across the Plan period – the ability to accommodate an additional 1203 homes above the Objectively Assessed Need Figure provided positive flexibility in terms of future housing provision. The established policy approach of directing development to the Growth Point would be maintained, with limited levels of growth to the towns and development limited in the villages.
- Site specific changes in respect of:
 - Cranbrook (Strategy 12) – Deletion of the ‘indicative location’ house, shown in the Plan submitted for examination, and proposed a defined ‘Cranbrook Plan Study Area’ for an additional 1550 homes for Cranbrook. Consultants had been appointed to produce a masterplan for the Study Area – this process would involve consultation.
 - Tithebarn/Mosshayne Lane – Allocating a further 900 homes on land to the east of the existing permitted site.
 - Winslade Park – Allocation of 150 through the redevelopment and reuse of existing redundant office buildings and some infill development. Provision was also made for 0.7 hectares of B1 employment uses. Members were asked to note that the site boundary had been amended since the Special Development Management Committee meeting to exclude St Mary’s church and 2 houses in separate ownership that were included in the original site boundary in error.
 - Intermodal site – Revised policy wording to enable allocation of a safeguarding area for the rail head at the Intermodal site to ensure the availability of the land for future provision and to resist development that could adversely impact on or prejudice longer term provision. The need for the change arose from uncertainty over the deliverability and demand for the railhead and the need for clarity over what would be required to facilitate delivery of the site. The delivery of the site had a direct impact on housing numbers, which was one of the main concerns of the Inspector.
 - Reserve site at Seaton – Deletion of the reserve site at Seaton due to projected development levels at the town reaching expected levels and therefore the site was no longer required. The mixed-use employment and recreation site remained an allocation in the Plan.
- Villages in East Devon (Strategy 27) - classification of a) villages where the full range of housing needs could be accommodated (to include Dunkeswell) and b) villages where development focused on meeting identified local affordable housing needs would be permitted. Villages wishing to promote development, other than that which was supported through Strategy 27 and other strategies in the Plan, could do so through the production of a Neighbourhood Plan.

- Cranbrook policy wording – updating policy references and making specific reference to the Cranbrook Plan work and production of a Cranbrook Development Plan Document.
- New policy wording proposed in respect of noise issues arising from Exeter Airport.
- A commitment to working with West Dorset District Council.
- Greater reference to the relevance of habitat regulations and mitigation measures (particular relevance at Exmouth) was included.
- Duplications of text removed and simplifications made.
- New text was added to reflect joint working with the airport on their masterplan for the future development of the airport.

Members also noted that:

- In light of the new SHMA, recent permissions and commencements on site, that the Council could now demonstrate a 5 year housing land supply. Projections showed that the position would be further enhanced upon following adoption of the Plan and could be maintained.
- The draft emerging Gypsy and Traveller identified needs of around 37 pitches, which would be addressed through a separate Development Plan Document.
- The Tree TaFF, which had met the previous day, was recommending production of a Tree Strategy. Additional text had been added to the Plan, since the Special Development Management Committee, to make reference to this work.

Subject to Council's agreement to the proposed changes, the next stage was to seek the agreement from the Inspector in respect of the appropriateness of future consultation. A six week consultation on the proposed changes, the evidence that informed the changes and questions proposed by the Inspector would follow and depending on the responses received, and the availability of the Inspector, oral hearing sessions of examination should restart in 2015 and subject to being found sound, the Plan could be adopted later in the year/early 2016.

The Chairman proposed the recommendations as set out in the Special Development Management Committee minutes and invited Councillors to debate them.

Councillor Ray Bloxham made a proposal, which was seconded, that Strategy 12 be amended to exclude the agreed Neighbourhood Plan Areas for Broadclyst, Clyst Honiton and Rockbeare from the Cranbrook Plan Study Area. He advised the proposed Study Area had raised a number of concerns within the villages surrounding Cranbrook. The proposed Study Area did not reflect the governance review boundary or respect the approved Neighbourhood Plan Areas.

Points raised on the proposal included:

- Neighbourhood Plans had been promoted to villages as a way of achieving controlled development – this process should be respected and not undermined;
- Uncertainty whether the additional 1550 homes allocated to Cranbrook could be accommodated in the area that would remain – the Inspector needed to be aware that although it was the Council's ambition to provide the proposed levels of housing at Cranbrook there were constraints;
- The Council had accepted a policy approach of directing development to the West End. There would be consultation with the surrounding parishes through the masterplan process;

- The surrounding villages' Neighbourhood Plans would need to address the Cranbrook expansion;
- The masterplan would take into account constraints, such as green wedges, noise sensitive areas, and identify the most suitable site/s for the additional housing;
- Include specific reference in the Strategy to consultation with surrounding parishes;
- There would eventually be a need for a second governance review – the parish of Cranbrook could not include the Neighbourhood Plan Areas of other parishes.
- Officers raised concern as to whether 1550 could be accommodated on the land that would remain within the study area once the neighbourhood plan areas had been excluded. Constraints from airport noise in particular engine testing and the landscape impact mean that there is not sufficient evidence to support 1550 homes on the remaining land.

The amendment was voted on and carried. Councillors were invited to continue debate on the recommendations. Points raised included:

- The need for Members to understand the housing and employment evidence;
- The housing and employment figures needed to 'hang together'. Projected housing completions showed high levels of housing being delivered in the early years of the Plan – the key employment sites would be delivered at a steadier rate.
- Risk was identified within the supporting evidence about making an assumption that growth would occur across the whole of the Plan period. Regular reviews of housing and employment delivery were required;
- The Inspector had not made any recommendations in respect of housing numbers – he had asked for evidence;
- Consultants employed to establish housing requirements had only been asked to look at housing need based on highest projected job growth and did not consider requirements based on lower projections of job growth.

Councillor Claire Wright proposed, seconded by Councillor Roger Giles, that the consultants employed to undertake assessment of future job growth and establish housing requirements for the District (Ash Futures and Edge Analytics) be invited to the next Overview and Scrutiny meeting to explain how their conclusions had been reached. Points raised on the proposal included:

- The projected growth was unrealistic, undeliverable and would be damaging to both the District's economy and environment;
- Proposed job growth was over ambitious. Projections needed to be revisited;
- Development Management Committee was the most appropriate committee to question the consultants;
- Inspector would come to his own conclusions on the evidence submitted in respect of housing need and job growth projections;
- The projected housing completions graph showed higher levels of delivery in the earlier years of the Plan period as it included extant permissions;
- Higher levels of projected job growth for East Devon resulted from the District having a growth area.

The proposal was put to the vote and lost.

Councillor Claire Wright proposed (seconded by Councillor Roger Giles) that the consultation on the proposed changes to the Plan and supporting evidence be extended to eight weeks, taking it beyond the election period, to ensure that parish and town councils were in a position to be able to comment. The Chief Executive advised that the consultation would be carried out on behalf of the Inspector and therefore it would only be appropriate to write to the Inspector to ask that the consultation period be extended – the proposal was amended to reflect this advice. The Inspector had been clear that the upcoming elections were not an impediment to the Plan process. The proposal was put to the vote and carried.

Further comments on the recommendations included:

- Developers definition of 'affordable' wasn't achievable on the area's average wage;
- Concern raised about creating urban sprawl between Exmouth and Exeter;
- The need to ensure that infrastructure was delivered at the same rate as the developments. The lack of health care provision was of particular concern;
- House prices reflected the demand for housing in the area;
- Objection to the extension of Dinan Way, due to increased traffic on the A376.

Councillor Andrew Moulding proposed, seconded by Cllr Jim Knight that Chardstock be added to the list of settlements to have a Built Up Area Boundary as it was a thriving community with a number of key services/facilities. Points raised on the amendment included:

- The village was not served by public transport;
- Views of the parish council had not been sought;
- More appropriate for the village to identify appropriate levels of development through a Neighbourhood Plan.

The proposal was put to the vote and carried.

Councillor Geoff Pook, seconded by Councillor Andrew Moulding, proposed that the wording in paragraph 15.2 (Chapter 15 - Smaller Towns, Villages and Countryside) be kept as written in the Plan and not amended to include 'promoting sustainability' as recommended by the Development Management Committee. The proposal was put to the vote and carried.

Councillor Stuart Hughes, seconded by Graham Troman, proposed the removal of the employment allocation to the north of Sidford from the Plan (Strategy 26). He spoke of the unsuitability of the site due to its location and the opportunity for further employment provision on Alexandria Industrial Estate. Points raised on the proposal included:

- Level of employment land proposed for Sidmouth was not justified and would result in over provision;
- Concern about the removal of the reference to 'ancillary' within the Strategy;
- No community support for the allocation;
- More suitable sites for employment identified;
- Alexandria Industrial Estate should be used to its full potential before looking at alternative sites;
- Allocation should be left in the Plan and advisory note sent as recommended by Development Management Committee.

The Chief Executive advised the Council that the Inspector had heard representations in respect of the allocation during the Examination Oral Hearings and had not been identified in the Inspector's letter as an area for further work, therefore Officer advice would be to allow the Inspector to reach his own conclusions in respect of the allocation. He also expressed concerns that the more changes made to the plan the greater the risk of the inspector being concerned that the plan had fundamentally changed and could not progress.

The proposal was put to the vote and carried.

Cllr Ray Bloxham made a proposal, which was seconded, that the text in Policy E7 (Extensions to existing employment sites) be amended to exclude Hill Barton and Greendale Business Parks from the policy as these two sites would be covered by the Villages Development Plan Document. This proposal was put to the vote and carried.

RESOLVED:
that Council:

1. endorses and accepts the draft Schedule of Changes to the East Devon Local Plan, including the following key proposed changes:
 - Amending the Plan period to start on 1 April 2013 to an end date of 31 March 2031;
 - Providing for an Objectively Assessed Housing figure of 950 new homes per year (17,100 new homes over the 18 year period);
 - Notes that the revised Plan projects that 18,303 new homes will be provided for the Plan period (*however with deletion of land at Clyst St Mary and adjustment of housing number at Rowan Drive, Seaton, see below, the figure drops to 18,241*);
 - Including a definition of the Cranbrook Plan Study Area (within which to accommodate an extra 1550 houses) and deletion of the house symbol south-west of the part developed Cranbrook land;
 - Allocation of housing sites at Tithebarn/Mosshayne Lane and Winslade Park (Clyst St Mary);
 - Allocation of a safeguarding area of land at the Intermodal site for a railhead.
 - Deletion of the reserve site in Seaton as an allocation;

together with the series of minor further proposed changes in the addendum report, subject to the following additional amendments (not including minor typographical and consistency amendments):

- a) Chapter 6 – Inclusion of text after paragraph 2.7 summarising projected development and population change and reinstatement of a table showing housing provision at Appendix C/3.
- b) Chapter 10 (Exmouth), Habitat Mitigation in Exmouth – Broaden wording to include strategic developments beyond those within the Masterplan.
- c) Strategy 12, Development at Cranbrook – Reference to health to be included in point 4.

- d) Strategy 12, Development at Cranbrook – text to be amended to read ‘...further expansion/intensification of Cranbrook to accommodate a further 1550 houses and associated job, social, community and education facilities and infrastructure, outside the designated Neighbourhood Areas of Rockbeare, Broadclyst and Clyst Honiton’.
- e) Chapter 15, Smaller Towns, Villages and Countryside: Proposed new policy on the re-development of redundant offices complex at Winslade Park and land adjoining Clyst St Mary – Remove the proposed northerly (Greenfield) land allocation at Clyst St Mary and reduce the total housing allocation figure for Clyst St Mary to 150, on the Brownfield land.
- f) Chapter 15, Smaller Towns, Villages and Countryside: Revised Strategy 27 – Dunkeswell and Chardstock to be included in the list of settlements to receive a Built-up Area Boundary and policy wording for those settlements not listed, to be amended to refer to community led development (for example Community Land Trusts)..
- g) Chapter 16, Thriving Communities, 16.10 – Amend to read ‘...associations of businesses..’
- h) Chapter 16, Thriving Communities, 16.23 – Amend to read ‘Community self build schemes supported by Housing Associations and others, for example Community Land Trusts, can...’
- i) Chapter 17, Climate Change and Renewable Energy, 17.10 – Include reference to the replacement for the Code for Sustainable Homes.
- j) Strategy 25, Development at Seaton – Housing allocation for north of Rowan Drive to be amended to provide 30 new homes.
- k) Strategy 26, 6(d) – Sidmouth employment allocation north of Sidford (Site 041A/041B) be removed from the Plan and the relevant inset map be redrawn to exclude the site.
- l) Strategy 34, District Wide Affordable Housing Provision Targets – In the paragraph addressing viability issues include reference to overage clause in respect of future profits and affordable housing provision, where levels provided fall below policy targets.
- m) Chapter 20, Monitoring – Health and social care to be added to the list of key monitoring indicators.
- n) References in the Plan to the 2001 Census to be updated to 2011 Census.
- o) Setting the context – In the paragraph addressing the Village Development Plan Document delete reference to allocations of land and add text after ‘villages’ to read ‘..and for Hill Barton and Greendale Barton Business Parks’.
- p) Policy E7, Extensions to existing employment sites – text to be amended to exclude Hill Barton and Greendale Business Parks from the policy.

2. endorses and accepts the additional evidence used to inform plan changes and produced as supporting evidence to the Plan;
3. agrees to requesting the Inspector to propose relevant questions to ask as part of a subsequent consultation process;
4. agrees to give delegated authority to the Service Lead – Planning Strategy and Development Management to make changes to the Local Plan prior to a consultation exercise being carried out to correct any typographical mistakes or to ensure consistency throughout;
5. agrees to write to the Inspector to ask that the public consultation on the proposed changes, the evidence that informs the changes and questions posed by the Inspector, be extended to eight weeks (instead of six), to take the consultation beyond the election period.
6. agrees that, after consultation is concluded, responses received (which will be public documents) be forwarded directly to the Inspector and a request made to the Inspector to recommence oral hearing sessions as soon as reasonably possible.
7. agrees that responses received to the consultation be reported back to Development Management Committee.

***63 Amendments to the Community Infrastructure Levy (CIL) Draft Charging Schedule and response to the Inspector's concerns**

The draft Charging Schedule for East Devon had been submitted for examination in August 2013 alongside the new Local Plan. Following an examination hearing in March 2014 the Inspector had written to the Council outlining key issues he felt needed to be addressed. Concern had particularly been raised regarding the evidence behind the residential and retail charges proposed for Cranbrook; the report set out a proposed response to these concerns. In addition, the report addressed aligning the Charging Schedule and its supporting evidence with the new allocations proposed in the Local Plan. An early review of the CIL Charging Schedule would be required when the site(s) for the proposed additional 1550 homes at Cranbrook was identified.

The Council considered and accepted the recommendations from the special meeting of the Development Management Committee.

RESOLVED:

that Council:

1. agrees the amendments to the Draft Charging Schedule and maps in order to propose a £0/sqm charge for retail development at Cranbrook;
2. agrees the amendments to the Draft Charging Schedule and maps in order to extend the £80/sqm charge for residential development in the edge of Exeter allocations to apply to the newly proposed allocation of land at Mosshayne;
3. agrees the introduction of a specific review trigger for the Charging Schedule associated with the Cranbrook plan and production of a DPD to allocate additional development at Cranbrook.
4. agrees the proposed additional report ([Appendix 1](#)) prepared in response to Inspector's concerns raised in his letters to the Council regarding proposed CIL charges at Cranbrook;
5. agrees to requesting the Inspector to propose relevant questions to ask as part of a subsequent consultation process;
6. agrees, to undertake a six week public consultation on the Revised Draft Charging Schedule, the evidence that informs the changes and the questions proposed by the Inspector;
7. agrees that, after consultation is concluded, responses received (which will be public documents) be forwarded directly to the Inspector and a request is made to the Inspector to recommence oral hearing sessions in conjunction with the reconvened Local Plan hearings;
8. agrees that responses received to consultation be reported back to Development Management Committee; and adopts the Cranbrook IDP and Sports, Leisure and Recreation at Cranbrook Report for use in assessing and determining planning applications.

Attendance list - Councillors present:

Graham Godbeer, Chairman
Christine Drew, Vice Chairman
Mike Allen
David Atkins
Ray Bloxham
Susie Bond
Peter Bowden
David Chapman
Maddy Chapman
Iain Chubb
David Cox
Deborah Custance Baker
Alan Dent
Paul Diviani
Vivien Duval Steer
Jill Elson
Martin Gammell
Roger Giles
Steve Hall
Peter Halse
Tony Howard
Mike Howe
Stuart Hughes
John Humphreys
Ben Ingham
Stephanie Jones
Sheila Kerridge
David Key
Jim Knight
Andrew Moulding
Frances Newth
Helen Parr
Geoff Pook
Ken Potter
Pauline Stott
Peter Sullivan
Ian Thomas
Graham Troman
Phil Twiss
Mark Williamson
Tim Wood
Claire Wright
Tom Wright

Honorary Aldermen

Vivienne Ash

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Amanda Coombes, Programme Officer
Matt Dickins, Planning Policy Manager
Ed Freeman, Service Lead – Planning Strategy and Development Management
Henry Gordon Lennox, Strategic Lead – Legal, Licensing and Democratic Services
Tim Spurway, Neighbourhood Planning Officer
Hannah Whitfield, Democratic Services Officer

Councillor apologies:

Roger Boote
Peter Burrows
Bob Buxton
Geoff Chamberlain
Trevor Cope
Steve Gazzard
John Jeffery
Chris Wale

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Cabinet held at Knowle, Sidmouth on 11 March 2015

Attendance list at end of document

The meeting started at 5.30pm and ended at 7.52 pm.

***181 Public Speaking**

The Leader welcomed Councillors and members of the public present.

Dr Cathy Gardener questioned the calculated annual maintenance costs for a refurbished Knowle used in Grant Thornton's financial model. She asked if the managed deterioration of the buildings accounted for the apparent discrepancies between the predicted spend and that of spend to date.

Richard Cohen, Deputy Chief Executive advised that the figures had been tested through the financial modelling processes. He confirmed that maintenance work on the Knowle had been controlled whilst the outcome of the decision on its future was awaited.

Gemma Manley referred to the Council's decision to relocate, why the Knowle was not fit for purpose and the need to borrow. She asked the Leader to justify why the decision had been brought forward.

In response, the Leader advised that the decision to relocate and the work involved had been a very long process; the timing of the decision was immaterial.

***182 Minutes**

The minutes of the Cabinet meeting held on 11 February 2015 were confirmed and signed as a true record.

***183 Declarations**

Cllr Peter Sullivan – Min no. 191

Personal interest

Reason: Member of Sidmouth Town Council.

Cllr Ian Thomas – Min no. 192

Personal interest

Reason: Recent user of pest control service.

Cllr Ray Bloxham – Min nos. 194 and 195

Personal interest

Reason: Resident of Cranbrook

***184 Exclusion of the public**

RESOLVED:

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

***185 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 March to 30 June 2015.

*186 **Matters referred to the Cabinet**

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

187 **Overview and Scrutiny Committee meeting – 26 February 2015**

Members received and noted the minutes of the meeting of the Overview and Scrutiny Committee held on 26 February 2015.

Councillor Tim Wood, Chairman of the Committee, referred to the recommendations of the Corporate Business Think Tank (Minute 74) and asked for the Cabinet's support in taking these forward to the new Council.

RESOLVED (1) that the following recommendations be supported

Minute 72 – Application – coffee van concession

1. that the Portfolio Holder for Environment rejects the application for a concession to operate a coffee van on Sidmouth beach based on a number of grounds of objection;
2. that procedures be amended to ensure that, on issues that have the potential to impact on a wider area, officers consult with all members in a multi-ward town; as well as ensure that all relevant services within the council are consulted;
3. that the Portfolio Holder for Corporate Business reviews, through the work of his think tank, the "call in" procedure to consider recommendations for changes to make it less restrictive.

Minute 73 – Draft East Devon playing pitch strategy

that the draft playing pitch strategy as agreed by Cabinet on 11 February 2015 be endorsed with the understanding that the document will evolve as feedback is received and taken into account.

Minute 74 – Feedback from joint Think Tank (recommendation 2)

that outstanding issues on committees, chairmanship and numbers be referred back to the think tank for further discussion and development with the agreement of the Portfolio Holder for Corporate Business.

Minute 76 - Contractual arrangement to protect the Council's interests

that the Deputy Chief Executive explore good practice examples of contractual arrangements utilised by funding bodies to inform future contracts established by the Council.

RESOLVED (2) that the following decisions be noted

Minute 74 – Feedback from joint Think Tank

that scoping for Task and Finish Forums be undertaken by the committee prior to the start of the Forum.

Minute 75 – Police and Crime Panel Presentation

Receipt of the report of the Police and Crime Panel representative.

Minute 76 – Portfolio Holder update – Economy

Receipt of updated Portfolio Holder report.

Minute 79 – Performance monitoring third quarter 2014/15

The report on performance monitoring for the third quarter for 2014/15 be deferred to the meeting of the committee on 26 March 2015.

Minute 80 – Overview and Scrutiny Forward Plan

The forward plan for the Overview and Scrutiny Committee be agreed subject to the additional item of the deferred performance monitoring report.

RECOMMENDED: that the following be referred to Council for determination:

Minute 74 – Feedback from joint Think Tank (recommendation 1)

that the Constitution be amended to reflect that any Task and Finish Forum set up by the Overview and Scrutiny Committee, or Housing Review Board, consists of normally seven councillors with a quorum of 4.

Minute 78 – Supporting new developments through investment in infrastructure

that, on the basis that the new Council in May 2015 agrees to formulate a separate strategic development management committee, the report be considered by that committee to debate further options for securing infrastructure delivery.

188 Recycling and Refuse Partnership Board – meeting on 26 February 2015

Members received and noted the minutes of the meeting of the Recycling and Refuse Partnership Board held on 26 February.

The Board's Chairman and Portfolio Holder – Environment – Councillor Iain Chubb highlighted SITA's improved performance, arrangements for Cranbrook collections and asked Cabinet to support the Board's proposal to undertake a 3-weekly collection trial to cover the Colony in Exmouth and a 4-weekly trial to cover Feniton. The aim was to increase the capture of recyclable materials and further reduce the volume of waste sent to landfill.

RECOMMENDED

that the collection trials - 3-weekly collection to cover the Colony in Exmouth and 4-weekly to cover Feniton be supported as a way of increasing recycling rates.

***189 Arts and Culture Forum – meeting on 13 February 2015**

Members received the report of the meeting of the Arts and Culture Forum held on 13 February 2015. The meeting considered and supported the recommendations of the Environment (Thelma Hulbert Gallery - THG) Think Tank, which had met prior to the meeting of the Forum. Councillor John O'Leary, Chairman of the Forum and Member Champion for Culture reported on the growing success of the gallery with increased takings and footfall.

RESOLVED

that the following recommendations of the Environment (Thelma Hulbert Gallery - THG) Think Tank, supported for implementation by the Forum, be noted:

1. Look into a permanent local artists' exhibition with lower cost art for sale with better promotion of local art when in the gallery.
2. Consider the future use of the 'Thelma room' and how it could bring in additional income.
3. Refresh the shop regularly; consider charging artists for exhibiting their work.
4. Extend opening hours and explore the operational side of the gallery and the capacity of the team.
5. Increase the use of inside and outside space to optimise capacity and income.
6. Look into external signage from the town and car parks and make 13 spaces available for short stay visits to the THG.

7. Explore opportunities for partnership/collaboration with the Beehive Centre.
8. Promote the principle of EDDC supporting Arts and Culture.

190 **Member Development Working Party – meeting on 26 February 2015**

The Cabinet received the report of the meeting of the Working Party held on 26 February 2015. The meeting had discussed fundamental information required by Councillors when elected, the detail of the two evening welcome/refresher sessions to be held within weeks of the election, and the 3-month and 6-month welcome/refresher programmes. Members had discussed how the programmes would be delivered - to avoid information over-load, use interactive learning opportunities and harness the experience of re-elected councillors, retiring councillors and honorary aldermen.

In addition, the Working Party reviewed the elected Member Training and Development Strategy to ensure that it was still relevant and fit for purpose. Members recommended the up-dated Strategy for approval. The Strategy would be helpful in supporting the Council's bid for reaccreditation of the South West Member Development Charter. The Council had been awarded the Charter in 2010 in recognition of the standard of development and support given to elected members.

RECOMMENDED:

that the revised Member Training and Development Strategy be adopted.

RESOLVED

that the arrangements for the South West Member Development Charter inspectors' visit to assess the Council's bid for Charter reaccreditation be noted.

191 **Office Relocation – key decision**

The Deputy Chief Executive presented the report on the proposed EDDC office relocation. He also invited input from the Strategic Lead – Finance and Service Lead – Legal and Democratic Services.

The detail of the initiative had been thoroughly examined, involving testing processes and financial models. The proposals to refurbish Exmouth Town Hall and a new build office at Honiton Heathpark had been tested and supported by independent audits undertaken. These had included analysis of best value, borrowing and risk. The recommendations of Cabinet and the combined meeting of Audit and Governance and Overview and Scrutiny (12 March) would be referred to an Extra Ordinary meeting of Council on 25 March.

Members were presented with financial information giving a comparison between moving offices and remaining at the Knowle offices, Sidmouth. Paragraph 5.6 of the report gave a table showing total costs by options which identified the most cost effective option as that of the twin site – Heathpark (2,776 m² office) and refurbishment of Exmouth Town Hall (BREEAM – very good). If this option was chosen, the Council would still be required to fund the project for a 20 year term with a loan of £2.1m from the Public Works Loan Board (PWLB) or similar. Initial borrowing would be required even if the option were to remain at Knowle due to significant maintenance requirements. However, savings resulting from the move would grow annually and would more than meet the debt repayment. The independent analysis report justified the move in terms of value for money and on-going savings.

The information provided in the report included the offer price for the Knowle as between £7m and £8m – Councillors had been provided with the exact figure and access to other financial calculations to inform their consideration whilst appreciating that this remained

commercially sensitive. The preferred developer of the Knowle site was Pegasus Life Limited, which would provide retirement and extra care living facilities. Of the total parkland, 14% of open space would be included in the development boundary with the intention of transferring the remaining 3.5196ha of parkland to Sidmouth Town Council to own and manage. Other financial information provided in the report included running costs - adjusted energy costs followed consultation with South West Energy and Environment Group – and borrowing costs.

The report and its appendices detailed and considered:

- a) a list of the benefits of relocation
- b) the marketing and bidding process for the Knowle site
- c) the relocation project audit
- d) relocation financing of the option to relocate to twin-sites of Exmouth and Honiton
- e) appropriation of land – the need to change the purpose for which the land was held from a purpose under the Public Health Act 1875 to a purpose under the Housing Act 1985. The legal test was whether the land was no longer required for the purpose of ‘public walks or pleasure grounds’ – in assessing this the exercise required to be carried out was to weigh up the public interest in this loss and balance it against the wider community benefits of the sale and relocation. Appendix 6 set out the summary of responses to public notices of intention to dispose/appropriate the land.
- f) having appropriated the land to housing purposes to agree to dispose of it at market value to achieve best consideration having considered the comments received in response to the public notices.

Appendix 7 set out the gateway decision particulars of the project including forecast dates.

The Deputy Chief Executive referred to the concern of some Sidmouth residents that the sale of Knowle might have an adverse impact on the town. Local suggestions for the Council to retreat to the newer part of the Knowle building had been explored but this was not viable due to inadequate space, size and design impracticalities, the requirement for significant spend and associated liability of unfunded capital spend. In addition, redevelopment of the older parts of the Knowle buildings had been tested – there was no interest from developers in using or retaining the building.

The proposed retirement and assisted living proposals from the developers of the Knowle site offered benefits to local residents. The development could help release larger, family homes in the area. The developer was proposing a development sympathetic to its environment and the proposals would be tested through the planning process. Construction jobs would be available and local suppliers would benefit. When completed, the spend by residents of the accommodation would also support local businesses.

The Knowle would continue to be a public park and 86% of the current open space would be offered, together with the lower car park, to Sidmouth Town Council.

The move to modern offices would benefit the whole of East Devon due to improved working practices and identified savings.

The Leader invited Ward Members to speak first, then gave the opportunity to all present to comment before Cabinet debated the report and recommendations.

Debate on the proposals and supporting papers included the following:

- There would be financial implications for Sidmouth Town Council in taking over responsibility for the parkland (86% of grounds not included within the development site). This would be the subject of negotiation between the District and Town Council. If Sidmouth Town Council turned down the proposed transfer of land, it would remain the responsibility of the District Council. There might be potential to achieve a contribution from the developer through negotiation (Section 106 monies) towards the upkeep of the parkland.
- It was emphasised that most of the parkland would be retained although evidence gathered indicated that it was little used. EDDC could have achieved a higher sum for the whole site if 100% of the parkland had been included in the sale.
- There needed to be specific provision for District Council hubs/surgeries within the plans and financial models. The Deputy Chief Executive assured Members that district council services would be provided locally in ways that best met residents' needs. The final detail of this provision was yet to be determined and would be part of a future equalities impact assessment process. Funding would come from the Council's operational budget.
- The 20-year costings were based on the time between completion of the build and the anticipated time when the building would require refurbishment. Costs included calculated business rates.
- The Council Offices at Knowle represented around 400 jobs, which would be lost to Sidmouth when the Offices relocated. However less than a quarter of EDDC staff live locally and there was no reason to assume that these would be lost to the authority when the offices relocated. With more modern working practices, the number of staff working on site was reducing all the time.
- New jobs would be created on the site – initially construction. When the Knowle development was complete, there might be less inward commuting – people would instead be permanently living in homes at the Knowle – this would be to Sidmouth's advantage.
- Feedback from the staff was that they wanted the Council to 'get on with it'. The uncertainty of the future was demotivating. They wanted to work in a modern way with better technology.
- Increased mobile working meant that a better service was given to elderly and vulnerable residents.
- It was important to achieve savings in running costs – it would be irresponsible to stay.
- The proposed budget included significant contingency allowance; savings were anticipated. It would be better to reduce the budget to the 'break-even' figure as the working target.
- The market value of the new build at Honiton was much less than the build cost; the residual value of the property should be questioned. The Strategic Lead – Finance advised that the Council was not acting to build an investment property but providing an operational modern office accommodation for the effective provision of the Council's functions; its purpose was not to achieve a higher residual value than build costs.
- Had consideration been given to a third party building a new office to be leased by the Council? This had been considered as an option in early deliberations but members had been clear that they wanted to own freehold.
- If the authority became part of a unitary council, the building at Honiton might not be required – it would be better to wait until after the elections when the intentions of the new government were known. The Leader advised that the fear of unitary was misplaced and that government supported combined authorities.

- The predicted cost of borrowing over a 20-year period relied on reasoned assumptions. The Strategic Lead – Finance advised that the figures were based on current PWLB rates but would be fixed over the period when the loan was taken out. Loan repayments would be met from anticipated operating savings against the 'Knowle - current base' option. Long-term borrowing arrangements would not be agreed until planning permissions and heads of terms had been agreed.
- Savings would be used to deliver Council services.
- The Council had a duty to the wider community of East Devon.
- It was anticipated that energy costs would increase over time.
- The proposed increased presence in Exmouth was welcomed.
- Honiton was geographically the centre of the district and Exmouth was the main population area.
- If the Council stayed at Knowle, money would have to be used to refurbish the buildings - finding the funding to do this without a capital receipt could result in the Council having to cut its services. Spending money on the Knowle was unlikely to increase its sale value. The location was not central to the district and access was difficult.
- In other towns, there was no interest in where the Council was based – there were more important issues to worry about. Residents just wanted value for money services delivered when they needed them.
- Members were reminded about the Council's excellent track-record in decision making. Latest audits of Council business showed that EDDC achieved best value and prudent governance.

Following a separate vote on each recommendation, it was

RECOMMENDED:

- A) that the following recommendations be agreed and submitted to Full Council for final approval:
1. Consider the findings of the audit exercises conducted by South West Audit Partnership and Grant Thornton in response to issues raised by December 2014 Full Council and to accept the conclusions set out therein.
 2. Accept the analysis and conclusions on the financial basis for relocating contained within the report.
 3. On the basis of the valuation advice and price offered agree that disposing of the Knowle site would represent 'best value' in accordance with the requirements of Section 123 of the Local Government Act 1972.
- B) that the following recommendations to be agreed and submitted to Full Council for final approval:
4. To determine that the Knowle site is no longer required for the purpose of public walks or as a pleasure ground under the Public Health Act 1875.
 5. On the basis that the land is no longer required for those purposes to appropriate the Knowle site to housing purposes pursuant to the powers contained in Section 122 of the Local Government Act 1972.
- C) that the following recommendation be agreed and submitted to Full Council for final approval:

6. To agree to dispose of the Knowle site for housing / extra care assisted living pursuant to Section 32 of the Housing Act 1985.
7. Agree that the Deputy Chief Executive – Development, Regeneration and Partnership in consultation with the Office Accommodation Executive Group is authorised to agree on behalf of EDDC appropriate Heads of Terms with Pegasus Life Ltd.
8. Having agreed the Heads of Terms to delegate to the Deputy Chief Executive – Development, Regeneration and Partnership authority to enter into contract for sale of the Knowle site conditional upon subsequent satisfactory planning approval and such other matters as the Service Lead (Legal and Democratic Services) may advise.
9. Agree to relocate EDDC operations to Honiton and Exmouth.
10. Agree that the Council will conduct consultation with relevant and interested parties to ensure Best Value outcomes are addressed within the relocation to Honiton and Exmouth.
11. Note and agree a net project budget of £2,221,445, this being the estimated cost for a new build office accommodation in Honiton (BREEAM very good option) and for the modernisation of Exmouth Town Hall as identified in the table in paragraph D5.6 less the Capital Receipt for the Knowle. In addition, a budget of £900,630 is required to meet loan interest costs relating to short term and long term funding. Short term cash flow funding will be required totalling £9.2m to meet design and build costs prior to receiving the sale proceeds of £7-8m from the Knowle (financial risks are mitigated by Gateway 7 process detailed in the report). Once the capital receipt is received, the balance of funding required is £2.1m to be funded from a long-term loan over a 20-year period.
12. Agree that officers investigate and progress the opportunity to bring forward the refurbishment of Exmouth Town Hall and take forward new offices in Honiton.
13. Agree to commence detailed discussions on the Council's intention to transfer the retained 3.5196ha of Knowle parkland and the lower car park to Sidmouth Town Council following disposal of the Knowle site and if the principle is accepted by Sidmouth Town Council to progress such transfer including compliance with the relevant statutory procedures for disposal of open space.

REASON:

To consider the strategic, operational and financial reasons for sale of the Knowle site and relocation to new and modernised offices in Honiton and Exmouth respectively. To agree recommendations as detailed above to Full Council toward sale of the Knowle site and actions leading to modernisation of Exmouth Town Hall and new office development on Honiton Heathpark.

***192 In-house pest control service – key decision**

Members considered the report of the Principal Environmental Health Officer setting out the effective work carried out by the Council's new in-house pest control service. This was generating high levels of customer satisfaction and achieving value for money. The in-house service currently provided was an agreed one-year trial and had been running successfully for over 7 months; approval was now sought for the service to become permanent.

RESOLVED:

that the establishment of a permanent in-house pest control service be approved.

REASON:

To continue providing a well-received and effective service.

***193 Financial monitoring report 2014/15 – month 10 – January 2015**

The Strategic Lead - Finance presented the summary of the Council's overall financial position for 2014/15 at the end of month ten (31 January 2015).

- The general fund balance (predicted as £4,170k) was now above the adopted range (£2,800 - £3,600k). The Strategic Lead – Finance drew Members' attention to the summary of the predicted over and under spends to year-end at 3.1 of the report – most showed under spends. The final position would be considered at outturn - reported in June 2015.
- The housing revenue account balance (predicted as £4,863k) was above the recommended level (£2,100k - £500 per property) and would be used for further investment in housing stock, to offset any adverse effects of Welfare Reform and to ensure sufficient funds were available to service the self-financing loans. In addition, £2.9m was held in a volatility reserve.
- There was sufficient capital reserve to balance this year's capital programme. The total required from the capital reserve was estimated as £1,688k, (based on a predicted capital requirement of £25,110k), leaving £821k remaining in the reserves at year-end.

RESOLVED:

that the variances identified as part of the revenue and capital monitoring process up to month ten be acknowledged,

REASON:

To up-date Members on the overall financial position of the authority following the end of each month; the report included recommendations where corrective action is required for the remainder of the financial year.

***194 Cranbrook Community Questionnaire 2014**

Before Members were asked to consider this item and next in respect of Cranbrook, the New Community Projects Officer gave a helpful presentation to members on progress to date and an overview of milestones and plans.

The collated feedback from the Cranbrook Community Questionnaire gave positive indication of a thriving community. Outcomes would enable developments and trends to be monitored over time and would be used in decision-making.

RESOLVED:

- 1) that the outcomes of the latest community questionnaire be noted and the valuable set of metrics that this provides by which to gauge progress be recognised,
- 2) that the additional facilities that will be delivered to the benefit of the community during the course of 2015 be welcomed,
- 3) that conducting the survey on an annual basis as the new community continues to expand be supported.

REASON:

The Viewpoint Surveys form a fundamental part of the commitment made in the EDDC Communications Plan. The first Cranbrook Community Questionnaire was carried out in 2013 and provided vital feedback to help in evaluation and planning.

***195 Delivering the vision for Cranbrook – the future provision and management of assets**

The report of the New Community Projects Officer emphasised the importance Cranbrook developing in a healthy, sustainable and vibrant way with a range of facilities and administrative support. Responsibility for the delivery of many of the community assets rested in the first instance with the new Community Partners developer consortium but decisions were needed on future ownership and their management and maintenance over time.

The report detailed facilities already in place; their programme of delivery was set out in legal agreement and linked to the occupation of homes but there were various options for ongoing management and maintenance. Services provided by EDDC would increase as the town developed, for example refuse collection. However, some non-mandatory services such as the provision of play areas would need to be supported by sustainable sources of funding, options could include developer financial contribution through future S106 legal agreements. The new Town Council would be in place after the May 2015 elections but it was not be obliged to take on ownership and/or responsibility for assets; the default position in the legal agreement was for the asset to remain the responsibility of the developers unless otherwise agreed with EDDC. For example if the Town Council did not wish to take on responsibility for the Country Park, this Council may decide to take over its management to ensure that this important ‘green lung’ for the town was properly maintained and managed. EDDC’s Countryside Team had already drafted a management proposal.

The District Council would work with the Town Council to support and facilitate its involvement in running and delivering the services it chose to run. There were benefits in grass-roots management and maintenance of assets and local service delivery.

The report explored alternative models of asset management including community ownership.

Members asked specifically about certain assets including the school, Younghayes Centre, leisure facilities, station and community heating. Speaking as local member, Councillor Peter Bowden said that the new community was an exceptional project, which would deliver something that all of Devon should be proud. However, much work was left to do and this would take courage and commitment.

RESOLVED

Overarching Principles

1. Recognise the significant role that the delivery of assets and services will play in achieving the original vision for the new community and that defining the precise role that the District Council will need to play in this process will require further and ongoing work.
2. Acknowledge that services and facilities that are not mandatory responsibilities of East Devon District Council will require alternative sources of funding such as through developers’ financial contributions secured via S106 legal agreements, or the enablement of revenue streams within the service/facility itself.

Working in Partnership

3. Support the establishment of Cranbrook Town Council and once formed work with it to support and facilitate its involvement in running and delivering assets and services in the town including the play areas, open spaces, country park, allotments and Town Council offices.

4. Explore the potential for and support/enable the establishment of community and voluntary groups as asset recipients and delivery bodies for a variety of the facilities and activities that will be required by the new community.
5. Seek clarification from Devon County Council on what its intentions are with regard to the provision of Youth, Library, Extra Care and Children's Centre facilities at Cranbrook.
6. Initiate a dialogue with Devon County Council relating to the delivery of any of the above provisions by alternative bodies, including East Devon District Council, in the event of the County Council withdrawing from such provision.
7. Work with the emergency services to develop a joint proposal for a tri-service facility and to facilitate the transfer of the land for that facility to those services as soon as it is practical to do so following its transfer to this Council if, after full exploration, no business case for retention by East Devon District Council can be made.

Specific Actions

8. Adopt robust asset management protocols including whole life costing, flexible covenants and recovery of legal and staffing costs where appropriate together with the identification of opportunities for the assets to be self-financing, so ensuring the delivery of facilities and services necessary to the community.
9. Establish the cost of managing and maintaining open spaces, play areas, sports pitches and other assets and explore/develop revenue opportunities, through business plan preparation, in order to enter into discussions with Cranbrook Town Council and/or the New Community Partners about the potential transfer of these assets to East Devon District Council or other bodies if required.

REASON

To support the delivery of the vision for Cranbrook.

***196 Big Belly bins – exemption from Standing Orders**

Consideration was given to the report of the Streetscene Area Manager East setting out the reasons for the exemption from standing orders to lease solar compacting bins to replace the seafront litter stations in Exmouth. Big Belly Solar is the sole supplier in the UK offering this type of bin. Although expensive, the cost was justified.

RESOLVED

that the exemption from Standing Orders to enable the Council to enter into lease arrangements for 16 Big Belly bins be approved based on the reasons set out in the report.

REASON

Big Belly bins are the only solar compactor bins on the market of the necessary capacity and standard. The bins allow the Council to reduce the emptying frequency required whilst delivering the same service level. The Sidmouth trial over the summer of 2013 was successful and achieved savings in servicing.

***197 Monthly performance report – January 2015**

The Cabinet considered the report of the Strategic Lead - Organisational Development and Transformation setting out performance information for the 2014/15 financial year for January 2015.

Most of the performance indicators showed acceptable performance, with three continuing to show excellent performance, namely:

- percentage of planning appeal decisions where the planning inspector has disagreed with the Council's decision

- percentage of council tax collected
- percentage of invoices paid within 10 working days.

The performance indicator in respect of working days lost due to sickness absence continued to show concern. These cases were being dealt with on an individual basis.

RESOLVED:

that the progress and proposed improvement action for performance measures for the 2014/15 financial year for January 2015 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.

***198 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 and referenced at Minute 159 in respect of the urgent item), is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B)..

***199 Leisure East Devon Joint Working Group – 24 February 2015**

Members considered the report of the Leisure East Devon Joint Working Group, which included issues around the grounds maintenance costs of facilities that EDDC continued to maintain, building maintenance costs of the dual use centres and financial modelling for the 2016 Service Level Agreement.

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 Portfolio Holder - Environment

David Cox Finance

Jill Elson Sustainable Homes and Communities

Ian Thomas Economy

Phil Twiss Corporate Services

Deputy Portfolio Holders

Stephanie Jones Sustainable Homes and Communities

Tom Wright Environment

Also present:

Councillors:

David Atkins
Peter Bowden
David Chapman
Maddy Chapman
Alan Dent
Christine Drew
Martin Gammell
Roger Giles
Graham Godbeer
Pat Graham
Steve Hall
Tony Howard
Douglas Hull
John Humphreys
Ben Ingham
Sheila Kerridge
Frances Newth
John O'Leary
Helen Parr
Geoff Pook
Ken Potter
Pauline Stott
Peter Sullivan
Graham Troman
Tim Wood
Steve Wragg

Also present:

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Simon Davey, Strategic Lead - Finance
John Golding, Strategic Lead – Housing, Health and Environment
Karen Jenkins, Strategic Lead – Organisational Development and Transformation
Andrew Ennis, Service Lead – Environmental Health and Car Parks
Henry Gordon Lennox – Principal Solicitor
Andy Wood, East of Exeter Projects Director
Amanda Coombes, Democratic Services Officer
Alison Hayward, Economy and Regeneration Manager
Steve Pratten, Relocation Manager
Darren Summerfield, New Community Projects Officer
Diana Vernon, Democratic Services Manager
April Waterman, New Community Officer

Representatives from South West Audit Partnership

Andrew Ellins
Moya Moore

Representatives from Grant Thornton

Guy Clifton
Stuart Smith

Representative from Gleeds

Darren Crocker

Councillor apologies

Non Cabinet:

Mike Allen

Susie Bond

Deborah Custance Baker

Steve Gazzard

Brenda Taylor

Mark Williamson

Eileen Wragg

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL

**Minutes of the meeting of Cabinet held
at Knowle, Sidmouth on 15 April 2015**

Attendance list at end of document

The meeting started at 5.30pm and ended at 6.28pm.

***200 Public Speaking**

The Chief Executive opened the meeting by asking for a nomination from Cabinet to act as chairman in the temporary absence of the Leader. Cllr Ray Bloxham was elected to act as chairman and subsequently acted as vice-chair once the Leader arrived at agenda item 9. The chairman welcomed Councillors and members of the public present. There was no public speaking.

***201 Minutes**

The minutes of the Cabinet meeting held on 11 March 2015 were confirmed and signed as a true record.

***202 Declarations**

None

***203 Embedded Value Added Tax on Royal Mail Postal Services - Urgent Item**

The acting Chairman agreed for this item to be considered as an urgent item as the deadline for the Group Litigation Order (to date over 60 local authorities have signed up) is 22 April 2015. The report set out the justification for Council to consider signing up to this Order. It was discussed as to what would happen if the Council did nothing but acted after the outcome of this case once the result was known. The Strategic Lead, Finance responded that the Council could wait but the claim could then only go back four years. He informed the committee that in the previous lodged case for Isle of Wright car parks, they were still waiting for an outcome and in the case for leisure centres reclaiming VAT from HMRC, the Council received £1.2m.

RESOLVED: that the recommendations in the report be agreed:

1. Approval for the Council to join a Group Litigation Order (GLO) with the High Court in respect of embedded VAT paid on postal services provided by Royal Mail.
2. To vire the initial legal fee required of £5,040 from the Council's postal budgets across the Council. If required to vire an additional £2,000 to cover the costs of LAVat, or similar organisation, as detailed in the body of the report.
3. Delegated authority be given to the Strategic Lead – Finance in consultation with the Strategic Lead – Legal, Licensing and Democratic Services to take such action as is required to pursue the claim.

REASON:

To make a claim against the Royal Mail in respect of embedded VAT paid on postal services. The embedded VAT element for the Council had been assessed on data readily available for the past 7 years at £85,000, the claim itself would however go back to 1974 (41 years in total).

***204 Exclusion of the public**

RESOLVED:

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

***205 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 April to 31 July 2015.

***206 Matters referred to the Cabinet**

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

207 Overview and Scrutiny Committee meeting – 26 March 2015

Members received and noted the minutes of the meeting of the Overview and Scrutiny Committee held on 26 March 2015.

The Portfolio Holder, Corporate Business outlined the latest recommendations following a think tank held on the 30 March. The think tank had discussed changes to the committee structure and other constitutional amendments.

In outline, the recommendations covered separating the existing Overview and Scrutiny Committee into two committees: a Scrutiny Committee; and a Corporate Overview Committee. The recommendations also included separating out the two functions of the current Development Management Committee into separate committees, one undertaking the determination of applications, the second covering planning policy.

Discussion on planning inspections included:

- To disband the Planning Inspections Committee; Development Management Committee (DMC) to carry out any site inspections required.
- Distinction could be made between major and minor applications as to how many members needed to visit the site – this would however need careful consideration constitutionally.
- All applications were considered on equal standing regardless of size and as a result, Planning Inspection Committee meetings were infrequent.
- All members need the same information in order to make informed decisions and sometimes a visit was essential to gain a thorough understanding of the proposed application.
- It was inappropriate for a small committee to decide on large developments.
- Deferring to the next DMC meeting to allow for a site inspection would not hinder the applicant.
- A planning decision-making committee needed as much information as possible in order to make a fair decision. Once a site visit had been carried out the in morning members could debate and address any concerns in the afternoon.

- Members benefitted from officer input such as planning policy issues as well as any technical advice from relevant authorities e.g. Highways. This was the advantage of there being an organised site inspection rather than individual members visiting the site.

Discussion on the proposal from the Overview and Scrutiny Committee for a separate planning policy committee included:

- A separate committee was needed for planning policy issues and should not be part of DMC. It would include a broader range of opinion from a wider pool of members. Any decisions would be debated again as recommendations would be referred to Council.
- Strategic policy was not a Cabinet function but Cabinet members should be allowed to sit on any new committee.
- More committee meetings would increase the workload of Democratic Services.

Discussion on the proposal from the Overview and Scrutiny Committee for separating Overview and Scrutiny included:

- All depends on the new terms of reference which could have a wide remit.
- It was important to keep Overview separate from Scrutiny.
- Cabinet members cannot sit on Overview panels.
- Timing of setting up the new committee structure was questioned with members' and officers' focus at the current time being on the elections in May. Members were reminded that any constitutional changes were made at Annual Council in May so the need to act quickly was imperative.

RECOMMENDED:

1. That the Planning Inspections Committee be disbanded and planning inspections be carried out by DMC.
2. That the Overview and Scrutiny proposal to have a separate committee for planning policy issues be deferred until after the elections in May 2015.
3. That the Overview and Scrutiny Committee be split into two separate committees.
4. That any amendments to the committee structure be reflected in the constitutional changes to be agreed at Annual Council.

RESOLVED that the following decisions be supported:

Minute 72 – The Jurassic Coast and Tourism

That future work of the committee is added to the forward plan to look specifically at:

- a) how council assets and their associated events are currently promoted;
- b) how that can be improved within the boundaries of the existing budget and staff, including a form of cross marketing that pulls together assets and events that may fall across different services and portfolios;
- c) how Members can help promote, through their work with the electorate, the council assets and events.

Minute 88 – Draft Annual report

That the Chairman and Vice Chairman agree the final version of the committee's annual report for submission to Annual Council in May 2015.

RECOMMENDED that the following together with the recommendations of Cabinet set out above be referred to Council for consideration:

Minute 85 – Joint think tank recommendations

1. That the Overview and Scrutiny Committee be replaced by two committees, one of which is a Scrutiny Committee set up on the following terms:
 - a. 15 members, with a quorum of 5, excluding members of the Cabinet;
 - b. meeting on a regular basis to feed into the Cabinet cycle of meetings, on average 10 meetings per year;
 - c. principally owning the post decision scrutiny process and scrutinise service delivery;
 - d. the opposition would be invited to nominate the Chair of the Committee – if no suitable nomination is made, the Leader would retain the right to nominate the Chair.

2. That the function of overview from the Overview and Scrutiny Committee, and the function of planning policy from the Development Management Committee, become the responsibility of a new Overview, Economic and Planning Policy Committee, set up on the following terms:
 - a. 11 members, with a quorum of 5, which could include members of the Cabinet subject to legal clarification;
 - b. Meeting six times per year and as required;
 - c. Include in the terms of reference the principle role of developing policy and evaluating its implementation, including planning policy and economic development policy;
 - d. Chaired by a member of the majority party.

3. Development Management Committee terms of reference be amended to reflect that it will solely focus on the determination of planning applications, retaining the current membership of 16 but with an amended quorum of 8.

4. Development Management Committee, when deferring an application for a site visit, name 9 members of its committee to undertake a site inspection, along with the Chairman and Vice Chairman of that committee (making a total of 11) to undertake that site visit 10 days after the meeting and meet to determine that application on that same day. Substitute members will be arranged as necessary and a quorum of 8 is required.

5. that the Vice-Chairman of Development Management Committee take on the role of Chairman when an application within the Chairman's ward is determined;

6. that training/awareness of the planning delegation scheme be reinforced through the Member Development programme;

7. the call-in process to be amended to permit any four members of the Council (excluding cabinet members) to support a call-in, along with the support of the Chairman or Vice Chairman of the proposed Scrutiny Committee;

8. that finding a suitable system for recording Councillor attendance at committee meetings, of which they are a member, and length of attendance, form part of a wider project associated with providing improved digital infrastructure in the future;

9. In undertaking any consultation, that
- a. where an issue involves the wider interests of a town which is served by a number of wards, members in all those town wards be consulted, rather than just those in the ward where the issue arises;
 - b. that officers have greater awareness of the need to consult other internal services to ensure that all interests are taken into account.

208 **Housing Review Board meeting held on 19 March 2015**

Members received and noted the minutes of the meeting of the Housing Review Board held on 19 March 2015. Minute 91 Affordable Housing – Potential Property Acquisition or Land disposal in Honiton - the report outlined a proposal to purchase a new property using Housing Revenue Account funding and Right to Buy receipts, and to dispose of a small area of housing land.

RESOLVED 1 that the following be noted/acknowledged;

Minute 79 – Forward Plan

Minute 81 – the impact of the Care Act 2014 on housing services

Minute 82 – the variances identified as part of the HRA revenue and capital monitoring process up to month ten.

Minute 83 – changes to the Homes and Communities Agency Regulatory Framework.

Minute 86 – yearly achievements of the Board.

Minute 88 – Performance Digest 2014/15

RESOLVED 2 that the following decisions be agreed:

Minute 80 – Support Services

the arrangements towards the implementation of new charges for support services.

Minute 84 – HouseMark Benchmarking survey results

The HouseMark's 2013/14 Benchmarking report .

Minute 85 – Performance Insight action plan

The 2015/16 Performance Insight Action Plan.

Minute 87 – OPENHousing Software System

The update to consider progress towards a comprehensive housing management software system report proposals.

Minute 90 – Update on the proposed purchase of land at Mudbank Lane, Exmouth

The progress made on site acquisition since last reported to the Housing Review Board on 6 November 2014.

RESOLVED 3 – that the following recommendation be approved:

Minute 83 – Regulatory Framework changes

that officers be requested to assess the implications of the Homes and Communities Agency Regulatory Framework and report back to the Housing Review Board when detailed guidance has been published.

RECOMMENDED that the following be referred to Council for consideration

Minute 91 – Affordable Housing – property acquisition or land disposal in Honiton

it is agreed that:

- a. this type of accommodation (two bedroom house in Honiton) would be a beneficial addition to the current council property portfolio.
- b. funding from the Housing Revenue Account and Right to Buy receipts be used to purchase the proposed property.
- c. in the event the property purchase is unsuccessful, consideration may be given to the disposal of an identified area of Housing land for a best price consideration.

d. in either case the Strategic Lead for Housing, Health and Environment is given delegated authority to negotiate the best outcome for the Council.

***209 New Homes Bonus Panel meeting held on 17 March 2015**

Members received the notes of the meeting of the New Homes Bonus Panel held on 19 March 2015. Councillor Ray Bloxham, Panel Chairman referred to the range of benefits to local communities. The issue of working with parishes in adjoining districts was raised as it was thought it could benefit local communities. Organisations who had received funding gave feedback to officers as to the benefit and use of any equipment/facility purchased. If the award was over £4000 a feedback report was required.

RESOLVED:

that the New Homes Bonus Panel's decisions be supported and its recommendations approved, as set out in the notes of the Panel's meeting.

***210 Seaton Regeneration meeting held on 19 March 2015**

Members received and noted action points of a meeting of Seaton Regeneration held on 19 March 2015.

RESOLVED:

that the S106 allocation from Rowan Drive, Seaton, if the development is approved, be put towards seafront enhancement, or that consideration be given to seeking a larger proportion of the total £114,073.75 S106 money (for open space play) for use for seafront enhancement.

***211 Exmouth Tidal Defence Study**

The report of the Senior Manager – Regeneration and Economic Development sought approval to undertake a Tidal Defence Study for Exmouth in conjunction with the Environment Agency. The Exe Estuary Management Strategy (published in September 2013) set out a number of projects required to address the risk of flood and coastal erosion for the next 100 years. The Exmouth Tidal Defence Study was now required to consider the risks of flooding specifically in relation to Exmouth. Member noted the proposal for the Council to work in partnership with the Environment Agency on this Study to ensure that it complemented the regeneration work that the Council was taking forward through the Exmouth Vision Masterplan. The Environment Agency would meet all the costs of the work.

RESOLVED:

1. that the Council undertakes the Exmouth Tidal Defence Study with a budget of £120,000 to pay the consultants, (this sum to be fully recovered from the Environment Agency);
2. that the appointment of WSP as the consultant to undertake the Exmouth Tidal Defence Study be approved.

REASON:

To enable progress to be made with the preparation of the Exmouth Tidal Defence Study and to ensure that the Study recommendations for flood defence works will complement the work that the Regeneration and Economic Development Team are undertaking in Exmouth.

***212 Mamhead Slipway, Exmouth**

Members considered the report of the Mamhead Slipway Replacement Project Manager seeking Council approval for the construction of the replacement slipway during summer and autumn 2015. This timing of the construction would avoid conflict with the presence of over-wintering birds.

RESOLVED:

that the procurement and construction of a replacement slipway at Mamhead, Exmouth, be agreed in accordance with the approved planning consent, subject to the overall cost being within the provision made in the agreed capital budget and on such terms as may be advised by the Strategic Lead – Legal, Licensing and Democratic Services.

REASON:

The required planning consent and marine licence have been secured, and detailed design is under way, so it is appropriate to restore public slipway facilities in Exmouth as soon as is practicable.

***213 National Coastwatch, Queen's Drive.**

Consideration was given to the report of the Senior Manager - Regeneration and Economy seeking Cabinet authority to proceed with granting a Tenancy at Will to the National Coastwatch Institution for their occupation of the former first aid post situated on Queen's Drive, Exmouth. The Coastwatch service was currently located in the Lookout Tower, which would be transferred, to enable redevelopment to proceed, to the selected developers for the Queen's Drive Scheme. The temporary relocation of the National Coastwatch Institution to adjacent premises would ensure that there was no disruption to the valued service the Institution provides to Exmouth.

RESOLVED:

that the Senior Manager, Regeneration and Economic Development be authorised to enter into a Tenancy at Will (at nil rental) with the National Coastwatch Institution for their occupation of the former first aid post and proceed with the preparation of the necessary documentation in consultation with Property and Estates and Legal Services colleagues.

REASON:

To maintain the service provided by the National Coastwatch Institution in Exmouth, whilst the Queen's Drive project proposals move forward. The National Coastwatch currently occupies premises (the Lookout Tower) on Queen's Drive at nil rent; it is a charitable organisation and provides a vital service for beach and water users.

214 The Mobile Homes Act 2013

The report of the Environmental Health Manager (Private Sector Housing) referred to the reformed licensing regime under the Mobile Homes Act 2013 which provided local authorities with the ability to charge for granting licences, have greater regard to the management of sites, assess all site rules and provide greater enforcement tools, in order to ensure that sites were managed and maintained in a satisfactory manner. The report included details of the legislative changes and the increase in duties and requirement on the local authority.

RECOMMENDED:

that the proposed arrangements for the licensing fee structure for relevant protected sites and any new relevant protected sites be agreed.

REASON:

The proposed licensing fee structure required Council agreement.

***215 Lypstone Neighbourhood Plan (referendum)**

The report of the Neighbourhood Planning Officer advised that the Lypstone Neighbourhood Plan had now passed referendum – this had been held on 26 March 2015. The question asked of voters was ‘Do you want East Devon District Council to use the neighbourhood plan for Lypstone to help it decide planning applications in the neighbourhood area? The result of the referendum was a vote in favour of 86.5%. The next step was for the Neighbourhood Plan to be formally ‘made’ by East Devon District Council so that it would form part of the development plan and carry its full weight in the planning decision making process.

RESOLVED

1. that the Lypstone Neighbourhood Plan is ‘made’ so it forms part of the development plan,
2. that the Council write to the Neighbourhood Plan Group to congratulate them on all their hard work and advise that once ‘made’, the Lypstone Plan will carry its full weight in the planning decisions making process.

REASON

The Lypstone Neighbourhood Plan received a majority ‘yes’ vote in the referendum as required by the regulations and there is no substantive reason not to ‘make’ the Plan.

***216 Performance monitoring report for February 2015**

The Cabinet considered the report of the Strategic Lead - Organisational Development and Transformation setting out performance information for the 2014/15 financial year for February 2015. Cabinet would receive a report on staff absence. It was reiterated that the long-term sickness issues were physical and not stress related.

RESOLVED:

that the progress and proposed improvement action for performance measures for the 2014/15 financial year for February 2015 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.

***217 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 and referenced at Minute 159 in respect of the urgent item), is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B)..

***218 Seaton Regeneration Activities**

Members considered the report of the Senior Manager, Regeneration and Economic Development giving Members an update on regeneration projects in Seaton. Two projects required the Council to enter into a land acquisition from a private landowner and a new lease to Seaton Tramway. Details of the arrangements were set out in the report.

RESOLVED:

1. that the principle of the leasing of additional land to Seaton Tramway as outlined in Appendix 3 to the report be approved,
2. that the principle of entering into a 50 year lease with Seaton Tramway be approved,
3. that the latest proposals prepared by Seaton Tramway for the building of a new terminus and additional tramline be noted;
4. that delegated authority be given to the Deputy Chief Executive in consultation with the Economy Portfolio Holder to agree the rental terms for the new lease having received appropriate professional advice,
5. that delegated authority be given to the Deputy Chief Executive in consultation with the Economy Portfolio Holder to give landowner's approval to the proposals for the new terminus building following the receipt of feedback from a planning application consultation process and discussion with the Seaton Regeneration Board,
6. that delegated authority be given to the Deputy Chief Executive in consultation with the Economy Portfolio Holder to enter into an appropriate legal agreement with Seaton Tramway that will allow for the 50 year lease to be granted subject to a detailed planning permission being received by Seaton Tramway,
7. that the acquisition of the land at Sheep's Marsh from the private landowner in the sum indicated in the report (at Paragraph 2.2) be approved and funding be made available to enter into this purchase agreement during 2015/16.

REASON:

To enable Seaton Tramway to redevelop the terminus site, which will complement the Seaton Jurassic redevelopment and will complete the redevelopment of the Seaton Underfleet area which has been planned for many years.

The acquisition of the land at Sheep's Marsh had been brought forward to secure the commitment of the private landowner and would assist access onto the site by the Countryside Team.

Attendance list**Present:**

Paul Diviani Leader/Chairman

Portfolio Holders:

Ray Bloxham	Corporate Business
Iain Chubb	Portfolio Holder - Environment
David Cox	Finance
Jill Elson	Sustainable Homes and Communities
Ian Thomas	Economy
Phil Twiss	Corporate Services

Deputy Portfolio Holders

Stephanie Jones	Sustainable Homes and Communities
Tom Wright	Environment

Cabinet apologies:

Andrew Moulding Deputy Leader/Portfolio Holder Strategic Development and Partnership

Also present:

Councillors:

Frances Newth
Christine Drew
Tony Howard
John Humphreys
Geoff Pook
Steve Hall
David Atkins
Graham Godbeer
Helen Parr
Peter Sullivan

Also present:

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Simon Davey, Strategic Lead - Finance
John Golding, Strategic Lead – Housing, Health and Environment
Henry Gordon Lennox, Strategic Lead – Legal, Licensing and Democratic Services
Karen Jenkins, Strategic Lead – Organisational Development and Transformation
Alison Hayward, Senior Economy and Regeneration Manager
Ian Harrison, Contractor (Mamhead Slipway)
Diana Vernon, Democratic Services Manager
Amanda Coombes, Democratic Services Officer

Councillor apologies

Non Cabinet:

Madeleine Chapman
David Chapman
Tim Wood
Peter Halse
Martin Gammell
Steve Gazzard
Mike Allen
Pauline Stott
Alan Dent
Sheila Kerridge

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Overview and Scrutiny Committee held at Knowle, Sidmouth on 26 February 2015

Attendance list at end of document

The meeting started at 6.30pm and ended at 9.50pm.

***68 Public Speaking**

There were no public speakers for this section of the meeting.

***69 Minutes**

The minutes of the 22 January 2015 meeting were agreed, subject to the inclusion of the attendance of Councillor Claire Wright.

***70 Declarations of Interest**

Cllr Graham Troman – minute number 72

Prejudicial interest

Reason: Owner of cafe in Sidmouth

Cllr Jill Elson – minute number 73

Personal interest

Reason: Chairman of Governors for Exmouth Community College; in relation to Withycombe Rugby Football Club pitch

***71 Exclusion of the public**

RESOLVED:

The committee agreed to allow consideration of the Funding Contract in public and therefore the classification given to item 16 on the agenda be amended to permit the item to be dealt with in public (Part A) following permission from Honiton Town Council for the contracts contained in the item to be published.

***72 Application for concession to operate a coffee van on Sidmouth beach during the summer season**

Councillor Peter Bowden acted as Vice Chairman for the duration of this item.

John Horrnick, Chairman of Sidmouth Town Council, spoke of his reasons for recommending a rejection of the application, covering:

- Objections from the Streetscene service;
- Spoiling the regency seafront;
- Increased litter and seagull nuisance;
- Unfair competition to other business who had to pay for business rates and rent;
- Town Council objected to the concession when first presented to them.

John Dyson, Chairman of the Planning Committee of Sidmouth Town Council, commented that this application had prompted the highest volume of complaints he had ever received on one issue in the last five years. He was concerned on how, if granted, it would affect both residents and local businesses.

Steven Kendall Torry, representing the Sidmouth Chamber of Commerce, advised the committee of his concern in setting a precedent, if the concession was granted, that could lead to a number of such outlets along the seafront area. He asked the committee to continue to protect the world heritage site.

David Addis, a resident of the town, questioned the need for an additional outlet when the town was already serviced by a number of businesses that could supply the same product. He spoke about the impact on the lifeboat station if the vehicle used for the concession broke down, and could not be moved from the site; as well as the visual impact the vehicle would have.

Richard Thurlow, representing the Sid Vale Association, outlined objections to the concession, including:

- Adverse visual impact;
- Impacting on conservation area and listed buildings contained within it;
- No evidence that there was a business need for such an outlet;
- Setting a precedent for other coastal towns if agreed;
- Insufficient consultation.

Alan Weaver, representing the local hotels, spoke about the unfair competition on local businesses that had to pay for substantial overheads, such as business rates.

Alderman Ann Liverton outlined her objections, including:

- No conditions could be put in place for hours of operation as no licence could be applied;
- Seagull nuisance would increase, which would work against the considerable expense already made in trying to prevent seagull nuisance;
- Setting a precedent for other seaside towns and villages;
- Enforcement is a slow process, and ineffective to take action over a summer season.

Mr Manley, the applicant for the concession, acknowledged the comments made by the public, which he pointed out to the committee mostly related to the businesses in the town. He did not feel that any representation had been made for visitors or users of the beach, such as families. He highlighted that Beer currently had a food cafe on the beach, outlining that his application was purely for selling drinks, and included a beach cleaning service to deal with any litter issue. In relation to competition with other businesses, he did not agree that all business in the town had such large overheads, and that competition was healthy for the consumer. He praised the great independent shops in the town but warned that the town was not thriving as much as had been portrayed by the public speakers. He felt this was evidenced by the reduction in customers for the deck chair concession which he also ran. He asked the committee to be mindful of the wants and needs of young families using the seafront and recommend approval to the Portfolio Holder.

Councillor Steve Hall, Chairman of the Licensing Committee, advised the committee that prohibited street status applies to the beach area, put in place in 1983 and amended in 2009 to permit traders selling goods (not food and drink) during the period of the folk festival, only on the esplanade. The Licensing service was not consulted on the application, and if they had been, would have raised serious concern and alerted both officers and the applicant to this prohibition. He felt that to recommend approval of the application would be an embarrassing step by the Council.

Councillor Stuart Hughes, as Ward Member for Sidmouth Sidford, outlined his objections, including the adverse visual impact on the gateway to the Jurassic Coast. In terms of procedures, he felt that all ward members of the Sidmouth area should have been consulted, as the impact was much wider than just the ward the application related to. He also felt that the call in procedure to bring an issue to the committee was too restrictive, and should be amended to permit any councillor to call in a decision.

Councillor Mrs Frances Newth, Ward Member for Sidmouth Town, agreed with the objections raised, and voiced her concern at the lack of consultation with the Licensing service.

Councillor Peter Sullivan, Ward Member for Sidmouth Town, asked that the mistakes made be addressed, including:

- Error in not publishing the decision in the Knowledge newsletter in a timely fashion;
- Lack of consultation and communication between council services;
- Poor service to the applicants and means of recompense for their expenses incurred to date.

The committee debate included some agreement with the reasons for objection. Members agreed that the process of the application and subsequent lengthy delay in publication was flawed and needed investigation. The Portfolio Holder for Environment outlined the background to the application for the committee.

RECOMMENDED

1. that the Portfolio Holder for Environment rejects the application for a concession to operate a coffee van on Sidmouth beach on a number of grounds of objection;
2. that procedures are amended to ensure that, on issues that have the potential to impact on a wider area, officers consult with all members in a multi-ward town; as well as ensure that all relevant services within the council are consulted;
3. that the Portfolio Holder for Corporate Business reviews, through the work of his think tank, the “call in” procedure to consider recommendations for changes to make it less restrictive.

***73 Draft East Devon playing pitch strategy**

The draft playing pitch strategy is currently out for consultation with Sport England, national governing bodies for sports, Exeter City Council, Active Devon, LED, local sports clubs, and town and parish councils. Once the consultation completes on 16 March, the feedback will be considered, and a final version presented to Cabinet and Development Management Committee in due course.

In endorsing the draft for consultation, Cabinet resolved that the Planning Policy team pursue options to address the immediate needs of clubs in Exmouth and Honiton at the same time/in parallel to developing the strategic approach to pitch provision. For example, to look into the reason for the delays in respect of the St John’s pitches and investigate whether this site could be used on a temporary basis.

Following the resolution by Cabinet, Charlie Plowden, Service Lead Countryside and Leisure, confirmed that work was already underway to seek a short term lease arrangement for St John’s in Exmouth.

A query was raised on amended wording relating to Honiton as raised at Cabinet, to include reference to land at Tower Cross. Councillor Twiss advised the committee that this amendment would be raised at the next Cabinet as part of agreeing the minutes. Councillors will still have the opportunity to comment directly on the draft strategy to suggest amendments and additions during the consultation period.

Positive comments on the strategy were made by the committee, along with an expression of need of urgency for supply of pitches to assist local clubs.

RECOMMENDED

That the draft playing pitch strategy as agreed by Cabinet on 11 February 2015 be endorsed with the understanding that the document will evolve as feedback is received and taken into account.

***74 Feedback from joint Think Tank**

The committee received an update report from the Portfolio Holder for Corporate Business on recent work at the joint think tank, that was well attended by members.

Recommendations for further debate and development from the last meeting were:

- Glossary of terms to be adopted for use as part of the member development programme. This had been discussed further at a meeting of the member development working group earlier in the day;
- Clear distinction of decision powers between Portfolio Holders/Cabinet and the full Council communicated to councillors, including through the member development programme. This was already tasked to the member development working group to action;
- Debate amending the constitution to permit the following:
 - Replace the Overview and Scrutiny Committee with two separate committees of a smaller membership, overall involving more councillors
 - Split the current responsibilities of the Development Management Committee, amending to retain (as Development Control) determination of planning applications, remain at 16 councillors, and retain a Planning Inspections Committee; the remaining responsibilities of developing planning policy to be undertaken either as a dedicated Development Policy Committee **OR** taken into the responsibilities of the Overview Committee.
- The separate Overview committee to be chaired by a member of the majority party, with an invitation to the opposition to nominate the chairman of the Scrutiny committee. The Leader retains the right to fill the role of Scrutiny Chairman from the majority party if no suitable nomination is made. The Housing Review Board to remain as chaired by a member of the majority party.
- Scoping for Task and Finish Forums be undertaken by the committee prior to the start of the Forum;
- A Task and Finish Forum to normally consist of seven councillors
- Strategic Management Team work to change the culture of “to note” recommendations and encourage officers to make clear what decision is being recommended

Comments made by the committee were in praise of the work of the Portfolio Holder and the operation of the think tank to permit cross party free and frank discussion, bringing about constructive suggestions for further development.

Debate included agreement that councillors did not have to accept an officer recommendation, however it was worded. Members had the option to propose recommendations with the wording of their choice. In discussing the creation of new committees, such as an overview committee, a separate scrutiny committee, and a planning

policy committee, members felt that further work needed to be carried out to have clear terms of reference before any specific recommendation was made to Council. Opinions were voiced on chairmanship, where some felt that chairing a committee required the most suitable member, rather than confining the role to a majority or non majority party; others felt that having a non majority party chairman for a scrutiny committee sent a clear message to the public of the role of a critical friend.

RECOMMENDED

1. That the constitution be amended to reflect that any Task and Finish Forum set up by the Overview and Scrutiny Committee, or Housing Review Board, consists of normally seven councillors with a quorum of 4.
2. That outstanding issues on committees, chairmanship and numbers be referred back to the think tank for further discussion and development with the agreement of the Portfolio Holder for Corporate Business.

RESOLVED

That scoping for Task and Finish Forums be undertaken by the committee prior to the start of the Forum.

***75 Police and Crime Panel Presentation**

Councillor Tom Wright, as representative on the Police and Crime Panel, gave the committee an update on the work of the Panel, and how it is effectively scrutinising the work of the Police and Crime Commissioner (PCC).

He gave some background to the Panel and highlighted some key achievements, including bringing forward review on the 101 telephone system. He was also taking forward recent changes relating to investigations of taxi and private hire drivers for discussion, as the changes were potentially putting vulnerable people at risk. The Chairman of Licensing, Councillor Steve Hall, advised the committee that he was writing to Home Secretary on the matter.

Cllr Wright advised the committee that the PCC was under pressure on budgets, in common with all other agencies and authorities, and was considering best use of the police forces assets. Discussion also took place on the changing face of police resources as criminality changed towards cyber crime and terrorism.

The committee were advised that a public scrutiny and accountability meeting is being held by the PCC on 5 March at Devon County Council. Members were advised to direct any strategic police issues to Councillor Tom Wright to raise with the Panel.

RESOLVED

That the committee received the report of the Police and Crime Panel representative.

***76 Portfolio Holder update - Economy**

Councillor Ian Thomas gave the committee a presentation on his work as portfolio holder.

He covered the issues and opportunities that he, and the officers under this portfolio, had been and continued to focus on, relating to:

- Council spending – highlighting a cultural change to move towards more income generation to offset reduction in government funding
- Employment – highlighting work to encourage creation of better paid jobs in the district
- Business support – highlighting the small and medium enterprises strategy

- Housing – stressing that housing growth was strongly linked with economic growth
- Regeneration – emphasising in particular successes across the district, including Seaton Jurassic
- Assets – showing a move to commercial management with support from members to get best use of asset
- Investment – looking at differing methods of securing funding and investment
- Planning – including Cranbrook masterplanning
- Inter authority cooperation – working with Exeter and Teignbridge, and promoting shared projects such as the met office supercomputer

The resources available under this portfolio were also set out to the committee, which included two current vacancies for key posts.

The Portfolio Holder thanked the supporting Member Champions and officers under his portfolio for the work they had achieved through the year.

RESOLVED

That the committee received the update report of the Portfolio Holder - Economy.

***77 Contractual arrangements to protect the Council's interests generally, and specifically the contractual arrangements in respect of the Beehive, Honiton**

The committee received a report outlining the protective measures used on contracts to protect the Council's interests. Specific detail was set out on the contractual arrangements between the Council and Honiton Town Council in respect of the Beehive Centre.

In general terms, the Council can either provide a loan, where the money is repaid on fulfilment of certain considerations; or a grant, to be used for a particular purpose but with no expectation that it will be repaid. The report set out in detail how the contracts are prepared in both instances, including for land transactions.

In the case of the Beehive, freehold of the land on which the building now stands was legally transferred to Honiton Town Council (HTC) on 28 October 2013, the purpose of the transfer to permit the construction of a community centre. The main contractual document contains a number of safeguards, including:

- A restrictive covenant that obligates HTC to only use the property for the purpose of a community centre / community purposes and ancillary uses (such as car parking). This covenant binds HTC and its successors in title and relates to all or any part of the conveyed land. This covenant does, however, permit a secondary use to be carried on provided it relates to only a small part of the property. This covenant was registered on the title.
- A positive obligation on HTC to proceed diligently with the build of the Beehive and to make sure it was completed and available for occupation by the second anniversary of the Transfer.
- An overage clause (referred to in the Transfer as the 'Clawback clause') in respect of the future uplift in value caused by certain specified events (including the granting of a planning permission) with such clause applying for a period of 70 years. This covenant binds HTC and its successors in title and relates to all or any part of the conveyed land. This overage clause was protected by way of a Legal Charge such that the Council became a mortgagee and the title shows the presence and effect of such charge. The

reason for this restriction is so that the Council can, effectively, ensure that its legal interest is always protected notwithstanding any changes in land ownership.

There is also an Option Agreement which gives the Council an option for a period of 100 years to buy back the land at a price of £1 in the event of certain specified events; and a Funding Agreement which arose as a consequence of drainage issues identified during the construction phase. The report contained copies of the agreements and the committee were advised that there were two more financial agreements of 2005 for £333,000, and 2013 relating to section 106 payments that were also related to the beehive but not included in the agenda papers.

Alderman Vivien Ash, speaking on a personal basis under public speaking arrangements, advised the committee that Honiton Town Council had been forward looking in securing funding for building the community centre, and had put in place appropriate measures for it. She highlighted the benefits to the community and advised the committee that the work involved in bringing the project to completion was worth the effort.

Councillor Mike Allen, who had requested that the item come before the committee, raised concerns including:

- He was refused access to certain financial agreements relating to the Beehive when requesting them prior to the meeting;
- Inadequate monitoring built into the contractual arrangements for the Beehive, particularly in light of changes to business plan;
- Financial assistance to HTC to complete drainage should have been provided as a loan, to be repaid once HTC had undertaken their own investigation with the agent to recover that cost for the agent's failing in identifying the drainage work required;
- Transfer of asset to charitable status;
- Still no coach parking spaces marked out despite planning condition that such spaces should be marked out within two years;
- Looking for clarification on the Council being guarantors of the mortgage for HTC;
- Look at contracts and agreements between main funding agencies for good practice.

In response, both from the Principal Solicitor and the Deputy Chief Executive, the committee were informed that:

- The councillor was not refused access to the financial agreements, but their disclosure was treated under the terms of the access to information as set out in the constitution, as all councillor requests are.
- The council has no powers to instruct Honiton Town Council on how it operates the centre;
- The council has no powers or legal standing to take any action on the contract between HTC and the drainage contractor;
- The purpose behind the building, as a community centre, remains in place and therefore satisfies the terms of the grant. If the building no longer operates as a community centre, the council can take action due to the safeguards in place;
- Mortgage clarification will be sought from the financial service;
- Setting a charitable company to run such a service is a common practice with certain benefits. The council would have to be consulted on it but wouldn't take a negative view on that option if HTC wanted to pursue it;
- Existing funding agreements in place by bodies, such as the Heritage Lottery, could be explored to see if further good practice exists that can be adopted for future contracts.

In debating the report, and in particular the Beehive, comments from the committee included:

- Some members satisfied with the safeguards put in place as set out in the report;
- Clear that the council cannot instruct HTC on how to operate its affairs;
- Support for new facility for Honiton community;
- Cabinet made decision to provide funds for completion of drainage works and seeking recompense from contractor is matter for HTC to pursue;
- In response to questions, it was confirmed that there was no ongoing financial liability on the council.

RECOMMENDED

That the Deputy Chief Executive explore good practice examples of contractual arrangements utilised by funding bodies to inform future contracts established by the council.

***78 Supporting new developments through investment in infrastructure**

Ed Freeman, Service Lead Planning Strategy and Development Management, had prepared a report at request of the committee in relation to a performance measure on securing infrastructure delivery alongside developments.

The report detailed a number of constraints through both government guidance and legislation, which were predicted to only increase the problem of meeting this performance measure, even after implementing a CIL charging structure and the adoption of the Local Plan. Other funding opportunities for securing infrastructure would need to be explored.

RECOMMENDED

That, on the basis that the new Council in May 2015 agrees to formulate a separate strategic development management committee, the report be considered further by that committee to debate further options for securing infrastructure delivery.

***79 Performance monitoring third quarter 2014/15**

This item, due to the hour, was deferred for debate to the next meeting of the committee.

RESOLVED

That the report on performance monitoring for the third quarter for 2014/15 be deferred to the meeting of the committee on 26 March 2015

***80 Overview and Scrutiny forward plan**

RESOLVED

That the forward plan for the Overview and Scrutiny Committee be agreed subject to the additional item of the deferred performance monitoring report.

Attendance list

Present:

Tim Wood (Chairman)
Graham Troman (Vice Chairman)
Mike Allen
Peter Bowden
David Chapman

Maddy Chapman
Deborah Custance Baker
David Key
Roger Giles
John Humphreys
Sheila Kerridge
Frances Newth
Tony Howard
Claire Wright

David Cox
Tom Wright
Ray Bloxham
Pauline Stott
Christine Drew
Peter Sullivan
Ian Thomas
Iain Chubb
Phillip Twiss
Jill Elson
Paul Diviani
Stuart Hughes
David Atkins
Susie Bond
Steve Hall
Stephanie Jones
Alan Dent
Martin Gammell

Richard Cohen, Deputy Chief Executive
Debbie Meakin, Democratic Services Officer
Henry Gordon Lennox, Service Lead - Legal
Ed Freeman, Service Lead Planning Strategy and Development Management
Rob Harrison, Senior Estates Surveyor
Charlie Plowden, Service Lead Countryside and Leisure

Apologies:

Vivien Duval Steer
Peter Halse
Brenda Taylor
Chris Wale
Eileen Wragg
Steve Wragg
Geoff Pook
Mike Howe
Andrew Moulding
Steve Gazzard

Graeme Thompson
Matt Dickins

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Overview and Scrutiny Committee held at Knowle, Sidmouth on 26 March 2015

Attendance list at end of document

The meeting started at 6.30pm and ended at 8.58pm.

***81 Public Speaking**

There were no public speakers for this section of the meeting.

***82 Minutes**

The minutes of the 26 February 2015 were agreed, subject to the insertion of the specific Sidmouth Wards that Councillors Mrs Frances Newth, Peter Sullivan, and Stuart Hughes represent.

***83 Declarations of Interest**

Cllr Jill Elson – minute number 86

Personal interest

Reason: Chairman of Exmouth and District Community Transport Group - Parishes Together Fund awarded funding towards providing a new bus.

***84 The Jurassic Coast and Tourism**

The Chairman welcomed Sally King from the Jurassic Coast team to the meeting, as well as one of their Ambassadors, Alderman Mike Green.

She outlined, through her [presentation](#), the size and scale of the World Heritage Site and what it represented in terms of the earth's geological history. She reminded the committee of the role of the team to inspire, celebrate and safeguard the site.

Sally King focussed on the Marine Link project, which has currently been put on hold on request of the Devon and Dorset county councils due to lack of funding. She took members through how the project had evolved, including extensive background studies and an independent peer review of the project. Benefits of a marine link were:

- Best means of viewing the World Heritage Site;
- Sustainable form of transport that could ease congestion in peak season;
- Useful for residents;
- Attractive to tourists and encourage a wider visit to more of the district;
- In promoting and increasing tourism, benefit tourism related jobs.

Councillor Sheila Kerridge spoke about her role as Member Champion for Tourism, highlighting the lack of funding in past years to actively promote tourism by the Council. She commended the work of individual towns and enterprises in undertaking their own promotion, but felt it was time to look at how to promote the area as a tourist destination as a whole, and bring the individual pieces together to work as one in attracting more footfall to the area. She was disappointed in the decision at County level not to continue to work and fund the Marine Link and hoped that, in time, this concept could be reviewed and revived by other means of funding.

The Leader advised that the transport board of the LEP should be approached to see if some funding was available to support the Marine Link as a means of easing transport issues in the summer months around the coast.

Debate on the issue also included:

- Consider a “bed tax” at a small rate, as common in European countries, to help fund the Marine Link;
- A contribution was already being made by the District to the benefit of tourism indirectly through the Countryside service and the parks and gardens in the area;
- As marine links were successful and profitable elsewhere in the country, encouragement should be made to local enterprises to take up the marine link project to bring to fruition;
- Current signage at Exeter Airport arrivals was heavily tailored to advertising the county, despite it being in the district of East Devon. As the arrivals hall was due to refurbishment, the airport should be approached to get more advertising for the more local area and the Jurassic Coast.

The Chairman thanked Sally King and Mike Green for attending and the committee showed their appreciation by a round of applause.

RESOLVED

that future work of the committee is added to the forward plan to look specifically at:

- a) How council assets and their associated events are currently promoted;
- b) How that can be improved within the boundaries of the existing budget and staff, including a form of cross marketing that pulls together assets and events that may fall across different services and portfolios;
- c) How Members can help promote, through their work with the electorate, the council assets and events.

***85 Joint think tank recommendations**

The Portfolio Holder – Corporate Business outlined the latest recommendations following a think tank held on the 30 March. Members had discussed at that think tank changes to the committee structure and other constitutional amendments.

In outline, the recommendations covered separating the existing Overview and Scrutiny Committee into two committees: a Scrutiny Committee; and a Corporate Overview Committee. The recommendations also included separating out the two functions of the current Development Management Committee into separate committees, one undertaking the determination of applications, the second covering planning policy.

The Democratic Services Officer asked the committee to be mindful of the resource implications of recommending additional committees. More meetings would impact on the resources of the Democratic Services Team, Legal Team, and a number of lead officers in attending additional meetings. Mileage claims from members themselves would also increase and impact on the budget.

The committee was also asked to bear in mind the impact on an applicant if a planning application was deferred for site inspection to a month later, rather than the current ten days to Planning Inspections Committee.

Members discussed the proposed recommendations, including debate on:

- Moving back to area committees for determining planning applications because of the workload;
- No ability to call in a planning application if it was felt that the decision was not in the best interests, particularly when going against officer recommendation;

- A joint meeting of the proposed Overview Committee and Scrutiny Committee would have to be held to recommend a draft budget each year;
- Support for an opposition chairman for the scrutiny functions;
- Practicalities of the Development Management Committee undertaking a site visit prior to considering and determination of an application, as is undertaken at County level;
- Combine the proposed Corporate Overview Committee and the proposed Strategic Planning Committee in light of advice of expected workload and to help minimise impact on staff resource;
- Current Planning Inspections Committee often operating at too small a number in relation to the scale and impact of the decisions they have to take;
- Informal site visits by Development Management Committee should continue to be encouraged but training on how to go about that should be part of the member development programme;
- Members who visit a site should be the members to vote on the application;
- Quorum for PIC currently too low;
- Attendance records are a means of keeping the electorate informed of attendance and would be part of changes in technology, not a dedicated “clocking on” system as some members may have assumed;
- Economic planning policy had been lacking in past years and could be addressed through the work of a strategic committee;
- Additional meetings for any committee could be held if felt necessary;
- Call in should be easier to instigate;
- Some site visits were difficult to undertake because of the size of the building where only 3 councillors could view at a time – if all 16 members of the DMC undertook that exercise it would protract site visits as well as impact on the practical issues of getting both the committee and officers to the site.

RECOMMENDED

1. That the Overview and Scrutiny Committee be replaced by two committees, one of which is a Scrutiny Committee set up on the following terms:
 - a. 15 members, with a quorum of 5, excluding members of the Cabinet;
 - b. meeting on a regular basis to feed into the Cabinet cycle of meetings, on average 10 meetings per year;
 - c. principally owning the post decision scrutiny process and scrutinise service delivery;
 - d. the opposition would be invited to nominate the Chair of the Committee – if no suitable nomination is made, the Leader would retain the right to nominate the Chair.
2. That the function of overview from the Overview and Scrutiny Committee, and the function of planning policy from the Development Management Committee, become the responsibility of a new Overview, Economic and Planning Policy Committee, set up on the following terms:
 - a. 11 members, with a quorum of 5, which could include members of the Cabinet subject to legal clarification;
 - b. Meeting six times per year and as required;
 - c. Include in the terms of reference the principle role of developing policy and evaluating its implementation, including planning policy and economic development policy;
 - d. Chaired by a member of the majority party.

3. Development Management Committee terms of reference be amended to reflect that it will solely focus on the determination of planning applications, retaining the current membership of 16 but with an amended quorum of 8.
4. Development Management Committee, when deferring an application for a site visit, name 9 members of its committee to undertake a site inspection, along with the Chairman and Vice Chairman of that committee (making a total of 11) to undertake that site visit 10 days after the meeting and meet to determine that application on that same day. Substitute members will be arranged as necessary and a quorum of 8 is required.
5. that the Vice-Chairman of Development Management Committee take on the role of Chairman when an application within the Chairman's ward is determined;
6. that training/awareness of the planning delegation scheme be reinforced through the Member Development programme;
7. The call-in process to be amended to permit any four members of the Council (excluding cabinet members) to support a call-in, along with the support of the Chairman or Vice Chairman of the proposed Scrutiny Committee;
8. that finding a suitable system for recording Councillor attendance at committee meetings, of which they are a member, and length of attendance, form part of a wider project associated with providing improved digital infrastructure in the future;
9. In undertaking any consultation, that
 - a. where an issue involves the wider interests of a town which is served by a number of wards, members in all those town wards be consulted, rather than just those in the ward where the issue arises;
 - b. that officers have greater awareness of the need to consult other internal services to ensure that all interests are taken into account.

***86 Parishes Together Fund update**

The committee received an update report from the Portfolio Holder for Corporate Business on the work of the New Homes Bonus Panel in dealing with applications from towns and parishes for funding to support community projects. His [presentation](#) outlined some statistics on funding awarded and highlighted some projects of interest.

Many projects were successful because of parishes and towns working together to bid for funding for a project, one example being to provide a bus service for parishes around Budleigh Salterton to get to the town's community hospital. The parishes were able to apply for funding to top up their funds already collected to the cost required for purchase and running of the service. This meant that, in working together, the parish of Colaton Raleigh had a bus service to the community hospital for the allocation of £400.

The Portfolio Holder asked the committee to consider the scope of the projects that had been awarded funding, and asked them to take that information back to their parishes and encourage them to apply to make use of their allocation. He also gave thanks to Jamie Buckley, Community Engagement and Funding Officer for her work with DCC to help applicants work up their projects to bring to the Panel.

Parish meetings (those that do not have a parish council) are permitted to apply jointly with at least one other parish council in order to access the funding available to them.

Cross-boundary applications were not presently possible because of the differences in how other districts operated their schemes, but this would be reviewed to see if a compromise could be reached to allow the outer parishes of the district to work their neighbours across the border to help obtain funding for community projects.

***87 Performance Monitoring for Third Quarter 2014/15**

The committee considered the performance monitoring report deferred from their last meeting. Concern was expressed at the number of days lost to sickness and members already had an understanding, and were sympathetic to, the impact on that performance indicator due to long term illness of a small number of staff.

RESOLVED

That the committee receive a future report on the measures taken to address the number of working days lost due to sickness absence.

***88 Draft Annual Report**

Comments were made on the continued developments on health provision and members felt that the report should reflect the continued work by members to keep a watching brief on the topic.

RESOLVED

That the Chairman and Vice Chairman agree the final version of the committee's annual report for submission to Annual Council in May 2015.

Attendance list

Present:

Tim Wood (Chairman)
Graham Troman (Vice Chairman)
Mike Allen
Peter Bowden
Maddy Chapman
Deborah Custance Baker
Vivien Duval Steer
David Key
Peter Halse
John Humphreys
Sheila Kerridge
Frances Newth
Tony Howard
Brenda Taylor
Eileen Wragg
Steve Wragg

Ray Bloxham
Susie Bond
Paul Diviani
Christine Drew
Jill Elson
Graham Godbeer
Martin Gammell
Stephanie Jones
Andrew Moulding
Peter Sullivan
Pauline Stott
Phil Twiss

Alderman Mike Green

Sally Kind, Jurassic Coast Team
Jamie Buckley, Community Engagement and Funding Officer
Debbie Meakin, Democratic Services Officer
Giles Salter, Solicitor

Apologies:

David Chapman
Roger Giles
Claire Wright
Steve Gazzard
Alan Dent
Tom Wright

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Housing Review Board held at Knowle, Sidmouth on 19 March 2015

Attendance list at end of document

The meeting started at 6.00pm and ended at 7.44pm.

***74 Public Speaking**

There was no public speaking.

***75 Minutes**

The minutes of the Housing Review Board meeting held on 15 January 2015 were confirmed and signed as a true record.

***76 Declarations of Interest**

Mike Berridge: Personal Interest - Family member lives in a Council owned property; Housing tenant.

Joyce Ebborn: Personal Interest - Housing tenant

John Powley: Personal Interest - Housing tenant

Harry Roberts: Personal Interest - Housing tenant

Pat Rous: Personal Interest - Housing tenant

Cllr Susie Bond: Personal Interest - Mother uses Home Safeguard

Cllr Jim Knight: Personal Interest – Daughter lives in a Council owned property. He is a Devon County Council Councillor so did not take part in the debate on agenda item 17.

***77 Matters of urgency**

To review the proposals from the Handy Person Scheme Task and Finish Forum. The notes of the meetings were approved and agreement for a trial Handy Person Scheme to begin this summer.

***78 Exclusion of the Public**

RESOLVED:

To agree any items to be dealt with after the public (including press) have been excluded. There were two items that officers recommended should be dealt with in Part B.

***79 Forward Plan**

The Strategic Lead, Housing, Health and Environment presented the forward plan and advised Members that the forward plan would help act as a reminder of agenda items to come forward to future meetings. Members were reminded that they could add future issues to the next forward plan by informing him or the Democratic Services Officer. The Chairman asked if the 55 years old age limit for sheltered housing tenants could be reviewed. This would be reviewed after the end of March 2015 when the Supporting People funding was withdrawn Devon County Council. It was questioned why formal complaints were not on the agenda as this was the last Board meeting of the civic year. It was explained that this would usually be on the first Board agenda in the year civic year as it would give new members a feel for what issues are raised by tenants and enable an assessment of all 2014/15 complaints.

The Vice Chairman regretfully informed the Board of the passing away of Mrs Helen Moore, who chaired various designated tenant groups/committees. A letter of condolence would be sent to her husband on behalf of the Housing Review Board.

RESOLVED: that the forward plan be noted.

***80 Support Services**

The Landlord Services Manager updated the Board on the final preparations for the changes to Support Services from 6 April 2015 and highlighted the efforts to explain the process and support tenants were given through the changes. This was one of a series of reports over the last 12 months. There had been little reaction so far to the press release and related articles in the local newspapers. A handful of tenants had stated that they intended to write to the press themselves objecting to new changes. A designated telephone line was being manned during working hours with responses recorded.

A series of 12 drop-in sessions across the district started on 3 March 2015. Approximately 250 tenants took the opportunity to come to discuss the new charges and any general queries on the new service would be answered. Staff from the Support and Rental teams were present to 'log on' to the network and answer tenant questions.

The message was that there would be no opportunity to opt out of the service. The sheltered homes come with the support service and alarm as standard, and a charge for each of these was made to the customer/tenant. If a tenant wished to move out of sheltered housing the team would refer them to the Housing Needs service – so far 5 tenants had been referred. The team had received good feedback on the consultation process and the consideration given to tenants needs. The consultation had now ended. Cllr Knight thanked the Housing team for the way they had dealt with this difficult situation.

John Golding acknowledged that his staff had worked hard to implement the Board's decision to charge all tenants for support services. He stated that it was not easy charging tenants, but felt reassured the charges were reasonable and fair; they were in common with the rest of the sector. Tenants only had to pay one third of the cost in the first year as this was being subsidised by the Housing Revenue Account, and measures had been put in place to protect the most vulnerable tenants.

RESOLVED: that the arrangements towards the implementation of new charges for support services be agreed.

***81 Care Act briefing**

The Landlord Services Manager updated the Board on the new Care Act and its implications for the council and its tenants; there was a strong preventative theme throughout. The Care Act 2014, which would come into force from April 2015, was regarded as the most significant reform of care and support in over 60 years. It reformed and streamlined the legislation on access to, administration of, and responsibilities for care services. It put people and their carers in control of their care and support. It would introduce new responsibilities for local authorities and for the first time put a limit on the amount anyone would have to pay towards the costs of their care.

The Act created a single modern law that made it clear what kind of care people should expect. It had introduced a minimum eligibility threshold across the country which made it clear when local authorities have to provide support to people. Councils cannot reduce their thresholds below this minimum level. The concept of wellbeing was central to the Act and councils would have a duty to consider the physical, mental and emotional wellbeing of the individual needing care. There was also a new duty on local authorities to provide preventative services to maintain people's health. The system had to be built around each person – what they need, how they can best be cared for, and what they want.

Personal budgets had been introduced giving people the power to spend money on tailored care that suits their individual needs as part of their support plan. A cap had been put on the amount people have to spend on care, regardless of their savings and assets. The cap was £72,000 and once reached the state would pay those costs. The government had also increased the means testing level, meaning that people with modest wealth would be eligible for state help towards the cap. Under the Act, councils had to offer information and advice to help everyone understand what support they would need to help them better plan for the future. Also councils had to offer a deferred payment scheme, meaning no one should have to sell their home during their lifetime in order to pay for residential care.

There were new requirements to give carers support that put them on the same footing as the people they care for. All carers will be entitled to an assessment, and had a legal right to receive support for their needs. The main duties fall to local authorities at the county council level (in our case Devon County Council (DCC)) but EDDC had to support and work with DCC to help bring in these changes. There may well be opportunities for EDDC to deliver services around well being and prevention.

RESOLVED: that consideration of the impact of the Care Act 2014 on housing services be noted.

***82 Financial Monitoring report**

The Board was presented with a report giving a summary of the overall financial position on the Housing Revenue Account, HRA Capital Programme and the Business Plan for 2014/15 at the end of month ten (January 2015). It was highlighted that the £70k for Devon & Cornwall Housing be deleted from the Capital Programme as this should not be in the HRA for a development in Exmouth.

33 Rights to Buy properties had been sold over the last year, this was evenly distributed across the district. The question was raised to whether the council was building social houses at the same rate as the selling through Right to Buy. In 2015 the council and partners would exceed 300 new affordable homes. The council needed to sell off approximately four homes in order to build one house. Sheltered housing was protected from Right to Buy.

Regular monitoring would highlight any areas of concern or unforeseen expenditure in the HRA and associated capital programme and enable corrective action to be taken as required. Any variances would be reflected in the Business Plan.

Current monitoring indicates that:

- The Housing Revenue Account Balance would be maintained at or above the adopted level.
- The position on the HRA Business Plan remained healthy.

RESOLVED: that the variances identified as part of the HRA revenue and capital monitoring process up to month ten be acknowledged.

83 Regulatory Framework changes

The Strategic Lead, Housing, Health and Environment presented highlighted changes being made to the Regulatory Framework being introduced by the Homes and Communities Agency, following consultation with stakeholders. These changes would not really affect the council but it needed to comply with and keep track of elements such as value for money and gas servicing. The Regulatory Framework was the guidance issued to Registered Providers and forms the basis of the Homes and Communities Agency regulation of

standards in the social housing sector. In April 2014 the social housing regulator published a discussion document to seek the views of stakeholders on the principles for amending the Regulatory Framework to ensure the protection of social housing assets. Following consideration of responses received, a statutory consultation was published on proposed changes to the framework. Stakeholders were invited to give their views to the Regulator.

Proposals included:

Changes to the governance and financial viability standard

- Focus on risk management and mitigation, including the requirement for providers to have undertaken robust stress-testing of the business plan and to have a comprehensive register of their assets and liabilities.
- Ensuring appropriate skills to manage risks and to certify annual compliance with the standards.
- Where providers' businesses were ultimately controlled by a non-registered organisation, the regulator would be seeking additional assurances about the security of the social housing assets.

Code of practice

- Proposal to introduce an associated code of practice that would amplify and expand on the standard to help providers understand the concerns of the regulator.

Disposals regime

- Changing consents regime to protect the public value in social housing assets as they move between the not for profit and for profit sectors.

RECOMMENDED: To note the changes to the Homes and Communities Agency Regulatory Framework and to request that officers assess the implications and report back to the Housing Review Board once detailed guidance was published.

***84 HouseMark Benchmarking survey results**

The Information & Analysis Officer presented the results of HouseMark's cost and performance benchmarking exercise using the last year's financial data. The report compared the council with its peers in a number of key areas of housing management service delivery. The data related primarily to 2013/14 although the report also showed the council's costs and performance in 2012/13 as a comparison. The Information & Analysis Officer stated the council was doing well compared with its peers but must now take steps to go up another level to continue this success.

The results of the high 'staff sickness absence' was questioned, John Golding told the Board that the council had an older workforce as well as some serious long-term illnesses. EDDC's health and wellbeing at work policy had been developed to promote and encourage health and well being at work so that employees were Happy, Healthy and Here. The breakdown on individual days and short-term sickness was low, and SMT were regularly reviewing these figures across all council services.

The 'average cost of a responsive repair' was high as the council prefers to replace rather than 'patch and mend' as this was more cost effective in the long-term. There was a high cost implication due to the storm damage from the severe weather last winter. It was suggested that members view a few void properties to see exactly what repairs were necessary and what officers were faced with when they dealt with an empty property. John Golding would put this on the next forward plan.

RESOLVED: that the HouseMark's 2013/14 Benchmarking report be agreed.

***85 Performance Insight action plan**

The Information & Analysis Officer reported that key to delivering an excellent performing Housing Service was strong performance management and listening to the views of its tenants. This was a 'living' document and would be continually added to by all teams in order to focus on areas of concern. Results from HouseMark's benchmarking exercise and the latest STAR survey (2014) results had been used to develop a Performance Insight Action Plan for 2015/16. This summarised intended activities and outcomes over the next 12 months to ensure continued improvement to delivered services. This work would complement the actions in the Housing Service Plan, and other strategies and policies directed towards improved tenant involvement and housing performance.

Honiton was being chosen as an area to work in as the survey revealed there to be a lower tenant satisfaction rate. This demonstrated the council taking the concerns of these tenants seriously and using the information to good effect.

It was suggested that a 6 month survey be undertaken with sheltered housing tenants to gain feedback on the new support charges.

RESOLVED: that the 2015/16 Performance Insight Action Plan be agreed.

***86 Evaluating the achievements of the Board**

The Chairman highlighted the achievements of the Housing Review Board over the last 12 months. These included:

- **Centenary Fields Programme** - the Board nominated a piece of recreational space to be dedicated as a Centenary Field to commemorate World War 1.
- **Standardised Tenants and Residents (STAR) Survey Results** – this survey showed overall satisfaction scores were positive and EDDC housing service was performing well.
- **Men's Shed** - a project based around the increased and worrying social isolation amongst men in our society.
- **Handy Person Scheme & TaFF** - a scheme for day to day repairs and minor works that were tenants' responsibility to be carried out by contractors.
- **Tenant Repair Inspectors** - tenant inspectors to oversee the day to day repair maintenance service to help manage the quality of workmanship by contractors.
- **Older persons targeted support and Home Safeguard** - the Home Safeguard team had passed another Telecare Services Association (TSA) accreditation for the fourth year in a row and was now accredited to 2016.
- **Tenants Leading Change** - promoting tenant involvement and its benefits to the delivery of improved services.

Other issues reviewed by the Board during the year had included:

- Right to Buy update
- Right to Move consultation
- Rent Restructuring Scheme
- Annual report to tenants 2013/14
- Estate Management review
- Devon Home Choice – policy changes and update
- Decoration scheme for vulnerable elderly and disabled tenants
- Gas safety checks
- Fire risk assessments

- Dampness eradication programme
- Targeted families support project progress report and updates
- Affordable homes programme 2015-18
- Performance indicator reports

John Golding thanked the Board for all their work, stating that officers and tenants valued the work of the Housing Review Board.

RESOLVED: that the yearly achievements of the Board be noted.

***87 OPENHousing Software System**

The Strategic Lead - Housing, Health and Environment gave an update on the progress to date of Capita's OPENHousing System implementation project. The migration of existing data from various systems onto a single housing management system was a significant project for the Housing Service, designed to lead to improved service delivery for tenants.

There was good support from Strata and the March data load test was successful. John Golding asked that Claire Barnes, Systems Administrator gave the Board a demonstration of the system in the near future.

RESOLVED: that the update to consider progress towards a comprehensive housing management software system report proposals be agreed.

***88 Performance Digest – 2014/15**

The Strategic Lead - Housing, Health and Environment highlighted the report to the Board referring to key performance figures that included:

- Affordable Housing Completions
- Anti-social behaviour
- Complaints
- Customer Satisfaction
- EDDC Stock
- Homelessness
- Home Safeguard
- Lettings
- Number of Households on the East Devon Housing Waiting List
- Private Sector Housing
- Rental
- Repairs

RESOLVED: that the report be noted.

***89 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).

***90 Update on the Proposed Purchase of land at Mudbank Lane, Exmouth**

The Strategic Lead - Housing, Health and Environment provided an update on the progress made with the proposed purchase of land at Mudbank Lane, Exmouth from Devon County Council as part of a joint venture with Devon and Cornwall Housing.

RESOLVED: to approve the progress made on site acquisition since last reported to the Housing Review Board on the 6 November 2014.

***91 Affordable Housing – Potential Property Acquisition or Land disposal in Honiton**

The Housing Development and Enabling Officer's report outlined a proposal to purchase a new property using Housing Revenue Account funding and Right to Buy receipts, and to dispose of a small area of Housing Land.

RECOMMENDED: it is agreed that:

- a. this type of accommodation (two bedroom house in Honiton) would be a beneficial addition to the current council property portfolio.
- b. funding from the Housing Revenue Account and Right to Buy receipts be used to purchase the proposed property.
- c. in the event the property purchase is unsuccessful, consideration may be given to the disposal of an identified area of Housing land for a best price consideration.
- d. in either case the Strategic Lead for Housing, Health and Environment is given delegated authority to negotiate the best outcome for the Council.

Attendance list

Present:

Cllr Pauline Stott (Chairman)
Cllr Susie Bond
Cllr Jim Knight
Cllr Douglas Hull

Co-opted tenant members:

Mike Berridge (Vice Chairman)
Pat Rous
Joyce Ebborn
John Powley
Harry Roberts

Officers:

John Golding, Strategic Lead - Housing, Health and Environment
Sue Bewes, Landlord Services Manager
Mandy White, Accountant
Natalie Brown, Information & Analysis Officer
Claire Barnes, Housing System Administrator
Amanda Coombes, Democratic Services Officer

Apologies:

Cllr Christine Drew
Cllr Jill Elson, Portfolio Holder – Sustainable Homes and Communities
Cllr Steph Jones; Rob Finch; Giles Salter; Julie Adkin

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 3 March 2015

Attendance list at end of document

The meeting started at 2.00pm and ended at 5pm.

***57 Minutes**

The minutes of the Development Management Committee meeting held on 10 February 2015 were confirmed and signed as a true record.

***58 Declarations of interest**

Cllr Mark Williamson; 14/2755/FUL; Personal Interest (remained in the Chamber during the debate and vote); Member of Exmouth Town Council.

***59 Planning appeal statistics**

The Committee received and noted the Service Lead – Planning’s report setting out appeals recently lodged and two appeal decisions notified, both of which had been dismissed. The Service Lead – Planning referred to the Inspector’s conclusions for each of the decisions.

The Council’s appeal record was currently one of the highest in the country with 91% of appeal decisions being dismissed in the last quarter- this reflected the good planning decisions being made by the Council. The annual appeals report was expected to be presented to the Committee at the end of the month.

In response to a question about different approaches taken to sustainability by two Inspectors on similar applications, the Service Lead – Planning advised that each application was dealt with on its own merits and although applications might appear similar, accessibility to key services for example might be very different. There were occasions when an appeal decision might not follow the majority of Inspector’s decisions on a particular issue; however, the Council needed to follow the approach in line with the majority of decisions reached.

The Chairman on behalf of the Committee thanked the Service Lead – Planning and his team for all their work in ensuring that the Council’s appeal record was upheld.

***60 Mid Devon Local Plan Review Proposed Submission Consultation**

The Committee considered the Planning Policy Manager’s report setting out proposed comments to Mid Devon District Council’s consultation on their latest version of the Local Plan – the ‘Proposed Submission Consultation’. This followed the Local Plan Review Options Consultation, on which EDDC had made representations in March 2014.

The Committee was advised that the current consultation no longer pursued large scale development at Junction 27. Short to medium growth would be directed to Tiverton, with the focus for longer-term growth at Cullompton. This longer-term growth and its potential cross boundary impacts was the main issue of relevance to East Devon – at its closest point the expansion proposals were approximately 1km from East Devon’s boundary and there were no major East Devon towns/villages nearby. The Council had a duty to cooperate with Mid Devon on cross-boundary strategic issues. Limited discussion had taken place between the two Councils on the implications of the scale of development proposed for the town, however further work needed to be undertaken to properly assess the impacts. Road

infrastructure was of particular concern. Honiton and Cullompton were joined by the A373 and in places this road was very narrow. It was evitable that the scale of development proposed would place extra vehicle pressure on this road. The proposals would also place a significant increase of traffic movements on the M5 motorway and junctions 28 and 29 being in a very easy driving distance of strategic employment sites in the west end of East Devon.

During discussion, Members advised that the response, in respect of item 4, should be redrafted to emphasise the importance of ensuring that a detailed assessment of the extra traffic impacts on the A373, and junctions on this road, was undertaken, as well as plans to show how required improvements, identified from the assessment, would be implemented. The Planning Policy Manager advised that the Highways Agency and Devon County Council Highways had also been consulted on the proposals.

RESOLVED:

that the following be submitted to Mid Devon District Council in response to the Proposed Submission Consultation subject to the Committees particular concerns about the impact of the proposals on the A373 being referred to in point 4:

East Devon District Council recognises the importance of production of a new Local Plan for Mid Devon, however given the high levels of growth specifically proposed for Cullompton this Council would stress the importance of the following considerations in respect of advancement of Policy S11 for Cullompton (and related policies to this) and potential implementation:

- 1. That cross-boundary impacts of development are fully and objectively assessed and to this end East Devon District Council would welcome the opportunity to work more closely with Mid Devon;**
- 2. That housing need considerations, as evidenced through the joint Exeter Strategic Housing Market Assessment, are fully taken into account;**
- 3. That specific attention is paid to infrastructure considerations and the need to provide for potential future residents whilst noting potential impacts on, and maximising potential beneficial opportunities for, residents of surrounding area;**
- 4. That the potential impacts on the wider highway network, including in respect of junction capacity implications, are fully considered recognising that proposals may require that improvement works are put into place.**
- 5. That potential commuting patterns, especially for work purposes, of the future residents of Cullompton are accurately assessed. This is especially significant noting the ease of car travel from Cullompton to the strategic employment sites in the West End of East Devon (e.g. a drive time of 11 minutes from M5 Junction 28 to the Science Park).**

***61 Briefing report on Rural Sustainability**

The Committee considered the Strategic Lead – Planning’s report which set out to brief Members on the issues associated with rural development and sustainability discussed at a recent Member Think Tank, particularly with regard to residential development. The report highlighted key points raised in the meeting and how changes in government policy and guidance, combined with Inspector’s appeal decisions had changed Officers’ stance on rural development issues and how this should shape policy development and decision making in the future.

The Service Lead – Planning advised that sustainability was an issue that cut across the whole of planning; however at the Member Think Tank the area that caused the most discussion was accessibility to core services and public transport. Concern had been expressed that when consideration was given to whether or not a settlement was sustainable, too much weight was placed on the provision of public transport when many residents would choose to use the car regardless of what public transport was available. Although it was recognised that this might well be the case, it was also important to consider the needs of those who did not drive. According to guidance in the NPPF Councils should also be promoting sustainable alternatives to the private car.

It was accepted that, whilst the Local Plan would ultimately set policy, there was a need for criteria to consider applications against the issues of rural sustainability. There were core facilities and services that should be available, such as a primary school, and assessments of those facilities that may need to be considered as well as services and facilities that should be accessible by public transport. This approach was supported by the NPPF and Inspector appeal decisions and therefore considered robust.

The Committee noted that whilst Neighbourhood Plans had to be based on the planning principles of the NPPF, they provided communities with the scope to promote development that would meet their local need even where these might not align with sustainable development objectives.

Comments made during discussion on the report included:

- Rural bus services, where they existed, were often infrequent and therefore the private car was integral part of rural life.
- Report was welcomed. The Special Development Management Committee at the end of the month to consider changes to the Local Plan would be the opportunity for further discussion on the issue.
- NPPF did not take into account rural areas when considering sustainability – focused on urban areas.
- Development in the rural settlements was essential in order to maintain thriving communities and keep core facilities, such as the village primary school.
- Rural developments needed to be able to grow to meet the needs of the community.
- Focus had been placed on the environment strand of sustainability – social and economic strands also need to be applied.
- Parish Councils should play a key role in determining what levels of development were required in a village.
- Neighbourhood Plans offered greater flexibility, with the desires of the community given greater weight, even though it might not necessarily comply with government guidance.

RESOLVED: that the Committee noted the report.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 11 – 2014/2015.

Attendance list

Present:

Committee Members

Councillors:

Helen Parr (Chairman)

David Key (Vice Chairman)

Mike Allen

David Atkins

Bob Buxton

Alan Dent

Martin Gammell

Mike Howe

Ben Ingham

Geoff Pook

Mark Williamson

Officers

Matt Dickins, Planning Policy Manager

Ed Freeman, Service Lead – Planning

Henry Gordon Lennox, Principal Solicitor

Chris Rose, Principal Planning Officer

Gavin Spiller, Principal Planning Officer

Hannah Whitfield, Democratic Services Officer

Also present

Councillors:

Deborah Custance Baker

Susie Bond

Paul Diviani

Steve Gazzard

Andrew Moulding

Phil Twiss

Apologies:

Committee Members

Councillors:

Roger Boote

Peter Burrows

Geoff Chamberlain

Vivien Duval Steer

Peter Sullivan

Non-committee members

Councillors:

David Cox

Tony Howard

Douglas Hull

Stephanie Jones

Claire Wright

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Special Meeting of the Development Management Committee held at Knowle, Sidmouth on 23 March 2015

Attendance list at end of document

The meeting started at 10am and ended at 5pm.

***63 Declarations of interest**

Cllr Geoff Pook; Item 5 (Local Plan) and 6 (CIL); Personal Interest (remained in the Chamber during the debate and vote); Involved in the construction industry and Chairman of Beer Community Land Trust.

Cllr Mike Howe; Item 5 (Local Plan); Personal Interest (remained in the Chamber during the debate and vote); Business owner in Clyst St Mary.

Cllr Helen Parr; Item 5 (Local Plan); Personal Interest (remained in the Chamber during the debate and vote); Landowner of the Rowan Drive site in Seaton was secretary to the local Conservative Association.

***64 Proposed amendments and supporting evidence to the New East Devon Local Plan**

Prior to Officers introducing the item, the Chairman briefly set out the background of how the Council had reached the current stage of the Local Plan process.

She advised that the Plan, shaped through extensive public consultation and having evolved over a number of years, set the blueprint for how the Council wished to see East Devon develop over the years ahead. The Plan sought to strike the right balance between development needs and conservation.

The Plan accommodated substantial growth in the West End with far more modest levels of development in the rest of East Devon, which was primarily focused on serving and meeting local needs, as sought by the town and rural communities. Higher levels of growth were proposed in Axminster, reflecting the wishes of the Town Council.

Following the Examination oral hearing sessions in early 2014, the Inspector had written to the Council asking for further work on:

- Housing numbers
- 5 year housing land supply and housing distribution
- Plan period
- Provision for gypsy and travellers

This work had unfortunately taken longer than hoped, however was now completed to the point where proposed changes were identified in the Plan. The Committee was being asked to consider the series of proposed changes, primarily those which the Inspector had identified as relevant.

Recommendations from the Committee would go forward to the Extra Ordinary meeting of the Council on 26 March. Council would make the formal decision to seek the view of the Inspector in respect of the appropriateness of future consultation. Subject to the Inspector's endorsement there would be a six week consultation on the proposed changes, the evidence that informed the changes and questions proposed by the Inspector. Subject to the responses received, and the availability of the Inspector, oral hearing sessions of examination should restart in 2015 and subject to being found sound, the Plan could be adopted later in the year.

The Committee heard from a number of public speakers who had indicated they wished to make a representation on the proposed changes to the Local Plan. The Chairman thanked speakers for their contributions, which covered:

- Sustainability of rural villages and the need to provide housing to support existing facilities and services. It was considered that too much focus was placed on the use of a private vehicle;
- Concerns about Cranbrook Plan Study Area, which encompassed Rockbeare village, designated green wedges and approved Neighbourhood Plan areas.
- Cranbrook Plan Study Area was considered unnecessary and the delays of producing a Development Plan Document would put extra pressure on surrounding villages to take development. The original text should be retained in respect of the expansion areas and the expansion to the south west retained as previously indicated but for the current Plan period rather than post 2026;
- The importance of affordable housing provision and meeting local need;
- Concerns regarding proposed changes to policy E7 and possible future expansion of Greendale Business Park
- The Objectively Assessed Housing Need figure was too high and should be reduced to 850 homes per year;
- The allocation at Tithebarn/Mosshayne should be removed to avoid coalescence between Cranbrook and Exeter;
- The need to allow for 'organic' growth in rural villages through mixed development;
- Support for the removal of the reserve site in Seaton;
- Growth needed to be gradual – the growth proposed for Clyst St Mary doubled its size and would result in the village's identity being lost;
- Housing on the Brownfield site at Winslade Park should be of low density;
- Development of the Greenfield site at Clyst St Mary threatened the Village's sports and recreation project;
- Clyst St Mary's allocations should be made through its Neighbourhood Plan not the Local Plan;
- Development of the Greenfield site in Clyst St Mary would result in a loss of high-grade agricultural land and would impact on the setting of the listed building at Winslade Park. There was no community support for the development of the site;
- There was a need to take a holistic approach to development within the growth point – policies were required that shaped the deliverability of sustainable development.
- The Greenfield site allocated at Clyst St Mary was available and deliverable with good access to facilities and employment.

The Chairman then invited Ward Members, not on Committee, to make representations on the proposed changes to the Plan. Comments included:

- The need for Members to understand the projected housing and job figures in detail;
- Replacing the employment land north of Sidford for a site north of the A3052 (next to Sidmouth Garden Centre site) due to ongoing concerns about the current allocation;
- Land between Sidford and Sidbury should be designated as a Green wedge to prevent coalescence;
- There was over provision of employment land allocated for Sidmouth;
- Proposed housing figures for the Plan period were not properly evidence based and proposals put greater pressure on the few sustainable villages identified;
- Concern about whether the disaggregated approach, with most of the District's growth being proposed in the West End, was accepted by the Inspector;
- Approved Neighbourhood Plan areas needed to be respected;
- The Cranbrook Plan Study Area had raised a number of concerns locally and needed to be clearly explained;

- Policies relating to sustainability were too restrictive. Greater flexibility was needed in order to protect existing facilities and services in the rural villages and create a vibrant countryside;
- There was a need to allow rural villages to grow to meet the needs of the community in order for them to be sustainable.

In addition to the committee report, Members had received a draft schedule of proposed changes to the Plan, a revised draft of the new East Devon Local Plan, with tracked changes highlighting the proposed amendments, and a further addendum report circulated at the meeting for consideration.

The Service Lead – Planning Strategy and Development Management presented the key recommended changes to the Plan, which were outlined in the Committee report:

- Amending the Plan to run from 1 April 2013 to 31 March 2031.
- Providing for an Objectively Assessed Housing Need figure of 950 homes per year (17,100 new homes over the 18 year period). In the recommended policy changes it was projected that the Plan would provide for 18,303 new home across the Plan period – the ability to accommodate an additional 1203 homes above the Objectively Assessed Need Figure provided positive flexibility in terms of future housing provision. Officers were proposing that the established policy approach of directing development to the Growth Point be maintained, with limited levels of growth to the towns and development limited in the villages.
- Site specific changes in respect of:
 - Cranbrook (Strategy 12) – The proposed changes deleted the ‘indicative location’ house, shown in the Plan submitted for examination, and proposed a defined ‘Cranbrook Plan Study Area’ for an additional 1550 homes for Cranbrook.
 - Tithebarn/Mosshayne Lane – A further 900 homes were proposed to be allocated on land to the east of the existing permitted site.
 - Winslade Park – 200 new homes were proposed to be allocated on Greenfield land immediately adjoining existing dwellings and through the redevelopment and reuse of existing redundant office buildings and some infill development. Provision was also made for 0.7 hectares of B1 employment uses.
 - Intermodal site – Revised policy wording proposed to enable allocation of a safeguarding area for the rail head at the Intermodal site to ensure the availability of the land for future provision and to resist development that could adversely impact on or prejudice longer term provision. The need for the change arose from uncertainty over the deliverability and demand for the railhead and the need for clarity over what would be required to facilitate delivery of the site. The delivery of the site had a direct impact on housing numbers, which was one of the main concerns of the Inspector.
 - Reserve site at Seaton – Deletion of the reserve site at Seaton was proposed due to projected development levels at the town reaching expected levels and therefore the site was no longer required. The mixed-use employment and recreation site remained an allocation.
- Villages in East Devon (Strategy 27) - classification of a) villages where the full range of housing needs could be accommodated and b) villages where development focused on meeting identified local affordable housing needs would be permitted.
- Cranbrook policy wording – policy references were updated and specific reference was made to the Cranbrook Plan work and production of a Cranbrook Development Plan Document.
- New policy wording was proposed in respect of noise issues arising from Exeter Airport.

- There was a commitment to working with West Dorset District Council.
- Greater reference to the relevance of habitat regulations and mitigation measures (particular relevance at Exmouth) was included.
- Duplications of text had been removed and simplifications made.
- Members were also advised that in light of the new SHMA, recent permissions and commencements on site, that the Council could now demonstrate a 5 year housing land supply and that projections showed that the position would be further enhanced upon the adoption of the Plan and could be maintained.

The Committee was advised that in respect of gypsy and traveller provision, a joint study had been commissioned and was currently in draft form. The draft report indicates a likely need for in the region of 37 gypsy and traveller pitches as well as a number of travelling show persons and transit sites. Site allocations for provision would be identified through a Development Plan Document.

Following the Committee's detailed considerations of the key proposed changes outlined, the Chairman guided the Committee through the remaining changes in the draft schedule and invited Members to make comments.

RECOMMENDATION:

that the Development Management Committee endorses and recommends that Council:

1. endorses and accepts the draft Schedule of Changes to the East Devon Local Plan, including the following key proposed changes:
 - Amending the Plan period to start on 1 April 2013 to an end date of 31 March 2031;
 - Providing for an Objectively Assessed Housing figure of 950 new homes per year (17,100 new homes over the 18 year period);
 - Notes that the revised Plan projects that 18,303 new homes will be provided for the Plan period (*however with deletion of land at Clyst St Mary and adjustment of housing number at Rowan Drive, Seaton, see below, the figure drops to 18,241*);
 - Including a definition of the Cranbrook Plan Study Area (within which to accommodate an extra 1550 houses) and deletion of the house symbol south-west of the part developed Cranbrook land;
 - Allocation of housing sites at Tithebarn/Mosshayne Lane and Winslade Park (Clyst St Mary);
 - Allocation of a safeguarding area of land at the Intermodal site for a railhead.
 - Deletion of the reserve site in Seaton as an allocation;

together with the series of minor further proposed changes in the addendum report, subject to the following additional amendments (not including minor typographical and consistency amendments):

- a) Chapter 6 – Inclusion of text after paragraph 2.7 summarising projected development and population change and reinstatement of a table showing housing provision at Appendix C/3.
- b) Chapter 10 (Exmouth), Habitat Mitigation in Exmouth – Broaden wording to include strategic developments beyond those within the Masterplan.

- c) Strategy 12, Development at Cranbrook – Reference to health to be included in point 4.
 - d) Chapter 15, Smaller Towns, Villages and Countryside: Proposed new policy on the re-development of redundant offices complex at Winslade Park and land adjoining Clyst St Mary – Remove the proposed northerly (Greenfield) land allocation at Clyst St Mary and reduce the total housing allocation figure for Clyst St Mary to 150, on the Brownfield land.
 - e) Chapter 15, Smaller Towns, Villages and Countryside: Revised Strategy 27 – Dunkeswell to be included in the list of settlements to receive a Built-up Area Boundary and policy wording for those settlements not listed, to be amended to refer to community led development (for example Community Land Trusts)..
 - f) Chapter 15, Small Towns, Villages and Countryside, 15.2 – Amend to read ‘...primary focus for rural development will be on promoting sustainability...’
 - g) Chapter 16, Thriving Communities, 16.10 – Amend to read ‘...associations of businesses..’
 - h) Chapter 16, Thriving Communities, 16.23 – Amend to read ‘Community self build schemes supported by Housing Associations and others, for example Community Land Trusts, can...’
 - i) Chapter 17, Climate Change and Renewable Energy, 17.10 – Include reference to the replacement for the Code for Sustainable Homes.
 - j) Strategy 25, Development at Seaton – Housing allocation for north of Rowan Drive to be amended to provide 30 new homes.
 - k) Strategy 26, Development at Sidmouth – An advisory note to be sent to the Inspector asking that he take account of the ongoing objections and concerns expressed within the local community regarding the employment allocation north of Sidford.
 - l) Strategy 34, District Wide Affordable Housing Provision Targets – In the paragraph addressing viability issues include reference to overage clause in respect of future profits and affordable housing provision, where levels provided fall below policy targets.
 - m) Chapter 20, Monitoring – Health and social care to be added to the list of key monitoring indicators.
 - n) References in the Plan to the 2001 Census to be updated to 2011 Census.
 - o) Setting the context – In the paragraph addressing the Village Development Plan Document delete reference to allocations of land and add text after ‘villages’ to read ‘..and for Hill Barton and Greendale Barton Business Parks’.
2. endorses and accepts the additional evidence used to inform plan changes and produced as supporting evidence to the Plan;

3. agrees to requesting the Inspector to propose relevant questions to ask as part of a subsequent consultation process;
4. agrees to give delegated authority to the Service Lead – Planning Strategy and Development Management to make changes to the Local Plan prior to a consultation exercise being carried out to correct any typographical mistakes or to ensure consistency throughout;
5. agrees to undertake a six week public consultation on the proposed plan changes, the evidence that informs the changes and the questions proposed by the Inspector.
6. agrees that, after consultation is concluded, responses received (which will be public documents) be forwarded directly to the Inspector and a request made to the Inspector to recommence oral hearing sessions as soon as reasonably possible.
7. agrees that responses received to the consultation be reported back to Development Management Committee.

(Cllr Ben Ingham asked that his vote against recommendations 1 and 2 be noted).

***65 Amendments to the Community Infrastructure Levy (CIL) draft Charging Schedule and response to the Inspector's concerns**

The Committee considered and discussed the report of the Planning Policy Officer setting out proposed amendments to the Community Infrastructure Levy (CIL) draft Charging Schedule and response to concerns raised by the Inspector.

The draft Charging Schedule for East Devon had been submitted for examination in August 2013 alongside the new Local Plan. Following an examination hearing in March 2014 the Inspector had written to the Council outlining key issues he felt needed to be addressed. Concern had particularly been raised regarding the evidence behind the residential and retail charges proposed for Cranbrook; the report set out a proposed response to these concerns. In addition, the report addressed aligning the Charging Schedule and its supporting evidence with the new allocations proposed in the Local Plan. An early review of the CIL Charging Schedule would be required when the site(s) for the proposed additional 1550 homes at Cranbrook was identified.

The Chairman invited a member of the public registered to speak on the item to address the Committee. During their representation, the speaker welcomed the £0/sqm charge for retail development at Cranbrook and advised that this charge should apply to the whole of the defined 'Study Area'. The proposed £68/sqm charge for residential development was considered too high and asked that agreement of the charge be delayed until there had been consultation with the New Community Partners. The residential charge, when agreed, should also apply to the expansion area.

In response to a question, Members were advised that there would be an opportunity for all parties to comment on the proposals through the consultation process.

RECOMMEDATION:

that the Development Management Committee endorses and recommends that Council:

1. agrees the amendments to the Draft Charging Schedule and maps in order to propose a £0/sqm charge for retail development at Cranbrook;

2. agrees the amendments to the Draft Charging Schedule and maps in order to extend the £80/sqm charge for residential development in the edge of Exeter allocations to apply to the newly proposed allocation of land at Mosshayne;
3. agrees the introduction of a specific review trigger for the Charging Schedule associated with the Cranbrook plan and production of a DPD to allocate additional development at Cranbrook.
4. agrees the proposed additional report ([Appendix 1](#)) prepared in response to Inspector's concerns raised in his letters to the Council regarding proposed CIL charges at Cranbrook;
5. agrees to requesting the Inspector to propose relevant questions to ask as part of a subsequent consultation process;
6. agrees, to undertake a six week public consultation on the Revised Draft Charging Schedule, the evidence that informs the changes and the questions proposed by the Inspector;
7. agrees that, after consultation is concluded, responses received (which will be public documents) be forwarded directly to the Inspector and a request is made to the Inspector to recommence oral hearing sessions in conjunction with the reconvened Local Plan hearings;
8. agrees that responses received to consultation be reported back to Development Management Committee; and adopts the Cranbrook IDP and Sports, Leisure and Recreation at Cranbrook Report for use in assessing and determining planning applications.

Attendance list

Present:

Committee Members

Councillors:

Helen Parr (Chairman)

David Key (Vice Chairman)

Mike Allen

David Atkins

Peter Burrows

Bob Buxton

Alan Dent

Vivien Duval Steer

Martin Gammell

Mike Howe

Ben Ingham

Geoff Pook

Peter Sullivan

Mark Williamson

Officers

Richard Cohen, Deputy Chief Executive

Matt Dickins, Planning Policy Manager

Ed Freeman, Service Lead – Planning

Henry Gordon Lennox, Principal Solicitor

Naomi Harnett, Project Manager

Linda Renshaw, Senior Planning (Policy) Officer

Claire Rodway, Senior Planning (Policy) Officer

Tim Spurway, Neighbourhood Planning Officer

Darren Summerfield, New Community Officer

Ross Sutherland, Planning (Policy) Officer

Hannah Whitfield, Democratic Services Officer

Mark Williams, Chief Executive

Also present

Councillors:

Ray Bloxham

Susie Bond

Peter Bowden

David Cox

Christine Drew

Jill Elson

Martin Gammell

Roger Giles

Graham Godbeer

Tony Howard

Stuart Hughes

Stephanie Jones

Pauline Stott

Andrew Moulding

Frances Newth

Ian Thomas

Graham Troman

Tim Wood
Claire Wright

Apologies:

Committee Members

Councillors:

Roger Boote

Geoff Chamberlain

Non-Committee Members

Councillor Paul Diviani

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 31 March 2015

Attendance list at end of document

The meeting started at 9.35am and ended at 6.08pm.

The Vice Chairman, Cllr Key, was unable to attend the start of the meeting and in his absence, the Committee agreed for Cllr Williamson to assume the role until he arrived.

***66 Minutes**

The minutes of the Development Management Committee meeting held on 3 March 2015 were confirmed and signed as a true record.

***67 Declarations of interest**

Cllr Peter Burrows; 13/1091/MOUT & 14/1897/FUL; Personal Interest (remained in the Chamber during the debate and vote); Member of Seaton Council.

Cllr Peter Sullivan; 15/0129/FUL; Personal Interest (remained in the Chamber during the debate and vote); Member of Sidmouth Council.

Cllr Helen Parr; 13/1091/MOUT; Personal Interest (remained in the Chamber during the debate and vote); Applicant is secretary to the local Conservative Association.

Cllr Andrew Moulding; 15/0147/FUL; Personal Interest (remained in the Chamber during the debate and vote); Applicant is a friend.

***68 Policy update report on 5 year housing land supply and affordable housing requirements**

The Chairman agreed for the Service Lead – Strategic Planning and Development Management's report to be taken as an urgent item in order to update the Committee on key changes to the Council's position in respect of housing land supply and affordable housing since the committee agenda was published.

The key changes outlined were:

- 5 year housing land supply – the Council's monitoring figures had been updated following publication of the SHMA to take account of the new needs assessment and as result the Council could now demonstrate a 5.45 land supply for housing (including the required 20% buffer). This was a significant step forward from the previously reported position of between 3.51 and 3.83 years and arose from the permissions that had been granted since March 2014 and having an up to date SHMA as an accurate baseline. As a result of the change housing restraint policies which previously could not be given full weight due to a lack of supply could now be given full weight, such as Built up Area Boundaries (BUABs).
- In light of the Council now having a 5 year housing land supply, Built up Area Boundaries (BUABs) could in principle now be given significant weight, however the amount of weight applied to each BUAB was dependant on its compliance with the NPPF. Additional work for the emerging new Local Plan had concluded that not all settlements were sustainable for wider development needs and it was considered that only those settlements listed within the revised Strategy 27 of the emerging new Local Plan were in accordance with the NPPF and therefore should retain their BUABs. Council had added Dunkeswell and Chardstock to the list of settlements, recommended by Officers, in Strategy 27 – Members were asked to note the

potential risk of challenge to these two settlements being included as the evidence did not support retention of a BUAB. All other settlements were to be considered as not having a BUAB as the defined boundary in the adopted Local Plan was not in accordance with the NPPF.

- A decision on an appeal at Pinn Court Farm, Pinhoe, which had been recovered by the Secretary of State, had been received in the last few days. The Inspector and the Secretary of State advised that in respect of affordable housing provision Strategy 34 of the emerging New Local Plan should be applied instead of Policy H4 of the adopted Local Plan. This would mean that in future affordable requirements would be 25% in Axminster, Honiton, Ottery St Mary, Seaton and major strategic developments within the Growth Point. Elsewhere a 50% target requirement should be applied within BUABs. Developments outside of BUABs would be treated as exception sites where the interim affordable housing statement applied a requirement for 66% affordable housing. Affordable housing provision remained subject to thresholds recently laid out in Government guidance.

During discussion, the Committee advised that it would be helpful to have an updated report on the weight to be attributed to policies within the emerging new Local Plan. In response to a question, the Service Lead – Legal and Democratic Services advised the changes were key material considerations that Committee needed to be mindful of when determining future applications. An [addendum report](#) had been circulated to the Committee prior to the meeting detailing the impact of the changes on the applications to be considered later that day.

RESOLVED: that the policy position set out in the report be noted and an update report on the weight to be attributed to policies within the emerging new Local Plan be presented to the next Committee meeting.

***69 Planning appeal statistics**

The Committee received and noted the Service Lead – Planning Strategy and Development Management report setting out appeals recently lodged and two appeal decisions notified, both of which had been dismissed.

***70 West Dorset, Weymouth and Portland Local Plan Main Modifications Consultation**

The Committee considered the Planning Policy Manager's report setting out proposed comments to West Dorset, Weymouth and Portland's consultation on main modifications to their submitted Local Plan following oral hearings with their Inspector in late 2014. The Inspector would consider any representations made before issuing his final report on the Plan.

RESOLVED: that the proposed response, as detailed in the Committee report, supporting the revised wording for Lyme Regis/Uplyme as set out in main modifications 76, 77 and 78 be submitted as the Council's response to the consultation on the West Dorset, Weymouth and Portland Local Plan Main Modifications.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 12 – 2014/2015.

Attendance list

Present:

Committee Members

Councillors:

Helen Parr (Chairman)

David Key (Vice Chairman)

David Atkins

Roger Boote

Bob Buxton

Martin Gammell

Mike Howe

Ben Ingham

Geoff Pook

Peter Sullivan

Mark Williamson

Officers

James Brown, Principal Planning Officer

Andy Carmichael, Major Projects Team Leader

Matt Dickins, Planning Policy Manager

Ed Freeman, Service Lead – Strategic Planning and Development Management

Paul Golding, Senior Planning Officer

Henry Gordon Lennox, Service Lead – Legal and Democratic Services

Alison Hayward, Economy & Regeneration Manager

Paul Lowe, Housing Enabling Officer

Gavin Spiller, Principal Planning Officer

Janet Wallace, Principal Environmental Health Officer

Hannah Whitfield, Democratic Services Officer

Also present

Councillors:

Susie Bond

Peter Bowden

Jill Elson

Graham Godbeer

Douglas Hull

Stephanie Jones

Jim Knight

Andrew Moulding

Philip Skinner

Pauline Stott

Apologies:

Committee Members

Councillors:

Mike Allen

Geoff Chamberlain

Alan Dent

Vivien Duval Steer

Martin Gammell

Non-committee members
Councillor Tony Howard

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Planning Inspections Committee held at Knowle, Sidmouth on 20 February 2015

Attendance list at end of document

The meeting started at 10.15am and ended at 10.47am.

***22 Minutes**

The minutes of the Planning Inspections Committee meeting held on 16 January 2015 were confirmed and signed as a true record.

Following legal advice that a delegated decision needed to involve an officer (the Council's normal practice), to comply with this technicality members reviewed the resolution and resolved that, in place of the previous resolution, application 14/0825/FUL be:

DEFERRED to allow officers the opportunity to negotiate reducing the levels of the proposed dwelling through its digging in, with decision on the application delegated to the Service Lead – Planning in consultation with the Chairman of the Development Management Committee and Ward Members.

***23 Declarations of interest**

There were none.

***24 Application referred to the Planning Inspections Committee**

The Committee considered the following application:

Raleigh: 14/2310/FUL – Siting of a log cabin for residential, education and training for volunteers (Class C2) with office and meeting room and associated parking, sewage treatment plant and biomass boiler at Hawkerland Brake Barn (RSPB), Exmouth Road, Aylesbeare EX5 2JS.

The committee report considered by the Development Management Committee on 10 February 2015 can be viewed at:

<http://new.eastdevon.gov.uk/media/765023/100215-combined-dmc-agenda.pdf>.

An [update](#) to the committee report was circulated to Members prior to the Planning Inspections Committee meeting. Following a confirmed offer by the applicant of proposed mitigation for the impact on the European designated environments the Habitat Regulations assessment and previously published recommended reasons for refusal had been revised.

RESOLVED: DEFERRED with delegated authority given to the Service Lead – Planning, in consultation with the Chairman of the Development Management Committee and Ward Member, to approve the application with appropriate conditions, subject to the submission of revised plans demonstrating a satisfactory revised access. Members considered that the proposal would lead to reduced traffic movements to and from the site and was acceptable subject to the applicant demonstrating that a satisfactory access arrangement could be secured.

Attendance list

Present:

Committee Members

Councillors:

Helen Parr (Chairman)

David Key (Vice Chairman)

David Atkins

Alan Dent

Martin Gammell

Geoff Pook

Peter Sullivan

Mark Williamson

Officers

James Brown, Principal Planning Officer

Andrew Digby, Planning Officer

Rachel Pocock, Corporate Legal and Democratic Services Manager

Hannah Whitfield, Democratic Services Officer

Ward Member

Councillor Ray Bloxham

Chairman Date.....

Minutes of a Meeting of the Audit & Governance Committee held at Knowle, Sidmouth on 5 March 2015

Attendance list at end of document

The meeting started at 2.30pm and ended at 5.00pm.

***46 Appointment of Vice Chairman**

In the absence of the Vice Chairman, Councillor Steve Hall was appointed Vice Chairman for the meeting.

***47 Public Speaking**

There was no public speaking.

***48 Minutes**

The minutes of the Audit and Governance Committee meeting held on 5 January 2015 were confirmed and signed as a true record.

***49 Audit Plan/Audit Committee update**

Members considered the report of Grant Thornton who provided the Council with a report on progress in delivering responsibilities as their external auditor. Progress as at February 2015 included: The 2014/15 Accounts Audit Plan would be reported to the June meeting of the Committee. The interim accounts audit, 2014/15 Final Accounts Audit, Value for Money Conclusion and 2014-14 Certification Work were ongoing.

Members noted that there was an additional fee of £900 in respect of work on material business rates balances. The additional work was necessary, as auditors were no longer required to carry out work to certify NDR3 claims. In response to a question on the council's interests, members noted that EDDC had other financial interests, such as STRATA, Exeter Science Park and LED. Simon Davey, Strategic Lead – Finance, agreed to investigate whether EDDC had any continuing financial liability for the Beehive Centre, Honiton.

Members of the Committee wished to raise the issue of fees for consultants and requested that this issue should go on the Committee Forward Plan for June 2015.

RESOLVED:

1. that the contents of the Audit Plan/Audit Committee update be noted;
2. that discussion on fees for consultants should be placed on the Committees Forward Plan for June 2015;
3. that the Strategic Lead – Finance check any EDDC continuing financial liability for the Beehive Centre, Honiton

***50 Continuing to deliver value to East Devon District Council**

Barrie Morris of Grant Thornton presented a Briefing on 'Continuing to deliver value to East Devon District Council'. He wished to emphasis that the Council was a valued client of his firm and wished to emphasis this by proposing to undertake an independent client service review with the Council in the coming year. He asked for any feedback from the Committee or Council colleagues on areas we believed Grant Thornton could have improved its service.

Barrie Morris, Grant Thornton also summarised the services provided to the Council during the year and demonstrated how he felt that the firm had added value through the work they did with us. This was against a background of significantly reducing fees from Grant Thornton. He considered that local authorities, particularly District Councils, had responded very well to the financial challenges presented to them.

The Chairman wished to thank the external auditors for their report and their support of the Council's improvement.

RESOLVED: that the report be noted.

***51 EDDC Annual Internal Audit Plan for 2015-16**

Members considered the report of Andrew Ellins, Audit Manager, SWAP, on the EDDC Internal Audit Plan for 2015-16. As a key element of its governance arrangements the Council has a partnership arrangement with South West Audit Partnership to deliver an annual audit plan. The Audit Manager for SWAP, together with the Councils S151 Officer in consultation with the Senior Management Team had produced an Audit Plan for 2015-16 that required the approval of the Committee. Approval of this Audit Plan was a key role for the Committee.

Members noted that the Audit Plan had reduced the number of audit days from 400 to 376, but there were still 30 audit days allocated for ICT audits. Honiton Town Council had appointed SWAP to carry out an audit of the Beehive in the current year.

Councillor Geoff Pook asked whether there was a function for Audit & Governance to compare officers' reports in detail and whether they were giving Councillors enough information to make a worthwhile judgement on issues, particularly on complicated planning applications. He also asked whether SWAP could consider this as an issue in its Audit Plan, along with previously raised issues of fees for consultants to see if this was achieving best value for the Council.

RESOLVED:

1. that the Internal Audit Plan of 376 days for April 2015 to March 2016 be approved, subject to any potential changes made at the June 2015 Audit & Governance Committee;
2. that the Internal Audit Plan 2015/16 include consideration of the value of Consultants Fees and also whether members were receiving the right level of detail and information in officer reports to make worthwhile decisions;

***52 Statement of Accounts 2014/15 – updating of the Explanatory Forward and additional policy relating to Group Accounting**

Members considered the report of the Financial Services Manager with details of an additional accounting policy and information in the explanatory foreword and statements for the Members to consider relating to Group accounting.

Resulting from the implementation of STRATA, the shared IT service with Exeter City Council and Teignbridge District Council, EDDC must now produce annual Group Accounts. This required a paragraph in the Explanatory Forward, an additional Group Accounts policy and Group Information in the Statement of Accounts. There were no

changes required to the existing accounting policies. As it was considered best practice for the Audit & Governance Committee to approve the accounting policies to be adopted before the preparation of the accounts, the new policy was presented for members' consideration.

RESOLVED: that the additional Accounting policy on Group accounts be approved.

***53 Risk Management Review**

Members considered the report of the Management Information Officer; the Committee monitored high strategic and operational risks outside the bi-annual reporting. This followed a review of risks focusing on high risks by responsible officers to the end of January 2015.

It was noted that since the loss of the supporting people contract there were no risks that were considered high. The lack of a 5 year land supply was only considered to be an upper medium risk by the risk holder.

A full risk review would be undertaken in April and discussed at the June meeting of the Committee.

The Chairman thanked the Management Information Officer for her report.

RESOLVED: that the current status of the high risks until April 2015 be noted; a full risk review would then be undertaken and reported back to the Committee.

***54 Strategic Planning Policy**

Members noted that a draft report to the Committee had been prepared on the issue of Strategic Planning decision making, however officers were awaiting legal advice on the route that this should take through the Council's committee's before the report could be published. In light of this a verbal update on the assessment was given. Officers started by considering what was actually strategic, and considered that matters associated with the Local plan and the production of Development plan documents would be strategic but that in terms of applications only those for 50 dwellings or more and 5000sqm of industrial floor space would be strategic. The potential options considered in the report were:

- to transfer responsibility for Strategic Planning Policy to Cabinet – Legal advice was that planning application decisions had to be made by a specially constituted committee for this purpose and could not be made by an Executive Board and therefore this option had been dismissed. This was to prevent conflicts with other issues that the Cabinet would be considering given that planning applications had to be considered on their planning merits alone.
- Appointment of a new Strategic Planning and Development Committee to deal with strategic planning issues under the Chairmanship of the Strategic Development and Partnerships Portfolio Holder. This raised capacity issues for the Democratic Services section but would allow for appropriate separation and if appropriately constituted could comprise Members of both Development Management Committee and Cabinet to provide the required expertise.
- An option for Call-in of decisions of Development management Committee to Cabinet was considered by and raised the same concerns as Cabinet themselves considering planning applications.
- No change at all.

In officers opinion the appointment of a separate Strategic Planning and Development Committee would be the best option, potentially with quarterly meetings and special meetings being held when required.

Councillor Tony Howard considered that the Committee should be discussing putting in suitable officer resources to deal with strategic planning issues, including improving IT system and following best examples – Teignbridge District Council. It was important that EDDC had a 5 year land supply. Ed Freeman, Strategic Lead - Planning Strategy and Development Management, reported that as soon as the Local Plan was approved then the Council would have a 5 Year Land Supply and this risk would be mitigated.

Members acknowledged the importance of continuing to monitor the 5 year land supply and Ed Freeman reported that he was in the process of appointing a Development Monitoring Officer, part of whose role would be to monitor the Council's 5 Year Land Supply. Once adopted, the Local Plan would also be continually monitored and updated.

RESOLVED: that the report be noted.

55 Outcome of Office of Surveillance Commissioner Inspection, Regulation of Investigatory Powers (RIPA) annual report and RIPA policy update

The Committee received the report of the Corporate Legal and Democratic Services Manager on the outcome of Office of Surveillance Commissioner Inspection, Regulation of Investigatory Powers Act (RIPA) annual report and RIPA policy update. It was noted that no RIPA authorisations had taken place in the last year. Corporate training for authorising officers took place on 6 November 2013. Members were advised that new OCS guidance had been received in the past week which had been included in the resolutions below.

RESOLVED: 1. that the positive inspection report be noted and the implementation of the Office of the Surveillance Commissioner's recommendations be endorsed;

2. that the Regulation of Investigatory Powers Act (RIPA) Co-ordinating Officer's annual report be received;

RECOMMENDED. that approval be given to the minor amendments to the RIPA policy including guidance on the use of social networking sites for investigative purposes in connection with crime prevention or detection, this should include part of the standard operating procedure to take account of the new OCS advice.

***56 Audit and Governance Forward Plan**

The Committee noted the contents of the Forward Plan for 2015/16, which was updated during the meeting.

Members expressed a concern that the LED takeover of the Ocean Blue Bowling Building would represent a risk to the Council and were concerned that this be closely monitored. Andrew Ellins, SWAP reported that audit days had been allocated to LED in the 2015/16 Audit Plan.

Items to be considered at the June and subsequent Committee meetings included:

- Review of Internal Audit
- Strategic Planning policy update
- Internal Audit Activity – Quarter 1 2014/15

- Revenue and Capital Outturn Report 2014/15
- Annual Audit Report and Opinion
- Draft annual governance statement
- Office relocation project update
- Audit Committee update
- 5 year land supply update
Risk Management Review
- Discussion on fees for consultants
- 2015/16 Audit Fee letter - KPMG

RESOLVED: that the updated Forward Plan be noted.

Attendance list

Present:

Councillors

Ken Potter (Chairman)

Bob Buxton

Steve Gazzard

Steve Hall

Tony Howard

Geoff Pook

Apologies:

Peter Bowden

Roger Boote

David Cox

Officers:

Simon Davey, Strategic Lead - Finance

Richard Cohen, Deputy Chief Executive

Ed Freeman, Strategic Lead - Planning Strategy and Development Management

Joanne Avery, Management Information Officer

Laurelie Gifford – Financial Services Manager

Chris Lane, Democratic Services Officer

Andrew Ellins, Audit Manager, South West Audit Partnership (SWAP)

Barrie Morris, Senior Audit Manager, Grant Thornton

Ashley Allen, Senior Audit Manager, Grant Thornton

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Committee held at Knowle, Sidmouth on Wednesday, 18 February 2015

Attendance list at the end of the document

The meeting started at 9.30am and ended at 11.00am

*10 Minutes

The minutes of the meeting of the Licensing & Enforcement Committee held on 19 November 2014, were confirmed and signed as a true record.

*11 Declarations of interest

Councillor Steve Hall

Minute 13

Disclosable Pecuniary Interest – private hire licence holder

Councillor John O'Leary

Minute 13

Disclosable Pecuniary Interest – personal licence holder

Councillor Jim Knight

Minute 12

Personal Interest – Devon County Councillor whose ward includes Beer

Councillor Tom Wright

Minute 13

Manager of the Venture Hall, Budleigh Salterton – which has a premises licence.

Councillor Steve Gazzard

Minute 13

Owner of Popplefords is his former wife and good friend.

*12 Beer Hackney Carriage Rank

The Chairman proposed, with the agreement of the Committee, that this item be brought forward on the agenda. In addition to the report included in the agenda, the Licensing Manager had also circulated the results of a questionnaire issued to all operators in East Devon. Feedback indicated that the existing taxi rank at Beer was a useful drop off and pickup place. He also advised that there had been a complaint that, on occasion, private cars were parked on the rank.

The Chairman invited Parish Councillor Ursula Makepeace to speak. Cllr Makepeace advised that she had lived in Beer Fore Street, opposite the taxi rank, for 31 years and she had only ever once seen a taxi waiting on the rank. She said that Beer needed additional parking for disabled drivers – this would be a better use of the space.

Honorary Alderman Mike Green said that the request from Beer Parish Council to remove the taxi rank was well supported locally. It was unlikely that taxis would use the rank for drop offs or pickups as they would deliver or collect passengers from their home or other venues, providing a door-to-door service. Beer did not need a taxi rank and it was not being used. It was in the spirit of the Localism Act for

decisions to be made at a local level and local people wanted a disabled parking bay rather than a little-used taxi rank.

Ward Member Geoff Pook could not see a local need for the taxi rank in Beer and using this for disabled parking would have more community benefit. The taxi rank was not a local landmark or point of reference. The idea of a taxi rank is for taxis to wait there for trade but this was not happening in Beer. People wanting a taxi would phone for one. There was no logical reason to keep the rank.

Discussion by the Committee included:

- The site of the current hackney carriage rank was wide enough for cars to stop briefly to drop off and pick up passengers attending events at the Mariners Hall – this situation would be the same whether there was a taxi rank on the street or not.
- The purpose of a taxi rank was not for dropping off passengers but for taxis to wait for prospective clients.
- The wishes of local residents should be supported.
- Parking on the taxi rank was the responsibility of Devon Highways – the Devon County Council Traffic Order made it an offence for private vehicles to park there.
- There was a cost to remove the Traffic Order. Although Beer Parish Council had offered to contribute to this cost, the Committee agreed not to consider cost issues in making its decision.
- Whether or not to create a parking space for disabled persons – should the rank be removed - would be a decision of the parish council.
- The Committee was mindful of taking into account equalities issues but it was not the role of the Committee to decide on the future use of the space.

The Chairman thanked members of Beer Parish Council and the Ward Member for attending the meeting and for their valued contribution.

RESOLVED:

1. that the request from Beer Parish Council to remove the Hackney Carriage rank in Fore Street, Beer be supported by this Council,
2. that the Licensing Manager advise Devon County Council of the decision of the Committee and the wishes of Beer Parish Council,
3. that it be understood that Beer Parish Council would approach Devon Highways to ask for a disabled parking space.

***13** Committee update – Licensing Act 2003, Gambling Act 2005 and General Licensing

The Licensing Manager presented his report - the following issues were highlighted and discussed.

1. Licensing Act 2003

The Licensing Manager expanded on the enforcement activity undertaken and outcomes. In respect of The Castle in Axminster (App A – Para 1.3.1), this long established premises is brewery-owned with a history of complaints. It had been planned that following a recent meeting with the brewery and the Designated Premises Supervisor that the DPS would take over the lease and continue to run the business. This has not been the case as the pub is now closed and the brewery

is looking for a new tenant. Every effort will be made to limit the impact of this business on the area but there will always be a difficult balance due to its proximity to residential properties.

There was likely to be a separate Sub Committee hearing in respect of the Kingfisher, Colyton (App A Para 1.3.3) to consider the application to extend opening hours.

Operational issues in respect of the Red Lion, Axminster (App A Para 1.3.4) were being monitored and contained.

The Committee was advised that two premises licences had been suspended for failure to pay the annual fees – Popplefords in Newton Poppleford and Munchies in Exmouth.

At a meeting of Police Partners held on 4 December 2014, the Licensing Manager had been advised of a trial initiative in Torbay to help address problems at late night venues and reduce crime and disruption. The test venues breathalysed customers before they were granted access to the premises. Initial results seemed to indicate a reduction in street crime and increased revenue to the clubs. Subject to further analysis, the trial could be extended to other locations - subject to agreement as it was a voluntary undertaking.

2. Gambling Act 2005

No Gambling Act offences had been detected; the regular inspections of premises were regarded as a valuable tool to ensure compliance.

The report included details of the hearings held since the last update report. These included the Council's challenge of the veracity of supermarket employees' members' clubs. This had the interest and support of the Gambling Commission, which was seeking talks with the main supermarket chains to provide guidance.

The Licensing Manager advised that a new Regional Compliance Manager for the Gambling Commission had been appointed – the area for which he was responsible had been extended to include Somerset as well as Devon and Cornwall. He would work primarily with casinos and large operators but would also be a valued source of information and would be invited to address a future meeting of the Committee.

3. Taxis

Proactive work carried out by the licensing team in respect of education-based enforcement and monitoring of Hackney Carriage and Private Hire drivers and vehicles continued to be effective.

Devon County Council had yet to carry out works to lower the pavement at one end of the Strand, Exmouth taxi rank. Councillor Pauline Stott said that she would raise the matter at the March meeting of HATOC for an update if the work had not been carried out by then.

The Licensing Manager had made a submission to the County Council's Safeguarding Task Group, People's Scrutiny Committee (which was undertaking a review in response to the Rotherham inquiry) as a means of safeguarding children from child sexual exploitation. The Group had published an initial report in December - the section, which specifically deals with the submissions made by

licensing authorities, was set out in the Licensing Manager's report to the Committee.

Serious concern was raised in respect of Home Office guidance to police that licensing authorities would no longer be informed if a taxi driver was being investigated for a serious crime. The Devon Licensing Officers' Group had written to the Crime and Police Commissioner asking him to intercede with both the Home Office and police to have the Home Office advice to the police reversed.

The Local Government Association had raised concerns that police forces were no longer providing information to councils on criminal investigations involving prospective taxi drivers because of the dispute between the Home Office and police on the lawfulness of new restrictions on crucial background checks. At the same time, the government was planning to extend the duration of taxi licences from one to three years. The real problem for councils was that they would be expected to issue longer licences without access to vital intelligence on applicants that could put children and vulnerable people at greater risk of becoming victims of sex crimes, child sexual exploitation and trafficking from organised gangs. The LGA was campaigning for the Deregulation Bill to be deleted and a comprehensive reform of taxi and private hire vehicle licensing.

Members asked if the Council's licensing procedures were sufficiently robust to prevent the serious problems experienced at Rotherham. The Licensing Manager advised that good legislation and processes were in place and enhanced DBS checks were in place for new applicants. He said that the arrangements were as good as they could be but that applicants coming from abroad could be an issue as the service was not able to undertake the same level of checking on those applications as the ones carried out for persons indigenous to this country. However applicants from abroad were required to have held a DVLA licence or European licence for one year before applying for a Hackney Carriage driver's licence.

Members were advised that a software solution to be developed by DVLA would enable licensing authorities to carry out checks on new style driving licences. Current arrangements in respect of the counterfoil (to facilitate checking driver's history) would cease from 8 June 2015.

RESOLVED

1. that the Chairman send a letter to the Home Office highlighting the Council's concerns about the guidance issued to police and the potential danger to children and vulnerable people as a result;
2. that Councillor Tom Wright – the Council's appointed representative on the Police and Crime Panel – Devon and Cornwall, ask for an item on this matter to be included at its next meeting in April;
3. that Councillors Steve Gazzard and Peter Sullivan raise the matter at the next meeting of the Community Safety Partnership of which they were members.

4. Sex Entertainment Venue Licensing

The licence holder of Lush, The Q Club, Exmouth had advised the Licensing Manager that Lush was now permanently closed and he intended to reopen the venue in the Spring with a new format for which a Sex Entertainment Venue licence would not be required.

5. General Licensing

The licensing team arranged inspections of pet shops and animal boarding premises by a vet and a member of the Environmental Health Team.

6. Consultations

The next taxi liaison meeting would be held on Wednesday 1 April 2015.

7. Licensing Service

The service had worked hard to upload new pages on the new Council website. Credit was given to Emily Westlake for being awarded the Council's Star Performer Award largely for her tireless work on the new web pages together with her positive attitude and helpfulness.

The Licensing Team had been re-awarded the Customer Service Excellence award for the sixth year following the annual inspection in December 2014. The Chairman thanked John Tippin, Licensing Manager, and his team for this high endorsement of a valued service. The Inspector's report included four Areas of Compliance Plus and listed five areas of Good Practice. The Chairman would announce this achievement and the successful outcome of the hearing relating to the Honiton and Seaton Tesco Gambling Act 2005 applications when presenting the minutes to Council.

Plans were already in place for licensing training for Councillors after the May 2015 election. These were part of a wider induction/welcome programme. The Licensing Manager was pleased to announce that the presenter would be Philip Kolvin - Monday 8 June 2015 at these offices. Members had attended his presentations in the past and spoke highly of them; that he was very informative and an excellent speaker.

Councillor Pauline Stott said that as this was the last Licensing and Enforcement Committee before the elections, she would like to extend thanks and appreciation to the licensing team on behalf of the Committee.

Attendance list

Councillors present

Steve Hall (Chairman)
Jim Knight (Vice Chairman)
Maddy Chapman
Steve Gazzard
Frances Newth
John O'Leary
Ken Potter
Pauline Stott
Peter Sullivan
Tom Wright

Also present

Councillor Geoff Pook

Officers present

John Tippin, Licensing Manager
Douglas Jackson, Licensing Officer
Neil MacDonald, Licensing Officer
Giles Salter, Solicitor
Diana Vernon, Democratic Services Manager

Apologies:

Councillors:
Bob Buxton
John Jeffery

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Licensing &
Enforcement Sub-Committee held at Knowle, Sidmouth on
Wednesday, 4 March 2015

Attendance list at the end of the document

The meeting started at 9.30 am and ended at 9.35 am

- *26 Minutes
The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 4 February 2015, were confirmed and signed as a true record.
- *27 Declarations of interest
There were none.
- *28 Schedule of application for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary
The Sub Committee gave consideration to an application for the grant of a premises licence where an agreed position had been reached and all parties had agreed that a hearing was unnecessary. The Chairman and Vice Chairman considered equality impacts when making their decision.

The Licensing Officer explained the background of the application and the negotiations that had been carried out.

RESOLVED

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 the relevant statutory requirements.

Schedule:

Type of application:

Application for the variation of a premises licence

Name of premises and address:

The Three Tuns, 133 High Street, Honiton, EX14 1HR.

Agreed position reached by the parties:

Following mediation the applicant, the Devon & Cornwall Constabulary and the Council's Environmental Health Service 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 amendment and conditions:

1. The request to extend the hours for live and recorded music to be withdrawn from the application.
2. CCTV must be installed, operated and maintained to the satisfaction of the Licensing Authority and the Chief Officer of Police in accordance with the requirements set out in the EDDC Licensing Policy.

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. 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.
5. A4 sized warning notices must be displayed in public areas of the premise 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.

Attendance list
Councillors present

Steve Hall (Chairman)
Peter Sullivan

Apologies from non members of the Sub Committee
Steve Gazzard

Officers present
Neil McDonald, Licensing Officer
Chris Lane, Democratic Services

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Licensing &
Enforcement Sub-Committee held at Knowle, Sidmouth on
Wednesday, 25 March 2015

Attendance list at the end of the document

The meeting started at 9.30 am and ended at 9.35 am

- *29 Minutes
The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 4 March 2015, were confirmed and signed as a true record.
- *30 Declarations of interest
There were none.
- *31 Schedule of application for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary
The Sub Committee gave consideration to an application for the grant of a premises licence where an agreed position had been reached and all parties had agreed that a hearing was unnecessary. The Chairman and Vice Chairman considered equality impacts when making their decision.

The Licensing Officer explained the background of the application and the negotiations that had been carried out.

RESOLVED

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 the relevant statutory requirements.

Schedule:

Type of application:

Application for the grant of a premises licence

Name of premises and address:

Woods Village Shop, Exmouth Road, Colaton Raleigh, Sidmouth,
EX10 0LD.

Agreed position reached by the parties:

Following mediation the applicant, the Colaton Raleigh Parish Council and a District Councillor 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 conditions:

1. The on sales of alcohol at the premises shall not commence until 10am every morning. (note this is on sales only – off sales remain as per the application)
2. On sales of alcohol will not take place at the premises unless there is a minimum of two staff on duty at the time

Attendance list
Councillors present

Steve Hall (Chairman)
Jim Knight (Vice Chairman)

Also Present
John O'Leary

Apologies from non members of the Sub Committee
Steve Gazzard

Officers present
Neil McDonald, Licensing Officer
Chris Lane, Democratic Services

Chairman Date

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Licensing &
Enforcement Sub-Committee held at Knowle, Sidmouth on
Wednesday, 8 April 2015

Attendance list at the end of the document

The meeting started at 9.30 am and ended at 11.55 am

*32 Minutes
The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 25 March 2015, were confirmed and signed as a true record.

*33 Declarations of interest
Councillor Steve Hall
Minute 35
Disclosable Pecuniary Interest – private hire licence holder

Councillor John O’Leary
Minute 34
Disclosable Pecuniary Interest – personal licence holder

*34 Application for a variation of a premises licence to extend the hours for the sale of alcohol on and off the premises and opening hours at the Kingfisher Inn, Dolphin Street, Colyton

The Sub Committee gave consideration to an application for a variation of a Premises Licence to extend the opening hours and hours for the sale of alcohol on and off the premises at the Kingfisher Inn, Dolphin Street, Colyton.

The Sub Committee carefully considered the application with the amendments the applicant proposed for the 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 small town and its physical relationship with other residential and commercial properties in the vicinity.

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, following mediation, 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 application was granted.

The applicants’ case (represented by Mark and Lucy Dack) was the previous premises licence holder had suffered financial difficulties in running the pub due to a

lack of customers and that he and his wife had been approached to take over the running of the premises about 18 months ago. In that time the business had picked up and in reviewing the licences of other pubs in the area they wished to extend the licensing hours as set out in the variation application which was a reaction to the changing nature of the pub trade. The business was now successful and the trade had increased tenfold.

The applicant did acknowledge that there were some issues with the running of the business that neighbouring residents had pin pointed but these had been dealt with. Mr Dack explained that the three issues included the banging of doors to the outside toilet block which he had consulted other premises holders about solving. The applicant stated that he intended to apply for planning permission to resite the block within the premises.

The thermostatic fan which controlled the cellar temperature had recently been serviced and was fit for purpose, but it was acknowledged that at certain times when it cut in it could be noisy, particularly at night.

Councillor Pat Graham questioned the applicant on the use of the skittle alley. This was used in the winter months on two nights of the week (Wednesday and Friday) and the alley was closed before 11.00pm. Money had been spent on the roof cavity wall insulation and a sound barrier at the end of the skittle pit to minimise the noise.

The Chairman asked about a noise limiter in the pub. There wasn't one at the present time but money had been spent on smaller speakers throughout the pub. The applicant stated that he didn't want loud music; his focus was on a clientele which wanted quality food.

The Chairman explored the issues around the use of the garden after 11.00 pm as it was within the licensed area. He expressed concern about the close proximity of residential properties and noise nuisance beyond 11.00pm. The Chairman asked whether the applicant was willing to compromise on the outside variation of hours if the grant of the variation of hours inside the premises was allowed.

The applicant stated that he wanted to be a good neighbour and work with the residents. He was available at any time to discuss issues of concern.

The interested parties' case was on paper regard the prevention of public nuisance, the pub garden was immediately next to the interested parties' property. There were issues of noise, shouting, singing, banging of doors affecting sleep, dazzling flood/security lights from toilets and garden, and also some glass and detritus in neighbouring gardens.

Mrs Emma Laughton and Mr Roger Laughton stated that they had lived in their property for 25 years, 23 years of which there had been little problem with the running of the pub. Their property abutted the premises at right angles and the gardens ran alongside each other.

They were concerned at some instances of late night noise over the past 18 months which included loud music, shouting from clientele in the garden consuming alcohol, and smokers, and noise on leaving the premises, this was fundamentally anti social in nature and had effects on health.

There was concern that the variation of hours applied particularly to the garden would lead to escalating noise nuisance later into the night and very early morning. They felt that their good night's sleep was being compromised against the greater profits of the pub.

Mr David Rhodes expressed concerns at the increased use of the pub garden late into the evening. The garden was effectively an enclosed courtyard surrounded by residential properties. The paved hard surfaces exacerbated noise. People and alcohol lead to increases in noise which he felt was an intrusion after 11.00pm. He had recordings of noise coming from the garden after 11.00pm which had intruded on sleep.

It was accepted that neither party had complained to Environmental Health.

The Sub Committee carefully considered the operating schedule put forward by the applicant 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 required some further controls and conditions to ensure good management.

The Sub Committee was concerned that despite mediation there has been no compromise on the variation of hours attached to the pub garden. The Sub Committee accepted that the residents were in close proximity to the premises and that as such the residents were more than likely to suffer noise nuisance if the hours the applicant requests were granted for the use of the pub garden were not capped.

The applicant in discussion about similar types of premises in the district and on reflection offered to close the garden at 11.00pm and for the Licensing Authority to condition it appropriately.

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.

Whilst acknowledging the concerns expressed by the interested parties, the Sub Committee believe the concerns expressed in representations had been addressed by the hours of operation for the licensable activities and the conditions imposed which had been tailored to the size, characteristics and activities on the premises, and which the Sub Committee believe were necessary and proportionate.

RESOLVED 1.

that a grant of variation of the Premises Licence be made as follows:

- a) The variation was granted for the extension of hours for the sale of alcohol and its opening hours but only related to the internal premise. The garden will not be included and will be closed to the clientele at 11.00pm on each evening.
- b) It was accepted that the outside toilets can be used by the clientele after 11.00pm (The applicant is advised to install soft closing doors to limit noise nuisance).
- c) The outside smoking area will only be used to accommodate a maximum of 4 persons after 11.00pm. No alcoholic drinks shall be taken outside after 11.00pm.
- d) Notices to clientele will be erected in the garden area notifying the closing time of the garden, and the close proximity of residents' properties to ensure that noise is kept to a minimum.
- e) There will be the provision of suitable bins in the garden to ensure that all rubbish including packaging is contained.
- f) There will also be regular collections of glasses and bottles from the garden area.
- g) There will also be a prominent notice reminding clientele to leave the premises quickly and quietly at closing time.
- h) There will also be a prominent notice reminding clientele to leave the premises quickly and quietly at closing time.
- i) Permitted hours for the various licensable activities will be as set out in the proposed Appendix A.
- j) The extra condition will now be as shown in Appendix G which conditions the floodlighting in the Boules area.

2.

the designated Premises Supervisor will be: Lucy Ann Dack, The Kingfisher, Dolphin Street, Colyton, EX24 6NA.

*35 Hackney Carriage Suitability
(Councillor Bob Buxton took over as Chairman for this item as Councillor Steve Hall had declared a pecuniary interest and withdrawn from the meeting).

The Sub Committee gave consideration to an application to licence a 4 year and 5 month old Vauxhall Zafira Elite car as a hackney carriage vehicle and to determine whether to refuse the application or to make an exception to the District Council's vehicle age policy and agree to licence the vehicle. The vehicle fell outside of the criteria as agreed by the Council as it is over four years old from the date of registration. Members noted that the applicant had a private hire vehicle and driver's licence with Exeter City Council.

RESOLVED

that the application be granted, subject to the applicant surrendering his private hire vehicle licence with Exeter City Council and the vehicle passing an MOT and compliance test.

- *36 Schedule of application for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary

The Sub Committee gave consideration to an application for the grant of a premises licence where an agreed position had been reached and all parties had agreed that a hearing was unnecessary. The Chairman and Vice Chairman considered equality impacts when making their decision.

The Licensing Officer explained the background of the application and the negotiations that had been carried out.

RESOLVED

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 the relevant statutory requirements.

Schedule:

Type of application:

Application for the grant of a premises licence

Name of premises and address:

Scrupstock

Exmouth Rugby Club Training Pitch, Imperial Recreation Ground, Exmouth, EX8 1DG.

Agreed position reached by the parties:

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.

The application be approved as submitted subject to the following amendment:

1. That the applicants seek to licence the 2015 event only and to remove the request for an annual licence for the event.

Attendance list

Councillors present

Steve Hall (Chairman)

Bob Buxton

Pat Graham

Councillors also present:

Maddy Chapman
Steve Gazzard
John O'Leary

Officers present

Giles Salter, Solicitor
Neil McDonald, Licensing
Chris Lane, Democratic Services
Steve Saunders. Licensing

Chairman Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Combined Meeting of the Audit and Governance Committee and Overview and Scrutiny Committee held at Knowle, Sidmouth on 12 March 2015

Attendance list at end of document

The meeting started at 5.00pm and ended at 7.44pm.

***1 Election of Chairman**

Councillor Tim Wood was elected as Chairman of the combined meeting.

***2 Appointment of Vice Chairman**

Councillor Ken Potter was appointed as Vice Chairman of the combined meeting.

***3 Public Speaking**

Richard Thurlow informed the committees that he felt the report produced by Grant Thornton was technically competent, but did not have the same faith in the work by the Deputy Chief Executive. He outlined where he thought gaps existed in reviewing the financial implications of factors, such as energy costs. He advised the committee that relocation was not the correct decision when there remain unanswered questions, and asked them to question the steps proposed if relocation went ahead. He felt that the decision was being rushed, and asked the committees to recommend rejection of the project.

Dr C Gardner asked the committees if they felt they could be responsible for the decision if taken, in five or ten years' time, asking them to consider the consequences of their actions.

Richard Eley asked how the idea of relocation, which he termed as "stupid", had gained such momentum over time when the original idea was flawed. He compared the concept with the introduction of outside gyms, which he also felt were not used by adults, not wanted by the community, and only used by children for whom the gym was not purpose built. He commented on incorrect figures being published, including on the size of the office required.

Mr Dent, speaking as a member of Sidmouth Town Council, reminded the committees that the town council remained opposed to aspects of the development, specifically outside the footprint of the building. He asked if, as part of the contract of sale of the Knowle, there is an escape clause that enables the Council to back out of the contract if the newly elected Council in May changes its mind on the decision. He felt that the upper terraces of the land should not be included, as he felt that there was a large representation from the public who wished to see that area of land remain as public open space.

Jacqueline Green asked about the consultation undertaken on the appropriation of land, in terms of where and when the public notice was advertised. She referred to the 140 letters in response being commented on at Cabinet the previous evening as not being given much weight.

Tony Green asked why the Conservatives had not set out in their 2011 manifesto their intention to relocate the district council offices.

Peter Whitfield asked why the disposal notices relating to the upper terraces of the land, as an extension to the original area of land for disposal, had not been debated by Members. He outlined to the committees the process of minute ratification on the topic and informed them that land relating to the old hotel was shown on maps as protected. He asked the

committees to take into account the concerns of the public and remove that added area of the terraces from the disposal of land.

Jeff Turner, Vice Chairman of Sidmouth Town Council, outlined the town council's opposition to the relocation and highlighted the impact to the economy of the town and the loss of open public space. He felt that the impact was much wider than the town itself, impacting on the district as a whole. He felt that the addition of the terraces to the sale was a step too far and a serious loss of amenity for residents. He advised that the grounds had been purchased by the residents of Sidmouth prior to 1974, allocated as public property, and therefore should continue to be used for that purpose. He asked the committees that, even if there was a legal right to sell the land, was it morally right to do so?

In response to the question on publication of the intention to appropriate/dispose of land, notice was published in the Sidmouth Herald on 30 January and 5 February. There is no statutory obligation to publish wider than the area affected. No officer comment was made that the 140 letters of objection were not given much weight; comparisons were made between the number of objection letters to the population of the town, and the district as a whole.

***4 Declarations of Interest**

Councillor Steve Gazzard – minute number 5
Personal interest
Reason: Member of Exmouth Town Council

***5 Office relocation**

The Chairman reminded the two committees of their duty to scrutinise carefully the proposal before them.

The Deputy Chief Executive presented the report on the proposed EDDC office relocation, including input from the Strategic Lead – Finance and Service Lead – Legal and Democratic Services.

The detail of the initiative had been thoroughly examined, involving testing processes and financial models. The proposals to refurbish Exmouth Town Hall and a new build office at Honiton Heathpark had been tested and supported by independent audits undertaken, with their reports published with the cabinet report.

Members were presented with financial information giving a comparison between moving offices and remaining at the Knowle offices, Sidmouth. Paragraph 5.6 of the report gave a table showing total costs by options which identified the most cost effective option as that of the twin site – Heathpark (2,776 m² office) and refurbishment of Exmouth Town Hall (BREEAM – very good). If this option was chosen, the Council would still be required to fund the project for a 20 year term with a loan of £2.1m from the Public Works Loan Board (PWLB) or similar. Initial borrowing would be required even if the Council decided to remain at Knowle, due to significant maintenance requirements. In relocation, savings would grow annually and would more than meet the debt repayment. The independent analysis report justified the move in terms of value for money and on-going savings. In answer to a query on interest charges, the Strategic Lead – Finance outlined how the small betterment figure on the “Knowle - do minimum” option was not enough to meet repayments, so there would have to be borrowing from other sources, most likely internally, in order to make repayments.

In total, the cost of the move would come in under £10m.

The information provided in the report included the offer price for the Knowle as between £7m and £8m – Councillors had been provided with the exact figure and access to other financial calculations to inform their consideration whilst appreciating that this remained commercially sensitive. The preferred developer of the Knowle site was Pegasus Life Limited, who would provide retirement and extra care living facilities. Of the total parkland, 14% of open space would be included in the development boundary with the intention of transferring the remaining 3.5196ha of parkland to Sidmouth Town Council to own and manage. This would leave a legacy for Sidmouth of new retirement and independent living facilities, providing jobs in both building (Pegasus traditionally utilise 50% of workforce locally for building) and in servicing the facilities.

The steps to appropriate the land (to change the use) to housing, before selling, was explained to the committees, and were reflected in the recommendations set out in the Cabinet report. In particular, the appropriation test was explained – the test being if the land was no longer required for the purposes for which it was held prior to the appropriation. That requires a balancing of the public interest in that loss of purpose against the wider benefit in changing the purpose.

Representatives from the auditors involved in evaluating the project – Grant Thornton; Gleeds; and the South West Audit Partnership – outlined their brief to the committees which resulted in the reports presented.

Grant Thornton, using their specialist modelling team at their head office, reviewed the modelling and assumptions that informed the costs of relocation. They commissioned Gleeds, who are experts in new office development projects, to also advise on cost assumptions made. Amendments were suggested and actioned by the Council, including lifecycle costs and changing the energy running costs. A recommendation to reduce the contingency from 20% to 15% was also made. The conclusion was that option 3 in the Cabinet report was the best value.

Gleeds confirmed that they reviewed the assumptions on capital costs and operating costs, based on benchmarking information across an extensive portfolio of project across the country.

The South West Audit Partnership (SWAP) looked at the decision making process - who were involved and were they the right people. Their report outlined their review of the process and found overall that suitable governance was in place for the project.

Questions put to the auditors present and responses given, included:

- Why was there no reference to the threat of local government reorganisation in any of the audit reports? In response, the committees were told that the reports were based on evaluation of known risks and there was no awareness of such reorganisation plans. The committees were advised that compulsory reorganisation did not feature on the agenda of the main political parties;
- Modelling was confirmed as assessed with specific regional adjustments;
- Any test for conflict of interest was covered by the standing item of declaration of interests for each meeting of the Officer Working Group;
- What difference to the conclusions did the inclusion of lifecycle calculations make? The committees were advised that the figures were not vastly different and still supported the conclusion;

- What impact did a lack of terms of reference for the Officer Working group have and what could be done to make the minutes of this group public? In response, SWAP outlined that the recommendation had been made for formal terms of reference to be agreed, as had already been identified by the Monitoring Officer, but there was no concern on the operation of that Group in the absence of formal written terms. SWAP felt that the terms of reference were present in spirit. The Monitoring Officer had also identified analysis of the minutes to review what could be published in the public domain;
- The residual balance of the twin sites after 20 years had not been specifically assessed by the auditors as it was assumed that the buildings would remain as operational council offices;
- The review of energy costs in response to the amendments suggested by the auditors made a small difference to the projections but was not significant enough to impact on the original conclusions;
- Permutations of options, such as retaining the newer part of the offices and demolition of the old hotel, were not requested of the auditors to assess;
- Lifecycle costs reflected the ongoing deterioration of the existing council offices;
- All costs of project manager are contained within the budget;
- Risk analysis of the project is owned by the Council. There are over 70 risks identified, and the Council has in place a significant management approach to those risks, which are regularly reviewed. SWAP has been present at all Officer Working Group meetings and can confirm that those risks, set out on the risk register, are assessed at each meeting.

General comments, and debate on the proposals and supporting papers included the following:

- The Municipal Journal had run a recent article that did not rule out the possibility of local government reorganisation;
- Regular contact with staff, through staff awareness seminars, staff surveys and other measures, revealed that many employees wanted a decision on relocation. Unison, the trade union for employees at the offices, had been involved from the start;
- The auditing exercise had been helpful to the project to test the assumptions and the sensitivity model provided would be useful going forward;
- The price for the site had already been agreed; the work on the detail of the contract would be undertaken by the Legal team, by the process set out in the recommendations. If, during negotiations, the purchaser wants to revisit the price to the disadvantage of the Council, officers have to go back to Council for a further decision;
- Pegasus Ltd are a specialist provider of retirement facilities, so it was unlikely that once an application was determined there would be any significant amendment to make the development of the site anything other than a retirement development;
- Sidmouth Urban Council no longer existed so therefore there was no previous owner for the land at the site to be given back;
- Officers were aware of the pollution issues near the Heathpark site and that issue would be discussed as part of the planning application process;
- No specific “escape” clause relating to a change of administration has been discussed;
- Car parking at Exmouth would be assessed but an assumption would be made that the majority of spaces there should be available to the public as visitors to the services provided at that site; staff arrangements may, although not yet negotiated, relate to using car parks nearby in the town;

- The current office accommodation was not fit for purpose and may fall short of requirements under employment law; staff should be provided with the right facilities to provide services and treated as an asset of the Council;
- Having a site in the centre of the district at Honiton was beneficial to the district as a whole; with a site at Exmouth serving the largest proportion of the overall population of the district at approximately 25%;
- Divided opinion on the timing of the decision; some felt that to delay until after the election had no real impact in comparison with the time it had taken to reach the options now presented; others felt that there was no reason to delay the decision. Concern was expressed that any delay to a new Council may mean that the whole process starts again and delays reaching a solution further;
- New offices should be built to a standard that facilitates better working but not to an excessive degree, described as “no palaces”;
- Every effort should be made to make no overall cost to the Council and work should be done through the design stage to ensure that costs can be kept to a minimum to help reach a breakeven point;
- Audit and Governance would continue to monitor the project as it had already been identified within the audit plan.

A proposal was put that an “escape” clause be considered in drawing up the contract to permit the Council to withdraw from the contract in the event of a new administration at the local elections who wished to revisit the decision, without financial penalty. The committee was advised that they would need to consider how this would impact on the negotiations with the purchaser. The proposal was put to the vote for the Overview and Scrutiny Committee and failed. Councillor Eileen Wragg asked for her abstainance from voting to be recorded.

A proposal was put for the planning application for the Knowle site to be referred directly to the Secretary of State for determination and seconded. In debate, the proposal was felt to indicate a lack of confidence in the ability of the Development Management Committee, which was strongly denied by many Members present; the law permits an authority to determine applications on its own land and has no ability to refer an application to the Secretary of State. Only the public can petition for referral to the Secretary of State for determination. The proposal was put to the vote for the Overview and Scrutiny Committee and failed.

the Audit and Governance Committee, unanimously **RECOMMENDED:**

A) that the following recommendations be agreed and submitted to Full Council for final approval:

1. Consider the findings of the audit exercises conducted by South West Audit Partnership and Grant Thornton in response to issues raised by December 2014 Full Council and to accept the conclusions set out therein.
2. Accept the analysis and conclusions on the financial basis for relocating contained within the report.
3. On the basis of the valuation advice and price offered agree that disposing of the Knowle site would represent ‘best value’ in accordance with the requirements of Section 123 of the Local Government Act 1972.

B) that the following recommendations to be agreed and submitted to Full Council for final approval:

4. To determine that the Knowle site is no longer required for the purpose of public walks or as a pleasure ground under the Public Health Act 1875.
5. On the basis that the land is no longer required for those purposes to appropriate the Knowle site to housing purposes pursuant to the powers contained in Section 122 of the Local Government Act 1972.

C) that the following recommendation be agreed and submitted to Full Council for final approval:

6. To agree to dispose of the Knowle site for housing / extra care assisted living pursuant to Section 32 of the Housing Act 1985.
7. Agree that the Deputy Chief Executive – Development, Regeneration and Partnership in consultation with the Office Accommodation Executive Group is authorised to agree on behalf of EDDC appropriate Heads of Terms with Pegasus Life Ltd.
8. Having agreed the Heads of Terms to delegate to the Deputy Chief Executive – Development, Regeneration and Partnership authority to enter into contract for sale of the Knowle site conditional upon subsequent satisfactory planning approval and such other matters as the Service Lead (Legal and Democratic Services) may advise.
9. Agree to relocate EDDC operations to Honiton and Exmouth.
10. Agree that the Council will conduct consultation with relevant and interested parties to ensure Best Value outcomes are addressed within the relocation to Honiton and Exmouth.
11. Note and agree a net project budget of £2,221,445, this being the estimated cost for a new build office accommodation in Honiton (BREEAM very good option) and for the modernisation of Exmouth Town Hall as identified in the table in paragraph D5.6 less the Capital Receipt for the Knowle. In addition, a budget of £900,630 is required to meet loan interest costs relating to short term and long term funding. Short term cash flow funding will be required totalling £9.2m to meet design and build costs prior to receiving the sale proceeds of £7-8m from the Knowle (financial risks are mitigated by Gateway 7 process detailed in the report). Once the capital receipt is received, the balance of funding required is £2.1m to be funded from a long-term loan over a 20-year period.
12. Agree that officers investigate and progress the opportunity to bring forward the refurbishment of Exmouth Town Hall and take forward new offices in Honiton.
13. Agree to commence detailed discussions on the Council's intention to transfer the retained 3.5196ha of Knowle parkland and the lower car park to Sidmouth Town Council following disposal of the Knowle site and if the principle is accepted by Sidmouth Town Council to progress such transfer including compliance with the relevant statutory procedures for disposal of open space.

Following a recorded vote, the Overview and Scrutiny Committee

RECOMMENDED:

A) that the following recommendations be agreed and submitted to Full Council for final approval:

1. Consider the findings of the audit exercises conducted by South West Audit Partnership and Grant Thornton in response to issues raised by December 2014 Full Council and to accept the conclusions set out therein.
2. Accept the analysis and conclusions on the financial basis for relocating contained within the report.
3. On the basis of the valuation advice and price offered agree that disposing of the Knowle site would represent 'best value' in accordance with the requirements of Section 123 of the Local Government Act 1972.

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13. Agree to commence detailed discussions on the Council's intention to transfer the retained 3.5196ha of Knowle parkland and the lower car park to Sidmouth Town

Council following disposal of the Knowle site and if the principle is accepted by Sidmouth Town Council to progress such transfer including compliance with the relevant statutory procedures for disposal of open space.

14. That as part of the negotiations with Sidmouth Town Council on land transfer, a covenant is proposed to ensure that the land is not built on and remains as public open space.

Recorded vote:

(in compliance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014)

Councillors Roger Giles, Graham Troman and Claire Wright against the proposal - (3).

Councillors Peter Bowden, Maddy Chapman, Deborah Custance Baker, Sheila Kerridge, David Key, Frances Newth, Tony Howard, Brenda Taylor, Chris Wale, Tim Wood, and Eileen Wragg voted in favour of the recommendations with the amendment (recommendation 14) (11)

There were no abstentions.

Attendance list

Present:

Tim Wood (Chairman)

Ken Potter (Vice Chairman)

Graham Troman

Peter Bowden

Maddy Chapman

Deborah Custance Baker

David Key

Roger Giles

Sheila Kerridge

Frances Newth

Tony Howard

Claire Wright

Ken Potter

Roger Boote

Steve Gazzard

Steve Hall

Geoff Pook

Bob Buxton

Ian Thomas

Pauline Stott

Ray Bloxham

Tom Wright

Stephanie Jones

Jill Elson

Christine Drew

Peter Sullivan

David Cox
Iain Chubb
Stuart Hughes
Andrew Moulding
Phil Twiss
Alan Dent

Richard Cohen, Deputy Chief Executive
Simon Davey, Strategic Lead Finance
Debbie Meakin, Democratic Services Officer
Henry Gordon Lennox, Service Lead - Legal
Mark Williams, Chief Executive

Representatives from South West Audit Partnership

Andrew Ellins
Moya Moore

Representatives from Grant Thornton

Barrie Morris
Nicholas Macke

Representative from Gleeds

Darren Crocker

Apologies:

Vivien Duval Steer
Mike Allen
David Chapman
Steve Wragg
Trevor Cope
Geoff Chamberlain
Paul Diviani

Chairman Date.....